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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: :
Desta Ethiopian Restaurant, :
t/a Desta Ethiopian :
Restaurant, :
6128 Georgia Avenue Northwest: Case #15-PRO-00089
License #98818 : Protest Hearing
Retailer CR : (Status)
ANC 4A :
Application for a new license:

- - - - - X

Wednesday, November 4, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

4

5 BOARD MEMBERS:

6 JAMES SHORT

7 MICHAEL SILVERSTEIN

8 RUTHANNE MILLER

9

10

11 ALSO PRESENT:

12 CHARLES O'BANION, ESQ.

13 on behalf of the applicant

14 REGCHENAL JOHNSON

15 CANDICE NELSON

16 on behalf of Rittenhouse Condo Association

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

2 [9:49 a.m.]

3 MS. MILLER: Next case is Case No. 15-
4 PRO-00089, Desta Ethiopian Restaurant located at
5 6128 Georgia Avenue Northwest, License No. 98818.

6 MR. O'BANION: Good morning. My name is
7 Charles O'Banion. I represent the restaurant.

8 MS. MILLER: Okay, sir. Good morning.
9 Actually, our mics are on the table so I didn't
10 catch your name when you were standing. Could
11 you repeat that?

12 MR. O'BANION: Charles H. O'Banion, O,
13 apostrophe, capital B-A-N-I-O-N, attorney for the
14 restaurant.

15 MS. MILLER: Okay. And you don't have
16 anybody with you from the restaurant, just --

17 MR. O'BANION: Yes, I do.

18 MS. MILLER: Oh, who is that? He should
19 come forward, then.

20 MR. O'BANION: Come on up. No, I don't
21 have a -- I have an employee, but I don't have
22 the --

1 MS. MILLER: Okay. I just wanted to
2 clarify.

3 MR. O'BANION: Yes.

4 MS. MILLER: Okay. And on the left over
5 here, on our left?

6 MR. JOHNSON: Regchenal Johnson. I'm a
7 resident of where they are putting the
8 restaurant.

9 MS. MILLER: Okay. And you're a party of
10 five, you're the representative?

11 MR. JOHNSON: I'm one of the
12 representatives.

13 MS. MILLER: Okay.

14 MR. JOHNSON: And Candace Nelson.

15 MS. NELSON: Hi. Good morning. Candace
16 Tiana Nelson. I'm representing the Rittenhouse
17 Condo Association and the residents of 1000
18 Rittenhouse Street Northwest.

19 MS. MILLER: Okay. Great. Do you have
20 any issues you want to bring to the Board's
21 attention? This is just a status. We just want
22 to know if there is anything, otherwise, you

1 know, you were probably listening to what I said
2 before.

3 MS. NELSON: Right.

4 MS. MILLER: And I'll go through that.

5 MS. NELSON: We had our mediation. This
6 is the status of that, I imagine. And we have
7 drafted up in a draft agreement that we need to
8 send to ABRA. It's consistent with most of what
9 we discussed at the mediation hearing with hours
10 of operation, trash, you know, collection, issues
11 and concerns that we have. But primarily the
12 hours of operation.

13 MS. MILLER: Okay.

14 MS. NELSON: And hoping that they agree
15 upon those. Loitering was another issue of our
16 concern.

17 MS. MILLER: Okay.

18 MR. SILVERSTEIN: Madam Chair.

19 MS. MILLER: Yes.

20 MR. SILVERSTEIN: I believe there are two
21 protesting groups and are they both represented
22 here?

1 MS. MILLER: I think each of them
2 represent the different groups, am I correct?

3 MS. NELSON: Yes.

4 MS. MILLER: Yeah.

5 MR. SILVERSTEIN: Very well. Don't want
6 anyone to lose standing.

7 MS. MILLER: No. So and, Ms. Johnson,
8 what's your group? Do you have a name or --

9 MR. JOHNSON: No, it's just --

10 MS. MILLER: It's just a group of five
11 individuals?

12 MR. JOHNSON: It's us. Yes.

13 MS. MILLER: Okay.

14 MR. JOHNSON: But we both live in 1,000
15 Rittenhouse, so I end up writing the letter first
16 and then someone else end up writing the letter.
17 And I think I might have submitted my letter
18 prior to.

19 MS. MILLER: Okay, because yeah. So
20 yeah, thanks for bringing it up, Mr. Silverstein.
21 I mean, in my notes I have Ms. Nelson is
22 representing a group of 5 and Ms. Johnson

1 representing a group of 15. Is that correct?

2 MS. NELSON: Yeah, Ms. Johnson has
3 additional signatures from residents who don't
4 actually live in our building but they live in
5 the surrounding area. The neighborhood.

6 MS. MILLER: Okay. So you are
7 representing two different groups. Is that
8 right?

9 MR. JOHNSON: Right.

10 MS. NELSON: That is correct.

11 MR. JOHNSON: But we both reside in --

12 MS. NELSON: Even though we live side by
13 side.

14 MR. JOHNSON: Right.

15 MS. NELSON: In 1,000 Rittenhouse.

16 MS. MILLER: Okay.

17 MS. NELSON: G. H.

18 MS. MILLER: Okay. Are the issues pretty
19 similar, without going into detail?

20 MS. NELSON: Well, I guess I could let
21 Regchenal speak for the --

22 MS. MILLER: But I just -- you could do

1 it with a yes or no, or general --

2 MR. JOHNSON: No, the issues are the
3 same.

4 MS. NELSON: Yeah.

5 MS. MILLER: The same. Yeah, same.

6 MR. JOHNSON: It's the same.

7 MS. MILLER: Okay. All right. Okay.
8 Anything else?

9 All right. So what I want to do is -- we
10 don't get too deep into the merits here or
11 anything, or the settlement. Just like, what the
12 status is.

13 Okay. Your protest hearing is scheduled
14 for December 9th, 2015 at 4:30 p.m. And I'm
15 going to just repeat some of the instructions
16 that I said in the other case because they're
17 very important. If you ever get to hearing
18 you'll see that these are very important.

19 We have these, the two forms. Yes?

20 MS. NELSON: I'm sorry. Could you repeat
21 what time on the 9th? I just want to --

22 MS. MILLER: 4:30.

1 MS. NELSON: -- change my calendar.

2 MS. MILLER: That's very important too.

3 MS. NELSON: Indeed it is. Be like, I'll
4 just be here all day on the 9th. Now, 4:30?

5 MS. MILLER: Yes.

6 MS. NELSON: Thank you.

7 MS. MILLER: So what I want to say is
8 you'll be getting -- if this goes to hearing you
9 will be getting a protest information form and an
10 exhibit form sent to you ahead of the hearing,
11 and they need to be filled out and submitted to
12 the Board and opposing parties seven days ahead
13 of the hearing. And the protest information form
14 will ask for what the issues are now. You know,
15 by the time you get to the hearing they're
16 usually narrowed. And what they would be at the
17 hearing, and who your witnesses will be by name
18 specifically. And the exhibit form will ask you
19 to identify any exhibits that you will want to
20 put into evidence in support of your case. And
21 then you will need to attach those exhibits and
22 serve those exhibits and the forms on the

1 opposing party and the Board seven days ahead of
2 time.

3 And as I was saying, these hearings are
4 not meant to be surprises because if the other
5 side is surprised and you should have submitted
6 an exhibit or identified a witness that before
7 there wasn't any good reason that you shouldn't
8 have, that witness or exhibit could be excluded
9 from the evidence. Okay?

10 MR. JOHNSON: What type of exhibit are
11 you talking about?

12 MS. MILLER: Sometimes people --

13 MR. JOHNSON: The restaurant is actually
14 not opened yet, so.

15 MS. MILLER: You may not have any.

16 MR. JOHNSON: Okay.

17 MS. MILLER: You don't have to. You
18 could have a picture in the neighborhood or where
19 it's going to be or, you know, where a residence
20 might be located near it. You don't necessarily
21 need an exhibit. It's only if you do have one
22 that the other side has a chance to look at it.

1 MS. NELSON: Okay. I mean, we do have
2 some photos that we could share of some concerns,
3 but I'm not exactly sure if it's appropriate for
4 ABRA. I mean, it's like an ugly vent that
5 they've added to the side of the building as --

6 MS. MILLER: Okay. So as you get closer
7 to your case and you know what your issues are,
8 for instance, you know, I don't want to -- this
9 is a hypothetical. You may not need an exhibit.
10 But if you had a -- if it was an establishment
11 that was in existence and they had a litter
12 problem, you would take a picture of the litter
13 and the dump.

14 MS. NELSON: Got it. Okay.

15 MS. MILLER: That's all I'm saying.
16 Okay.

17 MS. NELSON: That's helpful.

18 MS. MILLER: Okay. Anything else? Okay.
19 All right. If you have other questions in the
20 interim you can always contact our legal counsel,
21 Martha Jenkins.

22 MS. NELSON: Okay.

1 MS. MILLER: Martha Jenkins is our legal
2 counsel.

3 MS. NELSON: Okay.

4 MS. MILLER: If you have any questions.

5 MS. NELSON: Do you have an e-mail
6 address for Ms. Jenkins?

7 MS. MILLER: Or Mr. Berman. Do we have a
8 card, somebody? You're going to get a card.

9 MS. NELSON: All right. Excellent.
10 Thank you.

11 MS. MILLER: Okay. Well, thank you then,
12 very much.

13 MS. NELSON: Thank you.

14 MS. MILLER: That concludes this case if
15 there are no other questions.

16 [No audible response.]

17 MS. MILLER: Okay.

18 [Whereupon, the above-entitled matter
19 concluded at 9:57 a.m.]

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