

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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INFORMATIONAL HEARING

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IN THE MATTER OF:

Asmara Incorporated
t/a Kenilworth Market
1612 Kenilworth Avenue, NE
Retailer Class A - ANC-7D
License No. ABRA-087818

(License Renewal)

May 26, 2015

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, Ms. LaVerne
Fletcher, Agent, presiding.

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

2 11:22 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Kenilworth Market please come
5 forward? The parties in the matter of Kenilworth
6 Market. Is the owner of Kenilworth Market
7 present?

8 I just want to clarify for the record
9 that the address is 1612 Kenilworth Avenue.

10 MR. GHIRMAI: Yes, I'm not the owner.
11 My sister own the --

12 AGENT FLETCHER: I'm sorry? You're
13 the -- who are you?

14 MR. GHIRMAI: I'm the manager.

15 AGENT FLETCHER: You're the manager?

16 MR. GHIRMAI: My sister own.

17 AGENT FLETCHER: Is there any
18 particular reason why the owner is not present?

19 MR. GHIRMAI: We haven't received any
20 letters.

21 AGENT FLETCHER: Thank you. And thank
22 you for making that point. I'm going to clarify

1 for the record right now that the -- for some
2 reason -- what's the ANC person's name that I
3 spoke with on the phone?

4 MS. DOUGLAS: That's me. Good morning
5 to you. I'm Dorothy Douglas. I'm ANC --

6 AGENT FLETCHER: Douglas.

7 MS. DOUGLAS: -- Commissioner 7D03.

8 AGENT FLETCHER: Thank you. And just
9 for --

10 MS. DOUGLAS: And I also have the
11 former ANC Commissioner Ms. Donna Muhammad.

12 AGENT FLETCHER: Thank you, Ms.
13 Douglas. Just for the record, Ms. Douglas called
14 me just before 10:00 to bring to my attention
15 that this hearing is not on the calendar and she
16 was correct about that.

17 She stated that she filed the protest
18 on May 11, that was clarified by a contact rep
19 that works here that you did, in fact, submit a
20 protest letter on May 11, which was timely filed.

21 MS. DOUGLAS: Right.

22 AGENT FLETCHER: It is correct that

1 Kenilworth Market -- which ANC is this, Ms.
2 Douglas?

3 MS. DOUGLAS: 7D03.

4 AGENT FLETCHER: 7B03.

5 MS. DOUGLAS: D, D as in dollbaby.

6 AGENT FLETCHER: Oh, 7D.

7 MS. DOUGLAS: Yes, ma'am.

8 AGENT FLETCHER: It is correct that 7D

9 and Kenilworth Market never received notice of
10 this hearing, an official notice, but you are
11 here, so I'm going to address it because you are
12 here. You know, I apologize for that. You
13 should have received an official notice from us.

14 Somehow your protest letter did not
15 make it to the person that sends out notices.
16 You should have gotten notice from us telling you
17 that the Roll Call Hearing was today.

18 The same thing for Kenilworth Market.
19 And you are here because of the date on the
20 Placard Notice?

21 MR. GHIRMAI: Yes, ma'am.

22 AGENT FLETCHER: The Placard Notice

1 has the date of the hearing.

2 MS. DOUGLAS: Right. I have a picture
3 of that because I --

4 AGENT FLETCHER: Exactly.

5 MS. DOUGLAS: I have a picture of that
6 and also I --

7 AGENT FLETCHER: An so I'm glad that
8 you came. It's helpful that you are here and,
9 you know, I apologize that there was no hearing
10 set up, but I'm going to treat this as if a
11 hearing was set up.

12 MS. DOUGLAS: Yes, ma'am.

13 AGENT FLETCHER: And send you out the
14 correct notices, so you don't have to come back
15 to deal with -- have another Roll Call Hearing,
16 since you are all here.

17 MS. DOUGLAS: Thank you.

18 AGENT FLETCHER: So what I'm going to
19 do is I'm actually going to conduct a Roll Call
20 Hearing today. And what's your name again, sir?

21 MR. GHIRMAI: Mussie, M-U-S-S-I-E.

22 AGENT FLETCHER: M-U-S-S-I-E?

1 MR. GHIRMAI: Yes.

2 AGENT FLETCHER: And what's the first
3 name?

4 MR. GHIRMAI: That's my first name.

5 AGENT FLETCHER: Oh, what's the last
6 name?

7 MR. GHIRMAI: G-H-I-R-M-A-I.

8 AGENT FLETCHER: G-H-I-R?

9 MR. GHIRMAI: M-A-I.

10 AGENT FLETCHER: M-A-I?

11 MR. GHIRMAI: Yes.

12 AGENT FLETCHER: And how do you
13 pronounce that?

14 MR. GHIRMAI: Ghirmai.

15 AGENT FLETCHER: And would you,
16 please, put your contact information on that
17 sheet, your daytime number and email address?

18 MR. GHIRMAI: On here?

19 AGENT FLETCHER: Yes. And, Ms.
20 Douglas, could you, please, do the same?

21 MS. DOUGLAS: Yes, ma'am. But I also
22 want to recognize Ms. Denise Stanley.

1 AGENT FLETCHER: Okay.

2 MS. DOUGLAS: She is with Kenilworth
3 Court.

4 AGENT FLETCHER: Okay. And are you --
5 so is this, Ms. Douglas -- so ANC-7D filed the
6 protest?

7 MS. DOUGLAS: Yes, ma'am.

8 AGENT FLETCHER: Okay. And are you a
9 part of ANC-7D?

10 MS. DOUGLAS: Yes.

11 AGENT FLETCHER: Okay. And what's
12 your name again?

13 MS. STANLEY: My name is Denise
14 Stanley.

15 MS. DOUGLAS: She is in the Single
16 Member District.

17 MS. STANLEY: Kenilworth Courts.

18 MS. DOUGLAS: Which is in Single
19 Member District 7D03.

20 AGENT FLETCHER: And, Denise, what's
21 your last name?

22 MS. STANLEY: Stanley, S-T-A-N-L-E-Y.

1 AGENT FLETCHER: I'm sorry, what is
2 it?

3 MS. STANLEY: S-T-A-N-L-E-Y.

4 AGENT FLETCHER: Oh, Stanley?

5 MS. STANLEY: Um-hum.

6 AGENT FLETCHER: So, Ms. Stanley, you
7 are filing a protest as an individual or are
8 you --

9 MS. STANLEY: As a group.

10 AGENT FLETCHER: So you -- did your
11 group file a protest?

12 MS. DOUGLAS: Yes, this is it. Here
13 is the copy of the -- you were saying this
14 morning that you didn't have a copy of it. Here
15 is the original that was stamped. Here is the
16 signatures of the --

17 AGENT FLETCHER: Well, let me -- thank
18 you. Let me take a look at that.

19 MS. DOUGLAS: May I come up?

20 AGENT FLETCHER: So, Ms. Stanley, you
21 have a separate protest filed for the group that
22 you are a part of?

1 MS. STANLEY: No. We are together.

2 AGENT FLETCHER: But you -- so 7D
3 filed the protest?

4 MS. DOUGLAS: Yes, ma'am.

5 AGENT FLETCHER: Okay.

6 MS. DOUGLAS: This is the stamp right
7 here on the back.

8 AGENT FLETCHER: Oh, I see. I see.

9 MS. DOUGLAS: This means it was
10 stamped.

11 AGENT FLETCHER: Okay.

12 MS. DOUGLAS: She is No. 47 on that,
13 because we had the hearing at the community.

14 AGENT FLETCHER: I see.

15 MS. DOUGLAS: And that -- I mean, that
16 might have got us confused, too. She is No. 47.

17 AGENT FLETCHER: Did you receive any
18 correspondence from us at all?

19 MS. DOUGLAS: Yes, I did. I received
20 correspondence that -- I believe that they was
21 trying to request a license, a liquor license.
22 And then I also went to the store and took a

1 picture of the protest that was on his door,
2 which I have on my phone. I have a copy of that
3 as well.

4 AGENT FLETCHER: Because this -- okay.
5 Thank you, Ms. Douglas.

6 Can we go off the record for just a
7 minute? And you can have a seat, Ms. Douglas.
8 I'm going to talk to Imani off the record now.

9 (Whereupon, the above-entitled matter
10 went off the record at 11:28 a.m. and resumed at
11 11:37 a.m.)

12 AGENT FLETCHER: Okay. So we are back
13 on the record in the matter of Kenilworth Market.

14 Ms. Douglas --

15 MS. DOUGLAS: Yes.

16 AGENT FLETCHER: -- we went off the
17 record for a short time because when I saw your
18 protest petition --

19 MS. DOUGLAS: Yes, ma'am.

20 AGENT FLETCHER: -- it looked familiar
21 and I actually remembered seeing it.

22 MS. DOUGLAS: Yes, ma'am.

1 AGENT FLETCHER: The document that you
2 have in your hand is actually an email that I
3 sent to you on May 13 about this protest
4 petition. It had some deficiencies and so the
5 protest was not accepted as a protest, but the
6 reasons are stated in this email.

7 And the email at the end said if you
8 have questions or concerns regarding this matter
9 or if I can be of further assistance to please
10 let me know. Did you ever receive this email?

11 MS. DOUGLAS: No, ma'am. I didn't
12 receive it, because I would have responded,
13 because that's why I didn't receive it.

14 AGENT FLETCHER: Well, you can see
15 that it was sent to Dorothy Douglas. It didn't
16 bounce back to OSSE.

17 MS. DOUGLAS: Yes.

18 AGENT FLETCHER: Is that a place
19 within DOES?

20 MS. DOUGLAS: That's RC.

21 AGENT FLETCHER: I know, but that's
22 what it came -- that's what came up.

1 MS. DOUGLAS: No. That's RC. I'm
2 with -- so that's wrong right there.

3 AGENT FLETCHER: Yes, but we got this
4 information from -- I'll tell you where we got
5 the information. You're Dorothy Douglas, yes?

6 MS. DOUGLAS: Yes, I'm -- that's when
7 I was in the former State Board Education, RC.

8 AGENT FLETCHER: Because we -- on your
9 protest letter, I got the email address from the
10 heading on your stationary, that's the only
11 address that we had.

12 MS. DOUGLAS: Well, I should -- then
13 it also said www.anc7d0 --

14 AGENT FLETCHER: Yes, but that's where
15 we got the -- we got the protest petition from
16 you. We contacted you because you are the person
17 who emailed information.

18 MS. DOUGLAS: Yes, ma'am, I
19 understand.

20 AGENT FLETCHER: So I just wanted you
21 to know where we got the email address. So it
22 was sent --

1 MS. DOUGLAS: Once again, it must be
2 something of Mr. Gottlieb, because there was
3 issues about receiving proper notification
4 because of the email, so that's probably what it
5 is. I need to let him know that I didn't get
6 that. We was having some difficulty in receiving
7 the information.

8 AGENT FLETCHER: Yes. So you never
9 got that email?

10 MS. DOUGLAS: No, ma'am.

11 AGENT FLETCHER: Because if you had,
12 you would have contacted me.

13 MS. DOUGLAS: Oh, sure, definitely.

14 AGENT FLETCHER: And we would talk
15 about this.

16 MS. DOUGLAS: Yes, ma'am.

17 AGENT FLETCHER: And so we will talk
18 about it now that you are here.

19 So when I received your protest
20 petition, there was some deficiencies in it that
21 we could have talked about, unfortunately, you
22 didn't get the email.

1 MS. DOUGLAS: Yes.

2 AGENT FLETCHER: The first thing was
3 that the protest was filed on ANC-7D stationary,
4 but there was no protest filed by ANC-7D.

5 MS. DOUGLAS: Well, as a Single Member
6 District, as Ms. Thomas just said, we had a
7 meeting at the ANC in my Single Member District--

8 AGENT FLETCHER: Yes.

9 MS. DOUGLAS: -- on the 18th --

10 AGENT FLETCHER: Right.

11 MS. DOUGLAS: -- with residents. So
12 I can do that as a Single Member District.

13 AGENT FLETCHER: Right.

14 MS. DOUGLAS: But not by the body. So
15 it was addressed in my Single Member District as
16 ANC Commissioner. And so by law, I can have a
17 meeting in my Single Member District and that's
18 what was held on the 18th. And we had a meeting
19 with all the residents at the Kenilworth Courts.

20 AGENT FLETCHER: Exactly.

21 MS. DOUGLAS: And so that's where the
22 petition and information was shared in reference,

1 because when I got the information about --
2 because she called me and asked me was I aware of
3 it and I told her I had a letter. And she said
4 well, you need to talk about this and discuss
5 this, because the community wasn't in favor of
6 this. So and that's what came out of that
7 meeting.

8 But as an ANC Commissioner of a Single
9 District, I can have a meeting --

10 AGENT FLETCHER: Yes, you can.

11 MS. DOUGLAS: -- in my Single Member
12 District. And this is my Single Member District
13 letterhead. Now, I didn't use the ANC-7D itself,
14 but as a Single Member District I can use my own
15 letterhead.

16 AGENT FLETCHER: And now you have
17 clarified that, but when we received it, we
18 didn't know.

19 MS. DOUGLAS: I understand.

20 AGENT FLETCHER: We didn't know that.

21 MS. DOUGLAS: I understand.

22 AGENT FLETCHER: What we saw was ANC-

1 7D.

2 MS. DOUGLAS: Yes, ma'am.

3 AGENT FLETCHER: And we know that the
4 ANCs are broken down by SMD, Single Member
5 Districts.

6 MS. DOUGLAS: Yes, Single Member
7 Districts.

8 AGENT FLETCHER: So we know that, but
9 when we saw the protest, the -- this is just so
10 that you know. And I'm going to leave this
11 information on the record, although a protest was
12 not set up for this case, but since I called it
13 and we are clarifying for the record what
14 happened, I'm going to create a transcript of
15 what is happening today.

16 MS. DOUGLAS: Yes, ma'am, just so that
17 there is a record of what is happening today.

18 AGENT FLETCHER: So your protest, Ms.
19 Douglas, I'm calling it your protest because your
20 -- we had your email address, but for that, we
21 wouldn't have known who to contact. So that's
22 why I contacted you.

1 And according to the email that I sent
2 to you on May 13, which you never got for the
3 reason you just explained, it's a very short
4 paragraph I'm going to read.

5 It says "Dear Ms. Douglas" --

6 MS. DOUGLAS: Which paragraph are you
7 reading from?

8 AGENT FLETCHER: On the very first
9 paragraph.

10 MS. DOUGLAS: Okay.

11 AGENT FLETCHER: On the top there. It
12 says "Dear Ms. Douglas, an opposition petition
13 against Kenilworth Market was received on May 11,
14 2015. I am contacting you because it appears
15 that you submitted the petition on behalf of the
16 petitioners.

17 The purpose of this communication is
18 to inform you that although the petition was
19 timely filed, it does not state a claim under the
20 Appropriateness Standard and cannot be considered
21 a valid protest.

22 The opposition petition is, therefore,

1 being returned to you along with a copy of this
2 email. Please see the guidelines below which
3 discuss the Appropriateness Standard by which
4 petitions must be filed."

5 And I'll come back in a moment. So
6 beneath that you will see some regulations about
7 the Appropriateness Standard and basis upon which
8 protests may be filed.

9 The last paragraph says "If you wish,
10 you may file a complaint against the
11 establishment with the Enforcement Division and
12 the matter will be investigated. If you choose
13 to file a complaint, address it to Chief Johnnie
14 Jackson, Enforcement Division, at the address
15 below."

16 And then I give you Mr. Jackson's
17 contact information. And I state "I'm returning
18 the opposition petition to you at the following
19 address, which is 4058 Minnesota Avenue, N.E.,
20 Suite #1400, Washington, D.C. 20019." I used
21 that address because it's the address on the
22 front of the stationary.

1 MS. DOUGLAS: Yes.

2 AGENT FLETCHER: So I returned -- is
3 that the right address?

4 MS. DOUGLAS: That's the right
5 address, but I still didn't receive it, because--

6 AGENT FLETCHER: And 1400 is that your
7 suite number?

8 MS. DOUGLAS: Yes, ma'am.

9 AGENT FLETCHER: Okay. So you never
10 got it.

11 MS. DOUGLAS: No, ma'am.

12 AGENT FLETCHER: Because then I go on
13 to say "If you have questions or concerns
14 regarding this matter or if I can be of
15 assistance, let me know." So it didn't -- the
16 email didn't bounce back. The letter sent to
17 that address didn't bounce back. So we never got
18 a chance to talk before today.

19 MS. DOUGLAS: Yes, ma'am.

20 AGENT FLETCHER: So at the same time
21 that we -- whenever we receive a protest that is
22 not valid, we can't accept it. We have to send

1 it back and we have to explain. So a protest was
2 never set up. If a protest had been set up,
3 there would have been a case number assigned to
4 it.

5 You would have gotten a letter saying
6 you filed a timely protest and that the Roll Call
7 Hearing is and it would have been today. And
8 Kenilworth Market would have received the same
9 letter along with a copy of this protest. But we
10 couldn't accept it in this form, so I returned
11 it.

12 I'm sorry you didn't get it, because
13 we could have, you know, talked about it before
14 today, but we didn't. And so I'm not going to be
15 able to accept this as a valid protest for the
16 reasons stated in this email.

17 Technically, there is not even a
18 protest that has been filed, because we didn't
19 accept it as a protest.

20 But let me say this, you have a right
21 to petition the ABC Board if you disagree with
22 what I'm saying to you right now. You may

1 petition the ABC Board and tell the ABC Board why
2 you think you should be considered a protestant
3 in this matter.

4 I'm the Board's Agent, but the Board
5 makes its -- if you appeal the decision that I'm
6 making today, you can appeal it directly to the
7 ABC Board.

8 MS. DOUGLAS: Would that be Mr.
9 Johnnie --

10 AGENT FLETCHER: No. The Chair, the
11 ABC Board the Chair of the ABC Board is Ruthanne.
12 Johnnie Jackson is the Chief of the Enforcement
13 Division. And I gave you his information because
14 you clearly have a complaint. You have some
15 concerns about Kenilworth Market.

16 And I was just wanting you to know
17 that although the protest wasn't accepted, you
18 still have the right to file a complaint with the
19 Enforcement Division and that your concerns about
20 Kenilworth Market would be investigated, that's
21 what I was telling you here.

22 So I was telling you that although we

1 didn't accept it as a protest, you still have a
2 right to take issue with it through the
3 Enforcement Division.

4 If you file a complaint with the
5 Enforcement Division, they will open up a case
6 and they will investigate the concerns that you
7 mention in this document. That's what I was
8 explaining.

9 MS. DOUGLAS: Yes.

10 AGENT FLETCHER: But just in case you
11 decided you wanted to complain, you have a right
12 to file a protest and to complain, but the
13 protest couldn't be accepted in its form, in the
14 form that you submitted it, so I wanted you to
15 know you had other options.

16 MS. DOUGLAS: Well, I appreciate that,
17 but, Ms. Fletcher, I appreciate you hearing us
18 too, I was under the impression, because when I
19 called on the 18th because I thought we were late,
20 you know, the lady said that all I had to do was
21 to submit just a petition. And I can't recall
22 her name, but I thought I was really late and she

1 said no, you have until May the 5th, but she said
2 just get a petition and, you know, I followed
3 what she asked me to do.

4 AGENT FLETCHER: Yes.

5 MS. DOUGLAS: And do that and then
6 submit that in a timely manner.

7 AGENT FLETCHER: And you did?

8 MS. DOUGLAS: And I did. But my
9 concern and no disrespect to no one that's here--

10 AGENT FLETCHER: Yes.

11 MS. DOUGLAS: -- but I think it would
12 be to the best interest of the community if all
13 these things could be helpful to the community to
14 know what the process and procedures are, so they
15 won't have to -- we won't have -- it won't happen
16 to anyone else again, because I know this would
17 be very helpful to us.

18 AGENT FLETCHER: Yes.

19 MS. DOUGLAS: If this could have been
20 explained when we first got the letter --

21 AGENT FLETCHER: Yes.

22 MS. DOUGLAS: -- and also sent to the

1 ANCs, all the ANCs citywide letting them know
2 what the process is and how we are supposed to go
3 about and the resident, because that will be much
4 helpful for us not to come back here and have
5 another option. And I appreciate the option, but
6 it would be more feasible and more important for
7 the community to know from the beginning how,
8 what you are supposed to do, A, B and C.

9 AGENT FLETCHER: Yes.

10 MS. DOUGLAS: And when you send out
11 the information and show them what it -- what
12 they need to do, how to do it and what the format
13 is and that would alleviate, I would say, some
14 extra work.

15 AGENT FLETCHER: Exactly.

16 MS. DOUGLAS: So I just wanted to say
17 I'm just making that suggestion to the -- and
18 then you are saying to me another person. So I
19 wasn't aware who the other person was. That
20 could have been very helpful, too, for this
21 letter --

22 AGENT FLETCHER: Yes.

1 MS. DOUGLAS: -- to share with -- that
2 you shared with me who we do and what our process
3 hearing is --

4 AGENT FLETCHER: Um-hum.

5 MS. DOUGLAS: -- to challenge this
6 again.

7 AGENT FLETCHER: Yes.

8 MS. DOUGLAS: All that could be
9 comfort, too, if it could have been spelled out,
10 because it's kind of like leaving us in limbo and
11 where we are at this point and not knowing, so
12 that's my concern. And I think if Ms. Denise
13 Stanley want to say something and maybe the
14 others, because we were told this is all that was
15 needed.

16 So maybe -- and I'm not saying we
17 train the staff or whatever the occasion may be,
18 but it's so important if we had known what it was
19 and even if we got a letter. An email is great,
20 but it would have been great if we had gotten
21 something through the mail, because that's how I
22 knew about it is through the mail when I first --

1 the first letter that came about that the
2 gentleman want to have liquor license.

3 So I think both communication should
4 have been more appropriate. So because that
5 gives me time, because we have to have at least
6 45 days to meet with the community and have a
7 public meeting and address these issues that, by
8 law, we are supposed to let them know. But by
9 not having that information prior to that, it
10 makes me not know and others not know they have
11 all the true facts.

12 AGENT FLETCHER: Yes. Well, you know,
13 you are absolutely right and the Agency actually
14 conducts training for ANCs on an ongoing basis.
15 I don't know if you are aware of any of them. I
16 don't know if 7D --

17 MS. DOUGLAS: Well, I'm an ANC
18 Commissioner for nearly -- this is my eighth
19 term.

20 AGENT FLETCHER: Yes. We have
21 training. We do have training.

22 MS. DOUGLAS: And I think that

1 training should be included. And not only that,
2 I think there should be a little hand booklet. I
3 know DCRA has all that. Because I know we want
4 to change. When I came here years ago, when I
5 was the ANC Chairperson in the '90s, so you all
6 moved, you weren't here. So things have changed.
7 So I assume that from my experience that
8 everything basically are the same.

9 So if things changes, it would help
10 the ANC and the community be made aware what it
11 is, because I try to pass along information to
12 let everybody be made aware, especially our
13 seniors, because they don't have access to the
14 computer nor to other communications that's so
15 important.

16 AGENT FLETCHER: Yes.

17 MS. DOUGLAS: So and that's what the
18 reason -- the reason why Ms. Stanley had it. And
19 I seen them just because a lot of them just can't
20 come to the area and this was a most safe area
21 for them to come to voice their opinion.

22 AGENT FLETCHER: Right.

1 MS. DOUGLAS: And their concerns and
2 the safety of the community to better -- to
3 improve it.

4 AGENT FLETCHER: Well, you know, we
5 actually agree, I mean, ABRA does with what you
6 are saying, which is the reason, you know, we do
7 what we can to reach out to individuals. A lot
8 of times the ANCs know how to file a protest, but
9 individuals don't.

10 MS. DOUGLAS: Yes.

11 AGENT FLETCHER: So we now reach out
12 to individuals as soon as we know to tell and
13 enlighten, that's what we did. For example, the
14 106 or so people that filed this protest, we --
15 people, they necessarily didn't have any reason
16 to know how we operate here. But I was trying to
17 actually accomplish what you just said and
18 sending a response saying this is not the way to
19 do it, because you can't reach everybody --

20 MS. DOUGLAS: I understand.

21 AGENT FLETCHER: -- in the community.
22 But if we receive a protest that is deficient in

1 some way, you know, what we can do is reach out
2 to the protestants to say we got your protest and
3 this is the way it has to be done.

4 So that was our attempt to do exactly
5 what you just said, because when we get a protest
6 filed by a group of people, if they leave us
7 contact information and we can get back to them
8 timely, we always give them an opportunity to fix
9 something if we can and that's actually what I
10 was trying to do here.

11 MS. DOUGLAS: Well, I understand. I
12 appreciate that.

13 AGENT FLETCHER: Yes, so I'm just
14 letting you know.

15 MS. DOUGLAS: I understand.

16 AGENT FLETCHER: Yes.

17 MS. DOUGLAS: I understand what you
18 are saying, too, but I was just suggesting that
19 it would be helpful if there was some kind of
20 pamphlet or information even to give to the
21 commissioners. I know whatever -- like you said,
22 training and all that, so we can be made aware of

1 all the new change that came about in the new
2 location. This is a new location. This isn't
3 where it used to be. It wasn't at the Reeves
4 Building. It was at another location.

5 So those are the things that --
6 because I know southwest, like move over to
7 southwestern location over there.

8 AGENT FLETCHER: Yes.

9 MS. DOUGLAS: So I had the impression
10 that you all was over there. And somebody said
11 oh, no, they are not there, they are at the
12 Reeves Building. So all those things are so
13 important to the ANCs and the commissioners.

14 So I just appreciate you seeing us,
15 but I do like to follow-up with the community to
16 find out what acceptable, what do we need to do
17 now to -- I know you mentioned a gentleman's
18 name. Is there a card for him or --

19 AGENT FLETCHER: It's in that email.
20 I put his --

21 MS. DOUGLAS: That's Mr. Jackson, but
22 you were saying something about --

1 AGENT FLETCHER: But he --

2 MS. DOUGLAS: -- the -- that was
3 Johnnie Jackson, but there was another gentleman
4 that you mentioned after him.

5 AGENT FLETCHER: No. I was mentioning
6 that if you --

7 MS. DOUGLAS: In the Enforcement
8 Division.

9 AGENT FLETCHER: That is Johnnie
10 Jackson. He is the Chief of the Enforcement
11 Division.

12 MS. DOUGLAS: Okay.

13 AGENT FLETCHER: So that's if you talk
14 to your group and they still have concerns about
15 the way Kenilworth Market operates, you can file
16 a complaint. This same petition. You can send
17 this very same document to the Chief of
18 Enforcement and he will accept it as a complaint.

19 When you file a protest, there are
20 statutory requirements, timeliness, signatures,
21 which you all had, but for the Enforcement
22 Division, you just need to file a complaint. And

1 this would be sufficient to file a complaint and
2 they would investigate --

3 MS. DOUGLAS: Okay.

4 AGENT FLETCHER: -- your concerns.

5 The only thing you would need to do is to -- if
6 you contact the Enforcement Division, you will
7 need to say what you are opposed to, because your
8 petition says that -- it says -- to the community
9 it says "Please sign this petition to state your
10 opposition for the Alcohol Beverage Regulation
11 Administration as residents of the community
12 located in Advisory Neighborhood Commission, 7D03
13 Single Member District, Kenilworth Courts, to the
14 alcohol license for 1612 Kenilworth Avenue, N.E."

15 MS. DOUGLAS: Yes.

16 AGENT FLETCHER: And that's fine, but
17 it doesn't say what your concerns are. So if you
18 submit this document to the Enforcement Division,
19 they will need to -- you need to tell them what
20 the --

21 MS. DOUGLAS: To put out and spell out
22 what our concerns are?

1 AGENT FLETCHER: Yes.

2 MS. DOUGLAS: Okay.

3 AGENT FLETCHER: So they would know
4 what to investigate. And that's what was missing
5 from the protest.

6 MS. DOUGLAS: Yes, ma'am.

7 AGENT FLETCHER: Not just not knowing
8 what it is, but I just wanted to make sure you
9 know that you still had the option to have this
10 investigated thoroughly.

11 MS. DOUGLAS: Yes, ma'am. Okay.

12 AGENT FLETCHER: And if the protest
13 had been accepted, you would have had a hearing
14 today. You were here for some of the other
15 hearings this morning.

16 MS. DOUGLAS: Yes.

17 AGENT FLETCHER: You would have, the
18 ANC, been granted standing as a -- not the -- the
19 group would have been granted standing. There
20 would have been a mediation, a Status Hearing and
21 a Protest Hearing.

22 The mediation would have been

1 scheduled to give you all an opportunity to meet
2 with the Board's mediator to try to resolve your
3 protest issues. If those didn't work out, there
4 would have been a Protest Hearing where the Board
5 would have heard testimony from community and
6 from Kenilworth Market.

7 That didn't occur, but what will occur
8 is if you file a complaint with the Enforcement
9 Division and tell them what your concerns are,
10 they will conduct an investigation. They will
11 write a written report to the ABC Board of their
12 findings. Once the Board reviews the
13 investigative report, the Board will decide what,
14 if any, action needs to be taken.

15 The Board -- we don't know what the
16 Board would do, it depends on what they find.
17 The Board has options. They would determine if
18 any violations have been committed, if there
19 should be any fines. suspension, revocation of
20 the license, but it would all be based on what
21 they find when they conduct an investigation.

22 So I'm just letting you know. It

1 would be important in that case to state exactly
2 what your concerns are, because they will
3 investigate what you say. So that's one thing.

4 The other thing is, as I said earlier,
5 you always have the option to petition the Board
6 about any decision that I make. If you decide
7 that the decision that I'm making today not to
8 accept the protest or the decision that I made by
9 way of this email and you are not in agreement
10 with that, you can always petition the Board and
11 ask the Board to grant you status as a
12 protestant.

13 If you do that, the Board is going
14 to --

15 MS. DOUGLAS: Grant me status?

16 AGENT FLETCHER: They may not. They
17 may affirm the decision that I made or they may
18 say okay, based on what you said, we will grant
19 you standing as a protestant. And if they do
20 that, then I will know and we would schedule a
21 Roll Call Hearing, because the Board has granted
22 you standing as a protestant.

1 So you can tell them whatever you want
2 to tell them. If you prefer to take the
3 protestant route where you file a protest, have a
4 Roll Call Hearing, if you prefer that route, you
5 can petition the Board to appeal the decision
6 that I made or if you want Kenilworth Market
7 investigated instead, you can contact Johnnie
8 Jackson in the Enforcement Division and he will
9 conduct an investigation.

10 So you can -- you have the option.

11 MS. DOUGLAS: Okay.

12 AGENT FLETCHER: And if you decide to
13 petition the Board and they decide to affirm the
14 decision that I made, you still have that option
15 or if you petition the Board and the Board says
16 okay, we will grant this group standing, you can
17 still do both. You can be a protestant and have
18 an enforcement action pending at the same time.

19 MS. DOUGLAS: So we got two ways.

20 AGENT FLETCHER: That's right. And
21 the other thing, Ms. Douglas, this is just for
22 your -- just so that you know --

1 MS. DOUGLAS: Yes.

2 AGENT FLETCHER: -- that for a group
3 of individuals can file a complaint if there are
4 at least five people.

5 MS. DOUGLAS: Yes, we heard that
6 today.

7 AGENT FLETCHER: Yes, you only need
8 five.

9 MS. DOUGLAS: Yes, ma'am.

10 AGENT FLETCHER: So it just saves you
11 -- and I know you got all the support. You had a
12 lot of support for your protest, but I know you
13 had to go gather all your signatures.

14 MS. DOUGLAS: Yes.

15 AGENT FLETCHER: If you have five
16 people, you can still represent 100 people, but
17 you only need five people to sign your protest
18 letter.

19 MS. DOUGLAS: Okay.

20 AGENT FLETCHER: You can represent the
21 interest of as many people as you want.

22 MS. DOUGLAS: So put the concerns in

1 a protest letter, we have to do that on a
2 letterheading for the ANC and that's correct, so
3 I won't need the --

4 AGENT FLETCHER: Yes, because you know
5 what normally happens? Ms. Douglas, normally,
6 when -- well, first of all, the ANCs can do what
7 they want to do with their letterhead, etcetera.
8 But for us, you know, sometimes a similar -- a
9 Single Member District representative won't use
10 the ANC letterhead, they just use regular
11 stationary with no letterhead and they indicate
12 that they are a Single Member District, because a
13 Single Member District person can file a protest
14 as a part of a group, but not on behalf of the
15 ANC, which you already know, obviously.

16 MS. DOUGLAS: Yes, right.

17 AGENT FLETCHER: So if you are a
18 Single Member District representative, you can
19 always file a protest, but you just have to be a
20 part of a group of five.

21 MS. DOUGLAS: Right, okay.

22 AGENT FLETCHER: The ANC is the ANC.

1 MS. DOUGLAS: Yes.

2 AGENT FLETCHER: So they can file a
3 protest just because they want to. So in this
4 particular --

5 MS. DOUGLAS: Because there is great
6 weight.

7 AGENT FLETCHER: Because they get --
8 yes. Yes, ma'am, because they get great weight.
9 And the -- but for you, you only ever need five
10 signatures on a protest.

11 MS. DOUGLAS: Only five signatures.

12 AGENT FLETCHER: Only five ever. And
13 if five people had signed the protest and it had
14 been, you know, filed the way that it needs to
15 be, you could represent -- we know you represent
16 the whole community, no matter how many people
17 file a protest.

18 MS. DOUGLAS: Yes, ma'am. Thank you
19 so much.

20 AGENT FLETCHER: So this case was not
21 assigned a case number, that's why you didn't
22 hear me call one. What I am going to read into

1 the record is some additional information that I
2 now have that I didn't have before.

3 MS. DOUGLAS: Okay.

4 AGENT FLETCHER: And that is just to
5 say that this is -- the applicant is Asmara, A-S-
6 M-A-R-A, Incorporated.

7 MR. GHIRMAI: Yes, ma'am.

8 AGENT FLETCHER: Trading as Kenilworth
9 Market.

10 MR. GHIRMAI: Yes, ma'am.

11 AGENT FLETCHER: The address is 1612
12 Kenilworth Avenue, N.E.

13 MR. GHIRMAI: Yes.

14 AGENT FLETCHER: The License No. is
15 ABRA-087818.

16 MS. DOUGLAS: Could you repeat that
17 again, please?

18 AGENT FLETCHER: Yes, the License No.?

19 MS. DOUGLAS: Yes.

20 AGENT FLETCHER: Is 087818. And, Ms.
21 Douglas, just so that you know, I'm getting this
22 information from the Placard Notice that you saw

1 that was posted.

2 MS. DOUGLAS: Yes, ma'am.

3 AGENT FLETCHER: The Placard Notice
4 that was posted by the establishment. And you
5 know the ANCs receive copies of these Placard
6 Notices.

7 MS. DOUGLAS: Yes, ma'am, I do.

8 AGENT FLETCHER: So that's where I'm
9 reading the information from.

10 MS. DOUGLAS: Thank you.

11 AGENT FLETCHER: And so in conclusion,
12 there is not a protest against Kenilworth Market
13 in this matter and this is related to the license
14 renewal of your Class A License. So there is no
15 protest in this matter, at this time.

16 And, Ms. Douglas, as I said, you can
17 choose whichever path you prefer. And, Ms.
18 Stanley, did you want to add anything?

19 MS. STANLEY: No, now that I know what
20 the procedure is.

21 AGENT FLETCHER: Yes.

22 MS. STANLEY: And I put my email down

1 just in case.

2 AGENT FLETCHER: Thank you.

3 MS. STANLEY: Not thinking something
4 else will come up --

5 AGENT FLETCHER: Right.

6 MS. STANLEY: -- in the community.

7 AGENT FLETCHER: Yes.

8 MS. STANLEY: I'll have that
9 information.

10 AGENT FLETCHER: And you can take my
11 card. There should be one right on the table.

12 MS. STANLEY: Yes, I have that.

13 AGENT FLETCHER: If you have any
14 questions about how to file a protest, you can
15 contact me or Imani Moreland.

16 MS. STANLEY: Okay.

17 AGENT FLETCHER: That's Ms. Moreland.
18 She is sitting right back there. There she is.
19 She handles the protest process.

20 MS. DOUGLAS: Yes.

21 AGENT FLETCHER: And her name is
22 spelled I-M-A-N-I and her last name is Moreland,

1 M-O-R-E-L-A-N-D. She actually handles the
2 protest process, but you can call me, too, if you
3 have any other questions.

4 MS. STANLEY: Okay.

5 AGENT FLETCHER: But the --

6 MS. DOUGLAS: How do you spell her
7 name again? M-O what?

8 AGENT FLETCHER: M-O-R-E-L-A-N-D.

9 MS. DOUGLAS: M-O-R?

10 AGENT FLETCHER: Excuse me, M-O-R-E--

11 MS. DOUGLAS: Yes.

12 AGENT FLETCHER: -- L-A-N-D, Moreland.

13 MS. DOUGLAS: Oh, Moreland.

14 AGENT FLETCHER: And her first name is
15 Imani. It's spelled I-M-A-N-I. And her
16 telephone number is (202) 442-6942. So that is
17 her number. And her email address, of course, is
18 imani.moreland@dc.gov, like all of us Government
19 employees.

20 MS. DOUGLAS: And of course, I want to
21 ask would the gentleman here have an option to
22 get a liquor license without going through the

1 process or will he --

2 AGENT FLETCHER: Well, at this point,
3 let's just say you decide to go through
4 enforcement and not to go through the protest
5 process --

6 MS. DOUGLAS: Yes.

7 AGENT FLETCHER: -- when you file for
8 a license renewal, if there are no protests, you
9 can proceed through licensing. So what -- so as
10 far as -- oh, before I forget, Mr. Ghirmai?

11 MR. GHIRMAI: Yes.

12 AGENT FLETCHER: If this was a Roll
13 Call Hearing, the owner has to appear, not the
14 manager.

15 MR. GHIRMAI: I understand.

16 AGENT FLETCHER: But you came just to
17 hold the place in case something was happening.

18 MR. GHIRMAI: Yes.

19 AGENT FLETCHER: You didn't receive
20 any notice and thank you for coming just in case.
21 So officially, nothing is happening today.

22 MR. GHIRMAI: Okay.

1 MS. DOUGLAS: Okay.

2 AGENT FLETCHER: But if you had
3 received notice, then the owner would need to be
4 present. That's just for the future.

5 So what this means is that Kenilworth
6 Market can go right on through the licensing
7 process, contact the Licensing Specialist. There
8 was no protest filed. You can just go on through
9 the license issuance process.

10 MR. GHIRMAI: Okay.

11 AGENT FLETCHER: If Ms. Douglas
12 decides to petition the Board to grant standing
13 to this group of individuals, we will let you
14 know.

15 MR. GHIRMAI: Okay.

16 AGENT FLETCHER: If she doesn't and
17 she decides to contact the Enforcement Division
18 to file a complaint, an Investigator will contact
19 Kenilworth Market.

20 MR. GHIRMAI: Okay.

21 AGENT FLETCHER: And you and the
22 investigation will be underway.

1 MR. GHIRMAI: Can I have a copy of
2 that?

3 AGENT FLETCHER: Of the what? The
4 transcript?

5 MR. GHIRMAI: Yes, for your today
6 proceeding.

7 AGENT FLETCHER: Yes, you can. The
8 transcripts are available in about seven days and
9 I'm going to tell you how to request a copy of
10 this transcript.

11 MR. GHIRMAI: Okay.

12 AGENT FLETCHER: You would request it
13 from Bill Hager. I'll give you his email
14 address.

15 MR. GHIRMAI: Okay.

16 AGENT FLETCHER: He can send the
17 transcript to you.

18 MS. DOUGLAS: All right.

19 AGENT FLETCHER: His name is William.

20 MR. GHIRMAI: W-I?

21 AGENT FLETCHER: L-L-I-A-M,
22 william.hager, H-A-G-E-R.

1 MR. GHIRMAI: Excuse me?

2 AGENT FLETCHER: Hager, yes, H-A-G-E-
3 R. William.hager@dc.gov, G-O-V. William Hager
4 is the Public Information Officer. And he is the
5 person that will send you a copy of the
6 transcript from today.

7 MR. GHIRMAI: Okay.

8 MS. DOUGLAS: We have another
9 question, Ms. Fletcher. I think Ms. Muhammad
10 would express --

11 AGENT FLETCHER: Hi, Ms. Muhammad.
12 How are you doing?

13 MS. MUHAMMAD: Hi.

14 AGENT FLETCHER: Hi.

15 MS. MUHAMMAD: I had a question.
16 Normally when any businesses make any changes or
17 new businesses come in the area, they normally,
18 when they come to get a license, send them to the
19 ANC and tell them to get a letter from the ANC in
20 order to proceed.

21 AGENT FLETCHER: Yes, that's not a
22 requirement.

1 MS. MUHAMMAD: Oh, it's not?

2 AGENT FLETCHER: No. For us, that's
3 not a requirement.

4 MS. MUHAMMAD: Okay.

5 AGENT FLETCHER: I don't know what
6 rules the ANC has. It is good. As far as we are
7 concerned, if somebody applies for a new license
8 to contact the ANC, we give the ANC great weight.
9 It's good to have a relationship with the ANC in
10 your neighborhood. It's good if you can go to
11 the ANC meetings, so you get to hear about the
12 concerns in the community.

13 MS. MUHAMMAD: Okay.

14 AGENT FLETCHER: Those are things that
15 are helpful to the entire community. It's not
16 something that ABRA can enforce, but it's a good
17 practice, because you represent the entire
18 community.

19 So you can let the owner know that
20 there are a large group of individuals that are
21 concerned about the way the establishment
22 operates and maybe Ms. Douglas will let

1 Kenilworth Market know when the next ANC meeting
2 is and put him on the agenda and see if he can
3 come over and hear about the concerns of the
4 community. That's the ideal situation.

5 MS. DOUGLAS: Right, okay.

6 AGENT FLETCHER: But there is no
7 requirement for us.

8 MS. MUHAMMAD: Oh, thank you.

9 MS. DOUGLAS: It is ideal, because we
10 want to wait until such late notice in regards to
11 that. We appreciate what you are saying. So
12 they could still process and get that license.

13 AGENT FLETCHER: Yes. As of right
14 now --

15 MS. DOUGLAS: Today.

16 AGENT FLETCHER: Exactly. As of right
17 now and -- the owner can contact, because there
18 is no protest against the application right now.
19 They can go ahead and contact the Licensing
20 Division and proceed with the issuance of the
21 license.

22 If the ANC decides to petition the

1 Board to be granted standing as a protestant, if
2 they -- if the -- the Board will make a decision
3 about that, too. It will just be on -- we know
4 what is going on.

5 MS. DOUGLAS: Okay.

6 AGENT FLETCHER: So if we don't hear
7 anything, then Kenilworth Market will just go on
8 through the license issuance process and have the
9 license renewed. So it depends on what you do.
10 But you can proceed with the issuance of your
11 license as of today. I mean now. There is no
12 protest pending.

13 MR. GHIRMAI: Okay. Do you have a
14 phone number for Mr. William Hager?

15 AGENT FLETCHER: Call (202) 442-4423.
16 My card is on the table there. 442-4423 is
17 listed as the main number.

18 MR. GHIRMAI: Yes.

19 AGENT FLETCHER: Yes, so you can call
20 that number and ask for Mr. Hager and they will
21 give you his direct number.

22 MR. GHIRMAI: Okay.

1 MS. DOUGLAS: But do you all have a
2 format saying how the protest or how -- what are
3 you supposed to do? Is there a format for the
4 commissioner?

5 AGENT FLETCHER: Well, because you
6 know what, you did everything. You didn't --
7 what you did was fine. You filed it timely. But
8 there is no basis of the protest. We can't tell
9 who the -- when I first saw the protest, I
10 thought it was filed by ANC-7D, but then I read
11 it and that's not the way ANCs file a protest.

12 So I knew that it appeared to me that
13 you were filing it on behalf of a group of
14 individuals, but we just didn't know the reason
15 for it. And you didn't get this email for
16 whatever reason. This was our attempt to reach
17 out to you and say Ms. Douglas, we got your
18 protest, but this is what is wrong. And we never
19 got to talk before today, but I tried with the
20 contact information that I had.

21 MS. DOUGLAS: Thank you.

22 MS. STANLEY: Thank you.

1 MS. DOUGLAS: Thank you.

2 AGENT FLETCHER: And if you think of
3 anything else, you actually have my email
4 address, because I sent you an email at -- to the
5 address on your stationary dorothy.douglas@dc.
6 gov.

7 MS. DOUGLAS: Whatever. I'm just
8 saying with you, too, I said there was issues
9 with the -- with my ANC with Mr. Gottlieb,
10 because we were having problems with that system
11 and that is not the way -- and so that's what it
12 is, too.

13 AGENT FLETCHER: Yes.

14 MS. DOUGLAS: But you sent it to OSSE
15 and I'm not -- no longer with OSSE.

16 AGENT FLETCHER: Yes.

17 MS. DOUGLAS: See, and that's what
18 she --

19 AGENT FLETCHER: Exactly. And so--

20 MS. DOUGLAS: -- OSSE, that's the
21 school board, so I'm not --

22 AGENT FLETCHER: Exactly. And I see--

1 MS. DOUGLAS: -- with OSSE, but I'm
2 with the -- just as ANC Commissioner.

3 AGENT FLETCHER: Exactly. So you --
4 and so we didn't -- we know now, but, you know,
5 that was the only email address we had, so we
6 used it and you never got it and I understand
7 what you are saying about, you know, correcting
8 the record with Gottlieb Simon. And Gottlieb is
9 spelled G-O-T-T-L-I-E-B.

10 MS. DOUGLAS: Right.

11 AGENT FLETCHER: If I recall
12 correctly. Gottlieb Simon, S-I-M-O-N.

13 MS. DOUGLAS: Well, is there a booklet
14 that I can pick up, I mean, with your procedures
15 and processes, so I can --

16 AGENT FLETCHER: Well, there is --
17 what you see in that document, excuse me just one
18 second. What you see in that document, the
19 document, that email that I gave you, I copied
20 that directly out of the regulations, but there
21 are regulations, but I copied this directly out
22 of the regulations. And there is other guidance

1 and you can also ask Bill Hager about any
2 additional information on how to file a protest.
3 He is the Public Information Officer.

4 But I provided you with this
5 information based upon the deficiency that was in
6 that, the protest letter that you filed.

7 MS. DOUGLAS: Yes.

8 AGENT FLETCHER: This is copied
9 directly out of the regulations. And so there is
10 not a -- I don't think there is like a brochure
11 to hand out.

12 MS. DOUGLAS: A booklet? Or even the
13 regulations that I can go and check. Is there a
14 website I can go and look for myself?

15 AGENT FLETCHER: On our website, you
16 can check. Our regulations are on our website.

17 MS. DOUGLAS: Yes.

18 AGENT FLETCHER: I just copied this
19 from the regulations --

20 MS. DOUGLAS: Okay.

21 AGENT FLETCHER: -- so that I could
22 show you, you know, where this protest was

1 deficient.

2 MS. DOUGLAS: Okay. All right.

3 AGENT FLETCHER: But you could, if you
4 want any regulations, documents, information,
5 just public information, William Hager is the
6 person to get all that information from.

7 MS. DOUGLAS: And what is his -- he is
8 located within your -- he is with the --

9 AGENT FLETCHER: Yes. His email
10 address is william.hager@dc.gov.

11 MS. DOUGLAS: @dc.gov?

12 AGENT FLETCHER: Yes. And he is the
13 Public Information Officer, so anything that is
14 available for the public, he can get it for you.

15 MS. DOUGLAS: Okay.

16 AGENT FLETCHER: But what you see in
17 your email, I copied directly out of the
18 regulations.

19 MS. DOUGLAS: All right.

20 AGENT FLETCHER: And excuse me one
21 second, Ms. Douglas.

22 Are you a part of Kenilworth Market?

1 MS. HAZEL: I'm ANC Commissioner for
2 7D.

3 AGENT FLETCHER: For 7D?

4 MS. DOUGLAS: This is Janis Hazel. Do
5 you want to step up here and listen? She is
6 saying we didn't -- maybe -- I don't know if you
7 have a little time.

8 AGENT FLETCHER: Can you state your
9 name for the record?

10 MS. DOUGLAS: And sign-in.

11 AGENT FLETCHER: Yes. Can you state
12 your name for the record?

13 MS. HAZEL: My name is Janis D. Hazel
14 and that's J-A-N-I-S middle initial D last name
15 Hazel, H-A-Z-E-L, an Advisory Neighborhood
16 Commissioner for ANC-7D, Single Member District
17 7D05.

18 And I have a question regarding -- and
19 I'll sign-in if you provide the sign-in sheet.

20 AGENT FLETCHER: Well, you won't need
21 to.

22 MS. HAZEL: I have a question.

1 AGENT FLETCHER: Well, maybe you
2 should. Yes, go ahead.

3 MS. HAZEL: Yes, I have a question
4 regarding what was stated here in the email. And
5 I understand the email system for the District
6 Government, the server, but clearly it's stated
7 here Dorothy Douglas, OSSE, which she has not
8 been an ANC -- sorry --

9 AGENT FLETCHER: State board.

10 MS. HAZEL: -- she has not been a
11 State Board of Education representative since
12 2012. And so that is -- I don't even know what
13 that email address was. Was it
14 dorothy.douglas@dc.gov?

15 AGENT FLETCHER: It was on the
16 stationary that we -- it was on the -- we used
17 what we had. That was the address.

18 MS. HAZEL: That was dorothy.douglas?

19 AGENT FLETCHER: Yes.

20 MS. HAZEL: @dc.gov?

21 AGENT FLETCHER: Yes. We didn't know
22 where that was to. Once we put -- we just --

1 that's the email address that was provided, so
2 that's the one we used.

3 MS. HAZEL: Okay. All right. So
4 there is a problem with the email system.

5 And so my other question would be you
6 said that there was something mailed. Was it to
7 the ANC office?

8 AGENT FLETCHER: Well, we -- yes, we
9 returned -- this document was actually mailed to
10 -- this petition, the petition that you have --

11 MS. HAZEL: Yes.

12 AGENT FLETCHER: -- was actually
13 mailed to Ms. Douglas at 4058 Minnesota Avenue,
14 N.E., Suite #1400, Washington, D.C. 20019.

15 MS. HAZEL: So was it certified?

16 AGENT FLETCHER: No, it was place --
17 we do regular mail, but it has not been returned.

18 MS. HAZEL: Okay.

19 AGENT FLETCHER: We don't send mail
20 certified.

21 MS. HAZEL: So I'll have to check.

22 AGENT FLETCHER: But that's the

1 address on the stationary.

2 MS. HAZEL: Right. But that doesn't
3 mean that we received it --

4 AGENT FLETCHER: That's okay.

5 MS. HAZEL: -- if it wasn't certified.

6 AGENT FLETCHER: I'm just letting you
7 know why we sent --

8 MS. HAZEL: So I'm just going through
9 these questions.

10 AGENT FLETCHER: Yes.

11 MS. HAZEL: Because I want to raise
12 this with our commission.

13 AGENT FLETCHER: Yes.

14 MS. HAZEL: And the handling of mail
15 there, because there is no staff person and
16 things are slid under the door or they are held
17 at the DOES mailroom, depending on the size of it
18 or if it even gets back to the suite, because
19 sometimes it's locked.

20 AGENT FLETCHER: Exactly.

21 MS. HAZEL: From the community room,
22 you can't even get in the room to get to our

1 suite. So I'm just, you know, logistically --

2 AGENT FLETCHER: Yes.

3 MS. HAZEL: -- wondering, you know,
4 the various challenges that we are faced because
5 there is no staff person to receive this.

6 AGENT FLETCHER: Exactly.

7 MS. HAZEL: So at this point, I just
8 want to recap and understand for us as a
9 commission and as other members of the community
10 who are very concerned about this liquor license
11 and any other liquor license. And actually,
12 there is a sentiment that there should be a
13 moratorium on liquor licenses in Ward 7 by a
14 number of ANCs and Drug-Free Coalitions that are
15 going forward.

16 So at this point, the vendor is able
17 to move forward. Is there a deadline to file a
18 protest as a group of individuals as the Single
19 Member District and as the ANC-7D as a whole?

20 AGENT FLETCHER: Yes. There was a
21 deadline and Ms. Douglas actually met the
22 deadline. The deadline to file a protest in this

1 case was May 11.

2 MS. HAZEL: Right. Well, moving
3 forward, because you said --

4 AGENT FLETCHER: Moving forward --

5 MS. HAZEL: -- that they could go
6 forward with their application.

7 AGENT FLETCHER: Right. They can --
8 there is no -- because there is no protest, there
9 are no deadlines. There won't be any orders
10 issued dismissing any protestants, nothing, none
11 of that is going to happen. What you can do, you
12 can write a letter to the ABC Board explaining
13 that you submitted a protest, it wasn't accepted
14 for whatever reasons are in this email and you
15 can ask them if they would, please, consider it a
16 protest.

17 And if the Board was to say accept
18 this group as a protestant, I would become aware
19 of that and then we would start from the very
20 beginning.

21 MS. HAZEL: Okay. My concern is the
22 time line for the application to move forward

1 without the community being able to weigh in
2 again, because that's going to take another
3 process to get that done.

4 So what type of time line are we
5 looking for before and if the Board were to
6 approve the license, what kind of time line are
7 we looking at?

8 AGENT FLETCHER: Because there is no
9 protest, there is no time line. There was a time
10 line, but it doesn't exist any more. The time
11 line was to file a protest by May 11. And so, at
12 this point, for all the reasons we already
13 discussed, there is no protest. So the petition
14 deadline of May 11 has passed, which means that
15 Kenilworth Market can contact the Licensing
16 Division unopposed and to pursue the renewal of
17 the license. So there are no time lines for the
18 community.

19 MS. HAZEL: Okay. But if we were to,
20 let's say, today send a letter requesting to be
21 considered as a protestant --

22 AGENT FLETCHER: Yes.

1 MS. HAZEL: -- does that start another
2 process?

3 AGENT FLETCHER: Yes. If you were to
4 do that, that request would go on the Board's
5 Agenda for review. The Board is here every
6 Wednesday.

7 MS. HAZEL: Okay.

8 AGENT FLETCHER: Today is what
9 Tuesday, there is a possibility that if you were
10 to write that request today --

11 MS. HAZEL: Yes.

12 AGENT FLETCHER: -- depending on what
13 time it got here today, it may or may not go on
14 the Board's Agenda for tomorrow. Normally, the
15 cutoff is on Tuesday at noon to put something on
16 the Board's Agenda for the next day.

17 MS. HAZEL: Okay.

18 AGENT FLETCHER: So let's just say you
19 decide to send in a request to be considered as a
20 protestant --

21 MS. HAZEL: Yes.

22 AGENT FLETCHER: -- there is a good

1 chance -- it wouldn't go on the Board's Agenda
2 until next Wednesday.

3 MS. HAZEL: Okay.

4 AGENT FLETCHER: And what I don't
5 know, Ms. Hazel, is how quickly the Licensing
6 Division issues their licenses.

7 MS. HAZEL: That's what I'm trying to
8 get at.

9 AGENT FLETCHER: Yes, that is a
10 licensing question and you can call the Licensing
11 Division to ask them. So I'm not aware that
12 there is a -- I assume they issue licenses as
13 soon as possible, based on all the other cases
14 that they are working on.

15 But you can call (202) 442-4423 and
16 you can find out who the Licensing Specialist is
17 handling Kenilworth Market and talk to that
18 person. There is a record of who is handling
19 every application. And so you can find out who
20 that person is and talk to that person about, you
21 know, when the license will be issued and they
22 can talk to you about that.

1 MS. HAZEL: Okay. So in that you
2 stated the entire commission would have to have
3 weighed in on its letterhead or as the commission
4 as a whole, would you be requiring every
5 signature of every commissioner of 7D, all seven?

6 AGENT FLETCHER: No. I was only
7 saying that Ms. Douglas submitted a protest on
8 behalf of a group of individuals.

9 MS. HAZEL: Yes.

10 AGENT FLETCHER: So this did not
11 appear to be a protest filed by the ANC.

12 MS. HAZEL: Yes. But if we were to
13 come back as the full commission and submit/
14 request to be a protestant and to submit, we
15 would follow that process, spell out why we are
16 in protest to this license and then forward it to
17 the Board as Ms. Douglas did initially. Is that
18 correct?

19 AGENT FLETCHER: It's too late for
20 anybody to file a protest.

21 MS. HAZEL: Okay.

22 AGENT FLETCHER: But so the only thing

1 that could happen, at this stage, is if Ms.
2 Douglas motioned the Board on behalf of the
3 people who signed this petition, because it was
4 already timely filed. The only thing left to do
5 is to ask the Board if they will consider this
6 group to be protestants. But there can't be any
7 new protestants, because the protest -- any
8 protest would need to have been filed by May 11.

9 MS. HAZEL: Okay. So will the ABRA
10 Board consider the group that was on there? How
11 many people were on that?

12 MS. DOUGLAS: 119, 116, 119.

13 MS. HAZEL: 119.

14 MS. DOUGLAS: As a Single Member
15 District ANC, I was trying to explain to Ms.
16 Hazel as well --

17 AGENT FLETCHER: Yes, so we consider
18 that petition that you filed the group of
19 individuals, that's a group of individuals filing
20 a protest, because an SMD has to file a petition
21 as a group, as a part of a group. An SMD cannot
22 file a protest on behalf of the ANC, so -- which

1 is what you did.

2 You submitted a petition on behalf of
3 a whole group of people, which you can do. The
4 only thing I was letting you know for the future
5 is you only ever need five names. But the ANC-7D
6 didn't file a protest.

7 MS. HAZEL: So just as a point of
8 clarification, those 119 people who live in the
9 vicinity of that market and who are concerned, at
10 this point in time, do they have any voice to --

11 AGENT FLETCHER: Yes, I don't know at
12 what point you came in, Ms. Hazel, but the -- I
13 was explaining to Ms. Douglas and I did in the
14 email to her that they still have a right --

15 MS. HAZEL: Okay.

16 AGENT FLETCHER: -- to file a
17 complaint with the Enforcement Division and have
18 the establishment fully investigated.

19 MS. HAZEL: Well, but no, we are
20 talking about the license. Not enforcement, not
21 review.

22 AGENT FLETCHER: Yes.

1 MS. HAZEL: But of stopping the
2 license, protesting the license. So those
3 individuals who were a part of that group --

4 AGENT FLETCHER: Yes.

5 MS. HAZEL: -- because each single
6 Member District represents roughly 2,000 people,
7 so --

8 AGENT FLETCHER: Yes.

9 MS. HAZEL: -- I wanted to find out
10 what happens to those people who in good faith,
11 you know, as a group petitioned.

12 AGENT FLETCHER: Well, there is no
13 protest right now.

14 MS. HAZEL: Okay. All right.

15 AGENT FLETCHER: Right now, there is
16 no protest.

17 MS. HAZEL: But they could be -- they
18 could ask --

19 AGENT FLETCHER: They can ask the
20 Board.

21 MS. HAZEL: -- to be considered?

22 AGENT FLETCHER: They can ask the

1 Board. They can tell the Board that since you --
2 there wasn't even going to be a hearing today,
3 just so that you know. This case was not even on
4 the calendar because there was not a protest
5 filed, as far as we were concerned.

6 But since Ms. Douglas was here and Mr.
7 Ghirmai from Kenilworth Market was here, I called
8 the case forward anyway, but there is no protest,
9 but I called the case forward in order to create
10 the record that we are creating right now in the
11 event that the protestants decided to petition
12 the Board for standing as a protestant, you would
13 have a record.

14 MS. HAZEL: Okay.

15 AGENT FLETCHER: Because this case was
16 not scheduled to be called today. And it
17 wouldn't have been. And I called the case
18 because Ms. Douglas was here. And at the time I
19 called the case, I didn't know which case it was
20 until I saw the petition.

21 MS. HAZEL: Okay. All right. So I'll
22 just take a look at that.

1 AGENT FLETCHER: Yes, yes.

2 MS. DOUGLAS: I just want to make
3 something clear, too, Ms. Fletcher. I really
4 greatly appreciate you listening to us while we
5 speak, but by law as a Single Member District ANC
6 Commissioner elected by, as Ms. Janis Hazel said,
7 over 2,000 residents, we do have a right as a
8 commissioner to represent that area and send in a
9 letter.

10 We don't have to have the body of the
11 ANC.

12 AGENT FLETCHER: Oh, I know.

13 MS. DOUGLAS: Okay.

14 AGENT FLETCHER: I understand that 100
15 percent.

16 MS. DOUGLAS: So I just wanted to --

17 AGENT FLETCHER: I'm aware of that.

18 MS. DOUGLAS: -- mention that we did--
19 the process was right.

20 AGENT FLETCHER: Yes.

21 MS. DOUGLAS: You just wanted a little
22 bit more, I think, details.

1 AGENT FLETCHER: Yes. The -- what you
2 did was -- yes, there was nothing wrong with you
3 filing the protest. I mean, and the email goes
4 into more detail, but what I was saying is that
5 the -- when I looked at your protest, I wasn't
6 initially sure who was filing a protest.

7 I wasn't -- because it's on ANC-7D
8 stationary, but the language that the ANC uses to
9 file a protest wasn't there, because the ANC
10 always has to say a meeting was held, notice was
11 given to the public, a vote was taken, a quorum
12 was present, there is standard language that an
13 ANC has to put in a protest letter. So that
14 wasn't there.

15 So it appeared to me that this was a
16 protest filed on behalf of all these people that
17 was submitted by Ms. Douglas.

18 MS. HAZEL: Okay.

19 MS. DOUGLAS: But we did have a
20 hearing. The hearing was on April the 18th.

21 AGENT FLETCHER: Right.

22 MS. DOUGLAS: And in the Kenilworth

1 Court.

2 AGENT FLETCHER: Because if you had
3 had that meeting and ANC-7D had filed the protest
4 and submitted that letter that I just described,
5 then we would have accepted it as a protest.

6 MS. DOUGLAS: But --

7 AGENT FLETCHER: But that's not --

8 MS. DOUGLAS: -- I'm trying to make it
9 clear. We don't have to be --

10 AGENT FLETCHER: No.

11 MS. DOUGLAS: -- an ANC as a whole
12 body. But you can still have a meeting in your
13 Single Member District.

14 AGENT FLETCHER: You can and you did.

15 MS. DOUGLAS: And I did. And that's
16 why I said I guess I didn't spell out the
17 information that you needed and that's where I
18 come from.

19 AGENT FLETCHER: That's right. You
20 did.

21 MS. DOUGLAS: And so --

22 AGENT FLETCHER: We -- you -- there is

1 nothing wrong -- we know that as an SMD person
2 that you can have a meeting with people and do
3 exactly what you did.

4 MS. DOUGLAS: Yes.

5 AGENT FLETCHER: There is nothing
6 wrong with what you did.

7 MS. DOUGLAS: Yes, ma'am.

8 AGENT FLETCHER: So we really -- we
9 know that. And like I said, Ms. Hazel, if Ms.
10 Douglas wants to petition the ABC Board to
11 reverse the decision today, actually, the
12 decision that was made in this, on the May 13,
13 email, she can do that and the Board can do
14 whatever it wants to do.

15 I'm the Board's Agent. But if you
16 appeal a decision that I make, then they will
17 look at it.

18 MS. DOUGLAS: Yes, ma'am.

19 MS. HAZEL: Okay. Thank you.

20 AGENT FLETCHER: Okay.

21 MS. DOUGLAS: Thank you so much for
22 your time.

1 AGENT FLETCHER: Thank you.

2 MS. DOUGLAS: And patience.

3 AGENT FLETCHER: You're very welcome.

4 MS. DOUGLAS: Thank you.

5 AGENT FLETCHER: You're very welcome.

6 The record is closed.

7 (Whereupon, the Informational Hearing

8 in the above-entitled matter was concluded at

9 12:28 p.m.)

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