

ALSO PRESENT:

MARK BRASHEARS, DC ABRA Inspector

COUNTEE GILLIAM, DC ABRA Inspector

KEVIN PUENTE, DC ABRA Inspector

VANESSA PLEITEZ, DC ABRA Inspector

CORALIE FARLEE, ANC 6B

ANNA VALERO, Licensee

ANDREW KLINE, Licensee's Counsel

SIDON YOHANNES, Licensee's Counsel

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

2 2:41 p.m.

3 CHAIRPERSON ANDERSON: We now then
4 will call the last case on our calendar for the
5 afternoon. This is a Contested Fact-Finding
6 Hearing. It's Case No. 18-CMP-00106 and 18-CMP-
7 00180, Kraken Axes, License No. 109296 and also
8 Case No. 18-CMP-00154 and Case No. 18-CMP-00171,
9 Field House DC, License No. 110405.

10 What I'll ask is if there is anyone
11 here, and the Investigators included, I'll ask
12 that you all come up and introduce yourself for
13 the record, please.

14 So all the Investigators who are here
15 for Kraken Axes and also Field House, I would
16 like them to come up and identify themselves for
17 the record.

18 So but we will start with the licensee
19 to introduce themselves.

20 MR. KLINE: Yes, good afternoon.
21 Andrew Kline here on behalf of the applicant.

22 MS. YOHANNES: Sidon Yohannes here on

1 behalf of the applicant.

2 CHAIRPERSON ANDERSON: Good afternoon.

3 MS. VALERO: Anna Valero, the
4 applicant.

5 CHAIRPERSON ANDERSON: Good afternoon,
6 Mr. Kline, Ms. Yohannes and Ms. Valero. And I
7 think when I first started, Mr. Kline, I mean,
8 you brought almost the entire firm with you
9 today. I guess I need to be on my A-game today,
10 Mr. Kline.

11 MR. KLINE: Well, we are --

12 CHAIRPERSON ANDERSON: Well, I was
13 just recognizing, you know, I'm saying that
14 normally I don't see both of you at the same time
15 in front of me. I think probably in the earlier
16 time, I'm not sure if Ms. Yohannes was new to
17 your firm, so now that I see both attorneys, I
18 have to be on my best behavior.

19 MR. KLINE: We are concerned about
20 this. So thank you.

21 CHAIRPERSON ANDERSON: Yes, go ahead.

22 INVESTIGATOR PLEITEZ: Investigator

1 Vanessa Pleitez.

2 CHAIRPERSON ANDERSON: Good afternoon.

3 INVESTIGATOR BRASHEARS: Investigator
4 Brashears, ABRA.

5 CHAIRPERSON ANDERSON: Mr. Brashears.

6 INVESTIGATOR PUENTE: Investigator
7 Kevin Puente, ABRA.

8 CHAIRPERSON ANDERSON: Mr. Puente.

9 INVESTIGATOR GILLIAM: Investigator
10 Countee Gilliam, ABRA.

11 CHAIRPERSON ANDERSON: Mr. Gilliam.

12 All right. Good afternoon, everyone. This
13 matter was -- the Board will now take up a
14 Qualification Hearing for the two applications
15 for licensure filed by Kraken 3400, LLC t/a
16 Kraken Axes and DC Field House, LLC also known as
17 DC Field House.

18 This Qualification Hearing was
19 initiated by the Board through the issuance of
20 Board Order No. 2018-479 issued on August 1,
21 2018.

22 The purpose of this hearing is to

1 address whether one or both applications should
2 be denied or other remedies imposed based on
3 alleged violations committed during the
4 application process pursuant to 23 DCMR § 401.1
5 and DC Official Code § 25-104(e) and whether the
6 applicant for both licenses, Anna Valero, is
7 otherwise of good character and generally fit for
8 the responsibilities of licensure under 25-
9 301(a)(1).

10 The Board has apprised the applicant
11 of its specific concerns as well as the factual
12 and legal basis for these concerns in a Proposed
13 Findings of Fact and Conclusions of Law included
14 in Board Order No. 2018-479.

15 Specifically in regard to Kraken Axes,
16 the first issue of concern for the Board is
17 information received by the Board that the
18 applicant may have allegedly violated the
19 requirement to have a Certificate of Occupancy
20 and the Fire Code between September 2017 and
21 April 13th in violation of DC Official Code § 25-
22 823(a)(1).

1 The second issue is whether the
2 applicant made misrepresentations regarding the
3 hosting of an event on April 12, 2018 and the
4 alleged illegal operations of a retailer on April
5 13, 2018 and June 27, 2018 in violation of DC
6 Official Code § 25-823(a)(5).

7 In regard to DC Field House, the first
8 issue of concern is that someone associated with
9 Drink the District, LLC, a company partly owned
10 by Ms. Valero, altered a license issued by ABRA
11 and attempted to interfere with an investigation
12 by presenting it to an Investigator as a valid
13 license on June 18, 2018 in violation of DC
14 Official Code § 25-835 and 25-823(a)(5).

15 The second issue of concern is that it
16 appears that Ms. Valero's company, Drink the
17 District, LLC, held illegal events in violation
18 of DC Official Code § 25-102 and 23 DCMR § 213.2
19 on June 18, 2018 and June 21, 2018.

20 The last issue of concern is the
21 specific fitness of Ms. Valero. In this case,
22 the alleged violations, her propensity for

1 truthfulness in regard for public safety and
2 ability to manage the business in accordance with
3 the law are in doubt based on the allegations
4 received by the Board.

5 Because of the serious consequences
6 regarding the alleged violations that may result
7 from the Board's determination of whether this
8 applicant is fit for licensure, the Board is
9 treating what would normally be a Fact-Finding
10 Hearing as a Contested Hearing, such that
11 witnesses will provide for testimony and will be
12 subject to cross-examination.

13 We will begin with preliminary motions
14 and opening statements by the applicant. The
15 Board will also consider any settlement offers
16 the applicant wishes to make. The applicant may
17 then call its witnesses and present any evidence
18 it wishes the Board to consider.

19 Once the applicant rests, the Board
20 will decide whether to call any witnesses, which
21 may include any of the Investigators or ABRA
22 staff members identified in the Board's Order

1 exhibits. Once the Board concludes calling its
2 own witnesses, the Board will permit the calling
3 of rebuttal witnesses.

4 Finally, the applicant will also be
5 entitled to make a closing statement.

6 So if we are ready to begin, we will
7 begin with the applicant's preliminary motions
8 and opening statements.

9 I do know that there has been some
10 ongoing conversations regarding whether or not we
11 can forego some type of Consent Order, but the
12 Board has some concerns with and the Board is
13 willing to consider.

14 So let's start with Kraken Axes.

15 MR. KLINE: Yes. Good afternoon
16 again, Members of the Board. Thank you. I just
17 want to say at the outset that we appreciate you
18 giving us the opportunity this afternoon to
19 present before you.

20 Ms. Valero and I have spent quite a
21 bit of time together over the last few weeks and
22 she certainly understands the concerns that the

1 Board has, the seriousness of the situation.

2 Entrusting one to sell alcohol is what you do.

3 And I think those of us that either
4 live or work in the District appreciate the fact
5 that you take that roll seriously. And when
6 there are issues of concern, that they need to be
7 examined and looked at.

8 Having said that, the District of
9 Columbia is also a place of second chances. I
10 think we all know many people that have gotten
11 second chances and we think Ms. Valero deserves
12 one here. And we appreciate the Board's counsel,
13 Ms. Jenkins and Mr. Berman, working with us to
14 try to fashion something that might be acceptable
15 to the Board.

16 We have done that. We can present
17 that. I think the Board has seen it offline, but
18 we will proceed in any way the Board wants. But
19 I do, you know at the outset, want to stress that
20 the settlement -- this is a recognition that
21 there are issues that cannot be repeated and Ms.
22 Valero is aware of that and understand what her

1 obligations will be if the Board decides that she
2 is fit to be licensed, which is what we would ask
3 you to do today.

4 CHAIRPERSON ANDERSON: All right. I
5 know that there is a settlement, that I -- I
6 assume that you have a copy, at least a proposed
7 Consent Order that has gone back and forth that
8 we can start with. And I think for the most
9 part, the Board might be in favor of this
10 agreement, but there is just some caveats that
11 I'll have the Board Members ask you to -- will
12 question you.

13 And so if we have any Board Member who
14 wants to ask questions regarding the draft that
15 they have in front of them, you are welcome to
16 ask questions. Any Board Members want to ask?

17 MEMBER ALBERTI: Can I just ask a few
18 questions?

19 CHAIRPERSON ANDERSON: Yes.

20 MEMBER ALBERTI: So just a matter of--

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Alberti.

1 MEMBER ALBERTI: So we just were
2 talking about how to proceed and who is going to
3 raise what -- which topics, that's the whole --
4 what that was about.

5 So I'm just going to ask questions
6 about -- I don't know, do you have a marked-up
7 version of -- we have sort of a marked-up version
8 of the agreement.

9 MR. KLINE: Right. I believe --

10 MEMBER ALBERTI: Which wasn't -- I'm
11 looking at what was Point 8 and now is Point 7.
12 I'm not sure what Martha has given you.

13 MR. KLINE: Okay.

14 MEMBER ALBERTI: I'm looking at the
15 one that says "Anna Valero, the applicant, agrees
16 not to have direct or indirect ownership interest
17 in District, Stihl, Foggy Bottom, LLC or any
18 other DC licensed off-premise retailer so long
19 as" etcetera, etcetera.

20 MR. KLINE: Um-hum, yes.

21 MEMBER ALBERTI: All right. So that's
22 the item I'm on.

1 MR. KLINE: Got it.

2 MEMBER ALBERTI: And I think that the
3 last -- through discussions with both Ms.
4 Jenkins, you asked that a sentence be added that
5 says "Nothing herein shall preclude or prohibit
6 the payment of percentage rent required by any
7 lease." That's a bit vague to me.

8 Can you elaborate on what that means
9 explicitly?

10 MR. KLINE: Yes, of course. Many
11 commercial leases have what are called percentage
12 rent clauses. They are fairly common in the
13 commercial realty industry related to retail or
14 restaurants. And a percentage rent clause in a
15 lease says that if you hit a certain breakpoint,
16 in other words if your sales are over a certain
17 number, then under those circumstances, you pay
18 the landlord a percentage of your sales.

19 This lease, in fact, has such a
20 provision and it is quite common in commercial
21 leases and that's why we put it in there. There
22 isn't any specific interest in the alcohol sales,

1 but there is a requirement in the lease that the
2 landlord receive a percentage of the gross sales.

3 MEMBER ALBERTI: Okay. That's what I
4 thought it meant. All right. Very good. So I
5 guess I have two concerns and one I'll express as
6 a question.

7 Who is the landlord? And is the
8 building in any portion owned by someone who owns
9 a DC licensed off-premise license?

10 MR. KLINE: Not that I'm aware of, no.

11 MS. YOHANNES: Not that I'm aware of.

12 MR. KLINE: So there is no connection
13 between, and we will just put it out there,
14 either Ms. Valero or Mr. Martin with the
15 landlord, correct. There is no financial
16 relationship between those parties.

17 MEMBER ALBERTI: That's fine. The
18 landlord, the landlord, does the landlord have
19 any financial interest in a licensed -- off-
20 premise licensed DC entity?

21 MR. KLINE: Not that we are aware of.

22 MEMBER ALBERTI: Okay. Okay. You see

1 where I'm going with this? Let me just -- that
2 would sort of be the end round --

3 MR. KLINE: Right. Understood.

4 MEMBER ALBERTI: -- on this. All
5 right. The second concern and I guess I'll have
6 to consult with --

7 MS. YOHANNES: Do you want me to ask
8 him?

9 MR. KLINE: Yeah.

10 MS. YOHANNES: Does Zeke have any off-
11 premise --

12 CHAIRPERSON ANDERSON: Oh, we don't
13 need to -- you can -- you don't need to.

14 MR. KLINE: We can satisfy you. The
15 answer is no, the landlord has no interest.

16 MEMBER ALBERTI: As far as you know
17 right now. All right. All right.

18 MR. KLINE: According to the landlord.

19 MEMBER ALBERTI: But I'll --

20 MR. KLINE: Just for the record, is
21 seated behind me in the room.

22 MEMBER ALBERTI: All right. You

1 confirmed this, all right.

2 The other concern is, and I'm going to
3 have to probably have a discussion with our
4 General Counsel about this, that while I was
5 aware that this arrangement happened with
6 commercial establishments, I was not aware that
7 it happened with ABC licensed establishments,
8 because there is that -- I mean, you know as well
9 as I do, there is this prohibition about sharing
10 profits with people who aren't on the license.

11 MR. KLINE: Right.

12 MEMBER ALBERTI: Putting --

13 MR. KLINE: I understand. Right.

14 MEMBER ALBERTI: Right? And it seems
15 odd that you get to share your profits,
16 essentially, sharing your profits with the
17 landlord who is not licensed.

18 MR. KLINE: Well, you don't.

19 MEMBER ALBERTI: He doesn't have a
20 license.

21 MR. KLINE: Because there isn't any
22 presupposition that you are making any profits.

1 It's a measurement tool. So in other words --

2 MEMBER ALBERTI: Not profit. I
3 misspoke. Proceeds.

4 MR. KLINE: I understand.

5 MEMBER ALBERTI: Proceeds in general.

6 MR. KLINE: Right. But basically what
7 you are doing is you -- the landlord is saying,
8 and again this is probably a conversation best
9 for another time, because your files are complete
10 with leases that have these provisions in them.

11 MEMBER ALBERTI: Okay. I wasn't aware
12 of them. All right.

13 MR. KLINE: But I think what, you
14 know, the discussion would be that the sales are
15 a mere measurement of success and the landlord's
16 position is gee, if you do great, then, you know,
17 your rent should be higher. So it's not really a
18 portion of the proceeds, it's a way to measure.

19 And we can certainly debate that, but
20 I mean, I will tell you we have lots of --

21 MEMBER ALBERTI: Yeah, and I don't
22 want to have that debate. Do we have a copy of

1 the lease here with us?

2 MR. KLINE: Um --

3 MEMBER ALBERTI: I mean, has it been
4 submitted? I know this license has gone quite a
5 ways. Has it been submitted to us?

6 MR. KLINE: Yes, it has been
7 submitted.

8 MEMBER ALBERTI: So we do have a copy
9 in the files. Okay. Thank you.

10 MR. KLINE: I don't have a hard copy
11 with me. I have an electronic copy.

12 MEMBER ALBERTI: Okay. Thank you.
13 That's -- I was making sure we understood that.
14 Thank you.

15 CHAIRPERSON ANDERSON: Mr. Kline, I
16 think one issue the Board has, and I think at
17 least for DC -- for the Kraken Axes, which I
18 don't think should be a major issue, it's my
19 understanding that this lease -- I'm sorry, this
20 application is probably 90, 95 percent completed.

21 MR. KLINE: The ABC licensing part of
22 it, yes.

1 CHAIRPERSON ANDERSON: Right. And so
2 one of the things that we would ask that there is
3 an amendment to number -- the new 6.

4 MEMBER ALBERTI: 6, yeah. No. 5 or
5 No. 5, yeah, No. 5.

6 CHAIRPERSON ANDERSON: 5. Yeah,
7 number -- well, basically, No. 5 and the -- I
8 think there are the 3, 4, 5, 6, so I think it's 5
9 and 6.

10 MEMBER ALBERTI: It's the old 6. It's
11 "The applicant shall not allow or permit an event
12 where alcohol is served."

13 MR. KLINE: Right.

14 CHAIRPERSON ANDERSON: And so what we
15 would ask that until the license is approved,
16 because I think, in this particular case -- so it
17 says without the Certificate of Occupancy, but we
18 would also add that until the license has been
19 approved by the Agency.

20 As you're aware, I think as you are
21 aware --

22 MR. KLINE: Well, we are just talking

1 about the LLC, correct? That wouldn't extend to
2 Ms. Valero personally.

3 CHAIRPERSON ANDERSON: Right. And
4 so --

5 MR. KLINE: We are talking about the
6 premises.

7 CHAIRPERSON ANDERSON: -- it would be
8 consistent. It would be consistent --

9 MR. KLINE: Yes, that's fine.

10 CHAIRPERSON ANDERSON: -- with this
11 application, because it was said the applicant --
12 that the applicant would do that. I mean, I
13 think -- and I don't know what the Board is going
14 to do if temporary applications are being applied
15 by individuals, I mean --

16 MR. KLINE: Understood.

17 CHAIRPERSON ANDERSON: -- the record
18 is clear that temporary applications were filed.
19 The Board did deny some of the temporary and I
20 was comfortable in doing that, because the
21 decisions were made based on presentations that
22 were made to the Board. And so as one Member of

1 the Board and Chair, I was comfortable in denying
2 it because I did have some significant concerns
3 based on the presentations that were made by who
4 appeared in front of me.

5 But in this particular case, then I
6 mean, we would ask that that be added to that
7 provision.

8 MR. KLINE: I understand. I now
9 understand what you are saying and that's
10 perfectly appropriate that we are not, obviously,
11 going to be involved in operations until we have
12 not only a Certificate of Occupancy, but an
13 approved condition of ABC License. I think
14 that's what you are asking me.

15 CHAIRPERSON ANDERSON: Right.

16 MR. KLINE: From a drafting
17 standpoint.

18 CHAIRPERSON ANDERSON: And I am going
19 to get to the Investigators. I don't want the
20 Investigators -- but I need -- before I say what
21 I need to say regarding the Investigators, I need
22 to kind of tie the strings up on this side and

1 then I will address the Investigators. I don't
2 want the Investigators to sit there. There are--
3 a lot of work was done in these cases and so I am
4 going to address that. So don't feel that I'm
5 ignoring you.

6 Would the applicant have a problem
7 providing us with an architectural diagram of the
8 premises?

9 MR. KLINE: No.

10 MS. YOHANNES: No.

11 MR. KLINE: We don't have any problem
12 with that. And there was an issue that was
13 raised offline and I might as well clarify it on
14 the record in terms of what the premises is,
15 whether there will be another premises, another
16 licensee there and the answer is no.

17 So to the extent that there is concern
18 about the erection of a demising wall between Ms.
19 Valero's premises and other premises there, no
20 longer an issue. It -- she will occupy -- her
21 business will occupy the entire premises and I
22 have already confirmed with her that that is

1 consistent with the application that she
2 initially filed. We won't increase the occupancy
3 or do anything else that might be considered as
4 substantial change.

5 So you know, you should all be fine
6 with that. But to the extent that there are
7 concerns about what the demising wall might look
8 like or whatever, it is not an issue.

9 CHAIRPERSON ANDERSON: Do we have any
10 questions by any other Board Members? All right.
11 No further questions by any of the Board Members?
12 All right. I believe that the Board would be in
13 favor of accepting the Kraken Axes' Consent Order
14 with some of the additions that we just talked
15 about, in the sense that:

16 The applicant would not apply for any
17 temporary licenses until there is a full license;

18 That there would be -- that you will
19 provide us -- if you have not already done so,
20 that you will provide us with the architectural
21 drawing of the property. And I think --

22 MR. KLINE: So just to clarify that

1 first point, we are talking about one days for
2 use at the premises, correct?

3 CHAIRPERSON ANDERSON: Yes, yeah. All
4 right. And so we will add that to the order.
5 And I mean, of course, there will be -- to make
6 sure that both sides, both our attorney and
7 yourself will agree to the language.

8 But with those changes, I make a
9 motion that we agree to -- that we accept a
10 Consent Order and approve the license. Is there
11 a second?

12 MEMBER CATO: Second.

13 CHAIRPERSON ANDERSON: Mr. Cato
14 seconded the motion.

15 MEMBER ALBERTI: Can we take this
16 under advisement?

17 CHAIRPERSON ANDERSON: And I want the
18 Investigators to speak, they have certain things
19 to say, but I want to make sure that I don't say
20 what I want to say before we have made a decision
21 on the case. Okay. I just want the
22 Investigators to say that. I want the

1 Investigators to be aware of that. There is a
2 lot I have -- I want to say, but I have to make
3 sure that what I need to say it's not perceived
4 in a certain way, in a certain time.

5 All right. So let's, okay, move on to
6 Field House. And I think there is discussion. I
7 guess we have always referred to this place as DC
8 Field House, so the name of the LLC is Field
9 House, LLC? And if they -- so if we need to
10 amend the application to make sure that the
11 correct name is in the application, because I get
12 -- it appears that the name of the place is being
13 -- was being referenced as an incorrect name.

14 So if -- to make sure that when we
15 look at the application that the correct name is
16 on the application, to make sure that at least
17 the record moving forward is a correct document.

18 There is also a Consent Order that was
19 provided that the parties have been looking at
20 and I think for No. 7, we still have the same
21 concern about nothing here and shall preclude or
22 prohibit the payment of percentage rent increase

1 by a lease.

2 Is it the same explanation in this
3 case and is it the same landlord or is it a
4 different landlord for Field House? And can you
5 explain whether or not it is the same -- explain
6 this provision in this particular case.

7 MR. KLINE: Sure. It is a different
8 landlord. The explanation is the same in that
9 there is a percentage rent provision in the lease
10 that requires the tenant to pay percentage rent
11 in the event the gross sales exceed a certain
12 figure. And that's why we wanted to clarify and
13 make sure.

14 I don't think it's an interest in the
15 profits, but I didn't want -- I mean, we worked
16 hard to try to be transparent throughout this
17 agreement and making sure that we were not duped
18 in any way, so that's why we wanted that
19 addition. We wanted to make sure that we were
20 very clear as to what was being agreed to.

21 CHAIRPERSON ANDERSON: All right. The
22 Board also has a -- this is a new license, a new

1 business and I think this -- if we were to
2 approve it, we -- it has to go through the
3 process. This is not -- unlike the first case,
4 this has not gone through the placarding period
5 as yet.

6 And I think the Board is also
7 concerned regarding whether or not would the
8 applicant agree to not having any temporary
9 license until the license is approved?

10 And I'll say this, Mr. Kline, there
11 are some serious violations on this and there are
12 some very serious violations, alleged violations,
13 which I know that your client is not agreeing and
14 stating that yes, I did these violations. But
15 for settlement purposes, we are -- so I do
16 understand that that is done.

17 And I know that in -- if we were to
18 agree to this Consent Order, that the applicant
19 is agreeing to, let's see is this the one that
20 they are agreeing to, some suspension days. Let
21 me see.

22 MR. KLINE: In both of them actually.

1 CHAIRPERSON ANDERSON: Right, yeah,
2 but I'm trying to see if this is the one where
3 the applicant is also agreeing to primary tier
4 violations.

5 MEMBER ALBERTI: I think they both
6 are.

7 MR. KLINE: No, that's in the Kraken
8 Axes one.

9 CHAIRPERSON ANDERSON: Huh?

10 MR. KLINE: That's in the Kraken Axes.

11 CHAIRPERSON ANDERSON: So there are no
12 primary tier violations in this one, but the --
13 but they are agreeing to that that we are going
14 to have some stayed days.

15 MEMBER ALBERTI: I think they both
16 have primary --

17 CHAIRPERSON ANDERSON: Yeah, yeah.

18 MEMBER ALBERTI: Yeah, they are both
19 similar in the --

20 MR. KLINE: Oh, yeah, we do. I stand
21 corrected.

22 MEMBER ALBERTI: Right.

1 MR. KLINE: Yes.

2 CHAIRPERSON ANDERSON: Right. So
3 there would be some agreement that the applicant
4 is agreeing to some primary tier violations, so I
5 don't -- I would hope that agreeing not to have
6 any temporary until you have, because you
7 wouldn't want to lose your license before getting
8 your license.

9 MEMBER ALBERTI: Can I just --

10 CHAIRPERSON ANDERSON: Go ahead, Mr.
11 Alberti.

12 MEMBER ALBERTI: -- I would like it to
13 be not any temporary or catered, so no alcohol,
14 no events at which alcohol is served, that's my
15 recommendation to the Board.

16 CHAIRPERSON ANDERSON: And --

17 MEMBER ALBERTI: Is that no events
18 where alcohol is served until the license is
19 issued for --

20 CHAIRPERSON ANDERSON: For the
21 alcohol.

22 MEMBER ALBERTI: -- is application.

1 CHAIRPERSON ANDERSON: And that's
2 where I'm going, because what I'm saying is that
3 you have not had your license. So there has been
4 -- you are already agreeing to some primary tier
5 violations and I would hope that you don't want
6 to rack up more violations and -- without having
7 your license.

8 And so you -- it could be by the time
9 you get your license, hope -- there could be a
10 whole set of violations that would make issuing
11 the license not even worth it.

12 MR. KLINE: The concern with this
13 space is a little different than the other one
14 and let me tell you why. There are a few
15 reasons.

16 No. 1 is this is primarily outside
17 space. It is in proximity to the soccer stadium.
18 And there is a desire to take advantage of
19 temporary licenses through the soccer season for
20 a couple of reasons, one obviously -- I mean, I
21 don't hide it, you know, it's a profit
22 opportunity, but there is also very little down

1 in that area, at this point, as we develop that
2 neighborhood.

3 So we would like the ability to use
4 the space, plus she is a long way away, as you
5 pointed out. And from the licensing process in
6 terms of getting approved for a license, I think
7 Ms. Valero is mindful of the risk that she is
8 under with the two primary tiers that are there.

9 And I think that -- I would hope that
10 if the Board is agreeing to license her, then she
11 is going to be responsible. Because if the Board
12 doesn't think she is, the Board shouldn't license
13 her. But I think she will be.

14 And I think that, as I said, second
15 chances are what we are about here in the
16 District and I would hope that the Board would
17 trust her to run her business, so that she does
18 not run into any violations, which are going to
19 jeopardize her ability to have a license at that
20 location.

21 CHAIRPERSON ANDERSON: Unfortunately,
22 Mr. Kline, I mean, we have not even issued a

1 license for this establishment and, as you have
2 stated, that this establishment is a long way
3 towards getting a license. And if they are a
4 long way from getting a license and if they are
5 already agreeing to -- I don't want to -- primary
6 tier violations already.

7 And as you stated, that they are a
8 long way from getting a license. I don't really
9 see the harm in this licensee, if they are
10 serious, this applicant if they are serious,
11 about getting a permanent license, and you
12 already have -- you have started off rocky with
13 this Board, that you are a new applicant to say
14 you know what, let me make sure that all my ducks
15 are in a row before I start doing events, because
16 you could risk not even getting a permanent
17 license.

18 Because if you are -- say for example,
19 and I don't remember if in this particular case
20 that you have already committed two primary tier
21 violations, two more, it's a \$30,000 fine and/or
22 revocation and you don't have a license. I mean,

1 it's outdoor. It's September now. I'm not quite
2 sure how long the outdoor season will be before
3 you can't really have events.

4 I don't know how long. I know that
5 you are saying it's in proximity to the Audi
6 Field. I -- so I'm not quite sure how, but I am
7 -- maybe if we were in the fall, maybe if we were
8 in the spring and you have a longer season, then
9 I would be -- I would understand the argument.

10 But it's -- we are moving into fall,
11 so I'm not really sure how many more days are
12 left in the sense that you are going to have
13 outdoor events. So I am just thinking aloud.

14 MR. KLINE: I'm reminded of one
15 important fact that I forgot and overlooked.

16 CHAIRPERSON ANDERSON: Yes, sir.

17 MR. KLINE: Which is that there is a
18 C of O in existence for that plot. So I mean
19 that should allay the Board's concerns with
20 respect to the C of O, which I respect. So there
21 is a C of O. And to the extent that an applicant
22 otherwise qualifies for a one-day or temporary

1 license, we call them now, I'm still stuck on
2 one-day, that was years ago, a temporary license
3 at that location I would hope that they would
4 have the ability to apply for use at that
5 location, because, through no fault of the Board
6 and only through missteps by this applicant,
7 which we concede, she is a month behind and has
8 rent obligations.

9 Again, not the Board's problem, but
10 unless there is some compelling policy reason why
11 the Board thinks that's important, we would
12 respectfully request that the Board reconsider
13 that. But again, we will defer to you. We
14 appreciate the Board working with us on this.

15 And I'm not going to push so hard, but
16 I'm going to explain as I have what we think our
17 issues are and ask the Board to consider from a
18 policy standpoint really whether that is really
19 necessary.

20 CHAIRPERSON ANDERSON: I think and I'm
21 not -- hoping I'm not speaking out of turn, but I
22 guess based on the history of this case and the--

1 based on the work that was done by our
2 Investigators in bringing forth these reports,
3 there are some serious violations regarding this
4 establishment. If I remember correctly, maybe
5 it's one of the -- this maybe is one of the -- if
6 I remember correctly, this is an establishment
7 that there was some issue with the C of O
8 initially, whether or not there was a C of O.

9 If I remember correctly, we got a
10 document that there was no end date, so we
11 weren't sure whether or not that someone who --
12 someone, an Investigator, went there, the
13 Investigator -- we were supposed to get a copy of
14 the C of O. By the time it showed up to us
15 through the copy machine, the copier cut off the
16 end date.

17 There was, if I remember correctly for
18 this place, a temporary license application that
19 was filed and someone's name mysteriously
20 disappeared from the document. So it's -- I
21 believe that based on the history that is
22 provided, it would behoove the applicant to say--

1 and I'll say this for the record, I was
2 comfortable denying temporary applications in
3 previous cases because this information was
4 presented to me at a hearing.

5 MR. KLINE: Understood.

6 CHAIRPERSON ANDERSON: And so I felt
7 comfortable denying it because it was -- I had
8 testimony in front of me and I was uncomfortable
9 with what was being presented. So I believe that
10 again, this applicant, as a new applicant, we are
11 -- we probably would be approving two businesses
12 and I -- if I -- I don't recall that this
13 applicant has been in the business of running
14 these type of establishments.

15 I don't -- I believe this is -- the
16 presentation that I think was made that this
17 application has said, you know, I'm trying to do
18 something new and I would hope that if you are
19 trying to do something new, you have made some
20 missteps that you make sure in order not to --
21 you have already started off with the 8-Ball,
22 because you already start -- you have some stayed

1 days holding over your head for at least a year.

2 You also have some primary tier
3 violations over your head, that if you are truly
4 serious about opening this business, you need to
5 make sure that you get the license in your hand
6 before you start operating.

7 I mean, we have given -- the Board has
8 given you a running start to operate the business
9 and, frankly, based on what is in the case
10 reports here, you have failed. So I'm not sure
11 what is your -- what are you providing to the
12 Board to give the Board assurances that in this
13 period before a license is -- if you go through
14 the placarding process and whether or not -- I
15 don't know if I see Dr. Farlee, and I'll state
16 for the record Dr. Farlee is here, and if I state
17 correctly, she is the ABC Chair for the ABC --

18 MR. KLINE: She is. For the record,
19 she is.

20 CHAIRPERSON ANDERSON: -- for the ABC
21 Chair for the ANC in this matter. So she is
22 already here, so I don't know whether or not the

1 ANC -- whether or not they are going to protest.
2 I don't know what they are going to do, but I'm
3 just saying the ANC is here trying to get the
4 Board know that they are interested in what is
5 going on here.

6 And I guess I'm familiar with the area
7 and I'm familiar with the fact that we are trying
8 to have development in the area, but we need to
9 make sure that we have proper and appropriate
10 development in that area.

11 MEMBER SHORT: Can I --

12 CHAIRPERSON ANDERSON: So and this
13 applicant --

14 MR. KLINE: You posed a question, so
15 if I might, I would like to --

16 CHAIRPERSON ANDERSON: Sure go ahead.

17 MR. KLINE: -- go ahead and answer it.
18 Which was what is it? You know, why should we be
19 comfortable in terms of moving forward until the
20 final license is issued? And what I would say to
21 you is there are things in these agreements
22 which, as you said, are hanging over the

1 applicant's head. And she is at risk
2 financially. And she has got to get it right,
3 because I don't want to come back before you on
4 behalf of Ms. Valero again and she doesn't want
5 to be here either.

6 So she has every incentive in the
7 world to do it right. I think in the past she
8 may not have gotten the best advice, but guess
9 what, the buck stops with her and that doesn't
10 matter. Which is why we were so anxious to work
11 with you and with the Board's Counsel in terms of
12 getting this resolved, because she bears
13 responsibility, we recognize that, Ms. Valero
14 recognizes that, at this point.

15 And she will, if approved for
16 licenses, whether it be the permanent licenses
17 that are before you or if she is a representative
18 or involved in a company that would be involved
19 in temporaries, she is going to do what she needs
20 to do to comply with the law, that's her pledge
21 to you here today. And she will say it herself
22 if need be, I mean, and that's the point.

1 She needs to comply with the law and
2 I think she will.

3 CHAIRPERSON ANDERSON: Mr. Short?

4 MEMBER SHORT: Mr. Kline --

5 MR. KLINE: Yes, sir.

6 MEMBER SHORT: -- you mentioned second
7 chances and it looks like Ms. Valero may get
8 that.

9 MR. KLINE: We would appreciate that.

10 MEMBER SHORT: And it sounds though
11 that you are not in agreement with not having any
12 alcohol there until you get a license. I mean,
13 can you meet us? I mean, because basically I, as
14 a Board Member, take some convincing.

15 And so now to hear you say you think
16 she should have alcohol there before we issue the
17 license --

18 MR. KLINE: No. There needs to be a
19 license. If there is no license, absolutely not.

20 MEMBER SHORT: No alcohol, okay. All
21 right.

22 MR. KLINE: The only circumstances --

1 well, what we are talking about now --

2 MEMBER SHORT: We're talking about
3 temporary.

4 MR. KLINE: -- is the temporary.

5 MEMBER SHORT: Well --

6 MR. KLINE: And I mean, if she doesn't
7 have a temporary, no, she can't have alcohol
8 there.

9 MEMBER SHORT: Okay. I thought the
10 issue came up that there would be no temporaries
11 issued until the --

12 MR. KLINE: Well, that's what we are
13 talking about right now.

14 MEMBER SHORT: Yeah, that's what I'm
15 saying. So you don't want -- and you can't see
16 meeting us that way?

17 MR. KLINE: I --

18 MEMBER SHORT: It's not --

19 CHAIRPERSON ANDERSON: He --

20 MR. KLINE: -- am here to work with
21 you.

22 CHAIRPERSON ANDERSON: -- is not going

1 to agree, so I'll say that. I think in
2 explaining his -- in defending his client, he is
3 going to say no. So therefore, I don't -- I
4 think that I would think I would not respect Mr.
5 Kline as much as I do or as little as I do if he
6 just rolls over and says sure, I'll take that.
7 Okay.

8 MR. KLINE: I appreciate that.

9 CHAIRPERSON ANDERSON: I'll take that.
10 So I understand his argument, but I think,
11 counsel, you are aware of the concerns that the
12 Board has.

13 MR. KLINE: Absolutely.

14 CHAIRPERSON ANDERSON: And so the
15 Board is concerned and the Board is -- if the
16 Board was to agree to this, this might be
17 something that the Board will strongly consider
18 doing. I don't know what it is that -- maybe in
19 our deliberation, maybe some Board Members are
20 stronger than others. I don't know. But I'm
21 just saying this is a concern that the Board has.

22 MR. KLINE: Understood. And I would

1 ask the Board to consider it based upon, you
2 know, the statements that I made and the
3 arguments that we have made, as I know the Board
4 will do, and that's all I can ask, I mean.

5 CHAIRPERSON ANDERSON: I see Dr.
6 Farlee, can you introduce yourself for the
7 record, please? And you can come forward and
8 introduce yourself for the record.

9 DR. FARLEE: Coralie Farlee, Chair of
10 the ABC Committee, ANC-6D.

11 CHAIRPERSON ANDERSON: Hold on. Hold
12 on one minute, please.

13 DR. FARLEE: Sure.

14 CHAIRPERSON ANDERSON: Dr. Farlee, I
15 think the recorder fell.

16 DR. FARLEE: It did?

17 CHAIRPERSON ANDERSON: Yeah, hold on
18 one minute. Hold on one minute.

19 DR. FARLEE: I want to apologize for
20 being late. I thought this was announced for
21 3:30.

22 CHAIRPERSON ANDERSON: We are -- our

1 1:30 case was --

2 DR. FARLEE: Okay.

3 CHAIRPERSON ANDERSON: -- so we kind
4 of moved it, but you are not late. You are on
5 time for the hearing.

6 DR. FARLEE: Thank you.

7 CHAIRPERSON ANDERSON: Do you have
8 something? You motioned to me that you wanted to
9 say something.

10 DR. FARLEE: Two or three comments.
11 I have a question about what address is being
12 used that is on the ABRA announcement it's 151 T
13 Street, but I have seen also advertisements for
14 Field House Beer Garden, 1901 1st Street, S.W.,
15 so is that the same organization? The same
16 company or whatever?

17 And secondly, Board Member --

18 CHAIRPERSON ANDERSON: Alberti.

19 DR. FARLEE: -- Alberti proposed no
20 event where alcohol is served, but they have
21 sidewalk sandwich announcements in the
22 neighborhood that say they have food and alcohol

1 and they may have a contractor or some kind of
2 other person that has an alcohol license that is
3 serving.

4 So I would think the language could be
5 more specific than no alcohol is served at all,
6 that is by this applicant or by this company,
7 that is -- it's not -- I hope you are saying it's
8 not acceptable if they bring in a contractor to
9 serve alcohol. So that's two questions.

10 MEMBER ALBERTI: Do you want to
11 address that?

12 MR. KLINE: Yes.

13 CHAIRPERSON ANDERSON: I know the
14 issues that we were talking about was that they
15 don't apply for a temporary, because --

16 DR. FARLEE: No, not -- temporary
17 under this --

18 CHAIRPERSON ANDERSON: Well, yes, we
19 haven't gotten to caterer. I'm just --

20 DR. FARLEE: Caterer, yes.

21 CHAIRPERSON ANDERSON: -- saying at
22 least one of the things that was going on we were

1 -- they were requesting temporary --

2 DR. FARLEE: Yes.

3 CHAIRPERSON ANDERSON: -- several
4 temporary applications were filed.

5 DR. FARLEE: I don't understand that.

6 CHAIRPERSON ANDERSON: And the Board
7 denied, I think, most of them. There were -- I
8 think if I remember correctly, there were
9 temporary applications filed by --

10 DR. FARLEE: But I think the sandwich
11 boards that we have whenever there is a soccer
12 game or other events there and this field house
13 is open say alcohol and food. So I don't know
14 who is providing the alcohol.

15 MR. KLINE: They have been using a
16 caterer.

17 CHAIRPERSON ANDERSON: All right.

18 DR. FARLEE: All right. So that what
19 is your proposal?

20 CHAIRPERSON ANDERSON: Well, I'm --

21 DR. FARLEE: No alcohol at all or
22 caterers are okay?

1 CHAIRPERSON ANDERSON: I think Mr.
2 Alberti is going to address that, but as -- and I
3 know that the ANC has not made a position or made
4 -- but since you are here, what is it that --
5 what suggestions are you making to the Board
6 regarding this no alcohol?

7 DR. FARLEE: I think no alcohol at
8 all, given the track record so far.

9 CHAIRPERSON ANDERSON: Mr. Alberti,
10 you said you had a question you wanted to ask?

11 MEMBER ALBERTI: No, but I'll just
12 make it clear, I mean, since my name was
13 mentioned. My position would be no alcohol
14 served at events, at any events on this.

15 DR. FARLEE: By anybody?

16 MEMBER ALBERTI: Similar to what the
17 stipulation we made for Kraken Axes. Well, but--

18 CHAIRPERSON ANDERSON: I'll give you
19 a chance, Mr. Kline.

20 MEMBER ALBERTI: Can I ask Mr. -- I'll
21 allow Mr. Kline to speak, but I would like to
22 ask, I have some questions for Mr. Kline.

1 CHAIRPERSON ANDERSON: You can go
2 ahead and ask.

3 MEMBER ALBERTI: All right. So and
4 this isn't fair to you, Mr. Kline, because you
5 know my position. We have heard from Mr. Short
6 that he had to even be convinced that to even
7 consider this --

8 MR. KLINE: Understood.

9 MEMBER ALBERTI: -- OIC. But I want
10 to give you a chance to sort of defend your
11 position, because so my question is how long --
12 where are you in the licensing process? And why
13 do you think it is going to take you so long to
14 get a license?

15 I know it can take weeks and you are
16 going to miss a part of the season and I'm not so
17 sure that is going to sway me, but when you say
18 it's going to take a long time, what do you mean
19 and why?

20 Because it's conceivable that you
21 could have everything in and have this placarded
22 in a couple of weeks, that's conceivable. Right?

1 This could be placarded in a couple weeks, in
2 theory, right?

3 MR. KLINE: Okay.

4 MEMBER ALBERTI: And in the interim,
5 you could apply for a stipulated license with
6 agreement from the ANC. So I am just -- these
7 are all possibilities and I'm -- so I'm not -- I
8 would like to hear why -- what you think is a
9 long time and why it is going to take that much
10 time.

11 MR. KLINE: Okay. So we tell anyone
12 who calls our office that wants to know how long
13 this process takes that is filing an ABC
14 application that it is 10 to 12 weeks on the
15 front end. That's an absolute minimum, unless
16 you get a stipulated approval.

17 This application is filed, as I
18 understand it, but we are basically at the
19 beginning of that 10 to 12 week period, because
20 of the lag time for the notice to the DC
21 Register. And then you have the mandatory 60 day
22 period.

1 So you know, in the normal course of
2 events, we think we are at least 10 to 12 weeks
3 away, which in business terms and paying rent
4 terms is a long time. That's number one.

5 Number two, this process was started
6 many months ago. And again, I don't -- I mean, I
7 want to be perfectly clear, the applicant takes
8 responsibility. We are not looking at the Board
9 and saying oh, my God, this took, you know, so
10 long. We are not doing that. And I want to be
11 perfectly clear that nobody misunderstands what
12 I'm saying.

13 But the reality is she has been in the
14 process for many months through her own making,
15 but, at this point, this is where we are and we
16 are at least 10 to 12 weeks away, assuming that
17 the first -- we think the first time we get
18 before a full ANC is probably October at the
19 earliest, at this point.

20 And you know the process, Mr. Alberti.
21 You have been an ANC Commissioner before you were
22 here. You dealt with these issues. So yeah, I

1 mean, that's reality.

2 And again, not the Board's problem,
3 but the licensee and the applicant as part of
4 this Offer in Compromise is paying money, is
5 taking responsibility, is accepting violations,
6 none of which we asked the Board to apologize
7 for. I mean, it's the applicant's fault. It's
8 not the Board's fault, but that is all happening
9 and we think it is enough.

10 And if the premises otherwise meets
11 the requirements for sale and service of alcohol
12 and the Board deems to approve either one-days or
13 there is a caterer that is licensed and there is
14 a catering contract, as is required and
15 everything else, then we don't -- this just seems
16 like an extra punishment without any regulatory
17 purpose.

18 And it's the Board's decision, but I
19 don't see this as having -- and when I was first
20 asked about it and understood it this way, that
21 was my immediate reaction, what's the policy
22 purpose? Why?

1 So that's what I'm puzzled by. If
2 it's just punishment, then so be it. I mean, we
3 think that the \$12,000 and the agreement to
4 tiered violations on the record and the other
5 things that are provided in the agreement, are
6 enough punishment.

7 But the Board can certainly disagree,
8 but that's what our position is, that's why we
9 take the position we did.

10 The other thing I must tell the Board
11 and I will tell the Board is that there are
12 events scheduled with a reputable recognized
13 caterer. There are contracts in place and that
14 is going to be a problem. I mean, that's going
15 to be a protocol. It's not the Board's problem,
16 it's the licensee's problem.

17 MEMBER ALBERTI: So --

18 MR. KLINE: Yes.

19 MEMBER ALBERTI: -- with respect to
20 caterers -- all right. In general, it wasn't
21 just punishment. It's trust issues. Okay? And
22 I am not going to go into why. I mean, you have

1 to understand because of what we have seen, there
2 is trust issues.

3 Okay. And so when I think about
4 caterers, you all getting caterers to run events
5 there, the trust issues really come to the
6 forefront, because you know if something goes
7 wrong, it's not Ms. Valero's license, it's the
8 caterer's license. And really sometimes I wonder
9 who assumes responsibility before things go wrong
10 when you have a catered event.

11 MR. KLINE: Well, what I think --

12 MEMBER ALBERTI: So --

13 MR. KLINE: -- that supports the
14 position, because the caterer is responsible,
15 that's who you have licensed.

16 MEMBER ALBERTI: Yeah, yeah.

17 MR. KLINE: If they shouldn't be
18 licensed, then they shouldn't be licensed.

19 MEMBER ALBERTI: Yeah, I get it. And
20 sometime when you have a caterer, there is this
21 pointing in both directions.

22 For the record, I'm saying the caterer

1 points at the lessee of the property and the
2 lessee points at the caterer.

3 MR. KLINE: Well, but the point is the
4 Board has jurisdiction over the licensed caterer.

5 MEMBER ALBERTI: I got it. I got it.
6 I got it.

7 MR. KLINE: And I think we have put
8 safeguards into these agreements --

9 MEMBER ALBERTI: So --

10 MR. KLINE: -- with respect to
11 catering operations --

12 MEMBER SILVERSTEIN: So, Mr. Kline,
13 how --

14 MR. KLINE: -- that I hope will
15 satisfy the Board.

16 MEMBER ALBERTI: -- are you -- if you
17 were allowed to have alcohol, how would this
18 property be intended to be used? Would it be
19 intended -- let me clarify this question.

20 Would it be intended to be just for
21 game days or you want to have it for -- to use
22 this field outside of events at the stadium?

1 MR. KLINE: It would only be --

2 MEMBER ALBERTI: That's my question.

3 MR. KLINE: -- for special events. It
4 would not be an open -- you know, it wouldn't be
5 open to the public.

6 MEMBER ALBERTI: Special events
7 meaning?

8 MR. KLINE: Ms. Valero, do you want to
9 explain?

10 MS. VALERO: Sure. One of the things
11 that we have scheduled -- so a few things. One,
12 it's, you know, a large outdoor space and so
13 anyone who wants to have more than say 300 people
14 gather, so they incorporate team-building
15 activities or corporate fall harvest type events.
16 So honestly just think about like corporate
17 picnics, those are events that would be in the
18 space.

19 And the other is, you know, the
20 landlord has a huge interest in people getting
21 familiar with Buzzard Point as an area and so we
22 partnered with a non-profit that brings in social

1 sports. And so they do one-for-one, so social
2 sports come down and they are going to play
3 kickball on asphalt and young professionals are
4 going to come two days a week for kickball or
5 cornhole or insert social games for eight weeks
6 and so one night a week or two nights a week for
7 eight weeks.

8 And then what they do is they partner
9 with Greenleaf Rec, which is right nearby, and
10 the same social sports league then provides free
11 leagues for kids in the neighborhood.

12 CHAIRPERSON ANDERSON: Okay.

13 MEMBER ALBERTI: All right.

14 MS. VALERO: And so this would be for
15 young professionals on Wednesdays and Thursdays
16 for an eight week period through November.

17 MEMBER ALBERTI: Okay. So just to let
18 everybody know where I'm coming from, I'm talking
19 to you and my fellow Board Members here, I'm not
20 sure whether I want to compromise. I know you
21 want a compromise here and I'm not sure where I'm
22 at. All right.

1 So my questions are to is there a
2 compromise I can live with? And I don't know
3 about the rest of my Board Members, but I can
4 only ask for myself now. All right.

5 So how many people? Like what's the
6 biggest event any time? If you get your license,
7 what's the biggest event you can conceive of?
8 How many people?

9 MS. VALERO: My C of O is for 399.

10 MEMBER ALBERTI: So 400 people. All
11 right. How big are the events that you are
12 envisioning that you just described to me?

13 MS. VALERO: A couple hundred people
14 rolling through between their leagues, so it's
15 not like everyone comes at one time and leaves at
16 one time. They sort of roll through on the hour.
17 And so I would anticipate 200 people at any
18 point.

19 MEMBER ALBERTI: Okay.

20 MS. VALERO: I can give you a better
21 number looking at the registration numbers that
22 they might have. I don't know off the top of my

1 head.

2 MEMBER ALBERTI: And you know where
3 they are and you can provide lists. You know
4 ahead of time who these people are and well in
5 advance? Okay.

6 (Simultaneous speaking)

7 I'll need to talk at some point with
8 others, but I --

9 MR. KLINE: Well, we want the Board to
10 be comfortable. I mean, I --

11 MEMBER ALBERTI: I don't know where I
12 stand. I'll just be honest with you, but I just
13 wanted to be fair and get all of this
14 information, so that --

15 CHAIRPERSON ANDERSON: Mr. Short?

16 MR. KLINE: I'm with --

17 MEMBER ALBERTI: -- if the Board is
18 discussing it, we are not discussing it without
19 all the information.

20 MR. KLINE: Right. And we want to
21 give you all the information.

22 MEMBER ALBERTI: All right. I know.

1 I know you do. I know you do. All right. Thank
2 you.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 a question and then I'll come to you. Go ahead,
5 Mr. Short.

6 MEMBER SHORT: Mr. Kline, again, we
7 talked about second chances and I'm a person who
8 really believes in that. Also, we are not
9 talking about punishment. We are just talking
10 about justifying us being able to tell our
11 community.

12 Is it true that on April the 12th and
13 13th of this year that the applicant was selling
14 alcohol without a license?

15 MR. KLINE: I don't want to litigate
16 the facts.

17 MEMBER SHORT: Okay. Okay. I know,
18 but okay, let's say this.

19 CHAIRPERSON ANDERSON: There is an
20 allegation.

21 MEMBER SHORT: The allegation --

22 MEMBER ALBERTI: That was the

1 allegation.

2 MEMBER SHORT: Okay. Okay.

3 MR. KLINE: There are serious
4 allegations here.

5 MEMBER SHORT: Very serious
6 allegations.

7 MR. KLINE: We agree with that.

8 MEMBER SHORT: Okay.

9 MR. KLINE: I've said that throughout
10 this hearing.

11 MEMBER SHORT: Now here is what
12 happens with second chances and I would think
13 this happens in most courtrooms.

14 There is always a consequence and then
15 normally a person who has run afoul, they get the
16 second chance, says okay, yes, I did do it and
17 please, forgive me or it's like they never came
18 into the courtroom in the first place if they can
19 just go and do what everybody else does after
20 they have committed something against the law,
21 something against this Board.

22 So again, I'll just ask and Mr.

1 Alberti eloquently said compromise. So what's
2 the compromise if a person can go out and sell
3 alcohol without a license and get caught and then
4 turn right around and say well, give me a license
5 because I really didn't do anything?

6 Either you did something or you didn't
7 if you get a second chance.

8 MR. KLINE: Right.

9 MEMBER SHORT: So what is it?

10 MR. KLINE: I think that given what
11 the applicant has agreed to do, I think it's
12 pretty clear that the applicant understands that
13 she is culpable and that she has made mistakes,
14 which is why the applicant is agreeing to pay
15 \$12,000. If we didn't think the applicant did
16 anything wrong, we would be swearing witnesses
17 and we would be going through a hearing. I mean,
18 so that's a given, that's number one.

19 Number two, we understand the Board's
20 concerns about the temporary, the temporaries.

21 MEMBER SHORT: And the catering?

22 MR. KLINE: Well, but let's -- I want

1 to be clear. I want to make a distinction.

2 MEMBER SHORT: Yeah.

3 MR. KLINE: Because the caterer is
4 licensed. So we are not saying -- you know, we
5 are not asking you to approve her to sell
6 licenses there or her to sell alcohol there,
7 excuse me --

8 MEMBER SHORT: Um-hum.

9 MR. KLINE: -- before her license is
10 issued. But if there is a licensed caterer who
11 this Board looks to to be responsible and
12 exercise privileges under the law, then all we
13 are asking is that she be allowed to do that just
14 like anyone else would be allowed to do that.

15 MEMBER SHORT: Well, no, not like
16 anyone else. Because most people who get caught
17 selling alcohol without a license pay some type
18 of -- just not only \$12,000, because a lot of
19 times they can make that up in another week or
20 two, make it in two days or three days, but the
21 bottom line is I, as a Board Member, just have a
22 situation with people who blatantly break the

1 District of Columbia Laws, get caught, pay a
2 little money. They know somebody or they have a
3 good lawyer and go right back to doing what they
4 were not supposed to be doing in the first place.

5 How do we tell the ANC and all the
6 other people, okay, well, yeah, the Board
7 realizes and everybody knows someone broke the
8 law. Someone violated the community's trust.
9 Someone is now going to go right back to doing
10 what they were doing, this time legally without
11 any --

12 MR. KLINE: Well --

13 MEMBER SHORT: -- okay, okay. Well,
14 I understand that, but please, make me know if
15 you can, sir, please, bring me over because what
16 I think I, as a Board Member, am saying that
17 pretty much I agree that they need a second
18 chance. I'm not -- that's not the dispute with
19 me, as a Board Member.

20 And Mr. Alberti asked a very
21 interesting question. It's not going to take
22 long to get a license. So why do we need one-

1 days or caterers? Just get the license.

2 MR. KLINE: And that's what Ms. Valero
3 intends to do. I will say this to you. The
4 staff members that were involved at this location
5 no longer work for Ms. Valero.

6 MEMBER SHORT: Okay.

7 MR. KLINE: They are gone. Ms. Valero
8 has gotten an education in terms of what is
9 required. She was sloppy. She admits it. I
10 mean there isn't any question about that. And
11 there are a number of instances that are
12 completely unacceptable and we get that. We
13 understand that.

14 Fortunately, when given the breadth of
15 cases that this Board sees, it doesn't excuse it,
16 but, you know, no one was hurt. There was nobody
17 shot. There was nobody killed. It needs to be
18 corrected. The law needs to be complied with.
19 But I would ask that the Board keep it in
20 perspective.

21 Ms. Valero has a financial stake here.
22 And that along with an obligation to follow the

1 law is another reason for her to follow the law,
2 because if she doesn't comply with the law, you
3 are going to take her license and you should.
4 She needs to comply with the law. That's what we
5 are here to tell you today, that she needs to
6 comply with the law and she will comply with the
7 law.

8 And to the extent we -- and we
9 understand. We think the compromise is all
10 right, disqualify her for what -- a temporary
11 license.

12 MEMBER SHORT: Just real quick.

13 MR. KLINE: Yes, sir.

14 MEMBER SHORT: Didn't she know this on
15 April 18th that -- what the law was and that you
16 can't sell alcohol until you get a license?

17 MR. KLINE: Um --

18 MEMBER SHORT: Did she know that then?

19 MR. KLINE: -- she did, but --

20 MEMBER SHORT: Okay.

21 MR. KLINE: -- she didn't understand
22 the rules as well as she does now.

1 MEMBER SHORT: Oh, okay. All right.

2 I thought I had --

3 MR. KLINE: There is no excuse.

4 MEMBER SHORT: Okay.

5 MR. KLINE: I mean, I don't --

6 MEMBER SHORT: That's all I have.

7 Thank you, Mr. Chair. Thank you.

8 MR. KLINE: -- proffer that as an

9 excuse. I proffer it as an explanation.

10 MEMBER SHORT: Okay. Well, thank you

11 very much.

12 MR. KLINE: Thank you.

13 CHAIRPERSON ANDERSON: Mr. Brashears,

14 you had a question?

15 INVESTIGATOR BRASHEARS: Yes, just a

16 clarification question. When Ms. Valero was

17 speaking about what would be going on at DC Field

18 House, my last trip to the Kraken Axes facility

19 on Georgia Avenue, N.W., the building was in a

20 state of repair and none of the Kraken Axes

21 equipment was there.

22 But when I visited the DC Field House

1 location, the axe-throwing setup and all those
2 things were at DC Field House.

3 And my question would be is that still
4 current and is that going to go on at DC Field
5 House?

6 MR. KLINE: It's only going to go on
7 with alcoholic beverages to the extent that there
8 is either a permanent license in place, a
9 temporary license in place or there is an
10 arrangement for an event with a catering company
11 to provide food and alcoholic beverages. And
12 those are the only circumstances under which it
13 will go on.

14 MEMBER ALBERTI: Can I just -- so --

15 CHAIRPERSON ANDERSON: Mr. Alberti?

16 MEMBER ALBERTI: -- Ms. Valero, is
17 what Mr. Kline -- he acknowledged that the Kraken
18 Axes' activities would be -- if you were allowed
19 to serve alcohol, would be, basically, commenced
20 at Field House.

21 MS. VALERO: So Kraken has an outpost
22 at Field House. At Kraken there is no alcoholic

1 beverages served, unless there is a cater
2 happening. So do people learn how to throw axes?
3 If they pre-book reservation Thursday through
4 Sunday, yes.

5 Is Field House as an alcohol-serving
6 facility open? No.

7 MEMBER ALBERTI: Okay. So and maybe
8 I'm being too -- I don't know -- I'm going to
9 choose my words carefully here. Maybe I'm being
10 too suspicious or maybe I'm being too hard and
11 too critical here. I don't know.

12 But when I asked you what was going to
13 be going on, you talked about community sports
14 leagues and community things and you never
15 mentioned Kraken Axes' activities. And that kind
16 of sends a red flag to me.

17 So help me out here. I'm trying to
18 work with you. I'm trying to figure out can I
19 compromise and then all of a sudden I'm getting
20 slammed off the side by this red flag. What am I
21 misunderstanding?

22 MS. VALERO: Sorry. I misunderstood.

1 I thought when you had originally asked the
2 question it was what were the activities that
3 were going to be related to alcohol where you
4 would want a catering license or we would want
5 one-day licenses.

6 MEMBER ALBERTI: Okay.

7 DR. FARLEE: Whoops. All right. Wait
8 a minute.

9 MEMBER ALBERTI: Okay. So fine. So
10 you --

11 MS. VALERO: I thought that's what --

12 MEMBER ALBERTI: -- don't want alcohol
13 for the Kraken activities, right?

14 MS. VALERO: Correct. Kraken has been
15 -- Kraken has just been functioning.

16 MEMBER ALBERTI: Okay. So if the
17 Board said to you when alcohol is served you
18 can't have the Kraken activities, that wouldn't
19 be a problem for you?

20 MS. VALERO: Say that one more time.

21 MEMBER ALBERTI: Well, until you get
22 your license, whatever the license is that's a

1 whole different story when you get your license.

2 MR. KLINE: Right.

3 MEMBER ALBERTI: You can apply for a
4 permanent or whatever you want. All right. And
5 Mr. Kline understands that.

6 We are talking about this interim time
7 until you get your license. And what you are
8 telling me is okay, you know, if alcohol -- if
9 Kraken activities are going on, I really don't
10 need to serve alcohol and that would be fine for
11 me if the Board said well, you know, for those
12 events where I've got a sports league coming in,
13 I can serve alcohol. You can serve alcohol.

14 But you know, if you just want to open
15 and have this sort of Kraken -- you know, the
16 events that -- the activities that go along with
17 teaching people how to throw axes, the Kraken
18 Axes' activities, you couldn't serve alcohol. If
19 we put that restriction, would that be a problem
20 on you? I mean, maybe you -- do you understand
21 what I'm talking, Mr. Kline?

22 MR. KLINE: Yeah, I understand, that's

1 not a problem.

2 MS. VALERO: Just so that I am clear,
3 so --

4 MR. KLINE: So you would not sell or
5 serve alcohol during Kraken Axes' events unless
6 and until you had a permanent license.

7 MEMBER SHORT: Isn't that --

8 MR. KLINE: Did I state that properly?

9 MEMBER SHORT: This is at Field House.

10 MEMBER ALBERTI: This is at Field
11 House.

12 MR. KLINE: At Field House, we're
13 talking about.

14 MS. VALERO: At Field House.

15 MEMBER ALBERTI: Yeah.

16 MS. VALERO: Just so that I'm clear,
17 so the people who are there for Kraken Axes'
18 bookings could not purchase or consume alcohol?

19 MR. KLINE: Right.

20 MS. VALERO: But if we had a one-day
21 license for the social sports leagues and such,
22 the social sports leagues on those days could

1 still partake?

2 MR. KLINE: Potentially.

3 (Simultaneous speaking)

4 MEMBER ALBERTI: Well --

5 MR. KLINE: If the one-day were there.

6 MEMBER ALBERTI: -- alcohol --

7 MR. KLINE: That's what we are talking
8 about.

9 MS. VALERO: Yes.

10 MEMBER ALBERTI: They couldn't be
11 dealing -- they couldn't have the Kraken Axes'
12 instructions and using that equipment.

13 MR. KLINE: Right. The question is --

14 MEMBER ALBERTI: There would be a --

15 MR. KLINE: Right. I want to be --

16 MEMBER ALBERTI: -- a wall.

17 MR. KLINE: I want to be very clear
18 for the record.

19 MS. VALERO: And their own clubs.

20 MEMBER ALBERTI: But there would be a
21 divide between those two activities?

22 MR. KLINE: Yes.

1 MEMBER ALBERTI: I mean, we can spell
2 it out.

3 MR. KLINE: Yes.

4 MEMBER ALBERTI: I'm not committing to
5 anything. I'm just trying to figure out what is
6 possible.

7 MR. KLINE: The applicant finds that
8 agreeable.

9 MEMBER ALBERTI: All right. Thank
10 you. All right.

11 DR. FARLEE: But --

12 CHAIRPERSON ANDERSON: Dr. Farlee?

13 MEMBER ALBERTI: And Investigator --

14 CHAIRPERSON ANDERSON: Oh, hold on,
15 hold on.

16 MEMBER ALBERTI: I just want to thank
17 the Investigators for their work. And I thank
18 you for those comments. This is helpful. Thank
19 you.

20 CHAIRPERSON ANDERSON: Dr. Farlee?

21 DR. FARLEE: Two or three other
22 things. When you were first asked what events

1 would happen in the Field House, you included
2 partnering with Greenleaf Rec Center young people
3 for eight weeks. But they are under the age of
4 drinking alcohol, the young people who are sports
5 at Greenleaf. So is that a correction or
6 clarification?

7 MR. KLINE: No, they are not there.
8 The point is they do these activities and some of
9 the revenue that is thrown off is used to sponsor
10 events there. They are not at the facility.
11 It's just that it's part of --

12 DR. FARLEE: Oh, I thought it was --

13 MR. KLINE: -- these activities or
14 revenues --

15 DR. FARLEE: -- that was a part.

16 Sorry.

17 MR. KLINE: That's part of the giving
18 back to the community.

19 DR. FARLEE: I'm sorry, it was part of
20 -- I thought it was a part of getting familiar
21 with Buzzard Point. And that including
22 partnering with Greenleaf Rec Center.

1 MR. KLINE: No, not in terms of having
2 kids from Greenleaf.

3 DR. FARLEE: Events that they can
4 consume alcohol at?

5 MR. KLINE: Yes.

6 DR. FARLEE: Okay. Two other things.
7 I see Antwan Martin signed the application.
8 There is a James Martin connected with Drink the
9 District. Is that the same connection? Is this
10 -- is Antwan Martin connected with Drink the
11 District?

12 MR. KLINE: I don't know who Antwan
13 Martin is.

14 DR. FARLEE: Because there was a one-
15 day license that was denied recently --

16 MR. KLINE: Stuart Martin maybe.

17 DR. FARLEE: -- for 1901 1st Street.

18 CHAIRPERSON ANDERSON: I think the
19 license -- if I remember correctly, we had one-
20 day from Martin Galegas.

21 DR. FARLEE: James Martin.

22 CHAIRPERSON ANDERSON: James Martin,

1 Anna Valero.

2 DR. FARLEE: Um-hum.

3 CHAIRPERSON ANDERSON: And Galegas.

4 I might be --

5 DR. FARLEE: Uh-huh.

6 MS. VALERO: Galegas.

7 CHAIRPERSON ANDERSON: Those are the
8 three folks that had applied for temporary
9 license application at the Field House location.
10 And the Board had disposed of those. But I am
11 not aware of any other applications for that
12 location.

13 DR. FARLEE: Okay. A couple of other
14 things. On the application you talk about
15 entertain -- it's for a multi-purpose facility
16 and talk about entertainment and dancing. What's
17 that? What is involved there?

18 MR. KLINE: Well, we are going to, and
19 this is for another day, amend that to a CT.

20 CHAIRPERSON ANDERSON: Well --

21 DR. FARLEE: DT?

22 CHAIRPERSON ANDERSON: CT.

1 MR. KLINE: CT.

2 DR. FARLEE: CT.

3 MR. KLINE: CT.

4 CHAIRPERSON ANDERSON: Well, where we
5 are Miss, Dr. Farlee, is that I think if the
6 Board was to -- if we were to agree to this
7 Consent Order, then the matter would be placarded
8 and we would decide what type of license they
9 would apply for. And then we would send -- it
10 would be placarded and so then the ANC, of
11 course, would have an opportunity to weigh in
12 what --

13 DR. FARLEE: Okay.

14 CHAIRPERSON ANDERSON: -- the next
15 steps are, but --

16 DR. FARLEE: And would any of this be
17 coordinated with Carter Witt, the DC United guy,
18 who has an alcohol license, alcohol and food
19 license. No?

20 MR. KLINE: No.

21 DR. FARLEE: So your events wouldn't
22 be coordinated with him or alcohol sales?

1 MR. KLINE: No.

2 DR. FARLEE: Okay.

3 MR. KLINE: We don't know who that is.

4 DR. FARLEE: Okay.

5 MR. KLINE: But if it moves forward,
6 we will certainly be working with you as we do on
7 addressing whatever concerns you might have.

8 DR. FARLEE: All right.

9 CHAIRPERSON ANDERSON: No? All right.
10 All right. Do we have any other questions by any
11 Board Members? Hearing none, I know there is a
12 bunch of Investigators and I'm going to make a
13 statement. Does any of the Investigators want to
14 say anything? No? All right. Mr. Gilliam?

15 INVESTIGATOR GILLIAM: I've just got
16 one question. It was said that the people that
17 was employed at DC Field House, they no longer
18 work for the applicant. Who are those people?

19 MR. KLINE: Do you want to state who
20 is gone?

21 MS. VALERO: Sure. John Gleotis.

22 MR. KLINE: John Gleotis.

1 MS. VALERO: He is no longer in
2 Northeast.

3 INVESTIGATOR GILLIAM: All right.
4 What about Catherine Martin? Is she still
5 associated with the applicant?

6 MS. VALERO: She was never employed.

7 INVESTIGATOR GILLIAM: Okay. That's
8 the only questions I have.

9 MEMBER ALBERTI: Is she associated in
10 any way?

11 MS. VALERO: No.

12 MEMBER ALBERTI: Okay.

13 MR. KLINE: They are friends.

14 MEMBER ALBERTI: Okay. All right.

15 And Stuart Martin, is he associated?

16 MR. KLINE: No.

17 MS. VALERO: No.

18 MR. KLINE: I mean, they own two other
19 companies together, but he is not associated with
20 these businesses.

21 MEMBER ALBERTI: Okay. I mean, you
22 understand, this has all got very cloudy to me.

1 MR. KLINE: No, and I understand and
2 I appreciate the questions, because I want the
3 Board to have clarity.

4 MEMBER ALBERTI: Yeah.

5 CHAIRPERSON ANDERSON: All right.
6 Bring in miss -- you have some -- any comments,
7 Mr. Brashears?

8 INVESTIGATOR BRASHEARS: So we weren't
9 going to go through the case reports?

10 CHAIRPERSON ANDERSON: No.

11 INVESTIGATOR BRASHEARS: Okay. Then
12 the only statement I would have, sir, is
13 obviously, you know, as Investigators, we, you
14 know, found some alleged violations. We have had
15 some issues.

16 And from my perspective looking at a
17 lot of these things, it has been kind of -- some
18 things have been omitted. There has been what
19 appears to be some possibly false statements and
20 things.

21 And of course as Mr. Kline, you know,
22 basically, acknowledges that his, you know,

1 client takes full responsibility for that.

2 What I would like to just point out is
3 that in addition to one-days, on numerous
4 occasions when these violations and things
5 occurred, caterers were being utilized and yet,
6 things still went awry. And I just thought that
7 was worth mentioning.

8 MR. KLINE: Right. And as the Board
9 will note from the reports, there were certainly
10 issues in terms of the bona fides of those
11 arrangements and we have put safeguards in these
12 agreements, so that it is transparent in terms of
13 the arrangement who the caterers are and require
14 that there be a contract and put things in place.

15 I mean, we reviewed these reports and
16 the Board's proposed order very carefully to try
17 to address all of the issues that were there. I
18 hope we did. To the extent that we didn't, we
19 remain willing to do so, but that was our intent.

20 And we know that that was an issue,
21 which is why we, in our initial draft, put
22 language in that said yeah, we are going to use

1 catering licenses. This is the way it has got to
2 be done.

3 CHAIRPERSON ANDERSON: Do you want to
4 be any -- do you want to be specific, Mr.
5 Brashears?

6 INVESTIGATOR BRASHEARS: As far as?

7 CHAIRPERSON ANDERSON: No, I'll --

8 INVESTIGATOR BRASHEARS: No, sir.

9 CHAIRPERSON ANDERSON: -- yeah, I
10 won't. Any final comments that you want to make,
11 Mr. Kline, on behalf of your client?

12 MR. KLINE: Yes. Again, I thank the
13 Board for taking the time and asking the
14 questions that have been asked today. We
15 absolutely want disclosure and transparency. We
16 want the Board to be comfortable. We hope the
17 Board is comfortable.

18 Ms. Valero has been involved in what
19 has really been the successful event company for
20 a number of years. This is her first venture to
21 a brick and mortar, two potential brick and
22 mortars. And she has unquestionably made

1 mistakes. She has gotten bad advice. She has
2 made some serious missteps.

3 And we are here today to tell you that
4 that will not continue. We appreciate the Board
5 considering giving her a chance to show that she
6 can do what needs to be done as a licensee in the
7 District of Columbia. And we respectfully
8 request that you approve the two Consent Orders
9 or let us know what difficulties the Board might
10 have and see if we might adjust them. Thank you.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you, Mr. Kline, for your presentation on
13 behalf of your client.

14 Now, I'm going to say this before
15 bringing the case to a close. I know that the
16 Investigators wrote some reports and we are not
17 going through the reports today.

18 However, I'll say this regarding
19 Kraken Axes. Kraken Axes was an application that
20 was, I think, almost 95 percent approved. And it
21 was sailing along and everything was okay. But
22 based on the work that was done by the

1 Investigators, they brought to this Board some
2 serious incidents that were occurring at Kraken
3 Axes.

4 And but not for the work, we would
5 have approved the license under due course as we
6 do for all licenses. So I want to thank you for
7 the work that you did.

8 To also assure you of the work that
9 you do, if the Board agrees to the Consent Order
10 that is proposed to us, your investigation is a
11 part of that consent, because this licensee would
12 be agreeing to some major and some significant
13 violations; although they do not have a license.
14 So I don't want you to feel that we went, we did
15 the work and the Board did not consider the work
16 that was done by the Investigators.

17 And I also thought that the licensee,
18 maybe the licensee had entered having these two
19 establishments without -- I'm not saying that she
20 did, but I think more thought was given into the
21 operation of these two businesses, based on the
22 information provided by all the Investigators.

1 So on behalf of the Board, I want to
2 thank you for bringing this to our attention.
3 And we try to -- if someone is opening new
4 businesses in D.C. and it's a different tax base,
5 we are hoping that your -- we are generating more
6 income, so I'm not -- I, as Chair, am not
7 necessarily in favor of like shutting down
8 business.

9 If they can prove to us that they
10 deserve a chance, I'm in favor of saying you are
11 opening a new business, you are trying to expand
12 the tax base in D.C., so I would be in favor if
13 they can prove to us that they are -- they are
14 doing what is done. So I just wanted to say that
15 although you guys and young women and gentlemen
16 and men, gentlemen and women, yeah, I don't want
17 to say you guys, I want to recognize the fact
18 that there is -- there are women who also work,
19 so that's why I want to -- I'm saying it that
20 way.

21 So I know you have done a lot of work.
22 In these days and time, I'm trying to recognize

1 and be inclusive that a lot of work was done in
2 this work, in bringing this to the attention of
3 the Board. And I do hope that the licensee, if
4 the Board approves these Consent Orders, that you
5 look at these reports to make sure that we don't
6 see you again.

7 And I have said this to -- normally,
8 I guess I'll only see you when there are
9 problems. And I'm seeing this potential licensee
10 too many times and you don't -- and so that's one
11 of the reasons why if we are going to give you a
12 chance to open up an establishment, we need to
13 make sure that we are not making the right
14 decision, because yes, as counsel stated, we have
15 seen a lot of cases and there has been violence.

16 We have not seen violence. So that's
17 a plus. But we have seen a lot of sloppiness in
18 this case. And I want you to know that, and I'm
19 not saying you are doing this, but just to be
20 aware, the Investigators, they are going out
21 there and they are making sure that games are not
22 being played.

1 And I'm not saying you are doing this.
2 I just want to say that, but there was just -- I
3 want you, as a licensee, to know that we have,
4 based on the work that is done by our
5 Investigators, our eyes on the operation of
6 businesses there to make sure that you are
7 operating the business within the confines of the
8 law. Okay?

9 All right. So with that said, as
10 Chairperson of the Alcoholic Beverage Control
11 Board for the District of Columbia and in
12 accordance with Section 405 of the Open Meetings
13 Amendment Act of 2010, I move that the ABC Board
14 hold a closed meeting for the purpose of seeking
15 legal advice from our counsel on Case Nos. 18-
16 CMP-00106 and 18-CMP-00108, Kraken Axes, and Case
17 Nos. 18-CMP-00154 and 18-CMP-00171, Field House,
18 per Section 405(b)(4) of the Open Meetings
19 Amendment Act of 2010, and deliberating upon Case
20 Nos. 18-CMP-00106 and 18-CMP-00108, Kraken Axes,
21 and Case Nos. 18-CMP-00154 and 18-CMP-00171,
22 Field House, for the reasons cited in Section

1 405(b)(13) of the Open Meetings Amendment Act of
2 2010.

3 Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion. I will now take a roll call
7 vote on the motion before us now that it has been
8 seconded.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato?

16 MEMBER CATO: I agree.

17 CHAIRPERSON ANDERSON: Mr. Anderson?

18 I agree.

19 As it appears that the motion has
20 passed, I hereby give notice that the ABC Board
21 will recess these proceedings and we will issue
22 an order within 90 days.

1 Thank you very much. And before you
2 breakup, I need to close the record, so let me
3 close the record right now.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with DC Official Code
7 Section 2-574(b), closed meetings, and Section 2-
8 574, Notice of Meetings, of the Open Meetings
9 Act, I move that the ABC Board hold a closed
10 meeting on September 19, 2018 for the purpose of
11 discussing and hearing reports concerning ongoing
12 or planned investigations of alleged criminal or
13 civil misconduct or violations of law or
14 regulations and seeking legal advice from our
15 counsel on the Board's Investigative, Legal and
16 Licensing Agenda for September 21, 2018 as
17 published in the DC Register on September 14,
18 2018.

19 Is there a second?

20 MEMBER SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. I will take a roll call

1 vote on the motion before us now that it has been
2 seconded.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON ANDERSON: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson?

12 I agree.

13 As it appears that the motion has
14 passed, I hereby give notice that the ABC Board
15 will hold this aforementioned closed meeting
16 pursuant to the Open Meetings Act. Notice will
17 also be posted on the ABC Board hearing room
18 bulletin board, placed on the electronic calendar
19 on ABRA's website and published in the DC
20 Register in as timely a manner as practicable.

21 It is 4:09 p.m. and we are adjourned
22 for the day. Thank you very much.

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MS. YOHANNES: Okay. Thank you.

CHAIRPERSON ANDERSON: All right.

(Whereupon, the Contested Fact-Finding
Hearings were concluded at 4:07 p.m.)

A

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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: Kraken 3400, LLC

Before: Alcoholic Beverage Control Board

Date: 09-12-18

Place: Washington, DC

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