

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:
His & Hers, LLC,
t/a His & Hers
2214 Rhode Island Ave, NE:
License #118224 : Protest Hearing
Retailer CT - ANC 5C : (Status)
Case #21-PRO-00060
(Application for a
New License)

Wednesday
August 18, 2021

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

- PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JAMES SHORT, JR., Member
ALSO PRESENT:
SIMONE ANDREWS, DC ABRA Staff
LAUREN EASTLACK, Protestant
JEREMIAH MONTAGUE, JR., ANC 5C
S.M. PERRYMAN, Protestant
PAUL WINESTOCK, Applicant
SIDON YOHANNES, Applicant's Counsel

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

2 11:31 a.m.

3 CHAIRPERSON ANDERSON: Now, Ms.

4 Andrews, the next case that we're going to call
5 is His & Hers. It's case number 21-PRO-00060,
6 His & Hers, license number 118224. (Pause.)

7 MS. ANDREWS: Okay, stand by.

8 (Pause.) Ms. Yohannes, your rights have been
9 elevated. (Pause.) Mr. Winestock, your rights
10 have been elevated. Mr. Montague, your rights
11 have been elevated. (Pause.) That's all I have
12 on the line, Mr. Chair.

13 CHAIRPERSON ANDERSON: All right, this
14 is His & Hers, so let's start with the Licensee.
15 So, we'll start with you, Ms. Yohannes.

16 MS. YOHANNES: Sure. Good morning.
17 Sidon Yohannes as counsel to the Applicant in
18 this matter and that's S-I-D-O-N Y-O-H-A-N-N-E-S.

19 CHAIRPERSON ANDERSON: And, Mr.
20 Winestock, can you please spell and state your
21 name for the record, please?

22 MR. WINESTOCK: Yes, Paul Winestock P-
23 A-U-L W-I-N-E-S-T-O-C-K.

24 CHAIRPERSON ANDERSON: And Mr.
25 Montague, can you please spell and state your

1 name for the record, please?

2 MR. MONTAGUE: Jeremiah Montague, Jr.
3 J-E-R-E-M-I-A-H Montague M-O-N-T-A-G-U-E, Jr.

4 CHAIRPERSON ANDERSON: All right, Mr.
5 Montague, you represent a group of five or more
6 (Simultaneous speaking.) It's my understanding
7 that conditional standing was granted to you at
8 the Roll Call Hearing.

9 MR. MONTAGUE: Yes, sir.

10 CHAIRPERSON ANDERSON: So who else is
11 here with you today, sir?

12 MR. MONTAGUE: There should be a Ms.
13 Perryman and a Mr. Eastlack.

14 CHAIRPERSON ANDERSON: Ms. Andrews, is
15 there a Mr. Perryman and Ms. Eastlack on the
16 line?

17 MS. ANDREWS: I see a Perryman, I'm
18 going to go ahead and elevate the rights for that
19 individual and (Pause.) I don't have a--oh I have
20 an Elaine, but that's all.

21 MR. MONTAGUE: No, it should be Erin
22 Eastlack.

23 MS. ANDREWS: They are not on the
24 line.

25 MR. MONTAGUE: Shit, oh excuse me.

1 CHAIRPERSON ANDERSON: You are
2 forgiven, Mr. Montague.

3 MR. MONTAGUE: My apologies.

4 CHAIRPERSON ANDERSON: You are
5 forgiven. Stuff happens. (Pause.) I was asked
6 to move this case along so therefore that's one
7 of the reasons I had the courtesy to call this
8 case early, so I'll give you like two more
9 minutes. If the person is not there, I'm going
10 to dismiss you, sir.

11 MR. MONTAGUE: I understand, sir.
12 (Pause.) Ah, you should have a Lauren Eastlack,
13 who is trying to join now. I just needed Erin or
14 Lauren. (Pause.) She just sent me a message
15 saying that she's joining now.

16 CHAIRPERSON ANDERSON: Who are we
17 looking for, sir?

18 MS. ANDREWS: I do (Simultaneous
19 speaking.)

20 MR. MONTAGUE: Lauren Eastlack.

21 MS. ANDREWS: See her, Lauren
22 Eastlack. I'm going to go ahead and elevate her
23 rights.

24 MR. MONTAGUE: Thank you very much.

25 MS. ANDREWS: Ms. Eastlack, your

1 rights have been elevated.

2 CHAIRPERSON ANDERSON: All right, Ms.
3 Perryman, can you please spell and state your
4 name for the record, please?

5 MS. PERRYMAN: S.M. Perryman.
6 Perryman P as in Paul-E-R-R-Y-M-A-N.

7 CHAIRPERSON ANDERSON: Ms. Eastlack,
8 can you please spell and state your name for the
9 record, please?

10 MS. EASTLACK: Sure, Lauren Eastlack.
11 L-A-U-R-E-N and Eastlack E-A-S-T-L-A-C-K.

12 CHAIRPERSON ANDERSON: Ms. Yohannes,
13 do you have any objection to these two members
14 being a part of this group?

15 MS. YOHANNES: No, no objection.

16 CHAIRPERSON ANDERSON: All right. As
17 I said, I will then make a motion that the Board
18 grant standing to the group of five or more. Is
19 there a second?

20 MEMBER SHORT: Mr. Short, I second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. We'll now have a roll call
23 vote on the motion. Mr. Short?

24 MEMBER SHORT: Mr. Short, I agree.

25 CHAIRPERSON ANDERSON: Mr. Cato?

1 (Pause.) Mr. Cato? (Pause.) Ms. Crockett?

2 MEMBER CROCKETT: Rafi Crockett, I
3 agree.

4 CHAIRPERSON ANDERSON: Mr. Grandis?

5 (Pause.) Mr. Grandis? (Pause.) Mr. Anderson, I
6 agree. The matter passed three zero zero, so
7 therefore we need three members to be a quorum
8 and a quorum of the Board has voted to grant
9 standing, so full standing has been granted to
10 the group of five or more, Mr. Montague's group.

11 Procedurally the ANC had provided a
12 stipulated license, had agreed on a stipulated
13 license for this establishment to operate as they
14 move through the process. However, the ANC has
15 not protested this license, so therefore, the
16 Board will be voting to revoke the stipulated
17 license that was granted pursuant to 23 DCMR
18 Section 200. So, therefore, I make a motion that
19 the Board revoke the stipulated license that was
20 granted. Is there a second?

21 MEMBER SHORT: Mr. Short, I second.

22 CHAIRPERSON ANDERSON: Mr. Short has
23 seconded. The motion will now have a roll call
24 vote for the motion. Mr. Short?

25 MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Cato?

2 (Pause.) Ms. Crockett?

3 MEMBER CROCKETT: Rafi Crockett, I
4 agree.

5 CHAIRPERSON ANDERSON: Mr. Grandis?

6 (Pause.) Mr. Anderson, I agree. The matter
7 passed three zero zero and I just, again, want to
8 advise the public that three members of the Board
9 is a quorum and the Board has now voted three
10 zero zero to revoke the stipulated license.

11 What this means, Mr. Winestock, is
12 that you do not have a license to operate. I
13 know that the Board granted you a stipulated
14 license previously so therefore you could operate
15 during this protest proceeding, but the Board,
16 however, has now revoked that stipulated license.

17 So, Ms. Yohannes, please advise your
18 client that he cannot operate with a stipulated
19 license. There might be other options that he
20 has, but my job, the Board's job or the Board's
21 role is not to say I caught you, I caught you
22 doing something illegal so therefore, you're
23 operating and so therefore, we're going to say
24 you don't have a license so you shouldn't be
25 operating.

1 That's one of the reasons why I'm
2 making an effort to remind the Licensee that the
3 stipulated license that you were operating on
4 previously is no longer valid. So effective
5 immediately, he cannot operate on that license.
6 If he is going to operate, Ms. Yohannes, you need
7 to advise him what are his options moving forward
8 as of today. Is it clear?

9 MS. YOHANNES: Yes, thank you for
10 that. He's been advised.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you. All right. (Pause.) This matter
13 then is scheduled for a Protest Hearing on
14 October 6th at 1:30 p.m. So, we have a Protest
15 Hearing on October 6th at 1:30. Are there any
16 other preliminary matters that need to be
17 addressed?

18 MR. MONTAGUE: This is Mr. Montague.

19 CHAIRPERSON ANDERSON: Yes, Mr.
20 Montague.

21 MR. MONTAGUE: There is a question
22 about the application itself (Simultaneous
23 speaking.)

24 CHAIRPERSON ANDERSON: What about the
25 application, sir?

1 MR. MONTAGUE: Apparently there was an
2 original application with two parties on it and
3 then so for some reason at the mediation we heard
4 that there was apparently a modification to that
5 application, so we're not sure which application
6 is under consideration and who the true ownership
7 is of the business. (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: Yes, Mr.
9 Montague.

10 MR. MONTAGUE: Yes, sir.

11 CHAIRPERSON ANDERSON: Are you done?

12 MR. MONTAGUE: Yeah, I noted during
13 the mediation it was saying that those matters
14 between the Applicant, ABRA Legal, and Licensing.
15 I'm simply just making sure that we're under
16 consideration for the right thing.

17 CHAIRPERSON ANDERSON: But you don't
18 need to respond, Ms. Yohannes. Mr. Montague, as
19 you've stated, that is between the Licensee,
20 Licensing and Legal. We will address that issue.
21 The Agency will address that issue and so we'll
22 address that issue, sir, so your only concern
23 right now is that you have been granted full
24 standing. Moving forward, you and the Licensee,
25 if you so desire, can enter into a settlement

1 agreement. If you're unable to enter into a
2 settlement agreement, then we'll go to a Protest
3 Hearing in October.

4 I would say, we have had a fact
5 finding hearing in this case. There are parties
6 who have participated in the fact finding hearing
7 and they're just too many other issues that are
8 being factored in this case that aren't relevant
9 to us.

10 MR. MONTAGUE: I understand.

11 CHAIRPERSON ANDERSON: I'm not giving
12 you legal advice, sir, but the only thing I'm
13 saying to you, you now have full standing and you
14 are free to negotiate a settlement with the
15 Licensee. If you are unable to negotiate a
16 settlement with the Licensee, we'll have a
17 Protest Hearing on October 6th at 1:30 p.m.

18 MR. MONTAGUE: Understood.

19 CHAIRPERSON ANDERSON: Any other
20 questions by any of the parties? (Pause.) Any
21 other questions by any of the parties?

22 MS. YOHANNES: No questions.

23 CHAIRPERSON ANDERSON: And I believe
24 you've done a Protest Hearing before, Mr.
25 Montague. Is that correct?

1 MR. MONTAGUE: Several.

2 CHAIRPERSON ANDERSON: All right, sir,
3 one hour to do your case. You have five
4 witnesses at a maximum and five days before the
5 hearing you are supposed to exchange documents
6 and witnesses with both parties, but the Board
7 supports settlement agreements, have the parties
8 settle this matter. We support settlements. If
9 the parties are unable to settle this matter,
10 then we'll see you at a Protest Hearing in
11 October.

12 As stated, Mr. Winestock, since you
13 are being represented by counsel, I feel assured
14 that you will comply with the law, sir, and that
15 we won't have any issues in the sense of your
16 operating without a license, okay?

17 MR. WINESTOCK: Yes, sir.

18 CHAIRPERSON ANDERSON: All right. I
19 want to thank everyone for their participation
20 today and have a great day. Have a great summer.

21 MR. WINESTOCK: Okay.

22 CHAIRPERSON ANDERSON: See you--
23 hopefully I won't see you in October, but if I
24 see you in October, we're fine, okay? Have a
25 great day. Thank you.

1 MR. MONTAGUE: Thank you very much.

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: Okay, thank
4 you. Bye-bye.

5 (Whereupon, the above-entitled matter
6 went off the record at 11:44 a.m.)

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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: His & Hers

Before: DCABRA

Date: 08-18-21

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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