

IN THE MATTER OF:	:
	:
Ching, LLC	:
t/a Uproar	:
639 Florida Ave NW	: Show Cause
Retailer CT - ANC 1B	: Hearing (Status)
License No. 92012	:
Case #19-CMP-00173	:
	:
(Purchased Alcohol from	:
an Off-Premise Retailer)	:

Wednesday
January 27, 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
RHODA GLASGOW, DC ABRA Investigator
JOHN LUI, DC OAG
THOMAS MARTIN, Licensee's Counsel

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

1:43 p.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 19-CMP-00173, Uproar, License No. 92012.

Ms. Andrews, can you please elevate the rights of Mr. Thomas Martin, please. I'm not sure if the licensee will be there but I know that Mr. Thomas Martin is the attorney in this case.

MS. ANDREWS: Sure. Stand by.

Mr. Martin, your rights have been elevated.

Ms. Glasgow, your rights have been elevated.

That's all, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you.

Mr. Martin, can you please unmute your microphone and if you have a camera, please open your camera, please. Thank you, Mr. Martin.

Oh, Mr. Grandis, Board Member Grandis, is recusing himself from participating in this case.

Can the parties introduce themselves for the record. Let's start with the government,

1 please.

2 MR. LUI: Good afternoon, Mr.
3 Chairperson. My name is John Lui, L-U-I, for the
4 District of Columbia.

5 CHAIRPERSON ANDERSON: Mr. Martin, can
6 you please identify yourself for the record,
7 please.

8 MR. MARTIN: Good afternoon, Mr.
9 Chairperson. My name is Thomas Martin
10 representing Ching, doing business as Uproar.

11 CHAIRPERSON ANDERSON: Good afternoon,
12 Mr. Martin. This matter was scheduled for a show
13 cause hearing. Are there any preliminary matters
14 before we get started? Do you have a preliminary
15 matter you want to bring to the attention of the
16 Board, Mr. Martin?

17 MR. MARTIN: Yes. My dog will start
18 barking. I think I will be joined by Mr. Lui in
19 requesting a continuance of the hearing to a date
20 to be set by the Board.

21 CHAIRPERSON ANDERSON: Mr. Martin, why
22 are you requesting a continue of this matter?

23 MR. MARTIN: Well, as the Board may
24 recall, we have a pending protest hearing matter
25 that we are attempting still to work out with the

1 ANC and we would request additional time to try
2 to work out those matters and possibly settle the
3 current one.

4 CHAIRPERSON ANDERSON: Well, I'm --
5 well, Mr. Martin, I don't really understand what
6 a protest matter has to do with a show cause
7 hearing. And I -- it is -- this matter is
8 scheduled for -- your client was on notice as
9 early as January 6th that this hearing was
10 scheduled for today.

11 It's only my understanding that you
12 made an appearance to this agency on January 21st
13 to inform us that you were now representing this
14 establishment in the show cause hearing. Now,
15 you have known since January -- at least since
16 January 21st that this hearing was scheduled for
17 today and I don't understand why is it at the
18 last minute that the Board is now being told -- a
19 request has been made to continue this matter.

20 I see that Ms. Glasgow is on the line
21 so it appears that the government was ready to
22 move forward because there is -- I know we're in
23 COVID. There is an employee who had to come into
24 the office today to testify at this hearing so I
25 don't understand why is it that the Board is

1 being told at the appointed hour that this
2 request is being made.

3 MR. MARTIN: Well, we've been working
4 in good faith as late as yesterday with the
5 government to try to see what we can do as far as
6 potentially settling. At this point we haven't
7 done that but we would just ask for some
8 additional amount of time to see if we can make
9 that happen.

10 CHAIRPERSON ANDERSON: Mr. Lui, the
11 impression I got from Mr. Martin, he stated that
12 the government consents to this extension of
13 time, this continuance?

14 MR. LUI: Yes, Mr. Chairperson. The
15 government -- the District of Columbia will
16 consent to this extension of time.

17 CHAIRPERSON ANDERSON: Let's go to Mr.
18 Martin. The Board is not -- as I stated, your
19 client was on notice as far as January 21st. You
20 were on notice on January 27th -- January 21st
21 about this hearing. The Board -- there's a
22 witness that I see who is online who is in the
23 office who has been working remotely.

24 If the parties had the curtesy to have
25 told the Board that they were requesting a

1 continuation, then we would not have had to have
2 an employee of the Agency come to work today who
3 has been working remotely during this period of
4 time so I do not appreciate this last minute
5 extension -- continuation.

6 But as a professional courtesy, I will
7 -- all right. Let me ask, would the parties be
8 available for a hearing on February 21st -- I'm
9 sorry, on February 24th at 1:30? Is that a date
10 that could work for both the Government and Mr.
11 Lui?

12 MR. MARTIN: I'm checking now. Just
13 a moment.

14 CHAIRPERSON ANDERSON: Sure.

15 MR. MARTIN: I'm checking my calendar.
16 February 24th would be available for us.

17 MR. LUI: Mr. Chairperson, yes. The
18 Government will be available on February 24th at
19 1:30 p.m. Thank you.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you.

22 With that said, then I make a motion
23 that the Board will, therefore -- I make a motion
24 that the Board continue this matter to February
25 24th at 1:30. Is there a second? Is there a

1 second?

2 MS. WAHABZADAH: Rema Wahabzadah
3 seconds.

4 CHAIRPERSON ANDERSON: Ms. Wahabzadah
5 seconded the motion. I'll take a roll call vote
6 on the motion that has been seconded by Ms.
7 Wahabzadah.

8 Mr. Short.

9 MEMBER SHORT: Mr. Short. I don't
10 accept.

11 CHAIRPERSON ANDERSON: Mr. Cato.

12 MEMBER CATO: Bobby Cato. I agree.

13 CHAIRPERSON ANDERSON: Ms. Wahabzadah.

14 MS. WAHABZADAH: Rema Wahabzadah. I
15 agree.

16 CHAIRPERSON ANDERSON: Ms. Crockett.

17 MEMBER CROCKETT: Raft Crockett. I
18 disagree.

19 CHAIRPERSON ANDERSON: Ms. Hansen.

20 MEMBER HANSEN: Jeni Hansen. I agree.

21 CHAIRPERSON ANDERSON: And Mr.

22 Anderson, I agree. The matter passes 4-2 with
23 Mr. Short and Ms. Crockett in disagreement

24 As you see, both Mr. Lui and Mr.
25 Martin, the Board is not -- was not necessarily

1 inclined. As Chair as a professional courtesy to
2 attorneys, I voted not because I wanted to grant
3 it, but I vote as a professional courtesy to
4 grant the courtesy to attorneys. I would hope
5 that during this period of time as you have
6 stated that you are discussing settlement that
7 the parties -- if this matter can be settled and
8 the parties can settle it and we can do a paper
9 OIC that can be on our legal agenda.

10 I just want to let you know that if
11 the matter -- if the parties are serious about
12 settling this matter, it can be settled as an
13 agenda item and that we don't need to have
14 another hearing. That's something that a
15 decision can be made long before the 24th.
16 Anyway, thank you for your appearance today and
17 have a great day.

18 MR. LUI: Thank you.

19 MR. MARTIN: Thank you.

20 CHAIRPERSON ANDERSON: I see we have
21 now come to the end of our scheduled agenda for
22 this afternoon. If there are no other questions
23 or concerns, I will now move to close this
24 meeting officially.

25 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia in accordance with Title 3, Chapter 405,
3 Office of Open Government, I move that the ABC
4 Board hold a closed hearing on January 28, 2021
5 for the purpose of discussing and hearing reports
6 concerning ongoing or planned investigations of
7 alleged criminal or civil misconduct or
8 violations of law or regulations and seek legal
9 advice from our counsel, our legal counsel, on
10 the Board's Investigative Agenda, Legal Agenda,
11 and Licensing Agenda for January 28, 2021 as
12 published in the D.C. Register on January 15,
13 2021.

14 Is there a second?

15 MEMBER SHORT: Mr. Short. I second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. I will now take a roll call
18 vote on the motion before us that has been
19 properly seconded.

20 CHAIRPERSON ANDERSON: Mr. Short

21 MEMBER SHORT: Mr. Short. I agree.

22 CHAIRPERSON ANDERSON: Mr. Cato.

23 MEMBER CATO: Bobby Cato. I agree.

24 CHAIRPERSON ANDERSON: Ms. Wahabzadah.

25 MS. WAHABZADAH: Rema Wahabzadah. I

1 agree.

2 CHAIRPERSON ANDERSON: Ms. Crockett.

3 MEMBER CROCKETT: Rafi Crockett. I

4 disagree.

5 CHAIRPERSON ANDERSON: Ms. Hansen.

6 MEMBER HANSEN: Jeni Hansen. I agree.

7 CHAIRPERSON ANDERSON: Mr. Grandis.

8 MEMBER GRANDIS: Ed Grandis. I agree.

9 CHAIRPERSON ANDERSON: And Mr.

10 Anderson, I agree. As it appears that the motion
11 has passed 7-0-0, I hereby give notice that the
12 ABC Board will hold the aforementioned closed
13 meeting pursuant to the Open Meetings Act.

14 Notice will also be posted on the ABC Board
15 general bulletin board, placed on the electronic
16 calendar on ABRA's website, and published in the
17 D.C. Register in as timely a manner as practical.

18 We are adjourned for the day. I want
19 to thank the Board members for their
20 participation today. I will see you tomorrow at
21 9:30. Have a great day and good afternoon.
22 Thank you. Bye bye.

23 (Whereupon, the above-entitled matter went
24 off the record at 1:55 p.m.)

25

<p>A</p> <p>ABC 9:3 10:12,14 above-entitled 10:23 ABRA 1:21,22 ABRA's 10:16 accept 7:10 Act 10:13 additional 4:1 5:8 adjourned 10:18 advice 9:9 aforementioned 10:12 afternoon 3:2,8,11 8:22 10:21 agency 4:12 6:2 agenda 8:9,13,21 9:10 9:10,11 agree 7:12,15,20,22 9:21,23 10:1,6,8,10 Alcohol 1:9 Alcoholic 1:2,13 8:25 ALIYA 1:17 alleged 9:7 amount 5:8 ANC 1:7 4:1 Anderson 1:14,16 2:3 2:17 3:5,11,21 4:4 5:10,17 6:14,20 7:4 7:11,13,16,19,21,22 8:20 9:16,20,22,24 10:2,5,7,9,10 Andrews 1:21 2:6,11 Anyway 8:16 appearance 4:12 8:16 appears 4:21 10:10 appointed 5:1 appreciate 6:4 attempting 3:25 attention 3:15 attorney 2:9 attorneys 8:2,4 available 6:8,16,18 Ave 1:7</p>	<p>calendar 2:4 6:15 10:16 call 7:5 9:17 camera 2:19,20 case 1:8 2:3,4,10,23 Cato 1:17 7:11,12,12 9:22,23,23 cause 1:7 3:13 4:6,14 Chair 2:16 8:1 Chairperson 1:14,16 2:3,17 3:3,5,9,11,21 4:4 5:10,14,17 6:14 6:17,20 7:4,11,13,16 7:19,21 8:20,25 9:16 9:20,22,24 10:2,5,7,9 Chapter 9:2 checking 6:12,15 Ching 1:6 3:10 civil 9:7 client 4:8 5:19 close 8:23 closed 9:4 10:12 Columbia 1:1 3:4 5:15 9:2 come 4:23 6:2 8:21 concerning 9:6 concerns 8:23 consent 5:16 consents 5:12 continuance 3:19 5:13 6:1,5 continue 3:22 4:19 6:24 Control 1:2,13 9:1 counsel 1:23 9:9,9 courtesy 8:1,3,4 COVID 4:23 criminal 9:7 Crockett 1:17 7:16,17 7:17,23 10:2,3,3 CT 1:7 current 4:3 curtesy 5:24 6:6</p>	<p>Ed 10:8 EDWARD 1:18 electronic 10:15 elevate 2:6 elevated 2:13,15 employee 4:23 6:2 establishment 4:14 extension 5:12,16 6:5</p> <p>F</p> <p>faith 5:4 far 5:5,19 February 6:8,9,16,18 6:24 Florida 1:7 forward 4:22</p> <p>G</p> <p>general 10:15 give 10:11 Glasgow 1:22 2:14 4:20 government 2:25 4:21 5:5,12,15 6:10,18 9:3 Grandis 1:18 2:21,21 10:7,8,8 grant 8:2,4</p> <p>H</p> <p>Hansen 1:18 7:19,20,20 10:5,6,6 happen 5:9 hearing 1:7 3:13,19,24 4:7,9,14,16,24 5:21 6:8 8:14 9:4,5 hold 9:4 10:12 hope 8:4 hour 5:1</p>	<p>K</p> <p>known 4:15</p> <p>L</p> <p>L-U-I 3:3 late 5:4 law 9:8 legal 8:9 9:8,9,10 Let's 2:25 5:17 License 1:8 2:5 licensee 2:8 Licensee's 1:23 Licensing 9:11 line 4:20 LLC 1:6 long 8:15 Lui 1:22 3:2,3,18 5:10 5:14 6:11,17 7:24 8:18</p> <p>M</p> <p>manner 10:17 Martin 1:23 2:7,9,12,18 2:20 3:5,8,9,12,16,17 3:21,23 4:5 5:3,11,18 6:12,15 7:25 8:19 matter 1:5 3:12,15,22 3:24 4:6,7,19 6:24 7:22 8:7,11,12 10:23 matters 3:13 4:2 meeting 1:3 8:24 10:13 Meetings 10:13 Member 1:17,17,18,18 1:19,19 2:21 7:9,12 7:17,20 9:15,21,23 10:3,6,8 members 10:19 met 1:14 microphone 2:19 minute 4:18 6:4 misconduct 9:7 moment 6:13 motion 6:22,23 7:5,6 9:17,18 10:10 move 4:22 8:23 9:3</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Uproar

Before: DCABRA

Date: 01-27-21

Place: teleconference

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my direction; further, that said transcript is a
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Court Reporter

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