

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
ROLL CALL HEARING

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IN THE MATTER OF:                   :  
  :  
Equity 18, LLC                       :  
t/a Twelve After Twelve           :  
1212 18th Street, NW               :  
License #117238                     : Roll Call  
Retailer CN - ANC 2B                : Hearing  
Case #21-PRO-000075                :  
  :  
(Substantial Change                 :  
[increase summer garden           :  
capacity from 37 to 101]):  
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Monday  
October 25, 2021

The Alcoholic Beverage Control Board  
met via WebEx videoconference, LaVerne Fletcher,  
Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

- EDITH HEALY, Protestant
- HENRY GENEZKO, Protestant
- SUSAN LINDAHL, Protestant
- OZDEN OCHOA, Protestant
- LILLIAN GASKIN, Protestant
- SIDON YOHANNES, Applicant's Counsel

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

2 10:14 a.m.

3 MS. FLETCHER: I am now calling the  
4 case of Twelve After Twelve, Case #21-PRO-  
5 000075, Equity 18, LLC t/a Twelve After Twelve,  
6 License #ABRA-117238, this is a Retailer Class CN  
7 for a substantial change.

8 This is for an increase in the summer  
9 garden capacity from 37 to 101. Protest issues  
10 are adverse impact on peace, order, and quiet and  
11 there is a group of protesters in this matter.

12 Who's the designated representative  
13 for this group?

14 MR. GENEZKO: I have been, my name is  
15 Henry Geneczko.

16 MS. FLETCHER: Mr. Geneczko, would you  
17 please spell your name for the record?

18 MR. GENEZKO: First name is Henry, H-  
19 E-N-R-Y, last name is spelled G-E-N-E-C-Z-K-O.

20 MS. FLETCHER: Thank you very much.  
21 And there are other individuals present from your  
22 group so if you would state your name and spell  
23 it for the record?

24 MS. GASKIN: I am Lillian Gaskin.

25 MS. LINDAHL: I'm Susan Lindahl.

1 MS. FLETCHER: Thank you.

2 MS. HEALY: Edith Healy.

3 MS. FLETCHER: You made it, Ms. Healy?

4 MS. HEALY: Per your great  
5 instructions.

6 MS. FLETCHER: Okay, thank you.

7 MS. OCHOA: Ozden Ochoa.

8 MS. FLETCHER: Thank you. Anyone  
9 else?

10 MR. GENEZKO: Excuse me.

11 MS. FLETCHER: Mr. Geneczsko, at least  
12 five individuals from your group are present  
13 today, which means that your group is granted  
14 full standing as protestants.

15 Who's present on behalf of the  
16 Applicant? Did you ask me to repeat myself?

17 MR. GENEZKO: Yes, please.

18 MS. FLETCHER: I said at least five  
19 members from your group are present today so your  
20 group is granted full standing as a protestant.

21 MR. GENEZKO: Thank you.

22 MS. FLETCHER: You're welcome.

23 MS. YOHANNES: Good morning, I am here  
24 on behalf of the Applicant, Sidon Yohannes.

25 MS. FLETCHER: Thank you. We need to

1 set a date for mediation, a status hearing, and a  
2 protest hearing. I'll give you the date for the  
3 status and protest meeting first.

4 The day for the status hearing is  
5 November 17, 2021 at 10:30 a.m. Henry, are you  
6 speaking?

7 (Simultaneous Speaking.)

8 Excuse me, everyone, just a minute.  
9 Before you say anything, state your name so that  
10 the court reporter knows who's speaking. Ms.  
11 Healy, what did you say?

12 MS. HEALY: I didn't say anything.

13 MS. FLETCHER: Ms. Gaskin, did you say  
14 something?

15 MS. GASKIN: I'm sorry, I did, I  
16 wanted to say Henry is the person that will  
17 answer for us.

18 MS. FLETCHER: Okay, thank you. So,  
19 the protest hearing is December 15, 2021 at 1:30  
20 p.m. That's for the protest hearing, December  
21 15, 1:30 p.m.

22 We need to set a date for mediation  
23 and I'll give you the next available day.

24 The next available day for mediation  
25 is Tuesday November 2nd, that's next Tuesday

1 anytime between 9:00 a.m. and 2:00 p.m., is that  
2 good for you, Mr. -- I want to get the right  
3 pronunciation of your name, Geneczsko?

4 MR. GENEZKO: Don't worry about it,  
5 Henry is fine also.

6 MS. FLETCHER: Thank you, Henry.

7 MR. GENEZKO: Do all my members  
8 agree?

9 MS. GASKIN: I do, I agree, Lillian  
10 Gaskin speaking.

11 MS. FLETCHER: I was going to say that  
12 for the purpose of mediation, only the designated  
13 representative needs to appear but you're welcome  
14 to appear if you wish.

15 So, Ms. Gaskin, are you coming as  
16 well?

17 MS. GASKIN: I'm free to come but I  
18 may not. I will talk in the future. Do I have  
19 to say I'm coming today?

20 MS. FLETCHER: No, I'll just send you  
21 an invitation just in case you come.

22 MS. GASKIN: Send me an invitation,  
23 please, and I will see if I'm able to.

24 MS. FLETCHER: Henry, what can happen  
25 also, I'm going to send you the invitation and if

1 you become aware that Ms. Gaskin or any other  
2 members of the group that are present today want  
3 to come, you're free to forward them a copy of  
4 the invitation that I sent to you.

5 I'm going to take the names of the  
6 ones that want to come and who say so today.  
7 I'll send them an invitation myself. So, Ms.  
8 Gaskin, I'm going to send you an invitation just  
9 in case.

10 Does anybody else intend to come to  
11 the mediation with Henry?

12 MS. GASKIN: I have a question, is it  
13 a virtual meeting or an in-person meeting?

14 MS. FLETCHER: It's virtual, just like  
15 today.

16 MS. GASKIN: Thank you.

17 MS. LINDAHL: Susan Lindahl, I don't  
18 know if I'm going to be able to make November  
19 2nd. When you say between 9:00 a.m. and 2:00  
20 p.m., do we as a group have to determine what's  
21 the better time for us?

22 Do we have to be involved from 9:00  
23 a.m. to 2:00 p.m.?

24 MS. FLETCHER: We have to set a time.  
25 Is anyone else going to join Henry for the

1 mediation? We can go ahead and set the time now.

2 MS. LINDAHL: Later on that day for me  
3 would be the better if I'm going to be able to  
4 attend.

5 MS. FLETCHER: Henry, what are we  
6 doing? Are we working around your schedule, Ms.  
7 Lindahl's schedule? What time are you available?

8 MR. GENEZKO: I'm available anytime.

9 MS. FLETCHER: If you're available at  
10 any time, that means you're available at 2:00  
11 p.m. Ms. Yohannes, are you available at 2:00  
12 p.m.?

13 MS. YOHANNES: Yes, I could be  
14 available at 2:00 p.m.

15 MS. FLETCHER: I have mediation  
16 scheduled for Tuesday, November 2, at 2:00 p.m.

17 MR. GENEZKO: This is Henry speaking,  
18 is there nan 3 for the meeting?

19 MS. FLETCHER: The only agenda is to  
20 discuss your protest issues with the Applicant  
21 and see whether or not there is a way to resolve  
22 your concerns to your mutual satisfaction.

23 So, the other thing on the agenda are  
24 the issues that you protested about.

25 MR. GENEZKO: And the mediation is

1 followed by the status meeting and the status  
2 meeting says whether weird successful or  
3 unsuccessful? That's what its purpose is?

4 MS. FLETCHER: Yes, so after the  
5 mediation there's a status hearing. If you enter  
6 into a settlement agreement before the status  
7 hearing, then the status hearing would be  
8 cancelled.

9 If you don't enter into a settlement  
10 agreement before the status hearing, then you  
11 would need to appear for the status hearing and  
12 inform the Board regarding the status of the  
13 case.

14 MR. GENEZKO: And I'm not aware of  
15 what happens at protests meeting.

16 MS. FLETCHER: The protest hearing is  
17 like a trial, at least in concept. Both sides  
18 get to make their case to the Board.

19 Your side, Henry, would be to  
20 demonstrate to the Board why the Applicant should  
21 not be issued the license for the substantial  
22 change.

23 And then Ms. Yohannes why it would be  
24 appropriate to issue the license for the  
25 substantial changes. So, the Board hears from



1 both sides and any witnesses that you have and  
2 then they make a decision about whether or not to  
3 issue the license.

4 MR. GENEZKO: Is that basically if  
5 the mediation is successful, we will not need a  
6 status nor a protest meeting?

7 MS. FLETCHER: If the mediation is  
8 successful and you submit your settlement  
9 agreement prior to the status hearing, then we  
10 would cancel the status hearing.

11 But if not, you could show up for the  
12 status hearing and let the Board know that either  
13 you didn't enter into a settlement agreement or  
14 you were in the process on working on one.

15 MR. GENEZKO: But if we enter into a  
16 settlement agreement, then the protest meeting  
17 would not occur, is that correct?

18 MS. FLETCHER: That's right. The  
19 mediation is an alternative to the protest  
20 hearing.

21 MS. OCHOA: Ms. Fletcher, I have a  
22 question on the side of the Applicant if I may.  
23 I would like to --

24 MS. FLETCHER: Ms. Ochoa, is that you  
25 speaking?

1 MS. OCHOA: Yes, I am, Ozden Ochoa, O-  
2 C-H-O-A. I would like to know if Ms. Yohannes  
3 will continue to represent the Applicant in the  
4 phases that you have described to us.

5 MS. YOHANNES: Yes, I will.

6 MS. OCHOA: So, you would be the face  
7 at mediation and subsequently at the other...

8 MS. YOHANNES: Yes, that's correct, my  
9 client will likely also be present at the  
10 mediation.

11 MS. OCHOA: Ms. Fletcher, if I may ask  
12 Ms. Yohannes' role. Are you a co-owner, PR  
13 person, or a lawyer? Who are you?

14 MS. YOHANNES: I am the attorney  
15 representing the licensee so the owner of the  
16 establishment will also be present with me during  
17 the mediation.

18 I will also status I'm happy for us,  
19 obviously, to attend mediation, happy to do so,  
20 I'm also happy to have a conversation with any of  
21 you all prior to the mediation.

22 I know there has been some back and  
23 forth discussions probably internally within you  
24 all. Since this has been before the ANC multiple  
25 times, I'm happy to have a conversation.

1 MR. GENEZKO: I'll get your contact  
2 information.

3 MS. YOHANNES: Can I give you a call  
4 after this mediation for the roll call hearing?

5 (Simultaneous Speaking.)

6 I'll call you, if that's okay.

7 MR. GENEZKO: Okay.

8 MS. FLETCHER: Ms. Healy, were you  
9 going to say something?

10 MS. HEALY: I was just going to say  
11 after the mediation but then Ms. Yohannes  
12 clarified.

13 MR. GENEZKO: This is Henry again.  
14 Is there any quorum required for the following  
15 three meetings, the mediation, the status, and  
16 the protest?

17 MS. FLETCHER: For your group of  
18 protesters because these five of you are present  
19 today, only you will need to appear for the  
20 status hearing if there is one.

21 You amend your requirement for five  
22 people to be present.

23 MR. GENEZKO: So, mediation does not  
24 require a quorum of five people.

25 MS. FLETCHER: No, mediation requires

1 only you but if I'm going to send an invitation  
2 to Ms. Gaskin and Ms. Lindahl in case they want  
3 to come but you're the only person required to  
4 show as the designated representative.

5 MR. GENEZKO: And a protest meeting,  
6 hopefully we don't get that far but that doesn't  
7 require a quorum either, does it?

8 MS. FLETCHER: No, just you and your  
9 witnesses if you have any.

10 MS. YOHANNES: And if I may say in a  
11 hopeful manner that just so you do know, if we do  
12 resolve this prior to the mediation, we don't  
13 have to attend the mediation either.

14 MS. FLETCHER: Thank you for saying  
15 that, if you all meet prior to November 2nd and  
16 you're able to resolve this matter in some way  
17 prior to November 2nd, you can let me know and  
18 the mediation will be cancelled as well.

19 MS. OCHOA: This is Ozden again.

20 In terms of on the optimistic side of  
21 reaching an agreement on behalf of the lady in  
22 residence and the club, what does the  
23 accountability if they reach an agreement and  
24 they do not honor the agreement?

25 What gives?

1 MS. FLETCHER: You said if they reach  
2 an agreement and don't honor it?

3 MS. OCHOA: Yes.

4 MS. FLETCHER: If that happens we have  
5 an Enforcement Division and you would contact our  
6 Enforcement Division and inform them.

7 MS. OCHOA: So, at the status hearing  
8 when the trips around the table from both sides,  
9 the accountability clock starts ticking to honor  
10 the agreement?

11 MS. FLETCHER: The accountability  
12 clock starts ticking once the Board approves  
13 them.

14 MS. OCHOA: And when does that happen?

15 MS. FLETCHER: That depends on when  
16 you submit your settlement agreement. The Board  
17 meets on Wednesday and Thursdays. It depends on  
18 when you submit your settlement agreement and  
19 when they approve it.

20 MS. OCHOA: But presumably sometime in  
21 November?

22 MS. FLETCHER: Well, if you submit it  
23 in November they'll approve it in November.

24 Let's say you submit it on November  
25 2nd, the Board meets on Wednesdays and Thursdays,

1 there's a possibly they could approve it on  
2 Wednesday or Thursday of that week or the  
3 following week.

4 It happens pretty fast after you  
5 submit it.

6 MS. OCHOA: After the Board approval,  
7 then the accountability kicks in?

8 MS. FLETCHER: Yes.

9 MS. OCHOA: Thank you, that's very  
10 good to know because at times, I'm sure Yohannes  
11 will agree, this is a job, you've done your job  
12 well, you've reached a mediation and who cares?

13 The client has 15 minutes, right,  
14 until you're called in again. Whereas the rest  
15 of us are stuck in the building and it's not a  
16 15-minute deal for us.

17 MS. YOHANNES: I completely understand  
18 your concern but I'm happy to run that through  
19 with you and I'm sure some of your Commissioners  
20 can do so as well. We can talk about that  
21 settlement agreement as well.

22 MS. OCHOA: Sounds great, thank you  
23 very much.

24 MS. HEALY: Ms. Fletcher, I don't know  
25 if this is the place to ask but we complained,

1 protested about two things, the extended time and  
2 the enlarged number of people.

3 As I read it, it's only the increased  
4 number of people. Can you explain what happened  
5 to the request for our protest on the request for  
6 later hours?

7 MS. FLETCHER: I cannot explain that  
8 but I will look into it for you. Ms. Yohannes,  
9 can you say anything about that?

10 MS. YOHANNES: The substantial change  
11 is only on the occupancy. We've already been  
12 approved for everything else that we've applied  
13 for, contingent, of course, on the terms and  
14 conditions of the settlement agreement with the  
15 Agency.

16 So, the substantial change is just  
17 based on the application to increase from 37 to  
18 101.

19 MS. HEALY: So, it's been approved  
20 already, the hours now can be 4:00 a.m. for  
21 closing?

22 MS. YOHANNES: That's correct.

23 MS. HEALY: So, that means that all of  
24 your other clients, because I know you have a  
25 number of clients in the past you've had with the

1 clubs, so all of them are going to be applying  
2 for the extend hours?

3 So, that's now the process?

4 MS. YOHANNES: No, in short, to answer  
5 your question. It's just for this specific  
6 applicant and I don't want to take up all of the  
7 Ms. Fletcher's time.

8 But what you have applied for, just so  
9 you all know in terms of the 37 to 101, that is  
10 what the previous establishment that was in that  
11 location had.

12 (Simultaneous Speaking.)

13 In terms of the substantial changes,  
14 that's before the Board right now, the 37 to 101.  
15 That change was already before the Board with the  
16 previous Applicant.

17 Because it was a transfer application,  
18 sort of procedural changes.

19 We're trying to make sure the  
20 paperwork is correct. In terms of how we're  
21 operating, really, that's how it was previously  
22 with 18th Street Lounge just so you know.

23 MS. HEALY: 18th Street Lounge had the  
24 4:00 a.m. closing?

25 MS. YOHANNES: I'm talking about the



1 substantial changes.

2 MS. HEALY: My question had to do with  
3 the hours. It was part of our process.

4 MS. YOHANNES: You're concerned about  
5 hours in terms of how other Applicants will be  
6 applying? I can't speak on how other Applicants  
7 will be applying.

8 You know I represent other  
9 establishments but that doesn't influence other  
10 establishments. I'm here for this establishment  
11 and keep in mind, it's operating hours in terms  
12 of sales, service, and consumption.

13 That's until 3:00 a.m. on Fridays and  
14 Saturdays, 2:00 a.m. during the week.

15 MR. GENEZKO: But it closes at 4:00  
16 a.m. but the bar closes at 4:00 a.m.

17 MS. YOHANNES: sales, service, and  
18 consumption closes at 3:00 a.m.

19 MR. GENEZKO: And in terms of the  
20 mediation meeting, somehow we come to an  
21 agreement. Is that stated in a document or is  
22 that verbal? What happens there?

23 MS. FLETCHER: The agreement is  
24 reduced to writing in a settlement agreement  
25 which has been signed by all parties and

1 submitted to the Board for review.

2 Someone would have to draft the  
3 settlement agreement. That could be Ms. Yohannes  
4 or it could be you, Henry.

5 MR. GENEZKO: I'm a lawyer, I'm not  
6 an engineer so I don't think the lawyer should  
7 draft those kinds of things.

8 MS. YOHANNES: I'm happy to draft what  
9 is necessary.

10 At this point, I really just want us  
11 to make sure we are discussing the right issues  
12 so that if we need to move forward to mediation,  
13 we go in with specific issues that we need to  
14 tackle.

15 I think it's best for us to have  
16 additional conversations, make sure that we all  
17 understand what is before the Board.

18 MS. FLETCHER: And is that because  
19 there's a possibility that the provisions in the  
20 ANC settlement agreement would also address the  
21 concerns of the community?

22 Henry, have you seen the settlement  
23 agreement with the ANC?

24 MR. GENEZKO: No, I haven't.

25 MS. FLETCHER: Has the Board approved

1 that yet, Ms. Yohannes?

2 MS. YOHANNES: Yes, I'm hoping I could  
3 send you a copy immediately, I'm hoping for you  
4 all to be able to review that or for us to review  
5 it together. And hopefully, I do believe that --

6 (Telephonic interference.)

7 MS. FLETCHER: I'm hearing bird in the  
8 background. Can somebody mute?

9 MS. YOHANNES: I will say that I do  
10 think that it does address those concerns.

11 We specifically use that time with the  
12 ANC in the last few meetings that we had back  
13 earlier this year to ensure concerns regarding  
14 hours, concerning some regarded.

15 I'm sorry, Ms. Fletcher, I know we're  
16 taking up your time. We're also happy to take  
17 you all through a tour immediately to come and  
18 look at the establishment.

19 So, I do think, to answer your  
20 question, Ms. Fletcher, yes, the ANC agreement  
21 that we have in place does address those concerns  
22 so speaking on the optimistic side, of course, I  
23 am hoping that we can resolve this without an  
24 additional settlement agreement.

25 And that you all will be satisfied

1 with what we do have in place.

2 MR. GENECKO: Is the only issue at  
3 this point that's negotiable the number of people  
4 or the hours are not negotiable? Am I correct?

5 MS. YOHANNES: Yes, because what we've  
6 applied for is from 37 to 101, however, I'll let  
7 Ms. Fletcher physically that address further.

8 Obviously a settlement agreement can  
9 say what it says but in terms of what we've  
10 applied for specifically, what the Board would  
11 consider, maybe you want to address Ms. Fletcher  
12 with what the Board would consider if we went to  
13 a protest hearing.

14 MS. FLETCHER: Would the Board  
15 consider what?

16 MS. YOHANNES: What the Board would  
17 consider if we went to a protest hearing, our  
18 position is that the Board would only be  
19 discussing -- the issue in front of them would be  
20 what the occupancy is because that's what the  
21 substantial change requested.

22 MS. FLETCHER: That's right, the Board  
23 would be addressing the protest issues but Ms.  
24 Yohannes, did you say the hours have already been  
25 established in the settlement agreement with the

1 ANC?

2 MS. YOHANNES: Yes, we already have a  
3 license that's issued.

4 MS. FLETCHER: And can you clarify one  
5 other thing for me? The settlement agreement  
6 that you have with ANC is related to this case  
7 that we're in today or prior to today?

8 Is it related to this substantial  
9 change?

10 MS. YOHANNES: It's not specifically  
11 related.

12 MS. FLETCHER: Thank you.

13 MR. GENEZKO: That is negotiable,  
14 we're talking hours are negotiable from what you  
15 just said, if I understood you correctly.

16 MS. FLETCHER: And so for the purpose  
17 of mediation, we say anything is negotiable,  
18 we'll just see what happens.

19 The Board makes its own decisions and  
20 so I would have to -- for example, there's a  
21 settlement agreement with the ANC.

22 I don't know what it says but for the  
23 purpose of mediation, anything is negotiable in  
24 mediation and the Board will take a look at the  
25 ANC settlement agreement.

1                   It's the Board's decision what to  
2 approve and what not to approve.

3                   MR. GENECKO: But the other ANC  
4 agreement is with the previous establishment, not  
5 Twelve After Twelve, am I correct?

6                   MS. YOHANNES: No, it's with Twelve  
7 After Twelve.

8                   So, if we, for instance, were to  
9 withdraw our application, which we're not, if we  
10 withdrew our application, those hours until 4:00  
11 a.m. were already approved, that would not  
12 change.

13                   MS. FLETCHER: So, whatever the hours  
14 the Board has approved are the hours. The  
15 Applicant could always re-negotiate his hours if  
16 he wanted to.

17                   But the hours that have been approved  
18 by the Board already are the hours.

19                   MS. GASKIN: Can I say something?

20                   MS. FLETCHER: Yes.

21                   MS. GASKIN: I wanted to say I think  
22 the confusion here is that people are asking you  
23 if during mediation we can discuss hours.

24                   We understand hours are not on the  
25 table right now but at mediation you just said we

1 can discuss other items. Can we discuss hours  
2 then?

3 MS. FLETCHER: You can discuss hours.

4 MS. GASKIN: Thank you.

5 MS. OCHOA: This is Ozden Ochoa, in  
6 regards to this particular case, may I ask you if  
7 Palladium is the only protest in the docket?

8 And if you could answer that, then my  
9 follow-up question would be does the Board go  
10 into protest hearings of a single establishment  
11 on a one by one basis?

12 Okay, we are Palladium, there are  
13 additional new residences and condos that popped  
14 up two years ago. Do you bundle us together?

15 MS. FLETCHER: No, there's only one  
16 pool tested in this case and that is the group of  
17 18 that you're a part of. There's only one  
18 protestant, there's no bundling, this will be the  
19 only protestant.

20 This is the only protestant.

21 MS. OCHOA: So, the other residences  
22 in the community have no come forth on this?

23 MS. FLETCHER: This is the only  
24 protest we've received.

25 MS. OCHOA: Thank you so very much.

1 MS. FLETCHER: You are very welcome.  
2 Give me one moment here, I'm just restating the  
3 mediation for next Tuesday, November 2nd, at 2:00  
4 p.m. I'd like to thank everybody for coming.

5 I'll see you then. If you have any  
6 questions in the meantime, Henry or anyone else,  
7 just send me an email.

8 MS. YOHANNES: Thank you, Ms.  
9 Fletcher, we appreciate your patience through  
10 this hearing.

11 MS. FLETCHER: You're welcome, Ms.  
12 Yohannes.

13 MS. HEALY: Thanks, Ms. Fletcher.

14 MS. FLETCHER: You're welcome, Ms.  
15 Healy, glad you made it again. Bye, Henry.

16 MS. HEALY: We know each other from  
17 before.

18 MS. FLETCHER: That's right.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:45 a.m.)

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22

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**A**

**a.m** 2:2 4:5 5:1 6:19,23  
15:20 16:24 17:13,14  
17:16,16,18 22:11  
24:20  
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23:13  
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**adverse** 2:10  
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C E R T I F I C A T E

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Before: DCABRA

Date: 10-25-21

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