

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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5 IN THE MATTER OF:

6 S&B Market, LLC : CASE #15-PRO-00117

7 t/a MLK Mini Market :

8 3333 M.L.K. Junior Avenue SE :

9 LIC #ABRA-09505 :

10 Retailer Class B :

11 Substantial change :

12 December 14, 2015 :

13 - - - - - X

Monday, December 14, 2015

16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Regulation Administration, Reeves Center, 2000  
19 14th Street, N.W., Suite 400 S, Washington, D.C.  
20 20009.

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

MEDIATOR :

LAVERNE FLETCHER, Presiding

ALSO PRESENT :

MEKDES ESHETE

MARY CUTHBERT on behalf of ANC

IRENE BARNES

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

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3 MEDIATOR FLETCHER: Would the parties in  
4 the matter of MLK Mini-Market please come  
5 forward? The parties in the matter of MLK Mini-  
6 Market. This is Case #15-PRO-00117, S&B Market  
7 LLC, trading as MLK Mini Market, 3333 M.L.K.  
8 Junior Avenue Southeast. LIC #ABRA-09505. This  
9 is a Retailer Class B. Substantial Change.  
10 Request of a class change from a Class B to a  
11 Class A. The protest issues are adverse impact  
12 on peace, order and quiet. My name is Laverne  
13 Fletcher. I am conducting the Roll Call Hearing  
14 as the Board's Agent pursuant to D.C. Official  
15 Code 1601.2. Introductions beginning with the  
16 applicant.

17 SPEAKER: Biruktayt Kelifa. B-I-R-U-K-T-  
18 A-Y-T.

19 MEDIATOR FLETCHER: I'm gonna go back  
20 over that. I have B-I --

21 MS. KELIFA: R-U --

22 MEDIATOR FLETCHER: Okay, B-I-R-U --

1 MS. KELIFA: K --

2 MEDIATOR FLETCHER: K --

3 MS. KELIFA: P --

4 MEDIATOR FLETCHER: P like Paul?

5 MS. KELIFA: T.

6 MEDIATOR FLETCHER: K-P?

7 MS. KELIFA: No, T.

8 MEDIATOR FLETCHER: Oh, K-T --

9 MS. KELIFA: Yeah.

10 MEDIATOR FLETCHER: K-T. Mm hmm.

11 MS. KELIFA: A-Y-T.

12 MEDIATOR FLETCHER: Okay. I'm going to

13 try it one more time. This is the first name,

14 right?

15 MS. KELIFA: Yeah.

16 MEDIATOR FLETCHER: I have BIRUKTAYT?

17 MS. KELIFA: Yeah.

18 MEDIATOR FLETCHER: Is that the first or

19 the last name?

20 MS. KELIFA: First name.

21 MEDIATOR FLETCHER: Okay, what's the last

22 name?

1 MS. KELIFA: K-I-L-I-F-A.  
2 MEDIATOR FLETCHER: K-I-L-I --  
3 MS. KELIFA: F-A.  
4 MEDIATOR FLETCHER: S-E?  
5 MS. KELIFA: F-A.  
6 MEDIATOR FLETCHER: N-E like Nancy?  
7 COURT REPORTER: [INAUDIBLE 21:15].  
8 MEDIATOR FLETCHER: K-I-L-I-N-E? M  
9 MS. ESHETE: No. K-E-L-I --  
10 MEDIATOR FLETCHER: Okay just a second.  
11 Ms. ESHETE: F as in Frank --  
12 MEDIATOR FLETCHER: Okay, it's a little  
13 too fast for me, just a second -- K-E --  
14 MS. ESHETE: L-I --  
15 MEDIATOR FLETCHER: Mm hmm.  
16 MS. ESHETE: F as in Frank.  
17 MEDIATOR FLETCHER: Mm hmm.  
18 MS. ESHETE: F as in Frank - A.  
19 MEDIATOR FLETCHER: Thank you very much.  
20 And - and your name:  
21 MS. ESHETE: I'm Mekdes - M-E-K-D-E-S,  
22 last name E-S-H-E-T-E.

1 MEDIATOR FLETCHER: E-T-E?

2 MS. ESHETE: Yes.

3 MEDIATOR FLETCHER: Thank you very much.

4 And present on behalf of ANC 8C?

5 SPEAKER: Good morning, I'm Mary Cuthbert,  
6 M-A-R-Y, C-U-T-H-B-E-R-T, ANC 8C03.

7 MEDIATOR FLETCHER: Okay. And Ms.  
8 Cuthbert would you spell your last name for the  
9 court reporter?

10 MS. CUTHBERT: It's C-U-T-H-B-E-R-T.

11 MEDIATOR FLETCHER: Okay and thank you  
12 very much and there's also a group of five of  
13 more.

14 SPEAKER: Yes, my name is Irene Barnes.

15 MEDIATOR FLETCHER: Irene, that's I-R-E-  
16 N-E?

17 MS. BARNES: Yes.

18 MEDIATOR FLETCHER: How do you spell the  
19 last name?

20 MS. BARNES: B as in boy, A as in apple,  
21 R as in run, N as in Nancy, E as in element and S  
22 as in Sam.

1           MEDIATOR FLETCHER: Ms. Barnes, and you  
2 personally head up a group of individuals to  
3 follow the protest?

4           MS. BARNES: Yes.

5           MEDIATOR FLETCHER: Thank you. Is anyone  
6 else present from your group today?

7           MS. BARNES: No.

8           MEDIATOR FLETCHER: That's okay, just  
9 making sure I won't miss anybody. Thank you.  
10 So, Ms. Barnes, I'm looking at your protest  
11 letter, just give me one second here. It says  
12 the protest letter filed by your group was sent  
13 along with Ms. Cuthbert's letter -- I mean they  
14 came together right? I'm just trying to keep  
15 them separate. So I'm just looking through the  
16 protest letter. Okay. So, ANC 8C has standing  
17 as a protestant. So, Ms. Barnes, what I'm  
18 looking now to make sure of is that your letter  
19 has everything that it needs to have in order to  
20 be granted standing. You know we have these  
21 technicalities to follow in protests and I'm  
22 just, I'm just looking at your letter. So, I see

1 that your protest letter, Ms. Barnes, was signed  
2 by 23 people, 23 individuals signed your protest  
3 petition and your, the basis of your protest is a  
4 very short paragraph which is fine. I'm just  
5 going to read it. It says "we are residents ANC  
6 8C03 opposed to a transfer of a beer and wine  
7 liquor license to a full liquor store at 333  
8 Martin Luther King Avenue Southeast, MLK Mini-  
9 Market. This store is located in the middle of a  
10 residential area, homeowners and several schools.  
11 There are two schools located across the street:  
12 [inaudible 32:13] Learning Charter School and the  
13 National Childrens' Center on Highview Place. We  
14 have Center City Charter School." And that is  
15 what I see. Is that everything? Is that? Okay.  
16 The reason I'm asking is because the -- those are  
17 not bases upon which you can file a protest. So,  
18 I see that you're concerned about the schools?  
19 And it's a residential neighborhood and you're  
20 concerned about the schools, and it's okay to be  
21 concerned about those and if this case goes  
22 forward for a protest hearing and if Ms. Cuthbert

1 wants she can call you as a witness with the ANC,  
2 but the group of individuals, those aren't bases  
3 on which you can file a protest and would have to  
4 be peace, order and quiet, residential parking,  
5 real property values.

6 MS. BARNES: Right.

7 MEDIATOR FLETCHER: And if those words  
8 aren't a part of the protest, I always look for  
9 them even if you don't say those exact words, I  
10 look to see if there's something that you said  
11 that indicates that's what you meant and in this  
12 particular protest I don't see any words that  
13 cause me to conclude that that's what you meant.  
14 You're concerned that it's a residential area and  
15 that there's schools nearby. And that. I think  
16 on the -- did we say safety on there?

17 MEDIATOR FLETCHER: Let's see. You  
18 mentioned the two schools located across the  
19 street and that the store is located in the  
20 residential area, homeowners and several schools.  
21 So, the -- that means that this group of  
22 individuals can't be granted standing as a

1 protestant, but the ANC represents the entire  
2 community and so you can consult with Ms.  
3 Cuthbert and get representation that way. We  
4 recognize the ANC is representing the entire  
5 community, but the group doesn't have standing a  
6 protestants for the reasons that I just stated.  
7 But I still need you to, Ms. Barnes, put your  
8 contact information on that sheet right there  
9 because you'll be the person that we contact to  
10 let you know what happens next.

11 MS. BARNES: Okay.

12 MEDIATOR FLETCHER: I can tell you what  
13 happens next. Um -- because this particular  
14 group doesn't have standing as a protestant  
15 you're going to receive an order from the ABC  
16 Board that says that the group is dismissed. You  
17 have ten days from receiving that order to  
18 explain to the -- if you want to be reinstated,  
19 if you want to be granted standing as a  
20 protestant, the ABC Board can do that.

21 MS. BARNES: Okay.

22 MEDIATOR FLETCHER: But for the purpose

1 of Roll Call this is what I have to do. But the  
2 Board has the final word. So, if you have some  
3 reason that you didn't include -- for whatever  
4 reason you want them to consider granting you  
5 standing as a group you can just say that and  
6 they can grant you standing, and if that happens  
7 I'll know, I'll contact you, and I'm about to  
8 give some dates for a mediation, a status hearing  
9 and a protest hearing and if the Board decides to  
10 grant your group standing, if you decide to ask  
11 them to, then I'll be in touch with you, because  
12 then you will participate in the mediation.

13 MS. BARNES: The mediation.

14 MEDIATOR FLETCHER: And the status  
15 hearing. Yep, then you will become a part of the  
16 protest. So, the group of 23 is dismissed. Ms.  
17 Barnes, you're going to receive that order like I  
18 explained, and then we go from there. If you  
19 decide you don't want to ask the Board to  
20 reconsider this decision, then Ms. Cuthbert being  
21 from the ANC represents everybody in your  
22 community. That's the way we look at the ANC.

1 So, I'm going to give the dates for a status  
2 hearing and a protest hearing first. The status  
3 hearing in this case is set for January 20. It's  
4 January 20 at 9:30 a.m. and Ms. Barnes you can  
5 jot these dates down because if you seek standing  
6 and the Board grants it then you would need to  
7 appear for these hearings also. So, the status  
8 hearing was January 20 at 9:30. The protest  
9 hearing is February 24 at 4:30 p.m. And we're  
10 going to set a date for mediation to try to  
11 resolve the protest if we can, if the parties can  
12 resolve the protest issues and submit to the  
13 Board a settlement agreement for review, then  
14 there's no status or protest hearing, they'll  
15 cancel it. Otherwise, you just go on through to  
16 the protest hearing. So the next available date  
17 for mediation is Thursday, January 14th. That's  
18 Thursday, January 14. It can be at 9:00, 10:00,  
19 11:00 or 1:00 in the afternoon.

20 MS. BARNES: 10:00.

21 MEDIATOR FLETCHER: 10:00 is good for  
22 you? Ms. Cuthbert is that good for you on the

1 other side?

2 MS. CUTHBERT: Yes.

3 MEDIATOR FLETCHER: So, mediation is set  
4 for 10:00 on January 14. And Ms. Cuthbert, do  
5 we, did you put your e-mail address on that  
6 sheet?

7 MS. CUTHBERT: On this sheet, yes.

8 MEDIATOR FLETCHER: Thank you.

9 MS. CUTHBERT: Because I haven't been  
10 getting the notices.

11 MEDIATOR FLETCHER: Yeah, I was gonna --  
12 I noticed that when I looked at the record, so  
13 I'm glad you're here, because I looked through  
14 the file and I didn't see the notice had been  
15 sent to you, and so I'm going to make sure that  
16 changes.

17 MS. CUTHBERT: Okay.

18 MEDIATOR FLETCHER: That's why I wanted  
19 to be sure today. Thank you. I'm glad you  
20 showed up. I knew you'd be here.

21 MS. CUTHBERT: Yes.

22 MEDIATOR FLETCHER: But, you didn't get a

1 notice right?

2 MS. CUTHBERT: Right I didn't get a  
3 notice. But the Commissioner got a notice and  
4 she let me know.

5 MEDIATOR FLETCHER: Well you're going to  
6 get the next one.

7 MS. CUTHBERT: Okay.

8 MEDIATOR FLETCHER: Any questions at all?  
9 Okay. Thank you for coming.

10 MS. BARNES: Thank you.

11 MS. CUTHBERT: Thank you. Happy holiday.

12 MS. BARNES: Thank you. The Roll Call  
13 Hearing is concluded.

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