

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
WSZR Proper, LLC :
t/a Proper 21 :
2033 K Street NW :
Retailer CR - ANC 2A : Show Cause
License No. 113983 : Hearing (Status)
Case #21-CIT-00253 :
 :
(Failed to Comply :
with Mayor's Orders) :
 :
Case #21-CIT-00702 :
 :
(No ABC Manager on Duty) :
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Wednesday
October 5, 2022

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
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

MR. ORELLANA, DC ABRA Staff
SIDON YOHANNES, Applicant Counsel
KEVIN LUTES, DC OAG

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

2 10:47 a.m.

3 CHAIRPERSON ANDERSON: All right, the
4 next case in our calendar is case number 21-CIT-
5 00253, Proper 21, license number 113983. And
6 case number 21-CIT-00702, Proper 21, license
7 number 113983. Mr. Orellana, can you please
8 elevate the rights of the licensee in Proper 21
9 please?

10 MR. ORELLANA: The licensee does not
11 appear to be present.

12 CHAIRPERSON ANDERSON: Is there anyone
13 from Proper 21 on the line, can you please
14 identify yourself? Ms. Yohannes is on the line,
15 can you elevate her rights please Mr. Orellana?

16 MR. ORELLANA: Sidon Yohannes, your
17 access has been elevated. That is all chairman.

18 CHAIRPERSON ANDERSON: Thank you.
19 Good morning everyone, Mr. Lutes, can you please
20 identify yourself for the record please?

21 MR. LUTES: Of course. Good morning
22 Mr. Chairperson, this is Assistant Attorney
23 General Kevin Lutes for the District. That is K-
24 E-V-I-N L-U-T-E-S.

25 CHAIRPERSON ANDERSON: Good morning

1 sir.

2 MR. LUTES: Good morning.

3 CHAIRPERSON ANDERSON: Ms. Yohannes,
4 can you please identify yourself for the record,
5 and your representation please?

6 MS. YOHANNES: Good morning. Sidon
7 Yohannes here on behalf of the licensee, and that
8 is S-I-D-O-N Y-O-H-A-N-N-E-S.

9 CHAIRPERSON ANDERSON: Thank you, good
10 morning everyone. We have two cases here for
11 Proper 21. So, the first case is case number 21-
12 CIT-00253. Are there any preliminary matters in
13 case number 21-CIT-00253?

14 MR. LUTES: Yes Mr. Chairperson, the
15 District has been in communication with the
16 licensee, and the licensee, and the District have
17 been able to come to an agreement in principle.
18 We are just awaiting execution of the signed
19 offer in compromise, but the District is prepared
20 to read the terms into the record today.

21 CHAIRPERSON ANDERSON: So, you're
22 saying -- I'm sorry, so Ms. Yohannes, are you in
23 agreement with this? Because we can dispose of
24 it so it doesn't have to be signed. You tell me.

25 MS. YOHANNES: Understood. I believe

1 it does have to be signed, so I would prefer for
2 us to just move forward to the show cause
3 hearing. If the signature is given, we will take
4 it off the show cause hearing calendar.

5 CHAIRPERSON ANDERSON: So, are you
6 saying that your client needs to sign the
7 document?

8 MS. YOHANNES: Yes, that's what I'm
9 saying.

10 CHAIRPERSON ANDERSON: All right,
11 fine. Prior to COVID, we did offer in compromise
12 on the record, but we're fine. All right, so for
13 case number 21-CIT-00253, this matter is not
14 settled, it's scheduled for a show cause hearing
15 on October 26th, 2022 at 10:30 a.m. All right,
16 so just want to remind the parties, for case
17 number 21-CIT-00253, that case goes to a hearing
18 on October 26th, 2022.

19 Both parties are reminded that seven
20 days prior to the hearing they need to exchange
21 documents, and witnesses. If documents, and
22 witnesses are not exchanged, then the board might
23 prevent each side from relying on documents, and
24 witnesses that have not been disclosed. If this
25 matter is settled, then of course our written

1 offer in compromise can be provided to the board,
2 and the board will dispose of it on our legal
3 agenda.

4 All right, so let's move on to case
5 number 21-CIT-00702. Are there any preliminary
6 matters in this case?

7 MR. LUTES: Mr. Chairperson, the
8 preliminary matters are the same as 21-CIT-00253,
9 and 21-CIT-000702, would be covered by the same
10 global offer in compromise.

11 CHAIRPERSON ANDERSON: All right, so
12 if this matter is not settled, we'll have a show
13 cause hearing that's scheduled for November 2nd,
14 2022 at 10:30 a.m. And again, if there is no
15 settlement, seven days prior to the hearing the
16 parties are required to disclose documents, and
17 witnesses seven days before the hearing.

18 If that is not done, the board is
19 empowered to prevent that side from relying on
20 documents, and witnesses that have not been
21 disclosed seven days prior to the hearing. If
22 there is a global written settlement, if that's
23 provided to the board with signatures, then the
24 board will dispose of those cases on its legal
25 agenda.

1 Thank you very much for your
2 presentation this morning Mr. Lutes, and thank
3 you very much Ms. Yohannes. Have a great day,
4 thank you.

5 MS. YOHANNES: Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:53 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: Proper 21

Before: DC ABRA

Date: 10-05-22

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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