



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

2 4:52 p.m.

3 CHAIRPERSON ANDERSON: We're on the  
4 record. Our next case is a protest hearing, Case  
5 No. 18-PRO-00090, the Howard Theatre, License No.  
6 88646. Will the parties please approach and  
7 identify themselves for the record?

8 MS. YOHANNES: Sidon Yohannes on  
9 behalf of the licensee as counsel.

10 MS. NORMAN: Anita Norman, ANC  
11 Commissioner for 1B01 and representing the Party  
12 of Five.

13 CHAIRPERSON ANDERSON: I know we were  
14 off the record before. I'd asked the parties if  
15 they think that this matter could be settled and  
16 whether or not their terms that the Board -- they  
17 would want the Board to memorialize.

18 But I think that the -- this matter  
19 was scheduled for a hearing at 4:30. And at  
20 4:57, the parties decided that this matter cannot  
21 be settled. So we're moving forward with a  
22 protest hearing.

23 I guess just for clarification, are  
24 there issues that the parties have agreed to and  
25 are there just a couple of outstanding issues?

1 And if that's the case, we could memorialize what  
2 was agreed to. And so then we could streamline  
3 if -- and this is just a suggestion. And then --  
4 or then we could streamline what the major issue  
5 is, so therefore -- or issues are so we can just  
6 have a hearing on those specific issues if the  
7 parties believe that would be helpful.

8 MS. YOHANNES: Sure. And Ms. Norman,  
9 you can speak to this. But there is one issue  
10 that is before the Board and will be before the  
11 Board and that is just security RDO.

12 CHAIRPERSON ANDERSON: So security,  
13 and so are we saying that the other issues are --  
14 and I guess let me ask. This is a renewal. Is  
15 the -- I'm sorry. Who are the protestants? It's  
16 the ANC?

17 MS. NORMAN: ANC and Group of Five.

18 CHAIRPERSON ANDERSON: All right. So  
19 is the ANC and Group of Five -- are they saying  
20 that we should not renew the license?

21 Or is there an agreement that we  
22 should renew the license, but if the license is  
23 renewed, then security is a matter of import to  
24 us so therefore, we're going to take testimony on  
25 security and then ask the ABC Board to come up

1 with a plan to increase security?

2 Or is the protestants saying that you  
3 know what, we don't want you to renew the license  
4 and there's a major issue in security? Just --  
5 I'm just asking.

6 MS. NORMAN: Right. We don't want the  
7 license renewed if there is no security plan that  
8 includes RDO. There's some other issues that are  
9 outstanding which I think we can work toward  
10 resolving. They're very minor and they have kind  
11 of agreed to it. So at this point, it's just the  
12 RDO that's not --

13 CHAIRPERSON ANDERSON: The RDO? Why  
14 are we having a hearing on RDO? I mean, RDO is -  
15 - and I'm being very serious. Now we pay -- the  
16 agency pays 65 percent of RDO. And the only cost  
17 in the establishment is 35 -- they would only  
18 have to pay -- I don't know if you're asking for  
19 RDO seven days a week. I don't know when Howard  
20 Theatre is open. What's the period of time?

21 MS. NORMAN: Thursdays, Fridays, and  
22 Saturdays.

23 CHAIRPERSON ANDERSON: Thursdays,  
24 Fridays, and Saturdays. And how many RDOs are  
25 you asking for?

1 MS. NORMAN: And we're asking one hour  
2 before and after closing.

3 CHAIRPERSON ANDERSON: I mean, why is  
4 this an issue? I'm serious. And I'm going to  
5 say I would hope that we're not having a hearing  
6 over RDO because this agency pays 65 percent  
7 starting at -- I mean, starting at -- I think, at  
8 midnight.

9 We pay 65 percent, and the only cost  
10 in the establishment is 35 percent. You have to  
11 have two RDOs. We pay -- two for four hours, and  
12 we pay 65 percent. You're paying 35 percent. I  
13 don't think -- I mean, I would hope that we're  
14 not going to sit here for the rest of the  
15 afternoon to have all these people in the  
16 audience, having us sit in here over RDO.

17 MS. YOHANNES: If I may, I don't want  
18 to get into settlement discussions.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: This is not  
21 settlement. I remember. I asked are there  
22 issues. And I'm told that the only issue is RDO.

23 MS. YOHANNES: That's correct. And I  
24 will say that we are open to -- and we did  
25 indicate before this hearing that we are open to

1 a continuance in order to continue discussions  
2 with the ANC on this issue. And I believe that  
3 that was declined by the ANC.

4 CHAIRPERSON ANDERSON: But why do we  
5 need to have a continuance to discuss RDO? I'm  
6 just -- I mean, maybe I'm not seeing it. Maybe  
7 I'm missing something. Maybe it's late in the  
8 day. I've been here since 9:00 o'clock this  
9 morning, so maybe I'm missing something. Okay?  
10 And I'm not trying to force people into  
11 settlement. We'll have a hearing if you want to  
12 have a hearing.

13 But I would hope we're not having a  
14 hearing over RDO. And as I said before, RDO is  
15 something that this agency pays 65 percent of the  
16 cost. I don't know how much it is for an -- if  
17 an officer costs, what?

18 If we have an officer it costs 80  
19 dollars or 60 dollars an hour, we are paying --  
20 it is only costing -- it would cost this  
21 establishment maybe 20 dollars an hour -- 20, 30  
22 dollars an hour to pay an officer. Or say 40  
23 dollars to pay two -- 40 or 50 dollars to pay two  
24 officers.

25 No, come on. Tell me that there are

1 other issues. Don't tell me that we're having a  
2 hearing of RDOs. I'm hearing from the protestant  
3 that it's RDO, and I don't understand how is it  
4 that we can go to a hearing over RDO if this  
5 agency is paying 65 percent of that cost.

6 MS. YOHANNES: That's the only issue  
7 at this point, and --

8 CHAIRPERSON ANDERSON: Why is that an  
9 issue?

10 MS. HENDRICK: Well, it isn't an issue  
11 for us in that we are agreeing to it. It was  
12 just the nuances.

13 CHAIRPERSON ANDERSON: There are no  
14 nuances. There are no nuances. It's either -- I  
15 mean, there are no nuances. I cannot see how you  
16 cannot agree if it's RDO. You can come to a  
17 hearing over any other issue. And based on -- I  
18 mean, if I look at -- and let me -- all right.

19 One of the things I try not to do --  
20 I don't know what the issues are. I try not to  
21 get -- but let me look at the public record.  
22 Okay? Let me look at the public record. Okay.  
23 The public record, I want to see. Let me see our  
24 report. Hold on one moment. Let me see the  
25 report that was filed because our report has the

1 history of this establishment. Let me see where  
2 it is.

3 I'm looking for -- can someone quickly  
4 find me the report by our agent? Okay. I found  
5 the report by the agent. I'm hoping that at the  
6 end of the report, it has a history of this  
7 establishment. Let me see. Page 12, hold on.  
8 Okay.

9 Page 12, it has investigative history  
10 there. There are 11 incidents. I mean, and this  
11 is public record. I'm not making my decision. I  
12 mean, assault with a deadly weapon, simple  
13 assault, carrying a pistol, assaulting a police  
14 officer, sex abuse, simple assault. I believe  
15 just by looking on the history which is not --  
16 this is not making a decision.

17 MS. YOHANNES: And there's an NFA on  
18 many of these, with all due respect.

19 CHAIRPERSON ANDERSON: I know. But  
20 I'm saying, though -- but looking at this, one  
21 would say -- and I can't speak for the -- one  
22 would say that -- the Board would based on some  
23 of the things I'm looking at the history that  
24 that would be an issue that the Board probably  
25 would order RDOs. Many cases that we've had



1 here, the Board has ordered RDOs.

2 So you -- I mean, Ms. Yohannes, you  
3 have done a lot of hearings in front of us and  
4 you know that the Board even -- we have fact  
5 finding hearings, not protest hearings. We have  
6 fact finding hearings and the Board, although we  
7 can't order people at fact finding hearings to do  
8 that. But we strongly suggest in fact finding  
9 hearings that you do -- you have RDO based on the  
10 history.

11 Here it is that we're having a protest  
12 hearing. The Board is empowered to order that to  
13 occur. So knowing that the Board can order RDO  
14 in a hearing and knowing that the protestants is  
15 asking the Board to do RDO, you can rest assured  
16 that if the protestants -- if the people in the  
17 neighborhood looking at the investigative history  
18 that the Board in making its determination, it's  
19 a good chance that the Board is going to order  
20 RDO.

21 So tell me that there's another issue.  
22 If not, you guys need to tell me what the problem  
23 is. We'll memorialize it. Because we should not  
24 have a protest hearing that's going to take the  
25 entire night. I'm not -- we should not have a

1 protest hearing over RDO, over something that it  
2 is not where the -- the licensee is not paying  
3 100 percent of the cost. This agency pays 65  
4 percent of the cost of an RDO. Tell me something  
5 that's new.

6 MS. YOHANNES: So we obviously were  
7 prepared and are prepared to move forward with a  
8 protest hearing. And we can put on our case and  
9 let you know or then establish why --

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: They said that  
12 -- but they said -- but listen. No, listen.  
13 They said that -- they never said to me -- if  
14 they said to me that, I don't want you to renew  
15 their liquor license. We're going to have a  
16 hearing. Because therefore that's what they're  
17 telling me.

18 But they're not saying that to me.  
19 They're saying to me, in all the issues that we  
20 have, the only outstanding issue is RDO. And  
21 what I'm saying to you based on the investigative  
22 history of this case and if the community comes  
23 to us and say to us, all we're asking this  
24 establishment to do is to have RDO. Rest assured  
25 that this Board, irrespective of what -- and I

1 don't need to hear anything but just look at the  
2 history. That would be a reasonable part of the  
3 decision that the Board would make is to do RDO.

4 MS. YOHANNES: So has the Board  
5 already made a decision?

6 CHAIRPERSON ANDERSON: No, no. I did  
7 not say that. I have not made -- all I've said  
8 to you without hearing any testimony -- and I'm  
9 saying you said to me the only issue is RDO. And  
10 I said to you that by looking -- just the public  
11 record that we have in front of us and based on  
12 some of the incidents that occurred.

13 Based on this public record that you  
14 should know that that is -- it would be  
15 reasonable that the Board would offer -- would  
16 say -- one of the things that -- you know that  
17 the Board always does at a protest hearing if  
18 there's no security plan and if there are issues  
19 with security, the Board will probably say, we  
20 need to have a security plan. Based on the  
21 incidents that occurred, the Board would probably  
22 also say RDOs. And that's all I'm saying.

23 I'm not saying -- so I'm not -- I  
24 don't -- and I don't -- I have not looked at any  
25 of the documents here. I don't know what the

1 issue is. I'm just saying based on what I'm told  
2 by the protestant, just looking at the  
3 investigative history that I'm saying that you --  
4 as an attorney who's been practice this law for a  
5 number of years and you have been practicing  
6 longer than I am. I've only been chair for five  
7 years.

8 You know how the Board goes, so you  
9 know that it's reasonable that when the Board  
10 gives relief, the Board probably would order RDO.  
11 That's all I'm saying.

12 MS. YOHANNES: It sounds to me -- can  
13 I have a few minutes? I need --

14 CHAIRPERSON ANDERSON: Yes, yes.

15 MS. YOHANNES: -- to talk to my  
16 clients.

17 CHAIRPERSON ANDERSON: Please do, yes.  
18 Please, yeah.

19 (Whereupon, the above-entitled matter  
20 went off the record at 5:05 p.m. and resumed at  
21 5:08 p.m.)

22 CHAIRPERSON ANDERSON: We're back on  
23 the record.

24 MS. YOHANNES: So our client -- or my  
25 client is willing to reconsider a proposal that

1 was previously made. I have no intention of  
2 having, like, settlement discussions out in the  
3 open right now. I'm happy to step out and speak  
4 to Ms. Norman about what the proposal is.

5 CHAIRPERSON ANDERSON: You can --

6 MS. YOHANNES: I understand --

7 CHAIRPERSON ANDERSON: -- do that.

8 And this is what -- if you can agree -- we'll  
9 have the protest hearing. But the only issue  
10 that's in the protest is whether or not -- from  
11 what I'm told is security. So we'll just have  
12 testimony on security. Okay? All right.

13 MS. YOHANNES: Yes.

14 CHAIRPERSON ANDERSON: So it's 5:11.  
15 You can have till 5:30.

16 MS. YOHANNES: Okay. Thank you.

17 CHAIRPERSON ANDERSON: And I think we  
18 should have enough time to have a hearing on  
19 security.

20 (Whereupon, the above-entitled matter  
21 went off the record at 5:09 p.m. and resumed at  
22 5:36 p.m.)

23 CHAIRPERSON ANDERSON: We're back on  
24 the record. What is it that we will be doing  
25 now?

1 MS. YOHANNES: I believe we have an  
2 agreement.

3 CHAIRPERSON ANDERSON: Yes?

4 MS. YOHANNES: We have been back there  
5 just talking about the terms of the RDO.

6 CHAIRPERSON ANDERSON: Okay.

7 MS. YOHANNES: And we -- I need two  
8 minutes. I just wanted to rush back in here  
9 because --

10 CHAIRPERSON ANDERSON: If you are  
11 going to -- all right. If we're going to settle  
12 this matter, you can take as much time as you  
13 want. If we're going to have a hearing, we need  
14 to have the hearing because -- but if you believe  
15 that you have an agreement and you need a couple  
16 more minutes to finalize it, I'm fine with that.

17 But if it's not going to be settled,  
18 we'll do the hearing and the hearing will only be  
19 on security. Then I'll take testimony on both  
20 sides on security and see whether or not it will  
21 be -- once the Board -- since I've been told that  
22 there's no issue in renewing the license that the  
23 Board will renew the license. And then the Board  
24 will look at conditions.

25 I just want to remind you, though, Ms.

1 Yohannes, is that we had a hearing -- a show  
2 cause hearing June 27, 2018. You were  
3 representing -- you represented the  
4 establishment. I'm not sure if it's the same  
5 owner. And at that point, the Board accepted an  
6 RDO -- I'm sorry, not an RDO. The Board accepted  
7 an OIC. And I think this establishment had three  
8 primary tier violation at the time.

9 And I did put on the record that I  
10 asked you to point out to your client that they  
11 had three primary tier violations and that they  
12 were going down a slippery slope that -- and  
13 there are certain guidelines that occurs. And I  
14 would hope that your client would want to do  
15 whatever that's necessary to protect themselves.

16 And as an aside, this is before I  
17 became chair. But I'm looking at No. 11 on your  
18 investigative history. And it says on your  
19 investigative history for No. 11, the Board  
20 requested that the licensee to contact RDO for  
21 large events held after midnight.

22 I don't know -- I'm just -- I don't  
23 know whatever happened there. But that's part of  
24 the public record. So I don't know. So based on  
25 this public record, it said that for large events

1 after midnight you are supposed to have RDO  
2 already.

3 I don't know whatever happened with  
4 that. But I'm just saying that's just something  
5 I saw there. Yeah?

6 MS. YOHANNES: So --

7 CHAIRPERSON ANDERSON: Yes, go ahead.

8 MS. YOHANNES: -- I think we are  
9 trying to resolve this. So can we just have --  
10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: Yes, you can.

12 As I said, I don't mind you taking the time to  
13 resolve an issue if it's going to be settled. If  
14 it's not going to be settled, let's have a  
15 hearing. So if you believe that you have an  
16 agreement, you need some more time to hash it  
17 out, you can have till 6:00 o'clock.

18 MS. YOHANNES: Okay.

19 CHAIRPERSON ANDERSON: That's what I'm  
20 saying. You can have till 6:00 o'clock. But  
21 don't come back to me at 6:00 o'clock and say,  
22 we're going to have a hearing, and then we're  
23 rushing it because that's -- I want -- if the  
24 parties believe that they really want to have a  
25 hearing, I'll have a hearing. But I think it's



1 crazy to have a hearing just on RDO. But we will  
2 have a hearing on security.

3 MS. YOHANNES: That's fine. Just for  
4 the record, I mean, I know that you're stating  
5 and going through the investigative history. But  
6 there's a lot of NFAs in here, and I just want to  
7 make that clear that we're not having a hearing  
8 on each --

9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: No, we're not,  
11 no.

12 MS. YOHANNES: I just want to make  
13 that clear.

14 CHAIRPERSON ANDERSON: I want the  
15 record to be clear.

16 MS. YOHANNES: Okay.

17 CHAIRPERSON ANDERSON: I have not made  
18 any decision about what the Board -- and I'm only  
19 speaking for myself at this juncture. All I'm  
20 saying if that's the only issue, I'm just saying  
21 just as -- and the information that I'm looking  
22 at, it's public record because it's in your  
23 investigative history.

24 So I'm just saying even without  
25 hearing any evidence or any witnesses, I'm just

1 looking at the public information that's here.  
2 And based on some of the incidents that have  
3 occurred before at the establishment, as an  
4 attorney and if you're being told that the only  
5 issue is RDO that you should -- even without  
6 having arguments that you should have an idea  
7 that, you know what, if the protestant is asking  
8 us -- is saying that we need to renew the license  
9 but there are issues with security. And the  
10 protestants are asking for RDO, it's a good  
11 possibility that the Board might offer RDO.

12 And at the same time, since the Board  
13 already pays 65 percent of the RDO, the burden on  
14 the establishment is not that major. That's all  
15 I was saying. I wasn't say that this is what the  
16 Board was going to do.

17 There are two other members who have  
18 to agree to do that. I can speak -- so I can say  
19 -- I'm the Board chair, but I only have one vote.  
20 And we need to have -- and I don't want to have a  
21 2 to 1 decision. That doesn't look good. So  
22 whatever decision we're going to have, it's going  
23 to be 3 to nothing. Okay?

24 It's a 7 member board, but we only  
25 have 3. So whatever decision, it's going to be a

1 3 to nothing decision. So then I would have to  
2 convince them to go my way or another way. But  
3 that's all I'm saying. So if you're confident  
4 you have an agreement, you can have till 6:00  
5 o'clock. I'm fine with that. I'm fine. Okay?

6 MS. YOHANNES: Yes, that's fine.

7 CHAIRPERSON ANDERSON: All right.  
8 Thank you. So we're off the record till 6:00  
9 o'clock.

10 (Whereupon, the above-entitled matter  
11 went off the record at 5:41 p.m. and resumed at  
12 5:59 p.m.)

13 CHAIRPERSON ANDERSON: We're back on  
14 the record. It's 6:00 o'clock. The parties  
15 please inform us where we're at, please.

16 MS. YOHANNES: We do have an  
17 agreement. I have the language that we can put  
18 into an agreement. Would you like for me to  
19 state the language and the Board do a consent  
20 order?

21 CHAIRPERSON ANDERSON: We can -- you  
22 tell us what you want to do. We'll gladly abide.  
23 So we're agreeing to renew the license and this  
24 is on the condition that we would agree to renew  
25 the license on. Okay. What is that?

1 MS. YOHANNES: The applicant shall  
2 have RDO on Thursdays, Fridays, and Saturdays for  
3 any event that ends after 10:00 p.m. And the RDO  
4 would be required one hour before and one hour  
5 after closing. I have to say that again.

6 So applicant shall have RDO one hour  
7 before and one hour after closing for any event  
8 that ends after 10:00 p.m. on Thursday, Friday,  
9 and Saturday.

10 CHAIRPERSON ANDERSON: And it's clear  
11 that we're talking about a minimum of two RDOs  
12 because that's what we pay for. Is that correct?

13 MS. YOHANNES: Yes.

14 CHAIRPERSON ANDERSON: So a minimum of  
15 two. So we're not agreeing how many, but it's a  
16 minimum of two RDOs. So I'll put that in the  
17 order since that's required that it's two.

18 MS. YOHANNES: Sure.

19 CHAIRPERSON ANDERSON: I just want to  
20 make sure because since it's required that you  
21 have two. So I don't want that folks think it's  
22 one and I'm not saying it's three, it's four,  
23 it's five.

24 So the agreement is that the license  
25 will be renewed and the applicant will have RDOs

1 -- a minimum of two RDOs for Thursday, Friday,  
2 and Saturday for any event that will end after  
3 10:00 p.m. And if they have RDO, then they  
4 should have an RDO -- the RDO should be in place  
5 one hour before the event and one hour prior to  
6 closing -- one hour after closing.

7 MS. YOHANNES: Correct. Wait, to be  
8 clear, the -- yeah, the requirement is to have  
9 RDO one hour before and one hour after closing  
10 for any event after 10:00 p.m. Not throughout  
11 the entire event, but one hour after, one hour  
12 before closing -- one hour before, one hour after  
13 the event ends. Sorry.

14 CHAIRPERSON ANDERSON: All right. Say  
15 it one more time again, please. Say it one more  
16 time again.

17 MEMBER CROCKETT: If the event ends at  
18 11:00, RDO must be there by 10:00.

19 MS. YOHANNES: From 10:00 to 12:00,  
20 one hour before -- right, if the event ends at  
21 11:00.

22 MEMBER CROCKETT: Inform them if RDO  
23 has time requirements as well.

24 CHAIRPERSON ANDERSON: All right. So  
25 yeah, because -- what's the regulation of RDO?

1 Is that it has to be four hours or what is it? I  
2 just want to make sure.

3 MEMBER CROCKETT: Yeah, it has to be  
4 four hours.

5 CHAIRPERSON ANDERSON: So it has to be  
6 for four hours. So RDO has to be there for four  
7 hours. So why doesn't it not be that -- and this  
8 is a suggestion. Why doesn't it not be that for  
9 any event that's going to end after 11:00 --  
10 that's going to end after 10:00 that the  
11 establishment has RDOs, period.

12 Because the RDO has to be hired for  
13 four hours. So I'm just -- that's just a  
14 suggestion to correct. So at least it's clear  
15 that if it's going to end after 10:00 that you  
16 have to have an RDO, I mean, which is a minimum  
17 of two RDO for the time period because we pay --  
18 I think we pay starting at 11:00.

19 MS. YOHANNES: Yes.

20 CHAIRPERSON ANDERSON: What time do we  
21 pay for the RDO?

22 MEMBER CROCKETT: 11:30.

23 CHAIRPERSON ANDERSON: I'm trying to  
24 figure out what time do we pay for the RDO,  
25 11:30?

1 MEMBER CROCKETT: 11:30.

2 CHAIRPERSON ANDERSON: But we start  
3 paying for the RDO at -- we pay 65 percent for  
4 the RDO starting at 11:30.

5 MS. YOHANNES: Give me a minute.  
6 Sorry. Board's indulgence.

7 MEMBER SHORT: That's for everybody.

8 CHAIRPERSON ANDERSON: Right. I just  
9 want to make sure that everyone knows that the  
10 agency pays 65 percent of the RDO after 11:30.  
11 And so we pay 65 percent for RDO after 11:30 --  
12 starting at 11:30. Prior to 11:30, the licensee  
13 has to pay for the entire RDO. But starting at  
14 11:30, we pay for 65 percent of the RDO, and the  
15 RDO has to be for a four-hour period.

16 MS. YOHANNES: Yes, that's understood.  
17 Let me rephrase. Sorry.

18 CHAIRPERSON ANDERSON: All right. I'm  
19 not trying to negotiate.

20 MS. YOHANNES: No, no, no.

21 CHAIRPERSON ANDERSON: I'm just trying  
22 to let you know the policy. Right.

23 MS. YOHANNES: Understood. So  
24 licensee agrees or shall have RDO Thursday,  
25 Friday, and Saturday for any event that ends or

1 that starts after 10:00 p.m.

2 CHAIRPERSON ANDERSON: All right. Ms.  
3 Norman?

4 MS. NORMAN: Yes.

5 CHAIRPERSON ANDERSON: All right. So  
6 we will renew the license and what we're going to  
7 add, the condition is that the applicant agrees  
8 to have RDO for any event on Thursday, Friday, or  
9 Saturday that starts after 10:00 p.m.

10 MS. NORMAN: Yes.

11 CHAIRPERSON ANDERSON: That's it.  
12 Right, 10:00 p.m. Right?

13 AUDIENCE MEMBER: Not exactly. Not  
14 starts after.

15 CHAIRPERSON ANDERSON: I'm only  
16 talking to Ms. Norman, ma'am. I know you're in  
17 the audience, but I can only speak to Ms. Norman  
18 as a representative. So I need to make sure that  
19 I'm hearing correctly.

20 MS. NORMAN: Ends after 10:00 p.m.

21 CHAIRPERSON ANDERSON: That ends after  
22 10:00 p.m. Okay. So the agreement is that the  
23 license will renew. One of the conditions is  
24 that the applicant agrees to have RDO for any  
25 event on Thursday, Friday, or Saturday that ends



1 after 10:00 p.m. That's correct?

2 MS. YOHANNES: Yes, that's correct.

3 CHAIRPERSON ANDERSON: All right.

4 Well, the -- let me say this, and I've always  
5 said this before. My goal is that I prefer when  
6 parties have settlements because, as I stated  
7 before, this is your neighborhood. And at the  
8 end of the day, the ABC Board can make a  
9 decision, but we don't necessarily live in that  
10 neighborhood. And so we're not necessarily  
11 impacted by the decision that we made.

12 And so that's one of the reasons why  
13 I always push individuals to settle because it's  
14 your neighborhood. You have to deal with  
15 whatever -- the consequences. So if you can come  
16 to an agreement, I prefer that way.

17 And I also want to state that because  
18 it was clear to me that the representations that  
19 were made by both sides was that they were not  
20 asking for us not to renew the license. And the  
21 only issue was RDO.

22 And looking at the investigative  
23 history of the Howard Theatre, they had already  
24 agreed to have RDO. So I'm not quite sure why it  
25 says -- it says RDO for large events. I don't

1 quite understand what that meant. So that's why  
2 I didn't understand why we were going to a  
3 hearing. And if RDO was the only issue if they  
4 had already agreed to have RDO. So that's what I  
5 did not know why that would have been an issue.

6 And I've made it clear that the agency  
7 pays 65 percent of the cost of an RDO for after  
8 11:30. So we pay. So it's a minimal cost to a  
9 licensee since the agency assumes a majority of  
10 that cost.

11 And so I want to thank the parties  
12 that they were able to work this matter out.  
13 Because I want when everyone leaves here this  
14 evening that everyone leaves to say that this is  
15 going to work for my community. That we've  
16 negotiated and this is going to work for my  
17 community. And that's my goal when people leave  
18 here to say, I have an agreement that will work  
19 for my community.

20 And having RDOs, it actually helps the  
21 establishment. As I've said always before, it  
22 doesn't really matter -- you can't necessarily --  
23 people come to your establishment and things will  
24 happen. But it's how you respond to it. And by  
25 having RDO, it will help you because in the

1 larger analysis, it will help the club.

2 Because if you have security, police  
3 officers outside, we hope that most people will  
4 not do -- they will not -- they will act  
5 appropriately if they see police -- visible  
6 police officers outside. That is a goal when you  
7 see visible police officers outside the  
8 establishment. And remember the RDO doesn't come  
9 inside. They're outside the premises and to  
10 respond. And that actually helps an  
11 establishment.

12 But I want to thank the parties for  
13 coming to an agreement. All right. And we will  
14 issue an order -- a Board order memorializing  
15 this agreement. I want to, again, thank the  
16 parties for being here tonight. Okay. Thank  
17 you.

18 MS. YOHANNES: Thank you.

19 CHAIRPERSON ANDERSON: All right. As  
20 Chairperson of the Alcoholic Beverage Control  
21 Board for the District of Columbia and in  
22 accordance with D.C. Official Code Section  
23 2574(b) of the Open Meetings Act, I move that ABC  
24 Board hold a closed meeting on November 6, 2019  
25 for the purpose of seeking legal advice from our

1 counsel on the matters identified on the Board's  
2 legal licensing and investigative agenda on  
3 November 6, 2019 as published in the D.C.  
4 Register on November 1st, 2019. Is there a  
5 second?

6 MEMBER SHORT: Second.

7 CHAIRPERSON ANDERSON: Mr. Short has  
8 seconded the motion. I will now take a roll call  
9 vote and the motion before us now that it's been  
10 seconded. Ms. Crockett?

11 MEMBER CROCKETT: I agree.

12 CHAIRPERSON ANDERSON: Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON ANDERSON: Mr. Anderson,  
15 I agree. As it appears that the motion has  
16 passed, I hereby give notice that the ABC Board  
17 will hold this closed meeting pursuant to the  
18 Open Meetings Act. Notice will also be posted on  
19 the ABC Board hearing room bulletin board, placed  
20 on an electronic calendar on ABRA's website, and  
21 published in the D.C. Register in as timely a  
22 manner as practical. It is 6:13 p.m. and we are  
23 adjourned for the day. Thank you.

24 (Whereupon, the above-entitled matter  
25 went off the record at 6:11 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Howard Theatre

Before: DCABRA

Date: 10-30-19

Place: Washington, DC

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