

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

p-----»

IN THE MATTER OF: :

:

Assefa Kidane t/a :

Manchester Bar and :

Restaurant :

944 Florida Avenue, N.W. :

License #ABRA-075377 :

Retailer CR - License :

Renewal :

Case #13-PRO-00166 :

p-----¹/₄

MONDAY, DECEMBER 09, 2013

+ + + + +

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.

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

(10:10 a.m.)

MS. FLETCHER: This is Case No.

13-PRO-00166. Assefa --

Excuse me. If you could be silent in the back so that the court reporter can hear. Thank you.

This is Assefa Kidan, trading as Manchester Bar and Restaurant, 944 Florida Avenue, N.W., License No. ABRA-075377.

This is a Retailer CT License Renewal. The protest issues are adverse impact on peace, order and quiet, residential parking and real property values.

My name is La Verne 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.

Your name, sir?

MR. LeFANDE: Good morning, Ms.

1 Fletcher. Matthew LeFande, a member of the
2 District of Columbia Bar. I am standing in
3 for Manual Empress, who is the attorney for
4 the Applicant, Manchester Bar and Restaurant.

5 MS. FLETCHER: And, Matthew, would
6 you please spell your full name for the court
7 reporter.

8 MR. LeFANDE: Yes. It is M-a-t-t-
9 h-e-w, L-e-F-a-n-d-e.

10 MS. FLETCHER: And would you
11 please put your contact information on that
12 sheet on the table before you leave.

13 MR. LeFANDE: Okay.

14 MS. FLETCHER: And, present on
15 behalf of the Protestants. If you would just
16 state your name and spell it for the court
17 reporter, please.

18 MR. PINKNEY: My name is Walter
19 Pinkney, P-n-k-n-e-y.

20 MS. FLETCHER: Just a second. Did
21 you say Walter?

22 MR. PINKNEY: Yes.

1 MS. FLETCHER: P-i-n-k-n-e-y?

2 MR. PINKNEY: Yes.

3 MS. FLETCHER: Okay. And your
4 name, ma'am?

5 MS. POOLE: My name is Josephine
6 Poole.

7 MS. FLETCHER: Would you spell it
8 for the record, please.

9 MS. POOLE: J-o-s-e-p-h-i-n-e, P-
10 o-o-l-e.

11 MS. FLETCHER: Thank you.

12 MR. RILEY: W. David Riley, R-i-l-
13 e-y.

14 MS. FLETCHER: Thank you.

15 And your name, ma'am?

16 MS. BRANNUM: Ella Brannum, B-r-a-
17 n-n-u-m.

18 MS. FLETCHER: B-r-a --

19 MS. BRANNUM: n-n-u-m.

20 MS. FLETCHER: And what is the
21 first name?

22 MS. BRANNUM: Ella.

1 MS. FLETCHER: E-l-l-a?

2 MS. BRANNUM: Yes.

3 MS. FLETCHER: Thank you.

4 And your name, ma'am?

5 MS. McGRUDER: Joan --

6 MS. FLETCHER: Can you speak into
7 the microphone.

8 MS. McGRUDER: Joan McGruder, M-c-
9 G-r-u-d-e-r.

10 MS. FLETCHER: Thank you.

11 And you each signed the protest
12 letter?

13 MS. POOLE: Yes.

14 MR. PINKNEY: Yes.

15 MR. RILEY: Yes.

16 MS. BRANNUM: Yes.

17 MS. McGRUDER: Yes.

18 MS. FLETCHER: You have each
19 signed the protest letter. Do you have a
20 designated representative for your group
21 today? Is anyone in particular going to
22 represent the group?

1 Mr. -- who is that going to be?

2 MR. PINKNEY: I am going to
3 represent the group.

4 MS. FLETCHER: So, Walter Pinkney
5 is going to represent the group.

6 MR. PINKNEY: Yes.

7 MS. FLETCHER: Are you all in
8 agreement with that?

9 MS. POOLE: Yes.

10 MR. PINKNEY: Yes.

11 MR. RILEY: Yes.

12 MS. BRANNUM: Yes.

13 MS. McGRUDER: Yes.

14 MS. FLETCHER: And do you have any
15 letters of designation --

16 MR. PINKNEY: Yes.

17 MS. FLETCHER: -- from any other
18 members of your group?

19 MR. PINKNEY: Yes, I do.

20 MS. FLETCHER: I will take those.
21 And these individuals also signed
22 the protest letter?

1 MR. PINKNEY: Yes.

2 MS. FLETCHER: Thank you very
3 much.

4 Mr. Riley, this is just a notice
5 to appear today, so I will give this back to
6 you. So, I have one letter from you.

7 Standing is granted to a group of
8 six. In your case, there were approximately
9 22 people that signed your protest letter, but
10 only six of you are represented today. Five
11 of you are present, and I have one letter of
12 designation.

13 So, standing is being granted to a
14 group of six, including you five and the one
15 person who designated a representative.

16 Mr. Pinkney, you are the
17 designated representative. Did you put your
18 contact information on that sheet? If you
19 would do that, your contact information.

20 So, there is one protest --
21 protest group in this matter, a group of six.

22 I am going to give you a date for

1 a mediation. I don't have dates for status
2 and protest hearings to give to you today, so
3 for today, I am only going to schedule a date
4 for a mediation.

5 Mr. Pinkney, the mediation is to
6 allow the parties an opportunity to resolve
7 the protest issues. It is required that the
8 parties meet with the licensee in an attempt
9 to resolve the protest issues.

10 Do you have a question?

11 MR. PINKNEY: The purpose of this
12 hearing today is for what?

13 MS. FLETCHER: The purpose of the
14 hearing today is to determine who the parties
15 are and to address any preliminary matters
16 that may come up.

17 But, the primary purpose is to
18 establish who the parties are. And, in this
19 case, there is one protest group, a group of
20 six that has standing as protestants.

21 So, the group that you represent
22 are considered protestants in this matter.

1 That is what was done today.

2 The next step is for you to have
3 an opportunity to meet with the licensee in an
4 attempt to resolve your concerns.

5 Any other questions?

6 MR. PINKNEY: Yes. One question.
7 This seems to be fruitless.

8 MS. FLETCHER: Yes, we have to do
9 it, anyway. So --

10 MR. PINKNEY: Well, -- well, I am
11 just -- I am just stating my --

12 MS. FLETCHER: Yes. That is okay,
13 Mr. Pinkney. For the purpose of today, that
14 is all we are doing. We are just --

15 Are you a part of this group?

16 MS. RILEY: Yes.

17 MS. FLETCHER: And what is your
18 name, ma'am?

19 MS. RILEY: Davechia Riley.

20 MS. FLETCHER: Could you say that
21 in the microphone and spell it for the court
22 reporter, please.

1 MS. RILEY: Davechia Riley, D-a-v-
2 e-c-h-i-a. Last name Riley, R-i-l-e-y.

3 MS. FLETCHER: And did you say
4 Deborah?

5 MS. RILEY: I said Davechia.

6 MS. FLETCHER: What -- oh. Can
7 you say that again.

8 MS. RILEY: Davechia.

9 MS. FLETCHER: Just a little bit
10 further.

11 MS. RILEY: Davechia.

12 MS. FLETCHER: Could you spell it
13 again.

14 MS. RILEY: D-a-v-e-c-h-i-a.

15 MS. FLETCHER: And did you sign
16 the protest letter?

17 MS. RILEY: Yes.

18 MS. FLETCHER: Okay. Thank you.
19 So your group just became a group of seven.

20 Any concerns that you have, Mr.
21 Pinkney, my card is on the table. My name is
22 La Verne Fletcher. If you have any concerns

1 or questions about what happens next, give me
2 a call beyond today.

3 MR. PINKNEY: What is next? That
4 is the -- that is the --

5 MS. FLETCHER: What is next? What
6 is next is mediation.

7 MR. PINKNEY: But that didn't
8 answer my question. When is this mediation
9 date?

10 MS. FLETCHER: We are going to set
11 a date for mediation.

12 MR. PINKNEY: I mean, will this be
13 done in 24 hours or 48 hours or --

14 MS. FLETCHER: I am going to give
15 you the next available dates on the calendar.
16 So, let me do that.

17 The next available dates for -- we
18 are into -- we are into -- don't be worried.
19 I am going to see if we have anything left in
20 January, though.

21 We actually do have a date
22 available on Thursday, January 30, for

1 mediation.

2 Yes, Mr. Pinkney.

3 MR. PINKNEY: This seems to be a
4 fiasco.

5 MS. FLETCHER: I am sorry.

6 MR. PINKNEY: This seems to be a
7 fiasco. In other words, it is my
8 understanding -- it is my understanding when
9 matters are brought before the ABC Board, the
10 ABC Board is supposed to review those matters.

11 MS. FLETCHER: Yes.

12 MR. PINKNEY: And determine
13 whether or not it is equitable or inequitable
14 --

15 MS. FLETCHER: That is not what
16 happens at this stage. At this stage we
17 schedule a mediation, in an attempt for the
18 parties to come together to try to resolve the
19 protest issues.

20 If that cannot be done, then a
21 protest hearing is conducted where the ABC
22 Board makes a decision about whether or not

1 the license will be renewed.

2 MR. PINKNEY: Well, then --

3 MS. FLETCHER: The next -- Mr.

4 Pinkney, I am only going to have to cut you

5 short because I have got to keep moving. We

6 have to move to the next step, which is to set

7 the date for mediation, and then call me with

8 any questions that you have.

9 The next available date for

10 mediation is Thursday, January 30. Mediation

11 can be held on that day at nine, ten, eleven

12 or one. Is that a good thing for you?

13 MR. LeFANDE: It is not -- not for

14 me, but I am standing in for someone else.

15 But, what are the dates we have after that?

16 MS. FLETCHER: The next available

17 date after that is Tuesday, February 4.

18 MR. PINKNEY: No. No, ma'am, I

19 can't -- I can't put up with nonsense that

20 long.

21 MS. FLETCHER: Mr. Pinkney.

22 MR. PINKNEY: I am serious.

1 MS. FLETCHER: Mr. Pinkney, the
2 next available date for mediation is February
3 4th. If you are representing your party, you
4 are going to have to select a date.

5 The next available date is
6 February 4th.

7 (Off-mic comment.)

8 MR. LeFANDE: I have got a
9 conflict for that day.

10 MS. FLETCHER: There is a conflict
11 on the other side.

12 (Off-mic comments.)

13 MS. FLETCHER: Mr. Pinkney, this
14 is what I am -- let me tell you what I am
15 going to have to do.

16 MR. PINKNEY: Yes. I want to hear
17 what you have to do.

18 MS. FLETCHER: I am going to set
19 this date for a mediation. If you are not
20 available on any particular day that you can
21 agree upon today, I am going to set the date
22 based on the availability of the Applicant,

1 and we will talk later about when you are
2 available.

3 MR. PINKNEY: It is not a matter
4 of my being available.

5 MS. FLETCHER: So, Mr. LeFande.
6 Mr. LeFande.

7 MR. LeFANDE: I am sorry.

8 MS. FLETCHER: Are you available
9 on February 4th?

10 MR. LeFANDE: The 4th is fine.
11 Thank you.

12 MS. FLETCHER: At nine, ten,
13 eleven or one?

14 MR. LeFANDE: Ten or eleven,
15 please.

16 MR. PINKNEY: No.

17 MS. FLETCHER: Okay. What time?

18 MR. LeFANDE: Ten or eleven is
19 fine.

20 MS. FLETCHER: Mr. Pinkney, are
21 you available on February 4 at ten or eleven?

22 MR. PINKNEY: I want nine o'clock

1 in the morning. I can't keep going over this
2 stuff --

3 MS. FLETCHER: Can we try for nine
4 in the morning? What do you think?

5 MR. LeFANDE: That is not going to
6 -- that is not going to work. It should be
7 ten or eleven.

8 MS. FLETCHER: Okay. I am going
9 to -- this is what I am going to do. This is
10 what I am going to do.

11 I am going to offer one other date
12 at nine, and if that doesn't work, we are
13 going to keep moving.

14 What about Thursday, February 6th,
15 is nine ever going to be good for Mr. Empress?

16 MR. PINKNEY: No.

17 MR. LeFANDE: It is just -- it is
18 just a matter of -- it just kills an hour of
19 the day for him just to sit and -- we prefer
20 to have permission --

21 MR. PINKNEY: Yes.

22 MR. LeFANDE: I mean, if you have

1 it available --

2 MS. FLETCHER: I am going to set
3 the mediation for nine o'clock. I am going to
4 set the mediation for nine o'clock on
5 Thursday, February 6th.

6 MR. PINKNEY: Ms. Fletcher, I have
7 a question. What happens in the interim with
8 all these --

9 MS. FLETCHER: Nothing happens
10 during the interim.

11 MR. PINKNEY: So they do what they
12 want to do? Are you telling me that?

13 MS. FLETCHER: Okay. Mediation is
14 set for February 6th at nine in the matter of
15 Manchester.

16 Any questions about the time for
17 mediation?

18 (No response.)

19 MS. FLETCHER: Okay. Thank you.
20 The roll call hearing is concluded. The roll
21 call hearing is concluded. All the parties
22 seated at the table at the present time need

1 to move to the back. It is time for me to
2 call the next case.

3 Mr. Pinkney, if you have any
4 questions, please --

5 MR. PINKNEY: I have some major
6 questions.

7 MS. FLETCHER: Okay. Call me.

8 MR. PINKNEY: I don't need to call
9 you. You need to call me --

10 MS. FLETCHER: Okay.

11 MR. PINKNEY: -- and come see what
12 is going on at the restaurant.

13 MS. FLETCHER: Okay. All right.
14 Thank you.

15 (Whereupon, the Roll Call Hearing
16 was concluded at 10:22 a.m.)

<p>A</p> <p>a.m 2:2 18:16 ABC 12:9,10,21 ABRA-075377 1:12 2:10 address 8:15 adverse 2:12 agent 1:22 2:17 agree 14:21 agreement 6:8 Alcoholic 1:3,18,19 allow 8:6 answer 11:8 anyway 9:9 appear 7:5 Applicant 2:20 3:4 14:22 approximately 7:8 Assefa 1:10 2:4,8 attempt 8:8 9:4 12:17 attorney 3:3 availability 14:22 available 11:15,17 11:22 13:9,16 14:2,5,20 15:2,4,8 15:21 17:1 Avenue 1:12 2:10</p>	<p>C</p> <p>calendar 11:15 call 1:5 2:16 11:2 13:7 17:20,21 18:2,7,8,9,15 card 10:21 case 1:14 2:3 7:8 8:19 18:2 Code 2:17 Columbia 1:1 3:2 come 8:16 12:18 18:11 comment 14:7 comments 14:12 concerns 9:4 10:20 10:22 concluded 17:20,21 18:16 conducted 12:21 conducting 2:16 conflict 14:9,10 considered 8:22 contact 3:11 7:18 7:19 Control 1:3,18,19 court 2:6 3:6,16 9:21 CR 1:13 CT 2:11 cut 13:4</p>	<p>Deborah 10:4 DECEMBER 1:16 decision 12:22 designated 5:20 7:15,17 designation 6:15 7:12 determine 8:14 12:12 District 1:1 3:2 doing 9:14</p> <p>E</p> <p>e-c-h-i-a 10:2 E-l-l-a 5:1 e-y 4:13 eleven 13:11 15:13 15:14,18,21 16:7 Ella 4:16,22 Empress 3:3 16:15 equitable 12:13 establish 8:18 Excuse 2:5</p>	<p>fruitless 9:7 full 3:6 further 10:10</p> <p>G</p> <p>G-r-u-d-e-r 5:9 give 7:5,22 8:2 11:1 11:14 going 5:21 6:1,2,5 7:22 8:3 11:10,14 11:19 13:4 14:4 14:15,18,21 16:1 16:5,6,8,9,10,11 16:13,15 17:2,3 18:12 good 2:22 13:12 16:15 granted 7:7,13 group 5:20,22 6:3,5 6:18 7:7,14,21,21 8:19,19,21 9:15 10:19,19</p> <p>H</p> <p>h-e-w 3:9 happens 11:1 12:16 17:7,9 hear 2:7 14:16 hearing 1:5,19 2:16 8:12,14 12:21 17:20,21 18:15 hearings 8:2 held 13:11 hour 16:18 hours 11:13,13</p>	<p>J</p> <p>J-o-s-e-p-h-i-n-e 4:9 January 11:20,22 13:10 Joan 5:5,8 Josephine 4:5</p> <p>K</p> <p>keep 13:5 16:1,13 Kidan 2:8 Kidane 1:10 kills 16:18</p> <p>L</p> <p>L-e-F-a-n-d-e 3:9 La 1:21 2:15 10:22 leave 3:12 LeFANDE 2:22 3:1 3:8,13 13:13 14:8 15:5,6,7,10,14,18 16:5,17,22 left 11:19 letter 5:12,19 6:22 7:6,9,11 10:16 letters 6:15 license 1:12,13 2:10 2:11 13:1 licensee 8:8 9:3 little 10:9 long 13:20</p>
<p>B</p> <p>B-r-a 4:16,18 back 2:6 7:5 18:1 Bar 1:10 2:9 3:2,4 based 14:22 beginning 2:19 behalf 3:15 Beverage 1:3,18,19 beyond 11:2 bit 10:9 Board 1:3,19 12:9 12:10,22 Board's 2:17 Brannum 4:16,16 4:19,22 5:2,16 6:12 brought 12:9 Building 1:19</p>	<p>D</p> <p>D-a-v 10:1 D-a-v-e-c-h-i-a 10:14 D.C 1:21 2:17 date 7:22 8:3 11:9 11:11,21 13:7,9 13:17 14:2,4,5,19 14:21 16:11 dates 8:1 11:15,17 13:15 Davechia 9:19 10:1 10:5,8,11 David 4:12 day 13:11 14:9,20 16:19</p>	<p>F</p> <p>February 13:17 14:2,6 15:9,21 16:14 17:5,14 fiasco 12:4,7 fine 15:10,19 first 4:21 five 7:10,14 Fletcher 1:22 2:3 2:15 3:1,5,10,14 3:20 4:1,3,7,11,14 4:18,20 5:1,3,6,10 5:18 6:4,7,14,17 6:20 7:2 8:13 9:8 9:12,17,20 10:3,6 10:9,12,15,18,22 11:5,10,14 12:5 12:11,15 13:3,16 13:21 14:1,10,13 14:18 15:5,8,12 15:17,20 16:3,8 17:2,6,9,13,19 18:7,10,13 Florida 1:12 2:9</p>	<p>I</p> <p>impact 2:13 including 7:14 individuals 6:21 inequitable 12:13 information 3:11 7:18,19 interim 17:7,10 Introductions 2:19 issues 2:12 8:7,9 12:19</p>	<p>M</p> <p>M-a-t-t 3:8 M-c 5:8 ma'am 4:4,15 5:4 9:18 13:18 major 18:5 Manchester 1:10 2:9 3:4 17:15 Manual 3:3 matter 1:9 7:21 8:22 15:3 16:18 17:14 matters 8:15 12:9 12:10 Matthew 3:1,5</p>

McGRUDER 5:5,8 5:8,17 6:13 mean 11:12 16:22 mediation 8:1,4,5 11:6,8,11 12:1,17 13:7,10,10 14:2 14:19 17:3,4,13 17:17 meet 8:8 9:3 member 3:1 members 6:18 met 1:19 microphone 5:7 9:21 MONDAY 1:16 morning 2:22 16:1 16:4 move 13:6 18:1 moving 13:5 16:13	<hr/> P P 4:9 P-i-n-k-n-e-y 4:1 P-n-k-n-e-y 3:19 P-R-O-C-E-E-D-... 2:1 parking 2:14 part 9:15 particular 5:21 14:20 parties 8:6,8,14,18 12:18 17:21 party 14:3 peace 2:13 people 7:9 permission 16:20 person 7:15 Pinkney 3:18,19,22 4:2 5:14 6:2,4,6 6:10,16,19 7:1,16 8:5,11 9:6,10,13 10:21 11:3,7,12 12:2,3,6,12 13:2,4 13:18,21,22 14:1 14:13,16 15:3,16 15:20,22 16:16,21 17:6,11 18:3,5,8 18:11 please 2:20 3:6,11 3:17 4:8 9:22 15:15 18:4 Poole 4:5,6,9 5:13 6:9 prefer 16:19 preliminary 8:15 present 3:14 7:11 17:22 presiding 1:22 primary 8:17 property 2:14 protest 2:12 5:11 5:19 6:22 7:9,20 7:21 8:2,7,9,19 10:16 12:19,21 protestants 3:15 8:20,22 purpose 8:11,13,17	9:13 pursuant 2:17 put 3:11 7:17 13:19 <hr/> Q question 8:10 9:6 11:8 17:7 questions 9:5 11:1 13:8 17:16 18:4,6 quiet 2:13 <hr/> R R-i-l 4:12 R-i-l-e-y 10:2 real 2:14 record 4:8 Reeves 1:19 Renewal 1:13 2:12 renewed 13:1 reporter 2:6 3:7,17 9:22 represent 5:22 6:3 6:5 8:21 representative 5:20 7:15,17 represented 7:10 representing 14:3 required 8:7 residential 2:13 resolve 8:6,9 9:4 12:18 response 17:18 restaurant 1:11 2:9 3:4 18:12 Retailer 1:13 2:11 review 12:10 right 18:13 Riley 4:12,12 5:15 6:11 7:4 9:16,19 9:19 10:1,1,2,5,8 10:11,14,17 roll 1:5 2:16 17:20 17:20 18:15 Room 1:19 <hr/> S schedule 8:3 12:17 seated 17:22	second 3:20 see 11:19 18:11 select 14:4 serious 13:22 set 11:10 13:6 14:18,21 17:2,4 17:14 seven 10:19 sheet 3:12 7:18 short 13:5 side 14:11 sign 10:15 signed 5:11,19 6:21 7:9 silent 2:5 sir 2:21 sit 16:19 six 7:8,10,14,21 8:20 sorry 12:5 15:7 speak 5:6 spell 3:6,16 4:7 9:21 10:12 stage 12:16,16 standing 3:2 7:7,13 8:20 13:14 state 3:16 stating 9:11 status 8:1 step 9:2 13:6 Street 1:21 stuff 16:2 supposed 12:10 <hr/> T t/a 1:10 table 3:12 10:21 17:22 take 6:20 talk 15:1 tell 14:14 telling 17:12 ten 13:11 15:12,14 15:18,21 16:7 p 1:8,14 Thank 2:7 4:11,14 5:3,10 7:2 10:18	15:11 17:19 18:14 thing 13:12 think 16:4 Thursday 11:22 13:10 16:14 17:5 time 15:17 17:16,22 18:1 today 5:21 7:5,10 8:2,3,12,14 9:1,13 11:2 14:21 trading 2:8 try 12:18 16:3 Tuesday 13:17 <hr/> U understanding 12:8,8 <hr/> V values 2:14 Verne 1:21 2:15 10:22 <hr/> W W 4:12 Walter 3:18,21 6:4 want 14:16 15:22 17:12 Washington 1:21 words 12:7 work 16:6,12 worried 11:18 <hr/> X <hr/> Y <hr/> Z <hr/> 0 09 1:16 <hr/> 1 10:10 2:2 10:22 18:16 13-PRO-00166 1:14 2:4 14th 1:19 1601.2 2:18
---	---	---	---	---

2				
2000 1:19				
2013 1:16				
22 7:9				
24 11:13				
3				
30 11:22 13:10				
4				
4 13:17 15:21				
48 11:13				
4th 14:3,6 15:9,10				
5				
6				
6th 16:14 17:5,14				
7				
8				
9				