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IN THE MATTER OF:           :
                               :
Brother Burger Bar, LLC     :
t/a Felicity Lounge         :
707 H Street NE             : Protest Hearing
Retailer CR - ANC 6C        : (Status)
License No. 112502          :
Case # 20-PRO-00006         :
                               :
(Substantial Change -       :
Class Change from CR        :
to CT)                      :

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Thursday
November 5, 2020

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
ANGELLE SMITH BAUGH, Protestant
JORDAN BAUGH, Protestant
JOEL KELTY, ANC 6C
JEFFEARY MISKIRI, Applicant
FRED MOOSALLY, Director, DC ABRA

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

2 1:47 p.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 19-PRO-
5 00006, Felicity Lounge, License No. 112502. And
6 Ms. Andrews, can you please elevate the rights
7 off the protestants and the licensee and Felicity
8 Lounge, please?

9 MS. ANDREWS: Sure. Stand by.

10 CHAIRPERSON ANDERSON: Thank you.

11 MS. ANDREWS: All parties' rights have
12 been elevated.

13 CHAIRPERSON ANDERSON: Okay. Thank
14 you. All right. And good afternoon, everyone.
15 I would like everyone to introduce themselves for
16 the record and also spell your name. And let's
17 start with the licensee or its representative.

18 (No audible response.)

19 CHAIRPERSON ANDERSON: The licensee --
20 who's the licensee?

21 MR. MISKIRI: Jeff Miskiri, can you
22 hear me?

23 CHAIRPERSON ANDERSON: No, I couldn't
24 hear you, sir. So --

25 MR. MISKIRI: Well, good afternoon.

1 CHAIRPERSON ANDERSON: I can hear you
2 now. Do you have a microphone? I'm sorry. Do
3 you have a camera?

4 MR. MISKIRI: Yes, I do have a camera.
5 I don't know why it's not working.

6 CHAIRPERSON ANDERSON: All right.
7 Well, I can hear you. So go ahead. Please --

8 MR. MISKIRI: Yes.

9 CHAIRPERSON ANDERSON: -- identify and
10 spell your name, please.

11 MR. MISKIRI: Good afternoon. My name
12 is Jeffeary Miskiri, J-E-F-F-E-A-R-Y, last name,
13 Miskiri, I-S-K-I-R-I.

14 CHAIRPERSON ANDERSON: And what is
15 your relationship to Felicity Lounge, sir?

16 MR. MISKIRI: I'm one of the partners
17 in the business, sir.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you. So we'll go to the protestants
20 starting with the ANC.

21 MR. KELTY: Good afternoon. This is
22 Joel Kelty, J-O-E-L K-E-L-T-Y, representing ANC
23 6C.

24 CHAIRPERSON ANDERSON: All right. We
25 have a Group of 7, and who is the representative?

1 Is there a representative onboard?

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: Well, we'll
4 start with the Group of 7. Let's -- we can
5 introduce -- introduce yourself for the record,
6 please, and spell your name.

7 MS. BAUGH: So we actually are a Group
8 of 25.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. BAUGH: So my name is Angelle, A-
11 N-G-E-L-L-E, Smith, S-M-I-T-H --

12 CHAIRPERSON ANDERSON: Okay.

13 MS. BAUGH: -- Baugh, B-A-U-G-H.

14 CHAIRPERSON ANDERSON: Okay. Thank
15 you. Who else do we have?

16 MR. BAUGH: Jordan Baugh, J-O-R-D-A-N
17 B-A-U-G-H.

18 CHAIRPERSON ANDERSON: And who else do
19 we have on the line regarding your group?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Are you the
22 only two from your group on the call?

23 MS. BAUGH: Correct.

24 CHAIRPERSON ANDERSON: All right.

25 It's my understanding for the group -- it's my --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: --

3 understanding -- it is my understanding that at
4 the roll call hearing, the group provided
5 conditional standing.

6 MS. BAUGH: Sir, I believe we were
7 provided actual standing, not conditional
8 standing. We had a large contingency of signers
9 present at the hearing.

10 CHAIRPERSON ANDERSON: So how many
11 present at the hearing?

12 MS. BAUGH: More than ten.

13 CHAIRPERSON ANDERSON: And Mr. Miskiri?

14 MR. MISKIRI: Yes, sir.

15 CHAIRPERSON ANDERSON: Was the group
16 -- from your perspective -- I can only go with
17 information that I have here. And I can -- I
18 will clarify that in a minute. But from your
19 perspective, sir, was the Group of -- and I'll
20 clarify this from the Agency. But was -- I'm
21 sorry. Hold on. Hold on.

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Let me back up.
24 I apologize. I'm looking at the wrong case. My
25 apologies. Part of the problem when we do this

1 remotely, I am somewhere else. So let me -- I
2 will apologize to you, Mr. and Mrs. Baugh. The
3 Group of -- it says Group of 10 -- a Group of 10
4 and Group of 24. So is the Group of 10 and the
5 Group of 24, is that a group or is it two
6 different groups?

7 MS. BAUGH: My recollection at the
8 last hearing was that we merged them, but I'll
9 defer to the record.

10 CHAIRPERSON ANDERSON: Okay. Then
11 that's fine. That's fine. It's my apologies.
12 Standing was granted to the group and also to the
13 ANC. So that was my apologies. All right. Are
14 there any preliminary matters in this case?

15 (No audible response.)

16 CHAIRPERSON ANDERSON: By the group, by
17 Mr. Miskiri, and by Mr. Kelty, any preliminary
18 matters?

19 MR. MISKIRI: No, nothing on behalf of
20 the business.

21 CHAIRPERSON ANDERSON: Okay. Thank
22 you. All right. Normally at the protest hearing
23 -- the protest hearing status, we would've issued
24 the date and time for the protest hearing. But
25 we're not doing that at this juncture. So the

1 Agency will contact the parties and provide them
2 a date and time for the protest hearing. Now
3 we'll have the protest hearing at some point
4 during the new year. Okay?

5 MR. MISKIRI: Okay. Thanks.

6 CHAIRPERSON ANDERSON: All right. Now
7 that we've scheduled this matter for a protest
8 hearing, there are a few things that I would like
9 to instruct you about so that a protest hearing
10 is focused and addresses only the issues that are
11 being protested. You either have already
12 received or will soon be receiving an email from
13 Imani Moreland that contains a copy of a protest
14 information form and a copy of an exhibit form.

15 Both parties are required to complete
16 and submit the protest information form and the
17 exhibit form at least seven days before the date
18 of the hearing. If we do not receive a copy of
19 your forms seven days before the hearing, your
20 application or your protest may be subject to
21 dismissal. These documents not only are to be
22 submitted to ABRA but to the opposing party as
23 well.

24 Please know that these documents
25 greatly assist the Board in narrowing the protest

1 issues, facilitating the process, and keeping the
2 parties on point during the hearing. Each side
3 will have 90 minutes to present their case. This
4 includes all direct and cross examination of
5 witnesses. The Board does not intent to hear
6 testimony in matters that are not relevant to
7 those issues that are being protested nor will
8 the Board tolerate repetitive testimony. Are
9 there any questions?

10 MR. MISKIRI: No.

11 CHAIRPERSON ANDERSON: All right. One
12 thing that I also -- and I'm doing this
13 routinely. This is not -- please do not take it
14 as negative. But I routinely (audio
15 interference). This really -- the substantial
16 change and renewal it appears is being protested
17 by a group and also by the ANC.

18 I just want to let the group know that
19 by statute, if the ANC signs a settlement
20 agreement with the licensee, then your standing -
21 - the case is over because -- and so you cannot
22 move forward with a protest if a settlement is
23 signed with the ANC. You can join on to -- if
24 there's a settlement agreement, you can join on
25 to a settlement agreement with the ANC. However,

1 the Board cannot force the ANC and the licensee
2 to include you in their settlement if they don't
3 want.

4 I just think that we have had several
5 situations where groups when there are settlement
6 agreements signed between the licensee and the
7 ANC and motions are being made to the Board by
8 the group to say that we want to move forward
9 with the hearing because we were granted
10 standing. So I just want to inform the group
11 that by statute, if a settlement agreement is
12 signed between the licensee and the ANC that
13 there's really nothing that we can do to continue
14 the case. So that's just an FYI. This is not me
15 telling you what to do. It's just saying as an
16 FYI for you to be aware of what the law says.
17 Okay? All right.

18 MS. BAUGH: Understood.

19 CHAIRPERSON ANDERSON: All right. We
20 thank you greatly for your cooperation. If you
21 have any questions at any time leading up to the
22 hearing, please do not hesitate to contact
23 Assistant General Counsel April Randall at 202-
24 442-4353.

25 And the last thing I want to say, I

1 always -- as just the general course, I always
2 say to the parties, if you're able to work this
3 out through a settlement agreement, the Board
4 appreciates that. I appreciate that in the sense
5 that this is your community if the establishment
6 is going to exist. If you have a settlement
7 agreement, then both sides will agree how this
8 establishment will exist in your community.

9 If it comes to the Board, none of us
10 live in the community. So we'll make decisions
11 that once (audio interference). So I always a
12 ritual routine. If I don't see you again, I will
13 not take it personally. However, if I see you in
14 the new year, the Board will make a decision.

15 And I wish you good luck, and let's
16 see where we are whether or not we have this
17 protest hearing. Thank you for your participation
18 today, and have a great day. Thank you.

19 MR. BAUGH: Thank you.

20 CHAIRPERSON ANDERSON: All right.

21 MR. MISKIRI: Thank you.

22 CHAIRPERSON ANDERSON: You're welcome.

23 Bye-bye.

24 (Whereupon, the above-entitled matter
25 went off the record at 1:57 p.m.)

<div>A</div> <div>A- 4:10 able 10:2 above-entitled 10:24 ABRA 1:21,23 7:22 actual 5:7 addresses 7:10 afternoon 2:14,25 3:11 3:21 Agency 5:20 7:1 agree 10:7 agreement 8:20,24,25 9:11 10:3,7 agreements 9:6 ahead 3:7 Alcoholic 1:2,14 ALIYA 1:17 ANC 1:7,22 3:20,22 6:13 8:17,19,23,25 9:1,7,12 Anderson 1:15,17 2:3 2:10,13,19,23 3:1,6,9 3:14,18,24 4:3,9,12 4:14,18,21,24 5:2,10 5:13,15,23 6:10,16,21 7:6 8:11 9:19 10:20 10:22 Andrews 1:21 2:6,9,11 Angelle 1:21 4:10 apologies 5:25 6:11,13 apologize 5:24 6:2 appears 8:16 Applicant 1:23 application 7:20 appreciate 10:4 appreciates 10:4 April 9:23 assist 7:25 Assistant 9:23 audible 2:18 4:20 6:15 audio 8:14 10:11 aware 9:16</div> <div>B</div> <div>B-A-U-G-H 4:13,17 back 5:23 Bar 1:6 Baugh 1:21,22 4:7,10 4:13,13,16,16,23 5:6 5:12 6:2,7 9:18 10:19 behalf 6:19 believe 5:6 Beverage 1:2,14 Board 1:2,14 7:25 8:5,8 9:1,7 10:3,9,14 Brother 1:6 Burger 1:6 business 3:17 6:20</div>	<div>Bye-bye 10:23</div> <div>C</div> <div>calendar 2:4 call 4:22 5:4 camera 3:3,4 case 1:8 2:4,4 5:24 6:14 8:3,21 9:14 Chairperson 1:14,17 2:3,10,13,19,23 3:1,6 3:9,14,18,24 4:3,9,12 4:14,18,21,24 5:2,10 5:13,15,23 6:10,16,21 7:6 8:11 9:19 10:20 10:22 change 1:9,10 8:16 clarify 5:18,20 Class 1:10 COLUMBIA 1:1 comes 10:9 community 10:5,8,10 complete 7:15 conditional 5:5,7 contact 7:1 9:22 contains 7:13 contingency 5:8 continue 9:13 Control 1:2,14 cooperation 9:20 copy 7:13,14,18 Correct 4:23 Counsel 9:23 course 10:1 CR 1:7,10 CROCKETT 1:17 cross 8:4 CT 1:10</div> <div>D</div> <div>date 6:24 7:2,17 day 10:18 days 7:17,19 DC 1:21,23 decision 10:14 decisions 10:10 defer 6:9 different 6:6 direct 8:4 Director 1:23 dismissal 7:21 DISTRICT 1:1 documents 7:21,24 doing 6:25 8:12 Donovan 1:15,17</div> <div>E</div> <div>EDWARD 1:18 either 7:11</div>	<div>elevate 2:6 elevated 2:12 email 7:12 establishment 10:5,8 examination 8:4 exhibit 7:14,17 exist 10:6,8</div> <div>F</div> <div>facilitating 8:1 Felicity 1:6 2:5,7 3:15 fine 6:11,11 focused 7:10 force 9:1 form 7:14,14,16,17 forms 7:19 forward 8:22 9:8 FRED 1:23 FYI 9:14,16</div> <div>G</div> <div>general 9:23 10:1 GRANDIS 1:18 granted 6:12 9:9 greatly 7:25 9:20 group 3:25 4:4,7,19,22 4:25 5:4,15,19 6:3,3,3 6:4,4,5,5,12,16 8:17 8:18 9:8,10 groups 6:6 9:5</div> <div>H</div> <div>H 1:7 HANSEN 1:18 hear 2:22,24 3:1,7 8:5 hearing 1:7 5:4,9,11 6:8 6:22,23,24 7:2,3,8,9 7:18,19 8:2 9:9,22 10:17 hesitate 9:22 Hold 5:21,21</div> <div>I</div> <div>I-S-K-I-R-I 3:13 identify 3:9 Imani 7:13 include 9:2 includes 8:4 inform 9:10 information 5:17 7:14 7:16 instruct 7:9 intent 8:5 interference 8:15 10:11 introduce 2:15 4:5,5 issued 6:23 issues 7:10 8:1,7</div>	<div>J</div> <div>J-E-F-F-E-A-R-Y 3:12 J-O-E-L 3:22 J-O-R-D-A-N 4:16 JAMES 1:19 Jeff 2:21 Jeffery 1:23 3:12 JENI 1:18 Joel 1:22 3:22 join 8:23,24 Jordan 1:22 4:16 JR 1:19 juncture 6:25</div> <div>K</div> <div>K-E-L-T-Y 3:22 keeping 8:1 Kelty 1:22 3:21,22 6:17</div> <div>L</div> <div>large 5:8 law 9:16 leading 9:21 let's 2:16 4:4 10:15 License 1:8 2:5 licensee 2:7,17,19,20 8:20 9:1,6,12 line 4:19 live 10:10 LLC 1:6 looking 5:24 Lounge 1:6 2:5,8 3:15 luck 10:15</div> <div>M</div> <div>matter 1:5 7:7 10:24 matters 6:14,18 8:6 MEETING 1:3 Member 1:17,18,18,19 merged 6:8 met 1:14 microphone 3:2 minute 5:18 minutes 8:3 Miskiri 1:23 2:21,21,25 3:4,8,11,12,13,16 5:13,14 6:17,19 7:5 8:10 10:21 MOOSALLY 1:23 Moreland 7:13 motions 9:7 move 8:22 9:8</div> <div>N</div> <div>N-G-E-L-L-E 4:11 name 2:16 3:10,11,12 4:6,10</div>
---	--	--	--

narrowing 7:25	renewal 8:16	telling 9:15	4
NE 1:7	repetitive 8:8	ten 5:12	442-4353 9:24
negative 8:14	representative 2:17	testimony 8:6,8	5
new 7:4 10:14	3:25 4:1	thank 2:10,13 3:19 4:14	5 1:12
Normally 6:22	representing 3:22	6:21 9:20 10:17,18,19	6
November 1:12	required 7:15	10:21	6C 1:7,22 3:23
O	response 2:18 4:20	Thanks 7:5	7
onboard 4:1	6:15	things 7:8	7 3:25 4:4
once 10:11	Retailer 1:7	Thursday 1:12	707 1:7
opposing 7:22	rights 2:6,11	today 10:18	8
P	ritual 10:12	tolerate 8:8	9
P-R-O-C-E-E-D-I-N-G-S	roll 5:4	two 4:22 6:5	90 8:3
2:1	routine 10:12	U	
p.m 2:2 10:25	routinely 8:13,14	understanding 4:25 5:3	
Part 5:25	S	5:3	
participation 10:17	S 1:18	Understood 9:18	
parties 7:1,15 8:2 10:2	S-M-I-T-H 4:11	V	
parties' 2:11	saying 9:15	videoconference 1:14	
partners 3:16	says 6:3 9:16	W	
party 7:22	scheduled 7:7	W 1:15,17	
personally 10:13	sense 10:4	WebEx 1:14	
perspective 5:16,19	settlement 8:19,22,24	welcome 10:22	
please 2:6,8 3:7,10 4:6	8:25 9:2,5,11 10:3,6	went 10:25	
7:24 8:13 9:22	seven 7:17,19	wish 10:15	
point 7:3 8:2	SHORT 1:19	witnesses 8:5	
preliminary 6:14,17	side 8:2	work 10:2	
present 1:16,20 5:9,11	sides 10:7	working 3:5	
8:3	signed 8:23 9:6,12	would've 6:23	
presiding 1:15	signers 5:8	wrong 5:24	
problem 5:25	signs 8:19	X	
process 8:1	SIMONE 1:21	Y	
protest 1:7 6:22,23,24	Simultaneous 4:2 5:1	year 7:4 10:14	
7:2,3,7,9,13,16,20,25	5:22	Z	
8:22 10:17	sir 2:24 3:15,17 5:6,14	0	
Protestant 1:21,22	5:19	00006 2:5	
protestants 2:7 3:19	situations 9:5	1	
protested 7:11 8:7,16	Smith 1:21 4:11	1:47 2:2	
provide 7:1	soon 7:12	1:57 10:25	
provided 5:4,7	sorry 3:2 5:21	10 6:3,3,4	
Q	speaking 4:2 5:1,22	112502 1:8 2:5	
questions 8:9 9:21	spell 2:16 3:10 4:6	19-PRO- 2:4	
R	Staff 1:21	2	
RAFI 1:17	Stand 2:9	20-PRO-00006 1:8	
Randall 9:23	standing 5:5,7,8 6:12	202- 9:23	
receive 7:18	8:20 9:10	2020 1:12	
received 7:12	start 2:17 4:4	24 6:4,5	
receiving 7:12	starting 3:20	25 4:8	
recollection 6:7	status 1:7 6:23	3	
record 2:16 4:5 6:9	statute 8:19 9:11		
10:25	Street 1:7		
regarding 4:19	subject 7:20		
relationship 3:15	submit 7:16		
relevant 8:6	submitted 7:22		
remotely 6:1	substantial 1:9 8:15		
	T		
	t/a 1:6		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Felicity Lounge

Before: DCABRA

Date: 11-05-20

Place: teleconference

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



Court Reporter

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