

Thursday  
December 10, 2020

SIMONE ANDREWS, DC ABRA Staff  
ELLI BENCHIMOL, Applicant  
KAREN CRUSE, Citizens Association of Georgetown  
EZRA GLASS, Applicant's Landlord  
GWENDOLYN LOHSE, ANC 2E  
RICHARD MURPHY, ANC 2E  
ROBERT STOUT, Protestant  
ROBERT YAHN, Protestant

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

1:36 p.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 20-PRO-00046, Aperio DC, License No. 116925. Ms. Andrews, can you please elevate the rights of the Licensee and the Protestant in this case, please?

MS. ANDREWS: Sure, stand by.

CHAIRPERSON ANDERSON: Thank you.

MS. ANDREWS: That's all, Mr. Chair. If there are any parties that belongs to this case and your rights have not been elevated, please use the chat to acknowledge yourself.

CHAIRPERSON ANDERSON: Thank you. Can everyone, the folks whose rights have been elevated, if you have -- that case is later on on the calendar. For the folks who have -- someone has placed something in the chat. I just want to let them know that that case is later on on the calendar. Just hold on. I have not called that case as yet.

So for the folks whose rights have been elevated, if you have a camera please turn your camera on, but also please unmute your telephone, your microphone. For Aperio, this is

1 an application for a new license. Can we have  
2 the Licensee please identify yourself for the  
3 record and also spell your name, please? Can I  
4 have the Licensee identify themselves for the  
5 record, please, and spell your first and last  
6 name, please?

7 MS. LOHSE: Are they calling me?

8 MR. GLASS: I see she's muted. Sorry,  
9 this is Ezra Glass. I'm the landlord. Elli is  
10 the Licensee, she was muted. Oh there you go.  
11 She is on now.

12 CHAIRPERSON ANDERSON: Hold on a  
13 minute. Who is the Licensee for Aperio?

14 MS. BENCHIMOL: I am. That's Elli  
15 Benchimol, hi.

16 CHAIRPERSON ANDERSON: Can you spell  
17 your first and last name, please?

18 MS. BENCHIMOL: It's Ellizabeth with  
19 two L's, E-L-L-I-Z-A-B-E-T-H Benchimol, B-E-N-C-  
20 H-I-M-O-L.

21 CHAIRPERSON ANDERSON: How do you  
22 pronounce it, please, just to help me?

23 MS. BENCHIMOL: Elizabeth Benchimol,  
24 just like it's spelled.

25 CHAIRPERSON ANDERSON: I'm having some

1 trouble hearing you. I try my best to pronounce  
2 people's name, that's why I always ask, but  
3 anyway, Elli Benchimol, you're the owner of the  
4 establishment. I heard someone say that they're  
5 the landlord. Who is that?

6 MR. GLASS: Hi, my name is Ezra Glass.  
7 I'm the landlord.

8 CHAIRPERSON ANDERSON: And how do you  
9 spell your name, sir?

10 MR. GLASS: Ezra, E-Z-R-A, is the first  
11 name and the last name is Glass, G-L-A-S-S.

12 CHAIRPERSON ANDERSON: So who is the  
13 Protestant? Could the Protestant please identify  
14 themselves for the record, please?

15 MS. LOHSE: Hi, this is Gwendolyn Lohse  
16 from ANC 2E.

17 CHAIRPERSON ANDERSON: Please spell  
18 your name for the record, please.

19 MS. LOHSE: Sure, G-W-E-N-D-O-L-Y-N,  
20 Gwendolyn, Lohse, L-O-H-S-E. I'm ANC  
21 Commissioner for ANC 2E06.

22 CHAIRPERSON ANDERSON: Who else is on  
23 the line regarding this matter? Please identify  
24 yourself for the record, please.

25 MR. MURPHY: Richard Murphy, also from

1       ANC 2E, but Commissioner Lohse will take the lead  
2       on this matter.

3               CHAIRPERSON ANDERSON: That is fine.  
4       Who else is on the line? I see a Karen Cruse.  
5       Who is Karen Cruse? Does anyone know who Karen  
6       Cruse is?

7               MS. LOHSE: Yes, we should have the  
8       Citizens Association of Georgetown joining, as  
9       well as some abutting property neighbors.

10              MS. CRUSE: Hi, I'm Karen Cruse. I  
11       represent the Citizens Association of Georgetown.

12              CHAIRPERSON ANDERSON: And who are the  
13       abutting property neighbors? I'm sorry, who are  
14       the property owners?

15              MS. LOHSE: Robert, are you on? I did  
16       speak with them earlier and they were planning on  
17       joining.

18              CHAIRPERSON ANDERSON: Hold on one  
19       minute, please. Ms. Benchimol?

20              MS. BENCHIMOL: Yes?

21              CHAIRPERSON ANDERSON: Who is  
22       protesting your license, ma'am?

23              MS. BENCHIMOL: I can look up their  
24       names.

25              CHAIRPERSON ANDERSON: What

1 organizations? I want to make sure that I know  
2 who the Protestants are. I don't necessarily  
3 have all the information who all the Protestants  
4 are, so I want to make sure that all the  
5 Protestants are represented and a Protestant is  
6 not -- if someone is protesting this matter and  
7 if they have not been identified, then they will  
8 be dismissed. So I need to find out who all the  
9 Protestants are and they need to identify  
10 themselves. If they do not identify themselves,  
11 I'm going to motion for the Board to dismiss  
12 them. Who are the Protestants, ma'am, from your  
13 perspective?

14 MS. BENCHIMOL: I'm sorry, I was copied  
15 on the email but I don't have it memorized, I  
16 apologize. I can get it in a moment.

17 CHAIRPERSON ANDERSON: Sure. Who is  
18 Byrne? Does anybody know that person, Megan  
19 Byrne? Ms. Byrne, can you -- what case are you  
20 here for? I see that you are putting information  
21 on the chat. In the chat, can you say what case  
22 that you believe you are online for? If you say  
23 what case you believe you are online for then Ms.  
24 Andrews will elevate your rights if you are for  
25 this case. Ms. Andrews, is this establishment in

1 Georgetown?

2 MR. MURPHY: Yes, it is.

3 MS. BENCHIMOL: Yes.

4 CHAIRPERSON ANDERSON: Ms. Andrews, can  
5 you please elevate the rights of Ms. Byrne? I  
6 believe that there is a Ms. Byrne on the line.  
7 She said she is protesting a liquor license in  
8 Georgetown.

9 MS. ANDREWS: Sure. Stand by.

10 MR. MURPHY: Mr. Chairman, just to  
11 clear, this is Rick Murphy from ANC 2E. You have  
12 actually got two cases back to back that involve  
13 licenses in Georgetown, so that could be causing  
14 some confusion. ANC 2E is protesting both the  
15 Aperio application and the Super Investments or  
16 Logan Circle Liquors application, which comes  
17 next.

18 CHAIRPERSON ANDERSON: I don't know who  
19 the Protestants are by name, and so therefore I  
20 need to be told who the Protestants are because  
21 if they are not online they will be dismissed.  
22 So therefore I need to know who the Protestants  
23 are so therefore we can elevate their rights. If  
24 they are not online, I'm going to motion and  
25 they're going to be dismissed from the case. I

1 know that this is somewhat unorthodox, so we are  
2 all operating and doing this by video.

3 Normally I'm at the office, I have all  
4 this information in front of me and so I am  
5 dependent on getting information from at least  
6 the parties to know who they're negotiating with.  
7 That's why I'm asking Ms. Benchimol --

8 MS. LOHSE: So this is Gwendolyn Lohse,  
9 the ANC Commissioner for Aperio for the abutting  
10 neighbors who I knew were joining, we had Robert  
11 Young is a Protestant for Aperio, and then also  
12 Richard Stout and the Yahns. I spoke with them  
13 earlier and they were planning on joining. Maybe  
14 they had technical difficulties.

15 CHAIRPERSON ANDERSON: You said Richard  
16 who?

17 MS. LOHSE: Stout, S-T-O-U-T and Robert  
18 Yahn, Y-A-H-N.

19 MS. CRUSE: James Yahn.

20 MS. LOHSE: Yeah.

21 CHAIRPERSON ANDERSON: And you said  
22 James Young?

23 MS. LOHSE: Yahn, Y-A-H-N.

24 CHAIRPERSON ANDERSON: And Richard who?

25 MS. LOHSE: Stout, S-T-O-U-T. They



1 both are having technical difficulties, I'm  
2 emailing them, getting in.

3 CHAIRPERSON ANDERSON: Okay, fine.  
4 We'll wait to get them in. Ms. Megan Byrne, do  
5 you know what case that you are here for?

6 MS. BYRNE: Yeah, hi, sorry. Apologies  
7 for my confusion. I am here for I think it's --  
8 the only number I have as a reference, ABRA  
9 86950. Am I in the wrong place?

10 CHAIRPERSON ANDERSON: No, you're for  
11 the next case.

12 MS. BYRNE: My apologies.

13 CHAIRPERSON ANDERSON: You are for the  
14 next case, so you can get off the line but stay -  
15 - Ms. Andrews, please --

16 MS. ANDREWS: Ms. Byrne, I'm going to  
17 disable your rights, but you can stay online,  
18 okay?

19 MS. BYRNE: Okay, thank you.

20 MS. LOHSE: Sir, Apero, we also have  
21 another Protestant who is on and he's emailing  
22 Ms. Randall. He's on the phone and he has a  
23 technical difficulty.

24 CHAIRPERSON ANDERSON: No, he's not  
25 supposed to email Ms. Randall. Email Ms. Simon.

1 MS. LOHSE: Okay.

2 MS. ANDREWS: He has been acknowledged.  
3 His line is now unmuted.

4 MS. BENCHIMOL: I also have the full  
5 list if you need all the names now. I apologize,  
6 it took me a moment to find it.

7 CHAIRPERSON ANDERSON: Yes, what are  
8 the names, ma'am?

9 MS. BENCHIMOL: It's Siavash  
10 Koohmaraie, Robert Stout --

11 CHAIRPERSON ANDERSON: Can you spell  
12 that please?

13 MS. BENCHIMOL: K-O-O-H-M-A-R-I-R-A-I-E  
14 is the last name. First name is Siavash, S-A-I-  
15 V-I-S-H. And listed here are Robert Stout and  
16 Robert Yahn and Lacey Huber.

17 CHAIRPERSON ANDERSON: You are breaking  
18 up so I can't hear you.

19 MS. BENCHIMOL: Lacey Huber was the one  
20 that wasn't mentioned yet, H-U-B-E-R, first name  
21 Lacey, L-A-C-E-Y. And Andrew Johnson, just like  
22 it sounds, J-O-H-N-S-O-N.

23 CHAIRPERSON ANDERSON: Ms. Benchimol,  
24 your microphone is -- I'm having some  
25 difficulties hearing from you. Let me ask you,

1 Ms. Lohse, do you have a list of all the  
2 Protestants?

3 MS. LOHSE: I do.

4 CHAIRPERSON ANDERSON: Who are all the  
5 Protestants, ma'am, from your perspective?

6 MS. LOHSE: I'm going to start in with  
7 the list right here. We've got Robert Stout, S-  
8 T-O-U-T, we have Linda Yahn, Y-A-H-N. We have,  
9 and I'm not pronouncing his name right, but  
10 Siavash Koohmaraie.

11 CHAIRPERSON ANDERSON: How do you spell  
12 the last name please?

13 MS. LOHSE: It is, hold on, it is K-O-  
14 O-H-M-A-R-I-R-A-I-E. We have Lacey Huber, L-A-C-  
15 E-Y Huber H-U-B-E-R. An Andrew Johnson, and we  
16 also have a number of -- hold on.

17 MR. GLASS: Hey Gwen, weren't some of  
18 those already dismissed?

19 CHAIRPERSON ANDERSON: I'm also getting  
20 information from our legal office also, but who -  
21 -

22 MR. GLASS: I think some of those were  
23 already dismissed.

24 MS. LOHSE: Those should all be on the  
25 -- And we have Mr. Yahn and Mrs. Yahn, you've got

1       them. Three abutting is the Stout, the Yahns,  
2       and the Koohmaraies. We don't have -- April has  
3       been the one emailing the Protestants, April from  
4       your office, so I think that's why they're  
5       emailing her.

6               CHAIRPERSON ANDERSON: Okay, fine.  
7       That's fine. I'm trying to get also some  
8       clarification from the legal office, too. The  
9       reason why I'm saying this is is that, as my  
10      instructions, Ms. Andrews is our IT person and so  
11      therefore I'm just saying -- I assume that folks  
12      were online, and if they're having some issues  
13      getting online, then you contact the IT person or  
14      you put something in the chat.

15             But we will wait. I'll get a list of  
16      the Protestants, especially for the abutting  
17      property owners. If they don't show up today  
18      then they will be dismissed. So that's my reason  
19      why I need to know that if they're having  
20      technical difficulties then I'm not going to  
21      dismiss them. But if they --

22             MS. LOHSE: The three abutting property  
23      owners are emailing me right now and saying they  
24      are having technical difficulties. They can't  
25      hear my voice. We obviously can't hear them.

1 CHAIRPERSON ANDERSON: That's fine.

2 MS. LOHSE: They're on the phone line  
3 right now.

4 CHAIRPERSON ANDERSON: That's fine.

5 MS. LOHSE: If you want me to connect  
6 them to someone I can, just let me know who.

7 CHAIRPERSON ANDERSON: They can email  
8 simone, S-I-M-O-N-E.andrews A-N-D-R-E-W-S  
9 2@dc.gov. If they email her, she's our IT person  
10 -- if they email her, she can get them connected.

11 MS. LOHSE: I just connected them.

12 MS. ANDREWS: Mr. Chair, I'm assisting  
13 Mr. & Mrs. Yahn. Can I have five minutes?

14 CHAIRPERSON ANDERSON: That's fine.  
15 Thank you very much, Ms. Andrews.

16 MS. LOHSE: thanks you guys. This is  
17 a difficult circumstance for all.

18 CHAIRPERSON ANDERSON: It's workable.  
19 This is our second, third week of doing protest  
20 hearing status and it's working.

21 MS. LOHSE: No, it is. It'll work, but  
22 thanks for being patient. They're trying.

23 CHAIRPERSON ANDERSON: We're trying, so  
24 it's fine. I just want to make sure that  
25 everyone has an opportunity to be heard, and I

1 don't want someone to be left out because they're  
2 having technical difficulties. We will work out  
3 the technical difficulties to ensure that they  
4 participate in these hearings. (Pause)

5 Can I have everyone's attention  
6 please? These are the Protestants that need to  
7 identify themselves. We have Karen Cruse, who is  
8 from the Citizens Association of Georgetown. We  
9 have Ms. Cruse, the Citizens Association of  
10 Georgetown available. Ms. Koohmaraie? Is Ms.  
11 Koohmaraie here? Can she identify herself? Or  
12 Mr.? The last name is K-O-O-H-M-A-R-I-E,  
13 abutting property owner.

14 MR. KOOHMARAIE: Yes, that's me, I'm  
15 Koohmaraie. Can you hear me right now?

16 CHAIRPERSON ANDERSON: Is that person  
17 available? Please identify yourself.

18 MR. KOOHMARAIE: Yes, this is Siavash  
19 Koohmaraie if you can hear me.

20 CHAIRPERSON ANDERSON: Yes. What about  
21 Robert Stout? Can Robert Stout please identify  
22 himself? What about Mr. & Mrs. Yahn? Y-A-H-N is  
23 the spelling of the last name. Are they  
24 available? Y-A-H-N is the last name.

25 MS. LOHSE: They are still trying to

1 get in. This is Gwen Lohse from the ANC. They  
2 live in my SND and they're still trying to get  
3 in.

4 CHAIRPERSON ANDERSON: Who's trying to  
5 get in, ma'am?

6 MS. LOHSE: The Yahns, Y-A-H-N.

7 CHAIRPERSON ANDERSON: They're trying  
8 to get in?

9 MS. LOHSE: Yes, they are.

10 CHAIRPERSON ANDERSON: What about Lucy  
11 Hubner? Have we heard anything from H-U-B-N-E-R?  
12 Ms. Lohse, you're saying that the Yahns are  
13 trying to get in. My IT person said that they  
14 are unresponsive on Yahoo. What is it that  
15 they're trying to do to get in? Because our IT  
16 person is trying to contact them on Yahoo and  
17 they're not responding. What's the issue?

18 MS. LOHSE: Would it be helpful, I  
19 don't know if this allowed or proper, I can put  
20 them on my phone?

21 CHAIRPERSON ANDERSON: If you can put  
22 them on your phone and get them online, that's  
23 fine. If you're able to connect them, that's  
24 fine.

25 MS. LOHSE: Let me see. I have them on

1 the phone. Linda, I have you on the phone right  
2 now, you and your husband. These are the Yahns.  
3 Right now I'm on the line, they can see me and  
4 I'm holding my phone up with you on it. The ABRA  
5 commissioners are on here. Thank you.

6 CHAIRPERSON ANDERSON: That's fine.  
7 What about Robert Stout.

8 MS. YAHN: He's trying to get through,  
9 too. He couldn't get through.

10 CHAIRPERSON ANDERSON: I'm sorry. Is  
11 there a Robert Stout anywhere there?

12 MS. YAHN: He's trying to get through  
13 on his line. I'll call him and tell him to call  
14 you.

15 MS. LOHSE: He's trying to get through,  
16 as well, and he can't get through.

17 MS. YAHN: I'm going to call him from  
18 my cell phone and see if I can get hold of him.

19 ROBERT STOUT: This is Robert Stout,  
20 I'm on the line.

21 MS. LOHSE: Can you guys hear Robert?

22 CHAIRPERSON ANDERSON: I'm going to  
23 have them identify themselves. That's fine. Ms.  
24 Lohse, why don't you put your microphone on mute  
25 while you talk to them, please, so we don't hear



1       that background information. That's for your own  
2       protection. That's what I meant, okay? So the  
3       only person we're looking for is Robert Stout?  
4       That's the only person that's missing? And so if  
5       someone -- if Robert Stout --

6               MR. GLASS: Also Huber is missing, too.

7               CHAIRPERSON ANDERSON: Hold on a  
8       minute, no. Hold on. Yes, because it was Andrew  
9       Johnson and the group of three were dismissed.  
10       So yes, we're looking for Lacey. I'm looking for  
11       Huber.

12              MR. J. YAHN: Lacey per our last  
13       mediation meeting.

14              CHAIRPERSON ANDERSON: I'm waiting for  
15       Stout and Hubner. That's who I'm waiting for.

16              MS. LOHSE: Robert Yahn is representing  
17       Lacey and he's on this phone right here.

18              CHAIRPERSON ANDERSON: Hold on, hold  
19       on, hold on. Did Robert Yahn --

20              MS. YAHN: Jim Yahn.

21              CHAIRPERSON ANDERSON: I'm sorry. Hold  
22       on a minute. Hold on. Did Lacey Huber advise  
23       the Agency that they will not participate today  
24       and that Robert Yahn is representing them?

25              MS. LOHSE: Yes.

1 CHAIRPERSON ANDERSON: Who did they  
2 advise and when?

3 MR. J. YAHN: We advised them at the  
4 last mediation meeting at the mediation building.

5 CHAIRPERSON ANDERSON: I can't hear  
6 what he said he did.

7 MS. LOHSE: Let me repeat what the  
8 Yahns just said. The Hubers gave the Yahns their  
9 representation at the last mediation meeting.

10 CHAIRPERSON ANDERSON: No, that's not  
11 the question -- where? Was that information  
12 provided in writing to us?

13 MS. LOHSE: Robert, have you --

14 MR. R. YAHN: It was a telephone call  
15 in the presence of Ms. Fletcher and all the  
16 principles there at the meeting today should have  
17 heard that at that point. It was done verbally.

18 MS. LOHSE: The answer is that he's  
19 saying it was done verbally, not in writing.

20 CHAIRPERSON ANDERSON: If you're not  
21 going to show up today, you have to put something  
22 in writing to the Agency to let us know that  
23 you're not going to come, you're unable to  
24 appear, and this person will be your  
25 representative. If they never provided --

1 MR. R. YAHN: It should be in the  
2 minutes of the last meeting, of the mediation  
3 meeting. It should be in the minutes of that.

4 CHAIRPERSON ANDERSON: Sir, I'm reading  
5 -- The parties appeared before the ABC Board on -  
6 - I'm reading the last -- This is what the ABC  
7 Board did. We dismissed -- Andrew Johnson did  
8 not appear at roll call and the group of three  
9 individuals, because they did constitute a group  
10 at roll call. There was really no issue with  
11 representation. If there is nothing in writing  
12 to the ABC Board that Lacey Huber is -- who is  
13 representing who again? I'm sorry. Who's on  
14 this phone again with you, Ms. Lohse? I'm sorry.

15 MS. LOHSE: The Yahns, the Y-A-H-N, the  
16 Yahns are on and they have in writing they  
17 represented the Stouts, S-T-O-U-T. They were  
18 representing the Hubers. I don't know if it's in  
19 writing. That's how they took care of it.  
20 They're saying they did it verbally.

21 CHAIRPERSON ANDERSON: That's not  
22 sufficient. I don't have anything in writing.

23 MS. LOHSE: Robert, do you have an  
24 email from Lacey representing --

25 CHAIRPERSON ANDERSON: No, no, no, no,

1 no, this is not, no, no.

2 MR. R. YAHN: It had to be at the roll  
3 call hearing.

4 MS. LOHSE: That's not how it works,  
5 Robert.

6 CHAIRPERSON ANDERSON: Listen to me,  
7 please.

8 MR. R. YAHN: We were not advised it  
9 had to be in writing.

10 CHAIRPERSON ANDERSON: I'm going to ask  
11 you to let them speak to you and you represent  
12 them. However, this is the way it works. If you  
13 are not going to be at a hearing today, you need  
14 to send something to the ABC Board to say I am  
15 unable to participate in the hearing today.  
16 However, I'm asking that Ms. Lohse to be my  
17 representative. That needs to be sent in to the  
18 Agency prior to the hearing. If that was not  
19 done in this particular case, no written  
20 communication came into the Agency to say at this  
21 status hearing I am not going to be there because  
22 I have a previous commitment. However, Ms. Lohse  
23 or John or some other person can represent me, is  
24 my representative at the hearing, therefore  
25 that's not done.

1 MS. LOHSE: I understand that. I'm  
2 doing my best to connect the people that are  
3 having trouble on.

4 CHAIRPERSON ANDERSON: Ms. Lohse,  
5 you're doing a wonderful job. I know that the  
6 Yahns who are on the phone. The only people who  
7 are not on the phone today are the Stouts and the  
8 Hubers. The Stout and the Huber group, they do  
9 not have an issue getting on. Their issue is  
10 that they thought that the Yahns could represent  
11 them. That's what I'm hearing. So because they  
12 did not provide -- I'm going to make a motion to  
13 the Board, because Robert Stout and Lacey Huber  
14 did not provide the -- yeah, so because Robert  
15 Stout and Lacey Huber did not provide advance  
16 notice to the ABC Board that they were unable to  
17 participate and that they are designating someone  
18 else as their representative, I am going to make  
19 a motion that their protests be dismissed.

20 MEMBER SHORT: Mr. Short, I second.

21 MS. LOHSE: Robert Stout is trying to  
22 get on the phone. I've gotten emails from him.  
23 He says he can't get on. They Stouts are on the  
24 phone and saying that Robert is having the same  
25 problem that they are.

1 CHAIRPERSON ANDERSON: What type of  
2 problem are they having? Everyone else is  
3 getting on. What type of problem are they having  
4 getting on? What is the call-in number? Ms.  
5 Andrews, what is the call-in number for this?

6 MS. ANDREWS: The call-in number is  
7 650-497-3208.

8 CHAIRPERSON ANDERSON: The call-in  
9 number for this hearing is 650-497-3208. Ms.  
10 Lohse, can you give that number to Mr. Stout, to  
11 the Yahns, and to Ms. Huber that they can use the  
12 call-in number. When they call in, we will  
13 elevate their rights?

14 MS. LOHSE: Okay.

15 CHAIRPERSON ANDERSON: That's all that  
16 needs to be done.

17 MR. GLASS: This is Ezra Glass again.  
18 Mrs. Huber is not trying to get on right now.  
19 She's not in that group, only Robert Stout was.  
20 Ms. Huber did not attend and thought that the  
21 Yahns could attend like you were saying before.

22 CHAIRPERSON ANDERSON: As I stated, I  
23 gave the call-in number. If they don't call in,  
24 I'm going to dismiss them.

25 MR. GLASS: Okay, thank you very much.

1 CHAIRPERSON ANDERSON: I'm sorry. Who  
2 was that speaking?

3 MR. GLASS: That was Ezra Glass, just  
4 checking back in here.

5 CHAIRPERSON ANDERSON: I can't see you  
6 so I don't know who's speaking. That's why. I  
7 see Ms. Lohse, she's having some technical  
8 difficulties. Ms. Andrews, I think someone just  
9 put in on the chat that that was not the correct  
10 number. Is there another number? If our IT  
11 specialist says that's the number, I'm not quite  
12 sure how somebody else is saying that's not the  
13 correct number?

14 MS. LOHSE: I think it may be 479.

15 MS. ANDREWS: The phone number, we have  
16 a local phone number now. I emailed Mr. Stout.  
17 I also emailed both the Yahns on two different  
18 email addresses. I provided the link, the local  
19 call-in number and the standard call-in number.  
20 Once they call the number, they will be asked to  
21 provide an access code. The access code was also  
22 included in the email. I will repeat the  
23 standard call-in number, and I will also give you  
24 the access code. The standard call-in number is  
25 650-479-3208. The access code is 1803221020.

1 CHAIRPERSON ANDERSON: Do I need to  
2 repeat the information again?

3 MS. LOHSE: They're asking for it to be  
4 repeated again.

5 CHAIRPERSON ANDERSON: Okay, the local  
6 call-in number is 650-479-3208. The access code  
7 is 1803221020.

8 MS. LOHSE: Do you guys have that?  
9 I'll send it to you, okay? I'm going to just  
10 send it to you. I have sent them all this phone  
11 number and password. I'm not sure why they're  
12 having trouble, but I know they are getting my  
13 emails, so I've resent it.

14 MS. YAHN: We're not getting your new  
15 message.

16 MS. ANDREWS: Can you text them?

17 MS. LOHSE: Mr. Koohmaraie has sent you  
18 the dial-in and I've sent you the dial-in.

19 MS. LOHSE: I'll repeat it.

20 CHAIRPERSON ANDERSON: I'm sorry for  
21 people who are on the line who have some time  
22 constraint, but this is like you go to court.  
23 Everyone is scheduled for a 1:30 hearing and your  
24 case will be called in order. I do apologize if  
25 folks have to leave. In this particular case if



1 you are on the line and if you cannot stay,  
2 please put in the chat or send an email to say  
3 what case you were here for and that you were  
4 here, so that when I call the case if you are not  
5 online, but if I have written communication that  
6 you were here and that you have to leave, I'm not  
7 going to ask the Board to dismiss your protest.

8 I understand that people might have to  
9 leave work. I also understand that people might  
10 have childcare issues. For other cases this  
11 afternoon, I know that someone had asked for  
12 another case to be pushed up. I'm not going to  
13 do that because that's jumping two cases further.  
14 But what I'll ask you to do, I want you to be  
15 here, but if you have some pressing obligation  
16 where you cannot be, I need you to put in the  
17 chat what case you're here for, who you are and  
18 that you had to leave.

19 I will make sure that I will review  
20 the chat to see, so when I call the case I will  
21 look in the chat. If your name is not on the  
22 chat and if you are not on the line, I will  
23 dismiss you from the protest. Is it clear to  
24 everyone? I'll say it one more time. If you're  
25 online and your case has not been called, and if

1 you have a pressing emergency why you have to  
2 leave, identify yourself on the chat and also  
3 state what case you are here for. Let me know  
4 when you left the line.

5 If that is not there and when I call  
6 your case, if you are not on the line or if there  
7 are no comments in the chat line to say that you  
8 were on the line and that you had to leave, I  
9 will make a motion for the Board to dismiss your  
10 case. Is that clear with everyone? I know that  
11 this case is taking a little bit longer, but of  
12 course, as you see there are technical issues  
13 that some folks are having.

14 Therefore, I am trying to work to give  
15 an opportunity for everyone who needs to be on  
16 this case to be on this case. That's why this is  
17 taking much longer than I had anticipated. But I  
18 will make sure that I will personally review the  
19 chat to see if when I call the case, if that  
20 person is not here, I will look to see if that  
21 person was here, but they had to leave because of  
22 childcare obligations.

23 Going back to the Apero case, are the  
24 Yahns online? Is Robert Stout online? What  
25 about Huber? And Ms. Lohse is gone, so I don't

1 know what's going on.

2 MR. GLASS: Ms. Lohse is still there.  
3 I see her logged in.

4 CHAIRPERSON ANDERSON: Yeah, I know,  
5 but she was not --

6 MR. GLASS: Okay, I see what you're  
7 saying.

8 CHAIRPERSON ANDERSON: I appreciate it.

9 MS. ANDREWS: Mr. Chair, Mr. Stout is  
10 on the line. I just elevated his rights.

11 CHAIRPERSON ANDERSON: Thank you.

12 We're just waiting for Lucy Hubner. I'm fine  
13 with the Yahns being --

14 MS. ANDREWS: No, we're just waiting  
15 for the Yahns.

16 CHAIRPERSON ANDERSON: If the Yahns  
17 cannot get online, I know that they are there, so  
18 I'm fine. What about Lucy Hubner? Has anyone  
19 heard from Lucy Hubner? If I don't hear anything  
20 from Lucy Hubner, I am going to dismiss that  
21 person. I see that there are a lot of folks from  
22 Handle 19 who said that they have to leave. In  
23 order for the group to be given standing, we need  
24 four additional people who were not at the roll  
25 call hearing.

1                   So the folks who are saying that they  
2                   have to leave, I need you to say whether or not  
3                   you were at the roll call hearing. I need four  
4                   new people who were not at the roll call hearing.  
5                   The folks who are putting information in the chat  
6                   that they are leaving, they need to say I was not  
7                   at the roll call hearing or yes, I was at the  
8                   roll call hearing. I'm going to check that on  
9                   the list from the roll call hearing to see who  
10                  was or was not there. Just as an FYI.

11                  I'm going to call Ms. Lohse, before I  
12                  make a motion to dismiss Ms. Hubner, have you  
13                  heard from Lucy Hubner?

14                  MS. LOHSE: I have heard from her in  
15                  the past. I have not heard from her today.

16                  CHAIRPERSON ANDERSON: Thank you very  
17                  much. I am going to make a motion that the ABC  
18                  Board dismiss the protest for the abutting  
19                  property owner, Lucy Hubner. Is there a second?

20                  MEMBER SHORT: Short seconds.

21                  CHAIRPERSON ANDERSON: Mr. Short has  
22                  second the motion. I'll take a roll call vote on  
23                  the motion that has been properly second by Mr.  
24                  Short. Mr. Short?

25                  MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Cato?

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Crockett?

4 MEMBER CROCKETT: Rafi Crockett, I

5 agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen?

7 MEMBER HANSEN: Jeni Hansen, I agree.

8 CHAIRPERSON ANDERSON: Mr. Grandis?

9 MEMBER GRANDIS: Ed Grandis, I agree.

10 CHAIRPERSON ANDERSON: And Mr.

11 Anderson, I agree. The matter passes 6-0-0, so

12 we will dismiss Ms. Hubner from the protest

13 hearing. So these are the Protestants then in

14 this matter. It is the Citizens Association of

15 Georgetown, it is Mr. -- could I have Mr.

16 Koohmaraie identify themselves, please?

17 MR. KOOHMARAIE: Yes, this is Siavash

18 Koohmaraie.

19 CHAIRPERSON ANDERSON: Spell your first

20 and last name for me, please, sir.

21 MR. KOOHMARAIE: S-I-A-V-A-S-H last

22 name is Koohmaraie, K-O-O-H-M-A-R-A-I-E.

23 CHAIRPERSON ANDERSON: Fine, Mr. Stout,

24 can you identify yourself for the record, please?

25 Mr. Stout, can you open your microphone and

1 introduce yourself for the record, please? Mr.  
2 Stout? I think Mr. Stout is having some  
3 technical difficulties. However, I can see in  
4 front of me that Robert Stout has identified  
5 himself as participating in this matter. I don't  
6 know what issues, but I can see in front of me,  
7 so Mr. Stout remains a Protestant in this matter  
8 and the ANC. Those are the Protestants in this  
9 case.

10 Again, I want the record to reflect  
11 that the Protestants in this case are the  
12 Citizens Association of Georgetown, Mr.  
13 Koohmaraie, Mr. Stout, the Yahns -- I know that  
14 the Yahns are there because they're on the phone.  
15 Yes, I know that the Yahns are there, so they  
16 remain parties. I'll take your word for it, Ms.  
17 Lohse, that you are a public official and so the  
18 representation that you're making is that you  
19 have the Yahns on your cell phone because they're  
20 having some issues, and that's fine, and the ANC.  
21 That's clear who the parties are.

22 MEMBER SHORT: Mr. Chair, what about  
23 Johnson?

24 CHAIRPERSON ANDERSON: The parties are  
25 in this case. Is that clear to you, ma'am?

1                   MEMBER SHORT: Mr. Chair, what about  
2 Johnson?

3                   CHAIRPERSON ANDERSON: They were  
4 dismissed. They were dismissed because they were  
5 not at the roll call. Johnson was dismissed and  
6 the group was dismissed. The parties, the names  
7 I read off, was from a previous order that was  
8 issued by the ABC Board, who the Protestants were  
9 in this case. The reason why Larry Hubner was  
10 dismissed as a Protestant is because Larry Hubner  
11 did not, I'm sorry Lucy Hubner is not on this  
12 call today, nor did Lucy Hubner provide written  
13 notice in advance to the ABC Board that someone  
14 else was representing them.

15                   It's my understanding that at the  
16 mediation hearing, I'm sorry, at roll call that  
17 Hubner had designated someone else to represent  
18 them during mediation only, not at the status  
19 hearing today. So I just want the record to  
20 reflect that the designation was just for  
21 mediation. It was not to say that this person  
22 would represent us at the status hearing. It is  
23 clear to all parties that you if you protest a  
24 matter, you have to show up at the roll call  
25 hearing and you have to show up at the first

1 status hearing.

2 If you do not show up at the roll call  
3 hearing, you get dismissed. Unless you provide  
4 reasonable notice why you did not appear at the  
5 status hearing, you get dismissed. Reasonable  
6 notice has not been provided to the Agency by  
7 Lucy Hubner that there is some reason for them  
8 not to appear here today. If you're unable to  
9 use the chat function, just raise your hand and I  
10 think that Ms. Andrews will try to get in contact  
11 with you. Or send an email to Ms. Andrews. It's  
12 s-i-m-o-n-e.a-n-d-r-e-w-s-2@dc.gov.

13 I understand that some people don't  
14 know how to use the chat, but I think you can  
15 send an email. If you send her an email, I know  
16 that before this hearing is over that I will know  
17 that you are or are not there, okay? Now that we  
18 have the procedural issues taken care of, Ms.  
19 Benchimol, are there any preliminary issues that  
20 you need to bring to the Board's attention? Any  
21 issues that you want to bring to the Board's  
22 attention?

23 MS. BENCHIMOL: Not that I'm aware of  
24 at this time, no. We're just participating and  
25 waiting.



1 CHAIRPERSON ANDERSON: Hold on. What  
2 about -- Ms. Andrews, can you do me a favor  
3 please? Can you post your email address in the  
4 chat, please? What about the Citizens  
5 Association of Georgetown? Is there any  
6 preliminary issue that you want to bring to the  
7 Board's attention?

8 MS. CRUSE: No, not at this time.  
9 Thank you.

10 CHAIRPERSON ANDERSON: Thank you. What  
11 about Mr. Koohmaraie? I apologize if I'm not  
12 doing a good job, sir, of pronouncing your name.  
13 Do you have a preliminary matter that you would  
14 like to bring to the Board's attention?

15 MR. KOOHMARAIE: Not at this point.

16 CHAIRPERSON ANDERSON: Thank you. What  
17 about Mr. Stout? Any preliminary matters that  
18 you want to bring to the attention? Mr. Stout is  
19 here, but he's still having some issues. I see  
20 his name there. His microphone is not enabled  
21 and neither is his camera.

22 MS. ANDREWS: He's in the chat feature  
23 because something is wrong with his mic.

24 CHAIRPERSON ANDERSON: He has put  
25 something in the chat? Let me see. If I didn't

1 know how to use technology before, I'm definitely  
2 learning today. And the last person is Ms.  
3 Lohse. Are there any preliminary matters you  
4 want to bring to --

5 MS. YAHN: What about the Yahns?

6 CHAIRPERSON ANDERSON: -- to our  
7 attention?

8 MS. LOHSE: None.

9 CHAIRPERSON ANDERSON: Thank you.

10 MS. YAHN: What about the Yahns?

11 MS. LOHSE: The Yahns want to be asked.

12 CHAIRPERSON ANDERSON: Mr. & Mrs. Yahn,  
13 are there any preliminary matters you would like  
14 to bring to my attention, please?

15 MR. R. YAHN: We respectfully object to  
16 the dismissal of --

17 CHAIRPERSON ANDERSON: I can't hear.

18 MR. R. YAHN: -- of Lacey Huber on the  
19 grounds that the providing communication  
20 requirement was not made known to either her or  
21 us. Thank you.

22 MS. LOHSE: I'm going to repeat that  
23 for you.

24 CHAIRPERSON ANDERSON: Yes, please.

25 MS. LOHSE: They respectfully challenge

1 the dismissal of Lacey Huber because they didn't  
2 know they had to put it in writing. They thought  
3 it was in the minutes.

4 CHAIRPERSON ANDERSON: The minutes  
5 stated for -- this is the information that was  
6 provided to me, okay? The transcript of the roll  
7 call stated that the Yahns would represent Stout  
8 and Hubner only at mediation, nothing more than  
9 that. That is what the transcript from mediation  
10 stated, okay? The transcript from mediation  
11 states that the Yahns would represent Stout and  
12 Hubner only at mediation. That is what the  
13 transcript for mediation stated, okay? I'm  
14 sorry, the transcript from roll call. That's  
15 all.

16 Therefore, in all of this going on we  
17 were able to review the transcript from the roll  
18 call, and that's what the transcript stated.  
19 Yes, the Yahns are representing Stout and Hubner  
20 only at mediation. It did not state that they  
21 would represent them today, okay? I want it to  
22 be clear from my perspective what's going on.  
23 Thank you.

24 The reason why I'm looking at my phone  
25 because I'm doing a lot of communication at the

1 same time to make sure that I'm on top of this  
2 and that I'm giving correct information. This  
3 matter will be scheduled for a protest hearing on  
4 a date to be determined. Because of COVID, we  
5 believe that early in the new year we will  
6 provide the parties with a date certain for the  
7 protest hearing. I know there are a lot of  
8 Protestants in this case, and what the Board  
9 would -- this is a new license.

10 If this is a matter that can be  
11 settled, I would say to the parties please  
12 communicate and try to reach settlement. If the  
13 parties are unable to reach settlement, then  
14 we're going to have a hearing. My position is  
15 that this is the Georgetown neighborhood, this is  
16 your neighborhood. If you believe that you want  
17 this establishment to exist in Georgetown, then I  
18 believe that there can be some middle ground  
19 reached.

20 That's something that I will support  
21 if you can do that. If you can't do that then  
22 we'll have a hearing and then the Board will make  
23 the decision. I would prefer if settlement can  
24 be reached, I support that because at least this  
25 is in your neighborhood and you can mutually

1 agree on the terms that will be beneficial for  
2 all parties.

3 Now that we have scheduled this matter  
4 for a protest hearing, there are a few things  
5 that I would like to instruct you about so that  
6 the protest hearing is focused and addresses only  
7 those issues that are being protested. You  
8 either have already received or will soon be  
9 receiving an email from Imani Moreland that  
10 contains a copy of the Protest Information Form,  
11 PIF, and a copy of an exhibit form. All the  
12 parties are required to complete and submit the  
13 Protest Information Form, PIF, and the exhibit  
14 form at least seven days before the date of the  
15 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 parties,  
21 as well. Please note that all documents greatly  
22 assist the Board in narrowing the protest issues,  
23 facilitating the process, and keeping the parties  
24 on point during the hearing.

25 Each side will have 90 minutes to

1 protest this case. This includes all direct and  
2 cross-examination witnesses. The Board does not  
3 intend to hear testimony on matters that are not  
4 relevant to these issues that are being  
5 protested, nor will the Board tolerate repetitive  
6 testimony. I know if this goes to a hearing  
7 there are a lot of parties. There are a lot of  
8 parties who have jurisdiction. If each side is  
9 given 90 minutes, we're going to be here all day.

10 If there is some way that if we go to  
11 a hearing that the parties can get together and  
12 figure out what are the salient points for them,  
13 that will be great. But I think it would be much  
14 better if the parties can agree to a settlement  
15 if the parties determine that this is a business  
16 that we want to operate in Georgetown; however,  
17 we want to put some terms on its operation.

18 I thank everyone for being here today.  
19 I know it has been frustrating for some folks  
20 because of technology, but unfortunately COVID-19  
21 has forced us to accelerate this type of  
22 technology. I wish everyone a happy holiday  
23 season. If I don't see you in the new year, I  
24 will not take it personally because that will  
25 tell me that you had enough time to think about

1 it and you came to a settlement agreement.

2 Everyone have a great holiday season and please  
3 remain safe. Thank you.

4 MS. LOHSE: Thank you for your time and  
5 patience.

6 CHAIRPERSON ANDERSON: You're welcome.

7 MS. BENCHIMOL: Thank you.

8 CHAIRPERSON ANDERSON: Thank you.

9 MR. GLASS: Thank you.

10 CHAIRPERSON ANDERSON: Thank you.

11 (Whereupon, the above-entitled matter  
12 went off the record at 2:43 p.m.)  
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In the matter of: Apero DC

Before: DCABRA

Date: 12-10-20

Place: teleconference

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