

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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 MEETING

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IN THE MATTER OF:          :
                           :
Momentux Hospitality, LLC:
t/a Rush                   :
1023 9th Street NW #101  : Protest
Retailer CT - ANC 4A      : Hearing
License No. 125250        :
Case #23-PRO-00061       :
                           :
(Application for a        :
New License)              :
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Thursday
 December 14, 2023

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

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PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
RICHARD BIANCO, Applicant Counsel
ANDRE ORY, Protestant
  
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1 P-R-O-C-E-E-D-I-N-G-S

2 10:03 a.m.

3 MR. ANDERSON: Good morning.

4 As Chairperson of the Alcoholic
5 Beverage and Cannabis Board for the District of
6 Columbia and in accordance with D.C. Code Section
7 2-571(b) of the Open Meetings Act, OMA, I'm
8 welcoming you to the regular scheduled meeting of
9 the Alcoholic Beverage and Cannabis Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies.

15 Electronic meetings by the ABC Board
16 are authorized pursuant to Section 2-577(a) of
17 the D.C. Code.

18 Pursuant to the OMA requirements,
19 notice of today's meeting was provided 48 hours
20 in advance of the meeting on ABCA's website and
21 on the District Central Meeting calendar.

22 The notice included the time, date,
23 agenda, and call in or log in information for
24 public participation.

25 This electronic meeting is being

1 hosted by a WebEx account provided by the
2 District of Columbia government.

3 Please address any questions or
4 complaints to the OOG at open gov office at D.C.
5 dot gov (opengovoffice@dc.gov).

6 My name is Donovan Anderson and I'm
7 Chairperson of the Board.

8 I would like to introduce the other
9 members of the ABC Board who are also
10 participating electronically.

11 Please respond when I announce your
12 name.

13 Mr. James Short?

14 MR. SHORT: Mr. James Short, present.

15 MR. ANDERSON: Mr. Silas Grant?

16 MR. GRANT: Mr. Silas Grant, present.

17 MR. ANDERSON: The Board has three
18 members in attendance for the conduct of business
19 today and that constitutes a quorum.

20 Before we get underway with today's
21 hearing, I need to make a few instructions very
22 clear so that the conduct of these hearings is
23 understood by everyone.

24 There is actually just one case on our
25 calendar today, so there's just one case on the

1 calendar today.

2 Should you have any questions or
3 require technical assistance during the hearing,
4 please submit them using the question and answer
5 feature.

6 So, let's go on our calendar.

7 So, the first case that we have on our
8 -- the one and only case that we have on our
9 calendar is Case Number 23-PRO-00061, Rush,
10 License Number 125250.

11 Good morning, Mr. Orellana, can you
12 please elevate the rights of the parties in this
13 case?

14 I see the protestant and the licensee.

15 MR. ORELLANA: Sure, Andre Ory, your
16 access has been elevated.

17 Richard Bianco, your access has been
18 elevated.

19 And that is all, Chair.

20 MR. ANDERSON: Thank you.

21 (OFF RECORD COMMENTS)

22 MR. ANDERSON: I'm sorry, someone is

23 --

24 is that you, Mr. Bianco?

25 MR. BIANCO: I'm here, yes, I was on

1 mute, sorry.

2 MR. ANDERSON: No, sir, I was hearing
3 whatever else was going on in your office, sir.

4 All right, good morning.

5 Let me have the parties introduce
6 themselves for the record, starting with you, Mr.
7 Bianco.

8 MR. BIANCO: Good morning, Members of
9 the Board.

10 My name is Richard Bianco, R-I-C-H-A-
11 R-D B-I-A-N-C-O, and I represent the Applicant in
12 this matter.

13 MR. ANDERSON: Good morning, Mr. Ory,
14 can you please spell and state your name for the
15 records?

16 MR. ORY: I'm Andre Ory, A-N-D-R-E O-
17 R-Y, and I'm the designated represented of a
18 group of nine protesting the Rush license.

19 MR. ANDERSON: And good morning, sir.

20 Mr. Bianco, it appears there might be
21 some preliminary matters so are you able to mute
22 your other line, sir? I can hear -- there's a
23 court proceeding going on and I can hear all of
24 that, sir. Are you able to mute that?

25 MR. BIANCO: Yes, sir, I just did

1 that.

2 Thank you very much.

3 MR. ANDERSON: All right.

4 Are there any preliminary matters or
5 any representation you want to put on the record
6 today, sir?

7 MR. BIANCO: Yes, Mr. Chair.

8 The parties have settled. We've
9 circulated a settlement agreement.

10 I saw moments ago on my email that the
11 settlement agreement was signed by Mr. Ory on
12 behalf of the protestants.

13 I am collecting my client's signature
14 shortly and we will be able to present a signed
15 agreement to the Board this morning.

16 MR. ANDERSON: Thank you.

17 So, what I'm going to do then is that
18 I'm going to cancel -- the hearing is cancelled
19 based on the -- it's my understanding that the
20 parties have settled this matter and they will be
21 providing a settlement agreement to the Board for
22 its review and approval.

23 All right, thank you, both for this.

24 Have a great day.

25 Thank you very much.

1 MR. BIANCO: Thank you.

2 MR. ORY: Thank you.

3 MR. ANDERSON: All right.

4 All right, so, the -- that's the end
5 of our calendar for today.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:08 a.m.)

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<p style="text-align: center;">A</p> <p>A-N-D-R-E 5:16 a.m 2:2 7:7 ABC 2:15 3:9 ABCA 1:20 ABCA's 2:20 able 5:21,24 6:14 above-entitled 7:6 access 4:16,17 account 3:1 Act 2:7 address 3:3 advance 2:20 agenda 2:23 ago 6:10 agreement 6:9,11,15,21 Alcoholic 1:2,13 2:4,9 ANC 1:7 Anderson 1:14,17 2:3 3:6,15,17 4:20,22 5:2 5:13,19 6:3,16 7:3 Andre 1:21 4:15 5:16 announce 3:11 answer 4:4 appears 5:20 Applicant 1:20 5:11 Application 1:9 approval 6:22 assistance 4:3 attendance 3:18 authorized 2:16 available 2:11</p>	<p>circulated 6:9 clear 3:22 client's 6:13 Code 2:6,17 collecting 6:13 Columbia 1:1 2:6 3:2 Columbia's 2:12 COMMENTS 4:21 complaints 3:4 conduct 3:18,22 conducted 2:10 constitutes 3:19 Counsel 1:20 court 5:23 CT 1:7</p>	<p>hosted 3:1 hours 2:19</p> <p style="text-align: center;">I</p> <p>included 2:22 information 2:23 instructions 3:21 introduce 3:8 5:5</p>	<p>5:16 6:11 7:2</p>
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<p style="text-align: center;">C</p> <p>calendar 2:21 3:25 4:1 4:6,9 7:5 call 2:23 cancel 6:18 cancelled 6:18 Cannabis 1:2,13 2:5,9 case 1:8 3:24,25 4:7,8,9 4:13 Central 2:21 Chair 4:19 6:7 Chairperson 1:14,17 2:4 3:7</p>	<p style="text-align: center;">E</p> <p>electronic 2:13,15,25 electronically 3:10 elevate 4:12 elevated 4:16,18 email 6:10</p> <p style="text-align: center;">F</p> <p>feature 4:5 first 4:7</p>	<p style="text-align: center;">M</p> <p>matter 1:5 5:12 6:20 7:6 matters 5:21 6:4 meeting 1:3 2:8,10,19 2:20,21,25 meetings 2:7,13,15 Member 1:17,18 members 3:9,18 5:8 met 1:14 moments 6:10 Momentux 1:6 morning 2:3 4:11 5:4,8 5:13,19 6:15 mute 5:1,21,24</p>	<p style="text-align: center;">Q</p> <p>question 4:4 questions 3:3 4:2 quorum 3:19</p>
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		<p style="text-align: center;">O</p> <p>O- 5:16 office 2:12 3:4 5:3 OMA 2:7,18 OOG 3:4 open 2:7,12 3:4 opengovoffice@dc.g... 3:5 Orellana 1:20 4:11,15 Ory 1:21 4:15 5:13,16</p>	<p style="text-align: center;">S</p> <p>saw 6:10 scheduled 2:8 Section 2:6,16 see 4:14 settled 6:8,20 settlement 6:9,11,21</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: Rush

Before: DC ABCA

Date: 12-14-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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