

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

2 10:35 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. We're on the record.

5 As chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia and in accordance with DC Code Section
8 2-576 of the Open Meetings Act, I am welcoming
9 you to the regular scheduled meeting of the
10 Alcoholic Beverage Control Board.

11 This meeting is being conducted
12 pursuant to guidelines made available by the
13 District of Columbia's Office of Open Government,
14 regarding electronic meetings held by public
15 bodies during the public emergency.

16 Pursuant to this guidance, notice of
17 today's meeting was provided 48 hours in advance
18 of the meeting on ABRA's website and on the
19 District's central meeting calendar.

20 The notice included the time, date,
21 agenda, and call in or login information for
22 public participation.

23 This electronic meeting is being
24 hosted by a WebEx account provided by the
25 District of Columbia government.

1 Please address any questions or
2 concerns to the OOG at opengovoffice@dc.gov.

3 My name is Donovan Anderson, I'm
4 chairman of the board. I would like to introduce
5 the other members of the ABC board who are also
6 participating electronically pursuant to Mayor's
7 Order 2022-007.

8 Please respond when I announce your
9 name.

10 Mr. James Short?

11 Mr. Bobby Cato?

12 MEMBER CATO: Bobby Cato, present.

13 CHAIRPERSON ANDERSON: Ms. Rafi
14 Crockett?

15 MEMBER CROCKETT: Rafi Crockett,
16 present.

17 CHAIRPERSON ANDERSON: Ms. Jeni
18 Hansen?

19 MEMBER HANSEN: Jeni Hansen, present.

20 CHAIRPERSON ANDERSON: Mr. Edward
21 Grandis?

22 MEMBER GRANDIS: Edward Grandis,
23 present.

24 CHAIRPERSON ANDERSON: The board has
25 five members in attendance for the conduct of

1 business today and that constitutes a quorum.

2 Before we get underway with today's
3 hearing calendar, I need to make a few
4 instructions very clear so that the conduct of
5 these hearings is understood by everyone.

6 There are 11 cases scheduled for this
7 morning's calendar, once your case is called I
8 will take a moment for our IT specialist to
9 elevate the rights for each party to enable their
10 camera and microphone.

11 Then and only then will you have the
12 ability to enable your equipment, if your case is
13 not being heard you will remain mute and your
14 camera will disabled.

15 At the conclusion of each case the
16 parties will have the option to leave, if the
17 party chooses to stay all cameras and microphones
18 for the concluded case will be disabled.

19 Should you have any questions or
20 require technical assistance during the hearing,
21 please submit them using the question and answer
22 feature.

23 Our first hearing today is the protest
24 hearing status, case number 21-PRO-00095, Ace's
25 Lounge, license number 119314.

1 Ms. Fashbaugh, can you please elevate
2 the rights of the parties in this case, please?

3 And while we're waiting, Mr. James
4 Short has joined us so the board now has six
5 members in attendance, and as I stated before, we
6 do have a quorum to conduct business today.

7 MS. FASHBAUGH: Chairperson, everyone
8 has been elevated.

9 CHAIRPERSON ANDERSON: I believe that
10 the parties in this case are -- I see that we
11 have the representative Mr. Bailey and I believe
12 that Mr. Adofo, so.

13 Mr. Bailey and Mr. Adofo, if you have
14 a camera can you please turn your camera on,
15 please?

16 MR. ADOFO: Good morning.

17 CHAIRPERSON ANDERSON: Good morning,
18 sir, just hold on one minute, please. Mr.
19 Bailey?

20 MR. ADOFO: Mr. Anderson?

21 CHAIRPERSON ANDERSON: Yes, Mr. Adofo?

22 MR. ADOFO: I just wanted to inform
23 you that we have agreed to a community - excuse
24 me, settlement agreement.

25 Our ANC meets tonight and we were

1 going to have the vote on it to finally approve
2 it, but myself and Mr. Bailey have already agreed
3 to the settlement agreement.

4 CHAIRPERSON ANDERSON: That's great to
5 hear, Mr. Adofo, so one of the things that once
6 Mr. Bailey comes on, then -- unless we had --
7 well I'll wait until Mr. Bailey comes on.

8 I see that his name is on the screen
9 but I'm not hearing from him. Mr. Bailey, are
10 you there, sir?

11 Ms. Fashbaugh, I see that you had
12 elevated the rights of Mr. Bailey, but I'm not
13 quite sure if he's here with us.

14 Can you check to see, is his
15 microphone on -- I don't know.

16 MS. FASHBAUGH: Chairperson, I --
17 (Simultaneous speaking.)

18 MR. BAILEY: Can I go out and come
19 back in so I can -- because I can't hear
20 anything.

21 CHAIRPERSON ANDERSON: Well we can
22 hear you now but can you not hear us, so why
23 don't you --

24 MR. BAILEY: It's like it's really
25 low.

1 CHAIRPERSON ANDERSON: The what, sir?
2 Okay, well why don't you sign out and then, sign
3 out --

4 (Simultaneous speaking.)

5 MR. BAILEY: Yeah, I'm going to sign
6 out and come right back in.

7 CHAIRPERSON ANDERSON: And, Ms.
8 Fashbaugh, can you look to see when Mr. Bailey
9 has logged back in, please.

10 MR. BAILEY: All right, give me one
11 second.

12 (Pause.)

13 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
14 has Mr. Bailey logged back in as yet?

15 Ms. Fashbaugh, has Mr. Bailey logged
16 back in as yet, please?

17 MS. FASHBAUGH: That is a negative.

18 Chairperson, are you able to hear me?

19 CHAIRPERSON ANDERSON: Yes, I can hear
20 you, ma'am. Thank you.

21 (Pause.)

22 CHAIRPERSON ANDERSON: I see Mr.
23 Adofo, you are logged in twice on the screen, so
24 I'm not quite sure why you're logged in twice --

25 (Simultaneous speaking.)

1 MR. ADOFO: Because I was actually
2 about to switch to another device, I was just
3 making sure that it worked before I switched
4 devices.

5 CHAIRPERSON ANDERSON: Okay. So
6 please log out of one, please.

7 MR. ADOFO: Yes, sir.

8 CHAIRPERSON ANDERSON: I still don't
9 know where Mr. Bailey is. I'm going to give him
10 probably about a couple more minutes and then I -
11 - probably what I'll do, I'll call the next case
12 and hopefully he'll be able to log on.

13 I appreciate the representation that
14 you have made, Mr. Adofo, but I need to confirm -
15 - I need Mr. Bailey as the licensee to confirm
16 what was --

17 MR. ADOFO: I understand.

18 CHAIRPERSON ANDERSON: What was
19 stated, sir. Just as a --

20 MR. ADOFO: I do have a question.

21 CHAIRPERSON ANDERSON: Yes, sir?

22 MR. ADOFO: I have something that I
23 need to get to by 11:00 O'clock, so --

24 CHAIRPERSON ANDERSON: Yeah, I will --
25 do you have a phone number for Mr. Bailey?

1 MR. ADOFO: I don't, we were
2 corresponding via email -- I don't have it
3 readily available at least.

4 But we did agree, the only thing is
5 our ANC meeting had to get pushed back because of
6 the redistricting meetings that were taking
7 place.

8 CHAIRPERSON ANDERSON: I'm aware
9 procedurally where we are, I just need him to
10 confirm and then we'll move on.

11 This is what I'm going to do, and I --
12 I'll call this case and I'm going to put certain
13 things on the record.

14 All right, so, Mr. Adofo, can you
15 please -- this is case number 21-PRO-00095, Ace's
16 Lounge, license number 119314.

17 Mr. Adofo, can you please state and
18 spell your name for the record and your
19 relationship, please?

20 MR. ADOFO: Salim Adofo, S-A-L-I-M A-
21 D-O-F-O, chair of advisory neighborhood
22 commission 8C.

23 CHAIRPERSON ANDERSON: And the
24 Licensee -- David Bailey is the representative
25 for the Licensee and Mr. Bailey was on my screen

1 this morning, he stated that he was having some
2 concerns hearing us.

3 So I'd asked him to log out and log
4 back in however he's unable to log back in, and
5 so what I'm going to do, I'm going to move on
6 because he was here this morning.

7 But I'll ask, Mr. Adofo, do you have
8 any representation that you wish to make this
9 morning, sir?

10 MR. ADOFO: Yes, we have agreed in
11 principle to the settlement agreement, my
12 commission will have the formally public meeting
13 tonight to officially vote to approve the
14 settlement agreement.

15 CHAIRPERSON ANDERSON: What I'm going
16 to do with that, Mr. Adofo, the board will
17 continue this case for one week.

18 MR. ADOFO: Okay.

19 CHAIRPERSON ANDERSON: We'll continue
20 this case until next week -- I'll continue this
21 until February 16, at 9:30, if the parties have
22 reached a settlement agreement -- if you send us
23 a settlement agreement -- you can send us the
24 settlement agreement and we will cancel the
25 hearing.

1 But what we will do then is that we'll
2 continue this case for one week, and my position
3 is that if you have a settlement agreement before
4 then, send them to the agency and we will cancel
5 the hearing for next week on Wednesday.

6 All right? Thank you.

7 (Simultaneous speaking.)

8 MR. ADOFO: All right. Thank you.

9 CHAIRPERSON ANDERSON: Have a great
10 day, then. All right. Bye bye.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:49 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

A

A- 9:20
a.m 2:2 11:12
ABC 3:5
ability 4:12
able 7:18 8:12
above-entitled 11:11
ABRA 1:24
ABRA's 2:18
account 2:24
Ace's 1:6 4:24 9:15
Act 2:8
address 3:1
Adofo 1:22 5:12,13,16
5:20,21,22 6:5 7:23
8:1,7,14,17,20,22 9:1
9:14,17,20,20 10:7,10
10:16,18 11:8
advance 2:17
advisory 9:21
agency 11:4
agenda 2:21
agree 9:4
agreed 5:23 6:2 10:10
agreement 1:6 5:24 6:3
10:11,14,22,23,24
11:3
Alcoholic 1:2,14 2:5,10
ALIYA 1:18
ANC 1:8,22 5:25 9:5
Anderson 1:15,17 2:3
3:3,13,17,20,24 5:9
5:17,20,21 6:4,21 7:1
7:7,13,19,22 8:5,8,18
8:21,24 9:8,23 10:15
10:19 11:9
announce 3:8
answer 4:21
Applicant 1:23
Application 1:10
appreciate 8:13
approve 6:1 10:13
asked 10:3
assistance 4:20
attendance 3:25 5:5
available 2:12 9:3
Ave 1:7
aware 9:8

B

back 6:19 7:6,9,14,16
9:5 10:4,4
Bailey 1:23 5:11,13,19
6:2,6,7,9,12,18,24 7:5
7:8,10,14,15 8:9,15
8:25 9:24,25
believe 5:9,11
Beverage 1:2,14 2:6,10

board 1:2,14 2:6,10 3:4
3:5,24 5:4 10:16
Bobby 1:18 3:11,12
bodies 2:15
business 4:1 5:6
bye 11:10,10

C

calendar 2:19 4:3,7
call 2:21 8:11 9:12
called 4:7
camera 4:10,14 5:14,14
cameras 4:17
cancel 10:24 11:4
case 1:9 4:7,12,15,18
4:24 5:2,10 8:11 9:12
9:15 10:17,20 11:2
cases 4:6
Cato 1:18 3:11,12,12
central 2:19
certain 9:12
chair 9:21
chairman 3:4
chairperson 1:14,17
2:3,5 3:13,17,20,24
5:7,9,17,21 6:4,16,21
7:1,7,13,18,19,22 8:5
8:8,18,21,24 9:8,23
10:15,19 11:9

check 6:14
chooses 4:17
clear 4:4
Code 2:7
Columbia 1:1 2:7,25
Columbia's 2:13
come 6:18 7:6
comes 6:6,7
commission 9:22 10:12
community 5:23
concerns 3:2 10:2
concluded 4:18
conclusion 4:15
conduct 3:25 4:4 5:6
conducted 2:11
confirm 8:14,15 9:10
constitutes 4:1
continue 10:17,19,20
11:2
Control 1:2,14 2:6,10
corresponding 9:2
couple 8:10
Crockett 1:18 3:14,15
3:15
CT 1:8

D

D-O-F-O 9:21
date 2:20

David 1:23 9:24
day 11:10
DC 1:24 2:7
device 8:2
devices 8:4
disabled 4:14,18
District 1:1 2:6,13,25
District's 2:19
Donovan 1:15,17 3:3

E

Edward 1:19 3:20,22
electronic 2:14,23
electronically 3:6
elevate 4:9 5:1
elevated 5:8 6:12
email 9:2
emergency 2:15
enable 4:9,12
equipment 4:12
excuse 5:23

F

Fashbaugh 1:24 5:1,7
6:11,16 7:8,13,15,17
feature 4:22
February 1:12 10:21
finally 6:1
first 4:23
five 3:25
formally 10:12

G

Gentleman's 1:6
give 7:10 8:9
government 2:13,25
Grandis 1:19 3:21,22
3:22
guidance 2:16
guidelines 2:12

H

Hansen 1:19 3:18,19,19
he'll 8:12
hear 6:5,19,22,22 7:18
7:19
heard 4:13
hearing 1:8 4:3,20,23
4:24 6:9 10:2,25 11:5
hearings 4:5
held 2:14
hold 5:18
hopefully 8:12
hosted 2:24
hours 2:17

I

included 2:20

inform 5:22
information 2:21
instructions 4:4
introduce 3:4

J

James 1:20 3:10 5:3
Jeni 1:19 3:17,19
joined 5:4
Jr 1:7,18,20

K

King 1:7

L

leave 4:16
license 1:8,10 4:25 9:16
licensee 8:15 9:24,25
LLC 1:6
log 8:6,12 10:3,3,4
logged 7:9,14,15,23,24
login 2:21
look 7:8
Lounge 1:6 4:25 9:16
low 6:25
Luther 1:7

M

ma'am 7:20
making 8:3
Martin 1:7
matter 1:5 11:11
Mayor's 3:6
meeting 1:3 2:9,11,17
2:18,19,23 9:5 10:12
meetings 2:8,14 9:6
meets 5:25
Member 1:18,18,19,19
1:20 3:12,15,19,22
members 3:5,25 5:5
met 1:14
microphone 4:10 6:15
microphones 4:17
minute 5:18
minutes 8:10
moment 4:8
morning 2:3 5:16,17
10:1,6,9
morning's 4:7
move 9:10 10:5
mute 4:13

N

name 3:3,9 6:8 9:18
need 4:3 8:14,15,23 9:9
negative 7:17
neighborhood 9:21
New 1:10

<p>notice 2:16,20 number 4:24,25 8:25 9:15,16</p> <hr/> <p style="text-align: center;">O</p> <p>O'clock 8:23 Office 2:13 officially 10:13 once 4:7 6:5 OOG 3:2 Open 2:8,13 opengovoffice@dc.g... 3:2 option 4:16 Order 3:7</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 participating 3:6 participation 2:22 parties 4:16 5:2,10 10:21 party 4:9,17 Pause 7:12,21 phone 8:25 place 9:7 please 3:1,8 4:21 5:1,2 5:14,15,18 7:9,16 8:6 8:6 9:15,17,19 position 11:2 present 1:16,21 3:12,16 3:19,23 presiding 1:15 principle 10:11 probably 8:10,11 procedurally 9:9 protest 1:7 4:23 provided 2:17,24 public 2:14,15,22 10:12 pursuant 2:12,16 3:6 pushed 9:5 put 9:12</p> <hr/> <p style="text-align: center;">Q</p> <p>question 4:21 8:20 questions 3:1 4:19 quite 6:13 7:24 quorum 4:1 5:6</p> <hr/> <p style="text-align: center;">R</p> <p>Rafi 1:18 3:13,15 reached 10:22 readily 9:3 record 2:4 9:13,18 11:12 redistricting 9:6 regarding 2:14</p>	<p>regular 2:9 relationship 9:19 remain 4:13 representation 8:13 10:8 representative 5:11 9:24 require 4:20 respond 3:8 Retailer 1:8 rights 4:9 5:2 6:12</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:19 S-A-L-I-M 9:20 Salim 1:22 9:20 SARAH 1:24 scheduled 2:9 4:6 screen 6:8 7:23 9:25 SE 1:7 second 7:11 Section 2:7 send 10:22,23 11:4 settlement 5:24 6:3 10:11,14,22,23,24 11:3 Short 1:20 3:10 5:4 sign 7:2,2,5 Simultaneous 6:17 7:4 7:25 11:7 sir 5:18 6:10 7:1 8:7,19 8:21 10:9 six 5:4 speaking 6:17 7:4,25 11:7 specialist 4:8 spell 9:18 Staff 1:24 state 9:17 stated 5:5 8:19 10:1 status 1:8 4:24 stay 4:17 submit 4:21 switch 8:2 switched 8:3</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 technical 4:20 Thank 7:20 11:6,8 things 6:5 9:13 today 4:1,23 5:6 today's 2:17 4:2 tonight 5:25 10:13 turn 5:14 twice 7:23,24</p> <hr/> <p style="text-align: center;">U</p>	<p>unable 10:4 understand 8:17 understood 4:5 underway 4:2</p> <hr/> <p style="text-align: center;">V</p> <p>videoconference 1:14 vote 6:1 10:13</p> <hr/> <p style="text-align: center;">W</p> <p>W 1:15,17 wait 6:7 waiting 5:3 wanted 5:22 WebEx 1:14 2:24 website 2:18 Wednesday 1:12 11:5 week 10:17,20 11:2,5 welcoming 2:8 went 11:12 wish 10:8 worked 8:3</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:35 2:2 10:49 11:12 11 4:6 11:00 8:23 119314 1:8 4:25 9:16 16 10:21</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2-576 2:8 2022 1:12 2022-007 3:7 21-PRO-00095 1:9 4:24 9:15 2737 1:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>48 2:17</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p>	<hr/> <p style="text-align: center;">8</p> <hr/> <p>8C 1:8,22 9:22</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 1:12 9:30 10:21</p>
--	--	--	--

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Ace's Lounge

Before: DC ABRA

Date: 02-09-22

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701