



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

10:32 a.m.

1  
2  
3 CHAIRPERSON ANDERSON: Good morning  
4 everyone. As Chairperson of the Alcoholic  
5 Beverage Control Board for the District of  
6 Columbia and in accordance with D.C. Code Section  
7 2571 of the Open Meetings Act, I'm welcoming you  
8 to the regularly scheduled meeting of the  
9 Alcoholic Beverage Control Board.

10 This meeting is being conducted  
11 pursuant to guidance made available by the  
12 District of Columbia's Office of Open Government  
13 regarding electronic meetings held by public  
14 bodies.

15 Electronic meetings by the ABC Board  
16 are authorized pursuant to Section 2577(a) of the  
17 D.C. Code. Pursuant to the requirements, notice  
18 of today's meeting was provided 48 hours in  
19 advance of the meeting on ABRA's website and on  
20 the District's central meeting calendar.

21 The notice includes the time, date,  
22 agenda, and call-in or log-in information for  
23 public participation. This electronic meeting is  
24 being hosted by a WebEx account provided by the  
25 District of Columbia government. Please address

1 any questions or complaints to the OOG at  
2 Opengovoffice@dc.gov.

3 My name is Donovan Anderson and I'm  
4 Chairman of the Board. I would like to introduce  
5 the other members of the ABC Board who are also  
6 participating electronically. Please respond  
7 when I announce your name.

8 Mr. James Short. Mr. Short. Mr.  
9 Short. Mr. Short.

10 MEMBER SHORT: (No audible response.)

11 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

12 I did not hear you, Mr. Cato. I'm not hearing  
13 you and my speaker is on. I can't hear you.

14 MEMBER CATO: (No audible response.)

15 CHAIRPERSON ANDERSON: Ms. Jeni  
16 Hansen. Maybe there's an issue because I'm not  
17 hearing.

18 MEMBER HANSEN: (No audible response.)

19 MEMBER SHORT: Mr. Chairman, can you  
20 hear Mr. Short now?

21 CHAIRPERSON ANDERSON: Yes, Mr. Short.

22 I heard you. I hear you, Mr. Short.

23 Mr. Cato.

24 MEMBER CATO: (No audible response.)

25 CHAIRPERSON ANDERSON: I did not hear

1 you, Mr. Cato.

2 Ms. Hansen:

3 MEMBER HANSEN: Jeni Hansen, present.

4 CHAIRPERSON ANDERSON: Yes, I can hear  
5 you.

6 Mr. Cato, I think -- Mr. Cato? I  
7 can't hear you, Mr. Cato. I thought it was my --

8 Mr. Short, you're on two different  
9 equipment. You're on two different equipment,  
10 Mr. Short. I'm seeing you -- you're logged on  
11 two equipment.

12 MEMBER SHORT: Is that better, Mr.  
13 Chair?

14 CHAIRPERSON ANDERSON: Yes, I can hear  
15 you, Mr. Short.

16 Mr. Cato? I still can't hear you, Mr.  
17 Cato. No.

18 MEMBER CATO: (No audible response.)

19 CHAIRPERSON ANDERSON: I'm sorry. Mr.  
20 Cato, are you there?

21 MEMBER CATO: (No audible response.)

22 CHAIRPERSON ANDERSON: All right. I  
23 cannot hear you, Mr. Cato so we'll try to figure  
24 out how to do fix your audio. Mr. Cato is  
25 online.

1  
2           CHAIRPERSON ANDERSON: All right. The Board  
3 has four members in attendance for the conduct of  
4 business today and that constitutes a quorum. I  
5 just want to advise the public as long as there  
6 are three members online, we have a quorum and we  
7 have four members online today so we do have a  
8 quorum for the conduct of business.

9           Before we get underway with today's  
10 hearing calendar, I need to make a few  
11 instructions very clear so that the conduct of  
12 these hearings is understood by everyone.

13           There are five cases scheduled for  
14 today. Once your case is called, I will take a  
15 moment for our IT specialist to elevate the  
16 rights for each party to enable their camera and  
17 microphone.

18           Then, and only then, will you have the  
19 ability to enable your equipment. If your case  
20 has not been heard, you will remain mute and your  
21 camera will be disabled. At the conclusion of  
22 each case, the parties will have the option to  
23 leave.

24           If the parties wish to stay, all  
25 cameras and microphones for the concluded case

1 will be disabled. Should you have any questions  
2 or require technical assistance during the  
3 hearing, please submit them using the question  
4 and answer feature.

5 Our first case for this morning's  
6 protest status is Case No. 22-PRO-00094, Union  
7 Oyster Bar & Lounge, License No. 110747.

8 Mr. Orellana, can you please elevate  
9 the rights of the license and the protestant in  
10 this case, please.

11 MR. ORELLANA: Good morning. Connor  
12 Smith, your access has been elevated. Jessica  
13 Mejia, your access has been elevated. Lana, your  
14 access has been elevated. Sima, your access has  
15 been elevated. I'm unsure about Jody Greene.  
16 Your access has been elevated. That is all,  
17 Chairman.

18 MR. GREENE: I'm here.

19 CHAIRPERSON ANDERSON: Hold on,  
20 please.

21 Who is the licensee in this case? Do  
22 we have the licensee for Union Oyster Bar and  
23 Lounge? Do we have a Mr. and Ms. Roe?

24 Mr. Orellana, can you find out if  
25 there is a licensee for Union Oyster Bar and

1 Lounge trying to get online, please?

2 MR. ORELLANA: Will do.

3 CHAIRPERSON ANDERSON: If you are the  
4 owner or the representative of Union Oyster Bar  
5 and Lounge, can you please identify yourself in  
6 the chat, please.

7 Mr. Ed Grandis, Board Member Grandis,  
8 has now joined us so the Board has five members  
9 in attendance for the conduct of business today.

10 MR. ORELLANA: Connor Smith has  
11 confirmed that he is here for the Union Oyster  
12 hearing. I'm unsure about Jody Greene, Lana, and  
13 Sima.

14 MS. MEJIA: Hi. This is Jessica  
15 Mejia. The protestants for Oyster are on so  
16 Connor Smith, Lana, and Sima, and myself are part  
17 of the group of protestors. I did not recognize  
18 Jody Greene as part of our group. I do not see  
19 the owner of Oyster online.

20 CHAIRPERSON ANDERSON: Who is Jody  
21 Greene? Jody Greene, who are you?

22 MR. GREENE: I'm here. Can you hear  
23 me?

24 CHAIRPERSON ANDERSON: Who are you,  
25 Mr. Greene?

1 MR. GREENE: I'm here.

2 CHAIRPERSON ANDERSON: Mr. Greene, who  
3 are you, sir?

4 MR. GREENE: I'm with 2325 18th  
5 Street, LLC. 2325 18th Street, LLC.

6 CHAIRPERSON ANDERSON: What's 2325  
7 18th Street, LLC, sir? What's that?

8 MR. GREENE: It's a restaurant.

9 CHAIRPERSON ANDERSON: What restaurant  
10 is it, sir?

11 MR. GREENE: Well, it was Columbia  
12 Station.

13 CHAIRPERSON ANDERSON: I'm sorry, sir.  
14 I think you're on the wrong case. There's no --

15 MR. GREENE: That's what I have, 2325  
16 18th Street.

17 CHAIRPERSON ANDERSON: Hold on, sir.  
18 You're here for --

19 MR. GREENE: The license is in --

20 CHAIRPERSON ANDERSON: You're here for  
21 a different case, okay? You're here for --  
22 you're here for Minnesota Liquor.

23 MR. GREENE: No. No, I'm not. I'm  
24 here for 2325. In other words --

25 CHAIRPERSON ANDERSON: Okay. Let's --



1 hold on. All right, sir. You're here for a fact  
2 finding hearing on -- your hearing is -- I have  
3 not called your case.

4 I have not called your case, sir.  
5 You're not here for this case, Mr. Greene. Just  
6 stay -- I have -- your case is going to be -- I'm  
7 going to call at least one more case and then  
8 I'll call your case, sir. Okay?

9 MR. GREENE: Okay. Can you hear me?

10 CHAIRPERSON ANDERSON: I can hear you,  
11 sir. You're not here for this case but I will  
12 call your case. You're the third case I'm going  
13 to call. Okay, sir?

14 MR. GREENE: Sounds good.

15 CHAIRPERSON ANDERSON: Okay. So  
16 you're not here for this case. All right.

17 The owner for Union -- the owner for  
18 Union Bar Oyster -- Union Oyster Bar and Lounge,  
19 I think -- I have a Mr. or Ms. Roe and they are  
20 not here.

21 Mr. Orellana, have you reached out to  
22 see is there anyone else there waiting to try to  
23 get into this hearing, sir?

24 MR. ORELLANA: I can verify there is  
25 no one waiting to be elevated.

1 CHAIRPERSON ANDERSON: Thank you, sir.  
2 All right. Good morning. Let me  
3 introduce the protestant, Ms. --

4 MS. MEJIA: Mejia. That's okay,  
5 Mejia. Jessica Mejia.

6 CHAIRPERSON ANDERSON: Ms. Mejia, can  
7 you please spell and state your name for the  
8 record.

9 MS. MEJIA: Yes. It's J-E-S-S-I-C-A,  
10 last name Mejia, M-E-J-I-A.

11 CHAIRPERSON ANDERSON: And who else is  
12 here with you this morning, ma'am?

13 MS. MEJIA: Connor, Lana, and Sima are  
14 on. And we have a fifth one but she participated  
15 in the mediation and the first hearing so that's  
16 why she's not on for this one but we have a total  
17 of five.

18 CHAIRPERSON ANDERSON: All right. So  
19 who else is here? I would like the other parties  
20 to introduce themselves for the record.

21 MS. MEJIA: Got it. If you want to  
22 go, Lana.

23 MS. MALACHEVSKY: Lana, L-A-N-A. Last  
24 name is Malachevsky spelled M-A-L-A-C-H-E-V-S-K-  
25 Y.

1 CHAIRPERSON ANDERSON: And who are  
2 you, ma'am?

3 MS. MALACHEVSKY: I'm also one of the  
4 protestants.

5 CHAIRPERSON ANDERSON: Who else is  
6 here?

7 MS. MEJIA: Sima, do you want to go  
8 next? Or Connor? Oh, sorry.

9 CHAIRPERSON ANDERSON: Who else do we  
10 have?

11 MR. SMITH: I can go next. It's  
12 Connor Smith spelled C-O-N-N-O-R S-M-I-T-H. I'm  
13 also one of the protestants.

14 CHAIRPERSON ANDERSON: Who else do we  
15 have? Who else is online?

16 MS. MEJIA: Sima, but he might be  
17 having a hard time unmuting.

18 Sima, if you can unmute yourself,  
19 please?

20 CHAIRPERSON ANDERSON: Mr. Orellana,  
21 have you unmuted this person whose name is on the  
22 screen as Sima? I'm not sure if they are able to  
23 unmute themselves.

24 MR. ORELLANA: Yes, the request has  
25 been sent both to Sima and Lana.

1 MS. MALACHEVSKY: I was able to  
2 unmute.

3 CHAIRPERSON ANDERSON: Who is this  
4 Lana person? Can you please spell and state your  
5 name for the record, please?

6 MS. MALACHEVSKY: I already did but I  
7 can do it again. Lana, L-A-N-A, Malachevsky, M-  
8 A-L-A-C-H-E-V-S-K-Y. I'm also a protestant.

9 CHAIRPERSON ANDERSON: I'm sorry. I  
10 didn't realize. I'm sorry.

11 I need this Sima person to identify  
12 themselves for the record.

13 MR. ORELLANA: Is it okay to be on a  
14 mobile device?

15 MS. MEJIA: Yes. I believe he was at  
16 work so he might be on his phone. He might just  
17 be having a hard time unmuting himself.

18 CHAIRPERSON ANDERSON: Can you find  
19 out from him, ma'am, what is going on?

20 MS. MALACHEVSKY: If you need to  
21 confirm his phone number, I can confirm that for  
22 you because I have his phone number.

23 CHAIRPERSON ANDERSON: Could someone  
24 contact him to find out what's going on?

25 MS. MEJIA: Yes, I just texted him.

1 Apologies.

2 CHAIRPERSON ANDERSON: If this Sima  
3 person is having a problem with the video, they  
4 can call us. They can participate by phone. The  
5 information by phone -- the phone information  
6 will place in the chat.

7 Unless this person can identify  
8 themselves, I cannot -- I don't know who this  
9 person is and procedurally this person has to  
10 identify themselves so it's very important that  
11 they identify themselves. If they cannot  
12 identify themselves, then I cannot move forward.

13 MS. MEJIA: The 202 number that you  
14 just put in the chat box, that's the number he  
15 would need to call?

16 CHAIRPERSON ANDERSON: Yes. All the  
17 information for the person to participate is in  
18 the chat box.

19 MR. TESSEMA: Hello. Can you hear me?

20 MS. MEJIA: Yes, we can hear you.

21 CHAIRPERSON ANDERSON: Who are you,  
22 sir?

23 MR. TESSEMA: Say it again?

24 CHAIRPERSON ANDERSON: Who are you,  
25 sir?

1 MR. TESSEMA: I am Sima. I'm a  
2 resident.

3 CHAIRPERSON ANDERSON: What is your  
4 full name, sir?

5 MR. TESSEMA: Sima Tessema.

6 CHAIRPERSON ANDERSON: Can you spell  
7 your name, sir?

8 MR. TESSEMA: T-E-S-S-E-M-A.

9 CHAIRPERSON ANDERSON: Sir, I need you  
10 to spell your first and your last name, sir.

11 MR. TESSEMA: Sima, S-I-M-A.

12 CHAIRPERSON ANDERSON: What's your  
13 last name, sir?

14 MR. TESSEMA: Tessema, T-E-S-S-E-M-A.

15 CHAIRPERSON ANDERSON: You are a  
16 protestant, sir?

17 MR. TESSEMA: Excuse me, sir? Repeat  
18 that?

19 CHAIRPERSON ANDERSON: Are you one of  
20 the protestants in this case, sir?

21 MR. TESSEMA: Yes. I am along with  
22 the group that is having a problem with the noise  
23 issue.

24 CHAIRPERSON ANDERSON: At the roll  
25 call hearing the protestant was granted

1 conditional standing under the understanding that  
2 at the show cause hearing status three additional  
3 people who were not at the roll call hearing  
4 appear today. Because we now have three  
5 additional members who were not at the roll call  
6 hearing, I make a motion that full standing be  
7 granted to the protestant group.

8 Is there a second?

9 MEMBER HANSEN: Jeni Hansen seconds.

10 CHAIRPERSON ANDERSON: Ms. Hansen has  
11 seconded the motion. We'll now have a roll call  
12 vote.

13 Mr. Short.

14 MEMBER SHORT: Mr. Short. I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato.

16 MEMBER CATO: (No audible response.)

17 CHAIRPERSON ANDERSON: I still can't  
18 hear Mr. Cato. Mr. Cato gave us a thumbs up.

19 Ms. Hansen.

20 MEMBER HANSEN: Jeni Hansen. I agree.

21 CHAIRPERSON ANDERSON: Mr. Grandis.

22 MEMBER GRANDIS: Edward Grandis. I  
23 agree.

24 CHAIRPERSON ANDERSON: Mr. Grandis  
25 agreed. The Board has now granted full standing

1 to the protestant group to protest this liquor  
2 license renewal.

3 Now, I'm going to ask one more time is  
4 there a licensee? Is there anyone on the line  
5 who represents Union Hospitality Group, Union  
6 Oyster Bar and Lounge? Is there anyone there who  
7 represents that group?

8 Mr. Orellana, one last time, is there  
9 anyone else on the line who is trying to access  
10 this case?

11 MR. ORELLANA: No one else is on the  
12 line.

13 CHAIRPERSON ANDERSON: All right.  
14 This matter was scheduled for a protest hearing  
15 status at 10:30. It is now 10:54 and there is  
16 not a licensee to represent the Union Oyster Bar  
17 and Lounge. Because the failure of the licensee  
18 or a representative to appear for the protest  
19 status hearing, I make a motion that the  
20 application be dismissed.

21 Is there a second? Is there a second  
22 by a Board member?

23 I did not hear you, Ms. Hansen.

24 MEMBER HANSEN: Jeni Hansen will  
25 second.



1 CHAIRPERSON ANDERSON: Ms. Hansen has  
2 seconded the motion. We will now have a roll  
3 call vote.

4 Mr. Short.

5 MEMBER SHORT: Mr. Short. I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato.

7 MEMBER CATO: (No audible response.)

8 CHAIRPERSON ANDERSON: Mr. Cato has  
9 given a thumbs up that he agrees.

10 CHAIRPERSON ANDERSON: Ms. Hansen.

11 MEMBER HANSEN: (No audible response.)

12 CHAIRPERSON ANDERSON: Mr. Grandis.

13 MEMBER GRANDIS: Ed Grandis. I agree.

14 CHAIRPERSON ANDERSON: And Mr.  
15 Anderson, I agree. The matter passes five zero  
16 zero.

17 All right. So what this means is that  
18 the ABC Board has voted to dismiss the renewal  
19 application that's filed by the Union Oyster Bar  
20 and Lounge. We will issue a Board order  
21 dismissing their renewal application. They will  
22 have 10 days to provide us reasonable notice why  
23 they failed to appear today.

24 If they fail to respond within 10 days  
25 and to provide us with reasonable notice, we're

1 dismissing their renewal application. What this  
2 means is that they have to start the process back  
3 over again.

4 One of the reasons why I conferred  
5 standing for the protestant group because you  
6 were provided conditional standing at the status  
7 hearing is that if they provide us reasonable  
8 notice, if they provide us good cause, and if the  
9 Board votes to reinstate them, you have standing.

10 Or if the Board -- if they did not  
11 provide us reasonable notice -- I'm sorry,  
12 reasonable cause why they failed to show up here  
13 today, and if they have to refile the  
14 application, if the protestant group decides to,  
15 again, protest the license application, you can  
16 make a motion to the Board that we grandfather  
17 you in. Okay?

18 Therefore, you don't have to start the  
19 process back over. You just ask that you be  
20 grandfathered into this new application. Okay?  
21 That's one of the reasons why I went through the  
22 process to ensure that standing was granted to  
23 you because you did not get full standing at the  
24 roll call.

25 If the three members were not here

1 today, I would have dismissed your protest, and I  
2 would also dismiss the application. All that the  
3 Board did today was just to dismiss the  
4 application and confer standing on the protestant  
5 group. All right. So we will let you know. We  
6 will see where we are, whether or not they have  
7 protested.

8 You'll get something in writing what  
9 the next status is. I don't know -- we have that  
10 the protest hearing is scheduled for December 7,  
11 2022, but I don't know procedurally where we are  
12 until the Board receives a response from the  
13 licensee. The Board will make a determination if  
14 -- as you can see, some of the Board members are  
15 having technical difficulties this morning.

16 Maybe they will say they had technical  
17 difficulties and can prove that they had  
18 technical difficulties. That's why they were  
19 unable to be here so I don't know, but we will  
20 see. You will receive something in writing on  
21 the next step in this process.

22 MS. MEJIA: Okay.

23 CHAIRPERSON ANDERSON: All right.

24 MS. MEJIA: Thank you, Mr. Chairman,  
25 and the Board.

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CHAIRPERSON ANDERSON: Thanks for  
being here today.

MS. MEJIA: Thank you.

(Whereupon, the above-entitled matter  
went off the record at 10:59 a.m.)

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In the matter of: Union Oyster Bar

Before: DC ABRA

Date: 11-02-22

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