## DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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
RALPH BERNSTEIN, ESQ., Protestant Counsel
WILLIAM BOWDEN, Protestant
DAVID BRIDGES, Protestant
ANA DE LEON, ESQ., Licensee Counsel
ZACHARY JINES, Protestant
MARIA ROCELIA DE CRUZ, Licensee
ADRIANA TOROSSIAN, Interpreter
P-R-O-C-E-E-D-I-N-G-S

11:05 a.m.
CHAIRPERSON ANDERSON: All right. The next case on our calendar is Case Number 23-PRO00009, Toro Bar. License Number 92074.

Mr. Orellana, can you please elevate the rights of the licensee and the Protestant in this case including the Spanish Interpreter.

MR. ORELLANA: -- has been elevated.
Maria Cruz, your access has been elevated.

Ralph Bernstein, your access has been elevated.

Adriana Torossian, your access has elevated.

That is all, Chairman.
CHAIRPERSON ANDERSON: The Spanish Interpreter can you -- all right. Let me --

I see that Ms. De Leon, she has been elevated.

The Licensee, can the Licensee -where is the Licensee?

MS. DE LEON: She's under Rocelia. She's under Rocelia, I'm not sure but her name is Maria Rocelia de Cruz.

This is Ana De Leon. So, I see her at the bottom, yes.

CHAIRPERSON ANDERSON: All right. Let me -- okay, fine. Let me have the Spanish Interpreter.

Ma'am, can you please state and spell your name for the record.

INTERPRETER: I'm the Spanish Interpreter. My name is Adrian Torossian, Adriana, A-D-R-I-A-N-A, Torossian, T-O-R-O-S-S-I-A-N.

CHAIRPERSON ANDERSON: Can you raise your right hand, please, ma'am?

Ms. Torossian. I need the Spanish Interpreter to raise her hand.

INTERPRETER: I am.
CHAIRPERSON ANDERSON: All right.
Do you solemnly affirm that you will faithfully and accurately interpret the proceedings in this matter from English to Spanish and from Spanish to English to the best of your ability?

INTERPRETER: Yes. I do.
CHAIRPERSON ANDERSON: All right, ma'am, thank you.

All right. The representative for the entity, can you please identify yourself for the record by spelling and stating your name?

MS. DE LEON: Good morning. My name is Ana, A-N-A DeLeon, D-E-L-E-O-N.

CHAIRPERSON ANDERSON: And what's your relationship, ma'am?

MS. DE LEON: I am just helping her. I started helping her renew her license and then, you know, we had -- we had this order come in.

CHAIRPERSON ANDERSON: That's fine, ma'am. I just wanted to make sure you identify yourself.

All right. So, the Interpreter, can you please spell and state her name for the record, please.

MS. ROCELIA DE CRUZ: Yes, my name is Maria Rocelia de Cruz. Maria Rocelia de Cruz.

Maria, M-A-R-I-A, Rocelia, R-O-C-E-L-I-A de Cruz, D-E C-R-U-Z.

CHAIRPERSON ANDERSON: All right, thank you.

Mr. Bernstein, can you please spell and state your name for the record, please.

MR. BERNSTEIN: Yes, hello. This is

Ralph Bernstein, B-E-R-N-S-T-E-I-N. Thank you.
CHAIRPERSON ANDERSON: And who else is here with you this morning, Mr. Bernstein?

MR. BERNSTEIN: We have four other members of the Group of Five or More, protestants against the establishment, the Toro Bar. And --

CHAIRPERSON ANDERSON: Are they on the line, sir?

MR. BERNSTEIN: Yes, they are and they can introduce themselves. Do you want me to introduce them or

CHAIRPERSON ANDERSON: I want everyone to introduce themselves, yes.

MR. BERNSTEIN: Okay. Other protestants, please introduce yourselves? So, Nick, David, Zach and Murray.

CHAIRPERSON ANDERSON: Are they on the line?

MR. BERNSTEIN: Yes. They told me they're all on the line via text. Let me --

CHAIRPERSON ANDERSON: Mr. Orellana, is there anyone else on the line that needs to be elevated?

MR. ORELLANA: Call-in users. I'm going to elevate them and see which one.

Okay. I just elevated all the call-in users.

CHAIRPERSON ANDERSON: I'm waiting for the individuals to identify themself for the record.

MR. ORELLANA: I sent them unmute requests.

MR. BERNSTEIN: I believe that they're all phones, call-in numbers.

MR. JINES: Hello?
MR. BERNSTEIN: They say they need to be elevated.

MR. JINES: Am I unmuted? Hello?
CHAIRPERSON ANDERSON: Who is that person who is asking the question? Can you identify yourself for the record and spell and state your name for the record, please.

MR. JINES: Yes. My name is Zachary Jines.

CHAIRPERSON ANDERSON: Spell your name, please, sir.

MR. JINES: Z-A-C-H-A-R-Y J-I-N-E-S.
CHAIRPERSON ANDERSON: Thank you.
Who else do we have on the line?
MS. MENDESOPA: Hello?

CHAIRPERSON ANDERSON: Who else do we have on the line? Can you please state your name for the record?

MS. MENDESOPA: My name is Lucy Mendesopa and I'm representing my neighbor, Mari Benavidez. She's --

CHAIRPERSON ANDERSON: I'm sorry. No, ma'am. You can't represent the person. The person has to be here. Is that person here?

MS. MENDESOPA: No, but then -- okay, then I'm --

CHAIRPERSON ANDERSON: You say what, ma'am?

MS. MENDESOPA: Well, I'm here now.
CHAIRPERSON ANDERSON: What is your name, ma'am?

MS. MENDESOPA: Lucy Mendesopa.
CHAIRPERSON ANDERSON: What's your name, I'm sorry. I can't hear.

MS. MENDESOPA: Lucy Mendesopa.
CHAIRPERSON ANDERSON: Ma'am, you did not sign the protest form, ma'am, so you can't be in the hearing today.

MS. MENDESOPA: Oh, okay. Yeah, my neighbor had to -- she had like a family thing so
she couldn't make it. So, she asked me to listen and step in and do what $I$ could for her. So, okay. Thank you.

CHAIRPERSON ANDERSON: Who else do we have on the line?

MR. BRIDGES: Yes, hello. Can you hear me?

CHAIRPERSON ANDERSON: Yes. MR. BERNSTEIN: Yes, this is David Bridges.

CHAIRPERSON ANDERSON: Spell your name for the record, sir.

MR. BERNSTEIN: Yes. It's D-A-V-I-D last name Bridges, B-R-I-D-G-E-S.

CHAIRPERSON ANDERSON: Who else is on the line?

MR. BOWDEN: William Bowden.
CHAIRPERSON ANDERSON: Can you please and state your name for the record, please. MR. BOWDEN: William Bowden, W-I-L-L-I-A-M B-O-W-D-E-N.

CHAIRPERSON ANDERSON: All right. Who else is there? Is that everyone. Mr. Bernstein, can you turn your video on? Who else is here? Is there anyone else on the line?

MR. BERNSTEIN: No.
CHAIRPERSON ANDERSON: Mr. Bernstein? Turn your video on, sir.

MR. BERNSTEIN: Hello?
CHAIRPERSON ANDERSON: Yes, Mr. Bernstein.

MR. BERNSTEIN: This is Ralph Bernstein.

CHAIRPERSON ANDERSON: All right. Mr. Bernstein.

You filed a protest of the Group of Five on line. At the roll call hearing, you were the only person that was at the hearing. You were told that at this hearing you were supposed to provide four other individuals who had signed the Protest Information Form to protest this license. And today there's only three people present because Marisela, M-A-R-I-S-E-L-A B-E-N-A-V-I-D-E-Z. That individual who signed the documentation to protest the license is not here today, sir. And because you failed to provide four additional persons today who signed the protest documentation, $I$ have to issue a motion to dismiss your protest.

Can the Interpreter advise the

Licensee what I just said, please?
(Foreign language spoken.)
CHAIRPERSON ANDERSON: Is there
anything you need to say, Mr. Bernstein?
MR. BERNSTEIN: Well, thank you. I didn't realize Mari had an issue and call in today. I understood she would be here.

Is there any recourse to this? This facility is destroying our neighborhood and I didn't anticipate that the other individual would not be on the call today. Is there any recourse to this or because apparently the license -- the ABRA license is renewed every three years, so there is no recourse to this. This facility, this establishment will be able to continue to destroy the neighborhood for three years?

CHAIRPERSON ANDERSON: Sir. This is a protest, you protested the license. You were informed at the status hearing that today because you did not have all five people at the hearing, that today those four other individuals needed to be here today. So, because they're not here today I'm making a motion that your protest be dismissed. Can the interpreter please interpret?

MR. BERNSTEIN: Sir, can this also be

INTERPRETER: I'm sorry.
CHAIRPERSON ANDERSON: Hold on, sir, the interpreter -- go ahead and interpret that statement.

INTERPRETER: Yes.
(Foreign language spoken.)
CHAIRPERSON ANDERSON: I'm sorry, Mr. Bernstein, you were saying something. Go ahead, sir.

MR. BERNSTEIN: Yes. Can your recommendation to dismiss, for instance, in the case of the previous bar where they weren't there and they're allowed to challenge in 10 days, can we re-submit our -- can we have another status hearing with all of the individuals?

CHAIRPERSON ANDERSON: No, sir. No, sir, you can't have another. You were given two opportunities, sir, to provide five people. You participated in the --

MR. BERNSTEIN: Right, right. These are all middle class people that have to work and it's difficult to get everyone together.

CHAIRPERSON ANDERSON: I'm sorry, sir. You were given two opportunities. The protest
hearing at the roll call hearing and at the status hearing you were specifically told that five people need to show up for the hearing today. All right.

So, I'm making a motion that the protest be dismissed. Is there a second?

Mr. Short has seconded the motion.
We'll now have a roll call vote.
Mr. Short?
MEMBER SHORT: Mr. Short, I agree.
CHAIRPERSON ANDERSON: Mr. Cato?
MEMBER CATO: Bobby Cato, I agree.
CHAIRPERSON ANDERSON: Ms. Crockett?
MEMBER CROCKETT: Agree.
CHAIRPERSON ANDERSON: Ms. Hansen?
MEMBER HANSEN: Agree.
CHAIRPERSON ANDERSON: Mr. Grandis?
MEMBER GRANDIS: Agree.
CHAIRPERSON ANDERSON: And Mr.
Anderson, I agree. The matter has passed six, zero, zero.

The Agency will be directed to move towards renewing their application.

I'm sorry, sir, but --
All right, that's it. Have a great
day.
MR. BERNSTEIN: Okay. If I could, I would note this seems unfair.

CHAIRPERSON ANDERSON: What are you saying, sir?

MR. BERNSTEIN: I would just -- I would note that this seems unfairly biased in favor of the merchant. We're only here for the establishment where only one person needs to be -- needs to show up.

Thank you for your time.
CHAIRPERSON ANDERSON: I want to put something on the record.

This was a Group of Five or More individuals who protested the renewal. The protestants were stated if you're going to protest a renewal with a Group of Five or More, between the show cause -- I'm sorry, between the roll call hearing and the protest hearing status, all five individuals must show up.

In this particular case, at the roll call, Mr. Bernstein was the only person who showed up at the roll call as the Group of Five or More.

Board's agent that today at the status hearing the other four members must show up. If the other four member did not show up, because the protestant was granted for provisional status at the roll call hearing.

The protestant was specifically told at the end of the roll call hearing that if the other four members did not show up today for the Status Hearing, that he would not be granted standing and his protest would be dismissed.

At this Status Hearing today the Protestant failed to provide the four other members of the Group of Five or More to protest this renewal. And so, therefore, the Board has no other opportunity but to dismiss their protest. And that is why the Board voted to dismiss the protest.

MR. BERNSTEIN: Sure, sure. You just repeated the same thing. All I said was this seems to me to be biased in favor of the establishment.

CHAIRPERSON ANDERSON: Sir, thank you, have a great day.
(Whereupon, the above-entitled matter went off the record at 11:24 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Toro 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.

> Hae $R$ ous P Court Reporter

