

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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EZ. LLC :

t/a Brookland Market :

3736 10th Street NE :

License #ABRA-088495 :

Class B Transfer New Loc. :

Case #12-PRO-00007 :

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MONDAY, February 13, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:12 a.m.

AGENT FLETCHER: Would the parties in the matter of Brookland Market please come forward? This is Case Number 12-PRO-00007, EZ, LLC, trading as Brookland Market, 3736 10th Street NE, License Number ABRA-088495, Retailer Class B, Transfer to a New Location from Safekeeping. The protest issues are adverse impact on schools and the location of the recreation center.

My name is La Verne Fletcher, and I will be conducting the Roll Call Hearing as the Board's Agent pursuant to D.C. Official Code 1601.2. Introductions, beginning with the Applicant, please?

MR. MELES: Kiflom Meles for the Applicant.

AGENT FLETCHER: Could state that again and spell it for the record, please?

MR. MELES: It is K-I-F-L-O-M, And the last name is M-E-L-E-S.

1 AGENT FLETCHER: Thank you. And?

2 MS. GEBREAB: Ezgihiria Gebreab,

3 E-Z-G-I-H-I-R-I-A --

4 AGENT FLETCHER: Excuse me, one
5 second. What's your connection to the
6 establishment Mr. Meles?

7 MR. MELES: I'm the attorney.

8 AGENT FLETCHER: Thank you, very
9 much. And your name again?

10 MS. GEBREAB: Ezgirhiria,

11 E-Z-G-I-H-I-R-I-A --

12 AGENT FLETCHER: If you'd just
13 slow it down and just say it one more time?
14 What is it?

15 MS. GEBREAB: E-Z-G-I-H-I-R-I-A.

16 AGENT FLETCHER: E-Z-G-I-H-I-R-I-
17 A?

18 MS. GEBREAB: Yes.

19 AGENT FLETCHER: Thank you. And
20 what's the last name?

21 MS. GEBREAB: Gebreab,
22 G-E-B-R-E-A-B.

1 AGENT FLETCHER: Is that G-E-V, as
2 in Victor?

3 MS. GEBREAB: G-E-B, like a boy.

4 AGENT FLETCHER: G-E-B --

5 MS. GEBREAB: B like a boy.

6 AGENT FLETCHER: Yes. G-E-B?

7 MS. GEBREAB: R-E-A-B.

8 AGENT FLETCHER: G-E-B-R-E-A?

9 MS. GEBREAB: B.

10 AGENT FLETCHER: And a B on the
11 end?

12 MS. GEBREAB: Yes.

13 AGENT FLETCHER: Thank you.

14 Thanks very much. Are you the Applicant?

15 MS. GEBREAB: Yes.

16 AGENT FLETCHER: Thank you, very
17 much. And present on behalf of the
18 protestants?

19 MS. NIPPER: Barbara J. Nipper,
20 N-I-P-P-E-R.

21 AGENT FLETCHER: And Ms. Nipper,
22 are there any other individuals from your

1 protest group present today?

2 MS. NIPPER: No, there's not.

3 AGENT FLETCHER: Okay. Thank you.

4 And, Ms. Nipper, do you have a letter from
5 those individuals who are not present,
6 designating you as their representative today?

7 MS. NIPPER: No, I do not.

8 AGENT FLETCHER: Thank you. Ms.
9 Nipper, you filed the protest as a part of a
10 group of four, which included you and Helen
11 Clegg, C-L-E-G-G, and Bernice Lee, B-E-R-I-C-E
12 L-E-E.

13 MS. NIPPER: Yes.

14 AGENT FLETCHER: And a gentleman
15 by the name of Walter, who's last name I
16 cannot read.

17 MS. NIPPER: I believe his last
18 name is Brooks.

19 AGENT FLETCHER: Okay. Walter,
20 maybe his last name is Brooks. Because you
21 filed the protest as a group of four, the
22 protest will have to be dismissed for a

1 number of reasons.

2 MS. NIPPER: Okay.

3 AGENT FLETCHER: The first reason
4 is that, in order to file a protest, there has
5 to be at least a group of five individuals --
6 at least a group of five. And, in this case,
7 there's only a group of one. That's one
8 reason. The next reason is the protest did
9 not state a claim that's covered -- that is
10 protestable. The proximity of an
11 establishment to a school or recreation center
12 is not protestable. It is something that the
13 ABC Board takes into consideration, but it's
14 not something you can protest. Protestable
15 issues include issues such as adverse impact
16 on peace, order, and quiet in the neighborhood
17 or parking -- adverse impact on parking or
18 vehicular/pedestrian safety. They are issues
19 that are protestable in our regulations. But
20 the proximity to a school and a recreation
21 center is not protestable. And so, for those
22 two reasons, the protestants are not granted

1 standing as protestants. But the primary
2 reason is that there is only a group of four,
3 as opposed to a group of five, which is the
4 requisite number of individuals that is
5 required in order to file a protest.

6 MS. NIPPER: The information I was
7 given to me from my -- from the ANC person
8 was that I needed four. I could have gotten
9 more signatures if that was the case.

10 AGENT FLETCHER: Yes. It's never
11 been four.

12 MS. NIPPER: Okay.

13 AGENT FLETCHER: Yes. And I
14 understand that too. But what you can do,
15 just so that you know, Ms. Nipper, you may
16 seek to have your protest reinstated. You
17 will receive an order dismissing the protest.
18 But, once you receive that, you have ten days
19 to seek reinstatement of the protest, if you
20 would like to.

21 MS. NIPPER: Okay.

22 AGENT FLETCHER: Explaining what

1 you just said today, that the ANC advised you
2 that you needed only four.

3 MS. NIPPER: Okay.

4 AGENT FLETCHER: And also, you
5 might want to mention in your request for
6 reinstatement, the basis of your protest or
7 the reason that you filed on that basis, as
8 opposed to protestable basis, peace order and
9 quiet. You might want to talk about why you
10 filed on these bases, rather than the bases
11 that we cover.

12 MS. NIPPER: Okay.

13 AGENT FLETCHER: So the ABC Board
14 will determine whether or not the protest is
15 reinstated. But you do have the right to seek
16 reinstatement of the protest. So you get the
17 order and you'll see that you have ten days
18 from that date -- of the order -- to seek
19 reinstatement.

20 MS. NIPPER: I thank you for that.

21 AGENT FLETCHER: And once you do
22 that, the Board will take that into

1 consideration.

2 MS. NIPPER: I thank you for that.

3 AGENT FLETCHER: Therefore, we
4 don't need to set any other dates or hearings.
5 If you seek reinstatement, Ms. Nipper, you'll
6 need to send a copy of your request for
7 reinstatement to Mr. Meles.

8 MR. MELES: That is correct.

9 AGENT FLETCHER: Do you have
10 contact information?

11 MR. MELES: Yes, I do.

12 AGENT FLETCHER: Yes. You will
13 need to send Mr. Meles a copy of your request
14 for reinstatement, because he will have an
15 opportunity to respond to your request. And
16 did you put your day time phone number and
17 your e-mail address on that sheet on the
18 table?

19 MS. NIPPER: I did.

20 AGENT FLETCHER: Thank you, very
21 much. Any questions?

22 MR. MELES: No, Your Honor. Thank

1 you.

2 AGENT FLETCHER: The roll call
3 hearing is concluded. Thank you.

4 MS. NIPPER: Thank you.

5 MR. MELES: Thank you.

6 (Whereupon, the roll call hearing
7 was concluded at 10:20 a.m.)

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A	Class 1:12 2:8 Clegg 5:11 Code 2:15 COLUMBIA 1:1 come 2:4 concluded 10:3,7 conducting 2:13 connection 3:5 consideration 6:13 9:1 contact 9:10 Control 1:3,18,19 copy 9:6,13 correct 9:8 cover 8:11 covered 6:9 C-L-E-G-G 5:11	first 6:3 five 6:5,6 7:3 Fletcher 1:22 2:3 2:12,19 3:1,4,8,12 3:16,19 4:1,4,6,8 4:10,13,16,21 5:3 5:8,14,19 6:3 7:10 7:13,22 8:4,13,21 9:3,9,12,20 10:2 forward 2:5 four 5:10,21 7:2,8 7:11 8:2	J	N.W 1:20
ABC 6:13 8:13 ABRA-088495 1:12 2:7 address 9:17 adverse 2:10 6:15 6:17 advised 8:1 Agent 1:22 2:3,14 2:19 3:1,4,8,12,16 3:19 4:1,4,6,8,10 4:13,16,21 5:3,8 5:14,19 6:3 7:10 7:13,22 8:4,13,21 9:3,9,12,20 10:2 Alcoholic 1:3,18,19 ANC 7:7 8:1 Applicant 2:16,18 4:14 attorney 3:7 a.m 2:2 10:7	D	G	K	O
B	date 8:18 dates 9:4 day 9:16 days 7:18 8:17 designating 5:6 determine 8:14 dismissed 5:22 dismissing 7:17 DISTRICT 1:1 D.C 1:21 2:14	Gebreab 3:2,2,10 3:15,18,21,21 4:3 4:5,7,9,12,15 gentleman 5:14 given 7:7 gotten 7:8 granted 6:22 group 5:1,10,21 6:5 6:6,7 7:2,3 G-E-B 4:3,4,6 G-E-B-R-E-A 4:8 G-E-B-R-E-A-B 3:22 G-E-V 4:1	J 4:19	Official 2:14 Okay 5:3,19 6:2 7:12,21 8:3,12 once 7:18 8:21 opportunity 9:15 opposed 7:3 8:8 order 6:4,16 7:5,17 8:8,17,18
B 1:12 2:8 4:5,9,10 Barbara 4:19 bases 8:10,10 basis 8:6,7,8 beginning 2:15 behalf 4:17 believe 5:17 Bernice 5:11 Beverage 1:3,18,19 Board 1:3,19 6:13 8:13,22 Board's 2:14 boy 4:3,5 Brookland 1:10 2:4 2:6 Brooks 5:18,20 B-E-R-I-C-E 5:11	E	H	License 1:12 2:7 LLC 1:10 2:6 Loc 1:12 location 2:8,10 L-E-E 5:12	P
C	establishment 3:6 6:11 Excuse 3:4 Explaining 7:22 EZ 1:10 2:6 Ezgirhiria 3:2 Ezgirhiria 3:10 e-mail 9:17 E-Z-G-I-H-I-R-I 3:16 E-Z-G-I-H-I-R-I... 3:3,11,15	hearing 1:5,20 2:13 10:3,6 hearings 9:4 Helen 5:10 Honor 9:22	M	parking 6:17,17 part 5:9 parties 2:3 peace 6:16 8:8 person 7:7 phone 9:16 please 2:4,16,20 present 4:17 5:1,5 presiding 1:22 primary 7:1 protest 2:9 5:1,9,21 5:22 6:4,8,14 7:5 7:16,17,19 8:6,14 8:16 protestable 6:10,12 6:14,19,21 8:8 protestants 4:18 6:22 7:1 proximity 6:10,20 pursuant 2:14 put 9:16 P-R-O-C-E-E-D... 2:1
call 1:5 2:13 10:2,6 case 1:13 2:5 6:6 7:9 center 2:11 6:11,21 claim 6:9	F	I	Market 1:10 2:4,6 matter 1:9 2:4 Meles 2:17,17,21 3:6,7 9:7,8,11,13 9:22 10:5 mention 8:5 met 1:19 MONDAY 1:15 M-E-L-E-S 2:22	Q
	February 1:15 file 6:4 7:5 filed 5:9,21 8:7,10	impact 2:10 6:15 6:17 include 6:15 included 5:10 individuals 4:22 5:5 6:5 7:4 information 7:6 9:10 Introductions 2:15 issues 2:9 6:15,15 6:18	name 2:12,22 3:9 3:20 5:15,15,18 5:20 NE 1:11 2:7 need 9:4,6,13 needed 7:8 8:2 neighborhood 6:16 never 7:10 New 1:12 2:8 Nipper 4:19,21 5:2 5:4,7,9,13,17 6:2 7:6,12,15,21 8:3 8:12,20 9:2,5,19 10:4 Nipper 4:19 number 2:5,7 6:1 7:4 9:16 N-I-P-P-E-R 4:20	questions 9:21 quiet 6:16 8:9
			N	R
			read 5:16 reason 6:3,8,8 7:2 8:7 reasons 6:1,22 receive 7:17,18 record 2:20	

recreation 2:11
 6:11,20
regulations 6:19
reinstated 7:16
 8:15
reinstatement 7:19
 8:6,16,19 9:5,7,14
representative 5:6
request 8:5 9:6,13
 9:15
required 7:5
requisite 7:4
respond 9:15
Retailer 2:8
right 8:15
roll 1:5 2:13 10:2,6
Room 1:20
R-E-A-B 4:7

S

Safekeeping 2:9
safety 6:18
school 6:11,20
schools 2:10
second 3:5
see 8:17
seek 7:16,19 8:15
 8:18 9:5
send 9:6,13
set 9:4
sheet 9:17
signatures 7:9
slow 3:13
spell 2:20
standing 7:1
state 2:19 6:9
Street 1:11,20 2:7
Suite 1:20

T

table 9:18
take 8:22
takes 6:13
talk 8:9
ten 7:18 8:17
thank 3:1,8,19 4:13
 4:16 5:3,8 8:20
 9:2,20,22 10:3,4,5

Thanks 4:14
time 3:13 9:16
today 5:1,6 8:1
trading 2:6
Transfer 1:12 2:8
two 6:22
t/a 1:10

U

understand 7:14

V

vehicular/pedest...
 6:18
Verne 1:21 2:12
Victor 4:2

W

Walter 5:15,19
want 8:5,9
Washington 1:21

P

p 1:8,13

#

#12-PRO-00007
 1:13

1

10th 1:11 2:7
10:12 2:2
10:20 10:7
12-PRO-00007 2:5
13 1:15
14th 1:20
1601.2 2:15

2

2000 1:20
2012 1:15

3

3736 1:11 2:6

4

400S 1:21