

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
:
DMT Group, LLC :
t/a Barcode :
1101 17th Street NW : Protest
Retailer CT - ANC 2C : Hearing (Status)
License No. 115593 :
Case #23-PRO-00014 :
:
(Substantial Change - :
Expansion, Increase :
in Occupancy :
from 149 to 361, :
Sidewalk from 40 to 62) :
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Wednesday
March 29, 2023

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff
MATTHEW MINORA, Applicant Counsel
MICHAEL SHANKLE, ANC 2C
JOSEPH CARUSO, Dupont Circle Citizens Association
BENJAMIN OGLETREE, Protestant
MARISA HARTMAN, Protestant
KERRY VERDI, Protestant

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with D.C. Official
7 Code Section 2571 of the Open Meetings Act, OMA,
8 I am welcoming you to the regularly scheduled
9 meeting of the Alcoholic Beverage Control Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies. Electronic meetings by the ABC Board are
15 authorized pursuant to Section 25778 of the D.C.
16 Code.

17 Pursuant to the OMA requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on ABCA's, A-B-C-A,
20 website on the District Central Meeting Calendar.
21 The notice included the time, date, agenda, and
22 call-in or log-in information for public
23 participation. This electronic meeting is being
24 hosted by a Webex account provided by the
25 District of Columbia government. Please address

1 any questions or complaints to the OOG at
2 opengovoffice@dc.gov.

3 My name is Donovan Anderson. I'm
4 Chairman of the Board. I would like to introduce
5 the other members of the Agency Board who are
6 also participating electronically. Please
7 respond when I announce your name.

8 Mr. James Short?

9 MEMBER SHORT: Mr. James Short,
10 present.

11 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

12 MEMBER CATO: Bobby Cato present.

13 CHAIRPERSON ANDERSON: Ms. Jeni
14 Hansen?

15 MEMBER HANSEN: Jeni Hansen present.

16 CHAIRPERSON ANDERSON: Edward Grandis?
17 Mr. Grandis?

18 MEMBER GRANDIS: Present.

19 CHAIRPERSON ANDERSON: The Board has
20 five members in attendance for the conduct of
21 business today, and that constitutes a quorum.
22 Before we get underway with today's hearing
23 calendar, I need to make a few instructions very
24 clear so that the conduct of these hearings is
25 understood by everyone.

1 There are eight cases scheduled for
2 this morning's calendar. Once your case is
3 called, I will take a moment for our IT
4 specialist to elevate the rights for each party
5 to enable their camera and microphone. Then, and
6 only then, will you have the ability to enable
7 your equipment. If your case is not being heard,
8 you will remain mute and your camera will be
9 disabled.

10 At the conclusion of each case, the
11 parties will have the option to leave. If the
12 party chooses to stay, all cameras and
13 microphones at the conclusion of the case will be
14 disabled. Should you have any questions or
15 require technical assistance during the hearing,
16 please submit them using the question and answer
17 feature.

18 And before we start, I just want to
19 announce to the public the new name of the -- it
20 used to be the Alcoholic Beverage -- ABRA, A-B-R-
21 A, Alcoholic Beverage Control Administration.
22 And as of March 26th, the new name of the Agency
23 is the Alcoholic Beverage Cannabis
24 Administration. So, as the year goes by, we'll
25 be changing our name officially. But that is now

1 -- it's A-B-C-A.

2 All right. So let's now turn to our
3 calendar. The first case on our calendar is a
4 protest hearing, Case Number 23-PRO-00014,
5 Barcode, license number 115593.

6 Good morning, Mr. Orellana. Can you
7 please elevate the rights of the Licensee in this
8 case, please?

9 MR. ORELLANA: Good morning, everyone.
10 Benjamin Ogletree, your access has been elevated.
11 Kerry Verdi, your access has been elevated.
12 Marisa Hartman, your access has been elevated.
13 Joseph Caruso, your access has been elevated.

14 That appears to be all, Chairman.

15 CHAIRPERSON ANDERSON: Good morning.

16 MR. OGLETREE: Good morning.

17 CHAIRPERSON ANDERSON: Good morning,
18 everyone.

19 Ms. Hartman, Verdi, can you please
20 turn your camera on, please?

21 MS. VERDI: Good morning, Chairman.

22 CHAIRPERSON ANDERSON: Good morning.

23 Who is the representative of the Licensee? Who
24 represents the Licensee?

25 MS. VERDI: He does not appear to be

1 present.

2 CHAIRPERSON ANDERSON: I know that Mr.
3 O'Brien is -- Mr. Orellana, can you look to see
4 if Mr. O'Brien -- or is there some other
5 representative of the Licensee waiting to
6 participate in this hearing, please?

7 MR. ORELLANA: I do not see anybody in
8 attendance, but I will send a chat.

9 CHAIRPERSON ANDERSON: I'll just give
10 one more minute before I start.

11 MR. ORELLANA: No response, Chairman.

12 CHAIRPERSON ANDERSON: All right.

13 Thank you.

14 All right. So let's have the parties
15 representing themselves -- let's start with Ms. -
16 - Ms. Verdi, can you please spell and state your
17 name for the record?

18 MS. VERDI: Thank you. Yes. My name
19 is Kerry, K-E-R-R-Y. Last name is Verdi, V as in
20 Victor, E, R, D as in dog, I. And I, along with
21 my partner Ben Ogletree, who's in attendance,
22 represent the group of five or more protestants
23 in this matter.

24 CHAIRPERSON ANDERSON: Mr. Ogletree,
25 can you please spell and state your name for the

1 record, please?

2 MR. OGLETREE: Good morning, Mr.
3 Chairman. Yes, sir. It's Benjamin Ogletree.
4 Last name is spelled O-G-L-E-T-R-E-E.

5 CHAIRPERSON ANDERSON: All right.
6 Good morning, Mr. Ogletree.

7 All right. Mr. Caruso, can you please
8 spell and state your name for the record, please?

9 MR. CARUSO: Joseph Caruso, J-O-S-E-P-
10 H, C-A-R-U-S-O, representing the Dupont Circle
11 Citizens Association.

12 CHAIRPERSON ANDERSON: And, Ms.
13 Hartman, can you please spell and state your name
14 for the record, please?

15 MS. HARTMAN: Yes. Marisa Hartman, M-
16 A-R-I-S-A, H-A-R-T-M-A-N. And I am part of the
17 group of five.

18 CHAIRPERSON ANDERSON: So the two
19 protestants are the group of five or more and the
20 Dupont Circle Citizens Association. Is that
21 correct?

22 MR. OGLETREE: Correct.

23 CHAIRPERSON ANDERSON: All right.

24 MS. VERDI: The ANC is also a
25 protestant, but they are not present.

1 CHAIRPERSON ANDERSON: Oh. The ANC is
2 not here, so if they were -- well, let me see. I
3 don't -- all right. So I don't see ANC 2C.

4 Mr. Orellana, do me one more favor,
5 please. Can you look to see if there's someone
6 from the ANC who's trying to get in, please?

7 MR. ORELLANA: Will do.

8 CHAIRPERSON ANDERSON: Thank you.

9 MS. VERDI: So it would be a Mr.
10 Shankle.

11 CHAIRPERSON ANDERSON: Okay. Thank
12 you. I'll give it one minute, and then I'll -- I
13 didn't realize that the ANC was not here.

14 MR. ORELLANA: No response, Chairman.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you, sir.

17 All right. This matter was scheduled
18 for a protest hearing status at 10:30 this
19 morning. It is now 10:57. And this was a
20 protest hearing status for a substantial change.
21 The Licensee was requesting expansion, an
22 increase of occupancy from 149 to 361 and the
23 sidewalk caf, from 40 to 52.

24 This matter was protested by ANC 2C,
25 the Dupont Circle Citizens Association, and the

1 group of five or more. However, for this status
2 hearing, the Licensee is not here, and neither is
3 ANC 2C. So I'm going to make a motion that this
4 application for substantial change be dismissed
5 and that ANC 2C is dismissed from this matter
6 also.

7 What this means is that both the
8 Licensee and ANC 2C will have ten days to provide
9 the Board with reasonable notice why they failed
10 to appear today. Failure by the Licensee to
11 provide the Board with reasonable notice why they
12 failed to appear today -- the substantial change
13 application will be dismissed, and the Licensee
14 will have to refile and restart the case over.

15 And what that means -- I'm sorry.
16 There's someone here from Barcode. I think there
17 is a Matt Minora that needs to be elevated. All
18 right. I was watching the chat, and so I see
19 that. Okay.

20 Mr. Minora, can you please turn your
21 camera on, sir, and please identify yourself for
22 the record, sir?

23 MR. MINORA: Sure. My name is Matthew
24 Minora. I'm with the law firm Mallios O'Brien &
25 Sandground, and we are ABC licensed counsel for

1 the Applicant.

2 CHAIRPERSON ANDERSON: And, Mr.
3 Minora, this matter was scheduled for a protest
4 hearing at 10:30. I called the case at 10:58,
5 and you were not there. And I had just made a
6 motion to dismiss the application, sir.

7 MR. MINORA: Apologies. I just got
8 the link moments ago. There was a
9 miscommunication, and we came as soon as we were
10 aware of the hearing.

11 CHAIRPERSON ANDERSON: All right.
12 Fine. All right. Now -- so the Licensee is
13 here, represented by Mr. Minora. The ANC,
14 however, is still not here. So I'm making a
15 motion that we dismiss ANC from this protest
16 based on the fact that they have failed to show
17 up at this protest hearing status today.

18 The Board will issue an order
19 dismissing the ANC. If the ANC does not respond
20 within ten days to give us reasonable cause why
21 they failed to appear today, they will be
22 dismissed from this protest. So I make a motion
23 that ANC be dismissed from this protest. Is
24 there a second?

25 MEMBER SHORT: Mr. Short. I second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. We'll now have a roll call
3 vote.

4 Mr. Short?

5 MEMBER SHORT: Mr. Short. I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 (No audible response.)

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 MEMBER HANSEN: Jeni Hansen. I agree.

10 CHAIRPERSON ANDERSON: Mr. Grandis?

11 MEMBER GRANDIS: I agree.

12 CHAIRPERSON ANDERSON: And Mr.

13 Anderson. I agree. The matter passes five-zero-
14 zero. So the ANC is dismissed from this protest.
15 We will issue a Board order, and the ANC will
16 have ten days to provide reasonable cause why
17 they failed to appear today. Failure on the part
18 of the ANC to provide the Board reasonable cause
19 why they failed to appear today -- then they are
20 permanently dismissed from this protest hearing.

21 Are there any preliminary matters in
22 this case, Mr. Minora?

23 MR. MINORA: None that I'm aware of.

24 CHAIRPERSON ANDERSON: And Mr. Caruso?

25 And Ms. Verdi?

1 MS. VERDI: No, sir.

2 CHAIRPERSON ANDERSON: All right.

3 Then this matter is scheduled for a protest
4 hearing on May 3rd, 2023, at 1:30 p.m. Are the
5 parties familiar with the status of a protest
6 hearing?

7 MR. MINORA: Yes, we are, Mr.
8 Chairman.

9 CHAIRPERSON ANDERSON: All right. I
10 just want to remind both parties that seven days
11 before the hearing, you are required to provide
12 the Agency with a PIP and also exchange the PIP
13 with -- all right. I'm sorry. It's my
14 understanding that the Agency is -- who's the ANC
15 representative?

16 Mr. Shankle?

17 MR. SHANKLE: Hey there.

18 CHAIRPERSON ANDERSON: Can you please
19 identify yourself for the record, sir?

20 MR. SHANKLE: Sure. It's Michael
21 Shankle, M-I-C-H-A-E-L, S-H-A-N-K-L-E.

22 CHAIRPERSON ANDERSON: Mr. Shankle --

23 MR. SHANKLE: I apologize for my
24 tardiness.

25 CHAIRPERSON ANDERSON: All right. I

1 just dismissed the ANC from the protest based on
2 the failure to appear today. Therefore, I need
3 to undo what I just did, sir. Therefore, the ANC
4 is now here for the hearing, so I would like to
5 make a motion to reinstate the ANC back into the
6 protest. Is there a second?

7 Mr. Short has seconded the motion.
8 We'll now have a roll call vote. Mr. Short?

9 MEMBER SHORT: Mr. Short. I agree.

10 CHAIRPERSON ANDERSON: Mr. Cato?

11 MEMBER CATO: Mr. Cato. I agree.

12 CHAIRPERSON ANDERSON: Ms. Hansen?

13 MEMBER HANSEN: I agree.

14 CHAIRPERSON ANDERSON: Mr. Grandis?

15 MEMBER GRANDIS: Mr. Grandis. I
16 agree.

17 CHAIRPERSON ANDERSON: And Mr.
18 Anderson. I agree. The matter passed five-zero-
19 zero. Now the ANC is now part of this protest
20 hearing.

21 As I'd asked all the parties before,
22 sir, do you have any preliminary matters that you
23 want to bring to the attention of the Board?

24 MR. SHANKLE: I do not.

25 CHAIRPERSON ANDERSON: All right.

1 Fine. All right. As I had advised the parties,
2 the protest hearing is scheduled for May 3rd,
3 2023, at 1:30 p.m.

4 There are three protesting groups in
5 this matter, and so, therefore, what the Board is
6 demanding is that if this matter goes to a
7 protest hearing, that one person be empowered to
8 represent all three groups because we're not
9 going to have three separate protest hearings
10 going on. So the parties are advised that they
11 need to identify who's a party that would
12 represent the protestants at the protest hearing.
13 Then, if this matter moves to a protest hearing,
14 as I stated before, you have seven days to -- you
15 must exchange the PIP to each other and also to
16 ABRA Legal.

17 You'll have one hour to present your
18 case, and you are limited to five witnesses.
19 Again, if this matter is going to a protest
20 hearing, if you need more time to present your
21 case and if you need to bring more than five
22 witnesses, please file a formal motion to the
23 Board requesting additional time and additional
24 witnesses, and the Board -- we will consider
25 making changes to the one hour and the five

1 witness limitations. Okay?

2 Are there any questions by anyone?

3 MS. VERDI: None from the group of
4 five.

5 CHAIRPERSON ANDERSON: All right.

6 MR. SHANKLE: Nothing from the ANC.

7 CHAIRPERSON ANDERSON: All right.

8 Fine. The Board supports settlements. If the
9 parties believe this matter can be settled,
10 please advise the Agency as soon as possible so
11 we do not have to assign an investigator to this
12 case. But if this matter is not settled, we will
13 see you then for a protest hearing on May 3rd,
14 2023, at 1:30 p.m.

15 Thank you very much, and have a great
16 day.

17 MR. CARUSO: Thank you.

18 MR. MINORA: Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:05 a.m.)

21

22

23

24

25

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In the matter of: Barcode

Before: DC ABRA

Date: 03-29-23

Place: teleconference

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