

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

IN THE MATTER OF:

Giant of Maryland, Roll Call Hearing
LLC, t/a Giant #2379
3336 Wisconsin Avenue,
N.W.
License #ABRA-095376
Retailer DR
New Application

Monday,
August 11, 2014

ABRA Hearing Room
400 South
Reeves Municipal Center
2000 14th Street, N.W.
Washington, D.C. 20009

The above-entitled matter convened at
10:18 a.m., before the District of Columbia
Alcoholic Beverage Regulation Administration

Board.

BEFORE:

LA VERNE FLETCHER, Board Mediator

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

2 [10:16 a.m.]

3 MS. FLETCHER: Will the parties in
4 the matter of Giant No. 2379 please come forward.
5 This is Case No. 14-PRO-00060, Giant of Maryland,
6 LLC, trading as Giant 2379, 3336 Wisconsin
7 Avenue, N.W., License No. ABRA-095376.

8 This is a Retailer DR new
9 application.

10 The protest issues are adverse impact
11 on peace, order, and quiet, and pedestrian and
12 vehicular safety.

13 Introductions, beginning with the
14 Applicant.

15 MR. O'BRIEN: Stephen O'Brien for the
16 Applicant. I'm accompanied by Gary Budd, B-u-d-
17 d, who is the director of perishables --
18 nonperishables -- excuse me -- for the entire
19 Giant food chain.

20 MS. FLETCHER: Thank you, Mr.
21 O'Brien.

22 And present on behalf of ANC 3C?

1 MR. ROLLER: Good morning, ma'am.
2 Carl Roller.

3 MS. FLETCHER: Mr. Roller, would you
4 spell your name for the record, please.

5 MR. ROLLER: Sure. Carl. C-a-r-l.
6 Roller. R-o-l-l-e-r.

7 MS. FLETCHER: Thank you. ANC 3C does
8 have standing as a Protestant, but I just want to
9 let you know that I'm aware of the Applicant's
10 opposition, and that you filed a motion to
11 dismiss the protest filed by ANC 3C, and you
12 probably know by now that the Board's going to
13 rule on that on September 10th.

14 So for the purpose of roll call today,
15 I'm going to go with the July 28 letter, where
16 you inserted the appropriateness, and filed a
17 protest based on peace, order, and quiet, and
18 vehicular and pedestrian safety. I know that was
19 not in your original July 23rd letter, and I'm
20 accepting the one filed on July 28th because it
21 was filed before the deadline. But I know that's
22 all being opposed.

1 And so for the purpose of roll call,
2 ANC 3C does have standing as a Protestant, and we
3 need to set a date for a status hearing, a
4 protest hearing, and mediation.

5 Well, the status hearing is also
6 going to be on September 10. That's all the date,
7 the date that the Board's going to put the
8 opposition on its agenda. But the status hearing
9 is going to be on the same day, which is
10 September 10 at 9:30 a.m.

11 So I guess they'll make a ruling on
12 that day.

13 MR. O'BRIEN: I know that these dates
14 are dictated to you. Do you have the authority to
15 push it back a week?

16 MS. FLETCHER: For the status
17 hearing?

18 MR. O'BRIEN: Yes. There's no point
19 in us coming here at 9:30 to be told that they're
20 dealing later in the day with the motion.

21 MS. FLETCHER: Well, you know what,
22 Mr. O'Brien? We're going to do something that's

1 going to have the same effect, and that's not to
2 set the mediation until after September 10. So if
3 the Board grants the motion, we'll just cancel
4 the mediation.

5 MR. O'BRIEN: But I'm just trying --
6 both the cost to the Applicant and the
7 inconvenience to the ANC, having to come at 9:30
8 for what's going to be a totally meaningless
9 procedure.

10 MS. FLETCHER: Yes. That -- what I'll
11 do -- my guess is that the Board would inform you
12 of its decision on September 10. I don't know
13 that for a fact. I'm just assuming that, because
14 they set the opposition on their agenda for the
15 10th also, that at the status hearing they would
16 tell you what their ruling is.

17 MR. O'BRIEN: If that's the case,
18 then that's something else.

19 MS. FLETCHER: Yes, and I'll clarify
20 that, Mr. O'Brien.

21 MR. O'BRIEN: Okay.

22 MS. FLETCHER: Martha Jenkins is not

1 here today, but I will check with her tomorrow to
2 make sure that's the case. I understand what
3 you're saying. I'll find out.

4 MR. O'BRIEN: Typically, they deal
5 with that type stuff later in the day. That's why
6 I said that.

7 MS. FLETCHER: Exactly.

8 MR. O'BRIEN: But if they're going to
9 deal with it in time for the status hearing, then
10 it makes perfect sense.

11 MS. FLETCHER: Exactly, cause I'm
12 going to bring that up when I talk to Martha --

13 MR. O'BRIEN: Okay. Thank you.

14 MS. FLETCHER: -- and I'll email you
15 to confirm. And if there is going to be a
16 mediation, it's going to be after September 10,
17 in case we don't need it. If we do, we'll already
18 have a date set. So I'll just give you a couple
19 of dates after September 10,
20 just in case.

21 Oh. The protest hearing is set for
22 October the 1st. It's set for October the 1st at

1 1:30. That's for the protest hearing.

2 So we can do the mediation the week
3 of September 15. The week of September 15, that's
4 all we've got, because the protest information
5 form will be due on the 24th, if there's going to
6 be a protest hearing --

7 MR. O'BRIEN: Yes.

8 MS. FLETCHER: -- on the 1st. So we
9 can -- this slot's available on the 15th. The
10 week of the 15th.

11 MR. ROLLER: The 15th is bad for me.
12 The 16th would be okay, in the afternoon.

13 MR. O'BRIEN: Any date's fine for me.

14 MS. FLETCHER: The 16th is good., Do
15 you want to make it in the afternoon, Mr.
16 O'Brien?

17 MR. O'BRIEN: Yes.

18 MS. FLETCHER: 1:00 or 2:00?

19 MR. O'BRIEN: 1:00 p.m.

20 MS. FLETCHER: 2:00 p.m.?

21 MR. O'BRIEN: No. 1:00 p.m. would be
22 fine.

1 MS. FLETCHER: 1:00 p.m. Is that okay
2 for you, Mr. Roller?

3 MR. ROLLER: Sure.

4 MR. O'BRIEN: 9-16, 1:00 p.m. for
5 mediation.

6 MS. FLETCHER: Mediation, September
7 16 at 1:00.

8 MR. ROLLER: Ma'am, just to confirm
9 the status hearing. That's at 9:30 a.m.?

10 MS. FLETCHER: Yes.

11 MR. ROLLER: Okay. And you would
12 needs to be there?

13 MS. FLETCHER: Yes.

14 MR. ROLLER: Okay.

15 MS. FLETCHER: And Mr. Roller, is
16 your email address on that sheet?

17 MR. ROLLER: It is, ma'am. Yes.

18 MS. FLETCHER: Thank you. So then see
19 you on September 16 at 1:00. Or not. But it's
20 1:00 p.m.

21 MR. ROLLER: Thank you.

22 MR. O'BRIEN: All right. Thank you.

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MS. FLETCHER: Thank you for coming.
The roll call hearing's concluded.
(Whereupon, at 10:29 a.m., the roll
call hearing was concluded)

<p style="text-align: center;">A</p> <p>a.m 1:16 2:2 4:10 8:9 9:3</p> <p>above-entitled 1:16</p> <p>ABRA 1:13</p> <p>ABRA-095376 1:9 2:7</p> <p>accepting 3:20</p> <p>accompanied 2:16</p> <p>address 8:16</p> <p>Administration 1:3 1:17</p> <p>adverse 2:10</p> <p>afternoon 7:12,15</p> <p>agenda 4:8 5:14</p> <p>Alcoholic 1:3,17</p> <p>ANC 2:22 3:7,11 4:2 5:7</p> <p>Applicant 2:14,16 5:6</p> <p>Applicant's 3:9</p> <p>application 1:10 2:9</p> <p>appropriateness 3:16</p> <p>assuming 5:13</p> <p>August 1:12</p> <p>authority 4:14</p> <p>available 7:9</p> <p>Avenue 1:8 2:7</p> <p>aware 3:9</p> <hr/> <p style="text-align: center;">B</p> <p>B-u-d 2:16</p> <p>back 4:15</p> <p>bad 7:11</p> <p>based 3:17</p> <p>beginning 2:13</p> <p>behalf 2:22</p> <p>Beverage 1:3,17</p> <p>Board 1:3,18,21 5:3,11</p> <p>Board's 3:12 4:7</p> <p>bring 6:12</p> <p>Budd 2:16</p> <hr/> <p style="text-align: center;">C</p>	<p>C 2:1</p> <p>C-a-r-l 3:5</p> <p>cal 3:14</p> <p>call 1:7 4:1 9:2,4</p> <p>cancel 5:3</p> <p>Carl 3:2,5</p> <p>case 2:5 5:17 6:2,17 6:20</p> <p>cause 6:11</p> <p>Center 1:14</p> <p>chain 2:19</p> <p>check 6:1</p> <p>clarify 5:19</p> <p>Columbia 1:1,16</p> <p>come 2:4 5:7</p> <p>coming 4:19 9:1</p> <p>concluded 9:2,4</p> <p>confirm 6:15 8:8</p> <p>convened 1:16</p> <p>cost 5:6</p> <p>couple 6:18</p> <hr/> <p style="text-align: center;">D</p> <p>d 2:1,17</p> <p>D.C 1:15</p> <p>date 4:3,6,7 6:18</p> <p>date's 7:13</p> <p>dates 4:13 6:19</p> <p>day 4:9,12,20 6:5</p> <p>deadline 3:21</p> <p>deal 6:4,9</p> <p>dealing 4:20</p> <p>decision 5:12</p> <p>dictated 4:14</p> <p>director 2:17</p> <p>dismiss 3:11</p> <p>District 1:1,16</p> <p>DR 1:9 2:8</p> <p>due 7:5</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1</p> <p>effect 5:1</p> <p>email 6:14 8:16</p> <p>entire 2:18</p> <p>Exactly 6:7,11</p> <p>excuse 2:18</p>	<p style="text-align: center;">F</p> <p>fact 5:13</p> <p>filed 3:10,11,16,20 3:21</p> <p>find 6:3</p> <p>fine 7:13,22</p> <p>FLETCHER 1:21 2:3,20 3:3,7 4:16 4:21 5:10,19,22 6:7,11,14 7:8,14 7:18,20 8:1,6,10 8:13,15,18 9:1</p> <p>food 2:19</p> <p>form 7:5</p> <p>forward 2:4</p> <hr/> <p style="text-align: center;">G</p> <p>G 2:1</p> <p>Gary 2:16</p> <p>Giant 1:7,7 2:4,5,6 2:19</p> <p>give 6:18</p> <p>go 3:15</p> <p>going 3:12,15 4:6,7 4:9,22 5:1,8 6:8 6:12,15,16 7:5</p> <p>good 3:1 7:14</p> <p>GOVERNMENT 1:1</p> <p>grants 5:3</p> <p>guess 4:11 5:11</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,13 4:3 4:4,5,8,17 5:15 6:9,21 7:1,6 8:9 9:4</p> <p>hearing's 9:2</p> <hr/> <p style="text-align: center;">I</p> <p>impact 2:10</p> <p>inconvenience 5:7</p> <p>inform 5:11</p> <p>information 7:4</p> <p>inserted 3:16</p> <p>Introductions 2:13</p> <p>issues 2:10</p>	<p style="text-align: center;">J</p> <p>Jenkins 5:22</p> <p>July 3:15,19,20</p> <hr/> <p style="text-align: center;">K</p> <p>know 3:9,12,18,21 4:13,21 5:12</p> <hr/> <p style="text-align: center;">L</p> <p>LA 1:21</p> <p>letter 3:15,19</p> <p>License 1:9 2:7</p> <p>LLC 1:7 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3:1 8:8,17</p> <p>Martha 5:22 6:12</p> <p>Maryland 1:7 2:5</p> <p>matter 1:6,16 2:4</p> <p>meaningless 5:8</p> <p>mediation 4:4 5:2,4 6:16 7:2 8:5,6</p> <p>Mediator 1:21</p> <p>Monday 1:11</p> <p>morning 3:1</p> <p>motion 3:10 4:20 5:3</p> <p>Municipal 1:14</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1</p> <p>N.W 1:8,14 2:7</p> <p>name 3:4</p> <p>need 4:3 6:17</p> <p>needs 8:12</p> <p>new 1:10 2:8</p> <p>nonperishables 2:18</p> <hr/> <p style="text-align: center;">O</p> <p>O 2:1</p> <p>O'Brien 2:15,15,21 4:13,18,22 5:5,17 5:20,21 6:4,8,13 7:7,13,16,17,19 7:21 8:4,22</p> <p>October 6:22,22</p> <p>Oh 6:21</p>	<p>okay 5:21 6:13 7:12 8:1,11,14</p> <p>opposed 3:22</p> <p>opposition 3:10 4:8 5:14</p> <p>order 2:11 3:17</p> <p>original 3:19</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:1</p> <p>p.m 7:19,20,21 8:1 8:4,20</p> <p>parties 2:3</p> <p>peace 2:11 3:17</p> <p>pedestrian 2:11 3:18</p> <p>perfect 6:10</p> <p>perishables 2:17</p> <p>please 2:4 3:4</p> <p>point 4:18</p> <p>present 2:22</p> <p>probably 3:12</p> <p>procedure 5:9</p> <p>protest 2:10 3:11 3:17 4:4 6:21 7:1 7:4,6</p> <p>Protestant 3:8 4:2</p> <p>purpose 3:14 4:1</p> <p>push 4:15</p> <p>put 4:7</p> <hr/> <p style="text-align: center;">Q</p> <p>quiet 2:11 3:17</p> <hr/> <p style="text-align: center;">R</p> <p>R 2:1</p> <p>R-o-l-l-e-r 3:6</p> <p>record 3:4</p> <p>Reeves 1:14</p> <p>Regulation 1:3,17</p> <p>Retailer 1:9 2:8</p> <p>right 8:22</p> <p>roll 1:7 3:14 4:1 9:2 9:3</p> <p>Roller 3:1,2,3,5,6 7:11 8:2,3,8,11,14 8:15,17,21</p>
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<p>Room 1:13 rule 3:13 ruling 4:11 5:16</p>	<p>vehicular 2:12 3:18 VERNE 1:21</p>	<p>28th 3:20</p>		
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<p>S 2:1 safety 2:12 3:18 saying 6:3 see 8:18 sense 6:10 September 3:13 4:6 4:10 5:2,12 6:16 6:19 7:3,3 8:6,19 set 4:3 5:2,14 6:18 6:21,22 sheet 8:16 slot's 7:9 South 1:13 spell 3:4 standing 3:8 4:2 status 4:3,5,8,16 5:15 6:9 8:9 Stephen 2:15 Street 1:14 stuff 6:5 sure 3:5 6:2 8:3</p>	<p>want 3:8 7:15 Washington 1:15 we'll 5:3 6:17 We're 4:22 we've 7:4 week 4:15 7:2,3,10 Wisconsin 1:8 2:6</p>	<p>3336 1:8 2:6 3C 2:22 3:7,11 4:2</p>		
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<p>t/a 1:7 talk 6:12 tell 5:16 Thank 2:20 3:7 6:13 8:18,21,22 9:1 time 6:9 today 3:14 6:1 told 4:19 tomorrow 6:1 totally 5:8 trading 2:6 trying 5:5 type 6:5 Typically 6:4</p>	<p>We're 4:22 we've 7:4 week 4:15 7:2,3,10 Wisconsin 1:8 2:6</p> <p>Y</p> <p>Z</p> <p>0</p> <p>1</p> <p>1:00 7:18,19,21 8:1 8:4,7,19,20 1:30 7:1 10 4:6,10 5:2,12 6:16,19 10:16 2:2 10:18 1:16 10:29 9:3 10th 3:13 5:15 11 1:12 14-PRO-00060 2:5 14th 1:14 15 7:3,3 15th 7:9,10,11 16 8:7,19 16th 7:12,14 1st 6:22,22 7:8</p>	<p>400 1:13</p>		
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