

Capital Reporting Company
In the Matter of: Spork, LLC t/a A n D 09-10-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Spork, LLC :
t/a A n D :
1314 9th Street, NW :
Retailer CT : Roll Call
License No. ABRA-089950 : Hearing
Case No. 12-PRO-00074 :
New Application :
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September 10, 2012

The Alcoholic Beverage Control

The Board's Agent met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th Street, N.W.,
Washington, D.C.

PRESENT

LAVERNE FLETCHER, Board's Agent

Capital Reporting Company
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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 10:11 a.m.</p> <p>3 MS. FLETCHER: Would the parties in the</p> <p>4 matter of A n D please come forward? This is Case No.</p> <p>5 12-PRO- 00074, Spork, LLC, trading as A n D, 1314 9th</p> <p>6 Street, N.W., License No. ABRA-089950. It's a Retail</p> <p>7 CT, new application. The protest issues are adverse</p> <p>8 impact on peace, order and quiet, and residential</p> <p>9 parking, and vehicular and pedestrian safety.</p> <p>10 My name is LaVerne Fletcher and I'll be</p> <p>11 conducting the roll call hearing as the Board's Agent</p> <p>12 pursuant to DC Official Code 1601.2.</p> <p>13 Introductions beginning with the applicant?</p> <p>14 MR. KLINE: Good morning, Ms. Fletcher.</p> <p>15 Andrew Kline on behalf of the applicant. Seated to my</p> <p>16 left is Daniel O'Brien, neighborhood resident and</p> <p>17 principal of the applicant.</p> <p>18 MS. FLETCHER: Okay. Mr. Kline, would you</p> <p>19 spell your name for the court reporter?</p> <p>20 MR. KLINE: Sure. Last name's spelled K-L-I-</p> <p>21 N-E, first name, A-N-D-R-E-W.</p> <p>22 MS. FLETCHER: And Mr. O'Brien?</p>	<p style="text-align: right;">4</p> <p>1 the spelling of the name to the court reporter after</p> <p>2 the roll call hearing. And you're representing Margita</p> <p>3 Salter?</p> <p>4 MR. SALTER: Right. Those two people were</p> <p>5 not able to be here today and so I said that I would</p> <p>6 stand up on their behalf.</p> <p>7 MS. FLETCHER: Are there any other members</p> <p>8 from your group present today?</p> <p>9 MR. SALTER: Not that I can see.</p> <p>10 MS. FLETCHER: Uh-huh.</p> <p>11 MR. SALTER: I think there was a list that</p> <p>12 was submitted of about ten names.</p> <p>13 MS. FLETCHER: Uh-huh. Okay. So Mr. Salter,</p> <p>14 what's going to have to happen here is in order for</p> <p>15 your group to have standing today, at least five</p> <p>16 individuals would have needed to appear or you would</p> <p>17 have needed to represent at least five.</p> <p>18 MR. SALTER: Right.</p> <p>19 MS. FLETCHER: You're representing two so</p> <p>20 that is a total of three. Your protest letter does not</p> <p>21 designate a representative. If it did, you could</p> <p>22 represent all 11 of your parties today.</p>
<p style="text-align: right;">3</p> <p>1 MR. O'BRIEN: Daniel, D-A-N-I-E-L, O'Brien,</p> <p>2 capital "O," apostrophe, capital "B," R-I-E-N.</p> <p>3 MS. FLETCHER: Thank you. And for the</p> <p>4 protestants?</p> <p>5 MR. BENARDO: Hi, Ms. Fletcher. I'm Michael</p> <p>6 Benardo with ANC 2F. The last name is B-E-N-A-R-D-O.</p> <p>7 MS. FLETCHER: Thank you, Mr. Benardo. And</p> <p>8 you, sir?</p> <p>9 MR. SALTER: Hi. I'm David Salter, S-A-L-T-</p> <p>10 E-R, representing the neighborhood in the immediate</p> <p>11 vicinity.</p> <p>12 MS. FLETCHER: Mr. Salter, do you have</p> <p>13 letters of designation from the individuals that you're</p> <p>14 representing?</p> <p>15 MR. SALTER: I have two letters of</p> <p>16 representation for other people. I can bring them up</p> <p>17 to you if you'd like.</p> <p>18 MS. FLETCHER: Yes, thank you. Thank you.</p> <p>19 Okay. So Mr. Salter, you are a protestant?</p> <p>20 MR. SALTER: That's correct.</p> <p>21 MS. FLETCHER: And you're representing</p> <p>22 Orestes del Castillo, who is a protestant? I'll give</p>	<p style="text-align: right;">5</p> <p>1 MR. SALTER: Okay.</p> <p>2 MS. FLETCHER: So what I'm going to have to</p> <p>3 do today is dismiss your group of 11. You make seek</p> <p>4 reinstatement of your protest by filing a petition with</p> <p>5 the ABC Board, asking that you be reinstated for good</p> <p>6 cause, whatever the reason would be. Just state it in</p> <p>7 your letter. But for the purpose of the roll call</p> <p>8 hearing, your group of 11 is dismissed. But you'll</p> <p>9 receive an order dismissing the protest. And you will</p> <p>10 have ten days from receiving that order to seek</p> <p>11 reinstatement of the protest.</p> <p>12 MR. SALTER: I understand. Thank you.</p> <p>13 MS. FLETCHER: So there is one protestant</p> <p>14 group in this matter today. That is ANC 2F. We need</p> <p>15 to set a date for a mediation, a status hearing and a</p> <p>16 protest hearing. I'll give you the date for the status</p> <p>17 hearing first. The status hearing is set for October</p> <p>18 the 10th, 2012 at 9:30 a.m. -- October 10 at 9:30.</p> <p>19 The date for the protest hearing is January</p> <p>20 16, 2013 at 1:30 p.m. -- January 16 at 1:30. We need</p> <p>21 to set a date for mediation to occur prior to October</p> <p>22 10. The next available date for mediation in September</p>

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6	<p>1 is Thursday, September the 27th at 9:00, 10:00, 11:00 2 or 1:00. 3 MR. KLINE: I can't do it that day. 4 MS. FLETCHER: Okay. Move forward into 5 October. 6 MR. KLINE: October 2nd? 7 MS. FLETCHER: Let's see. October 2nd, did 8 you say? 9 MR. KLINE: Yes. 10 MS. FLETCHER: October 2nd is good at 9:00, 11 10:00, 11:00 or 1:00. 12 MR. KLINE: 1:00? 13 MS. FLETCHER: That's good for the calendar. 14 Is that good for you, Mr. Benardo? 15 MR. BENARDO: Yeah, that's good for the ANC. 16 MS. FLETCHER: What time? 17 MR. KLINE: 1:00 p.m. 18 MS. FLETCHER: 1:00 p.m. on October 2nd. 19 Okay. Mr. Benardo, is your contact information on that 20 sheet? 21 MR. BENARDO: It is. 22 MS. FLETCHER: Thank you. And yours as well,</p>	8
7	<p>1 Mr. Salter? 2 MR. SALTER: Yes. 3 MS. FLETCHER: Thank you. 4 MR. BENARDO: Just if I could ask a question? 5 Like, but our letter designates any of our ANC 6 commissioners representing; that's right? 7 MS. FLETCHER: Yes. 8 MR. BENARDO: And so if I'm not available on 9 that date, someone else can be? 10 MS. FLETCHER: Yes. Your letter designates - 11 - I think it designates most of your commissioners. 12 MR. BENARDO: Yeah, it would. 13 MS. FLETCHER: Yeah. That -- so anyone would 14 be fine. I think it's all of them actually. Okay. 15 Well, any questions? Thank you for coming. 16 MR. KLINE: Thank you. 17 MS. FLETCHER: Roll call hearing concluded. 18 (WHEREUPON, at 10:18 a.m., the hearing went 19 off record until 10:44 a.m.) 20 MS. FLETCHER: I'd like to reopen Case No. 21 12- PRO-00074 in the matter of A n D. I'd like to 22 reopen the record to reflect the fact that Martin Smith</p>	9
6	<p>1 appeared as a protestant in this matter totaling four 2 protestants represented for the purpose of the roll 3 call hearing. The protest is still dismissed because 4 five individuals are not present but we needed the 5 record to reflect that a total of four appeared rather 6 than a total of three. 7 And Mr. Smith, would you spell your name for 8 the court reporter, please? 9 MR. SMITH: Certainly. Martin Smith, M-A-R- 10 T-I-N, S-M-I-T-H. 11 MS. FLETCHER: Okay. Any questions? 12 MR. SALTER: And with also the understanding 13 on the record Mr. Smith is representing the 11 people 14 and had come with the understanding that the 15 (inaudible) that he had crafted for the Board hearing 16 is sufficient to be able to allow him to represent but 17 we understand it's -- 18 MS. FLETCHER: Yes. And thank you very much 19 for that. Yeah, Mr. Salter, the -- your -- in your 20 letter seeking reinstatement, you can mention that as 21 well. I have to state, your letter -- your letter does 22 say that you're filing the protest on behalf of all the</p>	8
7	<p>1 other individuals. 2 MR. SALTER: Certainly. 3 MS. FLETCHER: The -- and I understand why 4 that would have seemed to be sufficient. But the 5 individuals themselves needed to say that you're 6 designated -- that they're designating you. And I'm 7 sure you'll explain all that in your letter seeking 8 reinstatement. 9 MR. SALTER: Sure. And maybe while we're on 10 the record, might I also suggest that for future -- 11 it's like I said, their clarification -- perhaps a 12 standard letter that does underline to people 13 (inaudible) actually turn up and (inaudible) Board 14 could have, like, this designated by another 15 representative. That's certainly -- 16 MS. FLETCHER: I understand. 17 MR. SALTER: -- a lot easier. 18 MS. FLETCHER: I understand. Thank you. 19 Thank you. 20 MR. SALTER: Okay. Thank you so much. 21 MS. FLETCHER: And I'll -- and I'll pass -- 22 I'll pass that along.</p>	9

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10	12
1 MR. SMITH: Thank you. 2 MS. FLETCHER: Okay. Thank you. Roll call 3 hearing concluded. 4 (WHEREUPON, at 10:46 a.m., the hearing was 5 concluded.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	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 15 16 17 18 19 20 21 22
11	
1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, BRADLEY ANGLIN, 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 _____ 20 BRADLEY ANGLIN 21 Notary Public in and for the 22 District of Columbia	

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