

IN THE MATTER OF: :  
:  
Brothers Burger Bar, LLC :  
t/a Aroma :  
707 H Street NE : Protest  
Retailer CR - ANC 6C : Hearing  
License No. 112502 : (Status)  
Case #19-PRO-00017 :  
:  
(Application for a New :  
License) :

Wednesday,  
May 8, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

**PRESENT:**

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
MIKE SILVERSTEIN, Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

JEFF MISKIRI, Applicant  
DARRYL JONES, Applicant  
JOEL KELTY, ANC 6C05

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

9:37 a.m.

CHAIRPERSON ANDERSON: Good morning, everyone. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Please know that today's hearings will be conducted in accordance with D.C. Official Code Section 2-574 of the Open Meetings Act.

Today is May 8, 2019. I would like to introduce Members of the Board with us today.

To my far right is Mr. Bobby Cato. To my far left is Ms. Rema Wahabzadah and to her right is Mr. Mike Silverstein. Mr. Short will join us, James Short who sits to my left, shortly. My name is Donovan Anderson and I'm Chairman of the Board. The Board has -- there are four of us here at the moment, but as time goes by, there will be five of us. So we do have a quorum, the four of us constitutes a quorum, so we can conduct business.

I would like to mention two things

1 before we get started. First of all, if you have  
2 any electronic devices, pagers or such, please,  
3 make certain that they are turned off to avoid  
4 any interruption of the proceeding.

5 Secondly, there is a piece of paper on  
6 each table. When you come forward as your case  
7 is called, please, take a seat at the table and,  
8 please, sign-in. This is to ensure the correct  
9 spelling of your name for the record.

10 Additionally, when you introduce  
11 yourself for the record, please, spell your name  
12 aloud for the court reporter.

13 I would note that the approximate time  
14 is 9:40 a.m.

15 Our first order of business today is  
16 a Protest Hearing (Status), Case No. 19-PRO-  
17 00017, Aroma, License No. 112502.

18 Will the parties, please, identify  
19 themselves for the record? We will start with  
20 the ANC.

21 MR. KELTY: Yes, my name is Joel  
22 Kelty. I am a Commissioner for ANC-6C05. My

1 name is spelled J-O-E-L K-E-L-T-Y.

2 CHAIRPERSON ANDERSON: Good morning,  
3 Mr. Kelty. Yes, sir.

4 MR. MISKIRI: Good morning, I'm Jeff  
5 Miskiri, a partner of Aroma.

6 CHAIRPERSON ANDERSON: Good morning,  
7 Mr. Miskiri?

8 MR. MISKIRI: Miskiri, correct.

9 CHAIRPERSON ANDERSON: How do you  
10 spell your last name, sir?

11 MR. MISKIRI: M-I-S-K-I-R-I.

12 CHAIRPERSON ANDERSON: Good morning,  
13 sir.

14 MR. MISKIRI: Good morning.

15 MR. JONES: Good morning. My name is  
16 Darryl Jones. I'm the owner of Aroma.

17 CHAIRPERSON ANDERSON: Good morning,  
18 Mr. Jones. You can also spell your name for the  
19 record, please.

20 MR. JONES: J-O-N-E-S.

21 CHAIRPERSON ANDERSON: Thank you. All  
22 right. Are there any preliminary matters in this

1 case? Are there any issues that -- I'm going to  
2 give dates. I'm going to give dates for the  
3 Protest Hearing. And are there any issues that--  
4 not the substance, but just any issues that you  
5 want to bring forth to the Board?

6 If none, there are none.

7 MR. KELTY: None.

8 CHAIRPERSON ANDERSON: All right.

9 MR. MISKIRI: No.

10 CHAIRPERSON ANDERSON: Okay. This  
11 matter then is scheduled for a Protest Hearing on  
12 June 5th at 4:30 p.m. All right.

13 So I'm going to give you the  
14 instructions of what should occur when we have  
15 our Protest Hearing on June 5th.

16 Now that we have scheduled this matter  
17 for a Protest Hearing, there are a few things  
18 that I would like to instruct the applicant and  
19 the protestants about, so that the Protest  
20 Hearing is focused and addresses only those  
21 issues that are being protested. The Board does  
22 not intend to hear testimony on matters that are

1 not relevant to this case.

2 You should have received by electronic  
3 or regular mail a letter explaining the protest  
4 process, a copy of the Protest Information Form  
5 and a copy of the Exhibit Form. If you do not  
6 have these documents, please, contact Assistant  
7 General Counsel April Randall following this  
8 hearing.

9 It is imperative that you review the  
10 rules closely and adhere to them before and  
11 during the Protest Hearing. You are also  
12 required to complete and submit the Protest  
13 Information Form (PIF) and the Exhibit Form seven  
14 days before the date of the hearing. These two  
15 forms and accompanying documents need to be  
16 submitted to ABRA's Legal Division and to all  
17 opposing parties in this matter.

18 If we do not receive a copy of your  
19 PIF, your application or your protest, whichever  
20 side you are representing, may be subject to  
21 dismissal. Likewise, if we do not receive a copy  
22 of the Exhibit Form and the exhibits themselves,

1 your exhibits may be excluded from the record  
2 upon a finding that the opposing party has been  
3 prejudiced or no good cause for failure to submit  
4 has been shown.

5 Likewise witnesses other than a party  
6 may also be subject to exclusion if not  
7 identified on the PIF.

8 Accordingly, these forms are very  
9 important as they greatly assist the Board in  
10 narrowing the protest issues, facilitating the  
11 process and keeping the parties on point during  
12 the hearing. They likewise provide notice to  
13 opposing parties enabling them to better prepare  
14 for the hearing.

15 We thank you for your cooperation. If  
16 you have any questions today or at any time  
17 leading up to the hearing, please, do not  
18 hesitate to contact Assistant General Counsel  
19 April Randall at (202) 442-4353.

20 Basically, if you have any questions,  
21 if you don't understand the process, please, give  
22 a call to Ms. Randall. She will walk you through

1 the process, both sides.

2 Also seven days before the Protest  
3 Hearing, meaning seven days before June 5th, you  
4 are supposed to exchange documents. Meaning that  
5 the witnesses and the documents you are going to  
6 rely on at the Protest Hearing. If you do not  
7 submit those documents, if you show up with  
8 documents, the Board could rule that we are not  
9 going to allow you to rely on the documents and  
10 witnesses.

11 If you don't understand the process,  
12 speak to Ms. Randall. Her job here is to work  
13 with both sides to make sure that you comply with  
14 the process.

15 If you are able to reach a settlement  
16 agreement and I always tell parties that I prefer  
17 for you to have a settlement agreement. The  
18 reason why is this is your community. This is  
19 your business. You both can decide how this --  
20 if the Board -- this is a new license, right?

21 MR. MISKIRI: Yes.

22 CHAIRPERSON ANDERSON: If the Board is



1 going to grant the license, whether or not the  
2 license will be granted with or without  
3 conditions or with our denial. But if you have a  
4 settlement agreement, you folks can decide what  
5 it is that you want and how you want, rather than  
6 have the Board impose our terms and conditions.

7 And so I will, the Board will  
8 entertain a settlement agreement as soon as --  
9 whenever one is reached. If one is not reached,  
10 if you can't come to an agreement, we will make  
11 the decision.

12 But again, if you have any questions,  
13 please, contact Ms. Randall. And if not, I will  
14 see you on June 5th at 4:30.

15 MR. JONES: Yes, sir.

16 CHAIRPERSON ANDERSON: All right.  
17 Have a great day.

18 MR. JONES: Thanks.

19 CHAIRPERSON ANDERSON: Thank you.

20 (Whereupon, the Protest (Status)  
21 Hearing was concluded at 9:44 a.m.)  
22

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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: Aroma

Before: DCABRA

Date: 05-08-19

Place: Washington, DC

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

  
-----  
Court Reporter

**NEAL R. GROSS**

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