

IN THE MATTER OF: :
 :
Ching, LLC :
t/a Uproar :
639 Florida Ave NW :
Retailer CT - ANC 1B : Protest Hearing
License No. 92012 : (Status)
Case # 20-PRO-00005 :
 :
(Substantial Change - :
Request to Expand to the :
Rooftop Summer Garden, :
Increasing the Total :
Occupancy Load from 74 :
to 200) :

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
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
TOM MARTIN, Applicant's Counsel
FRED MOOSALLY, Director, DC ABRA
ANITA NORMAN, ANC 1B

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

1:35 p.m.

CHAIRPERSON ANDERSON: Good afternoon.

We're back on the record. Our next case is --
our protest status case is Case No. 20-PRO-00005,
Uproar, License No. 921 -- I'm sorry, 92012. Ms.
Andrews, can you please elevate the rights of Ms.
Norman, the ANC Commissioner, and also the
licensee for Uproar, please.

MS. ANDREWS: That's all.

CHAIRPERSON ANDERSON: No, are these
the participants for Uproar?

MS. BAUGH: No, we're the participants
for Felicity.

CHAIRPERSON ANDERSON: That's the --

MS. ANDREWS: My apologies. My
apologies.

CHAIRPERSON ANDERSON: -- next
hearing, yes. Okay. So it's Ms. Norman and I
believe maybe Tom Martin, I believe. Mr. Martin
is on. Yes, Ms. Norman is on. Yes.

MR. MARTIN: Good afternoon. This is
Mr. Martin.

CHAIRPERSON ANDERSON: Yes. Hello,
Mr. Martin. And Ms. Norman, can you --

1 MS. ANDREWS: That's all.

2 CHAIRPERSON ANDERSON: Yes, thank you.

3 Ms. Norman, can you please open your microphone
4 and camera, please? Good afternoon, everyone.
5 Before we move forward, I just want to announce
6 that Board Member Grandis will recuse himself
7 from participation in this case. All right.

8 Mr. Martin, if you're able to turn the
9 camera on, if you have that possibility, please
10 do that. And then we'll have -- we'll start the
11 identification process. I will ask that the
12 licensee and it's -- the licensee's
13 representative please identify yourselves for the
14 record and also spell your name.

15 MR. MARTIN: Good afternoon. My name
16 is Thomas Martin, T-H-O-M-A-S M-A-R-T-I-N, on
17 behalf of Uproar and Ching, LLC.

18 CHAIRPERSON ANDERSON: So let me ask
19 you a question, Mr. Martin, because I'm not
20 familiar with you. What is your role with
21 Uproar?

22 MR. MARTIN: I'm their attorney in
23 this matter.

24 CHAIRPERSON ANDERSON: Okay. I'm not
25 familiar with you, sir. So I wasn't aware that

1 you were. So that's why I was asking for
2 clarification. All right. Thank you for that.

3 MR. MARTIN: No problem.

4 CHAIRPERSON ANDERSON: All right. Ms.
5 Norman, can you identify yourself for the record,
6 please?

7 (No audible response.)

8 CHAIRPERSON ANDERSON: Ms. Norman,
9 please identify yourself for the record and spell
10 your name, please.

11 MS. NORMAN: Good afternoon.

12 CHAIRPERSON ANDERSON: This is the
13 second time for the day. By now, we should get
14 it together. Go ahead. Please unmute your
15 phone.

16 MS. NORMAN: Are you able to hear me
17 now?

18 CHAIRPERSON ANDERSON: Yes, we can
19 hear you now.

20 MS. NORMAN: Okay. I am Commissioner
21 Anita Norman from 1B01.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, Ms. Norman. There currently -- and
24 the Board on its own initiative will -- I'm
25 asking. This -- the purpose of this protest

1 hearing, it's a substantial change application to
2 increase the occupancy load from 74 to 200.

3 It's my understanding that Uproar also
4 has a renewal -- its renewal which is Case No.
5 19-PRO-000138. That is also up for protest. And
6 the Board is requesting -- and this is just a
7 request. The parties can agree or disagree.
8 Would the parties jointly agree to consolidate
9 both of these cases? Mr. Martin --

10 (Simultaneous speaking.)

11 MR. MARTIN: The licensee would like
12 --

13 CHAIRPERSON ANDERSON: The --

14 MR. MARTIN: We would agree to
15 consolidate the cases.

16 CHAIRPERSON ANDERSON: Ms. Norman?

17 MS. NORMAN: We have no objection.

18 CHAIRPERSON ANDERSON: All right.

19 Thank you. So what -- the request was made by
20 the Board and both parties have mutually -- and I
21 just want to clarify. It was a request. It
22 wasn't a demand. It was the Board requested
23 whether or not the parties wanted to consolidate
24 both cases. And both parties have agreed to
25 consolidate Case No. 20-PRO-00005 and 19-PRO-

1 000138.

2 So both of those protest hearing cases
3 are consolidated. Thank you very much for that
4 agreement. Are there any preliminary matters in
5 these cases that either party wishes to bring to
6 the Board's attention?

7 MR. MARTIN: None from the licensee.

8 CHAIRPERSON ANDERSON: None, Mr.
9 Martin?

10 MS. NORMAN: From the ANC, we'd like
11 to bring two things to the Board's attention.

12 CHAIRPERSON ANDERSON: Yes.

13 MS. NORMAN: One, that there was a BZA
14 Board order for a CB, a community benefit
15 agreement that was refused by Uproar. And also
16 we never received any paperwork showing that any
17 (Audio interference.) to the property by a DCRA
18 recommendation.

19 CHAIRPERSON ANDERSON: Well, I know
20 those are -- what I've asked for, Ms. Norman,
21 just so these are -- if these are orders that
22 were ordered by a different D.C. government
23 agency, if this case goes to a protest hearing,
24 then these are more arguments that can be brought
25 and as substantive issues at a protest hearing.

1 So I appreciate what you stated. But if these
2 are issues, you can bring the order -- if we go
3 to a hearing, you can bring the order and that
4 will be part of your protest hearing. Okay? So
5 thank you for that.

6 MS. NORMAN: Thank you.

7 CHAIRPERSON ANDERSON: All right. The
8 Board -- we don't have a -- normally at the
9 protest hearing status, we'd inform both parties
10 when -- what the date and time of the next
11 protest hearing is. But because of the current
12 situation, the Board doesn't have a specific date
13 and time at this moment to schedule the hearing.
14 However, the hearing will be scheduled at some
15 point within the new year.

16 I, though, would ask both parties to
17 -- if they're able to meet and negotiate a
18 settlement, if this is what both parties want to
19 do, I always support that. I'm not telling the
20 parties that this is what they need to do. But I
21 always support because my view has always been if
22 the parties can work it out, at the end of the
23 day, they have to live with each other.

24 If you come to a hearing, one side is
25 going to be happy, the other side is not happy.

1 And I prefer when we do these proceedings that
2 both sides are happy that (Audio interference.)
3 that they have started this process and they both
4 receive satisfaction from the process. With that
5 said, all right.

6 So now that we're scheduled for a
7 protest hearing, there are a few things that I
8 would like to instruct you about so that the
9 protest hearing is focused and addresses only
10 those issues that are being protested. You
11 either have already received or will soon be
12 receiving an email from Imani Moreland that
13 contains a copy of a protest information form,
14 PIF, and a copy of an exhibit form. Both parties
15 are required to complete and submit the protest
16 information form and the exhibit form at least
17 seven days before the date of the hearing.

18 If we do not receive a copy of your
19 forms seven days before the hearing, your
20 application or your protest may be subject to
21 dismissal. These documents not only need to be
22 submitted to ABRA but to the opposing party as
23 well. Please know that these documents greatly
24 assist the Board in narrowing the protest issues,
25 facilitating the process, and keeping the parties

1 on point during the hearing.

2 Each side will have 90 minutes to
3 present their case. This includes all direct and
4 cross examination of witnesses. The Board
5 doesn't have time to hear testimony on matters
6 that are not relevant to these issues that are
7 being protested nor will the Board tolerate
8 repetitive testimony. Are there any questions by
9 either side?

10 MR. MARTIN: None.

11 CHAIRPERSON ANDERSON: None? All
12 right.

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Martin. And thank you, Ms. Norman. We thank you
16 greatly for your cooperation. If you have any
17 questions at any time leading up to the hearing,
18 please do not hesitate to contact Assistant
19 General Counsel April Randall at 202-442-4353.
20 Thank you.

21 And again, thanks to both parties for
22 making themselves available this afternoon. And
23 the Board always encourages folks to try to work
24 the matter out. However, if you are unable to do
25 so, the Board will see you at a protest hearing

1 in the new year.

2 And again, just remind both parties
3 that the renewal and the substantial change
4 protest hearings are consolidated in one case.
5 Okay? All right. Thank you very much. Have a
6 great day.

7 MS. NORMAN: Thank you.

8 MR. MARTIN: Thank you.

9 CHAIRPERSON ANDERSON: Thanks.

10 (Whereupon, the above-entitled matter
11 went off the record at 1:47 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Uproar

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.



Court Reporter

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1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com