

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :

7 Jenkins Capital BBQ LLC: Case # 17-PRO-00018

8 t/a Jenkins Capital BBQ :

9 3365 14th Street NW :

10 License #ABRA-105010 :

11 Retailer Class CR :

12 ANC 1A02 :

13 Application for a New License :

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Monday, April 24, 2017

17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

21

1 BOARD MEMBERS PRESENT

2 LAVERNE FLETCHER, BOARD'S AGENT

3

4 ALSO PRESENT:

5 BRYAN SHORT

6 VICKEY WRIGHT-SMITH

7 SHARON FARMER

8 MARTIN BALDESSARI

9 MARK ANDERSON

10

11

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

2 [TIME: 10:10 A.M.] ROLL CALL HEARING

3 MEDIATOR FLETCHER: Would the parties in
4 the matter of Jenkins Capital Barbecue please
5 come forward? This is case #17-PRO-00018,
6 Jenkins Capital BBQ LLC, 3365 14th Street
7 northwest, license #ABRA-8105010. This is a
8 Retailer Class CR, New Application. The protest
9 issues are adverse impact on peace, order and
10 quiet, residential parking, and vehicular and
11 pedestrian safety. My name is Laverne Fletcher
12 and I'm conducting the roll call hearing as the
13 board's agent. Introductions beginning with the
14 applicant, please.

15 MR. SHORT: Good morning, I'm Bryan Short on
16 behalf of the applicant, Jenkins Capital
17 Barbecue, LLC.

18 MEDIATOR FLETCHER: Mr. Short?

19 MR. SHORT: Yes, ma'am?

20 MEDIATOR FLETCHER: Are you putting your
21 contact information on the --

22 MR. SHORT: Yes, I am.

1 MEDIATOR FLETCHER: Okay, thank you very
2 much. And present on behalf of the protestants?

3 MS. WRIGHT-SMITH: Good morning, Vickey
4 Wright-Smith, ANC commissioner for 1A02, and I
5 think we have some other parties in the audience.

6 MEDIATOR FLETCHER: Ms. Wright, would you
7 spell your name for the record, please?

8 MS. WRIGHT-SMITH: Yes. Vickey, V-I-C-K-E-Y,
9 Wright, W-R-I-G-H-T, hyphen, Smith, -S-M-I-T-H.

10 MEDIATOR FLETCHER: And, Ms. Smith, you're
11 here on behalf of the group of -- you're here as
12 a part of the group of individuals? Did you say
13 something about the ANC?

14 MS. WRIGHT-SMITH: Yes, I'm also the ANC
15 commissioner that lives right next door to the
16 applicant.

17 MEDIATOR FLETCHER: Oh, but in the case of
18 today you're here as part of the group? I'm just
19 trying to make sure, thank you. Hi, and your
20 name?

21 MS. FARMER: I'm Sharon, S-H-A-R-O-N, Farmer,
22 F-A-R-M-E-R, and I'm an ANC commissioner for 1A07.

1 MEDIATOR FLETCHER: Ms. Farmer, you're here
2 today as an individual, not on behalf of the ANC-
3 - am I right about that?

4 MS. FARMER: Right.

5 MEDIATOR FLETCHER: Okay, just wanted to make
6 sure.

7 MS. FARMER: I'm taking the place of the
8 commissioner for that area who is not here,
9 Christine Miller.

10 MEDIATOR FLETCHER: The ANC did not file a
11 protest in this matter.

12 MS. WRIGHT-SMITH: Right, we missed our
13 opportunity.

14 MEDIATOR FLETCHER: That's okay, I just have
15 to keep the record straight. This is not an ANC
16 protest. You're commissioners but you're part of
17 the group that filed the protest, that's all.
18 Thank you.

19 MS. FARMER: Thank you.

20 MEDIATOR FLETCHER: And, Ms. Wright, you
21 mentioned there's someone else here from your
22 group?

1 MS. FARMER: Yes.

2 MEDIATOR FLETCHER: Okay, thank you. Hi.

3 MR. BALDESSARI: Hi, my name is Martin
4 Baldessari.

5 MEDIATOR FLETCHER: I'm sorry, what's the
6 first name again?

7 MR. BALDESSARI: Martin.

8 MEDIATOR FLETCHER: Would you spell it?

9 MR. BALDESSARI: MARTIN.

10 MEDIATOR FLETCHER: And what's the last name,
11 Martin?

12 MR. BALDESSARI: Baldessari. That's spelled
13 B as in Boy, A-L-D-E-S-S-A-R-I.

14 MEDIATOR FLETCHER: All right, thank you.
15 Anyone else from your group today?

16 MS. WRIGHT-SMITH: She said Sharon, but this
17 Sharon.

18 MEDIATOR FLETCHER: Okay. You can just be
19 seated. Who's the designated representative for
20 this group? Let's see here.

21 MR. BALDESSARI: I think Sharon, Christine
22 told me it's you.

1 MS. FARMER: Yeah, I know stuff.

2 MEDIATOR FLETCHER: I'm looking at your --
3 did you designate a representative already? did
4 you designate a representative already for your
5 group?

6 MS. WRIGHT-SMITH: Not to my knowledge.

7 As far as I know, Christine did.

8 MEDIATOR FLETCHER: Okay, you can have a
9 seat. We're just going to take a couple of more
10 minutes. We'll be done in a minute.

11 MR. BALDESSARI: Ma'am, Mark is also one of
12 the people.

13 MEDIATOR FLETCHER: Oh, hi. Mark, can you
14 come to the table and state your name in that
15 microphone on the table?

16 MR. ANDERSON: These? Sure. Yeah, I'm Mark
17 Anderson. I'm representing myself and my wife,
18 "Juline Osdegger". We're residents at 1405
19 Monroe Street Northwest.

20 MEDIATOR FLETCHER: Mr. Anderson, do you have
21 a letter from your wife designating you --

22 MR. ANDERSON: I do.

1 MEDIATOR FLETCHER: I'll take that. And, Mr.
2 Anderson, I'm assuming you signed the protest
3 letter.

4 MR. ANDERSON: Yep.

5 MEDIATOR FLETCHER: Okay, thank you very
6 much.

7 MR. ANDERSON: I'm sorry to be late.

8 MEDIATOR FLETCHER: No problem. You came
9 just in time. According to your protest letter,
10 Ms. Farmer, you are a designated representative
11 for the group. And, Ms. Farmer, because you're
12 present the entire group will be granted
13 standing, but you're actually granted conditional
14 standing -- I should say, because you're present
15 the entire group is represented today, but today
16 there are four individuals present from your
17 group, rather than five, which means that you're
18 granted conditional standing because we need to
19 see at least five people. And what that means is
20 at the upcoming status hearing, one more person
21 from your group will need to appear in order for
22 the board to grant full standing to your group or

1 the board may dismiss the protest.

2 MS. FARMER: I'm sorry, what was the last
3 thing you said?

4 MEDIATOR FLETCHER: If one additional person
5 does not appear from your group at the status
6 hearing the board may dismiss the protest, so
7 just make sure at the status hearing you bring
8 one additional person from your group to sign the
9 protest letter -- one additional person other
10 than who's here today.

11 MS. WRIGHT-SMITH: So, the letter is not
12 sufficient?

13 MEDIATOR FLETCHER: The letter is sufficient
14 but the board has to see five faces in order to
15 grant full standing to a protest group. So,
16 there are four individuals from your group
17 present today so we need to see one more face.
18 So, you'll be granted conditional standing today
19 and we'll carry on, but at the status hearing
20 bring one additional person who's not here today.
21 Ms. Farmer, you're the designated representative
22 and there are a couple of others in this case but

1 if you come along with that one other person,
2 that'll be fine.

3 MS. WRIGHT-SMITH: Oh, okay, so it's just
4 requiring one additional person. So, we don't
5 all need to show up?

6 MEDIATOR FLETCHER: No. It's just one more
7 person.

8 MS. WRIGHT-SMITH: When is the status
9 hearing?

10 MEDIATOR FLETCHER: I'll give you the dates
11 in a moment.

12 MS. WRIGHT-SMITH: Okay. In the event that
13 we come up with a resolution before then?

14 MEDIATOR FLETCHER: Then the hearing, the
15 status hearing, if it happens before the status
16 hearing then the status hearing will be
17 cancelled.

18 MS. WRIGHT-SMITH: Okay.

19 MEDIATOR FLETCHER: If you reach an agreement
20 before the protest hearing, then the protest
21 hearing will be cancelled. We'll set a date for
22 the mediation in just a minute. So, I'm counting

1 40 people that signed your protest letter, so
2 that means that conditional standing is granted
3 to that group. And also, just so you know, only
4 the designated representative needs to appear for
5 future proceedings, so you're going to have a
6 status hearing where one more person needs to
7 come, but after that there's going to be the
8 mediation where only the designated
9 representative needs to come, so everybody
10 doesn't need to come, just whoever is designated
11 to represent your group. Conditional standing is
12 granted to the group of 42. I'm going to say
13 possibly 42 just in case I didn't count
14 correctly, but it's around 42 people. Ms.
15 Farmer, did you sign that sign-in sheet? On that
16 sheet you'll need to put your name, daytime
17 telephone number and e-mail address.
18 Communication beyond today will be by e-mail.
19 Wait for just a second here. I think we're going
20 to have to make a change to what I just said.
21 Well, actually, no. Mr. Anderson, you're here on
22 behalf of your wife, okay, so that's still just

1 four people present.

2 We need to set a date for a status hearing, a
3 protest hearing and a mediation. Let me give you
4 the date for the status and protest hearing
5 first. The date for the status hearing is May
6 24, 2017, at 9:30. That's May 24th at 9:30. The
7 date of the protest hearing is June 21, 2017, at
8 1:30.

9 MR. SHORT: Ms. Fletcher, June 21 is what
10 day?

11 MEDIATOR FLETCHER: That's going to be on a
12 Wednesday.

13 MR. SHORT: No, no I mean what was that for,
14 that date?

15 MEDIATOR FLETCHER: The protest hearing.

16 MR. SHORT: The protest hearing?

17 MEDIATOR FLETCHER: Yes.

18 MR. SHORT: Okay, thank you.

19 MEDIATOR FLETCHER: That's the protest
20 hearing on June 21st.

21 MS. WRIGHT-SMITH: At 9:30?

22 MEDIATOR FLETCHER: At 1:30. So, the protest

1 hearing is June 21st at 1:30. It's the status
2 hearing that's at 9:30 on May 24th.

3 And we need to set a date for mediation to
4 occur prior to the status hearing. I'll give you
5 the next available date. The next available day
6 is Thursday, March 4th for mediation. Thursday,
7 March 4 --

8 MS. WRIGHT-SMITH: You mean May 4?

9 MEDIATOR FLETCHER: I'm sorry, May 4. Yes,
10 Thursday, May 4, at 9:00, 10:00 or 11:00.

11 MR. SHORT: 11:00 is best for me.

12 MEDIATOR FLETCHER: Okay. Ms. Farmer, does
13 that work for you?

14 MS. FARMER: 11:00 is fine with me.

15 MEDIATOR FLETCHER: Okay, the mediation is
16 set for May 4 at 11:00. Any questions at all so
17 far? Okay, you'll receive notification by e-mail
18 to confirm all the dates that you got today. If
19 you have any questions beyond that point, I'm
20 LaVerne Fletcher and my telephone number will be
21 on that e-mail and when you come in for
22 mediation, just check in out front and then I'll

1 come out. Okay. Well, the mediation is -- I
2 mean, not the mediation -- the roll call is
3 completed.

4 MS. WRIGHT-SMITH: Thank you.

5 MR. SHORT: Thank you.

6 MR. BALDESSARI: Thank you.

7 MEDIATOR FLETCHER: You're welcome.

8
9 (Whereupon, the above-entitled matter was
10 concluded.)

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