

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

2 1:40 p.m.

3 CHAIRPERSON ANDERSON: Now, let's go
4 back for the next case on our calendar. It's
5 Case Number 22-251-00008, Georgetown Inn West
6 End/Casta's Rum Bar, license number 109462. Mr.
7 Oriana, can you please elevate the rights of the
8 parties in this case, please?

9 MR. ORIANA: Vinoda Basnayake, your
10 rights have been elevated. Andrew Schulwolf,
11 your rights have been elevated. Anthony Celo,
12 your rights have been elevated. Andrew Kline,
13 your rights have been elevated. Sally
14 Blumenthal, your rights have been elevated.
15 Mikea Nelson, your rights have been elevated.

16 CHAIRPERSON ANDERSON: Is that
17 everyone? If you have a camera, can you please
18 turn your camera on so I can see the parties and
19 I believe that --

20 MR. ORIANA: That is all.

21 CHAIRPERSON ANDERSON: Thank you very
22 much. I would like all the parties to turn their
23 cameras on, please. I think Ms. Blumenthal, she
24 has her hand's raised. You are muted, ma'am, so
25 you need to unmute yourself. I don't know why

1 Ms. Blumenthal has her hands raised. Are you
2 there, Ms. Blumenthal? I see that you're muted,
3 so I need you to unmute your line, ma'am. If you
4 want to speak to me you need to unmute your line.
5 If not, you need to put your hand back down,
6 ma'am. Ms. Blumenthal, you have your hand
7 raised, ma'am. I see that you're no longer
8 muted, so I'm just -- Ms. Blumenthal, I don't
9 know why your hands are up so I'm going to ignore
10 you because I see that you're line is muted, but
11 you have to unmute yourself, ma'am, and so
12 there's nothing I can do. Your rights have been
13 elevated so what you need to do is to unmute
14 yourself so you can speak.

15 Mr. Oriana, has Ms. Blumenthal been
16 unmuted? Can you please check on that? She
17 raised in the chat that she is unable to unmute
18 herself.

19 MR. ORIANA: Yes.

20 CHAIRPERSON ANDERSON: So can you --

21 MR. ORIANA: She has been unmuted,
22 Chair.

23 CHAIRPERSON ANDERSON: Thank you, sir.
24 Ma'am, I was told that you are unmuted, so it's
25 on your part. If you want to sign off and then

1 sign back on, I'll have your rights elevated
2 again. She has signed out, sir, so can you look
3 back for her when she signs back on, please.

4 MR. ORIANA: Sally Blumenthal, your
5 rights have been elevated.

6 CHAIRPERSON ANDERSON: Ms. Blumenthal?
7 Ms. Blumenthal? All right, Mr. Schulwolf, I
8 don't know what -- she's one of your witnesses,
9 I'm not quite sure what is going on with her and
10 I don't know if she is one of your -- if you have
11 to call her today as a witness, but we'll move on
12 and then we'll figure out as this case progresses
13 what type of problem that she's having. If she's
14 unable to participate by video, then we can give
15 her, if she's a witness that you need to call
16 then we'll just give her the log in so she can
17 call in on the phone, okay? So, we'll deal with
18 that once the time arises.

19 Okay, good afternoon, everyone. This
20 is a show cause hearing on Georgetown Rum Bar and
21 so I'm going to ask the parties to identify
22 themselves for the record and I'll start with the
23 government. Please spell and state your name for
24 the record, please.

25 MR. CELO: Good morning, Mr. Chair.

1 Assistant Attorney General Anthony Celo A-N-T-H-
2 O-N-Y C-E-L-O on behalf of the government.

3 CHAIRPERSON ANDERSON: Good afternoon,
4 Mr. Celo. Mr. Kline, please spell and state your
5 name for the record and who do you represent,
6 sir?

7 MR. KLINE: Good afternoon, Mr.
8 Chairman. Andrew Kline A-N-D-R-E-W Kline K-L-I-
9 N-E on behalf of one of the co-licensees, Wabbit
10 LLC.

11 CHAIRPERSON ANDERSON: Is your client
12 here today, Mr. Kline?

13 MR. KLINE: He is supposed to be
14 calling in.

15 CHAIRPERSON ANDERSON: And who is your
16 client?

17 MR. BASNAYAKE: Yeah, I'm here. I'm
18 here now.

19 MR. KLINE: Yeah, he is here.

20 CHAIRPERSON ANDERSON: And who is your
21 client, sir?

22 MR. KLINE: Vinoda Basnayake is the
23 principle of Wabbit LLC.

24 CHAIRPERSON ANDERSON: All right, sir,
25 can you please identify yourself for the record

1 and please spell and state your name, sir?

2 MR. BASNAYAKE: Yes, my name is Vinoda
3 Basnayake V-I-N-O-D-A last name Basnayake B-A-S-
4 N-A-Y-A-K-E.

5 CHAIRPERSON ANDERSON: Good afternoon,
6 sir. Mr. Schulwolf, can you please spell and
7 state your name for the record?

8 MR. SCHULWOLF: Mr. Chairman, Andrew
9 Schulwolf that's ANDREW last name is spelled S as
10 in Sam-C H U L as in Larry-W-O as in Oscar-L as
11 in Larry-F as in Frank. Counsel for Georgetown
12 Suites LLC. Mr. Patel, Nayan Patel, is the
13 landlord representative who should be calling in
14 momentarily. He had a conflict, but he's working
15 around it so he can be here.

16 CHAIRPERSON ANDERSON: All right, so
17 if there's an issue why don't you, once your
18 client is -- so do you want to move forward
19 without your client being here, sir?

20 MR. SCHULWOLF: That's fine, Your
21 Honor.

22 MR. KLINE: Mr. Chairman?

23 CHAIRPERSON ANDERSON: Yes, Mr. Kline?

24 MR. KLINE: The landlord would have no
25 standing in this proceeding. If Mr. Schulwolf's

1 client is here as co-licensee we certainly would
2 acknowledge that, but as landlord, the landlord
3 has no standing in this proceeding.

4 CHAIRPERSON ANDERSON: I asked Mr.
5 Schulwolf who his client was, he said -- I don't
6 know who, who is his client? Who is the
7 licensee?

8 MR. KLINE: He said his client --
9 (Simultaneous speaking.)

10 MR. SCHULWOLF: Georgetown Suites.

11 CHAIRPERSON ANDERSON: Hold on, hold
12 on, hold on, Mr. Kline. Mr. Schulwolf, who is
13 your client?

14 MR. SCHULWOLF: Georgetown Suites,
15 LLC, the co-licensee.

16 CHAIRPERSON ANDERSON: And will there
17 be an owner or a representative from Georgetown
18 Suites, LLC, who is participating in this
19 hearing, sir?

20 MR. SCHULWOLF: Yes (simultaneous
21 speaking) and he is going to call in.

22 CHAIRPERSON ANDERSON: And who is that
23 person?

24 MR. SCHULWOLF: Nayan N-A-Y-A-N last
25 name Patel P-A-T-E-L.

1 CHAIRPERSON ANDERSON: And that's who
2 your client is? And that's who (simultaneous
3 speaking) that's the co-owner of the license?

4 (Simultaneous speaking.)

5 MR. SCHULWOLF: Mr. Patel is a member
6 of the LLC Georgetown Suites, LLC, yes, who is
7 the co-licensee.

8 CHAIRPERSON ANDERSON: Mr. Kline, is
9 there an issue?

10 MR. KLINE: No, I just wanted the
11 record to be clear that he's not here as the
12 landlord. He's here as co-licensee, that's all.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. SCHULWOLF: Well, I don't know
15 what the -- I mean he is the landlord, but he's a
16 co-licensee I mean it's like saying Wabbit's not
17 here as the operator of the business, but he's
18 here as the licensee. It's just -- I don't know
19 why the distinction is needed.

20 CHAIRPERSON ANDERSON: Well, I think,
21 Mr. Schulwolf, Mr. Kline is correct. I asked you
22 who your client was and you identified your
23 client and I think the most important factor for
24 us, is that he's a co-licensee and that's the
25 first thing that he's a co-licensee, who happens

1 to be the landlord. I think that -- but if you
2 just said that he was the landlord without the
3 operative words that he was a co-licensee, then
4 Mr. Kline would be -- it would be proper for him
5 to say that the landlord doesn't have standing to
6 appear at this hearing, but as the co-licensee,
7 yes, he has standing to be here.

8 MR. SCHULWOLF: I don't mean to be
9 difficult, but Georgetown Suites is named as part
10 of the charge, so it wasn't clear to me why I
11 needed to make that differential and make it
12 clear that Georgetown Suites is the co-licensee.
13 They're named in the charge, so.

14 CHAIRPERSON ANDERSON: And how this,
15 sir, you are an attorney representing an entity
16 and the question to you was is your client
17 participating. That's all I asked you.

18 (Simultaneous speaking.)

19 MR. SCHULWOLF: I understand.
20 (Simultaneous speaking.) We will participate.

21 CHAIRPERSON ANDERSON: And then I
22 said, and so I asked you the question so I could
23 make sure that if your client was participating,
24 that your client would be elevated. So that's
25 one of the reasons you could have stated to me

1 was that no, your client wasn't participating
2 here today and we would have moved on. As a
3 courtesy to you, sir, I just said is your client
4 participating so I could make sure that person is
5 identified for the record.

6 MR. SCHULWOLF: Fair enough.

7 CHAIRPERSON ANDERSON: Okay?

8 MR. SCHULWOLF: That's fine. Thank
9 you.

10 CHAIRPERSON ANDERSON: Thank you. All
11 right, the government, are there any preliminary
12 matters that need to be addressed from Mr. Celo?

13 MR. CELO: Chair, I believe, and I
14 will defer to my learned colleagues in this
15 matter, but I believe that we may have some
16 factual stipulations as it relates to the facts
17 contained within the investigative report.

18 CHAIRPERSON ANDERSON: Mr. Celo, the
19 stipulations are the stipulations that both
20 licensees are in agreement with?

21 MR. CELO: That is my preliminary
22 understanding. But, again, I would defer to
23 their own statement rather than speak for them.

24 CHAIRPERSON ANDERSON: So Mr. Kline,
25 it's my understanding that there are some

1 stipulations that were agreed to by the
2 government. Is that correct, sir?

3 MR. KLINE: We discussed it with the
4 government. I frankly have no clue as to Mr.
5 Schulwolf's position is as he's been utterly
6 unresponsive to our outreach to him, so I don't
7 know what he's agreeable to. I can tell you what
8 Wabbit is agreeable to, which is --

9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: Hold on. Just
11 hold on a minute, Mr. Kline, hold on a minute.
12 So, Mr. Schulwolf, in your conversations with the
13 government are there stipulations that you have
14 agreed to with the government?

15 MR. SCHULWOLF: No and I'm also going
16 to take strong issue with Mr. Kline's statement
17 that I was "utterly unresponsive." I have --

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Mr. Schulwolf
20 --

21 MR. SCHULWOLF: I understand it, I
22 understand, but I think it's appropriate if I
23 could respond to it because it's simply not the
24 case. I have spoken to Mr. Celo. I have not
25 been involved in any discussions on stipulations.

1 CHAIRPERSON ANDERSON: Okay, so, Mr.
2 Celo, it's my understanding that based on
3 speaking to both parties, that they're not
4 agreement that there are stipulations, sir.

5 MR. CELO: Absolutely.

6 CHAIRPERSON ANDERSON: So, now that I
7 have not had a hearing since I've been Chair that
8 we have co-licensees who are not necessarily on
9 the same page. So I guess I'm just preliminary,
10 I'm just trying to find out. The government is
11 going to present its case and I'm trying to find
12 out how is it that the licensees -- how would
13 they respond to the charges.

14 Mr. Kline, on behalf your client, will
15 you putting testimony and witnesses on and, Mr.
16 Schulwolf, will you be putting testimony and
17 witnesses on. Maybe we can have a proffer -- I
18 think what I will do is that I'm going to have
19 both parties give an opening statement and maybe
20 the lawyers could give me a proffer of their
21 case, because the board needs guidance on how
22 we're going to move forward with this because
23 normally when we have these cases, the government
24 presents its case and then the licensee presents
25 its response to the allegation. But, in this

1 particular case, it would appear that between the
2 two licensees that their positions might be
3 different, so I'm just trying to find out where
4 we are.

5 So, what we'll do is that I'll have
6 the government present an opening and then I will
7 have, Mr. Kline, you present an opening and, Mr.
8 Schulwolf, that you provide us with an opening
9 regarding your client and then once your opening
10 is done, then we will take a pause and then try
11 to figure out how is it that we can move this
12 case along.

13 Any other questions by anyone?

14 MR. KLINE: Yes, I have a question.
15 I'm utterly confused. I am on behalf of the co-
16 licensee, Wabbit, prepared to accept certain
17 facts, so unless Mr. Schulwolf disputes the facts
18 that the government has, then I'm not exactly
19 sure what we're doing. I'm completely confused.
20 I know there are some issues between these co-
21 licensees, but what we're here today for is a
22 case that's been brought by the Office of
23 Attorney General as a show cause. We're prepared
24 to stipulate or accept certain facts in an effort
25 to move this along.

1 I would ask through the Chair if Mr.
2 Schulwolf disputes facts that the government
3 plans to put on or exactly what we're doing
4 because I admit to be utterly confused.

5 CHAIRPERSON ANDERSON: And that's one
6 of the reasons why I'm asking the government --
7 I'm asking parties to do an opening. So the
8 government will present its opening and they'll
9 present the facts of the way of how they're going
10 to move forward. I will have you respond, Mr.
11 Kline, and then, Mr. Schulwolf will respond. I
12 believe after the opening has been presented, all
13 parties will be on board where we are and the
14 board will also be on board where we are and the
15 decision that the board has to make.

16 I will ask the government to do its
17 opening and then I'll have you, Mr. Kline and Mr.
18 Schulwolf and then we'll preliminarily try to
19 figure out where we are and whether or not we can
20 come to some agreement in moving forward.

21 Do you have any questions before we
22 start, Mr. Schulwolf? Do you have any questions
23 or concerns you want to bring to what was just
24 proposed by myself?

25 MR. SCHULWOLF: No, Mr. Chairman. I

1 would just note that Mr. Patel, the landlord's
2 representative, I don't know if he's been
3 elevated, but he is on the screen. Nayan Patel.

4 CHAIRPERSON ANDERSON: Okay, I see
5 Hispanic woman name there so. If he's on the
6 screen he has been elevated so if Mr. Patel will
7 unmute himself and come on camera or if not,
8 we'll deal with that if he's going to be called
9 as a witness. All right, so let's go ahead, Mr.
10 Celo. Let's see where we are and what is it that
11 the government is seeking and hoping to prove
12 today?

13 MR. CELO: Thank you, Mr. Chairman.
14 May it please the board, Assistant Attorney
15 General Anthony Celo on behalf of the government.
16 Ladies and gentlemen of the board, the facts in
17 this case are clear and the recommended charges
18 are self evident.

19 This case concerns a series of
20 incidents on Sunday, February 20, 2022, in which
21 a security employee for Wabbit, LLC, a Mr.
22 Matthew Steeles (phonetic), physically assaulted
23 two different patrons of the establishment at two
24 different times in full view, and with the
25 apparent support of the head of security for

1 Wabbit, LLC.

2 As you will hear through the testimony
3 of Mikea Nelson, and as you will see through the
4 video that will be presented in this matter, Mr.
5 Steeles unprovoked assaulted a young woman, a
6 female patron, of the establishment, shoved her
7 through the door to remove her from the facility
8 and shoved her hard enough to drop her to the
9 ground, breaking her arm. Approximately 10
10 minutes later, Mr. Steeles was engaged with
11 another patron, a male this time, and again
12 unprovoked, began assaulting the patron by
13 punching him repeatedly in the face. The video
14 is clear. The facts will be undisputed. The
15 penalty will be required.

16 There are two charges in this case
17 which the government will prove that Mr. Steeles
18 did assault those two patrons in violation of the
19 laws of the District under District Code 25-823
20 (a)(1) and that the establishment allowed itself
21 to be used for an unlawful or disorderly purpose
22 under District Code 25-823(a)(2).

23 Once the District has proven those
24 facts, it will ask for an appropriate penalty in
25 the form of fine, suspension if necessary and the

1 requirement of a security plan for this
2 establishment. Thank you.

3 CHAIRPERSON ANDERSON: Thank you,
4 thank you, thank you. All right, Mr. Kline.

5 MR. KLINE: Yes, good afternoon,
6 Chairman Anderson and members of the board,
7 Andrew Kline on behalf of Wabbit, LLC. I am at
8 this point going to waive opening and I will
9 reserve for closing. I will say that we thought
10 we had an OIC in this case, which was acceptable
11 to our client, but it is the co-licensee
12 represented by Mr. Schulwolf, who has rejected
13 that OIC for reasons I cannot fathom, but in any
14 event, we will hear the evidence and further make
15 our argument upon closing, which we will do.

16 CHAIRPERSON ANDERSON: So are you
17 saying then, Mr. Kline, that factually at least
18 what has been presented by the government that
19 your client does not dispute factually what's
20 been provided by the government?

21 MR. KLINE: That is correct and that
22 is what we were prepared to accept that we are
23 not contesting the factual allegations. We do
24 contest the legal conclusions that are contained
25 in the investigator's report of which there are

1 many, but in terms of the facts, we are not
2 contesting those at this time. We're prepared
3 to reach agreement with Mr. Celo concerning that,
4 but apparently that didn't happen because of
5 whatever the intentions are of the co-licensee.

6 CHAIRPERSON ANDERSON: All right. I
7 don't know, I've said before this is a first
8 impression for myself as chair and clearly it
9 doesn't appear that both parties are on the same
10 side, but we are attorneys and I'm going to hold
11 attorneys to certain expectations. I'm just
12 going to hold folks to certain expectations.

13 Mr. Schulwolf, on behalf of your
14 client, where are you, sir?

15 MR. SCHULWOLF: Good afternoon, thank
16 you. Georgetown Suites does not dispute the
17 facts that have been stated in the charge which
18 has been represented by Mr. Celo. What our
19 concern is and remains is that these are the
20 actions, the record reflects that these are the
21 actions of Wabbit, LLC, the co-licensee.
22 Georgetown Suites is the owner of the hotel and
23 Wabbit is the tenant, but we just wanted to make
24 clear on the record that whatever adverse
25 consequences may arise from this hearing, are

1 solely the result of Wabbit, LLC's actions and
2 has nothing to do with the landlord, Georgetown
3 Suites, also the co-licensee. That is our main
4 concern.

5 With regard to the proffer, with
6 regard to Mr. Kline's statement that he would
7 accept a settlement just so, Mr. Chairman, you're
8 aware, the first I heard about any of this
9 settlement talk or resolution was a phone call I
10 got last night from Mr. Celo confirming the
11 agreement. Mr. Celo was under the impression
12 apparently that he was on the phone with me and
13 counsel for Wabbit, LLC earlier in the day
14 yesterday where there was an agreement reached.

15 I think the confusion came because Mr.
16 Kline's first name is Andrew, my first name is
17 Andrew and Mr. Celo was under the impression he
18 was speaking to myself and in different counsel
19 for Wabbit. It was only yesterday evening where
20 I found out about this, so that's why I took
21 issue with Mr. Kline saying that I was utterly
22 unresponsive. I just heard about this last
23 night, the first time anybody reached out to me
24 regarding some agreement that apparently had been
25 reached.

1 So, again, we have no dispute over the
2 facts. We believe that the facts as stated in
3 the charge are accurate, but again, to make it
4 clear, any adverse consequences should be
5 directed solely to Wabbit, LLC and not to
6 Georgetown Suites, LLC, with the understanding
7 that we are the co-licensee and that's the
8 concern. To the extent there is a security plan
9 implemented, that should be between Wabbit, LLC
10 and the District of Columbia government in that
11 regard. For liability purposes and other
12 reasons, whatever is decided between those two,
13 we would like to see, but would probably accept.

14 CHAIRPERSON ANDERSON: All right, Mr.
15 Schulwolf. The decision that the board will make
16 that the board will find the licensee liable,
17 either innocent or guilty of the charge. The
18 licensee, the licensee. The board will not make
19 a determination whether or not it's Georgetown
20 Suites or Wabbit, LLC. The board will make the
21 determination that the licensee is responsible.
22 Once the board issues whatever decision it is,
23 that's between the licensee to make a decision
24 who is more liable than the other. The board is
25 not going to get between the parties. There's

1 one license that's issued and the license is
2 issued and the board will either find the
3 licensee innocent or guilty of the charge.

4 So if your position is that so if the
5 government has a position and if there is an OIC,
6 if there's an offer in compromise that the
7 parties can agree to, then that's a decision that
8 will be made. But whatever testimony is elicited
9 today, I am not going to allow one party to say
10 that Wabbit is more liable than Georgetown
11 Suites, LLC. That's irrelevant to the decision
12 that will be made by the board today. That is
13 something that at some other hearing, the parties
14 can further litigate, but as far as the board is
15 concerned, we are going to find the licensee
16 either innocent or guilty of the charge.

17 So if we need to get off the record
18 for a couple of minutes and if the parties want
19 to discuss settlement, because from what I'm
20 hearing it appears that the parties are in
21 agreement factually. The parties are in
22 agreement factually and the only argument is
23 penalty, what is the penalty that the board
24 should issue, but the board is not going to
25 partial which one of the licensees is more liable

1 than the other. That is not a decision that the
2 board will make. So if you're looking for that
3 decision today, we will not make that decision
4 today.

5 MR. SCHULWOLF: I was not looking for
6 that and that's why I said specifically I just
7 wanted it made on the record. I understand the
8 board's position, but that's the only reason why
9 I made my statement. I understand what you are
10 saying and I just wanted to state our position
11 which I've done.

12 CHAIRPERSON ANDERSON: So I can go off
13 the record maybe for 10 or 15 minutes if the
14 parties want to talk and provide us with some
15 offer in compromise or we can do a hearing or
16 maybe the government can provide a stipulation of
17 a position of what the facts are. If this matter
18 was to go hearing, this is we have as proof and
19 then if the government wants to do that, then the
20 government will state the penalty that they're
21 recommending, what the range of penalty is and if
22 the other sides want to state that we agree to
23 the facts and these are the penalties that we
24 would agree or would not agree to. I'm open to
25 go there.

1 MR. KLINE: Mr. Chairperson, I think
2 we skipped a step.

3 CHAIRPERSON ANDERSON: What is that,
4 Mr. Kline?

5 MR. KLINE: Well, just because we
6 agreed to certain facts, does not mean we agree
7 that those facts make out one or more violations.
8 So that's very much at issue and it would seem to
9 me what would be appropriate at this point given
10 that there's no dispute as to the facts, that the
11 board accept that and we proceed with the legal
12 argument. I will tell you also, so it's not a
13 surprise, that we will also be reserving our
14 right to file proposed findings of fact and
15 conclusions of law as is our right in the
16 regulations.

17 So that being said, I mean I could
18 almost dispense with closing, but I would like to
19 be heard on whether this is a violation because
20 we do not believe it is.

21 CHAIRPERSON ANDERSON: All right,
22 well, then I believe the government needs to
23 present its case. I will ask that the government
24 present its case so we'll have a clear record and
25 then factually, we'll have a clear record. So

1 this is what I will do, I'll have the government
2 present its case and so we can have a clear
3 record and then the parties can respond as they
4 see fit once the government has presented its
5 case, okay?

6 MR. KLINE: All right, but we don't
7 contest the facts so I don't know why we need to
8 proceed with testimony.

9 CHAIRPERSON ANDERSON: Well, what are
10 the facts? The facts need to be placed in
11 evidence, so I would know what the facts are.
12 For the board to make a decision, I would know
13 what the facts are so therefore, the government
14 then are there stipulated facts that can be
15 placed in the record, so therefore once the board
16 goes to deliberate, we know what the facts are
17 because I don't know what the facts are.

18 MR. KLINE: Sure. Right.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: It's not clear
21 to me that both licensees are in agreement what
22 the facts are.

23 MR. KLINE: I think I heard from Mr.
24 Schulwolf, and he can correct me if I'm wrong,
25 that his client does not dispute the facts and

1 what I would propose in the interest of
2 efficiency is that our position would be we do
3 not contest the facts that are set forth in the
4 case report. The case report can be the record
5 and I don't need a witness to get on the stand
6 and authenticate it. If the board wants that,
7 that's fine, but it seems to me if Mr. Celo is
8 comfortable with the case report, which in my
9 experience is supposed to include all the
10 relevant facts, then we can save all of ourselves
11 a lot of time.

12 CHAIRPERSON ANDERSON: I'm sorry, does
13 someone want to say something?

14 MR. CELO: Yes, Mr. Chair. If I can
15 jump in.

16 CHAIRPERSON ANDERSON: Yes, sir.

17 MR. CELO: I will just proffer for the
18 board that even in the event that we do stipulate
19 to the facts contained within the report, I will
20 need to put in some small amount of evidence to
21 include facts occurring after this report was
22 created, but which are relevant to this case as
23 well as video evidence. So there will be some
24 small bit of evidence either way. I am prepared
25 to just present my case if that will get us

1 moving along.

2 CHAIRPERSON ANDERSON: All right. I'm
3 going to go off record for about 10 minutes for
4 the board to have some conversation. As
5 Chairperson of the Alcoholic Beverage Control
6 Board for the District of Columbia and in
7 accordance with D.C. Official Code Section 2575
8 of the Open Meetings Act, I move that ABC Board
9 hold a closed meeting for the purpose of seeking
10 legal advice from our counsel on Case Number 22-
11 251-00008 Georgetown Inn West End/Casta's Rum
12 Bar, pursuant to D.C. Official Code Section
13 2575(b)(4)(a) of the Open Meetings Act. Is there
14 a second? Mr. Short has seconded the motion.
15 We'll now have a roll call vote. Mr. Short?

16 MEMBER SHORT: Mr. Short, I agree.

17 CHAIRPERSON ANDERSON: Ms. Crockett?

18 MEMBER CROCKETT: Rafi Crockett, I
19 agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: I agree.

22 CHAIRPERSON ANDERSON: And Mr.
23 Anderson, I agree. The matter passed 4-0-0. It
24 is 2:16 p.m. Let's go off record until 2:30.
25 I'm asking folks please do not sign off. The

1 board is going in an executive session and we'll
2 come back on the record at 2:30. While the board
3 is off, please do not sign off, but the board is
4 going to sign off so we can go in an executive
5 session. We'll recontinue this case at 2:30.
6 Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:16 p.m. and resumed at
9 2:36 p.m.)

10 CHAIRPERSON ANDERSON: All right,
11 we're back on the record. Is the government
12 ready to move forward?

13 MR. CELO: Yes, Mr. Chair.

14 CHAIRPERSON ANDERSON: Does the
15 government have a witness? Oh, I'm sorry, hold
16 on. I don't see Mr. Kline. Are you there, Mr.
17 Kline? Okay, fine. Does the government have a
18 witness that they wish to call?

19 MR. CELO: Government calls ABRA
20 Investigator Mikea Nelson.

21 CHAIRPERSON ANDERSON: Mr. Nelson, can
22 you raise your right hand, please?

23 MR. KLINE: Mr. Chairman, before we
24 get to this and I may be wrong, but I may be
25 completely wrong.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Go ahead, Mr.
3 Kline.

4 MR. KLINE: But I thought Mr.
5 Schulwolf might have had something that he wanted
6 to request, Mr. Schulwolf, if I am, I apologize.

7 MR. SCHULWOLF: Well, I will tell you
8 that I spoke with Mr. Celo offline if this is
9 what, Mr. Kline, you're getting at, I don't know.
10 But the co-licensees individually have been
11 talking when we went on break, and they're
12 attempting to resolve the matter. I don't know,
13 I spoke to Mr. Celo and asked him if he would
14 agree to a continuance. It certainly was his
15 right to say no and I think as he's prepared to
16 move forward, but that was it. I think, Mr.
17 Kline, that's what you're getting at, I don't
18 know.

19 MR. KLINE: Yeah, it is, yeah.

20 MR. SCHULWOLF: Okay, (simultaneous
21 speaking.) So, they have been speaking. I think
22 they're back on now, to try to get this. You
23 know, there's obviously some issues between the
24 co-licensees and I think they're interested in
25 trying to resolve all these things. But, Mr.

1 Celo, I think, has taken the position that the
2 government wants to move forward today. That's
3 kind of where we left it.

4 MR. KLINE: Mr. Celo, I think, you
5 know, with a short continuance we could probably
6 get this all resolved, but I'll leave that to the
7 board. I understand if Mr. Celo wants to go
8 forward, but it seems to me that we can probably
9 get it all resolved.

10 CHAIRPERSON ANDERSON: A motion has
11 been made and the board will consider a motion.
12 The board on its own -- we went into executive
13 session because we had some legal concerns to be
14 addressed and I was hoping -- we stayed longer
15 because we thought that would have given the
16 parties an opportunity to speak, but if there is
17 a joint motion, the board, of course, will
18 consider joint motions, if there's a joint
19 motion.

20 MR. SCHULWOLF: I think for the first
21 time in history the co-licensees are probably in
22 agreement where we would make a joint motion for
23 a brief continuance to give the parties an
24 opportunity to resolve it, which would probably
25 in be in everybody's interests. So, I think a

1 brief continuance, if I may speak on behalf of
2 Mr. Kline, would be in both the co-licensees'
3 interests and that's what they would prefer.

4 MR. KLINE: We agree. Thank you, Mr.
5 Schulwolf.

6 MR. CELO: At this point, Mr. Chair,
7 this matter has already been continued once. We
8 have already engaged in opening arguments. We
9 are prepared to proceed and the government does
10 not consent to a continuance at this time. I
11 would note that the continuance request was for
12 one week. I highly doubt that the board will be
13 able to get us on the calendar in one week's
14 time.

15 CHAIRPERSON ANDERSON: The board is on
16 vacation for two weeks, so the board will not, we
17 will not come back until August 31st.

18 MR. CELO: And so on that basis, the
19 government does not consent to the request.

20 MR. SCHULWOLF: If I may just add so
21 that everybody's on the same page, the first
22 continuance was at the request of the board, not
23 of either of the co-licensees.

24 MR. KLINE: That's true.

25 CHAIRPERSON ANDERSON: I support if

1 the parties are requesting a continuance in the
2 sense that the government and both licensees then
3 the board will consider the request, but the
4 board is not going grant a continuance unless --
5 well, all right, clearly from what I've seen here
6 today, there's some significant differences of
7 opinion between the co-licensees. There are.

8 It's my understanding that the
9 government has provided an OIC, which one party
10 accepted and the other party either did not
11 accept it or was not aware of the existence in
12 sufficient time for them to make, I'm going to
13 say it that way, insufficient. Based on the
14 representation that was made by Mr. Schulwolf is
15 that it was not provided to him in sufficient
16 time for him to make a decision. If the parties
17 genuinely believe that this matter can be settled
18 and I think from what I'm hearing, it's that
19 whatever decision the board issues today, it will
20 be against the licensees. It's not going to be
21 against one portion of the licensee. It's going
22 to be against the licensees. So, if that is
23 clear and if the parties are genuine, the board
24 would grant the continuance with the
25 understanding that the parties are going to

1 settle this matter. But if the parties are not,
2 if it's not genuine that it's not going to be
3 settled, then I will not support granting a
4 continuance motion since the government is not in
5 agreement. But if the parties are genuine about
6 this matter then, yes, the board will consider
7 it.

8 MR. KLINE: I think the genuineness of
9 the parties is apparent because Mr. Schulwolf and
10 I actually agree on something. I think it should
11 be readily apparent that we must be genuine
12 because we actually agree and he says that that
13 has not happened too often between our clients,
14 so I don't think you can doubt the genuineness of
15 our intentions.

16 MEMBER GRANDIS: Mr. Chairman, I'll
17 second the motion so we can move forward that you
18 made.

19 CHAIRPERSON ANDERSON: All right.

20 MR. SCHULWOLF: There's never a
21 guarantee that it's going to get resolved, but
22 given that the two principals are speaking
23 directly, if you keep the lawyers out of it,
24 things get done and that's unfortunately the
25 reality. I have confidence that these two

1 parties who have obviously a co-licensee
2 relationship and a landlord tenant relationship
3 and are going to be stuck together, really prefer
4 to get all their issues resolved, including this
5 and the request is genuine.

6 CHAIRPERSON ANDERSON: Mr. Grandis
7 then has seconded the motion. I second the
8 motion and I'll now take a roll call vote on the
9 motion to grant this short continuance. Are you
10 saying something Mr. Short? Prior to voting
11 (simultaneous speaking.) Go ahead, Mr. Short.

12 MEMBER SHORT: Can you please give the
13 motion again? I'm (audio interference.) I didn't
14 hear a formal motion put on the floor, so can you
15 do that please?

16 CHAIRPERSON ANDERSON: Oh, the motion
17 was that both the co-licensees had requested a
18 continuance, so the licensee had requested a
19 continuance. (Simultaneous speaking.) I asked
20 the government if the government was willing to
21 jointly agree to the continuance motion and the
22 government said at this juncture, they could not
23 because this is not the first continuance that
24 was granted. I think that the licensee had
25 pointed out that the first continuance that was

1 granted was at the insistence that the board was
2 the one who continued the matter and that neither
3 party had requested it. So, based on the
4 conversation from what I've been told and we are
5 on the record, is that the parties are sincere
6 that they believe that this matter will be
7 settled. The government has already put out an
8 offer in compromise to say this is what we are
9 proposing to settle this matter and from what I'm
10 hearing, the licensees are saying that yes, they
11 have a disagreement between us, but I believe we
12 can work on our disagreements and favorably look
13 at the offer in compromise as provided by the
14 government.

15 MEMBER SHORT: Thank you, Mr. Chair.
16 You made everything very clear and thank you very
17 much for clearing that up with me anyway. I'm
18 ready to move forward with the votes. Thank you.

19 CHAIRPERSON ANDERSON: All right,
20 thank you. So, let's do a roll call vote. Mr.
21 Short?

22 MEMBER SHORT: Mr. Short, I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I
25 agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?
2 I can't hear you, Mr. Grandis.

3 MEMBER GRANDIS: Ed Grandis, I agree.

4 CHAIRPERSON ANDERSON: And Mr.
5 Anderson, I agree. The board is going to grant
6 as agreed, over the government's objection, to
7 grant a short continuance. The board will be on
8 recess until the 31st. The goal is that there's
9 an offer in compromise on the table, if the
10 parties agree they can submit the offer in
11 compromise and the board will review it and make
12 a decision on its legal agenda. So, we wouldn't
13 have to have a hearing, if the parties have
14 agreed to the offer in compromise. So that is
15 the goal and with that said, I'm bringing this
16 matter to closure. It was agreed to a brief
17 continuance for the parties to consider the offer
18 in compromise that was provided by the government
19 and to see if settlement can be reached.

20 Gentleman, I have confidence if you're
21 serious that this will occur and I look forward
22 to a speedy resolution of this matter. Good
23 afternoon and thank you very much.

24 MR. KLINE: Thank you, Mr. Chair.
25 Thank you, the board.

1 CHAIRPERSON ANDERSON: Thank you.
2 With that said, we are at the end of our agenda
3 items for the day. I'm going to close the
4 record. As Chairperson of the Alcoholic Beverage
5 Control Board for the District of Columbia and in
6 accordance with D.C. Official Code Section 575(b)
7 and Section 575(b)(14) of the Open Meetings Act,
8 I move that the ABC Board hold a closed meeting
9 on August 31, 2022 for the purpose of discussing
10 and hearing reports concerning ongoing or planned
11 investigations of alleged criminal or civil
12 misconduct or violations of law or regulations
13 and seeking legal advice from our legal counsel
14 on the matters identified on the board's legal
15 licensing and investigative agenda for August 31,
16 2022, as published in the D.C. Register on August
17 26, 2022. Is there a second?

18 MEMBER SHORT: Mr. Short, I second.

19 CHAIRPERSON ANDERSON: Mr. Short has
20 seconded the motion. I will now take a roll call
21 vote on the motion before us now that it's been
22 properly seconded. Mr. Short?

23 MEMBER SHORT: Mr. Short, I agree.

24 CHAIRPERSON ANDERSON: Ms. Crockett?

25 MEMBER CROCKETT: Rafi Crockett, I

1 agree.

2 CHAIRPERSON ANDERSON: Mr. Grandis?

3 MEMBER GRANDIS: Edward Grandis, I

4 agree.

5 CHAIRPERSON ANDERSON: And Mr.

6 Anderson, I agree. As it appears the motion has
7 passed 4-0-0, I hereby give notice that the ABC
8 Board will hold its closed meeting pursuant to
9 the Open Meeting Act. Notice will also be posted
10 on the ABC Board Hearing Room Bulletin Board,
11 placed on the electronic calendar on ABRA's
12 website and published in the D.C. Register in as
13 timely a manner as practical. We are now
14 adjourned for the day. I would to thank the
15 members of the public who have signed on today.
16 I would like to also thank the board members who
17 have participated in this hearing today.

18 We are now adjourned. The board is
19 now on its summer break and we will be back on
20 August 31st. I now direct all board members to
21 return to executive session for further
22 development. Thank you very much. Have a great
23 afternoon. Thank you.

24 (Whereupon the above-entitled matter
25 went off the record at 2:49 p.m.)

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In the matter of: Casta's Rum Bar

Before: DC ABRA

Date: 08-10-22

Place: teleconference

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