

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

IN THE MATTER OF:

Safeway, Inc.
t/a Safeway
3830 Georgia Avenue N.W.

Ret. Class B

Case No. 14-PRO-00034

Roll Call

Monday,
May 19, 2014

2000 14th Street, N.W.
Suite 400S
Washington, D.C. 20009

The above-entitled matter convened at
10:06 a.m., before the District of Columbia
Alcoholic Beverage Regulation Administration
Board.

BEFORE:

LAVERNE FLETCHER, Agent of the Board

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P R O C E E D I N G S

[10:06 a.m.]

MS. FLETCHER: Would the parties in the matter of Safeway please come forward, the parties in the matter of Safeway?

This is Case Number 14-PRO-00034, Safeway, Inc. trading as Safeway, 3830 Georgia Avenue, NW, License Number ABRA-093822. This is a Retailer B, New Application.

The protest issues are adverse impact on peace, order and quiet. My name is Laverne Fletcher, and I'm conducting the roll call hearing as the board's agent, pursuant to D.C. Official Code 1601.2. Introduction, beginning with the applicant.

MR. MOORE: Good morning, Ms. Fletcher, Jerry A. Moore, law firm of Venable LLP, for Safeway, please.

MS. FLETCHER: Thank you, Mr. Moore. Are the protestants here in the

1 matter of Safeway? Are there any
2 protestants here in the matter of Safeway?
3 Are you the protestants in the matter of
4 Safeway protesting the application?

5 MR. KIMANI: Yes.

6 MS. FLETCHER: Okay. You can
7 come forward and have a seat at the table.
8 You'll need to pull up another chair. Yes.
9 This table over here.

10 You could just have a seat right
11 there. That would be good. Thank you. And
12 you'll need to pull up a chair. Yes, you,
13 too. And I need you to introduce yourself
14 to us. State your name and spell it for the
15 record, beginning with you, sir.

16 MR. KIMANI: Good morning.

17 MS. FLETCHER: If you could,
18 there's a microphone on your table. Is the
19 light on? Can you tell? There's a button.

20 MR. KIMANI: No, it's not.

21 MS. FLETCHER: Okay. If you
22 could press that button right at the bottom

1 there, a little green light, there you go.
2 Thank you very much. If you would just
3 state your name and spell it for the record.

4 MR. KIMANI: My name is Harry
5 Kimani, and I live at Georgia Avenue at 901.

6 MS. FLETCHER: What's your name
7 again?

8 MR. KIMANI: Harry Kimani.

9 MS. FLETCHER: Could you spell
10 the first name?

11 MR. KIMANI: First name is H-A-R-
12 -R-Y. The last name is Kimani, K-I-M-A-N-I.

13 MS. FLETCHER: Okay. And what
14 I'll need you to do, Mr. Kimani, I need you
15 to do something for me. You did protest. I
16 need to confirm with you that it is your
17 signature on your protest letter.

18 MR. KIMANI: Yes.

19 MS. FLETCHER: Just one second.
20 If you could just step forward for a second
21 please. Is your signature on that letter?

22 MR. KIMANI: Yes.

1 MS. FLETCHER: Okay. Thank you
2 very much. Thank you. And your name, sir?

3 MR. CLAYTON: James E. Clayton.

4 MS. FLETCHER: And Mr. Clayton,
5 would you spell your name for the record,
6 please?

7 MR. CLAYTON: J-A-M-E-S, E for
8 Edward, C-L-A-Y-T-O-N.

9 MS. FLETCHER: And your name,
10 ma'am.

11 MS. BAYEH: Yes. My name is --

12 MS. FLETCHER: I'm sorry. Don't
13 move the microphone.

14 MS. BAYEH: Yalemwork Bayeh, Y-A-
15 L-E-M-W-O-R-K, B-A-Y-E-H, Bayeh.

16 MS. FLETCHER: Okay. What's the
17 first name?

18 MS. BAYEH: Y-A-L-E-M-W-O-R- --

19 MS. FLETCHER: Okay. One second.
20 What is the first name though?

21 MS. BAYEH: Yalemwork.

22 MS. FLETCHER: Okay. One second,

1 and now you can spell it for me.

2 MS. BAYEH: Y-A-L-E-M-W-O-R-K.

3 MS. FLETCHER: And what's the
4 last name?

5 MS. BAYEH: B-A-Y-E-H.

6 MS. FLETCHER: B-A-Y?

7 MS. BAYEH: B-A-Y-E-H.

8 MS. FLETCHER: E-H?

9 MS. BAYEH: Yes.

10 MS. FLETCHER: Are there any
11 other individuals from your group present
12 today? Of the three of your who are
13 present, Harry Kimani, you are the only
14 person today who officially signed a protest
15 letter.

16 Your signature is on your letter.
17 First of all, I just want to state a couple
18 of things for the record. The next thing
19 I'd like to state for the record is that
20 James E. Clayton and Ms. Bayeh?

21 MS. BAYEH: Yes.

22 MS. FLETCHER: You both submitted

1 protest letters, but you printed your names.

2 MS. BAYEH: Yes.

3 MS. FLETCHER: But you didn't
4 sign your names, and so what that means is
5 that you're not recognized as protestants
6 because you have to sign your name. You did
7 print them. Would you like to take a look?

8 MS. BAYEH: Can I sign?

9 MS. FLETCHER: No, not today. It
10 would've had to have been done before today.
11 But just for the record, you didn't sign
12 your name. But even if you had, there are
13 not at least five of you present today.

14 In order to have standing as a
15 protestant, at least five individuals need
16 to be present or one person designated to
17 represent everyone.

18 So even if you all had signed the
19 protest letter, standing still would not be
20 granted to your group today because only
21 three of you are present. You were going to
22 say something, Ms. Bayeh?

1 MS. BAYEH: Yes. We can do that
2 if we have enough time. Everybody in our
3 job and the people on the way, too.

4 MS. FLETCHER: Yes, it has to be
5 done today. Today is the only day where the
6 board can determine who has standing as
7 protestants. It cannot be done beyond
8 today.

9 It must be done today. And so it
10 is on today that everyone would've needed to
11 be here. Everyone received an official
12 notice just like you to be here today.

13 And the letters that they
14 received tells them that if they don't
15 appear today that their protest will be
16 dismissed. So --

17 MS. BAYEH: Can I check maybe in
18 the line?

19 MS. FLETCHER: We don't have time
20 for that. It's 10:13. What you can do, I'm
21 going to conclude this roll call hearing in
22 just a minute.

1 If those individuals show up
2 after the roll call hearing is concluded, I
3 will tell them how to go about petitioning
4 the board to be considered as protestants.

5 But for the sake of the roll call
6 hearing today, the protest is dismissed.
7 The protestants will receive an order from
8 the ABC board dismissing the protest because
9 five people were not present.

10 And the board may also state that
11 Mr. Clayton and Ms. Beyah did not sign their
12 protest letters. Upon receipt of the board
13 order, you will have ten days to ask the
14 board to reconsider its decision to dismiss
15 the protest.

16 But for the purpose of the roll
17 call hearing, the protest is dismissed. Any
18 questions about that?

19 MR. CLAYTON: Yes, I have a
20 question.

21 MS. FLETCHER: Is that Mr.
22 Clayton?

1 MR. CLAYTON: My letter I have it
2 with me in my pocket, and it don't mention
3 that I had to sign it in cursive or write
4 it.

5 MS. FLETCHER: Yes, if you're
6 going to file an official document, a
7 signature is always required. If you, you
8 can, if when you receive your order
9 dismissing your protest, you can ask the
10 board to consider reinstating you because
11 you didn't know you needed to sign.

12 But you're required to sign
13 official documents submitted to the
14 government. Anything else? Okay. The roll
15 call hearing, oh, Mr. Moore, anything?
16 Okay. Thank you. The roll call hearing is
17 concluded. Thank you.

18 The roll call hearing is
19 concluded, and I've got to call the next
20 case unless you have a question for me.

21 MR. KIMANI: I have a question.

22 MS. FLETCHER: Yes, sir, Mr.

1 Kimani?

2 MR. KIMANI: My question is
3 suppose she get the other three back today.

4 MS. FLETCHER: Yes, the roll call
5 hearing is concluded. There's nothing more
6 that can be done today on this case.

7 Once you receive an order
8 dismissing the protest, once you do, you
9 will have an opportunity to ask the board to
10 reconsider the decision made today and give
11 them the reason that you want them to
12 reconsider it.

13 But for the purpose of roll call,
14 no one else will be considered.

15 MR. KIMANI: Okay. Thank you.

16 MS. FLETCHER: You're welcome.

17 [Whereupon, at 10:16 a.m., the
18 roll call hearing was adjourned]

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