

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

IN THE MATTER OF: :
: :
CONNECT CORPORATION t/a M&S :
MARKET :
213 Upshur Street N.W. :
License #ABRA-079795 :
Retailer A :
License Renewal :
Case #12-PRO-00026 :

MONDAY, MAY 07, 2012

+ + + + +

The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th

Street N.W., Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

10:34 a.m.

AGENT FLETCHER: Would the parties in the matter of M&S Market please come forward?

This is matter of Connect Corporation trading as M&S Market, Case No. 12-PRO-00028, 213 Upshur Street Northwest, License No. ABRA-079795, Retailer A. This is a License Renewal.

My name is La Verne Fletcher and I'll be conducting the Roll Call Hearing as the Board's Agent, pursuant to D.C. Official Code 1601.2

Introductions beginning with -- just a second, please.

Is this M&S Market?

MR. DIETZ: Yes.

AGENT FLETCHER: Okay. Thank you.

One second.

Introductions beginning with the

1 Applicant.

2 MR. DIETZ: I'm Bernie C. Dietz
3 representing the Connect Corporation and I
4 have with me Ms. Sayte Ayele, who is the
5 President of that corporation.

6 AGENT FLETCHER: Mr. Dietz, would
7 you spell your name for the Court Reporter,
8 please?

9 MR. DIETZ: D-I-E-T-Z.

10 AGENT FLETCHER: And could you
11 spell your name, please?

12 MS. AYELE: Sayte, S-A-Y-T-E.

13 AGENT FLETCHER: S-A-Y?

14 MS. AYELE: T-E.

15 AGENT FLETCHER: T-E?

16 MS. AYELE: Yes. The last name
17 is Ayele, A-Y-E-L-E.

18 AGENT FLETCHER: A-Y-E?

19 MS. AYELE: L-E.

20 AGENT FLETCHER: L-E?

21 MS. AYELE: Yes.

22 AGENT FLETCHER: Okay. And

1 you're the Applicant

2 MS. AYELE: Yes.

3 AGENT FLETCHER: Thank you.

4 And for the Protestants?

5 COMMISSIONER MANDLE: My name is
6 Robert Mandle, and I am the Commissioner
7 representing the Single-Member District 4C
8 10.

9 And the spelling of my last name
10 is M as in Michael A-N-D as in dog L-E.

11 AGENT FLETCHER: Thank you, Mr.
12 Mandle. And that's SMD 4C 110?

13 COMMISSIONER MANDLE: 4C 10.

14 AGENT FLETCHER: 4C 10? I meant
15 4C 10. Thank you.

16 Okay. ANC 4C is the only
17 protestant in this matter.

18 The Protest filed by ANC 4C must
19 be dismissed based on the fact that the
20 protest was filed in an untimely manner, and
21 I'll provide more details about that in a
22 moment, Mr. Mandle. But the protest is

1 dismissed and ANC 4C would have ten days to
2 seek reinstatement of its protest upon
3 receipt of the Notice of Dismissal.

4 I'll explain why the protest is
5 dismissed. There are couple of reasons.

6 The first one is that the
7 Protestant filed untimely. The protest
8 deadline was April the 23rd, and our office
9 received the protest on April the 25th. So,
10 it was two days beyond the protest deadline.

11 And the second reason is that the
12 protest itself was filed because neither the
13 ANC nor the SMD received proper notice of
14 the initial application for the liquor
15 license. The protest letter states that
16 that's the bases for filing the protest,
17 that the ANC was never notified in the
18 beginning that an application had been filed
19 And that bases is not a bases upon which to
20 file the protest. And I'll tell you what
21 those are just for the record.

22 The bases upon which to file a

1 protest must be in accordance with the
2 appropriateness standards, which allow you
3 to file a protest if you are claiming:

4 That the establishment is having
5 an adverse impact on the establishment with
6 regard to peace, order and quiet, or;

7 An adverse impact related to
8 residential parking, or;

9 Real property values, or;

10 Vehicular and pedestrian safety.

11 Those actually are the bases upon
12 which to file a protest. Those bases are
13 pursuant to D.C. Official Codes 25 Section
14 313. That's D.C. Official Code 25 Section
15 313 and also pursuant to 23 DC Municipal
16 Regulations Section 400.

17 Upon receipt of the Notice of
18 Dismissal, as I mentioned before, the ANC
19 may file a petition to reinstate the protest
20 with any explanation that it wants the Board
21 to consider in considering the Request for
22 Instatement.

1 Did you have any questions, Mr.
2 Mandle?

3 COMMISSIONER MANDLE: No. Thank
4 you.

5 AGENT FLETCHER: Okay. Mr. Dietz?

6 MR. DIETZ: No, I don't.

7 AGENT FLETCHER: Okay. Oh, and
8 Mr. Mandle, the ANC -- if the ANC could
9 provide Mr. Dietz a copy of any Petition for
10 Instatement.

11 COMMISSIONER MANDLE: Yes.

12 AGENT FLETCHER: Because the
13 licensee will have an opportunity to respond
14 to whatever petition that you file.

15 And, Mr. Dietz, you'll receive a
16 copy of the Order dismissing the protest.

17 My card is on the table if you
18 have any questions.

19 The Roll Call Hearing is
20 concluded. Thank you.

21 (Whereupon, the Roll Call Hearing
22 was concluded at 10:41 a.m.)

A	come 2:5 Commissioner 4:5 4:6,13 7:3,11 concluded 7:20,22 conducting 2:12 Connect 1:10 2:6 3:3 consider 6:21 considering 6:21 Control 1:3,18,19 copy 7:9,16 corporation 1:10 2:7 3:3,5 couple 5:5 Court 3:7	2:11,19 3:6,10,13 3:15,18,20,22 4:3 4:11,14 7:5,7,12 forward 2:5	never 5:17 Northwest 2:8 notice 5:3,13 6:17 notified 5:17 N.W 1:12,20	receipt 5:3 6:17 receive 7:15 received 5:9,13 record 5:21 Reeves 1:19 regard 6:6 Regulations 6:16 reinstate 6:19 reinstatement 5:2 related 6:7 Renewal 1:13 2:10 Reporter 3:7 representing 3:3 4:7 Request 6:21 residential 6:8 respond 7:13 Retailer 1:13 2:9 Robert 4:6 Roll 1:5 2:12 7:19 7:21 Room 1:19	
ABRA-079795 1:12 2:9 adverse 6:5,7 Agent 1:21 2:3,13 2:19 3:6,10,13,15 3:18,20,22 4:3,11 4:14 7:5,7,12 Alcoholic 1:3,18,19 allow 6:2 ANC 4:16,18 5:1 5:13,17 6:18 7:8,8 Applicant 3:1 4:1 application 5:14,18 appropriateness 6:2 April 5:8,9 Ayele 3:4,12,14,16 3:17,19,21 4:2 A-N-D 4:10 A-Y-E 3:18 A-Y-E-L-E 3:17 a.m 2:2 7:22	D	H	O	S	
B	days 5:1,10 DC 6:15 deadline 5:8,10 details 4:21 Dietz 2:18 3:2,2,6,9 7:5,6,9,15 Dismissal 5:3 6:18 dismissed 4:19 5:1 5:5 dismissing 7:16 District 1:1 4:7 dog 4:10 D-I-E-T-Z 3:9 D.C 1:20 2:13 6:13 6:14	I	office 5:8 Official 2:13 6:13 6:14 Oh 7:7 Okay 2:19 3:22 4:16 7:5,7 opportunity 7:13 order 6:6 7:16	parking 6:8 parties 2:4 peace 6:6 pedestrian 6:10 petition 6:19 7:9,14 please 2:4,16 3:8 3:11 President 3:5 presiding 1:21 proper 5:13 property 6:9 protest 4:18,20,22 5:2,4,7,9,10,12,15 5:16,20 6:1,3,12 6:19 7:16 protestant 4:17 5:7 Protestants 4:4 provide 4:21 7:9 pursuant 2:13 6:13 6:15 P-R-O-C-E-E-D-... 2:1	T
based 4:19 bases 5:16,19,19,22 6:11,12 beginning 2:15,22 5:18 Bernie 3:2 Beverage 1:3,18,19 beyond 5:10 Board 1:3,19 6:20 Board's 2:13 Building 1:19	E	L	P	safety 6:10 Sayte 3:4,12 second 2:16,21 5:11 Section 6:13,14,16 seek 5:2 Single-Member 4:7 SMD 4:12 5:13 spell 3:7,11 spelling 4:9 standards 6:2 states 5:15 Street 1:12,20 2:8 S-A-Y 3:13 S-A-Y-T-E 3:12	
C	establishment 6:4 6:5 explain 5:4 explanation 6:20	La 1:20 2:11 letter 5:15 license 1:12,13 2:9 2:10 5:15 licensee 7:13 liquor 5:14 L-E 3:19,20 4:10	order 6:6 7:16		
Call 1:5 2:12 7:19 7:21 card 7:17 Case 1:14 2:7 claiming 6:3 Code 2:14 6:14 Codes 6:13 COLUMBIA 1:1	F	M			
	fact 4:19 file 5:20,22 6:3,12 6:19 7:14 filed 4:18,20 5:7,12 5:18 filing 5:16 first 5:6 Fletcher 1:21 2:3	M 4:10 Mandle 4:5,6,12,13 4:22 7:2,3,8,11 manner 4:20 Market 1:11 2:4,7 2:17 matter 1:9 2:4,6 4:17 meant 4:14 mentioned 6:18 met 1:19 Michael 4:10 moment 4:22 MONDAY 1:16 Municipal 6:15 M&S 1:10 2:4,7,17	questions 7:1,18 quiet 6:6		
		N	R		
		name 2:11 3:7,11 3:16 4:5,9 neither 5:12	Real 6:9 reason 5:11 reasons 5:5	table 7:17 tell 5:20 ten 5:1 Thank 2:19 4:3,11 4:15 7:3,20 trading 2:7 two 5:10	

T-E 3:14,15
t/a 1:10

U

untimely 4:20 5:7
Upshur 1:12 2:8

V

values 6:9
Vehicular 6:10
Verne 1:20 2:11

W

wants 6:20
Washington 1:20

#

#12-PRO-00026
 1:14

0

07 1:16

1

10 4:8,13,14,15
10:34 2:2
10:41 7:22
110 4:12
12-PRO-00028 2:8
14th 1:19
1601.2 2:14

2

2000 1:19
2012 1:16
213 1:12 2:8
23 6:15
23rd 5:8
25 6:13,14
25th 5:9

3

313 6:14,15

4

4C 4:7,12,13,14,15
 4:16,18 5:1
400 6:16