

IN THE MATTER OF:	:
	:
Kenzo, LLC,	:
t/a TBD	:
1400-1404 Wisconsin Ave	:
NW,	: Protest
Retailer CR - ANC 2E	: Hearing (Status)
License No. 108987	:
Case #18-PRO-00020	:
	:
(New Application)	:

Wednesday
May 23, 2018

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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

SIDON YOHANNES, Applicant's Counsel
KAREN CRUSE, Protestant
RICK MURPHY, ANC 2E

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

9:39 a.m.

CHAIRPERSON ANDERSON: Good morning, everyone. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Please know that today's hearings will be conducted in accordance with D.C. Official Code Section 2-574 of the Open Meetings Act.

Today is May 23, 2018. I would like to introduce Members of the Board with us today. To my far right is Mr. Bobby Cato. To my immediate right is Mr. Nick Alberti. To my far left is Mr. Mike Silverstein and to my immediate left is Mr. James Short. My name is Donovan Anderson. I'm Chairman of the Board. We have five Members in attendance for the conduct of business today and we do have a quorum.

I would like to mention two things before we get started. First of all, if you have any electronic devices, pagers, cell phones or such, please, make certain that they are turned

1 off to avoid any interruption of the proceedings.

2 Secondly, there is a piece of paper on
3 each table. When you come forward as your case
4 is called, please, take a seat at the table and,
5 please, sign-in. This is to ensure the correct
6 spelling of your name for the record.

7 And also, please, spell your name
8 aloud for the court reporter.

9 I would note that the approximate time
10 is 9:41 a.m. and the first order of business
11 today, we have a Protest Hearing (Status) Case
12 No. 18-PRO-00020, TBD.

13 Would the parties for License No.
14 108987, is there anyone here for a Protest
15 Hearing this morning?

16 I have -- is it Kenzo, LLC? Well,
17 it's TBD, that's the name of it. If you guys
18 look at the agenda outside, I'm reading what the
19 agenda said. And I would appreciate it if you
20 guys know the name or the lack of the name of the
21 establishment.

22 I don't know. I'm just going by the

1 paper. All right. So, please, identify yourself
2 for the record, please.

3 MS. YOHANNES: Good morning. Sidon
4 Yohannes here on behalf of the applicant.

5 CHAIRPERSON ANDERSON: Good morning,
6 Ms. Yohannes.

7 MR. MURPHY: Rick Murphy, ANC-2E.

8 CHAIRPERSON ANDERSON: Good morning,
9 Mr. Murphy.

10 MS. CRUSE: Karen Cruse, Citizens
11 Association of Georgetown.

12 CHAIRPERSON ANDERSON: Good morning,
13 Ms. Cruse. So there is -- who has status in this
14 case? Is it both the ANC and the Citizens
15 Association?

16 MS. CRUSE: Yes.

17 MR. MURPHY: Yes.

18 CHAIRPERSON ANDERSON: All right.
19 Okay. Are there any preliminary matters that
20 needs to be discussed?

21 MR. MURPHY: I don't know if this
22 qualifies as preliminary, but we are close to

1 resolving the matter, but if the protest goes --
2 hearing goes forward, I would have to ask for a
3 continuance. I have a planned vacation with my
4 children and grandchildren that has existed for
5 months.

6 MS. CRUSE: You can.

7 CHAIRPERSON ANDERSON: You have to
8 change your vacation. This takes precedence.
9 No, well, this hearing is scheduled for, if it
10 goes to a hearing, June 27th at 1:30.

11 MR. MURPHY: Right.

12 CHAIRPERSON ANDERSON: If you are
13 close to a date, a settlement or even if you are
14 not, if -- although I know there is -- this is a
15 new license and so we are on a short -- we are on
16 a specific time line when we need to move
17 forward, but if the licensee agrees, then we can
18 -- I think we can grant an extension.

19 However, if the licensee does not, we
20 cannot, because for a new license we have a
21 specific time line when it is moved forward. So
22 I would just want to -- oh, well, I was told --

1 MEMBER ALBERTI: Ask and you will
2 receive.

3 CHAIRPERSON ANDERSON: -- if this
4 matter goes to a hearing, this hearing will be
5 then scheduled for July the 11th at 1:30. And I
6 hope you don't have any other -- you don't have a
7 vacation for that date, because we are not going
8 to change it again. I'm saying that in jest.

9 So, yeah, if it goes to a full
10 hearing, then we have now -- I was told that we
11 can -- we are changing the date to July the 11th
12 at 1:30.

13 MR. MURPHY: Very good.

14 CHAIRPERSON ANDERSON: All right. And
15 although it's not in this particular case, but
16 since it's an ANC and a civic association, even
17 if the ANC signs a settlement agreement, if the
18 citizens association is not a part of it, the
19 hearing still goes. If they don't sign the
20 settlement agreement, because they have their own
21 standing, we will still move forward.

22 MR. MURPHY: All right.

1 CHAIRPERSON ANDERSON: So I just want
2 everyone to be clear. We normally have a problem
3 when there is a group and the group doesn't quite
4 understand that if the ANC signs a settlement
5 agreement, that they fall. But in this
6 particular case, if both sides are not -- if the
7 ANC and the citizens association are not on the
8 same page, we are still moving forward with the
9 Protest Hearing.

10 All right. But as you said, if you
11 are close to a settlement agreement -- all right.
12 So as I said before, this matter is scheduled for
13 a Protest Hearing on July the 11th at 1:30.

14 Now that we have scheduled the matter
15 for a Protest Hearing, there are a few things
16 that I would like to instruct the applicant and
17 the protestant about the protest process to
18 ensure that the Protest Hearing, if we do have
19 one, is focused only on the issues that are being
20 protested.

21 The Board does not intend to hear
22 testimony on matters that are not relevant to

1 this case. You should have received by
2 electronic or regular mail a letter explaining
3 the protest process, a copy of the Protest
4 Information Form and a copy of the Exhibit Form.

5 If we do not have these documents --
6 if you do not have these documents, please,
7 contact Assistant General Counsel Ms. April
8 Randall following this hearing.

9 It is imperative that you review the
10 rules closely and adhere to them before and
11 during the Protest Hearing. You are also
12 required to complete and submit the Protest
13 Information Form (PIF) and the Exhibit Form seven
14 days before the date of the hearing. These two
15 forms and accompanying documents need to be
16 submitted to ABRA's Legal Division and to all
17 opposing parties in this matter.

18 If we do not receive a copy of your
19 PIF, your application or your protest, whichever
20 side you are representing, may be subject to
21 dismissal. Likewise, if we do not receive a copy
22 of the Exhibit Form and the exhibits themselves,

1 your exhibits may be excluded from the record
2 upon a finding that the opposing party has been
3 prejudiced or no good cause for failure to submit
4 has been shown.

5 Likewise witnesses other than a party
6 may also be subject to exclusion if not
7 identified in the PIF.

8 Accordingly, these forms are very
9 important. They greatly assist the Board in
10 narrowing the protest issues, facilitating the
11 process and keeping the parties on point during
12 the hearing. They likewise provide notice to
13 opposing parties enabling them to better prepare
14 for the hearing.

15 We thank you for your cooperation. If
16 you have any questions today or at any time
17 leading up to the hearing, please, do not
18 hesitate to contact AGC Randall at (202) 442-
19 4353.

20 Thank you very much. And as I said to
21 all parties, if I do not see you on July the 11th
22 at 1:30, I will not take that personally. I will

1 just take it to say that the parties were able to
2 solve this problem.

3 And as Board Chair, I always advise
4 the parties to do settlement agreements, because
5 this is your neighborhood and you can decide what
6 is it you want to occur in your neighborhood.

7 When the seven of us make a decision,
8 one side is going to be dissatisfied, because we
9 are making decisions about your neighborhood and
10 we do not live there.

11 So I do support and encourage
12 agreements, if one can be made. If not, I will
13 see you July the 11th.

14 You have a good time and have a good
15 vacation, sir.

16 MR. MURPHY: All right. Thank you.

17 MS. YOHANNES: Thank you.

18 MS. CRUSE: Thank you very much.

19 CHAIRPERSON ANDERSON: Thank you.

20 (Whereupon, the Protest (Status)

21 Hearing was concluded at 9:47 a.m.)

22

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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: Kenzo, LLC

Before: DCABRA

Date: 05-23-18

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

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