

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 ROLL CALL HEARING

IN THE MATTER OF:                     :  
   :  
 Biergarten Haus, Inc.,               :  
 t/a Biergarten Haus                   :  
 1355 H Street NE                     : Roll Call  
 Retailer CT                            : Hearing  
 License No. ABRA-083695             :  
 Case #19-PRO-00125                 :  
   :  
 (License Renewal)                     :

Monday  
 December 2, 2019

The Alcoholic Beverage Control Board  
 met in the Alcoholic Beverage Control Hearing  
 Room, Reeves Building, 2000 14th Street, N.W.,  
 Suite 400S, Washington, D.C. 20009, LaVerne  
 Fletcher, Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

PLEURAT HUNDOZI, Protestant

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

2 10:41 a.m.

3 MS. FLETCHER: Would the parties in  
4 the matter of Biergarten Haus, please come  
5 forward, the parties in Biergarten Haus?

6 This is Case Number 19-PRO-00125,  
7 Biergarten Haus Inc., 1355 H Street, NE, License  
8 Number ABRA-083695, Retailer Class CT License  
9 Renewal.

10 The protest issues are adverse impact  
11 on peace, order and quiet. My name is LaVerne  
12 Fletcher conducting the roll call hearing as the  
13 Board's agent.

14 Introductions beginning with the  
15 Applicant. Is the Applicant present in the  
16 matter of Biergarten Haus? Is there anyone  
17 present on behalf of ANC 6A?

18 MR. HUNDOZI: No. Mr. Alberti is not  
19 here.

20 MS. FLETCHER: Okay, thank you. And  
21 so, there's also a group of three. You're part  
22 of the group of three?

23 MR. HUNDOZI: Yes.

24 MS. FLETCHER: If you could just state  
25 your name and spell it for the record, please?

1 MR. HUNDOZI: Pleurat Hundozi, P-L-E-  
2 U-R-A-T, surname Hundozi, H-U-N-D-O-Z-I.

3 MS. FLETCHER: Okay. Thank you very  
4 much, Mr. Hundozi. The, you are part of a group  
5 of three.

6 MR. HUNDOZI: Yes, ma'am.

7 MS. FLETCHER: And you filed your  
8 protest. And in your protest you indicated that  
9 you are, that you live back to back, back to back  
10 to the establishment, you're back to back  
11 neighbors.

12 And their patio and summer garden are  
13 directly on the alley that you share.

14 MR. HUNDOZI: Correct.

15 MS. FLETCHER: In order for, a couple  
16 of things. The, so the protest that you filed  
17 has to be dismissed and I'll tell you the reasons  
18 and then you can seek reinstatement of the  
19 protest if you want.

20 I'm just telling you why it would be  
21 dismissed. A group of three can file a protest  
22 if you're located in a moratorium zone. We  
23 require at least a group of five, at least a  
24 group of five individuals would have to file a  
25 protest.

1           A group of three can file a protest in  
2 a moratorium zone. The address for Biergarten  
3 Haus is not in a moratorium zone.

4           The other thing is the only way that  
5 you could file a protest if you're less than a  
6 group of three outside of a moratorium zone is if  
7 your properties actually abut. And so, your  
8 properties are back to back.

9           MR. HUNDOZI: Yes, I thought, there is  
10 nobody in between us. They are our next door  
11 neighbors. Basically, it's just the alley in  
12 between us.

13           MS. FLETCHER: Yes. And so, for the  
14 Board's definition of an abutting property owner  
15 the walls have to touch. They have to be  
16 touching.

17           And so, I actually know where you  
18 live. I looked in the D.C. Geographic  
19 Information System to see where properties are  
20 located.

21           So, I see -- I understand what you  
22 wrote in your protest letter and what you wrote  
23 is the case. But the properties are not  
24 abutting.

25           And maybe you didn't know that we had

1 a definition for an abutting property owner. But  
2 unless you're an abutting property owner then  
3 this would have to be a group of five  
4 individuals.

5 So, the only way this could have been  
6 granted standing as protestants is if there had  
7 been five of you instead of three.

8 MR. HUNDOZI: We are exact next door  
9 neighbors. Our three properties are back to  
10 back.

11 MS. FLETCHER: Yes, they don't abut.  
12 So, there's no provision in our regulations for  
13 properties that are back to back. It would have  
14 to be a group of five.

15 It would have to be a group of five  
16 and not three. If you were a group of five --

17 MR. HUNDOZI: We have the problem that  
18 we did not see the placard in time. I understand  
19 that you don't have the placard on time. But we  
20 just don't walk on the street that much and we  
21 only saw it a couple of days ago.

22 MS. FLETCHER: Well, you were timely.  
23 You filed your protest timely. You filed it on  
24 time.

25 MR. HUNDOZI: But had we had more time

1 we have talked to more neighbors and got more  
2 people.

3 MS. FLETCHER: I understand.

4 MR. HUNDOZI: Because we do share the  
5 problem. It's just that it had to be done  
6 quickly. I was not here and we had to --

7 MS. FLETCHER: Yes.

8 MR. HUNDOZI: -- and so the ANC  
9 meeting was on a Thursday.

10 MS. FLETCHER: Yes.

11 MR. HUNDOZI: But neighbors saw the  
12 placard on a Wednesday.

13 MS. FLETCHER: Yes.

14 MR. HUNDOZI: So, we quickly had to  
15 scramble. I was not there and my next door  
16 neighbor works actually in Maryland but is often  
17 not home. So, it really was last minute.

18 And I think I said in my email I think  
19 at 11:00 at night or something.

20 MS. FLETCHER: Yes.

21 MR. HUNDOZI: So --

22 MS. FLETCHER: And so, I understand  
23 what you mean. There wasn't enough time to even  
24 necessarily look all the particulars.

25 MR. HUNDOZI: It's not ABRA's fault

1 or, we didn't see the placard. We did not know  
2 what was going on.

3 MS. FLETCHER: Well, you filed it on  
4 time though.

5 MR. HUNDOZI: I know, thank you. And  
6 I tried to explain the, what happened was I have  
7 a subcommittee. We met on a Tuesday and the  
8 email notification came a day after we met.

9 MS. FLETCHER: Yes.

10 MR. HUNDOZI: And that's a fact. I'm  
11 not trying to --

12 MS. FLETCHER: No, I believe you. I  
13 understand.

14 MR. HUNDOZI: So, everything happened  
15 I guess in weird and maybe not perfectly. And  
16 I'm sorry that Alberti is not here, that our ANC  
17 commissioner or somebody should have been here.

18 MS. FLETCHER: Yes.

19 MR. HUNDOZI: I was actually in touch  
20 with Mr. Nick Alberti who I think you know. He's  
21 on the Board.

22 MS. FLETCHER: Yes, yes.

23 MR. HUNDOZI: He was supposed to be  
24 here.

25 MS. FLETCHER: Yes.

1 MR. HUNDOZI: I guess he got stopped.  
2 He couldn't make it today.

3 MS. FLETCHER: Yes. I'm not, I know  
4 that ANC 6A also filed a protest and Mr. Alberti  
5 is --

6 MR. HUNDOZI: I mean, all we want is  
7 two things. One, because there is a settlement  
8 agreement with Biergarten for some reason that  
9 agreement has never been submitted to --

10 MS. FLETCHER: So, there's a  
11 settlement agreement between?

12 MR. HUNDOZI: Biergarten and ANC 6A.

13 MS. FLETCHER: So, there is a  
14 settlement agreement between ANC 6A and  
15 Biergarten?

16 MR. HUNDOZI: There is. And you can  
17 find that on ANC's website.

18 MS. FLETCHER: Well, if they  
19 submitted, I don't know if they submitted it to  
20 us. Is it related to this placard?

21 MR. HUNDOZI: This is way before.

22 MS. FLETCHER: Way before, okay.

23 MR. HUNDOZI: I know because I have to  
24 call them before.

25 MS. FLETCHER: Yes, yes.



1 MR. HUNDOZI: Just Biergarten they are  
2 not terrible. They are good neighbors.

3 MS. FLETCHER: Yes.

4 MR. HUNDOZI: But they did push the  
5 limits. And I'm okay playing music which they're  
6 not supposed to. But it should stop by 9:00. We  
7 all work, you know, kids. You cannot just play  
8 music until 2:00 a.m. and they do that from time  
9 to time.

10 MS. FLETCHER: Well, so I don't know  
11 what the terms of the settlement agreement are  
12 between Biergarten and the ANC. But whatever  
13 those, if that's the only settlement agreement  
14 that we have then that's the settlement agreement  
15 that's a condition of the license. So, I don't  
16 know what the hours are.

17 MR. HUNDOZI: So, ABRA does not have  
18 a copy of that settlement agreement?

19 MS. FLETCHER: ABRA will have a copy  
20 of the settlement agreement if it was submitted  
21 to ABRA for approval by the ABC Board.

22 MR. HUNDOZI: So, I guess it was not.

23 MS. FLETCHER: So, I wouldn't know  
24 that today. But if, I don't know. You can check  
25 with the ANC. You can check with ABRA. But if

1 the ANC signed a settlement agreement and  
2 submitted it to ABRA for approval by the Board  
3 then we have it.

4 But that wouldn't, yes, that  
5 settlement agreement wouldn't have any bearing on  
6 this case if it happened some time in the past.  
7 But if they submitted it for approval then we  
8 have it.

9 MR. HUNDOZI: The two more issues.  
10 One, at least from the placard it's not clear if  
11 Biergarten is asking to play, to have outside  
12 entertainment which it seems like it is to me  
13 from the placard.

14 And with that and to work until 4:00  
15 a.m. which nobody on H Street has exception H  
16 Street, NE work until 3:00 a.m.

17 MS. FLETCHER: So, this placard is for  
18 a license renewal. It's to renew the license.  
19 It's not to do anything but to renew the license  
20 they already have.

21 From the placard, I'm looking at the  
22 placard notice. On the placard notice it appears  
23 that they already have an endorsement for  
24 entertainment.

25 MR. HUNDOZI: Not outside, no.

1 MS. FLETCHER: In the summer garden.

2 MR. HUNDOZI: The settlement agreement  
3 does not allow any.

4 MS. FLETCHER: So, we can't determine  
5 what's in the settlement agreement today. It has  
6 no bearing on this matter today. Today we're  
7 only dealing with this license renewal based on  
8 the placard notice that you saw.

9 That's the only thing before us today.  
10 This is not an application to do anything but to  
11 renew.

12 MR. HUNDOZI: So, is it okay to have  
13 next hearing or this is first time for me.

14 MS. FLETCHER: Yes, that's okay.

15 MR. HUNDOZI: I have no experience.

16 MS. FLETCHER: That's okay.

17 MR. HUNDOZI: But I heard that there  
18 is an opportunity to have negotiations and maybe  
19 reach an agreement. Is it okay if we have  
20 another meeting and it would be much better to  
21 have Mr. Alberti involved?

22 MS. FLETCHER: Well, you can't, so  
23 through this proceeding it's not possible at this  
24 stage because they're, standing was not granted  
25 to your group as a protestant. But what you can

1 do, so there are no other proceedings here that  
2 your group can be engaged in at this stage.

3 But your group also always has the  
4 option to go to the Biergarten ownership and talk  
5 and try to come to some understanding or some  
6 sort of agreement. You can do that outside of  
7 our agency.

8 MR. HUNDOZI: What about the ANC's  
9 protest?

10 MS. FLETCHER: The ANC's protest for  
11 this license renewal has been dismissed because  
12 they are not here today. So, I dismissed the  
13 ANC's protest because they're not present today.

14 Do you know whether or not the ANC has  
15 entered into an agreement with the Biergarten in  
16 this matter?

17 MR. HUNDOZI: I'm not sure.

18 MS. FLETCHER: Well, so the ANC was  
19 dismissed today. So, at this point we don't know  
20 if the ANC is in negotiations with the  
21 establishment or not.

22 But for your group, in order for, if  
23 your group had been granted standing today I  
24 would have scheduled a status hearing, a protest  
25 hearing and a mediation during which you and

1 Biergarten Haus would have come here to negotiate  
2 a settlement.

3 But you would have to be granted  
4 standing as a protestant first. Otherwise, you  
5 always have the option of approaching the  
6 ownership to see if they would be interested in  
7 negotiating any sort of agreement with you.

8 MR. HUNDOZI: If they get the license  
9 renewal then they don't need us anymore. I mean,  
10 there's nothing we can do about it.

11 MS. FLETCHER: Well, you don't have  
12 standing as a protestant. So, but if they wanted  
13 to, they may want to hear your concerns. We  
14 don't know.

15 We don't know what happens outside of  
16 ABRA. But if you have some concerns with the way  
17 the establishment is operating you would have the  
18 option to go to the ownership or you have the  
19 option to go to the ANC to talk to the ANC about  
20 it as well.

21 You also have the option to file a  
22 complaint with our Enforcement Division. So,  
23 your group wasn't, couldn't be granted standing  
24 today because you're not a group of five and  
25 you're not abutting property owners.

1                   But if you have complaints about the  
2 way the establishment operates you always have  
3 the option to contact our Enforcement Division to  
4 file a complaint.

5                   MR. HUNDOZI: We do often.  
6 Unfortunately, we do, I mean it's every 10 days  
7 or so for various reasons. A lot of times it's  
8 noise.

9                   Many times it's trash. We have a lot  
10 of rat problems because of the restaurant. I  
11 appreciate this.

12                  MS. FLETCHER: So, you're doing the  
13 right thing then by contacting the Enforcement  
14 Division to let them know if there are any  
15 problems.

16                  MR. HUNDOZI: But nothing happens.  
17 And we really thought this is our chance to get  
18 Biergarten.

19                  MS. FLETCHER: When you complain to  
20 the Enforcement Division are you doing it in  
21 writing? Are you calling? What are you doing?

22                  MR. HUNDOZI: I am calling.

23                  MS. FLETCHER: Send a letter. Write  
24 a letter to the Chief of the Enforcement Division  
25 and let them know what's happening so that the

1 matter can be assigned to an investigator.

2 Yes, if you have not written a letter  
3 to the Chief of Enforcement --

4 MR. HUNDOZI: No, no.

5 MS. FLETCHER: -- write a letter to  
6 the Chief of Enforcement. You could call. But  
7 writing a letter is better.

8 Just write a letter and let them know  
9 what's going on and that would be one additional  
10 thing you can do if you haven't done that yet.  
11 So, when you call, who do you call?

12 MR. HUNDOZI: ABRA number, it depends  
13 on the time. They have the regular hours and  
14 then --

15 MS. FLETCHER: Yes. So, Mr. Hundozi,  
16 I would suggest you just write a letter of  
17 complaint to the Enforcement Division, to the  
18 Chief of the Enforcement Division. That's  
19 something you have not done yet. Maybe you will  
20 get a different result.

21 MR. HUNDOZI: Okay. I'm actually more  
22 frustrated with the ANC for not being here. They  
23 should have been here.

24 MS. FLETCHER: Yes, normally they  
25 would have been. I have not heard from ANC 6A.

1 MR. HUNDOZI: Really, because I was  
2 told that they are in touch with the general  
3 counsel.

4 MS. FLETCHER: Yes. As the Board's  
5 agent, I mean as the person conducting the  
6 hearings I have not heard anything from ANC 6A.  
7 So, they are not here today.

8 So, I don't know the reason they are  
9 not here today.

10 MR. HUNDOZI: Okay. Then there is no  
11 way we can go back and try to get two more  
12 signatures.

13 MS. FLETCHER: No, because the  
14 petition deadline has passed. The deadline to  
15 file a protest has passed already. If you had  
16 happened to get two more before the deadline, I  
17 know you had to rush to get this in.

18 But if two more people had signed it  
19 would be a different story.

20 MR. HUNDOZI: Thank you, ma'am. I'm  
21 sorry taking your time.

22 MS. FLETCHER: You're very welcome.  
23 No, not at all. I have plenty of time. Do you  
24 have any other questions at all? Well, you know,  
25 one thing you can also do, Mr. Hundozi, you may



1 still talk with the ANC.

2 They represent the entire, the  
3 community that you live in. So, maybe they can  
4 still be helpful to you in addressing your  
5 concerns. That's what, they do represent the  
6 entire community.

7 MR. HUNDOZI: They do. Unfortunately,  
8 they kind of failed us the second time. You were  
9 involved with another neighbor, former neighbor  
10 who had to move because of bullying he was  
11 subjected to by establishment, by a shop which  
12 was, yes.

13 And unfortunately, the ANC did not  
14 really stand up for them and that's also the  
15 reason why people are not here, I guess, because  
16 things happened and I guess I have to talk to ANC  
17 because just not acceptable. People, I mean we  
18 are all neighbors.

19 MS. FLETCHER: Yes.

20 MR. HUNDOZI: As residents, we all  
21 share space and have to live together. And  
22 currently that's not the case.

23 MS. FLETCHER: Well, you still have  
24 that option of writing a letter of complaint or  
25 concern to our Enforcement Division. That is one

1 thing that you haven't done yet that might be  
2 helpful. So, you can do that.

3 MR. HUNDOZI: Okay. I mean, if we can  
4 have the settlement agreement submitted to ABRA  
5 at some point or have a new one submitted.

6 MS. FLETCHER: Whether or not the  
7 establishment wants to enter into a settlement  
8 agreement is up to them whether it's with you or  
9 with the ANC. But if you say we already have one  
10 on file or that one has already been submitted  
11 then we do have that one and that would be the  
12 one that we presently enforce.

13 MR. HUNDOZI: ABRA does not have. I  
14 don't know why, but I know for sure it has been  
15 confirmed that ABRA does not have.

16 MS. FLETCHER: We do not have. So,  
17 you thought, you are aware that there is a ANC 6A  
18 agreement but that we don't have it?

19 MR. HUNDOZI: Absolutely. That's  
20 confirmed. So, what are the options to make sure  
21 that the settlement agreement is submitted to  
22 ABRA?

23 And the settlement agreement, I think,  
24 has been signed maybe 2010. So, it's pretty old.

25 MS. FLETCHER: Yes. So, that's going

1 to be ANC 6A business. So, you can contact ANC  
2 6A. So, we can't go out to the community and ask  
3 them where is a settlement agreement.

4 They would have to submit it to us.  
5 So, until it comes to us we don't have the option  
6 of coming to you asking you where is a settlement  
7 agreement.

8 MR. HUNDOZI: Okay, I'll do that.  
9 Ma'am, thank you so much.

10 MS. FLETCHER: Well, you're very  
11 welcome. You have any other questions my card is  
12 on the table.

13 MR. HUNDOZI: Thank you so much.

14 MS. FLETCHER: You take care.

15 MR. HUNDOZI: You too.

16 MS. FLETCHER: All right. Thank you  
17 for coming. The roll call hearing is concluded.  
18 Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:59 a.m.)  
21  
22  
23  
24  
25

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 2:2 9:8 10:15,16 19:20  <b>ABC</b> 9:21  <b>above-entitled</b> 19:19  <b>ABRA</b> 1:17 9:17,19,21 9:25 10:2 13:16 15:12 18:4,13,15,22  <b>ABRA's</b> 6:25  <b>ABRA-083695</b> 1:8 2:8  <b>Absolutely</b> 18:19  <b>abut</b> 4:7 5:11  <b>abutting</b> 4:14,24 5:1,2 13:25  <b>acceptable</b> 17:17  <b>additional</b> 15:9  <b>address</b> 4:2  <b>addressing</b> 17:4  <b>adverse</b> 2:10  <b>agency</b> 12:7  <b>agent</b> 1:15,17 2:13 16:5  <b>ago</b> 5:21  <b>agreement</b> 8:8,9,11,14 9:11,13,14,18,20 10:1 10:5 11:2,5,19 12:6 12:15 13:7 18:4,8,18 18:21,23 19:3,7  <b>Alberti</b> 2:18 7:16,20 8:4 11:21  <b>Alcoholic</b> 1:2,13,13  <b>alley</b> 3:13 4:11  <b>allow</b> 11:3  <b>ANC</b> 2:17 6:8 7:16 8:4 8:12,14 9:12,25 10:1 12:14,18,20 13:19,19 15:22,25 16:6 17:1,13 17:16 18:9,17 19:1,1  <b>ANC's</b> 8:17 12:8,10,13  <b>anymore</b> 13:9  <b>appears</b> 10:22  <b>Applicant</b> 2:15,15  <b>application</b> 11:10  <b>appreciate</b> 14:11  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In the matter of: Biergarten Haus

Before: DCABRA

Date: 12-02-19

Place: Washington, DC

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