

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

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IN THE MATTER OF:                    :  
   :  
The New 7307, Inc.                   :  
t/a Premier Lounge                  :  
7307 Georgia Ave NW                : Protest  
Retailer CT - ANC 4B               : Hearing (Status)  
License No. 120372                  :  
Case #22-PRO-00022                :  
   :  
(Application for a                  :  
New License)                         :  
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Wednesday  
May 18, 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  
JUSTIN ALLEN, Applicant  
EVERAL CAMPBELL, Applicant  
NAIMA JEFFERSON, Group of 5  
STEPHEN WHATLEY, Group of 5  
JACKSON CARNES, Group of 5  
MARK PATTISON, Group of 5  
DON SQUIRES, Group of 5  
PAULA EDWARDS, Protestant

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

2 10:36 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone. As Chairperson of the Alcoholic  
5 Beverage Control Board for the District Columbia,  
6 and in accordance with D.C. Code Section 2-571 of  
7 the Open Meetings Act, OMA, I am welcoming you to  
8 the regularly scheduled meeting of the Alcoholic  
9 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 Sections 2-577(a) of the  
16 D.C. Code.

17 Pursuant to the OMA requirements,  
18 notice of today's meeting was provided 48 hours  
19 in advance of the meeting on ABRA's website and  
20 on the District's central meeting calendar. The  
21 notice included the time, date, agenda, and call-  
22 in or login information for public participation.

23 This electronic meeting has been  
24 housed 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 ABC Board who are also  
6 participating electronically. Please respond  
7 when I announce your name.

8 CHAIRPERSON ANDERSON: Mr. James  
9 Short?

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

12 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

13 MEMBER CATO: Bobby Cato, present.

14 CHAIRPERSON ANDERSON: Ms. Rafi  
15 Crockett?

16 MEMBER CROCKETT: Rafi Crockett,  
17 present.

18 CHAIRPERSON ANDERSON: Ms. Jeni  
19 Hansen?

20 MEMBER HANSEN: Jeni Hansen, present.

21 CHAIRPERSON ANDERSON: Mr. Edward  
22 Grandis?

23 MEMBER GRANDIS: Edward Grandis,  
24 present.

25 CHAIRPERSON ANDERSON: The Board has

1 six members in attendance for the conduct of  
2 business today, and that constitutes a quorum.  
3 Before we get underway with today's hearing  
4 calendar, I need to make a few instructions very  
5 clear so that the conduct of these hearings is  
6 understood by everyone.

7 There are ten cases on today's  
8 calendar. Once a case is called, I will take a  
9 moment for our IT specialist to elevate the  
10 rights of each party to enable their camera and  
11 microphone. Then and only then will you have the  
12 ability to enable your equipment. If your case  
13 is not being heard, you will remain mute, and  
14 your camera will be disabled.

15 At the conclusion of each case, the  
16 parties will have the option to leave. If the  
17 party chooses to stay, all cameras and  
18 microphones for the concluded case will be  
19 disabled. Should you have any questions or  
20 require technical assistance during the hearing,  
21 please submit them using the question and answer  
22 feature.

23 Our first order of business today on  
24 our calendar, our first case, a protest hearing  
25 status, Case Number 22-PRO-00022, Premier Lounge,

1 License Number 120372.

2 Ms. Fashbaugh, can you please elevate  
3 the rights of the parties in this case, please?

4 MS. FASHBAUGH: Good morning, and  
5 please stand by.

6 CHAIRPERSON ANDERSON: Thank you.

7 MS. FASHBAUGH: Justin Allen, your  
8 rights have been elevated.

9 Naima Jefferson, your rights have been  
10 elevated.

11 Jackson Carnes, your rights have been  
12 elevated.

13 Mark Pattison, your rights have been  
14 elevated.

15 Don Squires, your rights have been  
16 elevated.

17 And Stephen Whatley, your rights have  
18 been elevated.

19 That is all, Mr. Chair.

20 CHAIRPERSON ANDERSON: Thank you.

21 All the parties, your rights have been  
22 elevated. Can you please turn your camera on and  
23 your microphone, please?

24 Mr. Allen?

25 MR. ALLEN: Hey, how you doing, sir?

1 CHAIRPERSON ANDERSON: Good morning.  
2 Mr. Allen, can you please spell and state your  
3 name for the record and your relationship to this  
4 case?

5 MR. ALLEN: My name is Justin Allen,  
6 that is J-U-S-T-I-N, last name, Allen, A-L-L-E-N,  
7 a partner at Premier Lounge, 707 Georgia Avenue.

8 CHAIRPERSON ANDERSON: Okay. Mr.  
9 Allen, are you the only one who's appearing on  
10 your side this morning, sir?

11 MR. ALLEN: No, sir.

12 CHAIRPERSON ANDERSON: Who's here with  
13 you, sir?

14 MR. ALLEN: Everal Campbell. He said  
15 his link is at 95 percent. He's about to get on  
16 in a few.

17 CHAIRPERSON ANDERSON: Okay. I will  
18 look for him.

19 Ms. Fashbaugh, please look to see,  
20 look for Mr. Campbell once he logs on, please.  
21 Thank you.

22 All right, Ms. Jefferson, can you  
23 please spell and state your name for the record,  
24 please?

25 MS. JEFFERSON: N-A-I-M-A, Jefferson,

1 Naima Jefferson.

2 CHAIRPERSON ANDERSON: And what's your  
3 relationship with this case, ma'am?

4 MS. JEFFERSON: I'm one of the group  
5 of five or more.

6 CHAIRPERSON ANDERSON: I can see your  
7 background, Ms. Jefferson, but what I'm seeing  
8 is, I see a background, but I don't see you, Ms.  
9 Jefferson. I hear you.

10 MS. JEFFERSON: You don't see me? My  
11 camera is, well, let's see.

12 CHAIRPERSON ANDERSON: I saw your  
13 background. You have a lovely background, but  
14 you did not show up in the background.

15 MS. JEFFERSON: Oh, do you see me now?

16 CHAIRPERSON ANDERSON: No, I don't see  
17 you, ha, ha.

18 MS. JEFFERSON: Oh, boy. Let's see.

19 CHAIRPERSON ANDERSON: But I do  
20 recognize your voice, Ms. Jefferson.

21 MS. JEFFERSON: Oh, we've spent a lot  
22 of time together, Chair Anderson, over the years.

23 CHAIRPERSON ANDERSON: I can see you  
24 now, Ms. Jefferson.

25 MS. JEFFERSON: Okay.

1                   CHAIRPERSON ANDERSON: So, yes. All  
2 right, who else is here? Can you please identify  
3 the other protestants, and then I will have them,  
4 once you identify them, I'll have them spell and  
5 say their names for the record, please.

6                   MS. JEFFERSON: Mr. Jackson Carnes is  
7 here, Mr. Don Squires is here, Mr. Mark Pattison  
8 is here, and Mr. Stephen Whatley.

9                   CHAIRPERSON ANDERSON: Mr. Carnes, can  
10 you please spell and state your name for the  
11 record, please?

12                   MR. CARNES: Jackson Carnes, and J-A-  
13 C-K-S-O-N, Carnes, C-A-R-N-E-S.

14                   CHAIRPERSON ANDERSON: Good morning,  
15 sir.

16                   Mr. Pattison, can you please spell and  
17 state your name for the record, please?

18                   MR. PATTISON: Certainly, Mark, M-A-R-  
19 K, Pattison, P-A-T-T-I-S-O-N.

20                   CHAIRPERSON ANDERSON: I think it's  
21 Ms. Squires, can you please spell and state your  
22 name for the record?

23                   MR. SQUIRES: It's --

24                   CHAIRPERSON ANDERSON: I apologize,  
25 Mr. -- it's Don, I thought I heard Dawn. I



1 apologize, sir.

2 MR. SQUIRES: That's okay. Don  
3 Squires, D-O-N S-Q-U-I-R-E-S.

4 CHAIRPERSON ANDERSON: All right, sir.  
5 Mr. Whatley, can you please spell and state your  
6 name for the record, please?

7 MR. WHATLEY: Yes, it's Stephen  
8 Whatley, S-T-E-P-H-E-N, Whatley, W-H-A-T-L-E-Y.  
9 And I'm one of the protest group.

10 CHAIRPERSON ANDERSON: Thank you, sir.  
11 All right, Mr. Allen, is Mr. Campbell,  
12 is he online, or is he trying to get online, or  
13 still moving forward?

14 MR. ALLEN: He said can he call in the  
15 Webex or something. I don't know what he's doing  
16 on his computer.

17 CHAIRPERSON ANDERSON: All right. Ms.  
18 Fashbaugh, can you please put the login  
19 information or the call-in information, please,  
20 in the chat. And then we can ask him --

21 MR. ALLEN: Call in?

22 CHAIRPERSON ANDERSON: Yes, he can  
23 call in.

24 MS. JEFFERSON: No, it's on there.

25 CHAIRPERSON ANDERSON: Please mute

1 yourself, Ms. Jefferson.

2 MR. PATTISON: Oh.

3 CHAIRPERSON ANDERSON: The access code  
4 is in the chat, so you can --

5 MS. JEFFERSON: Chair Anderson?  
6 Another protestant, she is Ms. Paula Anderson,  
7 she said she hasn't been moved over -- Paula  
8 Edwards, excuse me.

9 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
10 can you please elevate Ms. Paula Edwards, please?

11 MS. FASHBAUGH: That's been  
12 accomplished

13 CHAIRPERSON ANDERSON: Thank you. I  
14 see Ms. Edwards. I'm still waiting for Mr.  
15 Campbell. Do you know, sir, whether or not he,  
16 Mr. Allen, do you know whether or not he has  
17 gained access to the information?

18 MR. ALLEN: He's texting me now. What  
19 is the call-in number. I can just text it to  
20 him.

21 CHAIRPERSON ANDERSON: Are you able to  
22 access it, sir, through the chat? It's in the  
23 chat. Are you able to access the chat? Then  
24 you'll see the number there, sir.

25 MR. ALLEN: I hit the question and

1 answer thing. I don't see anything in there.

2 CHAIRPERSON ANDERSON: I'm looking at  
3 the chat, sir, and it has the call-in. Well, the  
4 call number, sir, that's in the chat is, well,  
5 you have to look at it, sir, because it's too  
6 many numbers for me to read it with the access  
7 code.

8 Do you see it, sir?

9 MR. ALLEN: No, sir, I don't see  
10 anything coming up in my question and answer  
11 section.

12 (Simultaneous speaking.)

13 MR. PATTISON: It's in the chat.

14 MR. ALLEN: In the chat?

15 CHAIRPERSON ANDERSON: Yeah, look in  
16 the chat, sir, and you'll see it. You'll see  
17 it's in the chat.

18 MR. PATTISON: The chat function is in  
19 the lower right corner of the screen. It's  
20 signified by a circle.

21 MR. ALLEN: Yes, sir. Yes, sir, I  
22 found it. It was at the top for me. I got it.  
23 I'm going to turn it over to him.

24 CHAIRPERSON ANDERSON: Yes, sir.

25 And you don't need to give me his

1 entire number, but just give me the first three  
2 digits of his phone number, so I can have Ms.  
3 Fashbaugh look for that when he signs in.

4 So what are the first three numbers in  
5 his phone number, sir? Not the area code, all  
6 right, if does have 202 area code. Mr. Allen?

7 MR. ALLEN: Yes, sir?

8 CHAIRPERSON ANDERSON: What are the  
9 first three digits of his phone number, or does  
10 he have a 202 area code?

11 MR. ALLEN: His first three digits of  
12 the phone number, 240.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. ALLEN: 606.

15 CHAIRPERSON ANDERSON: All right. So  
16 Ms. Fashbaugh, can you please look for that  
17 number, please, and elevate that person?

18 While we're waiting, Ms. Edwards, can  
19 you please spell and state your name for the  
20 record, please?

21 MS. EDWARDS: Hi, Paula, P-A-U-L-A,  
22 Edwards, E-D-W-A-R-D-S.

23 CHAIRPERSON ANDERSON: Thank you,  
24 ma'am.

25 MS. FASHBAUGH: Allen Campbell, your

1 rights have been elevated.

2 CHAIRPERSON ANDERSON: Mr. Campbell,  
3 can you please spell and state your name for the  
4 record, please?

5 MS. FASHBAUGH: Chairperson, sorry, I  
6 think he's still logging on.

7 CHAIRPERSON ANDERSON: Mr. Campbell,  
8 I see you. Can you please spell and state your  
9 name for the record, please?

10 (Pause.)

11 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
12 I see Mr. Campbell on our -- he's not a call-in.  
13 So I'm not sure how this works, if he's been  
14 elevated as participating on this Webex, because  
15 I see his name on my screen.

16 MS. FASHBAUGH: It appears we might  
17 having some technical issues.

18 CHAIRPERSON ANDERSON: Mr. Allen, I  
19 see that you're in a motor vehicle. I would hope  
20 that it's not moving, sir.

21 MR. ALLEN: I'm sorry?

22 CHAIRPERSON ANDERSON: I see that  
23 you're in a motor vehicle, and I would hope you  
24 are not moving, sir, you're in a stationary  
25 position.

1 MR. ALLEN: Yes, sir. Yes, sir, I'm  
2 parked, and I'm safe.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you, sir.

5 MS. FASHBAUGH: Chairperson, user with  
6 a 240 area code has been unmuted.

7 CHAIRPERSON ANDERSON: Mr. Campbell,  
8 can you please spell and state your name for the  
9 record, please?

10 MR. CAMPBELL: E-V-E-R-A-L, last name,  
11 Campbell, C-A-M-P-B-E-L-L, just like the soup.

12 CHAIRPERSON ANDERSON: And what's your  
13 relationship in this case, sir?

14 MR. CAMPBELL: I'm the owner, part-  
15 owner.

16 CHAIRPERSON ANDERSON: Thank you.  
17 Good morning, everyone.

18 All right, now everyone is here. Good  
19 morning, everyone. Are there any preliminary  
20 matters in this case?

21 I believe that the Protestant has been  
22 filed a pending motion. So, Ms. Jefferson, what  
23 was the motion that was filed by you on behalf of  
24 the Protestants?

25 MS. JEFFERSON: Yes, Chair Anderson,

1 the motion was essentially ensure that the  
2 process of qualification versus licensing remains  
3 separate. We did not want to expend Agency  
4 resources nor the resources in time of the  
5 Protestants or the owner before entering into  
6 mediation until the qualification issue had been  
7 adjudicated.

8 So that's essentially the gist of our  
9 motion, was to make sure that the issue of  
10 qualification has been addressed, given the  
11 deficiencies that were mentioned in our protest  
12 letter regarding the application, and then move  
13 on to proceed to mediation with Ms. Fletcher.

14 CHAIRPERSON ANDERSON: All right. So  
15 you're asking us to pause the protest hearing,  
16 and I'm not sure if you're aware that, because  
17 it's a new license, by statute there is a  
18 specific timeline that we have to move forward.  
19 So Mr. Campbell and Mr. Allen, are you in  
20 agreement for us to pause the protest hearing?  
21 Or do you want us to move forward with the  
22 protest hearing?

23 MR. CAMPBELL: No, I just --

24 CHAIRPERSON ANDERSON: I'm sorry, who  
25 is speaking. When you speak, please identify

1 yourself, please.

2 MR. CAMPBELL: Okay. This is Everal  
3 Campbell. Yeah. No, we're not in agreement.  
4 We'd like to move forward with the process.

5 CHAIRPERSON ANDERSON: All right. So  
6 --

7 MR. CAMPBELL: Hello?

8 CHAIRPERSON ANDERSON: I'm sorry.  
9 Yes, sir? Can you hear me, Mr. Campbell?

10 MR. CAMPBELL: Yes, I can hear you.

11 CHAIRPERSON ANDERSON: All right. Ms.  
12 Jefferson, those are two separate processes in  
13 the sense that the Board we can forward to our  
14 enforcement to do an investigation. But for a  
15 new license, we have to have a protest hearing  
16 within 60 days unless the Licensee consents to an  
17 extension.

18 And since the Licensee is not  
19 consenting to the extension, what I would have to  
20 do then is to make a motion to the Board to deny  
21 your request.

22 MS. JEFFERSON: Okay. I'm sorry,  
23 could you repeat the last piece that the Licensee  
24 is --

25 (Simultaneous speaking.)



1                   CHAIRPERSON ANDERSON: The Licensee  
2 does not consent --

3                   MS. JEFFERSON: Okay.

4                   CHAIRPERSON ANDERSON: -- to us,  
5 because, as I stated, by statute we have 60 days,  
6 for a new license, we have 60 days to move  
7 forward with our process.

8                   MS. JEFFERSON: Okay.

9                   CHAIRPERSON ANDERSON: And so because  
10 the Licensee does not consent, then I am forced  
11 to make a motion to deny your motion. That does  
12 not mean that the Board will not investigate the  
13 allegations that were made. But, however, the  
14 Board cannot delay the timeline for the protest  
15 hearing.

16                   MS. JEFFERSON: Okay. Has the Board  
17 decided to schedule a qualifications hearing?

18                   CHAIRPERSON ANDERSON: The Board has  
19 not done that as yet, ma'am. The Board, we're  
20 still -- as for all cases, if a request comes in  
21 the Board -- the enforcement branch will  
22 investigate it. The enforcement branch will  
23 write a report. And based on what is in the  
24 information in the, I'm sorry, basically what is  
25 in that case report, then the Board will take

1 appropriate action.

2 That does not mean that the  
3 enforcement branch could make a determination  
4 that the allegations are not substantiated or the  
5 enforcement branch can make a recommendation that  
6 we have a hearing.

7 I don't know at this juncture, because  
8 I have not seen the report. However, the Board  
9 is -- because a formal report was made, the Board  
10 has to investigate it. So the agency would  
11 investigate the report that was filed. And then  
12 we'll move accordingly.

13 MS. JEFFERSON: Okay. In our motion,  
14 we also requested that our rights to mediate not  
15 be waived by this process.

16 CHAIRPERSON ANDERSON: Well, I think  
17 what you would ask that, well, so I would ask  
18 what the suggestion or what's being recommended  
19 is that the parties need to move forward. The  
20 parties need to move forward with whatever  
21 mediation.

22 So I'm informed by my notes that the  
23 mediation was cancelled. I will ask Ms.  
24 Fletcher, direct Ms. Fletcher to schedule another  
25 mediation.

1           But the parties need to move forward,  
2           irrespective of whatever decision that the Board  
3           will make if there is going to be a qualification  
4           hearing. This process needs to move forward,  
5           irrespective of what decision until and unless  
6           the Board makes the decision to say that this  
7           Licensee is not qualified to even hold their  
8           license. But that's --

9           MS. JEFFERSON: Okay.

10          CHAIRPERSON ANDERSON: -- I'm not  
11          saying that the Board's going to make that  
12          decision --

13          (Simultaneous speaking.)

14          CHAIRPERSON ANDERSON: -- I'm just  
15          saying they can be -- hold on, Mr. Campbell. So  
16          that's basically where -- I'm sorry, was it you,  
17          Mr. Campbell that was speaking? Or who wanted to  
18          speak?

19          MR. CAMPBELL: No, that was not me.

20          CHAIRPERSON ANDERSON: Did somebody  
21          want to speak, want to make a -- and I mean --

22          (Simultaneous speaking.)

23          CHAIRPERSON ANDERSON: I'm sorry. I'm  
24          hearing some --

25          MR. WHATLEY: I thought it was --

1 CHAIRPERSON ANDERSON: Hold on, Mr.  
2 Whatley. Mr. Whatley, hold on one minute.

3 Who is the designated represented for  
4 the protest? Is that you, Ms. Jefferson?

5 MS. JEFFERSON: Ms. Fletcher told us  
6 we each were.

7 CHAIRPERSON ANDERSON: So there are  
8 six protestants?

9 MS. JEFFERSON: Seven, there are  
10 seven.

11 CHAIRPERSON ANDERSON: Seven  
12 protestants and, well, I would ask if we were to  
13 go to a protest hearing, I am asking the parties  
14 to identify the designated representative for the  
15 group. It will make the process more efficient,  
16 because here it is that seven people can speak.

17 So I think since there is no  
18 designated representative, you are telling me  
19 that you were informed by Ms. Fletcher that all  
20 parties can speak. And it appears that Mr.  
21 Whatley wants to say something. So go ahead,  
22 sir. Mr. Whatley, did you want to say something?

23 MR. WHATLEY: No. What I was saying  
24 was I thought I was Mr. Carnes. His screen came  
25 up, so I thought it was him. I don't want to say

1 anything else.

2 CHAIRPERSON ANDERSON: I know. I see  
3 when people attempt to speak, my screen also  
4 lights up. That's how I can also tell who does  
5 not have their phone on mute. So I will also ask  
6 everyone, if you are not speaking, please mute  
7 your line.

8 And did you want to say something, Mr.  
9 Campbell? Because my screen keeps on lighting  
10 up, on like you wanted to say something. If not,  
11 please, just keep your line on mute, sir.

12 MR. CAMPBELL: No, no, sir, I'll make  
13 sure I mute mine as well.

14 CHAIRPERSON ANDERSON: All right,  
15 thank you. All right, so the motion I'm making  
16 to the Board is to deny the request from the  
17 Protestants that we pause the protest hearing.  
18 And the reason why we're going to deny it because  
19 the statute says that we must issue a decision  
20 within 60 days. The Protestant, I'm sorry, the  
21 Licensee has not consented to this continuance.  
22 Is there a second?

23 MEMBER SHORT: Mr. Short, I second.

24 CHAIRPERSON ANDERSON: Mr. Short has  
25 seconded the motion. We're going to have a roll

1 call vote on the motion?

2 Mr. Short?

3 MEMBER SHORT: I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett?

7 MEMBER CROCKETT: Rafi Crockett, I  
8 agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen?

10 MEMBER HANSEN: Jeni Hansen, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis?

12 MEMBER GRANDIS: Edward Grandis, I  
13 agree.

14

15 CHAIRPERSON ANDERSON: And Mr.  
16 Anderson, I agree.

17 The vote has passed six, zero, zero.

18 Are there any other preliminary  
19 matters that need to be raised this morning by  
20 either side? There are no other preliminary  
21 matters then.

22 All right, this matter then is  
23 currently scheduled for a protest hearing on June  
24 29th, 2022, at 1:30 p.m., June 29th, 2022, at  
25 1:30 p.m.

1 All right. Now that we've scheduled  
2 this matter for a protest hearing, there are a  
3 few things that I would like to instruct you  
4 about the protest practice. Because since we're  
5 now doing our hearings virtually, the process has  
6 changed.

7 As you know, all the Board's hearings  
8 are conducted virtually. So it is more important  
9 than ever that protest hearings are focused and  
10 address only those issues that are being  
11 protested.

12 Following this hearing, you will  
13 receive an email from ABRA Legal Assistant Imani  
14 Moreland that will include a copy of a protest  
15 information form, PIP, and a copy of an exhibit  
16 form, as well as specific instructions for the  
17 hearing.

18 You are required to complete and  
19 submit the PIP and exhibit forms at least seven  
20 days before the date of the hearing. If we do  
21 not receive a copy of your form seven days before  
22 the hearing, your application or your protest may  
23 be subject to dismissal.

24 These documents need to be submitted  
25 to ABRA Legal and to the opposing parties.

1 Please note that these documents greatly assist  
2 the Board in narrowing the protest issues,  
3 facilitating the process, and keeping the parties  
4 on point during the hearing.

5 Each side is limited to no more than  
6 five witnesses. And you will only have 60  
7 minutes to present your case. This includes all  
8 direct and cross examination. The Board does not  
9 intend to hear testimony on matters that are not  
10 relevant to those issues that are being  
11 protested.

12 Are there any questions by anyone?

13 MR. WHATLEY: Yes, this is Steve  
14 Whatley. I have a question.

15 CHAIRPERSON ANDERSON: Yes, Mr.  
16 Whatley. Yes, sir.

17 MR. WHATLEY: Yeah, my question is  
18 when you said that seven days before, do you mean  
19 each one of us individually as a protestant has  
20 to submit one, or do we as a group submit one  
21 within seven days? Which is it?

22 CHAIRPERSON ANDERSON: All right. I'm  
23 glad you -- I was going to provide some  
24 clarification. So there is one, this license has  
25 been protested by a group of five or more.



1 MR. WHATLEY: All right.

2 CHAIRPERSON ANDERSON: So the group  
3 should provide one PIP.

4 MR. WHATLEY: Okay.

5 CHAIRPERSON ANDERSON: I know that Ms.  
6 Jefferson has participated in several protests  
7 before, so I believe that Ms. Jefferson -- you  
8 can talk to Ms. Jefferson too. She is aware of  
9 how to do a PIP.

10 And Mr. Allen and Mr. Campbell, you  
11 can also reach out to Ms. Moreland, Ms. Imani  
12 Moreland at 202-442-6942. She can provide  
13 whatever directions or instructions to both  
14 sides.

15 But I want everyone to be aware, if  
16 this matter goes to a protest hearing, you are  
17 required to submit a PIP seven days before the  
18 hearing. So seven days prior to June 29th you're  
19 supposed to do that.

20 If that is not done, the Board could  
21 deny you from relying on documents and witnesses  
22 that have not been disclosed seven days prior to  
23 the hearing.

24 As I stated before, if you don't know  
25 what to do, please reach out to our office or Ms.

1 Moreland at 202-442-6942. She can provide basic  
2 information to either side of how to fill out  
3 this form and how to make sure that each side  
4 provides this information to our Agency.

5 Are there any other questions by  
6 anyone else?

7 MR. WHATLEY: I have a second question  
8 if you want to --

9 CHAIRPERSON ANDERSON: Yes, Mr.  
10 Whatley?

11 MR. WHATLEY: If the parties have  
12 reached an agreement, a settlement agreement --

13 CHAIRPERSON ANDERSON: Yes, sir?

14 MR. WHATLEY: -- I guess that could  
15 be, no, that was Ms. Moreland?

16 CHAIRPERSON ANDERSON: And the Board  
17 supports settlement agreements. And one of the  
18 reasons why the Board supports settlement  
19 agreements is that this is your community, this  
20 is your neighborhood. And at least you can make  
21 a decision that works for your neighborhood.  
22 While, if the Board makes a decision, one side  
23 could be happy, the other side might be unhappy.

24 Yes, the document, the settlement  
25 agreement should be provided to ABRA Legal.

1 ABRA, our General Counsel's office. The  
2 settlement agreement will be reviewed by the  
3 General Counsel, and the Board will review it and  
4 sign off on it.

5 So, yes, if a settlement agreement is  
6 reached, then it should be submitted to our  
7 General Counsel's Office. We will review it and  
8 will follow it. And again, we do support  
9 settlement if the parties are able to reach an  
10 agreement.

11 MR. WHATLEY: Okay, thank you.

12 MS. JEFFERSON: Chair Anderson, I have  
13 a question.

14 CHAIRPERSON ANDERSON: Yes, Ms.  
15 Jefferson?

16 MS. JEFFERSON: So I know that there  
17 aren't qualification issues that are raised very  
18 often. But in the event that the parties do  
19 reach an agreement, and there is a decision by  
20 the Board to have a qualification hearing, I just  
21 want to make sure that an agreement does not  
22 necessarily validate the fact that the other  
23 party believes that they're qualified.

24 CHAIRPERSON ANDERSON: Well, I am not  
25 going to speculate in whether or not the party is

1 qualified or not.

2 MS. JEFFERSON: No, I meant the  
3 Board's interpretation.

4 CHAIRPERSON ANDERSON: No. But I'm  
5 also going to respond to that fortunately. So  
6 the presumption would be if a settlement  
7 agreement, if the parties reach a settlement  
8 agreement, then the qualifications have not been  
9 challenged.

10 And so the Board, I would not think  
11 that the Board would move forward. Say for  
12 example, if the parties were to provide a good  
13 settlement agreement tomorrow for approval, I  
14 would that -- that the parties are no longer  
15 contesting the qualifications of the license.

16 I'm just saying that will be my  
17 interpretation. It would be my interpretation to  
18 say that the parties have negotiated, and they're  
19 satisfied with the qualification. And so  
20 therefore, that is one of the reasons why they  
21 have now entered in a settlement agreement for  
22 the parties to move forward.

23 The Board itself, we do not  
24 unilaterally move forward with a qualification  
25 hearing unless there is something that pops out

1 in the application that says to the Board that  
2 this person is not qualified.

3 And I believe we're having discussions  
4 on the qualifications of the Licensee based on  
5 some information that was brought forth by the  
6 Protestant. This information was not brought  
7 forth by the Board itself. I have not seen the  
8 application, and so the Board itself has not seen  
9 the application.

10 But I'm not sure if there are any red  
11 flags in the application itself. However, if the  
12 Board moves forward to a qualification hearing,  
13 it is because of the investigation that was  
14 generated based on the complaint that was made by  
15 the Protestant.

16 MR. WHATLEY: But that -- this is  
17 Steve Whatley again. But that brings me back to  
18 the question, then why should we come up with a  
19 settlement agreement knowing that potentially  
20 there may be an issue.

21 Because if you know, once we reach a  
22 settlement agreement, that no matter what else  
23 comes out, the settlement agreement takes  
24 precedence, even if something comes out during  
25 that investigation. And that's what we have to

1 be leery of.

2 Because if there's something we feel  
3 should be questioned, then it's in our interest  
4 not to do a settlement agreement. Because,  
5 depending what's found out, it won't change it.  
6 They're going to get their license anyway.

7 CHAIRPERSON ANDERSON: So, Mr.  
8 Whatley, as I said, I do not know what it is that  
9 the investigator will find. But as I've stated  
10 before, if the parties present us with a  
11 settlement agreement, I would read that. My  
12 interpretation would be that the Protestant is no  
13 longer challenging the qualifications.

14 And unless we find something that is  
15 just shocking to the conscience, I'm not quite  
16 sure if the Board would move forward with a  
17 qualifications hearing unless there is something  
18 in the background that legally disqualifies the  
19 potential Licensee from moving forward.

20 So I'm not going to tell you what to  
21 do, but remember, we're moving down this road  
22 because of allegations that were raised by the  
23 Protestant. That is one of the reasons why the  
24 Board is investigating the allegations that were  
25 brought to the Agency's attention by the

1 Protestant.

2 Now I do not know what's going to be  
3 in the case before it. I do not know, I have not  
4 seen the case before. I have not seen the  
5 investigation. And so therefore I don't know.  
6 So I can't presuppose.

7 But I am asking the parties, the same  
8 way you would ask us to put a pause in the  
9 protest hearing because of allegations that were  
10 raised, and I've stated, as a matter of law, we  
11 just can't do that. Because we have to comply  
12 with the statute when we reach our decision.

13 The parties, we're asking the parties  
14 to negotiate in good faith if you believe that I  
15 support the parties during the mediation. But  
16 I'm not sure if you're saying that. But once we  
17 do our report, the case report is presented. And  
18 if we decide to go do a qualifications hearing,  
19 the Board could determine that the person is  
20 qualified or the Licensee might withdraw. I  
21 don't know.

22 But then we're still moving forward  
23 with our protest hearing. So I can't tell you  
24 what to do. But if you legitimately feel -- I'll  
25 ask that the parties negotiate in good faith, but

1 you can continue to raise your, if you believe  
2 that the allegations are legitimate, you can  
3 continue to raise them. And of course the Board  
4 has to address them.

5 MR. WHATLEY: Thank you.

6 MS. JEFFERSON: Chair Anderson, thank  
7 you for the clarification. That was the basis of  
8 the motion, was there were, in our perspective,  
9 some possible oversights in the application  
10 review process that would have mitigated it even  
11 proceeding to this point. Hence, you know,  
12 that's why there was protesting on the  
13 qualifications. So thank you for the  
14 clarification that you have provided.

15 CHAIRPERSON ANDERSON: Thank you. But  
16 I will ask the Agency to schedule a mediation. I  
17 believe that parties should at least attend the  
18 mediation session. And you can raise your  
19 legitimate, if you believe that you have  
20 legitimate concerns that can be raised.

21 But we should not say, well, I'm not  
22 going to go to mediation until this question is  
23 answered. Because that's an independent  
24 investigation that the Agency will do. And so I  
25 don't want us not to -- so we're not pausing this



1 protest hearing based on some allegations that  
2 are independent of us moving forward.

3 MS. JEFFERSON: Chair Anderson, are  
4 there two separate reports? Is there a  
5 qualification report and then a protest report?

6 CHAIRPERSON ANDERSON: Yes.

7 MS. JEFFERSON: Should we move -- are  
8 they in one?

9 CHAIRPERSON ANDERSON: There are going  
10 to be two separate. So therefore, there will be  
11 a case report. The Agency will investigate our  
12 enforcement decision, will investigate the  
13 allegations that were raised, and a case report  
14 will be generated. And based on that case  
15 report, then the Board will determine whether or  
16 not we need to have a qualifications hearing.

17 At the same time, there will be a case  
18 report that is filed for the protest itself. So  
19 there will be two separate reports that will be  
20 filed.

21 MS. JEFFERSON: Thank you for that  
22 clarification, sir.

23 CHAIRPERSON ANDERSON: Thank you. And  
24 I prefer people ask questions. This is a purpose  
25 where a protest status hearing, where if there

1 are procedural questions that folks have, this is  
2 an opportunity, this is unfortunately one of the  
3 only opportunities you have to address the Board  
4 before a protest hearing.

5 So I appreciate the fact that, if  
6 there are questions or concerns procedurally,  
7 they should be raised here before the Board.  
8 Because this is actually one of the few  
9 opportunities you will have to address the Board  
10 directly prior to the hearing.

11 MS. JEFFERSON: Chair Anderson, since  
12 you brought that up, in the event, if the Board  
13 were to determine that there is a qualifications  
14 hearing, do the Protestants have an opportunity  
15 to participate in that process? Or is it just a  
16 contested case between the Applicant and the  
17 Board?

18 CHAIRPERSON ANDERSON: It is a  
19 contested case between the Applicant and the  
20 Board. So it's a contested case between the  
21 Board, and the Applicant would -- so yes, so the  
22 Protestant would not be a party to -- I believe  
23 that the Protestant would not be a party to this  
24 hearing.

25 MS. JEFFERSON: Would they be able to

1       intervene?

2                   CHAIRPERSON ANDERSON:   Hold on one  
3       minute, please, ma'am.

4                   MS. JEFFERSON:   Okay.  I know you  
5       don't do them that often.  That's why I'm trying  
6       to get clear.

7                   CHAIRPERSON ANDERSON:  No, we do that,  
8       but you're asking me questions that -- one of the  
9       disadvantages of when we're doing this hearing  
10      remotely, I do not have the our legal --

11                  MS. JEFFERSON:  Ms. Jenkins is not  
12      next to you.

13                  CHAIRPERSON ANDERSON:  She's not  
14      sitting behind me, and I can look at her.  And  
15      then if I can't answer the question myself, she  
16      can provide the legal.  But sometimes we have to  
17      do --

18                  (Simultaneous speaking.)

19                  CHAIRPERSON ANDERSON:  -- consult the  
20      phone to see -- when my phone is off, I just want  
21      to let people know that when I look at cell  
22      phone, I am not doing personal stuff.  It is all  
23      relevant to make sure that I'm answering the  
24      questions as legally sufficient as I can.

25                  MS. JEFFERSON:  And, Chair Anderson,

1 I ask these questions because the regulations  
2 that I read are not clear. They're actually,  
3 from what I read, they were silent on this  
4 matter.

5 And so I know that probably Ms.  
6 Jenkins has shared with you that I have submitted  
7 some proposed regulations just for clarity so  
8 that there would be less time of yours spent  
9 interpreting the law and more of just reading  
10 what the regulation says.

11 CHAIRPERSON ANDERSON: Thank you for  
12 that. As I said before, I do not believe, but  
13 you can contact our legal, Ms. Jenkins, our  
14 General Counsel, and she can provide you more  
15 information on the process and procedures for  
16 qualifications hearings.

17 But it would be a contested hearing  
18 where the Agency would, based on the report, and  
19 the potential Licensee would have to respond in  
20 that formal process.

21 MS. JEFFERSON: Thank you.

22 CHAIRPERSON ANDERSON: But if you have  
23 any further questions, please reach out to ABRA  
24 Legal and we will provide specific responses to  
25 you. Any other questions before we move forward?

1 All right. Hearing none, I will  
2 direct the Agency to, again, schedule a mediation  
3 session. And I will direct the parties to  
4 participate in this process. And mediation just  
5 doesn't mean that you're going to go there and  
6 that you have to come up with some type of  
7 agreement. It's that you can have conversations.

8 I'm not sure if the Licensee is aware  
9 of some of the concerns that you have raised and  
10 maybe, in that formal setting, maybe they can  
11 provide you a response that satisfies you. I  
12 don't know. But it's always helpful if the  
13 parties are in a setting where they can discuss  
14 their concerns and try to address some of the  
15 concerns.

16 And I think procedurally, if the  
17 Licensee is not aware of some of the concerns  
18 that you have raised to us, maybe in the  
19 mediation process, maybe that can be addressed  
20 amongst the parties, okay.

21 All right, I want to thank everyone  
22 for their questions and attention this morning.  
23 As I've stated before, the protest hearing will  
24 be scheduled for June 29th, 2022. We'll make  
25 sure that a mediation is scheduled.

1                   And the Agency will move forward. The  
2 Board will move forward in investigating the  
3 allegations that were raised by the protestant  
4 and we will make decisions accordingly based on  
5 that case report.

6                   All right. So thank everyone. And  
7 have a great day. All right, thank you.

8                   (Whereupon, the above-entitled matter  
9 went off the record at 11:17 a.m.)

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In the matter of: Premier Lounge

Before: DC ABRA

Date: 05-18-22

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