

Thursday
November 5, 2020

ZERIHUN AMENTE, Applicant
SIMONE ANDREWS, DC ABRA Staff
JOEL KELTY, ANC 6C
FRED MOOSALLY, Director, DC ABRA

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

2 11:10 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 19-PRO-
5 00131, Allure Lounge, License No. 108303. And
6 Ms. Andrews, can you please elevate the rights
7 off the applicant, the licensee, and the ANC,
8 please?

9 MS. ANDREWS: The parties for this
10 case, their rights have been elevated.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you. So let's start. Good morning,
13 everyone. Let's start with the licensee. Can
14 the licensee please identify him or herself for
15 the record? And please spell your name, please.

16 MR. AMENTE: First name is Zerihun.
17 It's Z-E-R-I-H-U-N. Last name, A-M-E-N-T-E.

18 CHAIRPERSON ANDERSON: Do you have a
19 camera, sir? Or you do not have a camera that
20 you can turn on?

21 MR. AMENTE: I do. Where are you?

22 CHAIRPERSON ANDERSON: If you don't,
23 that's fine. I was just asking.

24 MR. AMENTE: I do have one, but I --

25 CHAIRPERSON ANDERSON: That's fine.

1 That's fine. So let's have the ANC identify
2 themselves for the record and spell your name,
3 please.

4 MR. KELTY: Good morning. This is
5 Joel Kelty representing ANC 6C. My name is
6 spelled J-O-E-L, last name, K-E-L-T-Y.

7 MR. AMENTE: I'm here.

8 CHAIRPERSON ANDERSON: All right.
9 Thank you, Mr. Kelty. And we can now see you,
10 Mr. Amente. Good morning. All right. Thank
11 you. Are there any preliminary matters that the
12 Board needs to address?

13 MR. KELTY: Yes, sir. The ANC
14 requests that this application be dismissed
15 because the applicant failed to appear in
16 mediation.

17 MR. AMENTE: Yes.

18 CHAIRPERSON ANDERSON: All right. Mr.
19 Amente, do you have anything you want to say?

20 MR. AMENTE: Yes. What did he say?

21 CHAIRPERSON ANDERSON: He said that
22 you failed to appear at a mediation.

23 MR. AMENTE: No, I was there.

24 MR. KELTY: Sir, you were not there.

25 MR. AMENTE: When was it?

1 CHAIRPERSON ANDERSON: All right. I'm
2 just --

3 MR. AMENTE: Me and you, we met. And
4 me and him met before too.

5 MR. KELTY: I have not met you, sir.

6 MR. AMENTE: Yeah, we did. Before --
7 it was what happened in February.

8 CHAIRPERSON ANDERSON: The Board -- my
9 recommendation to the Board is that we're not
10 going to dismiss the application based on failure
11 to -- the alleged failure as stated by Mr. Kelty.
12 When I said alleged failure, I don't know. So
13 when I say alleged, so I'm not saying I agree
14 with you, Mr. Kelty, that they did or did not
15 participate.

16 And Mr. Amente, there's some
17 disagreement. But that's not a reason for the
18 Board to dismiss a protest. So therefore, I'm
19 making a motion to the Board for us not to
20 dismiss the protest on that reason. Is there a
21 second?

22 MR. AMENTE: Can I ask a question?

23 CHAIRPERSON ANDERSON: You don't --
24 what's the question that you need to ask me?

25 MEMBER GRANDIS: I second the motion.

1 CHAIRPERSON ANDERSON: Mr. Grandis has
2 second the motion. Yes, sir. Do you have a
3 question you want an answer?

4 MR. AMENTE: Yeah, I just wanted him
5 to know that can he email me or something that I
6 miss --

7 CHAIRPERSON ANDERSON: All right.
8 Well --

9 MR. AMENTE: -- for the mediation.

10 MR. KELTY: There may be some
11 confusion here and I'm not sure on whose part it
12 is. We had a mediation recently about a
13 substantial change, and I thought we were --

14 (Simultaneous speaking.)

15 MR. KELTY: -- before this hearing
16 about the substantial change.

17 CHAIRPERSON ANDERSON: All right. All
18 right. But -- all right. All right. There's a
19 motion that was second by Mr. Grandis. And let
20 me have a roll call vote on the motion before us.
21 Mr. Short?

22 MEMBER SHORT: Mr. Short, I agree.

23 CHAIRPERSON ANDERSON: Mr. Grandis?

24 MEMBER GRANDIS: Ed Grandis agrees.

25 CHAIRPERSON ANDERSON: Ms. Hansen?

1 MEMBER HANSEN: Jeni Hansen, I agree.

2 CHAIRPERSON ANDERSON: Ms. Crockett?

3 MEMBER CROCKETT: Rafi Crockett, I
4 agree.

5 CHAIRPERSON ANDERSON: And Mr.
6 Anderson, I agree. The matter passes 5-0-0. So
7 the Board will not dismiss the application based
8 on the allegation of the nonparticipation in the
9 mediation. All right. Are there any other
10 issues -- are there any other preliminary issues
11 that need to be brought to the attention of the
12 Board? Mr. Kelty, do you have any other issues?
13 And Mr. Amente, do you have any other issues?

14 MR. KELTY: I need to get some
15 clarification.

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: Yes, sir. I'm
18 sorry.

19 MR. KELTY: Is this the renewal or a
20 substantial change application that we're talking
21 about today?

22 CHAIRPERSON ANDERSON: Application to
23 renew the license.

24 MR. KELTY: Okay. Because we also
25 have a substantial change matter, do we not?

1 (Simultaneous speaking.)

2 MR. KELTY: Could we combine those
3 two?

4 CHAIRPERSON ANDERSON: No, sir. This
5 protest that we're addressing today, it's a
6 protest that was filed to renew the license. I
7 don't have that in front of me. I don't know
8 what that -- the substantial change, I don't know
9 when that was filed. That's not in front of the
10 Board for this hearing, and I don't know whether
11 or not a protest was filed on that matter.

12 That is something -- if a protest was
13 filed on that matter, we can find out from the
14 Agency whether or not both protests can be
15 combined. But at this juncture, the only protest
16 that I'm aware of that's in front of us today,
17 it's the renewal application. It's the renewal
18 application. Now --

19 MR. KELTY: Okay. Well --

20 CHAIRPERSON ANDERSON: If you're
21 asking us to combine both, this is something that
22 the Agency -- we would be in favor of doing that
23 to combine both the substantial change and the
24 renewal application on the same -- Mr. Amente, do
25 you know what we're talking about, sir?

1 MR. AMENTE: Yes, I do, yeah.

2 CHAIRPERSON ANDERSON: So you filed --
3 so there's -- you filed for a substantial change
4 and you also filed to renew your license. Is
5 that correct, sir?

6 MR. AMENTE: Yes.

7 CHAIRPERSON ANDERSON: And what Mr.
8 Kelty is saying that rather than have two
9 separate protests, would you agree that we can
10 combine both cases so they can be addressed at
11 the same time?

12 MR. AMENTE: Yeah, that's fine.

13 CHAIRPERSON ANDERSON: All right. So
14 fine. So parties have agreed to consolidate both
15 matters. I do not have the protest number for
16 the substantial change, but the Agency will
17 combine both matters in one.

18 And so therefore, we'll have one -- if
19 we do have a protest hearing, we will have one
20 protest hearing to address both the renewal and
21 both the substantial change. And I think it's
22 more efficient that all issues can be addressed
23 at one time. Okay? And by agreement of the
24 parties, that's what's been done. All right.
25 Thank you.

1 We don't have -- I don't have a
2 specific date to provide you at this juncture
3 when the protest hearing will be held. But the
4 protest hearing will be held -- if there is a
5 hearing, the hearing will be held at a date in
6 the new year. What I would suggest to both
7 parties is if the parties can communicate and if
8 they can -- if the matter could be settled
9 through a settlement agreement, I'm not saying
10 this is what you should do.

11 I'm just saying that if this is what
12 the parties want to do, the Board would support
13 that. At least I know that both sides would be
14 happy because both sides have to live with the
15 existence or nonexistence of this business
16 irrespective of what the Board does. So if both
17 sides are amenable to settle this case, they can.

18 If the Board -- if both sides are not
19 amenable to do that, then the Board would make
20 the decision. Okay? All right. Now that we've
21 scheduled the protest hearing, there are a few
22 things that I would like to instruct you about so
23 that the protest hearing is focused and addresses
24 only those issues that are being protest.

25 You either have already received or

1 will soon be receiving an email from Imani
2 Moreland that contains a copy of a protest
3 information form and a copy of an exhibit form.
4 Both parties are required to complete and submit
5 the protest information form PIF and the exhibit
6 form at least seven days before the date of the
7 hearing. If we do not receive a copy of your
8 forms seven days before the hearing, your
9 application or your protest may be subject to
10 dismissal.

11 These documents not only need to be
12 submitted to ABRA but to the opposing party as
13 well. Please know that these documents greatly
14 assist the Board in narrowing the protest issues,
15 facilitating the process, and keeping the parties
16 on point during the hearing. Each side will have
17 (audio interference) minutes to present their
18 case. This includes all direct and cross
19 examination of witnesses. The Board does not
20 intend to hear testimony on matters that are not
21 relevant to these issues that are being protested
22 nor will the Board tolerate repetitive testimony.
23 Any questions from anyone?

24 (No audible response.)

25 CHAIRPERSON ANDERSON: All right. We

1 thank you greatly for your cooperation. If you
2 have any questions at any time leading up to the
3 hearing, please do not hesitate to contact the
4 Assistant General Counsel, Ms. April Randall, at
5 202-442-4353. Thank you very much for your
6 attendance and participation today.

7 And as I always say in these cases, I
8 support settlement agreements. If I don't see
9 you again, I won't take it personally. But if I
10 see you in the new year for a hearing, the Board
11 will make a decision regarding the renewal and
12 the substantial change. Thank you for your
13 participation today, and have a great day. Thank
14 you.

15 MR. AMENTE: Thank you.

16 CHAIRPERSON ANDERSON: Thanks.

17 (Whereupon, the above-entitled matter
18 went off the record at 11:21 a.m.)
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25

A A-M-E-N-T-E 2:17 a.m 2:2 11:18 above-entitled 11:17 ABRA 1:22,23 10:12 address 3:12 8:20 addressed 8:10,22 addresses 9:23 addressing 7:5 Agency 7:14,22 8:16 agree 4:13 5:22 6:1,4,6 8:9 agreed 8:14 agreement 8:23 9:9 agreements 11:8 agrees 5:24 Alcoholic 1:2,13 ALIYA 1:17 allegation 6:8 alleged 4:11,12,13 Allure 1:6,6 2:5 amenable 9:17,19 Amente 1:21 2:16,21,24 3:7,10,17,19,20,23,25 4:3,6,16,22 5:4,9 6:13 7:24 8:1,6,12 11:15 ANC 1:7,22 2:7 3:1,5,13 Anderson 1:14,17 2:3 2:11,18,22,25 3:8,18 3:21 4:1,8,23 5:1,7,17 5:23,25 6:2,5,6,17,22 7:4,20 8:2,7,13 10:25 11:16 Andrews 1:22 2:6,9 answer 5:3 appear 3:15,22 applicant 1:21 2:7 3:15 application 1:9 3:14 4:10 6:7,20,22 7:17 7:18,24 10:9 April 11:4 asking 2:23 7:21 assist 10:14 Assistant 11:4 attendance 11:6 attention 6:11 audible 10:24 audio 10:17 aware 7:16	business 9:15 C calendar 2:4 call 5:20 camera 2:19,19 case 1:8 2:4,4,10 9:17 10:18 cases 8:10 11:7 Chairperson 1:14,17 2:3,11,18,22,25 3:8 3:18,21 4:1,8,23 5:1,7 5:17,23,25 6:2,5,17 6:22 7:4,20 8:2,7,13 10:25 11:16 chance 5:13 change 5:16 6:20,25 7:8,23 8:3,16,21 11:12 clarification 6:15 COLUMBIA 1:1 combine 7:2,21,23 8:10 8:17 combined 7:15 communicate 9:7 complete 10:4 confusion 5:11 consolidate 8:14 contact 11:3 contains 10:2 Control 1:2,13 cooperation 11:1 copy 10:2,3,7 correct 8:5 Counsel 11:4 Crockett 1:17 6:2,3,3 cross 10:18 CT 1:7 D date 9:2,5 10:6 day 11:13 days 10:6,8 DC 1:22,23 decision 9:20 11:11 direct 10:18 Director 1:23 disagreement 4:17 dismiss 4:10,18,20 6:7 dismissal 10:10 dismissed 3:14 DISTRICT 1:1 documents 10:11,13 doing 7:22 Donovan 1:14,17 E Ed 5:24	EDWARD 1:18 efficient 8:22 either 9:25 elevate 2:6 elevated 2:10 email 5:5 10:1 examination 10:19 exhibit 10:3,5 existence 9:15 F facilitating 10:15 failed 3:15,22 failure 4:10,11,12 favor 7:22 February 4:7 filed 7:6,9,11,13 8:2,3,4 find 7:13 fine 2:23,25 3:1 8:12,14 First 2:16 focused 9:23 form 10:3,3,5,6 forms 10:8 FRED 1:23 front 7:7,9,16 G General 11:4 Grandis 1:18 4:25 5:1 5:19,23,24,24 greatly 10:13 11:1 H H 1:7 Hansen 1:18 5:25 6:1,1 happened 4:7 happy 9:14 hear 10:20 hearing 1:7 5:15 7:10 8:19,20 9:3,4,5,5,21 9:23 10:7,8,16 11:3 11:10 held 9:3,4,5 hesitate 11:3 I identify 2:14 3:1 Imani 10:1 includes 10:18 information 10:3,5 instruct 9:22 intend 10:20 interference 10:17 irrespective 9:16 issues 6:10,10,12,13 8:22 9:24 10:14,21 J	J-O-E-L 3:6 JAMES 1:19 Jeni 1:18 6:1 Joel 1:22 3:5 JR 1:19 juncture 7:15 9:2 K K-E-L-T-Y 3:6 keeping 10:15 Kelty 1:22 3:4,5,9,13,24 4:5,11,14 5:10,15 6:12,14,19,24 7:2,19 8:8 L leading 11:2 let's 2:12,13 3:1 license 1:8,10 2:5 6:23 7:6 8:4 licensee 2:7,13,14 live 9:14 LLC 1:6 Lounge 1:6,6 2:5 M making 4:19 matter 1:5 6:6,25 7:11 7:13 9:8 11:17 matters 3:11 8:15,17 10:20 mediation 3:16,22 5:9 5:12 6:9 MEETING 1:3 Member 1:17,18,18,19 4:25 5:22,24 6:1,3 met 1:14 4:3,4,5 minutes 10:17 MOOSALLY 1:23 Moreland 10:2 morning 2:12 3:4,10 motion 4:19,25 5:2,19 5:20 N name 2:15,16,17 3:2,5 3:6 narrowing 10:14 NE 1:7 need 4:24 6:11,14 10:11 needs 3:12 new 9:6 11:10 nonexistence 9:15 nonparticipation 6:8 November 1:12 number 8:15
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C E R T I F I C A T E

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In the matter of: Allure

Before: DCABRA

Date: 11-05-20

Place: teleconference

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