

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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Case #13-PRO-00152 :

Solomon Enterprises, LLC

t/a Climaxx Restaurant and

Hookah Bar :

900 Florida Avenue NW :

License #ABRA-088290 :

Retailer CT :

License Renewal :

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December 2, 2013

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The Alcoholic Beverage Control

Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

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

11:30 a.m.

AGENT FLETCHER: Would the parties in the matter of Climaxx Restaurant and Hookah Bar come forward? The parties in the matter of Climaxx Restaurant and Hookah Bar.

This is Case No. 13-PRO-00152, Solomon Enterprises, LLC trading as Climaxx Restaurant and Hookah Bar, 900 Florida Avenue, Northwest, License No. ABRA-088290. This is a Retailer CT License Renewal.

The protest issues are adverse impact on peace, order and quiet.

My name is LaVerne Fletcher. I am conducting the Roll Call Hearing as the Board's Agent, pursuant to D.C. Official Code 1601.2.

Introductions, beginning with the Applicant, please. You're the Licensee?

MR. YEGZAW: My name is Solomon Yegzaw.

AGENT FLETCHER: I'm sorry, what,

1 sir? Could you say that again for me?

2 MR. YEGZAW: Okay, my name is
3 Solomon Yegzaw, the owner of Climaxx Sports
4 Bar and Lounge.

5 AGENT FLETCHER: And would you
6 spell your first and last name?

7 MR. YEGZAW: Last name is Y-E-G.

8 AGENT FLETCHER: Y-A?

9 MR. YEGZAW: Y-E-G.

10 AGENT FLETCHER: Y-E-G?

11 MR. YEGZAW: Z-A-W.

12 AGENT FLETCHER: Y-E-G?

13 MR. YEGZAW: Yes.

14 AGENT FLETCHER: Z-A. Okay, I'm
15 going to try one more time. I'm missing some
16 letters here. Y-E-G-D?

17 MR. YEGZAW: No, Y-E-G-Z-A-W.

18 AGENT FLETCHER: And what is the
19 first name?

20 MR. YEGZAW: Solomon, S-O-L-O-M-O-
21 N.

22 AGENT FLETCHER: Okay, and Mr.

1 Solomon, would you print that for me on that
2 sheet of paper, just to make sure that I have
3 this correctly?

4 MR. YEGZAW: Sure.

5 AGENT FLETCHER: Thank you.

6 Present on behalf of ANC 1B?

7 MS. COOKSEY: Tara Cooksey, C-O-O-
8 K-S-E-Y.

9 AGENT FLETCHER: The first name is
10 Tara?

11 MS. COOKSEY: Yes, ma'am, T-A-R-A.

12 AGENT FLETCHER: Thank you. Okay,
13 Tara, can you spell your last name one more
14 time?

15 MS. COOKSEY: Sure, C-O-O-K-S-E-Y.

16 AGENT FLETCHER: Thank you very
17 much. Okay, and so, we have two groups of
18 Protestants. One second, please.

19 The individuals present that
20 signed the protest submitted by Mr. Banerjee,
21 are you Mr. Banerjee?

22 MR. BANERJEE: I am.

1 AGENT FLETCHER: Okay, thank you.

2 Let me get your name. If you could state your
3 name for the record and spell it, please.

4 MR. BANERJEE: Sure, my name is
5 Rajat, R-A-J-A-T, last name is Banerjee, B-A-
6 N-E-R-J-E-E.

7 AGENT FLETCHER: And Mr. Banerjee,
8 are there any individuals present today from
9 your protest group?

10 MR. BANERJEE: I have proxy
11 letters for all of them.

12 AGENT FLETCHER: Thank you. I'll
13 take those. Yes, thank you.

14 All right, thank you very much.

15 MR. BANERJEE: Thank you.

16 AGENT FLETCHER: And from your
17 protest letter, Mr. Banerjee, I have --
18 counted 14 individuals.

19 MR. BANERJEE: Yes.

20 AGENT FLETCHER: I am granting
21 standing to your group of 14. Okay, I need to
22 back-track for just a moment.

1 Ms. Cooksey, I see a letter here
2 that you apparently did not -- not you, but
3 ANC 1B did not receive.

4 The protest filed by ANC 1B was
5 untimely filed and on November 21st, Chairman
6 Tony Norman was mailed a letter, informing him
7 that the protest was untimely filed. Are you
8 aware of that at all?

9 MS. COOKSEY: Yes.

10 AGENT FLETCHER: Okay, so, ANC 1B
11 does not have standing as a Protestant because
12 the protest was filed untimely.

13 MS. COOKSEY: The ABC Committee
14 was under the impression that because of the
15 re-filing of the renewal, that we now do have
16 standing. It was voted on at the last ANC 1B
17 meeting.

18 AGENT FLETCHER: The re-filing --
19 you mean -- you mean that the license renewal
20 application was re-filed?

21 MS. COOKSEY: Yes, that's my
22 understanding.

1 AGENT FLETCHER: Yes, I am not
2 aware of that. I'm not aware of that, but
3 we'll have to look into that and straighten
4 that out.

5 MS. COOKSEY: Okay.

6 AGENT FLETCHER: For the purpose
7 of this Roll Call, I'm not going to grant
8 standing to ANC 1B, but Ms. Cooksey, when I
9 get back to my desk, if I should have, I'll
10 contact everybody and let you know.

11 MS. COOKSEY: Thank you.

12 AGENT FLETCHER: Okay, all right.
13 So, Mr. Banerjee, are any other individuals
14 from your group present today?

15 MR. BANERJEE: No, just myself.

16 AGENT FLETCHER: That's fine.
17 Just wanted to make sure if there were, I was
18 just going to have them stand up and read
19 their names into the record.

20 Are any of the individuals present
21 from the signed protest? It seems to have
22 been submitted by Jeremy.

1 MR. SIGMON: That's right.

2 AGENT FLETCHER: If you could just
3 state your name, please.

4 MR. SIGMON: Jeremy Sigmon, last
5 name S-I-G-M-O-N.

6 AGENT FLETCHER: And the first
7 name is Jeremy?

8 MR. SIGMON: Jeremy, J-E-R-E-M-Y.

9 AGENT FLETCHER: Okay, and are
10 there any individuals present from your group,
11 Mr. Sigmon?

12 MR. SIGMON: There are.

13 AGENT FLETCHER: Okay, if you can
14 stand right behind Mr. Sigmon and state your
15 name and spell it for the Court Reporter,
16 please.

17 MS. E. CLARK: My name is Eartha
18 Clark, and I am one of the Petitioners signing
19 the petition.

20 AGENT FLETCHER: Ms. Clark, how do
21 you spell your name?

22 MS. E. CLARK: Earth, like earth,

1 moon and sun, E-A-R-T-H-A.

2 AGENT FLETCHER: Okay.

3 MS. E. CLARK: Clark, Clark candy
4 bars, C-L-A-R-K.

5 AGENT FLETCHER: Thank you very
6 much. Your name, ma'am? Are you a member of
7 Mr. Sigmon's group?

8 MR. SIGMON: Yes.

9 (OTR comments)

10 AGENT FLETCHER: It's okay if you
11 speak on behalf. Don't get up, ma'am. It's
12 okay, don't worry about it.

13 (OTR comments)

14 MS. JONES: My name is Charlotte
15 Esther Jones.

16 AGENT FLETCHER: Thank you, Ms.
17 Jones.

18 MS. JONES: You want my address?

19 AGENT FLETCHER: Thank you,
20 Charlotte Esther Jones?

21 MS. JONES: Yes.

22 AGENT FLETCHER: Thank you very

1 much. Appreciate it. Anyone else?

2 MS. Y. CLARK: Yuvonne Clark.

3 AGENT FLETCHER: Ms. Clark, would
4 you spell your name for the record, please?

5 MS. Y. CLARK: Y-U-V-O-N-N-E,
6 Clark, C-L-A-R-K.

7 AGENT FLETCHER: Y-U-V-O-N-N-E?

8 MS. Y. CLARK: Yes.

9 AGENT FLETCHER: Okay, thank you.
10 Anyone else?

11 MR. SIGMON: And I also have the
12 proxy letters.

13 AGENT FLETCHER: I'll take those.
14 These are letters designating Eartha Clark or
15 Jeremy Sigmon as the designated
16 representative.

17 Mr. Sigmon, these individuals
18 signed the protest letter?

19 MR. SIGMON: Those individuals
20 did, yes.

21 AGENT FLETCHER: Okay.

22 MR. SIGMON: You'll notice that

1 Mr. Paul Jones, who also was a Petitioner on
2 our original petition --

3 AGENT FLETCHER: Yes.

4 MR. SIGMON: -- has been out of
5 town and we were not able to contact him for
6 this hearing.

7 AGENT FLETCHER: Okay.

8 MR. SIGMON: But his relative
9 also, at the same address, Mrs. Jones is here
10 this morning.

11 AGENT FLETCHER: And what was the
12 name of that gentleman, again?

13 MR. SIGMON: Paul Jones, the
14 second from the bottom.

15 AGENT FLETCHER: Okay, so, present
16 today -- Mr. Sigmon, are you going to be
17 representing the entire group, even of the
18 individuals that are present today?

19 MR. SIGMON: I would like to ask
20 for the record that Mrs. Clark and I be --

21 AGENT FLETCHER: Yes.

22 MR. SIGMON: -- the

1 representatives.

2 AGENT FLETCHER: And what -- so,
3 is that okay with everyone present from the
4 group? Ms. Clark and Ms. Jones? Are you in
5 agreement with Mr. Sigmon representing you?

6 (OTR comments)

7 AGENT FLETCHER: Okay, thank you.
8 Then Mr. Sigmon is the designated
9 representative for the group of eight.

10 MR. SIGMON: Excuse me, ma'am.
11 Given that I travel quite a bit, I'd like to
12 make sure that for the record, we also have
13 Mrs. Clark.

14 AGENT FLETCHER: And Ms. Clark,
15 yes.

16 MR. SIGMON: Okay.

17 AGENT FLETCHER: Thanks for -- she
18 actually is. I need to say it, though. It's
19 -- yes --

20 MR. SIGMON: I appreciate it.

21 AGENT FLETCHER: Ms. Clark.

22 MR. SIGMON: Thank you.

1 AGENT FLETCHER: Yes, Eartha
2 Clark, you are also a designated
3 representative of the group. Thank you.

4 So, Ms. Clark, you'll also need to
5 put your contact information on that sheet
6 that's on the table. You too, Mr. Sigmon.
7 There is a contact sheet on the table.

8 MR. SIGMON: And just for the
9 record, is Mr. Banerjee also suppose to sign?

10 AGENT FLETCHER: Yes, all
11 designated representatives, yes, you too, Mr.
12 Banerjee. Thank you.

13 Standing will be granted to a
14 group of five, in this case. Mr. Sigmon, Mr.
15 Jones, if he's not here, he would be required
16 to give a letter.

17 I understand he could not give you
18 a letter representing him, because he is out
19 of town, but I'm granting standing to a group
20 of seven, with Mr. Jones not being recognized
21 as a Protestant, but you mentioned that
22 someone in his household is also present

1 today.

2 MR. SIGMON: Right, Mrs. Jones.

3 AGENT FLETCHER: Okay, thank you.

4 So, we have a group of 14 and a group of
5 seven.

6 Mr. Sigmon, your group -- for your
7 group there are four people present today,
8 you, Eartha Clark, Charlotte Esther Jones and
9 Yvonne Clark.

10 MR. SIGMON: That's right.

11 AGENT FLETCHER: What that means
12 is that at the status hearing, one more person
13 from your group who is not present will need
14 to appear in order to maintain your standing
15 as a Protestant.

16 By the point of the status
17 hearing, the Board needs to have seen at least
18 five people.

19 So, what you actually -- you're
20 actually being granted conditional standing
21 today, just so that you know, that is
22 conditional.

1 You're going to be granted
2 conditional standing today and we'll proceed
3 through mediation and just move forward. But
4 at the status hearing, that one other person
5 needs to appear or the Board will dismiss the
6 protest. Just one person who is not here
7 today.

8 MR. SIGMON: So, a proxy letter
9 does not suffice in that case?

10 AGENT FLETCHER: No, we need to
11 see five faces.

12 MR. SIGMON: Okay.

13 AGENT FLETCHER: You just need one
14 more person. Mr. Banerjee, you're the only
15 person present from your group today.

16 At the status hearing, four more
17 people from your group that are not present
18 will need to appear at the status hearing.

19 Today your group is granted
20 conditional standing. By the point of the
21 status hearing, the Board needs to see five
22 faces.

1 So, you're here, so, four more
2 people from your group that are not present
3 today, will need to appear.

4 I'm going to set a date for
5 mediation and if the parties are able to
6 resolve the matter in mediation before the
7 status hearing, then that's a non-issue.

8 But if the status hearing is going
9 to take place, that will be required.

10 So, we need to -- so, we've got
11 two groups of Protestants. We've got a group
12 of 14 granted conditional standing and a group
13 of seven, granted conditional standing.

14 We need to set a date for
15 mediation, a status hearing and a protest
16 hearing.

17 The date for the status hearing is
18 February 5th. The status hearing is February
19 5th, February 5th at 9:30 a.m.

20 The date for the protest hearing
21 is April 2nd, April 2nd at 1:30 p.m.

22 We need to set a date for

1 mediation to occur prior to February 5th.

2 The next available date for
3 mediation is Thursday, January 23rd. Is that
4 good for you, Solomon?

5 MR. YEGZAW: Yes, what time?

6 AGENT FLETCHER: January?

7 MR. YEGZAW: January 23rd?

8 AGENT FLETCHER: January 23rd at
9 nine, ten or eleven?

10 MR. YEGZAW: I'll take eleven, if
11 it is okay.

12 AGENT FLETCHER: Is that good for
13 you, Mr. Banerjee?

14 MR. BANERJEE: I believe so.

15 AGENT FLETCHER: At did you say
16 eleven? Did you say eleven?

17 MR. YEGZAW: Yes.

18 AGENT FLETCHER: Is that good for
19 you, Mr. Sigmon?

20 MR. SIGMON: We'll make it work.

21 AGENT FLETCHER: Okay, and Ms.
22 Cooksey, if it turns out that ANC 1B is a

1 Protestant, then I'll see you there.

2 MS. COOKSEY: Okay.

3 AGENT FLETCHER: Ms. Cooksey, did
4 you put your contact information that sheet?

5 MS. COOKSEY: Yes.

6 AGENT FLETCHER: Thank you. Okay,
7 so, the mediation is set for Thursday, January
8 23rd at 11:00 a.m. Any questions at all? My
9 card is on the table, if you have any, after
10 today.

11 MR. SIGMON: I'd just like to
12 request that we have a photocopy of the paper
13 submitted today.

14 AGENT FLETCHER: You can request
15 those from Tisha Anderson.

16 MR. SIGMON: Okay.

17 AGENT FLETCHER: She signed the
18 letter, the Roll Call Hearing notice that you
19 received.

20 If you can contact her, she'll get
21 those to you, and I'll make a note that you
22 are going to be requesting those.

1 MR. SIGMON: Thank you.

2 AGENT FLETCHER: Of your letters
3 of designation?

4 MR. SIGMON: Right.

5 AGENT FLETCHER: Okay.

6 MR. SIGMON: We just didn't have
7 time to copy them.

8 AGENT FLETCHER: Okay, exactly.
9 Let me just make a note of that.

10 Okay, Mr. Sigmon, and your email
11 address is there, and so, Ms. Anderson will
12 get those to you.

13 MR. SIGMON: Thank you.

14 AGENT FLETCHER: Okay, well, then
15 the Roll Call Hearing is concluded. Thank
16 you.

17 (Whereupon, the Roll Call Hearing
18 was concluded at 11:45 a.m.)

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22

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