

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Georgetown Suites, :
LLC/Wabbit, LLC, :
t/a Georgetown Inn :
West End/Casta's Rum Bar :
1121 New Hampshire Ave NW: Show Cause
Retailer CR - ANC 2A : Hearing
License No. 109462 :
Case #21-CMP-00045 :
 :
(Permitted Dancing :
Without an Endorsement, :
Increase in Occupancy :
Without Board Approval) :
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Wednesday

March 23, 2022

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:

SARAH FASHBAUGH, DC ABRA Staff
SIDON YOHANNES, Applicant Counsel Casta's/Wabbit
ANDREW SCHULWOLF, Applicant Counsel Georgetown
ANTHONY CELO, DC OAG
KOJO ABOAGYE, Witness
MICHAEL MILLER, Witness

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case in our calendar then is Case No. 21-
5 CMP-00045. This is the Georgetown Inn/West End/
6 Casta's Rum Bar, License No. 109462. Ms. Hansen
7 will excuse herself from this -- will recuse
8 herself from participating in this case. So Ms.
9 Fashbaugh, can you please elevate the rights of
10 the parties in this case, please?

11 MS. FASHBAUGH: Please stand by.
12 Sidon Yohannes, your rights have been elevated.
13 Andrew Schulwolf, your rights have been elevated.
14 Nayan Patel, your rights have been elevated.
15 Please stand by. There's a lot of names.
16 Vanessa Pleitez, your rights have been elevated.
17 That is all, Mr. Chair.

18 CHAIRPERSON ANDERSON: Thank you very
19 much. All right. I would like the parties to
20 introduce themselves for the record. Let's start
21 with the Government, please.

22 MR. CELO: Assistant Attorney General
23 Anthony Celo, A-N-T-H-O-N-Y C-E-L-O, on behalf of
24 the district. Good afternoon again, Mr.
25 Chairman.

1 CHAIRPERSON ANDERSON: Good afternoon,
2 sir. And the -- okay. Actually, there's
3 different attorneys. So let's have the attorney
4 for the -- well, let me -- Ms. Yohannes, can you
5 please state your name for the record and
6 specifically identify who is it that you
7 represent.

8 MS. YOHANNES: Sidon Yohannes on
9 behalf of Wabbit, LLC. And that is S-I-D-O-N Y-
10 O-H-A-N-N-E-S.

11 CHAIRPERSON ANDERSON: Mr. Schulwolf,
12 I probably did a horrible job. Can you please
13 spell and state your name for the record and who
14 is your client, sir?

15 MR. SCHULWOLF: I'll give you -- I'm
16 going to give you a B- on that one. That was
17 pretty good, though. Better than most. It's
18 Andrew Schulwolf. I'm going to spell that last
19 name, S as in Sam, C-H-U-L-W-O-L-F as in Frank,
20 counsel for Georgetown Suites, LLC.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you. And okay. So this matter is
23 scheduled for a show cause hearing. And so let's
24 -- are there any preliminary matters in this
25 case, Mr. Celo?

1 MR. CELO: Yes, Mr. Chairman. There
2 is a significant stipulation in this matter, and
3 opposing counsel can correct me if I misstate
4 anything. But my understanding is that the
5 parties will all stipulate to all of the facts
6 contained within the investigative report except
7 for the specific amount of patrons that was
8 counted. There is a stipulation that is was
9 above the occupancy limit but not as to the
10 specific number of patrons who were present. All
11 other facts are stipulated as in the
12 investigative report.

13 MR. SCHULWOLF: And on behalf of
14 Georgetown Suites, I will say Mr. Chairman that
15 we have no objection to the findings set forth in
16 the investigative report. I think the objection
17 is solely by Wabbit.

18 CHAIRPERSON ANDERSON: Ms. Yohannes?

19 MS. YOHANNES: That's correctly, yes.

20 CHAIRPERSON ANDERSON: What's the
21 significance -- I'm just asking -- no, not your
22 disagreement. I'm hearing that there's a
23 stipulation that there was -- the occupancy was
24 above the legal limit. This is what I heard. Is
25 that correct?

1 MS. YOHANNES: That is correct.

2 CHAIRPERSON ANDERSON: So what I'm
3 basically asking, what's the difference whether
4 or not it's one over or ten over? What's the
5 difference? I'm just trying to get some
6 clarification because I'm not familiar, I don't
7 know.

8 MS. YOHANNES: I think there are
9 reasons why we decided to stipulate -- or not to
10 stipulate to that number specifically. But
11 generally, yes, you're correct in that we are
12 stipulating that it is over occupancy. So for
13 purposes, correct, to move forward, yes, it is
14 over occupancy. We have no objection to the
15 facts as stated otherwise in the case report.

16 CHAIRPERSON ANDERSON: All right. How
17 many charges are -- Mr. Celso, how many charges
18 are in this case?

19 MR. CELO: There are two charges.
20 There is a charge of allowing dancing within the
21 establishment without a dancing endorsement, a
22 violation of D.C. Code 25-113, Subsection AB-1
23 and 23 DCMR 1000. There's also a second charge
24 of failing to follow the Board approved
25 license by increasing the occupancy of the

1 establishment in violation of D.C. Code 25-823-
2 A7.

3 CHAIRPERSON ANDERSON: Now do we need
4 to take testimony on the increase in occupancy?
5 Or we can just -- we can -- there's agreement --
6 I just said there's agreement that there was an
7 increase. And I mean, we can -- I'm just trying
8 to find a -- we can just factually state -- do we
9 need to have testimony on that issue? That's
10 what I'm asking from the parties.

11 MR. CELO: Mr. Chair, I would leave
12 that to your discretion. I am prepared to
13 conduct a very short direct examination to
14 outline just the key facts and findings of the
15 report just for the Board's benefit as we go
16 forward. I do understand that there are other
17 facts that are not directly stated in the report
18 which may be elicited by the other parties. So I
19 am prepared to conduct a very short direct
20 examination. Or if the Board feels that's
21 unnecessary, I would abide by that decision as
22 well.

23 CHAIRPERSON ANDERSON: Well --

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: I'm sorry. Go

1 ahead, Ms. Yohannes.

2 MS. YOHANNES: I don't believe that we
3 need testimony. I think we've stipulated to --
4 and we've represented that we're moving forward
5 those two charges here in terms of the increased
6 occupancy. We've stipulated there was an
7 increase in occupancy. I don't believe testimony
8 is necessary. I think Mr. Chairman said it
9 doesn't matter what the number is.

10 CHAIRPERSON ANDERSON: All right.

11 (Simultaneous speaking.)

12 MR. SCHULWOLF: I would disagree with
13 that, Your Honor. I mean, not Your Honor. Mr.
14 Chairman, I would disagree with that. It's one
15 thing if it's one person over the limit.

16 It's another thing if you're talking
17 about 250 people which is significantly higher
18 than the limit. And that really does go to what
19 our issue is and has been with this operator
20 which is a continual violation of D.C. code.
21 This particular operator is a -- to put it
22 bluntly, is a menace to both my client --

23 MS. YOHANNES: I would object --

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Hold on. Hold

1 on.

2 (Simultaneous speaking.)

3 MS. YOHANNES: Would you just answer
4 the question?

5 MR. SCHULWOLF: I promise I won't
6 interrupt counsel if she doesn't interrupt me.

7 CHAIRPERSON ANDERSON: Ms. Yohannes,
8 I have no idea what is going on in this case.
9 But I'm trying to --

10 MS. YOHANNES: Apologies.

11 CHAIRPERSON ANDERSON: I'm trying to
12 get some clarification. And I would ask that all
13 parties please allow everyone an opportunity to
14 speak. If there is an objection, because you're
15 all attorneys, I expect the attorneys to raise
16 the objection.

17 And we will -- I'll make a ruling on
18 the nature of the objection. And then we will --
19 so if -- moving forward if there are objections
20 raised, please raise an objection. And then we
21 will rule on the objection. All right. So go
22 ahead, Mr. Schulwolf.

23 MR. SCHULWOLF: Yes, so I do think
24 it's --

25 CHAIRPERSON ANDERSON: I don't know

1 what's going on. So I'm just trying to get some
2 clarification before doing this hearing.

3 MR. SCHULWOLF: Well, I'm happy to
4 give you just a very brief background on what
5 Georgetown Suites' position is with regard to the
6 violations, including its relationship with
7 Casta's if that would provide some clarification.
8 I think it might be helpful if you give me just a
9 couple minutes.

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: No, I'm going
12 to -- you're going to have an opportunity to do
13 an opening statements so you can do that.

14 MR. SCHULWOLF: Very good.

15 CHAIRPERSON ANDERSON: What I will do
16 is that I will just ask in the opening and the
17 presentation. We can briefly -- we can have some
18 brief testimony on the occupancy level. We can
19 have some brief testimony on the occupancy level.

20 We do not need extensive testimony
21 because there's agreement between the parties as
22 far as the Board is concerned that a violation
23 occurred, okay, so because the occupancy. So we
24 can have some brief testimony on that just to
25 clarify the issue for the Board. So if it's a

1 matter of -- and ask you stated Mr. Schulwolf if
2 it's one or if it's 200, then that -- if the
3 Board is making a decision as far as penalty,
4 maybe the Board will look on whether or not it's
5 one person over the occupancy or 100 persons over
6 the occupancy which would make a difference for
7 us as far as the penalty stage.

8 But I don't think it's necessary for
9 us to have extensive testimony on this issue.
10 And it appears just from what I'm hearing that
11 there is -- this is the first case I've had where
12 there is two licenses and there's an agreement
13 between the licensees. And so I do not know what
14 the internal argument is between the two
15 licensees.

16 But where we are today, this is a
17 hearing on whether or not the licensee permitted
18 dancing without an endorsement and whether or not
19 the licensee increased occupancy. And so as far
20 as the Board is concerned, the licensee is either
21 innocent or guilty of the charge. And it's one
22 entity in a sense.

23 Although there are two attorneys, it's
24 the licensee. So I'm not -- I don't believe that
25 the Board can say Licensee A is 50 percent liable

1 and Licensee B is 50 percent. It's one licensee
2 in a sense that whenever a decision is made, the
3 Board will make a decision to say the licensee is
4 responsible.

5 Whatever fine, the Board will state
6 that the licensee will pay this fine. And
7 internally, the licensee -- the different parties
8 -- between themselves, they would have to figure
9 out what it is that they're going to do. But as
10 far as the Board is concerned, it's the licensee
11 and it's one license.

12 And that's -- the licensee is a person
13 who is -- or the entity that's responsible for if
14 there is an infraction. And internally, they can
15 decide. But the Board is not going to decide to
16 say one licensee is more liable than the other.
17 I just want to make sure that the parties are
18 clear how it is that the Board will make a
19 determination moving forward. Okay? All right.

20 MR. SCHULWOLF: Very good.

21 CHAIRPERSON ANDERSON: Thank you. So

22 --

23 MS. YOHANNES: If I may, Chairman
24 Anderson.

25 CHAIRPERSON ANDERSON: Yes, ma'am.

1 MS. YOHANNES: I just want to also
2 just to simplify. We will stipulate to the case
3 report as a whole. And therefore, we don't
4 believe there would be a need for any testimony,
5 including occupancy.

6 CHAIRPERSON ANDERSON: And Mr.
7 Schulwolf?

8 MR. SCHULWOLF: Georgetown Suites
9 would like testimony with regard to the penalty
10 phase of this. I think it's important for the
11 Board to understand, one, the relationship
12 between the parties and to understand and become
13 aware of the complaints from my client who's the
14 landlord here, the surrounding neighborhood, and
15 also be aware of the fact that there are six
16 prior violations by this operator which is the
17 Casta's Rum Bar.

18 CHAIRPERSON ANDERSON: Well, Mr. Celo,
19 this is your case. The Government has the
20 burden. And so you decide. I can't tell you how
21 to -- I can make suggestions and I can't tell you
22 how to present your case.

23 So in looking at this case, you
24 present the case that you believe is appropriate
25 to present. I think the only agreement that we

1 have is that there is agreement between the
2 parties that the occupancy was increased. So you
3 can provide some testimony on the numbers, but it
4 doesn't have to be extensive. But the rest of
5 it, you present your case the way you wish to
6 present your case.

7 MR. CELO: Mr. Chair, my understanding
8 of that last assertion was that there was a
9 complete stipulation to the facts of the
10 investigative report. Did I get that wrong,
11 Attorney Yohannes?

12 MS. YOHANNES: No, you did not.

13 CHAIRPERSON ANDERSON: But I believe
14 that Mr. --

15 MR. SCHULWOLF: Schulwolf.

16 CHAIRPERSON ANDERSON: -- Schulwolf is
17 not in agreement with that. I think I heard it.

18 MR. SCHULWOLF: We're in agreement
19 with the facts set forth in the charge. What we
20 would like the testimony is in relation to the
21 penalty phase as a result of the violations.
22 We'd like to be heard as far as aggravating
23 factors which we would like the Board to consider
24 when it renders its penalty in connection with
25 these violations.

1 CHAIRPERSON ANDERSON: Sir, thank you.
2 Mr. Celo, it's your case. You then have to
3 present your case the way you believe it's
4 appropriate based on the representation made by
5 counsel. But at the same time, enough
6 information needs to be provided to the Board so
7 the Board will have enough information in the
8 record.

9 The case report by operation of law is
10 in the record. However -- and if we need to read
11 it, the Board will read the case report
12 irrespective of what's made today. But I was
13 just stating that we'll see what it is that --
14 what will be placed in the record, what we have
15 testimony on, what will be in the transcript, if
16 this matter is appealed by any party. Then we'll
17 have a clear record to support whatever decision
18 the Board makes that will have a full and
19 complete record to support whatever decision the
20 Board makes.

21 MR. CELO: And Mr. Chair, in order to
22 get us rolling on this, may I suggest that we do
23 opening statements? I think I can rest on the
24 report being in the record. And then we can get
25 into any testimony from the opposing -- from the

1 respondent.

2 CHAIRPERSON ANDERSON: Yes, that's
3 what we'll do. So therefore, then the Government
4 will have an opportunity to do an opening
5 statement. And then the parties -- the
6 respective parties -- other parties they'll do an
7 opening statement.

8 And then we'll see -- we can start the
9 case, the presentation. And the Government will
10 decide how it wishes to present its case. All
11 right. So Mr. Celo, go ahead with your opening
12 statement, please.

13 MR. CELO: Thank you, Mr. Chairman,
14 ladies and gentlemen of the Board. May it please
15 the Board. The facts in this case are as we've
16 discovered, not in dispute. This is a situation
17 in which the investigative report does lay out
18 all of the facts that the Board needs to
19 consider, and that is already part of the record.

20 As this Board reads the report, it
21 will learn that this matter came about as a
22 result of a noise complaint at the establishment,
23 that Investigator Pleitez investigated the noise
24 complaint and was able to identify that the
25 establishment, Casta's Rum Bar, was allowing

1 dancing inside the establishment without the
2 appropriate license. Additionally, there were
3 approximately 250 patrons dancing, standing, or
4 otherwise moving about within the inside of the
5 establishment which was limited to no more than
6 99 seats. The findings of the investigation are
7 that the license holder is split 50-50 between
8 the landlord, Georgetown Inn, and the tenant,
9 Casta's Rum Bar.

10 However, the Government would agree
11 with the Board's pre-trial assertion that there
12 is a single license holder for the purposes of
13 this evaluation. The findings are also not in
14 dispute. There was dancing without an
15 endorsement and there was over occupancy --
16 significant over occupancy of 250 patrons.

17 We believe that a fine is appropriate.
18 However I do understand that there will be a
19 request for a more severe penalty and do not
20 anticipate that we will object to whatever
21 penalty the Board deems appropriate so long as it
22 is at minimum a fine appropriate for the level of
23 violation and the history which is also on the
24 record already. Thank you.

25 CHAIRPERSON ANDERSON: Thank you. Ms.

1 Yohannes?

2 MS. YOHANNES: Yes. So the facts here
3 are not in dispute and that we've already
4 stipulated to them. You may be wondering what we
5 are doing here. I just want to remind the Board
6 that his is a show cause hearing about two
7 violations.

8 This is not a landlord and tenant
9 matter. And what is before the Board is that
10 we've stipulated to the facts. Wabbit, LLC was
11 prepared to move forward and move forward with
12 resolving this matter before we got to where we
13 are now.

14 And what is occurring is there is a
15 dispute between the co-licensees. And Georgetown
16 West End is intending to use this forum as a
17 landlord and tenant -- to resolve a landlord and
18 tenant matter and to use it as a basis in
19 litigation that is currently ongoing. So I would
20 urge the Board to look at this for what it is and
21 to limit any testimony that's outside the scope
22 of what this Board needs to do which is look at
23 it for it being a show cause matter and in terms
24 of Charge 1.

25 And there's three charges that are

1 pending. And we were prepared to move forward
2 and take it as a secondary tier violation for
3 Charge 1 and impose a 250-dollar fine and for
4 Charge 2, 2,000-dollar fine. And we would
5 request that the Board impose that. And also as
6 Mr. Schulwolf -- I mean, he's entitled to his
7 opening. I'd request that be limited in scope as
8 to this specific incident.

9 CHAIRPERSON ANDERSON: Thank you. Mr.
10 Schulwolf, your opening, sir.

11 MR. SCHULWOLF: Thank you, Chairman
12 Anderson. As much as Casta's attorney would like
13 to trivialize or minimize this particular matter,
14 the fact remains that Casta's is a repeat
15 offender. This is by my count the seventh
16 violation that Casta's had in various forms,
17 including this would be the fourth actually
18 violation of noise -- I'm sorry -- fourth
19 violation of an occupancy violation, fourth one.

20 This is not simply a landlord-tenant
21 dispute. That would be an inaccurate description
22 of why we are here. Casta's has repeatedly
23 flaunted and disregarded the rules.

24 The have caused significant damage
25 both to my client's business. And I have a

1 witness here on behalf of the hotel, Mr. Kojo
2 Aboagye, the general manager who would testify as
3 to the almost weekly complaints that they have
4 received since Casta's opened for business in
5 2018 regarding the noise complaints that the
6 guests made at this hotel. This is somewhat of a
7 new situation where you have a hotel that
8 operates and then the bottom floor is where
9 Casta's which supposed to be just an amenity for
10 the hotel guests has turned in -- and I use the
11 word, menace, and that's not an overstatement.

12 A menace to both the hotel and to the
13 surrounding neighborhood. We also have as a
14 witness Ms. Sarah Blumenthal who is the president
15 of the board of directors of a condo directly
16 across the street who entered into a settlement
17 agreement with Casta's as a condition of their
18 business which they have -- the terms have which
19 have been completely violated on multiple
20 occasions including now. The settlement
21 agreement restricted Casta's from operating
22 during Monday through Thursday till 11:00 p.m.
23 and until midnight on Friday and Saturday. They
24 have completely violated the settlement agreement
25 which is in the record.

1 And the occupancy allowed has been
2 repeatedly violated. This is -- they are not a
3 first offender. This is an operation that has
4 caused many problems in the neighborhood.

5 It's caused problems with my client
6 because of the nonstop noise which is the subject
7 of these particular violations. And this is just
8 one of many instances. So it's just not accurate
9 to just brush it under the rug and say, we're
10 willing to pay -- we are guilty. We'll just pay
11 a little fine and we're on our way.

12 The Board has warned -- they have
13 gotten away on four prior occasions with a
14 warning and minimal fines for the same behavior.
15 And they just continue to violate the rules and
16 regulations. And I know this is a little bit of
17 an oddball situation where you've got co-
18 licensees and one of which is fighting to have a
19 harsher penalty than what the other licensee is.
20 But given that there has been four violations,
21 the code permits revocation.

22 And if the Board is unable to revoke
23 the license just as to Casta's the rum bar, then
24 we would request that the license be revoked
25 given the number of violations. This would be

1 the seventh since in the last -- I believe the
2 last two years, seven violations in the record.
3 And this is an operator that cannot be trusted,
4 that there's fights that break out.

5 We have video from just two weeks ago
6 fighting. We have complaints again from guests,
7 even as of last week, after these charges were
8 filed. We have testimony from Ms. Blumenthal
9 who's going to tell the Board if she can be heard
10 about patrons that are making noise up until
11 2:00, 3:00 o'clock in the morning on the streets,
12 defecating in bushes across the street, at the
13 condominium, the trash that this business
14 generates outside.

15 As I said, they're a menace. And my
16 client no longer wants to be associated with this
17 particular business and neither does the
18 neighborhood. So our request is that the license
19 be revoked or revoked, and that is authorized
20 under the statute, under the code because this is
21 their fourth violation for the same offense --
22 same Tier 1 violation.

23 CHAIRPERSON ANDERSON: Thank you, sir.

24 MEMBER GRANDIS: Mr. Chairman?

25 CHAIRPERSON ANDERSON: Yes, Mr.

1 Grandis.

2 MEMBER GRANDIS: I would like to get
3 a clarification for the record. I'm not familiar
4 with the term co-licencee in the ABRA code. I am
5 somewhat -- are we to understand that these two
6 attorneys are representing entities that are on
7 the license that's issued from ABRA?

8 MR. CELO: If I may, Mr. Chairman.

9 CHAIRPERSON ANDERSON: Go ahead, Mr.

10 --

11 MR. CELO: According to the
12 investigation, the license is held in 50-50
13 percentage ownership by the two entities. So
14 there is one license with 50-50 ownership.

15 MEMBER GRANDIS: And how's that? I'm
16 trying to understand. Is that through a legal
17 document? Or is that with -- are each of these
18 entities on the license?

19 CHAIRPERSON ANDERSON: Yes, Mr.
20 Grandis, yes.

21 MS. YOHANNES: Yes, yes. Both
22 entities are on the license. That's correct.

23 CHAIRPERSON ANDERSON: It's my
24 understanding based on all other licenses that
25 the parties applied for the license. And as you

1 are aware, if someone applies for a license, if
2 there is an entity that owns more than 10 percent
3 of the stock, they have to be on the license.
4 And so therefore, here it is that we have two
5 licenses and who are both licenses are on the
6 license.

7 But as I've stated before, as far as
8 the agency is concerned, it's one license. And
9 so yet there are disagreements between the two
10 licensees, if one licensee is, it appears saying
11 that we should pay the fine and a 250 fine and
12 2,000 dollars for the second charge, that is what
13 one licensee is saying. The other person that's
14 a part of the license is asking for revocation.

15 And the way the Board will look -- at
16 least the way the Board should look at this is
17 that when the testimony is based on what's
18 presented by the Government when it comes to
19 penalty, the Board will make a determination what
20 is the appropriate level of penalty based on the
21 violation -- based on what's in the record and
22 what's the violation. And so it's not -- it will
23 not be that Entity A gets this -- gets one result
24 and Entity B gets a different result. The Board
25 will issue a determination based on the

1 violation, and that's what we will do.

2 MR. SCHULWOLF: Chairman Anderson, may
3 I just clarify one thing, please?

4 MS. YOHANNES: Could we clarify the
5 actual --

6 CHAIRPERSON ANDERSON: I'm sorry.
7 Hold on one minute. All right. Let me have Mr.
8 Schulwolf and then you, Ms. Yohannes --

9 MS. YOHANNES: Sure.

10 CHAIRPERSON ANDERSON: -- then get
11 started. Go ahead.

12 MR. SCHULWOLF: Two things if I could
13 clarify, please. Georgetown Suites does not own
14 any membership interest or any other interest in
15 Wabbit, LLC or Casta's nor does Casta's or Wabbit
16 own any membership interest or ownership interest
17 whatsoever in Georgetown Suites. I'm not sure
18 how this was done.

19 I was not around or involved when the
20 liquor license application was submitted. But I
21 know it was done by Ms. Yohannes' firm. But I
22 know, Chairman, you had mentioned that there has
23 to be at least a 10 percent ownership interest in
24 the entities. And I just want to make it clear
25 for the record that is not the case here.

1 CHAIRPERSON ANDERSON: Well, I thought
2 that -- what -- all right.

3 MS. YOHANNES: I can clarify.

4 CHAIRPERSON ANDERSON: Go ahead,
5 ma'am. Go ahead.

6 MS. YOHANNES: Two entities can be
7 separately as two separately on one license. And
8 that's what occurred here. So you oftentimes
9 have situations where your restaurants that are
10 inside of hotels.

11 The hotel itself and the restaurant
12 separately as two different entities can be on
13 one license. And they are termed co-licensees.
14 And that the situation here.

15 And so -- and I just wanted to clarify
16 that. You're correct in that, like, there is not
17 a -- we're not intertwined. We're two different
18 entities.

19 But both entities decided to be on
20 this one license together. If Georgetown Suites
21 wants to surrender their ownership or surrender
22 to this license and they want to be removed from
23 the license, we're happy to have them removed if
24 that's the situation and if that's what they're
25 requesting. We're happy to do that.

1 CHAIRPERSON ANDERSON: But that's not
2 --

3 MS. YOHANNES: That's not
4 jurisdiction. I understand. That's not why
5 we're here.

6 CHAIRPERSON ANDERSON: Right. That's
7 not in this hearing. The parties outside of this
8 hearing can file a request with the Board to
9 remove certain entities from the license. And I
10 know that Ms. Yohannes knows the process to
11 remove an entity from a license that the proper
12 documentation is provided to the Board.

13 And if the documentation is provided
14 to the agency, the agency will submit to the
15 Board and the Board will vote to have it done.
16 But it will not be completed until the Board has
17 voted to remove it. But that's done outside of
18 this hearing.

19 But I just want to let the parties
20 know that as far as we are concerned, this is one
21 license. Whatever decision that's made by the
22 Board, the Board will consider the charges, the
23 information that's presented. And the Board will
24 assign a penalty as the Board thinks appropriate.
25 For any case, if the Board determines that it is

1 so egregious, the Board is empowered to take away
2 the license.

3 If after the information that's
4 presented if the Board determined that the matter
5 is so egregious, the Board has that right to do
6 that whether or not it's asked by the Government
7 or any party. I just want to say that. But
8 we're -- this is one of the first times I've had
9 a hearing where we have joint licensees and
10 they're in disagreement and it's been presented
11 to the Board that there's disagreement there
12 because --

13 (Simultaneous speaking.)

14 MEMBER GRANDIS: Mr. Chairman?

15 CHAIRPERSON ANDERSON: Yes, Mr.
16 Grandis.

17 MEMBER GRANDIS: Mr. Chairman?

18 CHAIRPERSON ANDERSON: Yes, sir?

19 MEMBER GRANDIS: That's what I'm
20 concerned about as you just mentioned. I
21 understand this show cause is regarding an
22 investigation by our investigators as well as
23 what's been filed by the Government. We're not
24 here to listen to disputes between co-owners or
25 whatever. And I believe that we need to be very

1 careful and focus just on hearing the owner's
2 response if they have one to what the allegations
3 are in the show cause, not about whether or not
4 they can work together jointly as owners. So
5 would you help us stay narrow to what we're here
6 about this afternoon?

7 CHAIRPERSON ANDERSON: I'm going to do
8 that. I think what Mr. Schulwolf, I think his
9 argument is that he's saying that all the parties
10 agree that a violation has occurred. And I hear
11 -- I believe that what he's saying is that based
12 on the seriousness of the violation, he's telling
13 the Board that the Board should cancel the
14 license. That's what he's saying.

15 Based on the seriousness of the
16 violation, what he's volunteering for the Board
17 is to say that yes, this is what I'm hearing, we
18 committed the violation and it is so serious and
19 egregious that you, the Board, should cancel the
20 hearing -- I'm sorry, the license. The licensee
21 is saying that this is a routine matter. We
22 believe that based on the violation that the
23 Board should impose -- I think it's 250 fine for
24 the first case and 2,000 for the second charge.
25 And I believe that -- and the Government is

1 saying that the Board should impose a penalty
2 pursuant to the guideline.

3 MS. YOHANNES: Right. Can we get
4 clarity on the where we are with that? In terms
5 of I know Mr. Schulwolf said -- he spewed a whole
6 bunch of violations and numbers. But, like,
7 where we are and what this would be considered
8 under each charge, so we're -- we can identify
9 that. Like, for Charge 1, it being considered a
10 first secondary tier violation, I don't think
11 that's in dispute.

12 CHAIRPERSON ANDERSON: Right. I'm --

13 MS. YOHANNES: Sorry.

14 CHAIRPERSON ANDERSON: All right. Let
15 me -- all right. This is where we are. The
16 Government is going to present its case. All
17 right. The Government -- the burden is on the
18 Government to prove. The Government is going to
19 present its case.

20 And both sides -- then the licensee
21 will present its case and the Government -- I'm
22 sorry, the Board will make the appropriate
23 determination. But as I stated before, it
24 appears that what Mr. Schulwolf is trying to do,
25 he's presenting evidence to say that this matter

1 is so egregious that the license should be
2 terminated based on the -- that I'm admitting as
3 a licensee -- that's what I'm hearing, as a
4 licensee -- that this matter is so egregious that
5 the penalty should be the Board should revoke the
6 license. And so I can't tell a party how they're
7 going to respond to the charges.

8 They respond to their peril. Where we
9 are, the Government is going to present its case.
10 And once the Government has presented its case,
11 then the licensee will present its case in
12 response to the Government. Okay. So that's
13 where we are. Okay?

14 So does the Government have --
15 everyone, the Government is going to present its
16 case. And once the Government presents its case,
17 I will ask the licensee how they wish to respond
18 to the charges. And they can respond whichever
19 way they want to. The only person I can tell,
20 the burden is on the Government and the
21 Government has to present a case for the Board to
22 make a decision based on whether or not the
23 Government has met its burden.

24 Now if some of the entities wants to
25 help the Government in presenting its case in

1 response, I can't say you can't do that. I can
2 only tell the Government present your case. But
3 at least the Board will have sufficient
4 information to make a decision. Okay? All
5 right. Do you have a witness, sir, you wish to
6 call, Mr. Celo?

7 MR. CELO: Prior to so doing in
8 response to Attorney Yohannes' question, I would
9 proffer that the Government's position is that
10 these violations constitute the first secondary
11 tier violation and the second primary tier
12 violation within two years. I believe that
13 information is consistent with and is
14 identifiable in Government's Exhibit 1, the
15 investigative report.

16 (Whereupon, the above-referred to
17 document was marked as Government
18 Exhibit No. 1 for identification.)

19 MR. CELO: And based on the
20 stipulations, I would formally introduce Exhibit
21 1 into the record at this time.

22 CHAIRPERSON ANDERSON: And so
23 admitted.

24 (Whereupon, the above-referenced to
25 document was received into evidence as

1 Government Exhibit No. 1.)

2 CHAIRPERSON ANDERSON: As I've stated,
3 between operation of law, it's part of the Board
4 record. So it's in the record. All right. So
5 do you wish to call a witness, sir?

6 MR. CELO: No, Mr. Chair. Based on
7 the stipulations and the record -- or the
8 investigative report being in the record, the
9 Government will waive its witnesses at this time.
10 However, we do reserve the right for rebuttal
11 should it become necessary.

12 CHAIRPERSON ANDERSON: All right.
13 Fine. Ms. Yohannes, how is it that you plan to
14 respond to the charges as presented by the
15 Government?

16 MS. YOHANNES: Well, I believe that we
17 have responded in that we stipulated to the
18 facts. I think we're at the penalty stage, and I
19 agree that this is a first secondary tier
20 violation for Charge 1 within two years. This is
21 a second primary tier violation within two years
22 for Charge 2. So that would mean for Charge 1,
23 that would carry a maximum -- or mean the fine
24 would be between 250 to 500, I believe. And
25 2,000 to 4,000 is what the Board could fine in

1 Charge 2 which is why we're requesting for Charge
2 1 a fine of 250 and for Charge 2 a fine of 2,000.

3 CHAIRPERSON ANDERSON: And that's your
4 defense. All right. So since we have another
5 party, now how do you plan to defend the charges,
6 sir?

7 MR. SCHULWOLF: I've read this
8 differently. I look at the Exhibit 1 of the
9 Government and I see this being -- this
10 particular charge being the fourth primary
11 violation. There was a case date April 17, 2021.

12 There was a primary violation having
13 to do with loud music to be played above
14 conversational level. And then the violation
15 allowed an occupancy greater than 25 percent plus
16 allowed more than six patrons to be seated at a
17 table. That was a primary violation of this
18 nature. There was a warning given.

19 Page 2 of Exhibit 1, there's Case 20-
20 CIT-00488 having to do with -- I'm sorry, Case
21 20-CMP-00069, a primary violation of increased
22 interior occupancy. That was a warning as well.
23 And then there was another violation on February
24 7th, 2020, Case No. 20-CMP-00039 where it was an
25 increased interior occupancy. And again, that

1 would be the third time of a warning. So unless
2 I am just off base here, those violations -- this
3 would constitute the fourth violation, not the
4 second, within a two-year period.

5 CHAIRPERSON ANDERSON: I think if
6 there is --

7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: Okay. We can
9 all -- Mr. Celo, do you have a copy of the case
10 report?

11 MR. CELO: Yes, Mr. Chairman.

12 CHAIRPERSON ANDERSON: And one thing
13 that I would like to have you do, can you -- I'll
14 ask Ms. Fashbaugh to give you the opportunity to
15 share your screen. And so let us all look at the
16 investigative history so we will all agree what
17 the investigative history states in the sense of
18 what violation this is because it appears that
19 there is some disagreement. I want the record to
20 reflect what the Board's investigative history
21 dates regarding this case.

22 MR. CELO: Are you able to see my
23 screen, Mr. Chair?

24 CHAIRPERSON ANDERSON: Yes, sir.

25 MR. CELO: Okay. And I would -- I

1 don't have a witness, but I will present to the
2 Board that we do have the violations that were
3 cited by Attorney Schulwolf. However, not all of
4 these are being counted by the Government in the
5 investigative history. The first violation, 21-
6 CIT-00026, that is a violation of an emergency
7 order or emergency rulemaking. It resulted in a
8 warning that is not being counted.

9 In the second violation, Case 20-CIT-
10 00488, failure to follow Mayor's order and
11 emergency rulemaking, also a primary tier. But
12 because of the emergency rulemaking aspect of it
13 not being counted against the license holder for
14 these purposes, we had the third, 20-CMP-00069,
15 increased interior occupancy, that was a warning.
16 As such, not being counted. 20-CMP-00039, the
17 fourth, also increased interior occupancy, also a
18 warning, also not being counted.

19 19-CMP-00174, operating a summer
20 garden without an endorsement and fail to follow
21 security agreement and dancing without an
22 endorsement. So similar charges to here, but
23 that was also a warning as such, not being
24 counted. And the final sixth, 19-CMP-00118,
25 operating a summer garden without an endorsement.

1 And this one was a 1,000-dollar fine. And this
2 is the first primary tier that is being
3 considered.

4 CHAIRPERSON ANDERSON: Thank you. All
5 right. So that's the investigative history.
6 That's where we are. All right. So sir, how do
7 you plan to call -- and this is Mr. Schulwolf.
8 Do you plan to call any witnesses, sir?

9 MR. SCHULWOLF: Well, I guess that
10 depends if the Government is going to recommend
11 the maximum penalty. If not, then yes, we would
12 call witnesses so the Board can understand
13 exactly what we're dealing with here with regard
14 to Casta's Rum Bar's operations and their
15 continued flaunting in ignorance of the rules and
16 the prior violations.

17 CHAIRPERSON ANDERSON: I believe the
18 Government was directing the Board to assign a
19 penalty pursuant to the appropriate penalty as
20 per the regulation. So the Board -- at least in
21 its opening, what I heard was that the Government
22 was informing the Board to look at the law and
23 apply a penalty pursuant to the law. And as
24 stated by -- as I stated before, the Board can
25 make a determination at any point to say that a

1 matter, even if it's a first tier violation, if
2 the matter is so egregious, the Board could
3 determine that the license could be -- we could
4 remove the license if the Board determines that a
5 matter is so egregious.

6 MR. SCHULWOLF: Then I would request
7 that I call a witness, Kojo Aboagye.

8 MS. YOHANNES: And Mr. Chair, are we
9 limiting testimony to -- this is about penalties.
10 Are we limiting testimony as to this incident?
11 Or is this just sort of a free-for-all? I would
12 just request that we remember -- because we have
13 a list of witnesses here. Are they -- I mean, I
14 guess we'll hear them as they're called. But I
15 want to make sure testimony is about this
16 specific case.

17 CHAIRPERSON ANDERSON: Well, I believe
18 that what's been argued, it's -- this is not --
19 because this is -- this matter is so egregious
20 because these are the previous complaints. And
21 because it's so egregious that the Board should
22 issue a penalty that is relevant to the issue. I
23 think that's what I'm hearing.

24 MR. SCHULWOLF: That's correct.

25 MS. YOHANNES: So how far, though, is

1 this testimony going to go? Are we going -- this
2 sounds like a protest matter. I mean, are we
3 talking about different violations, this
4 violation? Is there going to be a limit into,
5 like, scope?

6 CHAIRPERSON ANDERSON: Well, I think
7 the bottom line is that the Board -- you can --
8 if it's not a part of the investigative history,
9 you can -- the investigative history of this case
10 is in the record. And I believe that there's
11 agreement that based on the investigative
12 history, this is a first time violation for
13 Charge 1. And for Charge 2, this is a second
14 primary violation within the past two years.
15 That is what the investigative history states.
16 And I believe -- if I'm wrong -- I'm not going to
17 allow you to talk about 20 years what's been
18 going on.

19 MR. SCHULWOLF: I think it's important
20 that the Board understands a little bit of the
21 history, a little bit of the facts which give
22 rise to these charges. The fact that despite the
23 issuance of warnings that this operator, Casta's,
24 does not seem to care whatsoever about a warning
25 or a minimal fine and that they're going to

1 continue to violate whatever penalty or warning
2 that the Board may issue, that they're just going
3 to continue the same behavior, that this behavior
4 that they've been charged with has occurred, even
5 after they got charged with this current
6 violation. It simply doesn't matter to that and
7 I --

8 (Simultaneous speaking.)

9 MR. SCHULWOLF: -- think it's
10 important -- again, I'm not yet interrupted Ms.
11 Yohannes. I will not do so. I let her speak and
12 then I wait for her to be done. I would just ask
13 for the same courtesy. That's all.

14 MS. YOHANNES: Sure. Go ahead.

15 MR. SCHULWOLF: Thank you. So I think
16 it's important that you hear from a
17 representative of the hotel to show or testify as
18 to the Casta's behavior, both before and after
19 this charge, and the type of operator that we're
20 dealing with and the rampant complaints that have
21 been lodged by hotel guests with regard to the
22 noise violations and the behavior of the Casta's
23 patrons. I think it's important the Board hears
24 that and has that in context whenever it's making
25 its decision as to the penalty.

1 I think it's important that Ms.
2 Blumenthal be able to be heard. She's a
3 neighbor. They entered into a settlement
4 agreement in 2018 with Casta's that has clearly
5 been violated. Whether that's for a different
6 hearing, I'll leave that to the Board. But she
7 can certainly give some flavor and context as to
8 Casta's behavior and its impact on the
9 surrounding neighbors. I know she very much
10 would like to be heard.

11 I will be brief. I will not turn this
12 into a 20-year history. But I think it's
13 important that Board understands and hears what
14 is happening with this bar which was supposed to
15 be just an amenity again for the hotel. But it
16 turned into a nightclub that's open until 3:00
17 o'clock in the morning with noise complaints on a
18 weekly basis as well as fights and other
19 behavioral problems, pulling the fire alarms,
20 things of that nature.

21 MS. YOHANNES: Are you done? I,
22 again, want to just object to this whole line of
23 how this proceeding is going and how questions
24 are going to -- and now we have a whole line of
25 witnesses that are going to be presented. And I

1 still am not clear about how that relates
2 directly to what we're doing here in the matter
3 before us.

4 This sounds like a matter -- it's a
5 protest hearing essentially. And it's a free for
6 all and this is also a contested matter. We've
7 already stipulated to facts.

8 I mean, I just believe this is really
9 inappropriate for this co-licensee who also is
10 charged with the same violation is now presenting
11 witnesses to increase this fine. We've
12 stipulated the facts. The Board knows what's
13 before them. I want to just leave it to the
14 Board and have the Board decide.

15 MR. SCHULWOLF: As a co-licensee, as
16 Mr. Chairman, you stated whether we're in support
17 of the Government or opposed to the Government,
18 we have a right to be heard. We are a co-
19 licensee. Although the testimony may not be
20 favorable to Casta's or Casta's may not want to
21 hear it, I think we have a right to be heard on
22 it.

23 MS. YOHANNES: Not appropriate for
24 this -- there's another way for that to be
25 brought before this Board. This is not the

1 appropriate way. This is not the appropriate
2 matter that's before the Board. We're talking
3 about a show cause hearing. Right now, we're
4 getting into completely other differences of
5 facts. And having witnesses come testify as to
6 penalty, I don't know when that's ever happened
7 in the last, I don't know, five years.

8 CHAIRPERSON ANDERSON: All right. The
9 Board is going to go into executive session just
10 to get some legal advice from our counsel. So as
11 Chairperson of the Alcoholic Beverage Control
12 Board for the District of Columbia in accordance
13 with D.C. Official Code Section 2574(b) of the
14 Open Meetings Act, I move that ABC Board hold a
15 closed meeting for the purpose of seeking legal
16 advice from our counsel on Case No. 21-CMP-00045,
17 Wabbit, LLC and Georgetown/West End/Casta's Rum
18 Bar, License No. 109462, pursuant to D.C.
19 Official Code Section 2574(b)(4) of the Open
20 Meetings Act. Is there a second?

21 MEMBER SHORT: Mr. Short, I second.

22 CHAIRPERSON ANDERSON: Mr. Short has
23 second the motion. We'll now have a roll call
24 vote. Mr. Short?

25 MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Cato?

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Crockett?

4 MEMBER CROCKETT: Rafi Crockett, I
5 agree.

6 CHAIRPERSON ANDERSON: Mr. Grandis?

7 MEMBER GRANDIS: Edward Grandis, I
8 agree.

9 CHAIRPERSON ANDERSON: And Mr.

10 Anderson, I agree. The matter passed 5-0-0. The
11 Board will go into executive session. Please do
12 not log off. I'm not sure how long we're going
13 to be there. But put your camera on mute -- and
14 turn your camera off. Put your microphone on
15 mute so we don't hear what the conversation that
16 you're hearing. But the Board will go in
17 executive session.

18 (Whereupon, the above-entitled matter
19 went off the record at 2:32 p.m. and resumed at
20 2:42 p.m.)

21 CHAIRPERSON ANDERSON: We're back on
22 the record. All right. So we're back on the
23 record, and this is what we're going to do.
24 There is already a stipulation regarding some of
25 the facts for this particular case.

1 Mr. Schulwolf, if you have a witness
2 who can specifically testify about the incident
3 that occurred, if you believe that there are some
4 factual situation that was not covered by the
5 report -- the case report that can more so
6 addresses the incident on September the 11th, you
7 can have a witness who can testify about the
8 incident on September the 11th. I do not want to
9 hear evidence or any testimony regarding ongoing
10 concerns. If there are any ongoing concerns, the
11 licensee or any member of the public, then file a
12 complaint to the agency.

13 The agency will send its enforcement
14 division out to investigate it. And if it merits
15 further development, then the agency would
16 further the report to the Office of Attorney
17 General for further development. So we're not
18 going to have any testimony on continuing
19 violations.

20 Those are not appropriate for this
21 hearing, continuing violation. Individuals are
22 free to contact the agency every day. You can
23 call the hotline. There is someone who manages.
24 The agency hotline has been managed I think
25 almost every day, probably I believe through 4:00

1 a.m. in the morning.

2 And we will go out and investigate it
3 to see and then further charges can be brought.
4 But for this particular hearing, if you have a
5 witness who wants to testify further or provide
6 additional facts in the record about the incident
7 that occurred on September 11th, then yes, we can
8 have testimony from a witness who can more so
9 provide the Board with additional testimony
10 regarding September 11th. And that will assist
11 the Board in making a decision on what penalty,
12 if any, should be imposed.

13 And I believe at least the Government
14 is asking that some type of penalty be imposed
15 for the two violations. And there's agreement
16 that there was a violation that the licensee was
17 guilty for Charge 1 and also for Charge 2. But
18 if you are stating that you believe that there
19 are additional facts that occurred on September
20 11th and the Board should consider that in
21 providing the penalty, then you're able to
22 provide testimony and supplement the record with
23 additional facts from September 11th.

24 MR. SCHULWOLF: So Chairman Anderson,
25 if I may just clarify. You're not going to allow

1 -- the Board is not going to allow any testimony
2 for purposes of aggravation with regard to the
3 penalty phase. In other words, unless it relates
4 directly to the September 11 charges, the Board
5 is not going to allow any testimony to show that
6 this particular operator, Casta's, has been
7 having the same -- conducted themselves in the
8 same manner before September 11th and after
9 September 11th. Are you saying that only if it
10 relates to September 11th, not September 10th,
11 not August 18, not October 11th, only September
12 11th, that's the only testimony will be allowed.
13 And there's no aggravating factors that you will
14 allow us to present evidence on that may impact
15 the Board's decision with regard to the penalty?

16 CHAIRPERSON ANDERSON: Yes, sir. What
17 I can say, in your closing, you can go over the
18 investigative history to state what it is that
19 we're aware the investigative history shows. So
20 you can -- as part of your closing, you can talk
21 about the investigative history.

22 That's fair game because it's in the
23 record what the investigative history is up to
24 this date. But we don't need testimony on that.
25 You can just point the Board out to the

1 investigative history or ask the Board to
2 consider -- in making its decision it can
3 consider the investigative issues to date.

4 But if there are continuing violation,
5 the Board has not independent verification that
6 these violations have occurred. So therefore,
7 community members can -- because this is a show
8 cause hearing. It's not a protest hearing.

9 If it's a protest hearing, then we
10 could have litany to say this is a continuing
11 violation. This is what's been going on over the
12 years there. But it's a show cause hearing to
13 say this is an incident that occurred on
14 September 11.

15 So you can -- we can have testimony
16 regarding September 11th in your closing. You
17 can ask the Board to take administrative notice
18 of the investigative history. But we don't need
19 testimony on the investigative -- on the history
20 of this establishment because we're aware of
21 that. We just need September 11th and just
22 September 11th.

23 MR. SCHULWOLF: And no testimony that
24 despite the history and the violations that are
25 set forth in the record, prior violations,

1 testimony that Casta's has -- despite the
2 warnings, the slaps on the wrist, had no impact
3 whatsoever on their behavior. And in fact, it
4 probably encouraged their behavior because
5 they've gotten off so easily with their past
6 violations. So that kind of testimony as to acts
7 that occurred after the warnings and other fines,
8 the Board does not want to hear that?

9 CHAIRPERSON ANDERSON: Yes, sir.

10 MR. SCHULWOLF: Okay. Well, then
11 we'll just state our objection to that ruling on
12 the record and proceed from there. I don't
13 believe we have any testimony at all for
14 specifically the September 11th. We've got a
15 boatload of testimony for many, many, many other
16 dates, but not September 11th specifically.

17 CHAIRPERSON ANDERSON: And our
18 position is -- what the agency's position is that
19 I'm not sure when this license is up for renewal.
20 And I'm not sure if you can protest. I'm not
21 sure the process of the renewal if both parties
22 have to agree to jointly renew the license.

23 That's not up to me, just to explain
24 to you when the license goes up for renewal. And
25 secondly, any member of the community -- if

1 they're continuing the violation, any member of
2 the community can contact the enforcement
3 division of the agency to say that there's a
4 violation. And each time a complaint is made,
5 the enforcement decision would go out to see
6 whether or not there's actually a violation and
7 write a police report.

8 And so the agency will go out at each
9 time there is a complaint to investigate it and a
10 case report. And if that's sustained after a
11 fourth primary tier violation, it's an automatic
12 30,000 dollar fine or revocation. If there's a
13 fifth, the license is automatically revoked. But
14 that's a proffer that follows. But again,
15 because this is a show cause hearing, we can only
16 have testimony on the incident that occurred on
17 September the 11th.

18 MR. SCHULWOLF: So even though this is
19 a repeat offender on the same grounds, the
20 violation of noise and occupancy, there's not
21 testimony beyond September 11th?

22 CHAIRPERSON ANDERSON: Right, because
23 we don't have -- we don't have any information on
24 that. But as I stated before, the Board will
25 take administrative notice of the investigative

1 history. That is part of the case report. That
2 is their history. And so therefore, in closing,
3 you can make that argument to say based on the
4 investigative history, the Board should impose
5 whatever penalty based on the investigative
6 history that we have in front of us to look at.

7 MR. SCHULWOLF: May I just take two
8 minutes to speak to my client? You've asked me
9 about September 11, and I just want to confer
10 with my client who happens to be with me as to
11 whether there may be some testimony specific to
12 September 11. I said there wasn't, but I think -
13 -

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: We'll stay off
16 the record for a couple minutes until you get
17 back. So make sure that you mute your
18 microphone, sir.

19 MR. SCHULWOLF: Thank you.

20 CHAIRPERSON ANDERSON: Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 2:52 p.m. and resumed at
23 2:55 p.m.)

24 CHAIRPERSON ANDERSON: We're back on
25 the record.

1 MR. SCHULWOLF: Thank you. I would
2 like to call for very brief testimony relating to
3 September 11, the incident, Michael Miller. He's
4 on the list.

5 CHAIRPERSON ANDERSON: All right.
6 Where's Mr. Miller? I see Mr. Miller. Do you
7 have --

8 MR. MILLER: Hello?

9 CHAIRPERSON ANDERSON: I'm sorry. Do
10 you have a camera, sir? I see that you're on my
11 screen twice?

12 MR. MILLER: So is this okay, sir?

13 CHAIRPERSON ANDERSON: Yes. All
14 right. Can you raise your right hand, please?
15 Do you swear or affirm to tell the truth and
16 nothing but the truth?

17 MR. MILLER: Yes. Yes, sir.

18 CHAIRPERSON ANDERSON: Your witness,
19 sir.

20 MR. SCHULWOLF: Thank you. Could you
21 please state your full name?

22 MR. MILLER: Michael Miller.

23 MR. SCHULWOLF: Mr. Miller, are you
24 one of the principles of the Savoy Apartments
25 that's adjacent to the Casta's Rum Bar operation?

1 MR. MILLER: Yes, sir.

2 MR. SCHULWOLF: And what is your
3 relationship to the Savoy Apartments?

4 MR. MILLER: I'm a principle account
5 management. We own and manage the property.
6 It's 203 apartment units, and our lot is adjacent
7 connected to the Casta's Rum Bar and the hotel.

8 MR. SCHULWOLF: Okay. And are you
9 familiar with the Casta's operation and its
10 business?

11 MR. MILLER: Very much so. I've been
12 in the space numerous times for meetings
13 regarding the operation.

14 MR. SCHULWOLF: And are you familiar
15 with the violations that have been lodged upon
16 Casta's the date of September 11, 2021?

17 MR. MILLER: Yes, sir.

18 MR. SCHULWOLF: And what do you know
19 about the incident that took place on that date?

20 MR. MILLER: Well, I think from my
21 perspective, what's really important to
22 understand is that I've been keenly aware of the
23 situation because for one thing, they built a
24 structure that overhangs the property line. So
25 I've been paying a lot -- and there's constant

1 noise complaints. So I've been very --

2 MS. YOHANNES: Objection.

3 MR. MILLER: I've been paying a lot of
4 attention --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Mr. Miller, Mr.
7 Miller.

8 MR. MILLER: Yes, sir.

9 CHAIRPERSON ANDERSON: If an objection
10 is raised, you need to stop speaking.

11 MR. MILLER: I'm sorry.

12 CHAIRPERSON ANDERSON: And then we
13 will -- then I'll make a ruling. I'll ask the
14 nature of the objection, and then I'll make a
15 ruling. And then based on the ruling, then I
16 will let you know to answer the question. Yes,
17 ma'am. What's the nature of your objection?

18 MS. YOHANNES: This goes outside of
19 the scope of the September 11th incident.

20 CHAIRPERSON ANDERSON: I'll give him
21 some leeway. From what I'm hearing is that he's
22 just giving his -- stating why that he's familiar
23 with this establishment. So I'm not going to
24 take evidence on prior to September 11. But I
25 believe at least -- I need to get some type of

1 information, how he's familiar with this
2 establishment. So I'll overrule the objection.
3 But Mr. Schulwolf, just to remind you, this is
4 only about the September 11th, sir. Okay? Go
5 ahead --

6 MR. SCHULWOLF: Yes, sir.

7 CHAIRPERSON ANDERSON: -- Mr. Miller.

8 MR. MILLER: Thank you. I appreciate
9 that. Yes, it's just for background is how I'm
10 familiar with the situation. The key thing from
11 my perspective is that you had multiple times now
12 including that night. Basically 250 percent of
13 the legal occupancy limit in that what's turned
14 into a nightclub. And this is an unpermitted
15 structure that has not been approved by DCRA. So
16 the --

17 MS. YOHANNES: I renew my objection.

18 (Simultaneous speaking.)

19 MS. YOHANNES: What is this in
20 reference to?

21 (Simultaneous speaking.)

22 MR. MILLER: The condition of the
23 property --

24 CHAIRPERSON ANDERSON: All right.

25 MR. SCHULWOLF: He's testifying to the

1 condition of the property. Mr. Miller, this is
2 the condition of the property that existed as of
3 September 11th, 2021, correct?

4 MR. MILLER: Yes, sir.

5 CHAIRPERSON ANDERSON: But the purpose
6 of this hearing is two incidents occurred on
7 September 11th. One is --

8 MR. MILLER: This is regarding --
9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: Occupancy,
11 right.

12 MR. MILLER: Yeah, this is --
13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: And so -- hold
15 on, sir. Hold on, sir. Hold on, sir. I don't
16 want to hear about whether or not the building or
17 the -- the building, whether or not it has a
18 proper permit from DCRA. That's not within our
19 purview right here. You just need to talk about
20 what is it that you knew -- what is it that
21 you're aware about September 11th.

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: That's what I
24 need to talk about.

25 MR. MILLER: Yes, sir. I'm just

1 specifically trying to bring to the Board's
2 attention that not only was there an over
3 occupancy, but the situation in which that
4 occurred and how egregious and dangerous that is.
5 And I don't understand.

6 They've already been acknowledged that
7 this has happened before. And the Board has
8 penalized them for that. They go on doing it
9 again in the middle of one of the most dangerous
10 circumstances I've ever seen, sir. That's all I
11 have to say.

12 MR. SCHULWOLF: Do you recall
13 receiving a complaint from your renters relating
14 to excessive noise on September 11th?

15 MR. MILLER: I typically either get an
16 email or a phone call from my manager on the
17 Monday after weekends when things -- so you have
18 updates given out once a week on the noise
19 situation. So I can't tell if she specifically
20 notified me the day after, but I do get regular
21 updates on the disturbances and which tenants are
22 having to leave the building because they can't
23 stand the noise.

24 MR. SCHULWOLF: And do you recall
25 receiving a phone call or any other communication

1 from your property manager on the date of
2 September 12th or 13th relating to the noise at
3 Casta's on September 11 which was a Saturday
4 night?

5 MR. MILLER: In all truthfulness, I'd
6 have to go back and look at my emails to verify
7 that, sir.

8 MR. SCHULWOLF: All right. Very good.
9 Okay. Thank you. That's all I have.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. Ms. Yohannes, do you have any
12 questions for this witness?

13 MS. YOHANNES: Yes, just briefly. So
14 you're not aware of any calls, emails, messages
15 you received regarding the incident on September
16 11, correct?

17 MR. MILLER: If the Board has time,
18 I'd be happy to check my emails right now.

19 MS. YOHANNES: I'm just asking you
20 right now. You're not aware as of right now of
21 any messages, emails that you received regarding
22 the incident. Is that right?

23 MR. MILLER: I'm not sure.

24 MS. YOHANNES: Were you present on
25 September 11th to witness any incidents that may

1 have occur?

2 MR. MILLER: I'd have to check my
3 calendar.

4 MS. YOHANNES: You don't know if you
5 were present at Casta's?

6 MR. MILLER: No, ma'am. I don't
7 remember every day that occurred numerous months
8 ago. But as I said, if I check my calendar, I'm
9 sure I could verify for you.

10 MS. YOHANNES: Okay. Thank you.

11 CHAIRPERSON ANDERSON: No further
12 questions?

13 MS. YOHANNES: No further questions.

14 CHAIRPERSON ANDERSON: Mr. Celo, any
15 questions?

16 MR. SCHULWOLF: No further questions.
17 I would call one more --

18 CHAIRPERSON ANDERSON: No, sir. Hold
19 on. No, I'm asking the Government --

20 (Simultaneous speaking.)

21 MR. SCHULWOLF: Oh, I'm thought you
22 said Schulwolf. I apologize.

23 MR. CELO: Yes, I would like to
24 clarify a point, Mr. Chair. Mr. Miller,
25 Assistant Attorney General Anthony Celo on behalf

1 of the Government. Nice to meet you, sir.

2 MR. MILLER: Nice to meet you.

3 MR. CELO: As it relates to your
4 testimony on direct, you talked about the
5 structural capacity of that building. And I
6 wasn't clear, number one, where the source of
7 your knowledge was, and number two, the purpose
8 of that testimony. Were you saying that it's not
9 just a question of how crowded or what the permit
10 is but that the building itself is not
11 structurally safe to have 250 people in it?

12 MR. MILLER: I'm saying no one from
13 D.C. has ever inspected the newly created
14 structure to affirm that it is safe. So without
15 that, I would have to assume as a builder and
16 developer in D.C. that there's liabilities with
17 it if an inspection hasn't occurred or a permit
18 wasn't issued for the work.

19 MR. CELO: And you said that there's
20 an overhang. Could you describe that?

21 MS. YOHANNES: I'm going to have to
22 object to all of this because I understand that
23 some of this was brought up during direct. But
24 this is going outside of the scope of what is
25 before the Board right now in terms of the

1 charges.

2 MR. CELO: Respectfully, Mr. --

3 CHAIRPERSON ANDERSON: Go ahead, sir.

4 Go ahead.

5 MR. CELO: -- Chair --

6 (Simultaneous speaking.)

7 MR. CELO: -- this is information that
8 I'm trying to elicit because I do not know the
9 context. But if there is a legitimate structural
10 concern, then that would be a more severe
11 violation potentially than it otherwise would
12 appear on first blush because we're not just
13 dealing with fire escape issues and being rated
14 for 99 people for that. But if there's actually
15 some sort of a structural concern, then that
16 potentially does increase the issue before the
17 Board. And I don't know if that's the case or
18 not which is why I'm asking the question.

19 MS. YOHANNES: And I don't think that
20 we can know from this witness either. I mean,
21 this is a witness who's testified as to what he
22 believes or I don't even know where this is
23 coming from. So we're talking about a specific
24 incident. And all of a sudden, this witness has
25 testified regarding some structure. So it's

1 completely inappropriate and outside the scope.
2 Again, I'm just objecting to anymore testimony
3 regarding whether it's the structure or anything
4 else about that issue or that matter.

5 CHAIRPERSON ANDERSON: I think Mr.
6 Miller is not testifying as an expert. It's not
7 my understanding he's an expert or a structural
8 engineer to say whether or not the building is
9 structurally safe for that. I'm not sure if
10 there was an issue regarding whether or not the
11 structure legally constituted whether or not they
12 had a permit and whether or not it's relevant for
13 at least for this hearing.

14 So I'm going to sustain the objection.
15 I'm going to sustain the objection. Do you have
16 another question you want to ask, Mr. Celo?

17 MR. CELO: Just Mr. Miller, from a
18 foundational perspective, was your testimony
19 based on a lack of permit only or was there --
20 what was the basis, if any, for your testimony
21 beyond a lack of permit?

22 MS. YOHANNES: Objection.

23 CHAIRPERSON ANDERSON: Hold on. Hold
24 on. Hold on, Mr. Miller. Go ahead, ma'am. Go
25 ahead, Ms. Yohannes.

1 MS. YOHANNES: Yeah, I'm going to
2 object to the question in terms of relevance.
3 We're talking about the structure still. I think
4 that you've already ruled on the first question.
5 The second question, still regarding foundation
6 or the structure. We're still talking about a
7 structure which has nothing to do with what's
8 before the Board today.

9 MR. CELO: Mr. Chair --

10 (Simultaneous speaking.)

11 MS. YOHANNES: A fishing expedition
12 essentially.

13 MR. CELO: He's not an expert, and I
14 agree with that. I'm just trying to determine if
15 there is a basis that is admissible or not. And
16 it may be that there is no basis at which time
17 I'll move on.

18 CHAIRPERSON ANDERSON: I'm going to
19 sustain the objection because I think part of the
20 problem that we're having is that I think we're
21 getting too far afield for the issue. I think
22 that both parties have agreed that there was a
23 violation to the extent that they exceeded the
24 occupancy. And -- yeah, so I'm going to sustain
25 the objection. Do you have another question?

1 MR. CELO: No further questions at
2 this time.

3 CHAIRPERSON ANDERSON: All right. Mr.
4 -- I'm sorry. Any questions by any Board
5 members? And again, we don't need to have any
6 questions on the structure. But any questions by
7 any Board members? Do the Board members have any
8 questions based on the questions that were asked
9 by the attorneys?

10 (No audible response.)

11 CHAIRPERSON ANDERSON: Okay. Hearing
12 none, Mr. Schulwolf, any redirect, sir?

13 MR. SCHULWOLF: No.

14 CHAIRPERSON ANDERSON: Thank you very
15 much, Mr. Miller, for your testimony. Do you
16 have another witness, sir?

17 MR. SCHULWOLF: Just one.

18 CHAIRPERSON ANDERSON: He's your only
19 witness or you another --

20 (Simultaneous speaking.)

21 MR. SCHULWOLF: I have one more
22 witness.

23 CHAIRPERSON ANDERSON: You have one
24 more witness? Okay.

25 MR. SCHULWOLF: Yes.

1 CHAIRPERSON ANDERSON: Who's that
2 witness, sir?

3 MR. SCHULWOLF: Kojo Aboagye.

4 CHAIRPERSON ANDERSON: Where is Kojo
5 -- I'm sorry. What's the last name again?

6 MR. SCHULWOLF: Aboagye.

7 CHAIRPERSON ANDERSON: Aboagye.

8 MR. SCHULWOLF: I probably misspelled
9 -- mispronounced that.

10 CHAIRPERSON ANDERSON: I'm seeing a
11 different last name on my screen. So that's one
12 of the reasons why normally when I look at my
13 screen, it helps me pronounce a name. But I'm
14 seeing a different name.

15 MR. SCHULWOLF: You're seeing another
16 -- he's borrowing a computer.

17 CHAIRPERSON ANDERSON: All right. So
18 can you raise your right hand, sir, please? Do
19 you swear or affirm to tell the truth and nothing
20 but the truth?

21 MR. ABOAGYE: Yes, I do.

22 CHAIRPERSON ANDERSON: All right. So
23 can you have the witness identify and spell his
24 name for the record, please, sir?

25 MR. SCHULWOLF: Mr. Aboagye, would you

1 please identify yourself? State your full name.

2 MR. ABOAGYE: My name is Kojo Aboagye,
3 and I am the general manager at the West End.

4 CHAIRPERSON ANDERSON: Can you spell
5 -- can you please spell your name for the court
6 reporter, sir, please?

7 MR. ABOAGYE: Say that again.

8 CHAIRPERSON ANDERSON: Can you please
9 spell your name for the court reporter?

10 MR. ABOAGYE: First name K-O-J-O, and
11 the last name is A-B-O-A-G-Y-E.

12 CHAIRPERSON ANDERSON: Thank you. Go
13 ahead, sir. Your witness.

14 MR. SCHULWOLF: Mr. Aboagye, where do
15 you work?

16 MR. ABOAGYE: The Georgetown Suites,
17 West End on 1121 New Hampshire Avenue.

18 MR. SCHULWOLF: And what is your
19 position with Georgetown Suites?

20 MR. ABOAGYE: I'm the general manager.

21 MR. SCHULWOLF: How long have you been
22 the general manager?

23 MR. ABOAGYE: Since 2012.

24 MR. SCHULWOLF: And briefly, can you
25 describe your duties and responsibilities as the

1 general manager of the Georgetown Suites hotel?

2 MR. ABOAGYE: Basically general
3 operations of the hotel. I do guest relations,
4 housekeeping and maintenance of the hotel.

5 MR. SCHULWOLF: Are you also involved
6 to some extent with regard to the Casta's Rum Bar
7 down the lower level of the hotel?

8 MR. ABOAGYE: Yes, it's basically
9 tenant-landlord relationship.

10 MR. SCHULWOLF: And are you familiar
11 with the incident that took place on September
12 11, 2021 which is the subject of these
13 proceedings?

14 MR. ABOAGYE: Yes.

15 MR. SCHULWOLF: Okay. And did you
16 receive -- you meaning the hotel. Did the hotel
17 receive a complaint from a hotel guest regarding
18 the noise level from Casta's relating to
19 September 11, 2021 operations.

20 MR. ABOAGYE: Yes. On September 13th,
21 we receive an email from Hilton about the guests
22 --

23 (Simultaneous speaking.)

24 MS. YOHANNES: I object. Objection,
25 if I may.

1 CHAIRPERSON ANDERSON: What's the
2 nature of your objection, ma'am?

3 MS. YOHANNES: Hello? Sorry.

4 CHAIRPERSON ANDERSON: Yes, go ahead.

5 MS. YOHANNES: Yes, my objection is
6 regarding the question or the testimony is about
7 to be regarding noise. There is not a noise
8 violation right now. The two charges pending are
9 not noise violations. And he's about to go into
10 some noise complaint.

11 (Simultaneous speaking.)

12 MR. SCHULWOLF: Well, the facts in the
13 charge relate -- the case report has to do with
14 the initial complaint was a noise violation
15 received at the ABRA hotline.

16 MS. YOHANNES: You were not cited for
17 noise.

18 CHAIRPERSON ANDERSON: I'm going
19 overrule the objection. I don't know where he's
20 going. I mean, again, this is about the incident
21 on September the 11th. All right. So I don't
22 know. I'll just give him some leeway here. But
23 you can raise the objection again, Ms. Yohannes.
24 But at this juncture, I'm going to overrule the
25 objection. But go ahead, sir. You can answer

1 the question.

2 MR. ABOAGYE: Okay. So we see the
3 complaint from a guest who stayed on September
4 the 11th from Hilton. And guest says that the
5 nightclub was so bloody noisy. This is a
6 complaint we receive from a guest on that day.

7 MR. SCHULWOLF: And is that a typical
8 complaint that you received from a guest --

9 (Simultaneous speaking.)

10 MR. ABOAGYE: Yes.

11 MR. SCHULWOLF: And how many of those
12 complaints do you receive typically --

13 MS. YOHANNES: Objection.

14 MR. SCHULWOLF: -- each week?

15 MR. ABOAGYE: Once a week.

16 CHAIRPERSON ANDERSON: I'm going to
17 sustain the objection. Again, this is about
18 September 11th. So I need you to talk about
19 specifically the incident occurred on September
20 11. This is not -- the charge was a noise
21 violation.

22 So if you're going to talk
23 specifically about the two charges, then you can
24 testify. But let's not have testimony on
25 receiving noise violations. Whether or not he's

1 aware of what occurred on September 11th, and how
2 did he become aware of what occurred on September
3 -- the charges that they were fined for, for
4 September 11th.

5 MR. SCHULWOLF: Chair, may I take just
6 one moment to speak to my client? One moment?

7 CHAIRPERSON ANDERSON: Well, sir, I
8 mean, the -- no, sir. You can't. You're --
9 although this is an administrative proceeding.

10 MR. SCHULWOLF: Fair enough. And I
11 have nothing further to ask the witness,
12 Chairman.

13 CHAIRPERSON ANDERSON: All right.

14 MR. SCHULWOLF: -- Chair.

15 CHAIRPERSON ANDERSON: All right.

16 MR. SCHULWOLF: Thank you.

17 CHAIRPERSON ANDERSON: Ms. Yohannes,
18 do you have any questions of this witness?

19 MS. YOHANNES: I'll just ask the
20 witness, did you observe anything on September
21 11th at Casta's personally?

22 MR. ABOAGYE: Did I what again?

23 MS. YOHANNES: Did you observe
24 anything regarding the charges that are pending
25 at Casta's personally? Did you personally

1 observe --

2 MR. ABOAGYE: No, no.

3 MS. YOHANNES: I have nothing further.

4 CHAIRPERSON ANDERSON: Mr. Celo?

5 MR. SCHULWOLF: Mr. Aboagye, you were
6 working the hotel 24 hours a day.

7 CHAIRPERSON ANDERSON: I'm sorry. Mr.
8 -- not you, sir.

9 MR. SCHULWOLF: Oh, Mr. Celo? I hear
10 Celo and I'm thinking Schulwolf. I apologize.

11 CHAIRPERSON ANDERSON: Okay. Go
12 ahead.

13 MR. CELO: No questions at this time.

14 CHAIRPERSON ANDERSON: Any questions
15 by any Board members?

16 (No audible response.)

17 CHAIRPERSON ANDERSON: Mr. Schulwolf,
18 any redirect?

19 MR. SCHULWOLF: Briefly. Mr. Aboagye,
20 you don't work at the hotel 24 hours a day, do
21 you?

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: I can hear you.
24 I'm not sure if he --

25 MR. SCHULWOLF: He's having computer

1 issues. Mr. Aboagye, you don't work at the hotel
2 24 hours day, do you?

3 MR. ABOAGYE: No, I don't.

4 MR. SCHULWOLF: You don't live at the
5 hotel, do you?

6 MR. ABOAGYE: No, I do not.

7 MR. SCHULWOLF: You don't observe
8 Casta's 24 hours a day, do you?

9 MR. ABOAGYE: No, I do not.

10 MR. SCHULWOLF: That's all I have.
11 Thank you.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. Thank you for your testimony, sir.
14 Do you have any other witness, sir?

15 MR. SCHULWOLF: No other witnesses.

16 CHAIRPERSON ANDERSON: Do you rest?

17 MR. SCHULWOLF: Yes.

18 CHAIRPERSON ANDERSON: All right. So
19 this is where we are now, closing arguments. So
20 the Government, they're closing, Ms. Yohannes,
21 and Mr. Schulwolf. And at this juncture, I'm
22 asking the parties to inform the Board what it is
23 that they want the Board to do. Go ahead, Mr.
24 Celso.

25 MR. CELO: Thank you, Mr. Chairman.

1 Ladies and gentlemen of the Board, may it please
2 the Board. The facts in this case are
3 undisputed. The investigative history is
4 undisputed. The only question at this point is
5 what the appropriate penalty should be.

6 The District is specifically
7 requesting a fine within the standard ranges
8 before the Board for a second primary tier
9 violation and a first secondary tier violation.
10 It is understood that one of the licensees is
11 requesting an enhanced penalty above and beyond
12 that based on the specific factors and
13 aggravating terms of this case. The District
14 does not object to the imposition of such a
15 penalty, but is not specifically requesting any
16 such penalty at this time. Thank you.

17 CHAIRPERSON ANDERSON: Thank you. Ms.
18 Yohannes?

19 MS. YOHANNES: Wabbit, LLC and the
20 Government was prepared to move forward with an
21 OIC today. We're here simply because there's a
22 dispute between the co-licensees. I don't
23 believe in the last five-plus years that ABRA has
24 encountered an issue like this.

25 But I will say in this specific

1 matter, yes, the investigative history does speak
2 for itself. I want to specify and to make sure
3 that the Board does take into consideration as
4 you all know warnings and OICs are entered into
5 and are given for specific reasons. And those
6 reasons are not dug into or looked into further.

7 In this matter, there's two charges
8 that are pending before the Board. It's first
9 secondary tier violation and a second primary
10 violation. And I would, again, request that the
11 Board in considering Charge 1 impose a fine of
12 250 dollars and with Charge 2 impose a fine of
13 2,000 dollars. That is all.

14 CHAIRPERSON ANDERSON: Mr. Schulwolf?

15 MR. SCHULWOLF: Thank you. I
16 understand this is a bit of an unusual
17 circumstance the Board and the parties find
18 themselves in, in that you have a co-licensee is
19 who is requesting that the license be revoked.
20 But that's indeed what we are asking.

21 This license should be revoked and not
22 for any wrongdoing by Georgetown Suites but
23 because of the wrongdoing of Casta's. You look
24 at the investigative history. This is the
25 seventh violation.

1 The majority of the prior violations,
2 I believe all but two have been warnings. The
3 Board can see the impact that the warnings have
4 had on this particular operator, Casta's. And
5 the answer is none. Nor will any minimal fine
6 deter this behavior.

7 It's obvious when you have in a two-
8 year period six prior, now seven violations that
9 simple warnings, minimal 250-dollar fines, 1,000-
10 dollar fines is going to have zero deterrence on
11 this particular operator's behavior. It's
12 obvious. I'm sure they would gladly take a 250-
13 dollar fine, a 2,000-dollar fine.

14 They made more than that by having 250
15 people dancing in their bar on September 11th. A
16 2,000-dollar fine and then another 250 dollars is
17 a pretty good business deal. I guarantee you
18 this operator would take that in a second
19 considering the profits and the money that they
20 made off of the violation of the 250 people that
21 were in that space.

22 If this were a one-time violation,
23 then I could understand Ms. Yohannes' argument
24 that this is a landlord-tenant dispute and that
25 we have some beef and are out to get our co-

1 licensee. But this is not a one-time violation.
2 This is the seventh in two years.

3 So we no longer want to be affiliated
4 and maybe this is for a different forum for a
5 different day. But we no longer want to have a
6 liquor license for this particular location with
7 this operator. As a co-licensee, I think we have
8 the right to request revocation.

9 This is not a simple landlord-tenant
10 dispute. This is solely related to the behavior
11 of Casta's. You have not once heard me say
12 during this entire presentation that any of their
13 behavior violates the lease. I've kept that
14 separate. This is not a lease dispute. This is
15 an operational dispute. This is a dispute
16 because my client is legitimately concerned that
17 the negligent manner in which Casta's has
18 operated its business and its complete disregard
19 for the rules is jeopardizing its own liability
20 because God forbid there is some further problems
21 and my client is a co-licensee along with
22 Casta's.

23 Briefly, given the past violations
24 that are clearly set forth in the investigative
25 history, we request that the Board impose the

1 harshest penalty possible at our request and our
2 consent which is revocation of the license.
3 Slaps on the wrist, minimal fines is not going to
4 change the behavior and you're going to find
5 yourself right back here with an I told you so.
6 And I base that simply on the now seven
7 violations in the past two-year period. Thank
8 you very much.

9 CHAIRPERSON ANDERSON: Thank you. The
10 record is now closed. I'm going to ask this, but
11 I don't think it's necessary in this case. Do
12 the parties wish to file proposed findings of
13 fact and conclusion of law or waive their right
14 to do so? I think in this particular case that -
15 - and I'm just stating this because the factual
16 situation is there's no new facts, there's
17 stipulation of facts. But that's the right of
18 the parties.

19 MR. CELO: The Government would agree
20 with you, Mr. Chair.

21 MS. YOHANNES: I would agree so long
22 as our co-licensee does.

23 MR. SCHULWOLF: We agree, Your Honor
24 -- I mean, Chairman.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you. The record is not closed. Then as
2 Chairperson of the Alcoholic Beverage Control
3 Board for the District of Columbia in accordance
4 with D.C. Official Code Section 2574(b) of the
5 Open Meetings Act, I move that ABC Board hold a
6 closed meeting for the purpose of seeking legal
7 advice from our counsel on Case No. 21-CMP-00045,
8 Georgetown/West End/Casta's Rum Bar, pursuant to
9 D.C. Official Code Section 2574(b)(4) of the Open
10 Meetings Act and deliberating upon Case No. 21-
11 CMP-00045, Georgetown Inn/West End/Casta's Rum
12 Bar for the reasons cited in D.C. Official Code
13 Section 2574(b)(13) of the Open Meetings Act. Is
14 there a second?

15 MEMBER GRANDIS: Ed Grandis will
16 second.

17 CHAIRPERSON ANDERSON: Mr. Grandis has
18 second the motion. We'll now have a roll call
19 vote. Mr. Short?

20 MEMBER SHORT: Mr. Short, I agree.

21 CHAIRPERSON ANDERSON: Mr. Cato?

22 MEMBER CATO: Bobby Cato, I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I
25 agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?

2 MEMBER GRANDIS: Edward Grandis, I
3 agree.

4 CHAIRPERSON ANDERSON: And Mr.
5 Anderson, I agree. As it appears the motion has
6 passed, I hereby give notice that ABC Board will
7 recess these proceedings to hold a closed meeting
8 in the ABC Board conference room pursuant to
9 Section 2574(b) of the Open Meetings Act. Thank
10 you very much for your presentation today. This
11 is a first impression case for me as Board chair.
12 And we will deliberate. We'll issue a decision
13 within 90 days. Thank you very much and have a
14 pleasant evening.

15 (Whereupon, the above-entitled matter
16 went off the record at 3:26 p.m.)

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In the matter of: Casta's Rum Bar

Before: DC ABRA

Date: 03-23-22

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