

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

2 11:18 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 20-PRO-00040, Bar
5 Elena DC, License No. 86320. Ms. Andrews, can
6 you please elevate the rights to the Licensee and
7 the Protestant, please.

8 MS. ANDREWS: Sure. I'll take a
9 moment to remove the rights of the parties from
10 the last case.

11 CHAIRPERSON ANDERSON: Thank you.

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

13 CHAIRPERSON ANDERSON: What I will ask
14 is for the Licensee to introduce him or herself,
15 or the Licensee's representative to introduce him
16 or herself for the record.

17 MR. WESSON: Yes, sir, my name is
18 Bryan Wesson, spelled B-R-Y-A-N, last name W-E-S-
19 S-O-N, and I am the non-attorney agent for Bar
20 Elena.

21 CHAIRPERSON ANDERSON: Now do we have
22 the ANC representative on the line?

23 MS. ANDREWS: He is not on the line.

24 CHAIRPERSON ANDERSON: Can you elevate

25 --

1 MS. ANDREWS: I'm sorry. I just
2 received the message in the chat. I'll elevate
3 their rights right now.

4 CHAIRPERSON ANDERSON: Thank you.

5 MR. KELTY: Good morning. This is
6 Joel Kelty again, Commissioner, for ANC 6C.

7 CHAIRPERSON ANDERSON: Thank you. I
8 apologize for that, Mr. Kelty. Are there any
9 preliminary matters? Mr. Wesson, are there any
10 preliminary matters in the case? I'm asking you
11 first to find out are there any preliminary
12 matters in this case?

13 MR. WESSON: Yes, sir. As of last
14 night at 7:38 p.m., it came to my attention that
15 Bar Elena will be going out of business.

16 CHAIRPERSON ANDERSON: Are they going
17 out of business permanently?

18 MR. WESSON: I understand, I haven't
19 been able to get full details at this point.
20 It's my understanding that they are permanently
21 going out of business.

22 CHAIRPERSON ANDERSON: Do you want to
23 -- I'm not going to give you legal advice,
24 although I'm a lawyer and you're not a lawyer.
25 Do you want to withdraw the application? Do you

1 want to suspend the application? What is it that
2 you want the Board to do in this case?

3 MR. WESSON: If it's acceptable to the
4 Board, I would like to suspend the application
5 until I can get further details. Then I can
6 reach out to the Board if that's acceptable with
7 what is going on in regards to the location.

8 CHAIRPERSON ANDERSON: Mr. Kelty,
9 there's a motion being made by Mr. Wesson to
10 suspend the application for the substantial
11 change, game of skill application and then
12 further determination from the ownership whether
13 or not this place will be permanently closed or
14 whether or not this Licensee will have a
15 temporary pause in its operation.

16 MR. KELTY: ANC's preference would be
17 that the application be withdrawn and resubmitted
18 if they feel they need to in the future.

19 CHAIRPERSON ANDERSON: And why does
20 the -- I'm just asking you, why is that the
21 position of the ANC?

22 MR. KELTY: We're all volunteers and
23 we've got plenty of work tracking all of the
24 other ABRA business in our ANC. To be able to
25 mark this one as off for the time being would be

1 helpful. I think that's also past practice, but
2 I'm not sure.

3 CHAIRPERSON ANDERSON: What I'm going
4 to suggest to the Board, as a courtesy I did ask
5 your opinion, but what I'm going to suggest to
6 the Board, unless you formally file a motion for
7 the Agency to dismiss this matter, I'm going to
8 make a motion to the Board for us to suspend this
9 game of skill endorsement application until Mr.
10 Wesson is able to provide further clarity to the
11 Board whether or not they will withdraw it or it
12 will remain in suspension.

13 One of the only reasons I'm suggesting
14 that we do that, Mr. Wesson, is that COVID is --
15 unfortunately because of our new reality of
16 COVID, there are businesses that are either going
17 out of business, there has some temporary
18 closure. We don't know what tomorrow holds.
19 Because this is not what was considered regular
20 time, I'm going to have a little bit more
21 flexibility in dealing with businesses so we can
22 find out what are their long-term plans are.

23 I'm not sure, at least for this
24 business, its long-term plan. Mr. Wesson, he's
25 not the owner and he says it is my understanding,

1 and he hasn't said to me that the owner has
2 specifically stated to me that he is closing and
3 he does not want to pursue this matter anymore, I
4 believe that given COVID, that the better route
5 to take this morning is to suspend this matter
6 and they will let us know.

7 Of course, if this matter moves
8 forward you will be given notice of what is
9 occurring. The Agency would not just say to you
10 -- so we'll give you proper notice to move
11 forward. As I said before, Mr. Wesson, he is
12 just the rep and he has stated that it was just
13 his understanding without giving us some direct
14 information. So my motion then to the Board is
15 that the Agency suspend the substantial change
16 game of skill application in Case No. 20-PRO-
17 00040 Bar Elena DC, License No. 86320. Is there
18 a second?

19 MEMBER CROCKETT: Ms. Crockett
20 seconds.

21 CHAIRPERSON ANDERSON: Ms. Crockett
22 has seconded the motion. We will now have a roll
23 call vote on the motion that has been properly
24 second by Ms. Crockett. 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: Mr. Anderson,
11 I agree. The matter passes 6-0-0. The ABC Board
12 then has moved to suspend the substantial change
13 game of skill application for the Bar Elena DC
14 matter. I want to thank both parties for their
15 presentation today. If there are no other
16 questions, this case is concluded.

17 MR. KELTY: Thank you, bye-bye.

18 CHAIRPERSON ANDERSON: Thank you very
19 much.

20 MR. WESSON: Thank you to the Board.

21 CHAIRPERSON ANDERSON: Thank you. And
22 with this, we have now concluded our morning
23 agenda. The Board will now go into executive
24 session. We will reconvene at 1:30 p.m. Thank
25 you very much. The Board will now go into

1 executive session. Thank you.

2 (Whereupon, the above-entitled matter
3 went off the record at 11:27 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: Bar Elena

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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