



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

2 10:54 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case Number 20-PRO-00023,  
5 Secret Lounge, License Number 107123.

6 And, Ms. Andrews, can you please  
7 elevate the rights of the licensee and I think  
8 it's a Westminster Neighborhood Association and I  
9 believe there is a Group of Five or more  
10 protesting, please.

11 MS. ANDREWS: Sure. Stand by.

12 CHAIRPERSON ANDERSON: Thank you.  
13 I'll ask all parties if you have a camera please  
14 turn your camera on. I see some names I don't  
15 see so.

16 MS. ANDREWS: That's all, Mr. Chair.

17 CHAIRPERSON ANDERSON: Yes. All  
18 right. Mr. Fox and I think -- and then Mr. and  
19 Mrs. Daneale, if you have a camera, please turn  
20 them on because I want to make sure that you're  
21 there.

22 MR. FOX: David Fox, here.

23 MR. DANEALE: I'm here.

24 CHAIRPERSON ANDERSON: All right.  
25 Okay, fine. All right. I can't see you, but

1 we're fine. Okay.

2 MR. FOX: I think Mr. Daneale is on  
3 now as well. I see his camera is on.

4 CHAIRPERSON ANDERSON: Right. I don't  
5 see Mr. Fox.

6 MR. FOX: Fox is here. Just one  
7 moment. I'm turning it on.

8 CHAIRPERSON ANDERSON: All right.

9 MR. FOX: We're having an issue.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. FOX: I think we would be prepared  
12 to go ahead without the video if that's okay with  
13 you.

14 CHAIRPERSON ANDERSON: Okay. That is  
15 fine. That is fine. All right. So let's start  
16 with the introduction of parties. Let's start  
17 with the licensee. So you are the representative  
18 from the licensee, Mr. Fox?

19 MR. FOX: Yes.

20 CHAIRPERSON ANDERSON: This is for the  
21 record. And say and spell your name, please.

22 MR. FOX: My name is David Fox, F-O-X.  
23 And I represent the Secret Lounge.

24 CHAIRPERSON ANDERSON: And who else is  
25 on the line as far as Secret Lounge?

1 MR. DANEALE: This is Dereje Daneale.

2 CHAIRPERSON ANDERSON: Can you spell  
3 it? Spell your name for the record, sir, please.

4 MR. DANEALE: D-E-R-E-J-E, the last  
5 name is Daneale, D-A-N-E-A-L-E.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you. And who is the protestant?

8 MR. SCHLOM: Good morning, Mr.  
9 Chairman, Evan Schlom. And that's E-V as in  
10 Victor-A-N as in Nancy, S as in Sam, C as in  
11 Charlie, H-L-O-M as in Mary, on behalf of the  
12 Group of Eight.

13 Although I would note for the record  
14 that this morning the Group of Eight submitted a  
15 letter to April Randall and Martha Jenkins  
16 withdrawing our protest in this matter.

17 I'm not sure if the Board has received  
18 that letter yet or if the Board would entertain  
19 an oral motion to do that, that would be fine as  
20 well.

21 But I'm aware that the Westminster  
22 Neighborhood Association is continuing their  
23 protest. And I just received a text message from  
24 the representative of Westminster Neighborhood  
25 Association saying that he's muted, and they

1 won't let him off mute.

2 CHAIRPERSON ANDERSON: Who is who?  
3 Who is that person?

4 MR. SCHLOM: Pierson Stoecklein.

5 CHAIRPERSON ANDERSON: Ms. Andrews,  
6 can you please elevate the rights of Pierson  
7 Stoecklein, please?

8 MS. ANDREWS: Mr. Chair, he may be a  
9 call in because I don't see his name as an  
10 attendee. Mr. Schlom, is he a call in?

11 MR. SCHLOM: Yes. He's a dial in. In  
12 fact, he just texted me. It's clear that he's  
13 listening to you right now.

14 MS. ANDREWS: Okay.

15 MR. SCHLOM: So his number is a 901  
16 area code.

17 MS. ANDREWS: Okay. Okay. Could you  
18 announce yourself, please? I just unmuted the  
19 line that begins with 901.

20 MR. STOECKLEIN: This is Pierson  
21 Stoecklein on behalf of the Westminster  
22 Neighborhood Association.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Can you please,  
25 sir, can you please spell your name for the

1 record, please?

2 MR. STOECKLEIN: Sure. That is P-I-E-  
3 R-S-O-N, last name S-T-O-E-C-K-L-E-I-N.

4 CHAIRPERSON ANDERSON: All right.  
5 Thank you. Mr. Schlom, the Agency had received  
6 your written. But if you want, you can make an  
7 oral motion, and I will formally dismiss it. So  
8 you can make an oral motion to dismiss if you  
9 want to.

10 MR. SCHLOM: Sure. The Group of Eight  
11 moves to withdraw its protest in this matter.  
12 Although to be clear, the Westminster  
13 Neighborhood Association is not moving to  
14 withdraw its protest.

15 CHAIRPERSON ANDERSON: That's fine.  
16 All right. So the motion from the Group of Eight  
17 is to withdraw, the group is to withdraw.  
18 They're making an oral motion. Is there a  
19 second? I make a motion that we dismiss them  
20 from the protest as a party in this process. Is  
21 there a second?

22 MEMBER CATO: Bobby Cato --

23 MEMBER CROCKETT: Member Crockett  
24 seconds.

25 CHAIRPERSON ANDERSON: Both Mr. Cato

1 and Ms. Crockett have seconded the motion. I  
2 will now have a roll call vote on the motion that  
3 has been properly seconded by Mr. Cato and Ms.  
4 Crockett. And Mr. Cato?

5 MEMBER CATO: I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett?

7 MEMBER CROCKETT: Rafi Crockett, I  
8 agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen?

10 MEMBER HANSEN: Jeni Hansen, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis?

12 MEMBER GRANDIS: Ed Grandis, I agree.

13 CHAIRPERSON ANDERSON: And Mr.

14 Anderson, I agree. The matter passes 5-0-0. So  
15 the Board has voted that the group is no longer a  
16 party in this protest. However if they so want  
17 to participate with the civic association, with  
18 the association, obviously, it's their right.

19 Okay. Thank you. So, I'm sorry. Who  
20 is representing the civic association here? I'm  
21 sorry. The Westminster Neighborhood Association?

22 (Simultaneous speaking.)

23 MR. STOECKLEIN: Pierson Stoecklein,  
24 Mr. Chairman.

25 CHAIRPERSON ANDERSON: Okay. Mr.

1 Stoecklein. I apologize, sir. All right. So,  
2 Mr. Fox, are there any -- as far as the licensee  
3 is concerned, are there any preliminary matters?

4 MR. FOX: No preliminary matters  
5 except to say that we have not been given the  
6 details of the protest.

7 CHAIRPERSON ANDERSON: The parties  
8 they have not had -- it is my understanding that  
9 there was a mediation on 10/27. So are you  
10 saying that since you had mediation on 10/27 that  
11 you don't know what the protest is about, sir?

12 MR. FOX: That is correct.

13 CHAIRPERSON ANDERSON: And I don't ask  
14 what happens. But let me ask you a question.  
15 And the Board, what happens in mediation is  
16 confidential so it's not shared with the Board.  
17 But the only question I'm going to ask you about  
18 mediation, did the parties have mediation on  
19 10/27/2020?

20 MR. FOX: No, sir.

21 MR. SCHLOM: We did, Mr. Chairman. I  
22 wonder if --

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Hold on. Hold  
25 on. Hold on. Hold on one minute. Mr. Schlom,



1 you're not a party to this case. You can't say  
2 nothing. So Mr. Stoecklein has to speak up. And  
3 Mr. Fox, I know that -- I can no longer see your  
4 client so.

5 MR. DANEALE: I'm here.

6 CHAIRPERSON ANDERSON: I know you're  
7 there. I'm just saying before I saw your  
8 picture, but your picture has disappeared. But I  
9 see that you're online so. My record says that  
10 there was a mediation. So let me ask, Mr.  
11 Stoecklein. Mr. Stoecklein, was there a  
12 mediation held on October 27, 2020?

13 MR. STOECKLEIN: Yes, there was, Mr.  
14 Chairman.

15 MR. FOX: Mr. Chairman, may I jump in?

16 CHAIRPERSON ANDERSON: Yes, Mr. Fox.

17 MR. FOX: I was retained about a week  
18 ago. I was not advised that there had been a  
19 mediation.

20 CHAIRPERSON ANDERSON: All right. So  
21 --

22 MR. FOX: I know a few details, but  
23 I'm not satisfied that I know all of the  
24 concerns.

25 CHAIRPERSON ANDERSON: All right. Mr.

1 Fox, that is a conversation you need to have with  
2 your client. Okay? That's between you and your  
3 client. But the record reflects that a mediation  
4 was held on the 27th.

5 And so therefore once you further  
6 flesh this out with your client, I would hope  
7 that you have a better idea what the issues are  
8 in this case. I just want to say that. Okay.  
9 So I just want the record to reflect that a  
10 mediation was held, and I believe that Mr.  
11 Daneale had confirmed that he participated in the  
12 mediation. Is that correct, Mr. Daneale?

13 MR. DANEALE: Yes. I participated in  
14 that mediation.

15 CHAIRPERSON ANDERSON: All right.

16 MR. DANEALE: I gave him the  
17 documents, all information what he wants.

18 CHAIRPERSON ANDERSON: Mr. Daneale,  
19 Mr. Daneale, Mr. Daneale, I don't need to be a  
20 part of the conversation that you've had with  
21 your client. I'm not asking that. The only  
22 thing I'm asking you to confirm is that a  
23 mediation was held.

24 Whatever conversation you've had with  
25 your attorney, that is attorney/client

1 privileged. And I'm not trying to -- I don't  
2 want you to divulge that. All I wanted to  
3 establish for the record is that there was a  
4 mediation. That the parties met in mediation.

5 And I would hope that since the  
6 parties went through mediation that both sides  
7 should be aware what their issues are that are  
8 being protested. Okay? All right.

9 Are there any other preliminary  
10 matters from you, Mr. Stoecklein, or from Mr. Fox  
11 that needs to be brought to the Board's  
12 attention?

13 MR. FOX: Not at this time from Mr.  
14 Fox.

15 CHAIRPERSON ANDERSON: Thank you.

16 MR. STOECKLEIN: Mr. Chairman, this is  
17 Pierson Stoecklein on behalf of the WNA. We are  
18 preparing a proposed Settlement Agreement and  
19 will be providing that to the parties' new  
20 counsel when he is able to familiarize himself  
21 with the facts of the case.

22 CHAIRPERSON ANDERSON: All right.  
23 Fine. Well, I'm hoping that you will have -- do  
24 you have Mr. Fox's contact information?

25 MR. STOECKLEIN: I do not.

1                   CHAIRPERSON ANDERSON: Mr. Fox, after  
2 this -- at the end of these proceedings, can you  
3 please contact Mr. Stoecklein and provide him --  
4 or better yet, let me do this on the record. Mr.  
5 Fox, what is your contact information, please?

6                   MR. FOX: Telephone 202-276-3050,  
7 office address 1333 Connecticut Avenue Northwest,  
8 Suite 400, ZIP Code 20036.

9                   CHAIRPERSON ANDERSON: Do you have an  
10 email, sir?

11                  MR. FOX: Yes, I do. davide -- like  
12 in elephant -- fox@gmail.

13                  CHAIRPERSON ANDERSON: All right.  
14 Okay. So the parties have -- I have ensured that  
15 there is a way for the parties to communicate  
16 although this is not my role. But I'm making  
17 sure that the parties can properly communicate  
18 moving forward. Any other preliminary matter  
19 that needs to be addressed?

20                  MR. FOX: Not from us.

21                  CHAIRPERSON ANDERSON: Okay. Thank  
22 you.

23                  MR. STOECKLEIN: No, Mr. Chairman.

24                  CHAIRPERSON ANDERSON: Thank you very  
25 much. The Board is unable -- normally the Board

1 would provide a date for a protest hearing.  
2 However, because of the pandemic emergency, we're  
3 still looking at the calendar. So we would  
4 provide you a date for the protest hearing.

5 But in the interim I would ask the  
6 parties if they are available to continue  
7 talking. If the parties are able to settle this  
8 matter through a Settlement Agreement, the Board,  
9 of course, will welcome that because at least a  
10 decision will be made and both side are active in  
11 the results.

12 However, if you're unable to sign a  
13 Settlement Agreement, then we will have a hearing  
14 at a date to be determined in the new year.  
15 Okay?

16 MR. STOECKLEIN: Mr. Chairman?

17 CHAIRPERSON ANDERSON: Yes, Mr. --

18 MR. STOECKLEIN: This is Mr.  
19 Stoecklein on behalf of WNA. I apologize. I  
20 have one more question.

21 CHAIRPERSON ANDERSON: Yes.

22 MR. STOECKLEIN: And I'm not sure how  
23 to handle it procedurally so I apologize. But  
24 there are aspects of the proposed Settlement  
25 Agreement that based on our mediation --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Can you hold on  
3 one moment, please?

4 MR. STOECKLEIN: Pardon me? I realize  
5 I can't divulge the contents of the mediations,  
6 but there are aspects of the mediations that  
7 require that there be some kind of coordination,  
8 or at least it was suggested by the mediation,  
9 there be some kind of coordination with the  
10 general counsel of ABRA in order to retain a  
11 global settlement across all of the  
12 establishments for which WNA is protesting the  
13 license renewals.

14 That line of communication has not yet  
15 been opened. And so that is going to  
16 significantly hinder our ability to reach a  
17 settlement in this matter and all of the other  
18 matters before you today in which WNA is  
19 protesting. There are four of them, in fact.

20 So I just wanted to make you and the  
21 other Board members aware of that because without  
22 the involvement of general counsel, we will have  
23 challenges.

24 CHAIRPERSON ANDERSON: Well, the only  
25 thing the Board can state, I can't think about a

1 global settlement. There is only the protest  
2 case that's before me is this case, 20-PRO-00023,  
3 Secret Lounge. So that is the only protest that  
4 I can talk about because that's the only case.

5 So I'm not quite sure what global  
6 Settlement Agreement -- and I'm unaware whether  
7 or not the agency can give you advice on a global  
8 settlement because these are all individual  
9 licensees. And so therefore whatever settlement  
10 agreement is reached, it will be for this one  
11 establishment.

12 Maybe if you're protesting other  
13 establishments, maybe you can have similar  
14 language. But it has to be an individual  
15 Settlement Agreement that addresses each  
16 individual licensee.

17 MR. STOECKLEIN: Yes. I appreciate  
18 that, Mr. Chairman.

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MR. STOECKLEIN: I appreciate that.  
21 I appreciate your indulgence. Nonetheless, I  
22 wanted to make the Board aware of what had been  
23 offered to us by one of the ABRA representatives  
24 in assistance.

25 So we will pursue it individually. We

1 will hope for a resolution.

2 CHAIRPERSON ANDERSON: I would say  
3 that -- I would welcome you to call our general  
4 counsel, Martha Jenkins, and let me look for her  
5 phone number.

6 MR. STOECKLEIN: I have her  
7 information, Mr. Chairman. Thank you.

8 CHAIRPERSON ANDERSON: So you're  
9 welcome after this call to contact our general  
10 counsel, Martha Jenkins, and then she will  
11 provide you whatever guidance that you require.

12 But I just want to remind the parties  
13 that these are individual cases. And so these  
14 are individual licensees. And so if a Settlement  
15 Agreement comes, it will be a Settlement  
16 Agreement for the Secret Lounge. So it's not  
17 going to be a Settlement Agreement that's going  
18 to cover 10 establishments. So you would have to  
19 send in 10 Settlement Agreements. But it has to  
20 be a one Settlement Agreement that covers this  
21 particular licensee. Okay?

22 MR. STOECKLEIN: That is understood.  
23 Thank you.

24 CHAIRPERSON ANDERSON: All right.  
25 Thanks. All right. So as stated before, this



1 matter will be scheduled for a protest hearing at  
2 a date to be determined. The Agency will provide  
3 you with the date of the protest hearing.

4 Both parties if they believe that  
5 settlement is impending, then they can ask the  
6 Agency to postpone the protest hearing to a date  
7 that's mutually agreeable to both parties.

8 So I support settlements and so we  
9 will work with both sides to ensure that we can  
10 facilitate dates and give both sides as much  
11 opportunity that they require to come to an  
12 agreement. And if they can't come to an  
13 agreement, of course, we'll have a hearing.  
14 Okay?

15 All right. So now that we've  
16 scheduled this matter for a protest hearing,  
17 there are a few things that I would like to  
18 instruct you about. So a protest hearing is  
19 focused and addresses only those issues that are  
20 being protested.

21 You either have already received or  
22 will soon be receiving an email from Imani  
23 Moreland that contains a copy of a Protest  
24 Information Form, PIP, and a copy of an Exhibit  
25 Form.

1           Both parties are required to complete  
2 and submit the Protest Information Form, PIP, and  
3 the Exhibit Form at least seven days before the  
4 date of the hearing.

5           If we do not receive a copy of your  
6 forms seven days before the hearing, your  
7 application or your protest may be subject to  
8 dismissal. These documents not only need to be  
9 submitted to ABRA but to the opposing party as  
10 well.

11           Please know that these documents  
12 greatly assist the Board in narrowing the protest  
13 issues, facilitating the process and keeping the  
14 parties on point during the hearing.

15           Each side will have 90 minutes to  
16 present their case. This includes all direct and  
17 cross-examination of witnesses. The Board does  
18 not intend to hear testimony on matters that are  
19 not relevant to those issues that are being  
20 protested nor will the Board tolerate repetitive  
21 testimony.

22           Are there any questions by either  
23 side?

24           MR. FOX: No questions.

25           CHAIRPERSON ANDERSON: Okay. We thank

1 you greatly for your cooperation. If at any time  
2 you have any questions leading up to the hearing,  
3 please do not hesitate to contact Assistant  
4 General Counsel April Randall at 202-442-4353.

5 So you can either contact Ms. Randall  
6 or you can contact the general counsel, and we'll  
7 provide whatever technical assistance that you  
8 need to facilitate this process.

9 I thank everyone for their  
10 participation today and good luck in your  
11 negotiation. And as I have stated if this matter  
12 doesn't go to a protest hearing, I'm happy  
13 because it says that the parties have been able  
14 to work this matter out to their mutual  
15 satisfaction. If not, the Board will convene a  
16 protest hearing and make a decision. All right?

17 So thank you very much and have a  
18 great day.

19 MR. FOX: Thank you, sir.

20 CHAIRPERSON ANDERSON: All right.

21 MR. STOECKLEIN: Thank you.

22 CHAIRPERSON ANDERSON: Thank you.

23 (Whereupon, the above-entitled matter  
24 went off the record at 10:14 a.m.)  
25

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In the matter of: Secret Lounge

Before: DCABRA

Date: 11-19-20

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Court Reporter

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