

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

1:35 p.m.

1
2
3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone. And welcome to today's afternoon
5 session of the ABC Board. My name is Donovan
6 Anderson. I'm Chairman of the Board.

7 Joining with me this afternoon are
8 five of the Board Members, Mr. James Short, Mr.
9 Bobby Cato, Ms. Rafi Crockett, Ms. Jeni Hansen,
10 Mr. Edward Grandis. The Board has six members in
11 attendance for the conduct of business and that
12 constitutes a quorum.

13 Before we get underway with this
14 afternoon's calendar, we have four cases on our
15 calendar. And once your case is called I will
16 take a moment for our IT specialist to elevate
17 the rights for each party to enable their camera
18 and equipment. Then and only then will you have
19 the ability to enable your equipment.

20 If you have any questions or you need
21 any technical assistance please use the question
22 and answer feature to ask your question, please.

23 Our first case on this afternoon
24 calendar, it's a one day Substantial Change
25 Application from Barkada Wine Bar on License

1 number, I do not have -- yes, it's a Substantial
2 Change license.

3 And I don't have the license number
4 for, yes, I'm sorry. License number is 115719.
5 Ms. Fashbaugh, can you please elevate the rights
6 of the parties in this case, please?

7 MS. FASHBAUGH: Nathan Fisher, your
8 rights have been elevated. That is all, Mr.
9 Chair.

10 CHAIRPERSON ANDERSON: Mr. Fisher.

11 MR. FISHER: Hello.

12 CHAIRPERSON ANDERSON: Good afternoon,
13 Mr. Fisher. Can you please spell and state your
14 name for the record, please?

15 MR. FISHER: Nathan Fisher, N-A-T-H-A-
16 N, F-I-S-H-E-R.

17 CHAIRPERSON ANDERSON: All right.
18 Good afternoon, Mr. Fisher.

19 MR. FISHER: Good afternoon.

20 CHAIRPERSON ANDERSON: All right, Mr.
21 Fisher, this is a Substantial Change. It's my
22 understanding, well, not my understanding, you
23 filed a Substantial Change Application to allow
24 outdoor Pride events.

25 The Board, we had a protest hearing

1 where we issued by Board Order number 2021-181,
2 that was issued on April 22nd, 2022 denying the
3 Substantial Change for you to have entertainment.

4 Now, if I -- and -- the Board Order
5 stated in particular term, Board Order 2022-181,
6 it basically states that no amplified sound or
7 music shall be heard outside the premise except
8 for the nominal use of the establishment's doors
9 for ingress, egress and ingress. And so
10 therefore, we denied live entertainment on the
11 premises or on the sidewalk caf,.

12 Now, the reason why the Board, as you
13 recall, we did have a protest hearing. This
14 license was protested by the ANC and the group of
15 five or more. And so, neither the ANC nor the
16 group of five or more wanted us to give you a
17 license to, for this to occur.

18 And so, the question today, sir, what
19 is it that has changed why you're asking for a
20 Substantial Change request to have an event on,
21 and I see this is to have a drag performance on
22 June 28th, 2022.

23 MR. FISHER: Yes. So, with
24 discussions with our neighbors and our ANC, we
25 understood that if the ANC gave us approval for a

1 one time, that that would be okay.

2 And after talking to them, that Dan,
3 our ANC Chair, gave us approval to do this one
4 time Pride event at the end of the month.

5 CHAIRPERSON ANDERSON: Now, have you
6 spoken to any of the protestants? I mean, and
7 the reason why I'm asking, sir, I'm looking at
8 the decision that was issued in April.

9 And I, from what I saw here, from
10 factually we had concerns that, with concerns
11 with that Mr. Alan Cannon. He lives in the
12 condominium near your establishment.

13 And Mr. Cannon had stated that usually
14 you do not create any disturbance. But on one
15 occasion on June 29th, 2021, while in his home he
16 heard a commotion related to an event held at the
17 Barkada Wine Bar about 8:30 p.m.

18 Specifically, the establishment
19 appeared to be hosting a bingo game, and had a
20 device amplifying someone's voice. He said there
21 was also a large crowd gathered around the
22 entertainment sidewalk caf, that obstructed
23 traffic. Inside his unit he could hear shouting
24 coming from Barkada's sidewalk caf,.

25 So, this was an event that you had

1 June 29th, 2021. And now you're asking us to
2 have an event on June 28th, 2022, which my
3 assumption is it is similar to this event that
4 Mr. Cannon had complaints about at, during the
5 last, during the protest hearing.

6 So, what gives? What, how is it that,
7 how can this Board amend its decision to allow
8 you to have this event when your neighbors
9 complained about a similar type of event that you
10 had around the same period last year?

11 MR. FISHER: Sure. So after that
12 particular event last year, and with the talks
13 that we've had with both the ANC and our
14 neighbors we now know what went wrong with that.

15 We know that advance notice to our
16 neighbors, as our ANC Chair has asked us to do in
17 order for him to approve this one term event is
18 needed. And we have reached out.

19 Once, our understanding is once this
20 is approved we will work with Dan to reach out to
21 all of our neighbors. And we have all of the
22 email addresses also to those protestants that
23 this event was going to, that this event can
24 happen.

25 CHAIRPERSON ANDERSON: But have you

1 though, have you approached any of these,
2 especially the protestants who protested this
3 event the last time? Have you specifically
4 reached out to them to say, we plan, we're going
5 to ask the ABC Board.

6 I know that I, you protested the
7 application. The ABC Board denied our
8 application to have entertainment. I'm aware
9 that we had this event on May, we had this event
10 last year, something similar last year.

11 And if we were to have this event
12 again would you, can we have this event? And
13 what, how could we improve it? Have you had this
14 conversation with any of your neighbors, sir?

15 MR. FISHER: We have had this
16 conversation with the ANC. And the ANC, and our
17 understanding was we just needed the ANC's
18 approval to get ABRA approval.

19 And the ANC during their discussions
20 said they will give us approval, which they have,
21 as long as we reach out to the neighbors and tell
22 them that this is happening.

23 CHAIRPERSON ANDERSON: Now, is it, all
24 right. So, let me, when you said the ANC, I know
25 this is Mr. Dan Orlanski, who was one of the --

1 But is it this, did this, did the entire ANC
2 support this event, or was it just him?

3 MR. FISHER: Dan gave us his written
4 note approving it, that we forwarded to ABRA when
5 we asked for this one time change.

6 CHAIRPERSON ANDERSON: The reason I'm
7 trying to make a distinction, the reason I'm
8 trying to make a distinction, I'm trying to find
9 out if the, a single member district cannot speak
10 -- a single, and I know that Mr. Orlanski, from
11 the representation that you made, is the
12 Chairperson of the ANC. I think I'm, I think
13 he's the Chairperson.

14 One of the things that I'm trying to
15 get a clarification from, is it that he's saying
16 the entire -- I'm not, I know that the Agency has
17 received the communication that you speak of.
18 And so maybe I'll ask the Agency to share that
19 with me right now. Because I don't have it in
20 front of me.

21 I'm trying to make a distinction
22 whether or not it is the, is it Mr. Orlanski in
23 his individual position as ANC for the area, or
24 as the ANC Chair who supports this event? That's
25 the difference I'm trying to make.

1 Because remember, this is April that
2 we issued a decision, because the ANC and the
3 protestants came and complained about an event
4 that you had in June of last year.

5 And you're having the, you're, here it
6 is again. You're having another event in June.
7 And that you're asking us to amend our order to
8 give you permission to do that, sir.

9 MR. FISHER: I do not know what
10 communications Dan might have had with the rest
11 of the ANC. All I know is when we asked, a few
12 days later he came back and said that, and sent
13 us his approval.

14 I know one of, originally one of their
15 hesitations of giving us the, a change,
16 Substantial Change for in general was this idea
17 of having events all the time.

18 And one of the things that we talked
19 about is having one or two events throughout the
20 year, doing a one time change was something that
21 the ANC would approve of. And thus, that's why
22 we're going down this route.

23 CHAIRPERSON ANDERSON: As I said, I'm
24 not trying to, Mr. Fisher, I'm not trying to
25 badger you. But remember, I'm reading the

1 decision. And one of your neighbors, Mr. Cannon,
2 Mr. Cannon said that they usually, and I'm
3 reading from the decision where Mr. Cannon said,
4 Mr. Cannon indicated that Barkada usually does
5 not create a disturbance.

6 However, June 29th, 2021, I
7 specifically remember June 29th, 2021 when they
8 just had a party. And this party that they had
9 in June of 2021, whatever good will I had toward
10 this establishment, I've lost it.

11 So, how is it that, what is it that,
12 if the ABC Board was to grant this exception for
13 this one time event, what is it that you plan to
14 do, your, you plan to do to ensure that what
15 happened on June 29th, 2021 would not occur?

16 MR. FISHER: Just like we promised
17 with the ANC to get their approval for this, we
18 are going, if this is approved the first thing
19 we're going to do is reach out to all of our
20 neighbors, let them know, give them a heads up.

21 We also know that any sound that was
22 used at the event last year will not be used
23 again this year. Most of the drag performance
24 will be inside. And this will just be to let the
25 drag queens go outside to, for anyone who is

1 sitting out there as well.

2 And so, all, every measure that we
3 have learned through the issues that the
4 neighbors had from last year, we plan to
5 implement, and do it closely with them.

6 CHAIRPERSON ANDERSON: What's the
7 capacity of your sidewalk caf,, sir?

8 MR. FISHER: So, the sidewalk caf, is
9 only 18. So most of the people will be inside or
10 on the streeterly.

11 CHAIRPERSON ANDERSON: Well, and you
12 have a streeterly also? So, you have a sidewalk
13 caf, and a streeterly?

14 MR. FISHER: Yes.

15 CHAIRPERSON ANDERSON: And I know that
16 streeteries are a creation of COVID. So, and I'm
17 not quite aware if DDOT has issued significant
18 regulations regarding streeteries.

19 So, what's the capacity currently of
20 your streeterly? I'm just asking you because I'm
21 not, because we don't really, we haven't issued
22 any regulations yet. So, what's the capacity of
23 your streeterly?

24 MR. FISHER: Right now we have five
25 tables of six on our streeterly.

1 CHAIRPERSON ANDERSON: So, six, so
2 that's 30 people you can have on your streetery,
3 plus 18 on your sidewalk caf,. That is 48
4 people.

5 Now, one of the things also, and I,
6 and the reason I kept, I'm reading the decision
7 where Mr. Cannon said, there was a large crowd
8 gathered around the establishment's sidewalk caf,
9 that obstructed traffic.

10 So, you're saying, what you just
11 stated was that you're going to have the drag
12 performance be outside.

13 MR. FISHER: So, it's more --

14 CHAIRPERSON ANDERSON: How, that you,
15 how did, how are you going to prevent overcrowded
16 on the sidewalk caf,? And how is it that you're
17 going to prevent obstruction of traffic?

18 MR. FISHER: So, we, no one, we do
19 have staff members that make sure that no one
20 will be in the sidewalk. This event would not,
21 the drag queens will be performing both inside,
22 and then will be able to, we just wanted to do
23 this right.

24 So, they are able to go outside and
25 collect, you know, their tips from people who are

1 sitting outside that may not be able to sit
2 inside.

3 CHAIRPERSON ANDERSON: So, tell me
4 about this event, sir.

5 MR. FISHER: Our idea is to do a
6 celebration for Pride called Wine Down Pride, at
7 the end of the month, and have between three or
8 four drag queens be able to perform. And have a
9 kind of celebration of the end of Pride Month.

10 CHAIRPERSON ANDERSON: And how is this
11 event advertised?

12 MR. FISHER: We have not advertised it
13 yet. But we would either, we would hopefully
14 sell tickets for the seats both inside and
15 outside.

16 CHAIRPERSON ANDERSON: And how many
17 tickets do you plan to sell, sir?

18 MR. FISHER: It would be 48 for
19 outside, the six tables, the five tables of six
20 in the streeterly, the 18 for the sidewalk caf,,
21 and then about 20 for inside.

22 CHAIRPERSON ANDERSON: So, after
23 you've sold those tickets and I show up, I show
24 up there with my ten friends because, and I heard
25 about this wonderful drag performance that you're

1 going to have. So, I showed up with my ten
2 friends because we want, what are you going to
3 do?

4 MR. FISHER: We will not be able to
5 sit them.

6 CHAIRPERSON ANDERSON: But won't I be,
7 but if I, but I'm going to stand then? Okay,
8 since I won't be seated am I not, why would I not
9 then stand in the street to watch the
10 performance? So, will there be performance
11 inside, outside or, I'm trying to find out.

12 MR. FISHER: So, the outside part of
13 a performance, we're trying to do a hybrid, so
14 they can, you know, start their performance
15 inside and then go outside so that they could get
16 as many of the tips as they can.

17 The outside part of the performance
18 would just be in front of our door where the
19 sidewalk caf, is. And so, I can't imagine anyone
20 would be able to even see if they were standing
21 not in front of our door, or sitting down at one
22 of our tables.

23 CHAIRPERSON ANDERSON: So, all right.
24 Is there, where is, the streeterly of course is in
25 the street. So, where is your streeterly in

1 comparison to your sidewalk caf,?

2 MR. FISHER: Perpendicular, or
3 parallel.

4 (Simultaneous speaking.)

5 MR. FISHER: Yes.

6 CHAIRPERSON ANDERSON: Go ahead. I'm
7 sorry.

8 MR. FISHER: And so our door, like our
9 door is, the sidewalk caf, is right to the left
10 of our door. And then parallel to that on the
11 street is our streeterly.

12 CHAIRPERSON ANDERSON: So, where is
13 the sidewalk?

14 MR. FISHER: The sidewalk is in
15 between that area.

16 CHAIRPERSON ANDERSON: Thus, how do
17 you plan to police the sidewalk to ensure that if
18 I want to walk, if I want to traverse through the
19 sidewalk?

20 Because again, did you have the
21 streeterly, last year when you had this event did
22 you have the streeterly at that time? You had the
23 streeterly?

24 MR. FISHER: Yes. Yes.

25 CHAIRPERSON ANDERSON: So, you had the

1 streeterly last year.

2 MR. FISHER: And we had two staff
3 members on both sides of the streeterly to make
4 sure that no one, because this is a seated event.
5 So, no one is standing up and getting into the
6 sidewalk.

7 And it's to make sure that the
8 sidewalks are clear. So, if anyone was walking
9 up and down the sidewalk and stopped to watch, we
10 ask them to move. Because we want to make sure
11 that the sidewalk is clear.

12 CHAIRPERSON ANDERSON: But what's the
13 difference between, you said it's a seated event
14 this year. So, what was it last year? Tell me
15 about the event last year?

16 MR. FISHER: Last year was a seated
17 event as well. We did the same thing. Our
18 understanding though last, what happened last
19 year was that people from U Street started coming
20 in and watching.

21 And we did our best to tell them that
22 they weren't allowed to be there. And that's,
23 you know, when they, we told them they couldn't
24 stand there, they left.

25 CHAIRPERSON ANDERSON: But, Mr.

1 Fisher, that didn't work. That did not work.
2 Because, and I'm not just picking, the reason why
3 I'm picking on Mr. Cannon, because I'm looking at
4 our decision, and Mr. Cannon complained about
5 that.

6 Mr. Cannon said, there was a large
7 crowd gathered around the establishment sidewalk
8 caf, that obstructed traffic.

9 MR. FISHER: I --

10 CHAIRPERSON ANDERSON: So, I'm sorry.

11 MR. FISHER: I would like to say that
12 traffic was never obstructed. No one was in the
13 street. And if there was a large crowd within
14 the streetery, that's probably what he saw, as
15 there was 35 people, 30 people in the streetery.

16 But I, we made sure very, like very
17 well that no one was in the street and no one was
18 in the sidewalk. I didn't see anyone blocking
19 the sidewalk.

20 CHAIRPERSON ANDERSON: The reason why
21 I'm saying that, sir, he testified under oath.
22 And in one, in denying the permanent license the
23 Board credited his testimony. So, the Board
24 credited his testimony that what was occurring
25 blocked the, blocked traffic.

1 So, I know you're saying that, so your
2 denial unfortunately now, sir, it's not credited.
3 Because the Board credited the testimony of Mr.
4 Cannon under oath that this occurred.

5 And so therefore, I'm now taking this
6 factually to say that factually they, to say that
7 factually that there was a large crowd gathered
8 around the establishment's sidewalk caf,, and
9 that it obstructed traffic.

10 You stated that you had two employees
11 last year who were supposed to assist with this.
12 Clearly it did not work. So, if the Board was to
13 even do this, would you commit, how many more
14 staff members would you commit to hiring to
15 ensure that this area is not obstructed?

16 MR. FISHER: Since then we have
17 doubled our staff. And everyone on staff will be
18 working that day. So, we will have at least four
19 if not more in the, around the sidewalk, to make
20 sure that the sidewalk is not obstructed.

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: But how would
23 you, how do you go, how do you plan to prevent
24 noise disturbances?

25 MR. FISHER: So, we, this year we will

1 not have a large speaker or any type of
2 amplification outside except for a small
3 bluetooth speaker that we're just going to place
4 in the sidewalk caf,.

5 Because again, the sidewalk caf, is
6 only where the, we will have the drag queens go
7 when they are performing outside, not inside.

8 And we currently have, are working on,
9 and half of it's already done, curtains around
10 the streetery, so that any, those five tables in
11 the streetery, there's some noise cancellation
12 there.

13 CHAIRPERSON ANDERSON: So, your plan,
14 so you're saying that you'll install curtains in
15 the streetery to -- What, anything else you plan
16 to do, sir?

17 MR. FISHER: Those, if the, I know
18 that we will, one of the promises we made with
19 the ANC is that we will be in contact with our
20 neighbors throughout that day as well.

21 And if they do have some complaints
22 that it is getting too loud we will either, we
23 will give our warnings to those outside. And if
24 they do have complaints again we will stop the
25 outside music.

1 CHAIRPERSON ANDERSON: Now, you stated
2 that, so what else is going on on June, I'm
3 sorry. What else is going on? What, if anything
4 are you aware will be going on, on your street on
5 June 28th?

6 MR. FISHER: Nothing that I know of.

7 CHAIRPERSON ANDERSON: So, the reason
8 I brought that up, because you said that when you
9 had the event on June 29th last year that folks
10 on U Street came over.

11 So, was there anything going on on U
12 Street for the people on U Street to come over to
13 the establishment? That's what I'm trying to
14 find out. What was going on, if you recall, that
15 folks from U Street came over to your
16 establishment last year?

17 MR. FISHER: I know it was like one of
18 the first weeks that everything started opening
19 after COVID. So, I believe it was just a, you
20 know, everyone was out and about because they
21 were excited that all establishments were open.

22 I also know that there were some,
23 there was a event at the Lincoln Theater that
24 evening that is kind of catty corner down the
25 street, right next to Ben's Chili Bowl, that let

1 out at the same time.

2 CHAIRPERSON ANDERSON: You did not
3 say, it was a Pride event?

4 MR. FISHER: The Lincoln Theater
5 event, I do not know if it was a Pride event or
6 just a concert. But I do know that when they let
7 out that, whenever the Lincoln Theater and the
8 show a lot of people do tend to go onto U Street.

9 CHAIRPERSON ANDERSON: Now, do you
10 have any idea if there is going to be an event
11 this, if there is an event scheduled for June
12 20th, 2022 at the Lincoln Theater?

13 (Simultaneous speaking.)

14 MR. FISHER: I am looking that up
15 right now. Their calendar does not show any
16 event happening that day.

17 CHAIRPERSON ANDERSON: Any questions
18 by any of the Board Members.

19 MEMBER SHORT: Mr. Short has a
20 question.

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Short.

23 MEMBER SHORT: First I'd just like to
24 get something on the record. Normally this
25 Board, when an ANC Commission, we get a letter

1 that they had a meeting, and they, the whole ANC
2 approves a Substantial Change. So, my question
3 is, did the whole ANC give you a note? Or did
4 just one person on the ANC that you know gave you
5 a note that it's okay this time?

6 MR. FISHER: We, yes. We reached out
7 to Dan asking for ANC approval. And after a
8 couple of days he gave the note back, saying you
9 have the approval as long as you reach out to the
10 neighbors, and make sure that there is a dialog
11 during that day with the neighbors, in case
12 anything were to come up. What those
13 conversations were between Dan and other ANC
14 members, I'm not privy to.

15 MEMBER SHORT: Is it also your
16 testimony that nothing's changed from last year
17 about sidewalks, or about your eatery, or about
18 the number of people that you are planning to
19 have outside with the drag queens when they come
20 out to the exterior?

21 What's changed from last year about
22 the numbers of people you have? And you're going
23 to have, you say four people? And I'd just like
24 to make a comment for the record also. If MPD,
25 the Metropolitan Police Department can't make

1 people clear the sidewalks, how will you enforce
2 clearing the sidewalk?

3 MR. FISHER: So, last year with our
4 staff members on either side we did a good job
5 making sure that the sidewalk, especially in
6 front of our establishment and the apartment
7 building, were clear.

8 And as opposed to what happened last
9 year, this is going to be less people. Because
10 last year more people were in the streetery.

11 MEMBER SHORT: Okay. Well, I'll just
12 be saying this, sir. I remember some film or
13 video being introduced where someone across the
14 street in an apartment filmed the street being
15 blocked, and in front of your eatery being
16 blocked. Do you remember that from the hearing
17 last year?

18 MR. FISHER: I do not believe any film
19 was introduced during that hearing.

20 MEMBER SHORT: Okay. All right.
21 Well, you might not remember. But the question
22 I'm asking you is, what has changed? And you
23 expect this Board, because you have a note from a
24 ANC Commissioner, a note, not a signed letter
25 from the ANC, saying that you can have this

1 event.

2 And then all you have to do is notify
3 the persons who complained last year, after you
4 get permission from this Board. Why not get
5 permission from those persons first, and then
6 come to this Board? Why the reversal?

7 MR. FISHER: It was told by us, and
8 our understanding that to get a one time change
9 that all we had to do was get approval from the
10 ANC.

11 MEMBER SHORT: An approval or a note?

12 MR. FISHER: Approval. That's what it
13 was told by us.

14 MEMBER SHORT: Well, maybe you're not
15 familiar with ANC's workings here in the District
16 of Columbia. But normally before this Board,
17 ever since I've been on the Board it takes a
18 letter from the ANC by a meeting that they hold
19 once a month, or whenever they have their
20 meeting.

21 And that, the letter that comes from
22 the ANC comes from that meeting. So, are you
23 aware of any meeting that the ANC had to give you
24 permission to do this?

25 MR. FISHER: I am not aware. All I

1 know is when we reached out to Dan asking for
2 approval, after two days he sent us the email
3 back that we shared with ABRA.

4 MEMBER SHORT: Okay. And do you
5 remember last year's testimony that someone who
6 lives in the apartment next door to your building
7 says their bedroom is right on that front.

8 And that they for that whole evening
9 could not use their bedroom because of the noise
10 that was coming from your establishment, and
11 people blocking the street. Are you, do you
12 remember that? Are you aware of that?

13 MR. FISHER: Yes. I'm aware of the
14 testimony that was given. And again, that's why
15 we are going to reach out to each and every one
16 of them.

17 I know this event is going to be from
18 7:00 p.m. to 9:00 p.m. It will be done by 9:00
19 p.m. And we are happy to engage with all of our
20 neighbors throughout the whole day of that event.

21 MEMBER SHORT: What was the hours last
22 year?

23 MR. FISHER: Last year it went to
24 10:00 p.m.

25 MEMBER SHORT: Went to 10:00. What

1 time did everybody eventually leave the street?
2 I'm talking more, when you close your event down
3 what time did the citizens, or the people in the
4 street, or whomever else, what time did those
5 people leave from in front of your business, or
6 in front of those apartments?

7 MR. FISHER: I would say by at least
8 10:15 p.m., as we do close at 10:00. And we
9 wanted to clean up and get everyone out of there.
10 At that point also, no one was sitting inside,
11 because of the COVID restrictions.

12 MEMBER SHORT: Okay. Well, I just had
13 that information about the ANC. I wanted that on
14 the record. And I thank you very much for your
15 testimony. Mr. Chair, that's all I have at this
16 time.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Short. I just want the record to reflect that as
19 a part of their, as a part of his application,
20 what was submitted, a letter.

21 An email was submitted from Dan
22 Orlandski, single member District 1D-02, where it
23 says, I have no issues with you having this
24 specific permit for the Pride event. Let me know
25 if you need anything from me. I think you can

1 just forward this email to ABRA and it should do.

2 As for the neighbors, I think as long
3 as you give them advance notice, and let them
4 know that it might be a little bit noisy, it
5 shouldn't be a problem.

6 So, that's the email that was provided
7 from the ANC to the owners of Barkada. And that
8 was submitted. Now --

9 MEMBER SHORT: Just a question I have
10 for you, Mr. Chair.

11 CHAIRPERSON ANDERSON: Yes, Mr. Short.

12 MEMBER SHORT: Since you've been
13 Chairman has it been a policy that the ANC itself
14 has to sign a letter to us stating that they do
15 not have a problem? And then, instead of
16 notifying people after, everybody's notified
17 because the ANC has published their letter? So,
18 was anything published this time, other than a
19 letter coming from one person to you, or to, or
20 from the applicant?

21 CHAIRPERSON ANDERSON: Mr. Short, one
22 of the questions I'd asked, I remember the
23 question that I asked before was whether or not
24 it was a letter that came from the ANC, or it was
25 a letter that came from the single member

1 district? That was the question that I asked.
2 And so, I went to look at the application. And
3 the application that was submitted, it was a
4 letter from Mr. Orlanski, ANC 1D-02. So, I'm
5 saying in the sense that the owner reached out to
6 the ANC. And the ANC responded. So, I'm not, so
7 I can't tell the owner whether or not it's,
8 whether or not the ANC is just a single member
9 district or the entire ANC. I'm just saying what
10 he provided to us with that. He reached out to
11 the ANC, and the ANC responded and said, well,
12 that's why the neighbors are concerned. I mean,
13 this event is scheduled for the 28th. The Board,
14 let me see. The Board doesn't meet again until,
15 and the Board does not meet again until the 29th.
16 So, whatever decision that we make, we'd have to
17 make a decision today. Because the Board does
18 not meet again until the 29th. Any other
19 questions by any other Board Members want to ask?

20 MEMBER GRANDIS: Yes, Mr. Chairman.

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Grandis.

23 MEMBER GRANDIS: Mr. Fisher, thank you
24 for your presentation and attendance today. And
25 I would like to state that I separate the

1 substantial change application and the results on
2 that from the filing of a different application
3 for a one time change for this event. So, I do
4 not confuse the two. This is to me a separate
5 matter. It has nothing to do with that matter.
6 Now, what could be, what would be helpful, based
7 on what you're hearing from the Chair and a
8 Commissioner is that if there is a memo or letter
9 that is on the ANC Chairperson's letterhead, that
10 stated that the ANC supports this, and that was
11 put into the record, I think that would resolve
12 whether or not Dan was speaking for himself, or
13 speaking for the ANC with the ANC knowledge and
14 approval. So, are you able to provide the Agency
15 and to this Board for this record? Because you
16 have had that conversation with, the ANC will
17 provide a letter based on the ANC's position, as
18 opposed to Dan's position?

19 MR. FISHER: I'd be more than happy to
20 reach out to Dan and ask for that.

21 MEMBER GRANDIS: But Dan's not the
22 Chair, is he? Am I confused? Who is the Chair?

23 MR. FISHER: All I know that
24 everything that we have dealt with, with the ANC
25 has been through Dan.

1 MEMBER GRANDIS: Through Dan, the
2 single member. Okay. I understand that. So, if
3 you reach, what is your confidence on how quickly
4 you could obtain? Because you've stated that the
5 ANC supports this, correct?

6 MR. FISHER: From my, from the email
7 that Dan sent to me, sent to us, yes.

8 MEMBER GRANDIS: But there is a, but
9 rightfully, based on our regulations, what we
10 have to follow, we cannot just go on one single
11 member district's position.

12 And I hope you understand that we're
13 not trying to be difficult on that point. We're
14 trying to, you know, cross our Ts and dot our Is.
15 So that whatever decision we make is done
16 properly.

17 I will say that I don't understand
18 what the reluctance is on anyone on this Board of
19 agreeing to this. Because one, it's over at 9
20 o'clock. Two, I just heard you state that your
21 venue actually closes by 10:00.

22 So, I don't understand why we cannot
23 just go ahead and approve this request,
24 predicated upon your agreement to get us a letter
25 from the ANC before our decision can be effected.

1 Because we don't meet next week because of a
2 holiday. And as the Chair correctly has stated,
3 by the time we get to our next meeting it's the
4 day after.

5 MR. FISHER: Right.

6 MEMBER GRANDIS: So, I think, I can't
7 speak for the Board. But I believe that if you
8 were able to help us dot our Is and cross our Ts
9 that we will not view this as part of the
10 Substantial Change Application, we will look at
11 it wholly based on the one day, with the
12 knowledge that there is an ANC letter that
13 supports it. Is that helpful to you?

14 MR. FISHER: Yes. And if I could
15 reach out to Dan and ask for that ANC letter, I'd
16 be happy to do so.

17 MEMBER GRANDIS: Now, I'm only
18 speaking for myself. So, that's not --

19 MR. FISHER: Yes.

20 MEMBER GRANDIS: -- a request from
21 this Board. I'm not making the request. I just
22 wanted to have you explain to us if you believe
23 that you could do that if the Board decided. But
24 I'm not saying that's our decision. And I, like
25 I said, I think we all want this event to be

1 safe.

2 So, you've heard concerns about the
3 street. And I'm sure that now that you've heard
4 concerns about the street you will take care of
5 that. And also, that people should know that
6 when you all end this event they should disburse
7 from the street.

8 MR. FISHER: Yes.

9 MEMBER GRANDIS: Other than that I
10 look forward to seeing if we can work out this
11 situation to be a positive result. So, thank you
12 for your time. Mr. Chairman, thank you.

13 CHAIRPERSON ANDERSON: Thank you, Mr.
14 Grandis. I just want the record to reflect, the
15 reason we're having this hearing today is because
16 a Substantial Change Application was filed last
17 year regarding -- the Board issued a decision.
18 And that's when I started, I started this out.
19 On April 27th, 2022 the Board issued, we had a
20 protest hearing. They had applied for
21 Substantial Change to get an entertainment
22 endorsement. Okay.

23 We had a protest hearing. The Board
24 issued a decision on April 27th, 2022 denying a
25 request. And the Board basically stated that no

1 amplified sound or music shall be heard outside
2 of the premises except for the normal use of the
3 establishment doors for egress and ingress.

4 And the request for live outdoor
5 entertainment is denied. And no live
6 entertainment shall be permitted in the sidewalk
7 caf,. That was the decision the Board issued in
8 April of 2022.

9 We're now in June of 2022. This
10 licensee is requesting a one day Substantial
11 Change for an event on June 28th, 2022. One of
12 the, the particular, in reviewing our decision
13 this establishment had an event on June 29th,
14 2021 that was, that the neighbors thought was so
15 egregious.

16 Because remember, what I stated was
17 that, at least what I attribute to Mr. Cannon,
18 Mr. Cannon said, normally they're fine. Normally
19 we don't have a problem with them. However, on
20 June 29th, 2021 they had an event that so
21 disturbed us.

22 And because this event so disturbed us
23 that is why we're here today protesting for them
24 not to ever do this again. And so, that was what
25 we (audio interference) between April, when we

1 issued our decision in April of 2022 for us to
2 allow them in June of 2022 to have this event.

3 I hear what you said, Mr. Grandis. I
4 think it's an impossibility for him to provide us
5 with a letter of support from the ANC. Because
6 remember, I don't know if an ANC meeting will be
7 held now and the 28th.

8 Because it has to be a public notice.
9 So, the ANC just can't issue a letter. It has to
10 be a public hearing, where they say we vote
11 publicly and we approve this. So, I'm not sure
12 if he's able to do that.

13 And, Mr., I'm sorry, Mr. Fisher has
14 done the right thing. He reached out to, Mr.
15 Orlanski is not the ANC Chair. He's the Vice
16 Chair.

17 So, what Mr. Fisher has done, Mr.
18 Fisher, he reached out to his single member
19 district person to say, you know what, I'm having
20 this event. Does the ANC have an issue with it?

21 And part of the process should have
22 occurred is that once he reached out to his
23 single member district commissioner, then that
24 person would take it to the whole ANC. And that,
25 and then we would have gotten a letter.

1 So, I'm not going to blame you, Mr.
2 Fisher. You did what you're supposed to do. The
3 only, if I were to put any fault with you is that
4 I would have, you should have come to us today to
5 say that I have reached out to all the
6 protestants, the people who actually, because
7 they protested somewhat differently from the ANC.

8 Now, I think that, and I don't know
9 what decision I'm going to make. But what would
10 have been helpful is if you stated today, I
11 reached out to all the protestants and informed
12 that we were going to have this event, and this
13 is what they say.

14 So, like, and so, that would have been
15 -- so yes, you reached out to one side. And I'm
16 going to say you reached out to the ANC, and the
17 ANC said that they were okay. But there are also
18 separate people who protested.

19 And so, if you had also come to me and
20 said, I've reached out to the protestants, and
21 I've assured them what we're going to have, then
22 this would make it an easier decision for me to
23 make. That's all I'm saying. I'm not made my
24 decision yet.

25 But it will be easier, because then I

1 would have, then you would have stated to me I've
2 reached out to the people who had some
3 significant concerns with our event last year.
4 And I explained them to, I explained to them. I
5 told them the changes I'm going to put this year.

6 And they have said to me, that's,
7 based on the fact that you have, what you're
8 presenting this year, I'm going to get out of my
9 house to ensure that you have a good time.

10 So, I'm going to leave to make sure
11 that no one's that disturbed and noisy. I will
12 come back to my house at 10:00. Because I,
13 that's all I was saying, okay. So that's where
14 we are today.

15 So, I'm trying to see if, what we can
16 do to hold. I'm not sure. Any other questions
17 by any other Board Members? I'm trying to see
18 if, are you able to make contact with the --

19 I'm going to say that you've done your
20 part in contacting the ANC. Are you able to, and
21 the people who protested your license last time,
22 do you have their contact information?

23 MR. FISHER: Yes. And I just want to
24 also state that on Dan's approval of this event
25 that we have to reach out to them as well once it

1 is approved. And we promise that we will do
2 that. And we have all of their information as
3 well.

4 CHAIRPERSON ANDERSON: I, but I know
5 that. I know that's what the ANC stated. But
6 are you able to contact? Which would be easier?
7 Are you able to contact the named protestants in
8 your Substantial, in your claim last year? Are
9 you able to contact those people, and to get
10 feedback from them regarding this event?

11 MR. FISHER: Yes. We have all ten of
12 their email addresses.

13 CHAIRPERSON ANDERSON: And when is it
14 that you believe that you could give us -- I
15 think this is much easier to do than the ANC.
16 Because I believe the ANC would have to have a
17 public meeting.

18 And I don't know when, whether or not
19 the ANC will have a meeting prior to the event.
20 So, I don't know if the ANC's meeting has
21 occurred already. I don't know.

22 So, I'm not going to state to you
23 that, get a letter from the ANC. Because the ANC
24 just cannot give you a letter. They have to have
25 a public meeting and have a public vote. So, I'm

1 not sure if that is.

2 But I believe though that it would be
3 much easier for you to contact the protestants to
4 get some feedback from the protestants to see
5 what views they have on this event.

6 This, and I would be willing to hold
7 the record open and, to see, I know that the
8 Board will be on, will be off next week. But I
9 would be willing to, and I don't know what the
10 Board Members, how Board Members will vote.

11 But I would be willing to keep the
12 record open to get the feedback from the
13 protestants, to see whether or not, where they
14 are. And that would, yes.

15 Because it's such, we issued our
16 decision in April. And you're asking us to
17 approve an event for June that the community had
18 a problem with in June of 2021.

19 And you have not, at least partly you
20 have not provided us, at least in my view though.
21 And I'm not saying that I'm a no. But I'm not
22 fully convinced today that the situation has
23 changed where the community would say that we're
24 okay with it.

25 That's just, that's a concern that I

1 have. Because I'm afraid, right now what I,
2 where I am, and I'm just speaking alone, I'm
3 speaking for myself. The community's going to
4 say to the Board, they had an event last year. I
5 came down to ABRA. I complained about it. And
6 here it is again, they have -- and at least for
7 your own benefit, sir, when you go for your
8 renewal of your liquor license, and that's even
9 giving the people more reason to protest your
10 liquor license. Because it's like, they continue
11 to do stuff.

12 Let me see. Hold on. They, you
13 continue to have parties. And I thought that --
14 Was it you, so, any other, all right, any other
15 questions by any other Board Members?

16 So, what, I mean, what I would say, if
17 there's, I'll be willing to, I would be willing
18 to have, to open, to keep the record open for a
19 couple of days maybe. So, until Friday, to see
20 if you can provide us any -- all right. This is
21 what I will do, sir. And this is going to be --
22 we're having an emergency, the Board is having an
23 emergency meeting tomorrow at 2:30 p.m. Okay.
24 We're having an emergency meeting tomorrow at
25 2:30 p.m.

1 I will give you until 2:30 p.m.
2 tomorrow afternoon to provide us with some
3 feedback from the protestants. And then we can
4 have a public vote tomorrow afternoon. Because
5 we're going to have, we have a meeting tomorrow
6 that's not on our schedule. And so, but, so we're
7 going to have a public meeting. So, I will leave
8 the record open until 2:00 tomorrow afternoon,
9 sir, for you to provide ABRA Legal with some
10 feedback that you have contacted the protestants,
11 and get their feedback. I'm not saying that if
12 all of them say no that we're going to -- But I
13 want to get some, I want to, the ANC has told you
14 you need to contact the protestants. I need you
15 to contact the protestants. And I will leave
16 this record open until 2:00 p.m. June 16th. And
17 once we receive the feedback from the protestants
18 from this license we'll make a decision. We'll
19 vote on this at our emergency meeting tomorrow. I
20 believe that's being fair to you. And that will
21 be consistent with what the ANC had informed you.
22 Okay?

23 MR. FISHER: That sounds good to me.
24 Do you know the, is it just the regular D.C.
25 Legal, or ABRA Legal email address I should send

1 that to?

2 CHAIRPERSON ANDERSON: Yes. So,
3 you're, I think that, from what I saw before, you
4 sent your, whoever you had sent your email to.

5 MR. FISHER: Okay.

6 CHAIRPERSON ANDERSON: I've seen that
7 you sent, you sent an email to Rayna. So, you
8 can send that same email to her.

9 MR. FISHER: Okay.

10 CHAIRPERSON ANDERSON: Well, you can
11 use that same email address. Except I'm looking
12 at the email that you sent. And so, I'll keep
13 the record open until 2:00 tomorrow for you to
14 give us some feedback from the protestants.

15 And you know who the protestants are
16 for you to explain, to get some feedback from
17 them. And then we will, the Board then will use
18 that to support whatever decision that we make,
19 sir. Okay. Because I don't want --

20 MR. FISHER: Sure.

21 CHAIRPERSON ANDERSON: I don't -- yes,
22 Mr. Short. Yes, sir.

23 MEMBER SHORT: Would that
24 communications from the protestants be in
25 writing? Or we just take someone's word for it?

1 Would that, would the protestants give something
2 in writing to support they changed their minds
3 since May?

4 CHAIRPERSON ANDERSON: I would, yes.
5 I would, I, yes. If the, I'll ask that he
6 provide them. I know it's a short timeline. But
7 your event is the, we're not having a meeting.

8 So, you can just ask the, when you
9 contact them you can do it by email. You can
10 call them, email them, and just have them send to
11 us copy of their email to you, so the Board will
12 have -- because I don't want this Board to, but
13 for the community to come back to us to say, last
14 year I told you that they were, that they had
15 this event that so disturbed us that we protested
16 it. And then you turn around and approve an
17 event for the second year in a row, doing the
18 same thing. Okay, sir.

19 So, what is ABRA's, let me -- all
20 right. Okay. Rayna is from, and she's not in
21 here. She's not Legal. She's at, she's part of
22 the Licensing Division. So, I will, let me --
23 It's, is the email address abra.legal?

24 Let me see. Let me make sure that I
25 get the email address for, let me get the email

1 address for Legal for you, sir. Of course I
2 should know.

3 If I'm going to give out a public
4 address I want to make sure I have the right
5 email address that I'm giving here. So, let me,
6 just let me get the, so abra.legal@dc.gov. So,
7 all right.

8 So, all right so you have basically 24
9 hours. It's, I'm sorry, you have 24 hours to do
10 that. Because we're -- So fortunately we have an
11 emergency meeting tomorrow. It's not on our
12 calendar.

13 That's why it's, so we're having an
14 emergency meeting at 2:30 p.m. tomorrow. So, you
15 have 24 hours to provide this information to
16 abra.legal@dc.gov. And the Board will use that
17 information to guide whatever decision that we
18 make moving forward today. Okay, sir.

19 MR. FISHER: Sounds good. Thank you.
20 I will reach out to them now.

21 CHAIRPERSON ANDERSON: Thank you very
22 much. Have a great day.

23 MR. FISHER: Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 2:32 p.m.)

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In the matter of: Barkada Wine Bar

Before: DC ABRA

Date: 06-15-22

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