DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF:

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Pal the Mediterranean : Spot and More, LLC, : t/a Pal the Mediterranean: Spot :

1501 U Street NW, : Protest

Retailer CR - ANC 1B : Hearing (Status)

License No. 92484 : Case #18-PRO-00036 :

:

(Substantial Change - : Request to Change Hours : of Operation and Sales) :

Wednesday
July 11, 2018

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 NICK ALBERTI, Member DONALD ISAAC, SR., Member MIKE SILVERSTEIN, Member JAMES SHORT, Member REMA WAHABZADAH, Member ALSO PRESENT:

MOHAMMED RASHED, APPLICANT

MARK PARASCANDOLA, PROTESTANT

JOHN GREEN, ANC-1B

CHRIS YOUNG, PROTESTANT

1	P-R-O-C-E-E-D-I-N-G-S
2	9:39 a.m.
3	CHAIRPERSON ANDERSON: All right. The
4	next case on our calendar is Case No. 18-PRO-
5	00036, Pal the Mediterranean Spot and More,
6	License No. 92484.
7	Will the parties, please, approach and
8	identify themselves for the record, please? Yes?
9	MR. RASHED: Mohammed Rashed, Pal the
10	Mediterranean Spot and More, LLC.
11	CHAIRPERSON ANDERSON: I did not hear
12	your last name, sir.
13	MR. RASHED: Rashed, Mohammed Rashed.
14	CHAIRPERSON ANDERSON: Good morning,
15	Mr. Rashed. Please, spell your name for the
16	reporter and also sign-in on the sign-in sheet,
17	too, please, sir.
18	MR. RASHED: Mohammed, M-O-H-A-M-M-E-D
19	last name Rashed, R-A-S-H-E-D, Pal the
20	Mediterranean Spot and More, LLC.
21	CHAIRPERSON ANDERSON: Okay. And yes,
22	sir?

1	MR. PARASCANDOLA: Mark Parascandola.
2	I live next door to the establishment. I'm
3	representing two protestants, myself and my wife,
4	Christina Parascandola.
5	CHAIRPERSON ANDERSON: So who are you?
6	You are what? I mean, the
7	MR. PARASCANDOLA: We are adjacent
8	property owners and residents of the
9	establishment.
10	CHAIRPERSON ANDERSON: Well, all
11	right. Who are the protestants? Who is actually
12	protesting this liquor license?
13	MR. PARASCANDOLA: Well, I'm one we
14	are one of the protestants and then there are
15	also representatives of two other protestants.
16	CHAIRPERSON ANDERSON: All right.
17	Well, hold on a minute. You are all right.
18	Who is next? You, sir.
19	MR. GREEN: John Carlos Green, ANC
20	Commissioner.
21	CHAIRPERSON ANDERSON: Okay. So Mr.
22	Green is from the ANC. And you, sir?

1	MR. YOUNG: Chris Young, from Meridian
2	Hill Neighborhood Association.
3	CHAIRPERSON ANDERSON: So who is is
4	there someone from the Shaw Dupont Citizens
5	Association here?
6	MR. PARASCANDOLA: Yes. So I have a
7	letter from Elwyn Ferris from the Shaw Dupont
8	Citizens Alliance designating me as a
9	representative for them also.
10	CHAIRPERSON ANDERSON: Well, all
11	right. But so you are only here as the
12	designated representative for the Shaw Dupont
13	Citizens Association. You are not
14	MR. PARASCANDOLA: I am also one of
15	the protestants. The
16	CHAIRPERSON ANDERSON: For what group?
17	MR. PARASCANDOLA: Christina and Mark
18	Parascandola.
19	CHAIRPERSON ANDERSON: For what group?
20	MR. GREEN: He's an abutting property
21	owner.
22	MR. PARASCANDOLA: We are the

1 abutting, yes. 2 MR. GREEN: I think they have status, sir. 3 4 CHAIRPERSON ANDERSON: Yes, but I 5 don't have the abutting property owner as a protestant in this case. All right. 6 So were you 7 -- so you went to the -- you were at the Roll 8 Call and you were --9 MR. PARASCANDOLA: Yes. 10 CHAIRPERSON ANDERSON: Okay. Because 11 I don't -- on my Board briefing it doesn't state 12 that there is -- it just says there are three protestants, which is the ANC, the Shaw Dupont 13 Citizens Association and the Meridian Hill 14 15 Neighborhood Association. And so I don't have 16 any abutting property owner. 17 MR. PARASCANDOLA: Yes, we were here. 18 I know -- yeah, we were here at the Roll Call 19 Hearing. 20 CHAIRPERSON ANDERSON: Okay. Okay. 21 All right. So you are correct. So give me your

22

name again, sir.

1	MR. PARASCANDOLA: Mark, M-A-R-K,	
2	Parascandola which is P-A-R-A-S-C-A-N-D-O-L-A.	
3	CHAIRPERSON ANDERSON: Okay. Good	
4	morning. So the abutting property owners are,	
5	you said, one or two?	
6	MR. PARASCANDOLA: Mark and Christina.	
7	CHAIRPERSON ANDERSON: So both of you	
8	are so is Mark and Christina the same person?	
9	When I say the same person, the same property or	
LO	two different properties?	
L1	MR. PARASCANDOLA: The same property.	
L2	CHAIRPERSON ANDERSON: Okay.	
L3	MR. PARASCANDOLA: We are a married	
L 4	couple, yes.	
L5	CHAIRPERSON ANDERSON: And I'm trying	
L6	to be very specific here, so because if the other	
L7	person was a separate property, and if they were	
L8	not here, then I would have to dismiss them. So	
L9	that's one of the reasons why I'm asking.	
20	So you are a married couple, so you	
21	are one.	
22	MR. PARASCANDOLA: Yes.	

1	CHAIRPERSON ANDERSON: Well, at least
2	for my purpose, so therefore I don't dismiss the
3	other person because they are not here. Okay?
4	All right. So it's from that perspective I want
5	to make sure that we are correct. All right.
6	This any preliminary matters that
7	needs to that either party wants to bring to
8	my attention, to the Board's attention?
9	MR. PARASCANDOLA: Do I need to give
10	this letter of designation from
11	CHAIRPERSON ANDERSON: Yes, you can
12	give. Yes, you can give that to us.
13	MR. PARASCANDOLA: All right.
14	CHAIRPERSON ANDERSON: That's fine.
15	And thank you for bringing that. Yeah, any other
16	preliminary matters? Okay.
17	Okay. That's fine. All right. So
18	the so all the protestants are here today.
19	So, yeah. So are there any preliminary matters
20	that either party needs to bring to the Board's
21	attention? No? No?
22	MR. PARASCANDOLA: I don't believe so.

CHAIRPERSON ANDERSON: All right. All right. With that said then, this matter is scheduled for a Protest Hearing on August the 1st at 1:30. All right.

MR. PARASCANDOLA: Sir, actually, I -maybe I don't understand what you mean by
preliminary matter, but it -- if the hearing is
to determine the status of the case, I would note
that we did meet with a mediator at the scheduled
mediation time and most of the parties were
present.

CHAIRPERSON ANDERSON: Okay.

MR. PARASCANDOLA: I felt like we did and I'll ask for Mr. Rashed's perspective on this, but we discussed some terms of settlement. We have not concluded that, to my knowledge. At least nobody has presented me with a final settlement with the establishment to consider. But I don't believe that we have reached an impasse, so I would ask what procedural options there are to continue attempting to reach an agreement before going straight to the Protest

Hearing.

CHAIRPERSON ANDERSON: All right. The matter is scheduled for a Protest Hearing on August 1st. You guys can continue to talk as -- I mean, I would prefer if you come to an agreement. If you are going to come to an agreement prior to August -- July 28th, a week before, so we could take it off the schedule, but since there are four parties, it might be a little bit more complicated, but you can even show up here on August 1st and provide us with a settlement agreement, which I'm fine with.

So just continue talking and if say for example -- and say if there is a joint settlement agreement with all four parties, and if the ANC says that before we can sign off on the settlement, it has to go to the -- our full ANC and so we could postpone.

So say for example if everyone has agreed, then we could postpone or cancel the hearing on the 1st, depending on where the parties are. So we are at if -- and again, if

the parties are very close to settlement, both sides can join, all sides can jointly ask the Board to postpone this matter.

But one of the things I'll say to you, we do go on leave, I think we have, two meetings, I think in July -- I'm sorry, in August and I think after the second or third week of August, we are not going to return until after Labor Day. So but again, since this is not a new license, so it's not an issue of the applicant not being in operation.

But my position has always been -- is to have settlement agreements, because this is your neighborhood. You can all decide what is in the best interest of your neighborhood, rather than have the Board decide what we believe is in your best interest.

And I think most -- I'm not sure if any of the Board Members, current Board Members, actually live in this neighborhood, so I would prefer you do a settlement agreement. And as I said, I will entertain settlement agreements

until -- you can all show up here and, you know, 1 2 there will be something hits you and you decide that you are going to agree and that's fine with 3 4 me, because I prefer it that way. Okay? 5 MR. PARASCANDOLA: Thank you. helpful. And what -- I personally found the --6 7 on the services of ABRA's professional mediator 8 to be helpful when we met as a group. Is it 9 possible to request Ms. Fletcher's services again or is there only one opportunity for using --10 11 CHAIRPERSON ANDERSON: I'm not sure. 12 I'm not sure how that works, but I can -- yes? Ι 13 was told that you can have as many mediation 14 sessions as you want or desire to make sure that 15 an agreement is reached. So the Agency is fine 16 with that and we will make ourselves available to 17 ensure that that happens. Okay. 18 MR. PARASCANDOLA: Thank you. 19 CHAIRPERSON ANDERSON: All right. 20 MR. YOUNG: Thank you. 21 CHAIRPERSON ANDERSON: Yes, Mr. 22 yes, sir?

MR. RASHED: I -- the mediation
meeting where the ANC were not there and we
especially said they are not there, that the
Panel may dismiss their appearance and the Status
Hearing, which is --

CHAIRPERSON ANDERSON: Well, the ANC-no, the mediation is not -- well, at least from
my perspective, I mean, we can't force parties to
mediate. At least from my perspective, the ANC
has to -- and the way it works, even if the ANC
is not "even if they are not protesting this
matter, they can sign a settlement agreement with
you."

But I guess in this particular case, because all the other parties have their own jurisdiction, so we are still going to move forward so they can also -- whether or not they are a part of this -- these proceedings formally or not, they can always sign a settlement agreement with you if they so desire, but they are here today for the Status Hearing.

And for my purpose, you are at the

Roll Call to be granted status and you have to show up. Now if the ANC wasn't here today, then I would dismiss them. But again, they would have had 10 days to ask for reinstatement, but they are here today, so that's not a procedural argument. That's not, procedurally, something that -- to be argued today.

But they are here and that's all that really matters, they are here today. But I would hope that all the parties, since they are four or five protestants, that -- and they all have their own jurisdiction, so therefore, I would hope that all parties work jointly together to come up with a settlement agreement.

Because if you agree to a settlement agreement with one of the protestants, the other three are still going to move forward. So even if you have a settlement agreement with the civic association, then the ANC can still move forward, the abutting property owner would move forward.

So everyone -- I mean, we are going if -- unless all the parties agree to the settlement

agreement, we are going to have a hearing with 1 2 the party who did not sign-off on the settlement agreement. And we can't -- I -- neither the 3 4 Board cannot tell the parties to sign-off on any 5 specific agreement and so therefore you can, in theory, have four separate settlement agreements 6 7 and so that's if all the parties don't agree on 8 one separate agreement. 9 So I do hope -- and I think in this 10 particular case, having the mediator that we can/ 11 will make available to help the four parties come 12 up to a joint agreement, if that's possible that 13 would be most appreciated. Okay. All right. 14 MR. RASHED: When we --15 CHAIRPERSON ANDERSON: Yes, sir? 16 MR. RASHED: -- met the last time with 17 the mediator, we were supposed to have some 18 draft, but they propose for --19 CHAIRPERSON ANDERSON: From whom? 20 MR. RASHED: From the protestants for

-- but it has been a month and I did not see

anything.

21

CHAIRPERSON ANDERSON: 1 So all right, 2 is there an issue in the sense that I think the licensee was expecting some draft agreement. 3 4 there an issue? 5 MR. PARASCANDOLA: No, we are happy to provide that. I think again because we have a 6 number of protestants, you know, it's taking us a 7 8 little more time, but we are happy to provide 9 And I think that is -- could be the basis for our -- another discussion with the mediator. 10 11 CHAIRPERSON ANDERSON: And so it's 12 just a matter of contacting the Agency and coming 13 up with a date to have, if you need to have, another formal mediation session where the 14 parties can jointly sit down and figure out what 15 16 it is that they need to do. 17 And of course, the Agency will make 18 its resources available to all the parties, so 19 they can jointly come up with an agreement. 20 Okay? All right. Now that we have scheduled this matter 21

for a Protest Hearing, there are a few things

that I would like to instruct the applicant and the protestants about, so that the Protest Hearing is focused and addresses only those issues that are being protested.

The Board does not intend to hear testimony on matters that are not relevant to this case. You should have received by electronic or regular mail a letter explaining the protest process, a copy of the Protest Information Form and a copy of the Exhibit Form. If you do not have these documents, please, contact Assistant General Counsel, April Randall, following this hearing.

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

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

Likewise witnesses other than a party may also be subject to exclusion if not identified in the PIF.

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

We thank you for your cooperation. If you have any questions today or at any time leading up to this hearing, please, do not

1	hesitate to contact AGC Randall at (202) 442-
2	4353.
3	Thank you very much. Good luck with
4	your continued negotiations. And if you are
5	unable to come up with an agreement, I will see
6	you on August the 1st at 1:30 p.m. Thank you for
7	coming today.
8	MR. PARASCANDOLA: Thank you.
9	(Whereupon, the Protest (Status)
10	Hearing was concluded at 9:55 a.m.)
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Pal the Mediterranean Spot and More,

LLC

Before: Alcoholic Beverage Control Board

Date: 07-11-18

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.

Court Reporter

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