

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:	:
	:
Shoreditch Cooperative,	:
LLC	:
t/a Dukes Groceries	:
1513 17th Street, NW	:
License #ABRA-092298	:
Retailer Class CR	:
Substantial Change -	:
change of hours on	:
sidewalk café)	:
Case #18-PRO-00024	:

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Monday, May 7, 2018

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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 9:59 a.m.

3 AGENT FLETCHER: Would the parties in  
4 the matter of Dukes Groceries, please, come  
5 forward?

6 This is Case No. 18-PRO-00024,  
7 Shoreditch Cooperative, LLC, 1513 17th Street,  
8 N.W., License No. ABRA-092298. This is a  
9 Retailer Class CR substantial change to change  
10 the hours on the sidewalk cafe.

11 The protest issues are adverse impact  
12 on peace, order and quiet.

13 My name is LaVerne Fletcher. I'm  
14 conducting the Roll Call Hearing as the Board's  
15 Agent.

16 Introductions beginning with the  
17 applicant, please. If you would just state your  
18 name and spell it for the record?

19 MR. KRAMER: Yes, ma'am. Good  
20 morning, Ms. Fletcher. My name is Daniel Kramer,  
21 D-A-N-I-E-L last name Kramer, K-R-A-M-E-R,  
22 managing partner of Shoreditch Cooperative, LLC,

1 which is d/b/a Dukes Groceries.

2 AGENT FLETCHER: Yes.

3 MR. KRAMER: And thank you for your  
4 time.

5 AGENT FLETCHER: Thank you very much.  
6 And present on behalf of the Dupont Circle  
7 Citizens Association?

8 MS. NICHOLS: Good morning. I am  
9 Abigail Nichols, A-B-I-G-A-I-L Nichols, N-I-C-H-  
10 O-L-S.

11 AGENT FLETCHER: Thank you. The  
12 Dupont Circle Citizens Association does have  
13 standing as a protestant.

14 Ms. Nichols, I just want to confirm  
15 what you wrote in your letter that you gave the  
16 applicant at least seven days notice of a meeting  
17 held concerning the --

18 MS. NICHOLS: Yes, yes, and he came.

19 AGENT FLETCHER: -- application? And  
20 you were in attendance? Did you say you received  
21 the seven day notice of the hearing?

22 MR. KRAMER: Of this hearing?

1                   AGENT FLETCHER: Of the hearing that  
2 the Dupont Circle Citizens --

3                   MS. NICHOLS: It wasn't a hearing. It  
4 was a meeting.

5                   AGENT FLETCHER: I mean the meeting.  
6 I'm sorry, I should -- I meant to say meeting.

7                   You received the notice, at least a  
8 seven day notice of the meeting held by the  
9 association concerning your application?

10                  MR. KRAMER: I was invited to speak to  
11 the DCCA.

12                  AGENT FLETCHER: Um-hum.

13                  MR. KRAMER: I don't recall the exact  
14 timing.

15                  AGENT FLETCHER: Yeah, and so you can  
16 -- so what I'm going to do today, Mr. Kramer, I'm  
17 going to grant the association standing, but it's  
18 contingent upon whether or not you were given at  
19 least a seven day notice.

20                  MR. KRAMER: I would assume. Yeah, I  
21 can probably check that for you.

22                  AGENT FLETCHER: Yeah. And so --

1 MR. KRAMER: Would you mind if I just  
2 look and --

3 AGENT FLETCHER: Sure. Take your --  
4 yeah, take a minute.

5 MR. KRAMER: I received an email. I  
6 don't --

7 AGENT FLETCHER: You have the date?

8 MR. KRAMER: -- I'm not aware of the  
9 specific --

10 AGENT FLETCHER: Exactly.

11 MR. KRAMER: -- because I've never  
12 done this type of thing before, so --

13 AGENT FLETCHER: Exactly.

14 MR. KRAMER: -- please, bear with me.

15 AGENT FLETCHER: Yes.

16 MR. KRAMER: I apologize.

17 AGENT FLETCHER: No problem.

18 MR. KRAMER: Yeah, I received an  
19 invitation to speak to their board at their  
20 meeting with -- on April 11th --

21 AGENT FLETCHER: Um-hum.

22 MR. KRAMER: -- for an April 18th

1 meeting, so that, --

2 AGENT FLETCHER: Okay.

3 MR. KRAMER: -- to me, sounds like a  
4 seven day notice.

5 AGENT FLETCHER: Exactly. And so just  
6 so you know, it's contingent upon that.

7 MR. KRAMER: Oh, okay.

8 AGENT FLETCHER: Because any time an  
9 association, just for the future, --

10 MR. KRAMER: Okay.

11 AGENT FLETCHER: -- files a protest,  
12 that's a requirement in order for the association  
13 to be granted standing as a protestant.

14 And so the DCCA has standing as a  
15 protestant.

16 We need to set a date for a mediation,  
17 a Status Hearing and a Protest Hearing. I will  
18 give you the date for the Status and Protest  
19 Hearing first.

20 The Status Hearing is scheduled for  
21 June 6th, June 6 at 9:30 a.m., that's the Status  
22 Hearing.

1 MR. KRAMER: Is there any way to move  
2 that date up, ma'am?

3 AGENT FLETCHER: The -- you mean to a  
4 later date?

5 MR. KRAMER: No.

6 AGENT FLETCHER: An earlier date?

7 MR. KRAMER: Yes, ma'am.

8 AGENT FLETCHER: So what I'm going to  
9 need to do is, for the purpose of the Roll Call  
10 Hearing, Mr. Kramer, that's the date that I will  
11 give you, because that's the next available date  
12 on the Board's calendar.

13 MR. KRAMER: Okay.

14 AGENT FLETCHER: And so if you want to  
15 change the date, I'm going to tell you how to go  
16 about doing that. And you would need to copy Ms.  
17 Nichols on any request to change the date.

18 MR. KRAMER: Thank you.

19 AGENT FLETCHER: You're welcome. The  
20 date for the Protest Hearing is July 11, July 11  
21 at 4:30 p.m.

22 I'll give you the next available day

1 for mediation. The next available day for  
2 mediation is Thursday, May 17 at 9:00, 10:00,  
3 11:00, 11:30, basically, any time between 9:00  
4 and 1:00.

5 MS. NICHOLS: 9:00 is good for me.

6 MR. KRAMER: Thursday? 9:30?

7 AGENT FLETCHER: Uh-huh. Does that  
8 work for you, Ms. Nichols?

9 MS. NICHOLS: 9:15? I'm trying to get  
10 -- I have an 11:00.

11 AGENT FLETCHER: Oh, okay.

12 MS. NICHOLS: And I need about 40  
13 minutes to get there.

14 AGENT FLETCHER: Oh, yes.

15 MS. NICHOLS: And how long are you  
16 going to -- an hour for mediation?

17 AGENT FLETCHER: Well, I think --

18 MS. NICHOLS: Or you want more --

19 AGENT FLETCHER: Well, so --

20 MS. NICHOLS: Or let's try a different  
21 date.

22 AGENT FLETCHER: Yes, so --



1 MS. NICHOLS: Let's try a different  
2 day, so -- because I'm not pushing on --

3 AGENT FLETCHER: Well, we can try the  
4 next available date is --

5 MR. KRAMER: 9:00 a.m. is fine.

6 AGENT FLETCHER: Hum?

7 MR. KRAMER: 9:00 a.m. is fine.

8 MS. NICHOLS: Is that okay?

9 AGENT FLETCHER: Okay.

10 MS. NICHOLS: Thank you.

11 AGENT FLETCHER: So we will do 9:00  
12 a.m. on the 17th. So that's 9:00 a.m. on the 17th  
13 for mediation.

14 Any questions at all?

15 MS. NICHOLS: What is the role of the  
16 ANC? You may know that they approved this  
17 application. What is the role of the ANC and  
18 mediation, at this point?

19 AGENT FLETCHER: Well, the ANC didn't  
20 file a protest.

21 MS. NICHOLS: Um-hum.

22 AGENT FLETCHER: But if the ANC enters

1 in -- happens to enter into a settlement  
2 agreement with the establishment, the association  
3 could carry-on as a separate entity.

4 MS. NICHOLS: Okay.

5 MR. KRAMER: Just to clarify, it's not  
6 that the ANC didn't file a protest or take no  
7 action, they actually filed a Motion to Support.

8 AGENT FLETCHER: Okay.

9 MR. KRAMER: Right. Just so we are  
10 clear.

11 MS. NICHOLS: Yeah.

12 AGENT FLETCHER: Yeah, so we don't  
13 know about that.

14 MS. NICHOLS: Okay.

15 AGENT FLETCHER: But that's something  
16 they did in-house. We just know they didn't file  
17 a protest.

18 MR. KRAMER: Uh-huh.

19 AGENT FLETCHER: If they filed a  
20 Motion to Protest -- I mean, if they filed a --  
21 if they decided to support the application, they  
22 didn't provide us with a copy, but that is, you

1 know, significant.

2 MS. NICHOLS: Mr. Kramer could invite  
3 them to mediation if he wanted to.

4 AGENT FLETCHER: No.

5 MS. NICHOLS: Well --

6 AGENT FLETCHER: Due to  
7 confidentiality.

8 MS. NICHOLS: No. I -- has the Board  
9 Chairman talked about this? Somehow there is a  
10 question. Well, we can deal with that later.

11 AGENT FLETCHER: Well, go ahead, Ms.  
12 Nichols, I may be able to answer it for you.  
13 There is some -- there was a question about  
14 whether or not an ANC could attend a mediation?

15 MS. NICHOLS: No. It was something  
16 that had been said to us earlier on a different  
17 matter that only parties to the mediation could  
18 come. And Mr. Anderson said either party could  
19 bring anybody that was satisfactory to the other  
20 party. And I thought maybe there had been more  
21 clarification, because you weren't there when I  
22 had that discussion.

1                   AGENT FLETCHER: Yeah. So what  
2 happens is a mediation is confidential. It's  
3 between the parties. There have been times when  
4 someone has been allowed, who is not a party, to  
5 be present, depending on the circumstances, but  
6 that's normally not the way it goes.

7                   MS. NICHOLS: Okay.

8                   MR. KRAMER: Ma'am, Ms. Fletcher?

9                   AGENT FLETCHER: Yes?

10                  MR. KRAMER: Confidential between the  
11 parties. Can I boil that down --

12                  AGENT FLETCHER: Um-hum.

13                  MR. KRAMER: -- to A, B and C --

14                  AGENT FLETCHER: Yes.

15                  MR. KRAMER: -- as the parties?

16                  AGENT FLETCHER: Yes.

17                  MR. KRAMER: And other people?

18                  AGENT FLETCHER: Yeah, only -- that's  
19 exactly right. You and the --

20                  MR. KRAMER: The applicant --

21                  AGENT FLETCHER: -- association --

22                  MR. KRAMER: -- and protestant.

1                   AGENT FLETCHER:  -- are parties.  Are  
2                   the parties.

3                   MR. KRAMER:  And the protester.

4                   AGENT FLETCHER:  Yes.

5                   MR. KRAMER:  And the mediator.

6                   AGENT FLETCHER:  Yes, are the parties,  
7                   that's right.  So it would be the three of us in  
8                   mediation.

9                   MR. KRAMER:  Okay.  That is just  
10                  clarifying.  Thank you.

11                  AGENT FLETCHER:  Yes, thanks for  
12                  clarifying that.

13                  MR. KRAMER:  What -- can I ask another  
14                  question about the process, ma'am?

15                  AGENT FLETCHER:  Uh-huh, yes.

16                  MR. KRAMER:  At these subsequent  
17                  dates, mediation, status and protest --

18                  AGENT FLETCHER:  Um-hum.

19                  MR. KRAMER:  -- are those -- it's our  
20                  understanding the mediation is A, B, C  
21                  confidential, if you will.

22                  AGENT FLETCHER:  Yes.

1 MR. KRAMER: Now, the Status Hearing  
2 and the Protest Hearing, are those similar or are  
3 they open to --

4 AGENT FLETCHER: The public. Yeah,  
5 those are like this one. So those are public  
6 hearings. At the Status Hearing, it's there for  
7 the -- they are open to the public, just like  
8 this one. And at the Status Hearing, the Board  
9 will want to know if you participated in  
10 mediation, that's all that happens at the Status  
11 Hearing.

12 MS. NICHOLS: It's very procedural.  
13 It's very procedural.

14 AGENT FLETCHER: That's -- exactly.  
15 And so you say yes or no. If you participated in  
16 mediation and there is a settlement agreement  
17 pending, they will just restate the Protest  
18 Hearing date, but they will cancel the Protest  
19 Hearing if you settle the matter before the  
20 Protest Hearing.

21 And also if the matter is resolved  
22 before the June 6th Status Hearing, they will

1 cancel that as well, cancel the Status Hearing.

2 MR. KRAMER: And the mediation hearing  
3 on 17 May --

4 AGENT FLETCHER: Uh-huh.

5 MR. KRAMER: -- is an attempt to  
6 actually mediate?

7 AGENT FLETCHER: That's exactly right.

8 MR. KRAMER: And this is -- no offense  
9 to anybody, this here is a little bit more of a  
10 procedural formality?

11 AGENT FLETCHER: What mediation?

12 MR. KRAMER: No, this --

13 AGENT FLETCHER: What we are doing  
14 today?

15 MR. KRAMER: Yes.

16 AGENT FLETCHER: Today is where the  
17 Board determines who has party status and to  
18 address any preliminary matters.

19 MR. KRAMER: Okay.

20 AGENT FLETCHER: Yes.

21 MR. KRAMER: Thank you.

22 AGENT FLETCHER: You're welcome. And,

1 Mr. Kramer, if you wanted to change that Status  
2 Hearing to a different time, you would need to  
3 send a request to our General Counsel. I'll give  
4 you her name and email address.

5 MR. KRAMER: Martha Jenkins?

6 AGENT FLETCHER: Martha Jenkins,  
7 that's right.

8 MR. KRAMER: Got it.

9 AGENT FLETCHER: And so you would ask  
10 her and copy Ms. Nichols.

11 Ms. Nichols?

12 MS. NICHOLS: Yes?

13 AGENT FLETCHER: Your contact  
14 information is on that sheet, right?

15 MS. NICHOLS: Yes.

16 AGENT FLETCHER: You can get it from  
17 the -- well, you probably already have it,  
18 because you have been in communication. Never  
19 mind.

20 MS. NICHOLS: Thank you.

21 AGENT FLETCHER: Mr. Kramer, you put  
22 your contact information on --



1 MR. KRAMER: Yes, ma'am.

2 AGENT FLETCHER: -- that sheet as  
3 well? Thank you very much.

4 Any questions at all? The Roll Call  
5 Hearing is concluded. Thank you for coming.

6 MR. KRAMER: Thank you, ma'am.

7 AGENT FLETCHER: You're welcome.

8 (Whereupon, the Roll Call Hearing was  
9 concluded at 10:12 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p><b>A-B-I-G-A-I-L</b> 3:9  <b>a.m</b> 2:2 6:21 9:5,7,12,12 17:9  <b>Abigail</b> 3:9  <b>able</b> 11:12  <b>ABRA-092298</b> 1:11 2:8  <b>action</b> 10:7  <b>address</b> 15:18 16:4  <b>adverse</b> 2:11  <b>Agent</b> 1:19 2:3,15 3:2,5 3:11,19 4:1,5,12,15 4:22 5:3,7,10,13,15 5:17,21 6:2,5,8,11 7:3 7:6,8,14,19 8:7,11,14 8:17,19,22 9:3,6,9,11 9:19,22 10:8,12,15,19 11:4,6,11 12:1,9,12 12:14,16,18,21 13:1,4 13:6,11,15,18,22 14:4 14:14 15:4,7,11,13,16 15:20,22 16:6,9,13,16 16:21 17:2,7  <b>agreement</b> 10:2 14:16  <b>ahead</b> 11:11  <b>Alcoholic</b> 1:3,17,18  <b>allowed</b> 12:4  <b>ANC</b> 9:16,17,19,22 10:6 11:14  <b>Anderson</b> 11:18  <b>answer</b> 11:12  <b>anybody</b> 11:19 15:9  <b>apologize</b> 5:16  <b>applicant</b> 2:17 3:16 12:20  <b>application</b> 3:19 4:9 9:17 10:21  <b>approved</b> 9:16  <b>April</b> 5:20,22  <b>association</b> 3:7,12 4:9 4:17 6:9,12 10:2 12:21  <b>assume</b> 4:20  <b>attempt</b> 15:5  <b>attend</b> 11:14  <b>attendance</b> 3:20  <b>available</b> 7:11,22 8:1 9:4  <b>aware</b> 5:8</p>	<p><b>board</b> 1:3,17 5:19 11:8 14:8 15:17  <b>Board's</b> 2:14 7:12  <b>boil</b> 12:11  <b>bring</b> 11:19  <b>Building</b> 1:18</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 12:13 13:20  <b>cafe</b> 2:10  <b>café</b> 1:13  <b>calendar</b> 7:12  <b>Call</b> 1:5 2:14 7:9 17:4,8  <b>cancel</b> 14:18 15:1,1  <b>carry-on</b> 10:3  <b>Case</b> 1:13 2:6  <b>Chairman</b> 11:9  <b>change</b> 1:12,12 2:9,9 7:15,17 16:1  <b>check</b> 4:21  <b>Circle</b> 3:6,12 4:2  <b>circumstances</b> 12:5  <b>Citizens</b> 3:7,12 4:2  <b>clarification</b> 11:21  <b>clarify</b> 10:5  <b>clarifying</b> 13:10,12  <b>Class</b> 1:11 2:9  <b>clear</b> 10:10  <b>COLUMBIA</b> 1:1  <b>come</b> 2:4 11:18  <b>coming</b> 17:5  <b>communication</b> 16:18  <b>concerning</b> 3:17 4:9  <b>concluded</b> 17:5,9  <b>conducting</b> 2:14  <b>confidential</b> 12:2,10 13:21  <b>confidentiality</b> 11:7  <b>confirm</b> 3:14  <b>contact</b> 16:13,22  <b>contingent</b> 4:18 6:6  <b>Control</b> 1:3,17,18  <b>Cooperative</b> 1:9 2:7,22  <b>copy</b> 7:16 10:22 16:10  <b>Counsel</b> 16:3  <b>CR</b> 1:11 2:9</p>	<p><b>days</b> 3:16  <b>DCCA</b> 4:11 6:14  <b>deal</b> 11:10  <b>decided</b> 10:21  <b>depending</b> 12:5  <b>determines</b> 15:17  <b>different</b> 8:20 9:1 11:16 16:2  <b>discussion</b> 11:22  <b>DISTRICT</b> 1:1  <b>doing</b> 7:16 15:13  <b>Due</b> 11:6  <b>Dukes</b> 1:10 2:4 3:1  <b>Dupont</b> 3:6,12 4:2</p>	<p style="text-align: center;"><b>H</b></p> <p><b>happens</b> 10:1 12:2 14:10  <b>hearing</b> 1:5,18 2:14 3:21,22 4:1,3 6:17,17 6:19,20,22 7:10,20 14:1,2,6,8,11,18,19 14:20,22 15:1,2 16:2 17:5,8  <b>hearings</b> 14:6  <b>held</b> 3:17 4:8  <b>hour</b> 8:16  <b>hours</b> 1:12 2:10  <b>Hum</b> 9:6</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B</b> 12:13 13:20  <b>basically</b> 8:3  <b>bear</b> 5:14  <b>beginning</b> 2:16  <b>behalf</b> 3:6  <b>Beverage</b> 1:3,17,18  <b>bit</b> 15:9</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D-A-N-I-E-L</b> 2:21  <b>D.C</b> 1:19  <b>d/b/a</b> 3:1  <b>Daniel</b> 2:20  <b>date</b> 5:7 6:16,18 7:2,4,6 7:10,11,15,17,20 8:21 9:4 14:18  <b>dates</b> 13:17  <b>day</b> 3:21 4:8,19 6:4 7:22 8:1 9:2</p>	<p style="text-align: center;"><b>E</b></p> <p><b>earlier</b> 7:6 11:16  <b>either</b> 11:18  <b>email</b> 5:5 16:4  <b>enter</b> 10:1  <b>enters</b> 9:22  <b>entity</b> 10:3  <b>establishment</b> 10:2  <b>exact</b> 4:13  <b>exactly</b> 5:10,13 6:5 12:19 14:14 15:7</p>	<p style="text-align: center;"><b>I</b></p> <p><b>impact</b> 2:11  <b>in-house</b> 10:16  <b>information</b> 16:14,22  <b>Introductions</b> 2:16  <b>invitation</b> 5:19  <b>invite</b> 11:2  <b>invited</b> 4:10  <b>issues</b> 2:11</p>
		<p style="text-align: center;"><b>F</b></p> <p><b>file</b> 9:20 10:6,16  <b>filed</b> 10:7,19,20  <b>files</b> 6:11  <b>fine</b> 9:5,7  <b>first</b> 6:19  <b>Fletcher</b> 1:19 2:3,13,20 3:2,5,11,19 4:1,5,12 4:15,22 5:3,7,10,13 5:15,17,21 6:2,5,8,11 7:3,6,8,14,19 8:7,11 8:14,17,19,22 9:3,6,9 9:11,19,22 10:8,12,15 10:19 11:4,6,11 12:1 12:8,9,12,14,16,18,21 13:1,4,6,11,15,18,22 14:4,14 15:4,7,11,13 15:16,20,22 16:6,9,13 16:16,21 17:2,7  <b>formality</b> 15:10  <b>forward</b> 2:5  <b>future</b> 6:9</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Jenkins</b> 16:5,6  <b>July</b> 7:20,20  <b>June</b> 6:21,21 14:22</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>K-R-A-M-E-R</b> 2:21  <b>Kramer</b> 2:19,20,21 3:3 3:22 4:10,13,16,20 5:1,5,8,11,14,16,18 5:22 6:3,7,10 7:1,5,7 7:10,13,18 8:6 9:5,7 10:5,9,18 11:2 12:8 12:10,13,15,17,20,22 13:3,5,9,13,16,19 14:1 15:2,5,8,12,15 15:19,21 16:1,5,8,21 17:1,6</p>
		<p style="text-align: center;"><b>G</b></p> <p><b>General</b> 16:3  <b>give</b> 6:18 7:11,22 16:3  <b>given</b> 4:18  <b>grant</b> 4:17  <b>granted</b> 6:13  <b>Groceries</b> 1:10 2:4 3:1</p>	<p style="text-align: center;"><b>L</b></p> <p><b>LaVerne</b> 1:19 2:13  <b>let's</b> 8:20 9:1  <b>letter</b> 3:15  <b>License</b> 1:11 2:8  <b>little</b> 15:9  <b>LLC</b> 1:9 2:7,22  <b>long</b> 8:15  <b>look</b> 5:2</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>ma'am</b> 2:19 7:2,7 12:8 13:14 17:1,6</p>

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C E R T I F I C A T E

This is to certify that the foregoing transcript

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Before: DCABRA

Date: 05-07-18

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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