

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

-----:

IN THE MATTER OF: :

Anyado Hospitality Group :  
t/a Hush Restaurant :  
3124 Georgia Avenue NW : Protest  
: Hearing

Retailer CT :  
License No. 96986 :  
ANC 1A :

-----:

FEBRUARY 11, 2015

The Alcoholic Beverage Control  
Board met in the Alcoholic Beverage Control  
Hearing Room, Reeves Building, 2000 14th  
Street N.W., Washington, D.C., Chairperson  
Ruthanne Miller, presiding.

**PRESENT:**

**RUTHANNE MILLER, Chairperson**

**DONALD BROOKS, Member**

**NICK ALBERTI, Member**

**HECTOR RODRIGUEZ, Member**

**MIKE SILVERSTEIN, Member**

**JAMES SHORT, Member**

**HERMAN JONES, Member**

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

2 9:45 a.m.

3 CHAIR MILLER: All right, good  
4 morning. Okay, all right, good morning,  
5 ladies and gentlemen. Welcome to the  
6 Alcoholic Beverage Control Board.

7 Today is February 11, 2015. My  
8 name is Ruthanne Miller. I'm the  
9 Chairperson, and joining me to my far right  
10 is Mr. Donald Brooks. Mr. Nick Alberti sits  
11 in the seat in between Mr. Brooks, and this  
12 is Mr. Rodriguez, and he'll be entering very  
13 shortly, and to my left is Mr. Mike  
14 Silverstein and next to Mr. Silverstein is  
15 Mr. James Short.

16 So, we have five Members here  
17 right now, and then momentarily, we'll have  
18 six, and three constitutes a quorum.

19 Copies of today's hearing  
20 calendar and agenda are available at the  
21 receptionist desk.

22 Please be aware that these

1 proceedings are being recorded by Court  
2 Reporter. Accordingly, we must ask you to  
3 refrain from any disruptive noises or  
4 actions in the hearing room.

5 If you have any electronic  
6 devices, pagers, cell phones or such, please  
7 make certain they're turned off, to avoid  
8 any interruption of the proceeding.

9 When I call your case, please  
10 come forward and take a seat at one of the  
11 tables in the front. You'll notice that  
12 there is a piece of paper on each table for  
13 you to sig in, and that ensures the correct  
14 spelling of your name for the record.

15 The Open Meetings Act requires  
16 that the public hearing on each case be open  
17 to the public. The Board may, consistent  
18 with Section 405(b) of the Open Meetings  
19 Act, enter a closed meeting during or after  
20 the public hearing on a case, to consult  
21 with an attorney, to obtain legal advice,  
22 discuss settlement agreements or deliberate

1 upon a decision in an adjudication  
2 proceeding.

3 So, that concludes my  
4 introductory remarks, and I'm going to turn  
5 to this morning's calendar and call the  
6 first case, which is Case No. 15-PRO-00001,  
7 Hush Restaurant & Lounge, located at 3124  
8 Georgia Avenue, Northwest, License No. 96986  
9 in ANC 1A.

10 Usually, the Applicant sits to  
11 our right and the Protestants sit to our  
12 left, okay, and after you sign in, if you  
13 could identify yourselves for the record,  
14 starting with the Applicant.

15 MR. WHELAN: Good morning.  
16 Stephen Whelan for the Applicant.

17 CHAIR MILLER: Stephen Well?

18 MR. WHELAN: Whelan.

19 CHAIR MILLER: Whelan, and?

20 MR. WHELAN: From Veritas Law.

21 CHAIR MILLER: Okay, thank you.

22 All right.

1 MS. BROWN: Rashida Brown for ANC  
2 1A.

3 CHAIR MILLER: Okay.

4 MR. JONES: Darren Jones, one of  
5 the group of five protesters.

6 CHAIR MILLER: Darren Jones?

7 MR. JONES: Yes.

8 CHAIR MILLER: Okay.

9 MR. TABIEI: Omeed Tabiei, also  
10 from ANC 1A.

11 CHAIR MILLER: Okay, good. Okay,  
12 so, this is just a status for the protest  
13 hearing. I'm just going to ask you if there  
14 are any issues you want to bring to my  
15 attention, and the attention of the other  
16 Board Members, and then just give you a  
17 little bit of direction about the protest  
18 hearing and the date.

19 Is there anything you want to  
20 bring to our attention, before I move into  
21 that?

22 MR. TABIEI: So, we actually just

1 had the mediation with Ms. Fletcher, as well  
2 as the attorney for Hush Lounge, and the  
3 proprietor of the business, as well.

4 MEMBER SILVERSTEIN: Please speak  
5 a little louder, Mr. Tabiei.

6 MR. TABIEI: I apologize.

7 MEMBER SILVERSTEIN: Thank you,  
8 sir.

9 MR. TABIEI: So, yes, we just had  
10 mediation with the business owner and his  
11 attorney, and we're currently working out a  
12 settlement agreement. We hope to have that  
13 submitted by the end of this week and  
14 reviewed, and hopefully, we can amicably  
15 resolve the issues that are outstanding.

16 CHAIR MILLER: Great. That's  
17 good to hear. Anything else you want to  
18 add?

19 MR. WHELAN: Nothing from us.  
20 We're working together and we hope to have  
21 something submitted.

22 CHAIR MILLER: That's great.

1       Okay, just in case you go to hearing, I just  
2       need to give you a little bit of the  
3       directions for that, in the event -- it  
4       looks like you're not going to, but you  
5       never know.

6               So, your protest hearing is  
7       scheduled for March 25, 2015 at 4:30 p.m.

8               Prior to that hearing, you will  
9       be sent some forms, a protest information  
10      form, we call it, and an exhibit form, and  
11      those forms need to be submitted seven days  
12      in advance of the hearing to the Board, and  
13      also to the opposing party.

14              If the protest information --  
15      well, the protest information captures  
16      information that's relevant to the hearing,  
17      such as what witnesses you intend to produce  
18      at the hearing, what issues are still at  
19      issue, because sometimes they get narrowed  
20      by the time you go to hearing, and exhibits  
21      you intend to submit, and they get listed on  
22      the exhibit form.

1           Also, your exhibits get -- have  
2           to be attached to the form and then shared,  
3           and the purpose of that is so that there are  
4           no big surprises at the hearing. These  
5           hearings aren't about surprises, and that  
6           everybody is prepared and the hearing is  
7           focused.

8           So, if the protest information  
9           form is not submitted seven days ahead of  
10          time, your case could be dismissed. So,  
11          don't fool around with that deadline, and in  
12          the -- or a witness might not be allowed to  
13          be heard, because the other side could claim  
14          that they didn't have time to prepare, and  
15          same with the exhibits.

16          An exhibit might not be allowed  
17          if the other side didn't get notice, and  
18          they didn't have time to prepare for it, and  
19          that's happened sometimes, where people take  
20          videos or something, and then they want to  
21          enter them last minute, and the other side  
22          hasn't seen it, and it's prejudicial.

1           So, okay, so, that's basically  
2           how it goes. If you have any questions, you  
3           can contact Martha Jenkins, our General  
4           Counsel, but hopefully, you won't be going  
5           there in any event.

6           Do you have something to say, Mr.  
7           Silverstein?

8           MEMBER SILVERSTEIN: Yes, I did  
9           see Mr. Tabiei at the ANC training, and I  
10          would like to repeat to both sides, the  
11          request that we make, and that is being that  
12          say that the atmospherics are good and you  
13          are working out a settlement agreement, if  
14          you can do so well in advance of the protest  
15          date, our staff puts together a protest  
16          report, that's anywhere from 15 to 50 pages.

17          It takes an awful lot of work.  
18          They are very, very busy with other things,  
19          often investigating incidents of public  
20          safety and violence.

21          If you can do this ahead of time,  
22          A) they wouldn't have to do the report, and

1 B) we could then give your slot to someone  
2 else for a protest hearing or something  
3 else, so that other people could -- wouldn't  
4 have to wait as long.

5 This is not something that we can  
6 force you to do, but if you can, it would  
7 make things a whole lot better for all of  
8 us, and we thank you very much for working  
9 with the process and for being here, and I  
10 thank the ANC Commissioners for their  
11 service to the City.

12 CHAIR MILLER: And this protest  
13 hearing is scheduled for March 25th, and  
14 what I heard the parties saying is that they  
15 expect to submit something maybe within a  
16 couple weeks.

17 So, that would be great, you  
18 know, in accordance to what Mr. Silverstein  
19 has been saying. So, it sounds like you're  
20 on a good track.

21 All right, any other questions?

22 MR. WHELAN: Not from the

1 Applicant.

2 CHAIR MILLER: Okay, thank you  
3 very much. Have a good day.

4 MR. TABIEI: If I may approach?

5 CHAIR MILLER: Yes.

6 MR. TABIEI: I have a designation  
7 letter.

8 CHAIR MILLER: Okay, yes, you can  
9 -- great.

10 MR. TABIEI: Thank you.

11 CHAIR MILLER: Thank you very  
12 much.

13 MR. TABIEI: Thank you.

14 CHAIR MILLER: Okay, have a good  
15 day.

16 (Whereupon, the above-entitled  
17 matter went off the record at 9:51 a.m.)  
18  
19  
20  
21  
22

**A**

a.m 3:2 12:17  
**above-entitled** 12:16  
**Act** 4:15,19  
**actions** 4:4  
**add** 7:18  
**adjudication** 5:1  
**advance** 8:12 10:14  
**advice** 4:21  
**agenda** 3:20  
**agreement** 7:12 10:13  
**agreements** 4:22  
**ahead** 9:9 10:21  
**Alberti** 2:13 3:10  
**Alcoholic** 1:3,17,18 3:6  
**allowed** 9:12,16  
**amicably** 7:14  
**ANC** 1:11 5:9 6:1,10  
 10:9 11:10  
**Anyado** 1:8  
**apologize** 7:6  
**Applicant** 5:10,14,16  
 12:1  
**approach** 12:4  
**atmospherics** 10:12  
**attached** 9:2  
**attention** 6:15,15,20  
**attorney** 4:21 7:2,11  
**available** 3:20  
**Avenue** 1:9 5:8  
**avoid** 4:7  
**aware** 3:22  
**awful** 10:17

**B**

**B** 11:1  
**basically** 10:1  
**better** 11:7  
**Beverage** 1:3,17,18 3:6  
**big** 9:4  
**bit** 6:17 8:2  
**Board** 1:3,18 3:6 4:17  
 6:16 8:12  
**bring** 6:14,20  
**Brooks** 2:12 3:10,11  
**Brown** 6:1,1  
**Building** 1:19  
**business** 7:3,10  
**busy** 10:18

**C**

**calendar** 3:20 5:5  
**call** 4:9 5:5 8:10  
**captures** 8:15  
**case** 4:9,16,20 5:6,6 8:1  
 9:10  
**cell** 4:6  
**certain** 4:7

**CHAIR** 3:3 5:17,19,21  
 6:3,6,8,11 7:16,22  
 11:12 12:2,5,8,11,14  
**Chairperson** 1:20 2:11  
 3:9  
**City** 11:11  
**claim** 9:13  
**closed** 4:19  
**COLUMBIA** 1:1  
**come** 4:10  
**Commissioners** 11:10  
**concludes** 5:3  
**consistent** 4:17  
**constitutes** 3:18  
**consult** 4:20  
**contact** 10:3  
**Control** 1:3,17,18 3:6  
**Copies** 3:19  
**correct** 4:13  
**Counsel** 10:4  
**couple** 11:16  
**Court** 4:1  
**CT** 1:10  
**currently** 7:11

**D**

**D.C** 1:20  
**Darren** 6:4,6  
**date** 6:18 10:15  
**day** 12:3,15  
**days** 8:11 9:9  
**deadline** 9:11  
**decision** 5:1  
**deliberate** 4:22  
**designation** 12:6  
**desk** 3:21  
**devices** 4:6  
**direction** 6:17  
**directions** 8:3  
**discuss** 4:22  
**dismissed** 9:10  
**disruptive** 4:3  
**DISTRICT** 1:1  
**Donald** 2:12 3:10

**E**

**electronic** 4:5  
**ensures** 4:13  
**enter** 4:19 9:21  
**entering** 3:12  
**event** 8:3 10:5  
**everybody** 9:6  
**exhibit** 8:10,22 9:16  
**exhibits** 8:20 9:1,15  
**expect** 11:15

**F**

**far** 3:9

**February** 1:15 3:7  
**first** 5:6  
**five** 3:16 6:5  
**Fletcher** 7:1  
**focused** 9:7  
**fool** 9:11  
**force** 11:6  
**form** 8:10,10,22 9:2,9  
**forms** 8:9,11  
**forward** 4:10  
**front** 4:11

**G**

**General** 10:3  
**gentlemen** 3:5  
**Georgia** 1:9 5:8  
**give** 6:16 8:2 11:1  
**go** 8:1,20  
**goes** 10:2  
**going** 5:4 6:13 8:4 10:4  
**good** 3:3,4 5:15 6:11  
 7:17 10:12 11:20 12:3  
 12:14  
**great** 7:16,22 11:17  
 12:9  
**group** 1:8 6:5

**H**

**happened** 9:19  
**he'll** 3:12  
**hear** 7:17  
**heard** 9:13 11:14  
**hearing** 1:9,19 3:19 4:4  
 4:16,20 6:13,18 8:1,6  
 8:8,12,16,18,20 9:4,6  
 11:2,13  
**hearings** 9:5  
**HECTOR** 2:14  
**HERMAN** 2:17  
**hope** 7:12,20  
**hopefully** 7:14 10:4  
**Hospitality** 1:8  
**Hush** 1:8 5:7 7:2

**I**

**identify** 5:13  
**incidents** 10:19  
**information** 8:9,14,15  
 8:16 9:8  
**intend** 8:17,21  
**interruption** 4:8  
**introductory** 5:4  
**investigating** 10:19  
**issue** 8:19  
**issues** 6:14 7:15 8:18

**J**

**James** 2:16 3:15

**Jenkins** 10:3  
**joining** 3:9  
**Jones** 2:17 6:4,4,6,7

**K**

**know** 8:5 11:18

**L**

**ladies** 3:5  
**Law** 5:20  
**left** 3:13 5:12  
**legal** 4:21  
**letter** 12:7  
**License** 1:10 5:8  
**listed** 8:21  
**little** 6:17 7:5 8:2  
**located** 5:7  
**long** 11:4  
**looks** 8:4  
**lot** 10:17 11:7  
**louder** 7:5  
**Lounge** 5:7 7:2

**M**

**March** 8:7 11:13  
**Martha** 10:3  
**matter** 1:7 12:17  
**mediation** 7:1,10  
**meeting** 1:5 4:19  
**Meetings** 4:15,18  
**Member** 2:12,13,14,15  
 2:16,17 7:4,7 10:8  
**Members** 3:16 6:16  
**met** 1:18  
**Mike** 2:15 3:13  
**Miller** 1:21 2:11 3:3,8  
 5:17,19,21 6:3,6,8,11  
 7:16,22 11:12 12:2,5  
 12:8,11,14  
**minute** 9:21  
**momentarily** 3:17  
**morning** 3:4,4 5:15  
**morning's** 5:5  
**move** 6:20

**N**

**N.W** 1:20  
**name** 3:8 4:14  
**narrowed** 8:19  
**need** 8:2,11  
**never** 8:5  
**Nick** 2:13 3:10  
**noises** 4:3  
**Northwest** 5:8  
**notice** 4:11 9:17  
**NW** 1:9

**O**

obtain 4:21  
 okay 3:4 5:12,21 6:3,8  
 6:11,11 8:1 10:1 12:2  
 12:8,14  
 Omeed 6:9  
 open 4:15,16,18  
 opposing 8:13  
 outstanding 7:15  
 owner 7:10

**P**

**P-R-O-C-E-E-D-I-N-G-S**  
 3:1  
 p.m 8:7  
 pagers 4:6  
 pages 10:16  
 paper 4:12  
 parties 11:14  
 party 8:13  
 people 9:19 11:3  
 phones 4:6  
 piece 4:12  
 please 3:22 4:6,9 7:4  
 prejudicial 9:22  
 prepare 9:14,18  
 prepared 9:6  
 PRESENT 2:9  
 presiding 1:21  
 Prior 8:8  
 proceeding 4:8 5:2  
 proceedings 4:1  
 process 11:9  
 produce 8:17  
 proprietor 7:3  
 protest 1:9 6:12,17 8:6  
 8:9,14,15 9:8 10:14  
 10:15 11:2,12  
 Protestants 5:11  
 protesters 6:5  
 public 4:16,17,20 10:19  
 purpose 9:3  
 puts 10:15

**Q**

questions 10:2 11:21  
 quorum 3:18

**R**

Rashida 6:1  
 receptionist 3:21  
 record 4:14 5:13 12:17  
 recorded 4:1  
 Reeves 1:19  
 refrain 4:3  
 relevant 8:16  
 remarks 5:4  
 repeat 10:10  
 report 10:16,22

Reporter 4:2  
 request 10:11  
 requires 4:15  
 resolve 7:15  
 Restaurant 1:8 5:7  
 Retailer 1:10  
 reviewed 7:14  
 right 3:3,4,9,17 5:11,22  
 11:21

Rodriguez 2:14 3:12  
 room 1:19 4:4  
 Ruthanne 1:21 2:11 3:8

**S**

safety 10:20  
 saying 11:14,19  
 scheduled 8:7 11:13  
 seat 3:11 4:10  
 Section 4:18  
 see 10:9  
 seen 9:22  
 sent 8:9  
 service 11:11  
 settlement 4:22 7:12  
 10:13  
 seven 8:11 9:9  
 shared 9:2  
 Short 2:16 3:15  
 shortly 3:13  
 side 9:13,17,21  
 sides 10:10  
 sig 4:13  
 sign 5:12  
 Silverstein 2:15 3:14,14  
 7:4,7 10:7,8 11:18  
 sir 7:8  
 sit 5:11  
 sits 3:10 5:10  
 six 3:18  
 slot 11:1  
 sounds 11:19  
 speak 7:4  
 spelling 4:14  
 staff 10:15  
 starting 5:14  
 status 6:12  
 Stephen 5:16,17  
 Street 1:20  
 submit 8:21 11:15  
 submitted 7:13,21 8:11  
 9:9  
 surprises 9:4,5

**T**

t/a 1:8  
 Tabiei 6:9,9,22 7:5,6,9  
 10:9 12:4,6,10,13  
 table 4:12

tables 4:11  
 take 4:10 9:19  
 takes 10:17  
 thank 5:21 7:7 11:8,10  
 12:2,10,11,13  
 things 10:18 11:7  
 three 3:18  
 time 8:20 9:10,14,18  
 10:21  
 Today 3:7  
 today's 3:19  
 track 11:20  
 training 10:9  
 turn 5:4  
 turned 4:7

**U**

Usually 5:10

**V**

Veritas 5:20  
 videos 9:20  
 violence 10:20

**W**

wait 11:4  
 want 6:14,19 7:17 9:20  
 Washington 1:20  
 we'll 3:17  
 we're 7:11,20  
 week 7:13  
 weeks 11:16  
 Welcome 3:5  
 went 12:17  
 Whelan 5:15,16,18,18  
 5:19,20 7:19 11:22  
 witness 9:12  
 witnesses 8:17  
 work 10:17  
 working 7:11,20 10:13  
 11:8  
 wouldn't 10:22 11:3

**X**

**Y**

**Z**

**0**

**1**

11 1:15 3:7  
 14th 1:19  
 15 10:16  
 15-PRO-00001 5:6  
 1A 1:11 5:9 6:2,10

**2**  
 2000 1:19  
 2015 1:15 3:7 8:7  
 25 8:7  
 25th 11:13  
**3**  
 3124 1:9 5:7  
**4**  
 4:30 8:7  
 405(b) 4:18  
**5**  
 50 10:16  
**6**  
**7**  
**8**  
**9**