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

-----= IN THE MATTER OF: : : Aslin DC Beer, LLC t/a Aslin Beer Company : 1740 14th Street NW : Protest Retailer CT - ANC 2F : Hearing (Status) License No. 118555 : Case #23-PRO-00008 : : (Application to : Renew the License) : -----=

> Wednesday March 15, 2023

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

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff JISOO KIM, Applicant Counsel DAVID RUBENSTEIN, ANC 2F01 ELWYN FERRIS, Protestant JOYCE COWAN, Protestant SOOCHON RADEE, Protestant

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1	P-R-O-C-E-E-D-I-N-G-S
2	10:44 a.m.
3	CHAIRPERSON ANDERSON: All right, the
4	next case on our calendar is Case Number 23-PRO-
5	00008, Aslin Beer Company, License Number 118555.
6	Mr. Orellana, can you please elevate
7	the rights of the license of the parties in this
8	case, please?
9	MR. ORELLANA: Ms. Edwards, your
10	access has been elevated. Jisoo Kim, your access
11	has been elevated. Elwyn Ferris, your access has
12	been elevated. David Rubenstein, your access has
13	been elevated. I believe that's everyone,
14	Chairman.
15	CHAIRPERSON ANDERSON: Thank you.
16	MR. ORELLANA: Ralph Tyson, your
17	access has been elevated as well.
18	CHAIRPERSON ANDERSON: I'm sorry,
19	who's representing the licensee on this case?
20	MR. KIM: On behalf of the applicant
21	
22	(Simultaneous speaking.)
23	CHAIRPERSON ANDERSON: I'm sorry,
24	okay, sir. I'm not familiar with you, sorry.
25	All right, good morning, sir. Mr.

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Kim, can you please spell and state your name for 1 2 the record, sir? 3 MR. KIM: Sure. Jisoo Kim for the 4 licensee. Jisoo, J-I-S-O-O. Last name Kim, K-I-5 М. CHAIRPERSON ANDERSON: 6 So are you an 7 attorney or are you --MR. KIM: Correct. I'm filling in for 8 9 my co-counsel. I believe you know Andrew Kline? 10 CHAIRPERSON ANDERSON: Okay, that's 11 fine. It appears that there's some other Yes. 12 folks who needs to be elevated in this case, Mr. 13 Orellana. 14 MR. ORELLANA: Soochon Radee, your access has been elevated. 15 16 CHAIRPERSON ANDERSON: So all right. 17 Who's representing the ANC? Can you please 18 identify yourself for the record, please? 19 You're on mute, Mr. Rubenstein. 20 MR. RUBENSTEIN: My name is David, D-21 A-V-I-D Rubenstein, R-U-B-E-N-S-T-E-I-N. I'm a 22 single member district 2F01. 23 CHAIRPERSON ANDERSON: All right. And 24 we have -- Mr. Ferris, can you please spell and 25 state your name for the record please?

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Hello, Elwyn Ferris here 1 MR. FERRIS: 2 representing the Shaw Dupont Citizens Alliance. 3 Elwyn is E-L-W-Y-N Ferris, F-E-R-R-I-S. CHAIRPERSON ANDERSON: Good morning, 4 5 all right, let's see. MR. FERRIS: Good morning. 6 7 CHAIRPERSON ANDERSON: We have -- I 8 don't have the names. We have Ms. Edwards. What 9 group are you with, Ms. Edwards? Please identify 10 yourself for the record. 11 MS. EDWARDS: I'm Sarah Edwards, S-A-12 R-A-H E-D-W-A-R-D-S, and I am part of the 13 neighborhood. 14 CHAIRPERSON ANDERSON: Okay, and who else is here because I can't see. 15 Who else is 16 here? Can you please identify yourself? 17 All I see is the name Joyce. I don't 18 know who that person is. Can you please identify yourself, please? 19 20 Mr. Orellana, can you please elevate 21 -- I think the person who's -- I think that said 22 their name is Joyce, I don't know who that is. 23 MS. COWAN: Yeah, this Joyce Cowan. 24 J-O-Y-C-E C-O-W-A-N. Representative of the group 25 of five neighborhood.

1 CHAIRPERSON ANDERSON: All right, good 2 morning. 3 MS. COWAN: Good morning. CHAIRPERSON ANDERSON: Mr. Radee, can 4 5 you please identify yourself, please? MR. RADEE: Good morning, my name is 6 7 Soochon Radee. I'm a representative of the 8 neighborhood group of five. My name is spelled 9 S-O-O-C-H-O-N R-A-D-E-E. 10 CHAIRPERSON ANDERSON: Good morning. 11 Have we -- has everyone been identified who needs 12 to be identified in this case? 13 All right, so are there any 14 preliminary matters in this case? Mr. Kim? 15 MR. KIM: Oh, a mediation was 16 initially scheduled for yesterday, but my co-17 counsel was sick, so I believe a mediation will need to be rescheduled. 18 19 CHAIRPERSON ANDERSON: So the 20 mediation was not held on February 28, Mr. 21 Rubenstein? 22 You're on mute, sir. 23 MR. RUBENSTEIN: That's incorrect, the 24 mediation for Aslin did take place. My 25 understanding is Aslin had a change in counsel.

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So, the counsel at the mediation is no longer --1 CHAIRPERSON ANDERSON: With the firm? 2 3 MR. RUBENSTEIN: With the firm. CHAIRPERSON ANDERSON: But, so you're 4 5 saying that the -- and Mr. Kim I know that you're filling in, so all right, so we're fine. 6 7 MR. KIM: I'm sorry, wrong information. 8 9 CHAIRPERSON ANDERSON: That's fine, sir. 10 So --11 (Simultaneous speaking.) 12 CHAIRPERSON ANDERSON: So, and I guess the mediation was not successful on the --13 14 (Simultaneous speaking.) 15 MR. RUBENSTEIN: Maybe just to 16 clarify, so we did have the mediation. 17 The neighborhood group and the ANC understood from then-counsel that another turn of 18 19 the document would be forthcoming. That has not 20 happened yet. Subsequent to the meeting, certain 21 breaches of the current settlement agreement were 22 identified. 23 The neighborhood group and the ANC 24 sent a notice to counsel and the Aslin owners a 25 week ago, notifying them for the two-week cure

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period of the breaches of the settlement 1 2 agreement. 3 And that's as far as I know where 4 things stand. 5 CHAIRPERSON ANDERSON: I know Mr. Kim is just filling in, but so at least, Mr. Kim, 6 7 you'll know where you are with this -- at least where the firm is with this case as far as the 8 9 ANC's concerned. 10 MR. KIM: Correct. Thank you. 11 CHAIRPERSON ANDERSON: Mr. Ferris, I 12 think did you want say something, sir? 13 MR. FERRIS: No, I didn't have my hand 14 raised, nope. 15 CHAIRPERSON ANDERSON: Okay, thank 16 you. All right. Any other preliminary matters 17 that need to be reached by anyone else? All right. Now that this -- before 18 19 this. If this matter goes to a hearing, the 20 hearing is scheduled for April 12, 2023 at 1:30 21 p.m. 22 And if the parties believe that this 23 matter can truly be settled, then I will ask the 24 parties to alert the agency as soon as possible 25 if they believe that this is a case that will be

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settled that does not need to go to a hearing. 1 2 I stated before that our agency and 3 the board supports settlement agreements rather than going to hearings because when we have 4 5 settlement agreements, both parties leave the table happy. 6 7 If we go to a due process -- I'm 8 sorry, if we go to a hearing, then one side's 9 going to be happy; the other side is not going to 10 be happy, but the board will make a decision if 11 the board has to make a decision. But as I 12 stated before, we do support settlements if the 13 matter can be settled. 14 Any questions by anyone? 15 All right. Hearing none -- all right, 16 now that we're scheduled for a protest hearing, 17 there are a few things because the board's 18 practices have changed. As you know, all of our 19 hearings are now conducted virtually. 20 So it is very important that whenever 21 protest hearings are focused and address only 22 those issues that have been protested. 23 Following this hearing, you will 24 receive an email form ABRA legal that will 25 include a copy of a protest information form, any

copy of an exhibit form as well as specific 1 2 instructions for the hearing. 3 You are required to complete and submit the PIP and exhibit forms at least seven 4 days before the date of the hearing. 5 If we do not receive a copy of your 6 7 forms seven days before the hearing, your 8 application or your protest may be subject to 9 dismissal. These documents need to be submitted 10 to ABRA legal and to the opposing parties. 11 Please note that these documents 12 greatly assist the board and narrow the protest 13 issues, facilitating the process, and keeping the 14 parties on point during the hearing. 15 Each side is limited to no more than five witnesses and you'll only have 60 minutes to 16 17 I know in this particular present your case. 18 case there are three protestants in this group, and if this matter goes for a protest hearing, 19 20 the board is requesting that one party be 21 highlighted to represent the parties. 2.2 So one party, so we're not going to have three -- I know there are three protestants 23 24 in this case. 25 But the board is requesting that if

this matter goes to -- and that is by statute, we can demand that this happens -- so if this matter goes to a protest hearing, then we're requesting that one person be identified to represent the protestant.

I stated before that you have one hour
to do your case, and you're limited to five
witnesses.

9 However, if the parties believe that 10 because there's three protestants in this case, 11 if you believe that you need more than one hour 12 to present your case or you need more than five 13 witnesses, please file a formal motion to the 14 board asking for additional time and additional 15 witnesses.

So I'm saying again, if you believe that you need more than five witnesses or you need more time, please file a formal motion with the board requesting that we allow you more time and more witnesses. Okay? Any questions by anyone?

All right. We thank you greatly for your cooperation. If you have any questions -please, even after the hearing, please do not hesitate to contact ABRA legal. So again, this

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matter is scheduled for April the 12 at 1:30 p.m. 1 2 And if the parties need to have 3 another mediation, you can reach out to the agency, we'll schedule it. 4 5 Good luck with your negotiation, and 6 if the matter's not settled, then we will see you 7 on April 12 at 1:30 p.m. Have a great day, thank 8 you very much. 9 MR. KIM: Thank you. CHAIRPERSON ANDERSON: 10 Thank you. 11 (Whereupon, the above-entitled matter 12 went off the record at 10:55 a.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25

Chairman 2:14 Α Chairperson 1:14,17 A-V-I-D 3:21 2:3,15,18,23 3:6,10 a.m 2:2 11:12 3:16,23 4:4,7,14 5:1,4 above-entitled 11:11 5:10,19 6:2,4,9,12 7:5 **ABRA** 1:21 8:24 9:10 7:11,15 11:10 10:25 change 5:25 access 2:10.10.11.12 changed 8:18 2:17 3:15 Citizens 4:2 additional 10:14,14 clarify 6:16 address 8:21 co-counsel 3:9 agency 7:24 8:2 11:4 COLUMBIA 1:1 ago 6:25 Company 1:6 2:5 agreement 6:21 7:2 complete 9:3 agreements 8:3,5 concerned 7:9 **Alcoholic** 1:2,13 conducted 8:19 alert 7:24 contact 10:25 ALIYA 1:18 Control 1:2.13 Alliance 4:2 cooperation 10:23 allow 10:19 **copy** 8:25 9:1,6 **ANC** 1:7,22 3:17 6:17 **Correct** 3:8 7:10 6:23 counsel 1:22 5:17,25 ANC's 7:9 6:1,24 Anderson 1:14,17 2:3 Cowan 1:23 4:23,23 5:3 2:15,18,23 3:6,10,16 **CROCKETT** 1:18 3:23 4:4,7,14 5:1,4,10 CT 1:7 5:19 6:2,4,9,12 7:5,11 cure 6:25 7:15 11:10 current 6:21 **Andrew** 3:9 appears 3:11 D applicant 1:22 2:20 **D** 3:20 application 1:9 9:8 date 9:5 **April** 7:20 11:1,7 David 1:22 2:12 3:20 asking 10:14 day 11:7 **Aslin** 1:6,6 2:5 5:24,25 days 9:5,7 6:24 **DC** 1:6.21 assist 9:12 decision 8:10,11 attorney 3:7 demand 10:2 dismissal 9:9 В district 1:1 3:22 Beer 1:6.6 2:5 document 6:19 behalf 2:20 documents 9:9,11 **believe** 2:13 3:9 5:17 **Donovan** 1:14,17 7:22,25 10:9,11,16 due 8:7 Beverage 1:2,13 Dupont 4:2 board 1:2,13 8:3,10,11 9:12,20,25 10:14,19 Е board's 8:17 E-D-W-A-R-D-S 4:12 **BOBBY** 1:17 E-L-W-Y-N 4:3 breaches 6:21 7:1 **EDWARD** 1:18 Edwards 2:9 4:8,9,11 С 4:11 C-O-W-A-N 4:24 elevate 2:6 4:20 calendar 2:4 elevated 2:10,11,12,13 case 1:8 2:4,4,8,19 3:12 2:17 3:12,15 5:12,14 7:8,25 9:17 **Elwvn** 1:23 2:11 4:1.3 9:18,24 10:7,10,12 email 8:24 CATO 1:17 **exhibit** 9:1,4 certain 6:20

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Before: DC ABRA

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