

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:
Upshur Burger Concepts, LLC:
t/a Lucky Buns
2000 18th Street NW
Retailer CR - ANC 1C
License No. 107929
Case #19-PRO-00084
(Application to Renew the License)

Wednesday,
September 18, 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
JAMES SHORT, Member
RAFI CROCKETT, Member

ALSO PRESENT:

ALEX MCCOY, APPLICANT
TED GUTHRIE, PROTESTANT
ASHLEY WILSON, PROTESTANT
DENIS JAMES, PROTESTANT

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

2 9:46 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 19-PRO-00084, Lucky
5 Buns, License No. 107929.

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

8 MR. McCOY: Hey, how you doing?

9 CHAIRPERSON ANDERSON: Good morning.

10 MR. McCOY: Alex McCoy, business
11 owner.

12 CHAIRPERSON ANDERSON: Good morning,
13 Mr. McCoy. There is a sign-in sheet, please,
14 sign in, please.

15 So you own -- who are the owners for
16 the establishment, Mr. McCoy?

17 MR. McCOY: I'm the representative of
18 the owner. There is five owners total.

19 CHAIRPERSON ANDERSON: What do you
20 mean you are a representative of the owner?

21 MR. McCOY: I'm the owner. I'm like
22 one of the owners. There is five owners total.

1 CHAIRPERSON ANDERSON: Okay. Fine.

2 MR. McCOY: Yeah, yeah.

3 CHAIRPERSON ANDERSON: All right.

4 MR. GUTHRIE: Ted Guthrie, ANC-1C.

5 CHAIRPERSON ANDERSON: Good morning,

6 Mr. Guthrie.

7 MS. WILSON: Ashley Wilson on behalf
8 of the Group of 9.

9 CHAIRPERSON ANDERSON: Good morning,
10 Ms. Wilson.

11 MR. JAMES: Good morning. Denis
12 James, President of Kalorama Citizens
13 Association, representing the association.

14 CHAIRPERSON ANDERSON: Good morning,
15 Mr. James.

16 All right. This matter is scheduled
17 for a Protest Hearing on October 30th at 4:30.

18 As you heard, we just -- the previous
19 hearing is also scheduled for the same time, too,
20 so clearly we can't have two Protest Hearings at
21 4:30. I know the Board is very skilled, but I
22 doubt we can do that.

1 So if one is not settled, one will be
2 moved. So if there is any movement toward
3 settlement, let the Board know as soon as
4 possible, please.

5 Are there any other -- are there any
6 preliminary matters that needs to be brought to
7 the Board's attention?

8 MR. McCOY: I don't believe so.

9 MR. JAMES: There really aren't. I
10 mean we did have mediation which was not
11 successful to date, but we are committed to
12 continuing to discuss.

13 MR. McCOY: Yeah, we are working on
14 meeting soon to try to hash out whatever we can--

15 CHAIRPERSON ANDERSON: All right.

16 MR. McCOY: -- to get this resolved
17 soon.

18 CHAIRPERSON ANDERSON: Well, I always
19 support settlement and not because the Board
20 doesn't want to do its job, but I prefer when the
21 parties settle the matter, because this is your
22 neighborhood. You know what it is that you want

1 in your neighborhood and if you work together,
2 that means that both parties are happy.

3 If it comes to the Board for decision,
4 one side is going to be unhappy. And so that's
5 one of the reasons why I always talk about
6 settling the matter, because -- to make sure that
7 you two can come to a happy medium, rather than
8 have the Board determine it for you.

9 I just read the Protest Information
10 Form. Do I need to re-read that for anyone? Are
11 you --

12 MR. McCOY: No.

13 MS. WILSON: I'm sorry, can you just
14 clarify the documents that need to be sent in
15 advance?

16 CHAIRPERSON ANDERSON: All right.
17 Seven days prior to the hearing, whatever
18 witnesses you are going to rely on, whatever
19 documents you are going to rely on, that needs to
20 be sent to the Board and sent to each party seven
21 days. If it is not done seven days prior to, the
22 Board might not, unless good cause can be shown,

1 allow you to rely on the documents and witnesses
2 unless they have been disclosed seven days prior
3 to the hearing.

4 MS. WILSON: Understood. Thanks.

5 CHAIRPERSON ANDERSON: Okay. And if
6 you have never done a Protest Hearing or if you
7 need some further information and this is for
8 both sides, both the licensee and for the
9 protestant, you are welcome to call Ms. April
10 Randall. Her number is (202) --

11 MS. WILSON: Sorry. (202).

12 CHAIRPERSON ANDERSON: -- 442-4353.
13 If you need further information on how the
14 process works, you are welcome to give her a call
15 and she will work with you in providing you
16 whatever guidance either side requires to make
17 this a smooth process.

18 MR. McCOY: Okay.

19 CHAIRPERSON ANDERSON: All right.

20 MR. McCOY: Thank you.

21 CHAIRPERSON ANDERSON: Have a good
22 day.

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MR. McCOY: Thank you.

MR. GUTHRIE: Thank you.

CHAIRPERSON ANDERSON: Thank you very
much.

(Whereupon, the Protest (Status)

Hearing was concluded at 9:51 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 7:6 advance 5:15 Alcoholic 1:2,13,13 Alex 1:20 2:10 allow 6:1 ANC 1:7 ANC-1C 3:4 Anderson 1:15,17 2:3,9 2:12,19 3:1,3,5,9,14 4:15,18 5:16 6:5,12 6:19,21 7:3 APPLICANT 1:20 Application 1:9 approach 2:6 April 6:9 Ashley 1:21 3:7 association 3:13,13 attention 4:7</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 3:7 believe 4:8 Beverage 1:2,13,13 Board 1:2,13 3:21 4:3 4:19 5:3,8,20,22 Board's 4:7 BOBBY 1:17 brought 4:6 Building 1:14 Buns 1:6 2:5 Burger 1:5 business 2:10</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 6:9,14 can-- 4:14 case 1:8 2:3,4 CATO 1:17 cause 5:22 Chairperson 1:14,17 2:3,9,12,19 3:1,3,5,9 3:14 4:15,18 5:16 6:5 6:12,19,21 7:3 Citizens 3:12 clarify 5:14 clearly 3:20 COLUMBIA 1:1 come 5:7 comes 5:3 committed 4:11 Concepts 1:5 concluded 7:6 continuing 4:12 Control 1:2,13,13 CR 1:7 CROCKETT 1:18</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 date 4:11 day 6:22 days 5:17,21,21 6:2 decision 5:3 Denis 1:22 3:11 determine 5:8 disclosed 6:2 discuss 4:12 DISTRICT 1:1 documents 5:14,19 6:1 doing 2:8 Donovan 1:15,17 doubt 3:22</p> <hr/> <p style="text-align: center;">E</p> <p>either 6:16 establishment 2:16</p> <hr/> <p style="text-align: center;">F</p> <p>Fine 3:1 five 2:18,22 Form 5:10 further 6:7,13</p> <hr/> <p style="text-align: center;">G</p> <p>give 6:14 going 5:4,18,19 good 2:9,12 3:5,9,11,14 5:22 6:21 Group 3:8 guidance 6:16 Guthrie 1:21 3:4,4,6 7:2</p> <hr/> <p style="text-align: center;">H</p> <p>happy 5:2,7 hash 4:14 heard 3:18 hearing 1:7,13 3:17,19 5:17 6:3,6 7:6 Hearings 3:20 Hey 2:8</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:7 information 5:9 6:7,13</p> <hr/> <p style="text-align: center;">J</p> <p>James 1:18,22 3:11,12 3:15 4:9 job 4:20 JR 1:17</p> <hr/> <p style="text-align: center;">K</p> <p>Kalorama 3:12 know 3:21 4:3,22</p>	<p style="text-align: center;">L</p> <p>License 1:7,9 2:5 licensee 6:8 LLC 1:5 Lucky 1:6 2:4</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:4 3:16 4:21 5:6 matters 4:6 McCOY 1:20 2:8,10,10 2:13,16,17,21 3:2 4:8 4:13,16 5:12 6:18,20 7:1 mean 2:20 4:10 means 5:2 mediation 4:10 medium 5:7 meeting 1:3 4:14 Member 1:17,18,18 met 1:13 morning 2:9,12 3:5,9 3:11,14 moved 4:2 movement 4:2</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:14 need 5:10,14 6:7,13 needs 4:6 5:19 neighborhood 4:22 5:1 never 6:6 number 6:10 NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <p>October 3:17 Okay 3:1 6:5,18 owner 2:11,18,20,21 owners 2:15,18,22,22</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 parties 2:6 4:21 5:2 party 5:20 please 2:6,7,13,14 4:4 possible 4:4 prefer 4:20 preliminary 4:6 PRESENT 1:16,19 President 3:12 presiding 1:15 previous 3:18 prior 5:17,21 6:2 process 6:14,17 Protest 1:6 3:17,20 5:9 6:6 7:5</p>	<p>protestant 1:21,21,22 6:9 providing 6:15</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>RAFI 1:18 Randall 6:10 re-read 5:10 read 5:9 really 4:9 reasons 5:5 record 2:7 Reeves 1:14 rely 5:18,19 6:1 Renew 1:9 representative 2:17,20 representing 3:13 requires 6:16 resolved 4:16 Retailer 1:7 right 3:3,16 4:15 5:16 6:19 Room 1:14</p> <hr/> <p style="text-align: center;">S</p> <p>scheduled 3:16,19 sent 5:14,20,20 September 1:11 settle 4:21 settled 4:1 settlement 4:3,19 settling 5:6 seven 5:17,20,21 6:2 sheet 2:13 SHORT 1:18 shown 5:22 side 5:4 6:16 sides 6:8 sign 2:14 sign-in 2:13 skilled 3:21 smooth 6:17 soon 4:3,14,17 sorry 5:13 6:11 Status 1:7 7:5 Street 1:6,14 successful 4:11 Suite 1:14 support 4:19 sure 5:6</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 talk 5:5 Ted 1:21 3:4 Thank 6:20 7:1,2,3</p>
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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: Hearing

Before: Alcoholic Beverage Control Board

Date: 09-18-19

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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