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IN THE MATTER OF:           :
                             :
9th Street Lounge, LLC      :
t/a Mirror Lounge           :
1920 9th Street NW          :
Retailer CT - ANC 1B        : Protest Hearing
License No. 111950          : (Status)
Case # 20-PRO-00003         :
                             :
(Substantial Change -       :
Request for a Summer        :
Garden Endorsement with    :
13 Seats)                   :

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Thursday
November 5, 2020

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT :

DONOVAN W. ANDERSON, Chairperson
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
LUIS ESPINOSA, Protestant
BRAD GUDZINAS, Protestant
MEGAN HOWARD, Protestant
FRED MOOSALLY, Director, DC ABRA
DANIEL ORLASKEY, ANC 1B
EVAN SCHLOM, Protestant
NICK SCINTA, Protestant
SIDON YOHANNES, Applicant's Counsel

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

2 2:25 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 20-PRO-00003, Mirror
5 Lounge, License No. 111950. And Ms. Andrews, can
6 you please elevate the rights of the protestant?

7 (Pause.)

8 CHAIRPERSON ANDERSON: Have all the
9 rights been elevated for everyone who is a part
10 of this case?

11 MS. ANDREWS: One second, Mr. Chair.
12 Almost done.

13 CHAIRPERSON ANDERSON: Thank you.
14 That's all, Mr. Chair.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you. Good afternoon, everyone. I would
17 like to -- I would like each party to introduce
18 themselves for the record. And when you
19 introduce yourself for the record, I would also
20 ask that you spell your name and please identify
21 your affiliation. So we will start with the
22 licensee.

23 MS. YOHANNES: Sidon Yohannes on
24 behalf of the licensee, and that is S-I-D-O-N Y-
25 O-H-A-N-N-E-S.

1 CHAIRPERSON ANDERSON: Good afternoon,
2 Ms. Yohannes. Is the licensee on also?

3 MS. YOHANNES: No, they're not on.

4 CHAIRPERSON ANDERSON: All right.
5 Let's start with the Group of 11. I'll start
6 with the representative. Please identify
7 yourself and spell your name for the record,
8 please.

9 MR. SCHLOM: Good afternoon, Mr.
10 Chairman. Evan Schlom, member of and
11 representative of the Group of 11. First name is
12 Evan, E-V as in Victor, A-N as in Nancy. Last
13 name is S as in Sam, C as in Charlie, H-L-O-M as
14 in Mary.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Mr. Schlom. Who else? Please introduce
17 themselves.

18 MR. ORLASKEY: Hi, this is Dan
19 Orlaskey. I am a signatory to the Group of 11,
20 and I am the ANC Commissioner for 1B02. My name
21 is spelled D-A-N-I-E-L O-R-L-A-S-K-E-Y.

22 CHAIRPERSON ANDERSON: Who else do we
23 have?

24 MR. GUDZINAS: Brad Gudzinis. First
25 name, Brad, B-R-A-D. Last name, Gudzinis, G-U-D-

1 Z-I-N-A-S.

2 CHAIRPERSON ANDERSON: Thank you. Who
3 else do we have?

4 MR. ESPINOSA: L-U-I-S --

5 CHAIRPERSON ANDERSON: I can't hear
6 you, sir. Speak up.

7 MR. ESPINOSA: Can you hear me now?

8 CHAIRPERSON ANDERSON: Up some more.
9 Turn it up some more, sir.

10 MR. ESPINOSA: Can you hear me well
11 enough?

12 CHAIRPERSON ANDERSON: We can hardly
13 hear you, sir.

14 MR. ESPINOSA: How about now?

15 CHAIRPERSON ANDERSON: We can hear you
16 now.

17 MR. ESPINOSA: Okay. First name is
18 Luis, L-U-I-S. Last name, Espinosa, E-S-P-I-N-O-
19 S-A.

20 CHAIRPERSON ANDERSON: All right. Is
21 that everyone?

22 MS. HOWARD: No, good afternoon, Mr.
23 Chairman. This is Megan Howard. I'm also a
24 member of the group. And the spelling of my name
25 is M-E-G-A-N and the last name is H-O-W-A-R-D.

1 CHAIRPERSON ANDERSON: All right. Now
2 who was not at the status hearing -- I'm sorry,
3 at the roll call hearing?

4 MR. ORLASKEY: This is Dan Orlaskey.
5 I was not at the roll call hearing.

6 CHAIRPERSON ANDERSON: And who else
7 was not at the roll call hearing?

8 MS. HOWARD: Megan Howard. I was also
9 not at the roll call hearing.

10 CHAIRPERSON ANDERSON: And Mr.
11 Orlaskey, you're not with the ANC. You're with
12 the group. You're representing -- you're a part
13 of the group, not ANC?

14 MR. ORLASKEY: I'm not representing
15 the ANC. I'm just part of the Group of 11.
16 There is no ANC protest. There's just the Group
17 of 11.

18 CHAIRPERSON ANDERSON: All right. I
19 just want to get some clarification. Ms.
20 Yohannes, the representation by --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: -- Orlaskey --
23 I'm sorry. Yes, Mr. Schlom?

24 MR. SCHLOM: Mr. Chairman, Mr.
25 Gudzinis was also not at the roll call. I'm not

1 sure. He might be muted for some reason. So we
2 have three of the people on today were not at the
3 roll call hearing.

4 MR. GUDZINAS: Thank you. I wasn't
5 sure if I was or not. I couldn't remember when
6 these things started. Thank you.

7 CHAIRPERSON ANDERSON: All right.

8 MR. ESPINOSA: Excuse me. I think we
9 have a couple more protestors that are -- they
10 are telling me that they are on mute. Maybe they
11 have not been authorized to enter the meeting.

12 CHAIRPERSON ANDERSON: Can they put
13 their names in the chat? And Ms. Andrews will
14 elevate their rights.

15 MR. ESPINOSA: I'll type in their
16 names.

17 CHAIRPERSON ANDERSON: Or they can
18 raise their hands. I believe they can raise
19 their hands in the chat, and Ms. Andrews will
20 elevate their rights.

21 MS. ANDREWS: Mr. Luis, please make
22 sure your messaging me, ABRA Webex, instead of
23 one person because I can't see your chat.

24 MR. ESPINOSA: Okay.

25 MS. ANDREWS: Is Mr. Nick Scinta, is

1 he a part of you guys?

2 MR. ESPINOSA: Yes.

3 MS. ANDREWS: Okay. He's the only
4 person left.

5 MR. ESPINOSA: And is (audio
6 interference)?

7 MS. ANDREWS: They're not on the line.

8 MR. ESPINOSA: Okay.

9 CHAIRPERSON ANDERSON: Mr. Scinta, if
10 you have a camera, please open your camera and
11 please open your microphone. And can you please
12 identify yourself for the record, please, and
13 please spell your name?

14 MR. SCINTA: Hi.

15 CHAIRPERSON ANDERSON: Yes.

16 MR. SCINTA: Thank you. My name is
17 Nick Scinta. That's spelled N-I-C-K S-C-I-N-T-A.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you.

20 MR. SCINTA: Thank you.

21 CHAIRPERSON ANDERSON: All right. It
22 was my understanding that at the status hearing,
23 they were missing two members. More than two
24 additional members are present here today at the
25 status hearing. So with that said and without

1 objection because I've not heard any objection
2 from Ms. Yohannes, I then make a motion that the
3 ABC Board grant standing to the group. Is there
4 a second?

5 MEMBER SHORT: Mr. Short, I second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 second the motion. We'll now have a roll call
8 vote on the motion that's been properly second by
9 Mr. Short. Mr. Short?

10 MEMBER SHORT: Mr. Short, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis?

12 MEMBER GRANDIS: Ed Grandis, I agree.

13 CHAIRPERSON ANDERSON: Ms. Hansen?

14 MEMBER HANSEN: Jeni Hansen, I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett?

16 MEMBER CROCKETT: Rafi Crockett, I
17 agree.

18 CHAIRPERSON ANDERSON: And Mr.
19 Anderson, I agree. The matter passes 5-0-0. So
20 full standing is granted to the protestant. All
21 right. Thank you. Are there any preliminary
22 matters by either side that needs to be
23 addressed?

24 MS. YOHANNES: Not by the licensee.

25 MR. SCHLOM: And none from Group of

1 11, Mr. Chairman.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you very much. Normally at this time, the
4 Board would issue some dates for the protest
5 hearing status. But we have get back to you and
6 we will provide some dates for the protest
7 hearing status.

8 I would advise both parties if they
9 are so inclined that they can meet. And if they
10 decide that they want to sign a settlement
11 agreement, they can do that. We're always open
12 to signed settlement agreement and bringing it to
13 the attention of the Board for approval.

14 If they want the Board to make a
15 decision, the Board will be open to make a
16 decision if that's so. All right. So now that
17 we've scheduled this matter for a protest
18 hearing, there a few things that I would like to
19 instruct you about so that the protest hearing is
20 focused and addresses only those issues that are
21 being protested. You either have already
22 received or will soon be receiving an email from
23 Imani Moreland that contains a copy of a protest
24 information form, PIF, and a copy of an exhibit
25 form.

1 Both parties are required to complete
2 and submit the protest information form and the
3 exhibit form at least seven days before the date
4 of the hearing. If we do not receive a copy of
5 your forms seven days before the hearing, your
6 application or your protest may be subject to
7 dismissal. These documents not only need to be
8 submitted to ABRA but to the opposing party as
9 well.

10 These documents greatly assist the
11 Board in narrowing the protest issues,
12 facilitating the process, and keeping the parties
13 on point during the hearing. Each side will have
14 90 minutes to present their case. This includes
15 all direct and cross examination of witnesses.
16 The Board does not intend to hear testimony on
17 matters that are not relevant to these issues
18 that are being protested nor will the Board
19 tolerate repetitive testimony. Are there any
20 questions by anyone?

21 MS. YOHANNES: No questions.

22 CHAIRPERSON ANDERSON: Hearing no
23 questions, we thank you greatly for your
24 cooperation. If you have any questions at any
25 time leading up to the hearing, please do not

1 hesitate to contact Assistant General Counsel
2 April Randall at 202-442-4353. And once again,
3 it the parties ever meet and discuss settlement,
4 the Board supports that.

5 I'm not saying this is what you need
6 to do. But the Board supports that. As I've
7 always said to all cases, if I don't see you in
8 the new year, I will not take it personally.
9 What that means is that the parties have worked
10 this matter out.

11 If not, we will see you in the new
12 year when this matter is scheduled for a hearing.
13 Thank you all for your participation today and
14 have a great day. This matter is adjourned.

15 MS. YOHANNES: Thank you.

16 MR. SCHLOM: Thank you, Mr. Chairman.

17 CHAIRPERSON ANDERSON: All right.
18 You're welcome. Thank you. All right. We have
19 now come to the end of our calendar for the day.
20 And unless there are any other issues, I'm going
21 to close the record.

22 All right. As Chairperson of the
23 Alcoholic Beverage Control Board for the District
24 of Columbia in accordance with D.C. Official Code
25 Section 2574(b) of the Open Meetings Act, I move

1 that ABC Board hold a closed meeting on November
2 18th, 2020 for the purpose of seeking legal
3 advice from our counsel on the matters identified
4 on the Board's legal license and investigative
5 agenda for November 18, 2020 as will be published
6 in the D.C. Register on November 6, 2020. Is
7 there a second?

8 MEMBER SHORT: Mr. Short, I second.

9 CHAIRPERSON ANDERSON: Mr. Short has
10 second the motion. We'll now have a roll call
11 vote on the motion before us now that has been
12 properly second by Mr. Short. Ms. Hansen?

13 MEMBER HANSEN: Jeni Hansen, I agree.

14 CHAIRPERSON ANDERSON: Mr. Grandis?

15 MEMBER GRANDIS: Ed Grandis, I agree.

16 CHAIRPERSON ANDERSON: Mr. Short?

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Ms. Crockett?

19 MEMBER CROCKETT: Rafi Crockett, I
20 agree.

21 CHAIRPERSON ANDERSON: Mr. Anderson,
22 I agree. As it appears that the motion has
23 passed, I hereby give notice that the ABC Board
24 will hold this closed meeting pursuant to the
25 Open Meetings Act. Notice will also be posted on

1 the ABC Board hearing room bulletin board, placed
2 on an electronic calendar on ABRA's website, and
3 published in the D.C. Register in as timely a
4 manner as practical.

5 We are adjourned for the day, and I
6 just want to advise the Board members that we are
7 not returning to an executive meeting. So we are
8 adjourned for the day. Have a great day, and I
9 will see you on the 18th for our next meeting.
10 Have a great day. Thank you. Bye-bye.

11 (Whereupon, the above-entitled matter
12 went off the record at 2:38 p.m.)
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|---|---|--|--|
| <p>A</p> <p>A-N 3:12</p> <p>ABC 8:3 12:1,23 13:1</p> <p>above-entitled 13:11</p> <p>ABRA 1:20,22 6:22 10:8</p> <p>ABRA's 13:2</p> <p>Act 11:25 12:25</p> <p>additional 7:24</p> <p>addressed 8:23</p> <p>addresses 9:20</p> <p>adjourned 11:14 13:5,8</p> <p>advice 12:3</p> <p>advise 9:8 13:6</p> <p>affiliation 2:21</p> <p>afternoon 2:16 3:1,9,15 4:22</p> <p>agenda 12:5</p> <p>agree 8:10,12,14,17,19 12:13,15,17,20,22</p> <p>agreement 9:11,12</p> <p>Alcoholic 1:2,13 11:23</p> <p>ALIYA 1:17</p> <p>ANC 1:7,23 3:20 5:11 5:13,15,16</p> <p>Anderson 1:14,16 2:3,8 2:13,15 3:1,4,15,22 4:2,5,8,12,15,20 5:1,6 5:10,18,22 6:7,12,17 7:9,15,18,21 8:6,11 8:13,15,18,19 9:2 10:22 11:17 12:9,14 12:16,18,21,21</p> <p>Andrews 1:20 2:5,11 6:13,19,21,25 7:3,7</p> <p>appears 12:22</p> <p>Applicant's 1:25</p> <p>application 10:6</p> <p>approval 9:13</p> <p>April 11:2</p> <p>assist 10:10</p> <p>Assistant 11:1</p> <p>attention 9:13</p> <p>audio 7:5</p> <p>authorized 6:11</p> | <p>bringing 9:12</p> <p>bulletin 13:1</p> <p>Bye-bye 13:10</p> <p>C</p> <p>C 3:13</p> <p>calendar 2:4 11:19 13:2</p> <p>call 5:3,5,7,9,25 6:3 8:7 12:10</p> <p>camera 7:10,10</p> <p>case 1:8 2:3,4,10 10:14</p> <p>cases 11:7</p> <p>Chair 2:11,14</p> <p>Chairman 3:10 4:23 5:24 9:1 11:16</p> <p>Chairperson 1:14,16 2:3,8,13,15 3:1,4,15 3:22 4:2,5,8,12,15,20 5:1,6,10,18,22 6:7,12 6:17 7:9,15,18,21 8:6 8:11,13,15,18 9:2 10:22 11:17,22 12:9 12:14,16,18,21</p> <p>Change 1:9</p> <p>Charlie 3:13</p> <p>chat 6:13,19,23</p> <p>clarification 5:19</p> <p>close 11:21</p> <p>closed 12:1,24</p> <p>Code 11:24</p> <p>Columbia 1:1 11:24</p> <p>come 11:19</p> <p>Commissioner 3:20</p> <p>complete 10:1</p> <p>contact 11:1</p> <p>contains 9:23</p> <p>Control 1:2,13 11:23</p> <p>cooperation 10:24</p> <p>copy 9:23,24 10:4</p> <p>counsel 1:25 11:1 12:3</p> <p>couple 6:9</p> <p>Crockett 1:17 8:15,16 8:16 12:18,19,19</p> <p>cross 10:15</p> <p>CT 1:7</p> | <p>decision 9:15,16</p> <p>direct 10:15</p> <p>Director 1:22</p> <p>discuss 11:3</p> <p>dismissal 10:7</p> <p>District 1:1 11:23</p> <p>documents 10:7,10</p> <p>Donovan 1:14,16</p> <p>E</p> <p>E-S-P-I-N-O- 4:18</p> <p>E-V 3:12</p> <p>Ed 8:12 12:15</p> <p>EDWARD 1:17</p> <p>either 8:22 9:21</p> <p>electronic 13:2</p> <p>elevate 2:6 6:14,20</p> <p>elevated 2:9</p> <p>email 9:22</p> <p>Endorsement 1:10</p> <p>enter 6:11</p> <p>Espinosa 1:21 4:4,7,10 4:14,17,18 6:8,15,24 7:2,5,8</p> <p>Evan 1:23 3:10,12</p> <p>examination 10:15</p> <p>Excuse 6:8</p> <p>executive 13:7</p> <p>exhibit 9:24 10:3</p> <p>F</p> <p>facilitating 10:12</p> <p>First 3:11,24 4:17</p> <p>focused 9:20</p> <p>form 9:24,25 10:2,3</p> <p>forms 10:5</p> <p>FRED 1:22</p> <p>full 8:20</p> <p>G</p> <p>G-U-D- 3:25</p> <p>Garden 1:10</p> <p>General 11:1</p> <p>give 12:23</p> <p>Grandis 1:17 8:11,12 8:12 12:14,15,15</p> <p>grant 8:3</p> <p>granted 8:20</p> <p>greatly 10:10,23</p> <p>group 3:5,11,19 4:24 5:12,13,15,16 8:3,25</p> <p>Gudzinis 1:21 3:24,24 3:25 5:25 6:4</p> <p>H</p> <p>H-L-O-M 3:13</p> <p>H-O-W-A-R-D 4:25</p> <p>hands 6:18,19</p> | <p>Hansen 1:18 8:13,14,14 12:12,13,13</p> <p>hear 4:5,7,10,13,15 10:16</p> <p>heard 8:1</p> <p>hearing 1:7 5:2,3,5,7,9 6:3 7:22,25 9:5,7,18 9:19 10:4,5,13,22,25 11:12 13:1</p> <p>hesitate 11:1</p> <p>Hi 3:18 7:14</p> <p>hold 12:1,24</p> <p>Howard 1:22 4:22,23 5:8,8</p> <p>I</p> <p>identified 12:3</p> <p>identify 2:20 3:6 7:12</p> <p>Imani 9:23</p> <p>inclined 9:9</p> <p>includes 10:14</p> <p>information 9:24 10:2</p> <p>instruct 9:19</p> <p>intend 10:16</p> <p>interference 7:6</p> <p>introduce 2:17,19 3:16</p> <p>investigative 12:4</p> <p>issue 9:4</p> <p>issues 9:20 10:11,17 11:20</p> <p>J</p> <p>JAMES 1:18</p> <p>Jeni 1:18 8:14 12:13</p> <p>JR 1:18</p> <p>K</p> <p>keeping 10:12</p> <p>L</p> <p>L-U-I-S 4:4,18</p> <p>leading 10:25</p> <p>left 7:4</p> <p>legal 12:2,4</p> <p>Let's 3:5</p> <p>license 1:7 2:5 12:4</p> <p>licensee 2:22,24 3:2 8:24</p> <p>line 7:7</p> <p>LLC 1:5</p> <p>Lounge 1:5,6 2:5</p> <p>Luis 1:21 4:18 6:21</p> <p>M</p> <p>M-E-G-A-N 4:25</p> <p>manner 13:4</p> <p>Mary 3:14</p> <p>matter 1:4 8:19 9:17</p> |
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In the matter of: Mirror

Before: DCABRA

Date: 11-05-20

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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Court Reporter

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