DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF:

Aslin DC Beer, LLC,
t/a Aslin Beer Company:
1740 14th Street, N.W.:
Retailer CT - ANC 2F:
License No. 118555:
Case #21-PRO-00090:
(Application for a New:
License):
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Wednesday
January 12, 2022

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:

SARAH FASHBAUGH, DC ABRA Staff
SIDON YOHANNES, Applicant
JOYCE COWAN, Protestant
ELWYN FERRIS, Shaw Dupont Citizens Alliance
SOOCHON RADEE, Protestant
CHAIRPERSON ANDERSON: We are on the record. Good morning, everyone. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, and in accordance with D.C. Code Section 25-76 of the Open Meetings Act, I'm welcoming you to the regular scheduled meeting of the Alcoholic Beverage Control Board.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies during the public emergency.

Pursuant to this guidance, notice of today's meeting was provided 48 hours in advance of the meeting on ABRA's website and on the District's central meeting calendar. The notice includes the time, date, agenda, and call-in or log-in information for public participation.

This electronic meeting has been posted by a Webex account provided by the District of Columbia government. Please address any questions or complaints to the OOG at opengovoffice@dc.gov.
My name is Donovan Anderson. I'm Chairman of the Board. I would like to introduce the other Members of the ABC Board who are also participating electronically, pursuant to Mayor's Order 2022-007. Please respond when I announce your name.

Mr. James Short?

MEMBER SHORT: Mr. James Short, present.

CHAIRPERSON ANDERSON: Mr. Bobby Cato?

MEMBER CATO: Bobby Cato, present.

CHAIRPERSON ANDERSON: Ms. Rafi Crockett?

MEMBER CROCKETT: Rafi Crockett, present.

CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

MEMBER HANSEN: Jeni Hansen, present.

CHAIRPERSON ANDERSON: Mr. Edward Grandis?

MEMBER GRANDIS: Edward Grandis, present.

CHAIRPERSON ANDERSON: The Board has six members in attendance for the conduct of business today, and that constitutes a quorum.
Before we get underway with today's hearing calendar, I need to make a few instructions very clear, so that the conduct of these hearings is understood by everyone.

There are seven cases scheduled for this morning's calendar. Once your case is called, I will take a moment for our IT specialist to elevate the rights for each party to enable their camera and microphone. Then and only then will you have the ability to enable your equipment.

If your case has not been heard, you will remain mute and your camera will be disabled. At the conclusion of each case, the parties will have the option to leave. If the party chooses to stay, all cameras and microphones for the concluded case will be disabled.

Should you have any questions or require technical assistance during the hearing, please submit them using the question or answer feature.

Our first order of business today is a protest hearing status, Case Number 21PRO00090, Aslin Beer Company, License Number 11855. Could
we have the parties -- the parties in the case, gentlemen, can you elevate their rights, please.

MS. FASHBAUGH: Good morning, Mr. Chair. One moment. Sidon Yohannes, your rights have been elevated. Elwyn Ferris, your rights have been elevated. I do not see Joan Sterling, and I do not see Soochon -- Soochon Radee.

CHAIRPERSON ANDERSON: So, Ms. Sterling or Ms. Radee, can you please identify yourselves in the chat? Please identify -- if you're online, please identify yourself so that your rights can be elevated. So if you are either online or a call-in, please make some notation so we'll know who you are, please.

MS. FASHBAUGH: Soochon had to leave.

CHAIRPERSON ANDERSON: All right. Let me ask you, Ms. Yohannes, who are -- I'm sorry. Is Mr. Ferris here?

MR. FERRIS: Yes, Chairman Anderson. I am here representing SDCA. That's why Ms. Sterling is not present. I'm representing SDCA.

CHAIRPERSON ANDERSON: Okay. So what about -- so is Soochon Radee, is that a separate protest group? So is --

MR. FERRIS: Soochon Radee is part of
the resident protest group, and I believe that Ms. Joyce Cowan should be online representing that group.

CHAIRPERSON ANDERSON: I'm sorry. Who's that? Ms. Who?

MR. FERRIS: I believe it's Joyce Cowan.

CHAIRPERSON ANDERSON: All right. All right. I don't have that name. So I see -- I see there's a Joyce Cowan, and I see there's a Nicole Christoff. I don't know who those folks are. So are those folks here for Aslin Beer Company?

MR. FERRIS: Yes, Chairman Anderson, if you're addressing me. Yes, they are part of the resident group that is protesting the license along with Soochon Radee and many other residents.

CHAIRPERSON ANDERSON: All right.

MR. FERRIS: They should be here at the meeting.

CHAIRPERSON ANDERSON: I'm trying to find some clarification. Who is here -- all right. Let me call the case. Let me call the case, and then I will -- then I'll see where we
Okay. Good morning, everyone. So again, let me have the representative of the licensee, please spell and state their name for the record, please.

MS. YOHANNES: Sidon Yohannes on behalf of the Applicant, and that is S-I-D-O-N Y-O-H-A-N-N-E-S.

CHAIRPERSON ANDERSON: Good morning, Ms. Yohannes. Is the Applicant going to join us this morning?

MS. YOHANNES: No, they're not.

CHAIRPERSON ANDERSON: All right. So let's have the -- Mr. Ferris, can you please spell and state your name for record and your affiliation, please?

MR. FERRIS: Yes, my name is Elwyn Ferris. E-L-W-Y-N, F-E-R-R-I-S. And I am representing the Shaw Dupont Citizens Alliance.

CHAIRPERSON ANDERSON: Is there anyone from the Shaw Dupont Citizens Alliance with you, sir?

MR. FERRIS: No. It's just me representing the organization.

CHAIRPERSON ANDERSON: All right.
Thank you, Mr. Ferris. All right. So there's another protestant group, which is, I guess, the neighbors? Who is representing the neighbors? Can you please -- who's there, please?

MS. COWAN: This Joyce Cowan. I don't know if my mic is facilitated.

CHAIRPERSON ANDERSON: I can hear you, ma'am.

MS. COWAN: Okay.

CHAIRPERSON ANDERSON: And who's this?

MS. COWAN: Joyce, J-O-Y-C-E Cowan, C-O-W-A-N, and there are three designated representatives that can speak for the group of protestants of impacted neighbors.

Myself, Nici Christoff, who can also spell her name, and Soochon Radee. Mr. Radee was on at 10 o'clock but had to leave just before you convened.

CHAIRPERSON ANDERSON: All right. Nicole Christoff, can you please spell and state your name for record, please?

MS. CHRISTOFF: Okay. Good morning. Nicole, N-I-C-O-L-E. My last name is Christoff, C-H-R-I-S-T-O-F-F.

CHAIRPERSON ANDERSON: All right.
Thank you.

Ms. Cowan, I'm not quite sure why Mr. Radee was logged on at 10 o'clock, because our hearing starts at 10:30. I just want our record to reflect that our hearings start at 10:30, and we did start at 10:45 today.

But just -- so we were not supposed to start at 10 o'clock. We were supposed to start at 10:30, and we just started a few minutes early this morning. Okay. All right. I'm sorry.

Are you saying something, Mr. Ferris?

MR. FERRIS: No, I'm not. Thank you.

CHAIRPERSON ANDERSON: Okay. Fine.

Thanks. Are there any preliminary matters in this case, Ms. Yohannes?

MS. YOHANNES: None for the Applicant.

CHAIRPERSON ANDERSON: Mr. Ferris, any preliminary matters?

MR. FERRIS: No preliminary matters for SDCA.

CHAIRPERSON ANDERSON: All right.

Well, thank you.

Ms. Cowan, any preliminary matters, as far as the neighbors are concerned?

MS. COWAN: No.
CHAIRPERSON ANDERSON: Fine. All right. This matter then is scheduled for a protest hearing on February 9, 2022 at 1:30 p.m. All right? All right. Hold on one minute, please. Okay.

So now that we've scheduled this matter for protest hearing, there are a few things that I would like 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.

Following this hearing, you will receive an email from ABRA Legal assistant, Ms. Imani Moreland, that will include a copy of a protest information form, PIF, and a copy of an exhibit form, as well as specific instructions for the hearing.

You are required to complete the PIF and exhibit forms at least seven days before the date of the hearing. If we do not receive a copy of your forms seven days before the hearing, your
application or your protest may be subject to dismissal.

These documents need to be submitted to ABRA Legal and to the opposing parties. Please know 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 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 the issues that are being protested. Are there any questions?

MS. YOHANNES: No questions.

MS. COWAN: I have a question.

CHAIRPERSON ANDERSON: Yes, Ms. Cowan?

MS. COWAN: Is -- in filing the exhibits in advance of the hearing, can the Board take notice of certain factual historical issues -- for example, an earlier ruling of the ABRA Board on the same location -- without us having a witness to introduce that fact?
CHAIRPERSON ANDERSON: The Board will take -- can take administrative notice off its record. So if the Board -- you can just refer to previous Board decisions on this case, and we'll take administrative notice off our decisions.

MS. COWAN: Okay. And I assume you mean on the witnesses, five live witnesses. We could have affidavits and other issues filed?

CHAIRPERSON ANDERSON: Well, I think that's a matter of Ms. Yohannes whether or not she will object to having affidavits, because she will not have -- she cannot cross-examine an affidavit.

So I think that might be problematic, but that's something that you can discuss with Ms. Yohannes, if she's willing to do that. But just, generally, if you put an affidavit in, if -- she might object by stating that, I cannot cross-examine that piece of paper.

So -- but that's -- that is something that the parties can discuss prior to the hearing, and they can discuss whether or not that would be agreeable to them.

MS. COWAN: Okay. Are the COVID rules -- I mean, the one and only protest hearing
that I've been involved in was much longer than one hour -- much, much longer, and many more witnesses, and this is a complex case.

So are the COVID rules and how we get all the main facts are with the five-witness limit and a one-hour limit, are those laid out somewhere that I can have access to to read, to review?

CHAIRPERSON ANDERSON: No, ma'am. I am reviewing -- there is no -- there is nothing our rules and regulations specifically -- I'm sorry. There's no -- it's not in our statutes, these provisions. These are the internal rules that the Board has established to address the COVID issues.

However, we have been doing this hearing for -- these virtual hearings for the last two years, unfortunately, and we have not had any problem; we have not had any issues with folks not having enough time.

MS. COWAN: Okay.

CHAIRPERSON ANDERSON: If you believe that you need more witnesses, and if you need more -- the parties can discuss that.

MS. COWAN: Okay.
CHAIRPERSON ANDERSON: However, in the over two years we have been doing these hearings during COVID under these rules, they have worked, and --

MS. COWAN: Okay.

CHAIRPERSON ANDERSON: -- no party has disagreed to this juncture that they felt that they have not been heard, that they did not have enough time or witnesses to present their case.

MS. COWAN: That's great. That's great. And we are attempting -- I know you don't like to hear about substantive issues at this stage --

CHAIRPERSON ANDERSON: And what -- but this is what I say: I don't want to hear about the substance. But what I want to hear is that you're talking to settle this matter.

Go ahead.

MS. COWAN: All right. Well, to that point, we've not only been trying to talk and trying to -- I think we all know that distilling things to writing, you know, has a tendency to focus the issues.

And we have been trying hard, as we discussed at mediation, to get the Applicant to
react in writing to the core issues. And even though it was stated in our status hearing -- not status hearing -- mediation, and we've also had communication from the lawyer, Ms. Yohannes, that we would get reactions to our stated issues, we've not received that, so anything that -- which is a real hindrance for narrowing the issues.

So anything that the Board could do to urge the Applicant to engage in the back-and-forth would be super helpful, because we don't want to request a continuance. We'd really like to have this resolved, but we need some reactions from the Applicant.

CHAIRPERSON ANDERSON: I thank you for that representation, Ms. Cowan.

And, Ms. Yohannes, I'm not taking it to say that you're not being responsive. My only response to this, as you aware, the Board supports settlement.

The Board supports the parties talking. The Board supports the neighbors making decisions about their neighborhood.

MS. COWAN: Thank you.

CHAIRPERSON ANDERSON: Because the
Board believes that if the neighbors, the civic association, the AAC, if they all talk and make a decision, come to an agreement, then at least at the end of the day, all the parties will be happy.

When the Board makes a decision, one side is going to be happy and the other side's going is going to be unhappy. So the Board supports settlements. And so whatever you can do -- if the parties, of course, cannot settle this matter, then we'll make a decision.

But the Board supports conversations, fruitful conversations between the parties, to see if this matter can be settled short of a hearing.

MS. COWAN: Thank you.

CHAIRPERSON ANDERSON: Thank you.

MS. YOHANNES: The Applicant fully understands and is making every effort to communicate. That is all that I will say on that.

CHAIRPERSON ANDERSON: And I said, Ms. Yohannes, I did not take it as you not --

MS. YOHANNES: Right.

CHAIRPERSON ANDERSON: -- responsive.
I am just stating what the Board's position is, that the Board supports conversations amongst the parties to try to reach settlement. If the matter cannot be settled, of course, the Board will make a decision.

MS. YOHANNES: Yeah.

CHAIRPERSON ANDERSON: Any other preliminary matters that any other side wishes to bring to our attention?

MS. YOHANNES: None for the Applicant.

CHAIRPERSON ANDERSON: All right. So we thank you greatly for your cooperation. If, at any time, you have any questions leading up to the hearing, please do not hesitate to contact Ms. Moreland at 202-442-6942, or contact her by email.

Again, the Board supports the conversations amongst the parties to see if they can settle this matter. If this matter cannot be settled, well, then we'll see you on February 9 at 1:30 for a hearing. All right? Thank you and --

MS. COWAN: Thank you.

MS. YOHANNES: Thank you.

CHAIRPERSON ANDERSON: -- happy new
year.

MS. YOHANNES: Thank you.

CHAIRPERSON ANDERSON: Bye-bye.

MR. FERRIS: Thank you.

CHAIRPERSON ANDERSON: Thanks. All right. All right.

(Whereupon, the above-entitled matter went off the record.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Aslin Beer Company

Before: DCABRA

Date: 01-12-22

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