

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 :
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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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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 1:36 p.m.</p> <p>3 CHAIRPERSON MILLER: Okay. Good afternoon.</p> <p>4 MR. PADRO: Good afternoon.</p> <p>5 CHAIRPERSON MILLER: I'm going to open the</p> <p>6 afternoon calendar. We're running about 36 minutes</p> <p>7 behind. So I think you might be here for the protest</p> <p>8 hearing. But we have scheduled ahead of you a fact</p> <p>9 finding hearing. If the parties are here in that case,</p> <p>10 we need to call that one first. But it'll be fairly</p> <p>11 quick compared to your case. So if you don't mind</p> <p>12 taking a seat.</p> <p>13 Are you here on the protest case, the two of</p> <p>14 you at the table? Yeah.</p> <p>15 MR. PADRO: You want me to move this</p> <p>16 material? I can.</p> <p>17 CHAIRPERSON MILLER: Okay. So the first item</p> <p>18 of the afternoon calendar is a fact finding hearing for</p> <p>19 Good Libations, located at 1201 15th [sic] Street, N.W.</p> <p>20 -- excuse me -- in ANC 2C. Good afternoon. So there's</p> <p>21 a piece of paper for you to sign in so we can get your</p> <p>22 name spelled correctly for the record.</p>	<p style="text-align: right;">4</p> <p>1 signed a voluntary agreement back in March that would</p> <p>2 support the extension. After that was submitted to the</p> <p>3 Board, that was sent back to us. And then when we were</p> <p>4 able to get it on calendar and vote it again, then we</p> <p>5 voted to terminate.</p> <p>6 CHAIRPERSON MILLER: Right. Okay. So if I</p> <p>7 understand you correctly, you don't have any specific</p> <p>8 issues with that exemption for this -- for this</p> <p>9 applicant right now but --</p> <p>10 MR. PADRO: We do not have a --</p> <p>11 CHAIRPERSON MILLER: -- you don't want to be</p> <p>12 tied forever to that, right?</p> <p>13 MR. PADRO: Exactly. This is an exemplary</p> <p>14 operator. We have had no issues. I don't believe</p> <p>15 there have been any actions taken by ABRA against this</p> <p>16 particular applicant. But the concern is that a future</p> <p>17 operator could potentially, with a permanent exemption,</p> <p>18 be causing some significant concerns for our community.</p> <p>19 CHAIRPERSON MILLER: Okay. And also is it</p> <p>20 your position -- I don't know if you took that position</p> <p>21 at all -- but that you wouldn't support this up until</p> <p>22 the next renewal of the application?</p>
<p style="text-align: right;">3</p> <p>1 And then, when you're ready, if you would</p> <p>2 introduce yourselves for the record?</p> <p>3 MR. PADRO: Certainly. Madam Chair, members</p> <p>4 of the Board, I'm Alexander N. Padro. I am chair of</p> <p>5 the Advisory Neighborhood Commission 2C.</p> <p>6 CHAIRPERSON MILLER: Okay.</p> <p>7 MR. GREENE: Okay. And I am Ronald Greene,</p> <p>8 owner of the Good Libations.</p> <p>9 CHAIRPERSON MILLER: Okay. So let's start</p> <p>10 with Mr. Greene. This is your application that's at</p> <p>11 issue for -- it's a renewal for the exception to single</p> <p>12 sales restrictions, correct?</p> <p>13 MR. GREENE: Yes.</p> <p>14 CHAIRPERSON MILLER: Okay. You've applied</p> <p>15 that and for that the ANC has opposed that; is that</p> <p>16 correct, Mr. Padro?</p> <p>17 MR. PADRO: We are in opposition at this</p> <p>18 point because of the information provided by Ms. Davis</p> <p>19 that if we were to support the renewal, then the</p> <p>20 exemption would become permanent.</p> <p>21 CHAIRPERSON MILLER: Okay.</p> <p>22 MR. PADRO: We originally supported and</p>	<p style="text-align: right;">5</p> <p>1 MR. PADRO: Well, actually that was what we</p> <p>2 had put in the voluntary agreement that, you know --</p> <p>3 CHAIRPERSON MILLER: You would support that?</p> <p>4 MR. PADRO: -- we would support it until the</p> <p>5 next renewal but --</p> <p>6 CHAIRPERSON MILLER: Not in perpetuity?</p> <p>7 MR. PADRO: -- we were advised infinite</p> <p>8 perpetuity --</p> <p>9 CHAIRPERSON MILLER: Okay.</p> <p>10 MR. PADRO: And we were advised that and the</p> <p>11 Board's position was that you wanted it to be permanent</p> <p>12 and that was the reason it was sent back to us.</p> <p>13 CHAIRPERSON MILLER: Okay. Let's just get</p> <p>14 clarification because there are certain time periods</p> <p>15 that we tossed around. And so are you saying that you</p> <p>16 could support the exemption up until when the license</p> <p>17 is up for renewal? That could be three years.</p> <p>18 MR. PADRO: That would be acceptable to us.</p> <p>19 CHAIRPERSON MILLER: That would be</p> <p>20 acceptable, just not in perpetuity?</p> <p>21 MR. PADRO: Correct.</p> <p>22 CHAIRPERSON MILLER: Okay, okay. Good. So</p>

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6	<p>1 Mr. Greene, now that -- since you're here, can you 2 address, you know, the fact as to why we should grant 3 the renewal of this? 4 MR. GREENE: Basically I've met all the 5 requirements for the exemption. I had the exemption 6 before also. It was granted. I haven't had any issues 7 since then. I didn't have any issues before that 8 exemption was granted the first time because if I did, 9 my ANC would have unanimously supported me the first 10 time. So based on the facts that I've met all the 11 requirements, I haven't had any problems since I had 12 the exemption -- and then it was -- I don't want to 13 say, "Taken away," but was not renewed, I see -- I 14 can't think of a reason why not -- that I would not be 15 granted it again. 16 CHAIRPERSON MILLER: Okay. Thank you. I 17 just wanted you to have a chance to put that on the 18 record since you're here. Do Board members have any 19 questions? Yeah, Mr. Alberti? 20 MR. ALBERTI: Mr. Greene -- 21 MR. GREENE: Yes. 22 MR. ALBERTI: -- thank you for coming. When</p>	8
7	<p>1 you say you meet all of your requirements, I'm not -- 2 it's not clear to me what you're referring to. 3 MR. GREENE: The requirements for the 4 exemption was you had to have a letter of support from 5 your ANC showing that, you know, you're involved in the 6 community, no violations within the last year with 7 ABRA. I've met those -- the requirements. You can 8 speak to the head of my ANC, which I've known for years 9 even before I had the store. I live in the community. 10 So working closely with -- 11 CHAIRPERSON MILLER: Yeah. 12 MR. GREENE: -- the ANC, it's just natural to 13 me. So those are the major requirements for the 14 exemption. So that's what I mean when I say -- 15 MR. ALBERTI: Okay. 16 MR. GREENE: -- I've met those -- 17 MR. ALBERTI: Those requirements. 18 MR. GREENE: -- those requirements, yes. 19 MR. ALBERTI: I understand those 20 administrative requirements. 21 MR. GREENE: Correct, yes. 22 MR. ALBERTI: Okay. You've given the vague</p>	9

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<p style="text-align: right;">10</p> <p>1 There are -- there are -- and I say, "No problems." I 2 understand there's always going to be some incidence of 3 these things. But you're saying there isn't -- the 4 sale of singles from your establishment is not -- is 5 not adversely contributing to litter and trash on the 6 street? 7 MR. GREENE: Correct. If it was, I never 8 would have been granted that exemption -- what -- two 9 years ago. 10 MR. ALBERTI: And it's not contributing 11 adversely to the incidence of public drinking? 12 MR. GREENE: No. Just the single sales? No. 13 MR. ALBERTI: Okay. I have no further 14 questions, Mr. Greene. 15 CHAIRPERSON MILLER: Yes, Mr. Nophlin? 16 MR. NOPHLIN: I have a question. Yes, 17 please. To the ANC commissioner, I noticed that the 18 Licensee has to come before the ANC commissioner each 19 and every time. Well, they've come before you -- what - 20 - twice to have this renewed? 21 MR. PADRO: This is the second instance that 22 they came before the commission and I've been with the</p>	<p style="text-align: right;">12</p> <p>1 because I'm not sure what you're asking? 2 MR. NOPHLIN: Well, it seems to me if you -- 3 if they had come twice before, certain conditions would 4 have been asked of the Licensee. 5 MR. PADRO: Oh, certainly. So the same 6 voluntary agreement that was entered into 2009 was 7 proffered and was just changes of dates, et cetera, 8 that was approved by our commission in March. 9 MR. NOPHLIN: Thank you, Madam Chair. Thank 10 you, Madam Chair. 11 CHAIRPERSON MILLER: Mr. Silverstein? 12 MR. SILVERSTEIN: This is to Commissioner 13 Padro. First, thank you for your service, Commissioner. 14 MR. PADRO: Thank you. 15 MR. SILVERSTEIN: Is there anything that Mr. 16 Greene said regarding the operation of his 17 establishment that you disagree with? 18 MR. PADRO: No. I'm glad to be able to say 19 that that corner does not suffer from any excessive 20 amount of loitering that is associated with public 21 drinking or the ability of this applicant to sell 22 singles.</p>
<p style="text-align: right;">11</p> <p>1 commission for 12 years. So I was a commissioner when 2 they came in 2009 at the initial application. And then 3 when the applicant sought to renew it earlier this 4 year, he was advised to come before us and did so. And 5 that was the beginning of the current interaction. 6 MR. NOPHLIN: My question to you is -- to you 7 is, did you -- why did you see fit for them to come 8 before ANC commission before -- twice before? 9 MR. PADRO: The -- again, the first time was 10 the initial application, which we supported. And it 11 was a contested case because ANC 6C actually chose to 12 protest the application. And we successfully supported 13 the applicant in that instance. And then the voluntary 14 agreement that we have with the applicant had 15 stipulated that they would come before the commission 16 upon renewal. And that is what they proceeded to do. 17 MR. NOPHLIN: Were there any conditions based 18 on the renewal -- 19 MR. PADRO: Could you -- 20 MR. NOPHLIN: -- any conditions based on 21 renewal of the -- 22 MR. PADRO: Could you rephrase the question</p>	<p style="text-align: right;">13</p> <p>1 MR. SILVERSTEIN: So the granting of this in 2 the past has not led to any diminishment in the quality 3 of life in the neighborhood? 4 MR. PADRO: That is correct. 5 MR. SILVERSTEIN: Your concern then is, 6 should this establishment be sold or the license 7 transferred or something down the road, that the ANC 8 would then be -- you fear would be locked into a single 9 sales with a new person who may not be of the civic 10 engagement of Mr. Greene? Is that correct? 11 MR. PADRO: That is correct. That is our 12 objection to it becoming permanent. 13 MR. SILVERSTEIN: But if you had the 14 opportunity to protest or to weigh in at the change of 15 license or at a license renewal, you'd be fine with 16 that? 17 MR. PADRO: We'd be most comfortable with 18 doing that at a license renewal. 19 20 21 MR. SILVERSTEIN: No further questions, Madam 22 Chair.</p>

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<p style="text-align: right;">14</p> <p>1 CHAIRPERSON MILLER: Okay. Anybody else?</p> <p>2 Okay. Well, this was very helpful and we'll get back to</p> <p>3 you. You've answered all our questions and we're ready</p> <p>4 to (inaudible). But we have another case waiting. So --</p> <p>5 MR. PADRO: Okay.</p> <p>6 CHAIRPERSON MILLER: -- we're going to get</p> <p>7 back to you with an order.</p> <p>8 MR. GREENE: One last question.</p> <p>9 CHAIRPERSON MILLER: Yes, uh-huh?</p> <p>10 MR. GREENE: The time frame of when you --</p> <p>11 when we receive notification of your findings?</p> <p>12 CHAIRPERSON MILLER: I really -- I really --</p> <p>13 I mean, we're required to issue orders within 90 days.</p> <p>14 But --</p> <p>15 MR. GREENE: Oh, okay.</p> <p>16 CHAIRPERSON MILLER: -- I suspect that this</p> <p>17 one will be much sooner than that.</p> <p>18 MR. GREENE: Okay.</p> <p>19 CHAIRPERSON MILLER: So I just can't give you</p> <p>20 a specific date. Uh-huh.</p> <p>21 MR. GREENE: Okay.</p> <p>22 CHAIRPERSON MILLER: Okay. Thank you.</p>	<p style="text-align: right;">16</p> <p>1 we'll take a vote to authorize ourselves to discuss</p> <p>2 this in a closed meeting. Okay.</p> <p>3 As Chairperson of the Alcoholic Beverage</p> <p>4 Control Board for the District of Columbia and in</p> <p>5 accordance with Section 405 of the Open Meetings</p> <p>6 Amendment Act of 2010, I move that the ABC Board hold a</p> <p>7 closed meeting for the purpose of seeking legal advice</p> <p>8 from our counsel on the renewal of application for</p> <p>9 exception of single sales restriction for Good</p> <p>10 Libations per Section 405(b)(4) of the Open Meetings</p> <p>11 Amendment Act of 2010 and deliberating upon this case</p> <p>12 for the reasons cited in Section 405(b)(13) of the Open</p> <p>13 Meetings Amendment Act of 2010.</p> <p>14 Is there a second?</p> <p>15 MR. NOPHLIN: Second.</p> <p>16 CHAIRPERSON MILLER: I'll now take a roll</p> <p>17 call vote on the motion before us that has been</p> <p>18 seconded by Mr. Nophlin. Mr. Nophlin?</p> <p>19 MR. NOPHLIN: I agree.</p> <p>20 CHAIRPERSON MILLER: Mr. Brooks?</p> <p>21 MR. BROOKS: I agree.</p> <p>22 CHAIRPERSON MILLER: Mr. Alberti?</p>
<p style="text-align: right;">15</p> <p>1 MR. GREENE: All right. Thank you. Thank</p> <p>2 you.</p> <p>3 CHAIRPERSON MILLER: Okay.</p> <p>4 MR. ALBERTI: Madam Chair?</p> <p>5 CHAIRPERSON MILLER: Yes.</p> <p>6 MR. ALBERTI: I believe that we need to close</p> <p>7 this meeting because we have --</p> <p>8 CHAIRPERSON MILLER: Yes.</p> <p>9 MR. ALBERTI: -- we will be deliberating on</p> <p>10 this issue.</p> <p>11 CHAIRPERSON MILLER: That's --</p> <p>12 MR. ALBERTI: Mr. Padro, Mr. Greene, just one</p> <p>13 more administrative matter. If you would return, we'd</p> <p>14 be very -- thank you.</p> <p>15 CHAIRPERSON MILLER: So --</p> <p>16 MR. ALBERTI: Real quick. It's just --</p> <p>17 MR. GREENE: Okay.</p> <p>18 MR. ALBERTI: -- formalities.</p> <p>19 MR. PADRO: All right.</p> <p>20 CHAIRPERSON MILLER: In the event that we</p> <p>21 will be deliberating on this in a closed meeting, we</p> <p>22 will read to you the Open Meeting instructions and</p>	<p style="text-align: right;">17</p> <p>1 MR. ALBERTI: I agree.</p> <p>2 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.</p> <p>3 Silverstein?</p> <p>4 MR. SILVERSTEIN: I agree.</p> <p>5 CHAIRPERSON MILLER: Mr. Jones?</p> <p>6 MR. JONES: I agree.</p> <p>7 CHAIRPERSON MILLER: It appears that the</p> <p>8 motion has passed by a vote of 6-0-0. I hereby give</p> <p>9 notice that the ABC Board will hold a closed meeting in</p> <p>10 the ABC Board conference room today pursuant to the</p> <p>11 Open Meetings Amendment Act of 2010 and issue an order</p> <p>12 within 90 days. Okay. Thank you very much.</p> <p>13 MR. GREENE: Thank you.</p> <p>14 MR. ALBERTI: Thank you, gentlemen, for your</p> <p>15 patience.</p> <p>16 (WHEREUPON, at 1:51 p.m., the hearing was</p> <p>17 concluded.)</p> <p>18</p> <p>19</p> <p>20</p>

<p style="text-align: center;"><u>1</u></p> <p>1:36 2:2 1:51 17:16 12 11:1 1201 1:7 2:19 14th 1:15 15 1:12 15th 2:19</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2000 1:15 2009 11:2 12:6 2010 16:6,11,13 17:11 2012 1:12 22 9:4 2C 1:8 2:20 3:5</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>36 2:6</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>405 16:5 405(b)(13) 16:12 405(b)(4) 16:10</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p>5th 1:7</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p>6-0-0 17:8 6C 11:11</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>73063 1:8</p> <hr/> <p style="text-align: center;"><u>9</u></p>	<p>90 14:13 17:12</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>ABC 16:6 17:9,10 ability 12:21 able 4:4 12:18 ABRA 4:15 7:7 acceptable 5:18,20 accordance 16:5 across 8:17 Act 16:6,11,13 17:11 actions 4:15 actually 5:1 11:11 address 6:2 8:10 administrative 7:20 15:13 adversely 10:5,11 advice 16:7 advised 5:7,10 11:4 Advisory 3:5 afternoon 2:3,4,6,18,20 against 4:15 ago 10:9 agreement 4:1 5:2 11:14 12:6 ahead 2:8 Alberti 1:18 6:19,20,22 7:15,17,19,22 9:10,16,20,22 10:10,13 15:4,6,9,12,16,1 8 16:22 17:1,14 Alcoholic</p>	<p>1:2,13,14 16:3 Alexander 3:4 am 3:4,7 Amendment 16:6,11,13 17:11 amount 12:20 ANC 1:8 2:20 3:15 6:9 7:5,8,12 10:17,18 11:8,11 13:7 answered 14:3 Anybody 14:1 anything 9:5 12:15 anyway 8:20 9:9 appears 17:7 applicant 4:9,16 11:3,13,14 12:21 application 1:9 3:10 4:22 11:2,10,12 16:8 applied 3:14 approved 12:8 area 8:15,16,17,22 associated 12:20 August 1:12 authorize 16:1 away 6:13 8:8,9</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p>ban 8:11 based 6:10 11:17,20 basically 6:4 8:19 become 3:20 becoming 13:12 beers 8:6</p>	<p>9:1,6,9,19 beginning 11:5 behind 2:7 believe 4:14 9:11 15:6 Beverage 1:2,13,14 16:3 Board 1:2,14 3:4 4:3 6:18 16:4,6 17:9,10 Board's 5:11 Brooks 1:19 16:20,21 Building 1:15</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p>calendar 2:6,18 4:4 CALVIN 1:20 case 2:9,11,13 11:11 14:4 16:11 causing 4:18 9:7 certain 5:14 12:3 certainly 3:3 12:5 cetera 12:7 chair 3:3,4 12:9,10 13:22 15:4 Chairperson 1:15,18 2:3,5,17 3:6,9,14,21 4:6,11,19 5:3,6,9,13,19,22 6:16 7:11 10:15 12:11 14:1,6,9,12,16,1 9,22 15:3,5,8,11,15,2 0 16:3,16,20,22 17:2,5,7</p>
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<p>chance 6:17 change 13:14 changes 12:7 chose 11:11 cited 16:12 civic 13:9 clarification 5:14 clear 7:2 close 15:6 closed 15:21 16:2,7 17:9 closely 7:10 Columbia 1:1 16:4 comfortable 13:17 coming 6:22 commission 3:5 10:22 11:1,8,15 12:8 commissioner 10:17,18 11:1 12:12,13 community 4:18 7:6,9 compared 2:11 concern 4:16 13:5 concerns 4:18 concluded 17:17 conditions 11:17,20 12:3 conference 17:10 contested 11:11 continue 8:21 contribute 9:19 contributed 9:14 contributing</p>	<p>8:18,19 10:5,10 Control 1:2,13,14 16:4 corner 12:19 Coronas 9:2 correct 3:12,16 5:21 7:21 9:13 10:7 13:4,10,11 correctly 2:22 4:7 counsel 16:8 current 11:5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:15 date 14:20 dates 12:7 Davis 3:18 days 14:13 17:12 DC 9:1 deliberating 15:9,21 16:11 diminishment 13:2 disagree 12:17 discuss 16:1 District 1:1 16:4 DONALD 1:19 drinking 9:5 10:11 12:21</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 11:3 else 14:1 engagement 13:10 entered 12:6 establishment</p>	<p>10:4 12:17 13:6 et 12:7 event 15:20 Exactly 4:13 exception 1:9 3:11 16:9 excessive 12:19 excuse 2:20 exemplary 4:13 exemption 3:20 4:8,17 5:16 6:5,8,12 7:4,14 10:8 extension 4:2</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 1:7 2:8,18 6:2 facts 6:10 fairly 2:10 fear 13:8 finding 1:7 2:9,18 findings 14:11 fine 13:15 first 2:10,17 6:8,9 11:9 12:13 fit 11:7 forever 4:12 formalities 15:18 fortified 9:8 frame 14:10 future 4:16</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gentlemen 17:14 given 7:22 glad 12:18</p>	<p>grab 9:3 grant 6:2 granted 6:6,8,15 10:8 granting 13:1 Great 9:22 Greene 3:7,10,13 6:1,4,20,21 7:3,12,16,18,21 8:3 9:14,17,21 10:7,12,14 12:16 13:10 14:8,10,15,18,21 15:1,12,17 17:13</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>haven't 6:6,11 having 8:16 head 7:8 hearing 1:8,14 2:8,9,18 9:10 17:16 Heinekens 9:2 helpful 14:2 hereby 17:8 HERMAN 1:19 hold 16:6 17:9 home 9:4</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'll 16:16 I'm 2:5 3:4 7:1 8:16 9:10 12:1,18 inaudible 14:4 Inc 1:6 incidence 10:2,11</p>
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