

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Myongwoo, Inc. :
t/a Grand Liquors : Fact-
409 15th Street, NW : Finding
Retailer A : Hearing
License No. 89508 :
 :
(Application for Exception :
to Single Sales Restrictions) :
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May 8, 2013

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 Ruthanne Miller, presiding.

PRESENT:
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member

MIKE SILVERSTEIN, Member

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

2 (2:15 p.m.)

3 CHAIRPERSON MILLER: Okay. Our
4 next case is at 2:30. It is a Fact-Finding
5 Hearing for Grand Liquors. So unless
6 everybody is here, we will recess. Everybody
7 is not here. I didn't think so.

8 Okay. We will be back then at
9 2:30.

10 (Whereupon, at 2:15 p.m. a recess
11 until 2:33 p.m.)

12 CHAIRPERSON MILLER: Hi. You can
13 come forward. Okay. We are back on the
14 record for our second case in the afternoon.
15 It is also a Fact-Finding case. It is Grand
16 Liquors located at 409 15th Street, N.E.,
17 License No. 89508.

18 Would the parties introduce
19 themselves for the record? I'm sorry, I
20 didn't --

21 INTERPRETER CHANG: Yes. Please
22 accept my appearance as a translator. So he

1 is the, you know, sole shareholder and the
2 sole officer of the Myongwoo, Inc.

3 CHAIRPERSON MILLER: Okay. I'm
4 going to swear you in. All Right. And what
5 language is it?

6 INTERPRETER CHANG: Korean.

7 CHAIRPERSON MILLER: Okay. If you
8 will raise your right hand?

9 Do you solemnly affirm that you
10 will faithfully and accurately interpret the
11 proceedings in this matter from Korean into
12 English and from English into Korean to the
13 best of your ability?

14 INTERPRETER CHANG: Yes.

15 CHAIRPERSON MILLER: Okay. So
16 your name again?

17 INTERPRETER CHANG: My name is
18 Chrissie Chang.

19 CHAIRPERSON MILLER: Chang?

20 INTERPRETER CHANG: Yes.

21 CHAIRPERSON MILLER: Okay. And
22 are you with the owner?

1 INTERPRETER CHANG: Yes.

2 CHAIRPERSON MILLER: And his name
3 is?

4 MR. LEE: Yes.

5 CHAIRPERSON MILLER: Your name?

6 MR. LEE: Sang Won Lee.

7 CHAIRPERSON MILLER: Okay. And at
8 the other table we have?

9 MR. WILLIAMS: My name is Jay
10 Williams. I'm with the Advisory Neighborhood
11 Commission 6A05, Single Member District. And
12 I'm also the chair of the Alcohol Beverage
13 Licensing Committee for 6A.

14 MEMBER ALBERTI: I'm sorry, I
15 didn't catch your first name.

16 MR. WILLIAMS: Jay, J-A-Y.

17 MEMBER ALBERTI: Thank you.

18 CHAIRPERSON MILLER: Jay Williams?

19 MR. WILLIAMS: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay. And
21 with you is?

22 MR. HOLMES: David Holmes, Chair

1 of ANC-6A.

2 CHAIRPERSON MILLER: Okay. So
3 this is a Fact-Finding Hearing. It is not a
4 contested case. We don't take evidence. We
5 don't take testimony. It is more informal.
6 We hear from the parties, basically, their
7 points. It is possible -- this is being
8 transcribed. It is possible that it could be
9 used for another proceeding, but this is --
10 you know, nobody is at-risk here.

11 I understand that the issue is
12 that Mr. Lee has applied for exemption from
13 the single sales restriction in Ward 6. And
14 it is also restricted in the settlement
15 agreement between the licensee and ANC-6A.

16 MEMBER ALBERTI: I'll ask. I'm
17 not sure.

18 CHAIRPERSON MILLER: Okay. So
19 that's the subject of the hearing. And I
20 understand that the ANC is here because they
21 are opposed to the Board granting that
22 application.

1 What I think we should do is have
2 the licensee go first, because he is the one
3 that wants the exemption, so he needs to make
4 a case as to why the Board should grant him an
5 exemption.

6 MR. LEE: Yeah. The story here,
7 you know, as per Grand Liquors geography
8 currently in the same neighborhood. It is
9 unfair that the sale of a half pint size
10 spirit is banned at Grand Liquors only because
11 it belong to Ward 6.

12 Sincerely, I would like to ask for
13 your approval for my business for sale. I
14 have pint sizes and spirits. Since the
15 opening in July last year, there have been
16 more and more customers who wanted to buy
17 smaller sizes spirit.

18 I can't help, but think that is
19 due to the recession. As soon as they find
20 out, I mean, they can't buy it --

21 INTERPRETER CHANG: Okay. Let me
22 continue.

1 CHAIRPERSON MILLER: Yes.

2 (MR. LEE THROUGH INTERPRETER)

3 MR. LEE: Since the opening in
4 July last year, there have been more and more
5 customers who want to buy smaller size
6 spirits. I can't help but think that it's due
7 to the recession. As soon as they find out
8 that they can't buy it, they just leave the
9 store.

10 If they had bought it, other items
11 could have been sold with the same
12 transactions. It has resulted in the loss of
13 business and the loss of customers.

14 Now, I am financially suffering.
15 As a small business owner, it is very
16 important to me and my family that I need to
17 find a way out to survive the recession and I
18 believe that the sale of half pint -- half
19 size spirits would be of a big help for us.

20 Also, I would like to remind you
21 that my store has never had any problem or
22 trouble, so the police has never been called

1 since the opening.

2 It would be greatly appreciated if
3 you could support us and give us a chance to
4 sell it. I promise that I will try harder to
5 be a good neighbor who contributes to
6 community and the city.

7 Yes. And actually, here is the
8 petition of 300 residents showing their
9 support for the sale of half pint size
10 spirits.

11 CHAIRPERSON MILLER: Thank you.
12 Okay. I would like to ask a few questions and
13 then other Board Members may as well and the
14 ANC can as well. And then we can hear from
15 the ANC.

16 So when did Mr. Lee open the
17 store?

18 MR. LEE: 2012, July 6th.

19 CHAIRPERSON MILLER: And when did
20 he obtain the license for the store, does he
21 know, to sell alcohol?

22 INTERPRETER CHANG: It was a new

1 application for Class A, so he obtained the
2 license first and then, you know, quite a
3 while later, I mean, in a while, they -- he
4 opened the store.

5 CHAIRPERSON MILLER: But did he --
6 do you have any idea when he obtained the
7 license?

8 MEMBER ALBERTI: Our records show
9 that it was --

10 CHAIRPERSON MILLER: Oh.

11 MEMBER ALBERTI: -- approved.

12 CHAIRPERSON MILLER: Approved
13 when?

14 MEMBER ALBERTI: Approved May 16th.

15 CHAIRPERSON MILLER: Oh, okay.

16 INTERPRETER CHANG: Yes, around
17 June 2012 and then he had a construction
18 period about, you know, extra one month, yes.

19 CHAIRPERSON MILLER: Okay. Just
20 for our information, I'm asking because I'm
21 looking at the statute that allows, upon the
22 Board's approval, exemptions for single sales

1 in Ward 6. And it contains language that a
2 new licensee -- it says "A new licensee under
3 an off-premises retailer's license Class A or
4 B may not apply for an exception under this
5 subsection within the first 12 months of
6 having obtained a license under this title."

7 So you think it was around June
8 and we have in our records that the
9 application was submitted to the Board on May
10 16, 2012. Okay. So it's almost a year.

11 INTERPRETER CHANG: Right.

12 CHAIRPERSON MILLER: Right. Okay.
13 And the petition that you have, who gathered
14 the names on the petition? Oh, no, you can't
15 do that. Okay. You can give it to our
16 assistant. Thank you.

17 But my question is did Mr. Lee get
18 all the names on the petition personally or
19 did somebody else?

20 INTERPRETER CHANG: Yes, he did it
21 himself and he explained, you know, everything
22 to the customers directly.

1 CHAIRPERSON MILLER: Okay. And
2 when did he do this?

3 INTERPRETER CHANG: For a month
4 from February 19, 2013 through March 19, 2013.

5 CHAIRPERSON MILLER: We were
6 handed a document dated March 19, 2013.

7 INTERPRETER CHANG: Yes.

8 CHAIRPERSON MILLER: Was this
9 whole document showed to people who signed the
10 petition or what did they see that they signed
11 onto?

12 INTERPRETER CHANG: Because of,
13 you know, that he showed the first page to
14 every single -- you know, the customers. And
15 then, yes, the customers who agreed, you know,
16 with this statement, they signed it.

17 CHAIRPERSON MILLER: Okay. I'm
18 going to let other Board Members pose
19 questions if you have some. Anybody?

20 MEMBER ALBERTI: I'll --

21 CHAIRPERSON MILLER: Mr. Alberti?
22 Yes.

1 MEMBER ALBERTI: So I just want to
2 understand, Mr. Lee, your argument is that
3 it's because of economic hardship that you
4 feel that you deserve the exception. Is that
5 correct?

6 MR. LEE: Yes.

7 MEMBER ALBERTI: Thank you.

8 CHAIRPERSON MILLER: Mr. Lee, I
9 had one other question. Where did you work
10 before you opened this establishment?

11 INTERPRETER CHANG: There is a --
12 no, third page, there is a r, sum, of --

13 CHAIRPERSON MILLER: Oh.

14 MR. LEE: Yes.

15 INTERPRETER CHANG: -- work
16 experience.

17 CHAIRPERSON MILLER: Okay.

18 INTERPRETER CHANG: He has 20
19 years of work experience in the ABC license to
20 relate to small business industry in D.C. He
21 has never been charged any -- you know, never
22 been charged by ABC -- you know, the ABRA or

1 Superior Court, you know, at all.

2 CHAIRPERSON MILLER: Okay. And
3 did he work in an establishment where they
4 didn't have -- where they did have the
5 exemption or where they were allowed to sell
6 single sales?

7 INTERPRETER CHANG: As on the
8 third page, sorry, the second page, he did
9 definitely experience in selling the single
10 beer when he owned the I&M Grocery & Deli and
11 then he had an experience in sale both single
12 beer and half pint size, the spirits, when he
13 owned the Willow Liquors then, you know.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Other questions? Mr. Brooks?

16 MEMBER BROOKS: Yes, I just had
17 one question. Now, does he want to tell
18 single beers?

19 INTERPRETER CHANG: No definitely
20 not. Just the half pint spirits only.

21 MEMBER BROOKS: Okay. What about
22 miniatures?

1 INTERPRETER CHANG: What about?

2 MEMBER BROOKS: Miniatures.

3 MR. LEE: Miniatures, no.

4 MEMBER BROOKS: No? Just half
5 pints?

6 MR. LEE: Yes. I only sell half
7 pint. No, used to -- relocated southeast, so
8 I sell, you know, no single beer. But any
9 liquor, half pint, miniature, 100 ml, 50 ml,
10 everything sell. You know, Ward 7, Ward 8, no
11 limit. Everything sale.

12 MEMBER BROOKS: Right.

13 MR. LEE: Yes.

14 MEMBER BROOKS: But here you just
15 want to sell half pints?

16 MR. LEE: Now I want to sell half
17 pints.

18 MEMBER BROOKS: Half pints and
19 that is it?

20 MR. LEE: Half pint, not more than
21 100 ml, yes.

22 MEMBER BROOKS: Okay.

1 MR. LEE: Yes.

2 MEMBER BROOKS: Thank you, Madam
3 Chair.

4 CHAIRPERSON MILLER: And why do
5 you think that is going to make the difference
6 for you economically that these half pints are
7 so important?

8 INTERPRETER CHANG: As indicated
9 on the first page, third one of the report
10 paragraph, and that there have been more and
11 more customers who want to buy smaller size
12 spirit and Mr. Lee believes that, you know,
13 many people are jobless and do not have enough
14 money to buy a whole bottle of -- you know,
15 big bottle more than, you know, full bottle.

16 So he -- the direct wisdom is that
17 many people is looking for it. Many people
18 wants it, so that's the reason.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. All Right. At this point then, if there
21 aren't any other Board questions, I'll turn to
22 the ANC and see if you want to ask any

1 questions or if you just want to address the
2 issue yourself.

3 MR. WILLIAMS: I think we will
4 just go ahead and address the issue, if that's
5 all right?

6 CHAIRPERSON MILLER: Okay, yes.

7 MR. WILLIAMS: Just kind of a
8 threshold matter, which I think the Board
9 already recognizes is that the statute clearly
10 says that the licensee has to be in operation
11 for a year and I don't believe we have hit
12 that threshold. So I think just right off the
13 bat, there is a problem with giving exception
14 to this rule.

15 Additionally, I mean, ANC-6A has
16 always been in full support of the singles
17 ban. It really is -- I mean, not to brag, but
18 it seems -- feels like it kind of originated
19 out of 6A and kind of caught on both in Ward
20 6 and also in Ward 7 with certain, you know,
21 variances.

22 It came into effect because, you

1 know, a lot of residents were concerned about
2 some of the problems that come out of having
3 singles sold, both beer which I understand Mr.
4 Lee is not interested in selling, but also
5 single spirits in that it could -- it leads
6 to, you know, excessive litter around the
7 neighborhood, as well as loitering and various
8 problems that residents and the ANC wanted to
9 address and have felt -- believe have
10 successfully addressed through the singles
11 ban.

12 I believe quality of life has
13 greatly increased throughout the ward and
14 since the singles ban has been in place and --
15 which is why ANC-6A typically just opposes any
16 request for an exemption to this ban.

17 I understand Mr. Lee's argument
18 about Ward 5 businesses being somewhat close
19 to his business. I believe it is five or more
20 blocks away. My concern with giving the
21 exemption here, because of that hardship, is
22 that there are many other businesses also

1 within that vicinity and at what point are --
2 you know, we need to draw a line and I'm
3 worried that extending it out five blocks
4 more, we are going to lead -- is going to lead
5 to other liquor stores coming for a question
6 for such exemptions and pointing to Grand
7 Liquors and saying well, if they were able to
8 get one, I see now reason why we shouldn't.
9 And therefore, essentially, undercutting the
10 whole purpose of the ban itself.

11 I understand that Ward 5 does not
12 have such a ban in place. I believe that is
13 an issue with Ward 5. You know, instead of
14 Ward 6 coming towards Ward 5 and granting the
15 exception, it should be the other way around
16 and Ward 5 should move towards coming more
17 into conformity with the singles ban, because
18 I believe it has been so successful.

19 I understand the economic hardship
20 arguments. However, Mr. Lee has not provided
21 -- he has provided anecdotal evidence just
22 saying customers have asked for this and then

1 when they say that he doesn't have it, they
2 leave. We haven't heard any specific numbers.
3 And he -- you know, when he opened his store
4 in July and acquired this license over a year
5 ago, I would argue that the recession was in
6 full effect at that point and therefore he
7 knew full well not only was there a recession
8 happening, but that the singles ban was in
9 place when he opened the store and negotiated
10 a settlement agreement with ANC-6A.

11 So for those reasons -- in
12 addition, this particular store is just a
13 couple of blocks away from a public charter
14 school, which is in actually my Single Member
15 District. And there have been a lot of
16 concerns with various disciplinary issues with
17 students.

18 I believe in the past, there have
19 been complaints about -- and I believe this
20 was before Mr. Lee took over in full
21 disclosure, but there were complaints in the
22 past about students asking for customers to

1 purchase things for them in the store and
2 bring them out.

3 And I believe that having an
4 exemption to the single sale -- or to the
5 singles ban would increase the possibility of
6 problems related to this particular school.
7 And we have enough disciplinary and other
8 issues with that school as it is. I don't
9 want it, you know, increased with having these
10 additional problems, you know, that could be
11 related to your litter, loitering and just
12 more access to more single serving items of
13 alcohol.

14 And I'll turn it over to Mr.
15 Holmes if he has any other comments to add.

16 MR. HOLMES: The burden in this
17 case is on the licensee. Great weight to the
18 ANC, we've expressed in the letter, which you
19 should have in your files, which was
20 unanimously opposed to the grant of an
21 exemption.

22 We have a long history in 6A of

1 fighting sales of single beers and single
2 liquors. We were surprised when the ABC Board
3 extended the ban to liquors, but very pleased.

4 The comparison being made to Ward
5 5 is apt. Look along Ward 5, it is just a
6 revolting situation with people staggering and
7 they stagger across Benning Road into 6A and
8 to Ward 7 Kings Park.

9 The crime rate skyrockets around
10 these liquor stores on Benning Road. We
11 would love to have it shutdown. It is a
12 menace to traffic. It's a menace to
13 themselves. All kinds of types of behavior
14 going on nearby. And for us it's not just one
15 charter school, which is a school for the most
16 troubled high school students in the city, but
17 also Eastern High School is close by and
18 Elliot-Hine School is close by.

19 It's not that there are any -- I'm
20 making no accusations at all. We know nothing
21 adverse to them, at this point. We didn't
22 really get into that, because were opposed to

1 the ban early because we don't have any
2 exemptions.

3 This was our problem street, H
4 Street and 15th. You have a set of four
5 establishments along 15th Street, most of them
6 have trouble. And the behavior along there
7 became notorious. And we have done our best
8 to fight it.

9 When we talk about school
10 children, it's not that anybody sold it to
11 school children necessarily, but someone else
12 would buy it and then they go right outside
13 the store and you would see the exchange of
14 money to the kids who then pick up the six-
15 pack or whatever it was that they wanted to
16 drink on the way home or to sit on the curb
17 and drink it. And we had drug sales problems
18 and so forth.

19 We are emphatic. We do not want
20 these singles coming back into 6A. We have no
21 exemptions. 6C with H Street has no
22 exemptions. It's for good reason and it has

1 improved the quality of our life and
2 significantly raised the value of property
3 along 15th, 14th, 16th and 17th, that area has
4 skyrocketed in value and there's a good reason
5 for that. It's because it's illegal for
6 single sales along 15th Street.

7 And let me remind you I obtained
8 from Lou Hanker the date on which the license
9 was obtained was 6/20/2012, less than a year
10 ago. Thank you very much.

11 CHAIRPERSON MILLER: Thank you. I
12 just want to double check with you. I have a
13 copy of your letter to the Board, February 28,
14 2013 and it represents that the ANC voted 7-1,
15 7-0-1 to continue the ban.

16 Did you submit your resolution,
17 too, or no?

18 MR. HOLMES: Did I submit the
19 resolution? No.

20 CHAIRPERSON MILLER: Oh, I would
21 have been interested to see it. Just in the
22 future, because it gives -- I mean, I don't

1 know, I would imagine that it would give
2 certain reasons, etcetera, but maybe you have
3 represented all the reasons in the letter.

4 MR. HOLMES: We will do that in
5 the future.

6 CHAIRPERSON MILLER: Okay. That's
7 fine, yes. It's not required. I just would
8 be interested. So your policy is just no
9 exemptions period. It's not like you could
10 even imagine what could be an exception,
11 right?

12 MR. HOLMES: No.

13 CHAIRPERSON MILLER: Yes. Okay.

14 MR. WILLIAMS: I think our general
15 approach is coming from the ABL Committee,
16 which of course we make recommendations to the
17 entire Commission, is that rather than deal
18 with one off exemptions, there has been
19 discussion about revisiting the ban as a whole
20 and that's something, you know, we have
21 certainly discussed. We are obviously in the
22 middle of renewal period, so there is not a

1 lot of time to deal with that, at this point,
2 right?

3 CHAIRPERSON MILLER: Right.

4 MR. WILLIAMS: It is something the
5 ABL Committee has discussed and it's something
6 that I imagine we will take up in the near
7 future, which we believe is a more effective--
8 you know, we very well may say we are fine
9 with it and we want to keep the ban in place.
10 But we feel like that is a better approach, at
11 this point, than, you know, addressing one
12 off.

13 CHAIRPERSON MILLER: Because once
14 you -- if you give it -- if you support it for
15 one, then it might put another establishment
16 at an economic disadvantage.

17 MR. HOLMES: That's right.

18 CHAIRPERSON MILLER: Because --

19 MR. WILLIAMS: That's exactly
20 right.

21 CHAIRPERSON MILLER: -- it could
22 all go to that store.

1 MR. WILLIAMS: It's essentially --

2 CHAIRPERSON MILLER: Yes.

3 MR. WILLIAMS: -- an argument for
4 lack of a better term.

5 CHAIRPERSON MILLER: Yes.

6 MR. HOLMES: And it's not just us.

7 CHAIRPERSON MILLER: Right.

8 MR. HOLMES: It's 6B had exactly
9 the same situation one block to the south of
10 East Capitol where they had a request for an
11 exemption and you ruled against it. That was
12 the Eastern Thrifty Market. They would be
13 affected by this, too, so it's four on our
14 side and one on the 6B side just to the south.

15 MEMBER SILVERSTEIN: Can you,
16 please, speak up a little?

17 MEMBER ALBERTI: There is a
18 microphone there if you can pull that closer?

19 MR. HOLMES: There are four liquor
20 establishments on 15th Street within 6A.
21 There is an additional one in 6B, Eastern
22 Thrifty Market. And they made a similar

1 request for an exemption. And that was fought
2 by 6B. They lost. You guys approved it, but
3 then reversed yourselves later. And we would
4 say -- we say exactly the same thing as you
5 found in that case.

6 The ANC testified that the
7 moratorium has reduced loitering, littering
8 and other anti-social behavior, that the
9 quality of life in Ward 6 improved
10 dramatically after the ban went into effect.

11 CHAIRPERSON MILLER: Okay. Are
12 there other questions? Mr. Lee, do you have
13 any questions of the ANC?

14 Excuse me, Ms. Chang?

15 INTERPRETER CHANG: Yes?

16 CHAIRPERSON MILLER: I just -- I'm
17 not sure what is happening, so --

18 INTERPRETER CHANG: Just you know,
19 I explained what, you know, this gentleman
20 said to make him understood -- make him
21 understand.

22 CHAIRPERSON MILLER: Okay.

1 INTERPRETER CHANG: And he would
2 like to, you know, ask you that there was a
3 Capitol Liquors in 6A. Now, actually the
4 space is empty because they got the exemption
5 from 6A, the ANC meeting, and -- but finally,
6 because of the -- because of this ban of the
7 single, you know, sales, the result was that
8 they close, had to be shutdown, because they
9 couldn't survive.

10 The Capitol Liquors exactly a year
11 ago they closed down, because of this ban. So
12 he -- the licensee understands, you know,
13 every single, you know, comment of these
14 gentlemen said, but the community is getting
15 better and better. And he is the -- he
16 believes that the store is a part of the
17 community.

18 And he needs to survive. It's a
19 matter of, you know, surviving or not. So he
20 understands about their concerns of ANC or the
21 property owners about crime rate and the
22 school complaints and littering, loitering

1 issues, but he would like to have a chance
2 just for one year as a probation, something
3 like that. And then he would like to get a
4 chance to prove that it's going to be, you
5 know, a win-win situation.

6 It might be, so he would like to
7 get a chance. He understands that other
8 liquor store has in the same situation. Of
9 course, they want to, you know, sell without
10 any limit, without any, you know, issues, but
11 he would like to get just a chance to prove
12 that he can do it.

13 And he is ready to try his best,
14 you know, the -- to keep, you know, the store
15 away from all the trouble. So just, you know,
16 giving -- you know, getting a chance it will
17 be -- you know, does it be a huge problem?
18 Just I mean, he would like to ask for a
19 chance.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. Let me just ask Mr. Williams or Mr.
22 Holmes, I think you said you were going to

1 take a look at this issue soon?

2 MR. WILLIAMS: Um-hum.

3 CHAIRPERSON MILLER: I mean, when
4 do you think you are going to take a look at
5 this?

6 MR. WILLIAMS: I can't give you a
7 good time line. I would imagine it would be
8 something we would address, you know, well
9 before the end of the year. You know, the ABL
10 Committee has a monthly meeting. Right now,
11 our monthly meetings are taken up by license
12 renewals. So we may end up having a special
13 meeting.

14 But I know my predecessor, Adam
15 Healy, I took over just a few months ago, had
16 expressed interest in holding one of these --
17 holding a meeting to discuss this, so I
18 imagine we would have a special committee
19 meeting. I would -- you know, I can't make
20 any guarantees, but I would try to have
21 something by the fall.

22 CHAIRPERSON MILLER: So are you

1 hearing that other establishments --

2 MR. WILLIAMS: I mean in the fall.
3 I apologize.

4 CHAIRPERSON MILLER: The fall.
5 Are you hearing that other establishments are
6 having economic hardships?

7 MR. WILLIAMS: None that I'm aware
8 of. You know, granted I have only been
9 working this for the past few months, but also
10 been talking to my predecessor and I'm sure
11 Mr. Holmes can chime in as well. In terms of
12 economic hardship, this is the first case that
13 we have heard about the singles ban causing an
14 economic hardship.

15 CHAIRPERSON MILLER: Okay.

16 INTERPRETER CHANG: And he would
17 like to express the appreciation and gratitude
18 for ANC's effort, because thanks to the ANC's
19 organized effort, he definitely admits that
20 the neighborhood, you know, got better. You
21 know, way better. It is beyond description.

22 So he clearly understands that

1 because -- clearly understands the ANC's
2 position that, you know, they -- their
3 concerns against all, you know, skyrocketing
4 crime rate and the complaints and especially,
5 you know, quality of life and other issues.

6 But he would like to get a chance
7 just at least just one year. And he thinks
8 that this is the time.

9 CHAIRPERSON MILLER: I want to ask
10 one other question. Is he active in the
11 community, attend ANC meetings or meet with
12 neighbors?

13 INTERPRETER CHANG: He joined the
14 meeting twice.

15 CHAIRPERSON MILLER: That's okay.
16 I guess part of my point is well, there is a
17 part in the statute that looks to that, but
18 also I think that what the bottom line is is
19 you want to get more customers and make more
20 sales and I'm just wondering if, you know,
21 there is another way other than single sales
22 exemption that, you know, by interacting with

1 the neighbors and community and finding out
2 what they would like and ask -- trying to get
3 them to come to your store. You know, there
4 might be other ways. Okay.

5 INTERPRETER CHANG: He says that
6 he is trying his best to boost the sale and
7 the store formerly known as -- was formerly
8 known as Biggest Liquors and it was shutdown
9 because of the sale, you know, the prominent
10 and the store owner just shutdown the store
11 and he left the town.

12 And it was December 2011, right?
13 2011. And then he invested a lot of money and
14 now, you know, the whole new look and the --
15 just total renovation as you can see. And he
16 is willing to provide, you know, the photo of
17 the store how -- to show that how good it
18 looks right now.

19 And then he has a lot of
20 experience, so he knows how to deal with
21 customers.

22 CHAIRPERSON MILLER: Okay.

1 INTERPRETER CHANG: And he thinks
2 that --

3 CHAIRPERSON MILLER: Okay.

4 INTERPRETER CHANG: -- it's his --
5 you know, right now --

6 CHAIRPERSON MILLER: Okay.

7 INTERPRETER CHANG: -- it's the
8 best.

9 CHAIRPERSON MILLER: Okay.

10 INTERPRETER CHANG: Yes.

11 CHAIRPERSON MILLER: I think we
12 get that point. I understand that there are
13 some people in the audience who also want to
14 speak to this issue. So you can come forward
15 briefly. Pull up a chair if you want to.

16 MS. DEVOE: Sorry about that, I
17 thought that the testimony was in the
18 beginning. I thought I heard you say there
19 was no testimony, that's why I didn't speak
20 up.

21 CHAIRPERSON MILLER: Oh, okay.
22 Well, first of all, you need to have a seat

1 and introduce yourself for the record, so the
2 record shows who is speaking. Could you
3 introduce yourself for the record?

4 MS. DEVOE: Sure. My name is
5 Tarsha Devoe. I am a community organizer and
6 an activist and I live down the street from
7 his store.

8 CHAIRPERSON MILLER: Okay.

9 MR. PHENIOUS: My name is Jerome
10 Phenious, P-H-E-N-I-O-U-S, and I've been in
11 the community for 10 years now and I live one
12 minute from the store.

13 CHAIRPERSON MILLER: Okay. What I
14 said about testimony, it's just not evidence.
15 It's more informal. It's on the record, but
16 it's not a case where we are taking any action
17 against anybody or anything like that.

18 MS. DEVOE: I live in the
19 community. I have been there now for about
20 three years. I have seen the progression that
21 they are talking about. Based on what I am
22 seeing is that the community is doing a

1 wonderful job keeping up.

2 We have people that clean up the
3 neighborhood. I have canvased my neighborhood
4 multiple times with different campaigns and I
5 can tell you that our neighborhood is stable.
6 The people there are legit and the people
7 there care about their community.

8 They are not looking for any
9 outsiders to come in and sit around the liquor
10 stores and to drink and to hang out. That's
11 not the perception we want to give as far as
12 our community.

13 As far as Mr. Lee, he has taken
14 the time this past year to know everybody in
15 the community. He has worked along side us.
16 We have worked along side him. I have been to
17 multiple ANC meetings and I believe that this
18 would work, only because he puts a lot of
19 effort into his establishment. It's very
20 clean. It's very organized. And I know based
21 on what I have seen of this man, that he wants
22 to keep it that way.

1 He is not looking for any riff
2 raff. He is not looking for anything coming
3 there. He really just wants to keep it up.
4 Basically, the children come in some times and
5 they might maybe get some candy and things
6 like that, but as far as a neighborhood, we
7 keep a watch. We have a Neighborhood Watch.
8 We keep a watch and we make sure that there
9 are things that we want to make sure is
10 protected in our neighborhood.

11 So if anything ever happened, we
12 would definitely be the first ones to say we
13 need to lift this ban. We need to take this
14 thing back, because we want to keep our
15 neighborhood progressing, which I think it is.

16 As far as the schools, I think the
17 kids are wonderful over there. Some of them
18 help me with organizing, help me campaign
19 work. They are wonderful children. I don't
20 know any of them that are riff raff over there
21 that have caused any problems.

22 As far as robberies, there is

1 basically none. I have been there for about
2 three years now.

3 So what I'm saying is I know this
4 man. I think he should at least get a little
5 bit of a chance to see what he can do in the
6 community maybe building himself and helping
7 out with the community, because people can't
8 afford it. And a lot of people don't want to
9 walk around with big things of liquor.

10 Personally, me, I don't like
11 people seeing me with a whole bunch of liquor.
12 I don't want to come out with a six-pack or
13 anything. I just want to come out with
14 something small that I can go home with with
15 not everybody looking.

16 So we are still looking to keep
17 the community looking presentable. We think
18 that's one way to do it.

19 So that's just my opinion and I
20 think if we give him a chance, I mean, we are
21 looking at something that might just be maybe
22 an example. Maybe let him be the example.

1 And if it does work, well, I can't understand
2 that. But if it doesn't, I think we should
3 still at least give it a chance.

4 CHAIRPERSON MILLER: Thank you.

5 MR. PHENIOUS: Yes.

6 CHAIRPERSON MILLER: Yes?

7 MR. PHENIOUS: I would like to say
8 something to the ANC. I don't know what they
9 are talking about, because they haven't been
10 around our neighborhood. That doesn't -- our
11 neighborhood is clean.

12 CHAIRPERSON MILLER: You need to
13 speak into the microphone.

14 MEMBER SILVERSTEIN: Please, speak
15 into the mike.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER SILVERSTEIN: So we can
18 hear you.

19 CHAIRPERSON MILLER: And the court
20 reporter needs to get you.

21 MEMBER SILVERSTEIN: We want to
22 hear you.

1 MR. PHENIOUS: Okay. The
2 neighborhood is clean. I mean, because there
3 are a lot of customers, but I mean,
4 occasionally, the people coming in stores,
5 they feel safe. They can -- they won't go
6 down Rose or they won't go down Benning Road,
7 not some of the caucasian people.

8 I mean, I'm just saying white
9 folks, they be all in the store because they
10 feel safe. But I don't see none by Rose or
11 Rose's Liquor Store or the one on Benning
12 Road. I do not see white people going in
13 those stores, but they go -- they come to this
14 store because it's clean, there is nobody
15 hanging out there, there ain't no trash or
16 nothing.

17 I mean, it is perfect for the
18 neighborhood, because it did change the
19 neighborhood. And then you are talking about
20 these kids, people buying beer for the kids,
21 yeah, it might have happened a long time ago,
22 but Mr. Lee he don't allow no loitering, no

1 sitting in no car or nothing, because he don't
2 believe in that. He got a nice place.

3 I mean, I enjoy going there, but
4 sometimes I'm -- like I'm retired and
5 sometimes I cannot afford the liquor. I mean,
6 sometimes I like to get me, you know, half a
7 pint. But I shouldn't have to go out of my
8 ward to get half a pint when at my liquor
9 store I buy everything else.

10 I'm just saying to support Mr.
11 Lee. And the rest of these stores, I mean, I
12 won't even go in. I'm a black man and I will
13 not go in Roses, because too much drugs. I
14 mean, I saw one of -- the one on Benning Road,
15 too much drugs. That's why they don't need no
16 competition right there, they got drugs.

17 And I mean they will get the
18 business.

19 MS. DEVOE: The people should be
20 able to have a say. 300 people put the
21 petition up. We could have done a whole lot
22 more. We decided to just go with that. These

1 are the people in our neighborhood that we see
2 every day that are coming in, you know, every
3 day.

4 CHAIRPERSON MILLER: Okay. Thank
5 you. Mr. Silverstein?

6 MEMBER SILVERSTEIN: I have a
7 question for the two witnesses. Do you
8 believe that the single sales moratorium in
9 the ward has been a good thing, in general?

10 MS. DEVOE: The single of the
11 beer?

12 MEMBER SILVERSTEIN: Yes.

13 MS. DEVOE: There are no single
14 beers here. We are not looking for single
15 beers. We're just looking for the half pints,
16 right?

17 MR. PHENIOUS: Right.

18 MS. DEVOE: Do I -- I think it
19 wouldn't even change -- I think it would just
20 bring revenue in for him. It wouldn't change
21 the landscape of what we are looking at here.
22 The same people would be coming in.

1 MEMBER SILVERSTEIN: That's my
2 question. If we were to give this to this
3 applicant, would it make it -- would this be
4 giving a slippery slope as people say where
5 others would be applying and getting it or do
6 you think that this applicant is so far
7 superior to the others that we wouldn't be
8 forced to open the flood gates, so to speak?

9 MS. DEVOE: I would basically --
10 basically on the fact -- I'm not saying he is
11 anything special or anything different from
12 anybody else. What I'm saying is if you look
13 at our area and you look at the landscape and
14 you look at where we are right now, it is
15 conducive to the environment that it's safe.

16 Say if we go somewhere else until
17 it does come here, we want that, you have to
18 look at all aspects of it.

19 MR. PHENIOUS: Yes.

20 MS. DEVOE: Well, how is the area?
21 How is the neighborhood? How are the people?
22 What type of traffic are coming in? Is there

1 a drug problem? All those things don't exist,
2 so that's why I think it's not maybe a special
3 case, but it is a case that is not something
4 that needs to be overwhelmed with what ifs.

5 MEMBER SILVERSTEIN: Thank you.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER SILVERSTEIN: I want to ask
8 Mr. Williams, if you would want to respond to
9 this?

10 MR. WARD: Yes, hello. My name is
11 Calvin Ward. I am ANC-608, A608. Just a
12 simple question for Mr. Lee. I heard you
13 stated --

14 MEMBER SILVERSTEIN: No, I'm
15 asking you to respond to that first.

16 MR. WILLIAMS: I'll answer that.
17 Oh, I'm sorry. I can-- oh, I'm sorry. Yes,
18 I'll do that real quick. I mean, the response
19 is -- I mean, it is what we have been saying
20 this whole time is that we believe that the
21 moratorium has improved the neighborhood in 6A
22 as a whole as well as this neighborhood, in

1 general or specifically.

2 And we believe that, you know, all
3 the good things that we have heard about the
4 area and how things have been operating, I
5 think -- I mean, I won't say it is all because
6 of the moratorium, but I think the moratorium
7 has contributed to the improvements in the
8 neighborhood and the quality of life.

9 And my concern is that lifting the
10 moratorium, even for, you know, arguably a
11 good business person who runs a good shop,
12 still leads to -- still could lead to the
13 problems that we had before the moratorium
14 when into place.

15 MEMBER SILVERSTEIN: Thank you. I
16 have no further questions.

17 CHAIRPERSON MILLER: Okay.

18 MR. PHENIOUS: The church sits
19 right across the street from this liquor
20 establishment. This is the first time that
21 I've ever seen them plant flowers outside the
22 church, ever since I've been -- it's been over

1 10 years, the first time. It shows a
2 community that changed.

3 CHAIRPERSON MILLER: Okay.

4 MR. PHENIOUS: And the kids don't
5 even touch the flowers. They are sitting
6 right outside as -- by the sidewalk. Nice,
7 everything is changing now.

8 CHAIRPERSON MILLER: Okay.

9 MR. PHENIOUS: I mean --

10 CHAIRPERSON MILLER: Yes?

11 MR. PHENIOUS: -- because he made
12 the neighborhood better when he did his store
13 over. I mean, it looked like a little
14 Georgetown store. It's beautiful. I mean,
15 when you got white folks coming in your
16 business like that at nighttime, too, they are
17 not afraid because there ain't nobody hanging
18 out there for them to be afraid of.

19 CHAIRPERSON MILLER: Okay. Thank
20 you.

21 MR. PHENIOUS: Okay.

22 CHAIRPERSON MILLER: And, sir, did

1 you come up to say anything?

2 MR. WARD: Yes, I just have a
3 question.

4 CHAIRPERSON MILLER: When you are
5 -- will you identify yourself again for the
6 record?

7 MR. WARD: Calvin Ward.

8 CHAIRPERSON MILLER: Okay. And
9 you are an ANC Commissioner for --

10 MR. WARD: Yes, ma'am.

11 CHAIRPERSON MILLER: -- ANC-6?

12 MR. WARD: 6A08.

13 CHAIRPERSON MILLER: 6A08. Okay.

14 MR. WARD: I'm hearing multiple
15 times, you know, you express that your
16 business is good for the community. And I'm
17 curious besides the landscape, I mean, what
18 good is your business doing the community?
19 What good would alcohol serve our community?
20 I'm just curious how.

21 INTERPRETER CHANG: You know, the
22 -- Mr. Lee says that he is -- okay, he is

1 paying -- he is a taxpayer as store -- you
2 know, small business owner. And he would like
3 to keep the customers, you know, in this
4 neighborhood. Just that he doesn't want to
5 see them, the customers going out of, you
6 know, the neighborhood to buy some thing.

7 And, you know, to buy liquors and
8 whatever. And he as indicated in the
9 attachment, he is the person who knows the
10 value in contributing the community and he
11 knows how to do it. And if sales is picked up
12 and then if the establishment, if the store is
13 established in a couple of years, he
14 definitely promise to award a scholarship to
15 the charter school.

16 This exactly what he did, you
17 know, in years ago when he owned a liquor --
18 you know, The Willow Liquors in southeast.

19 CHAIRPERSON MILLER: Okay. All
20 Right. Does that --

21 MEMBER BROOKS: One question.

22 CHAIRPERSON MILLER: Mr. Brooks?

1 MEMBER BROOKS: Yes.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER BROOKS: The two people who
4 just joined the table, do either one of you
5 ever attend the ANC meetings?

6 MR. PHENIOUS: Yes.

7 MEMBER BROOKS: You do?

8 MR. PHENIOUS: Yes.

9 MEMBER BROOKS: And did this issue
10 come up about the single sales of half pints?

11 MS. DEVOE: No. We had one
12 meeting about this, but we didn't say anything
13 about that.

14 MEMBER BROOKS: Okay. And so how
15 did the discussion go? How did other people
16 feel about the issue?

17 MS. DEVOE: The discussion, I was
18 really surprised they seemed very positive.
19 They seemed very positive. They seemed very
20 understanding and very positive, so I'm
21 surprised that the ANC is now coming and
22 saying that they are totally against it,

1 because the two that I went to, they seemed
2 very positive and very open to at least giving
3 it a chance. That was really where they were
4 at there, that they were kind of saying well,
5 should we make this person an example and
6 allow that person to create an example, that's
7 where we left it.

8 MEMBER BROOKS: Okay. So are
9 these the same people who are at the table
10 now?

11 MR. PHENIOUS: No, no.

12 MS. DEVOE: I don't remember him,
13 no.

14 MR. PHENIOUS: They are not the
15 same people.

16 MS. DEVOE: He wasn't there.

17 MEMBER BROOKS: Okay.

18 MR. PHENIOUS: Although --

19 MEMBER BROOKS: Okay. Thank you.
20 Thank you, Madam Chair.

21 MR. WILLIAMS: May I chime in real
22 quick on that?

1 MEMBER BROOKS: Sure. Go ahead.

2 MR. WILLIAMS: I was at the ABL
3 Committee meeting in January where Mr. Lee
4 came before the Committee to ask for the
5 exemption. I was there as an ANC Commission,
6 as I believe Mr. Holmes was as well.

7 The minutes are on our website. I
8 can provide them if you would like summarizing
9 the discussion. Just in short a lot of the
10 issues that we discussed here before you all
11 came up and the committee did discuss at
12 length kind of the idea of granting, you know,
13 an exemption to one establishment causing, you
14 know, we said this several times, a slippery
15 slope and concerns about that.

16 And I believe the Committee itself
17 voted -- it may -- I don't want to misspeak.
18 I believe it was either 6-1 or 7-1 with only
19 one Committee Member in opposition to
20 recommend that the ANC not grant the
21 exemption.

22 So while there was some positive

1 discussion about Mr. Lee's business, I believe
2 these individuals were there to speak in
3 support of him. The general consensus that
4 came out of the ABL Committee from that
5 meeting was that this was not something that
6 the Committee wished to recommend to the ANC
7 and that that was the point where it was
8 raised that maybe this would be -- maybe we
9 should consider discussing the moratorium as
10 a whole in a future meeting.

11 CHAIRPERSON MILLER: Yes, Mr.
12 Alberti?

13 MEMBER ALBERTI: Mr. Williams,
14 would you describe who the Committee Members
15 are? Are they ANC Commissioners or are they
16 community members that make up your --

17 MR. WILLIAMS: Thank you. Yes.

18 MEMBER ALBERTI: -- ABL Committee?

19 MR. WILLIAMS: They ABL Committee
20 is made up of community members within ANC-6A.
21 It is -- usually in the past, it has been
22 chaired by an ANC Commissioner. It is -- it

1 was chaired before I took over by an ANC
2 Commission and now I am an ANC Commissioner
3 chairing it. But all the other members of the
4 Committee are community volunteers and not ANC
5 Commissioners.

6 CHAIRPERSON MILLER: How does a
7 community member get to be on the Committee?

8 MR. WILLIAMS: They get involved.
9 They show up to meetings. They meet with the
10 current committee and then they speak with,
11 you now, the Committee as a whole and the
12 chair. And then eventually their name is
13 offered up to the full ANC who then votes on
14 their nomination.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. Other questions? Mr. Jones?

17 MEMBER JONES: Thank you, Madam
18 Chair. I have a question for the individuals
19 at this table.

20 MR. WILLIAMS: Yes.

21 MEMBER JONES: Okay. Is there any
22 particular reason that you feel as though this

1 particular establishment couldn't handle the
2 responsibility of the single sales, based on
3 how they plan or based on how they propose to
4 implement?

5 MR. WILLIAMS: My concern with
6 this particular establishment is that in this
7 particular location in the past, granted
8 before Mr. Lee took over ownership, there had
9 been problems and there have been problems
10 along 15th Street. And our concern would be
11 that lifting the moratorium even for the
12 smaller spirits would bring those problems
13 back to the forefront.

14 MEMBER JONES: Okay. Anybody else
15 want to --

16 MR. HOLMES: Yes, I have been vice
17 chair and chair almost steadily since 2007.
18 So one of our great achievements was the
19 single sales ban. We know very little about
20 this particular establishment. They are new
21 to the neighborhood. It may be that they will
22 be the one that makes us change our mind.

1 But I would say, at this point, it
2 is too soon. And as -- if a grant is made to
3 them, it almost certainly extends to the other
4 three on 15th possibly over into 6B. And
5 since they are right next to H Street and
6 Benning Road, it could go on.

7 In my experience, living there,
8 walking there, is that if you look at Benning
9 Road on the north side, perfect advertisement
10 for why you don't want this. It's a great
11 deal of caution before we will, on our part,
12 begin to consider that being sold.

13 We experienced a nightmare. H
14 Street was how bad things were. 15th Street
15 almost as bad. We are extremely cautious.
16 Maybe as we just said that we can begin to
17 consider opening it back up once again, but
18 not this soon. Not with someone this new.

19 MEMBER JONES: Okay. So there is
20 nothing about this individual or the way in
21 which he operates that you can point to that
22 brings about a concern. It's just a general

1 feel that you don't want it? You just don't
2 want it period. There's nothing about this
3 operator, nothing about what you know about
4 this operator. It's just a position that you
5 have regardless of who it was. It could be
6 God Almighty sitting there running that
7 establishment and you wouldn't want it is what
8 I'm hearing from you.

9 MR. HOLMES: To an extent that's
10 true.

11 MEMBER JONES: Okay.

12 MR. HOLMES: We had experience
13 with the previous owner and we had some
14 trouble there.

15 MEMBER JONES: Understood. But
16 that's not this owner. So I just want us to
17 stay focused on you have no issues with this
18 owner or how he operates it. Is that yes or
19 no?

20 MR. HOLMES: That is a yes.

21 MEMBER JONES: Okay. Cool. So
22 you have no issue with that. So it's really

1 just a principle that you are riding on right
2 now. He can say all the right things, he can
3 do all the right things, it wouldn't matter.
4 Right now, you wouldn't grant it based on the
5 fact that you don't want it in your
6 neighborhood, it being the single sales.

7 And there's nothing necessarily
8 wrong with that. I just want to make sure I
9 understand you.

10 MR. WARD: I mean, well, I
11 understand what you are saying. I'm a
12 Commissioner from the area. I understand
13 exactly what you are saying, but the simple
14 fact that it sits right outside a trouble
15 school and like the Chairman said, there is a
16 lot of issues along that street with other
17 stores.

18 And it just wouldn't be the right
19 thing to do. It's nothing towards Mr. Lee
20 himself. No, it's not, you know. It's just
21 the simple fact that if you grant this, it
22 would just -- you know, it would be a

1 disservice to our neighborhood. That's it.

2 MEMBER JONES: It would be a
3 disservice to the neighborhood why?

4 MR. WARD: Because it will pollute
5 our neighborhood. It's already -- single
6 sales is good for no neighborhood. I lived in
7 that neighborhood all my life. There is --
8 and I'm trying to be respectful about this.

9 That establishment has never been
10 good. Crime, drugs, litter always been a
11 problem, always. And I lived down the street
12 on 15th Street, that's exactly where I grew
13 up. So I'm there every day. I moved just a
14 few blocks around the corner, so I know
15 exactly, you know, what this establishment is
16 capable of.

17 It's -- I'm not -- I have nothing
18 against Mr. Lee, nothing against him running
19 a business. I just know what single sales can
20 do to a neighborhood. That's it.

21 MEMBER JONES: I think I get it,
22 but I just want to make sure I'm clear when

1 you are saying that this is a troubled
2 establishment, it was trouble based on your
3 recollection and your knowledge of how it was
4 operated under previous ownership?

5 MR. WARD: No.

6 MEMBER JONES: No? So you are
7 saying that you have firsthand experience of
8 it being operated poorly and in a problematic
9 manner by this owner?

10 MR. WARD: I'm not saying -- I'm
11 not speaking of the operation. I'm speaking
12 of the simple fact just a liquor store in a
13 neighborhood. And this particular liquor
14 store before Mr. Lee took over, I'm not, you
15 know, pointing fingers at him. I'm just
16 saying just in general.

17 This liquor store has always been
18 a bad thing for the community.

19 MEMBER JONES: Okay. Just by --

20 MR. WARD: And if you allow --

21 MEMBER JONES: Just by the nature
22 of its existence, it could be -- you said it

1 could be -- God Almighty could be running that
2 liquor store and you have the same opinion?

3 MR. WARD: If -- even if -- okay.
4 If God Almighty himself was running that
5 liquor store, it wouldn't be a liquor store.
6 You know, I just don't understand. I just
7 don't understand how this liquor store can do
8 any good to the community.

9 MEMBER JONES: So you just have a
10 fundamental issue with liquor stores and
11 liquor establishments? I mean, that's what
12 I'm hearing from you. And you can speak
13 candidly. I'm that type of guy. So I would
14 rather you tell me like straight up how you
15 are feeling about it. If that's how you
16 really feel, then that's fine, that's your
17 opinion.

18 I just want to understand that,
19 because I'm not hearing anything specifically
20 about this owner that brings about an issue.
21 It's the concept. And once again, I don't
22 have an issue about your concept if you want

1 to stand on it. I just want to understand
2 what the real issues are. And I just need you
3 to be as candid as you can and be as truthful
4 as you can about what your real reasons are.

5 If you just fundamentally are
6 against the sale of alcohol, I'm fine.

7 MR. WARD: Okay. And in that
8 sense, let's just say it's bad for the
9 community. Mr. Lee offers nothing good for
10 the community. And that's where I stand on
11 it.

12 MEMBER JONES: Okay. That's fair.
13 Thank you.

14 MR. WARD: Yes.

15 MEMBER JONES: Thank you, Madam
16 Chair.

17 CHAIRPERSON MILLER: Okay.

18 MR. PHENIOUS: Can I say
19 something? And, sir --

20 CHAIRPERSON MILLER: Wait a
21 second. Just a second. Did you want to say
22 something else?

1 MEMBER ALBERTI: I'll rest. No
2 questions.

3 CHAIRPERSON MILLER: Okay. So we
4 probably should wrap this up pretty soon, but
5 you have and then Mr. Alberti has a question,
6 too.

7 MR. PHENIOUS: Are you our ANC
8 Commissioner over on 15th Street?

9 MR. WARD: I am. Depending on
10 what part of 15th Street you are on.

11 MR. PHENIOUS: 15th Street you are?

12 MR. WARD: Yes.

13 MR. PHENIOUS: Sir, I ain't never
14 seen you come over there.

15 MS. DEVOE: He cleans the courts
16 every day.

17 MR. PHENIOUS: Or walk --

18 MS. DEVOE: He cleans the courts
19 every day.

20 CHAIRPERSON MILLER: Right,
21 exactly. Okay. Okay.

22 MR. PHENIOUS: They --

1 CHAIRPERSON MILLER: Okay. Wait,
2 sir. Sir?

3 MR. PHENIOUS: It's the end of the
4 line.

5 CHAIRPERSON MILLER: Do you want
6 to hear that?

7 MEMBER ALBERTI: No.

8 CHAIRPERSON MILLER: Oh, okay.
9 So --

10 MR. PHENIOUS: I'm retired now.

11 CHAIRPERSON MILLER: Okay.

12 MR. PHENIOUS: I retired. I come
13 up there every one -- I know --

14 CHAIRPERSON MILLER: Sir?

15 MR. PHENIOUS: I ain't never seen
16 you in our neighborhood.

17 CHAIRPERSON MILLER: Okay. We
18 got --

19 MR. PHENIOUS: So don't sit there
20 telling them that. I ain't never seen him.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER JONES: Sir, sir.

1 CHAIRPERSON MILLER: Okay. We've
2 got about -- we have to wrap this up, so I
3 don't think we need to continue that line of
4 discussion.

5 Mr. Alberti, did you have a
6 question?

7 MEMBER ALBERTI: Yes. And it is
8 for Commissioner Ward.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: I think I heard--
11 it was either Commissioner Williams or
12 Commissioner Holmes say something to the
13 effect that there had been improvements in the
14 neighborhood since the single sales ban had
15 been implemented. And we have Commissioner
16 Ward who says he grew up there.

17 MR. WILLIAMS: Yes.

18 MEMBER ALBERTI: So I'll ask you,
19 what have you seen? Have you seen an
20 improvement since the Board's single ban was
21 implemented?

22 MR. WARD: Honestly, the only

1 improvements I've seen in that area from this
2 establishment is just the landscape, that's
3 it. I just saw --

4 MEMBER ALBERTI: But in general,
5 in terms of the neighborhood, the effects of
6 the -- this establishment and other
7 establishments, in general, the effect of Ward
8 6 ban.

9 MR. WARD: Yes, yes, it has.

10 MEMBER ALBERTI: It has been what?
11 Has been --

12 MR. WARD: It has been an
13 improvement of the quality of life, the ban
14 has because, you know, every -- the
15 neighborhood is totally different from before.
16 So, yes.

17 MEMBER ALBERTI: Thank you. I
18 have no further questions.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: I think Mr. Jones
21 does.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: I have one quick
2 follow-up on that. Board Member Alberti
3 raised an issue for me just as a point of
4 clarification. It is always good, in my mind,
5 to have a good idea of where the bar is, like
6 what the threshold is.

7 So you have mentioned it is too
8 soon, it's too early. What would you have to
9 see, if anything, that would make you feel
10 comfortable that this individual has met your
11 requirement, whatever that is? And it may be,
12 for you it may be, nothing because he is
13 selling alcohol. He can't -- I can't even
14 consider it.

15 This gentleman may have some
16 metrics or basis where I'm just trying to
17 understand -- and it's just to be fair. Like
18 I hate to be in a system where I don't know
19 what it is I need to do to define success.

20 I know that I have reached my
21 goal, because I have done X. Right now, this
22 gentleman is in no man's land, right? From

1 that standpoint. I just want to understand if
2 there is any barrier, any barrier to entry or
3 bare level of success that you would find
4 acceptable?

5 MR. HOLMES: Go ahead.

6 MR. WILLIAMS: I think, at this
7 point, the ANC stands in complete support of
8 the single sale moratorium.

9 MEMBER JONES: Okay.

10 MR. WILLIAMS: And, therefore, we
11 would oppose it across the board.

12 MEMBER JONES: Got it.

13 MR. WILLIAMS: Which is why we are
14 discuss -- we are -- we plan -- we intend to
15 revisit the moratorium as a whole hopefully,
16 you know, by the fall.

17 MEMBER JONES: All Right.

18 MR. WILLIAMS: And I would
19 certainly encourage Mr. Lee and, you know, his
20 supporters to attend that meeting, because we
21 are going to ask for as much community input
22 as we can possibly get to discuss lifting the

1 moratorium.

2 But I feel like with the
3 moratorium in place, the ANC is fully in
4 support of that moratorium across the board.

5 MEMBER JONES: Fair enough. Thank
6 you.

7 CHAIRPERSON MILLER: Mr.
8 Silverstein?

9 MEMBER SILVERSTEIN: Yes, just
10 maybe this might be a good way to wrap it up,
11 but I want to thank the Commissioners for
12 that. Moratoriums are not forever. They are
13 by definition moratoriums. And they should be
14 revisited on a continuous basis to keep them
15 relevant, to tighten them, to loosen them,
16 whatever.

17 And I want to commend you for
18 looking at this and looking at it also in a
19 holistic approach. Thank you.

20 MR. HOLMES: If I could make a
21 brief comment there? You would improve our
22 situation and our ability to look more

1 favorably on exemptions if you were to get a
2 ban across the street from us in Ward 5.

3 CHAIRPERSON MILLER: Okay.

4 MR. HOLMES: They come staggering
5 across our streets. We have absolutely
6 nothing against this establishment.

7 CHAIRPERSON MILLER: Yes.

8 MR. HOLMES: We welcome them in
9 the community. We appreciate what they are
10 doing. But we are, at this point, still
11 opposed.

12 CHAIRPERSON MILLER: Okay. It is
13 a good way to wrap it up, but I'm sorry, I
14 just wanted to ask a follow-up question or two
15 for Mr. Ward, just so that I understood what
16 you said.

17 Did you say the landscaping had
18 improved? You were talking about the
19 landscaping for this particular
20 establishment's property or the landscape for
21 the neighborhood?

22 MR. WARD: The land -- well,

1 actually both.

2 CHAIRPERSON MILLER: Both, okay.

3 MR. WARD: You know, when they
4 cleaned up the neighborhood, they cleaned up
5 the establishment, the liquor store of course.

6 CHAIRPERSON MILLER: Who is they?

7 MR. WARD: Well, I'm assuming
8 whoever owned the liquor store.

9 CHAIRPERSON MILLER: Oh, okay, so
10 it generated from the liquor store?

11 MR. WARD: Well, no. It generated
12 from the neighborhood. Once the neighborhood
13 began to blossom, then the liquor store -- I
14 guess that put pressure on the liquor store,
15 then they cleaned. They made upgrades to the
16 landscaping.

17 CHAIRPERSON MILLER: Okay. And
18 one last question. I think you said the
19 neighborhood had improved since the ban, but
20 you didn't really say how it had improved.

21 MR. WARD: Well, when I said
22 improved, I'm only speaking of landscape.

1 CHAIRPERSON MILLER: Landscaping.

2 Okay.

3 MR. WARD: Yes.

4 CHAIRPERSON MILLER: Okay. That's
5 fine. Okay. Thank you. All Right. So I
6 think that's it for this. This is a Fact-
7 Finding Hearing. We will be considering the
8 application, though one of the issues will be,
9 you know, whether it is too early, you know,
10 whether we need to wait a year or not. And
11 then, you know, we will look at the merits in
12 general.

13 So we are not going to be making a
14 ruling today is what I'm getting at. I'm
15 going to just read our instructions for
16 considering this -- taking a vote for
17 considering this in a closed session, but I
18 just wanted to let you all know, you know,
19 what is going to happen.

20 I can't tell you exactly when the
21 decision will be, because we have to consider
22 that issue about when should we consider it

1 within this year question. Okay.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with Section 405 of
5 the Open Meetings Amendment Act of 2010, I
6 move that the ABC Board hold a closed meeting
7 for the purpose of seeking legal advice from
8 our counsel on Grand Liquors' application for
9 an exemption from the single sales restriction
10 and at some point deliberating upon it for the
11 reasons cited in Section 405(b)(13) of the
12 Open Meetings Amendment Act of 2010.

13 Is there a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion. I'll now take a roll
17 call vote.

18 Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Jones?

5 MEMBER JONES: I agree.

6 CHAIRPERSON MILLER: It appears
7 that the motion has passed by a 5-0-0 vote.

8 I hereby give notice that the ABC
9 Board will hold a closed meeting on this issue
10 in the ABC Board conference room pursuant to
11 the Open Meetings Amendment Act of 2010 and
12 then issue a decision.

13 But I'm just not going to commit
14 to a date yet, because of this question about
15 the year under the statute. However, we will
16 be considering this issue next week or the
17 week after.

18 Okay. Any questions? All Right.
19 Then thank you all very much for coming down
20 and sharing your views with us. Okay.

21 (Whereupon, the Fact-Finding
22 Hearing was concluded at 3:40 p.m.)

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