DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

IN THE MATTER OF:
Roundabout, LLC,
t/a Bar Elena DC
414 H Street NE
License #86320
Retailer CT - ANC 6C
Case # 20-PRO-00040

(Substantial Change - Games of Skill Endorsement)

Thursday
December 10, 2020

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:
SIMONE ANDREWS, DC ABRA Staff
JOEL KELTY, ANC 6C
BRYAN WESSON, Applicant's Representative
CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 20-PRO-00040, Bar Elena DC, License No. 86320. Ms. Andrews, can you please elevate the rights to the Licensee and the Protestant, please.

MS. ANDREWS: Sure. I'll take a moment to remove the rights of the parties from the last case.

CHAIRPERSON ANDERSON: Thank you.

MS. ANDREWS: That's all, Mr. Chair.

CHAIRPERSON ANDERSON: What I will ask is for the Licensee to introduce him or herself, or the Licensee's representative to introduce him or herself for the record.

MR. WESSON: Yes, sir, my name is Bryan Wesson, spelled B-R-Y-A-N, last name W-E-S-S-O-N, and I am the non-attorney agent for Bar Elena.

CHAIRPERSON ANDERSON: Now do we have the ANC representative on the line?

MS. ANDREWS: He is not on the line.

CHAIRPERSON ANDERSON: Can you elevate --
MS. ANDREWS: I'm sorry. I just received the message in the chat. I'll elevate their rights right now.

CHAIRPERSON ANDERSON: Thank you.

MR. KELTY: Good morning. This is Joel Kelty again, Commissioner, for ANC 6C.

CHAIRPERSON ANDERSON: Thank you. I apologize for that, Mr. Kelty. Are there any preliminary matters? Mr. Wesson, are there any preliminary matters in the case? I'm asking you first to find out are there any preliminary matters in this case?

MR. WESSON: Yes, sir. As of last night at 7:38 p.m., it came to my attention that Bar Elena will be going out of business.

CHAIRPERSON ANDERSON: Are they going out of business permanently?

MR. WESSON: I understand, I haven't been able to get full details at this point. It's my understanding that they are permanently going out of business.

CHAIRPERSON ANDERSON: Do you want to -- I'm not going to give you legal advice, although I'm a lawyer and you're not a lawyer. Do you want to withdraw the application? Do you
want to suspend the application? What is it that you want the Board to do in this case?

MR. WESSON: If it's acceptable to the Board, I would like to suspend the application until I can get further details. Then I can reach out to the Board if that's acceptable with what is going on in regards to the location.

CHAIRPERSON ANDERSON: Mr. Kelty, there's a motion being made by Mr. Wesson to suspend the application for the substantial change, game of skill application and then further determination from the ownership whether or not this place will be permanently closed or whether or not this Licensee will have a temporary pause in its operation.

MR. KELTY: ANC's preference would be that the application be withdrawn and resubmitted if they feel they need to in the future.

CHAIRPERSON ANDERSON: And why does the -- I'm just asking you, why is that the position of the ANC?

MR. KELTY: We're all volunteers and we've got plenty of work tracking all of the other ABRA business in our ANC. To be able to mark this one as off for the time being would be
helpful. I think that's also past practice, but
I'm not sure.

CHAIRPERSON ANDERSON: What I'm going
to suggest to the Board, as a courtesy I did ask
your opinion, but what I'm going to suggest to
the Board, unless you formally file a motion for
the Agency to dismiss this matter, I'm going to
make a motion to the Board for us to suspend this
game of skill endorsement application until Mr.
Wesson is able to provide further clarity to the
Board whether or not they will withdraw it or it
will remain in suspension.

One of the only reasons I'm suggesting
that we do that, Mr. Wesson, is that COVID is --
unfortunately because of our new reality of
COVID, there are businesses that are either going
out of business, there has some temporary
closure. We don't know what tomorrow holds.
Because this is not what was considered regular
time, I'm going to have a little bit more
flexibility in dealing with businesses so we can
find out what are their long-term plans are.

I'm not sure, at least for this
business, its long-term plan. Mr. Wesson, he's
not the owner and he says it is my understanding,
and he hasn't said to me that the owner has specifically stated to me that he is closing and he does not want to pursue this matter anymore, I believe that given COVID, that the better route to take this morning is to suspend this matter and they will let us know.

Of course, if this matter moves forward you will be given notice of what is occurring. The Agency would not just say to you -- so we'll give you proper notice to move forward. As I said before, Mr. Wesson, he is just the rep and he has stated that it was just his understanding without giving us some direct information. So my motion then to the Board is that the Agency suspend the substantial change game of skill application in Case No. 20-PRO-00040 Bar Elena DC, License No. 86320. Is there a second?

MEMBER CROCKETT: Ms. Crockett seconds.

CHAIRPERSON ANDERSON: Ms. Crockett has seconded the motion. We will now have a roll call vote on the motion that has been properly second by Ms. Crockett. Mr. Short?

MEMBER SHORT: Mr. Short, I agree.
CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Ed Grandis, I agree.

CHAIRPERSON ANDERSON: Mr. Anderson, I agree. The matter passes 6-0-0. The ABC Board then has moved to suspend the substantial change game of skill application for the Bar Elena DC matter. I want to thank both parties for their presentation today. If there are no other questions, this case is concluded.

MR. KELTY: Thank you, bye-bye.

CHAIRPERSON ANDERSON: Thank you very much.

MR. WESSON: Thank you to the Board.

CHAIRPERSON ANDERSON: Thank you. And with this, we have now concluded our morning agenda. The Board will now go into executive session. We will reconvene at 1:30 p.m. Thank you very much. The Board will now go into
executive session. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:27 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Bar Elena

Before: DCABRA

Date: 12-10-20

Place: teleconference

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

[Signature]
Court Reporter