DISTRICT OF COLUMBIA + + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

| IN THE MATTER OF: | : |
|-----------------------|-------------------|
| MAHK Meetings, LLC, | : |
| t/a To Be Determined | : |
| 1806 Vernon Street NW | : Protest Hearing |
| License #116881 | : (Status) |
| Retailer CT - ANC 1C | : |
| Case # 20-PRO-00038 | : |
| (Application Transfer | : |
| to a New Location and | : |
| Substantial Change) | : |
| | |

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:

SIMONE ANDREWS, DC ABRA Staff SUZANNE FARMER, Protestant SAM HART, Protestant KYLIE HIEMSTRA, Protestant AMIR IRANI, ANC 1C DENIS JAMES, Kalorama Citizens Association KAITLYN KERR, Protestant ALAN ROTH, Protestant GUSTAVO SILVA-CHAVEZ, Protestant SIDON YOHANNES, Licensee's Counsel

| | 2 |
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| 1 | P-R-O-C-E-E-D-I-N-G-S |
| 2 | 10:42 a.m. |
| 3 | CHAIRPERSON ANDERSON: The next case on |
| 4 | our calendar is Case No. 20-PRO-00038, MAHK |
| 5 | Meetings, LLC, trade name to be determined, |
| 6 | License No. 116881. Ms. Andrews, I apologize for |
| 7 | that. Can you please elevate the rights to the |
| 8 | parties, so MAHK Meetings, please? I apologize. |
| 9 | MS. ANDREWS: Sure. This is a lengthy |
| 10 | one, so stand by. |
| 11 | CHAIRPERSON ANDERSON: Yes. |
| 12 | MS. ANDREWS: Denis James, you are a |
| 13 | call-in. Your line has been unmuted. Could you |
| 14 | please announce yourself? |
| 15 | MR. JAMES: Yes. This is Denis James, |
| 16 | President of Kalorama Citizens Association. Am I |
| 17 | unmuted? |
| 18 | MS. ANDREWS: Yes. Thank you very |
| 19 | much. We hear you. Thank you. |
| 20 | MR. JAMES: Thanks. |
| 21 | MS. ANDREWS: I believe that's all, Mr. |
| 22 | Chair. If anyone else is for this case, please |
| 23 | acknowledge yourself in the chat. |
| 24 | MR. IRANI: This is Amir Irani on |
| 25 | behalf of ANC 1C. |
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| 1 | CHAIRPERSON ANDERSON: Hold on. We | | | | |
|----|---|--|--|--|--|
| 2 | just want to make sure that your rights have been | | | | |
| 3 | elevated. If your rights have not been elevated | | | | |
| 4 | and you're participating in this case, just | | | | |
| 5 | announce yourself in the chat. You don't | | | | |
| 6 | necessarily have to identify yourself, but just | | | | |
| 7 | let Ms. Andrews know in the chat that your rights | | | | |
| 8 | need to be elevated if it has not been elevated. | | | | |
| 9 | Okay, all right. Good morning, everyone. | | | | |
| 10 | MS. ANDREWS: That's all, Mr. Chair, | | | | |
| 11 | sorry. | | | | |
| 12 | CHAIRPERSON ANDERSON: Thank you. Good | | | | |
| 13 | morning, everyone. So this is a protest hearing | | | | |
| 14 | status for MAHK Meetings, LLC, trade name to be | | | | |
| 15 | determined and its application for a new location | | | | |
| 16 | and a substantial change. Let's start with the | | | | |
| 17 | Licensee. Can we have the Licensee identify | | | | |
| 18 | themselves for the record? | | | | |
| 19 | MS. YOHANNES: Yes, good morning. This | | | | |
| 20 | is Sidon Yohannes on behalf of the Licensee, and | | | | |
| 21 | that is S-I-D-O-N-Y-O-H-A-N-N-E-S. | | | | |
| 22 | CHAIRPERSON ANDERSON: Good morning, | | | | |
| 23 | Ms. Yohannes. Ms. Yohannes, I want to ask you a | | | | |
| 24 | question. What are the protest groups on this | | | | |
| 25 | case, please? I'm just asking you so then I'll - | | | | |
| | | | | | |

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1 - go ahead. 2 MS. YOHANNES: Sure. It is the ANC, 3 KCA, and a group of I believe 16. CHAIRPERSON ANDERSON: Thank you, Ms. 4 5 Yohannes. MR. JAMES: This is Denis James 6 7 I'd like to add that there's also two speaking. 8 rebutters. 9 MS. YOHANNES: That's correct. 10 CHAIRPERSON ANDERSON: Can we have the 11 ANC introduce themselves please? 12 MR. IRANI: This is Amir Irani, A-M-I-R 13 I-R-A-N-I representing ANC 1C. 14 CHAIRPERSON ANDERSON: Thank you. 15 MR. IRANI: Thank you. CHAIRPERSON ANDERSON: Let's have the 16 17 Kalorama Citizens Association, please. MR. JAMES: Good morning. 18 This is 19 Denis James. I'm the President of the Kalorama 20 Citizens Association. We voted to protest and 21 it's been recognized by the Board. 22 CHAIRPERSON ANDERSON: Thank you. We 23 have the group of 16 or more, so let's start. 24 Who is a representative of the group so we can 25 start with a representative of the group and then

the other folks can introduce themselves. 1 Please 2 spell your name for the record, please. Good 3 morning, Mr. Chairman. My name is Alan Roth. That's A-L-A-N R-O-T-H. Mr. Chairman, if I may, 4 5 we have some members of the group who were not able to make the roll call hearing, but who are 6 7 in attendance this morning for the purposes of 8 establishing their standing. 9 Two of them are teachers who have to 10 get back to class at 11:00 a.m. May I ask if you 11 would to allow them, as well as these other 12 members to introduce themselves so they can 13 establish their standing before we move on? 14 CHAIRPERSON ANDERSON: Yes, sir. How 15 many people were at the roll call hearing? 16 MR. ROTH: I believe there were 16, and 17 there are four others here this morning. 18 CHAIRPERSON ANDERSON: No, I'm saying 19 how many people were actually at the roll call 20 hearing? 21 MR. ROTH: Sixteen. 22 CHAIRPERSON ANDERSON: Okay, then your 23 standing was already confirmed on here, so not 24 all 16 people have to show up as long as -- but 25 anyway, but they can go ahead and identify

themselves, go ahead. 1 2 MR. ROTH: The two teachers are Kyle Hiemstra and Sam Hart, if they'd like to 3 4 introduce themselves. 5 MR. HART: I can jump in. Assuming you guys can hear me, my name is Sam Hart, S-A-M H-A-6 7 R-T. I am a resident of The Carswell right next 8 door. 9 CHAIRPERSON ANDERSON: Thank you. 10 MS. HIEMSTRA: And my name is Kylie 11 Hiemstra, K-Y-L-I-E H-I-E-M-S-T-R-A, also a 12 resident of The Carswell. 13 CHAIRPERSON ANDERSON: Thank you. Who 14 are the other members of the group who are on the 15 line? 16 MR. ROTH: Kaitlyn Kerr and Gustavo 17 Silva-Chavez. 18 CHAIRPERSON ANDERSON: So Ms. Kerr, can 19 you identify yourself and spell your name for the 20 record, please? 21 This is Kaitlyn Kerr. MS. KERR: Sure. 22 That's spelled K-A-I-T-L-Y-N, the last name is 23 Kerr, K-E-R-R. 24 CHAIRPERSON ANDERSON: And you said 25 there's a Mr. or Mrs. Chavez, I believe you said?

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Ms. Randall. 1 2 CHAIRPERSON ANDERSON: When was that 3 sent? MS. FARMER: Monday, December 7th. 4 CHAIRPERSON ANDERSON: I wasn't aware 5 of it, but if you're saying that she sent a 6 7 letter to the Agency to inform them that she would not be here and that you are her 8 9 representative -- I will take that. Hold on. 10 MS. FARMER: Okay. 11 CHAIRPERSON ANDERSON: The Agency does 12 not have any concerns with the designation. Now let me start with the Licensee. Are there any 13 14 preliminary matters that you want the Board to 15 address, starting with the Licensee? MS. YOHANNES: No preliminary hearing 16 17 matters at this time. I will just say that we 18 have (audio interference). 19 CHAIRPERSON ANDERSON: Your connection, 20 Ms. Yohannes, is poor. We just want to let you 21 know that. 22 MS. YOHANNES: Sorry. 23 CHAIRPERSON ANDERSON: What about as 24 from the perspective of the ANC? Any preliminary 25 matters?

MR. IRANI: No, no preliminary matters 1 2 from the perspective of the ANC. 3 CHAIRPERSON ANDERSON: And Mr. James, any preliminary matters? 4 5 MR. JAMES: No. Are we supposed to report our progress at this point? 6 7 CHAIRPERSON ANDERSON: No, I'm just 8 saying if you had a particular concern that you 9 wanted to bring to the attention of the Board, 10 that's it. I don't necessarily need to be briefed on progress, just if you had any particular 11 12 concerns that you want the Board to address. Ι 13 guess based on your comment, that -- I'm sorry. 14 MR. JAMES: Yeah, I would just like to 15 say we did mediate two days ago, I believe it 16 was? Tuesday? And established numerous concerns 17 that will be addressed in a draft agreement that 18 Ms. Yohannes will be forwarding to the group. 19 CHAIRPERSON ANDERSON: Thanks for that 20 presentation, Mr. James. Mr. Roth, are there any 21 preliminary matters as far as your group is 22 concerned you want to bring up? 23 MR. ROTH: No, sir, not at this time. 24 CHAIRPERSON ANDERSON: Thank you. Ms. 25 Farmer, are there any preliminary matters as the

abutting property owner that you want to bring to the attention of the Board?

MS. FARMER: No, nothing.

CHAIRPERSON ANDERSON: Thank you very 4 much. This matter will be scheduled for a protest 5 hearing, I'm hoping at a date in January or 6 7 February, but the Board is unable to provide you 8 a date at this juncture when we will have the 9 hearing. But we will propose a date, and hopefully it's a date and time that is convenient 10 11 for all the parties. But it appears that the 12 parties are working towards settlement, and of 13 course, the Board supports settlement of these 14 matters, especially with all the parties here 15 concerned.

My position has always been because 16 17 this is a neighborhood that you live in and if 18 there is a settlement agreement, all parties will 19 leave with a settlement agreement happy. But if 20 the Board makes a decision, then one side might 21 be happy and another side might be unhappy. Ι 22 support settlement agreements if the parties are 23 able to reach settlement agreements. I do 24 support that. Now that we are scheduling this 25 matter for a protest hearing, there are a few

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things that I would like to instruct you about so 1 2 that the protest hearing is focused and addresses 3 only those issues that are being protested. You either have already received --4 5 hold on one minute, please. You either have already received or will soon be receiving an 6 7 email from Imani Moreland that contains a copy of 8 the Protest Information Form, PIF, and a copy of 9 the exhibit form. Both parties are required to 10 complete and submit the Protest Information Form, 11 PIF, and the exhibit form at least seven days 12 before the date of the hearing. 13 If we do not receive a copy of your 14 forms seven days before the hearing, your

15 application or your protest may be subject to 16 dismissal. These documents not only need to be 17 submitted to ABRA, but to the opposing party, as 18 well. Please know that these documents greatly 19 assist the Board in narrowing the protest issues, 20 facilitating the process and keeping the parties 21 on point during the hearing.

Each side would have 90 minutes to present their case. This includes all direct and cross-examination of witnesses. The Board does not intend to hear testimony on matters that are

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not relevant to those issues that are being 1 2 protested, nor will the Board tolerate repetitive 3 testimony. Are there any questions? MR. ROTH: Mr. Chairman, can I ask a 4 5 question? CHAIRPERSON ANDERSON: Yes, you can, 6 7 Mr. Roth. Introduce yourself, please. Yes, Mr. 8 Roth. 9 MR. ROTH: This is Alan Roth. With 10 regard to the seven-day requirement and the 11 uncertainty about the January or February date, 12 because we're heading into the holiday season, can we have some reasonable assurance that this 13 14 protest date which right now is uncertain will 15 not be at least in early January so that this 16 seven-day requirement won't come up while we're 17 potentially out of town? 18 CHAIRPERSON ANDERSON: Yes, we can give 19 you that assurance. We can give you that 20 assurance that that will not occur. 21 MR. ROTH: Thank you, sir. 22 CHAIRPERSON ANDERSON: We can provide 23 you with that assurance. But Mr. Roth, but based 24 on what I've heard, I believe that the parties 25 are working -- it appears that the parties might

settle this matter, which the Board encourages. 1 2 We're going to give you a significant amount of 3 lead-in time. We'll give you a significant amount of lead-in time, so we're not just going 4 5 to say the hearing is January 6th. You'll have at least a couple of weeks 6 7 or even a month before the hearing is scheduled 8 for you to know that you're having it. But we 9 are cognizant of that, so we will do that. MR. ROTH: I think it would be helpful 10 11 to you, Mr. Chairman, and to the Board, to be 12 more specific with you if it's alright with Ms. 13 Yohannes, to just discuss the timetable that we 14 talked about at the mediation. Is that alright with you, Sidon? 15 (Audio interference). 16 MS. YOHANNES: 17 CHAIRPERSON ANDERSON: I believe she 18 Go ahead, Mr. Roth. says yes. 19 MR. ROTH: What we talked about the 20 other day was the possibility of Ms. Yohannes 21 submitting to us a proposed agreement either late 22 this week or perhaps early next week, and our 23 getting back to her with some sort of response 24 hopefully by the end of this month or at the 25 latest very early January. We have no way of

knowing what her response and her client's response would be to our response.

The fact that there is one of her and many of us, and we're into the holiday season, would require a little bit more time on our part. There may be a little bit more time in early January for them to respond to us. That's the timetable that we're on.

9 CHAIRPERSON ANDERSON: Mr. Roth, thank 10 you for bringing that to the attention of the 11 As I've stated before, the Board supports Board. 12 settlements. If you're saying to us that we are 13 going to reach a settlement, even if we schedule 14 the hearing, if all parties agree we can postpone 15 the date. If we say the hearing is scheduled for January 1st and if all parties are saying that we 16 17 are working on a settlement, then all parties can 18 jointly petition the Board to postpone it.

19 If all parties agree, whatever date is 20 proposed, if all parties agree to say we're going 21 to have settlement, the Board will postpone the 22 date. We're not going to force you to have a 23 hearing if all parties basically state that we 24 need more time. So we're fine with that. As I 25 stated before, it's a lot of parties and I

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believe that we will encourage this matter being
 settled.

3 I have always stated in protest hearings if you do not come to a protest hearing, 4 5 at least as Board Chair I do not take it personally because it says that the folks have 6 7 either through mediation or through settlement that they have worked out their differences. 8 The 9 only thing they want the Board to do is to review 10 the settlement agreement and endorse a settlement 11 agreement, and we're fine with that.

We do encourage having conversations. Again, if we provide a date and if the parties say that that's too early, we need to negotiate further and postpone the date, the Board will consider doing that if all parties are in agreement, okay?

MR. ROTH: Understood. I was focused
more on the seven-day requirement for submitting
all -- I think you would agree you would want our
efforts focused more on reaching agreements than
filling out forms and assembling exhibits.
CHAIRPERSON ANDERSON: Yes. And also

24 with the seven-day period, if all parties agree 25 to waive the seven-day period, that can also be 1

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| 2 | MR. ROTH: Understood. |
| 3 | CHAIRPERSON ANDERSON: But we have to |
| 4 | have agreements amongst the parties to say we |
| 5 | agree to waive the seven-day. I'm not going to |
| 6 | say no you cannot waive the seven-day if all the |
| 7 | parties agree that they're going to waive it, |
| 8 | okay? |
| 9 | MR. ROTH: Understood, thank you. |
| 10 | CHAIRPERSON ANDERSON: You're very |
| 11 | welcome and thank you for that. Anyway, if there |
| 12 | are no other questions or concern, I again will |
| 13 | inform the parties to continue speaking. Have a |
| 14 | safe and productive holiday season. I hope that |
| 15 | I don't see you in the new year. If I don't see |
| 16 | you in the new year, it's telling me that you |
| 17 | were successful in coming to a mutual agreeable |
| 18 | solution to this issue, okay? |
| 19 | MR. ROTH: Thank you. |
| 20 | MR. IRANI: Mr. Chair, happy holidays |
| 21 | to you. |
| 22 | CHAIRPERSON ANDERSON: And have a great |
| 23 | day. |
| 24 | (Whereupon, the above-entitled matter |
| 25 | went off the record at 11:03 a.m.) |
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In the matter of: MAHK Meetings

Before: DCABRA

Date: 12-10-20

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