DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF:

Toro Bar Corporation

t/a Toro Bar

3708 14th Street NW : Protest
Retailer CT - ANC 4C : Hearing (Status)
License No. 92074 :

Case #23-PRO-00009

(Application to Renew the: License)

> 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 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

1	P-R-O-C-E-E-D-I-N-G-S
2	11:05 a.m.
3	CHAIRPERSON ANDERSON: All right. The
4	next case on our calendar is Case Number 23-PRO-
5	00009, Toro Bar. License Number 92074.
6	Mr. Orellana, can you please elevate
7	the rights of the licensee and the Protestant in
8	this case including the Spanish Interpreter.
9	MR. ORELLANA: has been elevated.
10	Maria Cruz, your access has been
11	elevated.
12	Ralph Bernstein, your access has been
13	elevated.
14	Adriana Torossian, your access has
15	elevated.
16	That is all, Chairman.
17	CHAIRPERSON ANDERSON: The Spanish
18	Interpreter can you all right. Let me
19	I see that Ms. De Leon, she has been
20	elevated.
21	The Licensee, can the Licensee
22	where is the Licensee?
23	MS. DE LEON: She's under Rocelia.
24	She's under Rocelia, I'm not sure but her name is
25	Maria Rocelia de Cruz.

1	This is Ana De Leon. So, I see her at			
2	the bottom, yes.			
3	CHAIRPERSON ANDERSON: All right. Let			
4	me okay, fine. Let me have the Spanish			
5	Interpreter.			
6	Ma'am, can you please state and spell			
7	your name for the record.			
8	INTERPRETER: I'm the Spanish			
9	Interpreter. My name is Adrian Torossian,			
10	Adriana, A-D-R-I-A-N-A, Torossian, T-O-R-O-S-S-I-			
11	A-N.			
12	CHAIRPERSON ANDERSON: Can you raise			
13	your right hand, please, ma'am?			
14	Ms. Torossian. I need the Spanish			
15	Interpreter to raise her hand.			
16	INTERPRETER: I am.			
17	CHAIRPERSON ANDERSON: All right.			
18	Do you solemnly affirm that you will			
19	faithfully and accurately interpret the			
20	proceedings in this matter from English to			
21	Spanish and from Spanish to English to the best			
22	of your ability?			
23	INTERPRETER: Yes. I do.			
24	CHAIRPERSON ANDERSON: All right,			
25	ma'am, thank you.			

1	All right. The representative for the
2	entity, can you please identify yourself for the
3	record by spelling and stating your name?
4	MS. DE LEON: Good morning. My name is
5	Ana, A-N-A DeLeon, D-E-L-E-O-N.
6	CHAIRPERSON ANDERSON: And what's your
7	relationship, ma'am?
8	MS. DE LEON: I am just helping her.
9	I started helping her renew her license and then,
10	you know, we had we had this order come in.
11	CHAIRPERSON ANDERSON: That's fine,
12	ma'am. I just wanted to make sure you identify
13	yourself.
14	All right. So, the Interpreter, can
15	you please spell and state her name for the
16	record, please.
17	MS. ROCELIA DE CRUZ: Yes, my name is
18	Maria Rocelia de Cruz. Maria Rocelia de Cruz.
19	Maria, M-A-R-I-A, Rocelia, R-O-C-E-L-
20	I-A de Cruz, D-E C-R-U-Z.
21	CHAIRPERSON ANDERSON: All right, thank
22	you.
23	Mr. Bernstein, can you please spell
24	and state your name for the record, please.
25	MR. BERNSTEIN: Yes, hello. This is

1	Ralph Bernstein, B-E-R-N-S-T-E-I-N. Thank you.
2	CHAIRPERSON ANDERSON: And who else is
3	here with you this morning, Mr. Bernstein?
4	MR. BERNSTEIN: We have four other
5	members of the Group of Five or More, protestants
6	against the establishment, the Toro Bar. And
7	CHAIRPERSON ANDERSON: Are they on the
8	line, sir?
9	MR. BERNSTEIN: Yes, they are and they
10	can introduce themselves. Do you want me to
11	introduce them or
12	CHAIRPERSON ANDERSON: I want everyone
13	to introduce themselves, yes.
14	MR. BERNSTEIN: Okay. Other
15	protestants, please introduce yourselves? So,
16	Nick, David, Zach and Murray.
17	CHAIRPERSON ANDERSON: Are they on the
18	line?
19	MR. BERNSTEIN: Yes. They told me
20	they're all on the line via text. Let me
21	CHAIRPERSON ANDERSON: Mr. Orellana,
22	is there anyone else on the line that needs to be
23	elevated?
24	MR. ORELLANA: Call-in users. I'm
25	going to elevate them and see which one

1	Okay. I just elevated all the call-in
2	users.
3	CHAIRPERSON ANDERSON: I'm waiting for
4	the individuals to identify themself for the
5	record.
6	MR. ORELLANA: I sent them unmute
7	requests.
8	MR. BERNSTEIN: I believe that they're
9	all phones, call-in numbers.
10	MR. JINES: Hello?
11	MR. BERNSTEIN: They say they need to
12	be elevated.
13	MR. JINES: Am I unmuted? Hello?
14	CHAIRPERSON ANDERSON: Who is that
15	person who is asking the question? Can you
16	identify yourself for the record and spell and
17	state your name for the record, please.
18	MR. JINES: Yes. My name is Zachary
19	Jines.
20	CHAIRPERSON ANDERSON: Spell your name,
21	please, sir.
22	MR. JINES: Z-A-C-H-A-R-Y J-I-N-E-S.
23	CHAIRPERSON ANDERSON: Thank you.
24	Who else do we have on the line?
25	MS. MENDESOPA: Hello?

1	CHAIRPERSON ANDERSON: Who else do we
2	have on the line? Can you please state your name
3	for the record?
4	MS. MENDESOPA: My name is Lucy
5	Mendesopa and I'm representing my neighbor, Mari
6	Benavidez. She's
7	CHAIRPERSON ANDERSON: I'm sorry. No,
8	ma'am. You can't represent the person. The
9	person has to be here. Is that person here?
10	MS. MENDESOPA: No, but then okay,
11	then I'm
12	CHAIRPERSON ANDERSON: You say what,
13	ma'am?
14	MS. MENDESOPA: Well, I'm here now.
15	CHAIRPERSON ANDERSON: What is your
16	name, ma'am?
17	MS. MENDESOPA: Lucy Mendesopa.
18	CHAIRPERSON ANDERSON: What's your
19	name, I'm sorry. I can't hear.
20	MS. MENDESOPA: Lucy Mendesopa.
21	CHAIRPERSON ANDERSON: Ma'am, you did
22	not sign the protest form, ma'am, so you can't be
23	in the hearing today.
24	MS. MENDESOPA: Oh, okay. Yeah, my
25	neighbor had to she had like a family thing so

1	she couldn't make it. So, she asked me to listen
2	and step in and do what I could for her. So,
3	okay. Thank you.
4	CHAIRPERSON ANDERSON: Who else do we
5	have on the line?
6	MR. BRIDGES: Yes, hello. Can you
7	hear me?
8	CHAIRPERSON ANDERSON: Yes.
9	MR. BERNSTEIN: Yes, this is David
10	Bridges.
11	CHAIRPERSON ANDERSON: Spell your name
12	for the record, sir.
13	MR. BERNSTEIN: Yes. It's D-A-V-I-D
14	last name Bridges, B-R-I-D-G-E-S.
15	CHAIRPERSON ANDERSON: Who else is on
16	the line?
17	MR. BOWDEN: William Bowden.
18	CHAIRPERSON ANDERSON: Can you please
19	and state your name for the record, please.
20	MR. BOWDEN: William Bowden, W-I-L-L-
21	I-A-M B-O-W-D-E-N.
22	CHAIRPERSON ANDERSON: All right. Who
23	else is there? Is that everyone. Mr.
24	Bernstein, can you turn your video on? Who else
25	is here? Is there anyone else on the line?

1 MR. BERNSTEIN: No. 2 CHAIRPERSON ANDERSON: Mr. Bernstein? 3 Turn your video on, sir. MR. BERNSTEIN: Hello? 4 5 CHAIRPERSON ANDERSON: Yes, Mr. 6 Bernstein. 7 MR. BERNSTEIN: This is Ralph 8 Bernstein. 9 CHAIRPERSON ANDERSON: All right. Mr. 10 Bernstein. 11 You filed a protest of the Group of 12 Five on line. At the roll call hearing, you were 13 the only person that was at the hearing. 14 were told that at this hearing you were supposed 15 to provide four other individuals who had signed 16 the Protest Information Form to protest this license. And today there's only three people 17 18 present because Marisela, M-A-R-I-S-E-L-A B-E-That individual who signed the 19 N-A-V-I-D-E-Z. 20 documentation to protest the license is not here 21 today, sir. And because you failed to provide 2.2 four additional persons today who signed the 23 protest documentation, I have to issue a motion 2.4 to dismiss your protest.

Can the Interpreter advise the

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1 Licensee what I just said, please? 2 (Foreign language spoken.) CHAIRPERSON ANDERSON: 3 Is there 4 anything you need to say, Mr. Bernstein? 5 MR. BERNSTEIN: Well, thank you. Τ didn't realize Mari had an issue and call in 6 7 I understood she would be here. Is there any recourse to this? This 8 9 facility is destroying our neighborhood and I didn't anticipate that the other individual would 10 11 not be on the call today. Is there any recourse 12 to this or because apparently the license -- the 13 ABRA license is renewed every three years, so 14 there is no recourse to this. This facility, this establishment will be able to continue to 15 16 destroy the neighborhood for three years? CHAIRPERSON ANDERSON: 17 Sir. This is 18 a protest, you protested the license. You were 19 informed at the status hearing that today because 20 you did not have all five people at the hearing, 21 that today those four other individuals needed to 2.2 be here today. So, because they're not here 23 today I'm making a motion that your protest be 2.4 dismissed. Can the interpreter please interpret?

MR. BERNSTEIN:

25

Sir, can this also be

1	-
2	INTERPRETER: I'm sorry.
3	CHAIRPERSON ANDERSON: Hold on, sir,
4	the interpreter go ahead and interpret that
5	statement.
6	INTERPRETER: Yes.
7	(Foreign language spoken.)
8	CHAIRPERSON ANDERSON: I'm sorry, Mr.
9	Bernstein, you were saying something. Go ahead,
10	sir.
11	MR. BERNSTEIN: Yes. Can your
12	recommendation to dismiss, for instance, in the
13	case of the previous bar where they weren't there
14	and they're allowed to challenge in 10 days, can
15	we re-submit our can we have another status
16	hearing with all of the individuals?
17	CHAIRPERSON ANDERSON: No, sir. No,
18	sir, you can't have another. You were given two
19	opportunities, sir, to provide five people. You
20	participated in the
21	MR. BERNSTEIN: Right, right. These
22	are all middle class people that have to work and
23	it's difficult to get everyone together.
24	CHAIRPERSON ANDERSON: I'm sorry, sir.
25	You were given two opportunities. The protest

1	hearing at the roll call hearing and at the
2	status hearing you were specifically told that
3	five people need to show up for the hearing
4	today. All right.
5	So, I'm making a motion that the
6	protest be dismissed. Is there a second?
7	Mr. Short has seconded the motion.
8	We'll now have a roll call vote.
9	Mr. Short?
10	MEMBER SHORT: Mr. Short, I agree.
11	CHAIRPERSON ANDERSON: Mr. Cato?
12	MEMBER CATO: Bobby Cato, I agree.
13	CHAIRPERSON ANDERSON: Ms. Crockett?
14	MEMBER CROCKETT: Agree.
15	CHAIRPERSON ANDERSON: Ms. Hansen?
16	MEMBER HANSEN: Agree.
17	CHAIRPERSON ANDERSON: Mr. Grandis?
18	MEMBER GRANDIS: Agree.
19	CHAIRPERSON ANDERSON: And Mr.
20	Anderson, I agree. The matter has passed six,
21	zero, zero.
22	The Agency will be directed to move
23	towards renewing their application.
24	I'm sorry, sir, but
25	All right, that's it. Have a great

1 day. 2 MR. BERNSTEIN: Okay. If I could, I 3 would note this seems unfair. CHAIRPERSON ANDERSON: What are you 4 saying, sir? 5 I would just -- I 6 MR. BERNSTEIN: 7 would note that this seems unfairly biased in favor of the merchant. We're only here for the 8 9 establishment where only one person needs to be -- needs to show up. 10 11 Thank you for your time. 12 CHAIRPERSON ANDERSON: I want to put 13 something on the record. 14 This was a Group of Five or More 15 individuals who protested the renewal. The 16 protestants were stated if you're going to 17 protest a renewal with a Group of Five or More, 18 between the show cause -- I'm sorry, between the 19 roll call hearing and the protest hearing status, 20 all five individuals must show up. 21 In this particular case, at the roll 2.2 call, Mr. Bernstein was the only person who 23 showed up at the roll call as the Group of Five 2.4 or More.

Mr. Bernstein was instructed by the

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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.)

2.2

2.4

A-D-R-I-A-N-A 3:10 **A-N** 3:11 A-N-A 4:5 a.m 2:2 14:25 ability 3:22 able 10:15 above-entitled 14:24 **ABRA** 1:19 10:13 access 2:10,12,14 accurately 3:19 additional 9:22 Adrian 3:9 Adriana 1:23 2:14 3:10 advise 9:25 **affirm** 3:18 Agency 12:22 agent 14:1 agree 12:10,12,14,16 12:18,20 ahead 11:4.9 Alcoholic 1:2,12 **ALIYA** 1:16 allowed 11:14 **Ana** 1:21 3:1 4:5 **ANC** 1:7 **Anderson** 1:13,15 2:3 2:17 3:3,12,17,24 4:6 4:11,21 5:2,7,12,17 5:21 6:3,14,20,23 7:1 7:7,12,15,18,21 8:4,8 8:11,15,18,22 9:2,5,9 10:3,17 11:3,8,17,24 12:11,13,15,17,19,20 13:4,12 14:22 anticipate 10:10 apparently 10:12 **application** 1:9 12:23 **asked** 8:1 asking 6:15 В **B-E-** 9:18 **B-E-R-N-S-T-E-I-N** 5:1

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<u>C E R T I F I C A T E</u>

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.

Court Reporter

Mac Nous &