

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 Georgetown Suites, LLC/ :
 Wabbit, LLC, :
 t/a Georgetown Inn :
 West End/Casta's Rum Bar :
 1121 New Hampshire Ave NW: Protest
 Retailer CR - ANC 2A : Hearing
 License No. 109462 :
 Case # 22-PRO-00034 :
 :
 (Application to :
 Renew the License) :
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Wednesday
 December 14, 2022

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:

JOSE ORELLANA, DC ABRA Staff
 ANDREW KLINE, Applicant Counsel
 SIDON YOHANNES, Applicant Counsel
 ANDREW SCHULWOLF, Counsel for Georgetown Suites
 NAYAN PATEL, Counsel for Georgetown Suites
 IAN THOMAS, Protestant, Group of 5
 SALLY BLUMENTHAL, Protestant, Group of 5
 ELAINE RIGAS, Protestant

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

2 (1:40 p.m.)

3 CHAIRPERSON ANDERSON: All right, I'm
4 going to call the next case, and the parties can
5 -- it's my understanding, when I say the party,
6 needs some time to negotiate. But let me call --
7 it appears that everyone is on line. So, let me
8 call the next case.

9 So, the next case on our calendar is
10 Case Number 22-PRO-00034. It is Georgetown
11 Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West
12 End/Casta's Rum Bar, License Number 109462.

13 Mr. Orellana, can you please elevate
14 the rights of the licensee, the protestants in
15 this case, please?

16 MR. ORELLANA: Andrew Kline, your
17 access has been elevated.

18 Sidon Yohannes, your access has been
19 elevated.

20 Andrew Schulwolf, your access has been
21 elevated.

22 Nayan Patel, your access has been
23 elevated.

24 Elaine Rigas, your access has been
25 elevated.

1 Ian Thomas, your access has been
2 elevated.

3 Shannell Murray, your access has been
4 elevated.

5 Sally Blumenthal, your access has been
6 elevated.

7 That is all, Chair.

8 CHAIRPERSON ANDERSON: Thank you very
9 much. All right. All right, let me have the
10 parties introduce themselves for the record. Let
11 me start with you, Mr. -- well, is that you, Mr.
12 Kline? Or, well, the Veritas Law Firm, whoever
13 is representing the licensee, the Applicant, let
14 them introduce themselves for the record, please.

15 MR. KLINE: Good afternoon, Mr.
16 Chairman and members of the Board. Andrew Kline,
17 from the Veritas Law Firm, representing the
18 Applicant. Ms. Sidon Yohannes from the Veritas
19 Law Firm is also on. My name is spelled A-N-D-R-
20 E-W, last name Kline, K-L-I-N-E. Ms. Yohannes is
21 Sidon, S-I-D-O-N, Yohannes, Y-O-H-A-N-N-E-S.

22 CHAIRPERSON ANDERSON: All right,
23 thank you, Mr. Kline. Mr. Schulwolf, can you
24 please spell and state your name for the record,
25 please, and identify yourself.

1 MR. SCHULWOLF: Chair, fellow board
2 members, Andrew Schulwolf, last name spelled S-C-
3 H-U-L-W-O-L-F, as in Frank. Counselor for
4 Georgetown Suites, LLC. But also here on behalf
5 of Georgetown Suites is Nayan Patel, N-A-Y-A-N,
6 last name P-A-T-E-L.

7 CHAIRPERSON ANDERSON: All right,
8 thank you, sir. Mr. Thomas, can you please spell
9 and state your name for the record, please?

10 MR. THOMAS: Certainly. Ian Thomas on
11 behalf of the group of five-plus protestants.
12 That's Ian, I-A-N is the first name. Last name
13 Thomas, T-H-O-M-A-S. And with me is a
14 representative of the group of five, Sally
15 Blumenthal, S-A-L-L-Y, Blumenthal, B-L-U-M-E-N-T-
16 H-O-L.

17 CHAIRPERSON ANDERSON: Do we have Mr.
18 Rigas here? Yes, Elaine Rigas, Ms. Rigas, I'm
19 sorry, please --

20 MS. RIGAS: Elaine Rigas.

21 CHAIRPERSON ANDERSON: -- identify
22 yourself for the record, please.

23 MS. RIGAS: Yes, I am Elaine Rigas, E-
24 L-A-I-N-E, last name, R-I-G-A-S. And I am an
25 abutter and a protestant. Thank you.

1 CHAIRPERSON ANDERSON: All right,
2 thank you. All right, this matter is scheduled
3 for a protest hearing, and is there, are there
4 any preliminary matters that needs to be
5 addressed, Mr. Kline?

6 MR. KLINE: Mr. Chairman, I believe
7 there are two. There is an issue that was raised
8 by Mr. Schulwolf. And then, of course, there's
9 the issue of the protest hearing.

10 With respect to the latter, the
11 parties and Protestant's Counsel can correct me
12 if I'm wrong, but the parties are very, very
13 close to an agreement. I think if we could get a
14 little time before we started the protest
15 hearing, we could probably get over the finish
16 line and get it done.

17 But I'd defer to the Board as to
18 whether it would prefer to first deal with the
19 issue that's been raised by Mr. Schulwolf.

20 CHAIRPERSON ANDERSON: Pardon me, what
21 is the issue that's been raised by Mr. Schulwolf,
22 what's the issue there?

23 MR. SCHULWOLF: Thank you, Chairman
24 Anderson. The issue is that, as the Board is
25 probably familiar, because Counsel has been

1 before the Board multiple times in relation to
2 various violations by Casta's Rum Bar, that
3 Georgetown Suites did not apply for and did not
4 approve the renewal of the liquor license.

5 The Veritas Law Firm apparently
6 applied for the liquor license, without
7 authorization on behalf of Georgetown Suites, in
8 addition to its own client. So, we have not
9 authorized this renewal. We're not seeking the
10 renewal of the liquor license.

11 MR. KLINE: Mr. Chairman, we take
12 these allegations quite seriously, and if these
13 are based on Mr. Patel's knowledge, we would ask
14 that he be sworn and testify as to these matters.

15 When it was suggested that our firm
16 filed an application, as Mr. Schulwolf says in
17 his letter, without authority, and without
18 knowledge of Mr. Patel, is outrageous, and we
19 treat as such. And if that is Mr. Patel's
20 contention, we'd like for him to put that on the
21 record, under oath, and cross-examine him on it.

22 MR. SCHULWOLF: Well, Mr. Kline can
23 try to intimidate Mr. Patel with the oath
24 request, but I can tell you, Mr. Chairman, that I
25 emailed Ms. -- the Counsel for Veritas on

1 multiple occasions, asking for them to provide me
2 with some evidence of their authority to file
3 this renewal application for Georgetown Suites.

4 I think I emailed about four times
5 before I finally got a response to my last email,
6 which was based on your failure to respond, I
7 must assume you didn't have any authority. And
8 what I got in return, was sort of an ambiguous,
9 well, if necessary, we'll provide you with proof
10 that we were authorized. But I never ever got an
11 answer.

12 CHAIRPERSON ANDERSON: Okay,
13 gentlemen, you know, I'm going to cut to the
14 chase. Okay, and I've informed both parties,
15 clearly, it's an LLC. Fifty percent -- the
16 Agency views one license. There's a disagreement
17 between the parties, this is not the proper forum
18 to address that issue. Okay. This disagreement
19 cannot be addressed by the ABC Board. It has to
20 be addressed outside of this Board.

21 And this has been going -- we have had
22 several hearings on this, protest hearings. We
23 have had several hearings on the show cause,
24 there was a show cause hearing matter, that I've
25 informed both parties that the disagreement that

1 you have cannot be addressed here, because as far
2 as the ABC Board is concerned there is one
3 license.

4 So, I'm going to cut to the chase.
5 Okay. One of the witnesses here, you called,
6 sir, is Mr. Patel. Who is Mr. Patel?

7 MR. KLINE: Mr. Patel is on the line.
8 He's the representative of Georgetown Suites.

9 CHAIRPERSON ANDERSON: He's a
10 representative of Georgetown, and whom do you
11 represent, sir?

12 MR. SCHULWOLF: I represent Georgetown
13 Suites. He's --

14 CHAIRPERSON ANDERSON: All right,
15 okay.

16 MR. SCHULWOLF: He's the emperor of
17 Georgetown Suites.

18 CHAIRPERSON ANDERSON: All right. You
19 represent Georgetown Suites.

20 MR. SCHULWOLF: Yes.

21 CHAIRPERSON ANDERSON: And Mr. Patel,
22 your client, he's your client. Is that correct,
23 sir?

24 MR. SCHULWOLF: Correct.

25 CHAIRPERSON ANDERSON: Have you had

1 any conversation with your client, about -- have
2 you requested from the Agency, or have you
3 requested from your client, a copy of the renewal
4 application, sir?

5 MR. SCHULWOLF: I don't know if we
6 have a copy of the renewal. I believe we have a
7 copy -- I take that back. I believe we have a
8 copy of the renewal application, and upon
9 receipt, we informed the Veritas Law Firm, that
10 they do not, he does not want to authorize it.

11 CHAIRPERSON ANDERSON: All right,
12 listen, all right, I'll tell you --

13 MR. SCHULWOLF: I apologize, I'm not
14 quite -- I'm not quite understanding.

15 CHAIRPERSON ANDERSON: All right.

16 MR. SCHULWOLF: A co-licensee should
17 be served --

18 CHAIRPERSON ANDERSON: No. Your
19 client, sir --

20 MR. SCHULWOLF: Does not want to move
21 forward.

22 CHAIRPERSON ANDERSON: Your client,
23 Mr. Patel, and you should know this. And Mr.
24 Patel should say this to you. And as an
25 attorney, I am embarrassed to say this to you,

1 sir. But your client, on March 23rd, submitted a
2 renewal application to this Agency. You should
3 know that.

4 And I have a problem that at the last
5 minute, you're saying that you -- the Veritas Law
6 Firm filed this renewal application. When your
7 client, the person who's on this call, on March
8 23rd, he signed the renewal application and
9 requested from this Agency that this matter be
10 renewed.

11 So, if you need to get off of the
12 line, to go talk to your client, we can get this
13 done. But you cannot make this 24-hour argument
14 to say someone submitted an application to this
15 Agency, when your client on March 23rd, submitted
16 a renewal application to ABRA.

17 I'm sick and tired of trying to pick
18 sides in this matter. This agency cannot do
19 this. You two need to go to court and solve your
20 problems. And do not bring it to the attention
21 of this ABC Board, because we cannot solve this
22 problem. It is one license. It is not 50
23 percent to Georgetown Suites. It is not 50
24 percent to Casta's Rum Bar.

25 I don't care what your underlying

1 agreement is. It is one license that's issued.
2 You are just as liable for everything your
3 partner does, and vice versa, and we can't solve
4 that. So, that's where we are. I don't need to
5 have any further conversation on that matter,
6 sir.

7 Okay. Ask your client about what it
8 is that they did, Mr. Patel. I have the
9 application in front of me, that your client, on
10 March 23rd -- if your client did not submit the
11 renewal application, for us to go through all
12 this protest proceeding -- because once your
13 client submitted a renewal application, what this
14 Agency does, we placard this matter.

15 And so, once it was placarded, that's
16 why you have the, an abutting property owner, and
17 you have the group, the group they protested it.
18 They're protesting this liquor application based
19 on what your client did, Georgetown Suites.

20 If your client, Georgetown Suites, did
21 not submit a renewal application on the 23rd, we
22 would not have been here today, sir.

23 MR. SCHULWOLF: Well, I'm going to
24 have to --

25 CHAIRPERSON ANDERSON: Okay.

1 MR. SCHULWOLF: I hear you, and I will
2 speak with Mr. Patel, if I may have a few
3 moments, off line. And I will discuss this with
4 Mr. Patel.

5 CHAIRPERSON ANDERSON: I have the
6 application in front of me. And I don't
7 understand when you filed this, and Mr. Kline --

8 MR. SCHULWOLF: I don't have -- I've
9 not seen what you're looking at. So, I would
10 like to --

11 CHAIRPERSON ANDERSON: And I'm saying,
12 I don't understand, Mr. Kline, why didn't you
13 provide this to him when he filed his complaint.
14 And I saw a letter that, it says that it was
15 filed by Georgetown. He's saying that, you know,
16 we didn't authorize this. We didn't sign this.
17 We didn't do -- we didn't do it, and the Veritas
18 Law Firm was not authorized to do it.

19 So, Mr. Kline, I mean, why didn't you
20 bring this to his attention? Because I shouldn't
21 have to do this on the record. This is just,
22 this is elementary.

23 MR. KLINE: Mr. Chairman, with all due
24 respect, it seems to me that Mr. Schulwolf should
25 have talked to his client. And it was not our

1 job to set him straight as to what was done. His
2 allegations in his letter are no short of
3 outrageous. Because he did not make any effort
4 to discover the facts, by even asking the agency
5 for a copy of the application.

6 And further, if the co-licensee wishes
7 to withdraw from the renewal, God bless them.
8 We're happy to have them off the license. They
9 can certainly withdraw and we can continue.
10 Because they certainly had implied authority. We
11 went to check. We were going to renew the
12 license, and we checked with the Agency, and
13 found that it had already been renewed. And we
14 were told by the Agency, nothing needed further
15 to be done.

16 So, if they want to withdraw, we're
17 happy to have them withdraw. We would welcome
18 that. And we think that it would streamline
19 these proceedings, and going forward, proceedings
20 with respect to this license.

21 CHAIRPERSON ANDERSON: All right. All
22 right, it's -- so, you can talk to Mr. Patel.
23 It's 1:55. This is -- and this matter is going
24 to hearing. It's going to be very contentious.
25 So, I'm going to be very -- all right. It's

1 1:55, sir, I'll give you 10 minutes.

2 MR. SCHULWOLF: I don't need 10
3 minutes. I thank you for the 10 minutes, I
4 don't need 10 minutes. I just --

5 CHAIRPERSON ANDERSON: Well, it's
6 1:55. We'll be off the record until 2:05. I
7 want to make sure -- yes, Mr. Kline.

8 MR. KLINE: Mr. Chairman, just to be
9 clear. I mean, with respect to resolving the
10 protests, with the protestants, we may need a
11 little more time than that. I don't know whether
12 it's your intentions to include that within the
13 ten minutes. But I just wanted to remind the
14 Board, that we do need a little bit of time. We
15 think we can get it resolved.

16 CHAIRPERSON ANDERSON: I think part of
17 the problem, Mr. Kline, you're saying you might
18 get it resolved. But I'm hearing -- and the
19 issue that we've always had, and Georgetown
20 Suites, where are they on this? Are they a part
21 of the discussion?

22 MR. KLINE: Mr. Chairman, if they're
23 not on board, then we'll work with the
24 protestants. And I suspect what we will do is
25 tell the Board what it is that we've agreed to,

1 and the Board can just incorporate it into an
2 order. And Mr. Schulwolf can be heard as to why
3 that shouldn't happen.

4 But if the operator, which has been
5 acknowledged by Mr. Schulwolf, that Wabbit is the
6 operator -- if the operator is able to work this
7 out with the community, which we think we're very
8 close to doing, then we don't think that the co-
9 licensee, who's the landlord, he's attempted to
10 interfere at every step of this case, should be
11 allowed to derail that.

12 And if they're unwilling to get on the
13 agreement, and the Board's position is they need
14 to be on an agreement, then what we would submit
15 is then we'd simply give the terms to the Board,
16 and ask the Board, and speak to counsel for the
17 protestants to make sure they're okay with this,
18 and ask the Board to incorporate it into an
19 order. Different ways to get, to where we need
20 to get to.

21 CHAIRPERSON ANDERSON: And how much
22 time would all of this take? How much time do
23 you want?

24 MR. KLINE: I think we need at least
25 a half an hour to solve the one remaining issue

1 that we have.

2 CHAIRPERSON ANDERSON: It's 1:57 --
3 2:30. We're off the record until 2:30. All the,
4 everything should be taken care of. Mr.
5 Schulwolf, you can speak to your client. Find
6 out what's going on. You guys can talk. So,
7 we're off the record until 2:30.

8 MR. SCHULWOLF: Mr. Chairman, may I
9 ask Mr. Kline to kindly send me a copy of that
10 March 2022 renewal application?

11 MR. KLINE: I couldn't do it. It was
12 notarized by a notary, and apparently --

13 (Simultaneous speaking.)

14 MR. SCHULWOLF: All I'm asking, if you
15 could send me a copy? He does not to get into an
16 argument. I just asked if he --

17 CHAIRPERSON ANDERSON: Please, if Mr.
18 Kline, if you --

19 MR. KLINE: Happy to do it.

20 CHAIRPERSON ANDERSON: Fine. If not,
21 I will ask the Agency.

22 MR. KLINE: It's also listed as an
23 exhibit, so it's been readily available. But
24 I'll send it to you right now.

25 CHAIRPERSON ANDERSON: What exhibit is

1 it, Mr. Kline?

2 MR. KLINE: I don't know, and I'll
3 send it to him.

4 CHAIRPERSON ANDERSON: All right.
5 We'll off the record until 2:30. I would ask all
6 Board Members to return to Executive Session for
7 further action. We will - and you guys, you
8 don't have to log off. Just turn your camera and
9 microphone off, please. But the Board Members
10 should return to Executive Session. Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 1:58 p.m. and resumed at
13 3:05 p.m.)

14 MR. KLINE: We're back on the record.
15 Mr. Thomas, Mr. Schulwolf.

16 MR. SCHULWOLF: Hi, thank you. I'm
17 here. Present.

18 CHAIRPERSON ANDERSON: Mr. Thomas.

19 MR. THOMAS: Good afternoon, my
20 apologies. I was just on the phone with Ms.
21 Yohannes ironing out the final details for the
22 settlement.

23 CHAIRPERSON ANDERSON: Okay. So, do
24 we have an agreement?

25 MR. THOMAS: I believe we do, Your

1 Honor -- Mr. Chairman.

2 CHAIRPERSON ANDERSON: Oh, I like the
3 promotion, thank you.

4 MR. THOMAS: We've got, we just have
5 to tweak a couple things in the proposed
6 agreement. But we have buy-in from all
7 protestants as to the material terms. And I
8 think we need to get physical signatures. That
9 may take a second. But in terms of all material
10 terms, I think we are in agreement.

11 CHAIRPERSON ANDERSON: Therefore, we
12 will receive a settlement agreement. You're not
13 asking for a consent order?

14 MR. THOMAS: Right. Won't be asking
15 for that. I sent Mr. Schulwolf, just a few
16 moments ago the, the latest. And we wait to hear
17 from him as to whether his client will agree.

18 If not, then we would request that we
19 proceed with a consent order, and we'll read the
20 provisions into the record, and ask that Board to
21 adopt them as conditions to the license.

22 CHAIRPERSON ANDERSON: Mr. Thomas.

23 MR. THOMAS: Check.

24 CHAIRPERSON ANDERSON: Which one would
25 work for you? I don't have a, the Board wouldn't

1 have a problem doing the consent order if there's
2 agreement, or if you want a settlement agreement.
3 We're here, we are here to facilitate the process
4 and what works for the party.

5 And, Mr. Schulwolf, I'm not -- where's
6 Mr. Schulwolf? Oh, yes. I haven't forgotten
7 about you, sir. I'm coming to you, too. Okay,
8 just wanted to --

9 MR. SCHULWOLF: That's okay.

10 CHAIRPERSON ANDERSON: I wanted to let
11 you know that I'm not ignoring you. But I'm just
12 trying to find out, yes.

13 MR. THOMAS: I think the preference,
14 from my client's perspective, is to have it as a
15 settlement agreement as opposed to a consent
16 order. But at the end of the day, we just want
17 something, the most important thing is something
18 that's binding and enforceable upon the
19 establishment moving forward.

20 And so, while our preference is a
21 settlement agreement, if the unique nature of the
22 application prevents that from moving forward,
23 then we would be open to figuring out another way
24 to get the agreed upon terms on the record.

25 CHAIRPERSON ANDERSON: Mr. Schulwolf,

1 have you been in -- have you been a part of these
2 conversations, sir?

3 MR. SCHULWOLF: I have not. I just
4 looked them over. Mr. Kline told me that they
5 sent me the proposed agreement. I just see it on
6 my phone. I forwarded it to my client. We
7 obviously have not had an opportunity to look at
8 it. We would need to do that. I just got -- I
9 literally just looked at it, as soon as Mr. Kline
10 told me that they sent it to me. That's the
11 first time I've seen any part of this.

12 CHAIRPERSON ANDERSON: All right. Let
13 me ask you this question, Mr. Schulwolf. As far
14 as your client is concerned, and I've said this
15 over and over, whatever dispute that you have
16 with Casta's Rum Bar, it cannot be solved by the
17 ABC Board. It has to be solved and settled by
18 another forum.

19 So, with that caveat, the Board, it is
20 one license. And as we have had conversations
21 before about, when there was, when we had a show
22 cause matter, that it cannot be that one party
23 is, one party the license is guilty. And the
24 other party is innocent. Because we look at this
25 as one party, as one license.

1 And so, whatever relief that your
2 client is seeking, this Board cannot grant your
3 client that relief. It has to be granted outside
4 of this forum. Okay.

5 MR. SCHULWOLF: No, understood, and
6 may I say that the, I did receive a copy of the
7 renewal application from Mr. Kline. I have no
8 recollection of ever receiving that before. I
9 will tell you, my client tells me that he doesn't
10 recall seeing that or signing it.

11 However, he acknowledges that's his
12 signature. So, we're not going to be --

13 CHAIRPERSON ANDERSON: And it's
14 notarized.

15 MR. SCHULWOLF: Let me, if I could
16 just finish, and I appreciate --

17 CHAIRPERSON ANDERSON: No, I was just
18 -- I wanted to add a portion to it, that it's
19 notarized also. That's all I wanted to add.

20 MR. SCHULWOLF: But we don't dispute
21 that, acknowledges it's notarized. So, having
22 said that, we're going to withdraw the letter
23 that I wrote on December 12th and our request
24 that the application of renewal not move forward.
25 We're going to withdraw that, with apologies to

1 Mr. Kline, to the Veritas Firm, and to the Board,
2 and Ms. Yohannes.

3 It's not our intention, we did not
4 intend it to misrepresent anything, but clearly
5 the renewal application that we have a copy of
6 was signed by Mr. Patel. He doesn't dispute
7 that. We just, he did not have any recollection
8 of it. And I had not seen that before, so, I
9 want the record to be clear on that.

10 I've got a copy of the agreement that
11 was sent over. I do need to review it with Mr.
12 Patel. In addition to reviewing it, I've got to
13 look at the lease agreement, because some of the
14 provisions that I can just see right off the bat,
15 have to do with operating hours of the Casta's
16 Rum Bar. Have to do with music being played at
17 Casta's Rum Bar. We can't agree to anything
18 until we know whether or not that's contrary to
19 any terms of the lease that would constitute in
20 some respects a modification to the party's lease
21 agreement. So, I need an opportunity, again --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Yes, sir, I'm
24 sorry, go ahead.

25 MR. SCHULWOLF: But I hope the Board

1 understands that before my client can agree to
2 this -- and they're not looking to stand in the
3 way of an agreement -- he would have to be, look
4 at the least agreement to make sure that this
5 agreement that was presented by the protestors,
6 does not in some way, contradict the lease
7 agreement that is executed by and between my
8 client and Casta's.

9 Because it does change the hours of
10 operation, and it does change issues relating to
11 what music that can be played on the premises.
12 Again, not looking to stand in the way, if they
13 come to agreement, that's fine. But if you want
14 us to sign off on it, which we're willing to do.
15 We just need the opportunity to make sure that
16 there's no term in here that modifies the lease
17 term.

18 CHAIRPERSON ANDERSON: Honestly, I --

19 MR. SCHULWOLF: It's a fair concern.

20 CHAIRPERSON ANDERSON: And I don't
21 have a problem with that, but one of the things
22 that I'm, I'm saying to you, whatever settlement
23 agreement is signed, it cannot, in the sense of
24 hours of operation, it cannot go beyond what was
25 placarded.

1 They, the establishment, can shorten
2 the hours, but you are based on the placarded,
3 the notice, the placard notice. So, you're -- in
4 reviewing this, sir, you need to look at the
5 placard notice to say, whether or not the hours
6 of operation -- when the renewal application was
7 sent, whatever hours are in this agreement, it
8 cannot go beyond those hours. They can shorten
9 the hours, but it cannot go beyond.

10 Whatever agreement is signed today,
11 you're looking at the placard notice that went
12 out, that was signed, I think the application was
13 signed I think on March 3rd. Whatever agreement
14 is here today, cannot go beyond what's in that
15 document. Okay, that's all I'm saying to you.
16 Just as an FYI, so --

17 MR. SCHULWOLF: Understood.

18 CHAIRPERSON ANDERSON: Right.

19 MR. SCHULWOLF: Understood. What I'm
20 hearing from Mr. Patel, who's communicated with
21 me, is that, no issue with the hours of
22 operation, but there is concern about the music
23 provision in that agreement.

24 CHAIRPERSON ANDERSON: And that's one
25 of the reasons why, that's one of reasons why,

1 that one of the reasons -- yes, ma'am. That's
2 one of the reasons why you can do a settlement
3 agreement, because we can't tell -- we can tell
4 an establishment that they can cut the music off
5 at 1 o'clock, but we can't tell them what type of
6 music to play. Okay. We can't tell them what
7 type of play lists.

8 Now, maybe in a settlement agreement
9 they can have -- but I'm just saying, the Board
10 though, if we issue an order, we can't say you
11 can only play Cha Cha, or Soul, or whatever. We
12 can't, whatever your pleasure is, the Board
13 cannot tell an establishment what type of music
14 they can play. I'm just, that's all that I'm
15 saying to you.

16 MR. SCHULWOLF: Right, and maybe I'm
17 not explaining myself very, clear enough, but the
18 party, the co-licensees have a separate lease
19 agreement for the premises. My client is the
20 landlord, Casta's is the tenant. There are
21 several provisions in that lease agreement
22 regarding the hours of operation, regarding the
23 noise in the premises, that can be played by
24 Casta's.

25 What I'm saying to the Board is that

1 before my client can just sign off on a
2 settlement agreement, he's got to make sure that
3 the provisions there which relate to hours of
4 operation, which he's told me he's fine with, but
5 the other provisions that have to do with playing
6 music, are not in violation of the terms of the
7 lease.

8 CHAIRPERSON ANDERSON: Okay, that's
9 fine.

10 MR. SCHULWOLF: And I haven't had a
11 chance to look at the lease. I can't just --
12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Okay, that's
14 fine. All right, okay.

15 Ms. Blumenthal, you -- I can't, you
16 cannot ask a question. You have to ask Mr.
17 Thomas, and then Mr. Thomas -- you can text Mr.
18 Thomas, and then Mr. Thomas can ask the question,
19 ma'am. Because he's a party representative
20 that's why. Okay.

21 MR. SCHULWOLF: It's not an issue for
22 the landlord as to what type of music they're
23 playing, but that's, the issue is, this agreement
24 as I read it, gives them the right to play music
25 over loud speakers. That is an issue that my

1 client needs to look at the lease, and make sure
2 there's in this agreement, if they are to join
3 it, would constitute an amendment of the terms of
4 their lease.

5 I think that's a fair concern. We
6 just got a copy this, according to my email, at
7 3:03 p.m. We were not a party to the
8 negotiations and my client, at least needs an
9 opportunity to look at the agreement and his
10 lease to make sure there's nothing in conflict.

11 MR. THOMAS: To be clear too, and just
12 for the record, there will be, there is at least
13 one change to the agreement that Mr. Schulwolf is
14 looking at, that will occur as part of the final
15 agreement of the parties. So, of the parties
16 that are not represented by Mr. Schulwolf.

17 I'm happy to make that change and
18 forward it to him, you know, immediately or
19 frankly, even now, while we're on the hearing.
20 That's not a problem.

21 CHAIRPERSON ANDERSON: Okay. The
22 Board is not adverse if the parties are going to
23 send us a settlement agreement. We're fine with
24 that. But we have been kicking the can down the
25 road. This Board, our next meeting -- we're not

1 going to have another hearing, so, this is it.
2 So, I will, if the parties are in agreement, that
3 they will provide us a settlement agreement,
4 prior to the -- and how, when is it that you
5 believe that you can provide this agreement to
6 the Agency? Of course, we have to review it, to
7 see if it's legally, if the terms are legally --
8 at least in the sense that if there are terms in
9 the agreement that's not enforceable.

10 So, therefore if there are terms in
11 the agreement that's not enforceable, we the
12 Agency are, the Agency will inform the parties
13 that they have to take those terms out because
14 they're not enforceable as far as our Agency, the
15 Board, is concerned. So, we're going to review
16 it, and if there are unenforceable terms in the
17 agreement, we will ask the parties to remove
18 those unenforceable terms. Okay.

19 MR. KLINE: Mr. Chair if I may.

20 CHAIRPERSON ANDERSON: Yes, Mr. Kline.

21 MR. KLINE: I think if I can try to
22 summarize where we are, and maybe suggest a path
23 that might be helpful at this point. It seems
24 pretty clear that the operating co-licensee, and
25 that is acknowledged from Mr. Schulwolf in some

1 pleading or email somewhere, but in any event,
2 that there is agreement between that co-licensee
3 and the protestants, in principle. It's not
4 signed, but we have the terms.

5 So, I think that we've obviated the
6 need for a protest hearing. We have a little bit
7 of housecleaning to do, in that Mr. Schulwolf
8 needs to get comfortable. His client needs to
9 get comfortable. And decide whether they want to
10 join in the agreement, or not.

11 If not, as I suggested earlier, it
12 seems to me appropriate to simply ask the Board
13 to read the provisions into the record and
14 provide a copy, and ask the Board to make those
15 provisions conditions of the license.

16 I suspect all of that is going to have
17 us -- I'll say colloquially, out of here, if you
18 know what I'm saying -- a lot sooner than we
19 would be if we were sitting here for protesting,
20 right. Because I mean, I think we should be able
21 to get this resolved pretty quickly. So, I guess
22 I would ask the Board to ask Mr. Schulwolf how
23 (audio interference) and if this is something
24 that we do in the next half hour, then let's do
25 it and let's be done.

1 And we either agree that we have a
2 signed agreement to submit, or we agree that
3 we're going to (audio interference) and have the
4 Board adopt it. And one way or the other, it
5 seems that we're done. But I think we know at
6 this point, we're not going to be here until 10
7 o'clock like we were last Wednesday.

8 A little prejudiced here, because
9 we've got agreement in principle between the
10 protestant, and the main licensee.

11 CHAIRPERSON ANDERSON: Mr. Kline, I
12 totally forgot about the fact that the Board
13 worked until 11:30 last week, Wednesday. I
14 completely forgot about that, 11:30 p.m. although
15 our day started at 9:30 a.m. Okay, I just -- so,
16 I forgot about that, so please do not remind me.
17 I've just moved on.

18 So, and today, we're not going to do
19 that. But I'm saying the parties can tell us,
20 we're as last year, as I've always told parties,
21 we support settlement. Because at the end of the
22 day, at least if there's a settlement agreement,
23 the parties -- not everyone is going to be happy,
24 but at least the parties have mutually agreed
25 with a term that they can operate.

1 When the Board makes a determination,
2 then everybody is going to be mad. Okay, so
3 that's one of the reasons why I support
4 settlement, even through a hearing. I don't --
5 for me, it doesn't matter.

6 We could start the hearing, and the
7 parties once we take testimony, the parties, you
8 know, want to settle it. I'm fine with that,
9 because at the end of the day, the establishment
10 is going to be there. The residents are going to
11 be there, and they have to co-exist. So, I don't
12 have a problem with settlements.

13 So, the parties can tell me, what is
14 that they want to do? And the Board will go with
15 the recommendation of the parties.

16 So, if you want to go consent
17 agreement, fine. If you need some time to do a
18 settlement, fine. That works, I will, the only
19 thing I will say, is if you're going to do a
20 settlement, and I'm going to put -- say when it
21 is you need to provide this to the Board.
22 Because I don't want this to be dragged out.

23 MR. SCHULWOLF: I don't believe that
24 lawyers get anything done in a half hour. That's
25 one thing. I don't think that's possible. I

1 need to speak to my client. I've got to look at
2 the agreement, I've got to poll the lease. No
3 one is looking to delay this, by any stretch, but
4 we need an opportunity to look at the agreement,
5 look at the lease and make sure that there's no
6 conflict between the two.

7 CHAIRPERSON ANDERSON: All right. So,
8 when is it that you believe that the parties
9 believe they can provide a settlement agreement
10 to the Agency?

11 MR. KLINE: Mr. Chairman, if I may.
12 Here's, let me suggest this. And this, I've not
13 run this obviously by Mr. Thomas or Mr.
14 Schulwolf, but this might make some common sense.

15 Why don't we agree that within seven
16 days, we'll either provide a fully signed
17 settlement agreement between the two co-licensees
18 on the one hand, and the protestants on the other
19 hand, or the alternative? We will submit a joint
20 request by myself, on behalf of one of the pay
21 licensees, and Mr. Thomas on behalf of the
22 protestants, to have the Board adopt findings as
23 will be set forth in our request, which will be
24 exactly what will be in the settlement agreement.

25 It seems to me that's a common-sense

1 way to do it. That gives Mr. Schulwolf time to
2 look at the lease and see if he's satisfied, and
3 his client is satisfied, and can sign on. And
4 it's served and they can sign off on the
5 agreement. And if not, Mr. Thomas and I would
6 submit the joint request for conditions to the
7 license.

8 MR. SCHULWOLF: I think that's fine.
9 In fact, I think as soon as we can get off this
10 call, I will call Mr. Kline and discuss with him
11 as far as trying to get this wrapped up very
12 quickly.

13 CHAIRPERSON ANDERSON: All right, what
14 time?

15 MR. SCHULWOLF: If Mr. Kline felt --
16 I'm assuming he, I assume he is, but I'll, we'll
17 tell him.

18 MR. KLINE: Following the hearing, I'm
19 available.

20 CHAIRPERSON ANDERSON: I think Mr.
21 Kline will be available since he won't have to
22 sit in front of a computer screen until whatever
23 time this Wednesday, as we all did last week,
24 last week, Wednesday. That is fine, with the
25 Board, that you --

1 MR. SCHULWOLF: Okay.

2 CHAIRPERSON ANDERSON: -- that within
3 seven days you will provide us with -- that
4 within seven days you will provide us with the
5 settlement agreement.

6 MR. KLINE: Or by (audio interference)
7 request.

8 CHAIRPERSON ANDERSON: Yes, that's
9 fine with the Board, okay. I, yes, that's fine.
10 That will work for the Board. Mr. Thomas is that
11 agreeable for you, sir?

12 MR. THOMAS: Yes, it is, Mr. Chairman.

13 CHAIRPERSON ANDERSON: Okay. Ms. --
14 I'm sorry, where is Ms. Rigas? Is she a part of
15 this? Ms. Rigas?

16 MS. RIGAS: Hi, I'm a part of it. I'm
17 one of the protestants. I'm the abutter.

18 CHAIRPERSON ANDERSON: Right now, I'm
19 saying, the settlement agreement that they're
20 discussing, are you, have you been a part of it,
21 madam?

22 MS. RIGAS: Yes. I just received the
23 final copy today as well. And I just had a
24 chance to review it, and I spoke with Mr. Ian
25 Ferguson (phonetic) on it.

1 CHAIRPERSON ANDERSON: Thank you, and
2 your agreement, you are in agreement with what we
3 have proposed, would you say, ma'am?

4 MS. RIGAS: Emotionally, yes. I just
5 have to run through my Board, with my Board
6 President. But I think we'll be all on board
7 with it.

8 CHAIRPERSON ANDERSON: And the reason
9 why I'm asking is because there are two
10 protestant groups. It's Ms. Rigas and Mr. Thomas
11 who represent the group of five.

12 MS. RIGAS: Yes.

13 CHAIRPERSON ANDERSON: So, I wanted to
14 make sure that on the record, it is stated that
15 your part of this discussion. And that you --

16 MS. RIGAS: Yes.

17 CHAIRPERSON ANDERSON: -- are in
18 agreement with what's been proposed today.

19 MS. RIGAS: I am, I do just need to
20 run it by our Board, but, yes.

21 CHAIRPERSON ANDERSON: Fine. That's
22 fine and Mr. Schulwolf, and internally as I
23 stated to you, Mr. Schulwolf, is that it's one
24 license. But yes, you have to do what you need
25 to do and so therefore all the parties will do

1 what needs to be done, and they will provide the
2 Agency with specific, either the settlement
3 agreement or a consent order that we can sign off
4 on, that the Board will sign off, within seven
5 days.

6 So, today is the 14th, and so
7 therefore, they will provide then, that
8 information will be provided to the Board, to the
9 Agency, to have our legal by close of business on
10 December 21st, okay.

11 All right, with that said, I want to
12 thank the parties for having an opportunity to
13 talk about this matter, and having an opportunity
14 to come up with some agreement, that they believe
15 that they can all live with.

16 I know that when we started this
17 matter, the protestants were asking for us not to
18 renew the license. And I am heartened that the
19 protestants were able to speak with the licensee
20 and they were able to come to an agreement that
21 satisfies them.

22 Because at the end of the day, as I
23 stated, until whatever outside agreement is held
24 between the landlord and the licensee, that this
25 establishment is going to be in the neighborhood.

1 And I don't believe any of the neighbors, because
2 they are invested in where they currently reside,
3 I don't think any of the neighbors are going to
4 move out of the neighborhood.

5 So, irrespective of what decision is
6 made today by the Board, the neighbors are still
7 going to be living there. And they're still
8 going -- so, I'm glad, I want to thank the
9 parties for speaking and coming to a resolution
10 that they can all, at the end of day, agree to.
11 So, thank you for that. Thank you very much. I
12 cannot emphasize that the Board appreciates what
13 you have done.

14 I know it has not been easy, but we
15 appreciate that you're done. And it is, for
16 both, and I appreciate that both parties were
17 able to come to an agreement. And so, I just
18 wanted to support this process, that it works,
19 and that business and the community can co-exist.
20 And that's what, at least as Chair, that's what I
21 support. That they can co-exist and that they
22 can work together, and I want to thank the
23 parties for doing that today.

24 Okay, all right. So, have a great
25 day. And I don't believe, I don't need to read

1 them anything to officially close this hearing.
2 But I need to then close the record for the day,
3 because we don't need to issue, we're not issuing
4 a decision in this case.

5 So, what I'm going to do is I'm going
6 to close it. I'm going to close this forum for
7 the year. This is the ABC Board's last hearing
8 for the year. We're not going to meet again
9 until January 11th, unless -- I keep my fingers
10 crossed that there are no enforcement issues
11 between now and that we have to meet in emergency
12 sessions. But today, as I stated before, is our
13 last hearing for the year. And it has been --
14 but let me close, let me close, sir.

15 All right. As Chairperson of the
16 Alcoholic Beverage Control Board for the District
17 of Columbia, in accordance with D.C. Official
18 Code Section 2-575(b) and 2-575(b)(14) of the
19 Open Meetings Act, I move that ABC Board hold a
20 closed meeting on January 11th, 2023 for the
21 purpose of discussing any reports concerning
22 ongoing or planned investigations of alleged
23 criminal or civic misconduct, or violations of
24 law or regulations, and seeking legal advice from
25 our legal counsel on matters identified on the

1 Board's Legal Licensed and Investigative Agenda
2 for January 11th, 2023, as published in the D.C.
3 Register on January 6th, 2023.

4 Is there a second? Ms. Crockett has
5 seconded the motion. I will now have a roll-call
6 vote for the motion, for now it has been properly
7 seconded.

8 CHAIRPERSON ANDERSON: Mr. Short. I
9 didn't realize Mr. Short was not here.

10 MEMBER CATO: Mr. Cato.

11 MEMBER CATO: Bobby Cato, I agree.

12 CHAIRPERSON ANDERSON: Ms. Crockett.

13 MEMBER CROCKETT: Rafi Crockett, I
14 agree.

15 CHAIRPERSON ANDERSON: Mr. Grandis.
16 And Mr. Grandis and I agree, as the motion has --
17 the motion has passed 5-0-0.

18 MEMBER CROCKETT: Four.

19 CHAIRPERSON ANDERSON: Four, oh, yes,
20 I'm sorry. And thank you, Ms. -- thank you. And
21 the motion has passed 4-0-0. I give notice that
22 ABC's Board will hold this closed meeting.

23 So, currently, open meetings, that
24 notice will also be posted on the ABC Board's
25 Hearing Room bulletin board, placed on the

1 electronic calendar on our website, and published
2 in the D.C. Register in as a timely manner as
3 practical.

4 Happy Holidays to everyone. Be safe,
5 I hope not to see you in the New Year, because we
6 usually, when I see parties in the New Year it's
7 because there's a problem. But be safe, have a
8 good holiday season, and be well.

9 And thank my Board Members for their
10 participation today. Thank you, member of the
11 public, for their safe participation today. We
12 are formally adjourned for the year. And I'll
13 now ask all Board Members to return to Executive
14 Session for further action. Thank you very much.
15 Have a great rest of the year.

16 (Whereupon, the above-entitled matter
17 went off the record at 3:33 p.m.)
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In the matter of: Casta's Rum Bar

Before: DC ABRA

Date: 12-14-22

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.



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