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

MEETING

-----= IN THE MATTER OF: : Georgetown Suites, : LLC/Wabbit, LLC, : t/a Georgetown Inn West : End/Casta's Rum Bar : 1121 New Hampshire : Avenue NW : Show Cause Retailer CR - ANC 2A : Hearing License No. 109462 Case #22-251-00008 : • (Violated Title 25 of : the D.C. Official Code, : Allowed Establishment : to be Used for Unlawful : Purposes) -----=

> Wednesday August 10, 2022

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

PRESENT: DONOVAN W. ANDERSON, Chairperson RAFI ALIYA CROCKETT, Member EDWARD S. GRANDIS, Member JAMES SHORT, JR., Member

ALSO PRESENT:

VINODA BASNAYAKE, Co-Licensee ANDREW KLINE, Counsel for Wabbit ANDREW SCHULWOLF, Counsel for Georgetown Suites ANTHONY CELO, DC OAG

I	
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

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Ms. Blumenthal has her hands raised. Are you 1 2 there, Ms. Blumenthal? I see that you're muted, 3 so I need you to unmute your line, ma'am. If you want to speak to me you need to unmute your line. 4 5 If not, you need to put your hand back down, Ms. Blumenthal, you have your hand 6 ma'am. 7 I see that you're no longer raised, ma'am. 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 She has been unmuted, MR. ORIANA: 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

sign back on, I'll have your rights elevated 1 2 She has signed out, sir, so can you look again. 3 back for her when she signs back on, please. MR. ORIANA: Sally Blumenthal, your 4 5 rights have been elevated. CHAIRPERSON ANDERSON: Ms. Blumenthal? 6 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 I don't know if she is one of your -- if you have 10 to call her today as a witness, but we'll move on 11 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 that once the time arises. 18 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.

Assistant Attorney General Anthony Celo A-N-T-H-1 O-N-Y C-E-L-O on behalf of the government. 2 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, sir? 6 7 MR. KLINE: Good afternoon, Mr. Chairman. Andrew Kline A-N-D-R-E-W Kline K-L-I-8 9 N-E on behalf of one of the co-licensees, Wabbit LLC. 10 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 principle of Wabbit LLC. 23 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

client is here as co-licensee we certainly would 1 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? MR. KLINE: He said his client --8 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. CHAIRPERSON ANDERSON: And will there 16 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 name Patel P-A-T-E-L. 25

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

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to be the landlord. I think that -- but if you 1 just said that he was the landlord without the 2 3 operative words that he was a co-licensee, then Mr. Kline would be -- it would be proper for him 4 5 to say that the landlord doesn't have standing to appear at this hearing, but as the co-licensee, 6 7 yes, he has standing to be here. 8 MR. SCHULWOLF: I don't mean to be difficult, but Georgetown Suites is named as part 9 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

was that no, your client wasn't participating 1 2 here today and we would have moved on. As a courtesy to you, sir, I just said is your client 3 participating so I could make sure that person is 4 identified for the record. 5 MR. SCHULWOLF: Fair enough. 6 7 CHAIRPERSON ANDERSON: Okay? 8 MR. SCHULWOLF: That's fine. Thank 9 you. 10 CHAIRPERSON ANDERSON: Thank you. A11 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 That is my preliminary MR. CELO: 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

stipulations that were agreed to by the 1 2 government. Is that correct, sir? 3 MR. KLINE: We discussed it with the government. I frankly have no clue as to Mr. 4 5 Schulwolf's position is as he's been utterly unresponsive to our outreach to him, so I don't 6 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 I have spoken to Mr. Celo. I have not case. 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				

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

5 So, what we'll do is that I'll have the government present an opening and then I will 6 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.

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I would ask through the Chair if Mr. 1 2 Schulwolf disputes facts that the government 3 plans to put on or exactly what we're doing because I admit to be utterly confused. 4 CHAIRPERSON ANDERSON: And that's one 5 of the reasons why I'm asking the government --6 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. Ι 12 believe after the opening has been presented, all parties will be on board where we are and the 13 board will also be on board where we are and the 14 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. Schulwolf and then we'll preliminarily try to 18 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. Ι

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
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Wabbit, LLC.

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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.

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

requirement of a security plan for this 1 2 establishment. Thank you. 3 CHAIRPERSON ANDERSON: Thank you, thank you, thank you. All right, Mr. Kline. 4 5 Yes, good afternoon, MR. KLINE: Chairman Anderson and members of the board, 6 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 we had an OIC in this case, which was acceptable 10 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

many, but in terms of the facts, we are not 1 2 contesting those at this time. We're prepared 3 to reach agreement with Mr. Celo concerning that, but apparently that didn't happen because of 4 whatever the intentions are of the co-licensee. 5 CHAIRPERSON ANDERSON: All right. 6 Ι 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 client, where are you, sir? 14 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

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

5 With regard to the proffer, with regard to Mr. Kline's statement that he would 6 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 I found out about this, so that's why I took 20 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.

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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				

one license that's issued and the license is 1 issued and the board will either find the 2 licensee innocent or guilty of the charge. 3 So if your position is that so if the 4 5 government has a position and if there is an OIC, if there's an offer in compromise that the 6 7 parties can agree to, then that's a decision that will be made. But whatever testimony is elicited 8 9 today, I am not going to allow one party to say that Wabbit is more liable than Georgetown 10 11 That's irrelevant to the decision Suites, LLC. 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 for a couple of minutes and if the parties want 18 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

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

5 MR. SCHULWOLF: I was not looking for that and that's why I said specifically I just 6 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 qo there.

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1 MR. KLINE: Mr. Chairperson, I think 2 we skipped a step. 3 CHAIRPERSON ANDERSON: What is that, Mr. Kline? 4 5 Well, just because we MR. KLINE: agreed to certain facts, does not mean we agree 6 7 that those facts make out one or more violations. So that's very much at issue and it would seem to 8 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 almost dispense with closing, but I would like to 18 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

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this is what I will do, I'll have the government 1 2 present its case and so we can have a clear 3 record and then the parties can respond as they see fit once the government has presented its 4 5 case, okay? MR. KLINE: All right, but we don't 6 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 I think I heard from Mr. MR. KLINE: 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

moving along.

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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

board is going in an executive session and we'll 1 come back on the record at 2:30. While the board 2 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. Thank you. 6 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 Okay, fine. Does the government have a Kline? 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.

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

MR. KLINE: Mr. Celo, I think, you know, with a short continuance we could probably get this all resolved, but I'll leave that to the board. I understand if Mr. Celo wants to go forward, but it seems to me that we can probably 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 a joint motion, the board, of course, will 17 consider joint motions, if there's a joint 18 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

brief continuance, if I may speak on behalf of 1 2 Mr. Kline, would be in both the co-licensees' 3 interests and that's what they would prefer. MR. KLINE: We agree. Thank you, Mr. 4 5 Schulwolf. MR. CELO: At this point, Mr. Chair, 6 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 not consent to a continuance at this time. 10 Τ 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 of either of the co-licensees. 23 24 MR. KLINE: That's true. 25 CHAIRPERSON ANDERSON: I support if

the parties are requesting a continuance in the sense that the government and both licensees then the board will consider the request, but the board is not going grant a continuance unless -well, all right, clearly from what I've seen here today, there's some significant differences of 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 time for him to make a decision. If the parties 16 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

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settle this matter. But if the parties are not, if it's not genuine that it's not going to be settled, then I will not support granting a continuance motion since the government is not in agreement. But if the parties are genuine about this matter then, yes, the board will consider it. MR. KLINE: I think the genuineness of

8 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

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parties who have obviously a co-licensee relationship and a landlord tenant relationship and are going to be stuck together, really prefer to get all their issues resolved, including this and the request is genuine. CHAIRPERSON ANDERSON: Mr. Grandis

then has seconded the motion. I second the motion and I'll now take a roll call vote on the motion to grant this short continuance. Are you saying something Mr. Short? Prior to voting (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 because this is not the first continuance that 23 24 I think that the licensee had was granted. 25 pointed out that the first continuance that was

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granted was at the insistence that the board was 1 the one who continued the matter and that neither 2 3 party had requested it. So, based on the conversation from what I've been told and we are 4 5 on the record, is that the parties are sincere that they believe that this matter will be 6 7 The government has already put out an settled. 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. MEMBER SHORT: Thank you, Mr. Chair.

15 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

agree.

CHAIRPERSON ANDERSON: Mr. Grandis? 1 2 I can't hear you, Mr. Grandis. 3 MEMBER GRANDIS: Ed Grandis, I agree. CHAIRPERSON ANDERSON: And Mr. 4 5 Anderson, I agree. The board is going to grant as agreed, over the government's objection, to 6 7 The board will be on grant a short continuance. recess until the 31st. The goal is that there's 8 9 an offer in compromise on the table, if the parties agree they can submit the offer in 10 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.

CHAIRPERSON ANDERSON: Thank you.
With that said, we are at the end of our agenda
items for the day. I'm going to close the
record. As Chairperson of the Alcoholic Beverage
Control Board for the District of Columbia and in
accordance with D.C. Official Code Section 575(b)
and Section 575(b)(14) of the Open Meetings Act,
I move that the ABC Board hold a closed meeting
on August 31, 2022 for the purpose of discussing
and hearing reports concerning ongoing or planned
investigations of alleged criminal or civil
misconduct or violations of law or regulations
and seeking legal advice from our legal counsel
on the matters identified on the board's legal
licensing and investigative agenda for August 31,
2022, as published in the D.C. Register on August
26, 2022. Is there a second?
MEMBER SHORT: Mr. Short, I second.
CHAIRPERSON ANDERSON: Mr. Short has
seconded the motion. I will now take a roll call
vote on the motion before us now that it's been
properly seconded. Mr. Short?
MEMBER SHORT: Mr. Short, I agree.
CHAIRPERSON ANDERSON: Ms. Crockett?
MEMBER CROCKETT: Rafi Crockett, I

agree.

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CHAIRPERSON ANDERSON: Mr. Grandis? MEMBER GRANDIS: Edward Grandis, I agree.

5 CHAIRPERSON ANDERSON: And Mr. Anderson, I agree. As it appears the motion has 6 7 passed 4-0-0, I hereby give notice that the ABC Board will hold its closed meeting pursuant to 8 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. I would like to also thank the board members who 16 17 have participated in this hearing today. We are now adjourned. The board is 18 19 now on its summer break and we will be back on

August 31st. I now direct all board members to return to executive session for further development. Thank you very much. Have a great afternoon. Thank you.

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

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Before: DC ABRA

Date: 08-10-22

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