

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 ROLL CALL HEARING

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IN THE MATTER OF:      :
                        :
Crujiente, LLC         :
t/a Anejo Bar & Grill  :
3920 14th Street, NW  : Roll Call
License #116070        : Hearing
Case #22-PRO-00017    :
Retailer CT - ANC 4C  :
                        :
(Substantial Change -  :
Add Dancing to Existing :
Entertainment Endorsement):
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Monday
 March 28, 2022

The Alcoholic Beverage Control Board
 met via WebEx videoconference, LaVerne Fletcher,
 Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

DANIEL ALEXANDER, Protestant
STEVE DONAHOE, Protestant
ALEJANDRO LePAGE, Applicant
ADRIENNE MORRIS, Protestant

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

2 9:59 a.m.

3 MS. FLETCHER: Okay, it is now 10:00.

4 My name is LaVerne Fletcher, the Board's agent.
5 I'll be conducting the roll call hearings today.
6 And I'd like to first thank everyone for
7 appearing for ABRA's roll call hearings via the
8 WebEx platform.

9 There are three cases on the calendar
10 today. The first case is Anejo Bar & Grill.
11 This is Case No. 22-PRO-00017, Cujiente LLC,
12 3910 14th Street, NW, license number ABRA-116070.

13 This is a Retailer Class C-2,
14 Substantial Change Application to add dancing to
15 existing entertainment endorsement.

16 My name is LaVerne Fletcher,
17 conducting the roll call hearing as the Board's
18 agent. Is anyone present on behalf of the
19 establishment? Is anyone present on behalf of
20 Anejo Bar & Grill? Is Daniel Alexander present?

21 MR. ALEXANDER: Yes, present.

22 MS. FLETCHER: Mr. Alexander, would
23 you please state your name and spell it for the
24 record, please?

25 MR. ALEXANDER: Daniel Alexander,

1 D-A-N-I-E-L A-L-E-X-A-N-D-E-R.

2 MS. FLETCHER: Thank you very much.
3 And, Mr. Alexander, you filed your protest as an
4 abutting property owner?

5 MR. ALEXANDER: Yes. I reside at
6 3902 14th Street.

7 MS. FLETCHER: And so, according to
8 the geographical information system, your
9 building does abut the establishment. The
10 question is whether or not your unit, which is
11 number 621?

12 MR. ALEXANDER: Mm-hmm. That's
13 correct. Yeah, it faces --

14 (Simultaneous speaking.)

15 MR. ALEXANDER: I'm sorry. Go ahead.

16 MS. FLETCHER: Go ahead.

17 MR. ALEXANDER: Oh, I was going to
18 say, my unit faces 14th Street, so it faces
19 basically behind the bar.

20 MS. FLETCHER: And so, does unit 621
21 actually touch the bar? The properties actually
22 touch or abut?

23 MR. ALEXANDER: Well, I'm not sure,
24 depending on the definition. I mean, like, the
25 properties do -- the building is a parent

1 building with driveway and ***10:02:30 in front,
2 into the parking lot, technically, abuts, touches
3 their property. But the building is not
4 physically touching --

5 MR. LePAGE: Let me -- I am --

6 MS. FLETCHER: Excuse me,

7 Mr. Alexander. Who's speaking?

8 MR. ALEXANDER: I think that was
9 another user.

10 MS. FLETCHER: Okay. One person at a
11 time. Mr. Alexander, abutting means that, for
12 example, your floor touches the ceiling of the
13 establishment, that the properties actually
14 touch. Do you know if that's the case?

15 MR. ALEXANDER: That's not the case.

16 MS. FLETCHER: In order to be
17 considered an abutting property owner, that would
18 have to be the case. I understand what you're
19 saying. The buildings definitely abut, but your
20 unit 621 --

21 MR. ALEXANDER: Well, they don't abut.
22 The buildings don't abut. I mean, the Randolph
23 Towers, which is where my unit is in, is a
24 standalone building that is --

25 MS. FLETCHER: So, I checked the

1 geographic information system already. But for
2 sure, your unit does not touch.

3 And the units would have to touch in
4 order for a person to be granted standing as an
5 abutting property owner.

6 MR. ALEXANDER: Are you saying by the
7 definition of the buildings to touch though?
8 Because the buildings don't technically touch
9 either.

10 MS. FLETCHER: No. Your unit
11 number 621, it has to touch the establishment.
12 As an example, if your floor touched the ceiling,
13 or if one of your walls was on the other side of
14 the wall of the establishment, your unit would
15 actually have to touch the establishment.

16 MR. ALEXANDER: Okay. In that case
17 then, 3902, which is Randolph Towers, the
18 building doesn't touch Anejo Bar & Grill.

19 MS. FLETCHER: We're more concerned
20 about -- your unit would have to touch 3910.

21 MR. ALEXANDER: Yes. Well, I mean,
22 right. My unit, as a unit in that building,
23 technically does not physically touch, because
24 they're separate buildings.

25 I mean, it's an abutting property

1 though. But no, it does not touch by a physical
2 wall or ceiling.

3 MS. FLETCHER: In that case,
4 Mr. Alexander, your protest as an abutting
5 property owner is dismissed. But --

6 MR. ALEXANDER: I'm sorry. According
7 to the definition on the website though, it
8 sounded like it does not need to physically -- I
9 mean, it's a neighboring -- like, the property
10 that my condo resides in is neighboring to
11 their -- you know, the properties are touching.

12 So, I mean, Anejo Bar & Grill doesn't
13 physically touch any residential buildings. It's
14 in a row of commercial establishments.

15 MS. FLETCHER: And so, what you can
16 do, Mr. Alexander, when you receive your order
17 dismissing your protest for the reason I just
18 stated, you have the option to provide that
19 information to the ABC Board and ask to
20 reconsider. And the ABC Board can grant you
21 standing at that time.

22 But that would be the time to provide
23 the information that you have, explain why the
24 properties do abut.

25 MR. ALEXANDER: But this will be ruled

1 on here, right?

2 MS. FLETCHER: I'm sorry, what did you
3 say, Mr. Alexander?

4 MR. ALEXANDER: But this issue that
5 their application for significant change to their
6 license, that's being ruled on today?

7 MS. FLETCHER: Yes, there will be a
8 determination made as to whether or not the
9 applicant will be granted standing to go forward
10 with the protest process.

11 Yeah, so you can stay on the line.
12 When I initially called the case, the licensee
13 was not present. So, I move on to the
14 protestants, which I'm going to continue to do.
15 And I'll go back and call the applicant in just a
16 moment. Is Adrienne Morris present?

17 MS. MORRIS: Yes, I'm here.

18 MS. FLETCHER: Ms. Morris, you
19 reside -- first of all, you filed -- you did not
20 file your complaint as an abutting property
21 owner.

22 And so, your protest is dismissed
23 because you did not file as an abutting property
24 owner. So, I don't have to determine if you're
25 abutting. But I will ask you, just for the

1 record, if your unit touches the unit of the
2 establishment? Do you know if unit 321 touches
3 the --

4 MS. MORRIS: I mean, physically, our
5 buildings don't touch --

6 (Simultaneous speaking.)

7 MS. FLETCHER: Physically.
8 Physically.

9 MS. MORRIS: -- the driveway of our
10 building --

11 MS. FLETCHER: Physically.

12 MS. MORRIS: Okay. No. I don't
13 understand why that matters though. Like --

14 MS. FLETCHER: It does matter. That's
15 what a abutting owner is for us. But,
16 Ms. Morris, you actually didn't claim to be an
17 abutting property owner. And in order for us to
18 consider that, you have to claim it first.

19 MS. MORRIS: Yeah, but you would
20 dismiss it anyway, so it's sort of a moot point.

21 MS. FLETCHER: Well, I would. I
22 would. But still, I have to say all these things
23 for the record.

24 MS. MORRIS: Okay. For the record,
25 none of our -- I don't think Randolph Towers

1 physically touches Anejo's building, but our
2 driveway does like touch the back of their
3 building.

4 MS. FLETCHER: Well, I'm going to have
5 to go through each protest anyway. For every
6 person that filed a protest, I have to call each
7 person.

8 In your case, Ms. Morris, you're not
9 an abutting property owner, and so your protest
10 is dismissed for that reason. You have the
11 option to petition the ABC Board for
12 consideration, upon receipt of the order
13 dismissing the protest. Is Steve Donahoe
14 present? Is Steve Donahoe present?

15 MR. DONAHOE: Yes, I'm here.

16 MS. FLETCHER: Oh, Mr. Donahoe, thank
17 you. Would you please spell your name for the
18 record?

19 MR. DONAHOE: The last name is
20 Donahoe, D-O-N-A-H-O-E. First name Steve,
21 S-T-E-V-E.

22 MS. FLETCHER: Mr. Donahoe, you did
23 not claim to be an abutting property owner, but
24 your unit -- but I have a unit number here. Does
25 your unit touch the establishment, as far as you

1 know?

2 MR. DONAHOE: None. None of our --
3 our whole building, as Adrienne stated, it does
4 not touch it. Our parking lot, or our driveway,
5 touches their property.

6 MS. FLETCHER: Okay, thank you for
7 that, Mr. Donahoe. Your protest is dismissed
8 because you didn't claim to be an abutting
9 property owner, and even if you did, it doesn't
10 appear that your unit actually touches that of
11 the establishment.

12 And so, once you receive your court
13 order dismissing the protest, you will have an
14 opportunity to ask the Board to reconsider.

15 MR. DONAHOE: Can I ask you a quick
16 question? Yeah, I was in another one of these
17 hearings for another establishment, 18th Street
18 Lounge.

19 And they had quite a few residents
20 that were more than a block away from the
21 establishment protesting. How were they able to
22 protest that when they're over a block away, and
23 we -- I mean, we can see the building from our
24 front doorstep? How were they able to protest it
25 because they were worried about hearing sound,

1 when we -- how can we do the same thing when
2 we're right across the street? Or, not even
3 across the street. It's really across the
4 driveway. How would we properly protest that?

5 MS. FLETCHER: They would have been
6 able to file a protest because they filed as a
7 group, as opposed to as individuals.

8 MR. DONAHOE: I see.

9 MS. FLETCHER: The only time that an
10 individual can file a complaint is if they are
11 claiming to be an abutting property owner. And
12 so, those individuals that you mentioned,
13 Mr. Donahoe, they may have lived a block or so
14 away, but they would have filed as a group of
15 protestants. If they had filed as individuals,
16 they would have been dismissed as protestants.

17 MR. DONAHOE: Okay. Thank you.

18 MS. FLETCHER: You're very welcome.

19 MS. MORRIS: Is it too late for us to
20 do that?

21 MS. FLETCHER: And who's speaking
22 please, for the court reporter?

23 MS. MORRIS: This is Adrienne Morris.
24 Is it too late for us to -- like no one at any
25 point told us this information when I filed like

1 about a month ago. So, is it too late to file as
2 a group? No, and they're just going to get their
3 dance license? Or, you know --

4 MS. FLETCHER: Well, we don't know
5 what's going to happen regarding their license,
6 but it's too late to file as a group because
7 there was a petition deadline, which was
8 March 7th.

9 MS. MORRIS: Yeah. It would have been
10 nice if someone had like told us this
11 information. Because we were under the
12 impression that we had the right to file as
13 individuals, since we're directly behind Anejo.

14 MS. FLETCHER: Well, it's in the
15 regulations. You filed as an abutting property
16 owner.

17 MS. MORRIS: No, I didn't actually.
18 But --

19 (Simultaneous speaking.)

20 MS. FLETCHER: You did not file as an
21 abutting property owner. So --

22 MS. MORRIS: So, it's just we don't
23 have any recourse now? It's over? Or --

24 MS. FLETCHER: Well, once you get the
25 Board order dismissing the protest, if you

1 believe you are an abutting property owner, you
2 can say that. Or, once you receive the order
3 dismissing the protest, you can say someone
4 should have told you and you didn't know. You
5 can say whatever you want to say, in terms of
6 giving the Board an opportunity to reconsider.

7 MS. MORRIS: Okay. I would like to
8 know what is the best course of action for us to
9 actually have a say or a vote in this, or
10 something. Because it doesn't --

11 (Simultaneous speaking.)

12 MS. MORRIS: If I say anything, you're
13 going to dismiss it. If I say I didn't know,
14 you're going to dismiss it. So, I'm just trying
15 to understand like what is the best way to go
16 about this.

17 MS. FLETCHER: Well, Ms. Morris, I
18 can't say --

19 (Audio interference.)

20 MS. FLETCHER: -- consideration. I
21 don't know what the Board would do. But your
22 recourse at this point is to petition the ABC
23 Board for reconsideration once you receive your
24 order dismissing the protest.

25 The order tells you, from the date of

1 that order, to seek standing as a protestant.
2 And so, you may tell the Board anything you want
3 it to consider.

4 MS. MORRIS: Okay.

5 MS. FLETCHER: In determining whether
6 or not you should be granted standing as a
7 protestant. So, you'll have an opportunity for
8 that. Anything else, Ms. Morris?

9 MS. MORRIS: Nope.

10 MS. FLETCHER: Okay. And I don't --
11 did you spell your first name? I don't recall if
12 I asked you to spell your name for the record.

13 MS. MORRIS: It's A-D-R-I-E-N-N-E.

14 MS. FLETCHER: Thank you. And the
15 last name is M-O-R-R-I-S?

16 MS. MORRIS: Yes.

17 MS. FLETCHER: Thank you very much.
18 Is the applicant present?

19 MR. LePAGE: Yes. Yes, I'm here.

20 MS. FLETCHER: Okay, thank you. Would
21 you please state your name and spell it for the
22 record?

23 MR. LePAGE: It's Alejandro LePage.
24 A-L-E-X-A-N-D as in David, R-O, LePage, L-E-P as
25 in Paul, A-G-E.

1 MS. FLETCHER: Mr. LePage, at this
2 point the three individuals that protested your
3 applicant have been dismissed, but the matter is
4 over yet. Mr. Alejandro, you disappeared. Can
5 you hear me?

6 MR. LePAGE: Yes, I'm here. I can
7 hear you.

8 MS. FLETCHER: Oh, you moved over. I
9 see you. At this point, the three protestants
10 that filed a protest against your application
11 have been dismissed.

12 But they have the option to ask the
13 Board to reconsider their dismissal. You will
14 receive a copy of the Board orders dismissing
15 them as protestants. They will have ten days to
16 ask the Board to reconsider the dismissal of
17 their protest.

18 And if they do, you'll have an
19 opportunity to provide a response to their
20 requests for reconsideration.

21 If the Board does not grant standing
22 to these individuals as protestants, then you
23 would move forward to the licensing division. If
24 the Board does grant standing to the protestants,
25 they'll let the protestants know, and I'll know

1 and I'll contact you and the protestants, because
2 we would need to schedule mediation, a status
3 hearing, and a protest hearing. But today, we
4 don't need to schedule any hearings at all.

5 Mr. LePage, are you still there?

6 MR. LePAGE: Yeah, I lost everybody.
7 But, yeah, I'm here. I'm not sure of the
8 Internet.

9 MS. FLETCHER: Yeah, so you go in and
10 out, but I see you now. So, do you have any
11 questions about that?

12 MR. LePAGE: Well, I'm just willing to
13 work with the neighborhood. And I know I don't
14 significantly changes actually. Because I wasn't
15 quite -- I know there has been some noise
16 complaints, but I didn't quite know where they
17 were coming from.

18 Then, when I received the letters, I
19 understand they came from the back end. I was
20 more, I was thinking that it was in the front
21 end.

22 So, I actually added another door on
23 the back, where it's a three-inch fit --

24 MS. FLETCHER: So, Mr. LePage, excuse
25 me.

1 MR. LePAGE: Yes.

2 MS. FLETCHER: let me interrupt for
3 just a moment. The roll call hearing is not
4 where you would have that discussion. But you
5 may have that discussion with the protestants,
6 whether they're granted standing as protestants
7 or not.

8 If you're interested in resolving
9 their concerns, feel free to go ahead and do
10 that.

11 MR. LePAGE: Yes. Like I said, I'll
12 work with them. I'm not here to try to have a
13 battle where I know there's a lot of people that
14 work during the day and it's a lot harder for
15 them, yeah, to go to sleep. And I know I already
16 implementing a lot of it, and --

17 MS. FLETCHER: And so, Mr. LePage, I'm
18 going to interrupt just one more time. The roll
19 call hearing is not the place to have that
20 discussion. But it sounds like something you
21 might want to talk with the protestants about.

22 I don't know if you all have one
23 another's contact information, but because the
24 protestants weren't granted standing, it doesn't
25 mean you can't work with them to address their

1 concerns. So, hopefully things work out.

2 MR. LePAGE: Yes. Yes.

3 MS. FLETCHER: Okay. And so,
4 Ms. Morris, I see you're still on the line. I
5 don't know if you want to contact the applicant.
6 But apparently, he's willing to work with the
7 parties. Mr. Donahoe, are you still on the line.
8 Mr. Alexander?

9 MS. MORRIS: How do we get his -- your
10 email or something?

11 MR. LePAGE: Well, I'm not sure if I
12 can do it through here --

13 MS. FLETCHER: I will send your
14 contact information, Mr. LePage, to all of the
15 protestants.

16 MR. LePAGE: Okay.

17 MS. MORRIS: Thanks.

18 MS. FLETCHER: You're welcome. And is
19 it okay for me to -- just a second. One second.
20 Let me make a note here. So, I'll send
21 Mr. LePage's contact information to each
22 protestants.

23 MR. LePAGE: I thank you.

24 MS. FLETCHER: Okay, anything else?
25 Thank you for coming. The roll call hearing in

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this matter is concluded. Thank you.

(Whereupon the above-entitled matter
went off the record at 10:19 a.m.)

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Before: DC ABRA

Date: 03-28-22

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Court Reporter

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