

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 1336 U Street, LLC, :
 t/a Hawthorne :
 1336 U Street NW : Protest Hearing
 License #99603 : (Status)
 Retailer CT - ANC 1B :
 Case # 20-PRO-00012 :
 :
 (Petition to Amend or :
 Terminate the Settlement :
 Agreement) :

Thursday
 November 19, 2020

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 EDWARD S. GRANDIS, Member
 JENI HANSEN, Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
 FRITZ BROGAN, Licensee
 EILEEN JOHNSON, Protestant

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

2 10:43 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 Good morning, everyone. As Chairperson of the
5 Alcoholic Beverage Control Board for the District
6 of Columbia and in accordance with DC Official
7 Code Section 2-576(4) of the Open Meetings Act, I
8 am welcoming you to a regular 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 during the public health emergency.

15 Pursuant to this guidance, notice of
16 today's meeting was provided 48 hours in advance
17 of the meeting on ABRA's website and upon the
18 District's Central Meeting Calendar. The notice
19 included the time, date, agenda and call in or
20 log in information for public participation.

21 This electronic meeting is being
22 hosted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson. I'm the
2 Chairman of the Board. I would like to introduce
3 the other members of the ABC Board who are also
4 participating electronically pursuant to Mayor's
5 Order 2020-054. Please respond when I announce
6 your name. Ms. Rafi Crockett?

7 MEMBER CROCKETT: Rafi Crockett,
8 present.

9 CHAIRPERSON ANDERSON: Ms. Jeni
10 Hansen?

11 MEMBER HANSEN: Jeni Hansen, present.

12 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

13 MEMBER GRANDIS: Ed Grandis, present.

14 CHAIRPERSON ANDERSON: The Board has
15 five members in attendance for the conduct of
16 business today and that constitutes a quorum.
17 Before we get underway --

18 MEMBER CROCKETT: Mr. Chairman, Bobby
19 Cato?

20 CHAIRPERSON ANDERSON: Did I call you,
21 Mr. Cato? I'm sorry. Mr. Cato?

22 MEMBER CATO: Bobby Cato, present.

23 CHAIRPERSON ANDERSON: I apologize,
24 Mr. Cato. I apologize, Mr. Cato. So Mr. Cato is
25 here. He has identified himself, and the Board

1 has five members in attendance for the conduct of
2 business.

3 All right. Before we get underway
4 with today's hearing calendar, I need to make a
5 few instructions very clear so that the conduct
6 of these hearings is understood by everyone.

7 Today's hearings are being conducted
8 through a Webex account provided by the DC Office
9 of Open Government. There are 13 cases scheduled
10 for today.

11 Once your case is called, I will take
12 a moment for our IT specialist to elevate the
13 rights for each party to enable their camera and
14 microphone. Then and only then will you have the
15 ability to enable your equipment.

16 If your case is not being heard, you
17 will remain mute and your camera will be
18 disabled. At the conclusion of each case, the
19 parties will have the option to leave. If the
20 party chooses to stay, all cameras and
21 microphones for the concluded case will be
22 disabled.

23 Should you have any questions or
24 require technical assistance during the hearing,
25 please submit them using the question and answer

1 feature or email simone.andrews2@dc.gov.

2 Our first order of business today is
3 case -- and today all we're doing -- these are
4 all protest status hearings. And so our first
5 order of business today is Case Number 20-PRO-
6 00012, Hawthorne, License Number 99603.

7 Ms. Andrews, can you please elevate
8 the rights of the protestant and the also the
9 licensee, please?

10 MS. ANDREWS: Sure. Stand by.

11 CHAIRPERSON ANDERSON: Thank you.

12 MS. ANDREWS: All parties have been
13 elevated. That's all, Mr. Chair.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. All right. I see. I think I see on
16 my screen Francis Brogan.

17 MS. ANDREWS: Ms. Johnson had to call
18 in. Her line has been unmuted.

19 CHAIRPERSON ANDERSON: Okay.

20 MS. JOHNSON: I responded in the chat,
21 and it said that my mic was open. Can you not
22 hear me?

23 CHAIRPERSON ANDERSON: Yes, I can hear
24 you, ma'am. I just can't --

25 MS. JOHNSON: Oh, okay.

1 CHAIRPERSON ANDERSON: I can't see
2 you. And most of the time we have video so I
3 don't -- so I'm not seeing your mic being open
4 and because you don't have a video so I'm not
5 seeing you so. So let's start at beginning.

6 So I'll have the parties introduce
7 themselves for the record, please. We'll start
8 with the licensee. Please state your name and
9 also spell it for the record, please.

10 MR. BROGAN: Thank you, Mr. Chairman.
11 Francis Brogan for the licensee Hawthorne.
12 Brogan is B-R-O-G-A-N.

13 CHAIRPERSON ANDERSON: All right.
14 Good morning, Mr. Brogan. And the protestant?

15 MS. JOHNSON: Yes, sir, good morning.
16 My name is Aileen Johnson. Aileen is spelled A-
17 I-L-E-E-N and last name J-O-H-N-S-O-N. And I'm
18 the representative for the protesting Group of
19 Five.

20 CHAIRPERSON ANDERSON: Okay. Good
21 morning, Ms. Johnson. Are there any preliminary
22 matters in this case?

23 (Simultaneous speaking.)

24 MR. BROGAN: The parties had mediation
25 yesterday. We think we're on a good track

1 towards getting a consensus. We're not there
2 yet. Thus, we would ask the Board to give us
3 some more time to figure this out. Would you say
4 that's fair, Ms. Johnson?

5 MS. JOHNSON: Yes, that's accurate.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you, Ms. Johnson. All right. The Board
8 will schedule this matter for a protest hearing
9 for a date to be determined. It probably will be
10 sometime in the new year. We have not put our
11 calendar together as yet for when we're going to
12 have a protest hearing.

13 But I will advise both parties that
14 you can continue to speak and negotiate. And if
15 at some period that a Settlement Agreement is
16 reached, then it can be provided to the Agency,
17 which will provide it to the Board for our
18 consideration and assent.

19 But if the matter is not settled,
20 then, as I stated before, we will provide you
21 with a date for the protest hearing. So, all
22 right. Unless there are no other preliminary
23 matters that need to be addressed, I will just
24 read some instructions for a protest hearing for
25 both parties.

1 So now that we have scheduled this
2 matter for a protest hearing, as I stated for a
3 date to be determined, there are a few things
4 that I would like to instruct you about so that
5 the protest hearing is focused and addresses only
6 those issues that are being protested.

7 You either have already received or
8 will soon be receiving an email from Imani
9 Moreland that contains a copy of the Protest
10 Information Form, PIP, and a copy of an Exhibit
11 Form.

12 Both parties are required to complete
13 and submit the Protest Information Form, PIP, and
14 the Exhibit Form at least seven days before the
15 date of the hearing.

16 If we do not receive a copy of your
17 forms seven days before the hearing, your
18 application or your protest may be subject to
19 dismissal. These documents not only need to be
20 submitted to ABRA but to the opposing party as
21 well.

22 Please know that these documents
23 greatly assist the Board in narrowing the protest
24 issues, facilitating the process and keeping the
25 parties on point during the hearing.

1 Each side will have 90 minutes to
2 present their case. This includes all direct and
3 cross-examination of witnesses. The Board does
4 not intend to hear testimony on matters that are
5 not relevant to those issues that are being
6 protested nor will the Board tolerate repetitive
7 testimony.

8 Are there any questions by either
9 side?

10 MS. JOHNSON: No. I understood the
11 instructions.

12 MR. BROGAN: I understand as well.
13 Thank you.

14 CHAIRPERSON ANDERSON: Thank you. All
15 right. We thank you greatly for your
16 cooperation. If you have any questions at any
17 time leading up to the hearing, please do not
18 hesitate to contact AGC April Randall at 202-442-
19 4353.

20 Thank you very much for your
21 attendance today. And good luck in your
22 negotiations.

23 It has always remained the Board's
24 position and my position especially that I prefer
25 parties come to a Settlement Agreements because

1 if we have a Settlement Agreement, at least both
2 sides will leave this matter happy.

3 When the Board makes a determination,
4 one side might be happy. The other side might be
5 unhappy. But if you have a Settlement Agreement,
6 at least both sides will be happy.

7 But if you're unable to agree, the
8 Board will -- of course, we will have the
9 hearing, and we will make a determination for
10 what we believe is in the best interests of the
11 public. So good luck and --

12 MS. JOHNSON: Could I ask you --

13 CHAIRPERSON ANDERSON: Yes, Ms.
14 Johnson.

15 MS. JOHNSON: Could I interrupt for --
16 could I ask you one question really -- it's not
17 about the instructions and what you just said.
18 But since the hearing would be set on a date to
19 be determined in advance, is the process for
20 seeking out an alternative date through some
21 formal channels or just by notifying April that
22 that date conflicts with another hearing or
23 something?

24 CHAIRPERSON ANDERSON: Right. So the
25 Board will issue the date.

1 MS. JOHNSON: Okay.

2 CHAIRPERSON ANDERSON: So both sides
3 will get the date. If there is a conflict, then
4 both sides can contact April Randall and then
5 we'll choose another date. So if there is a
6 conflict --

7 MS. JOHNSON: Okay.

8 CHAIRPERSON ANDERSON: -- I would say
9 that make sure that you speak to Mr. Brogan, the
10 licensee, to inform him that you have a problem
11 with the date and maybe you two can jointly agree
12 on a date that works. But the Agency will work
13 with both sides to make sure that we come up with
14 a date that mutually --

15 MS. JOHNSON: Okay.

16 CHAIRPERSON ANDERSON: -- works for
17 both sides. Okay?

18 MS. JOHNSON: Thank you. Okay.

19 CHAIRPERSON ANDERSON: Thanks very
20 much for your participation today. And you guys
21 have a good day. All right.

22 MR. BROGAN: Thank you.

23 MS. JOHNSON: Thank you. Happy
24 Holiday.

25 CHAIRPERSON ANDERSON: Thank you very

1 much and you also. Thank you.

2 (Whereupon, the above-entitled matter
3 went off the record at 10:54 a.m.)
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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: Hawthorne

Before: DCABRA

Date: 11-19-20

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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