

IN THE MATTER OF: :
:
801 Restaurant, LLC, :
t/a 801 Restaurant & Bar :
801 Florida Ave NW :
License #103120 : Show Cause
Retailer CT - ANC 1B : Hearing
Case # 19-CMP-00186 :
:
(Increase in Occupancy :
Without Board Approval - :
Summer Garden) :

Wednesday
February 3, 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
ANDREW KLINE, Licensee's Counsel
JOHN LUI, DC OAG
SIDON YOHANNES, Licensee's Counsel

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

2 10:35 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone, as Chairperson of the Alcohol Beverage
5 Control Board for the District of Columbia in
6 accordance with D.C. official code Section -- I'm
7 sorry.

8 Good morning, as Chairperson of the
9 Alcohol Beverage Control Board for the District
10 of Columbia, welcoming you to a regularly
11 scheduled meeting of the Alcohol Beverage Control
12 Board.

13 This meeting's being conducted
14 pursuant to guidance made available by the
15 District of Columbia's Office of Open Government
16 regarding electronic meetings held by public
17 bodies during the public health emergency.

18 Pursuant to this guidance, notice of
19 today's meeting was provided 48 hours in advance
20 of the meeting on ABRA's website and on the
21 District's Central Meeting Calendar.

22 This notice included a time, date,
23 agenda, and call-in or login information for
24 public participation. This electronic meeting is
25 being hosted by a WebEx account provided by the

1 District of Columbia Government.

2 Please address any questions or
3 complaints to the OOG at opengovoffice@dc.gov.

4 My name is Donovan Anderson and I'm
5 Chairman of the Board. I would like to introduce
6 the other members of the ABCB Board, who are also
7 participating electronically pursuant to Mayor's
8 order 2020-054.

9 Please respond when I announce your
10 name. Mr. James Short?

11 MEMBER SHORT: Mr. James Short
12 present.

13 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

14 MEMBER CATO: Bobby Cato present.

15 CHAIRPERSON ANDERSON: Ms. Rema
16 Wahabzadah?

17 MEMBER WAHABZADAH: Ms. Rema
18 Wahabzadah present.

19 CHAIRPERSON ANDERSON: Ms. Rafi
20 Crockett?

21 MEMBER CROCKETT: Rafi Crockett
22 present.

23 CHAIRPERSON ANDERSON: Ms. Jeni
24 Hansen?

25 MEMBER HANSEN: Jeni Hansen present.

1 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

2 MEMBER GRANDIS: Edward Grandis

3 present.

4 CHAIRPERSON ANDERSON: The Board has
5 seven members in attendance for the conduct of
6 business today and that constitutes a quorum.

7 Before we get underway with today's
8 hearing calendar, I need to make a few
9 instructions very clear so that the hearing is
10 understood by everyone.

11 There are two cases scheduled on this
12 morning's calendar. Once a case is called, I
13 will take a moment for the IT specialist to
14 elevate the rights for each party to enable the
15 camera and microphone.

16 Then and only then will you have the
17 ability to enable your equipment. If your case
18 has not been heard, you will remain mute and your
19 camera will be disabled.

20 At the conclusion of each case, the
21 parties will have the option to leave. If the
22 party chooses to stay, all cameras and
23 microphones for the concluded case will be
24 disabled.

25 Should you have any questions or

1 require technical assistance during the hearing,
2 please submit them using the question-and-answer
3 feature or email simone.andrews2@dc.gov.

4 Our first order of business to say is
5 Case Number 19-CMP-00186, 801 Restaurant and Bar,
6 license number 103120.

7 Ms. Andrews, would you please elevate
8 the rights of the Government and the licensee in
9 this case, please?

10 MS. ANDREWS: Sure, standby. Ms.
11 Yohannes, your rights have been elevated. Mr.
12 Lui, your rights have been elevated. Mr. Garcia,
13 your rights have been elevated.

14 MS. YOHANNES: This is Sidon. Can we
15 actually elevate the rights of Andrew Kline?

16 MS. ANDREWS: Sure. Mr. Kline, your
17 rights have been elevated.

18 CHAIRPERSON ANDERSON: Good morning,
19 everyone, let me start with the Government.
20 Could you please identify yourself for the record
21 with the spelling of your name, please?

22 MR. LUI: Good morning, My name is
23 John Lui on behalf of District of Columbia.
24 That's J-O-H-N, L-U-I.

25 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Lui. Mr. Kline, can you identify yourself
2 for the record and please spell your name?

3 MR. KLINE: Thank you, Chairman
4 Anderson. Andrew Kline, A-N-D-R-E-W, last name
5 K-L-I-N-E. Good morning.

6 CHAIRPERSON ANDERSON: Good morning,
7 Mr. Kline, and who else is here with you today?

8 MR. KLINE: Sidon Yohannes from the
9 Veritas Law Firm.

10 CHAIRPERSON ANDERSON: Ms. Yohannes?

11 MS. YOHANNES: Sidon Yohannes, and
12 that's S-I-D-O-N, Y-O-H-A-N-N-E-S.

13 CHAIRPERSON ANDERSON: And who else is
14 here? Is the licensee here today?

15 MR. KLINE: No, the licensee is not
16 here today. The licensee is traveling today and
17 was supposed to be here.

18 They were out of town and their plane
19 got cancelled so they ended up traveling today
20 but we are of course here.

21 CHAIRPERSON ANDERSON: This matter is
22 a show-cause hearing matter scheduled for today.
23 Mr. Lui, are there any preliminary matters in
24 this case?

25 MR. LUI: Yes, there is.

1 CHAIRPERSON ANDERSON: And what's
2 that, sir?

3 MR. LUI: Mr. Chairperson, after
4 further review of the evidence and the record and
5 discussing the notice charge with ABRA management
6 and the licensee's Counsel, Mr. Kline, the
7 District now moves to amend the notice to show
8 cause in this matter.

9 The motion is to amend Charge 1 if we
10 see the capacity of the summer garden and rooftop
11 to get Board approval, a violation of D.C. Code,
12 Section 5-762, to a violation of D.C. Code,
13 Section 25-82387.

14 The current charge in the notice cites
15 to a code provision that governs the expansion of
16 space. But the notice charge, in fact, specify a
17 violation of occupancy limits. That limit is a
18 term of the license.

19 Without revising the charge to cite
20 the correct code provision resolves a notice
21 issue because the new code provision encompasses
22 all license terms, including the capacity number
23 that the District alleges was violated in this
24 case.

25 Now, if the motion is granted, the

1 District will amend the notice and send it to
2 ABRA so that a new hearing date can be scheduled.
3 The licensee can then be served and the Counsel
4 for the licensee has agreed to accept service.

5 CHAIRPERSON ANDERSON: Mr. Kline, is
6 this your case or Ms. Yohannes?

7 MR. KLINE: It's mine.

8 CHAIRPERSON ANDERSON: I'm sorry, Mr.
9 Kline, what is your position on the motion by the
10 Government?

11 MR. KLINE: We don't take a position
12 on it, although, the Government is correct that
13 we have agreed to accept service in the event
14 that a new notice is to be served.

15 CHAIRPERSON ANDERSON: All right, you
16 take no position on it. Are there any questions
17 by any Board Members?

18 Hearing none, I then make the motion
19 that we, the Board, approves the motion. I grant
20 the motion by the Government to amend the notice.
21 Is there a second?

22 MEMBER SHORT: Mr. Short is the
23 second.

24 CHAIRPERSON ANDERSON: Mr. Short has
25 seconded the motion and we'll now have a roll

1 call vote on the motion that has been seconded by
2 Mr. Short. Mr. Short agrees.

3 Mr. Cato?

4 MEMBER CATO: I agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett?

6 MEMBER CROCKETT: I agree.

7 CHAIRPERSON ANDERSON: Ms. Hansen?

8 MEMBER HANSEN: I agree.

9 CHAIRPERSON ANDERSON: Mr. Grandis?

10 MEMBER GRANDIS: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson,
12 I agree. The motion therefore passes 7-0-0.

13 So, the Board has then agreed to the
14 motion by the Government to amend the notice and
15 a new notice will be draft and sent out and this
16 matter will be scheduled for a new show-cause
17 hearing shortly.

18 Thank you very much. Have a great
19 day.

20 MR. KLINE: Thank you, Mr. Chairman,
21 thank you, Members of the Board.

22 MR. LUI: Thank you.

23 (Whereupon, the above-entitled matter
24 went off the record at 10:44 a.m.)
25

| | | | |
|---|---|---|---|
| <p>A</p> <p>A-N-D-R-E-W 6:4 a.m 2:2 9:24 ABCB 3:6 ability 4:17 above-entitled 9:23 ABRA 1:22 7:5 8:2 ABRA's 2:20 accept 8:4,13 account 2:25 address 3:2 advance 2:19 agenda 2:23 agree 9:4,6,8,10,12 agreed 8:4,13 9:13 agrees 9:2 Alcohol 2:4,9,11 Alcoholic 1:2,14 ALIYA 1:18 alleges 7:23 amend 7:7,9 8:1,20 9:14 ANC 1:8 Anderson 1:15,17 2:3 3:4,13,15,19,23 4:1,4 5:18,25 6:4,6,10,13 6:21 7:1 8:5,8,15,24 9:5,7,9,11,11 Andrew 1:23 5:15 6:4 Andrews 1:22 5:7,10,16 announce 3:9 approval 1:10 7:11 approves 8:19 assistance 5:1 attendance 4:5 available 2:14 Ave 1:7</p> | <p>capacity 7:10,22 case 1:8 4:12,17,20,23 5:5,9 6:24 7:24 8:6 cases 4:11 Cato 1:18 3:13,14,14 9:3,4 cause 1:7 7:8 Central 2:21 Chairman 3:5 6:3 9:20 Chairperson 1:14,17 2:3,4,8 3:13,15,19,23 4:1,4 5:18,25 6:6,10 6:13,21 7:1,3 8:5,8,15 8:24 9:5,7,9,11 charge 7:5,9,14,16,19 chooses 4:22 cite 7:19 cites 7:14 clear 4:9 code 2:6 7:11,12,15,20 7:21 Columbia 1:1 2:5,10 3:1 5:23 Columbia's 2:15 complaints 3:3 concluded 4:23 conclusion 4:20 conduct 4:5 conducted 2:13 constitutes 4:6 Control 1:2,14 2:5,9,11 correct 7:20 8:12 Counsel 1:23,24 7:6 8:3 course 6:20 Crockett 1:18 3:20,21 3:21 9:5,6 CT 1:8 current 7:14</p> | <p>elevated 5:11,12,13,17 email 5:3 emergency 2:17 enable 4:14,17 encompasses 7:21 ended 6:19 equipment 4:17 event 8:13 evidence 7:4 expansion 7:15</p> <p>F</p> <p>fact 7:16 feature 5:3 February 1:12 Firm 6:9 first 5:4 Florida 1:7 further 7:4</p> <p>G</p> <p>Garcia 5:12 garden 1:10 7:10 Government 2:15 3:1 5:8,19 8:10,12,20 9:14 governs 7:15 Grandis 1:19 4:1,2,2 9:9,10 grant 8:19 granted 7:25 guidance 2:14,18</p> <p>H</p> <p>Hansen 1:19 3:24,25,25 9:7,8 health 2:17 heard 4:18 hearing 1:8 4:8,9 5:1 6:22 8:2,18 9:17 held 2:16 hosted 2:25 hours 2:19</p> | <p>John 1:23 5:23 JR 1:18,20</p> <p>K</p> <p>K-L-I-N-E 6:5 Kline 1:23 5:15,16 6:1,3 6:4,7,8,15 7:6 8:5,7,9 8:11 9:20</p> <p>L</p> <p>L-U-I 5:24 Law 6:9 leave 4:21 license 1:7 5:6 7:18,22 licensee 5:8 6:14,15,16 8:3,4 licensee's 1:23,24 7:6 limit 7:17 limits 7:17 LLC 1:6 login 2:23 Lui 1:23 5:12,22,23 6:1 6:23,25 7:3 9:22</p> <p>M</p> <p>management 7:5 matter 1:5 6:21,22 7:8 9:16,23 matters 6:23 Mayor's 3:7 meeting 1:3 2:11,19,20 2:21,24 meeting's 2:13 meetings 2:16 Member 1:18,18,19,19 1:20,20 3:11,14,17,21 3:25 4:2 8:22 9:4,6,8 9:10 members 3:6 4:5 8:17 9:21 met 1:14 microphone 4:15 microphones 4:23 mine 8:7 moment 4:13 morning 2:3,8 5:18,22 5:25 6:5,6 morning's 4:12 motion 7:9,25 8:9,18,19 8:20,25 9:1,12,14 moves 7:7 mute 4:18</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: 801 Restaurant

Before: DCABRA

Date: 02-03-21

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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