

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
: :  
Kirby Club DC, LLC :  
t/a Tawle :  
1328 Florida Ave NW : Protest  
Retailer CT - ANC 1B : Hearing (Status)  
License No. 122616 :  
Case #22-PRO-00115 :  
: :  
(Application for a :  
New License) :  
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Wednesday  
January 11, 2023

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

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff  
SIDON YOHANNES, Applicant Counsel  
GEORGE SAULT, Applicant  
SANTIAGO LAKATOS, ANC 1B04  
YANIV BARIZILAI, Group of 20  
BRIAN PARKER, Group of 20  
MICHELLE RINGUETTE, Group of 20  
DAVID PRICE, Group of 20

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 we're on the record. Happy New Year, everyone.  
5 Good morning again, everyone. As Chairperson of  
6 the Alcoholic Beverage Control Board for the  
7 District of Columbia, and in accordance with D.C.  
8 Code Section 2571, et seq., of the Open Meetings  
9 Act, OMA, I am welcoming you to the regularly  
10 scheduled meeting of the Alcoholic Beverage  
11 Control Board.

12 This meeting is being conducted  
13 pursuant to guidance made available by the  
14 District of Columbia's Office of Open Government  
15 regarding electronic meetings held by public  
16 bodies. Electronic meetings by the ABC Board are  
17 authorized pursuant to Section 2577A of the D.C.  
18 Code.

19 Pursuant to the OMA requirements,  
20 notice of today's meeting was scheduled to be  
21 provided 48 hours in advance of the meeting on  
22 ABRA's website and on the District's central  
23 meeting calendar. The notice included the time,  
24 date, agenda, and call in or login information  
25 for public participation.

1                   This electronic meeting is being  
2 hosted by a Webex account provided by the  
3 District of Columbia Government. Please address  
4 any questions or complaints to the OOG at  
5 opengovoffice@dc.gov.

6                   My name is Donovan Anderson. I am  
7 Chairman of the Board. I would like to introduce  
8 the other members of the ABC Board who are also  
9 participating electronically. Please respond  
10 when I announce your name.

11                   Mr. James Short?

12                   MEMBER SHORT: Mr. James Short,  
13 present.

14                   CHAIRPERSON ANDERSON: Mr. Bobby Cato?

15                   MEMBER CATO: Bobby Cato, present.

16                   CHAIRPERSON ANDERSON: Ms. Rafi  
17 Crockett?

18                   MEMBER CROCKETT: Rafi Crockett,  
19 present.

20                   CHAIRPERSON ANDERSON: Ms. Jeni  
21 Hansen?

22                   (No audible response.)

23                   CHAIRPERSON ANDERSON: Mr. Edward  
24 Grandis? Mr. Grandis?

25                   MEMBER GRANDIS: Present.

1                   CHAIRPERSON ANDERSON: The Board has  
2 six members in attendance for the conduct of  
3 business today, and that constitutes a quorum.  
4 Before we get underway with today's hearing  
5 calendar, I need to make a few instructions very  
6 clear so that the conduct of these hearings is  
7 understood by everyone.

8                   There are eight cases scheduled for  
9 today for this morning's calendar. Once a case  
10 is called, I will take a moment for IT  
11 specialists to elevate the rights for each party  
12 to enable their camera and microphone. Then and  
13 only then will you have the ability to enable  
14 your equipment. If your case is not being heard,  
15 you will remain mute, and your camera will be  
16 disabled.

17                   At the conclusion of each case, the  
18 parties will have the option to leave. If the  
19 party chooses to stay, all cameras and  
20 microphones for the concluded case will be  
21 disabled. Should you have any questions or  
22 require any assistance during the hearing, please  
23 submit them using the question and answer  
24 feature.

25                   Our first order of business today is

1 Case Number 22-PRO-00115, Twale, License Number  
2 122616.

3 Good morning, Mr. Orellana, can you  
4 please elevate the rights of the parties in this  
5 case, please?

6 MR. ORELLANA: Sidon Yohannes, your  
7 access has been elevated. Yaniv Barizilai, your  
8 access has been elevated. Ryan Parker, your  
9 access has been elevated. Santiago Lakatos, your  
10 access has been elevated. George Sault, your  
11 access has been elevated. Michelle Ringuette,  
12 your access has been elevated. That is all,  
13 Chairman.

14 CHAIRPERSON ANDERSON: That's fine,  
15 thank you.

16 MEMBER GRANDIS: All right. Good  
17 morning, everyone. Let's have the parties  
18 introduce themselves for the record. Please  
19 spell and, I'm sorry, please say and spell your  
20 name for the record. Let's start with the  
21 representative of the Licensee.

22 MS. YOHANNES: Good morning and Happy  
23 New Year, Sidon Yohannes here on behalf of the  
24 Applicant, S-I-D-O-N, Y-O-H-A-N-N-E-S. And  
25 George Sault is here, and he can introduce

1 himself.

2 CHAIRPERSON ANDERSON: Good morning,  
3 Mr. Sault. Can you please spell and state your  
4 name for the record, please.

5 MR. SAULT: George Sault, G-E-O-R-G-E,  
6 S-A-U-L-T.

7 CHAIRPERSON ANDERSON: And what is  
8 your relationship, sir?

9 MR. SAULT: I am the Applicant, or one  
10 of the -- representing the Applicant on behalf of  
11 the business.

12 CHAIRPERSON ANDERSON: Good morning,  
13 sir.

14 MR. SAULT: Good morning.

15 CHAIRPERSON ANDERSON: Good morning.  
16 Let's have the ANC representatives identify  
17 themselves, please.

18 MR. LAKATOS: Yes, good morning, sir.  
19 My video is coming in slowly, Santiago Lakatos,  
20 S-A-N-T-I-A-G-O, L-A-K-A-T-O-S. I represent  
21 Advisory Neighborhood Commission Single Member  
22 District 1B-04, which contains the Applicant.

23 CHAIRPERSON ANDERSON: Good morning,  
24 Mr. -- I'm sorry, say your name one more time for  
25 me, please, sir?

1 MR. LAKATOS: Lakatos, Santiago  
2 Lakatos.

3 CHAIRPERSON ANDERSON: Lakatos, good  
4 morning.

5 MR. LAKATOS: Yes, good morning.

6 CHAIRPERSON ANDERSON: Who is the  
7 representative for the group?

8 MR. BARIZILAI: My name is Yaniv  
9 Barizilai, Y-A-N-I-V, B-A-R-I-Z-I-L-A-I, and I am  
10 a representative of the so-called Group of 20 of  
11 neighbors that support of the protest for this  
12 license. Some of my colleagues and neighbors are  
13 here as well, and I'll let them introduce  
14 themselves.

15 CHAIRPERSON ANDERSON: Why don't you  
16 just call the names, and once you call the  
17 person's name, I'd like that person then to spell  
18 and state their name for the record.

19 MR. BARIZILAI: Great. Let me next go  
20 to Brian Parker who is also a designated  
21 representative of the Group of 20.

22 MR. PARKER: Hi, everyone. My name is  
23 Brian Parker, B-R-I-A-N, P-A-R-K-E-R. And I am  
24 in that Group of 20 that Yaniv had mentioned  
25 earlier as one of the members of the Group of 20.

1                   CHAIRPERSON ANDERSON: Good morning,  
2                   sir.

3                   MR. BARIZILAI: And let me turn to  
4                   Michelle Ringuette who is an abutting neighbor  
5                   and has standing both as abutting and as a part  
6                   of the Group of 20.

7                   MS. RINGUETTE: Hi, I am Michelle  
8                   Ringuette of 1324 Florida Ave, next to 1328  
9                   Florida Ave. My name is spelled M-I-C-H-E-L-L-E,  
10                  last name Ringuette, R-I-N-G-U-E-T-T-E, and, yay,  
11                  my husband is able to join as well, name and  
12                  spelling.

13                  MR. PRICE: Hi, David Price, first  
14                  name, D-A-V-I-D, last name Price, P-R-I-C-E.

15                  MS. RINGUETTE: And we live here with  
16                  our 15 year-old son, Eamon, E-A-M-O-N.

17                  CHAIRPERSON ANDERSON: Good morning.

18                  MS. RINGUETTE: Good morning.

19                  MR. PRICE: Good morning.

20                  CHAIRPERSON ANDERSON: Who else is  
21                  here, anyone else is here? Has Table 1  
22                  identified themselves for the record? That's  
23                  what I'm trying to find out.

24                  MR. BARIZILAI: To my knowledge, from  
25                  the neighborhood perspective, yes.



1 CHAIRPERSON ANDERSON: All right.  
2 Good morning. I heard Ms. Ringuette, I'm sorry,  
3 Michael, I'm sorry, what's the last name? Is it  
4 Michelle? What's the last name again, sorry?

5 MS. RINGUETTE: Ringuette.

6 CHAIRPERSON ANDERSON: Ringuette. So  
7 Ms. Ringuette and Mr. Price identified themselves  
8 as abutting property owners. So I need to get  
9 some clarification on that.

10 Ms. Yohannes, what is your position  
11 regarding that issue? Because it's my  
12 understanding that only two groups were granted  
13 standing at the roll call. And it was the ANC  
14 and the group of five or more. And standing was  
15 not granted to the abutting property owner by the  
16 Board's agent. Because the Board's agent  
17 determined that they were not abutting property  
18 owners. So what is your position, Ms. Yohannes?

19 MS. YOHANNES: Our position is that  
20 they are not abutting property owners, and we  
21 would like to move to dismiss their protest as  
22 such.

23 The Board has held that properties  
24 that don't share walls or ceilings with the  
25 licensed establishment or the Applicant are not

1 abutting property owners. And that is the case  
2 here. We do not share a wall or a ceiling with  
3 Ms. Ringuette or Mr. Price. Therefore, they are  
4 not abutting property owners.

5 CHAIRPERSON ANDERSON: What type of  
6 building, I guess from your perspective, is it a  
7 condo building? What is it? I don't know. What  
8 type of residence, from your perspective, do Ms.  
9 Ringuette and Mr. Price have?

10 MS. YOHANNES: Our understanding is  
11 that it is a townhome.

12 MR. BARIZILAI: Mr. Donovan, with your  
13 permission --

14 CHAIRPERSON ANDERSON: Hold on, hold  
15 on, hold on. Who is speaking, please? I will  
16 identify -- I'm sorry, who was asking a question?

17 MR. BARIZILAI: I'm sorry, Mr.  
18 Donovan, this is Yaniv Barizilai. I just wanted  
19 to offer GIS information.

20 CHAIRPERSON ANDERSON: Hold on just  
21 one minute, sir. I am speaking to the Licensee.  
22 So they're the ones. And it was a preliminary --  
23 I was going to ask what preliminary would be  
24 discussed in the introduction.

25 They had stated that they were

1 abutting property owners. So therefore, since  
2 I'm aware that standing that was not granted to  
3 them, that's why I'm trying to get some  
4 clarification.

5 So it's my understanding that, at the  
6 roll call hearing, the Board's agent did not have  
7 sufficient information to determine that they  
8 were abutting property owners. So that's one of  
9 the reasons why standing was not granted to the  
10 abutting property owners.

11 And so in order for -- so this Board  
12 would have to make a determination this morning  
13 whether or not they have standing. And so I'm  
14 trying to get some clarification from the  
15 Licensees first.

16 And then once I have clarification  
17 from the Licensee, then I'm going to ask specific  
18 questions of the individuals who are stating that  
19 they are abutting property owners.

20 All right. So go ahead, Ms. Yohannes.

21 MS. YOHANNES: Yes. You know, our  
22 understanding is that it is a townhome. The  
23 building where the establishment is located,  
24 there is also a vacant, I would say, property or  
25 premises that would be abutting to their home.

1 But we are not abutting. There is a hallway,  
2 there is a whole other vacant establishment.

3 And we do have information to show as  
4 well. I could send this document to legal,  
5 prepare to do so now if the Board wants to review  
6 it, or I could share my screen.

7 CHAIRPERSON ANDERSON: What document  
8 is it that you have to share? What document do  
9 you have, ma'am?

10 MS. YOHANNES: It's a D.C. Zoning.  
11 It's a zoomed-in view of the actual property, and  
12 our establishment, and where exactly the abutting  
13 property is and where our establishment is, to  
14 show that there is a space in between where they  
15 are not actually touching.

16 CHAIRPERSON ANDERSON: All right. If  
17 you want to share, do you want to share your  
18 screen, ma'am?

19 MS. YOHANNES: Yes, if I could --

20 CHAIRPERSON ANDERSON: Mr. Orellana,  
21 can you please allow Ms. Yohannes to share her  
22 screen, please?

23 What are we looking at, Ms. Yohannes?

24 MS. YOHANNES: What we are looking at  
25 here is what is in pink is --

1 CHAIRPERSON ANDERSON: Are you able to  
2 enlarge that document? Because we're seeing --  
3 so we just see the document by itself rather than  
4 - I'm looking at your folder.

5 MS. YOHANNES: Right now you're  
6 looking at my folder?

7 CHAIRPERSON ANDERSON: I'm looking at  
8 the document and your folder with all your  
9 documents, right.

10 MS. YOHANNES: How about now?

11 CHAIRPERSON ANDERSON: The view has  
12 not changed.

13 MS. YOHANNES: Has not?

14 CHAIRPERSON ANDERSON: But why don't  
15 you double click on the document to open it?  
16 Yes, I believe that --

17 MS. YOHANNES: I don't know why it's  
18 doing that, sorry.

19 CHAIRPERSON ANDERSON: It's frozen.

20 MS. YOHANNES: And now?

21 CHAIRPERSON ANDERSON: The document is  
22 frozen, it's not open.

23 MS. YOHANNES: Oh, God.

24 CHAIRPERSON ANDERSON: Maybe you can  
25 close it and try to open it again.

1 MS. YOHANNES: Okay. Let me stop and  
2 retry.

3 CHAIRPERSON ANDERSON: Okay, that's  
4 better.

5 MS. YOHANNES: Okay.

6 CHAIRPERSON ANDERSON: Although you  
7 need to close that. Yes, okay. All right, so  
8 what are you showing us now, ma'am?

9 MS. YOHANNES: Okay. What I'm showing  
10 is, what's in pink here is our establishment.  
11 This is the abutting property, and this is the  
12 vacant property.

13 CHAIRPERSON ANDERSON: All right. So  
14 you're saying that --

15 MS. YOHANNES: Not the abutting  
16 property, my apologies. I'm speaking of Mr.  
17 Price and Ms. Ringuette's townhome is here.

18 CHAIRPERSON ANDERSON: I'm sorry,  
19 you're saying here, where you're showing --

20 MS. YOHANNES: Here in yellow.

21 CHAIRPERSON ANDERSON: -- where the  
22 yellow is?

23 MS. YOHANNES: Correct. Where we're  
24 pointing, where that arrow is.

25 CHAIRPERSON ANDERSON: So you're

1 saying that the pink is the business. So what is  
2 the other building or drawings that you're  
3 showing us? What is that?

4 MS. YOHANNES: So what is it? And I  
5 don't know if you could see sort of my cursor  
6 here. I'm pointing here. Can you see this?

7 CHAIRPERSON ANDERSON: No, I don't see  
8 your cursor.

9 MS. YOHANNES: So what is below and  
10 what is actually abutting --

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Yeah. I can  
13 see your cursor, yes.

14 MS. YOHANNES: Okay. So this area is  
15 the vacant premises. It's a vacant property or a  
16 vacant area within the building. And this is  
17 where Ms. Ringuette and Mr. Price's townhome is.  
18 But this is a whole other, an establishment that  
19 we don't own. I say establishment, a property or  
20 premises that we don't own, operate, or have a  
21 lease with. It's separate and apart from Tawle  
22 which is in pink here.

23 CHAIRPERSON ANDERSON: All right. So  
24 you're saying the green between the pink and the  
25 yellow, that's a different establishment. That's

1 what you're saying, or a different property?

2 MS. YOHANNES: Correct.

3 CHAIRPERSON ANDERSON: Any other  
4 assertions you wish to make?

5 MS. YOHANNES: No, not at this time.

6 CHAIRPERSON ANDERSON: All right, you  
7 can close your screen for the moment, please. Or  
8 no, well -- all right, I might ask you to do  
9 that.

10 Okay, so Mr. Price and Ms. -- oh, boy,  
11 I'm sorry.

12 MS. RINGUETTE: It's okay, it's  
13 Ringuette. And you can me Michelle.

14 CHAIRPERSON ANDERSON: Ms. Ringuette,  
15 all right, so explain to me why is it that you're  
16 stating that you're abutting property owner?

17 MS. RINGUETTE: Well, we live at 1324  
18 Florida Ave. We moved here in 2006. And we have  
19 not been able to receive information from Tawle  
20 on what the interior of the building looks like.  
21 We've already been impacted by the construction  
22 that had been happening in the building.

23 And from our perspective, this is a  
24 license request for 1328, and anything happening  
25 inside that building -- and since we've lived



1 here it's had schools in it, it had a WeWork in  
2 it. Jose Andreas had World Central Kitchens  
3 offices in it.

4 Like, we've had a ton of great  
5 neighbors in there, but we also recognize that  
6 regardless of where in the structure a business  
7 is located it has direct impact on our home, the  
8 noise, the smells, the vibrations. Our house was  
9 built in 1890, I think. The walls crack pretty  
10 easily. So we experience some as an abutting  
11 neighbor.

12 But I do thank you for sharing. And  
13 could you tell us how wide that distance is.  
14 Because we have a window that looks into that  
15 space. And I assumed you were going to use it as  
16 storage. It's not currently a business.

17 CHAIRPERSON ANDERSON: Let me ask you  
18 a question, Ms. Ringuette. Do you share a wall  
19 with the establishment?

20 MS. RINGUETTE: Well, with what they  
21 are seeking to build, based upon the schematics  
22 they've just shown, it does not look like the  
23 wall is shared.

24 CHAIRPERSON ANDERSON: All right. So  
25 if you don't share a wall with them, then you are

1 not an abutting property owner.

2 MS. RINGUETTE: I just think it  
3 depends on the legal interpretation, if it's the  
4 building they're housed in or the wall that  
5 they've constructed in the buildings. So I would  
6 agree if you're saying the wall that they've  
7 constructed to be the back end of the restaurant,  
8 as opposed to the structure housing them, then I  
9 would have to agree with that. But I'm not a  
10 lawyer.

11 CHAIRPERSON ANDERSON: As an abutting  
12 -- hold on, I will get to you, sir. As an  
13 abutting property owner, you have to share a  
14 wall, and you also are a, I'm sorry, you have to  
15 share a wall, a common wall. Yeah, you have to  
16 share a common wall.

17 If you do not share a common wall,  
18 then you cannot be granted standing as an  
19 abutting property owner. I mean, you will have  
20 standing as a protestant, as a group of five or  
21 more, because whatever happens in the building  
22 impacts you as a group of five or more. But if  
23 you do not share a common wall with them, then  
24 you are not an abutting property owner.

25 MS. RINGUETTE: And I apologize for

1 pressing on this point. It's literally just my  
2 naivete on this in terms of the permit that they  
3 sought, I did not see it requesting a distinct  
4 space that already existed within 1328.

5 I thought the permit was for building  
6 it within 1328, in which case, regardless of  
7 where the restaurant is building a wall, if the  
8 permit is sought for 1328, we do indeed -- it  
9 runs the length of my home.

10 CHAIRPERSON ANDERSON: But let me ask  
11 you a question, ma'am. You stated before that  
12 there were additional buildings, other usage of  
13 the property.

14 MS. RINGUETTE: In the past, yes.

15 CHAIRPERSON ANDERSON: Is that  
16 correct? And you stated that you have a window  
17 where you can see. Is that correct?

18 MS. RINGUETTE: In our back courtyard  
19 area, right off of our porch, there is a barred  
20 window that looks into the space where there is a  
21 lot of construction gear, and debris.

22 But certainly before the permit was  
23 issued, and after the permit, we've been dealing  
24 with the impact of the deep construction that's  
25 been happening inside the Douglas Development

1 space.

2 CHAIRPERSON ANDERSON: Well, I know,  
3 as I stated before, but if you're saying that  
4 there is a window, therefore you don't share a  
5 common wall then, because --

6 MS. RINGUETTE: No, no, no. Oh, no,  
7 I'm so sorry. I'd have to pull up a shot of it.  
8 It runs the whole length of my house, and their  
9 building is longer. So then it also continues to  
10 our back area which is a courtyard. And then  
11 there's a closed off alley behind our house. And  
12 that's where they have a courtyard. And then  
13 the building then extends and turns.

14 CHAIRPERSON ANDERSON: All right. Let  
15 me see, hold on.

16 MS. RINGUETTE: Ms. Yohannes, did you  
17 want to put up the screen again? And then I  
18 could point on the screen to --

19 MS. YOHANNES: I can if you --

20 CHAIRPERSON ANDERSON: The question  
21 was answered, ma'am. You stated that you don't  
22 share a common wall with them. So yes, you are  
23 impacted by what occurs on the property. You can  
24 still participate. At this juncture, you can  
25 still participate in this hearing.

1                   However, it does not appear, based on  
2 your assertion that you do not share a common  
3 wall with them, that you are an abutting property  
4 owner, okay. So that's where we are at the  
5 moment.

6                   I'm going to have the Board, once I  
7 hear of an argument, I'm going to have -- hold on  
8 a minute, please, I need to -- give me one  
9 minute. I need to plug in my laptop. Hold on  
10 one minute, please, before I -- hold on one  
11 minute, please.

12                   MS. RINGUETTE: Am I able to ask  
13 questions for clarification since these are first  
14 times that we've seen the plans? Because I have  
15 comfort if the rest if the --

16                   CHAIRPERSON ANDERSON: Hold on, hold  
17 on, ma'am. I said hold on a minute. I needed to  
18 plug in my laptop, because my battery was dying.  
19 So now I'm back, but I've plugged in my laptop,  
20 okay. All right. I am glad that, I wasn't  
21 paying attention, so I'm glad that I got some  
22 notification from my laptop that my power source  
23 was low.

24                   All right. What were you now saying,  
25 ma'am?

1 MS. RINGUETTE: Sorry, since this is  
2 the first time that plans of the specific space  
3 have been shared with us, and from my  
4 understanding that the permit was requesting the  
5 space in 1328 which would run all the way to my  
6 house, I'm wondering, the wall that's been built  
7 to contain the back side of the restaurant, for  
8 legal purposes then, the restaurant or the tavern  
9 would only be granted a license up until the  
10 point of that wall.

11 And then can you tell me how many feet  
12 exist between the wall that's being constructed  
13 and what would be my property?

14 CHAIRPERSON ANDERSON: Well, that's,  
15 Ms. --

16 MR. SAULT: If I might speak up here,  
17 Michelle, I'd be happy to go over the schematics  
18 and the floor plan at a different time.

19 CHAIRPERSON ANDERSON: Mr. Sault, hold  
20 on. That's a --

21 MR. SAULT: Yes.

22 CHAIRPERSON ANDERSON: Your attorney  
23 would have to allow you to speak. But Mr. -- I'm  
24 sorry, who has their hand up? Is that you, Mr.  
25 Lakatos?

1 MR. BARIZILAI: Barizilai. I'm happy  
2 to wait until after Michelle is done speaking.

3 CHAIRPERSON ANDERSON: All right.  
4 Okay. Go ahead, ma'am.

5 You can lower your hand, sir, and then  
6 I'll have you speak. After she's done speaking  
7 you can speak.

8 CHAIRPERSON ANDERSON: Go ahead,  
9 ma'am. All right, ma'am, you're asking here -- I  
10 can't hear you.

11 MS. RINGUETTE: Yes. Oh, no, no, no.  
12 So I had, sorry, I had asked. And George was  
13 willing to show me. But you advised that he  
14 speak with his lawyer first.

15 CHAIRPERSON ANDERSON: Right. All  
16 right.

17 MS. RINGUETTE: So I --

18 CHAIRPERSON ANDERSON: The burden is  
19 on you to prove to us that you are an abutting  
20 property owner. And the question that I'd ask  
21 is, in order for you to be an abutting property  
22 owner, your building, your townhouse has to share  
23 a common wall or a common ceiling with the  
24 establishment to be an abutting property owner.

25 So if you do not share, and you have

1 stated that you do not, so if you do not share a  
2 common wall with them, you cannot be granted  
3 standing as an abutting property owner. And I  
4 believe that you stated that you do not share a  
5 common wall with them.

6 Whether or not the plan that they  
7 have, I mean, if a building, if I share a wall  
8 with another building, then I'm an abutting  
9 property owner. If there is half an inch of  
10 space between the property, you're not abutting.

11 MS. RINGUETTE: I appreciate that  
12 completely. And the reason why I'm sort of  
13 sticking on the point is because I think it's  
14 fundamentally different in legal code whether or  
15 not the permit grants them space up into touching  
16 my wall even if they construct a wall. So I just  
17 don't know.

18 Because I know that a wall was  
19 constructed, but the question is, is their permit  
20 for a unit that is contained within where they  
21 built the wall, or did they build a wall which  
22 effectively made them not abut me. And yet the  
23 permit they're seeking does make them abutting.  
24 So if they wanted to take down the wall at some  
25 point to expand, they could do so. Because they



1 are permitted to do so.

2 So I apologize. It's on me, because  
3 I don't have the permit up in front of me, the  
4 permit request. But my understanding was it was  
5 I permit request for 1328. And that would go  
6 right up touching and running alongside our wall.

7 CHAIRPERSON ANDERSON: But let me ask  
8 you another question, ma'am. All right, what  
9 other businesses have been in that space?

10 MS. RINGUETTE: At one point there was  
11 a school that had a big gym area, playroom. At  
12 one point Maydan, the restaurant that shares some  
13 of the same owners on the other side of the public  
14 alley, they had opened up and were doing indoor  
15 seating, because it has a garage door.

16 Upstairs there have been a couple of  
17 non-profits. But it's a giant unit that's really  
18 been customized for the occupants. So that's why  
19 I'm trying to understand whether or not Tawle is  
20 seeking a permit that is for 1328 and then being  
21 built to spec, or if their permit request is for  
22 a specific unit. Because 1328, I am indeed the  
23 abutting property owner of 1328.

24 I do not know if they are delimited by  
25 their request which would have been for unit

1 inside of 1328, in which case I could make a  
2 legal argument that, like, the building that  
3 they're in. But if we are technical about  
4 sharing a wall, I just want to make sure that  
5 their permit only grants them the space up to the  
6 wall that is newly constructed. And then I'd  
7 like to know how far that wall is from my home.

8 But I'm not -- we'd like to find an  
9 amicable solution. And I don't want to waste  
10 everyone's time over small details. But it is  
11 significant to us if they do own the property  
12 that extends to that space, whether or not  
13 they're actively using it.

14 CHAIRPERSON ANDERSON: Well, I think  
15 that there are two big issues here. And this is  
16 how this becomes important. If you are a group  
17 of five or more, and if the Licensee signs a  
18 settlement agreement with the ANC, then the  
19 protest by the group of five or more falls.

20 If the Licensee signs a settlement  
21 agreement and there is an abutting property  
22 owner, then the abutting property owner can move  
23 forward with the protest hearing. So that's what  
24 I'm saying. That's the only time that becomes --  
25 the distinction that you're making becomes

1       apparent if there is a settlement agreement, and  
2       you're not a part of it. So that's from a legal  
3       perspective. That's when that becomes important.

4                If we move forward to a protest  
5       hearing, you're still participating. But it only  
6       becomes an issue if there's a settlement  
7       agreement with the ANC. And if you didn't agree  
8       with it then, as a regular protestant, then your  
9       protest will fall. But as an abutting property  
10      owner, you can still move forward with a protest  
11      hearing.

12               So that's the distinction where  
13      granting you standing would make a difference in  
14      this particular case. Okay.

15               MS. RINGUETTE: Okay.

16               CHAIRPERSON ANDERSON: All right. So  
17      let me have the ANC. They had wanted to speak.  
18      Go ahead, sir.

19               MR. BARIZILAI: Thank you very much.  
20      I'm actually not the ANC. I'm a representative.  
21      But I have the schematics --

22               CHAIRPERSON ANDERSON: Okay, I'm  
23      sorry. You're one of the designated  
24      representatives of the group. I'm sorry, go  
25      ahead.

1 MR. BARIZILAI: Yes, sir.

2 CHAIRPERSON ANDERSON: What do you  
3 want to say?

4 MR. BARIZILAI: I just wanted to  
5 offer, I have the schematics that I think is  
6 clarifying. And if you just give me about one to  
7 two minutes to share, just to clarify this  
8 information, I will share this right now.

9 So the issue here is a question of  
10 what this looks like. And so please confirm that  
11 you are able to see what I'm sharing.

12 CHAIRPERSON ANDERSON: We can see your  
13 screen, sir.

14 MR. BARIZILAI: The issue in question  
15 is 1328 Florida Avenue, NW, which is where Tawle  
16 is going to be, the abutting neighbor is 1324  
17 Florida Avenue, NW, and they share this wall.

18 What has happened is that Tawle has  
19 constructed an interior component of this and  
20 built a wall for the purpose of arguing that  
21 there is no abutting neighbor.

22 But as a matter of fact, 1324 and 1328  
23 Florida Avenue NW are abutting and share a common  
24 wall. And if Ms. Yohannes would like, she would  
25 be welcome to our clarification. But my

1 understanding is that prior to their  
2 construction, there was no dividing wall interior  
3 to create a separation and that the primary  
4 purpose of this construction was indeed to argue  
5 against Ms. Ringuette being an abutting property  
6 owner.

7 When a similar restaurant had been put  
8 in here by the same owners, it was actually still  
9 determined that Ms. Ringuette was an abutting  
10 property owner five years ago by ABRA. So I  
11 think that there is strong standing for Ms.  
12 Ringuette to be granted status as an abutting  
13 neighbor. And I would just pause there and stop  
14 sharing, if that's okay.

15 CHAIRPERSON ANDERSON: All right.  
16 What restaurant was there before?

17 MR. BARIZILAI: So over here is  
18 Maydan. It is the sister restaurant of Tawle.  
19 And Michelle was granted status in 2017 as an  
20 abutting neighbor.

21 CHAIRPERSON ANDERSON: I'm sorry,  
22 what's the name of the restaurant again? I'm  
23 sorry.

24 MR. BARIZILAI: Maydan, M-A-Y-D-A-N.  
25 And because 1328 is a larger property, any

1 individual segment of that unit that is used, any  
2 part of 1328, is still considered to be an  
3 abutting property to 1324. And the DC GIS is  
4 what I'm presenting right now to try to make that  
5 clarification.

6 CHAIRPERSON ANDERSON: All right. Go  
7 ahead. Ms. Yohannes, I mean, I see that your  
8 client wants to speak. But you need to give your  
9 -- if your client wants to speak, then you need  
10 to give him permission to speak or not, okay.

11 MS. YOHANNES: I will say something,  
12 and then I'll allow my client to speak. One, I  
13 mean, this is a, I just want to make two points.

14 Because we are hearing from Yaniv who  
15 is part of the group of five. He is not an  
16 abutting property owner, or he's not alleging to  
17 be a property owner. And Ms. Ringuette's or Mr.  
18 Price's representative, I think it's  
19 inappropriate for him to be presenting things at  
20 this time. I want to note that.

21 The second thing is regarding what he  
22 has shown or what has been stated by Ms.  
23 Ringuette regarding the property and the permits  
24 that are pulled.

25 We don't have access to this entire

1 building. The entire building is not our  
2 building. We are not making these divisions.  
3 That's important to note. If a property owner is  
4 dividing this property, that's up to the property  
5 owner. And we don't have access to this entire  
6 building. Our premises is only the premises  
7 which I have shown --

8 CHAIRPERSON ANDERSON: All right.

9 MS. YOHANNES: Go ahead.

10 CHAIRPERSON ANDERSON: No, I'm sorry.  
11 Go ahead, ma'am. I thought you were done.

12 MS. YOHANNES: Yeah, I was just going  
13 to say there's been indications about -- I mean,  
14 I'll let Mr. Sault speak. I think he does want  
15 to speak. I will let him speak. But I know that  
16 there's a comment about the window and what she  
17 can see and not see.

18 This is into the other vacant  
19 premises. Whatever is being shown in that vacant  
20 premises, we don't have access to. We are not  
21 going to be in that premises. We don't share,  
22 you know, we don't have access to it. Therefore,  
23 we don't share walls, we don't share ceilings  
24 with Ms. Ringuette. And therefore, she's not an  
25 abutting property owner. I think that that's

1 clear.

2 Mr. Sault, did you want to add  
3 something there?

4 CHAIRPERSON ANDERSON: Mr. Sault, do  
5 you have your hand up? And I can't see you  
6 anymore, sir. Mr. Sault?

7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: Well, his hand  
9 is still raised, and I just can't see him. I  
10 don't know what it is. All right. I'm not going  
11 to have -- he's not available.

12 And so, sir, you're not a part of this  
13 group. I'm sorry, Mr. Barizilai, you are the  
14 designated representative for the group. I have  
15 not been told that you represent Ms. Ringuette.  
16 And I apologize. So therefore, I can't have you  
17 speak further on her behalf.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Yes, ma'am?

20 MS. RINGUETTE: I'm so sorry.

21 CHAIRPERSON ANDERSON: I'm going to  
22 have you --

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Ms. Ringuette,  
25 I'm going to have you the final say, and then I'm



1 going to state what --

2 MS. RINGUETTE: Okay. Sorry, I  
3 apologize. I should have made clear that Mr.  
4 Barizilai is indeed both my neighbor, but we did  
5 ask him to assist us with this as my husband and  
6 I are not lawyers and do not have legal training.  
7 And obviously Tawle is allowed to bring legal  
8 representation. So we asked for assistance as  
9 well in making our case.

10 Because as mentioned, we were granted  
11 standing as the abutting property owner for when  
12 they opened Maydan which is very much further  
13 away than this location would be.

14 CHAIRPERSON ANDERSON: All right.  
15 Ma'am, all right, you were granted standing at  
16 the roll call hearing. So because you were not  
17 granted standing at the roll call hearing, at  
18 this forum the Board would have to make a  
19 decision to grant you standing. And so  
20 therefore, that's why we're making this decision.  
21 That's why I'm asking these questions today.

22 And I was going to wait for the  
23 parties to bring that, I was waiting for Ms.  
24 Yohannes to make a motion. But in your  
25 introduction, you had stated that you are the

1 abutting property owner.

2 So therefore, that's one of the  
3 reasons why I input myself into this argument.  
4 Because it's my understanding that you were not  
5 granted standing, and so therefore that's why I'm  
6 allowing arguments.

7 This is actually more contentious than  
8 I had -- this is not a simple decision to make.  
9 So what the Board is going to do today, we are  
10 not going to make a decision on granting you  
11 standing. However, I'm going to ask both parties  
12 to file a motion.

13 So Ms. Yohannes, you can file a motion  
14 asking to dismiss that basically provides us  
15 legal argument, your charts, to state that they  
16 are not an abutting property owner.

17 And Ms. Ring --

18 MS. RINGUETTE: Ringuette.

19 CHAIRPERSON ANDERSON: Ms. Ringuette,  
20 then you can respond. You can file something to  
21 provide us proof that you are. I mean, the  
22 Board, if this matter goes to -- if this matter  
23 is not settled, we're going to have a protest  
24 hearing. A protest hearing will be scheduled for  
25 February 1st, 2023, at 1:30.

1                   The Board is going to be -- and, sir,  
2 I tried to reach you before, but at this juncture  
3 -- you can put your hand down, Mr. Sault. At  
4 this juncture, I prefer for your lawyer to  
5 provide us something in writing. You can consult  
6 with your lawyer, provide something in writing to  
7 formally state that they are not abutting  
8 property owners.

9                   And Ms. Ringuette will respond  
10 to state why she believes that they are abutting  
11 property owners and why the Board should grant  
12 standing.

13                   And I would say that because this  
14 hearing will be scheduled -- if we go to court,  
15 this hearing will be scheduled February 1st. The  
16 Board is going to be off next week because of the  
17 holidays. So our next hearing would be on the  
18 25th. So can the parties file these motions in  
19 sufficient time for the Board to make a  
20 determination at our next meeting on the 25th?

21                   How long would it take to provide us  
22 the document that you're stating to assert, Ms.  
23 Ringuette, that you are an abutting property  
24 owner and, Ms. Yohannes, that you are not? Would  
25 a week be sufficient?

1 MS. YOHANNES: Yes, that's fine for  
2 us.

3 CHAIRPERSON ANDERSON: Sir, you can't  
4 shake your head, sir. We have not received  
5 anything in writing from Ms. Ringuette saying  
6 that you are her designated representative. So  
7 there is some formality to that.

8 But this matter was scheduled for a  
9 protest hearing on the first. So therefore,  
10 February 1st, so therefore we need to make a  
11 decision prior to February 1st whether or not you  
12 have standing as an abutting property owner.

13 You're going to participate in this  
14 hearing, because you're a member of the group of  
15 five or more. As I stated before, it only  
16 becomes significant if there is a settlement  
17 agreement between the Licensee and the ANC.  
18 That's when it becomes significant.

19 Yes, ma'am?

20 MS. RINGUETTE: If I may, I'm sorry,  
21 the reason why I am sticking on this point and  
22 not -- I mean, obviously I am part of the Group  
23 of 20 neighbors. We, because of our proximity  
24 and the location, we have a different set of  
25 issues that we've experienced living near the

1 sister or cousin restaurant.

2 So I have real concerns about what's  
3 the limitations and what's going to happen. For  
4 example, this is the first time I've even seen  
5 any suggestion of where the interior space would  
6 be. And I'm not sure when that wall was sort of  
7 decided and for what purpose.

8 So it's, like, any settlement  
9 agreement with the neighborhood, there are some  
10 separate concerns that are for my husband, son,  
11 and I. Because we've been having health impacts  
12 and there are other things going on.

13 Now, like, I did not realize, and I  
14 apologize, that I needed to inform in writing  
15 that we'd asked Yaniv to work with us. I can  
16 certainly do that. But again, like I don't have  
17 a law firm that's working with me. And I have  
18 never drafted up something like that.

19 So I'm worried that trying to get this  
20 together in a week seems like it definitely  
21 privileges Tawle and Ms. Yohannes with something  
22 that, as a resident of this city, I don't have  
23 the same access to.

24 CHAIRPERSON ANDERSON: All right. As  
25 I stated, ma'am, you're asking the Board to grant

1 you standing as an abutting property owner.  
2 Because you are saying that you share a wall with  
3 this establishment, okay.

4 MS. RINGUETTE: And I would have to

5 CHAIRPERSON ANDERSON: But this is  
6 what I m trying to say to you, ma'am, okay. The  
7 law says you have to share a wall, okay. And  
8 you're saying to me that you don't share a wall.  
9 There are a -- and that's the problem that we're  
10 having here. So I don't know.

11 I think what the GIS, initially the  
12 GIS that was provided said that, no, you are not  
13 abutting, okay, so I don't know. I don't know.  
14 And so whatever it is that you can provide to us,  
15 diagrams to say that -- pictures to say that  
16 their property, the physical confines of this  
17 restaurant, it touches my home.

18 So it doesn't necessarily have to be  
19 a legal -- it's that you're saying to us that,  
20 you are proving to us, by whatever means you  
21 have, to say that I share a common wall with this  
22 establishment. If you can provide us, anything  
23 you can provide us to share a common wall with  
24 this establishment, then so be it.

25 But that's your burden to prove to us.

1 It's not necessarily asking you to draft a legal  
2 document. You can send a letter to say this is  
3 my proof that I'm an abutting property owner.

4 MS. RINGUETTE: Yes, I appreciate  
5 that. And I will do my very best to do that. It  
6 has been very difficult since it's been very hard  
7 to get information from those applying for the  
8 permit to understand what they're building and  
9 where they're building it. And so I still don't  
10 have access to that information.

11 And when I've tried to talk to the  
12 construction folks out there, they have been -- I  
13 have some photos of that, but they have not been  
14 forthcoming. Or they've given me misleading,  
15 contradictory information.

16 So I will need to put it together. I  
17 think I can make a strong case, but it will take  
18 sort of understanding the limits of what the  
19 permit actually grants them as opposed to however  
20 they are designing the restaurant. It sort of  
21 depends on what the definition of is is. Like,  
22 is the restaurant only the space they choose to  
23 occupy, or is it what they're being given a  
24 permit to use?

25 CHAIRPERSON ANDERSON: Well, I'm --

1 you're either an abutting property or you're not.  
2 It's not a matter of -- so you either are or you  
3 are not. This is something that at least, I  
4 believe, should be obvious. Because they're  
5 applying for a license, and you're saying that  
6 they have a lease for a two-bedroom apartment,  
7 okay. All right, I'm just --

8 (Simultaneous speaking.)

9 MS. RINGUETTE: That's a perfect  
10 example. This is a perfect example. Because  
11 what's happened in the alley?

12 CHAIRPERSON ANDERSON: All right.  
13 Okay, they have a lease for a two-bedroom  
14 apartment, okay. So their lease is for a two-  
15 bedroom apartment. We will issue a license for  
16 two-bedrooms in the apartment, the two spaces in  
17 the apartment, to say they'll be given a  
18 Certificate of Occupancy to say the total  
19 occupancy of the space.

20 Now, if they elect only to use one  
21 bedroom, they still own -- and I'm not sure if I  
22 want to go down the road with this analogy,  
23 because I could be wrong. But I'm just saying  
24 though, ma'am, at least in my mind it is a simple  
25 question whether or not they're abutting or not.



1 MS. RINGUETTE: This is the last thing  
2 that I will offer just to, like, keep an open  
3 mind on this, that historically a group of owners  
4 of Maydan, which has overlapped with the people  
5 applying for a permit, occupy the space. And  
6 they have now taken over the public alley,  
7 partially because of, like, what was permitted  
8 under COVID rules. But they have extended beyond  
9 what our agreement had been.

10 So from my experience, if is very  
11 likely they could put up a wall and then, two  
12 months into their tenure, could take down the  
13 wall and extend all the way if the permit is  
14 granted for the space that is the building and  
15 not limited to a confined space within 1328. And  
16 it seems very inconsistent with precedent, given  
17 that we were given standing for when they opened  
18 Maydan which is much further away.

19 But that's why I'm just, I'm trying to  
20 figure out what they are actually seeking a  
21 permit for and being granted. And we've not been  
22 able to see anything, because we are not allowed  
23 inside, we've not been shown drawings, and we've  
24 definitely been impacted by --

25 MS. YOHANNES: Excuse me. With all

1 due respect here, we allowed a lot of leniency.  
2 And we've heard over and over again that we don't  
3 share an abutting wall or a ceiling with Ms.  
4 Ringuette or Mr. Price. And now we're going on a  
5 tangent in some other, you know, and making other  
6 arguments. If we're going --

7 (Simultaneous speaking.)

8 MS. YOHANNES: -- it's fine. But, you  
9 know, to have Ms. Ringuette here just sort of  
10 speaking about all of these, you know, making  
11 allegations at this point, is very inappropriate.

12 CHAIRPERSON ANDERSON: Ms. Yohannes,  
13 I have already made my decision on what it is  
14 that I'm asking the parties to do. So as a  
15 layperson, I'm giving you opportunity to speak.  
16 But as I stated before, the Board is not going to  
17 make that decision today to grant or deny  
18 standing. We're not going to issue that.  
19 Because this is an issue, it is not as simple as  
20 I thought it would be. Because there is a  
21 dispute.

22 And so that's one of the reasons why  
23 I'm asking the parties. You can file a summary  
24 motion to state why is it that they are not an  
25 abutting property owner. And Ms. Ringuette, she

1 can provide information.

2 Mr. Sault, it's not important for you  
3 to speak since I've made a decision, and your  
4 attorney can respond to that. This is a period  
5 when we have, okay, we had the status. Have you  
6 guys had mediation?

7 MS. YOHANNES: Yes, we did have  
8 mediation. I'm sorry, we did --

9 CHAIRPERSON ANDERSON: Yes, and none  
10 of this was discussed at mediation?

11 MS. YOHANNES: It --

12 CHAIRPERSON ANDERSON: No, just  
13 generally, I'm saying generally. I mean --

14 MS. YOHANNES: Apparently --

15 CHAIRPERSON ANDERSON: - just  
16 generally I'm hearing, like, I don't know, I  
17 don't know, I don't know. So I'm just saying as  
18 a thought mediation -- I mean, did the parties  
19 have any type of conversation at mediation?

20 MS. YOHANNES: Again, which is why I  
21 say a lot of allegations are being thrown in  
22 right now.

23 CHAIRPERSON ANDERSON: Right. That's  
24 what I'm just saying. Because I'm hearing, like,  
25 you know, I don't have, I don't have. And that's

1 why we have mediation where the parties can sit  
2 and talk.

3 If you had a mediation, and if you  
4 believe that you need another mediation, I can  
5 have our Board agent schedule another mediation  
6 for the parties to speak. Or the parties can  
7 informally speak without us involved. So you  
8 have this opportunity to do that.

9 But as I stated, the Board will make  
10 a determination once we -- our next hearing is on  
11 the 25th. The parties have until close of  
12 business on the 18th, which is a week from today,  
13 to provide us a motion that the Licensee -- the  
14 Applicant can provide a motion.

15 Ms. Ringuette, you can provide a  
16 response just to prove to the Board why it is  
17 that you believe that you're an abutting property  
18 owner. And you can provide a letter, and with  
19 pictures, to state why it is that you believe  
20 you're an abutting property owner. And the Board  
21 will schedule that.

22 And again, if the parties want us to  
23 schedule another mediation, if both sides are in  
24 agreement, I will ask our Board agent to reach  
25 out and schedule another mediation for the

1 parties. Is that something that the parties want  
2 the Board to do?

3 MS. RINGUETTE: Yes, please.

4 CHAIRPERSON ANDERSON: Ms. Yohannes?

5 MS. YOHANNES: No.

6 CHAIRPERSON ANDERSON: No?

7 MS. YOHANNES: Not at this time.

8 CHAIRPERSON ANDERSON: All right.

9 Okay.

10 MS. YOHANNES: But --

11 CHAIRPERSON ANDERSON: So the parties  
12 can -- all right, that's fine, ma'am.

13 The parties can informally speak with  
14 the Board. The parties can informally speak  
15 about this, okay. So we will make a decision --  
16 I'm sorry.

17 Mr. Lakatos, do you need to make a  
18 statement, sir?

19 MR. LAKATOS: A point of order on your  
20 question. Is the question about mediation  
21 specifically on that of Ms. Ringuette's standing  
22 as an abutting property owner or broadly?

23 CHAIRPERSON ANDERSON: Broadly,  
24 broadly.

25 MR. LAKATOS: I would be in support

1 of that at this time. But I understand that Ms.  
2 Yohannes is not.

3 CHAIRPERSON ANDERSON: All right. So,  
4 Ms. Yohannes, if the parties want the Board to  
5 schedule -- and this is not to put you on the  
6 spot, ma'am, that's why I'm saying you don't need  
7 to respond. If the parties want the Board to  
8 schedule another mediation, the parties can reach  
9 out to our legal office. They will ensure that  
10 our agent schedules another mediation.

11 And if not, the parties can also, the  
12 parties are free to meet and have any type of  
13 conversations about settlement at any point  
14 without the Board's involvement. And the Board  
15 will make a decision based on what's presented to  
16 us. All right.

17 MEMBER GRANDIS: Mr. Chairman?

18 CHAIRPERSON ANDERSON: Yes, Mr.  
19 Grandis. Yes, sir?

20 MEMBER GRANDIS: When Ms. Yohannes had  
21 the diagram up, I was hoping that you were going  
22 to ask if any Board member had any questions  
23 regarding the diagram. Because I certainly have  
24 some questions which will help me understand what  
25 we are looking at.

1                   So I know we've been on this quite a  
2 while, but I'd like for the record to have her  
3 put it back up so I can ask these questions.

4                   CHAIRPERSON ANDERSON: The reason why,  
5 Mr. Grandis, this is more contentious. The Board  
6 cannot make this decision looking at a diagram,  
7 because they're -- and that's one of the reasons  
8 why it's -- there's disagreement about whether  
9 they're an abutting property owner. That's one  
10 of the reasons why I --

11                   MEMBER GRANDIS: Mr. Chairman, I would  
12 respectfully ask that you allow Ms. Yohannes to  
13 put the document back up. None of the Board  
14 members have kept this dialogue going 45 minutes,  
15 Mr. Chairman.

16                   And I really had questions. And I was  
17 hoping, at the time when it was up, you would ask  
18 the Board if they had any questions. I am  
19 respectfully asking that Ms. Yohannes be able to  
20 put the diagram back up so I can ask the  
21 questions that I've had. Thank you.

22                   CHAIRPERSON ANDERSON: Ms. Yohannes,  
23 you can put -- fine, Mr. Grandis, whatever  
24 questions you want to ask, you are free to ask  
25 it. But the question I - but where we are

1 today, the Board is not going to make any  
2 decision today regarding whether or not it's an  
3 abutting property, whether or not they're  
4 abutting or not.

5 This is a complicated issue that  
6 cannot be addressed by asking questions. So, Ms.  
7 Yohannes, you can share. You can ask questions.  
8 But as I stated before, this discussion is not  
9 going to solve the problem. But you can ask  
10 whatever questions you want, sir.

11 MS. YOHANNES: Can the member --

12 MEMBER GRANDIS: And Happy New Year.  
13 Happy New Year, Ms. Yohannes, ha, ha.

14 MS. YOHANNES: Thank you. Happy New  
15 Year. Can you all see this?

16 MEMBER GRANDIS: Yes.

17 MS. YOHANNES: Okay.

18 MEMBER GRANDIS: I can see it.

19 MS. YOHANNES: Okay.

20 MEMBER GRANDIS: Okay. The pink, once  
21 again, that pink area is where the new restaurant  
22 is proposing its location.

23 MS. YOHANNES: Yes.

24 MEMBER GRANDIS: Correct?

25 MS. YOHANNES: That's correct.



1 MEMBER GRANDIS: Okay. And the  
2 address of the restaurant, I believe, on the  
3 application, is 1836?

4 MS. YOHANNES: The address is, no, the  
5 address is 1328.

6 MEMBER GRANDIS: Twenty-eight, I'm  
7 sorry, okay. And what is the address for the  
8 building where the parties are located? What's  
9 that address?

10 MS. YOHANNES: 1324 Florida Avenue.

11 MEMBER GRANDIS: Okay. Is there a  
12 1326?

13 MS. RINGUETTE: No, there is not.

14 CHAIRPERSON ANDERSON: This to ma'am.  
15 You can only speak if a question is directed to  
16 you.

17 MEMBER GRANDIS: Is there a 1326?

18 MS. YOHANNES: I do not know. I do  
19 not know, but I believe that 1328, I don't know,  
20 let me say that.

21 MEMBER GRANDIS: Okay. So where this  
22 wall had been constructed is next to the yellow  
23 area, is that correct?

24 MS. YOHANNES: Next to the yellow  
25 area?

1 MEMBER GRANDIS: Yes. That's where  
2 the --

3 (Simultaneous speaking.)

4 MEMBER GRANDIS: Excuse me?

5 MS. YOHANNES: So are you saying it's  
6 between the properties?

7 MEMBER GRANDIS: Your argument or your  
8 presentation is that they're not abutting because  
9 of this wall, correct?

10 MS. YOHANNES: Well, my presentation  
11 is that they're not abutting because of the  
12 green. This is another - the green as in here.  
13 This is another part of the building.

14 MEMBER GRANDIS: Part of which  
15 building though?

16 MS. YOHANNES: Part of 1328.

17 MEMBER GRANDIS: Okay. So it's part  
18 of the building where your client wants to open  
19 the restaurant?

20 MS. YOHANNES: Correct.

21 MEMBER GRANDIS: Okay. So the current  
22 lease which would be required for the ABC Board  
23 to determine whether we can grant a license, the  
24 current lease is only for the pink area?

25 MS. YOHANNES: It should be, yes. I

1 mean, yes, it should be.

2 MEMBER GRANDIS: So you're --

3 MS. YOHANNES: I don't know, I don't  
4 have the -- sorry.

5 MEMBER GRANDIS: So it may be possible  
6 that your client is actually leasing some of the  
7 area outside of the pink area?

8 MS. YOHANNES: No, that's not  
9 possible, in that we don't have access to that  
10 area. So we are not -- we physically do not have  
11 the right to be in that area, in that space.

12 MEMBER GRANDIS: So how is the access  
13 to that area right now?

14 MS. YOHANNES: So there is a hallway.  
15 So there is this hallway. And this part of the  
16 entire building, this is a vacant area right now.  
17 And --

18 MEMBER GRANDIS: But would their door  
19 be, where would their front door to enter that  
20 space be?

21 MS. YOHANNES: I don't know if you can  
22 see my cursor, and I could even - and I could  
23 have Mr. Sault further discuss this, but right  
24 here --

25 MEMBER GRANDIS: Oh, I don't need

1 that.

2 MS. YOHANNES: Okay. Right here is  
3 where -- I mean, it's separated. And where Ms.  
4 Ringuette said she could peer into the other  
5 premises, she's looking into this premises, into  
6 this area where my cursor is at, not into where  
7 we are going to be, not where this establishment  
8 will be operating. Because we're not -

9 MEMBER GRANDIS: But there's been a  
10 prior use of a restaurant that included the pink  
11 area as well as part of the green.

12 MS. YOHANNES: I cannot speak about  
13 that. Because I don't have knowledge to that in  
14 terms of --

15 MEMBER GRANDIS: Thank you. I just  
16 understand, if I understand the concerns of Ms.  
17 Ringuette, there's a potential that that area  
18 could become part of the lease. And we don't  
19 know. That's all in the future. But I just  
20 wanted to get clarification if that green area  
21 which abuts the pink area was part of the former  
22 restaurant.

23 And that's my last question. If  
24 you've already answered, perhaps in your document  
25 that you're going to provide us in a week, you

1 can address that.

2 MS. YOHANNES: Yes, I will just state  
3 that our position would be that, if that ever  
4 were the case, where there would be some sort of  
5 expansion, that would be a substantial change.

6 MEMBER GRANDIS: Absolutely, ha, ha,  
7 ha.

8 MS. YOHANNES: Yeah.

9 MEMBER GRANDIS: Yes, ma'am. I think  
10 you're right on that point. And, Mr. Chairman, I  
11 thank you for your indulgence on letting me ask  
12 those questions. It does give me some  
13 clarification. Thank you very much.

14 MS. YOHANNES: Thank you. Could I  
15 exit out?

16 CHAIRPERSON ANDERSON: Yes.

17 MS. YOHANNES: Okay. I will exit.

18 CHAIRPERSON ANDERSON: All right.

19 MS. YOHANNES: There we go.

20 CHAIRPERSON ANDERSON: You have  
21 exited. All right, so this matter is scheduled -  
22 - you can put your hand down, sir. I'm not going  
23 to entertain any more questions. If it's about -  
24 - if you're asking a general question, but your  
25 question, sir, Mr. Lakatos --

1 MR. LAKATOS: Apologies, I understand,  
2 Your Honor. This has nothing to do with the  
3 abutting neighbors, it has nothing to do with  
4 that. It's a general question about the protest  
5 date.

6 CHAIRPERSON ANDERSON: Yes, sir.

7 MR. LAKATOS: So I've informed Mr.  
8 Barizilai, who's the lead representative for the  
9 group of neighbors who are also protesting -  
10 he's out of the country, he's a diplomat working  
11 on behalf of all of us -- on the date of the  
12 protest.

13  
14 I would like to see if it's possible  
15 to postpone the protest hearing at least one week  
16 to allow him to attend, since he is leading this  
17 representation. I think that would be fair. I'm  
18 not sure that's possible for the Board to do, but  
19 I can say it'd be very much appreciated.

20 CHAIRPERSON ANDERSON: Well then,  
21 wouldn't it be -- Yes, ma'am?

22 MS. YOHANNES: I would just say,  
23 Commissioner, if you -- there's been a change in  
24 the commissioners. I know this was previously  
25 stated. Commissioner, if you want to contact me.

1 I'm happy to address that with you and put  
2 something in writing. Because I believe that's  
3 what the Board will ask us do.

4 MR. LAKATOS: Okay, I'll speak with  
5 Mr. Yohannes after this meeting.

6 CHAIRPERSON ANDERSON: All right,  
7 fine. So if the parties can make a motion to --  
8 if the representatives are not available for  
9 February 1st, 2023 -- I'm sorry, this is a new  
10 license.

11 MS. YOHANNES: New application.

12 CHAIRPERSON ANDERSON: This is a new  
13 application. All right, in order for us to move  
14 the timeline, the Applicant has to agree. The  
15 Board will not change the date of this protest  
16 hearing unless the Applicant agrees.

17 And the reason why, because it's a new  
18 license we have some specific timelines that the  
19 Board has to make a decision. And if this was a  
20 renewal, then the Board has more flexibility.  
21 But because it's a new application, there is a  
22 specific timeline that the Board has to issue its  
23 decision.

24 So unless the Applicant consents to an  
25 agreement, then we're not going to do that.

1 Because it's just, as I said before, the law  
2 states how long it is that the Board has to issue  
3 a license for a new application. And so we have  
4 to comply with our legal requirement, okay.

5 All right, so that's basically where  
6 we are. The parties can jointly make a motion to  
7 the Board what it is that they are asking. But  
8 basically by close of business of January the  
9 18th, 2023, a motion should be filed by the  
10 parties whether or not this -- a request of  
11 whether or not the Board should grant standing to  
12 an alleged abutting property owner, okay. And  
13 the documents should be served on the other side  
14 along with ABRA Legal.

15 MS. YOHANNES: Yes, thank you.

16 CHAIRPERSON ANDERSON: All right. If  
17 this matter is scheduled -- we're going to have a  
18 protest hearing on February 7th, I'm sorry, on  
19 February 1st at 1:30. Seven days prior to the  
20 hearing, all the parties must exchange documents.  
21 You have a PIP, and the parties must exchange  
22 these documents and witnesses amongst each other  
23 and also with the Board.

24 Failure by any party to provide us a  
25 PIP seven days prior to the hearing, the Board



1 might prevent that person or that party from  
2 relying on documents and witnesses that have not  
3 been disclosed previously.

4 If you are unsure what the process is,  
5 you can reach out to ABRA Legal, and we will  
6 provide information to all the parties about what  
7 a PIP is, and how to put this document together,  
8 and to ensure that seven days prior to the  
9 hearing, which is scheduled for February 1st,  
10 2023, that it's disclosed.

11 Any other general questions that the  
12 parties might have?

13 MS. YOHANNES: None for the Applicant.

14 CHAIRPERSON ANDERSON: I will ask the  
15 parties to -- you have an opportunity to speak.

16 MR. BARIZILAI: I didn't know. Is  
17 this the end of the discussion of Tawle or is the  
18 end of the discussion about abutting neighbors?

19 CHAIRPERSON ANDERSON: This is the end  
20 of the discussion unless you have any preliminary  
21 issues regarding Tawle that you want to raise,  
22 sir.

23 MR. BARIZILAI: Well, sure. I mean,  
24 we didn't have a chance to actually get to the  
25 substance, but I just wanted to inform --

1 CHAIRPERSON ANDERSON: We don't  
2 discuss, sir, we don't discuss substance here.

3 MR. BARIZILAI: Okay.

4 CHAIRPERSON ANDERSON: This is just,  
5 we don't discuss substance at -- this is just a  
6 status hearing. And what we do at this hearing  
7 is I ask are there any preliminary issues, as we  
8 discussed this morning. And if there are no  
9 preliminary matters, I schedule a date for the  
10 day for the protest hearing, and that's it.

11 We do not discuss substance at this  
12 hearing, because it is just a status hearing for  
13 the Board to provide general guidance to the  
14 parties if that is required, sir.

15 MR. BARIZILAI: Thank you very much  
16 for the clarification. This is the first time  
17 I've done this, so I appreciate your explanation.

18 The one procedural status issue that  
19 I just wanted to raise, and the Board to be aware  
20 of, is the big challenge that we are facing, as  
21 we debate a settlement agreement from the  
22 neighbors' perspective, with Ms. Yohannes is  
23 about the sidewalk caf,. We are requesting just  
24 the basic plans that have been submitted to ABRA.

25 Until we can get that, we are not able

1 to have a substantive discussion about what a  
2 compromise would look like. And so that's been  
3 the big challenge for nearly three months now.

4 We've been asking where will the  
5 sidewalk caf, be located, how will that be de-  
6 conflicted with the existing sidewalk caf, in the  
7 alley that occupies the entire space?

8 So that is just the challenge from a  
9 procedural status matter that we continue to face  
10 as we work towards negotiating some sort of  
11 settlement.

12 CHAIRPERSON ANDERSON: And my  
13 understanding of the sidewalk caf,, sir, is that  
14 they have to apply for a public space permit to  
15 utilize that. And all that the ABC Board does,  
16 once they have gotten approval from another  
17 agency to utilize, if it's public space for the  
18 sidewalk caf,, we'll issue an endorsement. And  
19 we can put some limitations on the utilization of  
20 the sidewalk caf, based on what has been  
21 approved.

22 But if you're asking for what was  
23 submitted, you can send a FOIA request to our  
24 agent. You can contact Mr. Austin Hill, and  
25 we'll provide you with whatever documents that

1 they have provided to us.

2 MR. BARIZILAI: Yes, sir.

3 CHAIRPERSON ANDERSON: But as I  
4 stated, yes --

5 (Simultaneous speaking.)

6 MR. BARIZILAI: - is that the process  
7 you described about going to DDOT and seeking the  
8 relevant permissions from the city has not even  
9 been initiated, to our knowledge, as of  
10 mediation, at least about a week and a half ago.

11 So what we're being asked is to  
12 provide a blank check from the neighborhood for  
13 whatever comes into that space. And we're not  
14 able to have a serious conversation about what a  
15 sidewalk caf, looks like. Because we're not able  
16 to ascertain what is even being requested from  
17 the city.

18 CHAIRPERSON ANDERSON: Well, the  
19 bottom line is, if we go to a hearing, sir, they  
20 have to provide us information about, in a sense,  
21 of what the occupancy of the sidewalk caf,. They  
22 would have to let us know the hours they're  
23 asking for a sidewalk caf,, they would have to  
24 state whether or not they're asking for an  
25 entertainment endorsement, and the hours.

1           So those are all decisions that, if  
2 this matter goes to a protest hearing, and as a  
3 part of the application, that they're asking for  
4 a sidewalk caf,, these are all the questions that  
5 the Board would ask before the Board.

6           Well, first and foremost, they would  
7 have to come with a permit from DDOT. And once  
8 they have a permit from DDOT with an occupancy,  
9 because DDOT will state that, for the sidewalk  
10 caf,, the sidewalk caf, can only have an  
11 occupancy of ten.

12           But then the Board can determine that  
13 we're not going to approve ten, we will approve  
14 five or something like that. But the Board would  
15 not approve and occupancy greater than what has  
16 been decided by another agency.

17           MR. BARIZILAI: Yes, sir. I just want  
18 to inform the Board that at mediation of roughly  
19 ten --

20           CHAIRPERSON ANDERSON: Hold on, sir.  
21 I don't want to hear what happened at mediation.  
22 Because that remains there. So the only question  
23 I ask, do you have mediation? But I don't want  
24 you to discuss the conversation that occurred at  
25 mediation at this process.

1 MR. BARIZILAI: Okay. Just to clarify  
2 your statement, the ABRA Board will only review a  
3 sidewalk caf, if the DDOT permit has been  
4 granted. Because that is not what we heard  
5 previously.

6 CHAIRPERSON ANDERSON: All right.  
7 We're only going to -- in order to operate a  
8 sidewalk caf,, they have to have a permission  
9 from DDOT to utilize public space, if the  
10 sidewalk caf, is public space, okay. So if it's  
11 public space, then they have to be approved to  
12 utilize this public space. So before ABRA will  
13 issue a license or an endorsement for a sidewalk  
14 caf,, we have to receive that permit from DDOT  
15 for any licensee, okay.

16 MR. BARIZILAI: Thank you for your  
17 explanation, sir. I appreciate that. That's  
18 exactly what I was hoping to ascertain.

19 CHAIRPERSON ANDERSON: Okay. All  
20 right. This took much longer than I anticipated.  
21 But I'm hoping that the parties will have  
22 conversations. The parties will provide us their  
23 response by close of business on the 18th, whether  
24 or not Ms. Ringuette, whether or not she's an  
25 abutting property owner, and she will respond,

1 provide us documents, whatever it is that you can  
2 provide to support your position. And the Board  
3 will make a determination.

4 Yes, ma'am, do you have a last  
5 question?

6 MS. RINGUETTE: This is a very quick  
7 question. How much time will I have to respond  
8 to their arguments?

9 CHAIRPERSON ANDERSON: It's not a  
10 matter of responding to their arguments, ma'am.  
11 They're going to file a motion, and you're going  
12 to file something, so that simultaneously you're  
13 going to provide that --

14 MS. RINGUETTE: Okay.

15 CHAIRPERSON ANDERSON: -- to state  
16 that you are, as I stated, you either are an  
17 abutting property owner or you're not. I know  
18 that you have stated that whatever occurs in the  
19 restaurant impacts your daily life activities.  
20 But there is a different standard if you're  
21 asking for that you need standing because you're  
22 an abutting property owner.

23 MS. RINGUETTE: Yes.

24 CHAIRPERSON ANDERSON: So that's to  
25 define what an abutting property owner is. Okay,

1 so --

2 (Simultaneous speaking.)

3 MS. RINGUETTE: And do I have the  
4 right to know whether or not it's a temporary  
5 wall or, like, I have no right to their documents  
6 or their architectural plans?

7 CHAIRPERSON ANDERSON: Ma'am, I don't  
8 know what it is that we have, if they have  
9 provided to us. I have said you can send a FOIA  
10 request to Mr. Austin Hill who is our FOIA  
11 officer.

12 So if they have provided us that  
13 information, you can send a request. And we will  
14 provide it to you if the agency has that  
15 information. Okay. Any other questions?

16 All right, hearing none, have a great  
17 day. I do support the parties having  
18 conversations. Because if this matter moves to  
19 a hearing, a protest hearing, parties should seek  
20 and parties should have some understanding of  
21 what the issues are. And for us, for the Board,  
22 to make a decision, we're going to have to grant  
23 this hearing.

24 Yes, ma'am. The hearings are public.  
25 Anyone, you have the link, anyone in the world



1 can watch this hearing. One thing I need to  
2 remind both parties, if we have this hearing, you  
3 are limited to no more than five witnesses and an  
4 hour to argue to argue your case. All right.

5 So then, if there's more than one, if  
6 there are three protestants, then we're going to  
7 ask that the protestants come up with one  
8 designated representative who will represent all  
9 three protestant groups, if that is going to  
10 occur. Okay.

11 Any other questions as to -- if you  
12 have any other questions about a protest hearing,  
13 you can reach out to the legal office, and we'll  
14 provide that information, okay?

15 All right. Let me make sure there's  
16 no other question. All right, I responded to  
17 your comment in that chat.

18 All right. Thank you very much, have  
19 a great day.

20 MS. YOHANNES: Thank you.

21 CHAIRPERSON ANDERSON: Bye-bye.

22 (Whereupon, the above-entitled matter  
23 went off the record at 12:04 p.m.)  
24  
25

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In the matter of: Tawle

Before: DC ABRA

Date: 01-11-23

Place: teleconference

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