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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: :
Restaurant Enterprises, Inc.: Case # 16-CMP-00211
t/a Smith Point :
1338 Wisconsin Ave NW :
License #60131 :
Retailer CT :
ANC 2E :
Entertainment W/out Endorsement:

- - - - -X

Wednesday, October 26, 2016

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

1

2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 JAKE PERRY, BOARD MEMBER

7

8 ALSO PRESENT:

9 LOUISE PHILLIPS

10 STEPHEN WHELAN

11

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

2 SHOW CAUSE HEARING (STATUS)

3 CHAIRPERSON ANDERSON: We're back on the
4 record. Our next case is case #16-CMP-00211,
5 Smith Point, license #60131, Will the parties
6 please approach and identify themselves for the
7 record, please?

8 MS. PHILLIPS: Louise Phillips for the
9 District of Columbia.

10 MR. WHELAN: Stephen Whelan of Veritas Law on
11 behalf of the licensee, Smith Point.

12 CHAIRPERSON ANDERSON: Good morning again,
13 Mr. Whelan. Are there any preliminary matters in
14 this case?

15 MS. PHILLIPS: Yes, your honor, there are.
16 When I came in today I was informed that a
17 witness is not only out today but will be out for
18 an indefinite period of time, maybe up to three
19 weeks, and has been out. But fortunately, my
20 usual practice, of course, is to prepare before
21 so I know these things but this has been
22 rescheduled -- the Smith Point hearing -- has

1 been rescheduled at the request of the
2 establishment, I think, most of the time -- they
3 did it once by the board -- so many times and
4 we've prepared so many times that it was
5 essential that I meet with her in advance like I
6 usually do, so I was unaware until I walked in
7 this morning that she was out on a family medical
8 emergency of the direst nature.

9 CHAIRPERSON ANDERSON: Yes.

10 MS. PHILLIPS: But, moving forward continuing
11 this hearing and the one that's scheduled for
12 next week, #16-CMP-00322, and we've discussed it
13 but I think there's

14 MR. WHELAN: Right, the licensee is amenable
15 to the continuance with the caveat that they
16 would be appreciative if they were rescheduled on
17 the same date because the licensee comes in out
18 of town and he's here today and was planning on
19 going forward. We certainly understand the
20 nature of the circumstances here today, but that
21 would be our request for the two hearings.

22 CHAIRPERSON ANDERSON: You say the licensee

1 was here today?

2 MR. WHELAN: I was told -- I made a phone
3 call to my office and was told that Andrew Kline
4 from my office reached out to the client and said
5 that he had driven in this morning. I have not
6 seen him here today but that was what was related
7 to me.

8 CHAIRPERSON ANDERSON: All right. Ms.
9 Phillips, do you have a position on whether or
10 not these two matters should be held on the same
11 day?

12 MS. PHILLIPS: The client and I have tried to
13 schedule these on the same day for a number of
14 times when they were rescheduled. They have been
15 scheduled on behalf of the licensee because in
16 the summertime for sure, one of his
17 establishments out of state requires his presence
18 and so that's why they were continued, one
19 recollection of why they were continued and I
20 guess in the spring, after all it's winter today.

21 CHAIRPERSON ANDERSON: But if the board was
22 to grant this you would be okay with that?

1 MS. PHILLIPS: Absolutely.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. SHORT: Mr. Chairman, what was that
4 second number?

5 CHAIRPERSON ANDERSON: CMP-00322. Is it 15
6 or 16?

7 MS. PHILLIPS: Both of them are 16.

8 CHAIRPERSON ANDERSON: 16, okay.

9 MS. PHILLIPS: 322 -- 16-00322.

10 CHAIRPERSON ANDERSON: Okay. With that said,
11 I make a motion that the continuance of case #16-
12 CMP-00211, Smith Point, and case #16-CMP-00322,
13 license #60131 be continued on the same date to a
14 date to be determined. Is there a second?

15 MR. ALBERTI: Second.

16 CHAIRPERSON ANDERSON: Mr. Alberti seconded
17 the motion. Any questions by any board members?

18 MR. ALBERTI: I would just --

19 CHAIRPERSON ANDERSON: Yes, Mr. Alberti?

20 MR. ALBERTI: -- just remind the parties that
21 if you think that there's going to be some OIC
22 about it, it would be helpful to all of us to let

1 us know as soon as possible because our schedule
2 is just cracked.

3 MS. PHILLIPS: We have a tendency to notify -

4 MR. ALBERTI: I know you do, I'm just
5 reminding.

6 MS. PHILLIPS: -- as soon as we know. And
7 then sometimes we notify you when we come here
8 and what have you.

9 MR. ALBERTI: It falls apart. I gotcha.

10 MS. PHILLIPS: At least [inaudible

11 MR. ALBERTI: I know, thank you.

12 CHAIRPERSON ANDERSON: Any other discussions?
13 Hearing none, all those in favor, say aye.

14 (Chorus of ayes.) All those opposed? (No
15 audible response.) The matter passed 5-zero-
16 zero. Thank you very much and we'll provide the
17 date to you. The board then will be in recess
18 until our 1:30 hearing. Thank you.

19

20 (Whereupon, the above-entitled matter was
21 concluded.)

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