

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

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IN THE MATTER OF: :
:
Iraklion, LLC, :
t/a Iraklion :
1412 I Street NW : Protest
Retailer CN - ANC 2C : Hearing (Status)
License #116082 :
Case # 23-PRO-00078 :
:
(Transfer-Location.) :
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Wednesday
November 8, 2023

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
JAMES SHORT, JR., Member
SILAS GRANT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
RICHARD BIANCO, Applicant's Counsel
TED BROWNFIELD, Protestant
LYLE BLANCHARD, Protestant's Counsel
CHRISTOPHER COHEN, Protestant's Counsel
JESSICA FARMER, Protestant's Counsel
D'JUAN O'DONALD, Protestant's Counsel
MICHAEL SHANKLE, ANC 2C
REBECCA STRAUSS, ANC 2C02

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

2 (10:55 a.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case Number 23-PRO-00078,  
5 Iraklion, License Number 116082.

6 Good morning, again, Mr. Orellana.  
7 Can you please elevate the rights of the parties  
8 in this case?

9 MR. ORELLANA: Bianco, your access has  
10 been elevated. Lyle Blanchard, your access has  
11 been elevated. D'Juan O'Donald, your access has  
12 been elevated. Michael Shankle, your access has  
13 been elevated.

14 CHAIRPERSON ANDERSON: Can everyone  
15 please mute their lines, please? Please mute  
16 your lines until you're being asked to speak.

17 Go ahead, sir.

18 MR. ORELLANA: And Ted Brownfield,  
19 your access has been elevated. That appears to  
20 be all Chairman.

21 CHAIRPERSON ANDERSON: All right,  
22 thank you.

23 Is there a Becky Strauss, I don't know  
24 who that is, sorry?

25 MR. ORELLANA: Yes, Becky Strauss,

1 your access has been elevated.

2 CHAIRPERSON ANDERSON: It appeared  
3 that there are some other parties that need to be  
4 elevated, Mr. Orellana.

5 MS. STRAUSS: I think it was me, ANC  
6 Commissioner.

7 CHAIRPERSON ANDERSON: All right,  
8 fine. All right, I'm going to ask -- I know  
9 there are a lot of preliminary, there are some  
10 preliminary matters. Please, I don't know who  
11 raised their hands, but you need to be on camera.  
12 And then just let state what I need to state, and  
13 then I will give you an opportunity to speak.

14 There are some preliminary matters in  
15 this case. What I'm going to do, I'm going to  
16 have all the parties identify themselves.  
17 However, it's my understanding that the Group of  
18 5 or more was dismissed from this case. So, I'm  
19 not going to allow the Group of 5 or more to  
20 speak until the Board has made a determination  
21 whether or not -- I know that they're -- so,  
22 that's what I'm going to do.

23 I'm just going to have everyone  
24 identify themselves and then I will state, moving  
25 forward, how that we're going to proceed this

1 morning.

2 So, Mr. Bianco, can you please spell  
3 and state your name, and let us know who you  
4 represent, sir?

5 MR. BIANCO: Yes, Mr. Chair. Richard  
6 Bianco, on behalf of the Applicant, Iraklion. My  
7 name is spelled R-I-C-H-A-R-D B-I-A-N-C-O. And  
8 to Mr. Grant, welcome.

9 CHAIRPERSON ANDERSON: Is your client  
10 here this morning, Mr. Bianco?

11 MR. BIANCO: No, sir. There were  
12 already present this morning.

13 CHAIRPERSON ANDERSON: All right. Mr.  
14 Shankle, can you please spell and state your name  
15 for the record, please, and your representation?

16 MR. SHANKLE: Michael Shankle, I'm the  
17 ANC Commissioner from 2C-01. M-I-C-H-A-E-L S-H-  
18 A-N-K-L-E. I'm the Chair of the Commission.

19 CHAIRPERSON ANDERSON: Good morning.  
20 Is there anyone else from the ANC here this  
21 morning?

22 MS. STRAUSS: Yes.

23 CHAIRPERSON ANDERSON: Who is that?

24 MS. STRAUSS: Rebecca Strauss, ANC --

25 CHAIRPERSON ANDERSON: You're not --

1 MS. STRAUSS: -- 2C-02.

2 CHAIRPERSON ANDERSON: You're not on  
3 camera, ma'am. So, spell and state your name,  
4 ma'am.

5 MS. STRAUSS: Okay, I'm trying to turn  
6 on my camera. It is Rebecca Strauss, R-E-B-E-C-  
7 C-A S-T-R-A-U-S-S.

8 CHAIRPERSON ANDERSON: Good morning,  
9 ma'am.

10 MS. STRAUSS: Good morning.

11 CHAIRPERSON ANDERSON: All right, Mr.  
12 Blanchard, can you please spell and state your  
13 name for the record? And who is that you would  
14 represent in this case, sir?

15 MR. BLANCHARD: Chairman Anderson, and  
16 Members of the Board, my name is Lyle Blanchard.  
17 I'm representing the Group of 5 or more. And I  
18 just wanted to say, Congratulations Chairman  
19 Anderson on your reappointment. And also,  
20 Commissioner Grant, I mean Board Member Grant, on  
21 your appointment. You were both confirmed by the  
22 City Council yesterday, I was watching the  
23 hearing, so, I wanted to say that.

24 And also, Mr. Short, thank you for  
25 your continued service on the Board.

1 CHAIRPERSON ANDERSON: Thank you, Mr.  
2 Blanchard.

3 All right, Ms. Farmer, can you  
4 identify yourself for the record, please?

5 MS. FARMER: It's Jessica Farmer of  
6 Holland & Knight, J-E-S-S-I-C-A F-A-R-M-E-R.  
7 And I represent the Protestant, JP Morgan Chase  
8 Bank National Association.

9 CHAIRPERSON ANDERSON: Okay, thank  
10 you.

11 And who is Ted Brownfield? Identify  
12 yourself for the record, please. You're on mute,  
13 sir.

14 MR. BROWNFIELD: I'm here, part of the  
15 Group of 5, and designated as the spokesperson  
16 for the group.

17 CHAIRPERSON ANDERSON: Spell your  
18 name, sir, please.

19 MR. BROWNFIELD: T-E-D and then  
20 Brownfield, B-R-O-W-N-F-I-E-L-D.

21 CHAIRPERSON ANDERSON: All right, Mr.  
22 Cohen, can you please identify yourself and spell  
23 and state your name?

24 MR. COHEN: Sure, good morning, Mr.  
25 Chair. Christopher Cohen with Holland & Knight,

1 that's C-H-R-I-S-T-O-P-H-E-R C-O-H-E-N. Also  
2 serving as Counsel for JP Morgan Chase Bank  
3 National Association, Protestant in this case.

4 CHAIRPERSON ANDERSON: Good morning.

5 I think we have a Mr. O'Donald. Can  
6 you identify yourself for the record, if you --

7 MR. O'DONALD: I'm --

8 CHAIRPERSON ANDERSON: If you have a--  
9 I'm sorry, hold it, if you have a camera, turn  
10 your camera on. If not, spell and state your  
11 name and identify yourself for the record.

12 MR. O'DONALD: Sure. No problem. I  
13 think there's an issue with our company and  
14 certain applications like Webex. I think we have  
15 Zoom, but not others. But in the interim, D'Juan  
16 O'Donald, D apostrophe, capital J-U-A-N.  
17 O'Donald, O apostrophe, capital D-O-N-A-L-D. And  
18 I -- representative of JP Morgan Chase Bank NA.

19 CHAIRPERSON ANDERSON: All right, good  
20 morning.

21 MR. O'DONALD: Good morning.

22 CHAIRPERSON ANDERSON: Good morning.

23 So, as I stated before, Mr. Blanchard  
24 is, was the representative of the Group of 5 or  
25 more. At Roll Call, his protest, that protest

1 was dismissed. I know that it's been appealed,  
2 and the Board has not had an opportunity to  
3 review the documentation to make a determination.

4 It's my understanding, that the  
5 Applicant -- that the Applicant has also -- the  
6 Group of 5 or more has filed a motion to be  
7 reinstated. The Applicant has filed an  
8 opposition to reinstate the dismissed protest.

9 It's also my understanding, that the  
10 Applicant has also filed a motion to dismiss the  
11 protest -- the ANC from the protest. And the  
12 Applicant has also filed a motion to dismiss JP  
13 Morgan from the protest. We are expecting the  
14 Protestant's replies to the Applicant's motion to  
15 -- are we expecting the Protestant's replies to  
16 the Applicant's motion to dismiss, this is from  
17 JP Morgan, and also from the ANC?

18 MS. FARMER: JP Morgan, yes. We will  
19 be filing in opposition to that by tomorrow.

20 CHAIRPERSON ANDERSON: What about Mr.  
21 Shankle?

22 MR. SHANKLE: I'm sorry, I do not  
23 have, I have not received documentation that  
24 there has been a motion for the ANC to be  
25 dismissed.



1 CHAIRPERSON ANDERSON: Mr. Bianco, who  
2 did you file the motion? Who did you serve, when  
3 the motion was filed, sir?

4 MR. BIANCO: I served all parties, but  
5 I'm pulling up the email right now, and I should  
6 be able to tell you in short.

7 CHAIRPERSON ANDERSON: I'm --

8 MS. STRAUSS: I also did not receive  
9 anything.

10 CHAIRPERSON ANDERSON: I'm sorry, this  
11 matter is being recorded, as we have a Court  
12 Reporter. So, if you're going to speak, I need  
13 you to, either I recognize you, or you need to  
14 identify yourself when you speak. Okay.

15 MS. STRAUSS: This is Rebecca Strauss,  
16 the other ANC Commissioner. I never received any  
17 protest letter either.

18 CHAIRPERSON ANDERSON: All right,  
19 thank you.

20 MR. BLANCHARD: And Chairman Anderson.

21 CHAIRPERSON ANDERSON: Yes, Mr.  
22 Blanchard. Yes, sir.

23 MR. BLANCHARD: It's Lyle Blanchard.  
24 I don't know that I spelled my name earlier.  
25 It's L-Y-L-E B-L-A-N-C-H-A-R-D. And I just

1 wanted to note that we will be filing a reply to  
2 the motion that Mr. Bianco filed this morning.

3 CHAIRPERSON ANDERSON: All right.

4 MR. BIANCO: So, Mr. Chair, I think  
5 the question to me was, who did I serve? And I'm  
6 looking at my filing email to ABRA Legal, with  
7 the ANC motion to dismiss. And on that email,  
8 cc'd is Michael Shankle, ANC 2C-01, Jessica  
9 Farmer, and Christopher Cohen.

10 CHAIRPERSON ANDERSON: When was this  
11 email sent, Mr. Bianco?

12 MR. BIANCO: Monday, October 30th,  
13 2023, at 1:10 p.m.

14 CHAIRPERSON ANDERSON: Mr. Shankle, is  
15 that your -- is the email address that was read  
16 aloud by Mr. Bianco, is that your official  
17 government email address, sir?

18 MR. SHANKLE: I am looking for this,  
19 I just --

20 MR. BIANCO: Mr. Chair.

21 CHAIRPERSON ANDERSON: Yes, Mr.  
22 Bianco.

23 MR. BIANCO: Just I think to simplify  
24 things, if the ANC needs more time to respond, as  
25 it seems we have filings that are to be going

1 back and forth, I won't object.

2 CHAIRPERSON ANDERSON: All right,  
3 fine. So, what I'll ask that you also do, Mr.  
4 Bianco, since it appears that Mr. Shankle is  
5 having some difficulty locating this, your  
6 filing. Can you resubmit it to the ANC, sir, the  
7 original email that you already sent, that was  
8 sent to them with the date?

9 And I think, Ms. Strauss, you are --  
10 is this your Single Member District, ma'am?

11 MS. STRAUSS: It's in 2C, I believe it  
12 is. Michael, can you check on that?

13 CHAIRPERSON ANDERSON: I'm sure, I  
14 know that I always recognize the Chair, but since  
15 you're here I'm just getting some verification,  
16 ma'am.

17 MR. SHANKLE: I'm sorry, Mr. Chairman,  
18 I missed your question.

19 CHAIRPERSON ANDERSON: No, I was  
20 asking Ms. Strauss if this was her Single Member  
21 District because she's also here. I know you're  
22 the Chair of the ANC, and she's also here. She  
23 had said that she did not receive a copy of the  
24 notice. So, I was just trying to find out was  
25 this her Single Member District, and direct the -

1 - I will probably need to also ask Mr. Bianco to  
2 send her a copy since she said she didn't have a  
3 copy. But providing you notice is probably  
4 sufficient notice, but --

5 MS. STRAUSS: Michael can forward it  
6 to me.

7 MR. BIANCO: And I just ordered it to  
8 both, Ms. Strauss and Shankle.

9 CHAIRPERSON ANDERSON: All right,  
10 thank you, Mr. Bianco.

11 All right. So, currently, the  
12 parties, I think someone -- oh, I guess Chase is  
13 the abutting -- is JP Morgan Chase, that's an  
14 abutting property owner? That's the purpose of -  
15 - all right.

16 Okay, all right. So, currently there  
17 are two Protestants in this case until the Board  
18 makes a determination whether or not, we're going  
19 to reinstate the abutting property owner, and/or  
20 the Board will also make a determination whether  
21 or not we will grant or deny the motions to  
22 dismiss the ANC and the -- and JP, the abutting  
23 property owner from this matter.

24 So, that's basically where we are.  
25 But, so, the only parties then that I'm going to

1 address directly are the ANC and the abutting  
2 property owner. Outside of the motions that were  
3 filed, are there any other preliminary matters  
4 that we need to, that needs to be addressed?

5 MR. BIANCO: No, Mr. Anderson.

6 CHAIRPERSON ANDERSON: Mr. Bianco.

7 MR. BIANCO: No, Mr. Anderson, I can  
8 represent that we did engage in mediation. All  
9 the current parties were there. And we were  
10 unable to resolve the matter. So, it look like  
11 we're moving forward.

12 CHAIRPERSON ANDERSON: Ms. Farmer.

13 MS. FARMER: The only preliminary  
14 issue is in the initial Roll Call, and again at  
15 the mediation, I notified the parties that I have  
16 a trial that is scheduled from November 27th to  
17 December 13th. So, I'm going to be requesting a  
18 continuance. I was waiting to hear back from the  
19 Applicant about what dates would work for them.  
20 But I did want to just state for the record, that  
21 I will be in trial on December 6th.

22 CHAIRPERSON ANDERSON: All right, that  
23 is fine, because this is not -- well, this is a  
24 transfer to a new location. I'm not quite sure  
25 if we have the same time constraints to issue a

1 decision, because this is not technically a new  
2 license. But if the parties file a joint motion,  
3 if this matter is going to a Protest Hearing, and  
4 if the parties file a joint motion, then of  
5 course the Board will grant it, if there's a  
6 joint motion. If it's a contested motion, then  
7 the Board will make a determination whether or  
8 not we will grant it.

9 And that's stated for, this is a  
10 transfer so I'm not sure if we're under the same  
11 time constraint, as if this was a new license.  
12 But we probably are on a time constraint, because  
13 if we don't grant, if we do not expeditiously go  
14 to a hearing, we would be preventing the party  
15 from operating. So, but we'll see. The parties  
16 can file the motions and then the Board will make  
17 a determination, what is it that -- for the next  
18 step that will be taken.

19 All right. Are the parties familiar  
20 with, if this matter goes to a Protest Hearing,  
21 what the requirements are?

22 MR. BIANCO: For the Applicant,  
23 Richard Bianco, yes, we're familiar. We'll waive  
24 any formal reading of that.

25 CHAIRPERSON ANDERSON: And Ms. Farmer,

1 you're shaking your head.

2 MS. FARMER: Yes, same for the  
3 Protestant.

4 CHAIRPERSON ANDERSON: Mr. Shankle.

5 MR. SHANKLE: Yes.

6 CHAIRPERSON ANDERSON: All right. The  
7 only difference that I will advise the parties,  
8 is that if this matter goes to a Protest Hearing,  
9 because there's more than one Protestant, the  
10 Board is requesting that a party be identified as  
11 the representatives of the Protestant.

12 As you are aware, you have one hour to  
13 present your case, and you're only allowed to  
14 have five witnesses. But if the parties  
15 determine that based on the complexity of this  
16 case, they need more time, and they need more  
17 witnesses, then a formal motion should be filed  
18 to the Board requesting that -- excuse, they be  
19 allowed more time and more witnesses.

20 All right. This hearing, if this  
21 matter goes to a Protest Hearing, is currently  
22 scheduled for December 6th at 1:30 p.m. But as  
23 you've stated, Ms. Farmer, you do have a  
24 conflict, so we will, if the Board denies the  
25 motion, then I assume that the parties will file

1 some type of motion to request that we continue  
2 this case for a period. And if this matter is  
3 not held December 6th, I believe that we're  
4 talking about January, February, March based on  
5 what our schedule is currently. Unless the Board  
6 determines we're going to meet on a day, which is  
7 not a Wednesday. Okay.

8 All right. Any other matters before  
9 I bring closure to this case?

10 MR. BIANCO: None from the Applicant.

11 CHAIRPERSON ANDERSON: All right. The  
12 Board looks forward to reviewing the motions.  
13 And we will make a determination. And we will  
14 see whether or not we'll have a hearing on  
15 December 6th at 1:30 p.m.

16 Have a great day, thank you very much.

17 MR. BIANCO: Thank you.

18 MR. SHANKLE: Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 11:12 a.m.)  
21  
22  
23  
24  
25



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This is to certify that the foregoing transcript

In the matter of: Iraklion

Before: DC ABCA

Date: 11-08-23

Place: videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

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