

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Kidy Lounge, LLC :
t/a Kidst Lounge :
5503 Georgia Ave NW :
Retailer CR - ANC 4D :
License #119361 : Show Cause
Case #23-CMP-00083 : Hearing
 :
(Operating After Hours, :
Expansion to Another :
Floor, Provided :
Entertainment Without an :
Entertainment :
Endorsement, No ABC :
Manager on Duty) :
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Wednesday
February 5, 2025

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member

ALSO PRESENT:

ANTHONY CELO, DC OAG
JERRITA MILLINGTON, DC ABCA Investigator
JOSE ORELLANA, DC ABCA Staff

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Investigator Jerrita Millington.	5

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2 1:37 p.m.

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is Case Number 23-CMP-00083, Kidst
5 Lounge, License Number 119361. Mr. Orellana, can
6 you please elevate the rights of the parties in
7 this case?

8 MR. ORELLANA: Sure thing. Anthony
9 Celso, your access has been elevated.
10 Investigator Jerrita Millington, your access has
11 been elevated. I believe that is it, Chairman.

12 CHAIRPERSON ANDERSON: The Licensee is
13 not online for this case?

14 MR. ORELLANA: I will put something in
15 the chat.

16 CHAIRPERSON ANDERSON: Mr. Celso, have
17 you heard from the Licensee in this case, sir?

18 MR. CELO: No, Mr. Chair, we have, I
19 think, four active cases and they have been non-
20 responsive in all four.

21 CHAIRPERSON ANDERSON: I know that this
22 case was scheduled for a hearing in December, and
23 the Licensee had requested that we continue this
24 case, I think, under the guise that their
25 representative was not available until January

1 27th. Now it is February 5th, so I am just
2 curious.

3 MR. CELO: My understanding was that
4 they were unrepresented. They requested the
5 continuance due to a pregnancy or a new baby,
6 something along those lines.

7 CHAIRPERSON ANDERSON: No, I read the
8 continuance motion. I think that that was part
9 of it. I know that she -- the licensee had
10 stated that we had continued based on her
11 pregnancy. I think the baby is maybe several
12 weeks old now, but I think the last email said
13 that their representative was not available until
14 the 27th. All right, let me have the parties
15 introduce themselves. Mr. Celso, can you please
16 spell and state your name for the record?

17 MR. CELO: Assistant Attorney General,
18 Anthony Celso, on behalf of the district, A-N-T-H-
19 O-N-Y, C-E-L-S-O.

20 CHAIRPERSON ANDERSON: All right, thank
21 you, sir. I see the Licensee is not here. Are
22 you prepared to move forward ex parte?

23 MR. CELO: Yes, Mr. Chair.

24 CHAIRPERSON ANDERSON: Hold on.

25 MR. CELO: Let's get Millington to

1 introduce herself.

2 CHAIRPERSON ANDERSON: We have not
3 started the case yet, so give me -- that is why I
4 have not asked her to introduce herself. All
5 right, so pursuant to D.C. Official Code Section
6 25447 the Board has the authority to proceed ex
7 parte where the licensee waives the hearing or
8 fails to appear unless the hearing is extended
9 for good and sufficient cause. The Board's
10 record reflect that this case was scheduled, I
11 forget the specific date in December, but the
12 Licensee had specifically requested that we
13 continue the case in December because of the
14 unavailability and that their counsel would not
15 be available until after January 27th. So today
16 is the 5th that this case is scheduled, and the
17 Licensee is not here. So as I said before, the
18 Board's record reflect that the Licensee was
19 properly served, they were informed that the
20 hearing was rescheduled, we granted their request
21 to reschedule this hearing, they received proper
22 notice, and seeing no Licensee here today, and
23 having no good and sufficient cause to extend
24 this hearing, the Board will proceed with this
25 show cause hearing. All right, so does the

1 Government wish to make an opening statement?

2 MR. CELO: The Government will waive
3 opening.

4 CHAIRPERSON ANDERSON: All right, does
5 the Government have a witness they wish to call?

6 MR. CELO: Yes, Investigator
7 Millington.

8 CHAIRPERSON ANDERSON: Investigator
9 Millington, can you raise your right hand,
10 please? Do you swear or affirm to tell the
11 truth?

12 INVESTIGATOR MILLINGTON: I do.

13 CHAIRPERSON ANDERSON: All right, thank
14 you. All right, sir, your witness.

15 DIRECT EXAMINATION

16 BY MR. CELO:

17 MR. CELO: Thank you, Mr. Chair.

18 Investigator Millington, please state and spell
19 your name for the record.

20 INVESTIGATOR MILLINGTON: My name is
21 Investigator Millington, first name J-E-R-R-I-T-
22 A, last name M-I-L-L-I-N-G-T-O-N.

23 MR. CELO: What is your position with
24 ABCA?

25 INVESTIGATOR MILLINGTON: I am an

1 investigator.

2 MR. CELO: For how long have you been
3 an investigator?

4 INVESTIGATOR MILLINGTON: It will be
5 close to two years now.

6 MR. CELO: Are you familiar with an
7 incident involving the Licensee, Kidst Lounge,
8 occurring on or about September 30, 2023?

9 INVESTIGATOR MILLINGTON: Yes.

10 MR. CELO: Did you prepare an incident
11 report related to that incident?

12 INVESTIGATOR MILLINGTON: I did.

13 MR. CELO: Permission to share my
14 screen.

15 CHAIRPERSON ANDERSON: Mr. Orellana,
16 can you please allow Mr Celso to share his screen?

17 MR. ORELLANA: Access has been granted.

18 CHAIRPERSON ANDERSON: Thank you.

19 MR. CELO: I am showing you what I have
20 marked as Government's Exhibit 1. Are you able
21 to see this exhibit?

22 INVESTIGATOR MILLINGTON: Yes.

23 MR. CELO: Is this a true and accurate
24 copy of the incident report that was prepared for
25 this case?

1 INVESTIGATOR MILLINGTON: Yes, it is.

2 MR. CELO: All right, Mr. Chair, I ask
3 that the Board acknowledge that as a matter of
4 law Exhibit 1 is entered into evidence.

5 CHAIRPERSON ANDERSON: Events are
6 acknowledged.

7 MR. CELO: Investigator Millington, on
8 September 30, 2023 at about 4:15 in the morning
9 what were you doing?

10 INVESTIGATOR MILLINGTON: I was on my
11 routine checks, and I decided to take a visit to
12 Kidst Lounge.

13 MR. CELO: When you approached it what
14 did you see from the outside?

15 INVESTIGATOR MILLINGTON: It was the
16 activity from the outside, but the windows and the
17 doors are pretty covered, so I decided to go
18 inside.

19 MR. CELO: What did you see inside?

20 INVESTIGATOR MILLINGTON: Inside when
21 I came in there were patrons inside drinking out
22 of solo cups, the bar was open and music playing.

23 MR. CELO: Were you able to determine
24 the contents of the solo cups?

25 INVESTIGATOR MILLINGTON: By that time

1 my coworker entered the establishment and he was
2 able to establish what was in the cups, which
3 seemed to be alcoholic beverages.

4 MR. CELO: Was there activity
5 throughout the establishment?

6 INVESTIGATOR MILLINGTON: Yes, the
7 patrons were dancing on the first floor, sitting
8 as well, and on the basement floor when we
9 entered they were dancing and had exotic dancers
10 and a DJ playing.

11 MR. CELO: Is the basement floor
12 included in their occupancy on their license?

13 INVESTIGATOR MILLINGTON: No, it is
14 not.

15 MR. CELO: Does their license have an
16 entertainment endorsement?

17 INVESTIGATOR MILLINGTON: No, it does
18 not.

19 MR. CELO: Were they licensed to be
20 open and operating at 4:15 to 4:30 in the
21 morning?

22 INVESTIGATOR MILLINGTON: No, they were
23 not.

24 MR. CELO: Did you ask to speak to the
25 owner or ABC manager of the establishment?

1 INVESTIGATOR MILLINGTON: Yes, I did,
2 but they were not on duty. They had no manager
3 on duty or owner.

4 MR. CELO: As a result of your
5 investigation were you able to identify any
6 violations for this establishment?

7 INVESTIGATOR MILLINGTON: Yes,
8 operating after hours, as well as the
9 entertainment endorsement violation.

10 MR. CELO: Was there also a violation
11 for expanding their area of operation to the
12 basement?

13 INVESTIGATOR MILLINGTON: Yes, there
14 were.

15 MR. CELO: Was there also a violation
16 for no ABC manager?

17 INVESTIGATOR MILLINGTON: Yes.

18 MR. CELO: No further questions at this
19 time.

20 CHAIRPERSON ANDERSON: Investigator
21 Millington, what violations did you fine them?

22 INVESTIGATOR MILLINGTON: There was no
23 ABC manager, operating after hours, as well as
24 operating on a floor that is not approved, and no
25 entertainment endorsement.

1 CHAIRPERSON ANDERSON: What night of
2 the week was this?

3 INVESTIGATOR MILLINGTON: I think this
4 was a Wednesday night.

5 CHAIRPERSON ANDERSON: You think or you
6 know? Specifically, what day of the week was
7 this?

8 INVESTIGATOR MILLINGTON: I can
9 confirm. Give me one moment.

10 (Pause)

11 INVESTIGATOR MILLINGTON: I'm sorry, I
12 was not a Wednesday. It was a Saturday night --
13 Saturday morning, actually at 4:00 --

14 CHAIRPERSON ANDERSON: So it is a
15 Friday night then.

16 INVESTIGATOR MILLINGTON: Right, yes.

17 CHAIRPERSON ANDERSON: So what are the
18 hours of operation for Friday?

19 INVESTIGATOR MILLINGTON: It should be
20 until 3:00 a.m.

21 CHAIRPERSON ANDERSON: It should,
22 ma'am, it cannot be should. I am asking what are
23 their hours of operation, not should be, it is
24 what are their hours of operation on a Friday
25 night.

1 INVESTIGATOR MILLINGTON: Give me one
2 moment, please.

3 (Pause)

4 CHAIRPERSON ANDERSON: It is not listed
5 in your report?

6 INVESTIGATOR MILLINGTON: I thought it
7 was, but it seems I cannot find it at the moment,
8 so I am going to try and get it another way.

9 (Pause)

10 CHAIRPERSON ANDERSON: I am curious how
11 can you fine someone -- If it is not listed in
12 your report how are you stating then that they
13 were operating in excess of their hours?

14 INVESTIGATOR MILLINGTON: So on
15 Saturday their hours are from seven --

16 CHAIRPERSON ANDERSON: But this is a
17 Friday, not a Saturday, so Friday.

18 INVESTIGATOR MILLINGTON: It is a
19 Saturday morning, because it is 4:00 a.m. in the
20 morning. Yes, so it is 7:00 a.m to 3:00 a.m.

21 CHAIRPERSON ANDERSON: So Saturday
22 their hours are -- okay, so you are saying
23 Saturday the hours are from 7:00 a.m. to what?

24 INVESTIGATOR MILLINGTON: 3:00 a.m.

25 CHAIRPERSON ANDERSON: What are their

1 hours on Friday?

2 INVESTIGATOR MILLINGTON: From the same
3 time 7:00 a.m. to 3:00 a.m.

4 CHAIRPERSON ANDERSON: So Friday their
5 hours are from 7:00 a.m. to 3:00 a.m. What time
6 was this infraction?

7 INVESTIGATOR MILLINGTON: Around 4:15
8 a.m.

9 CHAIRPERSON ANDERSON: You are also
10 saying that they are not having entertainment
11 endorsement. What music did you -- okay, I think
12 you testified that they had a DJ.

13 INVESTIGATOR MILLINGTON: Yes.

14 CHAIRPERSON ANDERSON: Did you see the
15 DJ? Explain to me. You said they had a DJ.
16 What did you specifically see?

17 INVESTIGATOR MILLINGTON: They had a DJ
18 on the basement level, they had turntables, they
19 had music, they had lights, and they had dancers.

20 CHAIRPERSON ANDERSON: Okay. All
21 right, any questions by any other Board members?

22 (No audible response)

23 CHAIRPERSON ANDERSON: Mr. Celso, any
24 followup based on the questions I asked?

25 MR. CELO: Yes, briefly, Mr. Chair.

1 CHAIRPERSON ANDERSON: Go ahead, sir.

2 MR. CELO: For DJ playing music and
3 exotic dancers, would that require an
4 entertainment endorsement?

5 INVESTIGATOR MILLINGTON: Yes.

6 MR. CELO: Just for the record, I am
7 going to refer you back to your report and ask
8 you to look at the first paragraph under details,
9 specifically, as it talks about the World
10 Culture, Art and Dine All Night Festival. Based
11 on -- are you able to review that paragraph?

12 INVESTIGATOR MILLINGTON: Yes.

13 MR. CELO: Based on your review of that
14 paragraph, did your report list the hours of
15 sale, service, and consumption of alcoholic
16 beverages?

17 INVESTIGATOR MILLINGTON: Yes, it did.

18 MR. CELO: Because of their
19 participation in this festival what time was the
20 sale and service of alcoholic beverages cut off?

21 INVESTIGATOR MILLINGTON: At 4:00 a.m.

22 MR. CELO: Okay. No further questions,
23 Mr. Chair.

24 (Pause)

25 CHAIRPERSON ANDERSON: I'm sorry, does

1 the Government have another witness?

2 MR. CELO: No, Mr. Chair.

3 CHAIRPERSON ANDERSON: Does the
4 Government rest?

5 MR. CELO: Yes.

6 CHAIRPERSON ANDERSON: Does the
7 Government wish to make a closing?

8 MR. CELO: As none of the facts are
9 contested and were clearly testified to the
10 Government will waive closing argument in this
11 case.

12 CHAIRPERSON ANDERSON: Thank you. As
13 Chairperson -- the record is now closed. As
14 Chairperson of the Alcoholic Beverage and
15 Cannabis Board for the District of Columbia --
16 I'm sorry, thank you, Ms. Millington for your
17 participation here today. All right, as
18 Chairperson of the Alcoholic Beverage and
19 Cannabis Board for the District of Columbia, and
20 in accordance with DC Code Section 2575 of the
21 Open Meetings Act I move that ABC Board hold a
22 closed meeting for the purpose of seeking legal
23 advice from our counsel on Case Number 23-CMP-
24 00083, Kidst Lounge, pursuant to DC Official Code
25 Section 2-575b4a of the Open Meetings Act and

1 deliberate upon Case Number 23-CMP-00083, Kidst
2 Lounge for the reasons cited in DC Official Code
3 Section 2-575d13 of the Open Meetings Act. Is
4 there a second?

5 MEMBER MEADOWS: Mr. Meadows, I second
6 the motion.

7 CHAIRPERSON ANDERSON: Mr. Meadows has
8 seconded the motion. I will now take a roll call
9 vote on the motion before us now that it has been
10 seconded. Mr. Grant?

11 MEMBER GRANT: Mr. Grant, I agree.

12 CHAIRPERSON ANDERSON: Ms. Quinn?

13 MEMBER QUINN: Quinn, I agree.

14 CHAIRPERSON ANDERSON: Mr. Meadows?

15 MEMBER MEADOWS: Mr. Meadows, I agree.

16 CHAIRPERSON ANDERSON: Mr. Jones?

17 MEMBER JONES: I agree.

18 CHAIRPERSON ANDERSON: Mr. Anderson, I
19 agree. As it appears that the motion has passed
20 five, zero, I hereby give notice that ABC Board
21 will recess this proceeding to hold a closed
22 meeting pursuant to Section 2575 of the Open
23 Meetings Act. Thank you very much, sir, for your
24 presentation. Have a great day.

25 MR. CELO: Thank you, Mr. Chair.

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CHAIRPERSON ANDERSON: Thank you.
(Whereupon, the above-entitled matter
went off the record at 1:55 p.m.)

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In the matter of: Kidst Lounge

Before: DC ABCA

Date: 02-05-25

Place: teleconference

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Court Reporter

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