

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

IN THE MATTER OF: :

:

Temporary License :
 Applications :
 Date of Events: April 5-8, :
 April 9-12, April 13-15, : Fact Finding
 April 27-30 : Hearing
 Events: Outdoor Beer :
 Garden and Food Truck :
 Applicant: Brandon Irby, :
 on behalf of Aslin Beer :
 Company :
 Neighborhood: 1299 1st :
 Street, SE :
 Size of Events (150 Per :
 Event) :

Wednesday
March 28, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson

NICK ALBERTI, Member

BOBBY CATO, JR., Member

DONALD ISAAC, SR., Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

ALSO PRESENT:

DEVON BARNEKOV, Business Operations Manager,

Aslin Beer Company

BRANDON IRBY, General Manager, Aslin Beer Company

KAI LESZKOWICZ, Owner, Aslin Beer Company

SIDON YOHANNES, Attorney for the Applicant

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

10:12 a.m.

1
2
3 CHAIRPERSON ANDERSON: All right. The
4 next case, our next case is case number -- a
5 temporary license application for, I guess it's,
6 Bobby Irby. All right.

7 MS. YOHANNES: Good morning.

8 CHAIRPERSON ANDERSON: Good morning.
9 It's fine. I mean, they are all with you, so go
10 ahead, Ms. Yohannes.

11 MS. YOHANNES: Sidon Yohannes on
12 behalf of the applicant.

13 CHAIRPERSON ANDERSON: Good morning.

14 MR. IRBY: My name is Brandon Irby.
15 I'm the general manager of Aslin Beer Company.

16 CHAIRPERSON ANDERSON: Of what beer
17 company?

18 MR. IRBY: Beer company.

19 CHAIRPERSON ANDERSON: Mr. Irby, good
20 morning.

21 MR. IRBY: Good morning.

22 MR. LESZKOWICZ: Good morning, Members

1 of the Board. My name is Kai Leszkowicz. I'm
2 the owner of Aslin Beer Company.

3 CHAIRPERSON ANDERSON: Good morning.

4 MS. BARNEKOV: Good morning. I'm
5 Devon Barnekov. I'm the business operations
6 manager for Aslin Beer Company.

7 CHAIRPERSON ANDERSON: I'm sorry,
8 what's your name, ma'am?

9 MS. BARNEKOV: Devon Barnekov.

10 CHAIRPERSON ANDERSON: Ms. Barnekov.

11 MS. BARNEKOV: Kov.

12 CHAIRPERSON ANDERSON: Kov, can you
13 remove your hat, please?

14 MS. BARNEKOV: Of course.

15 CHAIRPERSON ANDERSON: All right.

16 Thank you. All right. I think one of the
17 reasons why, Ms. Yohannes, is the Board requested
18 this Fact-Finding Hearing. We see that there is
19 a series of temporary licenses that were
20 requested for April 5th through 8th, April 9th
21 through 12, April 13 through 15, April 27 through
22 30th and I guess this is to have these events at

1 National Park.

2 So I'm just trying to find out --
3 maybe you can give me some background. I mean
4 now, will they be requesting temporary licenses
5 for the entire baseball season? For next season
6 or is this a one-time shot? I mean, what's their
7 business model? So maybe you can let us know
8 what is going on.

9 MS. YOHANNES: Sure. Currently, the
10 applicants are in the process of filing a
11 Catering License or applying for a Catering
12 License. This is the only time that they are
13 going to be doing these temporary licenses for
14 now. They want to be able to, during these
15 dates, participate and have these events, but
16 they want a Catering License, a permanent
17 Catering License in order to participate in
18 various events.

19 So we are --

20 CHAIRPERSON ANDERSON: But you are
21 their counsel now and you know what is a Catering
22 License. So a Catering License cater -- you

1 cater and the alcohol is supposed to be
2 incidental. So --

3 MS. YOHANNES: Correct.

4 CHAIRPERSON ANDERSON: -- why not a
5 permanent license? Why not a permanent license?
6 Why would they apply for a Catering License if --
7 I mean, I could be wrong and maybe you can
8 explain. I'm hearing that, at least the
9 presentation that they are making today, we are a
10 beer company. I think that's what I heard.
11 Maybe I didn't hear correctly.

12 So if I'm hearing that I'm president
13 of this beer company, I'm not hearing that okay,
14 I'm president of a food company.

15 MS. YOHANNES: Yes.

16 CHAIRPERSON ANDERSON: So it doesn't
17 sound to me that the alcohol will be incidental
18 to what -- the alcohol will be incidental. So
19 I'm not quite sure if applying for a catering
20 license would be appropriate in this case. Maybe
21 you can convince us otherwise. That's not the
22 purpose of this hearing.

1 MS. YOHANNES: Sure.

2 CHAIRPERSON ANDERSON: But since you
3 put it out there, that's why I'm --

4 MS. YOHANNES: Sure.

5 CHAIRPERSON ANDERSON: -- going there.

6 MS. YOHANNES: Correct.

7 CHAIRPERSON ANDERSON: Go ahead.

8 MS. YOHANNES: The alcohol will be
9 incidental. They will be applying and they do
10 have Aslin Beer Company, but they will be
11 applying with Aslin Food Works and they will have
12 their food truck and they will be selling food
13 and alcohol will be incidental. They just
14 created another entity and that's where -- that's
15 how they are going to be for the catering.

16 CHAIRPERSON ANDERSON: Questions by
17 other Board Members? Mr. Alberti?

18 MEMBER ALBERTI: I have a whole slew
19 of questions, but let's start with the topic at
20 hand.

21 So this beer company is entering into
22 a partnership with some food truck company.

1 MR. IRBY: Exactly.

2 MEMBER ALBERTI: And they will be
3 applying for the Caterer's License?

4 MS. YOHANNES: Yes, that's correct.

5 MEMBER ALBERTI: With respect to these
6 events and similar events, let me just digress
7 for a second. So is the plan to -- I'm trying to
8 do this. I'm trying to get my thoughts in order
9 and ask things that make sense.

10 So have you leased this space to run
11 these events, okay, at 1299 1st Street, S.E.,
12 correct?

13 MS. YOHANNES: Yes.

14 MEMBER ALBERTI: All right. Are you
15 leasing these? Anybody can answer. This is not
16 that formal. So and just for the record, if you
17 would answer instead of nodding your heads, so
18 that we have it, because we have a transcript.
19 So we have it on the record. So I can see heads
20 nodding affirmatively to that question.

21 So throughout the summer?

22 MR. IRBY: It's up until the All-Star

1 Break. I believe the last day that we are able
2 to have the lot is the 8th of July.

3 MEMBER ALBERTI: Okay. So you are
4 planning on really serving beer, food throughout
5 the summer at all the home games and possibly
6 other times. Is that correct?

7 MR. IRBY: That's correct. Mostly the
8 home games.

9 MEMBER ALBERTI: Okay. Correct me if
10 I'm not understanding what is being presented is
11 that you have these four events. I understand
12 that you wanted to get the temporaries, so that
13 you can do it quickly, but you are planning on
14 getting a Caterer's License for the rest of the
15 summer?

16 MR. IRBY: That was the plan, yes,
17 sir. And then to be able to possibly participate
18 in future events in the District.

19 MEMBER ALBERTI: Okay. Okay. All
20 right. These events that you plan to hold at
21 1299 I Street throughout the summer, all right,
22 is there a client other than yourselves, the

1 company that you are going to be the -- whatever
2 company it is who is running those, that
3 partnership or you, it's unclear to me. So but
4 maybe that's not important.

5 So whoever it is, whoever you are
6 partnering with, as an owner, are they going to
7 be -- is there going to be another client or is
8 it you running that and getting the proceeds from
9 this?

10 MR. IRBY: I believe it is just us.

11 MR. LESZKOWICZ: As of right now, it
12 is just us.

13 MEMBER ALBERTI: Okay.

14 MR. LESZKOWICZ: So far.

15 MEMBER ALBERTI: So, Ms. Yohannes, you
16 probably see where I'm going here. Usually the
17 nature of a Caterer's License is not to run a
18 business where you are bringing in all the -- you
19 sell the beer and alcohol and you run it just
20 like a regular licensed person. Like, I mean,
21 this is outdoors, but you are doing it just like
22 a restaurant or tavern in a way, that's the

1 nature of this business.

2 It isn't so much a caterer's license
3 and that's the dilemma I'm having. You are
4 looking at me like you understand.

5 MS. YOHANNES: Right.

6 MEMBER ALBERTI: You see where I'm
7 going?

8 MS. YOHANNES: In my understanding,
9 and you can speak on this, too, Kai, is that they
10 are connecting and having discussions with other
11 vendors and other entities in order to --

12 MR. LESZKOWICZ: Yes. Yes, sir, Mr.
13 Alberti. What we were trying to do is create our
14 own food truck entity. The owner of the property
15 from which we are leasing has long term plans to
16 build a restaurant on that site.

17 MR. IRBY: That's right.

18 MR. LESZKOWICZ: And the objective was
19 to use the site as a test location for us being
20 the anchor tenant for that restaurant and without
21 us introducing a food option, which in this case
22 is a food truck, which is entering its own

1 process within the District for approval, all
2 those things need aligned. And if they don't
3 align, our food truck won't be on that site and
4 we will be partnering with other D.C. businesses
5 and D.C. food trucks to run this.

6 As -- and we assumed or our
7 understanding is that catering is the way to
8 allow us to do that to bring in other vendors if
9 our venture into the food truck does not work,
10 but the time lines don't align. I don't know if
11 I clarified that or --

12 MEMBER ALBERTI: You as a caterer are
13 not serving the food or are you going to partner
14 with these?

15 MR. LESZKOWICZ: Partner.

16 MEMBER ALBERTI: Is it just going to
17 be temporary contracts with these people?

18 MR. LESZKOWICZ: Correct.

19 MEMBER ALBERTI: May I be honest with
20 you? One of the things -- hang on one second. I
21 just need to know if I can ask this. All right.
22 All right. I just wanted to make sure.

1 We are having discussions for the
2 future, which I can't -- I don't really want to
3 talk about right now. So I'm still confused.
4 I'm still concerned about the nature. Look, I
5 want you guys to have a license. All right? But
6 I want you to have the right license.

7 And so that's where we are going here.
8 And it just doesn't -- it's just not fitting with
9 a Caterer's License. I mean, even if you had an
10 Alcohol Beverage License, all right, for this
11 site, you can bring in whoever the hell you want.
12 Excuse me, you can bring in whoever you want,
13 that's your business to serve food. All right?

14 As long as your -- and you can bring
15 them in as partners. Officially, you can just do
16 that. I mean, there is all kinds of changes you
17 can make. As long as you are managing the
18 alcohol and you are responsible for the sale of
19 that alcohol, that's all we care about.

20 So I'm not convinced that a Caterer's
21 License is appropriate. I mean --

22 MS. YOHANNES: I think those

1 discussions are still occurring. I mean, from
2 where we are now, our intention was to apply for
3 a Catering License. We are in the process of
4 doing that. We can -- you know, we are obviously
5 going to continue discussions. If their plans
6 change, if their concept changes, we could apply
7 for the appropriate license.

8 But here today, we are just seeking
9 the temporary license.

10 MEMBER ALBERTI: I got you. And I
11 understand the dilemma that you are in is because
12 you've got these four events, but there is a lot
13 more events coming up quickly.

14 MS. YOHANNES: Correct.

15 MEMBER ALBERTI: And you want to be
16 able to get this up and running. All right. So
17 you need to kind of make a decision as to what
18 kind of license you want to apply for pretty
19 soon. All right?

20 MS. YOHANNES: Yes.

21 MEMBER ALBERTI: I mean, you guys are
22 in -- how do I say it, you are moving forward

1 quickly and you know that like there is kind of
2 time pressures on you all. I get that. All
3 right. I'm going to pause. I'm not sure I have
4 any more questions, but other have questions
5 about the license.

6 CHAIRPERSON ANDERSON: Go ahead, Mr.
7 Short.

8 MEMBER SHORT: With your Caterer's
9 License that you are operating with now, how do
10 you pay your taxes to the District Government? I
11 mean, how do you pay taxes on your sales of
12 alcohol?

13 MR. LESZKOWICZ: Currently we have --
14 we do not have current sales of alcohol.

15 MS. YOHANNES: We don't have a current
16 hearing.

17 MEMBER SHORT: So this one day you're
18 going to be selling beer, correct?

19 MR. LESZKOWICZ: Yes, sir.

20 MEMBER SHORT: How does the District
21 Government get its fair share of its taxes?

22 MR. LESZKOWICZ: We are prepared to

1 file our taxes today based on the estimated
2 volumes that we are bringing into the District
3 for those events, the temporary licenses that are
4 in place.

5 MEMBER SHORT: So right now, even if
6 we granted you one today, you still don't have
7 permission from the District Government through
8 an OTR or anybody to -- so if you don't pay -- if
9 you don't get your application or taxes until
10 next year, how are you going to pay the taxes for
11 this year?

12 MR. LESZKOWICZ: I don't --

13 MEMBER SHORT: I just trying to find
14 out how the District Government gets paid,
15 because everybody that actually sells alcohol in
16 the city, as you know, pays taxes.

17 MR. LESZKOWICZ: Yes, sir.

18 MEMBER SHORT: So how are you going to
19 pay yours?

20 MR. LESZKOWICZ: I don't know if I'm
21 understanding the question.

22 MS. YOHANNES: They will file the

1 appropriate documentation today for that. That's
2 what they are planning to do.

3 MEMBER SHORT: Okay. Well, I would
4 simply say, I'm just one Board Member, but I
5 would like to see that before I vote on this, Mr.
6 Chair.

7 MR. IRBY: Sure.

8 MEMBER ALBERTI: So I take it what Mr.
9 Short is asking is you have a corporation, right,
10 or an LLC?

11 MR. LESZKOWICZ: Correct.

12 MEMBER ALBERTI: Is it a company or an
13 LLC?

14 MR. LESZKOWICZ: Yes, we are an S
15 corporation, sir.

16 MEMBER ALBERTI: You're an S
17 corporation. Great. And this and any -- all
18 these events will be income of that corporation?

19 MR. IRBY: Hopefully.

20 MEMBER ALBERTI: Okay. Well, not
21 hopefully. Hopefully you will have income.

22 CHAIRPERSON ANDERSON: If it is an S

1 corp, it's passed through to the owners in the
2 sense that whatever profits are made, it gets
3 passed through --

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON ANDERSON: -- to the
6 owners.

7 MEMBER ALBERTI: Yes. All right. All
8 right. All right.

9 CHAIRPERSON ANDERSON: I have --

10 MEMBER ALBERTI: Thank you. Thank
11 you.

12 MR. IRBY: Thank you.

13 MEMBER ALBERTI: Thank you for --
14 technically, I wasn't, but it will be charged as
15 income to this corporation.

16 MR. LESZKOWICZ: Correct.

17 MEMBER ALBERTI: And then passes
18 through, right?

19 MR. LESZKOWICZ: Yes.

20 MEMBER ALBERTI: Okay. So I think
21 that's --

22 MEMBER SHORT: Yes.

1 MEMBER ALBERTI: Mr. Short, they will
2 have to register. They will be responsible to
3 OTR for those corporation -- corporate/individual
4 taxes.

5 MR. LESZKOWICZ: Yes.

6 MR. IRBY: Correct.

7 MEMBER ALBERTI: Thank you. I'm done.

8 CHAIRPERSON ANDERSON: Mr.
9 Silverstein?

10 MEMBER SILVERSTEIN: Mr. Irby, I think
11 it might be helpful for you to understand a
12 little bit of the history of our dealings in this
13 neighborhood and why, among other things, we are
14 so concerned here.

15 You are not the first to come before
16 us asking for a license of some sort of approval
17 of some sort to be doing these things in
18 conjunction with a baseball game and other events
19 at the stadium.

20 We have turned down some people who
21 had some pretty good strong connections, because
22 there were serious concerns in the neighborhood

1 and by MPD about safety matters. These
2 especially concern pedestrian safety.

3 Because they applied for a license, we
4 were able to hear from the community and hear
5 from MPD who told us in those cases, which are
6 different from yours, that there were very
7 serious concerns about people crossing certain
8 streets at certain times and what the police were
9 able to do and how this would complicate their
10 situation and would be hazardous to public
11 safety, that's because we went through a process.

12 It's this Board Member's concern that
13 we go through the process with all applications
14 in that neighborhood, because the public safety
15 of our citizens and our guests is paramount. And
16 that doesn't mean that we don't look favorably
17 upon you, as an individual, or that we don't look
18 unfavorably. This has nothing to do with you.

19 It has to do with our doing our due diligence to
20 hear from the police, to hear from the
21 neighborhood in every case, so that we don't set
22 a precedent saying you can come do what you want

1 and we will let it go.

2 And that has nothing to do with the
3 merits or demerits of your case. If you are
4 going to be doing 80 of these things in a year, I
5 feel you need a license and I feel that, you
6 know, you would probably be better served if you
7 applied for a license other than a Caterer's
8 License that you went and that we had input from
9 the neighbors, from the MPD and others that this
10 is not an issue for them.

11 If this is a minor thing, they can
12 always just give you a step and you are good to
13 go. But we need to do our job here and our job
14 here is primarily public safety. Not primarily,
15 but first and foremost public safety.

16 MS. YOHANNES: Can we address that?

17 CHAIRPERSON ANDERSON: Go ahead, Mr.
18 Yohannes.

19 MS. YOHANNES: So just in terms -- I
20 understand in terms of the ANC, the applicants
21 have contacted the chair, former chair of the ANC
22 and is going to be going to the meeting, the next

1 ANC meeting in hopes of just getting support for
2 their upcoming events.

3 And in terms of public safety, one of
4 the applicants is an ABC Manager and we do also
5 have a former police officer who is the owner.
6 So in terms of the specific temporary or the
7 specific events here, again, questions regarding
8 how, you know, many people will be there and if
9 there will be security guards and things like
10 that. We are happy to address that as well.

11 I mean, the event is -- the plan is
12 for it to be 150 people and four security guards
13 or personnel there to check for ID to ensure that
14 people are not sort of being -- are not too
15 intoxicated. And any other questions that you
16 have, we can address as well.

17 CHAIRPERSON ANDERSON: All right. Any
18 other questions by any of the Board Members?

19 MEMBER ALBERTI: I have a few.

20 CHAIRPERSON ANDERSON: Go ahead, Mr.
21 Alberti.

22 MEMBER ALBERTI: So, Ms. Yohannes, I

1 am going to put you on the spot here. You heard
2 Mr. -- you heard my concerns about what kind of
3 license. You heard Mr. Silverstein. So a two-
4 part question.

5 What's the downside for this company
6 applying for a license? And are there any
7 obstacles for them applying for a license at this
8 location?

9 MS. YOHANNES: The only --

10 MEMBER ALBERTI: Not a Caterer's
11 License, let me be clear.

12 MS. YOHANNES: Right.

13 MEMBER ALBERTI: A regular Restaurant
14 or Tavern License.

15 MS. YOHANNES: I would say that, I
16 mean at this point, we are in discussions still
17 regarding the types of licenses. I don't see any
18 obstacles, at this point in time, for these
19 specific events and what they want to do right
20 now.

21 After sort of speaking to them about
22 their concept a little bit more and what they

1 wanted to do, they may want to seek a permanent
2 license at a later time, but as of right now, in
3 terms of participating in various events in the
4 city, the Catering License was the most
5 appropriate.

6 MEMBER ALBERTI: I was --

7 MS. YOHANNES: But we --

8 MEMBER ALBERTI: Go ahead.

9 MS. YOHANNES: -- could continue
10 discussions about a permanent license.

11 MEMBER ALBERTI: So you know that you
12 can have both licenses, a caterer and --

13 MS. YOHANNES: Yes.

14 MEMBER ALBERTI: -- a permanent
15 license, so everybody is clear on that.

16 MS. YOHANNES: Yes.

17 MEMBER ALBERTI: I will just tell you
18 my opinion about these four events, I'm fine with
19 these four events. I'm concerned about the
20 future --

21 MS. YOHANNES: Okay.

22 MEMBER ALBERTI: -- going forward. So

1 I mean, I want you to get started. I mean, you
2 know, it's good for the District, you know, so --

3 MR. IRBY: I think we started this
4 process because, for the catering in particular,
5 that was our understanding of if we have no
6 future guarantee of business --

7 MEMBER ALBERTI: Yeah.

8 MR. IRBY: -- in the District, that
9 was our best option for the temporary, get us in
10 here; we would like to start doing business with
11 the District.

12 MEMBER ALBERTI: Yes. But my intent
13 was not to grill you. My intent was just to
14 figure out what is the appropriate --

15 MS. YOHANNES: Sure. And just I think
16 because they are new to the --

17 MEMBER ALBERTI: -- way forward?

18 MS. YOHANNES: -- right. Because they
19 are new to the District, they are trying to sort
20 of -- well, we are trying to figure out what
21 their best --

22 MEMBER ALBERTI: Okay.

1 MS. YOHANNES: -- options are and we
2 are still in discussions for right now.

3 MEMBER ALBERTI: Okay.

4 MR. LESZKOWICZ: I think my only
5 concern, Mr. Alberti, is what Mr. Silverstein
6 said. If we applied for a permanent license to
7 operate a business there and at some point it was
8 denied or disapproved by the Board, does that
9 disallow us to continue to apply for temporary
10 licenses throughout the summer or through the
11 summer to continue the endeavor in the process
12 that set out to do?

13 MEMBER ALBERTI: Well, let me put it
14 this way. If you were disapproved for a license,
15 there would have to be very compelling reasons.
16 All right.

17 MR. LESZKOWICZ: Sure, because --
18 sorry to interrupt you.

19 MEMBER ALBERTI: All right. You know,
20 we --

21 MR. LESZKOWICZ: The community in
22 itself was --

1 MEMBER ALBERTI: -- need -- pardon?

2 MR. LESZKOWICZ: Like what he was
3 saying before, the ANC and the community before,
4 they have not been supportive, because of public
5 safety concerns, but that still exists. That's a
6 reality for us, too, right?

7 MEMBER ALBERTI: Right. But if the --
8 if you get their support, you will get -- you can
9 get -- you could just --

10 (Simultaneous speaking.)

11 MS. YOHANNES: And we will address
12 that --

13 MEMBER ALBERTI: Ms. Yohannes, the
14 bottom line --

15 MS. YOHANNES: -- at a different time.

16 MEMBER ALBERTI: -- you can talk about
17 a license, but I'm just going to put -- I'm just
18 going to answer your question this way. If you
19 were turned down for some reason, it would be --
20 have to be for a very compelling reason. I mean,
21 that's the law. All right.

22 MR. IRBY: Yes, sir.

1 MEMBER ALBERTI: That compelling
2 reason might carry over to these temporary
3 events, but if you are confident that we wouldn't
4 have a compelling reason, then you can be
5 confident that we would -- you would be able to
6 apply for the event.

7 MR. IRBY: Thank you.

8 MEMBER ALBERTI: Or to get a license.
9 So but I'll leave that up to you and what you
10 know about your business. I can't commit to
11 anything.

12 CHAIRPERSON ANDERSON: Any other
13 comments by any other -- yes, ma'am?

14 MS. YOHANNES: Just as Brandon was
15 saying, as we started this process, we were told
16 initially that we could apply for the temporary
17 permits and then after Brandon and myself came
18 down here numerous times and learned more about
19 ABRA and D.C., we learned that if we just
20 continued to apply for temporary permits, will it
21 look good for the Board. And so that's when we
22 sought advice on how we should proceed to make

1 ourselves, you know, a more permanent fixture in
2 D.C. and let you guys know that we do want to do
3 business in D.C., so --

4 MEMBER ALBERTI: Yes, I mean, I
5 personally have seen your intent. All right. I
6 mean, you guys are really trying to work with us.

7 MS. YOHANNES: Um-hum.

8 MEMBER ALBERTI: You call came down
9 today. You have given us all the information we
10 need, so we understand.

11 MS. YOHANNES: Okay.

12 MEMBER ALBERTI: At least I
13 understand.

14 CHAIRPERSON ANDERSON: And you are
15 here today because we see that this is something
16 that can -- you can continue applying for
17 temporary, indefinitely and although there is no
18 restriction on it, but we need to find out is
19 there a way that you -- why you would not be
20 applying for a permanent license, rather than
21 applying for a temporary not licenses
22 indefinitely.

1 MS. YOHANNES: Yes.

2 CHAIRPERSON ANDERSON: That's one of
3 the reasons why you are here. Any other
4 questions by any of the Board Members?

5 MEMBER ALBERTI: No.

6 CHAIRPERSON ANDERSON: Any -- all
7 right. All right. Make sure that everyone signs
8 in on the sign-in sheet. Any final comments that
9 you -- that anyone wants to make?

10 MS. YOHANNES: No, except for -- well,
11 yes. Just to say that we are here for these
12 temporary licenses. And in the future, we will
13 definitely go back and discuss and -- discuss
14 whether catering or whether -- well, what the
15 appropriate license is.

16 CHAIRPERSON ANDERSON: All right. The
17 Board is going to take this under advisement, but
18 I'm going to ask you to wait.

19 So as Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with DC Official Code
22 Section 2-574(b) of the Open Meetings Act, I move

1 that the ABC Board hold a closed meeting for the
2 purpose of seeking legal advice from our counsel
3 on the Fact-Finding Hearing regarding Brandon
4 Irby, pursuant to DC Official Code Section 2-
5 574(b)(4) of the Open Meetings Act, and
6 deliberating upon the Fact-Finding Hearing
7 regarding Brandon Irby for the reasons cited in
8 DC Official Code Section 2-574(b)(13) of the Open
9 Meetings Act. Is there a second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti has
12 seconded the motion. I will now take a roll call
13 vote on the motion before us now that it has been
14 seconded.

15 Mr. Isaac?

16 MEMBER ISAAC: I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: I agree.

19 CHAIRPERSON ANDERSON: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIRPERSON ANDERSON: Mr. Short?

22 MEMBER SHORT: I agree.

1 CHAIRPERSON ANDERSON: Mr.
2 Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Anderson?
5 I agree.

6 As it appears that the motion has
7 passed, I hereby give notice I hereby give notice
8 that the ABC Board will recess this proceeding to
9 hold a closed meeting in the ABC Board conference
10 room pursuant to Section 2-574(b) of the Open
11 Meetings Act.

12 We will be back in about 5 or 10
13 minutes. Thank you.

14 (Whereupon, the above-entitled matter
15 went off the record at 10:37 a.m. and resumed at
16 10:44 a.m.)

17 CHAIRPERSON ANDERSON: We're back on
18 the record. We are back from deliberating on the
19 temporary -- the four temporary applications for
20 the Fact-Finding Hearing on the request -- the
21 application filed by Brandon Irby on behalf of
22 Aslin Beer Company.

1 I make a motion that the Board grant
2 the four temporary license application that is
3 before us. Is there a second?

4 MEMBER ALBERTI: Second.

5 CHAIRPERSON ANDERSON: Mr. Alberti has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?
10 The matter passes 6-0-0.

11 So we can sign this. I think one of
12 the concerns that the Board has is that we have
13 agreed to grant the four temporary license
14 applications, but we are saying to you that we
15 need you to move forward immediately to apply for
16 a permanent license.

17 Based on the presentation that was
18 made here today, it's not apparent to us that a
19 Caterer's License is -- would be the appropriate
20 way to go. We can't tell you right now what type
21 of license that you should apply for, but based
22 on the presentation, as you know, a Caterer's

1 License is -- alcohol is incidental to the
2 operation of the business.

3 And on first blush, it does not appear
4 that way. And so we are -- we have approved for
5 you to get -- to pick up your license today, but
6 we are saying to you that you need to make a
7 decision immediately on moving towards receiving
8 some type of temporary license application,
9 because -- I mean, the Board -- I'm sorry. Some
10 type of permanent license.

11 The Board, of course, if you have
12 moved forward in applying for a temporary license
13 application and there is hiccups on the way, we
14 are not going to say if you apply for other
15 temporaries that we would not grant it.

16 But I think if -- to move forward, the
17 Board will look to see what is it that you are
18 doing towards getting a permanent license for
19 this location, because we think a permanent
20 license for this location would be more
21 appropriate.

22 Any other comments from any of the

1 Board Members?

2 MEMBER ALBERTI: I'm just going to say
3 that my view is that a Caterer's License is not
4 intended to have ongoing events in one location.
5 That really isn't what we think of as a Caterer's
6 License. So that swayed my vote on this one. I
7 wish you well. I encourage you to go to the ANC.
8 If you can get a step from the ANC, you can
9 probably just move this along and have that
10 license.

11 Ms. Yohannes can tell you that it
12 doesn't take that long if you get that approval
13 from the ANC.

14 CHAIRPERSON ANDERSON: All right. So
15 we will give you -- you can go -- I'm sorry, go
16 ahead, Mr. Silverstein. I'm sorry.

17 MEMBER SILVERSTEIN: Yes, I just want
18 to associate myself with the comments of my
19 colleagues. We don't want to place any
20 unnecessary roadblocks or undue burdens on you.
21 We want this to move forward, but we want to do
22 it in the right way and we are concerned about

1 setting precedents that could be used wrongly in
2 future cases.

3 So we wish you well and let's move
4 forward with this.

5 CHAIRPERSON ANDERSON: All right. So
6 you can go pick up your license today and good
7 luck. You will get the document that you can
8 take the front desk and go pick up your license.

9 MS. YOHANNES: Thank you.

10 MR. IRBY: Thank you, gentlemen.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you.

13 MR. LESZKOWICZ: Thank you.

14 CHAIRPERSON ANDERSON: Thank you. All
15 right. The Board will be in recess until our
16 11:00 hearing. All right.

17 (Whereupon, the above-entitled matter
18 went off the record at 10:47 a.m.)
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In the matter of: Aslin Beer Company Temporary License
Applications

Before: DC ABRA

Date: 03-28-18

Place: Washington, DC

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