

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Machu Picchu, LLC, :
 t/a Miramar :
 1033 31st Street NW : Protest
 Retailer CR - ANC 2C : Hearing (Status)
 License No. 115376 :
 Case #19-PRO-00162 :
 :
 (Application for a New :
 License) :

Wednesday
 February 12, 2020

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
 JENI HANSEN, Member
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 JAMES SHORT, JR., Member
 REMA WAHABZADAH, Member

ALSO PRESENT:

JOHN HOPKINS, Protestant
 PETER SACCO, Protestant
 KAREN CRUSE, Protestant

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

2 (9:41 a.m.)

3 MEMBER ANDERSON: The next case on our
4 calendar is case number 19-PRO-00162, Miramar,
5 license number 115376. Will the parties please
6 approach and identify themselves for the record,
7 please? You can identify yourself for the
8 record.

9 MR. HOPKINS: Okay. I am John
10 Hopkins. I am the representative for the
11 Wadsworth House Condominium Residents Group.

12 MEMBER ANDERSON: Good morning, Mr.
13 Hopkins.

14 MR. SACCO: Peter Sacco. I am the
15 executive director for ANC2E.

16 MEMBER ANDERSON: Good morning, Mr.
17 Sacco.

18 MS. CRUSE: Karen Tammany Cruse, and
19 I represent the Citizens Association of
20 Georgetown.

21 MEMBER ANDERSON: Good morning, Ms.
22 Tammany Cruse. I see that the licensee is not
23 here this morning, so what I do as I do in --
24 yes, sir.

25 MR. HOPKINS: I was going to say we

1 did last evening reach a settlement agreement
2 with the Applicant, which I would be happy to --

3 MEMBER ANDERSON: No, but it's -- the
4 Applicant needed to be here. So did someone not
5 -- tell him not to come? So what will occur --
6 so I assume he's not going to come today.

7 MR. HOPKINS: All right. I also
8 understand that he is not here this morning for
9 health reasons and advised us that he could not
10 here. So if it is necessary for him to further
11 appear, we'll have to do that. But as I say, we
12 have reached an agreement of which he did enter
13 into.

14 MEMBER ANDERSON: All right. The
15 procedure is that because he's not here today, I
16 have to make a motion to the Board to dismiss his
17 application.

18 However, he needs to give the Board --
19 we'll issue a decision today once I make the
20 motion. He will have 10 days to give the Board
21 reasonable cause of why he was not here today.

22 And you, the Protestants, will also
23 weigh in. And so you guys can decide what it is
24 that you want the Board to do. But because
25 they're not here today, by a question of law, I

1 have to make this motion.

2 And so therefore, I make a motion that
3 the licensee, the license application be
4 dismissed based on the failure of licensee to
5 show up. I'm sorry. Go ahead, sir.

6 MR. SACCO: I mean I think from the,
7 speaking from the ANC's perspective, on our end
8 we're not interested in having it dismissed.
9 We're at the point where we've got it done, and
10 we'd really like for the Applicant to move
11 forward with this.

12 MEMBER ANDERSON: Our legal office
13 will explain to you what the process is. Now is
14 there -- do you have a settlement agreement
15 that's signed by all --

16 MR. HOPKINS: Yes.

17 MR. SACCO: Yes.

18 MEMBER ANDERSON: Everyone has signed?

19 MR. HOPKINS: Yeah.

20 MEMBER ANDERSON: All right. So --
21 well, can -- give us a copy of the settlement
22 agreement then, the signed settlement agreement
23 that's signed by all parties.

24 All right. This matter was scheduled
25 for a protest hearing this morning, and so

1 therefore, what the Board is going to do based on
2 the fact that a signed settlement agreement was
3 provided to the Board this morning, we will
4 cancel the hearing due to the submission of a
5 settlement agreement for the Board's review and
6 approval. All right. Thank you.

7 MS. CRUSE: Thank you.

8 MR. HOPKINS: Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 9:46 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: Miramar

Before: DCABRA

Date: 02-12-20

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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