DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

IN THE MATTER OF:        :
Howard Theatre :        :
Entertainment, LLC, :        :
t/a Howard Theatre :        :
620 T Street NW :        : Protest
Retailer CX - ANC 1B :        : Hearing (Status)
License No. 88646 :        :
Case #19-PRO-00090 :        :
(Application to Renew the License) :

Wednesday
September 25, 2019


PRESENT:

DONOVAN W. ANDERSON, Chairperson
RAFI ALIYA CROCKETT, Member
BOBBY CATO, JR., Member
JAMES SHORT, Member
ALSO PRESENT:

ANITA NORMAN, COMMISSIONER, ANC 1B
JOHN SHAW, PROTESTANT
IVY KAYIRA, PROTESTANT
ALEX MEJIA, PROTESTANT
ANNA ELEW, PROTESTANT
DAVID RUDDY, PROTESTANT
SCOTT FROST, PROTESTANT
JAMES BAILEY, PROTESTANT
COLLEEN HENDRICKS, APPLICANT
SIDON YOHANNES, COUNSEL FOR APPLICANT
ROY ELLIS, APPLICANT
CHAIRMAN ANDERSON: Our next protest status hearing is Case No. 19-PRO-00090, Howard Theatre, License No. 88646. Would the parties please approach and identify themselves for the record, please? We'll start with the licensee.

MS. YOHANNES: Good morning, Sidon Yohannes on behalf of the licensee.

CHAIRMAN ANDERSON: Good morning, Ms. Yohannes.

MR. ELLIS: I'm Roy Ellis, on behalf of the Howard Theatre.

CHAIRMAN ANDERSON: Good morning, Mr. Ellis.

MS. HENDRICKS: Colleen Hendricks, from Howard Theatre.

CHAIRMAN ANDERSON: Good morning, Ms. Hendricks. Protestants.

MS. NORMAN: Anita Norman, ANC commissioner, 1B01.

CHAIRMAN ANDERSON: Good morning, Ms.
MS. NORMAN: Also, Anita Norman, party of five representative.

CHAIRMAN ANDERSON: Good morning, again, Ms. Norman. Who are the protestants? It's just a party of five and the ANC? Who are the people here with you today?

MR. RUDDY: Good morning, sir. My name is David Ruddy. I'm a resident of 1811 Wiltberger Street.

CHAIRMAN ANDERSON: Good morning, Mr. Ruddy.

MR. SHAW: John Shaw, 1801 Wiltberger Street.

CHAIRMAN ANDERSON: Good morning, Mr. Shaw. Can't hear you, ma'am.

MS. KAYIRA: Ivy Kayira, 617 F Street, Northwest.

CHAIRMAN ANDERSON: I did not hear your last name.

MS. KAYIRA: Kayira.

CHAIRMAN ANDERSON: Good morning, Ms.
Kayira. There's a sign-in sheet. I need everyone to also sign in, too. Who else do we have here?

MR. FROST: Scott Frost, 1803 Wiltberger Street.

CHAIRMAN ANDERSON: Good morning, Mr. Frost.

MR. BAILEY: James Bailey, 1807 Wiltberger.

CHAIRMAN ANDERSON: Good morning, Mr. Bailey.

MS. ELEW: Anna Bondurant 5825 Elew, 1811 Wiltberger Street.

CHAIRMAN ANDERSON: I didn't get the last name.

MS. ELEW: My last name is Elew.

CHAIRMAN ANDERSON: Good morning, Ms. Elew.

MR. MEJIA: Alexander Mejia, 1801 Wiltberger.

CHAIRMAN ANDERSON: Good morning, Mr. Mejia. Are there any preliminary matters that
needs to be brought to the Board's attention?

    MS. YOHANNES: No preliminary matters for us.

    CHAIRMAN ANDERSON: Yes, Ms. Norman.

    MS. NORMAN: We worked diligently on a settlement agreement. There are several issues that we have compromised on. There are two remaining issues of concern that we have not come to an agreement on. They are permitting a settlement agreement from being put in place.

    CHAIRMAN ANDERSON: This matter is scheduled for a protest hearing on October 30th, at 4:30. You still have a month to continue talking and continue to try to have a settlement agreement, which -- as you know, in the four years I've been here, I do support having settlement agreements.

    If the matter cannot be settled, then the Board will make a decision. One of the reasons why I support settlement agreements is that this is your neighborhood. None of us necessarily live in that neighborhood. So it's
best if you can come together and make decisions about your neighborhood.

Because if you make the decision through a settlement agreement, then everyone leaves happy. If the Board makes a decision, one side of the other is not going to be happy. But if the Board has to make a decision, the Board will make the decision.

As I stated, this matter is scheduled for a short -- I'm sorry, protest hearing on October 30th, at 4:30 p.m. Now that we've scheduled this matter for a protest hearing, there are a few things that I would like to instruct you about, so that the protest hearing is focused and addresses only those issues that are being protested. You either have already received or will soon be receiving an email from Imani Moreland that contains a copy of the protest form and a copy of the exhibit form.

Both parties are required to complete and submit the protest information form and the exhibit form seven days before the hearing. If
we do not receive a copy of your PIF seven days
before your application, your protest may be
subject to dismissal. These forms not only need
to be submitted to ABRA, but to the opposing
parties, as well.

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
will have 90 minutes to present its case. As you
know, if this matter goes to a protest hearing,
we have a protest hearing at 1:30 that day, too.
Therefore, that tells us that the Board is going
to have a very long day. Therefore, I will need
the parties -- if we go to a protest hearing, to
keep your arguments and testimony to the 90
minutes because we're going to hold you to that.
The Board does not intend to hear testimony on
matters that is not relevant and that are being
protested.

My position, also, too, if you're
saying that if there are ten issues and if you
come to the hearing and you can agree on eight issues, let the Board know what the eight issues are. We can memorialize that as a part of the decision, and then the protest would only be on the other two issues.

At least that would streamline it.

That's something that the Board can do. If you have an agreement, you can let us know that we have agreed on this issue. If we have to make a decision, then we can put those agreements in an order. Then we just have the hearing on the remaining outstanding issues. Are there any questions by anyone?

MS. YOHANNES: No questions for us.

CHAIRMAN ANDERSON: Thank you very much for your cooperation. Again, if you have any questions at any point, please do not hesitate to contact Ms. April Randall, at 202-442-4353. Thank you very much. If I do not see you on October 30th, the day before Halloween, I will not take it personal. That will tell me that the parties have worked the
matter out. But if not, I'll see you on October 30th.

MS. YOHANNES: Thank you.

CHAIRMAN ANDERSON: Have a great day.

Thank you.

(Whereupon, the above-entitled matter went off the record at 10:02 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Howard Theatre

Before: DCABRA

Date: 09-25-19

Place: Washington, DC

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