

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :
: :
Treehouse 2473, LLC, :
t/a Air Restaurant :
2473 18th St., N.W. : Protest Hearing
License # 117404 : (Status)
Retailer CR - ANC 1C :
Case # 21-PRO-00004 :
: :
(Application for a New :
License) :

Thursday
February 25, 2021

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

HENOCK ANDARGIE, Applicant
SIMONE ANDREWS, DC ABRA Staff
JAPER BOWLES, ANC 1C
LYLE BLANCHARD, Applicant's Counsel
DENIS JAMES, Kalorama Citizens Association

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

2 10:13 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case Number 21-PRO-00004, Air
5 Restaurant, License Number 117404.

6 Ms. Randall, can you please elevate
7 the right of the protestants and the -- so there
8 is a protestant, there is -- there are two ANC --
9 there's ANC -- the Kalorama Citizen's
10 Association, I believe. They are the protestants
11 in this case.

12 MS. ANDREWS: Sure, stand by. Mr. Or
13 Ms. Andargie, your rights have been elevated.
14 Mr. Bowles, I'm sorry if I am mispronouncing your
15 name, your rights have been elevated. Mr.
16 Blanchard, your rights have been elevated.

17 Mr. Chair, we also have a call in from
18 Mr. Dennis James. I am going to go ahead and
19 unmute his line, Mr. Chair.

20 CHAIRPERSON ANDERSON: That's it?

21 MS. ANDREWS: That's all.

22 CHAIRPERSON ANDERSON: All right,
23 thank you, and thank you everyone. If you have a
24 camera could you please open your camera. You
25 can also open -- well, when you need to speak you

1 can also open your microphones, so I will ask
2 that if you are not speaking that you keep your
3 microphone on mute, but you all have -- I think
4 that everyone has the ability, or everyone should
5 be able to reveal -- show us -- open their camera
6 if they so desire -- well I prefer so at least I
7 can see who it is that I am speaking to.

8 So we can start with the -- I don't --
9 we can start with the licensee. Who is the
10 licensee? Can we have the licensee identify and
11 spell his or name for the record, please?

12 MR. ANDARGIE: Yes, it's Henock
13 Andargie, H-E-N-O-C-K, first name. Last name is
14 Andargie, A-N-D-A-R-G-I-E.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Andargie.

17 All right, let's have the ANC
18 representative introduce himself for the record,
19 please.

20 Mr. Bowles, can you unmute your
21 telephone and identify yourself for the record,
22 please?

23 MS. ANDREWS: Mr. Chair, I do see him
24 twice, so I'm going to go ahead and elevate the
25 other. Okay. Mr. Bowles, your rights have been

1 elevated on both. You're logged in twice.

2 MR. BOWLES: Oh, great. Sorry about
3 that. I don't use WebEx, and I had to redo it to
4 get my video started. So everyone can see and
5 hear me. Japer Bowles, J-A-P-E-R, B-O-W-L-E-S.
6 I'm protesting on behalf of ANC 1C.

7 CHAIRPERSON ANDERSON: Good morning.
8 Mr. -- Mr. Blanchard, who do you represent?

9 MR. BLANCHARD: Good morning, Chairman
10 Anderson and Members of the Board. I am
11 representing the Applicant, which is Treehouse
12 2473, LLC, trading as Air Restaurant.

13 CHAIRPERSON ANDERSON: Okay, I
14 apologize, I was not -- I --

15 MR. BLANCHARD: No, that's okay.

16 CHAIRPERSON ANDERSON: All right, so
17 -- good morning, Mr. Blanchard. Mr. James, can
18 you please identify yourself for the record,
19 please?

20 MR. JAMES: Good morning. Are you
21 hearing me?

22 CHAIRPERSON ANDERSON: Yes, sir.

23 MR. JAMES: Okay, yeah, this is Denis
24 James, D-E-N-I-S, J-A-M-E-S. I am president of
25 the Kalorama Citizens -- sorry, Kalorama Citizens

1 Association, and of course representing them
2 today.

3 CHAIRPERSON ANDERSON: Okay. All
4 right, thank you. Good morning.

5 All right, good morning, everyone.
6 Are there any preliminary matters that needs to
7 be brought to the attention of the Board?

8 By either side, by either the -- Mr.
9 Blanchard, any preliminary matters to be brought
10 to the attention of the Board?

11 MR. BLANCHARD: Not -- other than we
12 did have a mediation on the 17th, and that went
13 well. I think we made some -- aired some ideas,
14 and we have tentatively scheduled the second
15 mediation on March 4th, and we did hear from Ms.
16 Randall after the mediation that the original
17 hearing date of April 21st has been rescheduled
18 to May 12th due to emancipation week.

19 CHAIRPERSON ANDERSON: Oh, Mr.
20 Blanchard, you know more than I do. I don't have
21 a date to -- I don't have a date on my calendar
22 to schedule the protest hearing for the -- you
23 are ahead, I guess. Normally what we do at these
24 protest hearings status I have a date to provide,
25 but I don't have the date, because the date

1 wasn't given to me, so thank you for -- well, I
2 am not going to schedule it because the date has
3 not officially been given to me --

4 MR. BLANCHARD: Understood.

5 CHAIRPERSON ANDERSON: -- by the
6 agency, so I am not going to put a date in the
7 calendar, but I believe that might -- that can
8 work if that's so. I'm glad to hear that you had
9 a first mediation and that you have another
10 mediation. The Board supports settlement of all
11 these matters because it has always been my
12 position because at the end of the day this is an
13 establishment that is going to be in the
14 community. This is not -- I'm sorry, this is a
15 new license.

16 So this is an establishment that might
17 or might not be in the community, and if it's in
18 the community -- then if it's going to be in the
19 community then at least the parties, if they are
20 able to sign an agreement, then at least everyone
21 would leave at the end of the day and be happy.
22 If you come to the Board for the Board to make a
23 decision, then one side will be happy.

24 One thing I will say, if this matter
25 is not settled, and if it has to go to a hearing,

1 one of the things I will ask the parties to make
2 it clear to the Board is it that -- is it that --
3 are -- okay, are you in favor of having this
4 establishment -- I'm not asking to answer now,
5 but I am just saying if we were to have a protest
6 hearing, one thing that at the beginning of the
7 hearing I will ask parties to do -- to say, all
8 right -- okay, approve the license, but approve
9 the license with some restrictions, or don't
10 approve the license.

11 So that is what I would want if we go
12 to a protest hearing that the parties can say
13 this is our position, so because it's easy, at
14 least the Board will know clearly what the
15 positions are if -- because sometimes in a --
16 yeah, I like the business, but we want to curtail
17 some hours and put some restrictions in, or, no,
18 this is not the type of business that we want for
19 our neighborhood, so therefore what I'm telling
20 the Board to do is -- what I'm telling the Board
21 to do is deny the license.

22 So just make that clear to us if
23 that's what the position is going to be, but I
24 always like to hear that people are talking,
25 because the more you talk then the more one will

1 know that there's -- and I'm assuming that the
2 talk -- the discussions are -- will be fruitful,
3 okay.

4 So if there are no other preliminary
5 issues, now that we are scheduled, and, yes, we
6 are scheduled for a protest hearing, but the date
7 has not been -- I don't have a date to provide to
8 you.

9 There are a few things that I would
10 like to instruct you about because the Board's
11 practices under the COVID-19 restrictions have
12 changed. As you know, the Board's hearings are
13 conducted virtually, so it is more important than
14 ever that protest hearings are focused and
15 addresses only those issues that are being
16 protested.

17 One, following this hearing you will
18 receive an email from the Assistant General
19 Counsel, Ms. April Randall, that will include a
20 copy of a protest information form, and a copy of
21 an exhibit form, as well as specific instructions
22 for the hearing. You are required to complete
23 and submit the PIP and exhibit forms at least 7
24 days before the date of the hearing.

25 If we do not receive a copy of your

1 forms 7 days before the hearing, your application
2 or your protest may be subject to dismissal.

3 These documents need to be submitted to the -- to
4 abra.legal@dc.gov and to the opposing parties.

5 Please note that these documents
6 greatly assist the Board in narrowing the protest
7 issues, facilitating the process, and keeping the
8 parties on point during the hearing. Each side -
9 - this is very important, this is one of the
10 major changes that we have made, each side is
11 limited to no more than five witnesses, and you
12 will only have 60 minutes to present your case.
13 This includes all direct and cross examination.

14 The Board does not intend to hear
15 testimony on matters that are not relevant to
16 those issues that are being protested. Are there
17 any questions by anyone?

18 MR. BLANCHARD: No questions.

19 CHAIRPERSON ANDERSON: No questions,
20 all right.

21 MR. JAMES: Yeah, no questions from
22 the Kalorama Citizens, and I just wanted to say
23 that I generally concur with what Mr. Blanchard
24 stated regarding our -- where we stand with
25 discussions.

1 CHAIRPERSON ANDERSON: Thank you for
2 that, Mr. James. And one thing I will also state
3 -- one thing I always state, that this matter is
4 being protested by the ANC and the civic
5 association, and they -- citizens association.
6 Just as an FYI, if the ANC -- if the ANC sign a
7 settlement agreement the civic association -- or
8 the civic association does not sign off on the
9 settlement agreement, the civic association still
10 has -- they can still stand in to move forward,
11 and vice versa. So if it was a group then if
12 there's settlement agreement the standing would -
13 - the group would not have, but just as an FYI,
14 and the Board cannot force either side to -- the
15 Board cannot direct either side to have someone
16 join a settlement agreement because both sides
17 individually have standing to move forward with
18 this protest hearing.

19 Anyway -- but we thank you greatly for
20 your cooperation. If you have any questions at
21 any time leading up to the hearing, please do not
22 hesitate to contact Assistant General Counsel
23 April Randall at 202-329-6354.

24 I thank you very much for your
25 participation here today. The Board supports, as

1 I stated, settlement agreements. As I said I'm
2 excited that the parties have agreed to have
3 another mediation, and if I don't see you at a
4 protest hearing, the Board will not take it
5 personally because it will tell me that the
6 parties have agreed to come into a mutually
7 agreeable determination on the operation of this
8 establishment.

9 So good luck on your mediation, and
10 have a great day, and thank you for being here
11 today.

12 (Whereupon, the above-entitled matter
13 went off the record at 10:25 a.m.)
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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: Hearing

Before: Alcoholic Beverage Control Board

Date: 02-25-21

Place: Videoconference

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

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