

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

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6 IN THE MATTER OF: :

7 E and K, Inc.: Case #16-PRO-00101

8 t/a Champion Kitchen :

9 7730 Georgia Ave NW :

10 License #103055 :

11 Retailer CR :

12 ANC 4A :

13 Application for a New License :

14 - - - - -X

15 Wednesday, November 30, 2016

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

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2 BOARD MEMBERS PRESENT

3 DONOVAN ANDERSON, CHAIRMAN

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 JAKE PERRY, BOARD MEMBER

8

9 ALSO PRESENT:

10 JEFF JACKSON

11 EYOB WORKU

12 EDMUND ATKINS

13

14

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

2

3 CHAIRPERSON ANDERSON: Good morning  
4 everyone. I would like to welcome you to the  
5 regularly scheduled meeting of the District of  
6 Columbia Alcoholic Beverage Control Board.  
7 Please note that today's hearings will be  
8 conducted in accordance with D.C. Official Code  
9 Section 2574 of the Open Meetings Act. Today is  
10 November 30, 2016. I would like to introduce  
11 members of the Board with us today. To my far  
12 right is Mr. Jake Perry, to my immediate right is  
13 Mr. Nick Alberti, to my far left is Mr. Mike  
14 Silverstein and to my immediate left is Mr. James  
15 Short. My name is Donovan Anderson and I am the  
16 Chairman of the Board. The Board has five  
17 members in attendance for the conduct of business  
18 today and that constitutes a quorum.

19 I would like to mention two things before we  
20 get started. First of all, if you have any  
21 electronic devices, pagers, cells phones or such,  
22 please make certain that they are turned off to

1 avoid any interruption of the proceedings.

2 Secondly, there is a piece of paper on each  
3 table. When you come forward as your case is  
4 called, please take a seat at the table and  
5 please sign in. This is to ensure the correct  
6 spelling of your name for the record.

7 Additionally, when you introduce yourself for the  
8 record, please spell your name aloud for the  
9 court reporter. I will note that the  
10 approximately time is 9:45 and our first order of  
11 business today.

12 Our first case is protest hearing status case  
13 #16-PRO-00101, Champion Kitchen, license #103055.  
14 Will the parties please approach and identify  
15 themselves for the record, please?

16 MR. JACKSON: Jeff Jackson representing the  
17 applicant.

18 CHAIRPERSON ANDERSON: Good morning.

19 MR. WORKU: Eyob Worku. I'm the owner of  
20 Champion Kitchen.

21 MR. ATKINS: Edmund Atkins representing  
22 Shepherd Park Citizens' Association.

1 CHAIRPERSON ANDERSON: Good morning. Are  
2 there any preliminary matters in this case?

3 MR. JACKSON: Yes, we met and we are in the  
4 process of trying to reach a settlement  
5 agreement.

6 CHAIRPERSON ANDERSON: And the Citizens'  
7 Association was granted status at the roll call  
8 hearing, is that correct?

9 MR. JACKSON: Yes, they were.

10 CHAIRPERSON ANDERSON: Okay. The purpose of  
11 a protest hearing is to determine the  
12 appropriateness of the establishment in the  
13 section of the district where the establishment  
14 is located. This matter is scheduled for protest  
15 hearing on January 11, 2017, at 1:30 p.m. Now  
16 that we're scheduled for a protest hearing there  
17 are a few things I would like to instruct the  
18 applicants and the protestants about so that the  
19 protest hearing is focused and addresses only  
20 those issues that are being protested. The board  
21 does not intend to hear testimony in matters that  
22 are not relevant to this case. You should have

1 received by electronic or regular mail a letter  
2 explaining the protest process, a copy of the  
3 protest information form, and a copy of an  
4 exhibit form. If you do not have these  
5 documents, please contact our assistant general  
6 counsel, Ms. April Randall, following the  
7 hearing. It is imperative that you review the  
8 rules closely and adhere to them before and  
9 during the protest hearing. You are also  
10 required to complete and submit the protest  
11 information form, PIP, and the exhibit form seven  
12 days before the date of the hearing. These two  
13 forms and accompanying documents need to be  
14 submitted to ABRA's legal division and to all  
15 opposing parties in this matter.

16 If we do not receive a copy of your PIP, your  
17 application or your protest, whichever side  
18 you're representing, may be subject to dismissal.  
19 Likewise, if we do not receive a copy of the  
20 exhibit form and the exhibits themselves, your  
21 exhibits may be excluded from the record upon a  
22 finding that the opposing party has been

1 prejudiced or no good cause for failure to submit  
2 has been shown. Likewise, witnesses other than  
3 the party may also be subject to exclusion if not  
4 identified in the PIP. Accordingly, these forms  
5 are very important, they greatly assist the Board  
6 in narrowing the protest issues, facilitating the  
7 process and keeping the parties on point during  
8 the hearing. They likewise provide notice to  
9 opposing parties enabling them to better prepare  
10 for the hearing.

11 We thank you greatly for your cooperation.  
12 If you have any questions today or at any time  
13 leading up to the hearing, please do not hesitate  
14 to contact Ms. Randall at 202-442-4353. Thank  
15 you.

16 As I said before, the hearing is scheduled  
17 for January 11th at 1:30 p.m. Good luck in your  
18 negotiations. Yes, sir?

19 MR. ATKINS: I didn't want to interrupt but I  
20 do have a question.

21 CHAIRPERSON ANDERSON: Yes, sir?

22 MR. ATKINS: In terms of the protest hearing,

1 if we reach a settlement agreement, and I'll be  
2 in touch with them hopefully by the end of the  
3 week or early next week to set up another  
4 negotiation session, will we -- if we reach a  
5 settlement agreement is there still a need for a  
6 protest hearing?

7 CHAIRPERSON ANDERSON: No, if you receive a  
8 settlement agreement the parties need to provide  
9 the settlement agreement to the board, the board  
10 will review the settlement agreement, and then  
11 we'll dismiss the matter.

12 MR. ATKINS: When would the -- if the protest  
13 hearing is the 11th and let's say we reach a  
14 settlement agreement on the 9th -- I'm just  
15 tossing dates out --

16 CHAIRPERSON ANDERSON: You can provide a  
17 settlement agreement to us at any point --

18 MR. ATKINS: At any point?

19 CHAIRPERSON ANDERSON: -- and both parties  
20 would ask us to postpone -- you can postpone the  
21 protest hearing for us to review, because the  
22 board has to review and sign off on the

1 settlement agreement, so provide us with the  
2 settlement agreement, the board will review it  
3 and make a determination, so at any point prior  
4 to the proceedings you can show up at a daily  
5 hearing with a settlement agreement and what we  
6 will do is we would continue the hearing to give  
7 the board an opportunity to review it. If we  
8 agree with it, then the matter disappears.

9 MR. ATKINS: Okay.

10 CHAIRPERSON ANDERSON: The goal -- at least  
11 my goal is for the parties to settle it, not for  
12 us to make a decision because you know what is in  
13 your best interests, so our goal is for you to  
14 negotiate -- come up with an agreement, give us  
15 the agreement, we will review it, sign off on it  
16 and the matter goes away.

17 MR. SILVERSTEIN: Mr. Chairman?

18 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein?

19 MR. SILVERSTEIN: If I could make a plea to  
20 both sides here. We are currently in the renewal  
21 process with 1200 licenses being renewed, or more  
22 than that, and we have a very full calendar.

1 We've set this time aside for you and if you can  
2 reach an agreement before the deadline, that way  
3 our staff doesn't have to go and compile a large  
4 protest hearing report for us and we can schedule  
5 that time for someone else. You have until the  
6 deadline, but it would be of great help to all of  
7 us if you're going to reach a settlement you do  
8 it sooner rather than later.

9 MR. ATKINS: Thank you very much sir. I'd  
10 like to point out that we're moving as quickly as  
11 we can. I will note that we're in the holiday  
12 season and some of our community members do have  
13 family and other obligations.

14 MR. SILVERSTEIN: Of course.

15 MR. ATKINS: So we may not -- that may  
16 preclude us from doing it in as an expeditious  
17 manner as we would like to do, so we'll do our  
18 best to meet the deadline.

19 MR. SILVERSTEIN: That's all we can ask.

20 CHAIRPERSON ANDERSON: Well, the long and  
21 short of it is that if both parties know that the  
22 matter is going to be settled then you can

1 basically ask the board, both parties can ask the  
2 board, rather than -- I think what we'd rather  
3 have the protest hearing on the 17th than have  
4 another status. Say if the parties know and  
5 believe that they're going to settle, so, you can  
6 let us know as quickly as possible. Say that,  
7 for example, if you have agreed -- you have a  
8 settlement agreement but then, say for example,  
9 you need to have a meeting and if the meeting is  
10 two days before the hearing, but if you have the  
11 settlement agreement, say tomorrow you have a  
12 settlement agreement, but your group is not going  
13 to meet again until after January 11th to execute  
14 that settlement agreement, you can let us know  
15 that 'we have a settlement agreement but we need  
16 to vote,' and so, therefore, we can continue the  
17 hearing, so just let us know as quickly as  
18 possible.

19 MR. ATKINS: One last question. Ms. Randall  
20 is the contact in the legal counseling?

21 CHAIRPERSON ANDERSON: She is the assistant  
22 general council. Randall.

1 MR. ATKINS: Her number is 202 what?

2 CHAIRPERSON ANDERSON: I'm reading the script  
3 so I can figure out where in the script is the  
4 number. 202-442-4353, but she'll give you --  
5 we'll make sure she gives you her business card  
6 before you leave here, both parties, if you have  
7 any questions about anything during the process  
8 or timing, talk to her and we'll provide both  
9 sides the guidance that you request.

10 MR. ATKINS: I guess Ms. Randolph is present.

11 MR. SILVERSTEIN: Ms. Randall.

12 CHAIRPERSON ANDERSON: Randall, she'll --

13 MR. ATKINS: Oh, Randall.

14 CHAIRPERSON ANDERSON: She is present, you'll  
15 get her card. She'll give you her card in a  
16 couple of minutes.

17 MR. ATKINS: She can review for legal  
18 ramifications any settlement agreement that the  
19 two of us, to make sure it conforms with the  
20 practices?

21 MR. SHORT: She'll give you appropriate  
22 guidance.

1 CHAIRPERSON ANDERSON: You'll submit it to  
2 the board. Whatever questions that you have you  
3 can ask the agency. The agency will work with you  
4 to do whatever you need to do. At the end of the  
5 day, the board, we're the ones who review it and  
6 we're the ones who sign off on the settlement  
7 agreement. But whatever questions that you have  
8 about a settlement agreement prior to, the legal  
9 staff will provide you that guidance.

10 MR. ATKINS: Okay.

11 CHAIRPERSON ANDERSON: Okay?

12 MR. ATKINS: All right. I don't think I have  
13 any more questions. Thank you very much for your  
14 openness and accepting of my asking these  
15 questions.

16 CHAIRPERSON ANDERSON: You're welcome, sir.  
17 I think questions are good to ask because I don't  
18 want to see you January 11th, so whatever I can  
19 do to --

20 MR. ATKINS: I don't take that personally,  
21 sir.

22 CHAIRPERSON ANDERSON: It's not, because we

1 prefer that the parties work it out. I think  
2 that if the parties work it out then you can come  
3 to a meeting of the minds, then we sit here and  
4 we don't live in your neighborhood and so we're  
5 going to impose what conditions that we believe  
6 that both sides might not be happy, but if you  
7 work it out then both of you, that's why you have  
8 a settlement agreement, because you're going to  
9 be happy. If we make a decision someone's going  
10 to be unhappy. Okay?

11 MR. ATKINS: All right.

12 CHAIRPERSON ANDERSON: All right, thank you  
13 very much. And this is Ms. Randall.

14 MR. ATKINS: Yes, Ms. Randall, it's a  
15 pleasure to meet you. I'll be in touch, Ms.  
16 Randall.

17 CHAIRPERSON ANDERSON: Thank you very much.

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19 (Whereupon, the above-entitled matter was  
20 concluded.)

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