

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

 IN THE MATTER OF: : Substantial Change
 :
 Daniman, LLC : Roll Call Hearing
 t/a Lee's Liquor :
 2339 Pennsylvania :
 Avenue, S.E. :
 License #ABRA-095751 :
 Retailer Class A :
 Case #14-PRO-00102 :

The above-entitled matter convened
 at 10:14 a.m., pursuant to notice, in the
 Alcoholic Beverage Regulation Administration
 Hearing Room, Room 400S, Reeves Municipal
 Center, 2000 14th Street, N.W., Washington,
 D.C. 20009.

BEFORE:

LA VERNE FLETCHER, Board Mediator

P R O C E E D I N G S

(10:11 a.m.)

MS. FLETCHER: Would the parties in the matter of Lee's Liquor please come forward. This is Case No. 14-PRO-000102, Daniman, LLC, trading as Lee's Liquor, 2339 Pennsylvania Avenue, S.E., License No. ABRA-095751. This is a Retailer Class A.

Excuse me a second.

(Pause)

MS. FLETCHER: This is License No. ABRA-095751. This is a Retailer Class A, Substantial Change. Hours of operation. The protest issues are adverse impact on peace, order, and quiet, and over-concentration.

My name is La Verne Fletcher, and I'm conducting the roll call hearing as the Board's agent, pursuant to D.C. Official Code 1601.2.

Introductions, please, beginning with the Protestants.

MR. BUTLER: My name is Gary Butler,

1 ANC Commissioner 7B03.

2 MS. FLETCHER: Mr. Butler, would you
3 spell your name for the record, please.

4 MR. BUTLER: Sure. G-a-r-y. Gary.
5 Butler. B-u-t-l-e-r.

6 MS. FLETCHER: Mr. Butler, just a
7 clarification. The protest that you signed is
8 the protest filed by a Group of 18
9 individuals. For the ANC - which ANC did you
10 indicate?

11 MR. BUTLER: That would be ANC
12 Commission 7B.

13 MS. FLETCHER: The protest letter
14 signed by ANC 7B was signed by Robert T.
15 Richards.

16 MR. BUTLER: Correct. That is our
17 chairman.

18 MS. FLETCHER: Okay. He did not
19 designate you as his representative. So for
20 the purpose of roll call, you are here on
21 behalf of the Group of 18.

22 Is anyone present on behalf of ANC

1 7B?

2 MR. BUTLER: I am a commissioner on
3 ANC 7B.

4 MS. FLETCHER: And your name, ma'am?

5 MS. BUTLER: My name is LaNai Butler.

6 MS. FLETCHER: And would you spell
7 that for the record, please.

8 MS. BUTLER: Lanai is spelled L-a-N-
9 a-i. Butler, B-u-t-l-e-r.

10 MS. FLETCHER: Thank you, Ms. Butler.

11 Is there anyone present on behalf of
12 ANC 7B. Mr. Butler, I'm not going to accept
13 you as the representative for ANC 7B, because
14 ANC 7B did not designate a representative.
15 They indicated that you - they did not
16 designate a representative at all.

17 I'm just reviewing the protest
18 letter one more time, to make sure of that.

19 And I am aware that you are a
20 commissioner. You're in ANC 7B03?

21 MR. BUTLER: Correct.

22 MS. FLETCHER: Yes. But they didn't

1 designate you as a representative, which they
2 must do.

3 MR. BUTLER: Must do.

4 MS. FLETCHER: Must designate a
5 representative in order to be represented.

6 MR. BUTLER: Okay. Thank you.

7 MS. FLETCHER: And so for the purpose
8 of the roll call hearing, ANC 7B is dismissed
9 as a Protestant. ANC 7B will receive an order
10 from the ABC Board dismissing them as a
11 Protestant and they will have 10 days to seek
12 reinstatement of their protest.

13 MR. BUTLER: Okay.

14 MS. FLETCHER: So we're going to move
15 on to - and Mr. Butler -

16 MR. BUTLER: Can I ask one question?

17 MS. FLETCHER: Yes.

18 MR. BUTLER: We are - we're in the
19 midst of changing, because we all got
20 reelected on January the 2nd. So I wasn't sure
21 - that we have 10 days to establish a new
22 chairperson and then a representative. I just

1 wanted to make sure that was understood. So
2 Chairman Richards is no longer going to be
3 sitting on the commission. So we will address
4 that within the 10 days.

5 MS. FLETCHER: Yes. The Board order
6 will go to the chair, whoever the chair is -

7 MR. BUTLER: Okay.

8 MS. FLETCHER: - I suppose will get
9 the - we'll address it to - we'll address
10 the order to Robert Richards. That's the last
11 -

12 MR. BUTLER: Well, he's no longer
13 going to be affiliated.

14 MS. FLETCHER: So the ANC will
15 receive the letter and do what they do with it
16 -

17 MR. BUTLER: Right. Okay.

18 MS. FLETCHER: - once they receive
19 it. I guess you'll pass it along to the new
20 chair.

21 MR. BUTLER: Yes. Okay. Thank you.

22 MS. FLETCHER: Okay. Thank you very

1 much.

2 And so for the Group of 18, I'm
3 granting conditional standing to the Group of
4 18 because Mr. Butler, and you, Ms. Butler,
5 are present. You're granted conditional
6 standing today.

7 At the status hearing, three more
8 people from your group, who are not present,
9 will need to appear at the status hearing in
10 order to be granted full standing. But we'll
11 continue along through the process, and just
12 for the record, one of the Protestants from
13 the Group of 18, by the name of Althea Nelson,
14 called me this morning, to say that she does
15 not want to be a party to the protest. She
16 just wants to be a supporter.

17 So I won't be acknowledging her, or
18 granting her standing as a Protestant, at her
19 request.

20 So any further notices will not be
21 sent to Ms. Nelson.

22 MR. BUTLER: Excuse me. Board Chair

1 - I'm sorry, I'm not sure if that's how we
2 refer to you.

3 MS. FLETCHER: Yeah. That's fine.

4 MR. BUTLER: I have a letter. One of
5 my - one of the 18, he actually attached a
6 letter, that I think he contacted your office,
7 and said he would want me to represent on his
8 behalf. Would that be sufficient in the future

9 -

10 MS. FLETCHER: Did he sign the
11 protest letter?

12 MR. BUTLER: I believe he -

13 MS. FLETCHER: What's his name? I'll
14 tell you.

15 MR. BUTLER: William Messen
16 Messenger? Metzger? M-e-t- --

17 MS. FLETCHER: Yes. M-e-t-z -

18 MR. BUTLER: g-e-r.

19 MS. FLETCHER: M-e-t-z-g-e-r.

20 William. He signed the protest letter. You can
21 give me that for the record. But according to
22 the protest letter that you sent, you're

1 representing all of the Protestants.

2 MR. BUTLER: So he's included. Okay.

3 MS. FLETCHER: So he's included.

4 MR. BUTLER: Okay.

5 MS. FLETCHER: But thank you.

6 Let me ask you something else, Mr.
7 Butler. I have a few people on your petition
8 whose names are not legible. I'm going to see
9 if you can help me with those.

10 MR. BUTLER: Sure.

11 MS. FLETCHER: I know Ms. LaNai
12 Butler. Her name is L-a-N-a-i. Right
13 underneath her name is a name Steve.

14 MR. BUTLER: I believe that's
15 Pauling. P-a-u-l-i-n-g.

16 MS. FLETCHER: Okay. And then number
17 seven. The last name is Little. What's the
18 first name? And does it have a middle name?

19 MR. BUTLER: I'm not a 100 percent
20 sure. I know it's "Sam," is the name he goes
21 by, but I'm not sure -

22 MS. FLETCHER: Sam Little?

1 MR. BUTLER: Sam Jon Little.

2 MS. FLETCHER: Oh. So that's a J-o-n,
3 you believe?

4 MR. BUTLER: Yes.

5 MS. FLETCHER: And number four is P-
6 a-u-l-i-n-g?

7 MR. BUTLER: Correct.

8 MS. FLETCHER: Okay. So thank you,
9 Mr. Butler. Your group is granted conditional
10 standing.

11 MR. BUTLER: Thank you.

12 MS. FLETCHER: And present on behalf
13 of Daniman, LLC?

14 MR. MELES: Good morning. Kiflom
15 Meles on behalf of Lee's Liquor.

16 MS. FLETCHER: And would you state
17 your name one more time and spell it for the
18 record.

19 MR. MELES: It is Kiflom, K-i-f-l-o-
20 m. The last name is M-e-l-e-s, as in Sam.

21 MS. FLETCHER: Okay. M-e-l-e-s?

22 MR. MELES: Correct.

1 MS. FLETCHER: And your connection to
2 the establishment?

3 MR. MELES: I am the attorney for the
4 Applicant.

5 MS. FLETCHER: And is it "Meles"?

6 MR. MELES: Meles.

7 MS. FLETCHER: Meles. Could you
8 please put your contact information on that
9 sign-in sheet.

10 MR. MELES: I did.

11 MS. FLETCHER: Oh, did you? Thank you
12 very much. And is anyone here present?

13 MR. MELES: Yes. Mr. Tesfaye.

14 MS. FLETCHER: If you could come
15 forward, please, and have a chair. Thank you.
16 And if you could please state your name and
17 spell it for the record.

18 MR. TESFAYE: My name is Daniel
19 Tesfaye. D-a-n-i-e-l. Last name is Tesfaye. T-
20 e-s-f-a-y-e.

21 MS. FLETCHER: Thank you, Mr.
22 Tesfaye.

1 And so you know we'll be contacting
2 Mr. Meles on your behalf. And so you were
3 here to hear that a Group of 18 has been
4 granted conditional standing. Were you here
5 for that part? I know your attorney was here
6 before you. I want to make sure you know
7 everything. A Group of 18 has been granted
8 conditional standing.

9 MR. TESFAYE: Okay.

10 MS. FLETCHER: ANC 7B was dismissed
11 because they're not present today.

12 The ABC Board is going to issue an
13 order dismissing ANC 7B and you'll receive a
14 copy of that, and they'll have 10 days to seek
15 reinstatement of the application - I mean of
16 the protest. I'm sorry. But as of today, there
17 is no protest filed by ANC 7B. We'll keep you
18 posted, Mr. Meles.

19 MR. MELES: Thank you.

20 MS. FLETCHER: You're welcome. And so
21 we need to set a date for a mediation, a
22 status hearing, and a protest hearing.

1 I'll give you the dates for the
2 status and protest hearing first.

3 The date for the status hearing
4 before the ABC Board is February 4. It's going
5 to be February 4 at 9:30 a.m. February 4 at
6 9:30 a.m.

7 The date for the protest hearing is
8 going to be March the 18th. March the 18th at
9 4:30 p.m. And you'll receive a email of these
10 dates as well.

11 MR. MELES: Is that also 9:30?

12 MS. FLETCHER: That's at 4:30. The
13 protest hearing is at 4:30 p.m.

14 And we need to set a date for
15 mediation to occur prior to the status
16 hearing. So I will tell you the next dates
17 available for mediation.

18 The next available date is Thursday,
19 January 22nd, at 9:00, 10:00, 11:00 or 1:00, on
20 January 22nd. If that's not good, I can keep
21 moving through the calendar. January 22nd is
22 a Thursday.

1 MR. BUTLER: What time?

2 MS. FLETCHER: At 9:00, 10:00, 11:00,
3 or 1:00.

4 MR. BUTLER: I have something at
5 12:00.

6 MR. MELES: Any time before 1:00.

7 MS. FLETCHER: Okay. And you want to
8 make it 10:00?

9 MR. MELES: Sure. 10:00 is fine.

10 MS. FLETCHER: 10:00 o'clock is good?
11 Okay. Then mediation is set for
12 10:00 o'clock on January 22nd.

13 MR. BUTLER: Just for my
14 understanding, would I have to have a Group of
15 5 for mediation?

16 MS. FLETCHER: No. Just if you come,
17 that'll be fine.

18 MR. BUTLER: Okay.

19 MS. FLETCHER: Ms. Butler, you can
20 come too. But for the purpose of the
21 mediation, we just need to designate a
22 representative. So the other three only need

1 to appear for the status hearing.

2 MR. BUTLER: For the status hearing.

3 MS. FLETCHER: And if the matter is
4 resolved in mediation, there's won't be a
5 status hearing if you submit a settlement
6 agreement before the status hearing. So then
7 whether or not the other three appear is moot.
8 It's only if the status hearing is going to be
9 held.

10 Any questions at all?

11 MR. BUTLER: I have no questions.

12 MS. FLETCHER: Okay. Well, thank you
13 for coming, see you on the 22nd. The mediation
14 will most likely be in this room, but just
15 check in with the receptionist, and I'll take
16 us to wherever we're going to go. Thank you.

17 (Whereupon, at 10:25 a.m., the roll
18 call hearing was adjourned.)

19

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22

A	Center 1:16 chair 6:6,6,20 7:22 11:15 chairman 3:17 6:2 chairperson 5:22 Change 1:6 2:13 changing 5:19 check 15:15 clarification 3:7 Class 1:9 2:8,12 Code 2:18 COLUMBIA 1:1 come 2:4 11:14 14:16 14:20 coming 15:13 commission 3:12 6:3 commissioner 3:1 4:2 4:20 conditional 7:3,5 10:9 12:4,8 conducting 2:17 connection 11:1 contact 11:8 contacted 8:6 contacting 12:1 continue 7:11 convened 1:12 copy 12:14 Correct 3:16 4:21 10:7 10:22	first 9:18 13:2 Fletcher 1:21 2:3,11,16 3:2,6,13,18 4:4,6,10 4:22 5:4,7,14,17 6:5,8 6:14,18,22 8:3,10,13 8:17,19 9:3,5,11,16 9:22 10:2,5,8,12,16 10:21 11:1,5,7,11,14 11:21 12:10,20 13:12 14:2,7,10,16,19 15:3 15:12 forward 2:5 11:15 four 10:5 full 7:10 further 7:20 future 8:8	J
a-i 4:9 a-u-i-n-g 10:6 a.m 1:13 2:2 13:5,6 15:17 ABC 5:10 12:12 13:4 above-entitled 1:12 ABRA 2:7 ABRA-095751 1:9 2:12 accept 4:12 acknowledging 7:17 address 6:3,9,9 adjourned 15:18 Administration 1:3,14 adverse 2:14 affiliated 6:13 agent 2:18 agreement 15:6 Alcoholic 1:3,14 Althea 7:13 ANC 3:1,9,9,11,14,22 4:3,12,13,14,20 5:8,9 6:14 12:10,13,17 appear 7:9 15:1,7 Applicant 11:4 application 12:15 attached 8:5 attorney 11:3 12:5 available 13:17,18 Avenue 1:8 2:7 aware 4:19	G	J-o-n 10:2 January 5:20 13:19,20 13:21 14:12 Jon 10:1	
B	D	K	
B-u-t-l-e-r 3:5 4:9 beginning 2:20 behalf 3:21,22 4:11 8:8 10:12,15 12:2 believe 8:12 9:14 10:3 Beverage 1:3,14 Board 1:3,21 5:10 6:5 7:22 12:12 13:4 Board's 2:18 Butler 2:22,22 3:2,4,5,6 3:11,16 4:2,5,5,8,9,10 4:12,21 5:3,6,13,15 5:16,18 6:7,12,17,21 7:4,4,22 8:4,12,15,18 9:2,4,7,10,12,14,19 10:1,4,7,9,11 14:1,4 14:13,18,19 15:2,11	D 2:1 D-a-n-i-e-l 11:19 D.C 1:17 2:18 Daniel 11:18 Daniman 1:7 2:6 10:13 date 12:21 13:3,7,14,18 dates 13:1,10,16 days 5:11,21 6:4 12:14 designate 3:19 4:14,16 5:1,4 14:21 dismissed 5:8 12:10 dismissing 5:10 12:13 DISTRICT 1:1	K-i-f-l-o 10:19 keep 12:17 13:20 Kiflom 10:14,19 know 9:11,20 12:1,5,6	
C	E	L	
C 2:1 calendar 13:21 call 1:7 2:17 3:20 5:8 15:18 called 7:14 Case 1:10 2:5	E 2:1,1 e-s-f-a-y-e 11:20 email 13:9 establish 5:21 establishment 11:2 Excuse 2:9 7:22	L-a-N 4:8 L-a-N-a-i 9:12 La 1:21 2:16 LaNai 4:5,8 9:11 Lee's 1:7 2:4,6 10:15 legible 9:8 letter 3:13 4:18 6:15 8:4 8:6,11,20,22 License 1:9 2:7,11 Liquor 1:7 2:4,6 10:15 Little 9:17,22 10:1 LLC 1:7 2:6 10:13 longer 6:2,12	
F	H	M	
February 13:4,5,5 filed 3:8 12:17 fine 8:3 14:9,17	hear 12:3 hearing 1:7,15 2:17 5:8 7:7,9 12:22,22 13:2,3 13:7,13,16 15:1,2,5,6 15:8,18 held 15:9 help 9:9 Hours 2:13	m 10:20 M-e-l-e-s 10:20,21 M-e-t 8:16 M-e-t-z 8:17 M-e-t-z-g-e-r 8:19 ma'am 4:4 March 13:8,8 matter 1:6,12 2:4 15:3 mean 12:15 mediation 12:21 13:15 13:17 14:11,15,21 15:4,13 Mediator 1:21 Meles 10:14,15,19,22 11:3,5,6,6,7,10,13 12:2,18,19 13:11 14:6 14:9 Messen 8:15 Messenger 8:16 Metzger 8:16 middle 9:18 midst 5:19 moot 15:7 morning 7:14 10:14 move 5:14 moving 13:21 Municipal 1:15	
I	N		
impact 2:14 included 9:2,3 indicate 3:10 indicated 4:15 individuals 3:9 information 11:8 Introductions 2:20 issue 12:12 issues 2:14			

N 2:1
N.W 1:16
name 2:16,22 3:3 4:4,5
 7:13 8:13 9:12,13,13
 9:17,18,18,20 10:17
 10:20 11:16,18,19
names 9:8
need 7:9 12:21 13:14
 14:21,22
Nelson 7:13,21
new 5:21 6:19
notice 1:13
notices 7:20
number 9:16 10:5

O

O 2:1
o'clock 14:10,12
occur 13:15
office 8:6
Official 2:18
Oh 10:2 11:11
Okay 3:18 5:6,13 6:7,17
 6:21,22 9:2,4,16 10:8
 10:21 12:9 14:7,11,18
 15:12
once 6:18
operation 2:13
order 2:15 5:5,9 6:5,10
 7:10 12:13
over-concentration
 2:15

P

P 2:1 10:5
P-a-u-l-i-n-g 9:15
p.m 13:9,13
part 12:5
parties 2:3
party 7:15
pass 6:19
Pauling 9:15
Pause 2:10
peace 2:14
Pennsylvania 1:8 2:7
people 7:8 9:7
percent 9:19
petition 9:7
please 2:4,20 3:3 4:7
 11:8,15,16
posted 12:18
present 3:22 4:11 7:5,8
 10:12 11:12 12:11
prior 13:15
process 7:11
protest 2:14 3:7,8,13
 4:17 5:12 7:15 8:11
 8:20,22 12:16,17,22

13:2,7,13
Protestant 5:9,11 7:18
Protestants 2:21 7:12
 9:1
purpose 3:20 5:7 14:20
pursuant 1:13 2:18
put 11:8

Q

question 5:16
questions 15:10,11
quiet 2:15

R

R 2:1
receive 5:9 6:15,18
 12:13 13:9
receptionist 15:15
record 3:3 4:7 7:12 8:21
 10:18 11:17
reelected 5:20
Reeves 1:15
refer 8:2
Regulation 1:3,14
reinstatement 5:12
 12:15
represent 8:7
representative 3:19
 4:13,14,16 5:1,5,22
 14:22
represented 5:5
representing 9:1
request 7:19
resolved 15:4
Retailer 1:9 2:8,12
reviewing 4:17
Richards 3:15 6:2,10
Right 6:17 9:12
Robert 3:14 6:10
roll 1:7 2:17 3:20 5:8
 15:17
room 1:15,15 15:14

S

S 2:1
S.E 1:8 2:7
Sam 9:20,22 10:1,20
second 2:9
see 9:8 15:13
seek 5:11 12:14
sent 7:21 8:22
set 12:21 13:14 14:11
settlement 15:5
seven 9:17
sheet 11:9
sign 8:10
sign-in 11:9
signed 3:7,14,14 8:20

sitting 6:3
sorry 8:1 12:16
spell 3:3 4:6 10:17
 11:17
spelled 4:8
standing 7:3,6,10,18
 10:10 12:4,8
state 10:16 11:16
status 7:7,9 12:22 13:2
 13:3,15 15:1,2,5,6,8
Steve 9:13
Street 1:16
submit 15:5
Substantial 1:6 2:13
sufficient 8:8
supporter 7:16
suppose 6:8
sure 3:4 4:18 5:20 6:1
 8:1 9:10,20,21 12:6
 14:9

T

T 3:14 11:19
t/a 1:7
take 15:15
tell 8:14 13:16
Tesfaye 11:13,18,19,19
 11:22 12:9
thank 4:10 5:6 6:21,22
 9:5 10:8,11 11:11,15
 11:21 12:19 15:12,16
think 8:6
three 7:7 14:22 15:7
Thursday 13:18,22
time 4:18 10:17 14:1,6
today 7:6 12:11,16
trading 2:6

U

underneath 9:13
understanding 14:14
understood 6:1

V

Verne 1:21 2:16

W

want 7:15 8:7 12:6 14:7
wanted 6:1
wants 7:16
Washington 1:16
wasn't 5:20
we'll 6:9,9 7:10 12:1,17
we're 5:14,18 15:16
welcome 12:20
William 8:15,20

X**Y**

Yeah 8:3

Z**0**

095751 2:8

1

1:00 13:19 14:3,6
10 5:11,21 6:4 12:14
10:00 13:19 14:2,8,9,10
 14:12
10:11 2:2
10:14 1:13
10:25 15:17
100 9:19
11:00 13:19 14:2
12:00 14:5
14-PRO-000102 2:5
14-PRO-00102 1:10
14th 1:16
1601.2 2:19
18 3:8,21 7:2,4,13 8:5
 12:3,7
18th 13:8,8

2

2000 1:16
20009 1:17
22nd 13:19,20,21 14:12
 15:13
2339 1:8 2:6
2nd 5:20

3**4**

4 13:4,5,5
4:30 13:9,12,13
400S 1:15

5

5 14:15

6**7**

7B 3:12,14 4:1,3,12,13
 4:14 5:8,9 12:10,13
 12:17
7B03 3:1 4:20

8**9**