

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 ROLL CALL HEARING
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IN THE MATTER OF: :
 :
 DC Live, LLC, :
 t/a Elevate :
 15 K Street NE : Roll Call
 Retailer CT - ANC 6C : Hearing
 License No. ABRA-100316 :
 Case #19-PRO-00003 :
 :
 (Substantial Change - :
 Sidewalk Cafe with 52 :
 seats) :

MONDAY, FEBRUARY 4, 2019

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The Alcoholic Beverage Control Board
 met in Alcoholic Beverage Control Hearing Room,
 Reeves Building, 2000 14th Street N.W.,
 Washington, D.C., Ms. LaVerne Fletcher, Agent,
 presiding.

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

2 10:04 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Elevate, please, come forward?

5 This is Case No. 19-PRO-0003, DC Live,
6 LLC, 15 K Street, N.E., License No. ABRA-100316.
7 This is a Retailer Class CT, substantial change
8 sidewalk cafe with 52 seats.

9 The protest issues are adverse impact
10 on peace, order and quiet; residential parking;
11 and vehicular and pedestrian safety; and real
12 property values.

13 My name is LaVerne Fletcher conducting
14 the Roll Call Hearing as the Board's Agent.

15 Is the applicant present? Present on
16 behalf of ANC-6C?

17 MR. O'NEAL: Yes.

18 AGENT FLETCHER: If you could just
19 state your name and spell it for the record?

20 MR. O'NEAL: My name is Stephen
21 O'Neal, S-T-E-P-H-E-N O apostrophe N-E-A-L.

22 AGENT FLETCHER: Thank you, Mr.

1 O'neal.

2 Any communication with the applicant?

3 MR. O'NEAL: No. They didn't attend
4 our committee meeting either.

5 AGENT FLETCHER: Thank you. The time
6 is approximately 10:06. The applicant is not
7 present. The application is dismissed.

8 Mr. O'Neal, if the applicant happens
9 to appear after you have gone, then I'll contact
10 you and let you know.

11 MR. O'NEAL: Okay.

12 AGENT FLETCHER: In which case the
13 record for this would be reopened to let him or
14 her enter their appearance, but as of this
15 moment, the application is dismissed.

16 MR. O'NEAL: Understood. Thank you.

17 AGENT FLETCHER: Thank you very much.

18 (Whereupon, the above-entitled matter
19 went off the record at 10:05 a.m. and resumed at
20 10:10 a.m.)

21 AGENT FLETCHER: We will reopen the
22 case and I'll give you an opportunity to

1 introduce yourself and reinstate your
2 application.

3 MR. ASFAW: Yes, ma'am.

4 AGENT FLETCHER: Okay. Yes, thank
5 you. And excuse me, Mr. O'Neal? Yeah, if you
6 can just come back to the --

7 MR. O'NEAL: Come back up?

8 AGENT FLETCHER: Yes, you can just
9 have a chair right there. So we are reopening
10 Elevate.

11 The matter Elevate is being reopened
12 because the applicant has now appeared. The time
13 is approximately 10:12.

14 Would you introduce yourself, stating
15 your name and spelling it for the record, please?

16 MR. ASFAW: My name is Ermiyas Asfaw.

17 AGENT FLETCHER: Spell it, please.

18 MR. ASFAW: E-R-M-I-Y-A-S.

19 AGENT FLETCHER: Um-hum.

20 MR. ASFAW: Last name is A-S-F-A-W.

21 AGENT FLETCHER: Okay. Thank you.

22 Pronounce your last name again for me.

1 MR. ASFAW: Asfaw.

2 AGENT FLETCHER: Asfaw. Before you
3 arrived, the application was dismissed because
4 you weren't present at the time.

5 MR. ASFAW: Oh, okay.

6 AGENT FLETCHER: But now that you have
7 appeared, your application is reinstated and we
8 will proceed as we would have if you had been
9 here at 10:00.

10 MR. ASFAW: Yes, ma'am. Sorry about
11 that.

12 AGENT FLETCHER: And the -- that's
13 okay. And Mr. O'Neal is not opposed to that, so
14 we will continue.

15 I'm going to give you a date for a
16 Status Hearing and a Protest Hearing and then
17 I'll -- we will set a date for mediation.

18 The date for the Status Hearing is
19 March 6. It's going to be March 6 at 9:30 a.m.

20 The Protest hearing is set for April
21 3rd of 2019 at 4:30 p.m.

22 MR. ASFAW: 4:30 p.m.?

1 AGENT FLETCHER: Yes. We need to set
2 a date for mediation. The next available day for
3 mediation, I'll offer you this week if you want
4 to come this week, otherwise, we will move to the
5 following week.

6 MR. O'NEAL: This week does not work
7 for me.

8 AGENT FLETCHER: Okay.

9 MR. O'NEAL: If we could do next week
10 or some time.

11 AGENT FLETCHER: Okay. Well, we have
12 something for February 12 and February 19.

13 MR. ASFAW: Whichever.

14 MR. O'NEAL: The 12th works.

15 AGENT FLETCHER: The 12th is good?

16 MR. O'NEAL: Yes.

17 AGENT FLETCHER: What about 9:00,
18 10:00, 11:00, 1:00?

19 MR. O'NEAL: 9:00?

20 MR. ASFAW: Yes.

21 MR. O'NEAL: Okay.

22 AGENT FLETCHER: 9:00 is good?

1 MR. ASFAW: Can we make it 10:00,
2 because I'm coming from Virginia.

3 MR. O'NEAL: Sure.

4 AGENT FLETCHER: 9:00, right?

5 MR. ASFAW: 10:00.

6 MR. O'NEAL: 10:00.

7 AGENT FLETCHER: Oh, 10:00 on the 12th.
8 Okay. Mediation is set for February 12 at 10:00.

9 Mr. Asfaw?

10 MR. ASFAW: Yes?

11 AGENT FLETCHER: Could you write your
12 contact information on that sign-in sheet?

13 MR. ASFAW: I did.

14 AGENT FLETCHER: Oh, you did already?
15 Okay. Thank you. Any questions at all about
16 what happens next? I'm really asking you, Mr.
17 Asfaw. Mr. O'Neal, he already knows the process.

18 MR. ASFAW: No, I'm --

19 AGENT FLETCHER: I'm making sure.

20 MR. ASFAW: -- I guess I missed the
21 hearing for February? I was in China. I came
22 back last --

1 AGENT FLETCHER: Oh, and, Mr. Asfaw,
2 that communication would be with me, but you
3 can --

4 MR. ASFAW: Oh.

5 AGENT FLETCHER: -- you are free to
6 stay and talk with Mr. Stephen O'Neal.

7 MR. ASFAW: Oh, okay.

8 AGENT FLETCHER: You are free to stay
9 here and talk with Mr. O'Neal as long as you
10 like.

11 MR. ASFAW: Right. No, I --

12 AGENT FLETCHER: Did you have any
13 questions for me?

14 MR. ASFAW: -- was just telling him
15 that I missed the meeting.

16 AGENT FLETCHER: Uh-huh.

17 MR. ASFAW: The community meeting.

18 AGENT FLETCHER: Uh-huh.

19 MR. ASFAW: They indicated that they
20 send me the letter, but I did not receive any
21 letter.

22 AGENT FLETCHER: Okay.

1 MR. ASFAW: And I missed it, that's
2 why we are here today.

3 AGENT FLETCHER: Okay.

4 MR. ASFAW: Because of that.

5 AGENT FLETCHER: Well, if the parties
6 are able to resolve the matter in some way --

7 MR. ASFAW: I think we will.

8 AGENT FLETCHER: -- among themselves,
9 then there won't be any need for ABRA mediation.
10 And if you do that --

11 MR. ASFAW: I could --

12 AGENT FLETCHER: -- do you think you
13 can work it out?

14 MR. ASFAW: -- we --

15 AGENT FLETCHER: Well, if you do that
16 and you have a written agreement, if you send it
17 in, we will cancel the mediation, the Status
18 Hearing and the Protest Hearing as long as we get
19 it before any of those dates.

20 MR. ASFAW: Okay.

21 MR. O'NEAL: Actually, maybe it would
22 make sense for us to push the mediation date back

1 just so that we had a little bit more time to
2 work out --

3 AGENT FLETCHER: Okay.

4 MR. O'NEAL: -- this. I'm confident
5 that we will work something out.

6 MR. ASFAW: We definitely will, yeah,
7 yeah.

8 MR. O'NEAL: No question.

9 AGENT FLETCHER: In that case, let's
10 see the Status Hearing is March 6. Do you want
11 to do it the week before the Status Hearing?

12 MR. O'NEAL: That works for me.

13 MR. ASFAW: That's fine.

14 AGENT FLETCHER: So let me cancel the
15 12th and make it, would that be February 26th?
16 February 26th, if that works, February 26 at
17 10:00.

18 MR. O'NEAL: Great.

19 AGENT FLETCHER: Mediation is set for
20 February 26 at 10:00. If you get the settlement
21 agreement before that, we will just cancel the
22 mediation.

1 MR. ASFAW: Yes, ma'am.

2 MR. O'NEAL: Okay.

3 AGENT FLETCHER: Okay. Well, thank
4 you very much for coming.

5 The Roll Call Hearing is concluded.

6 MR. O'NEAL: Thank you so much.

7 AGENT FLETCHER: Thank you. You're
8 welcome.

9 (Whereupon, the Roll Call Hearing was
10 concluded at 10:15 a.m.)

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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: Elevate

Before: DCABRA

Date: 02-04-19

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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