

Capital Reporting Company

In the Matter of: Melm, Inc. t/a Dave Brown Wine & Liquors 10-10-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
Melm, Inc. :
t/a Dave Brown Wine & Liquors :
4721 Sheriff Road, NE :
Retailer A : Protest
License No. 407 : Hearing
ANC 7C : (Status)
Case No. 12-PRO-00052 :
Renewal Application :
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October 10, 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 10:04 a.m.

3 CHAIRPERSON MILLER: The next case on our
4 calendar is Case No. 12-PRO-00052. It's also a protest
5 status hearing. The establishment is Dave Brown Wine &
6 Liquors, located at 4721 Sheriff Road, N.E., License
7 No. 000407, in ANC 7C.

8 Would the parties in this case please come
9 forward? Okay. All right. It's 10:07 and this
10 protest status hearing was called for 9:30. It appears
11 that neither the Licensee, nor the protestants are
12 here. And I have in the file an email from Sarah
13 Fashbaugh dated October 1, 2012 to the ANC and Dave
14 Brown reminding them that the status hearing is still
15 scheduled for October 10th, 2012 at 9:30 a.m.

16 According to our rules, which is set for that
17 for status hearings, 1603.3, "Failure to appear in
18 person or through a designated representative may
19 result in denial of the license application or
20 dismissal of a protest unless, in the discretion of the
21 Board, good cause is shown for failure to appear." And
22 then it provides a request for reinstatement with the

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1 Board -- must be filed within ten days of the dismissal
2 or denial date.

3 As it appears, the -- neither the protestant
4 nor the Licensee are here. Then I believe the
5 appropriate action is to move to dismiss the protest
6 and deny the -- and dismiss the license application for
7 failure of the representatives to appear. Are there
8 any comments on that? Okay.

9 Then is there a second on the motion?

10 MR. NOPHLIN: Second.

11 CHAIRPERSON MILLER: All those in favor then
12 of the -- of the motion to dismiss the protest and the
13 license application, say aye?

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: Then the vote is 6-0-0
20 to dismiss both.

21 (WHEREUPON, at 10:08 a.m., the hearing was
22 concluded.)

1 CERTIFICATE OF NOTARY PUBLIC

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3 I, NATALIA THOMAS, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing 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.

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BRADLEY ANGLIN

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Notary Public in and for the

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District of Columbia

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

Date

MIRANDA PENNACHI

Transcriptionist

<p>0 000407 2:7</p> <hr/> <p>1 1 2:13 10 1:10 10:04 2:2 10:07 2:9 10:08 3:21 10th 2:15 12-PRO-00052 1:8 2:4 14th 1:12 1603.3 2:17</p> <hr/> <p>2 2000 1:12 2012 1:10 2:13,15</p> <hr/> <p>4 407 1:7 4721 1:6 2:6</p> <hr/> <p>6 6-0-0 3:19</p> <hr/> <p>7 7C 1:8 2:7</p> <hr/> <p>9 9:30 2:10,15</p> <hr/> <p>A a.m 2:2,15 3:21 abstaining 3:17 According 2:16 action 3:5 4:10,14</p>	<p>ALBERTI 1:16 Alcoholic 1:2,11,12 am 4:8,11 5:3 ANC 1:8 2:7,13 ANGLIN 4:18 appear 2:17,21 3:7 appearing 4:5 appears 2:10 3:3 application 1:9 2:19 3:6,13 appropriate 3:5 attorney 4:12 audible 3:16,18 aye 3:13 eyes 3:14</p> <hr/> <p>B believe 3:4 Beverage 1:2,11,12 Board 1:2,12 2:21 3:1 BRADLEY 4:18 BROOKS 1:16 Brown 1:6 2:5,14 Building 1:12</p> <hr/> <p>C calendar 2:4 CALVIN 1:17 case 1:8 2:3,4,8 cause 2:21 CERTIFICATE 4:1 5:1</p>	<p>certify 4:4 5:3 Chairperson 1:13,15 2:3 3:11,15,17,19 Chorus 3:14 Columbia 1:1 4:20 comments 3:8 complete 5:8 concluded 3:22 Control 1:2,11,12 correct 5:7 counsel 4:9,12 Court 5:4,6</p> <hr/> <p>D D.C 1:13 date 3:2 5:14 dated 2:13 Dave 1:6 2:5,13 days 3:1 denial 2:19 3:2 deny 3:6 designated 2:18 direction 4:7 discretion 2:20 dismiss 3:5,6,12,20 dismissal 2:20 3:1 District 1:1 4:20 DONALD 1:16</p> <hr/> <p>E email 2:12 employed 4:9,12 employee 4:11</p>	<p>establishment 2:5</p> <hr/> <p>F failure 2:17,21 3:7 Fashbaugh 2:13 favor 3:11 file 2:12 filed 3:1 financially 4:13 foregoing 4:4,5 foregoing/ attached 5:7 forward 2:9</p> <hr/> <p>G given 4:8</p> <hr/> <p>H hearing 1:7,12 2:5,10,14 3:21 4:4,10 hearings 2:17 hereby 4:4 5:3 hereto 4:12 HERMAN 1:17</p> <hr/> <p>I Inc 1:5 interested 4:13 It's 2:4,9</p> <hr/> <p>J JONES 1:17</p> <hr/> <p>L license 1:7 2:6,19 3:6,13</p>
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<p>Licensee 2:11 3:4 Liquors 1:6 2:6 located 2:6</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>MATTER 1:4 may 2:18 MEETING 1:3 Melm 1:5 Member 1:16,17,18 met 1:12 MIKE 1:18 Miller 1:13,15 2:3 3:11,15,17,19 MIRANDA 5:3,14 motion 3:9,12 move 3:5</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.E 2:6 N.W 1:12 NATALIA 4:3 NE 1:6 neither 2:11 3:3 4:8 NICK 1:16 NOPHLIN 1:17 3:10 nor 2:11 3:4 4:9,13 Notary 4:1,19 notes 5:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>October 1:10 2:13,15</p>	<p>officer 4:3 opposed 3:15 otherwise 4:13 outcome 4:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pages 4:5 parties 2:8 4:8,10,12 PENNACHI 5:3,14 person 2:18 please 2:8 PRESENT 1:15 presiding 1:13 proceeding 5:4,5 proceedings 5:8 protest 1:7 2:4,10,20 3:5,12 protestant 3:3 protestants 2:11 provides 2:22 Public 4:1,19</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>record 4:7 recorded 4:5 recordings 5:6 reduced 4:6 Reeves 1:12 reinstatement 2:22 related 4:9 relative 4:11 reminding 2:14</p>	<p>Renewal 1:9 reported 5:4 Reporter 5:4 Reporter's 5:6 representative 2:18 representatives 3:7 request 2:22 response 3:16,18 result 2:19 Retailer 1:7 Road 1:6 2:6 Room 1:12 rules 2:16 Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Sarah 2:12 scheduled 2:15 second 3:9,10 Sheriff 1:6 2:6 shown 2:21 SILVERSTEIN 1:18 status 1:8 2:5,10,14,17 Street 1:12</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 ten 3:1 testimony 4:5,8 thereafter 4:6 THOMAS 4:3</p>	<p>transcript 5:5,7 transcription 4:7 5:1,8 Transcriptionist 5:15 true 4:7 5:7 typed 5:5 typewriting 4:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unless 2:20</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vote 3:19</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:13 WHEREUPON 3:21 whom 4:3 Wine 1:6 2:5</p>
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