

IN THE MATTER OF: :
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 :
 Songbyrd, LLC :
 t/a Songbyrd :
 2475-2477 18th Street NW :
 Retailer CT - ANC 1C : Show Cause Hearing
 License No. 96137 : (Status)
 Case #20-CMP-00029 :
 :
 :
 (Operating After Hours) :

Wednesday
December 9, 2020

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

PRESENT:

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

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
WALTER ADAMS, DC OAG
JOE LAPAN, Owner

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

2 11:26 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're going to move out of order, and I'm going
5 to call Case No. 20-CMP-00029, Songbyrd, License
6 No. 96137. Okay, so --

7 (Simultaneous speaking.)

8 MS. ANDREWS: I elevated his rights,
9 Mr. Chair.

10 CHAIRPERSON ANDERSON: Thank you.

11 Sir, can you please -- all right. Mr. Adams, can
12 you please identify yourself for the record,
13 please?

14 MR. ADAMS: Yes, Mr. Chairman. Walter
15 Adams representing the District of Columbia.

16 CHAIRPERSON ANDERSON: Mr. Lapan, I'm
17 sorry. Can you please state and spell your name
18 for the record and please identify your
19 relationship to the establishment, please?

20 MR. LAPAN: Sure. Can you hear me
21 okay?

22 CHAIRPERSON ANDERSON: Yes, sir. We
23 can hear you.

24 MR. LAPAN: Okay. My name is Joe
25 Lapan, full name, Joseph Lapan, J-O-E L-A-P-A-N.

1 I am co-owner of Songbyrd Music House.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you. Mr. Lapan, because you're online this
4 morning and your hearing was scheduled for 1:30
5 this afternoon -- but the Board is flexible. So
6 since you're here --

7 MR. LAPAN: Okay. I didn't mean to
8 cause any confusion. I just -- I got the whole
9 registration and summons for 10:30. So I was
10 surprised that it was moving on. So I don't
11 know. Whatever you want to do is find with me.

12 CHAIRPERSON ANDERSON: No, no. You're
13 here. On my calendar, it stated that you are
14 scheduled to be on at 1:30. But because you're
15 here and the Government is available, you're
16 fine. We're doing your case. We try to be
17 flexible. And so because you're here --

18 MR. LAPAN: I appreciate it. Sorry
19 for any confusion.

20 CHAIRPERSON ANDERSON: You're fine.
21 Okay. All right. Mr. Adams, are there any
22 preliminary matters in this case?

23 MR. ADAMS: Yes, Mr. Chairman. There
24 is a preliminary matter. The parties have
25 discussed the case and are able to propose an

1 Offer in Compromise to the Board.

2 CHAIRPERSON ANDERSON: All right. And
3 what is the Offer in Compromise, please?

4 MR. ADAMS: Yes, Mr. Chairman. In
5 this case, there's a single charge alleging the
6 establishment operated outside of its approved
7 hours. And to resolve this, the parties have
8 agreed that the matter can be resolved with a
9 warning to be issued by the --

10 CHAIRPERSON ANDERSON: All right.
11 Thank you, Mr. Adams. Okay. So, Mr. Lapan, it's
12 my understanding there's an Offer in Compromise.
13 And the Offer in Compromise is that a written
14 warning will be issued. Is this your
15 understanding of the Offer in Compromise, sir?

16 MR. LAPAN: Yes, it is.

17 CHAIRPERSON ANDERSON: Are you aware
18 that by accepting an Offer in Compromise that
19 you're giving up your right to a hearing?

20 MR. LAPAN: Yes, I am.

21 CHAIRPERSON ANDERSON: Are you also
22 aware that by accepting an Offer in Compromise
23 that you're giving up your right to appeal this
24 matter?

25 MR. LAPAN: Yes.

1 CHAIRPERSON ANDERSON: All right.
2 With that said, I make a motion that the Offer in
3 Compromise of a warning be accepted. Is there a
4 second?

5 MEMBER GRANDIS: Yes, Ed Grandis will
6 second.

7 CHAIRPERSON ANDERSON: Mr. Grandis has
8 second the motion. We'll now have a roll call
9 vote on the motion that has been properly second
10 by Mr. Grandis. Mr. Short?

11 MEMBER SHORT: Mr. Short, I agree.

12 CHAIRPERSON ANDERSON: Mr. Cato?

13 MEMBER CATO: Bobby Cato, I agree.

14 CHAIRPERSON ANDERSON: Ms. Crockett?

15 MEMBER CROCKETT: Rafi Crockett, I
16 agree.

17 CHAIRPERSON ANDERSON: Ms. Hansen?

18 MEMBER HANSEN: Jeni Hansen, I agree.

19 CHAIRPERSON ANDERSON: Mr. Grandis?

20 MEMBER GRANDIS: Ed Grandis agrees.

21 CHAIRPERSON ANDERSON: And Mr.

22 Anderson, I agree. The matter passes 6-0-0. I
23 want to thank both parties, both the Government
24 and the licensee for coming to a mutually
25 acceptable agreement for this case. And if

1 there's no further action, I thank you for your
2 presentation today. Thank you..

3 MR. LAPAN: Thank you for your
4 flexibility.

5 CHAIRPERSON ANDERSON: You're very
6 welcome.

7 (Whereupon, the above-entitled matter
8 went off the record at 11:30 a.m.)

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<p>A</p> <p>a.m 2:2 6:8 able 3:25 above-entitled 6:7 ABRA 1:21 acceptable 5:25 accepted 5:3 accepting 4:18,22 action 6:1 Adams 1:22 2:11,14,15 3:21,23 4:4,11 afternoon 3:5 agree 5:11,13,16,18,22 agreed 4:8 agreement 5:25 agrees 5:20 Alcoholic 1:2,13 ALIYA 1:18 alleging 4:5 ANC 1:7 Anderson 1:14,16 2:3 2:10,16,22 3:2,12,20 4:2,10,17,21 5:1,7,12 5:14,17,19,21,22 6:5 ANDREWS 1:21 2:8 appeal 4:23 appreciate 3:18 approved 4:6 available 3:15 aware 4:17,22</p>	<p>Crockett 1:18 5:14,15 5:15 CT 1:7</p> <p>D</p> <p>DC 1:21,22 December 1:11 discussed 3:25 District 1:1 2:15 doing 3:16 Donovan 1:14,16</p> <p>E</p> <p>Ed 5:5,20 EDWARD 1:18 elevated 2:8 establishment 2:19 4:6</p> <p>F</p> <p>find 3:11 fine 3:16,20 flexibility 6:4 flexible 3:5,17 full 2:25 further 6:1</p> <p>G</p> <p>giving 4:19,23 Government 3:15 5:23 Grandis 1:18 5:5,5,7,10 5:19,20,20</p>	<p>License 1:8 2:5 licensee 5:24 LLC 1:6</p> <p>M</p> <p>matter 1:5 3:24 4:8,24 5:22 6:7 matters 3:22 mean 3:7 MEETING 1:3 Member 1:17,17,18,18 1:19 5:5,11,13,15,18 5:20 met 1:13 morning 3:4 motion 5:2,8,9 move 2:4 moving 3:10 Music 3:1 mutually 5:24</p> <p>N</p> <p>name 2:17,24,25 NW 1:7</p> <p>O</p> <p>OAG 1:22 Offer 4:1,3,12,13,15,18 4:22 5:2 online 3:3 operated 4:6 Operating 1:9 order 2:4 outside 4:6 Owner 1:22</p>	<p>resolve 4:7 resolved 4:8 Retailer 1:7 rights 2:8 roll 5:8</p> <p>S</p> <p>S 1:18 scheduled 3:4,14 second 5:4,6,8,9 Short 1:17 5:10,11,11 Show 1:7 SIMONE 1:21 Simultaneous 2:7 single 4:5 sir 2:11,22 4:15 Songbyrd 1:6,6 2:5 3:1 sorry 2:17 3:18 speaking 2:7 spell 2:17 Staff 1:21 state 2:17 stated 3:13 Status 1:8 Street 1:7 summons 3:9 surprised 3:10</p> <p>T</p> <p>t/a 1:6 thank 2:10 3:3 4:11 5:23 6:1,2,3 today 6:2 try 3:16</p>
<p>B</p> <p>Beverage 1:2,13 Board 1:2,13 3:5 4:1 Bobby 1:17 5:13</p> <p>C</p> <p>calendar 3:13 call 2:5 5:8 case 1:8 2:5 3:16,22,25 4:5 5:25 Cato 1:17 5:12,13,13 cause 1:7 3:8 Chair 2:9 Chairman 2:14 3:23 4:4 Chairperson 1:13,16 2:3,10,16,22 3:2,12 3:20 4:2,10,17,21 5:1 5:7,12,14,17,19,21 6:5 charge 4:5 co-owner 3:1 Columbia 1:1 2:15 coming 5:24 Compromise 4:1,3,12 4:13,15,18,22 5:3 confusion 3:8,19 Control 1:2,13</p>	<p>H</p> <p>Hansen 1:19 5:17,18,18 hear 2:20,23 hearing 1:7 3:4 4:19 hours 1:9 4:7 House 3:1</p> <p>I</p> <p>identify 2:12,18 issued 4:9,14</p> <p>J</p> <p>J-O-E 2:25 JAMES 1:17 Jeni 1:19 5:18 Joe 1:22 2:24 Joseph 2:25 JR 1:17</p> <p>K</p> <p>L</p> <p>L-A-P-A-N 2:25 Lapan 1:22 2:16,20,24 2:25,25 3:3,7,18 4:11 4:16,20,25 6:3</p>	<p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 parties 3:24 4:7 5:23 passes 5:22 please 2:11,12,13,17,18 2:19 4:3 preliminary 3:22,24 PRESENT 1:15,20 presentation 6:2 presiding 1:14 properly 5:9 propose 3:25</p> <p>Q</p> <p>R</p> <p>Rafi 1:18 5:15 record 2:12,18 6:8 registration 3:9 relationship 2:19 representing 2:15</p>	<p>U</p> <p>understanding 4:12,15</p> <p>V</p> <p>videoconference 1:13 vote 5:9</p> <p>W</p> <p>W 1:14,16 Walter 1:22 2:14 warning 4:9,14 5:3 WebEx 1:13 Wednesday 1:11 welcome 6:6 went 6:8 written 4:13</p> <p>X</p> <p>Y</p> <p>Z</p>

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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: Songbyrd

Before: DCABRA

Date: 12-09-20

Place: teleconference

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



Court Reporter

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