

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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FACT FINDING HEARING

IN THE MATTER OF:

Potomac Restaurant Associates,  
Inc., t/a Pizzeria Uno  
License No. 3854  
Retailer CR  
ANC 2E  
License in Extended Safekeeping

THURSDAY, MAY 15, 2014

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, Ruthanne Miller, Chairperson, presiding.

PRESENT:

RUTHANNE MILLER, CHAIRPERSON  
NICK ALBERTI, MEMBER  
DONALD BROOKS, MEMBER  
HERMAN JONES, MEMBER  
MIKE SILVERSTEIN, MEMBER  
HECTOR RODRIGUEZ, MEMBER  
JAMES SHORT, MEMBER

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P R O C E E D I N G S

12 noon

CHAIRPERSON MILLER: Now we can call Pizzeria Uno.

Good morning.

MR. O'CONNELL: I'm William O'Connell.

CHAIRPERSON MILLER: I'm sorry, could you speak a little bit louder? What's your name?

MR. O'CONNELL: William O'Connell. This is Ms. Natoli, the president of Potomac Restaurant Associates, the licensee.

CHAIRPERSON MILLER: And what's your position?

MR. O'CONNELL: Attorney.

CHAIRPERSON MILLER: Okay, all right. So the Board has been holding some hearings with respect to licenses that are in safekeeping because we don't want them to languish in safekeeping, that they're to be used. So we're here to ask you what's the

1 status of your license? Do you have plans to  
2 put it back into use?

3 MR. O'CONNELL: To give you a  
4 little history, please, the Board -- Ms.  
5 Natoli developed some health problems in 2012  
6 and is no longer able to operate Uno's  
7 restaurant. The landlord wanted her to  
8 terminate her lease because she didn't have  
9 any way of keeping the restaurant going.  
10 Uno's, the licensor of the Uno's license that  
11 Potomac Restaurant had, was a restaurant in  
12 Georgetown, but they didn't want to take over  
13 this particular lease. So Ms. Natoli, on  
14 behalf of Potomac, terminated the lease and  
15 because of her medical problems, she was  
16 unable to open another restaurant right away.

17 It's been a long recovery period.  
18 She still has some residual problems, but  
19 she's improving all the time. She looks  
20 forward to going back to Uno's as she has 30  
21 years' relations with them. There was always  
22 a good relationship of being able to renew the

1 franchise agreement. Of course, she's going  
2 to have to find a place.

3 Right now on the advice of her  
4 doctor, he doesn't believe that she should try  
5 that right now. She renewed the license  
6 through April of next year. She's very  
7 hopeful that before that time she'll be able  
8 to resume her restaurant career, but there's  
9 no guarantee. But we are asking the court --  
10 not the court, the Board, I'm sorry --

11 CHAIRPERSON MILLER: That's okay.

12 MR. O'CONNELL: I'm used to  
13 courts, not boards.

14 CHAIRPERSON MILLER: Yes.

15 MR. O'CONNELL: I ask the Board to  
16 let her hold this until the end of that period  
17 and see if she can get the act together. I  
18 mean she's been a model licensee for over 30  
19 years and like all of us, I won't say all of  
20 us, but a lot of us, health problems sometimes  
21 intervene, but she's very hopeful that she can  
22 get back on her feet, get back in the

1 restaurant business. So we'd ask the Board to  
2 let us hold that until the end of the current  
3 period.

4 CHAIRPERSON MILLER: That is when  
5 in 2015?

6 MR. O'CONNELL: April of 2015.

7 CHAIRPERSON MILLER: April of  
8 2015. I have in my notes that the fees for  
9 the license were paid through March 31, this  
10 year and that other fees, current fees haven't  
11 been paid.

12 MR. O'CONNELL: For some reason  
13 there's been a loss there. We did make the  
14 payment. Have a registered letter that it was  
15 received and the check was cashed.

16 CHAIRPERSON MILLER: Okay. When  
17 was that?

18 MR. O'CONNELL: That was November  
19 1st.

20 MS. NATOLI: April 9th, you all  
21 signed for 4/11.

22 CHAIRPERSON MILLER: Okay.

1 MS. NATOLI: And I sent a letter  
2 also that you all asked me to do.

3 CHAIRPERSON MILLER: Okay, so  
4 April 11th you sent in your payment?

5 MS. NATOLI: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MS. NATOLI: Through March of  
8 2014. I did a one-year renewal.

9 CHAIRPERSON MILLER: Through March  
10 of 2014?

11 MS. NATOLI: 2015.

12 CHAIRPERSON MILLER: 2015.

13 MS. NATOLI: 2015.

14 CHAIRPERSON MILLER: Is that a  
15 copy?

16 MR. O'CONNELL: A copy.

17 CHAIRPERSON MILLER: You probably  
18 need this back.

19 (Pause.)

20 I'm sorry, I'm having trouble  
21 finding the date on this.

22 MS. NATOLI: There's a date on

1 there. It's on the back.

2 MR. ALBERTI: It should be  
3 stamped.

4 CHAIRPERSON MILLER: That's a  
5 faint stamp, do you see it? Thank you. Maybe  
6 we should make copies of this.

7 MR. SILVERSTEIN: November of  
8 2013?

9 CHAIRPERSON MILLER: Okay. I'll  
10 give this back to you right now. That has a  
11 2013 stamp on this. This letter has a 2014  
12 date on it. I don't know if there's another  
13 thing that goes with this.

14 MS. NATOLI: I'm sorry, this is  
15 it.

16 MR. O'CONNELL: She's got the  
17 right one.

18 CHAIRPERSON MILLER: Okay. So --

19 MR. ALBERTI: Ms. Miller, I  
20 suggest you let Licensing handle that piece of  
21 this.

22 CHAIRPERSON MILLER: Are you

1 suggesting that they take it to somebody else  
2 after a hearing?

3 MR. ALBERTI: Yes. And we handle  
4 that, fees and late fees, and all of that  
5 through our normal channels.

6 CHAIRPERSON MILLER: Okay. There  
7 was a mistake then in our briefing sheet and  
8 I just want to bring that to your attention.  
9 You might want to go to the front desk after  
10 this hearing just to give them that  
11 information or ask for Mr. Gordy in Licensing.

12 MR. O'CONNELL: Mr. Gordy?

13 CHAIRPERSON MILLER: Yes.

14 MS. NATOLI: Because you have it  
15 through when?

16 CHAIRPERSON MILLER: You know, in  
17 the briefing notes that I have it's through  
18 March 31st. So whoever did this briefing,  
19 didn't see that last payment. So you're on  
20 board with your payment. Okay. I understand  
21 that you're saying that you think in a year  
22 you should be in good health?

1 MS. NATOLI: Yes.

2 CHAIRPERSON MILLER: I don't know  
3 if you've been listening to the earlier cases  
4 where we say okay, give us an update in six  
5 months. So I guess my question to you is  
6 would there be anything to update with respect  
7 to you within six months or this one-year  
8 projection about your health really one year.

9 MR. O'CONNELL: Well, certainly  
10 within six months if the doctor says no way  
11 she's going to be able to do it, I think she  
12 should let the Board know that she will --

13 MR. RODRIGUEZ: We'll cross that  
14 bridge when we get to it.

15 CHAIRPERSON MILLER: So you're  
16 saying -- I'm trying to figure out if this  
17 Board wants some kind of update, you could  
18 submit a letter in six months. Looks like --

19 MR. O'CONNELL: We certainly  
20 could.

21 CHAIRPERSON MILLER: Looks like  
22 six months from now is good to go still and

1       whatever.  Anything else?

2                   MR. O'CONNELL:  We will make sure  
3       that a letter came to give you an update.

4                   CHAIRPERSON MILLER:  You can have  
5       a seat.  Actually, the microphone is on the  
6       table.

7                   MR. O'CONNELL:  Okay, I'm sorry.  
8       I never have heard that people say they can't  
9       hear me.

10                  CHAIRPERSON MILLER:  You're doing  
11       great.

12                  Mr. Short, do you have a question?

13                  MR. SHORT:  Yes, I would just like  
14       to comment.  I think that you said six months  
15       and everyone else that's come before us, if  
16       you've been here today, and if you just want  
17       to sent us a letter within six months I think  
18       that should be satisfactory to the Board.

19                  CHAIRPERSON MILLER:  That's what  
20       you would like?

21                  MR. SHORT:  That's what I suggest.

22                  CHAIRPERSON MILLER:  Others?

1 MR. ALBERTI: I agree with that.

2 CHAIRPERSON MILLER: So I think  
3 similar what we said before, do you feel they  
4 need a fact finding or we just put it on the  
5 calendar and look at their submission that  
6 will come in in writing and then make a  
7 decision?

8 MR. ALBERTI: Yes, I mean we'll  
9 see the letter and then we'll schedule a fact  
10 finding if we think it's necessary and they  
11 should be aware that we might do that. Is  
12 that what's being suggested?

13 MR. SHORT: That's what I'm  
14 suggesting, yes.

15 MR. ALBERTI: Yes.

16 CHAIRPERSON MILLER: That's fine,  
17 given this is really about a health situation,  
18 I think if you submit a letter within six  
19 months, letting us know the status, whether  
20 you're going to be able to go forward, that  
21 will be fine.

22 We'll only schedule a fact finding

1 hearing if we really need you to come in.

2 (Pause.)

3 I'll say this, if you're at a  
4 calendar within six months, send us a letter  
5 about an update with respect to your health  
6 and the license. It may be and I was just  
7 checking with my general counsel whether we  
8 may send you a notice saying please send that  
9 to us, but just in case, if you could calendar  
10 it and just send that note. That would be  
11 sufficient. I wish you the best of health.

12 MS. NATOLI: Thank you.

13 CHAIRPERSON MILLER: And thank you  
14 very much for coming down and you just might  
15 want to pop by the front desk with that.

16 MR. RODRIGUEZ: I want to wish you  
17 the best of health.

18 MS. NATOLI: Thank you.

19 MR. RODRIGUEZ: I have been a  
20 customer of yours I want you to know.

21 MS. NATOLI: Oh, thank you.

22 MR. RODRIGUEZ: Great pizza.

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MS. NATOLI: I hope it was a good experience.

CHAIRPERSON MILLER: Okay, so that completes the hearings for this morning, so the Board will recess and come back at 1 o'clock.

(Whereupon at 12:12 p.m., the fact finding hearing was concluded.)

<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 3:6,22 4:7 9:11 11:20</p> <p><b>act</b> 4:17</p> <p><b>advice</b> 4:3</p> <p><b>agree</b> 11:1</p> <p><b>agreement</b> 4:1</p> <p><b>ALBERTI</b> 1:19 7:2 7:19 8:3 11:1,8,15</p> <p><b>Alcoholic</b> 1:3,14,15</p> <p><b>ANC</b> 1:10</p> <p><b>April</b> 4:6 5:6,7,20 6:4</p> <p><b>asked</b> 6:2</p> <p><b>asking</b> 4:9</p> <p><b>Associates</b> 1:8 2:13</p> <p><b>attention</b> 8:8</p> <p><b>Attorney</b> 2:16</p> <p><b>aware</b> 11:11</p>	<p><b>cases</b> 9:3</p> <p><b>cached</b> 5:15</p> <p><b>certainly</b> 9:9,19</p> <p><b>Chairperson</b> 1:16 1:19 2:3,8,14,17 4:11,14 5:4,7,16 5:22 6:3,6,9,12,14 6:17 7:4,9,18,22 8:6,13,16 9:2,15 9:21 10:4,10,19 10:22 11:2,16 12:13 13:3</p> <p><b>channels</b> 8:5</p> <p><b>check</b> 5:15</p> <p><b>checking</b> 12:7</p> <p><b>COLUMBIA</b> 1:1</p> <p><b>come</b> 10:15 11:6 12:1 13:5</p> <p><b>coming</b> 12:14</p> <p><b>comment</b> 10:14</p> <p><b>completes</b> 13:4</p> <p><b>concluded</b> 13:8</p> <p><b>Control</b> 1:3,14,15</p> <p><b>copies</b> 7:6</p> <p><b>copy</b> 6:15,16</p> <p><b>counsel</b> 12:7</p> <p><b>course</b> 4:1</p> <p><b>court</b> 4:9,10</p> <p><b>courts</b> 4:13</p> <p><b>CR</b> 1:10</p> <p><b>cross</b> 9:13</p> <p><b>current</b> 5:2,10</p> <p><b>customer</b> 12:20</p>	<p><b>E</b> 2:1,1</p> <p><b>earlier</b> 9:3</p> <p><b>experience</b> 13:2</p> <p><b>Extended</b> 1:11</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 1:5 11:4,9,22 13:7</p> <p><b>faint</b> 7:5</p> <p><b>feel</b> 11:3</p> <p><b>fees</b> 5:8,10,10 8:4,4</p> <p><b>feet</b> 4:22</p> <p><b>figure</b> 9:16</p> <p><b>find</b> 4:2</p> <p><b>finding</b> 1:5 6:21 11:4,10,22 13:8</p> <p><b>fine</b> 11:16,21</p> <p><b>forward</b> 3:20 11:20</p> <p><b>franchise</b> 4:1</p> <p><b>front</b> 8:9 12:15</p>	<p>8:10 12:1 13:8</p> <p><b>hearings</b> 2:19 13:4</p> <p><b>HECTOR</b> 1:21</p> <p><b>HERMAN</b> 1:20</p> <p><b>history</b> 3:4</p> <p><b>hold</b> 4:16 5:2</p> <p><b>holding</b> 2:18</p> <p><b>hope</b> 13:1</p> <p><b>hopeful</b> 4:7,21</p> <p style="text-align: center;"><b>I</b></p> <p><b>improving</b> 3:19</p> <p><b>information</b> 8:11</p> <p><b>intervene</b> 4:21</p> <p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:22</p> <p><b>JONES</b> 1:20</p> <p style="text-align: center;"><b>K</b></p> <p><b>keeping</b> 3:9</p> <p><b>kind</b> 9:17</p> <p><b>know</b> 7:12 8:16 9:2 9:12 11:19 12:20</p>	<p><b>lot</b> 4:20</p> <p><b>louder</b> 2:9</p> <p style="text-align: center;"><b>M</b></p> <p><b>March</b> 5:9 6:7,9 8:18</p> <p><b>MATTER</b> 1:7</p> <p><b>mean</b> 4:18 11:8</p> <p><b>medical</b> 3:15</p> <p><b>MEMBER</b> 1:19,20 1:20,21,21,22</p> <p><b>met</b> 1:15</p> <p><b>microphone</b> 10:5</p> <p><b>MIKE</b> 1:21</p> <p><b>Miller</b> 1:16,19 2:3 2:8,14,17 4:11,14 5:4,7,16,22 6:3,6 6:9,12,14,17 7:4,9 7:18,19,22 8:6,13 8:16 9:2,15,21 10:4,10,19,22 11:2,16 12:13 13:3</p> <p><b>mistake</b> 8:7</p> <p><b>model</b> 4:18</p> <p><b>months</b> 9:5,7,10,18 9:22 10:14,17 11:19 12:4</p> <p><b>morning</b> 2:5 13:4</p>
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