

Capital Reporting Company

In the Matter of: Backdoor, Inc. t/a Bachelor's Mill/Back Door Pub 09-12-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Backdoor, Inc. :  
t/a Bachelor's Mill/Back Door :  
Pub :  
1104 8th Street, SE :  
Retailer CR : Protest  
License No. 11277 : Hearing  
ANC 6B : (Status)  
Case No. 12-PRO-00061 :  
Substantial Change :  
----- :

September 12, 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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<p>1 PROCEEDINGS 2 10:10 a.m. 3 CHAIRPERSON MILLER: The next case on our 4 calendar is another -- 5 MR. ALBERTI: Oh, okay. I'm sorry, Ms. 6 Walker. 7 CHAIRPERSON MILLER: -- protest status 8 hearing for Back Door Pub, located at 1104 8th Street, 9 S.E., License No. 11277. Would the parties in this 10 case come and be seated at the table? Sign in and 11 introduce yourselves for the record. 12 MR. BROWN: Good morning, Madam Chair. I'm 13 Timothy Brown. I'm the vice president and a designated 14 representative. And to my left is David J. Lewis, who 15 is the owner and president of the corporation. 16 MS. GREEN: Good morning. I'm Carol Green, 17 ANC 6B. 18 CHAIRPERSON MILLER: Okay. Good morning. 19 And are there any preliminary matters that you need to 20 bring to our attention? 21 MS. GREEN: No. 22 MR. BROWN: Oh, yes. There is one matter and</p>	<p>1 then. I'm -- we'll take that letter into the record. 2 And I'm going to schedule the protest hearing for 3 October 24th, 2012 at 4:00 p.m. And for the record I 4 am going to again highlight the instructions related to 5 protest hearing. The most important thing that you 6 should have received in a mailing from Adjudication 7 Assistant Sarah Fashbaugh, a letter explaining the 8 protest process and a copy of the protest information 9 form. 10 If you don't have these documents, please see 11 Ms. Fashbaugh at the conclusion of this hearing. 12 You're also required to complete and submit the protest 13 information form seven days before the date of the 14 hearing. This document needs to be submitted to ABRA 15 and the opposing parties in this matter. If we do not 16 receive a copy of your PIF, your application or your 17 protest, whichever side you are representing, may be 18 subject to dismissal. 19 It's important -- it's an important form to 20 assist the Board in narrowing the protest issues, 21 facilitating the process, and keeping the parties on 22 point during the hearing. Okay. So if you have any</p>
3	5
<p>1 it came up during mediation. We -- our original 2 application is for a soft closing and we were only 3 asking for a one- hour extension to implement the 4 District's soft closing policies. But as it was 5 structured, it appears to be suggesting we're seeking a 6 two-hour extension. So we indicated we would write a 7 letter and submit that to the Board to change it to a 8 one-hour extension addition of time to our operations. 9 So I prepared the letter -- this -- which 10 simply explains that we are only seeking a one-hour 11 extension for soft closing purposes only. 12 CHAIRPERSON MILLER: Okay. 13 MR. BROWN: But there is no opposition to 14 that and nor did it change the dynamics of the 15 opposition. 16 CHAIRPERSON MILLER: Okay. Is that a correct 17 characterization? 18 MS. GREEN: We are protesting the extension 19 hours period -- 20 CHAIRPERSON MILLER: Okay. 21 MS. GREEN: -- regardless of how many hours. 22 CHAIRPERSON MILLER: Right, okay. All right</p>	<p>1 questions between now and the hearing, please contact 2 Ms. Fashbaugh at 202-397-3971. There you go. 3 MR. BROWN: Thank you. 4 CHAIRPERSON MILLER: Thank you very much. 5 (WHEREUPON, at 10:13 a.m., the hearing was 6 concluded.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

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1 CERTIFICATE OF NOTARY PUBLIC  
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3 I, ERICK McNAIR, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing transcript was  
6 recorded by me and thereafter reduced to typewriting  
7 under my direction; that said transcription is a true  
8 record of the testimony given by said parties; that I  
9 am neither counsel for, related to, nor employed by any  
10 of the parties to the action in which this was taken;  
11 and, further, that I am not a relative or employee of  
12 any counsel or attorney employed by the parties hereto,  
13 nor financially or otherwise interested in the outcome  
14 of this action.  
15  
16  
17  
18 \_\_\_\_\_  
19 ERICK McNAIR  
20 Notary Public in and for the  
21 District of Columbia  
22 My Commission Expires: July 14, 2016

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1 CERTIFICATE OF TRANSCRIPTION  
2  
3 I, MIRANDA PENNACHI, hereby certify that I am not  
4 the Court Reporter who reported the following  
5 proceeding and that I have typed the transcript of this  
6 proceeding using the Court Reporter's notes and  
7 recordings. The foregoing/attached transcript is a  
8 true, correct and complete transcription of said  
9 proceeding.  
10  
11  
12 \_\_\_\_\_  
13 Date MIRANDA PENNACHI  
14 Transcriptionist  
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<p style="text-align: center;"><u>1</u></p> <p><b>10:10</b> 2:2  <b>10:13</b> 5:5  <b>1104</b> 1:7 2:8  <b>11277</b> 1:8 2:9  <b>12</b> 1:11  <b>12-PRO-00061</b> 1:9  <b>14</b> 6:22  <b>14th</b> 1:13</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2000</b> 1:13  <b>2012</b> 1:11 4:3  <b>2016</b> 6:22  <b>202-397-3971</b> 5:2  <b>24th</b> 4:3</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>4:00</b> 4:3</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>6B</b> 1:8 2:17</p> <hr/> <p style="text-align: center;"><u>8</u></p> <p><b>8th</b> 1:7 2:8</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m</b> 2:2 5:5  <b>ABRA</b> 4:14  <b>action</b> 6:10,14  <b>addition</b> 3:8  <b>Adjudication</b> 4:6  <b>ALBERTI</b> 1:17              2:5  <b>Alcoholic</b>              1:2,12,13  <b>am</b> 4:4 6:9,11 7:3</p>	<p><b>ANC</b> 1:8 2:17  <b>appearing</b> 6:5  <b>appears</b> 3:5  <b>application</b> 3:2              4:16  <b>assist</b> 4:20  <b>Assistant</b> 4:7  <b>attention</b> 2:20  <b>attorney</b> 6:12</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p><b>Bachelor's</b> 1:6  <b>Backdoor</b> 1:5  <b>Beverage</b>              1:2,12,13  <b>Board</b> 1:2,13 3:7              4:20  <b>bring</b> 2:20  <b>BROOKS</b> 1:17  <b>Brown</b> 2:12,13,22              3:13 5:3  <b>Building</b> 1:13</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p><b>calendar</b> 2:4  <b>CALVIN</b> 1:18  <b>Carol</b> 2:16  <b>case</b> 1:9 2:3,10  <b>CERTIFICATE</b>              6:1 7:1  <b>certify</b> 6:4 7:3  <b>Chair</b> 2:12  <b>Chairperson</b>              1:14,16 2:3,7,18              3:12,16,20,22              5:4</p>	<p><b>change</b> 1:9 3:7,14  <b>characterization</b>              3:17  <b>closing</b> 3:2,4,11  <b>Columbia</b> 1:1 6:21  <b>Commission</b> 6:22  <b>complete</b> 4:12 7:8  <b>concluded</b> 5:6  <b>conclusion</b> 4:11  <b>contact</b> 5:1  <b>Control</b> 1:2,12,13  <b>copy</b> 4:8,16  <b>corporation</b> 2:15  <b>correct</b> 3:16 7:8  <b>counsel</b> 6:9,12  <b>Court</b> 7:4,6  <b>CR</b> 1:7</p> <hr/> <p style="text-align: center;"><u>D</u></p> <p><b>D.C</b> 1:14  <b>date</b> 4:13 7:13  <b>David</b> 2:14  <b>days</b> 4:13  <b>designated</b> 2:13  <b>direction</b> 6:7  <b>dismissal</b> 4:18  <b>District</b> 1:1 6:21  <b>District's</b> 3:4  <b>document</b> 4:14  <b>documents</b> 4:10  <b>DONALD</b> 1:17  <b>Door</b> 1:6 2:8  <b>during</b> 3:1 4:22  <b>dynamics</b> 3:14</p>	<p style="text-align: center;"><u>E</u></p> <p><b>employed</b> 6:9,12  <b>employee</b> 6:11  <b>ERICK</b> 6:3,19  <b>Expires</b> 6:22  <b>explaining</b> 4:7  <b>explains</b> 3:10  <b>extension</b>              3:3,6,8,11,18</p> <hr/> <p style="text-align: center;"><u>F</u></p> <p><b>facilitating</b> 4:21  <b>Fashbaugh</b> 4:7,11              5:2  <b>financially</b> 6:13  <b>foregoing</b> 6:4,5  <b>foregoing/              attached</b> 7:7  <b>form</b> 4:9,13,19</p> <hr/> <p style="text-align: center;"><u>G</u></p> <p><b>given</b> 6:8  <b>Green</b> 2:16,21              3:18,21</p> <hr/> <p style="text-align: center;"><u>H</u></p> <p><b>hearing</b> 1:8,13 2:8              4:2,5,11,14,22              5:1,5 6:4  <b>hereby</b> 6:4 7:3  <b>hereto</b> 6:12  <b>HERMAN</b> 1:18  <b>highlight</b> 4:4  <b>hour</b> 3:3  <b>hours</b> 3:19,21</p>
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<p><u>I</u>  <b>I'm</b> 2:5,12,13,16  4:1,2  <b>implement</b> 3:3  <b>important</b> 4:5,19  <b>Inc</b> 1:5  <b>indicated</b> 3:6  <b>information</b>  4:8,13  <b>instructions</b> 4:4  <b>interested</b> 6:13  <b>introduce</b> 2:11  <b>issues</b> 4:20  <b>it's</b> 4:19</p> <hr/> <p><u>J</u>  <b>JONES</b> 1:18  <b>July</b> 6:22</p> <hr/> <p><u>L</u>  <b>letter</b> 3:7,9 4:1,7  <b>Lewis</b> 2:14  <b>License</b> 1:8 2:9  <b>located</b> 2:8</p> <hr/> <p><u>M</u>  <b>Madam</b> 2:12  <b>mailing</b> 4:6  <b>matter</b> 1:4 2:22  4:15  <b>matters</b> 2:19  <b>may</b> 4:17  <b>McNAIR</b> 6:3,19  <b>mediation</b> 3:1  <b>MEETING</b> 1:3</p>	<p><b>Member</b>  1:17,18,19  <b>met</b> 1:13  <b>MIKE</b> 1:19  <b>Mill/Back</b> 1:6  <b>Miller</b> 1:14,16  2:3,7,18  3:12,16,20,22  5:4  <b>MIRANDA</b> 7:3,13  <b>morning</b>  2:12,16,18</p> <hr/> <p><u>N</u>  <b>N.W</b> 1:13  <b>narrowing</b> 4:20  <b>neither</b> 6:9  <b>NICK</b> 1:17  <b>NOPHLIN</b> 1:18  <b>nor</b> 3:14 6:9,13  <b>Notary</b> 6:1,20  <b>notes</b> 7:6</p> <hr/> <p><u>O</u>  <b>October</b> 4:3  <b>officer</b> 6:3  <b>Oh</b> 2:5,22  <b>one-hour</b> 3:8,10  <b>operations</b> 3:8  <b>opposing</b> 4:15  <b>opposition</b> 3:13,15  <b>original</b> 3:1  <b>otherwise</b> 6:13  <b>outcome</b> 6:13  <b>owner</b> 2:15</p>	<p><u>P</u>  <b>p.m</b> 4:3  <b>parties</b> 2:9 4:15,21  6:8,10,12  <b>PENNACHI</b>  7:3,13  <b>period</b> 3:19  <b>PIF</b> 4:16  <b>please</b> 4:10 5:1  <b>point</b> 4:22  <b>policies</b> 3:4  <b>preliminary</b> 2:19  <b>prepared</b> 3:9  <b>PRESENT</b> 1:16  <b>president</b> 2:13,15  <b>presiding</b> 1:14  <b>proceeding</b> 7:5,6,9  <b>process</b> 4:8,21  <b>protest</b> 1:7 2:7  4:2,5,8,12,17,20  <b>protesting</b> 3:18  <b>Pub</b> 1:6 2:8  <b>Public</b> 6:1,20  <b>purposes</b> 3:11</p> <hr/> <p><u>Q</u>  <b>questions</b> 5:1</p> <hr/> <p><u>R</u>  <b>receive</b> 4:16  <b>received</b> 4:6  <b>record</b> 2:11 4:1,3  6:8  <b>recorded</b> 6:6  <b>recordings</b> 7:7</p>	<p><b>reduced</b> 6:6  <b>Reeves</b> 1:13  <b>regardless</b> 3:21  <b>related</b> 4:4 6:9  <b>relative</b> 6:11  <b>reported</b> 7:4  <b>Reporter</b> 7:4  <b>Reporter's</b> 7:6  <b>representative</b>  2:14  <b>representing</b> 4:17  <b>required</b> 4:12  <b>Retailer</b> 1:7  <b>Room</b> 1:13  <b>Ruthanne</b> 1:14,16</p> <hr/> <p><u>S</u>  <b>S.E</b> 2:9  <b>Sarah</b> 4:7  <b>schedule</b> 4:2  <b>SE</b> 1:7  <b>seated</b> 2:10  <b>seeking</b> 3:5,10  <b>September</b> 1:11  <b>seven</b> 4:13  <b>Sign</b> 2:10  <b>SILVERSTEIN</b>  1:19  <b>simply</b> 3:10  <b>soft</b> 3:2,4,11  <b>sorry</b> 2:5  <b>status</b> 1:8 2:7  <b>Street</b> 1:7,13 2:8  <b>structured</b> 3:5</p>
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