

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

-----=
IN THE MATTER OF:
Hello Hospitality III, LLC :
t/a St. Arnold's Mussel Bar:
3433 Connecticut Avenue NW : Fact Finding
Retailer CR - ANC 3C : Hearing
License No. 88441 :
Fact Finding Hearing :
(Request to Extend :
Safekeeping) :
-----=

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

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

2 11:07 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is a fact finding
5 hearing on St. Arnold's Mussel Bar.

6 And Ms. Fashbaugh, can you elevate the
7 rights of the parties in this case? It's my
8 understanding that -- it's my understanding that
9 it is Mr. -- I'm sorry, Mr. -- all right, that's
10 you, Ms. Yohannes.

11 All right. Is the Licensee going to
12 -- is the Licensee going to be with us this
13 morning?

14 MS. YOHANNES: No. The Licensee is
15 not.

16 CHAIRPERSON ANDERSON: All right. Ms.
17 -- I -- Ms., Ms. --

18 MS. YOHANNES: Should I spell my name?
19 Should we do that?

20 CHAIRPERSON ANDERSON: Yes, Ms. --
21 yes, Ms. -- yes, Ms. Yohannes. Please spell and
22 state your name for the record, please.

23 MS. YOHANNES: Sidon Yohannes on
24 behalf of the Licensee. And that's S-I-D-O-N Y-
25 O-H-A-N-N-E-S.

1 CHAIRPERSON ANDERSON: Good morning.
2 And thank you. And is the Licencee going to be
3 at this hearing this morning, ma'am?

4 MS. YOHANNES: No, he will not.

5 CHAIRPERSON ANDERSON: This is a fact
6 finding hearing. And so, this is -- this
7 Licensee had requested provide -- sent a request
8 to the Board to extend the safe keeping of his
9 license.

10 There have been -- this Licensee has
11 been in safekeeping for, for a period of time.
12 And the Board, this is a CR license. And the
13 Board, we want licenses to come in operation.

14 And so, can you tell us, why is it
15 that another request is -- how long -- how long
16 has this license been in safekeeping?

17 Why is it that another request is
18 being made? And when is it that you anticipate
19 that this license will be in operation?

20 MS. YOHANNES: Sure. The license was
21 placed in safekeeping in October of 2019. So,
22 that was right before COVID.

23 And the intention at the time was to
24 transfer the license. Once COVID hit, obviously
25 that became incredibly difficult to find, or to

1 keep a tenant or find a tenant in order to
2 transfer the license to.

3 So, the license remained in
4 safekeeping. And now, and more recently, the
5 owners and tenant are working together.

6 The intention here is to transfer the
7 license. There is a potential -- there is a
8 tenant and an agreement that is being worked out.

9 And basically, you know, going to --
10 it's not going to operate obviously until those
11 agreements are done. But, we do anticipate
12 filing a transfer application within six months.

13 And that is the reason for, for this
14 additional extension. But, in the last six
15 months progress has been made.

16 And as I said, we do anticipate filing
17 an actual transfer application this month.

18 CHAIRPERSON ANDERSON: All right. So,
19 if this -- if the Board wants to -- because this
20 is an extension request for safekeeping of the
21 license through October 30 -- through September
22 30, 2022.

23 And so, you're stating is that if the
24 Board was to grant the license, the extension,
25 it's anticipated that a transfer application will

1 be filed with the Board prior to that expiration.

2 Is that correct?

3 MS. YOHANNES: That's correct.

4 CHAIRPERSON ANDERSON: And if a
5 transfer application is not filed with the Board
6 prior to that date, what expectations should the
7 Board have of the Licensee if another request for
8 safekeeping from this Licensee if -- what
9 expectation should the Board should have of this
10 Licensee if another extension is made to the
11 Board for another extension through -- through
12 March 30, 31, 2023?

13 MS. YOHANNES: At that time it would
14 be, the expectation would be that we would be
15 back here in a fact finding hearing. But, I
16 would have to give you sufficient reason, good
17 cause as to why the transfer application was not
18 filed.

19 And make a showing that reasonable
20 efforts have been made in order to file a
21 transfer application, or to ensure that a tenant
22 -- or ensure that we can do so pretty quickly.

23 CHAIRPERSON ANDERSON: Look, let me
24 ask, and I don't know if you know this, Ms.
25 Yohannes. Is -- is construction -- if, if --

1 also, who is it, who do you represent?

2 MS. YOHANNES: Currently, for the
3 purposes of this hearing, the -- obviously the
4 Licensee. But, the landlord.

5 CHAIRPERSON ANDERSON: So, the
6 landlord.

7 MS. YOHANNES: Correct.

8 CHAIRPERSON ANDERSON: Now, is this --
9 is this establishment restaurant ready? Or is it
10 that significant construction needs to be --
11 needs to occur if a restaurant was to move in?

12 MS. YOHANNES: My understanding, and
13 obviously that will depend on the tenant that
14 comes in, is that it is restaurant ready.

15 CHAIRPERSON ANDERSON: Are there any
16 other questions by any other Board Members?

17 (No response)

18 CHAIRPERSON ANDERSON: Do you have any
19 other representations you can make, ma'am?

20 MS. YOHANNES: No. The only other
21 representation I'll make is that the fees have
22 been paid. And the Licensee continues to make
23 those payments, and to ensure that this license
24 can stay active.

25 CHAIRPERSON ANDERSON: All right. I

1 -- the Board will take this matter under
2 advisement. And we'll issue a decision whether
3 or not we'll grant the extension through
4 September 30, 2022. All right?

5 MS. YOHANNES: Okay. Thank you.

6 CHAIRPERSON ANDERSON: All right.

7 Have a great day.

8 MS. YOHANNES: You too.

9 (Whereupon, the above-entitled matter
10 went off the record at 11:14 a.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p style="text-align: center;">A</p> <p>a.m 2:2 7:10 above-entitled 7:9 ABRA 1:21 active 6:24 actual 4:17 additional 4:14 advisement 7:2 agreement 4:8 agreements 4:11 Alcoholic 1:2,13 ALIYA 1:18 ANC 1:7 Anderson 1:14,17 2:3 2:16,20 3:1,5 4:18 5:4 5:23 6:5,8,15,18,25 7:6 anticipate 3:18 4:11,16 anticipated 4:25 Applicant 1:22 application 4:12,17,25 5:5,17,21 Arnold's 1:6 2:5 Avenue 1:7</p> <hr/> <p style="text-align: center;">B</p> <p>back 5:15 Bar 1:6 2:5 basically 4:9 behalf 2:24 Beverage 1:2,13 Board 1:2,13 3:8,12,13 4:19,24 5:1,5,7,9,11 6:16 7:1 BOBBY 1:17</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 2:4,7 CATO 1:17 cause 5:17 Chairperson 1:14,17 2:3,16,20 3:1,5 4:18 5:4,23 6:5,8,15,18,25 7:6 COLUMBIA 1:1 come 3:13 comes 6:14 Connecticut 1:7 construction 5:25 6:10 continues 6:22 Control 1:2,13 correct 5:2,3 6:7 Counsel 1:22 COVID 3:22,24 CR 1:7 3:12 CROCKETT 1:18 Currently 6:2</p>	<p style="text-align: center;">D</p> <p>date 5:6 day 7:7 DC 1:21 decision 7:2 depend 6:13 difficult 3:25 DISTRICT 1:1 Donovan 1:14,17</p> <hr/> <p style="text-align: center;">E</p> <p>EDWARD 1:18 efforts 5:20 elevate 2:6 ensure 5:21,22 6:23 establishment 6:9 expectation 5:9,14 expectations 5:6 expiration 5:1 extend 1:9 3:8 extension 4:14,20,24 5:10,11 7:3</p> <hr/> <p style="text-align: center;">F</p> <p>fact 1:7,8 2:4 3:5 5:15 Fashbaugh 1:21 2:6 fees 6:21 file 5:20 filed 5:1,5,18 filing 4:12,16 find 3:25 4:1 finding 1:7,8 2:4 3:6 5:15</p> <hr/> <p style="text-align: center;">G</p> <p>give 5:16 GRANDIS 1:18 grant 4:24 7:3</p> <hr/> <p style="text-align: center;">H</p> <p>HANSEN 1:19 hearing 1:7,8 2:5 3:3,6 5:15 6:3 Hello 1:6 hit 3:24 Hospitality 1:6</p> <hr/> <p style="text-align: center;">I</p> <p>Ill 1:6 incredibly 3:25 intention 3:23 4:6 issue 7:2</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 JENI 1:19 JR 1:17,19</p>	<p style="text-align: center;">K</p> <p>keep 4:1 keeping 3:8</p> <hr/> <p style="text-align: center;">L</p> <p>landlord 6:4,6 Licencee 3:2 license 1:8 3:9,12,16,19 3:20,24 4:2,3,7,21,24 6:23 Licensee 2:11,12,14,24 3:7,10 5:7,8,10 6:4,22 licenses 3:13 LLC 1:6 long 3:15,15 Look 5:23</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3:3 6:19 March 5:12 matter 1:5 7:1,9 MEETING 1:3 Member 1:17,18,18,19 1:19 Members 6:16 met 1:14 month 4:17 months 4:12,15 morning 2:13 3:1,3 move 6:11 Mussel 1:6 2:5</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:18,22 needs 6:10,11 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>O-H-A-N-N-E-S 2:25 obviously 3:24 4:10 6:3 6:13 occur 6:11 October 3:21 4:21 Once 3:24 operate 4:10 operation 3:13,19 order 4:1 5:20 owners 4:5</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 6:22 parties 2:7 payments 6:23 period 3:11 placed 3:21</p>	<p>please 2:21,22 potential 4:7 PRESENT 1:16,20 presiding 1:14 pretty 5:22 prior 5:1,6 progress 4:15 provide 3:7 purposes 6:3</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 6:16 quickly 5:22</p> <hr/> <p style="text-align: center;">R</p> <p>RAFI 1:18 ready 6:9,14 reason 4:13 5:16 reasonable 5:19 record 2:22 7:10 remained 4:3 represent 6:1 representation 6:21 representations 6:19 request 1:9 3:7,15,17 4:20 5:7 requested 3:7 response 6:17 restaurant 6:9,11,14 Retailer 1:7 rights 2:7</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:18 S-I-D-O-N 2:24 safe 3:8 safekeeping 1:10 3:11 3:16,21 4:4,20 5:8 SARAH 1:21 sent 3:7 September 4:21 7:4 SHORT 1:19 showing 5:19 Sidon 1:22 2:23 significant 6:10 six 4:12,14 sorry 2:9 spell 2:18,21 St 1:6 2:5 Staff 1:21 state 2:22 stating 4:23 stay 6:24 sufficient 5:16</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 tell 3:14</p>
---	---	---	---

tenant 4:1,1,5,8 5:21
6:13
thank 3:2 7:5
transfer 3:24 4:2,6,12
4:17,25 5:5,17,21

U

understanding 2:8,8
6:12

V

videoconference 1:14

W

W 1:14,17
wants 4:19
WebEx 1:14
Wednesday 1:11
went 7:10
worked 4:8
working 4:5

X

Y

Y- 2:24
Yohannes 1:22 2:10,14
2:18,21,23,23 3:4,20
5:3,13,25 6:2,7,12,20
7:5,8

Z

0

1

11:07 2:2
11:14 7:10

2

2019 3:21
2022 1:12 4:22 7:4
2023 5:12
25 1:12

3

30 4:21,22 5:12 7:4
31 5:12
3433 1:7
3C 1:7

4

5

6

7

8
88441 1:8

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: St. Arnold's Mussel Bar

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

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831