

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF: :  
:  
Johanas, Inc., :  
t/a Johana's Restaurant :  
4728 14th Street NW : Protest  
Retailer CT - ANC 4C : Hearing (Status)  
License No. 25996 :  
Case #19-PRO-00123 :  
:  
(Application to Renew the:  
License) :

Wednesday  
February 12, 2020

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:  
DONOVAN W. ANDERSON, Chairperson  
JENI HANSEN, Member  
BOBBY CATO, JR., Member  
RAFI ALIYA CROCKETT, Member  
JAMES SHORT, JR., Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

SIDON YOHANNES, Counsel for Applicant  
DOUGLAS JONES, Applicant  
MARIA BERRY, Protestant

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

2 (9:35 a.m.)

3 MEMBER ANDERSON: The next case on our  
4 calendar is case number 19-PRO-00123, Johana's  
5 Restaurant, license number 25996. Would the  
6 parties please approach and identify themselves  
7 for the record, please? Yes, ma'am.

8 MS. BERRY: Hi.

9 MEMBER ANDERSON: Your name please?

10 MS. BERRY: I'm Maria Berry, the ANC  
11 commissioner for C02.

12 MEMBER ANDERSON: Good morning, Ms.  
13 Berry.

14 MS. YOHANNES: Good morning, Sidon  
15 Yohannes on behalf of the licensee or Applicant.

16 MEMBER ANDERSON: Good morning, Ms.  
17 Yohannes. Hold on a moment, please. Are there  
18 any preliminary matters in this case?

19 MS. BERRY: No, there are not.

20 MEMBER ANDERSON: They're not.  
21 Preliminary matters, is there anything not  
22 substantive, but it's anything you want to bring  
23 to my attention that we can address today?

24 MS. BERRY: Well, I was asked at the  
25 last meeting, at our mediation, to provide a

1 different attorney with information about how the  
2 neighbors -- what all -- what the list of the  
3 incidences were.

4 And the idea was that we were supposed  
5 to have had a meeting before this so that --  
6 before February 12th. And I never heard back  
7 from the establishment or the attorney, and I  
8 gave them what they had asked for. I provided  
9 that to them.

10 MEMBER ANDERSON: All right. Excuse  
11 me. I'm sorry. Hold on. Is that your client,  
12 ma'am?

13 MS. BERRY: Yes.

14 MEMBER ANDERSON: Can he introduce  
15 himself for the record?

16 MS. BERRY: Douglas Jones, corner of  
17 Johana's at 4728 14th Street Northwest.

18 MEMBER ANDERSON: Good morning, Mr.  
19 Jones.

20 MS. BERRY: And I --

21 MEMBER ANDERSON: Go ahead.

22 MS. BERRY: -- gotten that to the  
23 Commissioner previously, but I believe she's  
24 talking about Andrew Kline and negotiations  
25 regarding settlement. We can discuss that after

1 the hearing.

2 MEMBER ANDERSON: I think I'd ask are  
3 there any preliminary matters and so, I was just  
4 listening to what was being said. And I was not  
5 going to make a decision.

6 But I would hope that the parties  
7 settle this matter if it can be settled. This  
8 matter is scheduled for a protest hearing on  
9 March 25th at 1:30 p.m.

10 Have you -- are you familiar with the  
11 protest hearing, ma'am? There are some  
12 instructions. Let me read the instructions for a  
13 protest hearing.

14 Now that we have scheduled this matter  
15 for a protest hearing, there are a few things  
16 that I would like to instruct you about so that  
17 the protest hearing is focused and addresses only  
18 those issues that are being protested.

19 You either have already received or  
20 will soon be receiving an email from Imani  
21 Moreland that contains a copy of the protest  
22 information form and a copy of an exhibit form.

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.

2 If we do not receive a copy of your  
3 forms seven days before your hearing, your  
4 application or protest may be subject to  
5 dismissal.

6 These documents not only need to be  
7 submitted to ABRA but to the opposing party as  
8 well. Please know that these documents greatly  
9 assist the Board in narrowing the protest issues,  
10 facilitating the process and keeping the parties  
11 on point during the hearing.

12 Each side will have 90 minutes to  
13 present their case. This includes all direct and  
14 cross-examination of witnesses. Excuse me. The  
15 Board does not intend to hear testimony on  
16 matters that are not relevant to these issues  
17 that are being protested, nor will the Board  
18 tolerate repetitive testimony.

19 Are there any questions?

20 MS. BERRY: I do have a question.

21 MEMBER ANDERSON: Yes, ma'am.

22 MS. BERRY: If there are multiple  
23 neighbors who are going to be witnesses, and they  
24 are experiencing the same issue, are they allowed  
25 to each -- is that going to be considered

1 repetitive?

2 MEMBER ANDERSON: Not necessarily  
3 because they will be different neighbors given  
4 their personal experience, but they should not  
5 say on January 1, 2020, this happened.

6 Everyone shouldn't say on January 1st.  
7 I mean, they're different people. They have  
8 different experiences so they can talk about  
9 their experience not necessarily that -- not the  
10 same -- they should not be testifying about one  
11 incident that occurred.

12 Excuse me. We thank you greatly for  
13 your cooperation. If you have any questions at  
14 any time leading up to the hearing, please do not  
15 hesitate to contact AGC April Randall at 202-442-  
16 4353.

17 One thing I'll say to you, both sides,  
18 seven days -- if we do have a hearing, seven days  
19 prior to the hearing you need to exchange your  
20 document of witnesses.

21 Ms. Randall is here to work with both  
22 sides to let you know how to do that process. I  
23 do not -- if we go to a hearing, I don't want  
24 someone to come here and say I did not know what  
25 to do because I wasn't given instructions because

1       this Agency is here to provide you whatever --  
2       both sides whatever assistance it can.

3               Good luck with your negotiation. My  
4       position is that if I don't see you on March  
5       25th, I'm not going to take it personally because  
6       that tells me that the neighbors have worked out  
7       the matter. Good luck, and if not, I'll see you  
8       on March 25th at 1:30 p.m.

9               MS. YOHANNES: Thank you.

10              MEMBER ANDERSON: Thank you.

11              (Whereupon, the above-entitled matter  
12       went off the record at 9:41 a.m.)  
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<p><b>A</b></p> <p>a.m 2:2 7:12  above-entitled 7:11  ABRA 5:7  address 2:23  addresses 4:17  AGC 6:15  Agency 7:1  ahead 3:21  Alcoholic 1:2,13,14  ALIYA 1:19  allowed 5:24  ANC 1:7 2:10  Anderson 1:15,18 2:3,9  2:12,16,20 3:10,14,18  3:21 4:2 5:21 6:2 7:10  Andrew 3:24  Applicant 1:22,23 2:15  application 1:9 5:4  approach 2:6  April 6:15  asked 2:24 3:8  assist 5:9  assistance 7:2  attention 2:23  attorney 3:1,7</p>	<p>corner 3:16  Counsel 1:22  CROCKETT 1:19  cross-examination  5:14  CT 1:7</p> <p><b>D</b></p> <p>D.C 1:15  date 4:25  days 4:25 5:3 6:18,18  decision 4:5  different 3:1 6:3,7,8  direct 5:13  discuss 3:25  dismissal 5:5  DISTRICT 1:1  document 6:20  documents 5:6,8  Donovan 1:15,18  Douglas 1:23 3:16</p>	<p><b>I</b></p> <p>idea 3:4  identify 2:6  Imani 4:20  incidences 3:3  incident 6:11  includes 5:13  information 3:1 4:22,24  instruct 4:16  instructions 4:12,12  6:25  intend 5:15  introduce 3:14  issue 5:24  issues 4:18 5:9,16</p> <p><b>J</b></p> <p>JAMES 1:20  January 6:5,6  JENI 1:18  Johana's 1:6 2:4 3:17  Johanas 1:6  Jones 1:23 3:16,19  JR 1:19,20</p>	<p>morning 2:12,14,16  3:18  multiple 5:22</p> <p><b>N</b></p> <p>N.W 1:14  name 2:9  narrowing 5:9  necessarily 6:2,9  need 5:6 6:19  negotiation 7:3  negotiations 3:24  neighbors 3:2 5:23 6:3  7:6  never 3:6  Northwest 3:17  number 2:4,5  NW 1:7</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: Johana's Restaurant

Before: DCABRA

Date: 02-12-20

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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