



**ALSO PRESENT:**

**MESKY BRHANE, Protestant**

**TRACY BUCK, Protestants' Counsel**

**CHRISTOPHER CONDON, DC ABRA Investigator**

**DAVID CONKLIN, Protestant**

**LORI FAETH, Protestant**

**SARAH FASHBAUGH, DC ABRA Staff**

**ELWYN FERRIS, Protestant**

**ANDREW KELLEY, Applicant**

**ANDREW KLINE, Applicant's Counsel**

**SOOCHON RADEE, Protestant**

**JOAN STERLING, Protestant**

**IAN THOMAS, Protestants' Counsel**

**SIDON YOHANNES, Applicant's Counsel**

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

2 1:58 p.m.

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

5 My name is Donovan Anderson. I'm  
6 Chairman of the Board. The Board has five other  
7 members in attendance today for the conduct of  
8 business, and that constitutes a quorum.

9 The other Board members who are  
10 joining us this afternoon are Mr. James Short,  
11 Mr. Bobby Cato, Ms. Rafi Crockett, Ms. Jeni  
12 Hansen, and Mr. Edward Grandis. So, as I stated  
13 before, the Board has six members in attendance  
14 for the conduct of business today, and that  
15 constitutes a quorum.

16 We have one case on our calendar. We  
17 have a protest case. And once the case is  
18 called, our IT specialist will elevate your  
19 rights. I'll ask that once your rights have been  
20 elevated you keep your microphone on mute during  
21 the entire period of time.

22 If you have any questions during the  
23 proceedings, please use the question and answer  
24 feature to elevate your concerns.

25 All right. So the case that we have

1 here this afternoon, it's Protest Hearing Case  
2 No. 21-PRO-00090, Aslin Beer Company, License No.  
3 118555.

4 Ms. Fashbaugh, can you please elevate  
5 the rights of all the parties in this case,  
6 please?

7 MS. FASHBAUGH: Please stand by.  
8 Sidon Yohannes, your rights have been elevated,  
9 along with Andrew Kline, your rights have been  
10 elevated.

11 Elwyn Ferris, you've called in with  
12 two different numbers. I'm going to elevate one.  
13 If the other one needs to be elevated, please let  
14 me know. Your rights have been elevated.

15 I do not see a Soochon Radee. Ian  
16 Thomas, your rights have been elevated. Tracy  
17 Buck, your rights have been elevated. Brian  
18 Romanowski, your rights have been elevated.  
19 David Conklin, your rights have been elevated.  
20 Mesky Brhane, your rights have been elevated.

21 I do not see a Nicole Christoff or a  
22 Samm Gilliard. I do not see a Lori Faeth or a  
23 Sarah Edwards. And lastly, the investigator,  
24 Christopher Condon, your rights have been  
25 elevated.

1 Others are still in the attendee list.  
2 Please let me know if you would like me to  
3 elevate the rest. That is all, Mr. Chair.

4 CHAIRPERSON ANDERSON: Thank you.

5 MS. YOHANNES: I will request -- do  
6 you have Andrew Kelley, the Applicant?

7 MS. FASHBAUGH: His rights have been  
8 elevated.

9 MS. YOHANNES: Thank you.

10 (Pause.)

11 CHAIRPERSON ANDERSON: All right. I'm  
12 sorry. Okay. All right. Let's -- the protest  
13 hearing. So I will have the parties identify  
14 themselves for the record. Let's start with the  
15 Applicant and their representative, please.

16 So we can start with you, Ms.  
17 Yohannes. Please spell and state your name for  
18 the record, please, and who is here on behalf of  
19 the Applicant.

20 MS. YOHANNES: Yes, Sidon Yohannes,  
21 and that's S-I-D-O-N, Y-O-H-A-N-N-E-S from  
22 Veritas Law. We are here on behalf of the  
23 Applicant, Andrew Kelley and Aslin Beer Company.

24 I believe Andrew Kline was elevated,  
25 maybe not. But I will say Andrew Kline is also

1 here, Andrew, A-N-D-R-E-W, K-L-I-N-E. And he is  
2 here.

3 If not, I will move to the Applicant,  
4 who is Andrew Kelley, or who is here on behalf of  
5 the Applicant, Andrew Kelley. Andrew, are you  
6 here, Kelley, Andrew Kelley?

7 MR. KELLEY: Yep, Andrew Kelley is  
8 here.

9 CHAIRPERSON ANDERSON: Can you please  
10 spell and state your name for the record and your  
11 relationship to this establishment, please?

12 MR. KELLEY: Yep, A-N-D-R-E-W, K-E-L-  
13 L-E-Y is my name. And I am one of the owners of  
14 Aslin Beer Company.

15 CHAIRPERSON ANDERSON: I'm sorry. Ms.  
16 Yohannes, is that the extent of the parties who  
17 will -- well, if we have any other witnesses,  
18 then we'll move on later on and have you identify  
19 them. All right.

20 MS. YOHANNES: Sure.

21 CHAIRPERSON ANDERSON: All right. So,  
22 Mr. Thomas, can you please identify yourself for  
23 the record, please?

24 MR. THOMAS: Yes, good afternoon. Ian  
25 Thomas on behalf of the group of 12 residents

1 that are protesting the Applicant. That's I-A-N,  
2 first name. Last name is Thomas, T-H-O-M-A-S.

3 With me is my colleague, Tracy Buck,  
4 Tracy, T-R-A-C-Y, Buck, B-U-C-K. And several of  
5 my group are present. I can go through their  
6 names if you'd like, or we can hold off until if  
7 and when they're called as witnesses.

8 CHAIRPERSON ANDERSON: Well, why don't  
9 we just identify the folks who are on the line?  
10 So you can tell me -- you can call their names.  
11 And once you call their names, then they can  
12 identify themselves for the record, please --

13 MR. THOMAS: Absolutely.

14 CHAIRPERSON ANDERSON: -- by spelling  
15 their name, yes.

16 MR. THOMAS: So there is David  
17 Conklin.

18 CHAIRPERSON ANDERSON: Is Mr. Conklin,  
19 is he on the line? Can you please spell and  
20 state your name for the record, please? All  
21 right. That person is not here.

22 MR. THOMAS: I see him. But I --

23 MR. CONKLIN: Oh, sorry. Can you hear  
24 me now?

25 MR. THOMAS: There we go.

1 CHAIRPERSON ANDERSON: So, Mr.  
2 Conklin, can you please spell and state your name  
3 for the record, please?

4 MR. CONKLIN: Yes. Hi. David  
5 Conklin, C-O-N-K-L-I-N.

6 CHAIRPERSON ANDERSON: Okay. Who  
7 else, Mr. Thomas?

8 MR. THOMAS: Soochon Radee.

9 MR. RADEE: Hello. I am Soochon Radee  
10 spelled S-O-O-C-H-O-N, R-A-D-E-E.

11 CHAIRPERSON ANDERSON: Okay. Who  
12 else?

13 MR. THOMAS: There is Mesky Brhane.

14 MS. BRHANE: Hi. I'm Mesky Brhane, M-  
15 E-S-K-Y, first name, and then last name is  
16 Brhane, B-R-H-A-N-E.

17 MR. THOMAS: Lori Faeth.

18 MS. FAETH: Hi. Lori Faeth, L-O-R-I,  
19 F as in Frank, A-E-T-H.

20 MR. THOMAS: Who else do we have here?  
21 That is all I am seeing on the line right now. I  
22 do know there were a couple that were having  
23 issues getting in, though.

24 CHAIRPERSON ANDERSON: And, Mr. -- all  
25 right. If there are other witnesses that you



1 have that are, that whose rights need to be  
2 elevated, please let us know. And you can put  
3 that information in the chat, and I'll make sure  
4 that our IT specialist elevate their rights when  
5 that's, elevate their rights.

6 I don't want you to say that we have  
7 witnesses who were unable to get in. So they can  
8 either get in on the video call, or there is a  
9 phone line that they can get in on the phone.

10 All right?

11 All right. And so let's have the --  
12 the ABRA representative, can you please spell and  
13 state your name for the record, please?

14 INVESTIGATOR CONDON: Sure. It's  
15 Christopher Condon, C-H-R-I-S-T-O-P-H-E-R. Last  
16 name is Condon, C-O-N-D-O-N.

17 CHAIRPERSON ANDERSON: Okay. All  
18 right. This is a protest hearing. And the way  
19 this protest hearing will operate is that the  
20 Board will call its first witness. The Board's  
21 witness will go through the case report that was  
22 filed. The Board members will have an  
23 opportunity to question the Board's witness on  
24 his case report.

25 Then the Applicant will have an

1 opportunity to ask questions. And then the  
2 licensee, I'm sorry, then the Protestants will  
3 have an opportunity to ask questions.

4 But we'll also start off by having the  
5 Protestants do an opening statement. And, I'm  
6 sorry, the Applicant will first do an opening  
7 statement. Then the Protestants will do an  
8 opening statement.

9 Then the Board will present its case.  
10 Once the Board will present its case, then the  
11 Applicant will have an opportunity to present its  
12 case. And once the Applicant has presented its  
13 case, then the Protestants can present its case.

14 Normally in these hearings I tell  
15 people that they have an hour, each side they  
16 have an hour to present their case. And I don't  
17 believe -- well, I personally don't think an hour  
18 is sufficient to present your case. And one of  
19 the reasons why we set an hour, it is because  
20 it's being done virtually.

21 I did, Mr. Thomas, I did invite, I did  
22 tell folks at the, during the status hearing that  
23 during the, at the status hearing -- okay, I said  
24 five witnesses. In the status hearing, I did  
25 inform each party that they're limited to no more

1 than 5 witnesses and that they will have 60  
2 minutes to present their case.

3 I would -- I am advising both parties,  
4 although I am not going to go strictly by the  
5 time limit, please spend most of your time not in  
6 cross examination but in presenting direct  
7 examination. I know that -- so, yes, cross  
8 examination is sufficient. That does also count  
9 against your time. But I'd prefer you spend most  
10 of your time doing direct examination.

11 And, yes, cross examine the witnesses,  
12 but do not spend a significant period of time  
13 doing cross examination because I do not want it  
14 to be told that one side had a significant more  
15 time to present their case than an hour, than the  
16 other side if the expansion of one side or the  
17 other's case it's because of vigorous cross  
18 examination by one side. All right?

19 So I'm just putting both sides on  
20 notice that, yes, you can cross examine, but  
21 keep, make sure that you do not spend all day  
22 cross examining, extending one case, and then if  
23 we're saying that this case is dragging on  
24 because of cross examination and that I should be  
25 given the same amount of time to present my case.

1 All right?

2 All right. So, before we start, are  
3 there any preliminary matters on behalf of the  
4 Applicant?

5 MS. YOHANNES: There are. I was  
6 waiting for you to get there, Chairman.

7 So I, so the Applicant is going to be  
8 requesting a continuance of this protest hearing.  
9 And the reason for that is that we want to afford  
10 the parties the opportunity to reach an agreement  
11 here.

12 We have been working on an agreement  
13 diligently. We've been doing so, obviously  
14 working through issues for the last few months.  
15 But the last week specifically, as of Sunday, the  
16 parties met on Sunday and we've -- you know, that  
17 was sort of the breaking point for us where we do  
18 believe that terms have been discussed the last  
19 24 hours.

20 Opposing counsel and I have been  
21 discussing terms of an agreement up until the  
22 last I would say like an hour ago. I do think an  
23 agreement could be made here.

24 I think that, you know, additional  
25 time would afford us the opportunity and my

1 client the opportunity to really think over some  
2 of these terms in the agreement presented and see  
3 if that is, you know, see if we can reach that  
4 and not move forward with the protest hearing.

5 We know that the Board welcomes  
6 agreements by parties. And we're hoping to be  
7 able to enter one.

8 CHAIRPERSON ANDERSON: So how much  
9 time is being requested?

10 MS. YOHANNES: Well, I have  
11 preliminarily discussed, or I believe the 17th  
12 might be available just as a date. And if that  
13 is, we're happy with that date.

14 I don't know if anything -- I will ask  
15 the Board, you know, what your position is and if  
16 you're available for that date in the event that  
17 the parties are not able to enter into an  
18 agreement, because, of course, both sides have  
19 the right to present the case before the Board.  
20 But obviously the intention is that we resolve  
21 beforehand.

22 CHAIRPERSON ANDERSON: So that would  
23 be, it would have been the 17th at 1:30 if that  
24 was, if you're talking about the 17th. That was  
25 what you're proposing, that we continue the case

1 till the 17th at 1:30.

2 MS. YOHANNES: That is what I am  
3 proposing.

4 CHAIRPERSON ANDERSON: Mr. Thomas?

5 MR. THOMAS: So, yes, first of all, I  
6 can confirm that me and Ms. Yohannes have been on  
7 the phone extensively over the past 24 hours  
8 trying to find a resolution. And I believe that  
9 we are close. I would certainly hope that she  
10 would represent that we are close as well.

11 We consent to a extension of the  
12 protest hearing provided that we can find it on a  
13 mutually agreeable date.

14 The concern that my clients have is  
15 that our case in chief is citizens. They are  
16 people who are appearing voluntarily to testify  
17 about quality of life issues in their community.  
18 And they're appearing, you know, not subject to a  
19 subpoena or anything like that. And I want to  
20 make sure that our witnesses are available on the  
21 date that is suggested.

22 So I have, I've gone back and spoken  
23 with some, not all. But I know that the 17th is  
24 not a workable date for them. I know that the  
25 following week I am out of the country.

1           We have put our heads together and  
2           said -- and I think March 9th, if there is  
3           availability, I know Wednesday is the day that  
4           the Board generally meets. March 9th is a day  
5           that works for I think the majority of our  
6           witnesses. And it would minimize any prejudice  
7           that a continuance would happen.

8           I will also add that I do -- you know,  
9           I am optimistic about where we are in terms of  
10          reaching an SA. And so my hope is that we  
11          wouldn't even need to appear again on March 9th.

12          But I just throw that out there  
13          because I want to make sure that any continuance  
14          doesn't impede the rights of my client to present  
15          their case about the issues at this particular  
16          location.

17                 CHAIRPERSON ANDERSON: Before -- let  
18                 me say this to you, Mr. Thomas. The Board is  
19                 limited in granting continuances without the  
20                 consent of the Applicant because it's a new  
21                 license. So, by statute, we have to issue a  
22                 notice, I'm sorry, a decision by a date certain.

23                 MR. THOMAS: Right.

24                 CHAIRPERSON ANDERSON: If the licensee  
25                 says that I want, that they agree to a

1       continuance, I can, the Board would grant a  
2       continuance. But the licensee has to agree.

3               And I don't know about March 7th,  
4       March 9th. I would have to see if that's  
5       available. And I do not know if this is a date,  
6       if the licensee wants to continue this case until  
7       a month later, basically for another month,  
8       because by statute we have, because it's an  
9       annual license, we have to issue our decision by  
10      a date certain. And without their consent, the  
11      Board cannot grant a continuance.

12              So that's where it is. So I don't  
13      know whether or not the licensee would want to  
14      extend this case to March 9th. And I would have  
15      to see if that's even available for us.

16              I don't know what our calendar --  
17      well, the March 9th is not a date that's  
18      available for the Board because our calendar is  
19      already set. And so we have a full calendar. So  
20      we're not available to -- this hearing cannot be  
21      convened on March 9th.

22              So we can move forward today, or if  
23      there is another date that's, that the licensee -  
24      - the licensee is the one who would have to agree  
25      because they would have to agree to additional



1 time for them not to operate.

2 And so the Board on its own cannot  
3 grant a continuance for a -- because this is a  
4 new license. If the license was already issued,  
5 we could grant a continuance based on the  
6 Protestants' request if we believe that it's, if  
7 it's for good cause.

8 But if the licensee doesn't agree, for  
9 a new license, the Board cannot grant a  
10 continuance. So I believe that if the -- let me  
11 see something. Hold on a minute. I'm given --  
12 hold on.

13 (Pause.)

14 CHAIRPERSON ANDERSON: Would February  
15 16th, would next week Wednesday work?

16 MS. YOHANNES: That would work for the  
17 Applicant.

18 CHAIRPERSON ANDERSON: Or if the  
19 parties, if you have agreed on certain issues and  
20 if there are certain, if there are outstanding  
21 issues that you cannot agree on, then if you have  
22 a settlement agreement to say that we have these  
23 issues that we have agreed, then the Board would,  
24 could agree to adopt the settlement, and we just  
25 have a hearing today on the issues that are

1 outstanding.

2 We can do that, because it appears  
3 that everyone is here today. And if -- so the  
4 Board could -- you could provide us with a  
5 settlement agree. And we, as part of our Board  
6 Order, we could adopt the settlement agreement.  
7 And then the Board would make a decision today  
8 just on the outstanding issues.

9 And I'm sorry. The Board is not  
10 available on the 16th. The Board, we thought we  
11 were talking about March. And so the Board is  
12 not available on February, next week.

13 So, and I -- yeah. So I -- yeah. So  
14 the Board is not available on March, on February  
15 16th. The date, there was a misunderstanding,  
16 and we thought that -- yeah, our calendar cannot  
17 accommodate having this hearing on Wednesday.

18 That's one of the reasons why I think  
19 the 17th was proposed. And I think what you're  
20 saying, Mr. Thomas, the 17th doesn't work for  
21 you. Now you are -- so, and I guess I'll ask  
22 you, Ms. Yohannes. How are you -- these are the  
23 options. Okay?

24 As I stated before, we can move  
25 forward today on a protest hearing on the issues

1 that the parties are not in agreement. And if  
2 you have a settlement and you have settlement  
3 terms, we can put those on the record. And we  
4 can -- that will be a part of our Board Order.  
5 And we could have a hearing today limited to the  
6 issues that are in, that the parties have not  
7 agreed to. And the Board will make a decision.

8 The Board, with the consent of the  
9 Applicant, the Board is open to continue this  
10 case. But it's only to the extent as how far out  
11 the Applicant wants to.

12 I mean, we could possible have this  
13 hearing on March 2nd in the afternoon. But I do  
14 not know if the Applicant wants to wait. That's  
15 almost another month before we have this hearing  
16 or -- so those, that's what's there.

17 The Applicant would have to agree that  
18 they want to postpone this matter through March.  
19 I think that they were open to another week --

20 MS. YOHANNES: Right.

21 CHAIRPERSON ANDERSON: -- but I'm not  
22 sure.

23 But, so that's basically what we can  
24 offer So I'm waiting to hear from what -- so the  
25 Agency is available on the 2nd and the 16th of

1 March to have a hearing.

2 That's only if the Applicant is  
3 amenable to issue a continuance through that  
4 period of time, or as I stated before, if you are  
5 close to settlement, we can move forward with the  
6 issues that the parties have agreed, and the  
7 disagreement, the Board could make a decision on  
8 the disagreement.

9 You could present evidence and  
10 testimony on the issues that are outstanding.  
11 And we will make a -- we'll issue a determination  
12 on those issues.

13 MS. YOHANNES: In terms of moving  
14 forward on issues that we agree on and, you know,  
15 I guess moving forward in the hearing on those  
16 that we don't agree on, that is not, from the  
17 Applicant's position, is not an option here  
18 because those are sort of tied together from our  
19 perspective. In terms of --

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: I'm sorry. Go  
22 ahead. I'm sorry. Go ahead.

23 MS. YOHANNES: I was going to say, in  
24 terms of the dates, to be clear, you said March  
25 2nd in the afternoon. I don't know that that

1 date was -- was that something that Mr. Thomas  
2 said he was open to?

3 CHAIRPERSON ANDERSON: I don't know.  
4 I'm just saying --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: I'm throwing  
7 the dates that are available from the Board. So  
8 the dates that are available from the Board  
9 currently, the Board, if available, in the  
10 afternoon of the 17th. Okay. So the Board is  
11 available in the afternoon of the 17th.

12 The Board is also available in the  
13 afternoon of the 2nd. I believe it's -- I know  
14 for the afternoon of the 2nd and I believe the  
15 afternoon of the 16th of March. So March 2nd in  
16 the afternoon and March 16th in the afternoon are  
17 both times that are available for the Board to  
18 continue this case.

19 But, again, the Applicant would have  
20 to let me know whether or not they would even  
21 agree to a continuance in March. So, first and  
22 foremost, the Applicant would have to let me know  
23 whether or not they would agree to a month's  
24 continuance basically.

25 MS. YOHANNES: I would need literally

1 like two minutes to talk to my client.  
2 Unfortunately, I can't whisper in my client's ear  
3 right now.

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: Hold on, Ms. --  
6 I'm going to have you do that. Mr. Thomas, are  
7 you available on March 2nd and/or March 16th in  
8 the afternoon? So, before you talk to your  
9 client, I need to see if these dates are even  
10 workable.

11 MR. THOMAS: So, from my perspective,  
12 March 2nd in the afternoon is available, as is  
13 March 16th in the afternoon. My concern is for a  
14 couple of my witnesses who are also my client  
15 here. If I could suggest maybe a two-minute,  
16 five-minute --

17 CHAIRPERSON ANDERSON: I'm going to do  
18 that, Mr. Thomas. I'm going to do that. I'm  
19 going to -- I just want to make sure before I go  
20 off the record for a couple of minutes that the  
21 dates that are being presented, that they are  
22 workable for both sides. So it doesn't sense to  
23 go off.

24 First and foremost, Ms. Yohannes has  
25 to let me know whether or not she is even

1 agreeable to a one-month.

2 MR. THOMAS: Right, right.

3 CHAIRPERSON ANDERSON: And then --  
4 that's why I said just let me know if those dates  
5 are workable. So then when we go off record,  
6 then you guys can decide and then come back to me  
7 and said, Ms. Yohannes will let me know whether  
8 or not she will agree to the one month. She will  
9 let me know on March 2nd or 16th if she's  
10 available and her client is available.

11 And you will also let me know on March  
12 2nd, if she's agreeable to the March, to having  
13 this, continue this hearing through March,  
14 whether or not any of those dates are agreeable  
15 to you. All right?

16 So let me ask. Let me -- before we go  
17 off the record, let me try something. Yeah, I  
18 think those dates. So let's -- we'll go off  
19 record. How much time do you need?

20 MS. YOHANNES: I just need like five  
21 minutes. But may I also say, can I just put out  
22 there the Appellant is not opposed, if March  
23 17th, I don't know what the specific situations  
24 are with Mr. Thomas' witnesses --

25 CHAIRPERSON ANDERSON: That was --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: I'm sorry.  
3 That was February, you meant February 17th.

4 MS. YOHANNES: Sorry, February 17th.  
5 I meant to say February 17th. If the -- I don't  
6 know his situation. But if -- we are not opposed  
7 to going out of order to try to accommodate what  
8 his witnesses or where his witnesses would need  
9 to fit in if that dates works.

10 Because obviously for two different  
11 reasons, an earlier hearing date and also less  
12 time so parties can discuss and hopefully reach a  
13 resolution, February 17th would be ideal.

14 I just wanted to put that out there to  
15 say we were not opposed if we needed to, you  
16 know, have your witnesses testify before ours or  
17 whatever it is to accommodate.

18 CHAIRPERSON ANDERSON: What other  
19 concerns that you have, Mr. Thomas, with February  
20 17th in the afternoon?

21 MR. THOMAS: So, I mean, I appreciate  
22 the Applicant's willing to accommodate. It is  
23 just a complete unavailability of at least two  
24 witnesses that would be part of our case in chief  
25 and who are, who I believe are here today. And



1 so, I mean, I just -- that's the concern.

2 The concern is we want to focus on an  
3 SA. We want to resolve this. That is certainly  
4 a goal of ours.

5 But I don't think we should be placed  
6 with a Hobson's choice of extending time for the  
7 purpose of finding a settlement only to find  
8 ourselves in a position where we have, are unable  
9 to present our case because witnesses aren't  
10 available.

11 CHAIRPERSON ANDERSON: All right. All  
12 right. So we could -- let's go off the record.  
13 It's 2:29. It's 2:29. Okay. Let's go into  
14 executive session. And we'll come back on the  
15 record at 2:45. I'm going to also -- 2:45.

16 So we're going to go in executive, the  
17 Board will go in executive session until 2:45.  
18 So we will come back on the record at 2:45. And  
19 please discuss. I'll ask both counsels to have  
20 conversations and let us know.

21 I mean, I'm even more -- I'm inclined,  
22 I'm also inclined to maybe have the Board present  
23 its case today, because we're here, have the  
24 Board present its case. And then when we come  
25 back, we'll present, the other sides can move

1 forward.

2 So, but I'll discuss this in -- but  
3 we'll go into executive session just to look at  
4 dates and times. And then you guys can come back  
5 and let us know what we're doing.

6 So we're off the record until 2:45.  
7 I'll ask Board members to return to executive  
8 session.

9 (Whereupon, the above-entitled matter  
10 went off the record at 2:30 p.m. and resumed at  
11 2:46 p.m.)

12 CHAIRPERSON ANDERSON: We're back on  
13 the record.

14 (Pause.)

15 CHAIRPERSON ANDERSON: I don't see Ms.  
16 Yohannes. All right. Ms. Yohannes --

17 MS. YOHANNES: Yes.

18 CHAIRPERSON ANDERSON: -- what's your  
19 client's position on the continuance?

20 MS. YOHANNES: We are okay with March  
21 2nd.

22 CHAIRPERSON ANDERSON: Mr. Thomas?

23 MR. THOMAS: I spoke with Ms. Yohannes  
24 during the break. We are okay with March 2nd as  
25 well. And I will represent that both counsel

1 intend to speak in the next day or two about  
2 moving forward with the SA.

3 And as a result of that, we would  
4 request that the Board adjourn the protest  
5 hearing for today without putting on its case so  
6 that the parties can conserve their resources and  
7 focus them on a settlement.

8 CHAIRPERSON ANDERSON: Okay. I just,  
9 my only concern is that if this matter is not, if  
10 we do not have a settlement that we're going to  
11 have a hearing till 1:30, we're going to have a  
12 hearing that starts at 1:30.

13 And it appears there's two, I think on  
14 the Applicant's, I think the Applicant I think  
15 had I think two or three witnesses, and the  
16 Protestant had one, two, three, four, maybe about  
17 five, maybe seven or so witnesses. And I don't  
18 want us to -- all right.

19 Well, I -- Mr. Ferris, can you please  
20 mute your phone please, sir? If you have  
21 something to say, you need to speak to Mr.  
22 Thomas. And then I can address you, sir, because  
23 you are -- Mr. Thomas is representing -- if I'm  
24 correct, there's only one protest group, and you,  
25 Mr. Thomas, are the representative for the

1 protest group. Is that correct?

2 MR. THOMAS: It's actually not. I  
3 represent the group of 12.

4 CHAIRPERSON ANDERSON: And the other  
5 group of five. All right. So, and -- all right.  
6 All right. So, Mr. Ferris, are you the  
7 designated representative for the group of five?  
8 I apologize, sir. I didn't realize that --

9 MR. FERRIS: Yes (audio interference).

10 CHAIRPERSON ANDERSON: Hold on, Mr.  
11 Ferris. Mr. Ferris, it appears that you are  
12 logged on. Let me see. Who else is -- hold on  
13 one minute. Let me see. Can everyone else put  
14 their phone on mute with the exception of Mr.  
15 Ferris? All right. Go ahead, Mr. Ferris.

16 MR. FERRIS: Yeah (audio  
17 interference).

18 CHAIRPERSON ANDERSON: All right.  
19 Hold on. Mr. Ferris, are you in a location --

20 MR. FERRIS: Yes --

21 CHAIRPERSON ANDERSON: Are you in --  
22 hold on. Mr. Ferris, hold on a minute. Are you  
23 in a location with another witness?

24 MR. FERRIS: No (audio interference).

25 CHAIRPERSON ANDERSON: No. All right.

1 Then I think you might be logged on twice. I  
2 believe you are logged on twice. So you need to  
3 log out of the other -- if you're logged on  
4 twice, I believe you need to log out. Say  
5 something, sir, and I'll let you know.

6 MR. FERRIS: Can you hear me?

7 CHAIRPERSON ANDERSON: You're still --  
8 based on my experience of being, doing these  
9 virtual hearings, it appears that you are logged  
10 on twice.

11 So the other device that you are  
12 logged on, or if there is another witness who is  
13 logged on who is in the same location as you,  
14 that person needs to put their phone on mute  
15 because I'm getting the feedback from someone who  
16 is in close contact with you. That's why I'm  
17 hearing the feedback.

18 (Audio interference.)

19 CHAIRPERSON ANDERSON: Yeah, I'm still  
20 hearing that. Are you sure you are not logged on  
21 twice, sir? Are you sure you're not using two  
22 devices to participate in this hearing? And now  
23 I think he's gone.

24 MR. THOMAS: I believe --

25 CHAIRPERSON ANDERSON: I'm sorry.

1 Yes, Mr. Thomas.

2 MR. THOMAS: I was going to say I  
3 believe another person in that protest group, Ms.  
4 Sterling, has her hand raised. She may be able  
5 to speak to the issue that you're asking about,  
6 Mr. Chairman.

7 CHAIRPERSON ANDERSON: All right.  
8 Well, I can't see Ms. Sterling. So, Ms. Sterling  
9 --

10 MS. STERLING: Thank you.

11 MR. THOMAS: She's on the phone.

12 MS. STERLING: Yeah, thank --

13 CHAIRPERSON ANDERSON: I can't see  
14 you. I'm sorry. Ms. Sterling, do you have a  
15 camera you can turn on?

16 MS. STERLING: Potentially.

17 CHAIRPERSON ANDERSON: Well, so if you  
18 -- I'm not sure how Mr. Thomas was aware that you  
19 had your hand raised because I, since I can't  
20 see, I couldn't see anything.

21 MR. THOMAS: On the panel list --

22 MS. STERLING: The panel list, yes --

23 CHAIRPERSON ANDERSON: Okay.

24 MS. STERLING: -- you can see the hand  
25 raising --

1 CHAIRPERSON ANDERSON: Unfortunately,  
2 I --

3 MS. STERLING: -- participants.

4 CHAIRPERSON ANDERSON: Yeah,  
5 unfortunately, I'm looking at a screen with all  
6 the names, so I'm not looking at the panel list.  
7 But --

8 MEMBER CROCKETT: Your camera is on.  
9 It's covered.

10 MS. STERLING: Yes. So, just to  
11 confirm, the second party to this is also Shaw  
12 Dupont Citizens Alliance, SDCA. And, yes, we are  
13 amenable to the extension.

14 CHAIRPERSON ANDERSON: All right. And  
15 I apologize that your, that -- I apologize that  
16 there were two Protestant groups in this case,  
17 and I only recognized one. So I do apologize  
18 that I was not speaking to the civic association  
19 in negotiating with the parties that, moving  
20 forward.

21 So now I'm trying to figure out how to  
22 do -- well, because -- all right. Well, I need  
23 to figure out moving forward -- I know that the  
24 Board can have two Protestant, have the two  
25 Protestant groups determine who is going to

1 represent them.

2 But because you guys, you are a civic  
3 association, I'm not sure if that's still a part  
4 of it. But I'll get some clarification by the  
5 time we move forward to this hearing.

6 But, so anyway, so I guess what I'm  
7 being told is that both, at least all three  
8 parties have agreed to a short continuance till  
9 March 2nd at 1:30. And the request has been made  
10 that the Board not bifurcate the case. Is that  
11 what the parties are requesting jointly?

12 MR. THOMAS: It is from the Protestant  
13 group of five.

14 MS. STERLING: Yes. And it is also  
15 from SDCA.

16 CHAIRPERSON ANDERSON: Ms. Yohannes?

17 MS. YOHANNES: Yes, on behalf of the  
18 Applicant, yes.

19 CHAIRPERSON ANDERSON: All right. All  
20 right. So the Board then will -- then this  
21 protest hearing will be continued to March 2nd  
22 based on the joint continuation request made by  
23 the two Protestants and the Applicant to continue  
24 this matter from, continue this matter till March  
25 2, 2022 at 1:30 p.m.



1                   So I make a motion that the Board  
2 grants this motion. Is there a second?

3                   MEMBER CROCKETT: Ms. Crockett  
4 seconds.

5                   CHAIRPERSON ANDERSON: Ms. Crockett  
6 has seconded the motion. And we'll now have a  
7 roll call vote on the motion. Mr. Short.

8                   MEMBER SHORT: Mr. Short, I agree.

9                   CHAIRPERSON ANDERSON: Mr. Cato.

10                  MEMBER CATO: Bobby Cato, I agree.

11                  CHAIRPERSON ANDERSON: Ms. Crockett.

12                  MEMBER CROCKETT: Rafi Crockett, I  
13 agree.

14                  CHAIRPERSON ANDERSON: Ms. Hansen.

15                  MEMBER HANSEN: Jeni Hansen, I agree.

16                  CHAIRPERSON ANDERSON: Mr. Grandis.

17                  MEMBER GRANDIS: Edward Grandis, I  
18 agree.

19                  CHAIRPERSON ANDERSON: And Mr.

20 Anderson, I agree. The motion has passed to  
21 issue a continuance till March 2, 2022 at 1:30  
22 p.m.

23                               I want the parties to -- we are  
24 continuing this matter based on the  
25 representation by the parties that they believe

1 that they are very close to a settlement.

2 The Board was here today. And the  
3 Board was available to convene this hearing. So,  
4 if there is no settlement and if this matter has  
5 to go to a protest hearing on March 2nd at 1:30  
6 p.m., I'm putting all parties on notice that this  
7 might end up being a long hearing. So,  
8 therefore, I need all parties to clear their  
9 schedule. I do not want anyone to state that  
10 they are not available.

11 And I want to advise all the parties  
12 how this process works. The Board is going to  
13 present its case. Depending on cross  
14 examination, this Board's, the Board's case might  
15 take an hour or two. So, if the hearing starts  
16 at 1:30, the Board is going, the Board's case  
17 might end up being two hours, till 3:00 or 3:30,  
18 depending on cross examination by the  
19 Protestants.

20 Once the Board has ended its case, the  
21 Applicant will put its case on. The Applicant  
22 has I think two to three witnesses. Depending on  
23 how extensive direct examination is and how  
24 extensive cross examination is, the Applicant's  
25 case might run till 5:00, 5:30.

1           So, if this matter moves to a protest  
2 hearing, the Protestant will -- it's unlikely  
3 that the Protestant will be able to start the  
4 presentation of its case in chief until 5:00 p.m.  
5 in the afternoon.

6           I'm putting everyone on notice.  
7 Although this hearing will start at 1:30, it is  
8 unlikely that the Protestant will be able to --  
9 and I'll say this. It will be unlikely that the  
10 Protestant will start its presentation until say  
11 4:00.

12           So I don't want, when we have the  
13 hearing, then someone is going to say on behalf  
14 of the Protestant that I have to be somewhere at  
15 5:00, and I've been here since 1:30, and I  
16 thought that I would be able to testify before  
17 1:30, before 4:00 or 5:00 as far as the  
18 Protestant is concerned.

19           So I want the Protestants to know that  
20 based on how this case, based on our operation  
21 that their case will not start until maybe,  
22 depending on how long cross examinations are by,  
23 direct examinations and cross examinations are,  
24 that the Protestants' case will not start until  
25 about 4:00, 5:00.

1           The Board, however, will be here as  
2 long as it takes to do this hearing. So I need  
3 everyone, if we're going to go to a hearing,  
4 everyone needs to clear their calendar to know  
5 that this might be a very long night.

6           And so I do not want anyone -- you  
7 have a month's notice to clear your schedule. So  
8 I don't want anyone to state that because of time  
9 constraint this person is not available, so just  
10 as an FYI.

11           So is it clear to everyone that the  
12 process in a sense, that the Board will present  
13 its case? I'd ask -- my preference would have  
14 been for the Board to present its case today, so  
15 if we have this protest hearing the Applicant  
16 would start its case at 1:30, and so we'd get to  
17 the Protestants' case earlier. But the parties  
18 agreed that they don't want to start the case  
19 now.

20           So I just want everybody to know that  
21 based on how these matter proceed that the  
22 Protestants will not get an opportunity to start  
23 their case until maybe 4:00, 5:00 in the  
24 afternoon the earliest. Is everyone clear?

25           MS. YOHANNES: Yes.

1 MR. THOMAS: Protestants are.

2 CHAIRPERSON ANDERSON: All right. All  
3 right. All right. So any other preliminary  
4 matter that the Board needs to address before we  
5 adjourn this case or we recess this case? Any  
6 other preliminary matter that needs to be  
7 addressed?

8 MS. YOHANNES: None by the Applicant.

9 MR. THOMAS: None by the --

10 CHAIRPERSON ANDERSON: Mr. Thomas?  
11 Ms. Sterling?

12 MS. STERLING: None by SDCA.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you. Thank everyone for being here today.  
15 And you are free to go. All right. Thank you.

16 MR. THOMAS: Thank you.

17 MS. YOHANNES: Thank you.

18 CHAIRPERSON ANDERSON: All right. We,  
19 therefore, are -- hold on. Let's see.

20 (Pause.)

21 CHAIRPERSON ANDERSON: All right. As  
22 Chairperson of the Alcoholic Beverage Control  
23 Board for the District of Columbia and in  
24 accordance with Title 3, Chapter 405, Office of  
25 Open Government, I move that ABC Board hold a

1 closed meeting on February 16, 2022 for the  
2 purpose of discussing and hearing reports  
3 concerning ongoing or planned investigations of  
4 alleged criminal or civil misconduct or  
5 violations of law or regulations and seek legal  
6 advice from our legal counsel on the Board's  
7 investigative agenda, legal agenda, and licensing  
8 agenda for February 16, 2022 as published in the  
9 DC Register on February 11, 2022. Is there a  
10 second?

11 MEMBER CROCKETT: Ms. Crockett  
12 seconds.

13 CHAIRPERSON ANDERSON: Ms. Crockett  
14 has seconded the motion. We'll now take a roll  
15 call vote on the motion before us now that it has  
16 been seconded. Mr. Short.

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato.

19 MEMBER CATO: Bobby Cato, I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett.

21 MEMBER CROCKETT: Rafi Crockett, I  
22 agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen.

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis.

1                   MEMBER GRANDIS: Edward Grandis, I  
2 agree.

3                   CHAIRPERSON ANDERSON: And Mr.  
4 Anderson, I agree. As it appears that the motion  
5 has passed, 6-0-0, I hereby give notice that the  
6 ABC Board will hold its aforementioned closed  
7 meeting.

8                   Pursuant to the Open Meetings Act,  
9 notice will also be posted on the ABC Board  
10 hearing room bulletin board, placed on the  
11 electronic calendar on ABRA's website, and  
12 published in DC Register in as timely a manner as  
13 practical.

14                   We are now adjourned for the day. I  
15 now direct all Board members to return to  
16 executive session for further business. Have a  
17 great afternoon. Thank you.

18                   (Whereupon, the above-entitled matter  
19 went off the record at 3:02 p.m.)  
20  
21  
22  
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24  
25

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In the matter of: Aslin Beer Company

Before: DC ABRA

Date: 02-09-22

Place: teleconference

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