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

IN THE MATTER OF:	:
LivDC, LLC,	:
t/a DC Liv	:
477 H Street NW	: Protest
Retailer CT - ANC 2C	: Hearing (Status)
License No. 120261	:
Case #22-PRO-00025	:
	:
(Application for a	:
New License)	:
	-=

Wednesday May 25, 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 SIDON YOHANNES, Applicant Counsel KEITH HORVATH, Protestant

	2
1	P-R-O-C-E-E-D-I-N-G-S
2	10:42 a.m.
3	CHAIRPERSON ANDERSON: Good morning.
4	We're on the record. Hello everyone. As
5	Chairman of the, Chairperson of the Alcoholic
6	Beverage Control Board for the District of
7	Columbia, and in accordance with D.C. Code
8	Section 2571(c) of the Open Meetings Act, OMA, I
9	am welcoming you to the regularly scheduled
10	meeting of the Alcoholic Beverage Control Board.
11	This meeting is being conducted
12	pursuant to guidance made available by the
13	District of Columbia's Office of Open Government
14	regarding electronic meetings held by public
15	bodies.
16	The electronic meetings by the ABC
17	Board, or are authorized pursuant to Section
18	577(a) of the D.C. Code.
19	Pursuant to the OMA requirements,
20	notice of today's meeting was provided 48 hours
21	in advance of the meeting on ABRA's website, and
22	on the District's Central Meeting Calendar.
23	The notice included the time, date,
24	agenda, and call in or log in information for
25	public participation.

This electronic meeting is being
hosted by a Webex account provided by the
District of Columbia government. Please address
any questions or complaints to the OOG at
opengovoffice@dc.gov.
My name is Donovan Anderson. I'm
Chairman of the Board. I would like to introduce
the other Members of the ABC Board who are also
participating electronically.
Mr. James Short?
MEMBER SHORT: Mr. James Short,
present.
CHAIRPERSON ANDERSON: Mr. Bobby Cato?
MEMBER CATO: Bobby Cato, present.
CHAIRPERSON ANDERSON: Ms. Rafi
Crockett?
MEMBER CROCKETT: Rafi Crockett,
present.
CHAIRPERSON ANDERSON: Ms. Jeni
Hansen?
MEMBER HANSEN: Jeni Hansen, present.
CHAIRPERSON ANDERSON: Mr. Edward
Grandis?
MEMBER GRANDIS: Edward Grandis,
present.

1	CHAIRPERSON ANDERSON: So, the Board
2	has six members in attendance for the conduct of
3	business today, and that constitutes a quorum.
4	Before we get underway with to this
5	hearing calendar, I need to make a few
6	instructions very clear so that the conduct of
7	these hearings is understood by everyone.
8	There are nine cases scheduled for
9	today on today's calendar. Once a case is
10	called, I will take a moment for our IT
11	specialist to elevate the rights for each party
12	to enable their camera and microphone.
13	Then and only then will you have the
14	ability to enable your equipment. If your case
15	is not being heard, you will remain mute and your
16	camera will be disabled.
17	At the conclusion of each case, the
18	parties will have the option to leave. If the
19	party chooses to stay, all cameras and
20	microphones for the concluded case will be
21	disabled.
22	Should you have any questions or
23	require technical assistance during the hearing,
24	please submit them using the question and answer
25	feature.

Our first case this morning is a 1 2 protest case status hearing number 22-PRO-0025, 3 DC Liv, License Number 120261. Ms. Fashbaugh, please elevate the 4 5 rights of the licensee in this case please. MS. FASHBAUGH: Good morning. Please 6 7 Sidon Yohannes, your rights have been standby. 8 elevated. Keith Horvath, your rights have been 9 elevated. 10 That is all, Mr. Chairman. 11 CHAIRPERSON ANDERSON: Good morning. 12 Thank you. Mr. Horvath, are you there, sir? MR. HORVATH: Yes, I am. Can you hear 13 14 me? 15 CHAIRPERSON ANDERSON: I can hear you. 16 Do you have a camera? Because I just see a blank 17 screen. 18 MR. HORVATH: I do have a camera. Let 19 me -- there we go, how's that? 20 CHAIRPERSON ANDERSON: Yes. I can see 21 All right, good morning again. you. 22 Good morning, Ms. Yohannes. Can you 23 please spell and state your name for the record, 24 and your relationship to this case, please? 25 MS. YOHANNES: Good morning. Sidon

1	Yohannes, on behalf of the Licensee, the
2	Applicant. S-I-D-O-N Y-O-H-A-N-N-E-S.
3	CHAIRPERSON ANDERSON: Good morning.
4	Mr. Horvath, can you please spell and state your
5	name for the record, and your relationship to
6	this case, sir?
7	MR. HORVATH: Sure. Keith Horvath, K-
8	-E-I-T-H, last name H-O-R-V- as in Victor, A-T-H.
9	And I am the property owner of the residence at
10	475 H Street, Northwest, adjacent to and abutting
11	the property that is about to be renovated and
12	used by Ms. Yohannes' clients.
13	CHAIRPERSON ANDERSON: Good morning.
14	So, you are an abutting property owner protesting
15	his rights.
16	That's correct sir, right?
17	MR. HORVATH: That is correct.
18	CHAIRPERSON ANDERSON: All right. Are
19	there any preliminary matters in this case?
20	MS. YOHANNES: None for the Licensee.
21	But, I will just say that the parties attended
22	mediation, and hope to resolve this matter
23	pending.
24	CHAIRPERSON ANDERSON: And
25	MR HORVATH: And I would I would

1	CHAIRPERSON ANDERSON: Go ahead.
2	MR. HORVATH: Sorry. I would agree
3	with that statement. And Ms. Yohannes has
4	provided me with a letter from the Applicants
5	that while in tone and scope, indicates their
6	plan to sound proof the building so that the code
7	is not violated.
8	There are obviously details that need
9	to be worked out. And of course, all of that is
10	still dependent on them actually opening and
11	using the facility.
12	CHAIRPERSON ANDERSON: Well, I'm
13	unfortunately, because the facility is not open
14	as yet, there has to be some type of trust.
15	There has to be some type of agreement
16	there. If there if that's so, for the
17	parties, and the Board supports settlement
18	agreements in the sense that if the parties can
19	in fact mediate and settle this matter, the Board
20	supports that because at the end of the day,
21	since you're protesting, and if we go to a
22	protest hearing, and if the Board grants a
23	license, you will be happy.
24	If the Board denies the license, the
25	Applicant will be unhappy. The Board prefers

that the parties can get along, can agree if 1 there's -- if there is this assumption that they 2 3 mutually want to do. So, that's all I'm saying. So, if you 4 5 believe that having this discussion is fruitful, the Board supports that, or in the sense that if 6 7 the parties are able to settle this matter. 8 Now, if the parties are not able to 9 settle this matter, this matter then will be 10 scheduled for a protest hearing on June 29, 2022 11 at 1:30 p.m. 12 Any questions by anyone? No questions from me. 13 MR. HORVATH: 14 CHAIRPERSON ANDERSON: Have you ever gone to a protest hearing, sir? I know that Ms. 15 16 Yohannes has. 17 So, I -- but, have you ever -- if this 18 matter goes to a protest hearing, have you ever 19 been to one, sir? MR. HORVATH: 20 I have not, sir. 21 CHAIRPERSON ANDERSON: All right. So, 22 let me give you the instructions then for how 23 this operates. 24 Following this hearing, you will 25 receive an email from ABRA's legal assistant, Ms.

Simone Andrews, that will include a copy of the 1 2 protest information form, PIP, and a copy 3 Offering Exhibit form, as well as specific instructions for this hearing. 4 5 You are required to complete and submit the PIP and Exhibit form at least seven 6 7 days before the date of the hearing. 8 Your application or your protest maybe 9 subject to dismissal if these documents are not 10 provided, are not exchanged seven days prior to 11 the hearing. 12 These documents need to be submitted 13 to ABRA legal and to the opposing parties. 14 Please note that these documents greatly support 15 and narrow the protest issues, facilitating the 16 process and keeping the parties on point during 17 the hearing. Each side is limited to no more than 18 19 five witnesses, and you will only have 60 minutes 20 to present your case. This includes all direct 21 and cross examination. 22 The Board does not intend to hear 23 testimony on matters that are not relevant to the 24 issues that are being protested. 25 Any questions by anyone?

1	MR. HORVATH: No, sir.
2	MS. YOHANNES: None from the
3	Applicant.
4	CHAIRPERSON ANDERSON: All right.
5	Thank you. We thank you greatly for your
6	cooperation. If you have any questions at any
7	time after the hearing, please do not hesitate to
8	contact Ms. Moreland at (202) 442-6942.
9	And if the parties believe that this
10	problem can be resolved, I support that. I
11	support having as much conversation as necessary
12	to resolve this.
13	But, if it can't be resolved, then
14	we'll have a protest hearing on June 29, at 1:30.
15	And then we will resolve it.
16	All right? But again, if the parties
17	if it can be resolved, the Board supports
18	resolution of these matters. Okay?
19	MS. YOHANNES: Okay.
20	CHAIRPERSON ANDERSON: Have a great
21	day and thank you very much.
22	MS. YOHANNES: Thank you.
23	(Whereupon, the above-entitled matter
24	went off the record at 10:52 a.m.)
25	

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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: DC Liv

Before: DC ABRA

Date: 05-25-22

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.

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