

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Aslin DC Beer, LLC, :
t/a Aslin Beer Company :
1740 14th Street, N.W. : Protest
Retailer CT - ANC 2F : Hearing
License No. 118555 :
Case #21-PRO-00090 :
 :
(Application for a New :
License) :
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Wednesday
January 12, 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:

SARAH FASHBAUGH, DC ABRA Staff
SIDON YOHANNES, Applicant
JOYCE COWAN, Protestant
ELWYN FERRIS, Shaw Dupont Citizens Alliance
SOCHON RADEE, Protestant

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

2 CHAIRPERSON ANDERSON: We are on the
3 record. Good morning, everyone. As Chairperson
4 of the Alcoholic Beverage Control Board for the
5 District of Columbia, and in accordance with D.C.
6 Code Section 25-76 of the Open Meetings Act, I'm
7 welcoming you to the regular scheduled meeting of
8 the Alcoholic Beverage Control Board.

9
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 during the public emergency.

15 Pursuant to this guidance, notice of
16 today's meeting was provided 48 hours in advance
17 of the meeting on ABRA's website and on the
18 District's central meeting calendar. The notice
19 includes the time, date, agenda, and call-in or
20 log-in information for public participation.

21 This electronic meeting has been
22 posted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson. I'm
2 Chairman of the Board. I would like to introduce
3 the other Members of the ABC Board who are also
4 participating electronically, pursuant to Mayor's
5 Order 2022-007. Please respond when I announce
6 your name.

7 Mr. James Short?

8 MEMBER SHORT: Mr. James Short,
9 present.

10 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

11 MEMBER CATO: Bobby Cato, present.

12 CHAIRPERSON ANDERSON: Ms. Rafi
13 Crockett?

14 MEMBER CROCKETT: Rafi Crockett,
15 present.

16 CHAIRPERSON ANDERSON: Ms. Jeni
17 Hansen?

18 MEMBER HANSEN: Jeni Hansen, present.

19 CHAIRPERSON ANDERSON: Mr. Edward
20 Grandis?

21 MEMBER GRANDIS: Edward Grandis,
22 present.

23 CHAIRPERSON ANDERSON: The Board has
24 six members in attendance for the conduct of
25 business today, and that constitutes a quorum.

1 Before we get underway with today's hearing
2 calendar, I need to make a few instructions very
3 clear, so that the conduct of these hearings is
4 understood by everyone.

5 There are seven cases scheduled for
6 this morning's calendar. Once your case is
7 called, I will take a moment for our IT
8 specialist to elevate the rights for each party
9 to enable their camera and microphone. Then and
10 only then will you have the ability to enable
11 your equipment.

12 If your case has not been heard, you
13 will remain mute and your camera will be
14 disabled. At the conclusion of each case, the
15 parties will have the option to leave. If the
16 party chooses to stay, all cameras and
17 microphones for the concluded case will be
18 disabled.

19 Should you have any questions or
20 require technical assistance during the hearing,
21 please submit them using the question or answer
22 feature.

23 Our first order of business today is
24 a protest hearing status, Case Number 21PRO00090,
25 Aslin Beer Company, License Number 11855. Could

1 we have the parties -- the parties in the case,
2 gentlemen, can you elevate their rights, please.

3 MS. FASHBAUGH: Good morning, Mr.
4 Chair. One moment. Sidon Yohannes, your rights
5 have been elevated. Elwyn Ferris, your rights
6 have been elevated. I do not see Joan Sterling,
7 and I do not see Soochon -- Soochon Radee.

8 CHAIRPERSON ANDERSON: So, Ms.
9 Sterling or Ms. Radee, can you please identify
10 yourselves in the chat? Please identify -- if
11 you're online, please identify yourself so that
12 your rights can be elevated. So if you are
13 either online or a call-in, please make some
14 notation so we'll know who you are, please.

15 MS. FASHBAUGH: Soochon had to leave.

16 CHAIRPERSON ANDERSON: All right. Let
17 me ask you, Ms. Yohannes, who are -- I'm sorry.
18 Is Mr. Ferris here?

19 MR. FERRIS: Yes, Chairman Anderson.
20 I am here representing SDCA. That's why Ms.
21 Sterling is not present. I'm representing SDCA.

22 CHAIRPERSON ANDERSON: Okay. So what
23 about -- so is Soochon Radee, is that a separate
24 protest group? So is --

25 MR. FERRIS: Soochon Radee is part of

1 the resident protest group, and I believe that
2 Ms. Joyce Cowan should be online representing
3 that group.

4 CHAIRPERSON ANDERSON: I'm sorry.
5 Who's that? Ms. Who?

6 MR. FERRIS: I believe it's Joyce
7 Cowan.

8 CHAIRPERSON ANDERSON: All right. All
9 right. I don't have that name. So I see -- I
10 see there's a Joyce Cowan, and I see there's a
11 Nicole Christoff. I don't know who those folks
12 are. So are those folks here for Aslin Beer
13 Company?

14 MR. FERRIS: Yes, Chairman Anderson,
15 if you're addressing me. Yes, they are part of
16 the resident group that is protesting the license
17 along with Soochon Radee and many other
18 residents.

19 CHAIRPERSON ANDERSON: All right.

20 MR. FERRIS: They should be here at
21 the meeting.

22 CHAIRPERSON ANDERSON: I'm trying to
23 find some clarification. Who is here -- all
24 right. Let me call the case. Let me call the
25 case, and then I will -- then I'll see where we

1 are.

2 Okay. Good morning, everyone. So
3 again, let me have the representative of the
4 licensee, please spell and state their name for
5 the record, please.

6 MS. YOHANNES: Sidon Yohannes on
7 behalf of the Applicant, and that is S-I-D-O-N
8 Y-O-H-A-N-N-E-S.

9 CHAIRPERSON ANDERSON: Good morning,
10 Ms. Yohannes. Is the Applicant going to join us
11 this morning?

12 MS. YOHANNES: No, they're not.

13 CHAIRPERSON ANDERSON: All right. So
14 let's have the -- Mr. Ferris, can you please
15 spell and state your name for record and your
16 affiliation, please?

17 MR. FERRIS: Yes, my name is Elwyn
18 Ferris. E-L-W-Y-N, F-E-R-R-I-S. And I am
19 representing the Shaw Dupont Citizens Alliance.

20 CHAIRPERSON ANDERSON: Is there anyone
21 from the Shaw Dupont Citizens Alliance with you,
22 sir?

23 MR. FERRIS: No. It's just me
24 representing the organization.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you, Mr. Ferris. All right. So there's
2 another protestant group, which is, I guess, the
3 neighbors? Who is representing the neighbors?
4 Can you please -- who's there, please?

5 MS. COWAN: This Joyce Cowan. I don't
6 know if my mic is facilitated.

7 CHAIRPERSON ANDERSON: I can hear you,
8 ma'am.

9 MS. COWAN: Okay.

10 CHAIRPERSON ANDERSON: And who's this?

11 MS. COWAN: Joyce, J-O-Y-C-E Cowan,
12 C-O-W-A-N, and there are three designated
13 representatives that can speak for the group of
14 protestants of impacted neighbors.

15 Myself, Nici Christoff, who can also
16 spell her name, and Soochon Radee. Mr. Radee was
17 on at 10 o'clock but had to leave just before you
18 convened.

19 CHAIRPERSON ANDERSON: All right.
20 Nicole Christoff, can you please spell and state
21 your name for record, please?

22 MS. CHRISTOFF: Okay. Good morning.
23 Nicole, N-I-C-O-L-E. My last name is Christoff,
24 C-H-R-I-S-T-O-F-F.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 Ms. Cowan, I'm not quite sure why Mr.
3 Radee was logged on at 10 o'clock, because our
4 hearing starts at 10:30. I just want our record
5 to reflect that our hearings start at 10:30, and
6 we did start at 10:45 today.

7 But just -- so we were not supposed to
8 start at 10 o'clock. We were supposed to start
9 at 10:30, and we just started a few minutes early
10 this morning. Okay. All right. I'm sorry.

11 Are you saying something, Mr. Ferris?

12 MR. FERRIS: No, I'm not. Thank you.

13 CHAIRPERSON ANDERSON: Okay. Fine.

14 Thanks. Are there any preliminary matters in
15 this case, Ms. Yohannes?

16 MS. YOHANNES: None for the Applicant.

17 CHAIRPERSON ANDERSON: Mr. Ferris, any
18 preliminary matters?

19 MR. FERRIS: No preliminary matters
20 for SDCA.

21 CHAIRPERSON ANDERSON: All right.

22 Well, thank you.

23 Ms. Cowan, any preliminary matters, as
24 far as the neighbors are concerned?

25 MS. COWAN: No.

1 CHAIRPERSON ANDERSON: Fine. All
2 right. This matter then is scheduled for a
3 protest hearing on February 9, 2022 at 1:30 p.m.
4 All right? All right. Hold on one minute,
5 please. Okay.

6 So now that we've scheduled this
7 matter for protest hearing, there are a few
8 things that I would like instruct you about
9 because the Board's practices under the COVID-19
10 restrictions have changed.

11 As you know, the Board's hearings are
12 conducted virtually, so it is more important than
13 ever that protest hearings are focused and
14 addresses only those issues that are being
15 protested.

16 Following this hearing, you will
17 receive an email from ABRA Legal assistant, Ms.
18 Imani Moreland, that will include a copy of a
19 protest information form, PIF, and a copy of an
20 exhibit form, as well as specific instructions
21 for the hearing.

22 You are required to complete the PIF
23 and exhibit forms at least seven days before the
24 date of the hearing. If we do not receive a copy
25 of your forms seven days before the hearing, your

1 application or your protest may be subject to
2 dismissal.

3 These documents need to be submitted
4 to ABRA Legal and to the opposing parties.
5 Please know that these documents greatly assist
6 the Board in narrowing the protest issues,
7 facilitating the process, and keeping the parties
8 on point during the hearing.

9 Each side is limited to no more than
10 five witnesses, and you will only have 60 minutes
11 to present your case. This includes all direct
12 and cross-examination.

13 The Board does not intend to hear
14 testimony on matters that are not relevant to the
15 issues that are being protested. Are there any
16 questions?

17 MS. YOHANNES: No questions.

18 MS. COWAN: I have a question.

19 CHAIRPERSON ANDERSON: Yes, Ms. Cowan?

20 MS. COWAN: Is -- in filing the
21 exhibits in advance of the hearing, can the Board
22 take notice of certain factual historical
23 issues -- for example, an earlier ruling of the
24 ABRA Board on the same location -- without us
25 having a witness to introduce that fact?

1 CHAIRPERSON ANDERSON: The Board will
2 take -- can take administrative notice off its
3 record. So if the Board -- you can just refer to
4 previous Board decisions on this case, and we'll
5 take administrative notice off our decisions.

6 MS. COWAN: Okay. And I assume you
7 mean on the witnesses, five live witnesses. We
8 could have affidavits and other issues filed?

9 CHAIRPERSON ANDERSON: Well, I think
10 that's a matter of Ms. Yohannes whether or not
11 she will object to having affidavits, because she
12 will not have -- she cannot cross-examine an
13 affidavit.

14 So I think that might be problematic,
15 but that's something that you can discuss with
16 Ms. Yohannes, if she's willing to do that. But
17 just, generally, if you put an affidavit in,
18 if -- she might object by stating that, I cannot
19 cross-examine that piece of paper.

20 So -- but that's -- that is something
21 that the parties can discuss prior to the
22 hearing, and they can discuss whether or not that
23 would be agreeable to them.

24 MS. COWAN: Okay. Are the COVID
25 rules -- I mean, the one and only protest hearing

1 that I've been involved in was much longer than
2 one hour -- much, much longer, and many more
3 witnesses, and this is a complex case.

4 So are the COVID rules and how we get
5 all the main facts are with the five-witness
6 limit and a one-hour limit, are those laid out
7 somewhere that I can have access to to read, to
8 review?

9 CHAIRPERSON ANDERSON: No, ma'am. I
10 am reviewing -- there is no -- there is nothing
11 our rules and regulations specifically -- I'm
12 sorry. There's no -- it's not in our statutes,
13 these provisions. These are the internal rules
14 that the Board has established to address the
15 COVID issues.

16 However, we have been doing this
17 hearing for -- these virtual hearings for the
18 last two years, unfortunately, and we have not
19 had any problem; we have not had any issues with
20 folks not having enough time.

21 MS. COWAN: Okay.

22 CHAIRPERSON ANDERSON: If you believe
23 that you need more witnesses, and if you need
24 more -- the parties can discuss that.

25 MS. COWAN: Okay.

1 CHAIRPERSON ANDERSON: However, in the
2 over two years we have been doing these hearings
3 during COVID under these rules, they have worked,
4 and --

5 MS. COWAN: Okay.

6 CHAIRPERSON ANDERSON: -- no party has
7 disagreed to this juncture that they felt that
8 they have not been heard, that they did not have
9 enough time or witnesses to present their case.

10 MS. COWAN: That's great. That's
11 great. And we are attempting -- I know you don't
12 like to hear about substantive issues at this
13 stage --

14 CHAIRPERSON ANDERSON: And what -- but
15 this is what I say: I don't want to hear about
16 the substance. But what I want to hear is that
17 you're talking to settle this matter.

18 Go ahead.

19 MS. COWAN: All right. Well, to that
20 point, we've not only been trying to talk and
21 trying to -- I think we all know that distilling
22 things to writing, you know, has a tendency to
23 focus the issues.

24 And we have been trying hard, as we
25 discussed at mediation, to get the Applicant to

1 react in writing to the core issues. And even
2 though it was stated in our status hearing -- not
3 status hearing -- mediation, and we've also had
4 communication from the lawyer, Ms. Yohannes, that
5 we would get reactions to our stated issues,
6 we've not received that, so anything that --
7 which is a real hindrance for narrowing the
8 issues.

9 So anything that the Board could do to
10 urge the Applicant to engage in the back-and-
11 forth would be super helpful, because we don't
12 want to request a continuance. We'd really like
13 to have this resolved, but we need some reactions
14 from the Applicant.

15 CHAIRPERSON ANDERSON: I thank you for
16 that representation, Ms. Cowan.

17 And, Ms. Yohannes, I'm not taking it
18 to say that you're not being responsive. My only
19 response to this, as you aware, the Board
20 supports settlement.

21 The Board supports the parties
22 talking. The Board supports the neighbors making
23 decisions about their neighborhood.

24 MS. COWAN: Thank you.

25 CHAIRPERSON ANDERSON: Because the

1 Board believes that if the neighbors, the civic
2 association, the AAC, if they all talk and make a
3 decision, come to an agreement, then at least at
4 the end of the day, all the parties will be
5 happy.

6 When the Board makes a decision, one
7 side is going to be happy and the other side's
8 going is going to be unhappy. So the Board
9 supports settlements. And so whatever you can
10 do -- if the parties, of course, cannot settle
11 this matter, then we'll make a decision.

12 But the Board supports conversations,
13 fruitful conversations between the parties, to
14 see if this matter can be settled short of a
15 hearing.

16 MS. COWAN: Thank you.

17 CHAIRPERSON ANDERSON: Thank you.

18 MS. YOHANNES: The Applicant fully
19 understands and is making every effort to
20 communicate. That is all that I will say on
21 that.

22 CHAIRPERSON ANDERSON: And I said, Ms.
23 Yohannes, I did not take it as you not --

24 MS. YOHANNES: Right.

25 CHAIRPERSON ANDERSON: -- responsive.

1 I am just stating what the Board's position is,
2 that the Board supports conversations amongst the
3 parties to try to reach settlement. If the
4 matter cannot be settled, of course, the Board
5 will make a decision.

6 MS. YOHANNES: Yeah.

7 CHAIRPERSON ANDERSON: Any other
8 preliminary matters that any other side wishes to
9 bring to our attention?

10 MS. YOHANNES: None for the Applicant.

11 CHAIRPERSON ANDERSON: All right. So
12 we thank you greatly for your cooperation. If,
13 at any time, you have any questions leading up to
14 the hearing, please do not hesitate to contact
15 Ms. Moreland at 202-442-6942, or contact her by
16 email.

17 Again, the Board supports the
18 conversations amongst the parties to see if they
19 can settle this matter. If this matter cannot be
20 settled, well, then we'll see you on February 9
21 at 1:30 for a hearing. All right? Thank you
22 and --

23 MS. COWAN: Thank you.

24 MS. YOHANNES: Thank you.

25 CHAIRPERSON ANDERSON: -- happy new

1 year.

2 MS. YOHANNES: Thank you.

3 CHAIRPERSON ANDERSON: Bye-bye.

4 MR. FERRIS: Thank you.

5 CHAIRPERSON ANDERSON: Thanks. All

6 right. All right.

7 (Whereupon, the above-entitled matter
8 went off the record.)

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25

A

AAC 16:2
ABC 3:3
ability 4:10
above-entitled 18:7
ABRA 1:21 10:17 11:4
 11:24
ABRA's 2:17
access 13:7
account 2:22
Act 2:6
address 2:23 13:14
addresses 10:14
addressing 6:15
administrative 12:2,5
advance 2:16 11:21
affidavit 12:13,17
affidavits 12:8,11
affiliation 7:16
agenda 2:19
agreeable 12:23
agreement 16:3
ahead 14:18
Alcoholic 1:2,13 2:4,8
ALIYA 1:18
Alliance 1:23 7:19,21
ANC 1:7
Anderson 1:14,17 2:2
 3:1,10,12,16,19,23
 5:8,16,19,22 6:4,8,14
 6:19,22 7:9,13,20,25
 8:7,10,19,25 9:13,17
 9:21 10:1 11:19 12:1
 12:9 13:9,22 14:1,6
 14:14 15:15,25 16:17
 16:22,25 17:7,11,25
 18:3,5
announce 3:5
answer 4:21
Applicant 1:22 7:7,10
 9:16 14:25 15:10,14
 16:18 17:10
application 1:9 11:1
Aslin 1:6,6 4:25 6:12
assist 11:5
assistance 4:20
assistant 10:17
association 16:2
assume 12:6
attempting 14:11
attendance 3:24
attention 17:9
available 2:11
aware 15:19

B

back-and- 15:10
Beer 1:6,6 4:25 6:12

behalf 7:7
believe 6:1,6 13:22
believes 16:1
Beverage 1:2,13 2:4,8
Board 1:2,13 2:4,8 3:2
 3:3,23 11:6,13,21,24
 12:1,3,4 13:14 15:9
 15:19,21,22 16:1,6,8
 16:12 17:2,4,17
Board's 10:9,11 17:1
Bobby 1:17 3:10,11
bodies 2:14
bring 17:9
business 3:25 4:23
Bye-bye 18:3

C

C-H-R-I-S-T-O-F-F 8:24
C-O-W-A-N 8:12
calendar 2:18 4:2,6
call 6:24,24
call-in 2:19 5:13
called 4:7
camera 4:9,13
cameras 4:16
case 1:8 4:6,12,14,17
 4:24 5:1 6:24,25 9:15
 11:11 12:4 13:3 14:9
cases 4:5
Cato 1:17 3:10,11,11
central 2:18
certain 11:22
Chair 5:4
Chairman 3:2 5:19 6:14
Chairperson 1:14,17
 2:2,3 3:10,12,16,19
 3:23 5:8,16,22 6:4,8
 6:19,22 7:9,13,20,25
 8:7,10,19,25 9:13,17
 9:21 10:1 11:19 12:1
 12:9 13:9,22 14:1,6
 14:14 15:15,25 16:17
 16:22,25 17:7,11,25
 18:3,5

changed 10:10
chat 5:10
chooses 4:16
Christoff 6:11 8:15,20
 8:22,23
Citizens 1:23 7:19,21
civic 16:1
clarification 6:23
clear 4:3
Code 2:6
Columbia 1:1 2:5,23
Columbia's 2:12
come 16:3
communicate 16:20

communication 15:4
Company 1:6 4:25 6:13
complaints 2:24
complete 10:22
complex 13:3
concerned 9:24
concluded 4:17
conclusion 4:14
conduct 3:24 4:3
conducted 2:10 10:12
constitutes 3:25
contact 17:14,15
continuance 15:12
Control 1:2,13 2:4,8
convened 8:18
conversations 16:12
 16:13 17:2,18
cooperation 17:12
copy 10:18,19,24
core 15:1
course 16:10 17:4
COVID 12:24 13:4,15
 14:3
COVID-19 10:9
Cowan 1:22 6:2,7,10
 8:5,5,9,11,11 9:2,23
 9:25 11:18,19,20 12:6
 12:24 13:21,25 14:5
 14:10,19 15:16,24
 16:16 17:23
Crockett 1:18 3:13,14
 3:14
cross-examination
 11:12
cross-examine 12:12
 12:19
CT 1:7

D

D.C 2:5
date 2:19 10:24
day 16:4
days 10:23,25
DC 1:6,21
decision 16:3,6,11 17:5
decisions 12:4,5 15:23
designated 8:12
direct 11:11
disabled 4:14,18
disagreed 14:7
discuss 12:15,21,22
 13:24
discussed 14:25
dismissal 11:2
distilling 14:21
District 1:1 2:5,12,23
District's 2:18
documents 11:3,5

doing 13:16 14:2
Donovan 1:14,17 3:1
Dupont 1:23 7:19,21

E

E-L-W-Y-N 7:18
earlier 11:23
early 9:9
Edward 1:18 3:19,21
effort 16:19
either 5:13
electronic 2:13,21
electronically 3:4
elevate 4:8 5:2
elevated 5:5,6,12
Elwyn 1:23 5:5 7:17
email 10:17 17:16
emergency 2:14
enable 4:9,10
engage 15:10
equipment 4:11
established 13:14
example 11:23
exhibit 10:20,23
exhibits 11:21

F

F-E-R-R-I-S 7:18
facilitated 8:6
facilitating 11:7
fact 11:25
facts 13:5
factual 11:22
far 9:24
FASHBAUGH 1:21 5:3
 5:15
feature 4:22
February 10:3 17:20
felt 14:7
Ferris 1:23 5:5,18,19,25
 6:6,14,20 7:14,17,18
 7:23 8:1 9:11,12,17
 9:19 18:4
filed 12:8
filing 11:20
find 6:23
Fine 9:13 10:1
first 4:23
five 11:10 12:7
five-witness 13:5
focus 14:23
focused 10:13
folks 6:11,12 13:20
Following 10:16
form 10:19,20
forms 10:23,25
forth 15:11
fruitful 16:13

fully 16:18

G

generally 12:17
 gentlemen 5:2
 government 2:12,23
 Grandis 1:18 3:20,21
 3:21
 greatly 11:5 17:12
 group 5:24 6:1,3,16 8:2
 8:13
 guess 8:2
 guidance 2:11,15

H

Hansen 1:19 3:17,18,18
 happy 16:5,7 17:25
 hard 14:24
 hear 8:7 11:13 14:12,15
 14:16
 heard 4:12 14:8
 hearing 1:7 4:1,20,24
 9:4 10:3,7,16,21,24
 10:25 11:8,21 12:22
 12:25 13:17 15:2,3
 16:15 17:14,21
 hearings 4:3 9:5 10:11
 10:13 13:17 14:2
 held 2:13
 helpful 15:11
 hesitate 17:14
 hindrance 15:7
 historical 11:22
 Hold 10:4
 hour 13:2
 hours 2:16

I

identify 5:9,10,11
 Imani 10:18
 impacted 8:14
 important 10:12
 include 10:18
 includes 2:19 11:11
 information 2:20 10:19
 instruct 10:8
 instructions 4:2 10:20
 intend 11:13
 internal 13:13
 introduce 3:2 11:25
 involved 13:1
 issues 10:14 11:6,15,23
 12:8 13:15,19 14:12
 14:23 15:1,5,8

J

J-O-Y-C-E 8:11
 James 1:19 3:7,8

January 1:12
 Jeni 1:19 3:16,18
 Joan 5:6
 join 7:10
 Joyce 1:22 6:2,6,10 8:5
 8:11
 JR 1:17,19
 juncture 14:7

K

keeping 11:7

L

laid 13:6
 lawyer 15:4
 leading 17:13
 leave 4:15 5:15 8:17
 Legal 10:17 11:4
 let's 7:14
 license 1:8,10 4:25 6:16
 licensee 7:4
 limit 13:6,6
 limited 11:9
 live 12:7
 LLC 1:6
 location 11:24
 log-in 2:20
 logged 9:3
 longer 13:1,2

M

ma'am 8:8 13:9
 main 13:5
 making 15:22 16:19
 matter 1:5 10:2,7 12:10
 14:17 16:11,14 17:4
 17:19,19 18:7
 matters 9:14,18,19,23
 11:14 17:8
 Mayor's 3:4
 mean 12:7,25
 mediation 14:25 15:3
 meeting 1:3 2:7,10,16
 2:17,18,21 6:21
 meetings 2:6,13
 Member 1:17,18,18,19
 1:19 3:8,11,14,18,21
 members 3:3,24
 met 1:14
 mic 8:6
 microphone 4:9
 microphones 4:17
 minute 10:4
 minutes 9:9 11:10
 moment 4:7 5:4
 Moreland 10:18 17:15
 morning 2:3 5:3 7:2,9
 7:11 8:22 9:10

morning's 4:6
 mute 4:13

N

N-I-C-O-L-E 8:23
 N.W 1:7
 name 3:1,6 6:9 7:4,15
 7:17 8:16,21,23
 narrowing 11:6 15:7
 need 4:2 11:3 13:23,23
 15:13
 neighborhood 15:23
 neighbors 8:3,3,14
 9:24 15:22 16:1
 new 1:9 17:25
 Nici 8:15
 Nicole 6:11 8:20,23
 notation 5:14
 notice 2:15,18 11:22
 12:2,5
 Number 4:24,25

O

o'clock 8:17 9:3,8
 object 12:11,18
 Office 2:12
 Once 4:6
 one-hour 13:6
 online 5:11,13 6:2
 OOG 2:24
 Open 2:6,12
 opengovoffice@dc.g...
 2:25
 opposing 11:4
 option 4:15
 order 3:5 4:23
 organization 7:24

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
 p.m 10:3
 paper 12:19
 part 5:25 6:15
 participating 3:4
 participation 2:20
 parties 4:15 5:1,1 11:4
 11:7 12:21 13:24
 15:21 16:4,10,13 17:3
 17:18
 party 4:8,16 14:6
 piece 12:19
 PIF 10:19,22
 please 2:23 3:5 4:21 5:2
 5:9,10,11,13,14 7:4,5
 7:14,16 8:4,4,20,21
 10:5 11:5 17:14
 point 11:8 14:20

position 17:1
 posted 2:22
 practices 10:9
 preliminary 9:14,18,19
 9:23 17:8
 present 1:16,20 3:9,11
 3:15,18,22 5:21 11:11
 14:9
 presiding 1:14
 previous 12:4
 prior 12:21
 problem 13:19
 problematic 12:14
 process 11:7
 protest 1:7 4:24 5:24
 6:1 10:3,7,13,19 11:1
 11:6 12:25
 protestant 1:22,23 8:2
 protestants 8:14
 protested 10:15 11:15
 protesting 6:16
 provided 2:16,22
 provisions 13:13
 public 2:13,14,20
 pursuant 2:11,15 3:4
 put 12:17

Q

question 4:21 11:18
 questions 2:24 4:19
 11:16,17 17:13
 quite 9:2
 quorum 3:25

R

Radee 1:23 5:7,9,23,25
 6:17 8:16,16 9:3
 Rafi 1:18 3:12,14
 reach 17:3
 react 15:1
 reactions 15:5,13
 read 13:7
 real 15:7
 receive 10:17,24
 received 15:6
 record 2:3 7:5,15 8:21
 9:4 12:3 18:8
 refer 12:3
 reflect 9:5
 regarding 2:13
 regular 2:7
 regulations 13:11
 relevant 11:14
 remain 4:13
 representation 15:16
 representative 7:3
 representatives 8:13
 representing 5:20,21

6:2 7:19,24 8:3 request 15:12 require 4:20 required 10:22 resident 6:1,16 residents 6:18 resolved 15:13 respond 3:5 response 15:19 responsive 15:18 16:25 restrictions 10:10 Retailer 1:7 review 13:8 reviewing 13:10 rights 4:8 5:2,4,5,12 rules 12:25 13:4,11,13 14:3 ruling 11:23	stating 12:18 17:1 status 4:24 15:2,3 statutes 13:12 stay 4:16 Sterling 5:6,9,21 Street 1:7 subject 11:1 submit 4:21 submitted 11:3 substance 14:16 substantive 14:12 super 15:11 supports 15:20,21,22 16:9,12 17:2,17 supposed 9:7,8	witnesses 11:10 12:7,7 13:3,23 14:9 worked 14:3 writing 14:22 15:1
S	T	X
S 1:18 S-I-D-O-N 7:7 SARAH 1:21 saying 9:11 scheduled 2:7 4:5 10:2 10:6 SDCA 5:20,21 9:20 Section 2:6 separate 5:23 settle 14:17 16:10 17:19 settled 16:14 17:4,20 settlement 15:20 17:3 settlements 16:9 seven 4:5 10:23,25 Shaw 1:23 7:19,21 short 1:19 3:7,8,8 16:14 side 11:9 16:7 17:8 side's 16:7 Sidon 1:22 5:4 7:6 sir 7:22 six 3:24 Soochon 1:23 5:7,7,15 5:23,25 6:17 8:16 sorry 5:17 6:4 9:10 13:12 speak 8:13 specialist 4:8 specific 10:20 specifically 13:11 spell 7:4,15 8:16,20 Staff 1:21 stage 14:13 start 9:5,6,8,8 started 9:9 starts 9:4 state 7:4,15 8:20 stated 15:2,5	t/a 1:6 talk 14:20 16:2 talking 14:17 15:22 technical 4:20 tendency 14:22 testimony 11:14 thank 8:1 9:1,12,22 15:15,24 16:16,17 17:12,21,23,24 18:2,4 Thanks 9:14 18:5 things 10:8 14:22 three 8:12 today 3:25 4:23 9:6 today's 2:16 4:1 try 17:3 trying 6:22 14:20,21,24 two 13:18 14:2	Y
	U	Z
	understands 16:19 understood 4:4 underway 4:1 unfortunately 13:18 unhappy 16:8 urge 15:10	0
	V	1
	videoconference 1:14 virtual 13:17 virtually 10:12	1:30 10:3 17:21 10 8:17 9:3,8 10:30 9:4,5,9 10:45 9:6 11855 4:25 118555 1:8 12 1:12 14th 1:7 1740 1:7
	W	2
	W 1:14,17 WebEx 1:14 2:22 website 2:17 Wednesday 1:11 welcoming 2:7 went 18:8 willing 12:16 wishes 17:8 witness 11:25	202-442-6942 17:15 2022 1:12 10:3 2022-007 3:5 21-PRO-00090 1:8 21PRO00090 4:24 25-76 2:6 2F 1:7
		3
		4
		48 2:16
		5
		6
		60 11:10
		7
		8
		9
		9 10:3 17:20

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This is to certify that the foregoing transcript

In the matter of: Aslin Beer Company

Before: DCABRA

Date: 01-12-22

Place: teleconference

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Court Reporter

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