

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

2 (11:02 a.m.)

3 CHAIRPERSON ANDERSON: The next case
4 that I'm going to call is Case No. 22-PRO-0053,
5 VIP Lounge, License No. 119913.

6 Mr. Oriana, can you please elevate the
7 rights of the parties in this case that the ANC
8 had placed in the Chat that they were available.
9 So my assumption is the ANC representative in
10 this case, so please elevate their rights.

11 MR. ORIANA: Richard Bianco, your
12 access has been elevated. Daniel Freeman, your
13 access has been elevated. That is all, Chair.

14 CHAIRPERSON ANDERSON: I think Mr. --
15 I see that -- I think that -- I'm not sure who
16 this is that has put in messages in the Chat. So
17 I think that we need Eric Behna.

18 MR. ORIANA: Eric Behna?

19 CHAIRPERSON ANDERSON: Yes.

20 MR. ORIANA: Your access has been
21 elevated.

22 CHAIRPERSON ANDERSON: Thank you.
23 Let's see. I believe it's on the Chat, I believe
24 those are the parties. At least the folks who
25 have requested in the Chat that they be elevated

1 for this case, VIP Lounge. All right, thank you.

2 All right. Good morning, everyone.

3 So let's have -- Mr. Bianco, can you please spell
4 and state your name for the record please?

5 MR. BIANCO: My name is Richard
6 Bianco, R-I-C-H-A-R-D B-I-A-N-C-O and I am
7 counsel for the Applicant.

8 CHAIRPERSON ANDERSON: Mr. Bianco, is
9 the Licensee here this morning?

10 MR. BIANCO: No, sir.

11 CHAIRPERSON ANDERSON: Thank you.

12 Excuse me. So let's have on behalf of the
13 Protestants, who's representing the ANC? You're
14 on mute, sir. Can you please spell and state
15 your name for the record?

16 MR. BEHNA: My name is Commissioner
17 Eric Behna, representing ANC 1B, E-R-I-C B-E-H-
18 N-A.

19 CHAIRPERSON ANDERSON: Good morning.
20 Mr. Freeman, please spell and state your name for
21 the record and who you're representing please.

22 MR. FREEMAN: Daniel Freeman, and I'm
23 here on behalf of the Westminster Neighborhood
24 Association.

25 CHAIRPERSON ANDERSON: All right.

1 Good morning, everyone. So this matter is a
2 substantial change application that says they
3 want to change from a CR to a CT. Now is there
4 any -- And I think they also want to change their
5 hours of operations, sales, service, and
6 consumption, live entertainment, increase the
7 total occupancy load.

8 All right. Are there any preliminary
9 matters on this case on behalf of Mr. Bianco?

10 MR. BIANCO: Nothing from the
11 Applicant, sir.

12 CHAIRPERSON ANDERSON: Mr. Behna, any
13 preliminary matters on behalf of the ANC?

14 MR. BEHNA: No, sir.

15 CHAIRPERSON ANDERSON: Mr. Freeman,
16 any preliminary matters on behalf of the civic
17 association?

18 MR. FREEMAN: No, sir.

19 CHAIRPERSON ANDERSON: All right.
20 Hearing none, then this matter is scheduled for a
21 protest hearing on September 28, 2022 at 1:30
22 p.m. Are the parties aware of the process to
23 have a protest hearing?

24 MR. BIANCO: The Applicant is.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Bianco. Mr. Behna?

2 MR. BEHNA: Yes, the ANC is aware.

3 CHAIRPERSON ANDERSON: Mr. Freeman?

4 MR. FREEMAN: Yes. The Westminster
5 Neighborhood Association is aware. I will note
6 I'm standing in front of Pierson Stoecklein who
7 recently had a child. So if there's any way that
8 the protest hearing could be pushed back a little
9 bit, I know that Mr. Stoecklein would appreciate
10 it given that he has a newborn at home. But we
11 understand that of course, we must abide by the
12 schedule if it works for you all.

13 CHAIRPERSON ANDERSON: All right.
14 It's scheduled for the 28th so the parties can
15 process an application for the substantial
16 change. If the parties are able to -- If the
17 parties want to negotiate on a new date, they can
18 jointly make a motion to the -- to the Board and
19 the Board will consider any motion on this. If
20 there's a joint motion by all three parties,
21 we'll definitely grant it. But that's up to
22 negotiation from the parties.

23 Again, this matter is scheduled for a
24 protest hearing on the 28th. I know that there
25 is the civic association and the ANC, so we're

1 asking that a designated representative be
2 identified if this matter goes to protest
3 hearing. (audio interference)

4 MALE PARTICIPANT: -- if this matter
5 goes to a protest hearing, to represent both
6 entities. Just for time management factor, you
7 have one hour to do your hearing. Also because
8 there's two separate entities, motions can be
9 made today to the Board to extend the timelines,
10 but that's something that can be negotiated. But
11 if that time doesn't work for the parties, you
12 can file a motion to the Board asking for
13 assistance or an extension.

14 CHAIRPERSON ANDERSON: All right. So
15 if there are no other questions, then this matter
16 will be rescheduled. Yes, counsel. Who's
17 speaking? Go ahead, Mr. Behna.

18 MR. BEHNA: This is Eric with the ANC.
19 I just did have a question. So you can refresh
20 for everyone's memory, how far in advance, we
21 will receive the witness forms and all that from
22 ABRA in advance of that protest hearing?

23 CHAIRPERSON ANDERSON: All right.
24 Following this hearing, you'll -- Following this
25 hearing, you'll receive -- Hold on one second

1 please. Following this hearing, you'll receive
2 an email from ABRA from Ms. Imani Moreland that
3 will include a copy of the protest information
4 form, a PIP, and a copy of the exhibit form, as
5 well as specific instructions for the hearing.
6 Seven days prior to the hearing, both parties --
7 all three parties are required to submit a PIP.
8 If a PIP is not provided seven days prior to the
9 hearing, the Board might prevent you from
10 introducing documents and witnesses that have not
11 been disclosed seven days prior to the hearing.

12 So meaning that, this hearing is
13 scheduled for the 28th, so no later than close of
14 business on September 21st, which is seven days,
15 the PIP must be -- must be provided. So
16 therefore, it must be provided to Mr. Bianco.
17 Mr. Bianco also needs to provide it to the
18 parties. And the ABC Board -- the agency should
19 also be copied. ABRA legal should also be
20 provide a copy of the documents. If you have any
21 questions, please reach out to Ms. Moreland, 202-
22 442-6942 and she will provide whatever
23 information -- whatever assistance that either
24 parties requires in the filing of the PIP. Any
25 other questions?

1 MR. BEHNA: Thank you, Chair Anderson.
2 I just wanted to make the expectations clear for
3 everyone. Appreciate it.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, sir. And again, if the parties are
6 able to settle this matter prior to the hearing,
7 the Board of course prefers that the matters be
8 settled. So therefore, the parties will leave at
9 the end of the day being happy with the decision,
10 rather than if the Board makes a decision,
11 someone might be happy, another person might be
12 unhappy. But if it has to go to hearing, the
13 Board will make a determination on that. Okay?

14 All right. Thank you very much. If
15 this matter is not settled or extended, I will
16 see you on September 28 at 1:30 p.m. for this
17 hearing. Thank you very much and have a great
18 day.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:10 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: VIP Lounge

Before: DC ABRA

Date: 08-31-22

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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