



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

2 11:08 a.m.

3 CHAIRPERSON ANDERSON: The next case on  
4 our calendar is Case No. 25-PRO-00102.

5 And I see the parties are gone, Mr.  
6 Orellana, but it appears that these are the same  
7 parties for Deset Ethiopian Restaurant, License No.  
8 98818.

9 MR. ORELLANA: I don't see them on my list,  
10 but I'll elevate them.

11 CHAIRPERSON ANDERSON: All right, those  
12 are the same parties for this case.

13 MR. ORELLANA: Deset Araya, access  
14 elevated.

15 Paula Edwards, access elevated.

16 I don't see Alex -- you said Alex Marshall?

17 CHAIRPERSON ANDERSON: No, he's not --  
18 this is ANC.

19 MR. ORELLANA: Okay.

20 CHAIRPERSON ANDERSON: I think there's an  
21 error on -- there's an error on the calendar because  
22 it said ANC 2B, but I see that the witnesses are  
23 ANC 4A. So, the calendar has the wrong ANC listed.

24 All right, so let me have Mr. Mixon, Ms.  
25 Edwards. Could all the parties please turn their

1 camera, please?

2 MS. EDWARDS: My camera does not seem to  
3 be working.

4 CHAIRPERSON ANDERSON: All right, that's  
5 fine.

6 Mr. Mixon?

7 MR. MIXON: Mr. Chair, this is not one of  
8 our matters.

9 CHAIRPERSON ANDERSON: Oh, that's not  
10 your -- all right, I apologize then.

11 All right, who is -- let me see.

12 MS. EDWARDS: Mr. Araya from Desta, I  
13 believe, is on.

14 CHAIRPERSON ANDERSON: All right. Mr.  
15 Araya, are you able to put on your camera, sir?

16 MR. ARAYA: Yes.

17 CHAIRPERSON ANDERSON: All right, so  
18 you're the -- can you spell and state your name for  
19 the record and who do you represent, sir?

20 MR. ARAYA: Okay, D-E-S-T-A, Desta. My  
21 last name is Araya, A-R-A-Y-A.

22 CHAIRPERSON ANDERSON: And what's your  
23 relationship to this establishment, sir?

24 MR. ARAYA: I am the owner.

25 CHAIRPERSON ANDERSON: All right, good

1 morning.

2 Ms. Edwards, can you please identify  
3 yourself for the record?

4 MS. EDWARDS: Yes. I'm Paula Edwards,  
5 Chair of ANC 4A, P-A-U-L-A E-D-W-A-R-D-S.

6 CHAIRPERSON ANDERSON: Good morning,  
7 ma'am.

8 MS. EDWARDS: Good morning.

9 CHAIRPERSON ANDERSON: Mr. Araya, are  
10 there any preliminary matters? Is there any  
11 matter, anything you need to bring to the attention  
12 of the Board?

13 MR. ARAYA: I didn't hear you, sir.

14 CHAIRPERSON ANDERSON: I'm saying, do you  
15 have any problems or issues you want to bring to  
16 the attention of the Board, not substantive,  
17 regarding this protest hearing?

18 MR. ARAYA: No.

19 CHAIRPERSON ANDERSON: Ms. Edwards, is  
20 there any matter that you need to bring to the --  
21 any preliminary matters you need to bring to the  
22 attention of the Board?

23 MS. EDWARDS: Only that our ANC voted to  
24 accept the changes requested to the settlement  
25 agreement last night. And we have to get the

1 signature of the Rittenhouse Condominium  
2 Association on that because it's a joint -- it's  
3 a three-party agreement, basically, between the  
4 ANC, the Rittenhouse Condominium Association, and  
5 the Applicant.

6 So, we have to get their signature on it.

7 And once we get their signature, we will submit  
8 the settlement agreement.

9 CHAIRPERSON ANDERSON: Just as an FYI, as  
10 far as the information that I have here, it's only  
11 the ANC. The ANC is the only protestant in this  
12 case.

13 MS. EDWARDS: We are. The Condominium  
14 Association did not protest. It's a complicated  
15 situation because the Applicant needs the  
16 settlement agreement in order to make the changes  
17 that it needs.

18 CHAIRPERSON ANDERSON: And was the  
19 Condominium Association, were they a part of the  
20 -- I guess, is there a current settlement agreement?

21 MS. EDWARDS: There is a current  
22 settlement agreement from 2016, to which --

23 CHAIRPERSON ANDERSON: Is the Condominium  
24 Association a part of that settlement agreement?

25 MS. EDWARDS: It is, it is.

1 CHAIRPERSON ANDERSON: But they never  
2 protest this matter?

3 MS. EDWARDS: No, they did not, but we  
4 can't revise the settlement agreement until they  
5 sign off. It's been a very complicated situation.

6 CHAIRPERSON ANDERSON: I'm going to ask  
7 our Legal Office to --

8 MS. EDWARDS: Sure.

9 CHAIRPERSON ANDERSON: -- to contact you  
10 because this case was protested -- this case was  
11 protested by the ANC. It was not protested by the  
12 Condominium Association.

13 MS. EDWARDS: Yes.

14 CHAIRPERSON ANDERSON: If we were to go  
15 to a protest hearing and if the ANC is in favor of  
16 the changes, we can't move forward with a hearing  
17 with someone who's not a party to the hearing.

18 All right. I will have the Legal Office  
19 reach out to you guys to see if there is any  
20 assistance because I'm confused procedurally.  
21 Procedurally, I'm confused because you're saying  
22 to me that the ANC, you protested it, and you're  
23 in favor of it.

24 So, I'll just find -- I'll have our Legal  
25 Office reach out to the parties to see if we can

1 provide some guidance moving forward.

2 MS. EDWARDS: I would appreciate that  
3 because my question is, we can't submit the  
4 settlement agreement to ABCA, as far as I know,  
5 without the approval of the other party.

6 CHAIRPERSON ANDERSON: As I said before,  
7 I'm going to contact our Legal Office.

8 MS. EDWARDS: Okay.

9 CHAIRPERSON ANDERSON: And I'll have the  
10 Legal Office reach out to you guys procedurally,  
11 how to move forward in this case.

12 MS. EDWARDS: Okay.

13 CHAIRPERSON ANDERSON: Because as I said,  
14 this is a protest hearing, and you're saying the  
15 party who has not signed off on a settlement  
16 agreement is not a party to this protest hearing.

17 MS. EDWARDS: Right, but we can't submit  
18 the settlement agreement -- we can't settle unless  
19 we have their consent.

20 Is the protest still dated -- I forget,  
21 February?

22 CHAIRPERSON ANDERSON: The protest  
23 hearing is scheduled for February 4th --

24 MS. EDWARDS: The 4th, okay.

25 CHAIRPERSON ANDERSON: -- February 4th at

1 1:30, but they are not a party to this case.

2 MS. EDWARDS: I understand.

3 CHAIRPERSON ANDERSON: That's why I need  
4 to talk to -- I need our Legal Office to provide  
5 you with some guidance because I don't see how we  
6 can have a protest with someone who's not a party  
7 to this case, because you have agreed to -- you have  
8 agreed with this Licensee to whatever agreement it  
9 is.

10 MS. EDWARDS: Well, we can't finally agree  
11 until -- that's the dilemma. So, if we could get  
12 some legal guidance --

13 CHAIRPERSON ANDERSON: Right.

14 MS. EDWARDS: -- I think we can work it  
15 out, I really do.

16 CHAIRPERSON ANDERSON: Yes, I will talk  
17 to our Legal Office to reach out to you.

18 MS. EDWARDS: Thank you very much. I  
19 would like to keep the protest hearing still  
20 scheduled. I'm hoping we can -- yes.

21 CHAIRPERSON ANDERSON: No, what I'm  
22 saying, there is really nothing I can do.

23 MS. EDWARDS: Okay, great. That's great.

24 CHAIRPERSON ANDERSON: I'm sharing with  
25 you that this matter is scheduled for a protest

1 hearing on February 4th at 1:30, but based on the  
2 representation that you're making, I see some  
3 procedural issues here.

4 MS. EDWARDS: I understand.

5 CHAIRPERSON ANDERSON: I believe that our  
6 Legal Office needs to work with the parties to help  
7 them through these procedural issues, okay?

8 MS. EDWARDS: I do appreciate that.

9 CHAIRPERSON ANDERSON: All right. So, I  
10 will make sure that our Legal Office gets in contact  
11 with the parties to figure a way to move forward.

12 MS. EDWARDS: That would be wonderful.

13 CHAIRPERSON ANDERSON: Because as I  
14 stated before, this is a protest hearing. And  
15 you're saying the reason why you can't submit a  
16 settlement agreement is because a non-party refused  
17 to -- well, let me not say refused -- a non-party  
18 has not signed off on the settlement agreement.

19 MS. EDWARDS: Yes, and we're hoping they  
20 will.

21 CHAIRPERSON ANDERSON: All right.  
22 Anyway, this matter, then, is scheduled for a  
23 protest hearing on February 4th at 1:30. I'll have  
24 our agents, our Legal Office reach out to you to  
25 work this matter through, okay?

1 MS. EDWARDS: That would be very much  
2 appreciated. Thank you.

3 CHAIRPERSON ANDERSON: All right, thank  
4 you.

5 All right. This matter, then, is  
6 scheduled for -- and let me ask you a question, Mr.  
7 -- all right, I'll leave him alone.

8 This matter is scheduled for a protest  
9 hearing on February 4th at 1:30 p.m. Have a great  
10 day. Thank you.

11 MS. EDWARDS: Thank you. Good day.

12 (Whereupon, the above-entitled matter  
13 went off the record at 11:18 a.m.)

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## 1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript  
3 was duly recorded and accurately transcribed under  
4 my direction; further, that said transcript is a  
5 true and accurate record of the proceedings; and  
6 that I am neither counsel for, related to, nor  
7 employed by any of the parties to this action in  
8 which this matter was taken; and further that I am  
9 not a relative nor an employee of any of the parties  
10 nor counsel employed by the parties, and I am not  
11 financially or otherwise interested in the outcome  
12 of the action.

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16 *Michael Morris*

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19 Michael Morris

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3:18

**stated**

9:14

**submit**

5:7 7:3,17 9:15

**substantive**

4:16

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**T**

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**talk**

8:4,16

**three-party**

5:3

**turn**

2:25

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**U**

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**understand**

8:2 9:4

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**V**

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**voted**

4:23

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**W**

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**witnesses**

2:22

**wonderful**

9:12

**work**

8:14 9:6,25

**working**

3:3

**wrong**

2:23