

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

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 IN THE MATTER OF:                   :  
   :  
 Kat, LLC                               :  
 t/a Cloud Restaurant &           :  
 Lounge Sports Bar                   :  
 1919 9th Street NW                :  
 Retailer CT - ANC 1B               :  
 License No. 93572                   :  
 Case #22-251-00007                :  
   :  
 (The Alcoholic Beverage           :  
 Board Closure -                      :  
 March 18, 2022)                   :  
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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  
 RICHARD BIANCO, Applicant Counsel  
 ANTHONY CELO, DC OAG

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

2 1:34 p.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 22-251-00007. This  
5 is Cloud Restaurant & Lounge Sports Bar, license  
6 number 93572. This is a summary suspension  
7 hearing request. Ms. Fashbaugh, can you please  
8 elevate the rights of the parties in this case,  
9 please.

10 MS. FASHBAUGH: Please stand by.  
11 Richard Bianca, your rights have been elevated.  
12 Anthony Celo, your rights have been elevated.  
13 Tavril Prout, your rights have been elevated.  
14 That is all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Good afternoon.  
16 Thank you very much.

17 MR. CELO: Good afternoon, Mr. Chair.

18 CHAIRPERSON ANDERSON: Good afternoon,  
19 Mr. Celo. Can you please spell and state your  
20 name for the record, please.

21 MR. CELO: Anthony Celo.  
22 A-N-T-H-O-N-Y C-E-L-O, Assistant Attorney  
23 General on behalf of the Government.

24 CHAIRPERSON ANDERSON: Good afternoon,  
25 Mr. Celo. Mr. Bianco.

1 MR. BIANCO: Richard Bianco. Last  
2 name is B-I-A-N-C-O, counsel for the respondent.

3 CHAIRPERSON ANDERSON: Good afternoon,  
4 Mr. Bianco. Is your client going to be here this  
5 afternoon, sir?

6 MR. BIANCO: No, sir.

7 CHAIRPERSON ANDERSON: Okay. This  
8 matter was scheduled for a summary suspension  
9 hearing that the Chief of Police, it's my  
10 understanding the Chief of Police had closed this  
11 establishment down for 96 hours. The ABC Board  
12 voted to extend the closure, and by operation of  
13 law the license had requested a hearing.

14 This hearing was granted within the  
15 statutory timeline. So, we are here for this  
16 hearing pursuant to statute. And so, Mr. Celo,  
17 where are we? Are there any preliminary matters  
18 in this case?

19 MR. CELO: Yes, Mr. Chair. The  
20 parties are in negotiations. It does look like  
21 we'll be able to resolve this matter. We have  
22 not yet resolved it, and speaking on behalf of  
23 Attorney Bianco, we are requesting a one-week  
24 continuance of this matter, to allow for  
25 resolutions for negotiation.

1                   CHAIRPERSON ANDERSON: Thank you.  
2                   Mr. Bianco, as you're aware, your client had  
3                   requested this hearing. The Board complied with  
4                   the statutory requirement for us to have this  
5                   hearing within the two-days, I believe, after the  
6                   request was made.

7                   And it's now my understanding that a  
8                   continuance has been requested. Is this a joint  
9                   continuance on your part, sir?

10                  MR. BIANCO: Yes, it is. That's  
11                  accurate. We filed the request, I believe, at  
12                  some point on Monday, and we thank the Board for  
13                  acting quickly, scheduling it for today.

14                  I think that's probably what prompted  
15                  us to enter into more serious settlement  
16                  discussions.

17                  And it looks like we'll be able to get  
18                  this resolved within the next week. And that's  
19                  certainly my hope.

20                  CHAIRPERSON ANDERSON: And is your  
21                  client aware that the suspension will remain in  
22                  effect until there is an order or there is an  
23                  agreement on the part of the Government that -- I  
24                  mean, until an agreement has been reached to lift  
25                  the suspension on preventing them from selling or

1 serving alcohol. Is your client aware of that?

2 MR. BIANCO: Yes, they are. And as of  
3 last night during my investigation, the placards  
4 indicating an indefinite suspension until order  
5 of the Board, are still posted on the front of  
6 the establishment and they will remain so.

7 CHAIRPERSON ANDERSON: I know that a  
8 placard was posted. I just want to make sure  
9 that your client is aware that they are unable to  
10 sell or serve alcohol during -- I know that the  
11 Agency has done its part in posting the red  
12 placard. I'm sorry, not the red placard, the  
13 placard, on the establishment.

14 I want to make sure that the licensee  
15 is aware of what the placard means. That the  
16 licensee is aware that they cannot sell and serve  
17 alcohol until this Board has lifted those orders.  
18 I just want to make sure that your client is  
19 aware.

20 MR. BIANCO: They have been so advised  
21 and indicated their understanding of the  
22 instructions.

23 CHAIRPERSON ANDERSON: All right,  
24 thank you. Thank you for that representation,  
25 Mr. Bianco.

1                   With that said, this matter is then  
2 continued for further hearing on March 30, 2022  
3 at 1:30 p.m. Thank you very much.

4                   MR. BIANCO: Thank you, Mr. Chair.

5                   (Whereupon the above-entitled matter  
6 went off the record at 1:38 p.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: Cloud Restaurant

Before: DC ABRA

Date: 03-23-22

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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