

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :
 :
GF, LLC, :
t/a Il Canale :
1063 31st Street NW, : Protest
Retailer CR - ANC 2E : Hearing (Status)
License No. 83707 :
Case #19-PRO-00033 :
 :
(Application to Renew the:
License) :

Wednesday,
August 7, 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, Chairperson
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
RAFI A. CROCKETT, Member

ALSO PRESENT:

RISA HIRAO, COUNSEL FOR APPLICANT

ROGER UHAR, PROTESTANT

JOHN UHAR, PROTESTANT

LISA PALMER, ANC 2E

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

2 9:39 a.m.

3 CHAIRPERSON ANDERSON: The second case
4 on our Protest Hearing (Status) Calendar is Case
5 No. 19-PRO-00033, Il Canale, License No. 83707.

6 Will the parties, please, approach and
7 identify themselves for the record, please? We
8 will start with the licensee.

9 MS. HIRAO: Risa Hirao, H-I-R-A-O,
10 counsel for applicant.

11 CHAIRPERSON ANDERSON: Good morning,
12 Ms. Hirao.

13 MS. HIRAO: Good morning.

14 CHAIRPERSON ANDERSON: Who else do we
15 have here?

16 MR. J. UHAR: Good morning, John Uhar,
17 protestant.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Uhar.

20 MR. J. UHAR: U-H-A-R is the last
21 name.

22 CHAIRPERSON ANDERSON: Good morning.

1 MR. R. UHAR: Roger Uhar, U-H-A-R,
2 protestant.

3 CHAIRPERSON ANDERSON: Good morning,
4 Mr. Uhar.

5 MS. PALMER: Lisa Palmer, ANC-2E.

6 CHAIRPERSON ANDERSON: Good morning,
7 Ms. Palmer.

8 Are there any preliminary matters that
9 need to be brought to the attention of the Board?
10 Yes, Mr. -- you are Mister?

11 MR. J. UHAR: I'm John Uhar.

12 CHAIRPERSON ANDERSON: Ah, yes. Yes,
13 sir?

14 MR. J. UHAR: The Il Canale is
15 currently under four stop work orders and under
16 DC Code 25-311, I don't understand --

17 CHAIRPERSON ANDERSON: No, I'm just --

18 MR. J. UHAR: I don't understand why
19 they are still operating.

20 CHAIRPERSON ANDERSON: Well, that's
21 not before us, sir. That is another agency. You
22 would have to address that with another agency,

1 but we strictly deal with the alcohol license and
2 so that is not an issue that this Board would
3 have jurisdiction over.

4 Any other preliminary matter that
5 needs to be brought to the attention of the
6 Board?

7 All right. Then this matter is
8 scheduled for a Protest Hearing on 9/11 at 1:30
9 p.m. All right.

10 All right. Now that we have scheduled
11 this hearing -- this matter for a Protest
12 Hearing, there are a few things that I would like
13 to instruct the applicant and the protestants
14 about, so that the Protest Hearing is focused and
15 addresses only those issues that are being
16 protested. The Board does not intend to hear
17 testimony on matters that are not relevant to
18 this case.

19 You should have received by electronic
20 or regular mail a letter explaining the protest
21 process, a copy of the Protest Information Form
22 and a copy of the Exhibit Form. If you do not

1 have these documents, please, contact Assistant
2 General Counsel April Randall following this
3 hearing.

4 It is imperative that you review the
5 rules closely and adhere to them before and
6 during the Protest Hearing. You are also
7 required to complete and submit the Protest
8 Information Form (PIF) and the Exhibit Form seven
9 days before the date of the hearing. These two
10 forms and accompanying documents need to be
11 submitted to ABRA's Legal Division and to all
12 opposing parties in this matter.

13 If we do not receive a copy of your
14 PIF, your application or your protest, whichever
15 side you are representing, may be subject to
16 dismissal. Likewise, if we do not receive a copy
17 of the Exhibit Form and the exhibits themselves,
18 your exhibits may be excluded from the record
19 upon a finding that the opposing party has been
20 prejudiced or no good cause for failure to submit
21 has been shown.

22 Likewise witnesses other than a party

1 may also be subject to exclusion if not
2 identified in the PIF.

3 Accordingly, these forms are very
4 important as they greatly assist the Board in
5 narrowing the protest issues, facilitating the
6 process and keeping the parties on point during
7 the hearing. They likewise provide notice to
8 opposing parties enabling them to better prepare
9 for the hearing.

10 Basically, what I just said, seven
11 days before the Protest Hearing, you are supposed
12 to exchange the documents and witnesses with each
13 side. If that is not done, if a side objects to
14 it, unless you can show good cause why it is not
15 done, the Board is not going to allow it to
16 happen.

17 If you don't understand the process,
18 please contact, either side, Assistant General
19 Counsel April Randall at (202) 442-4353.

20 Any questions that you have, you are
21 welcome to ask her about how to do a PIF, when it
22 needs to be submitted, how it should be

1 submitted, because if it's not, if when we come
2 here on 9/11 and if it's not done, we are not
3 going to -- the Board will now allow the
4 witnesses or exhibits.

5 Well, you as yourself as a witness can
6 testify, but if you want to bring in someone else
7 or bring in other documents and other witnesses,
8 unless you can show good cause why it was not
9 done, the Board is not going to allow you to do
10 that. Okay?

11 So, yes, ma'am, do you have any
12 questions?

13 MS. PALMER: Yeah, just a process
14 question.

15 CHAIRPERSON ANDERSON: Yes, ma'am.

16 MS. PALMER: If you could clarify, if
17 the ANC signs an agreement before September 11
18 and the abutting neighbors do not, would you just
19 review how that would work?

20 CHAIRPERSON ANDERSON: All right. Now
21 in this particular case, if the ANC signs a
22 settlement agreement, because there are abutting

1 property owners --

2 MS. PALMER: Right.

3 CHAIRPERSON ANDERSON: -- they still
4 remain.

5 MS. PALMER: Right.

6 CHAIRPERSON ANDERSON: So if one or if
7 -- so if -- even if one brother decides that he
8 wants to sign a settlement agreement and the
9 other abutting property owner decides that he is
10 not going to, then we are still going to have a
11 hearing.

12 So the only way we will not have a
13 hearing is if all three parties either
14 individually or separately sign settlement
15 agreements.

16 MS. PALMER: And what is the ANC's
17 responsibility after signing a settlement
18 agreement related to the hearing? Do I --

19 CHAIRPERSON ANDERSON: You would have
20 no responsibility, so you would provide a
21 settlement, the settlement agreement to the Board
22 for its review and then we will say that the ANC

1 has signed a settlement agreement and they are no
2 longer a party in this matter.

3 MS. PALMER: Okay.

4 CHAIRPERSON ANDERSON: So that's it.
5 But the hearing -- because since as an abutting
6 property owner they have their individual
7 standing, so therefore unless they sign onto a
8 settlement agreement, we are going to move
9 forward.

10 The only time that if the ANC signs a
11 settlement agreement where the protestants would
12 fall is if it were a Group of Five or More.

13 MS. PALMER: Right, okay.

14 CHAIRPERSON ANDERSON: But if it's not
15 an Group of Five or More, the hearing will move
16 on with the other parties who have standing.

17 It appears that I will see you on
18 September 11th and I think that's the first
19 hearing when we come back. We go on break after
20 next week and so we will be off for a couple of
21 weeks and so I guess when we come back from
22 break, then I'll see you guys here for a hearing,

1 it appears that way.

2 Have a good summer and take care.

3 MS. PALMER: Thank you.

4 CHAIRPERSON ANDERSON: And one last
5 thing, I always support settlement agreements.
6 And the reason I support settlement agreements is
7 because this is your neighborhood. You can
8 decide the way you want an establishment to
9 operate in your neighborhood.

10 None of us, I don't believe any of the
11 Board Members, live in the neighborhood, so I
12 don't necessarily want to make decisions about
13 your neighborhood, but if we have to, then so be
14 it.

15 Anyway, have a great day. Thank you
16 very much.

17 MS. PALMER: Thank you.

18 MS. HIRAO: Thank you.

19 MR. R. UHAR: Thank you.

20 MR. J. UHAR: Thank you very much.

21 (Whereupon, the Protest Hearing
22 (Status) was concluded at 9:47 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: Il Canale

Before: DC ABRA

Date: 08-07-19

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

Court Reporter

NEAL R. GROSS

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