

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

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IN THE MATTER OF:                   :  
  :  
Entice Lounge, LLC                   :  
t/a Entice Lounge                   :  
1725 Columbia Road NW            : Protest Status  
Retailer CR - ANC 1C               : Hearing  
License #117477                    :  
Case #21-PRO-00078               :  
  :  
(Application for New               :  
License)                               :  
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Wednesday  
December 1, 2021

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 Counsel  
AMIR IRANI, Commissioner, ANC 1C  
DENIS JAMES, Kalorama Citizens Association  
JOHN CARTER, Protestant  
GAY GLADING, Protestant  
ELLEN JAFFE, Protestant  
STEPHEN McKEVITT, Protestant  
NANCY SHIA, Protestant

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

2 10:35 a.m.

3 CHAIRPERSON ANDERSON: Good morning. I  
4 am the Chairperson for Alcoholic Beverage Control  
5 Board for the District of Columbia and according  
6 to Code (inaudible) 576 of the Open Meetings  
7 Act, I'm welcoming you to the regularly scheduled  
8 meeting of the Alcoholic Beverage Control Board.

9 This meeting is being conducted  
10 pursuant to guidance made available by the  
11 District of Columbia's Office of Open Government  
12 regarding this proceeding held by public body  
13 during the public emergency.

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

20 This electronic meeting is being  
21 hosted by a WebEx account provided by the  
22 District of Columbia government. Please address  
23 any questions or complaints to the  
24 OOG@opengovoffice@dc.gov.

25 My name is Donovan Anderson. I'm

1 Chairman of the board. I would like to introduce  
2 the other members of the ABC Board who are also  
3 participating electronically pursuant to the  
4 Mayor's Order 2021-11. Please respond when I  
5 announce your name.

6 Mr. James Short.

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

9 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

10 MEMBER CATO: Bobby Cato, present.

11 CHAIRPERSON ANDERSON: Ms. Rafi  
12 Crockett.

13 MEMBER CROCKETT: Rafi Crockett,  
14 present.

15 CHAIRPERSON ANDERSON: Ms. Jeni Hansen.

16 MEMBER HANSEN: Jeni Hansen, present.

17 CHAIRPERSON ANDERSON: Mr. Edward  
18 Grandis.

19 MEMBER GRANDIS: Edward Grandis,  
20 present.

21 CHAIRPERSON ANDERSON: The Board has  
22 six members and for the conduct of business today  
23 and that constitutes a quorum.

24 Before we get underway today with this  
25 hearing calendar I need to make a few

1 instructions very clear so that the conduct of  
2 this hearing is understood by everyone.

3 There are approximately 12 hearings on  
4 this morning's calendar. Once your case is  
5 called I will take a moment for IT Specialist to  
6 elevate the rights for each party to enable their  
7 camera and microphone. Then and only then will  
8 you have the ability to enable your equipment.

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

15 Should you have any questions or  
16 require further assistance during the hearing  
17 please submit them using the question and answer  
18 feature.

19 All right. Our first order of  
20 business today is Case Number for the Show Cause  
21 Hearing, I'm sorry, I apologize.

22 The Protest Hearing Status, the first  
23 case is Case Number 21-PRO-00078, Entice Lounge,  
24 License Number 117477.

25 Can you please elevate the rights of

1 the participants in th is case.

2 I'm sorry, can --

3 MS. JAFFE: I'm sorry, I didn't realize  
4 I was unmuted.

5 CHAIRPERSON ANDERSON: All right, Ms.  
6 Jaffe, I can't see you but I definitely can hear  
7 you.

8 I'm sorry, Ms. Fashbaugh, have we  
9 elevated the rights of all the participants in  
10 this case?

11 MS. JAFFE: Mr. Anderson?

12 CHAIRPERSON ANDERSON: Yes, Ms. Jaffe.

13 MS. JAFFE: I'm sorry for my original  
14 problem. This is Gay Glading. She's with me,  
15 too. She's also a protestant.

16 CHAIRPERSON ANDERSON: All right.  
17 That's fine, ma'am. I just want to make sure  
18 we're just -- you can mute yourself. I'm just  
19 trying to make sure that all --

20 MS. JAFFE: Okay.

21 CHAIRPERSON ANDERSON: --the  
22 participants have been elevated. So, we haven't  
23 started that yet. So, I'm just trying to get  
24 clarification from our IT Specialist, if all the  
25 parties for this case that their rights have been

1 elevated.

2 Ms. Yohannes, is your client joining  
3 us today?

4 MR. YOHANNES: No, he's not.

5 CHAIRPERSON ANDERSON: I think we're  
6 still missing Mr. James.

7 Ms. Fashbaugh, are there any other  
8 parties whose rights need to be elevated now, okay.

9 Ms. Yohannes, I apologize for asking.  
10 Who are the Protestants in this case, please.

11 MR. YOHANNES: The ANC, KCA and a  
12 group of five or more.

13 CHAIRPERSON ANDERSON: And so we're  
14 still missing -- we're missing the KCA, Mr.  
15 James. And I don't know if they're

16 MS. JAFFE: We're also missing some of  
17 our people who I know had logged in. But maybe  
18 they haven't -- oh, there they are.

19 MR. IRANI: Just a point of  
20 clarification. There's a group of three or more  
21 because this is in a moratorium now.

22 MR. YOHANNES: Sure.

23 CHAIRPERSON ANDERSON: I just want to  
24 make sure all the Protestants are, their rights  
25 have been elevated, that's all I'm trying to find

1 out before I start.

2 So, the group, we have (inaudible) of  
3 the group. We have (inaudible). And so we're  
4 waiting for KCA.

5 MR. YOHANNES: That is correct.

6 (Whereupon, the above proceeding went  
7 off the record at 11:02 a.m. and resumed at  
8 11:06: a.m.)

9 CHAIRPERSON ANDERSON: I apologize.  
10 I'm just trying to get some clarification on  
11 what's going on with the parties then so I  
12 apologize for the delay. I'm just trying to make  
13 sure that the rights of all the parties have been  
14 elevated and I'm having some difficulties. So, I  
15 do apologize for the delay.

16 MS. FASHBAUGH: Call in user 703-217.  
17 I'm unmuting you. Can you please state your name  
18 for the record? Call in user 202-705 can you  
19 please state your name, I'm unmuting you.

20 MR. JAMES: This is Denis James. My  
21 phone number is 202-705-7411.

22 MS. FASHBAUGH: Okay. I am elevating  
23 you to panelist.

24 CHAIRPERSON ANDERSON: Hi, Mr. James  
25 and I want to advise the parties, remember we are

1 on the Internet so unless you want the entire  
2 world to start calling you that's one of the  
3 reason why, all right. Just utilize a part of  
4 your number. We don't provide your entire number  
5 because now this whole world will have access to  
6 your number unless that's what you desire. This  
7 is just as an FYI.

8 MR. JAMES: Understood. Am I being  
9 heard now?

10 CHAIRPERSON ANDERSON: Yes, you're  
11 being heard, Mr. James, sorry. Hold on. Okay.

12 All right. I believe -- have all the  
13 parties of this case, have they been elevated,  
14 the rights of all the parties to this case have  
15 been elevated?

16 MS. FASHBAUGH: Yes, Mr. Chair.

17 CHAIRPERSON ANDERSON: All right.  
18 Thank you.

19 All right. Thank you. Okay.

20 This is Case Number, again, 21-PRO-  
21 00078, Entice Lounge, License Number 117477.  
22 This hearing is a Status.

23 So, let's start with the  
24 representative of the licensee.

25 MS. YOHANNES: Sidon Yohannes on behalf



1 of the applicant. And that is S-I-D-O-N Y-O-H-  
2 A-N-N-E-S.

3 CHAIRPERSON ANDERSON: Good morning.  
4 Thank you, Ms. Yohannes. Then I would ask all  
5 parties if you have a camera please turn your  
6 camera on and introduce yourself for the record,  
7 please, spell and state your name and your  
8 relationship to this case.

9 All right. So, I'll go with the ANC.

10 MR. IRANI: Good morning. This is Amir  
11 Irani, A-M-I-R I-R-A-N-I, representing ANC 1C.  
12 Thank you.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Mr. Irani.

15 Mr. James, can you please identify  
16 yourself for the record, please. Spell and state  
17 your name and your relationship to this case.

18 MR. JAMES: Good morning. Denis James,  
19 President of Kalorama Citizens Association  
20 appearing for the Association today.

21 CHAIRPERSON ANDERSON: Please spell  
22 your name, Mr. James, please.

23 MR. JAMES: First name Denis, D-E-N-I-  
24 S, last name James, J-A-M-E-S.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 James. Good morning.

2 Ms. Jaffe, can you please spell and  
3 state your name for the record and your  
4 relationship to this case, please.

5 MS. JAFFE: I am here, the group of  
6 Protestants. My name is Ellen Jaffe, E-L-L-E-N  
7 J-A-F-F-E. And next to me is Gay Glading who  
8 also is one of the Protestants.

9 CHAIRPERSON ANDERSON: Good morning.  
10 I need her to say her name for the record and  
11 also spell it.

12 MS. GLADING: My name is Gay Glading.  
13 It's spelled G-A-Y G-L-A-D-I-N-G.

14 CHAIRPERSON ANDERSON: Good morning,  
15 Ms. Glading.

16 Ms. Shia, can you please spell and  
17 state your name for the record, please and your  
18 relationship to this case.

19 MS. JAFFE: She's having trouble with  
20 her microphone it seems. She texted me that even  
21 though she appears on your screen she doesn't  
22 appear to be in for some reason. He says can  
23 unmute her, Mr. Donovan? She says she can't  
24 unmute herself.

25 CHAIRPERSON ANDERSON: Ms. Fashbaugh,

1 can you please unmute Mr. Shia, please.

2 MS. FASHBAUGH: Would you please  
3 restate her name?

4 CHAIRPERSON ANDERSON: Nancy S-H-I-A.  
5 That's the name that appears on my screen.

6 MS. FASHBAUGH: Call in user 703-217,  
7 can you please state your name, you're unmuted.

8 Call in user 202-705, can you please  
9 state your name, you're unmuted.

10 CHAIRPERSON ANDERSON: I'm not sure if  
11 those -- the person appears on my screen so I can  
12 see their names and I see they're a call in.

13 MS. JAFFE: No, she's not a --

14 CHAIRPERSON ANDERSON: She not a call  
15 in.

16 MS. JAFFE: She's not a call in.

17 MS. FASHBAUGH: She can unmute herself  
18 but I'll unmute you. She's unmuted.

19 MS. JAFFE: Finally.

20 CHAIRPERSON ANDERSON: I'm sorry. Ms.  
21 Shia, can you please spell and state your name  
22 for the record, please.

23 MS. SHIA: My name is Nancy Shia and I  
24 am here with John Carter.

25 CHAIRPERSON ANDERSON: Hold on, Ms.

1 Shia, can you please, first of all, can you  
2 please state your name spell your name for the  
3 record and your relationship to this case,  
4 please.

5 MS. SHIA: My name is Nancy, N-A-N-C-Y  
6 Shia, S-H-I-A. I am part of the group of  
7 protestors who live right across the street from  
8 the establishment.

9 CHAIRPERSON ANDERSON: All right.  
10 Thank you, Ms. Shia.

11 Now, can the person who is with you  
12 can they please spell and state your name for the  
13 record, please.

14 MR. CARTER: I am John Carter and I am  
15 one of the protestors. It's J-O-H-N C-A-R-T-E-  
16 R.

17 CHAIRPERSON ANDERSON: Thank you. Good  
18 morning, Mr. Carter.

19 And one of the reason why I ask we  
20 have a Court Reporter and so every-- the Court  
21 Reporter is capturing everyone's information so  
22 we just want to make sure that he or she is able  
23 to correctly spell your name for the record. So,  
24 that's one of the reasons why I ask for you to  
25 state your name and the spelling of your name for

1 the record.

2 All right. Starting with Ms.  
3 Yohannes, are there any preliminary matters that  
4 need to be brought to the attention of the Board?

5 MR. YOHANNES: The Applicant has no  
6 preliminary matters at this time?

7 MS. SHIA: All right. Thank you.

8 Mr. Irani, do you have any preliminary  
9 matters you'd like to bring to the attention of  
10 the Board?

11 MR. IRANI: No preliminary matters, Mr.  
12 Chair.

13 CHAIRPERSON ANDERSON: Thank you. Mr.  
14 James, do you have any preliminary matters that  
15 you want to bring to the attention of the Board?

16 Mr. James? Mr. Denis James.

17 MR. YOHANNES: Unmute him.

18 CHAIRPERSON ANDERSON: He was unmuted.  
19 He stated what his name was before. I don't know  
20 what happened.

21 I think Mr. James' number was 703, Ms.  
22 Fashbaugh. I don't know if he got unmuted. This  
23 is like I think he stated his number actually  
24 with a 703.

25 MR. IRANI: It's helpful the last four

1 digits of Mr. James' number is 7411.

2 CHAIRPERSON ANDERSON: All right. So,  
3 Ms. Fashbaugh, can you look for 7411 and please  
4 unmute this person if he has not been unmuted,  
5 please. He's a call in.

6 Mr. James, are you there?

7 MR. McKEVITT: Hello.

8 CHAIRPERSON ANDERSON: Is that Mr.  
9 James?

10 MR. McKEVITT: No.

11 CHAIRPERSON ANDERSON: All right --

12 MR. McKEVITT: I have not been --

13 CHAIRPERSON ANDERSON: I'm sorry, who  
14 is speaking?

15 MR. McKEVITT: Oh, Stephen McKevitt.

16 CHAIRPERSON ANDERSON: Who are you,  
17 sir?

18 MR. McKEVITT: I am with the group with  
19 Ellen Jaffe.

20 CHAIRPERSON ANDERSON: All right. Can  
21 you state and spell your name for the record,  
22 please, sir.

23 MR. McKEVITT: Yes. Stephen, S-T-E-P-  
24 H-E-N and the last name is McKevitt, M-C-K-E-V-I-  
25 T-T.

1 CHAIRPERSON ANDERSON: Thank you, sir.

2 MR. McKEVITT: Yes.

3 CHAIRPERSON ANDERSON: I don't know  
4 what's going on with Mr. James. He was here now  
5 I don't know what -- he introduced himself for  
6 the record. I don't know what happened in the  
7 last -- technological challenges. But, at least  
8 the standing he's here.

9 All right. I'll momentarily move on.

10 Who is the designated representative  
11 of the group, please?

12 MS. JAFFE: I am Ellen Jaffe.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Ms. Jaffe, again. Do you have any preliminary  
15 matters you want to bring to the attention --

16 MS. JAFFE: We do not have any  
17 preliminary matters.

18 CHAIRPERSON ANDERSON: Thank you, Ms.  
19 Jaffe. All right.

20 This matter then is scheduled for a  
21 Protest Hearing on January 12th, 2022, at 1:30  
22 p.m.

23 Now that we've scheduled this matter  
24 for a Protest Hearing there are a few things that  
25 I would like to instruct you about because the

1 Board's practice on the Board's emergency, on th  
2 is public emergency has changed.

3 As you know, the Board's hearings are  
4 conducted virtually so it's more important than  
5 ever that these hearings are focused and it's  
6 only those things that have been protested.

7 Following this hearing you will  
8 receive an email from Associate General Counsel  
9 Mr. Jonathan Berman that will include a copy of  
10 your protest information forms and a copy of the  
11 exhibit form as well as specific instructions for  
12 the hearing.

13 You are required to complete and  
14 submit the protest information form and the  
15 exhibit form at least seven days before the date  
16 of the hearing. If we do not receive a copy of  
17 your forms seven days before the hearing your  
18 application or your protest may be subject to  
19 dismissal. These documents need not only be  
20 submitted to ABRA legal but also to the opposing  
21 parties as well. Please know that these  
22 documents greatly support the Board in narrowing  
23 the protest issues, facilitating the process and  
24 keeping the parties on point during the hearing.

25 Each party is limited to no more than



1 five witnesses. And you will only have 60  
2 minutes to present your case. This includes all  
3 direct and cross-examination of witnesses. The  
4 board does not intend to hear testimony on  
5 matters that are not relevant to these issues  
6 that have been protested nor will the Board  
7 tolerate repetitive testimony. Basically what  
8 this means is that if we go to a Protest Hearing  
9 the ANC will present its case, KCA will present  
10 its case and the group will also present it's  
11 case. So, unless the parties decide to -- unless  
12 the parties decide that they're going to have one  
13 presenter and then we're going to have three  
14 different -- the three groups would each present  
15 its case. Then each side will have cross-  
16 examination. So, the Board supports settlement.  
17 If the parties can settle this matter, the Board  
18 will support settlement because there are many  
19 parties here and at least if the matter is  
20 settled then each side would be happy with the  
21 end result.

22 I just want to remind the group that  
23 if the ANC reaches a settlement with the  
24 establishment and if the group does not agree  
25 with the settlement and if the group or the group

1 is not a part of the settlement, I just want to  
2 let them know that by operation of law your  
3 protest will fall. So, I just want to let you  
4 know that if there's a settlement with the ANC  
5 and if you are not a part of that settlement then  
6 your standing to move forward with the Protest  
7 Hearing will disappear and I will also like to  
8 inform you that the Board cannot support the  
9 licensee to make your part of a settlement stick  
10 for whatever reason just as an FYI.

11 I know Mr. James for the -- I'm sorry,  
12 the neighborhood association, KCA, even if  
13 there's a settlement with the licensee if they're  
14 not a part of the settlement we're still moving  
15 forward with a hearing because it still has  
16 standing to move forward.

17 So, are there any questions by any  
18 party?

19 MR. YOHANNES: No questions.

20 MS. SHIA: I would like to ask a  
21 question.

22 CHAIRPERSON ANDERSON: Who is speaking,  
23 please?

24 MS. SHIA: I'm sorry, my name is Nancy  
25 Shia. I'm one of the parties.

1                   CHAIRPERSON ANDERSON: Yes, Ms. Shia,  
2                   although Ms. Jaffe is your representative. But,  
3                   anyway, I'll allow you to speak. Go ahead,  
4                   ma'am.

5                   MS. SHIA: I just want a little  
6                   clarification on what you just said. If the ANC  
7                   comes to a settlement are you saying that the  
8                   party that the neighbors cannot move forward with  
9                   the protest?

10                  CHAIRPERSON ANDERSON: Your group --  
11                  your group if there is a settlement with the ANC  
12                  and if you are not a part of the settlement, your  
13                  ability to move forward with the hearing will  
14                  fall.

15                  MS. SHIA: So to clarify. We have to  
16                  then work with the ANC to come to a settlement.  
17                  We don't have to but we should be working with  
18                  the ANC to reach a mutual settlement?

19                  CHAIRPERSON ANDERSON: I can't tell the  
20                  parties how to negotiate, ma'am. All I'm just  
21                  saying is that you currently have standing to  
22                  move forward with the protest and I'm just saying  
23                  that if the ANC signs a settlement agreement with  
24                  the licensee and if you are not a part of that  
25                  settlement agreement then you will no longer have

1 the ability to move forward. So, I'm just  
2 telling the parties that whatever it is that they  
3 should move forward because they should try to  
4 work together if they can.

5 I'm not saying -- I'm not telling the  
6 licensee not to negotiate with you. The reason  
7 why I mentioned this is because I've had previous  
8 cases where groups will petition the Board to say  
9 if they want to move forward with the hearing  
10 because they're still not happy and I'm just  
11 informing the parties that by operation of law if  
12 there is a settlement with the ANC you can no  
13 longer move forward with the hearing. But I  
14 would hope that, this is the same neighborhood,  
15 that the issue -- that the issues that are  
16 important to the ANC are the issues that are  
17 important to the group and the issues that are  
18 associated with the citizen's association that  
19 they should be similar issues. That's all I'm  
20 saying. So, I am hoping that -- and I don't know  
21 that if there are similar issues that the parties  
22 can all jointly work together to come to a  
23 settlement.

24 But if the parties are unable to come  
25 to a settlement then we're going to have a

1 hearing where each side will present their case  
2 and what it is that you're seeking at the end of  
3 the day. that's all.

4 MS. SHIA: Thank you very much for the  
5 explanation.

6 CHAIRPERSON ANDERSON: Oh, you're  
7 welcome, ma'am.

8 MS. JAFFE: And this is Ellen Jaffe.  
9 We have been working with the ANC and with the  
10 Kalorama Citizens' Association so this should not  
11 create a problem for us. Thank you.

12 CHAIRPERSON ANDERSON: Ok, good. I'm  
13 glad to hear that.

14 All right. We thank you greatly for  
15 your cooperation. If you have any questions at  
16 any point leading up to the hearing, please do  
17 not hesitate to contact Associate General Counsel  
18 Jonathan Berman and he can release that, J-O-N-A-  
19 T-H-O-N dot B-E-R-M-A-N @D.C.gov.

20 All right. Again, the Board supports  
21 settlement if the parties are able to reach  
22 settlement. But if the parties are unable to  
23 settle this matter we will see you in the New  
24 Year on January 22nd, 2022, at 1:30 p.m. for this  
25 hearing.



**A**

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In the matter of: Entice Lounge

Before: DC ABRA

Date: 12-01-21

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