

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

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IN THE MATTER OF:           :
                             :
Mayden, LLC,                :
t/a Maydan                  :
1346 Florida Ave NW        : Protest
Retailer CT - ANC 1B       : Hearing (Status)
License #106450             :
Case # 23-PRO-00021        :
                             :
(Petition to Amend or      :
Terminate the Settlement   :
Agreement)                 :
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Wednesday
April 12, 2023

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

PRESENT:

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

ALSO PRESENT:

JANET HAROUCH, Protestant
SANTIAGO LAKATOS, ANC 1B
JOSE ORELLANA, DC ABRA Staff
MICHELLE RINGUETTE, Protestant
SCOTT ROME, Applicant's Attorney

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

2 10:43 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case number 23-PRO-
5 00021, Mayden, License number 106450. Mr.
6 Orellana, can you please elevate the protestant
7 in this case, please.

8 MR. ORELLANA: Santiago Lakatos, your
9 access has been elevated. That appears to be
10 all, Chairman.

11 CHAIRPERSON ANDERSON: Thank you.

12 MR. ROME: Good morning. Scott Rome
13 once again on behalf of the licensee.

14 CHAIRPERSON ANDERSON: Good morning.
15 Mr. Lakatos, can you please spell and state your
16 name for the record, and identify yourself,
17 please? I cannot hear you, Mr. Lakatos. Mr.
18 Orellana, can you please elevate Ms. Ringuette,
19 please?

20 MR. LAKATOS: Mr. Chairman, are you
21 able to hear me now?

22 CHAIRPERSON ANDERSON: Yes. I can
23 hear you, sir. Go ahead.

24 MR. LAKATOS: Sorry. Thank you.
25 Apologies for bearing with me. Santiago Lakatos,

1 S-A-N-T-I-A-G-O, L-A-K-A-T-O-S, representing the
2 ANC in this matter.

3 CHAIRPERSON ANDERSON: Good morning.
4 Ms. Ringette, can you please spell and state your
5 name for the record, and your affiliation.

6 MS. RINGUETTE: Hi again. It's
7 Michelle Ringette, R-I-N-G-U-E-T-T-E. Nice to
8 see you.

9 CHAIRPERSON ANDERSON: And your,
10 what's your affiliation with this case, ma'am?

11 MS. RINGUETTE: I am a neighboring
12 party.

13 CHAIRPERSON ANDERSON: I'm sorry, you
14 are, what you mean by neighboring party? You are
15 --

16 MS. RINGUETTE: I am representing the
17 protest group. And I'm a neighbor. I'm at 1324
18 Florida Avenue, Northwest.

19 CHAIRPERSON ANDERSON: All right. So,
20 you're representing the group of five or more?
21 Is that what you're saying?

22 MS. RINGUETTE: Yes.

23 CHAIRPERSON ANDERSON: Yes. Now,
24 there is a Janet Harouch. I'm sorry. Who are
25 you, ma'am, please?

1 MS. HAROUCH: Yes. I'm representing
2 Meridian Hill Neighborhood Association.

3 CHAIRPERSON ANDERSON: I need you to
4 say and spell your name, please.

5 MS. HAROUCH: Yes. It's Janet, J-A-N-
6 E-T, last name H-A-R-O-U-C-H.

7 CHAIRPERSON ANDERSON: Thank you,
8 ma'am. And so, Mr. Rome just, this matter has
9 been protested by the ANC, a group of five or
10 more, and the civic association. Is that
11 correct?

12 MS. HAROUCH: Meridian Hill
13 Neighborhood Association, correct.

14 CHAIRPERSON ANDERSON: I'm sorry, the
15 neighborhood, so you all. All right. The PIF
16 was provided to all three groups at the roll call
17 hearing?

18 MS. HAROUCH: Correct.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. All right, Mr. Rome, are there any
21 preliminary matters you need to bring to the
22 attention of the Board?

23 MR. ROME: No. Other than that the
24 parties are working together to reach a
25 settlement agreement.

1 CHAIRPERSON ANDERSON: Perfect. Mr.
2 Lakatos, any preliminary matters you want to
3 bring to the attention of the Board?

4 MR. LAKATOS: Same as Mr. Rome. The
5 parties are working together to try to get a
6 settlement agreement.

7 CHAIRPERSON ANDERSON: Ms. Ringuette.

8 MS. RINGUETTE: We have ongoing
9 negotiations on this. And we just want to
10 reiterate that we would like Mayden to withdraw
11 the application, to terminate the settlement
12 agreement, and just continue to propose new
13 amendments to the neighborhood.

14 CHAIRPERSON ANDERSON: Ms. Harouch.

15 MS. HAROUCH: Yes. The parties are
16 working towards a settlement. I think our
17 mediation hearing was promising.

18 CHAIRPERSON ANDERSON: All right. All
19 right, yes. All right. All right. Okay. This
20 matter is scheduled for a protest hearing on May
21 17th, 2023 at 1:30 p.m.

22 And I, just as a matter of course, I
23 just want to, Ms. Ringuette, you, you're
24 representing a group of five or more. Is that
25 correct?

1 MS. RINGUETTE: Yes.

2 CHAIRPERSON ANDERSON: All right.

3 Just as an FYI, the operation of law, if there's
4 a settlement agreement that's signed between the
5 licensee and the ANC, then your group falls. But
6 Ms. Harouch, your group still remains, because as
7 a civic association you have separate standing to
8 --

9 MS. HAROUCH: Correct.

10 CHAIRPERSON ANDERSON: Right. So I,
11 just as a matter of law I just want to let, eyes
12 on. I'm sorry. Let me turn this thing off. I
13 have no idea why this things keeps on coming on.
14 Give me a minute, please. I apologize.

15 All right. Okay. So, as I said
16 before, so this matter is scheduled for a protest
17 hearing on May 3rd, 2023 at, I'm sorry, May 17th,
18 2023 at 1:30 p.m.

19 I just read the protest in the -- All
20 right. So, I just want to remind the parties.
21 You should have received a PIF. And you're
22 required to file the PIF seven days before the
23 hearing.

24 And these documents must be filed.
25 They shouldn't, they have to be exchanged with

1 the opposing parties, and also to ABRA Legal.

2 Failure by the parties to provide us
3 a PIF seven days before the hearing, unless good
4 cause is shown, the Board is empowered to prevent
5 you from moving forward.

6 What's more important to this case,
7 pursuant to Section 1612.8 the Board is, if this
8 matter goes through a protest hearing the Board
9 is requesting that the three protestants, the
10 three protestant groups, that you designate a
11 representative to represent all three groups.

12 So, we're not going to have three
13 separate hearings, cases for the protest group.
14 We're going to, we're requesting pursuant to
15 Section 1612.8 that the protestants designate one
16 person to represent all three groups.

17 If this matter goes to a hearing you
18 have one hour to present your case. And you are
19 all, and since while the hearings are virtual,
20 and you will only have the ability to call five
21 witnesses.

22 If there, since there are more than
23 five protestants in this case if the parties
24 believe that they require more than one hour to
25 present their case, or if they believe that

1 they're going to require more than five
2 witnesses, then please make a, file a motion with
3 the Board asking for additional time and for
4 additional witnesses if you believe that.

5 But, and the Board will review it and
6 make a determination whether or not we will grant
7 that change. Any questions by any, any questions
8 by either side? No? Yes, ma'am. Go ahead.

9 MS. RINGUETTE: Sorry. One quick
10 question. I'm hearing impaired. And I'm trying
11 to follow along in the captions. Will this
12 information be provided in writing to us after
13 today's session, so that we can review it? Just
14 so we make sure we do it correctly.

15 CHAIRPERSON ANDERSON: Yes, ma'am. I,
16 what I would ask you to do, ma'am, is to, the
17 transcript will, the transcript of this hearing
18 will be I think, be available in about seven
19 days. So, you can also request a copy of the
20 transcript.

21 I would also ask that you can reach
22 out to our legal office. And we can provide you
23 the written instructions if you have not received
24 that, of what I just stated. Okay, ma'am? All
25 right. Ms. Harouch.

1 MS. HAROUCH: Yes.

2 CHAIRPERSON ANDERSON: I see you have
3 your hand up.

4 MS. HAROUCH: Yes, Mr. Anderson. All
5 three parties raised procedural grounds to
6 dismiss the protest. And I was wondering at what
7 point the Board might consider that issue.

8 CHAIRPERSON ANDERSON: Did you file
9 motions to the Board, procedural motions to the
10 Board? I did ask that. I'm not aware. You
11 could have raised that. You could argue. Well,
12 what I'll ask what, to be done, is that you file
13 a formal motion with the Board. Has that been
14 done as yet?

15 MS. HAROUCH: No, it has not as -- I
16 don't believe the ANC has. We have not. And I
17 don't believe the party of five has either. We
18 were kind of told by ABRA Legal that that
19 wouldn't be considered.

20 CHAIRPERSON ANDERSON: No, ma'am. You
21 can send something to us in writing. I'm not
22 just assuming that you're a lawyer. But you can
23 send something in writing to the Agency.
24 Procedurally raise the motion why you believe
25 whatever you're asking for.

1 MS. HAROUCH: Okay.

2 CHAIRPERSON ANDERSON: Make sure that
3 you serve the other side, the licensee, with a
4 copy of that motion that you're going to file
5 with the Board.

6 MS. HAROUCH: Okay. Will do.

7 CHAIRPERSON ANDERSON: So, once you
8 file it in writing, and we will, the Board will
9 review it. And we will issue a decision prior to
10 the hearing --

11 MS. HAROUCH: Okay.

12 CHAIRPERSON ANDERSON: -- on your
13 motion.

14 MS. HAROUCH: Okay. That's fair.
15 Thank you.

16 CHAIRPERSON ANDERSON: Thank you. Any
17 other questions by anyone else? All right. Good
18 luck in your mediation. As a, in your discussion
19 that this matter's going to be settled.

20 But as I said before this matter is
21 scheduled for May 17th. And so, if you have a
22 motion to file, please file the motion as soon as
23 possible, so we can review it and make a
24 determination whether or not the, there, what's
25 in there is good cause to grant or deny the

1 motion that you're filing. Okay.

2 MS. RINGUETTE: We have a --

3 CHAIRPERSON ANDERSON: Any questions?

4 Any other questions by anyone before I adjourn

5 this matter?

6 MS. RINGUETTE: Expediting --

7 CHAIRPERSON ANDERSON: All right.

8 Thank you very much. Have a great day.

9 MR. ROME: Thanks, all of you.

10 CHAIRPERSON ANDERSON: All right.

11 Thank you.

12 (Whereupon, the above-entitled matter

13 went off the record at 10:54 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Maydan

Before: DC ABRA

Date: 04-12-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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