

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Allure Lounge, LLC, :
 t/a Allure Lounge : Protest Hearing
 711 H Street NE : (Status)
 License #108303 :
 Retailer CT - ANC 6C :
 Case # 20-PRO-00041 :
 :
 (Substantial Change - :
 Games of Skill :
 Endorsement) :

Thursday
 December 10, 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
 JAMES SHORT, JR., Member

ALSO PRESENT:

ZERIHUN AMENTE, Applicant
 SIMONE ANDREWS, DC ABRA Staff
 JOEL KELTY, ANC 6C
 BRYAN WESSON, Applicant's Representative

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

2 11:03 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 20-PRO-00041, Allure
5 Lounge, License No. 108303. Ms. Andrews, can
6 you please elevate the rights of the ANC and the
7 Licensee, please?

8 MS. ANDREWS: Sure. Stand by.

9 CHAIRPERSON ANDERSON: Thank you.

10 MR. KELTY: Good morning. This is
11 Joel Kelty representing ANC 6C.

12 CHAIRPERSON ANDERSON: Hold on one
13 minute, Mr. Kelty. Hold on, please.

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

15 CHAIRPERSON ANDERSON: Good morning,
16 everyone. Let's have the parties introduce
17 themselves for the record with the spelling of
18 their names, and let's start with the Licensee.
19 Can we have the Licensee? You can please open
20 up your microphone. Please open up your camera
21 if you have one. Could the Licensee please
22 introduce him or herself for the record with the
23 spelling of your name?

24 MR. AMENTE: Good morning. Can you
25 hear me?

1 CHAIRPERSON ANDERSON: Yes, we can
2 hear.

3 MR. AMENTE: Yes, this is Zerihun Z-
4 E-R-I-H-U-N, last name A-M-E-N-T-E.

5 CHAIRPERSON ANDERSON: And who are
6 you, Mr. Amente?

7 MR. AMENTE: I am the owner, Allure.

8 CHAIRPERSON ANDERSON: Thank you.

9 MR. AMENTE: You're welcome.

10 CHAIRPERSON ANDERSON: Mr. Wesson,
11 can you identify yourself for the record and
12 spell your name and your affiliation, please?

13 MR. WESSON: Yes, sir. My name is
14 Bryan Wesson. That's spelled B-R-Y-A-N, last
15 name W-E-S-S-O-N, and I am the non-attorney
16 agent for Allure.

17 CHAIRPERSON ANDERSON: Thank you.
18 Mr. Kelty?

19 MR. KELTY: Good morning. This is
20 Joel Kelty representing ANC 6C. My name is
21 spelled J-O-E-L last name K-E-L-T-Y.

22 CHAIRPERSON ANDERSON: Thank you.
23 Good morning everyone. This is a substantial
24 change games of skill endorsement. So let me
25 start with the ANC. Mr. Kelty, are there any

1 preliminary matters that you want to bring to
2 the attention of the Board?

3 MR. KELTY: Yes, there is one. I
4 know our last hearing we, I thought, agreed to
5 combine the renewal and the substantial change.
6 I've heard third-hand that this hearing is only
7 about the substantial change. I just want to
8 confirm what it is we're meeting about today and
9 understand what happened with the combination of
10 the two cases. We didn't receive any notice of
11 them not being combined.

12 CHAIRPERSON ANDERSON: Do you know
13 the number -- if both parties are in agreement
14 that the Board -- did we have a hearing? I
15 apologize if we did, but did we have a protest
16 hearing status before on the Allure Lounge?

17 MR. AMENTE: Yes.

18 MR. KELTY: We had one about the
19 renewal, but not the substantial change. I
20 thought we were combining the two, but it seems
21 as though we're not.

22 CHAIRPERSON ANDERSON: I believe that
23 they cannot be consolidated because there are
24 different parties in the cases. There are
25 different parties as far as -- this is a

1 substantial change, and it's my understanding
2 that for the renewal the parties are not the
3 same. That's a reason why it cannot be
4 consolidated. Is that your understanding? Are
5 all the parties the same for the renewal as here
6 in the substantial change?

7 MR. WESSON: No, sir. This is Bryan
8 Wesson speaking. I feel it would be unfair to
9 the Applicant if I represented in both the game
10 of skill change as well as the renewal.

11 CHAIRPERSON ANDERSON: That's fine.
12 As I stated before, there are different parties
13 and so because there are different parties, the
14 Board is unable to consolidate these two
15 matters. They are separate cases and separately
16 represented. It's my understanding that Mr.
17 Wesson is a non-lawyer representative of the
18 Allure Lounge just on the substantial change
19 game of skill endorsement, and that he is not
20 the representative of the establishment for the
21 renewal.

22 Also, the Board normally would
23 consolidate matters if it can. In this
24 particular case we are unable to consolidate
25 these matters. Is that clear to you, Mr. Kelty?

1 MR. KELTY: Yes, that is clear. I
2 would just ask that the Board consider providing
3 written notice of any significant changes like
4 that to these proceedings so that we can be
5 better prepared in the future. But I understand
6 now, thank you.

7 CHAIRPERSON ANDERSON: As I stated
8 before, normally if we have two cases and it's
9 the same parties on both sides, then the Board
10 will gladly consolidate matters for economic
11 scale. But if the parties are not the same,
12 then it's not something that the Board can do.
13 It can't occur. If you need further
14 clarification, I know that you have been
15 speaking to Ms. April Randall, and I know that
16 as far as instructions, I will always refer the
17 parties to April Randall.

18 I know that Ms. Randall has been
19 working with you, Mr. Kelty, and other parties
20 in this case to clarify to you that it's
21 impossible based on the fact that the parties
22 are not the same in both cases that the Agency
23 cannot consolidate both cases. I just want to
24 let you know this is a final decision. These
25 cases cannot be consolidated, and I have every

1 confidence that the legal division from this
2 agency will provide you, along with any member
3 of the public, the appropriate instructions and
4 guidance in how to pursue a protest hearing,
5 okay?

6 MR. KELTY: Thank you, I appreciate
7 that. Just for the avoidance of any doubt, for
8 the purposes of the substantial change, our
9 party with whom we are negotiating is Mr.
10 Wesson?

11 CHAIRPERSON ANDERSON: Yes.

12 MR. KELTY: Thank you very much.

13 CHAIRPERSON ANDERSON: Mr. Wesson has
14 introduced himself at least on the record today
15 as the representative of the establishment. Mr.
16 Wesson has represented himself on the record
17 today that he's not an attorney, but he is a
18 non-attorney representative of the Allure Lounge
19 on the substantial change game of skill
20 application. That is a person that Mr. Amente
21 is directing you to negotiate this matter with.

22 As far as Mr. Amente or Mr. Wesson
23 are concerned, are there any preliminary matters
24 that you would like the Board to address from
25 your perspective?

1 MR. WESSON: This is Bryan Wesson
2 speaking here. Yes, sir, there is.

3 CHAIRPERSON ANDERSON: Yes, Mr.
4 Wesson.

5 MR. WESSON: I do feel that the
6 renewal application is somewhat getting tied up
7 with the game of skill substantial change.
8 Depending on the outcome of the renewal, we may
9 not even be doing a substantial change
10 application. If possible I would like to
11 propose staying adjudication of this game of
12 skill application until the Board rules on the
13 separate pending renewal protest.

14 CHAIRPERSON ANDERSON: Our decision
15 will be made because they're on different
16 calendars. They're on different timelines. So
17 we will have a decision -- are you asking us --
18 are you making a motion that you want to
19 withdraw -- Tell me again what is it that you
20 want us to do with this game of skill
21 application substantial change?

22 MR. WESSON: I do not want to
23 withdraw. I believe at this point if we did,
24 now that they've officially protested, we'd have
25 to wait five years before we reapply. At least

1 that's my understanding as of today.

2 CHAIRPERSON ANDERSON: So we can
3 suspend this matter then until the Board makes a
4 decision on the renewal application. Then once
5 that decision is made then we can continue it.
6 You don't have to withdraw it. We'll just
7 suspend this matter until a decision is made on
8 the renewal application, and you could then
9 advise the Board whether or not you want to move
10 forward with the substantial change application
11 or you want to withdraw it. You can make that
12 decision once that determination is made. Is
13 that something that you want us to do?

14 MR. WESSON: If possible, yes, sir.

15 CHAIRPERSON ANDERSON: We have a
16 pending motion. The motion that has been
17 requested by Mr. Wesson is that the Agency
18 suspends its application for substantial change
19 game of skill endorsement until such time as a
20 decision is made on the renewal application for
21 this establishment, which is on a different
22 timeline. Mr. Kelty, do you have any
23 disagreement with us suspending this substantial
24 change application until a decision has been
25 made on the renewal application?

1 MR. KELTY: No.

2 CHAIRPERSON ANDERSON: I'm sorry, Mr.
3 Kelty?

4 MR. KELTY: No, I have no objection.

5 CHAIRPERSON ANDERSON: Thank you.

6 With the agreement of the parties, then I make a
7 motion that the ABC Board suspend Protest No.
8 20-PRO-00041, Allure Lounge, License No. 108303,
9 until such time as the ABC Board issues a
10 determination on the renewal application for
11 Allure Lounge. Unfortunately I do not have that
12 case number, but I know that when the Board
13 issues its decision, the case number for the
14 renewal application will be issued.

15 Is there a Board member able to
16 second this motion?

17 MEMBER SHORT: Mr. Short, I second.

18 CHAIRPERSON ANDERSON: Mr. Short has
19 seconded the motion. We will now take a roll
20 call vote on the motion that has been properly
21 seconded by Mr. Short. Mr. Short?

22 MEMBER SHORT: Mr. Short, I agree.

23 CHAIRPERSON ANDERSON: Mr. Cato?

24 MEMBER CATO: Bobby Cato, I agree.

25 CHAIRPERSON ANDERSON: Ms. Crockett?

1 MEMBER CROCKETT: Rafi Crockett, I
2 agree.

3 CHAIRPERSON ANDERSON: Ms. Hansen?

4 MEMBER HANSEN: Jeni Hansen, I agree.

5 CHAIRPERSON ANDERSON: Mr. Grandis?

6 MEMBER GRANDIS: Ed Grandis, I agree.

7 CHAIRPERSON ANDERSON: And Mr.

8 Anderson, I agree. The matter therefore passes
9 6-0-0. The Board then, we will issue a formal
10 order suspending this protest hearing regarding
11 the substantial change game of skill endorsement
12 until such time as an order is issued on the
13 renewal application. Once a Board order has
14 been issued on the renewal application, Mr.
15 Wesson or Mr. Amente, please inform the Board
16 what decision you would like the Board to take
17 on this protest case. Is it clear to all the
18 parties where we are?

19 MR. WESSON: Yes, sir.

20 MR. AMENTE: Yes, sir.

21 CHAIRPERSON ANDERSON: If there are
22 no other questions, thank you very much for your
23 participation today. Have a great day. You can
24 stay on the line, Mr. Wesson, since I believe
25 that you are also on the other case. Thank you

1 very much.

2 MR. WESSON: Thank you.

3 (Whereupon, the above-entitled
4 matter went off the record at 11:18 a.m.)

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A	10:15 11:9,13,15,16 Bobby 1:17 10:24 bring 4:1 Bryan 1:24 3:14 5:7 8:1	10:10 different 4:24,25 5:12 5:13 8:15,16 9:21 directing 7:21 disagreement 9:23 DISTRICT 1:1 division 7:1 doing 8:9 Donovan 1:14,16 doubt 7:7	introduce 2:16,22 introduced 7:14 issue 11:9 issued 10:14 11:12,14 issues 10:9,13
A-M-E-N-T-E 3:4 a.m 2:2 12:4 ABC 10:7,9 able 10:15 above-entitled 12:3 ABRA 1:22 address 7:24 adjudication 8:11 advise 9:9 affiliation 3:12 agency 6:22 7:2 9:17 agent 3:16 agree 10:22,24 11:2,4,6 11:8 agreed 4:4 agreement 4:13 10:6 Alcoholic 1:2,13 ALIYA 1:17 Allure 1:6,6 2:4 3:7,16 4:16 5:18 7:18 10:8 10:11 Amente 1:21 2:24 3:3,6 3:7,9 4:17 7:20,22 11:15,20 ANC 1:8,23 2:6,11 3:20 3:25 Anderson 1:14,16 2:3,9 2:12,15 3:1,5,8,10,17 3:22 4:12,22 5:11 6:7 7:11,13 8:3,14 9:2,15 10:2,5,18,23,25 11:3 11:5,7,8,21 Andrews 1:22 2:5,8,14 apologize 4:15 Applicant 1:21 5:9 Applicant's 1:24 application 7:20 8:6,10 8:12,21 9:4,8,10,18 9:20,24,25 10:10,14 11:13,14 appreciate 7:6 appropriate 7:3 April 6:15,17 asking 8:17 attention 4:2 attorney 7:17 avoidance 7:7	C	E	J
B	calendar 2:4 calendars 8:16 call 10:20 camera 2:20 case 1:8 2:3,4 5:24 6:20 10:12,13 11:17,25 cases 4:10,24 5:15 6:8 6:22,23,25 Cato 1:17 10:23,24,24 Chair 2:14 Chairperson 1:14,16 2:3,9,12,15 3:1,5,8,10 3:17,22 4:12,22 5:11 6:7 7:11,13 8:3,14 9:2 9:15 10:2,5,18,23,25 11:3,5,7,21 change 1:9 3:24 4:5,7 4:19 5:1,6,10,18 7:8 7:19 8:7,9,21 9:10,18 9:24 11:11 changes 6:3 clarification 6:14 clarify 6:20 clear 5:25 6:1 11:17 COLUMBIA 1:1 combination 4:9 combine 4:5 combined 4:11 combining 4:20 concerned 7:23 confidence 7:1 confirm 4:8 consider 6:2 consolidate 5:14,23,24 6:10,23 consolidated 4:23 5:4 6:25 continue 9:5 Control 1:2,13 Crockett 1:17 10:25 11:1,1 CT 1:8	E-R-I-H-U-N 3:4 economic 6:10 Ed 11:6 EDWARD 1:18 elevate 2:6 endorsement 1:10 3:24 5:19 9:19 11:11 establishment 5:20 7:15 9:21	J-O-E-L 3:21 JAMES 1:19 Jeni 1:18 11:4 Joel 1:23 2:11 3:20 JR 1:17,19
B-R-Y-A-N 3:14 based 6:21 believe 4:22 8:23 11:24 better 6:5 Beverage 1:2,13 Board 1:2,13 4:2,14 5:14,22 6:2,9,12 7:24 8:12 9:3,9 10:7,9,12	D	F	K
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	fact 6:21 far 4:25 6:16 7:22 feel 5:8 8:5 final 6:24 fine 5:11 five 8:25 formal 11:9 forward 9:10 further 6:13 future 6:5	K-E-L-T-Y 3:21 Kelty 1:23 2:10,11,13 3:18,19,20,25 4:3,18 5:25 6:1,19 7:6,12 9:22 10:1,3,4
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	G	L
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	game 5:9,19 7:19 8:7 8:11,20 9:19 11:11 games 1:10 3:24 getting 8:6 gladly 6:10 Grandis 1:18 11:5,6,6 guidance 7:4	legal 7:1 let's 2:16,18 License 1:7 2:5 10:8 Licensee 2:7,18,19,21 line 11:24 LLC 1:6 Lounge 1:6,6 2:5 4:16 5:18 7:18 10:8,11
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	H	M
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	H 1:7 Hansen 1:18 11:3,4,4 happened 4:9 hear 2:25 3:2 heard 4:6 hearing 1:6 4:4,6,14,16 7:4 11:10 Hold 2:12,13	making 8:18 matter 1:5 7:21 9:3,7 11:8 12:4 matters 4:1 5:15,23,25 6:10 7:23 meeting 1:3 4:8 member 1:17,17,18,18 1:19 7:2 10:15,17,22 10:24 11:1,4,6 met 1:14 microphone 2:20 minute 2:13 morning 2:10,15,24 3:19,23 motion 8:18 9:16,16 10:7,16,19,20 move 9:9
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	I	N
B	day 11:23 DC 1:22 December 1:12 decision 6:24 8:14,17 9:4,5,7,12,20,24 10:13 11:16 Depending 8:8 determination 9:12	identify 3:11 impossible 6:21 inform 11:15 instructions 6:16 7:3	name 2:23 3:4,12,13,15 3:20,21 names 2:18 NE 1:7 need 6:13 negotiate 7:21 negotiating 7:9 non-attorney 3:15 7:18

non-lawyer 5:17
normally 5:22 6:8
notice 4:10 6:3
number 4:13 10:12,13

O

objection 10:4
occur 6:13
officially 8:24
once 9:4,12 11:13
open 2:19,20
order 11:10,12,13
outcome 8:8
owner 3:7

P

P-R-O-C-E-E-D-I-N-G-S
 2:1

participation 11:23
particular 5:24
parties 2:16 4:13,24,25
 5:2,5,12,13 6:9,11,17
 6:19,21 10:6 11:18
party 7:9
passes 11:8
pending 8:13 9:16
person 7:20
perspective 7:25
please 2:6,7,13,19,20
 2:21 3:12 11:15
point 8:23
possible 8:10 9:14
preliminary 4:1 7:23
prepared 6:5
PRESENT 1:15,20
presiding 1:14
proceedings 6:4
properly 10:20
propose 8:11
protest 1:6 4:15 7:4
 8:13 10:7 11:10,17
protested 8:24
provide 7:2
providing 6:2
public 7:3
purposes 7:8
pursue 7:4

Q

questions 11:22

R

Rafi 1:17 11:1
Randall 6:15,17,18
reapply 8:25
reason 5:3
receive 4:10
record 2:17,22 3:11

7:14,16 12:4
refer 6:16
regarding 11:10
renewal 4:5,19 5:2,5,10
 5:21 8:6,8,13 9:4,8,20
 9:25 10:10,14 11:13
 11:14

representative 1:24
 5:17,20 7:15,18
represented 5:9,16
 7:16
representing 2:11 3:20
requested 9:17
Retailer 1:8
rights 2:6
roll 10:19
rules 8:12

S

S 1:18
scale 6:11
second 10:16,17
seconded 10:19,21
separate 5:15 8:13
separately 5:15
Short 1:19 10:17,17,18
 10:21,21,22,22
sides 6:9
significant 6:3
SIMONE 1:22
sir 3:13 5:7 8:2 9:14
 11:19,20
skill 1:10 3:24 5:10,19
 7:19 8:7,12,20 9:19
 11:11
somewhat 8:6
sorry 10:2
speaking 5:8 6:15 8:2
spell 3:12
spelled 3:14,21
spelling 2:17,23
Staff 1:22
Stand 2:8
start 2:18 3:25
stated 5:12 6:7
status 1:7 4:16
stay 11:24
staying 8:11
Street 1:7

substantial 1:9 3:23 4:5
 4:7,19 5:1,6,18 7:8,19
 8:7,9,21 9:10,18,23
 11:11

suspend 9:3,7 10:7
suspending 9:23 11:10
suspends 9:18

T

t/a 1:6
Tell 8:19
thank 2:9 3:8,17,22 6:6
 7:6,12 10:5 11:22,25
 12:2
third-hand 4:6
thought 4:4,20
Thursday 1:12
tied 8:6
timeline 9:22
timelines 8:16
today 4:8 7:14,17 9:1
 11:23
two 4:10,20 5:14 6:8

U

unable 5:14,24
understand 4:9 6:5
understanding 5:1,4,16
 9:1
unfair 5:8
Unfortunately 10:11

V

videoconference 1:14
vote 10:20

W

W 1:14,16
W-E-S-S-O-N 3:15
wait 8:25
Webex 1:14
welcome 3:9
went 12:4
Wesson 1:24 3:10,13
 3:14 5:7,8,17 7:10,13
 7:16,22 8:1,1,4,5,22
 9:14,17 11:15,19,24
 12:2
withdraw 8:19,23 9:6
 9:11
working 6:19
written 6:3

X

Y

years 8:25

Z

Z-3 3:3
Zerihun 1:21 3:3

0

1

10 1:12
108303 1:7 2:5 10:8

11:03 2:2
11:18 12:4

2

20-PRO-00041 1:8 2:4
 10:8
2020 1:12

3

4

5

6

6-0-0 11:9
6C 1:8,23 2:11 3:20

7

711 1:7

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Allure Lounge

Before: DCABRA

Date: 12-10-20

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

NEAL R. GROSS

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