

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
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Momentux Hospitality, :
LLC, :
t/a Rush :
1923 9th Street NW #101 :
Retailer CT - ANC 1B :
License #125250 :
Case # 23-PRO-00061 :
 :
(Application for a New :
License.) :
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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
ZOE CORDELIA LU, Protestant

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

2 (11:12 a.m.)

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case Number 23-PRO-
5 00061, Rush, License Number 125250.

6 Mr. Orellana, can you please elevate
7 the Protestant in this case?

8 MR. ORELLANA: Cordelia Lu, your
9 access has been elevated. That is all, Chairman.

10 CHAIRPERSON ANDERSON: Thank you.

11 MS. LU: Good morning.

12 CHAIRPERSON ANDERSON: All right.
13 Good morning. Mr. Bianco, can you identify
14 yourself for the record?

15 MR. BIANCO: Yes, Mr. Chair. Richard
16 Bianco for the Applicant, R-I-C-H-A-R-D, B-I-A-N-
17 C-O. And my client is not going to be appearing
18 this morning.

19 CHAIRPERSON ANDERSON: Thank you, Mr.
20 Bianco. Ms. Lu, can you please spell and state
21 your name for the record, and identify your
22 representation?

23 MS. LU: Yes, good morning. My name
24 is Zoe Lu, Z-O-E, and then last name Lu, L-U.
25 And I'm the designated representative for the

1 Group of 9 protesting the Rush Application.

2 CHAIRPERSON ANDERSON: All right,
3 thank you. Mr. Bianco, are there any preliminary
4 matters in this case?

5 MR. BIANCO: There are not. We have
6 a mediation on the books, we have not yet engaged
7 in it. If there is anything to report following
8 the mediation, we will certainly do so, in
9 writing, to the Board. If we have a resolution,
10 the Board can act on it in due course.

11 CHAIRPERSON ANDERSON: Thank you, sir.
12 Ms. Lu, any preliminary matters you need to bring
13 to the attention of the Board?

14 MS. LU: No, not at this time.

15 CHAIRPERSON ANDERSON: All right.
16 This matter is scheduled for a Protest Hearing on
17 December 14th at 1:30 p.m. Are the parties
18 familiar with the guidelines in having a Protest
19 Hearing?

20 MR. BIANCO: For the Applicant, yes,
21 we are. We'll waive any reading of the
22 guidelines.

23 CHAIRPERSON ANDERSON: Ms. Lu?

24 MS. LU: I would not mind a rereading
25 of the guidelines.

1 CHAIRPERSON ANDERSON: All right.

2 Hold -- all right, yes, ma'am. All right.

3 MS. LU: Thank you.

4 CHAIRPERSON ANDERSON: Now that we
5 have scheduled this matter for a Protest Hearing,
6 there are a few things that I would like to
7 instruct the Applicant and the Protestant about,
8 so that the Protest Hearing is focused and
9 addresses only those issues that are being
10 protested. The Board does not intend to hear
11 testimony in matters that are not relevant to
12 this case.

13 You should have received by electronic
14 or regular mail, a letter explaining the protest
15 process, a copy of the protest information form,
16 and a copy of the exhibit form. If you do not
17 have these forms, please contact our legal office
18 following the hearing. It is imperative that you
19 review the rules closely and adhere to them
20 before entering the Protest Hearing.

21 You are also required to complete and
22 submit the protest information form, PIF, and the
23 exhibit form, seven days before the date of the
24 hearing. These two forms and accompanying
25 documents need to be submitted to ABCA's Legal

1 Division and to all opposing parties in this
2 matter.

3 If we do not receive a copy of your
4 PIF, your Application, or your protests,
5 whichever side you representing, may be subject
6 to dismissal. Likewise, if we do not receive a
7 copy of the exhibit form, and the exhibits
8 themselves, your exhibits may be excluded from
9 the record upon a finding that the opposing party
10 has been prejudiced, or no good cause for the
11 failure to submit, has been shown.

12 Likewise, witnesses other than a party
13 may also be subject to exclusion, if not
14 identified on the PIF. Accordingly, these forms
15 are very important, they greatly assist the Board
16 in narrowing the protest issues, facilitating the
17 process, and keeping the parties on point during
18 the hearing. They likewise, provide notice to
19 the opposing parties, enabling them to better
20 prepare for the hearing.

21 Also, as you are aware, all our
22 hearings are now conducted virtually. You will
23 have one hour to present your case, and you will
24 only be allowed to have 5 witnesses. If you
25 require more time, please file a motion with the

1 Board, requesting additional time and/or
2 additional witnesses. Any questions?

3 MS. LU: No. Thank you, for that.

4 CHAIRPERSON ANDERSON: Yes. We thank
5 you greatly for your cooperation. If you have
6 any questions today, or at any time leading up to
7 the hearing, please do not hesitate to contact
8 ABCA's Legal Division. Good luck with your
9 mediation. And if this matter is not settled,
10 then we will see you at our hearing on December,
11 I'm sorry -- on December 14th at 1:30.

12 Thank you very much. Have a great
13 day.

14 (Whereupon, the above-entitled matter
15 went off the record at 11:17 a.m.)
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A

a.m 2:2 6:15
ABCA 1:20
ABCA's 4:25 6:8
above-entitled 6:14
access 2:9
accompanying 4:24
act 3:10
additional 6:1,2
addresses 4:9
adhere 4:19
Alcoholic 1:2,14
allowed 5:24
ANC 1:8
and/or 6:1
Anderson 1:15,17 2:3
 2:10,12,19 3:2,11,15
 3:23 4:1,4 6:4
appearing 2:17
Applicant 2:16 3:20 4:7
Applicant's 1:21
Application 1:10 3:1
 5:4
assist 5:15
attention 3:13
aware 5:21

B

B-I-A-N- 2:16
better 5:19
Beverage 1:2,14
Bianco 1:21 2:13,15,16
 2:20 3:3,5,20
Board 1:2,14 3:9,10,13
 4:10 5:15 6:1
books 3:6
bring 3:12

C

C-O 2:17
calendar 2:4
Cannabis 1:2,14
case 1:9 2:4,4,7 3:4
 4:12 5:23
cause 5:10
certainly 3:8
Chair 2:15
Chairman 2:9
Chairperson 1:14,17
 2:3,10,12,19 3:2,11
 3:15,23 4:1,4 6:4
client 2:17
closely 4:19
COLUMBIA 1:1
complete 4:21
conducted 5:22
contact 4:17 6:7
cooperation 6:5

copy 4:15,16 5:3,7
Cordelia 1:21 2:8
Counsel 1:21
course 3:10
CT 1:8

D

date 4:23
day 6:13
days 4:23
DC 1:20
December 3:17 6:10,11
designated 2:25
dismissal 5:6
DISTRICT 1:1
Division 5:1 6:8
documents 4:25
Donovan 1:15,17
due 3:10

E

electronic 4:13
elevate 2:6
elevated 2:9
enabling 5:19
engaged 3:6
entering 4:20
excluded 5:8
exclusion 5:13
exhibit 4:16,23 5:7
exhibits 5:7,8
explaining 4:14

F

facilitating 5:16
failure 5:11
familiar 3:18
file 5:25
finding 5:9
focused 4:8
following 3:7 4:18
form 4:15,16,22,23 5:7
forms 4:17,24 5:14

G

going 2:17
good 2:11,13,23 5:10
 6:8
GRANT 1:18
great 6:12
greatly 5:15 6:5
Group 3:1
guidelines 3:18,22,25

H

hear 4:10
hearing 1:8 3:16,19 4:5
 4:8,18,20,24 5:18,20

6:7,10
hearings 5:22
hesitate 6:7
Hold 4:2
Hospitality 1:6
hour 5:23

I

identified 5:14
identify 2:13,21
imperative 4:18
important 5:15
information 4:15,22
instruct 4:7
intend 4:10
issues 4:9 5:16

J

JAMES 1:18
JOSE 1:20
JR 1:18,18

K

keeping 5:17

L

L-U 2:24
leading 6:6
legal 4:17,25 6:8
letter 4:14
License 1:8,10 2:5
likewise 5:6,12,18
LLC 1:6
Lu 1:21 2:8,11,20,23,24
 2:24 3:12,14,23,24
 4:3 6:3
luck 6:8

M

ma'am 4:2
mail 4:14
matter 1:5 3:16 4:5 5:2
 6:9,14
matters 3:4,12 4:11
mediation 3:6,8 6:9
MEETING 1:3
Member 1:18,18
met 1:14
mind 3:24
Momentux 1:6
morning 2:11,13,18,23
motion 5:25

N

name 2:21,23,24
narrowing 5:16
need 3:12 4:25
New 1:10

notice 5:18
November 1:12
Number 2:4,5
NW 1:7

O

office 4:17
opposing 5:1,9,19
Orellana 1:20 2:6,8

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 3:17
parties 3:17 5:1,17,19
party 5:9,12
PIF 4:22 5:4,14
please 2:6,20 4:17 5:25
 6:7
point 5:17
prejudiced 5:10
preliminary 3:3,12
prepare 5:20
present 1:16,19 5:23
presiding 1:15
process 4:15 5:17
protest 1:7 3:16,18 4:5
 4:8,14,15,20,22 5:16
Protestant 1:21 2:7 4:7
protested 4:10
protesting 3:1
protests 5:4
provide 5:18

Q

questions 6:2,6

R

R-I-C-H-A-R-D 2:16
reading 3:21
receive 5:3,6
received 4:13
record 2:14,21 5:9 6:15
regular 4:14
relevant 4:11
report 3:7
representation 2:22
representative 2:25
representing 5:5
requesting 6:1
require 5:25
required 4:21
rereading 3:24
resolution 3:9
Retailer 1:8
review 4:19
Richard 1:21 2:15
right 2:3,12 3:2,15 4:1,2

4:2		
rules 4:19		0
Rush 1:7 2:5 3:1	00061 2:5	
		1
S	1:30 3:17 6:11	
scheduled 3:16 4:5	101 1:7	
see 6:10	11:12 2:2	
settled 6:9	11:17 6:15	
seven 4:23	125250 1:8 2:5	
SHORT 1:18	14th 3:17 6:11	
shown 5:11	1923 1:7	
side 5:5	1B 1:8	
SILAS 1:18		2
sir 3:11	2023 1:12	
sorry 6:11	23-PRO- 2:4	
spell 2:20	23-PRO-00061 1:9	
Staff 1:20		3
state 2:20		4
Status 1:8		5
Street 1:7		5 5:24
subject 5:5,13		6
submit 4:22 5:11		7
submitted 4:25		8
		8 1:12
T		9
t/a 1:7	9 3:1	
testimony 4:11	9th 1:7	
thank 2:10,19 3:3,11 4:3 6:3,4,12		
things 4:6		
time 3:14 5:25 6:1,6		
today 6:6		
two 4:24		
U		
V		
videoconference 1:14		
virtually 5:22		
W		
W 1:15,17		
waive 3:21		
We'll 3:21		
WebEx 1:14		
Wednesday 1:12		
went 6:15		
whichever 5:5		
witnesses 5:12,24 6:2		
writing 3:9		
X		
Y		
Z		
Z-O-E 2:24		
Zoe 1:21 2:24		

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Rush

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.



Court Reporter

NEAL R. GROSS

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