

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: :
 :
 La Morenita Restaurant, LLC :
 t/a La Morenita :
 3539 Georgia Avenue N.W. :
 License #ABRA-086595 :
 Retailer CR - License :
 Renewal :
 Case #19-PRO-00088 :

MONDAY, AUGUST 12, 2019

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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 10:04 a.m.

3 AGENT FLETCHER: Okay. Would the
4 parties in the matter of La Morenita, please,
5 come forward? The parties in the matter of La
6 Morenita. Any parties present in the matter --
7 can you hear me back there?

8 The parties in the matter of La
9 Morenita, come on up Ms. Norman. Is the
10 applicant present from La Morenita?

11 Can you hear me now? Thank you.
12 Would the parties in the matter of La Morenita,
13 please, come forward? This is Case No. 19-PRO-
14 00088, La Morenita Restaurant, LLC, 3539 Georgia
15 Avenue, N.W., License No. ABRA-086595. This is a
16 Retailer Class CR License renewal.

17 The protest issues are adverse impact
18 on peace, order and quiet.

19 My name is LaVerne Fletcher conducting
20 the Roll Call Hearing as the Board's Agent.

21 Is the applicant present? Present on
22 behalf of ANC-1A?

1 MR. BOESE: Yes.

2 AGENT FLETCHER: If you would state
3 your name and spell it for the record, please?

4 MR. BOESE: Sure. Kent Boese, K-E-N-T
5 B-O-E-S-E.

6 AGENT FLETCHER: Thank you, Mr. Boese.
7 Any communication with the La Morenita before
8 today?

9 MR. BOESE: (No audible answer.)

10 AGENT FLETCHER: Okay. They are not
11 present. The license renewal application is
12 dismissed. The Board will issue an order
13 dismissing it. You get a copy of the Board
14 Order. We keep you informed. If they seek
15 reinstatement, you will get the response to that
16 as well.

17 MR. BOESE: All right.

18 AGENT FLETCHER: And thank you for
19 coming.

20 MR. BOESE: It's always a pleasure to
21 see you.

22 AGENT FLETCHER: Thank you. You, too.

1 The Roll Call Hearing is concluded. Thank you.

2 (Whereupon, the above-entitled matter
3 went off the record at 10:05 a.m. and resumed at
4 11:07 a.m.)

5 AGENT FLETCHER: We are reopening La
6 Morenita. This is the case of La Morenita, Case
7 No. 19-PRO-00088 being reopened because the
8 applicant is now present.

9 This is a license renewal application
10 that was earlier dismissed because the applicant
11 was not present, but the applicant is now present
12 and the Board's Agent and the court reporter are
13 still present, so we are reopening the case and
14 retracting the dismissal. So we are starting
15 over.

16 So what is the name of the applicant,
17 please?

18 MS. AVILES: Blanca Aviles.

19 AGENT FLETCHER: And, Ms. Aviles,
20 could you, please, spell your name for the
21 record?

22 MS. AVILES: B-L-A-N-C-A.

1 AGENT FLETCHER: Uh-huh.

2 MS. AVILES: Aviles, A-V-I-L-E-S.

3 AGENT FLETCHER: Thank you very much.

4 And Ms. Aviles, just so that you know what
5 happened earlier, ANC-1A, you are familiar with
6 ANC-1A filed the protest. Are you familiar with
7 the Advisory Neighborhood Commission? It's a
8 community association.

9 MS. AVILES: Yes.

10 AGENT FLETCHER: So the ANC community
11 association, Advisory Neighborhood Commission,
12 they filed a protest against the license renewal.

13 Did you receive a copy of the Protest
14 Letter?

15 MS. AVILES: Yes.

16 AGENT FLETCHER: Okay. So good. So
17 they -- because they filed that Protest Letter,
18 that's why we are here today.

19 MS. AVILES: Okay.

20 AGENT FLETCHER: And so the next thing
21 is I'm going to let Mr. Boese, I don't know if
22 you know Mr. Boese, he is the representative of

1 the ANC.

2 MS. AVILES: Okay.

3 AGENT FLETCHER: He was here today.
4 So I'm going to contact him and let him know that
5 you did show up and that your application was --
6 is now active.

7 MS. AVILES: Okay.

8 AGENT FLETCHER: And I'm going to
9 schedule some dates, but I'm going to do it by
10 email, so I need an email address. Let me get
11 your name, too.

12 MS. ACOSTA: Yeah, okay. My name is
13 Jacquelin, J-A-C-Q-U-E-L-I-N, Acosta, A-C-O-S-T-
14 A.

15 AGENT FLETCHER: Okay. And so, Ms.
16 Acosta, you are going to receive an official
17 hearing notice, do you want me to email it to
18 you, Ms. Aviles or to you, Ms. Acosta?

19 MS. ACOSTA: Deliver or email it to
20 me.

21 AGENT FLETCHER: Email it to you?

22 MS. ACOSTA: Um-hum.

1 AGENT FLETCHER: Can you put your
2 email information?

3 MS. ACOSTA: Okay, I will.

4 AGENT FLETCHER: And your contact
5 information on that sheet. So you can -- if you
6 could put your -- there is a pencil on that table
7 right there.

8 MS. ACOSTA: Yeah, I'll get it.

9 AGENT FLETCHER: If you put your
10 daytime phone number and your email address on
11 that sheet, then we will send the official
12 hearing notice to you.

13 MS. ACOSTA: Okay.

14 AGENT FLETCHER: And if we need to
15 call, Ms. Aviles, you, we will call --

16 MS. AVILES: Yeah.

17 AGENT FLETCHER: -- Ms. Acosta.

18 MS. ACOSTA: Yes.

19 AGENT FLETCHER: And, Ms. Aviles, so
20 you are requesting an interpreter for the
21 upcoming proceedings?

22 MS. ACOSTA: Yes.

1 AGENT FLETCHER: Okay.

2 MS. AVILES: Yes, please. Thank you.

3 AGENT FLETCHER: You're welcome. And
4 so, Ms. Aviles, when Ms. Acosta gets finished,
5 I'm going to give you two days of upcoming
6 hearings that I would have given you if you were
7 here.

8 MS. AVILES: All right.

9 AGENT FLETCHER: So one of them is
10 called a Status Hearing. And Ms. Acosta, you're
11 going to receive an official hearing notice of
12 these dates --

13 MS. ACOSTA: Okay.

14 AGENT FLETCHER: -- that I'm giving
15 you now.

16 MS. ACOSTA: Okay.

17 AGENT FLETCHER: September 25, 2019 at
18 9:30 a.m. is going to be a status hearing.

19 MS. ACOSTA: Okay, okay. Now, what is
20 that status?

21 AGENT FLETCHER: Yeah, the Status
22 Hearing is you will come here just like today,

1 but the full Board will is here. I'm the Board's
2 Agent, but on Wednesdays --

3 MS. ACOSTA: Oh.

4 AGENT FLETCHER: -- when you come, the
5 full Board is here. And when you come to the
6 Status Hearing, the Board wants to -- just wants
7 to know the status of the case, what is going on.

8 MS. ACOSTA: Okay.

9 AGENT FLETCHER: And so what is going
10 to happen before the Status Hearing, you are
11 going to have a mediation with the Board's
12 mediator, that's me, before the Status Hearing.
13 I'm going to give you your date. I'm going to
14 send you and the ANC an email to give you some
15 dates that are available for mediation, so you
16 can pick your best date.

17 MS. ACOSTA: All right.

18 AGENT FLETCHER: But the Status
19 Hearing date is already set --

20 MS. ACOSTA: Okay.

21 AGENT FLETCHER: -- for September 25th
22 and if this matter is not resolved through

1 mediation, there is going to be a Protest Hearing
2 where you have to come and it's like a little
3 mini trial. You put on your witnesses, evidence,
4 documents and whatever you want to submit.

5 MS. ACOSTA: Okay.

6 AGENT FLETCHER: And the purpose of
7 the mediation is to try to resolve this -- these
8 issues. So we don't know yet what the ANC is
9 concerned about, but we will talk about that in
10 mediation.

11 MS. ACOSTA: Okay.

12 AGENT FLETCHER: And if the matter is
13 resolved in mediation, then we cancel the Protest
14 Hearing.

15 MS. ACOSTA: For the 25th?

16 AGENT FLETCHER: Yes. No, no. So
17 what happens, Ms. Acosta, so you are going to
18 have a Status Hearing on September 25 and if this
19 matter is not resolved in mediation, there is
20 going to be a Protest Hearing --

21 MS. ACOSTA: Okay.

22 AGENT FLETCHER: -- on October 30.

1 MS. ACOSTA: Okay.

2 AGENT FLETCHER: At 1:30 p.m. And
3 those dates will be in that official hearing
4 notice that I send you.

5 So the purpose of mediation is an
6 alternative to going to a Protest Hearing. So if
7 you come to mediation, it will be before
8 September 25th.

9 MS. ACOSTA: Yeah.

10 AGENT FLETCHER: And if the matter is
11 resolved in mediation, then we will cancel the
12 Status Hearing and the Protest Hearing.

13 MS. ACOSTA: And it's going to be
14 here, too?

15 AGENT FLETCHER: Yeah, the mediation
16 is most likely going to be in this room. When
17 you come just go through the front or through the
18 receptionist area and I'll come out and get you.

19 MS. ACOSTA: Okay.

20 AGENT FLETCHER: It's probably going
21 to be in here.

22 MS. ACOSTA: Okay.

1 MS. AVILES: And you say you don't
2 know what is their concern, the ANC's concern?

3 AGENT FLETCHER: Well, you received a
4 copy of that Protest Letter? A copy of the
5 letter?

6 MS. AVILES: It's there. It should be
7 there.

8 AGENT FLETCHER: Yeah, so -- Ms.
9 Aviles, did you receive a copy of the letter? We
10 sent a letter telling you about the hearing today
11 and there should be a copy in there of the
12 protest filed by the ANC. That's what we will be
13 talking about, we will be getting particulars
14 about their concerns.

15 The Protest Letter said that they are
16 concerned about peace, order and quiet. We don't
17 know what that means, at this point.

18 MS. ACOSTA: Okay.

19 AGENT FLETCHER: But during mediation,
20 we will talk about what that means.

21 MS. ACOSTA: Okay.

22 MS. AVILES: Okay.

1 AGENT FLETCHER: Did you -- you have
2 that copy of that letter from the ANC? Yes, let
3 me see if you have it. Oh, this is an
4 investigative report. I'm going to show you,
5 this is the letter that Ms. Aviles should have
6 received right there.

7 And also, this letter right here, this
8 is the one, this is the letter that was filed by
9 the ANC, and so that should have been -- Ms.
10 Aviles should have received a copy of that also.

11 MS. ACOSTA: Is there any way can we
12 get --

13 AGENT FLETCHER: Yeah, I'll get it for
14 you, um-hum, yeah. You have a copy of both?

15 MS. AVILES: Both.

16 AGENT FLETCHER: I'll get it while you
17 are here.

18 MS. ACOSTA: Okay. Thank you.

19 AGENT FLETCHER: Okay. And so are
20 there any other questions, Ms. Aviles or Ms.
21 Acosta, before I go make these copies for you?

22 MS. AVILES: No.

1 AGENT FLETCHER: Okay?

2 MS. AVILES: That's fine.

3 AGENT FLETCHER: Well, give me a
4 minute, I'll be right back.

5 So I've retracted the dismissal of the
6 application. The application is now pending.

7 MS. ACOSTA: Okay.

8 AGENT FLETCHER: I'll contact the ANC
9 and let them know that you came. I'm going to
10 give them the two dates that I just gave you for
11 the Status Hearing and the Protest Hearing.

12 MS. ACOSTA: Um-hum.

13 AGENT FLETCHER: And I'm going to give
14 you some dates for mediation, like three dates to
15 pick what's best --

16 MS. ACOSTA: Okay.

17 AGENT FLETCHER: -- for you, Ms.
18 Aviles and for the ANC.

19 MS. ACOSTA: Okay. And then once we
20 pick, you guys decide which --

21 AGENT FLETCHER: Yeah, so what -- I'm
22 going to send that email to you and to the ANC.

1 MS. ACOSTA: Um-hum.

2 AGENT FLETCHER: I'm going to say
3 these three dates are available for mediation.
4 Once you agree on a date, that's the date the
5 mediation will be.

6 MS. ACOSTA: Okay.

7 AGENT FLETCHER: Yeah. And so if
8 there are no more questions, I'll close this
9 hearing, but if you have any more questions, you
10 can ask them.

11 Any more questions, Ms. Aviles?

12 MS. AVILES: No, it's okay.

13 MS. ACOSTA: No.

14 AGENT FLETCHER: Okay. Well, then the
15 Roll Call Hearing is concluded, so we are off the
16 record now.

17 (Whereupon, the Roll Call Hearing was
18 concluded at 11:19 a.m.)

19

20

21

22

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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: Roll Call Hearing

Before: Alcoholic Beverage Control Board

Date: 08-12-19

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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