

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

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IN THE MATTER OF: :
 :
Bar Di Bari, LLC :
t/a Red Light :
1401 R Street NW : Protest
Retailer CR - ANC 2F : Hearing (Status)
License No. 90488 :
Case #22-PRO-00039 :
 :
(Application to Renew :
the License) :
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Wednesday
July 20, 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
AARON GORDON, Applicant
BRIAN ROMANOWSKI, ANC 2F
COURTNEY ABRAMS, Group of Five
STEVEN FISHER, Group of Five
PHILLIP FULLER, Group of Five
ELIZABETH O'HADI, Group of Five
MYLENE REMIGIO, Group of Five

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

10:51 a.m.

CHAIRPERSON ANDERSON: All right.

So the next case in our calendar is
Case #22-PRO-00039 Red Light. License No.
90488.

Ms. Fashbaugh, can you please elevate
the rights of the parties in the Red Light
matter, please.

MS. FASHBAUGH: Sorry, I'm on mute.
Steven Fisher and Brian Romanowski have been
elevated. I have a call-in user, and I don't
know who you are. So I'm going to request to
call-in users to be unmuted. If you can tell
me who you are, and what case you're for?

Call-in user 8032. You're unmuted.
And Call-in user 9256. Can you tell me who you
are?

MS. O'HADI: This is 925. My name is
Elizabeth O'Hadi. And I am with the Red Light
issue.

MS. FASHBAUGH: Okay. Perfect. You
are now a panelist.

CHAIRPERSON ANDERSON: Who's the other
person?

1 MS. FASHBAUGH: Aaron Gordon is not
2 present. That is all, Mr. Chair.

3 CHAIRPERSON ANDERSON: Then while
4 we're waiting. Mr. Romanowski, are you a
5 passenger, sir?

6 MR. ROMANOWSKI: (Non audible
7 response)

8 CHAIRPERSON ANDERSON: Okay. All
9 right.

10 I'm still waiting for the licensee. I
11 don't see a licensee online, or a
12 representative for the licensee. I see the
13 protestants, but I don't see the licensee.

14 Ms. Fashbaugh, is Mr. Matthew Minora
15 or another attorney or a licensee online for
16 this case?

17 MS. FASHBAUGH: I elevated Matthew
18 Minora.

19 CHAIRPERSON ANDERSON: All right.
20 Fine.

21 MR. MINORA: I'm not actually here for
22 this case. I'm here for the Georgietown
23 Restaurant Group case.

24 CHAIRPERSON ANDERSON: I'm sorry. But
25 I thought -- I'm sorry, Mr. Minora. Okay. All

1 right.

2 Who is the licensee in Red Light? Can
3 one of the ANC representatives tell me who the
4 is the licensee in Red Light? Is that Aaron
5 Gordon?

6 MR. ROMANOWSKI: Yes. Aaron. And he
7 was planning to join via phone. I know he
8 called in at 10:30 but he might have dropped
9 off. We did email him to call back in.

10 CHAIRPERSON ANDERSON: Okay. I know
11 that Ms. Fashbaugh had elevated the rights of
12 two call-ins. But the person did not respond.

13 So Ms. Fashbaugh, are there any
14 additional -- I'm sorry. Mr. Fisher, you had
15 your hand raised?

16 MR. FISHER: I just wanted to let you
17 know that there are several of my colleagues
18 who should be elevated as well. We're part of
19 a --

20 CHAIRPERSON ANDERSON: Yes. Call
21 their names please and then I'll have Ms.
22 Fashbaugh will elevate their rights.

23 MR. FISHER: Yes.

24 MS. FASHBAUGH: I elevated an Aaron.
25 I'm not sure if it's the Aaron for this case.

1 CHAIRPERSON ANDERSON: Who's Aaron?
2 Okay. Mr. Fisher, can you tell Ms.
3 Fashbaugh who is it that she needs to elevate
4 please?

5 MR. FISHER: Okay. So I believe
6 that's Aaron. Then we have Philip Fuller,
7 Courtney Abrams. I believe Elizabeth O'Hadi is
8 already on. And Mylene, who's last name I am
9 not -- Remigio, sorry. It looks like we have
10 everyone, thank you.

11 MS. FASHBAUGH: Chairperson, this has
12 been accomplished. I'm not sure who Aaron is,
13 but they're elevated.

14 CHAIRPERSON ANDERSON: Is Aaron --

15 MR. GORDON: Aaron is the owner.

16 CHAIRPERSON ANDERSON: Okay. Thank
17 you, sir. All right. All right.

18 Good morning everyone. This is Red
19 Light. Case #22-PRO-00039. Can I have the
20 parties identify themselves for the record
21 please? Let's start with the licensee.

22 Mr. Gordon, can you please and state
23 your name for the record and your relationship
24 with this case? Mr. Gordon, can you unmute
25 yourself please sir, and speak.

1 MR. GORDON: A-A-R-O-N G-O-R-D-O-N.

2 CHAIRPERSON ANDERSON: What's your
3 relationship to this case, sir?

4 MR. GORDON: I'm the owner of Red
5 Light.

6 CHAIRPERSON ANDERSON: Good morning,
7 sir.

8 Okay. So let's start with ANC. So we
9 can start with ANC Representative.

10 MR. ROMANOWSKI: Okay. I'm Brian
11 Romanowski, ANC Commissioner for 2F01. It's B-
12 R-I-A-N R-O-M-A-N-O-W-K-I.

13 CHAIRPERSON ANDERSON: Is there anyone
14 else from the ANC with you sir?

15 MR. ROMANOWSKI: Just me.

16 CHAIRPERSON ANDERSON: All right.

17 The protestant. Who's the lead
18 protestant in this case?

19 Right. Mr. Fisher. And spell and
20 then state your name for the record, sir. And
21 then you can call the other persons who are
22 there and then they can identify themselves
23 after you call them.

24 MR. FISHER: Perfect. Steven Fisher.
25 S-T-E-V-E-N, Fisher F-I-S-H-E-R. I live at

1 1634 14th Street Northwest, across the street
2 from Red Light.

3 My other protestees are Phil, Philip
4 Fuller.

5 Phil, do you want to go ahead?

6 MR. FULLER: Hi, this is Philip
7 Fuller. I am also a resident of the Aston
8 Condominium along Steve and others. The
9 spelling of my name is Philip P-H-I-L-I-P.
10 Last name Fuller, F-U-L-L-E-R.

11 CHAIRPERSON ANDERSON: Good Morning,
12 Mr. Fuller.

13 MR. FULLER: Good morning.

14 CHAIRPERSON ANDERSON: Who else is
15 here, Mr. Fisher?

16 MR. FISHER: I'm sorry. Courtney, go
17 ahead. Courtney?

18 MS. ABRAMS: Hi. It's Courtney
19 Abrams. I'm also an owner at the Aston
20 Condominium across the street from Red Light
21 and condo board member C-O-U-R-T-N-E-Y A-B-R-A-
22 M-S.

23 CHAIRPERSON ANDERSON: Thank you, Ms.
24 Abrams.

25 Who else Mr. Fisher?

1 MR. FISHER: Elizabeth O'Hadi.

2 MS. O'HADI: E-L-I-Z-A-B-E-T-H, O'Hadi
3 O-H-A-D as in dog, I.

4 CHAIRPERSON ANDERSON: Good morning,
5 Ms. O'Hadi.

6 Mr. Fisher?

7 MR. FISHER: And then Mylene?

8 MS. REMIGIO: Mylene Remigio. M-Y-L-
9 E-N-E. Last name R-E-M-I-G-I-O.

10 MR. FISHER: Thank you, ma'am.

11 CHAIRPERSON ANDERSON: Good morning,
12 ma'am.

13 MR. FISHER: Courtney did you go? I'm
14 sorry.

15 CHAIRPERSON ANDERSON: Yes, she did.

16 MR. FISHER: She did. Then I think
17 that's all of us.

18 CHAIRPERSON ANDERSON: So everyone's
19 accounted for. Good morning everyone. Are
20 there any preliminary matters that need to be
21 brought to the attention of the board?

22 Let's start with the licensee to see
23 if he has any.

24 MR. GORDON: I'm sorry. What was the
25 question?

1 CHAIRPERSON ANDERSON: Any preliminary
2 matters? Just any technical type of issues
3 that you're having that you need clarification
4 from, sir.

5 MR. GORDON: No. I don't think so.

6 CHAIRPERSON ANDERSON: The ANC, any
7 preliminary matters that need to be --

8 MR. ROMANOWSKI: No, sir.

9 CHAIRPERSON ANDERSON: I'm sorry.
10 What's the protestor's group? This is the
11 abutting property owner? Are you a group of
12 five or more?

13 MR. FISHER: We were counted as group
14 of five.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you. Any preliminary matters that needs to be
17 brought to the attention of the board?

18 MR. FISHER: No.

19 CHAIRPERSON ANDERSON: All right.
20 This matter then, if this matter is not
21 settled, this matter is scheduled for a protest
22 hearing on August 31, 2022, at 1:30 p.m. and
23 let me read the protest instruction sheet.

24 All right. Now that this matter has
25 been scheduled for a protest matter, there are

1 a few things that I would like to instruct you
2 about because the boards practices have been
3 changed. As you know, all of our hearings are
4 now virtual.

5 Following this hearing, you will
6 receive an email from ABRA legal. Legal
7 Assistant Ms. Imani Moreland that will include
8 a copy of our prost information form and a copy
9 of the exhibit form as well as specific
10 instructions for the hearing. You are required
11 to complete and submit the PIP and exhibit
12 forms at least seven days before the date of
13 the hearing.

14 If we do not receive a copy of your
15 form seven days before the hearing, your
16 application on your protest may be subject to
17 dismissal. These documents need to be
18 submitted to ABRA legal and to the opposing
19 parties.

20 Please know that these documents
21 greatly assist the board in narrowing the
22 protest issues, facilitating the process, and
23 keeping the parties on point during the
24 hearing.

25 Each side is limited to no more than

1 five witnesses, and you will only have 60
2 minutes to present your case. This includes
3 all direct and cross-examination.

4 The board does not intend to hear
5 testimony on matters that are not relevant to
6 matters that are not relevant to the issues
7 that have been protested.

8 Any questions from anyone?

9 Some clarification issues. This
10 matter has been protested by ANC and a group of
11 five or more. I wanted to alert the group of
12 five or more that if the ANC is able to reach a
13 settlement agreement with the licensee, your
14 protest will fall as a matter of the law and
15 the board cannot force the ANC to include the
16 group of five or more in a protest if they do
17 not desire.

18 So I just want to say as an inquiry
19 because it has occurred before and then the
20 protesting group will come to the board and ask
21 the board to say that we did not agree to the
22 settlement agreement and therefore we want to
23 move forward with our protest. And by
24 operation of law, unfortunately that is not so.

25 But however, if the parties are

1 discussing settlement, the board supports
2 settlement or the board supports the licensee
3 speaking to all the parties to ensure that if
4 the matters can be settled then all parties are
5 in agreement.

6 I also want to inform both the ANC and
7 the protestants that I'm requesting that you
8 designate who is going to present, if we go to
9 hearing, what parties going to move forward
10 with the hearing. We're not going to have the
11 ANC present its case and call five witnesses
12 and then we're not going to have the
13 protestants present its case and call its five
14 witnesses.

15 So I'm asking you that you coordinate
16 who's going to present the case. Now I will
17 allow, say for example if the parties -- say
18 for example that ANC decides that the
19 protestant will move forward with the case, I
20 will allow the ANC an opportunity to make an
21 opening statement or a closing statement if
22 they so desire.

23 Any questions by anyone?

24 All right. Again, the board supports
25 settlement if the matter can be settled, we

1 support settlement. But if not, we will see
2 you at a protest hearing on August 31, 2022, at
3 1:30 p.m. If you have any questions leading up
4 to this matter, leading up to the date, you're
5 welcome -- each side is welcome to contact Ms.
6 Imani Moreland at (202) 442-6942.

7 Okay. Thank you very much and have a
8 great day.

9 MR. GORDON: Thank you.

10 MR. FISHER: Thank you.

11 CHAIRPERSON ANDERSON: All right.

12 Before moving on, so this case --

13 You can log off sir. Everyone can log
14 off because the case is --

15 (Whereupon, at 11:05 a.m., the hearing
16 was concluded)

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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: Red Light

Before: DC ABRA

Date: 07-20-22

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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