

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 A & A Restaurant Group, Inc. :
8 Case #16-PRO-00039 :
9 t/a Russia House :
10 1800 Connecticut Ave., NW Case No. 16-PRO-00039
11 License #ABRA-080952 :
12 Retailer Class CR :
13 License No. 080952 :

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Monday, June 6, 2016

17 Whereupon, the above-referenced matter
18 came on at 10:07 a.m. for hearing at the
19 Alcoholic Beverage Control Board, Reeves Center,
20 2000 14th Street, N.W., Suite 400S, Washington,
21 D.C. 20009.

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

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4 OTHER PERSONS PRESENT:

5 JOUMANA ASSO, Designated Representative

6 JOHN DILLON, Designated Representative

7 BLAIR RABER

8 HIROSHI TSUBODA

9 JOHN SWINGLE

10 KRISNA SWINGLE

11 GRACIE GUNTHER

12 SHELDON GORLAND

13 AARON MCGOVERN, Representing Russia House

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

2 CHAIRPERSON FLETCHER: This is Case
3 Number 16-PRO-00039, A and A Restaurant Group,
4 Inc., trading as Russia House, 1800 Connecticut
5 Avenue, Northwest; License Number ABRA 080952.
6 This is a Retailer Class CR license renewal.

7 The protest issues are adverse impact on
8 peace, order, and quiet, and real property
9 values.

10 My name is Laverne Fletcher. I'm
11 conducting the roll call hearing as the Board's
12 Agent pursuant to D.C. Official Code 1601.2.

13 Introductions, please, beginning with the
14 applicant. Your name, ma'am?

15 MS. ASSO: My name is Joumana Asso, and I
16 have nine resident neighbors as witnesses coming
17 with me.

18 CHAIRPERSON FLETCHER: Okay. You are the
19 protestants on this side? You're the
20 protestants?

21 MS. ASSO: Yes.

22 CHAIRPERSON FLETCHER: Can you state your

1 name one more time and spell it for the record?

2 MS. ASSO: Sorry? If I may?

3 CHAIRPERSON FLETCHER: Could you state
4 your name one more time?

5 MS. ASSO: Yes. My first name is
6 Joumana. It's J-O-U-M-A-N-A.

7 CHAIRPERSON FLETCHER: J-O-U?

8 MS. ASSO: M-A --

9 CHAIRPERSON FLETCHER: Uh-huh.

10 MS. ASSO: -- N-A.

11 CHAIRPERSON FLETCHER: Uh-huh.

12 MS. ASSO: And the last name is A-S-S-O.

13 CHAIRPERSON FLETCHER: Oh.

14 MS. ASSO: That's all.

15 CHAIRPERSON FLETCHER: Yeah. Thank you.
16 Your name, sir?

17 MR. DILLON: John Dillon, D-I-L-L-O-N.

18 CHAIRPERSON FLETCHER: And there are
19 some other individuals from your group present
20 today?

21 MS. ASSO: Yes.

22 CHAIRPERSON FLETCHER: So if you would

1 line up behind Ms. -- is it Asso?

2 MS. ASSO: Yes.

3 CHAIRPERSON FLECTHER: If you will line
4 up behind Ms. Asso and just state your name into
5 the microphone on the table there and spell it
6 for the record? There's a microphone right in
7 the center of the table.

8 MS. RABER: My name is Blair Raber, B-L-
9 A-I-R, R-A-B-E-R.

10 MR. TSUBODA: Hiroshi Tsuboda, H-I-R-O-S-
11 H-I -- that's my first name. Last name is
12 Tsuboda, T-S-U-B-O-D-A.

13 MR. SWINGLE: John Swingle, J-O-H-N,
14 first; last name Swingle, S-W-I-N-G-L-E.

15 MS. SWINGLE: Krisna Swingle, K-R-I-S-N-
16 A, S-W-I-N-G-L-E.

17 CHAIRPERSON FLETCHER: Excuse me.
18 K-R-I-S?

19 MS. SWINGLE: N-A.

20 CHAIRPERSON FLETCHER: Uh-huh.

21 MS. SWINGLE: Krisna, first name, and
22 then Swingle, S-W-I-N-G-L-E. Okay.

1 CHAIRPERSON FLETCHER: Thank you.

2 MS. GUNTHER: Gracie Gunther, G-R-A-C-I-
3 E, Gunther, G-U-N-T-H-E-R.

4 CHAIRPERSON FLETCHER: Thank you.

5 MR. GARLAND: Hi, I'm Sheldon Gorland, S-
6 H-E-L-D-O-N, G-O-R-L-A-N-D.

7 CHAIRPERSON FLETCHER: Thank you. I'm
8 verifying that you signed the protest letter.
9 Give me a moment. Thank you.

10 (The Chairperson perused the
11 aforementioned document.)

12 CHAIRPERSON FLETCHER: Everyone signed
13 the protest letter. Thank you.

14 I counted a group of 14 for your protest
15 group, and standing is granted to the group of
16 14. Because at least five of you are present
17 today, that means that at the upcoming status
18 hearing only the designated representative will
19 need to appear.

20 Ms. Asso, are you the designated
21 representative for the group? You or Mr. Dillon?

22 MS. ASSO: Yes, indeed.

1 CHAIRPERSON FLETCHER: Does everyone
2 agree that Ms. Asso and Mr. Dillon are the
3 designated representatives?

4 GROUP: Yes, yes.

5 CHAIRPERSON FLETCHER: Thank you.

6 So would you please put your contact
7 information on that sign-in sheet? There's a
8 sign-in sheet on that table.

9 So, Ms. Asso, you and Mr. Dillon need to
10 put your contact information on that sheet.

11 MS. ASSO: We did. Both of us.

12 CHAIRPERSON FLETCHER: You did already?
13 Okay. Thank you.

14 Present on behalf of Russia House?

15 MR. MCGOVERN: My name is Aaron McGovern.
16 I'm the owner operator of the Russia House as
17 well as the building owner.

18 CHAIRPERSON FLETCHER: Thank you. And
19 can you state your name one more time --

20 MR. MCGOVERN: Yes.

21 CHAIRPERSON FLETCHER: -- and spell it
22 for the record?

1 MR. MCGOVERN: Aaron, A-a-r-o-n; C middle
2 initial; McGovern, M-C-G as in George, O-V as in
3 Victor, E-R-N.

4 CHAIRPERSON FLETCHER: M-C?

5 MR. MCGOVERN: G-O-V-E-R-N.

6 CHAIRPERSON FLETCHER: McGovern. Mr.
7 McGovern, did you put your contact information on
8 that sheet already?

9 MR. MCGOVERN: Yes, ma'am, I already did.

10 CHAIRPERSON FLETCHER: Thank you very
11 much.

12 There is one group of protestants in this
13 matter, a group of 14, and represented by Joumana
14 Asso and John Dillon.

15 We need to set a date for a mediation, a
16 status hearing and a protest hearing. I'll give
17 you the date for the status and protest hearing
18 first. The date of the status hearing is July 20
19 -- July 20 at 9:30 a.m. is when the status
20 hearing will be held.

21 The date of the protest hearing is June
22 -- I'm sorry, September. September 7, 2016.

1 MR. MCGOVERN: Was that 7 or 2nd?

2 CHAIRPERSON FLETCHER: Seven, September
3 7, 2016, at 1:30 p.m.

4 We need to set a date for mediation.
5 I'll give you the next available day. The next
6 available day for mediation is -- is Tuesday,
7 July 5 at 9, 10, or 11 in the morning. That's
8 Tuesday July the -- the -- wait a minute. Wait a
9 minute. We have a holiday July 4. We may be off
10 on -- this calendar that I'm looking at doesn't
11 tell me when our holiday is that the government
12 is closed. So let me not do the 5th because we
13 may be closed on the 4th in which case there
14 would be hearings on the 5th.

15 So how about Thursday, July 7 at 9, 10,
16 or 11? Any preference?

17 MS. ASSO: At 9:00 o'clock, ma'am?

18 CHAIRPERSON FLETCHER: Okay. Would that
19 work for you, Mr. McGovern -- 9:00 o'clock?

20 MR. MCGOVERN: That looks fine.

21 CHAIRPERSON FLETCHER: Okay. So I'm
22 going to set mediation for 9:00 o'clock on

1 Thursday, July 7.

2 And if you need to call me, my card is on
3 the table. Any questions at all?

4 MR. DILLON: Ma'am, if either of us are
5 traveling for any reason during one of these
6 scheduled dates, are we able to be represented by
7 another member of the party?

8 CHAIRPERSON FLETCHER: Yes, just do it in
9 writing -- just, yes, and make the next person in
10 writing. You can send that designation in ahead
11 of time or give it to them to present to the
12 Board when they appear.

13 MR. DILLON: Does it need to be
14 notarized, or can it just be signed?

15 CHAIRPERSON FLETCHER: No, just signed.
16 Just signed by one of you.

17 MR. DILLON: Thank you.

18 CHAIRPERSON FLETCHER: Thank you.

19 MS. ASSO: Ma'am, I have another question
20 as well. You've set up three dates, July 7th,
21 July 20th, and September 7th. So, July 7th is
22 the mediation?

1 CHAIRPERSON FLETCHER: Yes.

2 MS. ASSO: And if we don't reach an
3 agreement, we go to July 20th?

4 CHAIRPERSON FLETCHER: Yes.

5 MS. ASSO: Could you elaborate on this,
6 please?

7 CHAIRPERSON FLETCHER: Oh, yeah, yeah.
8 The -- the -- at the status hearing on -- at the
9 status hearing on July 20 you would be reporting
10 to the Board the results of the mediation. You
11 would only appear for that status hearing if the
12 matter is not settled in mediation.

13 MS. ASSO: Okay.

14 CHAIRPERSON FLETCHER: If the matter is
15 settled in mediation and you submit a settlement
16 agreement to the Board before the status hearing,
17 the Board cancels it -- cancels the status
18 hearing. And if the Board approves the
19 settlement agreement, then they cancel the
20 protest hearing as well. Does that help?

21 MS. ASSO: Yes. So, if we don't reach an
22 agreement, then we have to go to the July 20th

1 meeting. And what is the September 7th then?

2 CHAIRPERSON FLETCHER: The -- if you
3 don't -- if the matter is not settled in
4 mediation, then you appear for the July 20 status
5 hearing. And it's at that hearing that the
6 designated representative can appear. Everyone
7 doesn't need to come back for the status hearing
8 because more than five of you were present today.

9 At the status hearing just you or Mr.
10 Dillon, or anyone else that you designate just
11 needs to come to the Board. The hearing takes
12 about three or four minutes. They just want to
13 know the status and the -- then you would be
14 reporting the outcome of the mediation.

15 You could tell them the matter wasn't
16 settled in mediation, or if you are making good
17 progress. You can tell them it's not settled
18 yet, but we expect to settle it; but basically,
19 you're reporting the status of the mediation at
20 the status hearing.

21 MS. ASSO: Okay.

22 CHAIRPERSON FLETCHER: If the matter is

1 not settled at all, then you appear for the
2 protest hearing in September when you present
3 your witnesses' testimony. It's a court hearing.

4 MS. ASSO: Fantastic. We hope to reach
5 an agreement at mediation.

6 CHAIRPERSON FLETCHER: Yes.

7 MS. ASSO: Thank you very much for the
8 explanation.

9 CHAIRPERSON FLETCHER: Okay. You're
10 welcome. Then I'll see you on July 7th.

11 MS. ASSO: Thank you. Thank you very
12 much.

13 CHAIRPERSON FLETCHER: Okay. Thank you.
14 The roll call hearing is concluded. Thank you.

15 (Whereupon, at 11:41 a.m. the above-
16 entitled matter was concluded.)

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