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

------------------------
IN THE MATTER OF:

Treehouse 2473, LLC,
t/a Air Restaurant
2473 18th St., N.W.
License # 117404
Retailer CR - ANC 1C
Case # 21-PRO-00004

(Application for a New License)

------------------------
Thursday
February 25, 2021

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

PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
REMA WAHABZADAH, Member

ALSO PRESENT:
HENOCK ANDARGIE, Applicant
SIMONE ANDREWS, DC ABRA Staff
JAPER BOWLES, ANC 1C
LYLE BLANCHARD, Applicant's Counsel
DENIS JAMES, Kalorama Citizens Association
P-R-O-C-E-E-D-I-N-G-S

10:13 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case Number 21-PRO-00004, Air Restaurant, License Number 117404.

Ms. Randall, can you please elevate the right of the protestants and the -- so there is a protestant, there is -- there are two ANC -- there's ANC -- the Kalorama Citizen's Association, I believe. They are the protestants in this case.

MS. ANDREWS: Sure, stand by. Mr. Or Ms. Andargie, your rights have been elevated. Mr. Bowles, I'm sorry if I am mispronouncing your name, your rights have been elevated. Mr. Blanchard, your rights have been elevated.

Mr. Chair, we also have a call in from Mr. Dennis James. I am going to go ahead and unmute his line, Mr. Chair.

CHAIRPERSON ANDERSON: That's it?

MS. ANDREWS: That's all.

CHAIRPERSON ANDERSON: All right, thank you, and thank you everyone. If you have a camera could you please open your camera. You can also open -- well, when you need to speak you
can also open your microphones, so I will ask
that if you are not speaking that you keep your
microphone on mute, but you all have -- I think
that everyone has the ability, or everyone should
be able to reveal -- show us -- open their camera
if they so desire -- well I prefer so at least I
can see who it is that I am speaking to.
So we can start with the -- I don't --
we can start with the licensee. Who is the
licensee? Can we have the licensee identify and
spell his or name for the record, please?

MR. ANDARGIE: Yes, it's Henock
Andargie, H-E-N-O-C-K, first name. Last name is

CHAIRPERSON ANDERSON: Good morning,
Mr. Andargie.

All right, let's have the ANC
representative introduce himself for the record,
please.

Mr. Bowles, can you unmute your
telephone and identify yourself for the record,
please?

MS. ANDREWS: Mr. Chair, I do see him
twice, so I'm going to go ahead and elevate the
other. Okay. Mr. Bowles, your rights have been
elevated on both. You're logged in twice.

MR. BOWLES: Oh, great. Sorry about that. I don't use WebEx, and I had to redo it to get my video started. So everyone can see and hear me. Japer Bowles, J-A-P-E-R, B-O-W-L-E-S.

I'm protesting on behalf of ANC 1C.

CHAIRPERSON ANDERSON: Good morning.

Mr. -- Mr. Blanchard, who do you represent?

MR. BLANCHARD: Good morning, Chairman Anderson and Members of the Board. I am representing the Applicant, which is Treehouse 2473, LLC, trading as Air Restaurant.

CHAIRPERSON ANDERSON: Okay, I apologize, I was not -- I --

MR. BLANCHARD: No, that's okay.

CHAIRPERSON ANDERSON: All right, so -- good morning, Mr. Blanchard. Mr. James, can you please identify yourself for the record, please?

MR. JAMES: Good morning. Are you hearing me?

CHAIRPERSON ANDERSON: Yes, sir.

MR. JAMES: Okay, yeah, this is Denis James, D-E-N-I-S, J-A-M-E-S. I am president of the Kalorama Citizens -- sorry, Kalorama Citizens
Association, and of course representing them today.

CHAIRPERSON ANDERSON: Okay. All right, thank you. Good morning.

All right, good morning, everyone.

Are there any preliminary matters that needs to be brought to the attention of the Board?

By either side, by either the -- Mr. Blanchard, any preliminary matters to be brought to the attention of the Board?

MR. BLANCHARD: Not -- other than we did have a mediation on the 17th, and that went well. I think we made some -- aired some ideas, and we have tentatively scheduled the second mediation on March 4th, and we did hear from Ms. Randall after the mediation that the original hearing date of April 21st has been rescheduled to May 12th due to emancipation week.

CHAIRPERSON ANDERSON: Oh, Mr. Blanchard, you know more than I do. I don't have a date to -- I don't have a date on my calendar to schedule the protest hearing for the -- you are ahead, I guess. Normally what we do at these protest hearings status I have a date to provide, but I don't have the date, because the date
wasn't given to me, so thank you for -- well, I
am not going to schedule it because the date has
not officially been given to me --

MR. BLANCHARD: Understood.

CHAIRPERSON ANDERSON: -- by the
agency, so I am not going to put a date in the
calendar, but I believe that might -- that can
work if that's so. I'm glad to hear that you had
a first mediation and that you have another
mediation. The Board supports settlement of all
these matters because it has always been my
position because at the end of the day this is an
establishment that is going to be in the
community. This is not -- I'm sorry, this is a
new license.

So this is an establishment that might
or might not be in the community, and if it's in
the community -- then if it's going to be in the
community then at least the parties, if they are
able to sign an agreement, then at least everyone
would leave at the end of the day and be happy.
If you come to the Board for the Board to make a
decision, then one side will be happy.

One thing I will say, if this matter
is not settled, and if it has to go to a hearing,
one of the things I will ask the parties to make it clear to the Board is it that -- is it that -- are -- okay, are you in favor of having this establishment -- I'm not asking to answer now, but I am just saying if we were to have a protest hearing, one thing that at the beginning of the hearing I will ask parties to do -- to say, all right -- okay, approve the license, but approve the license with some restrictions, or don't approve the license.

So that is what I would want if we go to a protest hearing that the parties can say this is our position, so because it's easy, at least the Board will know clearly what the positions are if -- because sometimes in a -- yeah, I like the business, but we want to curtail some hours and put some restrictions in, or, no, this is not the type of business that we want for our neighborhood, so therefore what I'm telling the Board to do is -- what I'm telling the Board to do is deny the license.

So just make that clear to us if that's what the position is going to be, but I always like to hear that people are talking, because the more you talk then the more one will
know that there's -- and I'm assuming that the talk -- the discussions are -- will be fruitful, okay.

So if there are no other preliminary issues, now that we are scheduled, and, yes, we are scheduled for a protest hearing, but the date has not been -- I don't have a date to provide to you.

There are a few things that I would like to instruct you about because the Board's practices under the COVID-19 restrictions have changed. As you know, the Board's hearings are conducted virtually, so it is more important than ever that protest hearings are focused and addresses only those issues that are being protested.

One, following this hearing you will receive an email from the Assistant General Counsel, Ms. April Randall, that will include a copy of a protest information form, and a copy of an exhibit form, as well as specific instructions for the hearing. You are required to complete and submit the PIP and exhibit forms at least 7 days before the date of the hearing.

If we do not receive a copy of your
forms 7 days before the hearing, your application
or your protest may be subject to dismissal.
These documents need to be submitted to the -- to
abra.legal@dc.gov and to the opposing parties.

Please note that these documents
greatly assist the Board in narrowing the protest
issues, facilitating the process, and keeping the
parties on point during the hearing. Each side --
- this is very important, this is one of the
major changes that we have made, each side is
limited to no more than five witnesses, and you
will only have 60 minutes to present your case.
This includes all direct and cross examination.

The Board does not intend to hear
testimony on matters that are not relevant to
those issues that are being protested. Are there
any questions by anyone?

MR. BLANCHARD: No questions.

CHAIRPERSON ANDERSON: No questions,
all right.

MR. JAMES: Yeah, no questions from
the Kalorama Citizens, and I just wanted to say
that I generally concur with what Mr. Blanchard
stated regarding our -- where we stand with
discussions.
CHAIRPERSON ANDERSON: Thank you for that, Mr. James. And one thing I will also state -- one thing I always state, that this matter is being protested by the ANC and the civic association, and they -- citizens association. Just as an FYI, if the ANC -- if the ANC sign a settlement agreement the civic association -- or the civic association does not sign off on the settlement agreement, the civic association still has -- they can still stand in to move forward, and vice versa. So if it was a group then if there's settlement agreement the standing would -- the group would not have, but just as an FYI, and the Board cannot force either side to -- the Board cannot direct either side to have someone join a settlement agreement because both sides individually have standing to move forward with this protest hearing.

Anyway -- but we thank you greatly for your cooperation. If you have any questions at any time leading up to the hearing, please do not hesitate to contact Assistant General Counsel April Randall at 202-329-6354.

I thank you very much for your participation here today. The Board supports, as
I stated, settlement agreements. As I said I'm excited that the parties have agreed to have another mediation, and if I don't see you at a protest hearing, the Board will not take it personally because it will tell me that the parties have agreed to come into a mutually agreeable determination on the operation of this establishment.

So good luck on your mediation, and have a great day, and thank you for being here today.

(Whereupon, the above-entitled matter went off the record at 10:25 a.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Hearing

Before: Alcoholic Beverage Control Board

Date: 02-25-21

Place: Videoconference

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
Court Reporter