

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

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IN THE MATTER OF: :
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HBRF, LLC :
t/a El Rey :
79 Potomac Ave SE : Protest
Retailer CT - ANC 8F : Hearing (Status)
License No. 124791 :
Case #23-PRO-00055 :
:
(Application for a :
New License) :
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Wednesday
August 16, 2023

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

PRESENT:

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

ALSO PRESENT:

- CANDACE FITCH, Applicant Counsel
STEVEN RYAN, Applicant
EDWARD DANIELS, ANC 8F

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

2 10:44 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone.

5 As Chairperson of the Alcoholic  
6 Beverage and Cannabis Board from the District of  
7 Columbia and in accordance with D.C. Code Section  
8 2571 XC of the Open Meetings Act, OMA, I am  
9 welcoming you to the regular scheduled meeting of  
10 the Alcoholic Beverage Cannabis Board.

11 This meeting is being conducted  
12 pursuant to guidance made available by the  
13 District of Columbia, Office of Open Government  
14 regarding electronic meetings held by public  
15 bodies. Electronic meetings by the ABC Board are  
16 authorized pursuant to Section 2-577 of the D.C.  
17 Code.

18 Pursuant to the ordinary requirements  
19 notice of today's meeting was provided 48 hours  
20 in advance of the meeting on ABCA's website and  
21 on the District Central Meeting Calendar. The  
22 notice includes the time, date, agenda and call-  
23 in or log-in information for public  
24 participation. This electronic meeting is being  
25 hosted by Webex account provided by the District

1 of Columbia government.

2 Please address any questions or  
3 complaints to the OOG at open.govoffice@dc.gov.  
4 My name is Donovan Anderson. I'm Chairperson of  
5 the Board.

6 I would like to introduce the other  
7 members of the ABC Board who are also  
8 participating electronically. Please respond  
9 when I announce your name.

10 Mr. James Short.

11 MEMBER SHORT: Mr. James Short,  
12 present.

13 CHAIRPERSON ANDERSON: Ms. Jeni Hansen.

14 MEMBER HANSEN: Jeni Hansen, present.

15 CHAIRPERSON ANDERSON: Mr. Edward  
16 Grandis.

17 MEMBER GRANDIS: Edward Grandis,  
18 present.

19 CHAIRPERSON ANDERSON: The Board has  
20 four members in attendance on account of business  
21 today and that constitutes a quorum.

22 Before we get underway with the  
23 hearing calendar I need to make a few  
24 instructions are clear so that the conduct of  
25 these hearings is understood by everyone.

1                   There are seven cases scheduled for  
2 this morning's calendar. Once your case is  
3 called, I will take a moment for the IT  
4 Specialist to elevate the rights for each party  
5 to enable their camera and microphone. Then and  
6 only then will you have the ability to enable  
7 your equipment.

8                   If your case has not been heard you  
9 will remain mute and your camera will be  
10 disabled. At the conclusion of each case the  
11 parties will have the open to leave. If the  
12 parties chooses to stay, all cameras and  
13 microphones for the conclude of the case will be  
14 disabled.

15                   Should you have any questions or  
16 require technical assistance during the hearing  
17 please submit them using the question and answer  
18 feature. Give me a minute, please.

19                   All right. All right.

20                   Our first case this morning is a  
21 Protest Hearing Status Case Number 23-PRO-00055,  
22 El Rey, License Number 124791.

23                   Good morning, Mr. Carter. Can you  
24 please elevate the rights of the parties in this,  
25 please.

1 MR. CARTER: Candace Fitch has been  
2 elevated and Edward Daniels has been elevated.  
3 That's all.

4 CHAIRPERSON ANDERSON: Thank you.

5 Good morning. Ms. Fitch, can you  
6 please spell and state your name and identify  
7 yourself for the record, please.

8 MS. FITCH: My name is Candace Fitch,  
9 F-I-T-C-H. I am the attorney for the Applicant.  
10 Ms. Fitch, is the Applicant going to be here this  
11 morning?

12 MS. FITCH: He has emailed me that  
13 he's been trying to call in and he not having any  
14 success. So --

15 CHAIRPERSON ANDERSON: Okay. Does he  
16 have the log-in information if not we can put  
17 that information or if you tell us the last four  
18 digits of his phone number I will ask the IT  
19 person to look for him on the phone, on the call-  
20 in log.

21 MS. FITCH: I apologize. I'm trying  
22 to find his phone number. So, does he have the  
23 call-in information?

24 MS. FITCH: Yes. I sent it to him and  
25 he confirmed that he received it and he said he's

1       been trying to call in but he's not having any  
2       luck getting through.

3                   CHAIRPERSON ANDERSON: Well, we just  
4       started so --

5                   MS. FITCH: Right.

6                   CHAIRPERSON ANDERSON: -- he would be  
7       in the waiting room.

8                   MS. FITCH: Yes. He said he's on and  
9       muted. He's Steven Ryan.

10                  CHAIRPERSON ANDERSON: All right. But  
11       I'm saying is he on the phone or is he on the --

12                  MS. FITCH: He says he's calling in on  
13       his phone and he says he's in and muted. So, you  
14       should be --

15                  CHAIRPERSON ANDERSON: What is his --  
16       what's the last four digits of your phone number  
17       so I can have Mr. Carter look for his number and  
18       elevate him.

19                  MS. FITCH: Okay. I've asked him. I  
20       haven't gotten a response yet.

21                  CHAIRPERSON ANDERSON: Mr. Carter, how  
22       many people are there on the call-in line?

23                  MR. CARTER: We have one call-in.

24                  CHAIRPERSON ANDERSON: Can you elevate  
25       that person you said you have one call-in. Can

1 you elevate that person to see if he's -- I'm  
2 calling.

3 Can you identify yourself for the  
4 record, please.

5 The individual on the phone can you  
6 unmute your line and please identify yourself for  
7 the record?

8 Mr. Carter, have you unmuted that  
9 person's line?

10 MR. CARTER: Yes, it's unmuted.

11 CHAIRPERSON ANDERSON: Then they have  
12 to unmute themselves because I see that they're  
13 still muted.

14 Can you find out, Ms. Finch. We have  
15 elevated a 401 number. If that's his number he  
16 needs to, he should be able to participate. The  
17 owner should be able to participate if they're  
18 number is a 401.

19 Can you identify yourself for the  
20 record, please, sir.

21 MR. RYAN: It's Steven Ryan.

22 CHAIRPERSON ANDERSON: And who are you,  
23 sir?

24 MR. RYAN: I'm the owner/representative  
25 of the Applicant.

1 CHAIRPERSON ANDERSON: Sir, can you  
2 name the Applicant. Sir, can you name the  
3 business, sir, that you're here for?

4 MR. RYAN: El Rey.

5 CHAIRPERSON ANDERSON: Thank you very  
6 much, sir.

7 All right. Mr. Daniels, can you  
8 please identify yourself for the record, please.

9 MR. DANIELS: Hello, Chairman. My name  
10 is Edward Daniels. I'm Chair of ANC 8F. My name  
11 is Edward, E-D-W-A-R-D, Daniels, D-A-N-I-E-L-S.

12 CHAIRPERSON ANDERSON: Good morning.

13 Ms. Fitch, are there any preliminary  
14 matters in this case?

15 MS. FITCH: I have none.

16 CHAIRPERSON ANDERSON: Mr. Daniels, do  
17 you have any preliminary matters, sir?

18 MR. DANIELS: No.

19 CHAIRPERSON ANDERSON: This matter then  
20 is scheduled for, if this matter is not settled,  
21 it's scheduled for a Protest Hearing on September  
22 13 at 1:30 p.m.

23 Are the parties aware of if this  
24 matter goes to a Protest Hearing what needs to be  
25 done in the sense of you have to do a PIP. The



1 PIP is due seven days before the hearing.  
2 Failure by either side to provide a PIP you will  
3 be unless good cause is shown, you will be  
4 prevented from relying on documents and witnesses  
5 that have not been disclosed seven days before  
6 the hearing.

7 Also, if this matter goes to the  
8 hearing, each side will have one hour to  
9 represent their case and you'll have no more  
10 than, you can only call five witnesses. Are  
11 there any questions by any side?

12 MR. RYAN: No, thank you.

13 MS. FITCH: I have no questions.

14 CHAIRPERSON ANDERSON: All right. The  
15 Board supports settlement. If this matter can be  
16 settled, we support the parties continuing to  
17 talk to see if this matter can be settled. If  
18 this matter is not settled, then we will see you  
19 at a Protest Hearing on September 13th at 1:30  
20 p.m.

21 All right. Have a great summer and  
22 have a great day.

23 Thank you very much.

24 MS. FITCH: Thank you.

25 MR. RYAN: Thank you.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 Take care.

4 (Whereupon, this proceeding was  
5 concluded at 10:54 a.m.)

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<p><b>A</b></p> <p>a.m 2:2 10:5  <b>ABC</b> 2:15 3:7  <b>ABCAs</b> 2:20  <b>ability</b> 4:6  <b>able</b> 7:16,17  <b>account</b> 2:25 3:20  <b>Act</b> 2:8  <b>address</b> 3:2  <b>advance</b> 2:20  <b>agenda</b> 2:22  <b>Alcoholic</b> 1:2,13 2:5,10  <b>ANC</b> 1:7,22 8:10  <b>Anderson</b> 1:14,17 2:3  3:4,13,15,19 5:4,15  6:3,6,10,15,21,24  7:11,22 8:1,5,12,16  8:19 9:14 10:1  <b>announce</b> 3:9  <b>answer</b> 4:17  <b>apologize</b> 5:21  <b>Applicant</b> 1:21,21 5:9  5:10 7:25 8:2  <b>Application</b> 1:9  <b>asked</b> 6:19  <b>assistance</b> 4:16  <b>attendance</b> 3:20  <b>attorney</b> 5:9  <b>August</b> 1:12  <b>authorized</b> 2:16  <b>available</b> 2:12  <b>Ave</b> 1:7  <b>aware</b> 8:23</p>	<p><b>cases</b> 4:1  <b>CATO</b> 1:17  <b>cause</b> 9:3  <b>Central</b> 2:21  <b>Chair</b> 8:10  <b>Chairman</b> 8:9  <b>Chairperson</b> 1:14,17  2:3,5 3:4,13,15,19 5:4  5:15 6:3,6,10,15,21  6:24 7:11,22 8:1,5,12  8:16,19 9:14 10:1  <b>chooses</b> 4:12  <b>clear</b> 3:24  <b>Code</b> 2:7,17  <b>Columbia</b> 1:1 2:7,13  3:1  <b>complaints</b> 3:3  <b>conclude</b> 4:13  <b>concluded</b> 10:5  <b>conclusion</b> 4:10  <b>conduct</b> 3:24  <b>conducted</b> 2:11  <b>confirmed</b> 5:25  <b>constitutes</b> 3:21  <b>continuing</b> 9:16  <b>Counsel</b> 1:21  <b>CT</b> 1:7</p>	<p><b>equipment</b> 4:7</p> <p><b>F</b></p> <p><b>F-I-T-C-H</b> 5:9  <b>Failure</b> 9:2  <b>feature</b> 4:18  <b>Finch</b> 7:14  <b>find</b> 5:22 7:14  <b>first</b> 4:20  <b>Fitch</b> 1:21 5:1,5,8,8,10  5:12,21,24 6:5,8,12  6:19 8:13,15 9:13,24  <b>five</b> 9:10  <b>four</b> 3:20 5:17 6:16</p> <p><b>G</b></p> <p><b>getting</b> 6:2  <b>Give</b> 4:18  <b>goes</b> 8:24 9:7  <b>going</b> 5:10  <b>good</b> 2:3 4:23 5:5 8:12  9:3  <b>gotten</b> 6:20  <b>government</b> 2:13 3:1  <b>Grandis</b> 1:18 3:16,17  3:17  <b>great</b> 9:21,22  <b>guidance</b> 2:12</p>	<p><b>K</b></p> <p><b>L</b></p> <p><b>leave</b> 4:11  <b>License</b> 1:8,10 4:22  <b>line</b> 6:22 7:6,9  <b>LLC</b> 1:6  <b>log</b> 5:20  <b>log-in</b> 2:23 5:16  <b>look</b> 5:19 6:17  <b>luck</b> 6:2</p> <p><b>M</b></p> <p><b>matter</b> 1:5 8:19,20,24  9:7,15,17,18  <b>matters</b> 8:14,17  <b>meeting</b> 1:3 2:9,11,19  2:20,21,24  <b>meetings</b> 2:8,14,15  <b>Member</b> 1:17,18,18,19  3:11,14,17  <b>members</b> 3:7,20  <b>met</b> 1:14  <b>microphone</b> 4:5  <b>microphones</b> 4:13  <b>minute</b> 4:18  <b>moment</b> 4:3  <b>morning</b> 2:3 4:20,23  5:5,11 8:12  <b>morning's</b> 4:2  <b>mute</b> 4:9  <b>muted</b> 6:9,13 7:13</p>
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<p>(202) 234-4433</p>	<p>Neal R. Gross and Co., Inc.  Washington DC</p>	<p></p>	<p>www.nealrgross.com</p>

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: El Rey

Before: DC ABCA

Date: 08-16-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



-----  
Court Reporter

**NEAL R. GROSS**

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