

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

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IN THE MATTER OF: :
:
Prosperity DC, LLC, :
t/a Deja Vu DC Lounge :
2020 9th Street NW :
Retailer CR - ANC 1B :
License #121029 : Protest Hearing
Case #23-PRO-00064 : (Status)
:
(Transfer License to New :
Location: from 1307 H :
Street NE to 202 9th :
Street NW) :
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Wednesday
September 13, 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:

- DARRYL BETHEA, Licensee's Representative
FRANK CHAUVIN, Westminster Neighborhood
Association, Protestant
JOSE ORELLANA, DC ABCA Staff
EYOB TESFAZGHI, Licensee

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

2 10:54 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 23-PRO-00064, Deja Vu
5 DC Lounge, License No. 121029. Good morning
6 again, Mr. Orellana. Can you elevate the rights
7 of the parties in this case, please?

8 MR. ORELLANA: Eyob, your access has
9 been elevated. And Frank Chauvin, your access
10 has been elevated. That is all, Chairman.

11 CHAIRPERSON ANDERSON: Thank you.

12 MR. TESFAZGHI: Good morning.

13 CHAIRPERSON ANDERSON: Hold on one
14 minute, please. Mr. Chauvin, do you have a
15 camera you can turn on, sir? I briefly saw you.
16 Okay, fine. All right. Good morning, Mr.
17 Tesfazghi. Can you please --

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: -- spell and
20 state your name for the record, please?

21 MR. TESFAZGHI: Good morning. My name
22 is Eyob, E-Y-O-B. Last name Tesfazghi, T-E-S-F-
23 A-Z-G-H-I, Tesfazghi.

24 CHAIRPERSON ANDERSON: And what is
25 your relationship to this establishment, sir?

1 What is your relationship to this establishment,
2 sir?

3 MR. TESFAZGHI: Owner.

4 CHAIRPERSON ANDERSON: Thank you, sir.
5 Mr. Chauvin, can you please spell and state your
6 name for the record, please?

7 MR. CHAUVIN: Yes, it's Frank Chauvin,
8 F-R-A-N-K, last name, C-H-A-U-V as in Victor, I-N
9 as in Nancy.

10 CHAIRPERSON ANDERSON: And (audio
11 interference) case, sir?

12 MR. CHAUVIN: I am the representative
13 for the Westminster Neighborhood Association
14 protest.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you. Hold on. Are there any preliminary
17 matters in this case? Start out with you, Mr.
18 Tesfazghi. Any preliminary matters? Any
19 problems in moving forward in mediation or
20 anything like that, sir?

21 MR. TESFAZGHI: No, no.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, sir. Mr. Chauvin, any preliminary
24 matters?

25 MR. CHAUVIN: There is not. I just --

1 I haven't heard from Mr. Eyob. I'm sorry. I'm
2 going to call you Eyob. I have a hard time with
3 your last name. But I will get better at that.

4 I haven't heard back following our
5 initial meeting and then some back draft
6 settlement agreements. So just looking forward
7 to continuing that conversation. I don't know if
8 there's been a hold up problem. So just a little
9 concerned. But I don't think -- I think we've
10 been meeting and under good discussion, so --

11 MR. BETHEA: Yeah, good morning
12 everyone. This is Darryl. Hey, Frank, I sent
13 over --

14 CHAIRPERSON ANDERSON: I'm sorry, sir.
15 Who are you, sir?

16 MR. BETHEA: Darryl Bethea, manager,
17 partner and manager.

18 CHAIRPERSON ANDERSON: Can you spell
19 and state your name for the record, please?

20 MR. BETHEA: Darryl, D-A-R-R-Y-L,
21 Bethea, B-E-T-H-E-A.

22 CHAIRPERSON ANDERSON: And hold on a
23 minute, sir. So Mr. Eyob needs to tell me that
24 you can speak on his behalf, sir.

25 MR. BETHEA: I'm sorry. What did you

1 say, sir?

2 CHAIRPERSON ANDERSON: The owner needs
3 to tell me that you can speak on his behalf.

4 MR. TESFAZGHI: Yeah, yeah. I give
5 him permission. He's the general manager, and he
6 speaks better than -- the language, speaks better
7 than me to explain to you guys. But I give him
8 the permission.

9 CHAIRPERSON ANDERSON: What is the
10 representation you want to make now, sir?

11 MR. BETHEA: Sorry. What did you say,
12 sir?

13 ATTORNEY GENERAL GARLAND. ANDERSON:
14 What is it that you want to say, sir?

15 MR. BETHEA: Oh, I just wanted to
16 communicate with Mr. Chauvin. I did respond to
17 the draft agreement. It said that everything did
18 look -- did look good. So I was just waiting to
19 hear back from him. I'm not sure if he missed
20 the email or not.

21 MR. CHAUVIN: Yeah, I apologize.
22 Profusely sorry. I apologize. I did not see it.
23 Resend it. I will look, but please do resend it.
24 Thank you.

25 MR. BETHEA: Okay. Yeah, no. I just

1 responded to the email. I didn't have any
2 changes or any amendments to the agreement. It
3 looked good. Looked pretty standard. It's what
4 we previously discussed.

5 So we're good. I think we're on the
6 same page about our times of operations and how
7 we will operate within the scope of the business.
8 So we're good. But I will resend in response.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you. I'm glad we had this so the parties
11 can have a conversation. And it appears that
12 this matter might be settled. If this matter
13 goes to a hearing -- sir, if this matter actually
14 goes to a protest hearing and if you -- hello?
15 It appeared that Mr. Tesfazghi has disappeared.
16 Hello?

17 (Pause.)

18 MR. CHAUVIN: I'm sending the licensee
19 a message.

20 CHAIRPERSON ANDERSON: Thank you.
21 Hello?

22 MR. TESFAZGHI: Hello.

23 CHAIRPERSON ANDERSON: All right. As
24 I stated before, if this matter is not settled
25 and if this matter goes to a protest hearing,

1 sir, if you require an interpreter, please ask
2 the agency to provide an interpreter in your
3 native language, sir, if that is required. Okay?

4 MR. TESFAZGHI: Okay.

5 CHAIRPERSON ANDERSON: Do you
6 understand, sir? If this matter goes to a
7 protest hearing and if you require an interpreter
8 in your native language, please let us know and
9 we will provide that to you. Okay? All right.
10 This matter then will be -- if this matter is not
11 settled, we will have a protest hearing on
12 October 18th at 1:30 p.m.

13 And if this matter actually goes to a
14 protest hearing, I'll just want to instruct the
15 parties have seven days before the hearing. You
16 are required to provide the agency with a PIF.
17 And the PIF, you'll need to provide us with the
18 documents and witnesses you'll be relying on in
19 the hearing.

20 Failure on the part of either side to
21 provide a PIF seven days before the hearing, the
22 agency -- the Board will be empowered to prevent
23 that side from moving forward. But it appears
24 that this matter will be settled. So good luck
25 with your negotiation.

1 If this matter is not settled, then I
2 will see you on October 18th at 1:30 p.m. Okay.
3 Thank you. Have a great day.

4 MR. BETHEA: So --

5 CHAIRPERSON ANDERSON: Any questions?
6 Yes, hold on. Yes, sir. Go ahead.

7 MR. BETHEA: So what does this mean in
8 terms of -- what is required on our behalf? What
9 is required on Mr. Chauvin's behalf in order to
10 kind of settle the matter? We've been in
11 agreement --

12 CHAIRPERSON ANDERSON: All right.
13 This is it. If the parties have -- he has sent
14 you a settlement -- you stated that you'll send a
15 settlement agreement. You stated that you are in
16 agreement with it. So all that needs to be done
17 is both sides need to send a settlement
18 agreement. Sign the settlement agreement and
19 send it ABRA Legal.

20 MR. BETHEA: Okay. And then
21 following, what is the time frame in which the
22 license will be granted?

23 CHAIRPERSON ANDERSON: I'm sorry.
24 What?

25 MR. BETHEA: What is the time frame in

1 which the license will be granted once we submit
2 the settlement agreement?

3 CHAIRPERSON ANDERSON: It will be as
4 long as the proper paperwork has been provided to
5 the agency. It should be within a short period
6 of time.

7 MR. BETHEA: Okay.

8 CHAIRPERSON ANDERSON: So --

9 MR. BETHEA: I know you said short
10 period of time, but days or a timeline? Just
11 because we've been waiting for a while.

12 CHAIRPERSON ANDERSON: True. Okay.
13 This is (audio interference).

14 MR. BETHEA: Absolutely, absolutely.

15 CHAIRPERSON ANDERSON: What I'm saying
16 is that as soon as the settlement agreement is
17 submitted to the agency, if it's submitted today,
18 the Board will review it. And next week it will
19 be on our legal agenda to approve it. So if you
20 submit it this week, Board will review it.

21 And hopefully if it's legally
22 compliant we will more likely than not approve it
23 next week depending when it's submitted. And I
24 do not know if all the documents that are
25 required for the transfer if that has been

1 provided to the agency. If you have provided all
2 the documents that have been required within a
3 reasonable period of time, the agency will issue
4 the license.

5 MR. TESFAZGHI: Okay, okay.

6 CHAIRPERSON ANDERSON: So I can't say
7 how long it will take. But just make sure that
8 we receive a settlement agreement. And you also
9 need to make sure that whatever documentation is
10 required for us to issue the license that your
11 application is complete and nothing is
12 outstanding.

13 MR. BETHEA: Do this question. Thank
14 you, Mr. Anderson. So is there any way you can
15 stop by today or we can --

16 MR. CHAUVIN: Yeah.

17 MR. BETHEA: -- meet in order to
18 execute the agreement?

19 MR. CHAUVIN: It will be late, late
20 today, after 4:30.

21 MR. BETHEA: Yeah, that's not a
22 problem. We'll be there.

23 MR. CHAUVIN: Okay. So print out a
24 couple copies, great. Thank you.

25 MR. BETHEA: Sure, thanks.

1 CHAIRPERSON ANDERSON: Mr. Chauvin, I
2 think you had a question that you wanted to ask?

3 MR. CHAUVIN: No, I'm good. I'm good.
4 Thank you.

5 CHAIRPERSON ANDERSON: All right.
6 Well, good luck with your discussion. And I hope
7 not to see you on the 18th. What that means is
8 that the parties have reached an agreement.
9 Thank you very much. Have a great day.

10 MR. CHAUVIN: Thank you.

11 MR. BETHEA: Thank you.

12 (Whereupon, the above-entitled matter
13 went off the record at 11:06 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: Deja Vu Lounge

Before: DC ABCA

Date: 09-13-23

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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