

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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IN THE MATTER OF:      :
                        :
Union Hospitality Group, :
LLC                    :
t/a Union Oyster       :
Bar & Lounge           :
501 Morse Street NE    : Protest
Retailer CR - ANC 5D   : Hearing (Status)
License No. 110747     :
Case #23-PRO-00012    :
                        :
(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
 CHRISTINE GODINEZ, Protestant

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

2 10:53 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case Number 23-PRO-
5 00012, Union Oyster Bar and Lounge. License
6 Number 110747.

7 Mr. Orellana, can you please elevate
8 the rights of the parties in the case, please.

9 MR. ORELLANA: Christine Godinez, your
10 access has been elevated. That appears to be
11 all, Chairman.

12 MS. GODINEZ: Good morning, can you
13 hear me?

14 CHAIRPERSON ANDERSON: Yes, we can hear
15 you.

16 Is there anyone else -- is there
17 anyone else on the call for this.

18 Ms. Godinez, state your name for the
19 record, please, and spell it.

20 MS. GODINEZ: Sure. Christine Godinez,
21 C-H-R-I-S-T-I-N-E, last name G-O-D-I-N-E-Z.

22 CHAIRPERSON ANDERSON: And what's your
23 relationship to this case, ma'am?

24 MS. GODINEZ: I am one of the
25 representatives for the Protestant.

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CHAIRPERSON ANDERSON: Who is the
Licensee?

MS. GODINEZ: Union Oyster District Bar
& Lounge. But I am representing the Protestants,
not the business.

CHAIRPERSON ANDERSON: I'm aware of
that, ma'am.

Mr. Orellana, is there anyone else on
the line for this call?

MR. ORELLANA: No, I do not see anyone
in the attendee log waiting in the waiting area.
I'll send a chat.

I just elevated a call-in user. I'm
not sure if this is someone.

CHAIRPERSON ANDERSON: Who is that,
please?

MR. ORELLANA: I just sent them a
request to unmute.

CHAIRPERSON ANDERSON: Okay. The
caller who -- can you please unmute that caller
to see who is -- who is the person whose number
is 529? 301-529?

Can you find out who is the call-in
caller? The person with the number 301-529, who

1 is that person?

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3 MR. ORELLANA: I believe that's the
4 Court Reporter. Apologies.

5 CHAIRPERSON ANDERSON: Is that the
6 Court Reporter?

7 MR. ORELLANA: Yes, that's the back-up.
8 So, the other number 6734 is the one
9 in question.

10 CHAIRPERSON ANDERSON: All right. It's
11 almost 11:00 and, Ms. Godinez

12 MS. GODINEZ: Yes.

13 CHAIRPERSON ANDERSON: So, you're
14 representing the Protestant, is that correct?

15 MS. GODINEZ: Correct.

16 CHAIRPERSON ANDERSON: All right.

17 This matter was scheduled for a
18 Protest Hearing at 10:30. This is for the case
19 number 23-PRO-000121 Union Oyster Bar & Lounge.

20 This matter was scheduled for a
21 Protest Hearing at 10:30. It is now 11:00 and
22 the Licensee is not here. So, since the Licensee
23 is not here I'm going to make a motion that their
24 application be dismissed. Is there a second?

25 MEMBER GRANDIS: Mr. Chairman, before

1 you do that do we know whose number is 202-67

2 CHAIRPERSON ANDERSON: Mr. Grandis, I
3 checked with Mr. Orellana, and he said that the
4 person is not here. I have done that. That's
5 why I've been asking for the individual, the
6 owner of Union Oyster to identify themselves for
7 the record.

8 MS. CROCKETT: I second.

9 CHAIRPERSON ANDERSON: All right. Ms.
10 Crockett has seconded the motion.

11 We will now have a Roll Call vote on
12 the motion that has been seconded by Ms.
13 Crockett.

14 Mr. Short?

15 MEMBER SHORT: Mr. Short, I agree.

16 CHAIRPERSON ANDERSON: Mr. Cato?

17 MEMBER CATO: Bobby Cato, I agree.

18 CHAIRPERSON ANDERSON: Ms. Crockett?

19 MEMBER CROCKETT: Agree.

20 CHAIRPERSON ANDERSON: Ms. Hansen?

21 MEMBER HANSEN: Jeni Hansen, I agree.

22 CHAIRPERSON ANDERSON: Mr. Grandis?

23 MEMBER GRANDIS: Okay. This one I
24 disagree.

25 CHAIRPERSON ANDERSON: And so what did

1 you say, Mr. Grandis?

2 MEMBER GRANDIS: Due to some technical
3 difficulties that we have been experiencing I
4 disagree.

5 CHAIRPERSON ANDERSON: Mr. Grandis
6 disagrees agrees, Mr. Anderson agrees.

7 The Board votes five to one to dismiss
8 your application.

9 What this means, Ms. Godinez is that
10 they have ten days to provide the Board with
11 reasonable notice why they were not here today.
12 Failure on their part to provide the Board with
13 reasonable notice we will dismiss their
14 application and they have to start the process
15 back over again.

16 If they decide to refile, then you can
17 ask the Board to grandfather your protest. Do
18 you understand, ma'am?

19 MS. GODINEZ: I do and can I ask a
20 question?

21 CHAIRPERSON ANDERSON: Yes, ma'am.

22 MS. GODINEZ: So, this is the second
23 Status Hearing we've had. The first original
24 application they also did not show up for that
25 Status Hearing so we had to grandfather in our

1 protest. So, given that this is the second time
2 now that they've not attended, how many more
3 permutations might we have to go through with
4 grandfathering in our protest again, and again?

5 CHAIRPERSON ANDERSON: Well, ma'am,
6 unless they're out of business they have to file
7 an application with us to renew their license.
8 So, therefore, they do not currently, their
9 license has not been renewed. So, they are not
10 supposed to be operating. And so, therefore, so
11 this is the second dismissal, then we -- if they
12 do not provide the Agency with reasonable notice
13 within 10 days then what I'll do is that I'll --
14 I'm going to make a motion, I will also make a
15 second motion that the Agency issues that failure
16 on the part of the licensee because this is the
17 second this is the second time we have gone
18 through this process. Failure by the Agency --
19 failure by the licensee to provide us reasonable
20 cause why they refuse to show up today, I'm
21 making a motion that at the expiration of the 10
22 days, the ABC Board, the Agency issues a cease
23 and desist to Union Oyster Bar & Grille.

24 Is there a second?

25 Mr. Short has seconded the motion.

1 We'll now have a Roll Call vote on the motion.

2 Mr. Short?

3 MEMBER SHORT: Mr. Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett?

7 MEMBER CROCKETT: Agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 MEMBER HANSEN: Jeni Hansen, I agree.

10 CHAIRPERSON ANDERSON: I didn't hear
11 what you said, Ms. Hansen.

12 MEMBER HANSEN: Jeni Hansen, I agree.

13 CHAIRPERSON ANDERSON: Thank you.

14 Mr. Grandis? Do you agree or
15 disagree, I didn't hear, Mr. Grandis?

16 MEMBER GRANDIS: I agree with this
17 motion.

18 CHAIRPERSON ANDERSON: Okay. Thank
19 you.

20 And I, Mr. Anderson, I agree.

21 The Board has voted six to nothing
22 that failure by this licensee, this is the second
23 time they have refused to show up and that
24 failure of this licensee to provide reasonable
25 notice within 10 days that the Agency is

1 empowered to issue a cease and desist to this
2 establishment that they cannot operate until
3 their license has been renewed or they have
4 initiated the process to renew their license.

5 All right. Ms Godinez, but that's
6 just the way this meant. So, there is nothing
7 else I can do. I have done everything that I'm,
8 empowered to do at this moment. Okay?

9 MS. GODINEZ: So, if they do provide
10 reasonable notice and the renewal is able to
11 continue, is this going to be another case that
12 we're going to have to grandfather in our protest
13 again because now it's been six months since we
14 filed the original protest and I'm not sure if
15 they're trying to run out the clock or what's
16 going on. But it's just hard because we're
17 continuing to try to resolve this and it's
18 dragging out because they're not showing up. And
19 so it just seems to be a cycle and I want to know
20 how we can break that.

21 CHAIRPERSON ANDERSON: Well, I think
22 where we are, ma'am, is that if this has not been
23 done, we're going to issue a cease and desist and
24 what a cease and desist what this means is that
25 we will go to the establishment and take the

1 license and they will be prohibited from selling
2 and serving alcohol.

3 Now, they can operate by serving food
4 but they cannot serve alcohol. But that's all
5 that we can do, ma'am. We can issue a cease and
6 desist order to say that they cannot serve
7 alcohol. But they can operate as long as they
8 have a basic Business license to operate. But
9 then we can prevent them from serving alcohol.
10 That's the only thing that we can do, ma'am.

11 MS. GODINEZ: Okay.

12 CHAIRPERSON ANDERSON: Okay.

13 MS. GODINEZ: Thank you.

14 CHAIRPERSON ANDERSON: Thank you.

15 (Whereupon, the above-entitled matter
16 went off the record at 11:05 a.m. and resumed at
17 11:24 a.m.)

18 CHAIRPERSON ANDERSON: All right. It's
19 my understanding that for the Case Number 23-PRO-
20 00012, Union Oyster Bar & Lounge, License Number
21 11047, the Board had voted to dismiss the Protest
22 because the licensee had failed to show up.

23 It's my understanding that the
24 licensee was on the wrong link. So, therefore,
25 that is one of the reasons why -- the licensee

1 was not having technical difficulties. They were
2 just -- they logged into the wrong link. I'm
3 trying to see if we can get the Protestant to
4 come back on line for us to continue that matter.
5 But that was what was told that the licensee did
6 contact the Agency to state that he was on the
7 wrong link and that's why he did not participate.

8 All right. So, let's move on. I just
9 want to clarify for the record what happened in
10 that case.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:26 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: Union Oyster 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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