

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

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IN THE MATTER OF: :
 :
TMB DC Chinatown, LLC :
t/a Tom's Watch Bar :
781 7th Street NW :
Retailer CR - ANC 2C :
License No. 119403 :
Case #23-PRO-00015 :
 :
(Application to Renew the:
License) :
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Wednesday
March 22, 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
ANDREW KLINE, ESQ., Applicant Counsel
MICHELLE LARUE, ESQ., Protestant Counsel
MICHAEL SHANKLE, ANC 2C

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

2 10:37 a.m.

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is Case Number 23-PRO-00015, Tom's
5 Watch Bar, License Number 119403.

6 Good morning, Mr. Orellana. Can you
7 please elevate the rights of the parties in this
8 case, please?

9 MR. ORELLANA: Mr. Kline, your access
10 has been elevated.

11 Michael D. Shankle, your access has
12 been elevated.

13 Michelle L. LaRue, your access has
14 been elevated. That appears to be all, Chairman.

15 CHAIRPERSON ANDERSON: Good morning,
16 good morning. Good morning, Mr. Kline, can you
17 please spell and state your name for the record,
18 please.

19 MR. KLINE: Yes. Good morning,
20 Chairman Anderson, Members of the Board. Andrew
21 Kline, first name A-N-D-R-E-W, last name K-L-I-N-
22 E.

23 CHAIRPERSON ANDERSON: Good morning.
24 Good morning, Mr. Santos. Can you
25 please spell and state your name for the record,

1 please.

2 MR. SHANKLE: Good morning. My name is
3 Michael Shankle. It's M-I-C-H-A-E-L. Last name
4 is Shankle, S-H-A-N-K-L-E. I'm the Chair of ANC-
5 2C.

6 CHAIRPERSON ANDERSON: Good morning.

7 Ms. LaRue, can you please spell and
8 state your name for the record and your
9 designation, please.

10 You're on mute, Ms. LaRue. Unmute
11 your phone, please.

12 MS. LaRue: Can you hear me?

13 CHAIRPERSON ANDERSON: Yes.

14 MS. LaRue: Good morning, Michelle
15 LaRue, M-I-C-H-E-L-L-E last name L-A-R-U-E. I am
16 counsel for residents at Gallery Place
17 Condominium Unit Owners Association. Protestant
18 in this case.

19 CHAIRPERSON ANDERSON: So you're
20 representing, is it a group or is it abutting?

21 MS. LaRue: Sorry, yes, it's a group.
22 A group of five or more.

23 CHAIRPERSON ANDERSON: All right.

24 Thank you, Ms. LaRue.

25 MS. LaRUE: Sure.

1 CHAIRPERSON ANDERSON: All right. Mr.
2 Kline, are there any preliminary matters?

3 MR. KLINE: No, not at this time.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you. Mr. Shankle, are there any
6 preliminary matters?

7 MR. SHANKLE: I'm sorry are there any
8 what?

9 CHAIRPERSON ANDERSON: Preliminary
10 matters. Do you have --

11 MR. SHANKLE: No.

12 CHAIRPERSON ANDERSON: -- preliminary
13 matters you want to bring to the Board's
14 attention?

15 MR. SHANKLE: No, I do not.

16 CHAIRPERSON ANDERSON: And, Ms. LaRue,
17 any preliminary matters you'd like to bring to
18 the attention of the Board?

19 MS. LaRUE: No, sir.

20 CHAIRPERSON ANDERSON: Thank you.

21 This matter then is scheduled for a --
22 if this matter is not settled, it is then
23 scheduled for Protest Hearing on May 3rd, 2023,
24 at 1:30 p.m. All right.

25 Now that we've scheduled this matter

1 for a Protest Hearing, there are a few things I
2 would like to instruct you about because the
3 Board's practices have changed.

4 Following this hearing because as I
5 stated because all the hearings are now virtual,
6 following this hearing you will receive an email
7 from the legal office that will include a copy of
8 a Protest Information Form (PIF) and a copy of an
9 Exhibit form, as well as specific instructions
10 for the hearing.

11 You are required to -- hello? All
12 right.

13 If we do not receive a copy of your
14 form seven days before the hearing, your
15 application -- can everyone hear me?

16 MR. KLINE: Yes.

17 CHAIRPERSON ANDERSON: I think I want
18 everyone to be on camera because I just -- I
19 don't see all my Board Members.

20 MS. LaRUE: Your audio has been going
21 in and out. Then at one point we lost your
22 visual as well.

23 CHAIRPERSON ANDERSON: All right. And
24 I don't know, and that's one of the reasons now I
25 can only see -- I see Mr. Kline, I see Mr.

1 Grandis.

2 Let me -- let's go off the record for
3 a minute. Let me switch to a different device.

4 All right. So, we're off the record
5 for a minute. Let me -- let me switch to a
6 different device.

7 (Whereupon, the above-entitled matter
8 went off the record at 10:41 a.m. and resumed at
9 10:46 a.m.)

10 CHAIRPERSON ANDERSON: All right. So
11 as I stated before, now this matter is scheduled
12 for a Protest Hearing on -- this matter is
13 scheduled for a Protest Hearing on May 3rd, 2023,
14 at 1:30 p.m.

15 I just want to remind all parties that
16 seven days before the hearing you are required to
17 provide us with a PIF. Let me go back.

18 All right. It's a Protest Information
19 Form that we must receive this form at least
20 seven days before this hearing. If we do not
21 receive -- if we do not receive a copy of your
22 PIF -- seven days before the hearing or your
23 application for a Protest may be subject to
24 dismissal.

25 These documents not only need to be

1 sent -- these documents for Protest issues
2 facilitating the process and keeping the parties
3 (audio interference) on point during the hearing.

4 The Board does not intend to hear
5 testimony in matters that are not relevant to
6 both (audio interference).

7 Can you folks hear me? Thank you.

8 Let me -- I apologize for that (audio
9 interference) together and I'm having some
10 technological problems this morning. But can
11 everyone hear me?

12 MS. LaRUE: I can now. I can now but
13 I couldn't before.

14 CHAIRPERSON ANDERSON: All right. So,
15 did you hear, in effect, that seven days before
16 the hearing you're supposed to provide us with a
17 copy of your PIF.

18 MS. LaRUE: Got it.

19 CHAIRPERSON ANDERSON: All right. Let
20 me go back -- let me go back to -- let me go back
21 to my laptop. I'm switching devices again, I
22 apologize.

23 All right. Can folks hear me? All
24 right. I'm going to turn off my video for a
25 minute because I'm switching, I'm switching

1 devices and I'm having some problems with the
2 devices. But as I stated before, this matter --
3 as I stated before, seven days before the hearing
4 you are required to submit the documents and the
5 PIF.

6 Both parties you have 60 minutes to
7 present your case and five witnesses.

8 Any questions by anyone? I apologize
9 for some of the problems we're having. Any
10 questions by anyone?

11 MR. KLINE: -- from the Applicant.

12 CHAIRPERSON ANDERSON: Then, if there
13 are no questions, good luck with your
14 negotiations. Good luck with your negotiations
15 and if this matter is not settled then I'll see
16 you for a Protest Hearing on May 3rd, at 1:30
17 p.m. Okay. Thank you.

18 MS. LaRUE: Thank you.

19 MR. KLINE: Thank you.

20 MR. SHANKLE: Thank you very much, Mr.
21 Chairman.

22 (Whereupon, the above-entitled matter
23 went off the record at 10:53 a.m.)
24
25

<p style="text-align: center;">A</p> <p>A-N-D-R-E-W 2:21 a.m 2:2 6:8,9 8:23 above-entitled 6:7 8:22 ABRA 1:21 abutting 3:20 access 2:9,11,13 Alcoholic 1:2,13 ALIYA 1:18 ANC 1:7,23 ANC- 3:4 Anderson 1:14,17 2:3 2:15,20,23 3:6,13,19 3:23 4:1,4,9,12,16,20 5:17,23 6:10 7:14,19 8:12 Andrew 1:22 2:20 apologize 7:8,22 8:8 appears 2:14 Applicant 1:22 8:11 application 1:9 5:15 6:23 Association 3:17 attention 4:14,18 audio 5:20 7:3,6,8</p> <hr/> <p style="text-align: center;">B</p> <p>back 6:17 7:20,20,20 Bar 1:6 2:5 Beverage 1:2,13 Board 1:2,13 2:20 4:18 5:19 7:4 Board's 4:13 5:3 BOBBY 1:17 bring 4:13,17</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 camera 5:18 case 1:8 2:3,4,8 3:18 8:7 CATO 1:17 Chair 3:4 Chairman 2:14,20 8:21 Chairperson 1:14,17 2:3,15,23 3:6,13,19 3:23 4:1,4,9,12,16,20 5:17,23 6:10 7:14,19 8:12 changed 5:3 Chinatown 1:6 COLUMBIA 1:1 Condominium 3:17 Control 1:2,13 copy 5:7,8,13 6:21 7:17 counsel 1:22,22 3:16 CR 1:7 CROCKETT 1:18</p>	<p style="text-align: center;">D</p> <p>D 2:11 days 5:14 6:16,20,22 7:15 8:3 DC 1:6,21 designation 3:9 device 6:3,6 devices 7:21 8:1,2 different 6:3,6 dismissal 6:24 DISTRICT 1:1 documents 6:25 7:1 8:4 Donovan 1:14,17</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:22 EDWARD 1:18 effect 7:15 elevate 2:7 elevated 2:10,12,14 email 5:6 ESQ 1:22,22 Exhibit 5:9</p> <hr/> <p style="text-align: center;">F</p> <p>facilitating 7:2 first 2:21 five 3:22 8:7 folks 7:7,23 following 5:4,6 form 5:8,9,14 6:19,19</p> <hr/> <p style="text-align: center;">G</p> <p>Gallery 3:16 go 6:2,17 7:20,20,20 going 5:20 7:24 good 2:6,15,16,16,19 2:23,24 3:2,6,14 8:13 8:14 Grandis 1:18 6:1 group 3:20,21,22</p> <hr/> <p style="text-align: center;">H</p> <p>HANSEN 1:19 hear 3:12 5:15 7:4,7,11 7:15,23 hearing 1:7 4:23 5:1,4,6 5:10,14 6:12,13,16,20 6:22 7:3,16 8:3,16 hearings 5:5 hello 5:11</p> <hr/> <p style="text-align: center;">I</p> <p>include 5:7 Information 5:8 6:18 instruct 5:2 instructions 5:9</p>	<p>intend 7:4 interference 7:3,6,9 issues 7:1</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 JENI 1:19 JOSE 1:21 JR 1:17,19</p> <hr/> <p style="text-align: center;">K</p> <p>K-L-I-N- 2:21 keeping 7:2 Kline 1:22 2:9,16,19,21 4:2,3 5:16,25 8:11,19 know 5:24</p> <hr/> <p style="text-align: center;">L</p> <p>L 2:13 L-A-R-U-E 3:15 laptop 7:21 LaRue 1:22 2:13 3:7,10 3:12,14,15,21,24,25 4:16,19 5:20 7:12,18 8:18 legal 5:7 let's 6:2 License 1:8,10 2:5 LLC 1:6 lost 5:21 luck 8:13,14</p> <hr/> <p style="text-align: center;">M</p> <p>M-I-C-H-A-E-L 3:3 M-I-C-H-E-L-L-E 3:15 March 1:12 matter 1:5 4:21,22,25 6:7,11,12 8:2,15,22 matters 4:2,6,10,13,17 7:5 MEETING 1:3 Member 1:17,18,18,19 1:19 Members 2:20 5:19 met 1:14 Michael 1:23 2:11 3:3 Michelle 1:22 2:13 3:14 minute 6:3,5 7:25 minutes 8:6 morning 2:6,15,16,16 2:19,23,24 3:2,6,14 7:10 mute 3:10</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:17,21,21,25 3:2 3:3,8,15 need 6:25</p>	<p>negotiations 8:14,14 Number 2:4,5 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>office 5:7 Okay 8:17 Orellana 1:21 2:6,9 Owners 3:17</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 4:24 6:14 8:17 parties 2:7 6:15 7:2 8:6 phone 3:11 PIF 5:8 6:17,22 7:17 8:5 Place 3:16 please 2:7,8,17,18,25 3:1,7,9,11 point 5:21 7:3 practices 5:3 preliminary 4:2,6,9,12 4:17 present 1:16,20 8:7 presiding 1:14 problems 7:10 8:1,9 process 7:2 Protest 1:7 4:23 5:1,8 6:12,13,18,23 7:1 8:16 Protestant 1:22 3:17 provide 6:17 7:16</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 8:8,10,13</p> <hr/> <p style="text-align: center;">R</p> <p>RAFI 1:18 reasons 5:24 receive 5:6,13 6:19,21 6:21 record 2:17,25 3:8 6:2,4 6:8 8:23 relevant 7:5 remind 6:15 Renew 1:9 representing 3:20 required 5:11 6:16 8:4 residents 3:16 resumed 6:8 Retailer 1:7 right 3:23 4:1,4,24 5:12 5:23 6:4,10,18 7:14 7:19,23,24 rights 2:7</p> <hr/> <p style="text-align: center;">S</p>
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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: Tom's Watch Bar

Before: DC ABRA

Date: 03-22-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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