

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 Georgetown Suites, :
 LLC/Wabbit, LLC :
 t/a Georgetown Inn :
 West End/Casta's Rum Bar :
 1121 New Hampshire Ave NW: Show Cause
 Retailer CR - ANC 2A :
 License No. 109462 :
 Case # 22-251-00008 :
 :
 (Violated Title 25 of :
 the D.C. Official Code, :
 Allowed Establishment :
 to be Used for :
 Unlawful Purpose) :
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Wednesday
 November 2, 2022

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 EDWARD S. GRANDIS, Member

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff
 SIDON YOHANNES, Counsel for Wabbit
 ANTHONY SCHULWOLF, Counsel for Georgetown Suites
 ANTHONY CELO, Assistant Attorney General
 INVESTIGATOR MIKEA NELSON

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

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: The second case
4 I'm going to call -- and again, I'll call the
5 cases out of order -- so the second case I'm
6 going to call is Case Number 19 -- I'm sorry --
7 Case Number 22-251-00008, which is Georgetown
8 West End/Casta's Rum Bar, License Number 109462.

9 Mr. Orellana, can you please elevate
10 the rights of the parties in Georgetown West
11 End/Casta's Rum Bar, please?

12 MR. ORELLANA: Ms. Yohannes, your
13 access has been elevated. Andrea Schulwolf, your
14 access has been elevated. Anthony Celo, your
15 access has been elevated. Mikea Nelson, your
16 access has been elevated. That is all, Chairman.

17 CHAIRPERSON ANDERSON: Good afternoon.
18 Let's start with the Government. Mr. Celo, can
19 you please introduce yourself for the record,
20 please?

21 MR. CELO: Good afternoon. This is
22 Anthony Celo, A-N-T-H-O-N-Y, C-E-L-O, Assistant
23 Attorney General on behalf of the District.

24 CHAIRPERSON ANDERSON: Good afternoon,
25 sir. Ms. Yohannes, can you please spell and

1 state your -- identify yourself for the record,
2 please?

3 MS. YOHANNES: Good afternoon. Sidon
4 Yohannes here on behalf of Wabbit, LLC. It's S-
5 I-D-O-N, Y-O-H-A-N-N-E-S.

6 CHAIRPERSON ANDERSON: Mr. Schulwolf,
7 could you please spell and state your -- identify
8 yourself for the record, please, by spelling and
9 stating your name? Mr. Schulwolf?

10 MR. SCHULWOLF: (Muted) last name
11 spelled S-C-H- -- yes, can you hear me? Hello.

12 CHAIRPERSON ANDERSON: Yes. I can
13 hear you now, sir. So start at the beginning,
14 please, sir.

15 MR. SCHULWOLF: I may move to a
16 different location in my office, but it's Andrew
17 Schulwolf. Last name S-C-H-U-L-W-O-L-F as in
18 Frank.

19 CHAIRPERSON ANDERSON: All right.
20 That's fine. Or you keep your video. I think we
21 can hear you well, sir, with your video -- while
22 your video was off.

23 And as this matter goes to hearing, I
24 see that -- Mr. Celso, as this matter goes to
25 hearing, do you have a witness you will call? I

1 see she's on the line.

2 MR. CELO: Yes. Investigator Nelson
3 is on the line.

4 CHAIRPERSON ANDERSON: Investigator
5 Nelson, can you please identify your=self for the
6 record, please?

7 MS. NELSON: (Muted) Mikea Nelson.
8 That is M-I-K-E-A, last name N-E-L-S-O-N.

9 CHAIRPERSON ANDERSON: Good afternoon,
10 Ms. Nelson. All right. Mr. Celso, good
11 afternoon, sir. It's -- this matter was
12 scheduled for a show cause hearing. It's my
13 understanding there might have -- there is some
14 preliminary matters that we need to address. So
15 are there any preliminary matters that need to be
16 addressed in this case, sir?

17 MR. CELO: Yes, Mr. Chair. It is my
18 understanding that we have reached an agreed
19 offer in compromise for Board approval that can
20 be read onto the record.

21 CHAIRPERSON ANDERSON: And what is the
22 offer in compromise, sir?

23 MR. CELO: I will read it in its
24 entirety. In the case -- well, I don't need to
25 read the caption but the offer in compromise for

1 Board approval, the District of Columbia, jointly
2 with the licensee, submits this offer in
3 compromise to the Alcoholic Beverage Control
4 Board, as authorized by 23 DCMR 1604.5 for
5 approval before the Board.

6 The parties understand that if the
7 Board approves the OIC, this case will conclude,
8 Respondent will be obligated to abide by the
9 terms of the OIC shown below. If the Board does
10 not approve the OIC, litigation of the show cause
11 hearing will continue. Respondent has been
12 advised that there is no obligation to accept an
13 OIC. Respondent has been advised through service
14 of the notice of show cause hearing that any show
15 cause hearing or other proceedings, Respondent
16 may be represented by legal counsel, have
17 subpoenas issued to require the production of
18 witnesses and evidence, produce witnesses and
19 evidence, cross-examine the witnesses, and apply
20 to the Board for a qualified interpreter.

21 The terms of the OIC are as follows.
22 Charge one, security employee physically
23 assaulted several patrons in violation of the
24 laws of the District of Columbia, a violation of
25 DC Code 25-823(A)(1). For that, there will be a

1 fine of \$2,000.00 payable within 120 days, or its
2 license shall be suspended indefinitely until the
3 fine is paid.

4 Additionally, as a second term,
5 Respondent shall submit a security plan to ABRA
6 and the Office of the Attorney General by 5:00
7 p.m. on November 30, 2022. The security plan
8 shall comply with all applicable requirements
9 under DC Code Title 25 and corresponding
10 regulations including 22 DCMR 402. The security
11 plan shall be reviewed and approved by ABRA. The
12 revised security plan shall include requirements
13 for routine training of security staff.

14 Charge two, the licensee allowed the
15 establishment to be used for an unlawful purpose
16 under DC Code 25-823(A)(2). The fine for that is
17 a \$1,000.00 payable within 120 days, or the
18 license shall be suspended indefinitely until the
19 fine is paid. That is all, Mr. Chair.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you. Ms. Yohannes, it's my understanding
22 that the -- that an OIC was provided, and it was
23 read in the record. And I know that your client
24 owns 50 percent of the record -- I'm sorry -- the
25 -- this -- I'm sorry -- a license that's jointly

1 owned by two parties. Is your client in
2 agreement with the offer in compromise?

3 MS. YOHANNES: Yes, my client is.

4 CHAIRPERSON ANDERSON: Is your client
5 aware that by accepting an offer in compromise,
6 that they're giving up their right to a hearing?

7 MS. YOHANNES: Yes.

8 CHAIRPERSON ANDERSON: And is your
9 client also aware that by accepting an offer in
10 compromise, that they give up the right to appeal
11 this matter?

12 MS. YOHANNES: Yes. Mr. Schulwolf,
13 it's my understanding that there is an offer in
14 compromise, and your client is the also joint
15 owner of this license. Is the offer in
16 compromise that was read in the record, is that
17 your understanding, sir, of the offer in
18 compromise?

19 MR. SCHULWOLF: Yes.

20 CHAIRPERSON ANDERSON: Is your client
21 aware that by accepting an offer in compromise,
22 that they're giving up their right to a hearing?

23 MR. SCHULWOLF: Yes.

24 CHAIRPERSON ANDERSON: And is your
25 client also aware that by accepting an offer in

1 compromise, that they're giving up their right to
2 appeal this matter?

3 MR. SCHULWOLF: They are. If I can --
4 may add one thing just for the record?

5 CHAIRPERSON ANDERSON: Yes.

6 MR. SCHULWOLF: I want to make it
7 clear this is consistent with the parties'
8 agreement that with regard to charge one on the -
9 - the security employee was the security employee
10 of Casta's, not of Georgetown Suites. And as to
11 charge two, it was Casta's that allowed the
12 establishment to be used for unlawful purpose,
13 not Georgetown Suites.

14 CHAIRPERSON ANDERSON: So--
15 (Simultaneously speaking) --

16 MR. SCHULWOLF: It's not we're
17 questioning the -- in the offer in compromise,
18 but I wanted to make the record clear on that.
19 There is no excuse far as the other co-licensee.

20 CHAIRPERSON ANDERSON: Thank you for
21 making that offering on the record, sir, but
22 remember as I advised all the parties throughout
23 this litigation, that as far as the ABC Board is
24 concerned, we do not see joint parties and in the
25 sense that we're going to attribute blame to one

1 side or the other. As far as the Board is -- the
2 Board or the agency is concerned, it's one
3 license. And -- but I see that you placed that
4 in the record. The record will reflect your
5 statement, but as far as -- I'm just going to
6 clarify as far as the agency or Board is
7 concerned, we see one licensee, and that's who we
8 see. And so whatever terms and conditions that
9 the Board will agree, it's -- we're agreeing or
10 we're going to impose on the licensee for this
11 establishment. Okay. All right. Any questions
12 by any Board members? Hearing no questions, I
13 then make a motion that the offer in compromise
14 that's presented, the terms, the charge one,
15 security -- charge one, a security employee
16 physically assaulted several patrons in violation
17 of the laws of the District of Columbia,
18 statutory authority DC Code Section 25-823(A)(1),
19 there is a fine of \$2,000.00 payable within 120
20 days, or the license will be suspended
21 indefinitely until the fine has been paid.

22 Other terms, Respondent shall submit
23 a security plan to ABRA and the Office of the
24 Attorney General by 5:00 p.m. on November 30,
25 2022. The security plan shall comply with all

1 applicable requirements under DC Code Section 25
2 and corresponding regulations including 25 DCMR
3 Section 402. The security plan shall be reviewed
4 and approved by ABRA. The revised security plan
5 shall include requirements for routine training
6 of security staff.

7 Charge two, allowed the establishment
8 to be used for unlawful purpose, statutory
9 authority DC Code Section 25-823(A)(2), there is
10 a fine of \$1,000.00 payable within 120 days, or
11 the license shall be suspended indefinitely until
12 the fine has been paid. That is the term of the
13 offer in compromise. Is there a second?

14 MEMBER. CATO: (Muted.)

15 CHAIRPERSON ANDERSON: Mr. Cato has
16 seconded the motion. We'll now have a roll call
17 vote. Mr. Cato?

18 MEMBER CATO: Bobby Cato. I agree.

19 CHAIRPERSON ANDERSON: Mr. Grandis?

20 MEMBER GRANDIS: Edward Grandis. I
21 agree.

22 CHAIRPERSON ANDERSON: Mr. Anderson.
23 I agree. The matter passes 3-0-0. I want to
24 especially thank the parties for agreeing to an
25 offer in compromise. I know that this has been a

1 contentious issue, but the Board appreciates that
2 the parties were able to come to an agreement to
3 solve this problem, to solve this litigation. So
4 thank you very much for the offer in compromise,
5 and this matter is now dismissed. Thank you very
6 much. Have a great afternoon.

7 MS. YOHANNES: Thank you all.

8 MR. CELO: Have a good afternoon.

9 (Whereupon, at 1:44 p.m., the above-
10 entitled matter was concluded.)
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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: Casta's Rum Bar

Before: DC ABRA

Date: 11-02-22

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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