

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

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IN THE MATTER OF: :
 :
UCB Live Members Only LLC:
t/a UCB Live Members Only:
3328 Georgia Ave NW : Fact Finding
ANC 1E : Hearing
Board Order No. 2024-478 :
 :
(Request for :
Expedited Hearing) :
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Wednesday
August 14, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
MICHAEL BAILEY, Applicant
LAKETA COATES, ANC 1E

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

2 10:55 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar -- no, this is a cease and desist
5 hearing. The Board issued a -- this is for UCB
6 Live Members Only. The Board had issued a cease
7 and desist order by issuing Board Order No. 2024-
8 478. And the owner of the establishment had
9 requested a hearing on the Board's cease and
10 desist order. So Mr. Orellana, can you please
11 elevate the rights of the parties in the next
12 case.

13 MR. ORELLANA: Sure. Michael Bailey,
14 your access has been elevated. And, Investigator
15 LaKeta Coates, your access has been elevated.
16 That is all, chairman.

17 CHAIRPERSON ANDERSON: Thank you. Mr.
18 Bailey, do you have a camera you can turn on,
19 sir? All right. Ms. Coates, can you please
20 spell and state your name for the record?

21 MS. COATES: Good morning. LaKeta, L-
22 A, capital K, E-T-A, Coates, C-O-A-T-E-S.

23 CHAIRPERSON ANDERSON: Good morning,
24 Ms. Coates. And where are you currently
25 employed, Ms. Coates?

1 MS. COATES: I'm currently employed at
2 the Alcohol Beverage and Cannabis Administration
3 for the District of Columbia.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you. Mr. Bailey, can you spell and state
6 your name for the record?

7 MR. BAILEY: My name is Michael
8 Bailey, M-I-C-H-A-E-L, B-A-I-L-E-Y.

9 CHAIRPERSON ANDERSON: Good morning,
10 Mr. Bailey.

11 MR. BAILEY: Good morning.

12 CHAIRPERSON ANDERSON: Mr. Bailey, the
13 Board issued a cease and desist order, which is
14 Board Order No. 2024-478. And, basically, that
15 board order basically stated that you're
16 operating an illegal establishment without having
17 a license that you -- the Board basically issued
18 an order ordering you to cease distributing,
19 purchasing, serving, or otherwise permitting the
20 consumption of alcoholic beverage or otherwise
21 allowing third-party to engage in such activities
22 at 3328 Georgia Avenue, N.W., and any other
23 location until such time as you have a license.
24 And so the purpose of this hearing this morning
25 is that you're challenging this order, sir. So

1 can you just let us know what is it -- well,
2 maybe you can tell us why you're asking the Board
3 to remove this order.

4 MR. BAILEY: Thank you. I'm actually
5 not challenging it. It's more me clearing it up
6 and just giving you my understanding of what
7 occurred to cause this cease and desist order. I
8 was unaware of the type of events that I was
9 having inside of 3328. I was unaware that
10 alcohol couldn't be served there going in private
11 party, so I didn't know that. I had it set up
12 where it was private events with security there,
13 and it wasn't open to the public, so I didn't
14 think that I would have that issue.

15 An incident occurred, and the police
16 came. And that's what happened, and that's when
17 I was, you know -- a few people told me,
18 actually, that I needed to have a license there
19 to serve alcohol there and I have to even have a
20 caterer there. If I'm going to have food and
21 alcohol there, they have to have their catering
22 license put up, you know, centered on the front
23 of the building, visible so all can see it.

24 This is my first year starting a new
25 business. Well, actually, just helping a partner

1 out. I came in as a partner to manage the
2 lounge, and I just made a mistake honestly, so I
3 just wanted to let you guys know that. And I am
4 trying to go about this the right way. I just
5 now secured my catering license with my shared
6 kitchen and everything with Tastemakers. So I
7 just got the inspection done, and I'm just
8 waiting for them to review the inspection and
9 send me the certification, obviously, for that
10 catering company that I have to start.

11 CHAIRPERSON ANDERSON: So 3328 Georgia
12 Avenue, that is a commercial space, sir?

13 MR. BAILEY: Yes, sir.

14 CHAIRPERSON ANDERSON: So are you
15 aware that it's illegal to sell or serve alcohol
16 in a commercial space in the District of Columbia
17 without having some type of license in the sense
18 that you can apply for a temporary one-day
19 substantial change, you can apply for caterer's
20 license, or you can apply for business license.
21 Are you aware of that, sir, that now?

22 MR. BAILEY: Yes. I'm fully aware of
23 that now.

24 CHAIRPERSON ANDERSON: Let me see. So
25 you said that you have applied for a caterer's

1 license from our agency?

2 MR. BAILEY: Yes, I have. I applied
3 for a catering license, and I was approved
4 actually, and now I'm just waiting for the
5 certificate of occupancy. They just did the
6 inspection at Tastemakers on 10th and Franklin
7 Street, N.E., yesterday.

8 CHAIRPERSON ANDERSON: So when did you
9 apply for the caterer's license then? When was
10 that approved?

11 MR. BAILEY: I applied for the
12 caterer's license as soon as I got the cease and
13 desist order placed against me, and I was told by
14 a few people what I needed to do to get the right
15 thing done. I applied for it, that was probably
16 maybe just a few weeks ago, and I just got the
17 inspection done yesterday. So that's, like,
18 pretty much the last part, sir.

19 CHAIRPERSON ANDERSON: All right. So,
20 Mr. Bailey, pull your camera down a little bit.
21 I can't really see you. That's better. I was
22 seeing the top of your head. Mr. Bailey, what is
23 your business plan, sir? Tell me what is it.
24 What type of business are you operating? What is
25 your long-term goal to operate this business?

1 MR. BAILEY: For 3328, I'm actually
2 leaving there in September. I'll be out of there
3 by September the 19th, and I'm trying to now
4 secure a new location and get my liquor license
5 there, ABC license there for that. I have a
6 catering license right now, Eat to Live Catering,
7 and I'm starting that up, and that's just to do
8 parties and stuff in certain spaces that I'm
9 allowed and do it in community spaces and places
10 like that until I get a brick-and-mortar or,
11 like, a location that I can actually operate and
12 open up before, like a lounge situation. We'll
13 have a bar, food, maybe a pool table. So that's
14 the plan that I have, you know, coming up for
15 this year. That's what I want to do.

16 CHAIRPERSON ANDERSON: So your long-
17 term plan is that you're going to open and
18 operate a brick-and-mortar building and that you
19 will be applying for the proper license to
20 operate a brick-and-mortar building; is that
21 correct?

22 MR. BAILEY: Correct, yes. I'm in the
23 process of that actually right now.

24 CHAIRPERSON ANDERSON: And so you're
25 saying the caterer's license that you have now

1 applied for, you're not using that license to
2 basically operate a club. Is that what you're
3 saying?

4 MR. BAILEY: No, I'm not because I
5 don't have a club to do that. I will have to get
6 a, you know, what you call it? A public hall
7 license and things like that. And for this
8 actual building at 3328, I'm working with
9 someone, so I'm not, like, on the lease. I'm
10 with a partner, Davon Duckett, I'm working with
11 him. I'm a part of his company, and he has the
12 lease. I just was managing the lounge, so I want
13 to get my own establishment. So that's why I say
14 in September, I'm out. I'm leaving in September.

15 CHAIRPERSON ANDERSON: You're also
16 aware, Mr. Bailey, that you're in the process of
17 applying for a license; and so, therefore, if the
18 Board signs that you continue to operate without
19 having some type of license, you're aware that
20 that's not going to be positively looked on by
21 the Board in granting your permit license; are
22 you aware of that?

23 MR. BAILEY: I'm very aware of that.
24 That's why, when I read the cease and desist
25 order and it said, you know, I can't do any

1 selling of alcohol or have any on the premise and
2 everything, I got, like, on top of it and did it
3 the right way with the catering license
4 application and filled that out and got
5 everything straight with that. And then I
6 request a hearing so I can talk to you guys so I
7 can get clear, so, moving forward, when I do try
8 to apply for a liquor license and I get a brick-
9 and-mortar location, I wouldn't have these
10 problems, hopefully, with securing it.

11 CHAIRPERSON ANDERSON: All right.
12 Thanks. Any questions by any Board members?

13 MR. BAILEY: No, not --

14 CHAIRPERSON ANDERSON: I was asking
15 the Board members if they had any --

16 MR. BAILEY: Oh, okay. I'm sorry.

17 CHAIRPERSON ANDERSON: -- questions of
18 you.

19 MR. BAILEY: Okay.

20 CHAIRPERSON ANDERSON: Well, I'm glad
21 that you have taken the cease and desist order to
22 heart and look at the seriousness of this matter
23 and that, as you have stated, you have now taken
24 the appropriate action to apply for a caterer's
25 license short-term to continue to do events.

1 Now, you are also aware that, by having a
2 caterer's license and if you are going to have
3 events, alcohol is supposed to be incidental to
4 the food. Are you aware of that, that --

5 MR. BAILEY: Yes.

6 CHAIRPERSON ANDERSON: -- you're
7 supposed to have food, sufficient food for the
8 event; and so, therefore, it's catering and that
9 you're providing alcohol. It's not like you have
10 a whole lot of alcohol and no good. So I just
11 want you to be aware that the alcohol is supposed
12 to be incidental to the food. The alcohol should
13 not be the main feature of what you're doing,
14 sir.

15 MR. BAILEY: Absolutely. I'm aware of
16 that.

17 CHAIRPERSON ANDERSON: All right, sir.
18 I guess you're not challenging the cease and
19 desist order, so I guess there's no need for the
20 Board to remove the order. You have stated that
21 you are aware and that you are complying by no
22 longer selling and serving alcohol illegally and
23 that you have applied for the proper license to
24 maintain your business. And I just want to say
25 that, sir, I do hope that, since you have applied

1 for a license and you're going to look for
2 applying for a permanent license, that you comply
3 with the law because I will not look favorable on
4 granting an application if you continue to, that
5 you were warned and told what the law is and, of
6 course, you stated that you were not aware what
7 the law was. Now you're aware of the law, and
8 so, if you have applied for a license and if you
9 continue to operate by selling and serving
10 alcohol in a commercial space, whether or not
11 it's a private party. As long as it is in a
12 commercial space, you must get a license. And
13 you said that you have a caterer's license. You
14 can also apply for a one-day substantial change,
15 a temporary one-day license.

16 MR. BAILEY: Yes, so --

17 CHAIRPERSON ANDERSON: Go ahead, sir.

18 MR. BAILEY: From my understanding, I
19 needed to talk to the Board so I can be in a
20 clear to move forward. I didn't want to go and
21 apply for an ABC liquor license with a brick and
22 mortar or not, and not address the cease and
23 desist order. So my thing is I needed to get
24 this cleared up, so that you guys know that I'm
25 on the right page when it comes to going about

1 the proper steps to getting the official legal
2 license to, you know, serve alcohol and food,
3 which I was doing at the lounge that I was
4 operating out of.

5 CHAIRPERSON ANDERSON: Well, you can
6 reach out to the licensing division, sir. Our
7 agency, we're not a gotcha agency. You can come
8 to our agency and state I don't know what I'm
9 doing as far as I don't know what are the
10 requirements to operate under a license, and we
11 will provide you the guidance, sir. We do have
12 training that's available. If you go on our
13 website, you will see all the different trainings
14 that we have for new licenses or for people who
15 are thinking that they want to open a business.
16 So you can reach out to our agency to provide
17 some guidance.

18 Let me just get some clarification
19 from you. You're saying that you're undergoing -
20 - and this is just, this is aside. I just want
21 to get some clarification of what you said. So
22 you said you applied for a caterer's license, is
23 that correct, and which was granted to you; is
24 that correct?

25 MR. BAILEY: Yes, that's without

1 alcohol, though. I don't have an alcohol
2 license. It's just food.

3 CHAIRPERSON ANDERSON: All right. So
4 you didn't apply for a caterer's license from our
5 agency, or what's this Tastemakers?

6 MR. BAILEY: That's the certification
7 that you have to have if you don't have your own
8 brick and mortar or kitchen. You have to get a
9 shared kitchen to get a certificate of occupancy
10 and a business license to be a caterer.

11 CHAIRPERSON ANDERSON: All right. And
12 so --

13 MR. BAILEY: So I secured that part.
14 I'm saying to get an alcohol license, as well,
15 attached to the caterer's license, which is a
16 separate application, I wanted to be in the clear
17 with the ABC license department with the cease
18 and desist order. When you apply for a caterer's
19 license and you want to also apply for alcohol,
20 they ask you on the application do you have any
21 infractions or anything against you or your
22 company as applying for the alcohol license, so I
23 answered yes, you know. So I didn't want to, you
24 know, I wanted to get the cease and desist order,
25 you know, lift before I started, you know, trying

1 to apply for an ABC license moving forward.

2 CHAIRPERSON ANDERSON: Well, I have to
3 commend you, sir, that you have taken this cease
4 and desist order to heart, that we issued the
5 order, and you're trying to comply with the law
6 to ensure that you can get your caterer's
7 license. All right. That's fine, sir. I hear
8 what you have to state, and, of course, the Board
9 has to approve, at some point, when the license
10 is applied for, the Board will make a decision,
11 and so we will take note that we did issue a
12 cease and desist and that you did comply, you are
13 complying with the law. And I just want to
14 remind you, sir, that you cannot operate, you
15 cannot sell or serve alcohol in a commercial
16 space until you have some type of license, sir.

17 MR. BAILEY: I understand that. I
18 totally understand that.

19 CHAIRPERSON ANDERSON: All right. All
20 right. So if you want the ABC Board to look
21 favorably on your application moving forward,
22 when you submit your caterer's license to serve
23 alcohol, sir, I'm hoping that this is the only
24 blemish that is on your, that will be on your
25 application, that a cease and desist was issued

1 and that, since the cease and desist was issued,
2 you are no longer selling or serving alcohol in a
3 commercial space.

4 MR. BAILEY: Absolutely.

5 CHAIRPERSON ANDERSON: All right.

6 Thank you, sir, and have a great day.

7 MR. BAILEY: Thank you.

8 CHAIRPERSON ANDERSON: All right.

9 Bye-bye. Thank you, Ms. Coates.

10 (Whereupon, the above-entitled matter
11 went off the record at 11:13 a.m.)

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