

IN THE MATTER OF: :
 :
Black's 14th Street, :
NW, LLC, :
t/a Pearl Dive Oyster : Show Cause
Palace/Black Jack : Hearing (Status)
1612 14th Street NW :
License #85382 :
Retailer CR - ANC 2F :
Case # 19-CMP-00176 :
 :
(Increase in Occupancy :
Without Board Approval) :

Wednesday
January 6, 2021

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT :

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
JESSICA KRUPKE, DC OAG
SIDON YOHANNES, Licensee's Counsel

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

2 2:03 p.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case Number 19-CMP-
5 00176, Pearl Dive Oyster Palace/Black Jack,
6 License Number 85382.

7 Ms. Andrews, can you please elevate
8 the rights of the government, and I believe the
9 licensee is Mr. Jeff Black.

10 MS. ANDREWS: Ms. Krupke, you are now
11 a panelist. I do not see the licensee on the
12 line, but if there is a licensee here for this
13 case could you please recognize yourself via the
14 chat.

15 Okay. Ms. Yohannes says she is
16 representing them. I am going to go ahead and
17 elevate her rights.

18 CHAIRPERSON ANDERSON: Thank you.

19 MS. ANDREWS: Ms. Yohannes, your
20 rights have been elevated. That's all, Mr.
21 Chair.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, Ms. Andrews. Let's start, I'll have
24 the parties identify themselves for the record.
25 We will have the government, can you please state

1 your name and spell it please?

2 MS. KRUPKE: Good afternoon. Jessica
3 Krupke on behalf of the District of Columbia. My
4 last name is Krupke, K-R-U-P-K-E.

5 CHAIRPERSON ANDERSON: Thank you. Ms.
6 Yohannes?

7 MS. YOHANNES: Sidon Yohannes on
8 behalf of the licensee and that is S-I-D-O-N, Y-
9 O-H-A-N-N-E-S.

10 CHAIRPERSON ANDERSON: Thank you, Ms.
11 Yohannes. All right. Ms. Krupke, are there any
12 preliminary matters in this case?

13 MS. KRUPKE: No. At this time the
14 parties do not have an offer and compromise to
15 offer for the Board's consideration today.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you very much. This matter then will be
18 scheduled for a due process hearing at a date to
19 be determined.

20 Thank you for your participation this
21 afternoon. Have a great day. Thank you.

22 (Whereupon, the above-entitled matter
23 went off the record at 2:05 p.m. and resumed at
24 2:54 p.m.)

25 MS. KRUPKE: There is one additional

1 matter if the Board does have time to re-call a
2 case and if Sidon Yohannes is still on.

3 CHAIRPERSON ANDERSON: Oh, okay. And
4 you want me to re-call -- What case are we re-
5 calling?

6 MS. KRUPKE: This is the case
7 involving Pearl Dive. Let me --

8 CHAIRPERSON ANDERSON: I'm sorry.
9 Hold on one minute. Let me find the notation for
10 that case, all right.

11 MS. KRUPKE: It was the first status
12 hearing case that was called today.

13 CHAIRPERSON ANDERSON: Yes, I know.
14 I know, I'm looking for the case so I can re-call
15 that. All right.

16 All right, so I am re-calling Case
17 Number 19-CMP-00176, Pearl Dive Oyster
18 Palace/Black Jack. Would the parties please
19 identify themselves for the record, please?

20 MS. KRUPKE: Good afternoon. Jessica
21 Krupke on behalf of the government.

22 CHAIRPERSON ANDERSON: Yes, Ms.
23 Krupke.

24 MS. YOHANNES: Good afternoon. Sidon
25 Yohannes on behalf of the licensee.

1 CHAIRPERSON ANDERSON: Good afternoon,
2 Ms. Yohannes.

3 CHAIRPERSON ANDERSON: So are there
4 any preliminary matters in this case?

5 MS. KRUPKE: Yes. The parties have
6 agreed to an offer and compromise and are ready
7 to present it for your consideration.

8 CHAIRPERSON ANDERSON: And what is the
9 offer?

10 MS. KRUPKE: There is one charge and
11 that is that the establishment increase the
12 interior occupancy in violation of D.C. Code 25-
13 762(b)(1).

14 It's a primary tier violation and it
15 is the first primary tier violation. The offer
16 and compromise is a warning.

17 CHAIRPERSON ANDERSON: All right. Ms.
18 Yohannes, I see why this case was re-called. All
19 right. It is my understanding that there is an
20 offer and compromise and the offer and compromise
21 is that the parties have agreed to the issuance
22 of a warning.

23 Is this your understanding of the
24 offer and compromise?

25 MS. YOHANNES: Yes, it is.

1 CHAIRPERSON ANDERSON: Is your client
2 aware that by accepting an offer and compromise
3 that they give up their right to a hearing?

4 MS. YOHANNES: Yes.

5 CHAIRPERSON ANDERSON: Is your client
6 also aware that by accepting an offer and
7 compromise that they give up their right to
8 appeal this matter?

9 MS. YOHANNES: Yes.

10 CHAIRPERSON ANDERSON: With that said
11 I make a motion that the offer and compromise of
12 a warning be accepted. Is there a second?

13 MEMBER CROCKETT: Ms. Crockett
14 seconds.

15 CHAIRPERSON ANDERSON: Ms. Crockett
16 has seconded the motion. We will now have a roll
17 call vote on the motion that has been properly
18 seconded by Ms. Crockett. Mr. Short?

19 MEMBER SHORT: Mr. Short. I agree.

20 CHAIRPERSON ANDERSON: Mr. Cato?

21 MEMBER CATO: Bobby Cato. I agree.

22 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

23 MEMBER WAHABZADAH: Rema Wahabzadah.

24 I agree.

25 CHAIRPERSON ANDERSON: Ms. Crockett?

1 MEMBER CROCKETT: Rafi Crockett. I
2 agree.

3 CHAIRPERSON ANDERSON: Ms. Hensen?

4 MEMBER HANSEN: Jeni Hansen. I agree.

5 CHAIRPERSON ANDERSON: Mr. Grandis?

6 MEMBER GRANDIS: Ed Grandis. I agree.

7 CHAIRPERSON ANDERSON: Mr. Anderson.

8 I agree. The matter passes 7-0-0. Thank you to
9 the parties for bringing a resolution to this
10 matter and have a great day. Thank you very
11 much.

12 MS. YOHANNES: Thank you all.

13 MS. KRUPKE: Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 Thanks. All right, so this, therefore, concludes
16 the Board's calendar for the day.

17 (Whereupon, the above-entitled matter
18 went off the record at 2:57 p.m.)

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<p>A</p> <p>above-entitled 3:22 7:17</p> <p>ABRA 1:23</p> <p>accepted 6:12</p> <p>accepting 6:2,6</p> <p>additional 3:25</p> <p>afternoon 3:2,21 4:20 4:24 5:1</p> <p>agree 6:19,21,24 7:2,4 7:6,8</p> <p>agreed 5:6,21</p> <p>ahead 2:16</p> <p>Alcoholic 1:2,14</p> <p>ALIYA 1:19</p> <p>ANC 1:9</p> <p>Anderson 1:15,18 2:3 2:18,22 3:5,10,16 4:3 4:8,13,22 5:1,3,8,17 6:1,5,10,15,20,22,25 7:3,5,7,14</p> <p>Andrews 1:23 2:7,10,19 2:23</p> <p>appeal 6:8</p> <p>Approval 1:11</p> <p>aware 6:2,6</p>	<p>Columbia 1:1 3:3</p> <p>compromise 3:14 5:6 5:16,20,20,24 6:2,7 6:11</p> <p>concludes 7:15</p> <p>consideration 3:15 5:7</p> <p>Control 1:2,14</p> <p>Counsel 1:24</p> <p>CR 1:9</p> <p>Crockett 1:19 6:13,13 6:15,18,25 7:1,1</p> <p>D</p> <p>D.C 5:12</p> <p>date 3:18</p> <p>day 3:21 7:10,16</p> <p>DC 1:23,23</p> <p>determined 3:19</p> <p>District 1:1 3:3</p> <p>Dive 1:7 2:5 4:7,17</p> <p>Donovan 1:15,18</p> <p>due 3:18</p> <p>E</p> <p>Ed 7:6</p> <p>EDWARD 1:19</p> <p>elevate 2:7,17</p> <p>elevated 2:20</p> <p>establishment 5:11</p> <p>F</p> <p>find 4:9</p> <p>first 4:11 5:15</p> <p>G</p> <p>give 6:3,7</p> <p>government 2:8,25 4:21</p> <p>Grandis 1:19 7:5,6,6</p> <p>H</p> <p>Hansen 1:20 7:4,4</p> <p>hearing 1:7 3:18 4:12 6:3</p> <p>Hensen 7:3</p> <p>Hold 4:9</p> <p>I</p> <p>identify 2:24 4:19</p> <p>increase 1:10 5:11</p> <p>interior 5:12</p> <p>involving 4:7</p> <p>issuance 5:21</p> <p>J</p> <p>Jack 1:7 2:5 4:18</p> <p>JAMES 1:20</p> <p>January 1:13</p>	<p>Jeff 2:9</p> <p>Jeni 1:20 7:4</p> <p>Jessica 1:23 3:2 4:20</p> <p>JR 1:18,20</p> <p>K</p> <p>K-R-U-P-K-E 3:4</p> <p>Krupke 1:23 2:10 3:2,3 3:4,11,13,25 4:6,11 4:20,21,23 5:5,10 7:13</p> <p>L</p> <p>Let's 2:23</p> <p>License 1:8 2:6</p> <p>licensee 2:9,11,12 3:8 4:25</p> <p>Licensee's 1:24</p> <p>line 2:12</p> <p>LLC 1:6</p> <p>looking 4:14</p> <p>M</p> <p>matter 1:5 3:17,22 4:1 6:8 7:8,10,17</p> <p>matters 3:12 5:4</p> <p>MEETING 1:3</p> <p>Member 1:18,19,19,20 1:20,21 6:13,19,21,23 7:1,4,6</p> <p>met 1:15</p> <p>minute 4:9</p> <p>motion 6:11,16,17</p> <p>N</p> <p>name 3:1,4</p> <p>notation 4:9</p> <p>Number 2:4,6 4:17</p> <p>NW 1:6,8</p> <p>O</p> <p>O-H-A-N-N-E-S 3:9</p> <p>OAG 1:23</p> <p>occupancy 1:10 5:12</p> <p>offer 3:14,15 5:6,9,15 5:20,20,24 6:2,6,11</p> <p>Oyster 1:7 2:5 4:17</p> <p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1</p> <p>p.m 2:2 3:23,24 7:18</p> <p>Palace/Black 1:7 2:5 4:18</p> <p>panelist 2:11</p> <p>participation 3:20</p> <p>parties 2:24 3:14 4:18 5:5,21 7:9</p>	<p>passes 7:8</p> <p>Pearl 1:7 2:5 4:7,17</p> <p>please 2:7,13,25 3:1 4:18,19</p> <p>preliminary 3:12 5:4</p> <p>present 1:17,22 5:7</p> <p>presiding 1:15</p> <p>primary 5:14,15</p> <p>process 3:18</p> <p>properly 6:17</p> <p>Q</p> <p>R</p> <p>Rafi 1:19 7:1</p> <p>re- 4:4</p> <p>re-call 4:1,4,14</p> <p>re-called 5:18</p> <p>re-calling 4:16</p> <p>ready 5:6</p> <p>recognize 2:13</p> <p>record 2:24 3:23 4:19 7:18</p> <p>Rema 1:21 6:23</p> <p>representing 2:16</p> <p>resolution 7:9</p> <p>resumed 3:23</p> <p>Retailer 1:9</p> <p>rights 2:8,17,20</p> <p>roll 6:16</p> <p>S</p> <p>S 1:19</p> <p>S-I-D-O-N 3:8</p> <p>says 2:15</p> <p>scheduled 3:18</p> <p>second 6:12</p> <p>seconded 6:16,18</p> <p>seconds 6:14</p> <p>Short 1:20 6:18,19,19</p> <p>Show 1:7</p> <p>Sidon 1:24 3:7 4:2,24</p> <p>SIMONE 1:23</p> <p>sorry 4:8</p> <p>spell 3:1</p> <p>Staff 1:23</p> <p>start 2:23</p> <p>state 2:25</p> <p>status 1:7 4:11</p> <p>Street 1:6,8</p> <p>T</p> <p>t/a 1:7</p> <p>Thank 2:18,23 3:5,10 3:17,20,21 7:8,10,12 7:13</p> <p>Thanks 7:15</p> <p>tier 5:14,15</p>
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today 3:15 4:12	762(b)(1) 5:13		
U	8		
understanding 5:19,23	85382 1:8 2:6		
V			
videoconference 1:15			
violation 5:12,14,15			
vote 6:17			
W			
W 1:15,18			
Wahabzadah 1:21 6:22 6:23,23			
warning 5:16,22 6:12			
WebEx 1:15			
Wednesday 1:12			
went 3:23 7:18			
X			
Y			
Y- 3:8			
Yohannes 1:24 2:15,19 3:6,7,7,11 4:2,24,25 5:2,18,25 6:4,9 7:12			
Z			
0			
00176 2:5			
1			
14th 1:6,8			
1612 1:8			
19-CMP- 2:4			
19-CMP-00176 1:9 4:17			
2			
2:03 2:2			
2:05 3:23			
2:54 3:24			
2:57 7:18			
2021 1:13			
25- 5:12			
2F 1:9			
3			
4			
5			
6			
6 1:13			
7			
7-0-0 7:8			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Pearl Dive Oyster Bar

Before: DCABRA

Date: 01-06-21

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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