

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Domestique, LLC : :

t/a Domestique : :

10 Florida Avenue, N.W. : :

License #ABRA-109538 : :

Retailer A - Transfer to : :

a New Location With : :

Substantial Change in : :

Hours of Operation, Sales: :

and Consumption : :

Case #18-PRO-00055 : :

MONDAY, JULY 2, 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. LaVerne Fletcher, Agent, presiding.

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

2 10:09 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Domestique please come forward?
5 The parties in the matter of Domestique.

6 This is Case Number 18-PRO-00055,
7 Domestique, LLC, 10 Florida Avenue N.W., License
8 Number ABRA-109538. This is a Retailer Class A
9 transfer to new location with a substantial
10 change in hours of operation, sales, and
11 consumption.

12 The protest issues are adverse impact
13 on peace, order, and quiet, residential parking
14 and vehicular and pedestrian safety, and real
15 property values.

16 My name is LaVerne Fletcher. I'm
17 conducting the Roll Call Hearing as the Board's
18 agent. Introductions beginning with the
19 Applicant, please.

20 MR. LaFON: Yes. My name is Chris
21 LaFon. I work for the Veritas Law Firm on behalf
22 of the Applicant.

1 AGENT FLETCHER: Thank you. And could
2 you state your name one more time and spell it
3 for the record?

4 MR. LaFON: Yes ma'am. It's
5 Christopher LaFon. Christopher with a C- and
6 then L-A-F- like Frank, O-N.

7 AGENT FLETCHER: And -- okay, that was
8 the last name?

9 MR. LaFON: Correct.

10 AGENT FLETCHER: Okay. And would you
11 put your contact information on this sign in
12 sheet also.

13 MR. LaFON: Yes.

14 AGENT FLETCHER: Thank you very much.
15 And present on behalf of the Bates Area Civic
16 Association?

17 MR. THOMAS: Good morning, Kyle
18 Thomas, President of the Bates Area Civic
19 Association.

20 AGENT FLETCHER: Thank you Mr. Thomas.
21 Mr. Thomas, I read your protest letter. And I
22 see that the Association held a meeting where the

1 application was discussed.

2 The -- was the Applicant given notice
3 of that meeting that you held concerning the
4 application?

5 MR. THOMAS: Yes, ma'am.

6 AGENT FLETCHER: Were they given at
7 least seven days notice of the meeting held
8 concerning the application?

9 MR. THOMAS: Yes, ma'am.

10 AGENT FLETCHER: To your knowledge, is
11 that correct? Do you know if your client
12 received a -- at least a seven-day notice of the
13 meeting held by the Association concerning the
14 protest?

15 MR. LaFON: I believe so, ma'am.

16 AGENT FLETCHER: Okay. But you --
17 you're not sure about that at this point?

18 MR. LaFON: I'm fairly certain, yes.
19 And we've actually worked together with respect
20 to an agreement.

21 And believe at this point we have
22 agreed on all terms. Due to just the weekend

1 that we weren't able to exchange full execution
2 of the agreement.

3 But at this time, regarding resolution
4 of this protest and in terms, and anticipate
5 having an executed agreement within -- within at
6 least a two-day period from this point

7 AGENT FLETCHER: Okay. And I'm just
8 going to just restate my understanding.

9 Mr. Thomas, you believe that your
10 association gave at least a seven-day notice to
11 Domestique regarding the meeting that you held.

12 MR. THOMAS: Yes, ma'am.

13 AGENT FLETCHER: Was it in writing?

14 MR. THOMAS: Email.

15 AGENT FLETCHER: It was an email.

16 Okay. And did you attend the meeting? Did
17 Domestique attend the meeting or no?

18 MR. LaFON: It's my understanding that
19 there was a representative there. Or that --

20 AGENT FLETCHER: Okay. I'm asking
21 that. Because that is what gives standing to a
22 civic association when they've held the meeting

1 concerning the application.

2 Giving the Applicant at least a seven-
3 day notice of that meeting. Those are -- that is
4 a requirement for an association.

5 So, what I'm going to do -- what I'm
6 going to do Mr. Thomas, rather than to dismiss
7 this protest because that information is not in
8 your protest letter, I'm going to grant
9 conditional standing to the -- to the
10 association.

11 And what that means is, if you all
12 wound up appearing for the status hearing, if
13 you're not able to resolve this matter prior to
14 the status hearing, when the Association appears
15 for the status hearing before the Board, you
16 would need to bring verification that you
17 provided at least seven-day notice to the
18 Applicant concerning the meeting, inviting them
19 to the meeting regarding the application.

20 It's not a requirement that the
21 Applicant comes. It's just a requirement that
22 you let them know that you're having a meeting.

1 And give them at least seven-days notice.

2 So I'm granting conditional standing
3 to the Bates Area Civic Association.

4 And can you tell me your last name one
5 more time?

6 MR. LaFON: It's LaFon.

7 AGENT FLETCHER: LaFon. Mr. LaFon,
8 what I'm going to do is go ahead and schedule the
9 date for a mediation. You mentioned that you all
10 are working on a settlement agreement, but you
11 haven't finalized it yet.

12 So we'll go ahead and set a date for
13 mediation, a status hearing, and a protest
14 hearing. If you resolve the matter before
15 mediation, then we'll cancel the mediation.

16 And if you resolve the matter prior to
17 the status hearing, then we'll cancel the status
18 and the protest hearing.

19 So we're just going to proceed with
20 setting the dates. I'll give you the date for
21 the status and protest hearing first.

22 The status hearing is set for August

1 at 9:30 a.m. August 1 at 9:30 a.m. is the
2 status hearing.

3 The protest hearing is set for
4 September 26. September 26, 2018 at 1:30 p.m.

5 We need to set a date for mediation to
6 occur prior to the August 1 status hearing. I'll
7 give you the next available date.

8 Should I push it out as far as
9 possible because you're expecting to resolve the
10 matter?

11 MR. LaFON: I think so. From our
12 perspective.

13 MR. THOMAS: Sure. That works for us
14 too.

15 AGENT FLETCHER: What about -- what
16 about Tuesday, July 31? The very next day is
17 your status hearing. Did you want it further in?

18 Or if you're pretty sure you can work it
19 out, we can do that. Otherwise, I can make it
20 the week before, the 24th of July. That's a
21 Tuesday.

22 MR. LaFON: I think we're pretty

1 confident. I don't think that even the days at
2 that point will be -- we're going to reach that
3 day.

4 So I think just pushing it out just to
5 make sure we can get -- do executions.

6 AGENT FLETCHER: Well, then let's make
7 it Tuesday, July 24 for the mediation. And that
8 would be at 9:00, 10:00, 11:00 11:30, if you have
9 a preference. Whatever your preference.

10 MR. LaFON: We would prefer 10:00.

11 AGENT FLETCHER: Is 10:00 good?

12 MR. THOMAS: 10:00 a.m. as well.

13 AGENT FLETCHER: Mediation is set for
14 Tuesday, July 24 at 10:00.

15 If you submit a settlement agreement
16 to the Board for review prior to the 24th, then
17 we'll cancel the mediation. If the Board
18 approves the settlement agreement, it will cancel
19 the status and protest hearing as well.

20 MR. LaFON: Great. Thank you.

21 AGENT FLETCHER: You're welcome. And
22 if the matter is not resolved, I'll see you on

1 July 24 at 10:00.

2 Any questions at all?

3 (No response)

4 AGENT FLETCHER: Well, thank you for
5 coming.

6 MR. LaFON: Thank you.

7 MR. THOMAS: Thank you.

8 AGENT FLETCHER: Roll call hearing
9 concluded. Thank you.

10 (Whereupon, the Roll Call Hearing was
11 concluded at 10:18 a.m.)

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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: Domestique

Before: DCABRA

Date: 07-02-18

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.



Court Reporter

NEAL R. GROSS

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