

IN THE MATTER OF: :  
 :  
Kraken 3400, LLC :  
t/a Hook Hall :  
3400 Georgia Ave NW : Protest Hearing  
Retailer CT - ANC 1A : (Status)  
License No. 109296 :  
Case # 19-PRO-00145 :  
 :  
(Application to Renew :  
the License) :

Thursday  
November 5, 2020

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

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

SIMONE ANDREWS, DC ABRA Staff  
KEITH HAGG, Protestant  
ELISABETH KIM OLIVER, Protestant  
ANDREW KLINE, Applicant's Counsel  
FRED MOOSALLY, Director, DC ABRA  
MICHAEL WRAY, ANC 1A

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

10:56 a.m.

CHAIRPERSON ANDERSON: All right. The next case on our calendar is Case No. 19-PRO-00145, Hook Hall, License No. 109296. I would like the -- Ms. Andrews, can you please elevate the rights of the licensee for Hook Hall and also their counsel, Ms. Yohannes, please.

MR. KLINE: Actually, it's Andrew --  
(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Mr. Kline.

MR. KLINE: Yes. But I cannot seem to find a camera icon to enable myself on video. So I will participate via audio.

CHAIRPERSON ANDERSON: Are you going to deny us of the opportunity, Mr. Kline, of not seeing you?

MR. KLINE: That was not my intent.  
(Laughter.)

CHAIRPERSON ANDERSON: All right. All right. We'll have the parties identify themselves. I think there's a --

MS. ANDREWS: One second, Mr. Chair. I'm still enabling some parties.

CHAIRPERSON ANDERSON: Okay. All

1 right. Thank you.

2 MR. KLINE: Oh, here we go.

3 MS. ANDREWS: Okay, Mr. Chair. All  
4 parties have been enabled.

5 CHAIRPERSON ANDERSON: Thank you. All  
6 right. I see that there are several folks  
7 online. So if you have the capability to --  
8 you're able to unmute yourself and you're also  
9 able to turn your camera on if you have that  
10 capability. All right. So what I'll ask each  
11 party to do, I'll have -- I'm going to ask each  
12 party to introduce themselves for the record and  
13 also spell their name for the record. And let's  
14 start with the licensee, please.

15 MR. KLINE: Andrew Kline on behalf of  
16 the licensee, A-N-D-R-E-W, Kline, K-L-I-N-E.

17 CHAIRPERSON ANDERSON: All right.  
18 Thank you, Mr. Kline. Is the licensee here with  
19 you, Mr. Kline?

20 MR. KLINE: The licensee is not here  
21 today, no.

22 CHAIRPERSON ANDERSON: Okay, fine. So  
23 let's start with the protestant. Let's start  
24 with the ANC.

25 MR. WRAY: Good morning. This is

1 Michael Wray with ANC 1A. Michael, M-I-C-H-A-E-  
2 L, Wray, W-R-A-Y.

3 CHAIRPERSON ANDERSON: And we have the  
4 Group of 5 or more. Is Ms. Bremmer, is she  
5 available? Also, she's a representative. If  
6 not, we'll have the rest of the folks identify  
7 themselves.

8 MS. KIM OLIVER: My name is Elisabeth  
9 Kim Oliver, E-L-I-S-A-B-E-T-H. My last name is  
10 Kim, K-I-M, space, Oliver, O-L-I-V-E-R.

11 CHAIRPERSON ANDERSON: Who else is on  
12 the line? I see a Keith. I see a name, Keith  
13 Hagg. Is that person on the line?

14 MR. HAGG: Yes, hi. Good morning. My  
15 name is Keith, K-E-I-T-H. Last name, H-A-G-G. I  
16 am a property owner on Morton Street.

17 CHAIRPERSON ANDERSON: So are you a  
18 member of the Group of 5, sir?

19 MR. HAGG: Yes, yes.

20 CHAIRPERSON ANDERSON: And Ms. Oliver,  
21 you're also a member of the Group of 5? All  
22 right. And it's my understanding that both the  
23 ANC and the Group of 5 were present at the roll  
24 call hearing. Is that correct? Any preliminary  
25 matters that needs to be brought to the attention

1 of the Board?

2 MR. HAGG: No, sir.

3 MR. KLINE: The licensee does not have  
4 any, no.

5 CHAIRPERSON ANDERSON: All right. I  
6 have been asked specifically to provide for a  
7 protest hearing. But the protest hearing will be  
8 scheduled if we move forward to a protest  
9 hearing. In the sense that there's not a  
10 settlement agreement, we will have a protest  
11 hearing in the new year.

12 And I just want to inform the Group of  
13 5 or more that if there is a settlement agreement  
14 that's reached between the ANC and the licensee,  
15 the Group of 5 or more, the matter will be over.  
16 The Group of 5 or more will not have standing to  
17 move forward with the hearing if there's a  
18 settlement with the ANC. I also will let Group  
19 of 5 or more know that ABC Board cannot force the  
20 licensee and the ANC to have you participate in a  
21 settlement agreement.

22 Sometimes folks will say that I need  
23 to participate in a settlement agreement because  
24 I have standing. But by statute, the statute is  
25 clear that if there's a settlement agreement

1 between the ANC and the licensee, then the group  
2 falls. But I just want to clarify (audio  
3 interference) where that is.

4 It has always been my position that if  
5 parties can settle this matter by a settlement  
6 agreement, you're welcome to that because  
7 everyone will be happy and the license is going  
8 to be renewed. And so the agreement, then  
9 everyone (audio interference) that when we go  
10 through these proceedings that everyone leaves  
11 believing that they have been satisfied by  
12 whatever result is actually reached. Okay? All  
13 right.

14 Now that we've scheduled this matter  
15 for a protest hearing, there are a few things  
16 that I would like to instruct you about. So the  
17 protest hearing is focused on only those issues  
18 that are being protested. You either will  
19 receive or soon will be receiving an email from  
20 Imani Moreland that contains a copy of a protest  
21 information form and a copy of an exhibit form.  
22 Can everyone please mute their mic, please?

23 Both parties are required to complete  
24 and submit the protest information form and the  
25 exhibit form at least seven days before the date

1 of the hearing. If we do not receive a copy of  
2 your forms seven days before the hearing, your  
3 application or your protest may be subject to  
4 dismissal. These documents not only need to be  
5 submitted to ABRA but to the opposing party as  
6 well.

7 Please know that these documents  
8 greatly support in narrowing the protest issues,  
9 facilitating the process, and keeping the parties  
10 on point during the hearing. Each side will have  
11 90 minutes to present their case. This includes  
12 all direct and cross examination of witnesses.  
13 The Board does not intend to hear testimony on  
14 matters that are not relevant to those that are  
15 being protested nor will the Board tolerate  
16 repetitive testimony. Are there any questions by  
17 anyone?

18 MR. KLINE: No.

19 CHAIRPERSON ANDERSON: Hearing none,  
20 we thank you greatly for your cooperation. If  
21 you have any questions at any time leading up to  
22 the hearing, please do not hesitate to contact  
23 Ms. Randall at 202-442-4353. Thank you very much  
24 for your participation today.

25 And I'll close by saying I hope -- I

1       prefer -- I hope not to see you again. And that  
2       is because not because I don't want to see you.  
3       If I don't see you, it tells me that both side  
4       had a settlement agreement and they're very  
5       happy. If I see you, it tells me that you're not  
6       happy. But if we have to make the decision, of  
7       course the Board will make a decision.

8               So we will have -- if we have a  
9       hearing, the hearing will be sometime in the new  
10      year or the Agency will contact the sides to  
11      inform you the date and time of the protest  
12      hearing if we move forward. Thank you very much  
13      again for your attendance today, and have a great  
14      day. Thank you.

15             MR. KLINE: Thank you, Mr. Chair.

16             CHAIRPERSON ANDERSON: All right.

17      Thank you.

18             (Whereupon, the above-entitled matter  
19      went off the record at 11:04 a.m.)  
20  
21  
22  
23  
24  
25



<p><b>A</b></p> <p><b>A-N-D-R-E-W</b> 3:16  <b>a.m</b> 2:2 8:19  <b>ABC</b> 5:19  <b>able</b> 3:8,9  <b>above-entitled</b> 8:18  <b>ABRA</b> 1:21,23 7:5  <b>Agency</b> 8:10  <b>agreement</b> 5:10,13,21  5:23,25 6:6,8 8:4  <b>Alcoholic</b> 1:2,13  <b>ALIYA</b> 1:17  <b>ANC</b> 1:7,24 3:24 4:1,23  5:14,18,20 6:1  <b>Anderson</b> 1:14,17 2:3  2:11,15,20,25 3:5,17  3:22 4:3,11,17,20 5:5  7:19 8:16  <b>Andrew</b> 1:23 2:9 3:15  <b>Andrews</b> 1:21 2:6,23  3:3  <b>Applicant's</b> 1:23  <b>application</b> 1:9 7:3  <b>asked</b> 5:6  <b>attendance</b> 8:13  <b>attention</b> 4:25  <b>audio</b> 2:14 6:2,9  <b>available</b> 4:5  <b>Ave</b> 1:7</p>	<p><b>cooperation</b> 7:20  <b>copy</b> 6:20,21 7:1  <b>correct</b> 4:24  <b>counsel</b> 1:23 2:8  <b>course</b> 8:7  <b>CROCKETT</b> 1:17  <b>cross</b> 7:12  <b>CT</b> 1:7</p> <p><b>D</b></p> <p><b>date</b> 6:25 8:11  <b>day</b> 8:14  <b>days</b> 6:25 7:2  <b>DC</b> 1:21,23  <b>decision</b> 8:6,7  <b>deny</b> 2:16  <b>direct</b> 7:12  <b>Director</b> 1:23  <b>dismissal</b> 7:4  <b>DISTRICT</b> 1:1  <b>documents</b> 7:4,7  <b>Donovan</b> 1:14,17</p>	<p><b>Hagg</b> 1:22 4:13,14,19  5:2  <b>Hall</b> 1:6 2:5,7  <b>HANSEN</b> 1:18  <b>happy</b> 6:7 8:5,6  <b>hear</b> 7:13  <b>hearing</b> 1:7 4:24 5:7,7,9  5:11,17 6:15,17 7:1,2  7:10,19,22 8:9,9,12  <b>hesitate</b> 7:22  <b>hi</b> 4:14  <b>Hook</b> 1:6 2:5,7  <b>hope</b> 7:25 8:1</p> <p><b>I</b></p> <p><b>icon</b> 2:13  <b>identify</b> 2:21 4:6  <b>Imani</b> 6:20  <b>includes</b> 7:11  <b>inform</b> 5:12 8:11  <b>information</b> 6:21,24  <b>instruct</b> 6:16  <b>intend</b> 7:13  <b>intent</b> 2:18  <b>interference</b> 6:3,9  <b>introduce</b> 3:12  <b>issues</b> 6:17 7:8</p>	<p><b>M-I-C-H-A-E-</b> 4:1  <b>matter</b> 1:5 5:15 6:5,14  8:18  <b>matters</b> 4:25 7:14  <b>MEETING</b> 1:3  <b>member</b> 1:17,18,18,19  4:18,21  <b>met</b> 1:14  <b>mic</b> 6:22  <b>Michael</b> 1:24 4:1,1  <b>minutes</b> 7:11  <b>MOOSALLY</b> 1:23  <b>Moreland</b> 6:20  <b>morning</b> 3:25 4:14  <b>Morton</b> 4:16  <b>move</b> 5:8,17 8:12  <b>mute</b> 6:22</p>
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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: Hook Hall

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

**NEAL R. GROSS**

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