

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

IN THE MATTER OF:                               :  
   :  
Fab Lounge, Inc.                                 :  
t/a Safari Restaurant                           :  
and Lounge                                     : Protest Hearing  
4306 Georgia Ave NW                         : (Status)  
Retailer CT - ANC 4C                         :  
License No. 90424                             :  
Case # 19-PRO-00144                         :  
   :  
(Application to Renew                         :  
the License)                                    :

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  
MATTHEW SIORDIA MCMULLEN, Protestant  
ROBERTO MONTESINOS, Protestants' Counsel  
FRED MOOSALLY, Director, DC ABRA  
FREZ TEAME, Applicant  
KIM VARZI, ANC 4C

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

2 10:41 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 19-PRO-00144, Safari  
5 Restaurant and Lounge, License No. 90424. And  
6 Ms. Andrews, can you please elevate the rights of  
7 Mr. Teame who is the licensee for Safari Lounge?  
8 And it's my understanding that it's -- and I  
9 believe -- yeah, the license and I'm trying to  
10 see who the protestants are.

11 MS. ANDREWS: All parties for this  
12 case have been elevated.

13 CHAIRPERSON ANDERSON: All right.  
14 Thanks. All right. Let's -- I see there are  
15 several folks. If you're able to enable your  
16 camera, can you please do so, if you can? Mr. --

17 MR. MONTESINOS: Good morning. Can  
18 you hear and see me?

19 CHAIRPERSON ANDERSON: I -- I'm sorry.

20 MR. MONTESINOS: I'm sorry. This is  
21 Roberto Montesinos from the law firm of  
22 Whiteford, Taylor, and Preston. I represent the  
23 abutting property owners in the matter.

24 CHAIRPERSON ANDERSON: Sir, have you  
25 made an appearance? Have you issued an

1 appearance?

2 MR. MONTESINOS: Just this past  
3 Monday, I entered an appearance to Ms. Randall.

4 CHAIRPERSON ANDERSON: Okay. That's  
5 fine. All right. That's fine, sir. I can see  
6 you. And Mr. Teame, are you there?

7 MR. TEAME: Yes, I'm (telephonic  
8 interference).

9 CHAIRPERSON ANDERSON: If you do, can  
10 you turn your camera on? If you don't have a  
11 camera, then fine. I'm just asking.

12 MR. TEAME: Yeah, I'm not sure.

13 CHAIRPERSON ANDERSON: Well, I  
14 recognize your voice. All right. That's fine.  
15 All right. Are there any preliminary matters  
16 that need to be brought to the attention of the  
17 Board? Let's start at the beginning. I'm going  
18 to ask that you identify yourself for the record,  
19 and we'll start with the licensee. Can you state  
20 and spell your name for the record, please?

21 MR. TEAME: Sure. Good morning,  
22 everyone. Frez Teame, Safari D.C. Restaurant and  
23 Lounge. F-R-E-Z is the first name, and the last  
24 name is T-E-A-M-E.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Teame. Now Mr. --

2 MR. MONTESINOS: Yes.

3 CHAIRPERSON ANDERSON: (telephonic  
4 interference).

5 MR. MONTESINOS: Montesinos. You were  
6 close. That's all right.

7 CHAIRPERSON ANDERSON: Montesinos,  
8 yeah. So please state your name --

9 MR. MONTESINOS: Sure.

10 CHAIRPERSON ANDERSON: -- and spell it  
11 and tell us what your role is.

12 MR. MONTESINOS: Absolutely. Thank  
13 you very much for having me this morning. Once  
14 again for the record, I am Roberto Montesinos.  
15 Roberto is spelled R-O-B-E-R-T-O. Montesinos is  
16 spelled M-O-N-T-E-S-I-N-O-S. I'm from the law  
17 firm of Whiteford, Taylor, and Preston, and I  
18 have been retained to represent the abutting  
19 property owners in this matter.

20 CHAIRPERSON ANDERSON: All right. But  
21 who's your client, sir?

22 MR. MONTESINOS: I have four clients.

23 CHAIRPERSON ANDERSON: No, you said  
24 they're an abutting property owner. That's why  
25 I'm just saying who's your client. That's why I

1 was asking.

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: Yeah, I don't  
4 know who the parties are. So when you said, your  
5 client, I don't know who your client is. So  
6 that's why I was asking you.

7 MR. MONTESINOS: No problem at all.  
8 I understand. So it would be the owners of the  
9 following properties, the property address, 4308  
10 Georgia Avenue, and the respective units within  
11 that property are Unit 102, Unit 202, Unit 204,  
12 and Unit 302. The owners of those respective  
13 properties are Matthew Siordia McMullen, Mina  
14 Kareemi (phonetic), Abriella Kubini (phonetic),  
15 and Claudia Rodriguez (phonetic).

16 CHAIRPERSON ANDERSON: All right.  
17 Thank you. So how many -- so there are four.  
18 I'm sorry. How many folks again? How many  
19 people did you say there was? You see, I'm not  
20 told. I know that they're the abutting owners,  
21 but I don't know how many abutting owners. So  
22 that's why I was asking.

23 MR. MONTESINOS: Yes, there are --  
24 understood. Yes, there are four owners.

25 CHAIRPERSON ANDERSON: Okay. And I

1 see there are some other folks on the line.  
2 Could you please identify yourself for the record  
3 and also spell your name, please?

4 MS. VARZI: My name is Kim Varzi, V-A-  
5 R-Z-I. And I'm the ANC Commissioner for 4C07.

6 CHAIRPERSON ANDERSON: Okay. Now are  
7 you -- is the ANC -- the ANC is not protesting  
8 this license. Is the ANC?

9 MS. VARZI: The ANC filed the protest.

10 CHAIRPERSON ANDERSON: I don't have  
11 the -- were you at the -- did the ANC go to the  
12 roll call hearing?

13 MS. VARZI: Yes, and the preliminary  
14 mediation. I've been at every meeting that  
15 there's been thus far.

16 CHAIRPERSON ANDERSON: Okay. I can  
17 only go with information provided to me. And so  
18 all that was provided to me was the abutting  
19 property owner. And I wasn't aware that the ANC  
20 done that.

21 I am not objecting. I'm just making  
22 a clarification from our own records. But I was  
23 told that -- so if you see me look at my phone,  
24 it's because I'm being given information. So  
25 it's not like I'm not paying attention to what's

1 going on.

2 MS. VARZI: Yeah. No, that's fine.  
3 And I understand they have great weight. So it's  
4 fine. I'm here, though.

5 CHAIRPERSON ANDERSON: Okay. So I'm  
6 sorry. You're ANC -- what ANC? I'm sorry,  
7 again.

8 MS. VARZI: 4C07.

9 CHAIRPERSON ANDERSON: Okay. All  
10 right. Thank you. And who else is on the line?

11 MR. MCMULLEN: This is Matthew Siordia  
12 McMullen. Matthew, M-A-T-T-H-E-W. Last name is  
13 Siordia McMullen, S-I-O-R-D-I-A, second last  
14 name, M-C-M-U-L-L-E-N. I'm one of the abutting  
15 property owners and have been working with our  
16 legal counsel.

17 CHAIRPERSON ANDERSON: Okay. All  
18 right. Fine. All right. Thank you. Are there  
19 any preliminary matters that need to be brought  
20 to the Board's attention? By either side?

21 MR. MONTESINOS: No, sir. Again, for  
22 the record, this is Roberto Montesinos speaking.  
23 There are no preliminary matters to my knowledge.  
24 I'm not sure if the ANC or if the licensee have  
25 anything they'd like to offer.

1 CHAIRPERSON ANDERSON: And are there  
2 any preliminary matters as far as the ANC is  
3 concerned? Ms. Varzi?

4 MS. VARZI: There are no preliminary  
5 matters at this point. Thank you.

6 CHAIRPERSON ANDERSON: All right.  
7 Thank you. All right. This matter -- because  
8 this matter will be set for a protest hearing for  
9 a date to be determined. So we will have -- if  
10 there's not a settlement agreement, we will have  
11 a protest hearing at some point in the new year.

12 Just some clarification for the  
13 record. If the ANC -- the ANC, of course, didn't  
14 sign an agreement with the protestant. So if the  
15 ANC was to sign something in agreement with the  
16 protestant, the abutting property owner would  
17 still have standing to move forward with -- just  
18 wanted for all parties to be aware of that, that  
19 (telephonic interference) separate standing and  
20 the abutting property owner does have its own --  
21 its separate standing. So there can be separate  
22 settlement agreements if that's done or one joint  
23 settlement agreement.

24 One of the reasons why I always tell  
25 parties to try to do a settlement agreement, it's



1 possible. No members of the Board knows where  
2 this establish is. And it's always been my  
3 position that if the community can settle their  
4 dispute so at least everyone is happy. But if it  
5 comes to the Board, someone will be happy and  
6 another party won't be happy.

7 So if it can work out, then I will  
8 strongly urge both parties to do that. If it  
9 cannot be worked out, then we will schedule this  
10 matter for a protest hearing and we will have a  
11 protest hearing. And the Board will make a  
12 decision on whether or not the license will be  
13 renewed and if it's renewed or was under terms  
14 and conditions on the renewal of the license. Is  
15 everyone understood? Is it --

16 MR. MONTESINOS: Understood.

17 CHAIRPERSON ANDERSON: -- understood  
18 by everyone? All right. Fine. Okay. Now that  
19 we have scheduled this matter for a protest  
20 hearing, a few things that I would like to  
21 instruct you about. So the protest hearing can  
22 address only those issues that are being  
23 protested.

24 (telephonic interference) receive or  
25 will soon be receiving an email from -- you

1 either have already received or will soon receive  
2 an email from Imani Moreland that contains a copy  
3 of the protest information form, PIF, and a copy  
4 of an exhibit form. Both parties are required to  
5 complete and submit the protest form PIF and the  
6 exhibit form at least seven days before the date  
7 of the hearing.

8 If we do not receive a copy of your  
9 forms seven days before the hearing, your  
10 application or your protest may be subject to  
11 dismissal. These documents not only need to be  
12 submitted to ABRA but to the opposing party as  
13 well. Please know that these documents greatly  
14 assist the Board in narrowing the issues,  
15 facilitating the process, and keeping the parties  
16 on point during the hearing.

17 Each side will have 90 minutes to  
18 present their case. This includes all direct and  
19 cross examination of the witnesses. The Board  
20 does not intend to hear testimony in matters that  
21 are not relevant to these issues that are being  
22 protested nor will the Board tolerate repetitive  
23 testimony. If you have any questions -- are  
24 there any questions?

25 (No audible response.)

1 CHAIRPERSON ANDERSON: No question?

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: I'm sorry.

4 (Simultaneous speaking.)

5 MR. MONTESINOS: I'm sorry, Mr.

6 Chairman. I do have one question --

7 CHAIRPERSON ANDERSON: Yes, sir.

8 MR. MONTESINOS: -- for this as well.

9 Again, for the record, this is Roberto  
10 Montesinos. Just over the course of the past  
11 days, we have exchanged some emails between --  
12 there were some emails exchanged between my  
13 clients, myself, and the licensee regarding  
14 getting together a private mediation session.

15 I haven't really decided whether we're  
16 going to go forward with that or not. But in the  
17 event that we ultimately are able to negotiate a  
18 settlement agreement, whether that's between the  
19 abutting owners and the licensee individually or  
20 with the ANC wrapped into that as well, I'm  
21 assuming we just report that ultimate settlement  
22 to Ms. Randall. And that would be the extent of  
23 what we need to do?

24 CHAIRPERSON ANDERSON: Right. What  
25 the parties would do if there's a settlement

1 agreement, if you've been dealing with Ms.  
2 Randall -- and I'm going to give you -- I was  
3 going to give you her -- she's your contact  
4 person, April Randall. So you can communicate  
5 with her.

6 The parties -- if you have a  
7 settlement agreement, the parties would provide  
8 the Agency a copy of the settlement agreement  
9 through her. And then if a protest hearing is  
10 scheduled, then the Agency would not schedule the  
11 protest hearing. So she's your point of contact  
12 on questions or concerns each side has, including  
13 the licensee. You can talk to Ms. Randall.  
14 She'll provide -- we'll provide (telephonic  
15 interference) provide that information to you.

16 I just want to clarify for the record  
17 the ANC was granted standing at that roll call.  
18 So I know that when I started, I wasn't aware of  
19 it. But I just want to clarify for the record  
20 that the ANC is a party to this matter because  
21 they were granted standing at the hearing.

22 All right. So as I stated before, if  
23 you have any questions, please contact April  
24 Randall at 202-442-4353. I don't have her email  
25 address in front of me right now, but I know that

1 you have been speaking to her through email.  
2 Both sides are welcome to continue communicating  
3 with Ms. Randall, ensure that the Agency will  
4 contact you and let you know what date.

5 If we're actually going to a protest  
6 hearing, the Agency will let you know when the  
7 protest hearing is scheduled for. If there are  
8 issues and if the parties are not available for a  
9 date, you can join with each other to come up  
10 with a date that works for everyone. But as I  
11 stated before, I prefer if you have settlement  
12 agreements because with settlement agreements,  
13 you can decide what happens in your community.  
14 And in that sense, you'll be happy.

15 I can't promise you that if it comes  
16 to a hearing that both sides are going to be  
17 happy. And I prefer when we go through this  
18 process, both sides are happy because they have  
19 come up with an agreement, if that's what both  
20 sides want that's workable. Okay?

21 So have a great day. Thank you for  
22 being here today. And I always say this. I hope  
23 I don't see you again. So if I have to see you  
24 again next year, the Board, of course, will do  
25 what it has to do to make a decision that works

1 for both sides. Okay? Have a great day. Thank  
2 you very much.

3 MR. MONTESINOS: Thank you.

4 (Whereupon, the above-entitled matter  
5 went off the record at 10:56 a.m.)

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In the matter of: Safari Lounge

Before: DCABRA

Date: 11-05-20

Place: teleconference

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



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Court Reporter

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