



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

2 9:31 a.m.

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

10 Today is April 4, 2018. I would first  
11 like to introduce Members of the Board with us  
12 today. To my far right is Mr. Bobby Cato. To my  
13 far left is Ms. Rema Wahabzadah. To her right is  
14 Mr. Mike Silverstein and to my immediate left is  
15 Mr. James Short. My name is Donovan Anderson.  
16 I'm the Chairman of the Board. We have five  
17 Members here today. We do have a quorum.

18 I would like to mention two things  
19 before we get started. First of all, if you have  
20 any electronic devices, pagers, cell phones or  
21 such, please, make certain that they are turned  
22 off to avoid any interruption of the proceedings.

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

6           Additionally, when you introduce  
7 yourself for the record, please, spell your name  
8 aloud for the court reporter.

9           The approximate time is 9:33 a.m. And  
10 our first order of business today is a Protest  
11 Hearing (Status) Case No. 18-PRO-00010, District  
12 Culture, License No. 108568.

13           Is the licensee from District Culture  
14 here? I was informed that the licensee was  
15 running late.

16           MS. FULLER: The ANC.

17           CHAIRPERSON ANDERSON: I'm sorry?

18           MS. FULLER: I'm the ANC.

19           CHAIRPERSON ANDERSON: Oh, so is --  
20 all right. So who was running late?

21           PARTICIPANT: Commissioner Fuller is  
22 present.

1 MS. FULLER: It's me.

2 CHAIRPERSON ANDERSON: All right.

3 MS. FULLER: I was running late.

4 CHAIRPERSON ANDERSON: All right. All  
5 right. Introduce yourself for the record, ma'am.

6 MS. FULLER: Greta Fuller, ANC-8A06,  
7 representing ANC-8A.

8 CHAIRPERSON ANDERSON: All right.

9 Good morning, Ms. Fuller. What I am going to do,  
10 as I do for all cases, the licensee is not here.  
11 I will recall. I'll give them half an hour,  
12 which I do for all -- yes, ma'am?

13 MS. FULLER: I have a feeling that he  
14 won't be here. I don't think he knows about this  
15 or he may have forgotten about the hearing. What  
16 I was going to ask is this applicant, he is open  
17 for negotiation and working on this agreement.  
18 He really is, so I don't want to put a burden on  
19 him.

20 CHAIRPERSON ANDERSON: Okay.

21 MS. FULLER: But it was some language  
22 in the agreement that he didn't agree to. And

1 this is his first time getting a license.

2 CHAIRPERSON ANDERSON: Well,  
3 unfortunately, it's if he is not here --

4 MS. FULLER: Uh-huh.

5 CHAIRPERSON ANDERSON: -- I have to  
6 dismiss his application and to give him 10 days  
7 to reapply, so that's one of the reasons why --

8 MS. FULLER: Okay.

9 CHAIRPERSON ANDERSON: -- I will move  
10 -- I will recall the case and maybe hopefully he  
11 will show up.

12 MS. FULLER: Okay.

13 CHAIRPERSON ANDERSON: Because what I  
14 will -- what I have to do is --

15 MS. FULLER: I understand.

16 CHAIRPERSON ANDERSON: -- to dismiss  
17 his application, but he will be given 10 days to  
18 reapply. And so if I do do that, then you then  
19 would have to go talk to him to say if he does  
20 not respond, we are not going to give him a  
21 license.

22 MS. FULLER: I understand and I will

1 make sure of that. And the other thing --

2 CHAIRPERSON ANDERSON: Well --

3 MS. FULLER: -- just one other  
4 question really quick.

5 CHAIRPERSON ANDERSON: -- but let me--  
6 I'm going to recall the case.

7 MS. FULLER: Okay. Okay.

8 CHAIRPERSON ANDERSON: And so when I  
9 recall the case --

10 MS. FULLER: 30 minutes.

11 CHAIRPERSON ANDERSON: -- then if you  
12 want to give a little bit more -- and this is  
13 what I -- I do this for either the licensee or  
14 the ANC. I give them about half an hour to show  
15 up and if they don't show up, because it's a  
16 serious -- then I'm going to -- we have to  
17 dismiss the protest or the license if the person  
18 is not here. Okay? All right.

19 MS. FULLER: Okay.

20 CHAIRPERSON ANDERSON: All right.

21 (Whereupon, the above-entitled matter  
22 went off the record at 9:35 a.m. and resumed at

1 9:44 a.m.)

2 CHAIRPERSON ANDERSON: All right. Let  
3 me move back to our Protest Hearing Calendar,  
4 Case No. 18-PRO-00010, District Culture, License  
5 No. 108568.

6 Will the parties, please, approach and  
7 identify themselves for the record, please?

8 MS. FULLER: Greta Fuller, ANC  
9 Commissioner 8A06.

10 CHAIRPERSON ANDERSON: Good morning,  
11 again, Ms. Fuller.

12 MS. FULLER: Uh-huh.

13 MR. MOSEBY: Good morning, Alexander  
14 Moseby.

15 CHAIRPERSON ANDERSON: Good morning,  
16 Mr. Moseby. And who are you, sir?

17 MR. MOSEBY: I am the licensee. Oh,  
18 I'm the owner of District Culture.

19 CHAIRPERSON ANDERSON: Good morning  
20 again, Mr. Moseby.

21 All right. Are there any preliminary  
22 matters in this case? All right. Hearing none,

1 this matter is scheduled for a Protest Hearing on  
2 May 2nd at 4:30 p.m.

3 I know that you were here earlier, Ms.  
4 Fuller. Do you have any preliminary matters you  
5 want to address?

6 MS. FULLER: No, the only -- no. We  
7 are just trying to reach a settlement agreement  
8 and understand some of the language that should  
9 and should not be in the agreement.

10 CHAIRPERSON ANDERSON: Okay. Well,  
11 one of the things I'll say to you, not one -- you  
12 -- I'm going to -- this Agency is here to help  
13 both parties. And we have our -- one of our  
14 Assistant General Counsel, Ms. April Randall, her  
15 phone number is (202) 442-4353, and you are  
16 welcome to reach out to her as many times as  
17 possible and she can explain the process to both  
18 of you. She can -- she will hold your hands and  
19 walk you through the process.

20 I mean, you could also ask her for  
21 copies of -- for -- what type of business is  
22 this?



1 MR. MOSEBY: A tavern.

2 CHAIRPERSON ANDERSON: A tavern, so  
3 you could also ask her for maybe copies of  
4 settlement agreements for other taverns, so at  
5 least you could look at it or you could even go  
6 online to the ABRA website and pull settlement  
7 agreements, because it's all public information.  
8 But I'm just saying you could ask the Agency for  
9 copies of settlement agreements that other  
10 taverns have signed so -- if you are looking for  
11 languages that can be.

12 The purpose of a Protest Hearing is to  
13 determine the appropriateness of the  
14 establishment in the section of the District of  
15 Columbia.

16 And there are certain things that in  
17 a settlement agreement that you can get. If you  
18 come to a Protest Hearing, the Board will be  
19 unable to give you certain terms that you can get  
20 in a settlement agreement, that's why I always  
21 tell folks if you can settle it, you can get --  
22 you can put terms in a settlement agreement that

1 if we make the decision, we are not empowered to  
2 order those terms.

3 So I have always -- as I have always  
4 stated to parties, it's good that you talk. You  
5 come up with languages, the language and an  
6 agreement that works for your community, rather  
7 than come here to a long hearing and have the  
8 Board impose terms that both sides might not be  
9 happy with.

10 So as I said before, this hearing is  
11 scheduled for a Protest Hearing on May the 2nd at  
12 4:30.

13 One thing I'll say to you is that  
14 seven days -- if you -- if we do go to a Protest  
15 Hearing, seven days before the hearing, you have  
16 to do a PIF and Ms. Randall can explain that to  
17 you what that is. That you would send to each  
18 other and also send to the Board.

19 And within this document, you will  
20 identify the witnesses you are going to rely on,  
21 the witnesses you are going to call and the  
22 documents you are going to rely upon.

1           If we do not receive this document, if  
2 we do go to the Protest Hearing, seven days prior  
3 to, we may -- your application or your protest  
4 may be subject to dismissal.

5           And the same thing, likewise, if we do  
6 not receive a copy of the Exhibit Form and the  
7 accompanying exhibits, they may be excluded from  
8 the record upon a finding that the opposing party  
9 has been prejudiced or no good cause has been  
10 shown.

11           And likewise, if you are going to call  
12 witnesses and if you don't identify them in the  
13 PIF, then we might not call them. So it is very  
14 important that you comply with the process.  
15 Again, talk to Ms. Randall. Give her a call  
16 (202) 442-4353 if you have any concerns.

17           As I have said in the previous case,  
18 if you settle the matter and if you don't -- if I  
19 don't see you on May the 2nd, I don't take it  
20 personally because it tells me that the parties  
21 have worked and they have come up with a  
22 settlement agreement that works for them.

1                   So good luck in your negotiations.  
2           Again, if you have any questions, talk to Ms.  
3           Randall. If you can't settle it, then I guess  
4           I'll see you guys on May 2nd at 4:30.

5                   Okay. Have a great day.

6                   MR. MOSEBY: Thank you.

7                   CHAIRPERSON ANDERSON: Thank you.

8                   MS. FULLER: Thank you.

9                   (Whereupon, the Protest (Status)  
10           Hearing was concluded at 9:49 a.m.)

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<p><b>PARTICIPANT</b> 3:21  <b>parties</b> 7:6 8:13 10:4              11:20  <b>party</b> 11:8  <b>person</b> 6:17  <b>personally</b> 11:20  <b>phone</b> 8:15  <b>phones</b> 2:20  <b>piece</b> 3:1  <b>PIF</b> 10:16 11:13  <b>please</b> 2:7,21 3:3,4,7              7:6,7  <b>possible</b> 8:17  <b>prejudiced</b> 11:9  <b>preliminary</b> 7:21 8:4  <b>present</b> 1:16,20 3:22  <b>presiding</b> 1:15  <b>previous</b> 11:17  <b>prior</b> 11:2  <b>proceedings</b> 2:22  <b>process</b> 8:17,19 11:14  <b>protest</b> 1:7 3:10 6:17              7:3 8:1 9:12,18 10:11              10:14 11:2,3 12:9  <b>public</b> 9:7  <b>pull</b> 9:6  <b>purpose</b> 9:12  <b>put</b> 4:18 9:22</p>	<p><b>saying</b> 9:8  <b>scheduled</b> 2:5 8:1              10:11  <b>SE</b> 1:7  <b>seat</b> 3:3  <b>Secondly</b> 3:1  <b>section</b> 2:9 9:14  <b>send</b> 10:17,18  <b>serious</b> 6:16  <b>settle</b> 9:21 11:18 12:3  <b>settlement</b> 8:7 9:4,6,9              9:17,20,22 11:22  <b>seven</b> 10:14,15 11:2  <b>Short</b> 1:19 2:15  <b>show</b> 5:11 6:14,15  <b>shown</b> 11:10  <b>sides</b> 10:8  <b>sign-in</b> 3:4  <b>signed</b> 9:10  <b>Silverstein</b> 1:18 2:14  <b>sir</b> 7:16  <b>sorry</b> 3:17  <b>spell</b> 3:7  <b>spelling</b> 3:5  <b>started</b> 2:19  <b>stated</b> 10:4  <b>Status</b> 1:8 3:11 12:9  <b>Street</b> 1:14  <b>subject</b> 11:4  <b>Suite</b> 1:15</p>	<p style="text-align: center;"><b>W</b></p> <hr/> <p><b>W</b> 1:15,17  <b>Wahabzadah</b> 1:19 2:13  <b>walk</b> 8:19  <b>Washington</b> 1:15  <b>website</b> 9:6  <b>Wednesday</b> 1:12  <b>welcome</b> 2:4 8:16  <b>went</b> 6:22  <b>witnesses</b> 10:20,21              11:12  <b>worked</b> 11:21  <b>working</b> 4:17  <b>works</b> 10:6 11:22</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>10</b> 5:6,17  <b>108568</b> 1:8 3:12 7:5  <b>14th</b> 1:14  <b>18-PRO-00010</b> 1:9 3:11              7:4  <b>1922</b> 1:7</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2-574</b> 2:9  <b>2000</b> 1:14  <b>20009</b> 1:15  <b>2018</b> 1:12 2:10  <b>202</b> 8:15 11:16  <b>2nd</b> 8:2 10:11 11:19              12:4</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 6:10</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 1:12 2:10  <b>4:30</b> 8:2 10:12 12:4  <b>400S</b> 1:15  <b>442-4353</b> 8:15 11:16</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8A</b> 1:8,22</p>	<p><b>8A06</b> 7:9</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9:31</b> 2:2  <b>9:33</b> 3:9  <b>9:35</b> 6:22  <b>9:44</b> 7:1  <b>9:49</b> 12:10</p>
<p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>question</b> 6:4  <b>questions</b> 12:2  <b>quick</b> 6:4  <b>quorum</b> 2:17</p>	<p style="text-align: center;"><b>T</b></p> <hr/> <p><b>t/a</b> 1:6  <b>table</b> 3:2,3  <b>talk</b> 5:19 10:4 11:15              12:2  <b>tavern</b> 1:6 9:1,2  <b>taverns</b> 9:4,10  <b>tell</b> 9:21  <b>tells</b> 11:20  <b>terms</b> 9:19,22 10:2,8  <b>Thank</b> 12:6,7,8  <b>things</b> 2:18 8:11 9:16  <b>times</b> 8:16  <b>today</b> 2:10,12,17 3:10  <b>today's</b> 2:7  <b>trying</b> 8:7  <b>turned</b> 2:21  <b>two</b> 2:18  <b>type</b> 8:21</p>	<p style="text-align: center;"><b>8</b></p>	
<p style="text-align: center;"><b>R</b></p> <hr/> <p><b>Randall</b> 8:14 10:16              11:15 12:3  <b>reach</b> 8:7,16  <b>reapply</b> 5:7,18  <b>reasons</b> 5:7  <b>recall</b> 4:11 5:10 6:6,9  <b>receive</b> 11:1,6  <b>record</b> 3:5,7 4:5 6:22              7:7 11:8  <b>Reeves</b> 1:14  <b>regularly</b> 2:5  <b>rely</b> 10:20,22  <b>Rema</b> 1:19 2:13  <b>reporter</b> 3:8  <b>representing</b> 4:7  <b>respond</b> 5:20  <b>resumed</b> 6:22  <b>Retailer</b> 1:8  <b>Room</b> 1:14  <b>running</b> 3:15,20 4:3</p>	<p style="text-align: center;"><b>U</b></p> <hr/> <p><b>unable</b> 9:19  <b>understand</b> 5:15,22 8:8  <b>unfortunately</b> 5:3</p>		
<p style="text-align: center;"><b>S</b></p>	<p style="text-align: center;"><b>V</b></p>		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: District Culture

Before: DC ABRA

Date: 04-04-18

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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