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DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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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.

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

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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.

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1	Nichols. And, on behalf of the Dupont Circle
2	Citizens Association.
3	MS. DIENER: Is Robin, R-o-b-i-n,
4	Diener, D-i-e-n-e-r.
5	MS. FLETCHER: And, Ms. Diener,
6	you put your name on the contact from an
7	earlier case, yes?
8	MS. DIENER: Actually, I didn't.
9	MS. FLETCHER: Okay. Would you
10	thank you.
11	And the individuals present from
12	the individual group I counted 88, but
13	let's see who is here today. Give me one
14	second.
15	(Off-mic comments.)
	(GII MIG GGMMGIIGET)
16	MS. FLETCHER: Your name?
17	MS. PAYNE: My name is Nell Payne,
18	N-e-l-l. P-a-y-n-e, representing a group that
19	is, at this point, over a hundred signatures.
20	MS. FLETCHER: Okay. Thank you.
21	Thank you, Ms. Payne.
22	And whoever is next just needs to

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1	speak into the microphone
2	MS. MANNING: Oh. Nora Manning.
3	MS. FLETCHER: There is a
4	microphone on the table.
5	MS. MANNING: Nora Manning.
6	MS. FLETCHER: And would you spell
7	that, Ms. Manning.
8	MS. MANNING: N-o-r-a, M-a-n-n-i-
9	n-g.
10	MS. FLETCHER: Thank you.
11	MS. HOWE: Doria Howe. First name
12	D-o-r-i-a. My last name is H-o-w-e.
13	MS. FLETCHER: H-O-W
14	MS. HOWE: -e.
15	MS. FLETCHER: Okay. Thank you.
16	MS. PAYNE: If it is helpful, I
17	have all these names printed out.
18	MS. FLETCHER: Yes, we need it
19	we need it for the record.
20	MS. PAYNE: Okay.
21	MR. MICHAUD: I will go ahead.
22	Fred Michaud, M-i-c-h-a-u-d.

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1	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-l-
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-l.
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-l-l-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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1	N-a-t-h-a-n, S-t-o-l-t-z-f-u-s.
2	MS. FLETCHER: Thank you.
3	(Off-mic comments.)
4	MS. FLETCHER: Is that everyone,
5	Ms. Payne?
6	MS. PAYNE: I believe that is it.
7	MS. FLETCHER: Okay. There are
8	three groups of protestants in this matter,
9	ANC2B, the Dupont Circle Citizens Association.
10	And, Ms. Payne, you according
11	to your count you said there was oh, are
12	you with this group?
13	PARTICIPANT: No, I already
14	MS. FLETCHER: Oh. You already
15	PARTICIPANT: Yes.
16	MS. FLETCHER: Ms. Payne,
17	according to your count there are a hundred
18	signatures?
19	MS. PAYNE: According to my count
20	on the document that we submitted to you, we
21	have 98.
22	MS. FLETCHER: Okay.

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1	MS. PAYNE: When it came to you.
2	MS. FLETCHER: Okay.
3	MS. PAYNE: We have, since then,
4	collected several more.
5	MS. FLETCHER: The ones that you
6	collected after the petition deadline, we
7	can't count.
8	MS. PAYNE: Okay.
9	MS. FLETCHER: But we will count
10	all the ones that were on the petition that
11	you originally submitted.
12	MS. PAYNE: Great.
13	MS. FLETCHER: But you say it is
14	98?
15	MS. PAYNE: Yes, ma'am.
16	MS. FLETCHER: We will take your
17	word for that.
18	MS. PAYNE: Thank you.
19	MS. FLETCHER: We could have
20	missed some.
21	MS. PAYNE: These are landowners
22	and taxpayers.

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1	MS. FLETCHER: Thank you. I will
2	recount, but your group has standing. You
3	were designated as the representative during -
4	- in the protest petition.
5	MS. PAYNE: Yes, ma'am.
6	MS. FLETCHER: And because there
7	are more than five from your group present
8	today, your group is granted standing. So,
9	beyond this point, only you need to appear.
10	For the mediation for the status hearing,
11	actually.
12	MS. PAYNE: Okay.
13	MS. FLETCHER: So, we need to set
14	a date for mediation.
15	Mr. Kline, did you say you weren't
16	available on the 20th of February? Are you
17	available on the 20th?
18	MR. KLINE: I am, but we would
19	like to look for a date in January, if we can.
20	MS. FLETCHER: Let's see if there
21	is anything else available in January.
22	MS. PAYNE: We can't do January.

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1	I understand we have the holidays.
2	(Off-mic comments.)
3	MS. FLETCHER: You are excuse
4	me. Excuse me. If you are going to speak for
5	the record, you have got to speak into the
6	microphone, unless you are just going to speak
7	to one of your colleagues privately, in which
8	case you can just whisper.
9	MS. PAYNE: Ms. Fletcher, you are
10	already considering dates in February for
11	other groups, and I don't see why that
12	wouldn't work for our our issue.
13	MS. FLETCHER: You were going to
14	say something, sir? Oh. Okay.
15	The we are going to move to the
16	first week in February, which is well, the
17	first day available of that week is Monday,
18	February 3rd at one o'clock in the afternoon.
19	MR. KLINE: We are available.
20	MS. FLETCHER: Is that good for
21	you, Ms. Payne, Ms. Nichols?
22	MS. NICHOLS: I will unlikely be

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1	representing the ANC at mediation so I will
2	but I will get this date. I am noting it, and
3	we will get if it doesn't work, we will let
4	you know right away.
5	MS. FLETCHER: Okay. Is Ms.
6	Diener still here?
7	MS. PAYNE: Robin?
8	MS. FLETCHER: You are protesting
9	in this matter? Yes?
10	MS. DIENER: That is fine with us.
11	MS. FLETCHER: Is that fine with
12	you?
13	MS. DIENER: Yes. Thank you.
14	MS. FLETCHER: Okay. Just a
15	second. So, mediation is set for Monday,
	-
16	February 3rd at one o'clock, in the matter of
17	Bar Charley's.
18	MS. PAYNE: My Ms. Fletcher, my
19	only concern is that we have here with us a
20	neighbor who is right across the street from
21	this from this establishment and she is one
22	of the people most directly affected by this,

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1	and it makes me very nervous to try and have
2	a mediation session without her, at least, in
3	town.
4	MS. FLETCHER: Well, yes. I don't
5	she is not here today. I don't know
6	MS. PAYNE: Yes, she is.
7	MS. FLETCHER: Oh, you are here.
8	MS. MINDEL: I am going to be in
9	South America until the 10th.
10	MS. FLETCHER: So, there is no way
11	to communicate by email
12	MS. MINDEL: In the Galapagos. I
13	don't know.
14	MS. FLETCHER: I don't know. I
15	don't know where you
	<del>-</del>
16	COURT REPORTER: Could you state
17	your name one more time.
18	MS. MINDEL: Caroline Mindel.
19	MS. FLETCHER: Could you make your
20	statement into the microphone.
21	MS. MINDEL: Caroline Mindel, and
22	I am the closest to Bar Charley's.

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1	MS. FLETCHER: Yes. Let me ask
2	you this, Ms. Mendel
3	MR. KLINE: Ms. Fletcher, we will
4	do it in December. I don't know when Ms.
5	Mindel is leaving, but we are happy to do it
6	in December.
7	MS. PAYNE: We are already talking
8	about February.
9	MS. FLETCHER: But, let me we
10	would like to do it as soon as possible. If
11	let me just say this
12	MS. MINDEL: You did say February
13	14th to somebody.
14	MS. FLETCHER: But what I I try
15	to accommodate everyone. If everyone is
16	available in December, I will try to squeeze
17	something in in December.
18	MS. PAYNE: We would prefer
19	February.
20	MS. FLETCHER: Okay. So, Ms.
21	Mindel, you are are you attending the
22	mediation?
2 2	modiación.

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1	MS. MINDEL: I would like to.
2	MS. FLETCHER: So, do you intend
3	to?
4	MS. MINDEL: I intend to if I am
5	going to be in the country or in the
6	MS. FLETCHER: Okay. Let me ask
7	you this. Ms. Payne, is there is there any
8	way for you to represent Ms. Mindel's interest
9	without her being in the country?
10	MS. PAYNE: It is at a
11	disadvantage to her.
12	MS. FLETCHER: Yes. Okay. And so
13	and you are returning on the 10th?
14	MS. MINDEL: Yes.
15	MS. FLETCHER: Are you available
16	on the 11th?
17	Mr. Kline, can you do it on the
18	11th, February 11th at one?
19	MR. KLINE: We can. I mean, I
20	would note that that is a delay of two months,
21	and it would seem to me that we ought to able
22	to do a mediation more quickly than two months

Page 18 1 from now. I think we are -- I 2 MS. FLETCHER: don't have the status hearing calendar right 3 4 now, but I believe the status hearings are 5 being set in February, as well, but beginning the last week of February. So, we will still 6 7 be having it before the status hearing. 8 MR. KLINE: As long as this will 9 not prejudice our status hearing date, then it is fine. 10 11 MS. FLETCHER: Well, then, if it 12 is going to be on the 11th, on Tuesday, it can 13 be at nine, ten, eleven or one. 14 MS. MINDEL: That would be the 11th or 12th? 15 16 MS. PAYNE: That would be the 17 11th. 18 Is that good for MS. FLETCHER: 19 you, Mr. Kline? 20 MS. PAYNE: Ten a.m. 21 MR. KLINE: Ten is fine. That is 22 fine.

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1	MS. FLETCHER: Ten o'clock.
2	Ms. Diener?
3	MS. DIENER: Yes. I am sorry.
4	What was the date? February 11th?
5	MS. PAYNE: Yes, ma'am.
6	MS. DIENER: Fine. Thank you.
7	MS. FLETCHER: Okay. That is Ms.
8	Diener speaking from Dupont Circle Citizens
9	Association.
10	So, Ms. Diener, you are also
11	available at ten o'clock on February 11th?
12	MS. DIENER: Yes, ma'am.
13	MS. FLETCHER: Thank you. So, the
14	mediation is set then, for Tuesday, February
15	11 at ten.
16	Thank you for coming.
17	MR. KLINE: Thank you.
18	MS. FLETCHER: The Roll Call
19	Hearing is concluded.
20	(Whereupon, the Roll Call Hearing
21	was concluded at 11:27 a.m.)
22	

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