

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:	:
	:
Seaton Motor Company, LLC	:
t/a Red Hen	:
1822 1st Street, NW	: Protest
Retailer CR	: Hearing
License No. 90832	: (Status)
Case No. 13-PRO-00086	:
ANC 5E	:
Renewal Application	:
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AUGUST 7, 2013

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
 MIKE SILVERSTEIN, Member

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

9:44 a.m.

CHAIRPERSON MILLER: Next case on the calendar is Case No. PRO-00086, Red Hen, located at 1822 1st Street, N.W., License No. 90832 in ANC 5E.

Good morning.

MR. FONSECA: Good morning, Members of the Board. Michael Fonseca on behalf of the Licensee.

MS. HOLLIDAY: I'm Bertha Holliday on behalf of Neighbors of the Unit Block of T Street, N.W.

CHAIRPERSON MILLER: Okay.

MR. FONSECA: Sebastian Zutan is not here. I haven't been able to reach him, however, he did appear at the roll call and we did have mediation, unsuccessful.

CHAIRPERSON MILLER: You did have mediation and what?

MR. FONSECA: It was unsuccessful.

1 CHAIRPERSON MILLER: Unsuccessful?

2 Okay.

3 MR. FONSECA: We did have it. And
4 he was at the mediation and he was at the
5 original roll call.

6 CHAIRPERSON MILLER: Okay. Are
7 there any matters you need to bring to the
8 Board's attention? Otherwise, I'm just going
9 to set this for the protest hearing.

10 MS. HOLLIDAY: Okay. Well, there
11 were some documents that was agreed upon at
12 the mediation hearing would be provided prior
13 to this hearing, and those documents have not
14 been received.

15 CHAIRPERSON MILLER: Okay.
16 Provided prior to this hearing? Okay.

17 Are you working that out, Mr.
18 Fonseca?

19 MR. FONSECA: Yes, and I will as
20 soon as I'm able to talk with my client and
21 provide those documents. There are some
22 things that weren't going to go to an

1 agreement, but that hopefully satisfied some
2 concerns that she had.

3 CHAIRPERSON MILLER: Okay. Are
4 there are specific --

5 MR. FONSECA: They weren't in our
6 file.

7 CHAIRPERSON MILLER: Okay. So,
8 but there are documents you've agreed to
9 provide that you will provide?

10 MR. FONSECA: We will provide.

11 CHAIRPERSON MILLER: By when?

12 MR. FONSECA: Friday.

13 CHAIRPERSON MILLER: Okay. All
14 right then. If there's nothing else, then I
15 just want to let you know that the protest
16 hearing is scheduled for September 18, 2013 at
17 5:00 p.m.

18 And you should have received a
19 mailing from Tesha Anderson explaining the
20 protest process and a copy of the Protest
21 Information Form. And I want to emphasize
22 that this Protest Information Form is required

1 to be completed and served on ABRA and the
2 opposing parties in this matter no later than
3 seven days before the date of the hearing.
4 And this is an important form for the Board in
5 narrowing the protest issues and facilitating
6 the process and keeping the parties on point.
7 And if it is not submitted within that time
8 frame, your application or protest, whichever
9 side you're on, is subject to dismissal, and
10 we don't want that to happen. And that has
11 happened, so I just want to urge you to follow
12 that direction and get your PIF in within the
13 required time.

14 Do you have a question? Yes?

15 MS. HOLLIDAY: Madam Chair, could
16 you again repeat the date and time?

17 CHAIRPERSON MILLER: Of the
18 protest?

19 MS. HOLLIDAY: Yes.

20 CHAIRPERSON MILLER: Yes. Protest
21 is scheduled for September 18, 2013 at 5:00
22 p.m. And I also want to give you Ms.

1 Anderson's phone number. It's (202) 442-6942.

2 She's the adjudication assistant.

3 Okay. Anything else?

4 (No audible response.)

5 CHAIRPERSON MILLER: All right.

6 Well, thank you very much.

7 MS. HOLLIDAY: Thank you.

8 (Whereupon, the hearing was

9 concluded at 9:48 a.m.)

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<p style="text-align: center;">A</p> <p>able 2:16 3:20 ABRA 5:1 adjudication 6:2 agreed 3:11 4:8 agreement 4:1 ALBERTI 1:20 Alcoholic 1:2,13,14 ANC 1:10 2:6 Anderson 4:19 Anderson's 6:1 appear 2:17 application 1:10 5:8 assistant 6:2 attention 3:8 audible 6:4 AUGUST 1:12 a.m 2:2 6:9</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:10,12 Bertha 2:11 Beverage 1:2,13,14 Block 2:12 Board 1:2,14 2:9 5:4 Board's 3:8 bring 3:7 BROOKS 1:21 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 2:17 3:5 case 1:9 2:3,4 Chair 5:15 Chairperson 1:15 1:19 2:3,14,19 3:1 3:6,15 4:3,7,11,13 5:17,20 6:5 client 3:20 COLUMBIA 1:1 Company 1:6 completed 5:1 concerns 4:2 concluded 6:9</p>	<p>Control 1:2,13,14 copy 4:20 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 5:3,16 days 5:3 direction 5:12 dismissal 5:9 DISTRICT 1:1 documents 3:11,13 3:21 4:8 DONALD 1:21 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>emphasize 4:21 explaining 4:19</p> <hr/> <p style="text-align: center;">F</p> <p>facilitating 5:5 file 4:6 follow 5:11 Fonseca 2:8,9,15 2:21 3:3,18,19 4:5 4:10,12 form 4:21,22 5:4 frame 5:8 Friday 4:12</p> <hr/> <p style="text-align: center;">G</p> <p>give 5:22 go 3:22 going 3:8,22 Good 2:7,8</p> <hr/> <p style="text-align: center;">H</p> <p>happen 5:10 happened 5:11 hearing 1:8,14 3:9 3:12,13,16 4:16 5:3 6:8 Hen 1:7 2:4 Holliday 2:11,11 3:10 5:15,19 6:7 hopefully 4:1</p> <hr/> <p style="text-align: center;">I</p>	<p>important 5:4 Information 4:21 4:22 issues 5:5</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 5:6 know 4:15</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:9 2:5 Licensee 2:10 LLC 1:6 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 5:15 mailing 4:19 matter 1:5 5:2 matters 3:7 mediation 2:18,20 3:4,12 MEETING 1:3 Member 1:20,21 1:22 Members 2:9 met 1:14 Michael 2:9 MIKE 1:22 Miller 1:15,19 2:3 2:14,19 3:1,6,15 4:3,7,11,13 5:17 5:20 6:5 morning 2:7,8 Motor 1:6</p> <hr/> <p style="text-align: center;">N</p> <p>narrowing 5:5 need 3:7 Neighbors 2:12 NICK 1:20 number 6:1 NW 1:8 N.W 1:15 2:5,13</p> <hr/> <p style="text-align: center;">O</p> <p>Okay 2:14 3:2,6,10 3:15,16 4:3,7,13</p>	<p>6:3 opposing 5:2 original 3:5</p> <hr/> <p style="text-align: center;">P</p> <p>parties 5:2,6 phone 6:1 PIF 5:12 point 5:6 PRESENT 1:18 presiding 1:15 prior 3:12,16 process 4:20 5:6 protest 1:8 3:9 4:15 4:20,20,22 5:5,8 5:18,20 provide 3:21 4:9,9 4:10 provided 3:12,16 PRO-00086 2:4 P-R-O-C-E-E-D-... 2:1 p.m 4:17 5:22</p> <hr/> <p style="text-align: center;">Q</p> <p>question 5:14</p> <hr/> <p style="text-align: center;">R</p> <p>reach 2:16 received 3:14 4:18 Red 1:7 2:4 Reeves 1:14 Renewal 1:10 repeat 5:16 required 4:22 5:13 response 6:4 Retailer 1:8 right 4:14 6:5 roll 2:17 3:5 Room 1:14 Ruthanne 1:15,19</p> <hr/> <p style="text-align: center;">S</p> <p>satisfied 4:1 scheduled 4:16 5:21 Seaton 1:6 Sebastian 2:15</p>	<p>September 4:16 5:21 served 5:1 set 3:9 seven 5:3 side 5:9 SILVERSTEIN 1:22 soon 3:20 specific 4:4 Status 1:9 Street 1:8,15 2:5,13 subject 5:9 submitted 5:7</p> <hr/> <p style="text-align: center;">T</p> <p>T 2:12 talk 3:20 Tesha 4:19 thank 6:6,7 things 3:22 time 5:7,13,16 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p> <p>Unit 2:12 unsuccessful 2:18 2:21 3:1 urge 5:11</p> <hr/> <p style="text-align: center;">W</p> <p>want 4:15,21 5:10 5:11,22 Washington 1:15 weren't 3:22 4:5 whichever 5:8 working 3:17</p> <hr/> <p style="text-align: center;">Z</p> <p>Zutan 2:15</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,11</p> <hr/> <p style="text-align: center;">1</p> <p>1st 1:8 2:5 13-PRO-00086 1:9 14th 1:14</p>
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