

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF: :  
: :  
Light Industries, LLC, :  
t/a Licht Café :  
1520 U Street NW : Protest  
Retailer CT - ANC 2B : Hearing  
License No. 113980 : (Status)  
Case #19-PRO-00091 :  
: :  
(Application for a New :  
License) :

Wednesday,  
September 11, 2019

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  
BOBBY CATO, JR., Member  
JAMES SHORT, Member  
RAFI CROCKETT, Member

**ALSO PRESENT:**

**SPENCER HURD, Applicant**

**EDWARD HANLON, ANC 2B**

**RICHARD BUSCH, Protestant**

**PATRICK CIRILLO, Protestant**

**NICK DELLEDONNE, Dupont East Civic Action Assn.**

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

9:33 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.

Today is September 11, 2019. I would like to introduce Members of the Board with us today.

To my far right is Ms. Rafi Crockett and to my immediate right is Mr. Bobby Cato. Also to my immediate left is Mr. James Short. My name is Donovan Anderson. I'm Chairman of the Board. We have four Members in attendance today and we do have a quorum to conduct business.

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

Secondly, there is a piece of paper on each table. When you come forward as your case

1 is called, please, take a seat at the table and,  
2 please, sign in. This is to ensure the correct  
3 spelling of your name for the record.

4 Lastly, please, know that today's  
5 hearings of the Alcoholic Beverage Control Board  
6 is governed by the Open Meetings Act. Please  
7 address any questions or complaints to the Office  
8 of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).

9 I would note that the approximate time  
10 is 9:35.

11 Our first order of business today is  
12 we have a Protest Hearing (Status Hearing), Case  
13 No. 19-PRO-00091, Licht Café, License No. 113980.

14 All parties having matters on this  
15 case, please, step forward. You can pull up  
16 additional chairs.

17 There is a sign-in sheet and, please,  
18 identify yourself for the record and let me know  
19 what group you belong to, please.

20 MR. HANLON: Good morning. I'm Edward  
21 Hanlon. I'm with ANC-2B.

22 CHAIRPERSON ANDERSON: Good morning,

1 Mr. Hanlon.

2 MR. HANLON: Good morning.

3 COURT REPORTER: I'm sorry, would you  
4 mind turning on your microphone? It's just a  
5 little button there, it should be green.

6 MR. HANLON: Do you want my name  
7 again? Good morning. Edward Hanlon, ANC-2B.

8 CHAIRPERSON ANDERSON: Good morning  
9 again, Mr. Hanlon.

10 MR. BUSCH: Richard Busch representing  
11 a Group of 67 neighbors. I'm a designated  
12 representative.

13 CHAIRPERSON ANDERSON: For which,  
14 because I have Kenlee Ray.

15 MR. BUSCH: Well, there are three  
16 designated representatives. Ms. Ray is in Italy.

17 CHAIRPERSON ANDERSON: Okay. All  
18 right. But -- all right. So that's fine. So  
19 you are Mr. Busch --

20 MR. BUSCH: Yes.

21 CHAIRPERSON ANDERSON: -- for the  
22 record then from the Group of 5 or More. Who

1 else is here?

2 MR. CIRILLO: I'm Patrick Cirillo  
3 representing the Group of 5 or More resident  
4 property owners, tax payers. 24 years on  
5 Caroline Street.

6 CHAIRPERSON ANDERSON: Yes, sir.

7 MR. ENGELMANN: Hi. I'm Glenn  
8 Engelmann. I'm president of Dupont Circle  
9 Citizens Association.

10 CHAIRPERSON ANDERSON: Yes, good  
11 morning.

12 MR. DELLEDONNE: I'm Nick DelleDonne  
13 and I represent Dupont East Civic Action  
14 Association.

15 CHAIRPERSON ANDERSON: Good morning,  
16 Mr. DelleDonne.

17 MR. HURD: And I'm Spencer Hurd with  
18 Light Industries.

19 CHAIRPERSON ANDERSON: Hold on a  
20 minute. Good morning.

21 Are there any preliminary matters that  
22 anyone wishes to bring to my attention?

1 MR. HURD: No. No, sir.

2 CHAIRPERSON ANDERSON: No? All right.

3 This matter is scheduled for Protest Hearing on  
4 October 23rd at 4:30 p.m. All right.

5 Now that we have scheduled this matter  
6 for a Protest Hearing, there are a few things  
7 that I would like to instruct you about so that  
8 the Protest Hearing is focused and addresses only  
9 those issues that are being protested.

10 You should have already received or  
11 will soon be receiving an email from Ms. Imani  
12 Moreland that contains a copy of the Protest  
13 Information Form (PIF) and a copy of the Exhibit  
14 Form.

15 Two, both parties are required to  
16 complete and submit the Protest Information Form  
17 (PIF) and the Exhibit Form at least seven days  
18 before the date of the hearing.

19 If we do not receive a copy of your  
20 forms seven days before the hearing, your  
21 application or your protest may be subject to  
22 dismissal. These documents not only need to be

1 submitted to ABRA, but to the opposing parties as  
2 well.

3 Please know that these documents  
4 greatly assist the Board in narrowing the protest  
5 issues, facilitating the process and keeping the  
6 parties on point during the hearing.

7 Third, each side will have 90 minutes  
8 to present their case. This includes all direct  
9 and cross-examination of witnesses.

10 The Board does not intend to hear  
11 testimony on matters that are not relevant to  
12 these issues that are being protested nor will  
13 the Board tolerate repetitive testimony.

14 Are there any questions by anyone?

15 MR. HURD: No, sir.

16 CHAIRPERSON ANDERSON: Hearing none,  
17 we thank you greatly for your cooperation. If  
18 you have any questions at any time leading up to  
19 the hearing, please do not hesitate to contact  
20 Assistant General Counsel April Randall at (202)  
21 442-4353.

22 Thank you very much and we will see



1 you on October 23rd at 4:30.

2 If I don't see you that date, I won't  
3 feel -- I won't take it personally.

4 Just one thing I just want to point  
5 out to the parties. If there is a settlement  
6 agreement between the owner and the ANC, the  
7 Group of 5 or More and if the Group of 5 or More  
8 is not a part of that settlement agreement, the  
9 group automatically falls by statute. I just  
10 wanted you to know that.

11 However, if there is a settlement  
12 agreement between the ANC, the citizens  
13 association still -- the citizens association  
14 they still have their jurisdiction, so they still  
15 move forward.

16 And also another matter, the Board  
17 cannot force the applicant to make parties a part  
18 of the settlement agreement, that's a voluntary  
19 matter. We have had issues where, especially  
20 groups are saying that a settlement agreement was  
21 signed and we were excluded. But by automatic --  
22 by law, that's how it is, so I just wanted to

1 point out to the parties how it is.

2 If not, what I said before, I'll see  
3 you on October 23rd.

4 MR. HURD: Thank you, sir.

5 CHAIRPERSON ANDERSON: All right.

6 Yes, sir?

7 MR. CIRILLO: May I ask a question?

8 CHAIRPERSON ANDERSON: Yes, sir.

9 MR. CIRILLO: So between now and  
10 October 23rd then are we, the groups around this  
11 table, supposed to be meeting with the applicant?

12 CHAIRPERSON ANDERSON: It's up to you,  
13 sir. I mean, we are here so far saying that  
14 there is no agreement. You are going to move  
15 forward to a hearing. You are free to meet at  
16 any point to draft a settlement agreement. If  
17 you can agree or if you have terms and you can't  
18 agree and the day of the hearing if you come here  
19 and you say to the Board this is what we agreed  
20 to. Can you memorialize this as a settlement  
21 agreement? We will do that.

22 But you are free to meet at any point

1 and try to come to an agreement. If you can't  
2 come to an agreement, then we will make a  
3 decision for you. I have always stated I don't  
4 believe any of us live in this neighborhood and  
5 you know your neighborhood, so you can set  
6 policies for what works for your neighborhood.

7 I prefer settlement agreements,  
8 because at least if you do a settlement  
9 agreement, everyone is happy. When you come to  
10 us, one side or the other might not be happy. So  
11 that's one of the reasons why I have always said  
12 if it can be settled, settle it. If not, the  
13 Board will make a decision.

14 MR. HURD: May I ask a question?

15 CHAIRPERSON ANDERSON: Yes, sir.

16 MR. HURD: If we may, in fact, be able  
17 to reach a settlement agreement, if we reach a  
18 settlement agreement prior to the Protest  
19 Hearing, how should we notify the Board and will  
20 the Protest Hearing still take place for purposes  
21 of --

22 CHAIRPERSON ANDERSON: No. You submit

1 -- you -- as I said before, you can contact April  
2 Randall. Her phone number is (202) 442-4353.  
3 Both sides can speak to her. I mean, our job is  
4 to work with you.

5 If you have any questions, the  
6 process, give her a call, she will work with you  
7 in doing this matter and she will let you know.  
8 If you have a settlement agreement, it will  
9 provide -- it will be provided to the Board and  
10 then we would have to vote on it to approve it or  
11 disapprove it.

12 But if you have a settlement  
13 agreement, we are not going to have a hearing.  
14 Okay?

15 MR. HURD: Thank you, sir.

16 CHAIRPERSON ANDERSON: Yes. And I  
17 like the fact that you ask questions, better I  
18 don't want -- if you come to a hearing and you  
19 are saying well, you never explained that to me  
20 before.

21 And also one thing that I -- in the  
22 instructions that I gave, seven days before the

1 hearing you are supposed to exchange documents.  
2 You must do that. Send it to the Board and also  
3 send it to each side. If those documents are not  
4 exchanged, unless you can show good cause, then  
5 the Board will let you know that you cannot rely  
6 on documents and/or witnesses that were not  
7 disclosed seven days before the hearing.

8 If you don't understand, again, you  
9 contact Ms. April Randall, she will explain the  
10 process to you. We, our job is to work with you,  
11 not to oppose you. Okay? That's also for you,  
12 too, sir.

13 MR. HURD: Great. Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 Thank you. Have a great day.

16 MR. HURD: Thank you.

17 MR. CIRILLO: Thank you.

18 CHAIRPERSON ANDERSON: Have a great  
19 day.

20 MR. ENGELMANN: Thank you.

21 (Whereupon, the Protest (Status)

22 Hearing was concluded at 9:43 a.m.)

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**90** 8:7



C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: ABRA Hearing

Before: Alcoholic Beverage Control Board

Date: 09-11-19

Place: Washington, D.C.

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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