

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD  
 + + + + +  
 MEETING

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 IN THE MATTER OF:                   :  
   :  
 3C Hospitality, LLC,                :  
 t/a Xscape Restaurant               :  
 & Lounge                            :  
 1812 Hamlin Street NE               :  
 Retailer CT - ANC 5B                :  
 License #124142                    :  
 Case #23-PRO-00048                 :  
   :  
 (Application for a New               :  
 License)                              :  
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Wednesday  
 July 12, 2023

The Alcoholic Beverage and Cannabis  
 Board met via WebEx videoconference, Chairperson  
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 EDWARD S. GRANDIS, Member  
 JENI HANSEN, Member  
 JAMES SHORT, JR., Member

ALSO PRESENT:

COLLEEN COSTELLO, ANC 5B  
 VJ KAPUR, ANC 5C  
 PRITA PIEKARA, ANC 5B  
 JOSE ORELLANA, DC ABCA Staff

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

2 (10:37 a.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 on the calendar that I'll call is Case No. 23-  
5 PRO-00048, Xscape Restaurant and Lounge, License  
6 No. 124142. Can you elevate the parties in this  
7 case, Mr. Orellana?

8 MR. ORELLANA: Sure. Prita Piekara,  
9 your access has been elevated. VJ Kapur, your  
10 access has been elevated. And that appears to be  
11 all, Chairman. Oh, Colleen Costello, your access  
12 has been elevated. That appears to be all,  
13 Chairman.

14 CHAIRPERSON ANDERSON: We don't have  
15 -- We don't -- All right, we don't -- We don't  
16 have the Licensee for this case also?

17 MR. ORELLANA: I do not see Grace in  
18 the attendee list, but I will send a message.

19 CHAIRPERSON ANDERSON: Yeah, please  
20 do.

21 MR. ORELLANA: Well, I don't see Grace  
22 in the attendee list. I do -- I am seeing  
23 communication regarding the first hearing. It  
24 appears that the attendees are present.

25 CHAIRPERSON ANDERSON: All right. I'm

1 going to do -- So what I'm going to do -- This is  
2 very important for the Applicant to be here  
3 because if the Applicant is not here, we will  
4 make a motion to dismiss the application. So  
5 what I will do, I will recall this case. Okay?  
6 So I'll recall this case. So what I'm going to  
7 do is I'm going to call -- I'm going to recall  
8 the first case and then I'll come back to this  
9 case. And if the Licensee is not here by the  
10 time I recall the case, I will -- the Board will  
11 move forward with this case. So let's pause this  
12 case and let me recall the first case and then  
13 I'll come back to you. Okay?

14 (Whereupon, the above-entitled matter  
15 went off the record at 10:44 a.m. and resumed at  
16 10:55 a.m.)

17 CHAIRPERSON ANDERSON: All right, so  
18 let me recall the second case. So let me recall,  
19 so Case No. 23-PRO-0008 -- I'm sorry -- 00048,  
20 Xscape Restaurant and Lounge, License No. 124142.  
21 Mr. Orellana, can you please elevate the rights  
22 of the parties in this case please?

23 MR. ORELLANA: Sure. Prita Piekara,  
24 your access has been elevated. Colleen Costello,  
25 your access has been elevated. VJ Kapur, your

1 access has been elevated. And the Licensee  
2 appears to still not be present.

3 CHAIRPERSON ANDERSON: All right. So  
4 there's noone here -- So we've requested and no  
5 one is here representing Xscape. Is that  
6 correct? All right. So this is application for  
7 a new license under Xscape. All right. So let  
8 me have -- Let me have the Protestants identify  
9 themselves for the record. Let's start with the  
10 ANC. Please spell and state your name for the  
11 record please.

12 MS. PIEKARA: My name is Prita Piekara,  
13 P-R-I-T-A, last name is Piekara, P-I-E-K-A-R-A.  
14 And I am the Commissioner for ANC 5B06 and I'm  
15 here on behalf of the ANC 5B.

16 CHAIRPERSON ANDERSON: And I see Mr.  
17 Kapur. Can you please identify yourself for the  
18 record please?

19 MR. KAPUR: Sure. My name is VJ Kapur.  
20 That's K-A-P-U-R. I am the ANC Commissioner  
21 representing 5C07 and I represent 5C in this  
22 matter. 5C07 is the adjacent SMD to the circuit  
23 property.

24 CHAIRPERSON ANDERSON: Okay. And the  
25 Licensee is not here, I see. All right. This

1 matter was scheduled for a protest hearing at --  
2 protest status hearing at 10:30 this morning. By  
3 approximately 10:40, I called this case. The  
4 Protestants appeared, but the Licensee did not.  
5 I moved on and I now recalled -- This case was  
6 then recalled at 10:57 and the Licensee is still  
7 not here.

8 So because the Licensee is not here,  
9 I just want to make sure -- Since the Licensee is  
10 not here, I am going to make a motion that their  
11 application be dismissed. Is there a second?

12 MEMBER SHORT: Short, I second.

13 MEMBER GRANDIS: Mr. Chairman?

14 CHAIRPERSON ANDERSON: Yes, Mr.  
15 Grandis.

16 MEMBER GRANDIS: Just for clarification  
17 on the record and for myself, I don't believe we  
18 are looking for the Licensee. I think we're  
19 looking for the Applicant. This is a new license  
20 or is this a renewal?

21 CHAIRPERSON ANDERSON: We're looking  
22 for the Applicant. This is an application for a  
23 new license.

24 MEMBER GRANDIS: So the Applicant did  
25 not appear.

1 CHAIRPERSON ANDERSON: The Applicant  
2 is not here. I will correct for the record --

3 MEMBER GRANDIS: Thank you.

4 CHAIRPERSON ANDERSON: -- and we'll  
5 move forward. The Applicant is not here. The  
6 case was called and the Applicant is not here --  
7 the Applicant for a new license. So therefore I  
8 am making a motion that their application be  
9 dismissed based on the fact that the Applicant  
10 has failed to show up at the protest hearing  
11 status.

12 Once an application is -- Once an  
13 application has been filed and if it's protested,  
14 the Protestant and the Applicant have to show up  
15 at the roll call hearing. And at the roll call  
16 hearing, that is when the Board's agent will  
17 grant status to Protestant if an application is  
18 protested. Once status is granted at the roll  
19 call hearing, then the parties are required to  
20 show up at the protest hearing status that we  
21 have today.

22 Because the Applicant has failed to  
23 appear, that's one of the reasons why I'm making  
24 a motion to dismiss their application and the  
25 motion has been -- was seconded by Mr. Short.

1 We're now going to have roll call vote. Mr.  
2 Short?

3 MEMBER SHORT: Mr. Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato.

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen.

7 MEMBER HANSEN: I agree.

8 CHAIRPERSON ANDERSON: Mr. Grandis:

9 MEMBER GRANDIS: Edward Grandis, I  
10 agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson,  
12 I agree. This matter passed 5-0-0 to dismiss the  
13 application. What this means is that we will  
14 issue a Board order dismissing their application.  
15 The Applicant will have ten days to respond to  
16 provide the Board with reasonable cause why they  
17 failed to appear at the protest hearing status  
18 today. Failure to respond to our Board order or  
19 failure to provide us good cause why they failed  
20 to show up today, we will dismiss their  
21 application.

22 And if the application is dismissed,  
23 then they would have to start back over again by  
24 reapplying and this matter would be placarded  
25 again. If that occurs, if they reapply and this

1 matter is placard again, the ANC can make a  
2 motion to the -- to the Board that their protest  
3 in the earlier application be grandfathered in.  
4 Okay? So that's where we are.

5 So basically as I said before, we will  
6 issue a decision. They will have ten days to  
7 respond before this decision becomes final. Any  
8 questions?

9 MS. PIEKARA: If they do respond within  
10 the ten days, will the ANC or parties be notified  
11 if that happens. And if so, would we keep our  
12 existing protest hearing date?

13 CHAIRPERSON ANDERSON: Yes.

14 MS. PIEKARA: Okay.

15 CHAIRPERSON ANDERSON: Yes. Our Legal  
16 Division will inform you -- will inform you of  
17 the process moving forward. I think you'll also  
18 be given an opportunity to -- once they respond,  
19 to respond to their failure to appear today. So  
20 you will be -- you will be contacted through our  
21 Legal Office, the process where we are moving  
22 forward. Okay?

23 MS. PIEKARA: Thank you very much.

24 CHAIRPERSON ANDERSON: All right.

25 Thank you very much. Have a great day.



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(Whereupon, the above-entitled matter  
went off the record at 11:03 a.m.)

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 3:15,16 9:2  <b>ABCA</b> 1:23  <b>above-entitled</b> 3:14 9:1  <b>access</b> 2:9,10,11 3:24  3:25 4:1  <b>adjacent</b> 4:22  <b>agent</b> 6:16  <b>agree</b> 7:3,5,7,10,12  <b>Alcoholic</b> 1:2,14  <b>ANC</b> 1:8,21,22,22 4:10  4:14,15,20 8:1,10  <b>Anderson</b> 1:15,17 2:3  2:14,19,25 3:17 4:3  4:16,24 5:14,21 6:1,4  7:4,6,8,11,11 8:13,15  8:24  <b>appear</b> 5:25 6:23 7:17  8:19  <b>appeared</b> 5:4  <b>appears</b> 2:10,12,24 4:2  <b>Applicant</b> 3:2,3 5:19,22  5:24 6:1,5,6,7,9,14,22  7:15  <b>application</b> 1:10 3:4 4:6  5:11,22 6:8,12,13,17  6:24 7:13,14,21,22  8:3  <b>approximately</b> 5:3  <b>attendee</b> 2:18,22  <b>attendees</b> 2:24</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 3:8,13 7:23  <b>based</b> 6:9  <b>basically</b> 8:5  <b>behalf</b> 4:15  <b>believe</b> 5:17  <b>Beverage</b> 1:2,14  <b>Board</b> 1:2,14 3:10 7:14  7:16,18 8:2  <b>Board's</b> 6:16  <b>Bobby</b> 1:18 7:5</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4  <b>call</b> 2:4 3:7 6:15,15,19  7:1  <b>called</b> 5:3 6:6  <b>Cannabis</b> 1:2,14  <b>case</b> 1:9 2:3,4,7,16 3:5  3:6,8,9,10,11,12,12  3:18,19,22 5:3,5 6:6  <b>Cato</b> 1:18 7:4,5,5  <b>cause</b> 7:16,19  <b>Chairman</b> 2:11,13 5:13  <b>Chairperson</b> 1:14,17  2:3,14,19,25 3:17 4:3</p>	<p>4:16,24 5:14,21 6:1,4  7:4,6,8,11 8:13,15,24  <b>circuit</b> 4:22  <b>clarification</b> 5:16  <b>Colleen</b> 1:21 2:11 3:24  <b>COLUMBIA</b> 1:1  <b>come</b> 3:8,13  <b>Commissioner</b> 4:14,20  <b>communication</b> 2:23  <b>contacted</b> 8:20  <b>correct</b> 4:6 6:2  <b>Costello</b> 1:21 2:11 3:24  <b>CT</b> 1:8</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>date</b> 8:12  <b>day</b> 8:25  <b>days</b> 7:15 8:6,10  <b>DC</b> 1:23  <b>decision</b> 8:6,7  <b>dismiss</b> 3:4 6:24 7:12  7:20  <b>dismissed</b> 5:11 6:9  7:22  <b>dismissing</b> 7:14  <b>DISTRICT</b> 1:1  <b>Division</b> 8:16  <b>Donovan</b> 1:15,17</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>earlier</b> 8:3  <b>Edward</b> 1:18 7:9  <b>elevate</b> 2:6 3:21  <b>elevated</b> 2:9,10,12 3:24  3:25 4:1  <b>existing</b> 8:12</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 6:9  <b>failed</b> 6:10,22 7:17,19  <b>failure</b> 7:18,19 8:19  <b>filed</b> 6:13  <b>final</b> 8:7  <b>first</b> 2:23 3:8,12  <b>forward</b> 3:11 6:5 8:17  8:22</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>given</b> 8:18  <b>going</b> 3:1,1,6,7,7 5:10  7:1  <b>good</b> 7:19  <b>Grace</b> 2:17,21  <b>grandfathered</b> 8:3  <b>Grandis</b> 1:18 5:13,15  5:16,24 6:3 7:8,9,9  <b>grant</b> 6:17  <b>granted</b> 6:18</p>	<p><b>great</b> 8:25</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>Hamlin</b> 1:7  <b>Hansen</b> 1:19 7:6,7  <b>happens</b> 8:11  <b>hearing</b> 1:7 2:23 5:1,2  6:10,15,16,19,20 7:17  8:12  <b>Hospitality</b> 1:6</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 4:8,17  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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Xscape Restaurant

Before: DC ABCA

Date: 07-12-23

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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