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DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
$+\boldsymbol{+}+\boldsymbol{+}$
ROLL CALL HEARING
$+\boldsymbol{+}+\boldsymbol{+}$
p-------------------------->
IN THE MATTER OF:
1825 18th Hospitality t/a :
Bar Charley's
1825 18th Street, N.W. :
License \#ABRA-092461
Retailer CR - License
Renewal
Case \#13-PRO-00137
p---------------------------
MONDAY, DECEMBER 09, 2013
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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. La Verne

Fletcher, Agent, presiding.

| 1 | P-R-O-C-E-E-D-I-N-G-S 2 |
| :---: | :---: |
| 2 | (11:12 a.m.) |
| 3 | MS. FLETCHER: Would the parties |
| 4 | in the matter of Bar Charley's -- the parties |
| 5 | in the matter of Bar Charley's, please come |
| 6 | forward. |
| 7 | This is Case No. 13-PRO-00137, |
| 8 | 1825 18th Hospitality trading as Bar |
| 9 | Charley's, 1825 18th Street, N.W., License No. |
| 10 | ABRA-092461. |
| 11 | This is a Retailer CR Substantial |
| 12 | Change, request to change hours of operation |
| 13 | and sales. |
| 14 | The protest issues are adverse |
| 15 | impact on peace, order and quiet. |
| 16 | My name is La Verne Fletcher. I |
| 17 | am conducting the Roll Call Hearing as the |
| 18 | Board's agent, pursuant to D.C. Official Code |
| 19 | 1601.2 |
| 20 | Introductions beginning with the |
| 21 | Applicant. |
| 22 | MR. KLINE: Good morning. Andrew |


|  | Page 3 |
| :---: | :---: |
| 1 | Kline on behalf of the Applicant. |
| 2 | MS. FLETCHER: Thank you, Mr. |
| 3 | Kline. |
| 4 | MS. Greenbaum: Jackie Greenbaum-- |
| 5 | MR. KLINE: Principal. |
| 6 | MS. Greenbaum: -- principal. |
| 7 | MS. FLETCHER: Ms. Greenbaum, |
| 8 | would you spell your last name, please. |
| 9 | MS. Greenbaum: Sure. G-r-e-e-n- |
| 10 | b-a-u-m. |
| 11 | MS. FLETCHER: Thank you. |
| 12 | MR. BANKS: And Gordon Banks, |
| 13 | principal. |
| 14 | MS. FLETCHER: B-a-n-k-s? |
| 15 | MR. BANKS: Yes. |
| 16 | MS. FLETCHER: Thank you very |
| 17 | much. |
| 18 | On behalf of ANC2B. ANC2B? |
| 19 | MS. NICHOLS: Oh. I am sorry. |
| 20 | Abigail Nichols, A-b-i-g-a-i-l. Nichols, N-i- |
| 21 | c-h-o-l-s. |
| 22 | MS. FLETCHER: Thank you, Ms. |

Nichols. And, on behalf of the Dupont Circle Citizens Association.

MS. DIENER: Is Robin, R-o-b-i-n, Diener, D-i-e-n-e-r.

MS. FLETCHER: And, Ms. Diener, you put your name on the contact from an earlier case, yes?

MS. DIENER: Actually, I didn't.
MS. FLETCHER: Okay. Would you -thank you.

And the individuals present from the individual group -- I counted 88, but let's see who is here today. Give me one second.
(Off-mic comments.)
MS. FLETCHER: Your name?
MS. PAYNE: My name is Nell Payne, N-e-l-1. P-a-y-n-e, representing a group that is, at this point, over a hundred signatures.

MS. FLETCHER: Okay. Thank you. Thank you, Ms. Payne.

And whoever is next just needs to


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| 1 | Page 6 <br> MS. FLETCHER: Let's see. Excuse |
| :---: | :---: |
| 2 | me one second, Mr. Michaud. Would you state |
| 3 | your last name and spell it one more time. |
| 4 | MR. MICHAUD: Michaud, M-i-c-h-a- |
| 5 | u-d. |
| 6 | MS. FLETCHER: Thank you. Oh, and |
| 7 | just so you know, you can't move the |
| 8 | microphone because it makes a lot of noise. |
| 9 | MS. PAYNE: Sorry. I moved it. |
| 10 | MS. HALLORAN: Liz Halloran, L-i- |
| 11 | z, H-a-l-l-o-r-a-n. |
| 12 | MS. FLETCHER: I am sorry. I |
| 13 | completely missed that. Just one more time. |
| 14 | MS. HALLORAN: Liz -- |
| 15 | MS. FLETCHER: Yes. |
| 16 | MS. HALLORAN: Halloran, H-a-l-1- |
| 17 | o-r-a-n. |
| 18 | MS. FLETCHER: Thank you. |
| 19 | MS. LINDT: Gillian Lindt, G-i-l- |
| 20 | l-i-a-n, last name L-i-n-d-t. |
| 21 | MS. FLETCHER: Thank you. |
| 22 | MS. MINDEL: Caroline Mindel, C-a- |

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| 1 | r-o-l-i-n-e, M-i-n-d-e-1. ${ }^{\text {Page }} 7$ |
| :---: | :---: |
| 2 | MS. FLETCHER: Thank you. |
| 3 | MR. CANNON: James Cannon, C-a-n- |
| 4 | n-o-n. |
| 5 | MS. FLETCHER: Thank you. |
| 6 | MR. TURNER: Turner, T-u-r-n-e-r. |
| 7 | First name Larry, L-a-r-r-y. |
| 8 | MS. FLETCHER: Larry, what is your |
| 9 | last name again? |
| 10 | MR. TURNER: Turner, T-u-r-n-e-r. |
| 11 | MS. FLETCHER: Oh. Turner. Thank |
| 12 | you. |
| 13 | MS. FITZSIMMONS: Allison |
| 14 | Fitzsimmons, A-1-1-i-s-o-n. F-i-t-z-s-i-m-m- |
| 15 | o-n-s. |
| 16 | MR. FITZSIMMONS: Jason |
| 17 | Fitzsimmons, J-a-s-o-n. F-i-t-z-s-i-m-m-o-n- |
| 18 | S. |
| 19 | MS. CARSON: Hi. Anne Carson, A- |
| 20 | n-n-e, C-a-r-s-o-n. |
| 21 | MS. FLETCHER: Thank you. |
| 22 | MR. STOLTZFUS: Nathan Stoltzfus, |

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N-a-t-h-a-n, S-t-o-l-t-z-f-u-s.
MS. FLETCHER: Thank you.
(Off-mic comments.)
MS. FLETCHER: Is that everyone, Ms. Payne?

MS. PAYNE: I believe that is it.
MS. FLETCHER: Okay. There are three groups of protestants in this matter, ANC2B, the Dupont Circle Citizens Association.

And, Ms. Payne, you -- according to your count you said there was -- oh, are you with this group?

PARTICIPANT: No, I already --
MS. FLETCHER: Oh. You already --

PARTICIPANT: Yes.

MS. FLETCHER: Ms. Payne, according to your count there are a hundred signatures?

MS. PAYNE: According to my count on the document that we submitted to you, we have 98.

MS. FLETCHER: Okay.


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MS. FLETCHER: Thank you. I will recount, but your group has standing. You were designated as the representative during -- in the protest petition.

MS. PAYNE: Yes, ma'am.

MS. FLETCHER: And because there are more than five from your group present today, your group is granted standing. So, beyond this point, only you need to appear. For the mediation -- for the status hearing, actually.

MS. PAYNE: Okay.
MS. FLETCHER: So, we need to set a date for mediation.

Mr. Kline, did you say you weren't available on the 20th of February? Are you available on the $20 t h ?$

MR. KLINE: I am, but we would like to look for a date in January, if we can.

MS. FLETCHER: Let's see if there is anything else available in January.

MS. PAYNE: We can't do January.

I am sorry.
MS. FLETCHER: Okay.
MR. KLINE: The whole month?
MS. PAYNE: Various people who are involved are out at various times, yes.

MS. FLETCHER: The first available date in February.

MR. KLINE: Ms. Fletcher, I would ask that you remind the protestants that they need only have a representative present and it is not necessary that all of the protestants be here so that we are not working with 39 different schedules, or whatever the number might be.

MS. FLETCHER: That is -- that is true.

You may know that already, Ms. Payne. Only the designated representative needs to be present, but you had more people from your group that you -- who did you -- did you have a number in mind?

MS. PAYNE: There, I think, about
half a dozen of us who are key to the outcome that we would like to see. Yes.

MS. FLETCHER: And so do you know there -- if we set a date for February 3rd, do you know if they will be available?

Let me say this. You know, it is difficult -- it can be difficult to schedule seven people from a group.

MS. PAYNE: I don't mean to suggest that they all want to be at the meeting.

MS. FLETCHER: Yes.
MS. PAYNE: But I would like them all to be in town so $I$ have the benefit of being able to consult with them.

The latter half of February should work for us.

MR. KLINE: Ms. Fletcher, we want to move this matter forward. It seems that the Protestants have an interest in seeing it delayed, and I don't know why we need to wait five weeks for mediation.

I understand we have the holidays. (Off-mic comments.)

MS. FLETCHER: You are -- excuse me. Excuse me. If you are going to speak for the record, you have got to speak into the microphone, unless you are just going to speak to one of your colleagues privately, in which case you can just whisper.

MS. PAYNE: Ms. Fletcher, you are already considering dates in February for other groups, and I don't see why that wouldn't work for our -- our issue.

MS. FLETCHER: You were going to say something, sir? Oh. Okay.

The -- we are going to move to the first week in February, which is -- well, the first day available of that week is Monday, February 3rd at one o'clock in the afternoon.

MR. KLINE: We are available.
MS. FLETCHER: Is that good for you, Ms. Payne, Ms. Nichols?

MS. NICHOLS: I will unlikely be
representing the ANC at mediation so 1 will -but I will get this date. I am noting it, and we will get -- if it doesn't work, we will let you know right away.

MS. FLETCHER: Okay. Is Ms. Diener still here?

MS. PAYNE: Robin?
MS. FLETCHER: You are protesting in this matter? Yes?

MS. DIENER: That is fine with us.
MS. FLETCHER: Is that fine with you?

MS. DIENER: Yes. Thank you.
MS. FLETCHER: Okay. Just a second. So, mediation is set for Monday, February 3rd at one o'clock, in the matter of Bar Charley's.

MS. PAYNE: My -- Ms. Fletcher, my only concern is that we have here with us a neighbor who is right across the street from this -- from this establishment and she is one of the people most directly affected by this,
and it makes me very nervous to try and have a mediation session without her, at least, in town.

MS. FLETCHER: Well, yes. I don't -- she is not here today. I don't know --

MS. PAYNE: Yes, she is.
MS. FLETCHER: Oh, you are here.
MS. MINDEL: I am going to be in South America until the 10th.

MS. FLETCHER: So, there is no way to communicate by email --

MS. MINDEL: In the Galapagos. I don't know.

MS. FLETCHER: I don't know. I don't know where you --

COURT REPORTER: Could you state your name one more time.

MS. MINDEL: Caroline Mindel.
MS. FLETCHER: Could you make your statement into the microphone.

MS. MINDEL: Caroline Mindel, and I am the closest to Bar Charley's.

MS. FLETCHER: Yes. Let me ask you this, Ms. Mendel --

MR. KLINE: Ms. Fletcher, we will do it in December. I don't know when Ms. Mindel is leaving, but we are happy to do it in December.

MS. PAYNE: We are already talking about February.

MS. FLETCHER: But, let me -- we would like to do it as soon as possible. If -- let me just say this --

MS. MINDEL: You did say February 14th to somebody.

MS. FLETCHER: But what I -- I try to accommodate everyone. If everyone is available in December, I will try to squeeze something in in December.

MS. PAYNE: We would prefer February.

MS. FLETCHER: Okay. So, Ms. Mindel, you are -- are you attending the mediation?

MS. MINDEL: I would like to.
MS. FLETCHER: So, do you intend to?

MS. MINDEL: I intend to if $I$ am going to be in the country or in the --

MS. FLETCHER: Okay. Let me ask you this. Ms. Payne, is there -- is there any way for you to represent Ms. Mindel's interest without her being in the country?

MS. PAYNE: It is at a
disadvantage to her.
MS. FLETCHER: Yes. Okay. And so -- and you are returning on the 10 th?

MS. MINDEL: Yes.
MS. FLETCHER: Are you available on the 11th?

Mr. Kline, can you do it on the 11th, February 11th at one?

MR. KLINE: We can. I mean, I would note that that is a delay of two months, and it would seem to me that we ought to able to do a mediation more quickly than two months
from now.
MS. FLETCHER: I think we are -- I don't have the status hearing calendar right now, but $I$ believe the status hearings are being set in February, as well, but beginning the last week of February. So, we will still be having it before the status hearing.

MR. KLINE: As long as this will not prejudice our status hearing date, then it is fine.

MS. FLETCHER: Well, then, if it is going to be on the 11th, on Tuesday, it can be at nine, ten, eleven or one.

MS. MINDEL: That would be the 11th or 12th?

MS. PAYNE: That would be the 11th.

MS. FLETCHER: Is that good for you, Mr. Kline?

MS. PAYNE: Ten a.m.
MR. KLINE: Ten is fine. That is fine.

MS. FLETCHER: Ten o'clock.
Ms. Diener?
MS. DIENER: Yes. I am sorry. What was the date? February 11th?

MS. PAYNE: Yes, ma'am.
MS. DIENER: Fine. Thank you.
MS. FLETCHER: Okay. That is Ms. Diener speaking from Dupont Circle Citizens Association.

So, Ms. Diener, you are also available at ten o'clock on February 11th?

MS. DIENER: Yes, ma'am.
MS. FLETCHER: Thank you. So, the mediation is set then, for Tuesday, February 11 at ten.

Thank you for coming.
MR. KLINE: Thank you.
MS. FLETCHER: The Roll Call
Hearing is concluded.
(Whereupon, the Roll Call Hearing was concluded at 11:27 a.m.)

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