

Capital Reporting Company  
In the Matter of: 2101 Venture, LLC t/a Club Illusions 08-15-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
2101 Venture, LLC :  
t/a Club Illusions :  
2101 New York Avenue, NW :  
Retailer CN : Protest  
License No. 88682 : Hearing  
ANC 5B : (Status)  
Case No. 12-PRO-00054 :  
New Application :  
-----x

August 15, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Washington, D.C., Ruthanne Miller, Chairperson,  
presiding.

PRESENT

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
CALVIN NOPHLIN, Member  
MIKE SILVERSTEIN, Member

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1 P R O C E E D I N G S

2 9:57 a.m.

3 CHAIRPERSON MILLER: So we can now move on  
4 to the next case on the calendar, another protest  
5 status hearing, Case No. 12-PRO-00054, Club Illusions.

6 Now, are all the parties here in this case?

7 PARTICIPANT: All the protestants are here,  
8 Madam Chair.

9 CHAIRPERSON MILLER: Is -- I have a message  
10 that Mr. Chandler --

11 MR. CHANDLER: I'm here.

12 CHAIRPERSON MILLER: You're here?

13 MR. CHANDLER: Yeah.

14 CHAIRPERSON MILLER: Okay. Good. Then come  
15 on forward. You can bring extra chairs up if you need  
16 to. Is there a piece of paper on that table too?

17 MS. MANNING: Yeah, we just passed it around.

18 CHAIRPERSON MILLER: Oh, it's going around.

19 Okay, good. All right. Why don't we start on my  
20 right- hand side with introductions then?

21 MR. LEFANDE: Good morning, Miss -- Madam  
22 Chairperson. My name's Matthew LeFande. I'm standing

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1 in for Manny Mpras, who's the attorney for 2101  
2 Venture, LLC, trading as Club Illusions. With me today  
3 is -- representing the club is Mr. Taweke Alemayehu --

4 CHAIRPERSON MILLER: Okay.

5 MR. LEFANDE: -- as the applicant.

6 CHAIRPERSON MILLER: So -- all right.

7 Protestants?

8 MR. MANNING: Good morning. Jacqueline  
9 Manning, the chair of ANC 5B and also the  
10 representative of the single-member district 5B09, the  
11 impacted area.

12 MR. BENNETT: Vaughn Bennett, ANC 5B.

13 MR. PADOU: Good morning, Madam Chair. Don  
14 Padou, representative of the group of 79.

15 CHAIRPERSON MILLER: Seventy-nine now? Okay.

16 MR. PADOU: Well, group of seven.

17 CHAIRPERSON MILLER: Okay. Got it. That I  
18 got. We'll get to that. Okay?

19 MR. PADOU: Yeah.

20 CHAIRPERSON MILLER: Yeah.

21 PARTICIPANT: Everyone has spoken?

22 CHAIRPERSON MILLER: No. I only have two so

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1 far.

2 MS. MANNING: Three.

3 MR. COLLINS: Hi. My name's Christopher  
4 Collins with Holland & Knight representing the entity  
5 known as the Schaeffers.

6 CHAIRPERSON MILLER: Okay. So I have ANC 5B,  
7 group of five or more, and the Schaeffers?

8 MR. CHANDLER: Excuse me. Randall Chandler,  
9 Arboretum Neighborhood Association.

10 CHAIRPERSON MILLER: Okay. Good. Anybody  
11 else?

12 (No audible response.)

13 CHAIRPERSON MILLER: All right. So are there  
14 any preliminary issues in this case?

15 MR. LEFANDE: If I may, Ms. Chairman?

16 CHAIRPERSON MILLER: Uh-huh.

17 MR. LEFANDE: At the last hearing on this  
18 matter, it's my understanding that the Schaeffer family  
19 was denied standing as an abutting property but was  
20 given standing as a group of five. We have since made  
21 inquiries as to the propriety of this and we have a  
22 motion to dismiss the Schaeffer family as not

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1 comprising a group of five as required under Title 25  
2 sub 601.2. I'd like to offer that.

3 CHAIRPERSON MILLER: Do you -- do you have  
4 anything in writing?

5 MR. LEFANDE: I do, yes.

6 CHAIRPERSON MILLER: You do. And --

7 MR. LEFANDE: We just learned of the problem  
8 now and we have not filed yet.

9 CHAIRPERSON MILLER: And -- because the Board  
10 hasn't seen the motion, right?

11 MR. LEFANDE: Right, right. I was going to  
12 make a motion --

13 CHAIRPERSON MILLER: Has the other party seen  
14 the motion?

15 MR. LEFANDE: I was just going to make an  
16 oral motion.

17 CHAIRPERSON MILLER: You're just going to  
18 make an oral motion?

19 MR. LEFANDE: Yeah, an oral motion.

20 CHAIRPERSON MILLER: Mr. Collins, do you want  
21 to address that? I'm not even clear as to -- I don't  
22 know about the other Board members -- about your

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1 standing. I thought that you had standing as a  
2 property owner and not a part of the group of five. So  
3 could you clarify that?

4 MR. COLLINS: Sure. We were granted standing  
5 as non-property owners sharing a common interest and  
6 there are nine entities all together, which have been  
7 referred to as the Schaeffers.

8 CHAIRPERSON MILLER: Uh-huh.

9 MR. LEFANDE: And it was my understanding  
10 that this is a group of five protest, not an abutting  
11 property owner, and that this issue was raised at the  
12 prior hearing.

13 CHAIRPERSON MILLER: Not the prior -- the  
14 Board hasn't had a hearing on this issue.

15 MR. LEFANDE: It has not had a hearing?

16 CHAIRPERSON MILLER: Not that I recall.

17 MR. LEFANDE: I'm going to -- I'm not going  
18 to raise the oral motion today and we will commit this  
19 to paper in the next week or so and --

20 CHAIRPERSON MILLER: Okay.

21 MR. ALBERTI: Madam Chair --

22 CHAIRPERSON MILLER: Yeah.

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1 MR. ALBERTI: -- I'm confused as --

2 CHAIRPERSON MILLER: Yeah, I know.

3 MR. ALBERTI: -- to what Mr. LeFande's motion  
4 is. So, I mean --

5 MR. LEFANDE: I'm not making motion today  
6 because it's -- first of all, it --

7 MR. ALBERTI: Okay.

8 MR. LEFANDE: -- there seems to be some  
9 confusion about the part -- the procedural standing in  
10 this matter that the chair -- the chairwoman says that  
11 there was not a prior hearing on this.

12 CHAIRPERSON MILLER: I'm not aware that we  
13 had a prior --

14 MR. ALBERTI: There was a roll -- there was a  
15 roll call hearing.

16 MR. LEFANDE: Well, it was at the roll call  
17 hearings.

18 CHAIRPERSON MILLER: Right.

19 MR. ALBERTI: Okay.

20 CHAIRPERSON MILLER: That's what I meant.

21 MR. LEFANDE: Right.

22 CHAIRPERSON MILLER: But I'm not sure whether --

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1 MR. LEFANDE: Yes.

2 CHAIRPERSON MILLER: -- it's unrelated at  
3 this point.

4 MR. LEFANDE: Again, I'm standing in for  
5 their regular attorney. So I believe --

6 CHAIRPERSON MILLER: Oh, okay.

7 MR. LEFANDE: I was asked to raise this at  
8 the hearing. After -- with further consideration, I'm  
9 going to make -- ask that the regular attorney commit  
10 this to writing and file with the Board some time soon.  
11 Thank you.

12 CHAIRPERSON MILLER: Okay. Are there any  
13 other issues for the Board's consideration? Otherwise,  
14 we will set this for hearing. Okay. Then the hearing  
15 has been set for October 10, 2012 at 1:30 p.m. And I'm  
16 just going to just say a few words about protest  
17 hearings so that people will be prepared for that in  
18 the event that's -- especially those who might be new  
19 to the process.

20 The protest hearing is going to be focused  
21 and addresses only the issues that have been for -- set  
22 forth in the protest. The Board's not going to hear

1 testimony on matters that aren't relevant to that.  
2 That's basic. I most wanted to inform you that you  
3 should have received in a mailing from Adjudication  
4 Assistant Sarah Fashbaugh a letter explaining the  
5 protest process and a copy of the protest information  
6 form, which is sometimes referred to as a PIF.

7           If you do not have these documents, please  
8 see Ms. Fashbaugh at the conclusion of this hearing.  
9 It's important that you complete and submit the protest  
10 information form seven days before the date of the  
11 hearing. The document needs to be submitted to ABRA  
12 and to the opposing parties in this matter. If we do  
13 not receive a copy of your PIF, your application or  
14 your protest, whichever side you're representing, may  
15 be subject to dismissal.

16           The form greatly assists the Board in  
17 narrowing the protest issues, facilitating the process,  
18 and keeping the parties on point during the hearing.  
19 So what's most important is that you know that you get  
20 this protest information form and it's submitted within  
21 seven days and served on all the parties and ABRA.

22           So if you have any questions today or any

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1 time leading up to the hearing, please don't hesitate  
2 to call Ms. Fashbaugh at 202-397-3971. So are there  
3 any questions?

4 MR. LEFANDE: No questions.

5 CHAIRPERSON MILLER: And otherwise, you can  
6 follow up with her. All right. Then that's all for  
7 this case. Thank you very much.

8 MR. LEFANDE: Thank you.

9 CHAIRPERSON MILLER: Oh, you have a question.  
10 Yeah.

11 MR. BENNETT: 1:30 or --

12 CHAIRPERSON MILLER: I'm sorry?

13 MR. BENNETT: Just saying October --

14 CHAIRPERSON MILLER: Can you introduce --  
15 could you say who you are?

16 MR. BENNETT: I'm sorry. My name is Vaughn  
17 Bennett, ANC 5B. My question was, the protest hearing  
18 is on the 10th of October at 1:30?

19 CHAIRPERSON MILLER: Yes.

20 MR. BENNETT: Yes, ma'am. Thank you.

21 CHAIRPERSON MILLER: Thank you.

22 MR. COLLINS: Madam Chair, just -- Mr.

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1 Schaeffer is here. He didn't identify himself for the  
2 record but he is here today if --

3 CHAIRPERSON MILLER: Okay. So the record  
4 should reflect that Mr. Schaeffer is here with the  
5 Schaeffers party. Okay. Thank you. All right.

6 MR. LEFANDE: Madam Chair, before at least  
7 this side all decamps, this same group of protestants  
8 is here for another matter, Hush.

9 CHAIRPERSON MILLER: Oh, okay. Don't go away  
10 then.

11 MR. LEFANDE: Okay. Thank you. Thank you,  
12 Madam Chair.

13 CHAIRPERSON MILLER: Okay. That's the next -  
14 - that's the next case we're going to call.

15 (WHEREUPON, at 10:07 a.m., the hearing was  
16 concluded.)

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