

Capital Reporting Company
In the Matter of: TM Liquors, Inc. t/a Big Ben Liquors 08-15-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
 :
TM Liquors, Inc. :
t/a Big Ben Liquors :
1300 North Capitol Street, NW :
Retailer A : Protest
License No. 60652 : Hearing
ANC 5C : (Status)
Case No. 12-PRO-00057 :
Renewal Application :
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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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1 P R O C E E D I N G S

2 9:52 a.m.

3 CHAIRPERSON MILLER: Good morning, ladies and
4 gentlemen. I'd like to welcome you to the regularly
5 scheduled meeting of the District of Columbia Alcoholic
6 Beverage Control Board. Today is August 15, 2012. My
7 name is Ruthanne Miller. I'm the chairperson. Joining
8 me today to my far right is Mr. Calvin Nophlin. To his
9 immediately left is Mr. Donald Brooks. To my immediate
10 right is Mr. Nick Alberti. And to my immediate left is
11 Mr. Mike Silverstein.

12 The Board has six members in attendance --
13 one, two -- five members in attendance -- five members
14 in attendance so far for the conduct of business today
15 with three constituting a quorum. Copies of today's
16 hearing calendar and agenda are available at the
17 receptionist's desk. Please be aware that these
18 proceedings are being recorded by a court reporter.
19 Accordingly, we must ask you to refrain from any
20 disruptive noises or actions in the hearing room.

21 If you have any electronic devices, pagers,
22 cell phones or such, please make certain that they're

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1 turned off to avoid any interruption of the
2 proceedings. Please note when you come forward to the
3 table, you can take a seat and sign in on the sheet of
4 paper on the table. This is to ensure the correct
5 spelling of your name for the record.

6 The Open Meetings Act requires that the
7 public hearing on each case be open to the public. The
8 Board may, consistent with Section 405(b) of the Open
9 Meetings Act, enter a closed meeting during or after
10 the public hearing on a case to consult with an
11 attorney, to obtain legal advice, discuss settlement
12 agreements or deliberate upon a decision in an
13 adjudication proceeding.

14 Okay. So we'll now start with this morning's
15 calendar. The first case on the calendar is Case No.
16 12- PRO-00057, Big Ben Liquors, License No. 60652 in
17 ANC 5C.

18 Are the parties here on the case? All right.
19 Good morning.

20 MR. SINGH: Good morning.

21 CHAIRPERSON MILLER: Good morning.

22 MR. SINGH: My name is Harjinder Singh,

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1 president of --

2 CHAIRPERSON MILLER: I'm sorry. Is your
3 microphone on? It should have a green light.

4 MR. SINGH: My name is Harjinder Singh,
5 president of Big Ben Liquors, Inc., trading as Big Ben
6 Liquors.

7 CHAIRPERSON MILLER: Okay. And you are the
8 applicant and no one else is here --

9 MR. SINGH: No.

10 CHAIRPERSON MILLER: -- as a protestant?

11 MR. SINGH: No.

12 CHAIRPERSON MILLER: Okay. What I'm going to
13 do is just give you the dates for the hearing in the
14 event that this protest goes forward. It looks like it
15 may not go forward given that no one is here but the
16 protest hearing date is November 14, 2012 at 1:30.

17 MR. SINGH: So I should come back again?

18 CHAIRPERSON MILLER: If the protest goes
19 forward. It doesn't look like there may be a protest.

20 MR. SINGH: But we're expect them to withdraw
21 it and that's why they're not here.

22 CHAIRPERSON MILLER: If they withdraw it, you

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1 -- they -- you won't have to come for a hearing.

2 MR. SINGH: I'm -- I sent email to the -- Ms.
3 Fletcher and Sarah. But I don't -- they told me they
4 won't come up and they are withdrawing the protest.

5 CHAIRPERSON MILLER: I'm sorry, what?

6 MR. SINGH: They sent the email that they
7 won't come and they will withdraw the protest. Yes.

8 CHAIRPERSON MILLER: And that they're
9 withdrawing? Okay.

10 MR. SINGH: Yeah.

11 CHAIRPERSON MILLER: The Board doesn't have
12 official notice that they're withdrawing. That's why I --

13 MR. SINGH: Okay. Okay.

14 MR. SILVERSTEIN: Madam Chair?

15 CHAIRPERSON MILLER: Yeah, uh-huh?

16 MR. SILVERSTEIN: Are we obligated in this
17 case to at this point to dismiss? I can move to
18 dismiss?

19 CHAIRPERSON MILLER: Oh, let's check that.
20 For failure to appear, correct?

21 MR. SILVERSTEIN: Yeah, correct.

22 MR. ALBERTI: That has been our policy in the

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1 past, Madam Chair.

2 CHAIRPERSON MILLER: Yep. That's -- check
3 the row 16 --

4 MR. ALBERTI: And it is now 9:56 and this
5 hearing was scheduled for 9:30. So I believe that the
6 parties have had ample time to arrive.

7 CHAIRPERSON MILLER: Okay. Yes. I think --
8 you know, I've heard that through -- I heard reference
9 to an email that the parties were intending to
10 withdraw. Our Board members have brought, you know, to
11 my attention a reg, which I believe is 1603.3, which
12 says, "Failure to appear in person or through a
13 designated representative may result in a denial of the
14 license application or dismissal of a protest unless in
15 the discretion of the Board good cause is shown for
16 failure to appear."

17 And -- okay. Did you want to move to
18 dismiss?

19 MR. SILVERSTEIN: I move to dismiss, Miss --
20 Madam Chair.

21 CHAIRPERSON MILLER: Oh, okay. Is there a
22 second?

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1 MR. ALBERTI: I second.

2 MR. NOPHLIN: Second.

3 CHAIRPERSON MILLER: Any other comments?

4 (No audible response.)

5 CHAIRPERSON MILLER: Okay. All those in
6 favor then of the motion to dismiss, say aye?

7 (Chorus of ayes.)

8 CHAIRPERSON MILLER: All those opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. Then the protest
13 is considered dismissed at this point.

14 MR. SINGH: Thank you.

15 CHAIRPERSON MILLER: Okay. Thank you very
16 much then.

17 MR. SINGH: Thank you very much.

18 CHAIRPERSON MILLER: Don't worry about that
19 hearing date right now.

20 MR. SINGH: Thank you.

21 CHAIRPERSON MILLER: Okay. And Mr. Jones has
22 joined us on the dais. Welcome, Mr. Jones.

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1 MR. JONES: Thank you, Madam Chair.

2 (WHEREUPON, at 9:57 a.m., the hearing was
3 concluded.)

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<hr/> <p style="text-align: center;">1</p> <hr/> <p>1:30 4:16 12 3:16 12-PRO-00057 1:9 1300 1:7 14 4:16 14th 1:14 15 1:11 2:6 16 6:3 1603.3 6:11</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:14 2012 1:11 2:6 4:16</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>405(b) 3:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5C 1:8 3:17</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60652 1:8 3:16</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:30 6:5 9:52 2:2 9:56 6:4 9:57 8:2</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 8:2 abstaining 7:10 Accordingly 2:19 Act 3:6,9 actions 2:20</p>	<p>adjudication 3:13 advice 3:11 agenda 2:16 agreements 3:12 Alberti 1:18 2:10 5:22 6:4 7:1 Alcoholic 1:2,12,14 2:5 ample 6:6 ANC 1:8 3:17 appear 5:20 6:12,16 applicant 4:8 application 1:9 6:14 arrive 6:6 attendance 2:12,13,14 attention 6:11 attorney 3:11 audible 7:4,9,11 August 1:11 2:6 available 2:16 avoid 3:1 aware 2:17 aye 7:6 ayes 7:7</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>believe 6:5,11 Ben 1:6 3:16 4:5 Beverage 1:2,12,14 2:6 Board 1:2,14 2:6,12 3:8 5:11 6:10,15</p>	<p>Brooks 1:18 2:9 brought 6:10 Building 1:14 business 2:14</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calendar 2:16 3:15 Calvin 1:19 2:8 Capitol 1:7 case 1:9 3:7,10,15,18 5:17 cause 6:15 cell 2:22 certain 2:22 Chair 5:14 6:1,20 8:1 chairperson 1:15,17 2:3,7 3:21 4:2,7,10,12,18,2 2 5:5,8,11,15,19 6:2,7,21 7:3,5,8,10,12,15, 18,21 check 5:19 6:2 Chorus 7:7 closed 3:9 Columbia 1:1 2:5 comments 7:3 concluded 8:3 conduct 2:14 considered 7:13 consistent 3:8 constituting 2:15 consult 3:10</p>	<p>Control 1:2,12,14 2:6 Copies 2:15 correct 3:4 5:20,21 court 2:18</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:15 dais 7:22 date 4:16 7:19 dates 4:13 decision 3:12 deliberate 3:12 denial 6:13 designated 6:13 desk 2:17 devices 2:21 discretion 6:15 discuss 3:11 dismiss 5:17,18 6:18,19 7:6 dismissal 6:14 dismissed 7:13 disruptive 2:20 District 1:1 2:5 Donald 1:18 2:9 during 3:9</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>electronic 2:21 else 4:8 email 5:2,6 6:9 ensure 3:4 enter 3:9</p>
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