

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
MT. Vernon Wine & Spirits, Inc. :  
t/a Good Libations :  
1201 5th Street, NW :  
Retailer A : Fact Finding  
License No. 73063 : Hearing  
ANC 2C :  
Renewal of Application for :  
Exception to Single Sales :  
Restrictions :  
-----x

August 8, 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

ALSO PRESENT

FERNANDO RIVERO, OAG

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

2 10:25 a.m.

3 CHAIRPERSON MILLER: Okay, I believe the next  
4 case on our calendar is a fact finding hearing for Good  
5 Libations, located at 1201 5th Street NW, in ANC 2C.

6 Okay, good morning, would you identify  
7 yourself?

8 MR. GREEN: Yes, good morning. My name is  
9 Ronald Green. I'm the owner of Good Libations.

10 CHAIRPERSON MILLER: Okay. And if I  
11 understand correctly, this concerns your submittal of a  
12 renewal of an application for an exception to the  
13 single sales restrictions. Okay.

14 MR. GREEN: Exemption, yes.

15 CHAIRPERSON MILLER: Yes, exemption. Would  
16 you hold a minute?

17 MR. GREEN: Yes.

18 (Board members confer.)

19 CHAIRPERSON MILLER: Our understanding is  
20 that the ANC, ANC 2C, submitted a resolution indicating  
21 that they didn't support the single sales ban exemption  
22 for establishments within its jurisdiction. And we

1 expected that they would be here to participate in this  
2 fact finding. Do you have any information?

3 MR. GREEN: I saw my ANC council lady, and  
4 she came by the store over the weekend. And she told  
5 me they didn't need to be here. Because -- I mean, I  
6 find it kind of strange, because I was granted this  
7 exemption originally. And so they gave me the backing  
8 and then I received a letter saying that I had to  
9 reapply for it. I met all the requirements, no  
10 violations, a letter of support from the ANC, which I  
11 did, but the problem occurred because the letter of  
12 support from the ANC was only for one year.

13 ABRA's point of view is that if I'm going to  
14 -- if they're going to grant it to me, grant it to me.  
15 You guys don't want to have to come and review this  
16 every year. And so they wrote a letter saying that  
17 we're not going to grant it permanently.

18 CHAIRPERSON MILLER: Right. Okay. Let me  
19 just see if we've had any indication that they're on  
20 their way or anything to that affect.

21 MR. GREEN: Okay. Yeah, but when I spoke  
22 with Rachel Nigro (ph) --

1 CHAIRPERSON MILLER: Oh, they said they were  
2 -- Rachel Nigro?

3 MR. GREEN: -- she told me, no we don't have  
4 to be there. It's a fact finding hearing.

5 CHAIRPERSON MILLER: Oh, okay.

6 MR. GREEN: And I didn't understand that  
7 either.

8 (Chairperson and staff confer.)

9 CHAIRPERSON MILLER: Okay. Well, our staff  
10 is checking, but in the mean time, it's 10:26 and  
11 you've indicated that you were told that they weren't  
12 coming, correct?

13 MR. GREEN: Yeah, because when I was first  
14 granted the exemption, I guess, what was that, back in  
15 2010?

16 CHAIRPERSON MILLER: Okay.

17 MR. GREEN: Yeah, they came to the -- we -- I  
18 had to have a hearing like this.

19 CHAIRPERSON MILLER: Okay.

20 MR. GREEN: And because at that time it was  
21 another ANC opposing it. I mean, actually another ward  
22 that opposed it. Yeah, it was -- it was kind of

1 strange. I don't know if any of the -- of the council  
2 people remember.

3 (Chairperson and staff confer.)

4 CHAIRPERSON MILLER: Okay.

5 MR. GREEN: And do you have the original  
6 letters of support that they did submit, but only  
7 granting it for a year? They want to review it every  
8 year.

9 CHAIRPERSON MILLER: Okay. Yes, I'm pretty  
10 sure we do.

11 MR. GREEN: Yeah?

12 CHAIRPERSON MILLER: Because that -- that  
13 sounds very familiar to me. So unfortunately, there  
14 may have been a mistake, or whatever, in here and the  
15 administration in not sending them a specific  
16 invitation.

17 MR. GREEN: They knew of the date. They were  
18 aware of it.

19 CHAIRPERSON MILLER: Okay.

20 MR. GREEN: And the requirements for the  
21 exemption, I have met.

22 CHAIRPERSON MILLER: Okay, we're just going

1 to pause for a minute and decide how to proceed.

2 MR. GREEN: Okay. Okay.

3 (Chairperson and staff confer.)

4 CHAIRPERSON MILLER: Okay, so I apologize  
5 that, I think the agency made an error. Even though  
6 the ANC may have known of the date, as you say, I think  
7 they didn't get the invitation to come, according to my  
8 staff. So --

9 MR. GREEN: So they received a notice?

10 CHAIRPERSON MILLER: No, I don't know that  
11 they received a notice.

12 MR. GREEN: Well, how did my ANC council  
13 person, she knew of the date? She came -- actually  
14 came into the establishment over the weekend, and I  
15 said, "You know, I guess I'll see you Wednesday," and  
16 she was like, "No, we don't have to be there."

17 MR. JONES: May I speak, ma'am?

18 CHAIRPERSON MILLER: Yes, sure.

19 MR. JONES: Just for clarification, sir,  
20 there's many ways that an individual can find out about  
21 a hearing.

22 MR. GREEN: Correct, yeah. It's on the

1 website.

2 MR. JONES: That doesn't necessarily mean  
3 that they received the notice.

4 MR. GREEN: That they received a notice.

5 MR. JONES: And that's where the distinction  
6 is, so we are saying to you that there's a possibility  
7 that they didn't receive a notice.

8 MR. GREEN: Yeah, I understand.

9 MR. JONES: And therefore, they didn't  
10 receive formal notification.

11 MR. GREEN: Because the calendar is posted.  
12 Yes.

13 MR. JONES: Exactly. That's all. Thank you,  
14 Madam Chair.

15 CHAIRPERSON MILLER: Okay, so I respect that  
16 you've taken the time to come down here for this  
17 hearing, and my understanding is, though, that we need  
18 to have invited the ANC to have a hearing on this  
19 subject. So we're going to have to reschedule.

20 MR. GREEN: May I ask a question?

21 CHAIRPERSON MILLER: Sure.

22 MR. GREEN: I have met the requirements.

1 I've had the exemption before. What else is there, you  
2 know, that needs to be done? I have no violations. I  
3 work with my ANC. The only issue is -- if you look at  
4 -- if you have all the forms, my ANC wrote me a letter  
5 of support. When I first go the exemption, I had a  
6 letter of support.

7 The issue is, my ANC, only wants to grant it  
8 for one year. Every year, they want to come back and  
9 review it.

10 CHAIRPERSON MILLER: Mm-hm.

11 MR. GREEN: ABRA's position is that if I --  
12 if it's granted to me, it should be granted to me. The  
13 only time you guys want to review it if there is a  
14 problem occurs. And ABRA has the authority to grant or  
15 not to grant.

16 CHAIRPERSON MILLER: Right, I hear you. You  
17 know, I hear you?

18 MR. GREEN: Yeah, so I --

19 CHAIRPERSON MILLER: The only issue is, I  
20 believe that the Board is going to give the ANC an  
21 opportunity to be heard. That's the issue.

22 MR. GREEN: Okay.

1                   CHAIRPERSON MILLER: So it's unfortunate for  
2 you, though, that you had to, you know, take time to  
3 come down and, you know, and have this happen. Yeah,  
4 Mr. Silverstein.

5                   MR. SILVERSTEIN: Mr. Green, it's scant  
6 consolation to you, but we owe you an apology. The  
7 fact that you came down here, that you took your time  
8 to come here, and that we did not issue the proper  
9 notification to the ANC. The law requires that we give  
10 them great weight. Our past practice requires that we  
11 give them specific notification.

12                   A recent Court of Appeals ruling against us  
13 said that when we do not act in accordance with our  
14 past practice, to quote the judge, "our credibility  
15 plummets." We have to do things right so that we don't  
16 have to do them again.

17                   MR. GREEN: Okay.

18                   BOARD MEMBER: And, you know, we feel as bad  
19 about this as you do. The only difference is, we're  
20 here, you have to come down and make a special -- a  
21 special trip down. I apologize, for myself, and I'm  
22 sorry that we put you through this today.

1 MR. GREEN: So?

2 MR. SILVERSTEIN: See you again.

3 MR. GREEN: We will -- next time, once they  
4 receive their notification.

5 CHAIRPERSON MILLER: So there's going to be a  
6 new notice that'll go to both of you.

7 MR. GREEN: Okay.

8 CHAIRPERSON MILLER: And the great weight  
9 thing, I don't know if you're that familiar with it,  
10 but it means that we need to address their concerns, so  
11 we need to hear their concerns.

12 MR. SILVERSTEIN: May I ask one question of  
13 the Chair --

14 CHAIRPERSON MILLER: Sure.

15 MR. SILVERSTEIN: -- and of the Licensee?  
16 Does your single sales exemption expire at a certain  
17 time? Would this error on our part put you in a  
18 situation where you cannot sell single sales, for a  
19 period of time?

20 MR. GREEN: Yeah, I couldn't. I mean, I  
21 can't now. At this point, I can't, yeah. I've been --  
22 I've been in this situation. My store has suffered.

1 That money, you know, allows me to fix things. I have  
2 a box that I have to buy, but I don't have money for  
3 that now because this single sales has -- I mean, when  
4 I got the letter, I had to stop. So I -- you know,  
5 whatever product I had, I had to just put it away. You  
6 know, you can't even display that. So I want to stay  
7 in compliance, so at this point, no. I cannot sell.

8           And it came up as, you know, a surprise to me  
9 because when I went through this -- and like I said, it  
10 was kind of unheard of because I had another ward that  
11 was protesting me. My ANC, I've been working with  
12 them. They gave me my backing. They give me backing  
13 now. And so to have to go through this again, I mean,  
14 it's just -- it's just kind of frustrating. And now  
15 I'm here and --

16           CHAIRPERSON MILLER: Right.

17           MR. GREEN: And so my point is, I don't see  
18 what -- what is there left to discover? They're going  
19 to come in and say, "We like Ron, we like his store."  
20 They're going to say, "But we don't know what's going  
21 to happen in the future. That's why we want to do it  
22 every year."

1           My point of view is, granted it. If there's  
2 a problem, no matter if I'm there, if someone else is  
3 there, if there is a problem, that's when the Board  
4 needs to address it.

5           (Board members confer.)

6           CHAIRPERSON MILLER: Okay, before you leave,  
7 I think that the Board will take a quick recess and  
8 just see if there's any other solution, or what we can,  
9 you know -- just take a little more careful look at  
10 this.

11          MR. GREEN: Okay.

12          CHAIRPERSON MILLER: And if you want to wait  
13 around just for a few more minutes --

14          MR. GREEN: Okay.

15          CHAIRPERSON MILLER: -- we'll see, you know,  
16 what we can do within the law. You know, okay.

17           As Chairperson, of the Alcoholic Beverage  
18 Control Board, for the document, and in accordance with  
19 section 405 of the Open Meetings Amendment Act Of 2010,  
20 move that the ABC Board hold a closed meeting for the  
21 purpose of seeking legal advice from our counsel on  
22 case, Good Libations, per section 405(b)4 of the Open

1 Meetings Amendment Act Of 2010, and deliberating upon  
2 that case, operations sited in section 405(b)13 of the  
3 Open Meetings Amendment Act Of 2010.

4 Is there a second?

5 BOARD MEMBER: Second.

6 CHAIRPERSON MILLER: I'll now take a roll  
7 call vote on the motion before us.

8 Mr. Nophlin?

9 MR. NOPHLIN: I agree.

10 CHAIRPERSON MILLER: Mr. Brooks?

11 MR. BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MR. ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller, agree. Mr.  
15 Silverstein?

16 MR. SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: And Mr. Jones?

18 MR. JONES: I agree.

19 CHAIRPERSON MILLER: Okay, the motion passes  
20 then, on a vote of six to zero to zero. I give notice  
21 that we will hold a closed meeting, in the ABC Board  
22 conference room at this time. And we will be back

1 shortly. Thank you.

2 MR. GREEN: Thank you.

3 (WHEREUPON, at 10:38 a.m., the hearing went  
4 off record until 10:40 a.m.)

5 CHAIRPERSON MILLER: Okay, Mr. Green. We're  
6 back on the record. We've had a chance to take a look  
7 at our records with respect to this situation. And  
8 it's our understanding that you were not required to  
9 stop selling single sales, at this point, by your VA or  
10 otherwise, and that you can continue to do that or  
11 start to do that and -- until the Board rules  
12 otherwise.

13 So we will -- until after a hearing at which  
14 the ANC will be here as well, and we can hear all  
15 points of view, and then a Board will make a -- another  
16 decision. But in the meantime, you can continue to sell  
17 that.

18 So maybe it was worth your while to come down  
19 today. The staff is going to look at next Wednesday at  
20 1:00. We don't know if the ANC will be able to make  
21 that, but if they can, can you make that date to come  
22 down here?

1 MR. GREEN: At one?

2 CHAIRPERSON MILLER: That's the time slot  
3 that I was told was available.

4 MR. GREEN: Okay. I mean --

5 CHAIRPERSON MILLER: But they --

6 MR. GREEN: -- to move it along, I have to.  
7 I have no choice. Yeah, move it along.

8 CHAIRPERSON MILLER: Okay, so our legal staff  
9 will be in touch with you.

10 MR. GREEN: Will notice be sent out today, to  
11 the ANC, so they can --

12 CHAIRPERSON MILLER: Tomorrow probably, but --

13 MR. GREEN: -- you know, have enough time to  
14 response?

15 CHAIRPERSON MILLER: Well, our staff is going  
16 to talk to them.

17 MR. GREEN: Okay.

18 CHAIRPERSON MILLER: But, you know, if it's  
19 not enough time, at least you will be able to continue  
20 your sale until the next hearing date is set.

21 MR. GREEN: Okay.

22 CHAIRPERSON MILLER: Okay.

1 MR. GREEN: All right.

2 CHAIRPERSON MILLER: Thank you.

3 BOARD MEMBER: Thank you for coming.

4 MR. SILVERSTEIN: Thank you, Mr. Green.

5 MR. GREEN: Thank you for your time.

6 (WHEREUPON, at 10:48 a. m., the hearing  
7 was concluded.)

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<hr/> <p style="text-align: center;">1</p> <hr/> <p><b>1:00</b> 14:20</p> <p><b>10:25</b> 2:2</p> <p><b>10:26</b> 4:10</p> <p><b>10:38</b> 14:3</p> <p><b>10:40</b> 14:4</p> <p><b>10:48</b> 16:6</p> <p><b>1201</b> 1:7 2:5</p> <p><b>14th</b> 1:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2000</b> 1:15</p> <p><b>2010</b> 4:15 12:19 13:1,3</p> <p><b>2012</b> 1:12</p> <p><b>2C</b> 1:8 2:5,20</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p><b>405</b> 12:19</p> <p><b>405(b)13</b> 13:2</p> <p><b>405(b)4</b> 12:22</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p><b>5th</b> 1:7 2:5</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p><b>73063</b> 1:8</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p><b>8</b> 1:12</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>a.m</b> 2:2 14:3,4</p> <p><b>ABC</b> 12:20 13:21</p> <p><b>able</b> 14:20 15:19</p> <p><b>ABRA</b> 8:14</p> <p><b>ABRA's</b> 3:13 8:11</p>	<p><b>accordance</b> 9:13 12:18</p> <p><b>according</b> 6:7</p> <p><b>act</b> 9:13 12:19 13:1,3</p> <p><b>actually</b> 4:21 6:13</p> <p><b>address</b> 10:10 12:4</p> <p><b>administration</b> 5:15</p> <p><b>advice</b> 12:21</p> <p><b>affect</b> 3:20</p> <p><b>against</b> 9:12</p> <p><b>agency</b> 6:5</p> <p><b>Alberti</b> 1:18 13:12,13</p> <p><b>Alcoholic</b> 1:2,13,14 12:17</p> <p><b>allows</b> 11:1</p> <p><b>Amendment</b> 12:19 13:1,3</p> <p><b>ANC</b> 1:8 2:5,20 3:3,10,12 4:21 6:6,12 7:18 8:3,4,7,20 9:9 11:11 14:14,20 15:11</p> <p><b>anything</b> 3:20</p> <p><b>apologize</b> 6:4 9:21</p> <p><b>apology</b> 9:6</p> <p><b>Appeals</b> 9:12</p> <p><b>application</b> 1:9 2:12</p> <p><b>August</b> 1:12</p> <p><b>authority</b> 8:14</p> <p><b>available</b> 15:3</p> <p><b>aware</b> 5:18</p>	<p><b>away</b> 11:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>backing</b> 3:7 11:12</p> <p><b>bad</b> 9:18</p> <p><b>ban</b> 2:21</p> <p><b>believe</b> 2:3 8:20</p> <p><b>Beverage</b> 1:2,13,14 12:17</p> <p><b>Board</b> 1:2,14 2:18 8:20 9:18 12:3,5,7,18,20 13:5,21 14:11,15 16:3</p> <p><b>box</b> 11:2</p> <p><b>Brooks</b> 1:19 13:10,11</p> <p><b>Building</b> 1:15</p> <p><b>buy</b> 11:2</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>calendar</b> 2:4 7:11</p> <p><b>CALVIN</b> 1:20</p> <p><b>careful</b> 12:9</p> <p><b>case</b> 2:4 12:22 13:2</p> <p><b>certain</b> 10:16</p> <p><b>Chair</b> 7:14 10:13</p> <p><b>Chairperson</b> 1:15,18 2:3,10,15,19 3:18 4:1,5,8,9,16,19 5:3,4,9,12,19,22 6:3,4,10,18 7:15,21 8:10,16,19 9:1 10:5,8,14 11:16 12:6,12,15,17 13:6,10,12,14,17</p>	<p>,19 14:5 15:2,5,8,12,15,1 8,22 16:2</p> <p><b>chance</b> 14:6</p> <p><b>checking</b> 4:10</p> <p><b>choice</b> 15:7</p> <p><b>clarification</b> 6:19</p> <p><b>closed</b> 12:20 13:21</p> <p><b>COLUMBIA</b> 1:1</p> <p><b>coming</b> 4:12 16:3</p> <p><b>compliance</b> 11:7</p> <p><b>concerns</b> 2:11 10:10,11</p> <p><b>concluded</b> 16:7</p> <p><b>confer</b> 2:18 4:8 5:3 6:3 12:5</p> <p><b>conference</b> 13:22</p> <p><b>consolation</b> 9:6</p> <p><b>continue</b> 14:10,16 15:19</p> <p><b>Control</b> 1:2,13,14 12:18</p> <p><b>correct</b> 4:12 6:22</p> <p><b>correctly</b> 2:11</p> <p><b>council</b> 3:3 5:1 6:12</p> <p><b>counsel</b> 12:21</p> <p><b>Court</b> 9:12</p> <p><b>credibility</b> 9:14</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>D.C</b> 1:15</p> <p><b>date</b> 5:17 6:6,13 14:21 15:20</p> <p><b>decide</b> 6:1</p> <p><b>decision</b> 14:16</p>
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Capital Reporting Company

In the Matter of: MT. Vernon Wine & Spirits, Inc. t/a Good Libations 08-08-2012

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