

Capital Reporting Company
In the Matter of: Tacodog, Inc. t/a Taqueria Nacional 07-16-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Tacodog, LLC :
t/a Taqueria Nacional :
1407 T Street, NW : Roll Call
Retailer CR : Hearing
License No. ABRA-089558 :
ANC 2B :
Case No. 12-PRO-00063 :
New Application :
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July 16, 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

LA VERNE FLETCHER, ABRA

CAROL GREEN, ABC COMMITTEE

(866) 448 - DEPO

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

2 10:09 a.m.

3 MS. FLETCHER: Would the parties in the
4 matter of Taqueria Nacional come forward please? Case
5 No. 12- PRO-00063, Tacodog, LLC, trading as Taqueria
6 Nacional, 1407 T Street, N.W., License No. ABRA-089558,
7 Retailer CR, new application. The protest issues are
8 adverse impact on peace, order and quiet.

9 My name is La Verne Fletcher and I'll be
10 conducting the roll call hearing as the Board's agent,
11 pursuant to DC official code 1601.2. Introductions
12 beginning with the applicant?

13 MR. O'BRIEN: Stephen O'Brien for the
14 applicant.

15 MS. FLETCHER: Thank you, Mr. O'Brien. And
16 just for the record, is there any particular reason
17 that the applicant is not present?

18 MR. O'BRIEN: No, I expected him.

19 MS. FLETCHER: Okay. Thank you.

20 MR. O'BRIEN: But he's represented by me. So

21 MS. FLETCHER: Exactly. Thank you. And for
22 ANC 2B?

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1 MR. ESTRADA: Good morning. Commissioner
2 Ramon Estrada, R-A-M-O-N, Estrada, E-S-T-R-A-D-A. And
3 I represent 2B09, which is the district in which the
4 Licensee applicant is located.

5 MS. FLETCHER: Thank you, Mr. Estrada. And
6 for Shaw/Dupont Citizens Alliance?

7 MR. FERRIS: Good morning. Elwyn Ferris on
8 behalf of the Shaw/Dupont Citizens Alliance.

9 MS. FLETCHER: Thank you, Mr. Ferris. And
10 would you spell your name for the court reporter,
11 please?

12 MR. FERRIS: The first name is E-L-W-Y-N,
13 last name, F-E-R-R-I-S.

14 MS. FLETCHER: Thank you very much. ANC 2B
15 does have standing as a protestant. And Mr. Ferris, I
16 have a few questions for you just for the record before
17 a determination is made about the standing of the Shaw
18 Dupont Citizens Alliance --

19 MR. FERRIS: Uh-huh.

20 MS. FLETCHER: -- Incorporated. The Alliance
21 is a citizens association?

22 MR. FERRIS: Yes, it is. We are fully

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1 incorporated in the District of Columbia. And I do
2 have a certificate of corporation for you.

3 MS. FLETCHER: Thank you very much. I'll
4 take that, Mr. Ferris.

5 MR. FERRIS: Okay. I'm also going to give
6 you a letter from our president, as she signed the
7 letter. I'm her designated representative.

8 MS. FLETCHER: Yes. Thank you very much.

9 MR. FERRIS: Could I get (inaudible) copy of
10 the --

11 MS. FLETCHER: Yeah, okay.

12 MR. FERRIS. Thank you.

13 MR. O'BRIEN: Will do.

14 MS. FLETCHER: And just a couple of other
15 questions, Mr. Ferris, just for the record. The
16 alliance is located in the affected area? It's located
17 --

18 MR. FERRIS: That is correct, yes.

19 MS. FLETCHER: The membership in the alliance
20 is open to residents in the area?

21 MR. FERRIS: To all residents living within
22 our boundaries.

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1 MS. FLETCHER: And the residents were given a
2 ten-day notice of the meeting?

3 MR. FERRIS: That is correct.

4 MS. FLETCHER: Thank you very much. The Shaw
5 Dupont Citizens Alliance does have standing as a
6 protestant.

7 MR. FERRIS: Thank you very much.

8 MS. FLETCHER: Mr. O'Brien --

9 MR. O'BRIEN: Yes.

10 MS. FLETCHER: -- would you like a copy of
11 the certificate or incorporation?

12 MR. O'BRIEN: No.

13 MS. FLETCHER: Okay. You're okay with that?
14 Okay. Then we just need to set a date for a mediation,
15 a status hearing and a protest hearing. We need to set
16 a date for the mediation to occur prior to the
17 September 12 status hearing. I'll give you the next
18 dates that are available.

19 The first date that is available is Thursday,
20 August the 16th, at 9:00, 10:00, 11:00 or 1:00.

21 MR. O'BRIEN: Could the record reflect that
22 John Fulchino, J-O-H-N, F-U-L-C-H-I-N-O -

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1 MS. FLETCHER: Yes.

2 MR. O'BRIEN: -- who's the -- a managing
3 member of the applicant has arrived?

4 MS. FLETCHER: Okay. Thank you, Mr. O'Brien.
5 Did you say the first name was John?

6 MR. O'BRIEN: J-O-H-N.

7 MS. FLETCHER: And what's the last name one
8 more time?

9 MR. O'BRIEN: F-U-L-C-H-I-N-O.

10 MS. FLETCHER: Thank you very much. So
11 August 16, that Thursday, that's the first date
12 available at 9:00, 10:00, 11:00 or 1:00.

13 MR. FERRIS: I like 1:00.

14 MR. ESTRADA: Well --

15 MR. FERRIS: But that's your lunch, isn't it?

16 MR. ESTRADA: Okay. 1:00 is fine. I won't
17 show up late.

18 MR. O'BRIEN: Think you'll be around on the
19 16th? Okay. Okay. August 16 at 1:00 is fine.

20 MS. FLETCHER: That a good time, Mr. Ferris?

21 MR. FERRIS: That time (inaudible).

22 MS. FLETCHER: So the mediation is set for

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1 1:00 on August 16.

2 MR. O'BRIEN: Did you -- Ms. Fletcher, did
3 you - - did you announce the protest hearing date? I -
4 - if you did, I missed it.

5 MS. FLETCHER: I don't think I did. I'll
6 tell you what it is though. Thank you. The protest
7 hearing date is November the 28th, 2012, 4:00. That's
8 November 28.

9 MR. O'BRIEN: 4:00 p.m.?

10 MS. FLETCHER: Uh-huh.

11 MR. ESTRADA: And the status?

12 MS. FLETCHER: And the status hearing is
13 September 12 -- September 12 at 9:30. Mr. Ferris, did
14 you put your contact information on that sheet?

15 MR. FERRIS: Yes, I did.

16 MS. FLETCHER: Thank you. Okay. Any
17 questions? Well, thank you for coming. The roll call
18 hearing is concluded.

19 MR. ESTRADA: Thank you.

20 MR. FERRIS: Thank you.

21 MS. FLETCHER: Thank you.

22 MR. FERRIS: Oh, when I may get a time-

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1 stamped copy of the --

2 MS. FLETCHER: You can wait there. I'll be
3 right there.

4 MR. FERRIS: Thank you.

5 MS. FLETCHER: Uh-huh.

6 (WHEREUPON, at 10:15 a.m., the hearing was
7 concluded.)

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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.

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BRADLEY ANGLIN

Notary Public in and for

DISTRICT OF COLUMBIA

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1 CERTIFICATE OF TRANSCRIPTION

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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

14

15

16 _____
Date

17

MIRANDA PENNACHI
Transcriptionist

18

19

20

21

22

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<p style="text-align: center;"><u>1</u></p> <p>1:00 5:20 6:12,13,16,19 7:1</p> <p>10:00 5:20 6:12</p> <p>10:09 2:2</p> <p>10:15 8:6</p> <p>11:00 5:20 6:12</p> <p>12 2:5 5:17 7:13</p> <p>12-PRO-00063 1:8</p> <p>1407 1:6 2:6</p> <p>14th 1:13</p> <p>16 1:10 6:11,19 7:1</p> <p>1601.2 2:11</p> <p>16th 5:20 6:19</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2000 1:13</p> <p>2012 1:10 7:7</p> <p>28 7:8</p> <p>28th 7:7</p> <p>2B 1:8 2:22 3:14</p> <p>2B09 3:3</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>4:00 7:7,9</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p>9:00 5:20 6:12</p> <p>9:30 7:13</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>a.m 2:2 8:6</p> <p>ABC 1:19</p> <p>ABRA 1:18</p> <p>ABRA-089558 1:7</p>	<p>2:6</p> <p>action 9:10,14</p> <p>adverse 2:8</p> <p>affected 4:16</p> <p>agent 2:10</p> <p>ALBERTI 1:15</p> <p>Alcoholic 1:2,11,12</p> <p>alliance 3:6,8,18,20 4:16,19 5:5</p> <p>am 9:9,11 10:3</p> <p>ANC 1:8 2:22 3:14</p> <p>ANGLIN 9:3,19</p> <p>announce 7:3</p> <p>appearing 9:5</p> <p>applicant 2:12,14,17 3:4 6:3</p> <p>application 1:9 2:7</p> <p>area 4:16,20</p> <p>arrived 6:3</p> <p>association 3:21</p> <p>attorney 9:12</p> <p>August 5:20 6:11,19 7:1</p> <p>available 5:18,19 6:12</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p>beginning 2:12</p> <p>behalf 3:8</p> <p>Beverage 1:2,11,12</p> <p>Board 1:2,12</p> <p>Board's 2:10</p>	<p>boundaries 4:22</p> <p>BRADLEY 9:3,19</p> <p>BROOKS 1:16</p> <p>Building 1:13</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p>CALVIN 1:17</p> <p>CAROL 1:19</p> <p>Case 1:8 2:4</p> <p>certificate 4:2 5:11 9:1 10:1</p> <p>certify 9:4 10:3</p> <p>Chairperson 1:13,15</p> <p>citizens 3:6,8,18,21 5:5</p> <p>code 2:11</p> <p>Columbia 1:1 4:1 9:21</p> <p>coming 7:17</p> <p>Commissioner 3:1</p> <p>COMMITTEE 1:19</p> <p>complete 10:8</p> <p>concluded 7:18 8:7</p> <p>conducting 2:10</p> <p>contact 7:14</p> <p>Control 1:2,11,12</p> <p>copy 4:9 5:10 8:1</p> <p>corporation 4:2</p> <p>correct 4:18 5:3 10:8</p> <p>counsel 9:9,12</p> <p>couple 4:14</p>	<p>court 3:10 10:4,6</p> <p>CR 1:7 2:7</p> <hr/> <p style="text-align: center;"><u>D</u></p> <p>D.C 1:13</p> <p>date 5:14,16,19 6:11 7:3,7 10:16</p> <p>dates 5:18</p> <p>DC 2:11</p> <p>designated 4:7</p> <p>determination 3:17</p> <p>direction 9:7</p> <p>district 1:1 3:3 4:1 9:21</p> <p>DONALD 1:16</p> <p>Dupont 3:18 5:5</p> <hr/> <p style="text-align: center;"><u>E</u></p> <p>Elwyn 3:7</p> <p>E-L-W-Y-N 3:12</p> <p>employed 9:9,12</p> <p>employee 9:11</p> <p>Estrada 3:1,2,5 6:14,16 7:11,19</p> <p>E-S-T-R-A-D-A 3:2</p> <p>Exactly 2:21</p> <p>expected 2:18</p> <hr/> <p style="text-align: center;"><u>F</u></p> <p>Ferris 3:7,9,12,15,19,2 2 4:4,5,9,12,15,18, 21 5:3,7 6:13,15,20,21 7:13,15,20,22</p>
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<p>quiet 2:8</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Ramon 3:2</p> <p>R-A-M-O-N 3:2</p> <p>reason 2:16</p> <p>record 2:16 3:16 4:15 5:21 9:8</p> <p>recorded 9:6</p> <p>recordings 10:7</p> <p>reduced 9:6</p> <p>Reeves 1:13</p> <p>reflect 5:21</p> <p>related 9:9</p> <p>relative 9:11</p> <p>reported 10:4</p> <p>reporter 3:10 10:4</p> <p>Reporter's 10:6</p> <p>represent 3:3</p> <p>representative 4:7</p> <p>represented 2:20</p> <p>residents 4:20,21 5:1</p> <p>Retailer 1:7 2:7</p> <p>roll 1:6 2:10 7:17</p> <p>Room 1:12</p> <p>Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>September 5:17 7:13</p> <p>Shaw 3:17 5:4</p> <p>Shaw/Dupont 3:6,8</p> <p>sheet 7:14</p>	<p>signed 4:6</p> <p>SILVERSTEIN 1:17</p> <p>spell 3:10</p> <p>stamped 8:1</p> <p>standing 3:15,17 5:5</p> <p>status 5:15,17 7:11,12</p> <p>Stephen 2:13</p> <p>Street 1:6,13 2:6</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6</p> <p>Tacodog 1:5 2:5</p> <p>Taqueria 1:6 2:4,5</p> <p>ten-day 5:2</p> <p>testimony 9:5,8</p> <p>thank 2:15,19,21 3:5,9,14 4:3,8,12 5:4,7 6:4,10 7:6,16,17,19,20, 21 8:4</p> <p>that's 6:11,15 7:7</p> <p>thereafter 9:6</p> <p>Thursday 5:19 6:11</p> <p>trading 2:5</p> <p>transcript 9:5 10:5,7</p> <p>transcription 9:7 10:1,8</p> <p>Transcriptionist 10:17</p> <p>true 9:7 10:8</p> <p>typed 10:5</p>	<p>typewriting 9:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 3:19 7:10 8:5</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Verne 1:18 2:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 8:2</p> <p>Washington 1:13</p> <p>WHEREUPON 8:6</p> <p>whom 9:3</p> <p>who's 6:2</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>you'll 6:18</p>
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