

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

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

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

10:42 a.m.

CHAIRPERSON ANDERSON: Good morning.

We're on the record. Hello everyone. As Chairman of the, Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, and in accordance with D.C. Code Section 2571(c) of the Open Meetings Act, OMA, I am welcoming you to the regularly scheduled meeting of the Alcoholic Beverage Control Board.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies.

The electronic meetings by the ABC Board, or are authorized pursuant to Section 577(a) of the D.C. Code.

Pursuant to the OMA requirements, notice of today's meeting was provided 48 hours in advance of the meeting on ABRA's website, and on the District's Central Meeting Calendar.

The notice included the time, date, agenda, and call in or log in information for public participation.

1                   This electronic meeting is being  
2 hosted by a Webex account provided by the  
3 District of Columbia government. Please address  
4 any questions or complaints to the OOG at  
5 opengovoffice@dc.gov.

6                   My name is Donovan Anderson. I'm  
7 Chairman of the Board. I would like to introduce  
8 the other Members of the ABC Board who are also  
9 participating electronically.

10                   Mr. James Short?

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

13                   CHAIRPERSON ANDERSON: Mr. Bobby Cato?

14                   MEMBER CATO: Bobby Cato, present.

15                   CHAIRPERSON ANDERSON: Ms. Rafi  
16 Crockett?

17                   MEMBER CROCKETT: Rafi Crockett,  
18 present.

19                   CHAIRPERSON ANDERSON: Ms. Jeni  
20 Hansen?

21                   MEMBER HANSEN: Jeni Hansen, present.

22                   CHAIRPERSON ANDERSON: Mr. Edward  
23 Grandis?

24                   MEMBER GRANDIS: Edward Grandis,  
25 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.

1                   Our first case this morning is a  
2 protest case status hearing number 22-PRO-0025,  
3 DC Liv, License Number 120261.

4                   Ms. Fashbaugh, please elevate the  
5 rights of the licensee in this case please.

6                   MS. FASHBAUGH: Good morning. Please  
7 standby. Sidon Yohannes, your rights have been  
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?

13                  MR. HORVATH: Yes, I am. Can you hear  
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 you. All right, good morning again.

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

1 that the parties can get along, can agree if  
2 there's -- if there is this assumption that they  
3 mutually want to do.

4 So, that's all I'm saying. So, if you  
5 believe that having this discussion is fruitful,  
6 the Board supports that, or in the sense that if  
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?

13 MR. HORVATH: No questions from me.

14 CHAIRPERSON ANDERSON: Have you ever  
15 gone to a protest hearing, sir? I know that Ms.  
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?

20 MR. HORVATH: 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.



1 Simone Andrews, that will include a copy of the  
2 protest information form, PIP, and a copy  
3 Offering Exhibit form, as well as specific  
4 instructions for this hearing.

5 You are required to complete and  
6 submit the PIP and Exhibit form at least seven  
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.

18 Each side is limited to no more than  
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

A		E	I
<b>A-T-H</b> 6:8 <b>a.m</b> 2:2 10:24 <b>ABC</b> 2:16 3:8 <b>ability</b> 4:14 <b>able</b> 8:7,8 <b>above-entitled</b> 10:23 <b>ABRA</b> 1:21 9:13 <b>ABRA's</b> 2:21 8:25 <b>abutting</b> 6:10,14 <b>account</b> 3:2 <b>Act</b> 2:8 <b>address</b> 3:3 <b>adjacent</b> 6:10 <b>advance</b> 2:21 <b>agenda</b> 2:24 <b>agree</b> 7:2 8:1 <b>agreement</b> 7:15 <b>agreements</b> 7:18 <b>ahead</b> 7:1 <b>Alcoholic</b> 1:2,13 2:5,10 <b>ALIYA</b> 1:18 <b>ANC</b> 1:7 <b>Anderson</b> 1:14,17 2:3 3:6,13,15,19,22 4:1 5:11,15,20 6:3,13,18 6:24 7:1,12 8:14,21 10:4,20 <b>Andrews</b> 9:1 <b>answer</b> 4:24 <b>Applicant</b> 1:22 6:2 7:25 10:3 <b>Applicants</b> 7:4 <b>application</b> 1:9 9:8 <b>assistance</b> 4:23 <b>assistant</b> 8:25 <b>assumption</b> 8:2 <b>attendance</b> 4:2 <b>attended</b> 6:21 <b>authorized</b> 2:17 <b>available</b> 2:12	<b>call</b> 2:24 <b>called</b> 4:10 <b>camera</b> 4:12,16 5:16,18 <b>cameras</b> 4:19 <b>case</b> 1:8 4:9,14,17,20 5:1,2,5,24 6:6,19 9:20 <b>cases</b> 4:8 <b>Cato</b> 1:17 3:13,14,14 <b>Central</b> 2:22 <b>Chairman</b> 2:5 3:7 5:10 <b>Chairperson</b> 1:14,17 2:3,5 3:13,15,19,22 4:1 5:11,15,20 6:3,13 6:18,24 7:1,12 8:14 8:21 10:4,20 <b>chooses</b> 4:19 <b>clear</b> 4:6 <b>clients</b> 6:12 <b>code</b> 2:7,18 7:6 <b>Columbia</b> 1:1 2:7 3:3 <b>Columbia's</b> 2:13 <b>complaints</b> 3:4 <b>complete</b> 9:5 <b>concluded</b> 4:20 <b>conclusion</b> 4:17 <b>conduct</b> 4:2,6 <b>conducted</b> 2:11 <b>constitutes</b> 4:3 <b>contact</b> 10:8 <b>Control</b> 1:2,13 2:6,10 <b>conversation</b> 10:11 <b>cooperation</b> 10:6 <b>copy</b> 9:1,2 <b>correct</b> 6:16,17 <b>Counsel</b> 1:22 <b>course</b> 7:9 <b>Crockett</b> 1:18 3:16,17 3:17 <b>cross</b> 9:21 <b>CT</b> 1:7	<b>E-I-T-H</b> 6:8 <b>Edward</b> 1:18 3:22,24 <b>electronic</b> 2:14,16 3:1 <b>electronically</b> 3:9 <b>elevate</b> 4:11 5:4 <b>elevated</b> 5:8,9 <b>email</b> 8:25 <b>enable</b> 4:12,14 <b>equipment</b> 4:14 <b>examination</b> 9:21 <b>exchanged</b> 9:10 <b>Exhibit</b> 9:3,6	<b>include</b> 9:1 <b>included</b> 2:23 <b>includes</b> 9:20 <b>indicates</b> 7:5 <b>information</b> 2:24 9:2 <b>instructions</b> 4:6 8:22 9:4 <b>intend</b> 9:22 <b>introduce</b> 3:7 <b>issues</b> 9:15,24
<b>B</b>	<b>D</b>	<b>F</b>	<b>J</b>
<b>C</b>	<b>D.C</b> 2:7,18 <b>date</b> 2:23 9:7 <b>day</b> 7:20 10:21 <b>days</b> 9:7,10 <b>DC</b> 1:6,21 5:3 <b>denies</b> 7:24 <b>dependent</b> 7:10 <b>details</b> 7:8 <b>direct</b> 9:20 <b>disabled</b> 4:16,21 <b>discussion</b> 8:5 <b>dismissal</b> 9:9 <b>District</b> 1:1 2:6,13 3:3 <b>District's</b> 2:22 <b>documents</b> 9:9,12,14 <b>Donovan</b> 1:14,17 3:6	<b>G</b>	<b>K</b>
<b>calendar</b> 2:22 4:5,9		<b>facilitating</b> 9:15 <b>facility</b> 7:11,13 <b>fact</b> 7:19 <b>Fashbaugh</b> 1:21 5:4,6 <b>feature</b> 4:25 <b>first</b> 5:1 <b>five</b> 9:19 <b>Following</b> 8:24 <b>form</b> 9:2,3,6 <b>fruitful</b> 8:5	<b>James</b> 1:19 3:10,11 <b>Jeni</b> 1:19 3:19,21 <b>JR</b> 1:17,19 <b>June</b> 8:10 10:14
		<b>H</b>	<b>L</b>
		<b>give</b> 8:22 <b>government</b> 2:13 3:3 <b>Grandis</b> 1:18 3:23,24 3:24 <b>grants</b> 7:22 <b>greatly</b> 9:14 10:5 <b>guidance</b> 2:12	<b>K-6</b> 7 <b>keeping</b> 9:16 <b>Keith</b> 1:22 5:8 6:7
		<b>H-O-R-V-</b> 6:8 <b>Hansen</b> 1:19 3:20,21,21 <b>happy</b> 7:23 <b>hear</b> 5:13,15 9:22 <b>heard</b> 4:15 <b>hearing</b> 1:7 4:5,23 5:2 7:22 8:10,15,18,24 9:4,7,11,17 10:7,14 <b>hearings</b> 4:7 <b>held</b> 2:14 <b>Hello</b> 2:4 <b>hesitate</b> 10:7 <b>hope</b> 6:22 <b>Horvath</b> 1:22 5:8,12,13 5:18 6:4,7,7,17,25 7:2 8:13,20 10:1 <b>hosted</b> 3:2 <b>hours</b> 2:20 <b>how's</b> 5:19	<b>license</b> 1:8,10 5:3 7:23 7:24 <b>licensee</b> 5:5 6:1,20 <b>limited</b> 9:18 <b>Liv</b> 1:6 5:3 <b>LivDC</b> 1:6 <b>LLC</b> 1:6 <b>log</b> 2:24
			<b>M</b>
			<b>leave</b> 4:18 <b>legal</b> 8:25 9:13 <b>letter</b> 7:4 <b>license</b> 1:8,10 5:3 7:23 7:24 <b>licensee</b> 5:5 6:1,20 <b>limited</b> 9:18 <b>Liv</b> 1:6 5:3 <b>LivDC</b> 1:6 <b>LLC</b> 1:6 <b>log</b> 2:24
			<b>matter</b> 1:5 6:22 7:19 8:7 8:9,9,18 10:23 <b>matters</b> 6:19 9:23 10:18 <b>mediate</b> 7:19 <b>mediation</b> 6:22 <b>meeting</b> 1:3 2:10,11,20 2:21,22 3:1 <b>meetings</b> 2:8,14,16 <b>Member</b> 1:17,18,18,19 1:19 3:11,14,17,21,24 <b>members</b> 3:8 4:2 <b>met</b> 1:14 <b>microphone</b> 4:12 <b>microphones</b> 4:20 <b>minutes</b> 9:19 <b>moment</b> 4:10 <b>Moreland</b> 10:8 <b>morning</b> 2:3 5:1,6,11 5:21,22,25 6:3,13 <b>mute</b> 4:15

**mutually** 8:3

---

**N**

**name** 3:6 5:23 6:5,8  
**narrow** 9:15  
**necessary** 10:11  
**need** 4:5 7:8 9:12  
**New** 1:10  
**nine** 4:8  
**Northwest** 6:10  
**note** 9:14  
**notice** 2:20,23  
**number** 5:2,3  
**NW** 1:7

---

**O**

**obviously** 7:8  
**Offering** 9:3  
**Office** 2:13  
**OMA** 2:8,19  
**Once** 4:9  
**OOG** 3:4  
**open** 2:8,13 7:13  
**opengovoffice@dc.g...**  
 3:5  
**opening** 7:10  
**operates** 8:23  
**opposing** 9:13  
**option** 4:18  
**owner** 6:9,14

---

**P**

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**p.m** 8:11  
**participating** 3:9  
**participation** 2:25  
**parties** 4:18 6:21 7:17  
 7:18 8:1,7,8 9:13,16  
 10:9,16  
**party** 4:11,19  
**pending** 6:23  
**PIP** 9:2,6  
**plan** 7:6  
**please** 3:3 4:24 5:4,5,6  
 5:23,24 6:4 9:14 10:7  
**point** 9:16  
**prefers** 7:25  
**preliminary** 6:19  
**present** 1:16,20 3:12,14  
 3:18,21,25 9:20  
**presiding** 1:14  
**prior** 9:10  
**problem** 10:10  
**process** 9:16  
**proof** 7:6  
**property** 6:9,11,14  
**protest** 1:7 5:2 7:22

8:10,15,18 9:2,8,15  
 10:14

**Protestant** 1:22  
**protested** 9:24  
**protesting** 6:14 7:21  
**provided** 2:20 3:2 7:4  
 9:10  
**public** 2:14,25  
**pursuant** 2:12,17,19

---

**Q**

**question** 4:24  
**questions** 3:4 4:22 8:12  
 8:13 9:25 10:6  
**quorum** 4:3

---

**R**

**Rafi** 1:18 3:15,17  
**receive** 8:25  
**record** 2:4 5:23 6:5  
 10:24  
**regarding** 2:14  
**regularly** 2:9  
**relationship** 5:24 6:5  
**relevant** 9:23  
**remain** 4:15  
**renovated** 6:11  
**require** 4:23  
**required** 9:5  
**requirements** 2:19  
**residence** 6:9  
**resolution** 10:18  
**resolve** 6:22 10:12,15  
**resolved** 10:10,13,17  
**Retailer** 1:7  
**rights** 4:11 5:5,7,8 6:15

---

**S**

**S** 1:18  
**S-I-D-O-N** 6:2  
**SARAH** 1:21  
**saying** 8:4  
**scheduled** 2:9 4:8 8:10  
**scope** 7:5  
**screen** 5:17  
**Section** 2:8,17  
**sense** 7:18 8:6  
**settle** 7:19 8:7,9  
**settlement** 7:17  
**seven** 9:6,10  
**Short** 1:19 3:10,11,11  
**side** 9:18  
**Sidon** 1:22 5:7,25  
**Simone** 9:1  
**sir** 5:12 6:6,16 8:15,19  
 8:20 10:1  
**six** 4:2  
**Sorry** 7:2

**sound** 7:6  
**specialist** 4:11  
**specific** 9:3  
**spell** 5:23 6:4  
**Staff** 1:21  
**standby** 5:7  
**state** 5:23 6:4  
**statement** 7:3  
**status** 1:7 5:2  
**stay** 4:19  
**Street** 1:7 6:10  
**subject** 9:9  
**submit** 4:24 9:6  
**submitted** 9:12  
**support** 9:14 10:10,11  
**supports** 7:17,20 8:6  
 10:17

---

**T**

**t/a** 1:6  
**technical** 4:23  
**testimony** 9:23  
**thank** 5:12 10:5,5,21,22  
**today** 4:3,9  
**today's** 2:20 4:9  
**tone** 7:5  
**trust** 7:14  
**type** 7:14,15

---

**U**

**understood** 4:7  
**underway** 4:4  
**unfortunately** 7:13  
**unhappy** 7:25

---

**V**

**Victor** 6:8  
**videoconference** 1:14  
**violated** 7:7

---

**W**

**W** 1:14,17  
**WebEx** 1:14 3:2  
**website** 2:21  
**Wednesday** 1:11  
**welcoming** 2:9  
**went** 10:24  
**witnesses** 9:19  
**worked** 7:9

---

**X**

---

**Y**

**Y-O-H-A-N-N-E-S** 6:2  
**Yohannes** 1:22 5:7,22  
 5:25 6:1,20 7:3 8:16  
 10:2,19,22  
**Yohannes'** 6:12

---

**Z**

---

**0**

---

**1**

**1:30** 8:11 10:14  
**10:42** 2:2  
**10:52** 10:24  
**120261** 1:8 5:3

---

**2**

**202** 10:8  
**2022** 1:12 8:10  
**22-PRO-00025** 1:8  
**22-PRO-0025** 5:2  
**25** 1:12  
**2571(c)** 2:8  
**29** 8:10 10:14  
**2C** 1:7

---

**3**

---

**4**

**442-6942** 10:8  
**475** 6:10  
**477** 1:7  
**48** 2:20

---

**5**

**577(a)** 2:18

---

**6**

**60** 9:19

C E R T I F I C A T E

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.



-----  
Court Reporter

**NEAL R. GROSS**

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