

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:
476 K, LLC
t/a Cloakroom
476 K Street NW
Retailer CN - ANC 6E
License No. 87875
Case #18-RO-00058
(Application to Renew License)

Wednesday
September 19, 2018

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, Chairperson
Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

- RODERIC WOODSON, Applicant's Counsel
ANDRE DeMOYA, Applicant

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

2 10:01 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our Protest Hearing (Status) Calendar is Case  
5 No. 18-RO-00058, Cloakroom, License No. 87875.

6 Will the parties, please, approach and  
7 identify themselves for the record, please?

8 MR. WOODSON: Good morning, Chairman  
9 Anderson.

10 CHAIRPERSON ANDERSON: Good morning.

11 CHAIRPERSON ANDERSON: Roderic  
12 Woodson, a partner at Holland & Knight, counsel  
13 for Cloakroom. Greetings to the Board this  
14 morning.

15 CHAIRPERSON ANDERSON: Good morning,  
16 Mr. Woodson.

17 MR. DeMOYA: Good morning. Andre  
18 DeMoya, owner of Cloakroom.

19 CHAIRPERSON ANDERSON: Good morning,  
20 Mr. DeMoya.

21 Is there anyone here from the group to  
22 protest this matter?

1                   This matter was -- it's my  
2 understanding that the group was granted  
3 conditional standing at the Roll Call Hearing and  
4 four members were supposed to have shown up this  
5 morning and no one is here.

6                   This matter was scheduled for a 9:30  
7 hearing. It's now 10:04 and the party is not  
8 here. So therefore, I'm going to make a motion  
9 that the Group of Five or More be dismissed. Is  
10 there a second?

11                   MEMBER SILVERSTEIN: Second.

12                   CHAIRPERSON ANDERSON: Mr. Silverstein  
13 has seconded the motion.

14                   MR. WOODSON: Mr. Chairman, may I  
15 speak before the Board rules?

16                   CHAIRPERSON ANDERSON: Yes. Yes, sir.

17                   MR. WOODSON: All right. We were here  
18 for the Roll Call.

19                   CHAIRPERSON ANDERSON: Yes, sir.

20                   MR. WOODSON: There was one individual  
21 who was present --

22                   CHAIRPERSON ANDERSON: Yes, sir.

1 MR. WOODSON: -- to keep us informed,  
2 at that time, that the Group of Five or More had  
3 to appear in-person in order for the protest to  
4 be granted standing.

5 This is the second time this has  
6 happened. And this is the second time for their  
7 failure to appear even having received written  
8 notice from the Board that their appearance was  
9 required.

10 As the Board considers your Motion to  
11 Dismiss, I ask that that motion be dismiss to be  
12 one with prejudice, because the parties have had  
13 an ample opportunity to appear and there is--  
14 give those three occasions for failure to appear  
15 and affect their protest, I ask that the Board  
16 conclude this matter, that the matter be  
17 dismissed with prejudice. Thank you.

18 CHAIRPERSON ANDERSON: Thank you, Mr.  
19 Woodson. I'm not sure if I can do that from the  
20 -- the Board can do that from the Bench today,  
21 but I know that, as you are aware, that we will  
22 issue a decision within 10 days and they would

1 have to provide us just cause why is it that they  
2 were not here today.

3 And based on the arguments that you  
4 are making today, unless they can rebut that, I  
5 don't see how the Board would rule otherwise.

6 So Mr. Silverstein has -- who had  
7 seconded the motion?

8 MEMBER SILVERSTEIN: I did.

9 CHAIRPERSON ANDERSON: Mr. Silverstein  
10 has seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON ANDERSON: Those opposed?  
14 The matter passes 5-0-0.

15 We have now dismissed the Group of  
16 Five or More. They will be given -- a written  
17 order will be issued. They have 10 days to  
18 appeal that order. And if they do not appeal the  
19 order in 10 days, then your license, sir, will be  
20 renewed with whatever conditions that were --  
21 that is currently on the license. No new  
22 conditions will be imposed. Okay?

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Thank you very much.

MR. WOODSON: Thank you, Chairman.

(Whereupon, the Protest (Status)

Hearing was concluded at 10:05 a.m.)

<b>A</b>	<b>days</b> 4:22 5:17,19 <b>decision</b> 4:22 <b>DeMOYA</b> 1:22 2:17,18 2:20 <b>dismiss</b> 4:11,11 <b>dismissed</b> 3:9 4:17 5:15 <b>DISTRICT</b> 1:1 <b>DONALD</b> 1:19 <b>Donovan</b> 1:15,17	<b>LLC</b> 1:6	<b>right</b> 3:17 <b>Roderic</b> 1:21 2:11 <b>Roll</b> 3:3,18 <b>Room</b> 1:14 <b>rule</b> 5:5 <b>rules</b> 3:15
<b>a.m</b> 2:2 6:4 <b>affect</b> 4:15 <b>ALBERTI</b> 1:18 <b>Alcoholic</b> 1:2,13,14 <b>ample</b> 4:13 <b>ANC</b> 1:7 <b>Anderson</b> 1:15,17 2:3,9 2:10,11,15,19 3:12,16 3:19,22 4:18 5:9,13 <b>Andre</b> 1:22 2:17 <b>appeal</b> 5:18,18 <b>appear</b> 4:3,7,13,14 <b>appearance</b> 4:8 <b>Applicant</b> 1:22 <b>Applicant's</b> 1:21 <b>Application</b> 1:9 <b>approach</b> 2:6 <b>arguments</b> 5:3 <b>aware</b> 4:21 <b>aye</b> 5:11,12	<b>E</b>	<b>M</b>	<b>S</b>
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<b>based</b> 5:3 <b>Bench</b> 4:20 <b>Beverage</b> 1:2,13,14 <b>Board</b> 1:2,13 2:13 3:15 4:8,10,15,20 5:5 <b>BOBBY</b> 1:18 <b>Building</b> 1:14	<b>G</b>	<b>N</b>	<b>T</b>
<b>C</b>	<b>failure</b> 4:7,14 <b>favor</b> 5:11 <b>Five</b> 3:9 4:2 5:16 <b>four</b> 3:4	<b>N.W</b> 1:14 <b>new</b> 5:21 <b>NICK</b> 1:18 <b>notice</b> 4:8 <b>NW</b> 1:7	<b>t/a</b> 1:6 <b>Thank</b> 4:17,18 6:1,2 <b>three</b> 4:14 <b>time</b> 4:2,5,6 <b>today</b> 4:20 5:2,4
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<b>D</b>	<b>give</b> 4:14 <b>given</b> 5:16 <b>going</b> 3:8 <b>Good</b> 2:8,10,15,17,19 <b>granted</b> 3:2 4:4 <b>Greetings</b> 2:13 <b>group</b> 2:21 3:2,9 4:2 5:15	<b>occasions</b> 4:14 <b>Okay</b> 5:22 <b>opportunity</b> 4:13 <b>opposed</b> 5:13 <b>order</b> 4:3 5:17,18,19 <b>owner</b> 2:18	<b>understanding</b> 3:2
<b>D.C</b> 1:15	<b>I</b>	<b>P</b>	<b>V</b>
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	<b>J</b>	<b>Q</b>	<b>W</b> 1:15,17 <b>Washington</b> 1:15 <b>Wednesday</b> 1:11 <b>Woodson</b> 1:21 2:8,12 2:16 3:14,17,20 4:1 4:19 6:2 <b>written</b> 4:7 5:16
	<b>K</b>	<b>R</b>	<b>X</b>
	<b>JR</b> 1:18	<b>rebut</b> 5:4 <b>received</b> 4:7 <b>record</b> 2:7 <b>Reeves</b> 1:14 <b>Renew</b> 1:9 <b>renewed</b> 5:20 <b>required</b> 4:9 <b>Retailer</b> 1:7	<b>Y</b>
	<b>L</b>		<b>Z</b>
	<b>license</b> 1:8,10 2:5 5:19 5:21		<b>0</b>
			<b>1</b>
			<b>10</b> 4:22 5:17,19 <b>10:01</b> 2:2

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 476 K, LLC

Before: Alcoholic Beverage Control Board

Date: 09-19-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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