

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

2 10:08 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case No. 21-PRO-00002,
5 Chinatown Market, License No. 019616. Ms.
6 Andrews, can you please elevate the rights of the
7 licensee? I believe it's Mr. Kevin Lee who
8 represents the licensee and there is ANC 2C and
9 the 6th Street Flats. They're the two
10 protestants.

11 MS. ANDREWS: Sure. Stand by.

12 (Pause.)

13 MS. ANDREWS: Mr. Shankle, your rights
14 have been elevated.

15 MR. SHANKLE: Thank you.

16 MS. ANDREWS: Mr. Lee, your rights
17 have been elevated. I do believe that's all, Mr.
18 Chair. Oh, I'm sorry. There is a message in the
19 chat. Mr. O'Connor, I'm going to go ahead and
20 elevate your rights. Okay. That's all, Mr.
21 Chair.

22 CHAIRPERSON ANDERSON: Good morning,
23 everyone. I would like to the parties to please
24 identify themselves for the record. I would ask
25 that you first spell your name, and we'll start

1 with the licensee.

2 MR. LEE: Good morning, Board members.
3 My name is Kevin Lee representing Chinatown
4 Market in the matter of the protest.

5 CHAIRPERSON ANDERSON: And so Mr. Lee,
6 you're an attorney representing the licensee. Is
7 the licensee going to be here this morning?

8 MR. LEE: Yeah. He's not here today.
9 His name is Shu Kwan Ng.

10 CHAIRPERSON ANDERSON: Well --

11 MR. LEE: That's --

12 CHAIRPERSON ANDERSON: -- since you
13 gave the name, can you spell the name, please?

14 MR. LEE: Yeah, okay. S-H-U K-W-A-N,
15 last name, N-G.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. Let's go with the ANC. Could the ANC
18 please identify themselves and spell their name,
19 please?

20 MR. SHANKLE: Hi, I'm Michael Shankle,
21 M-I-C-H-A-E-L, last name, Shankle, S-H-A-N-K-L-E,
22 representing ANC 2C.

23 CHAIRPERSON ANDERSON: Good morning,
24 Mr. Shankle.

25 MR. SHANKLE: Good morning.

1 CHAIRPERSON ANDERSON: The group? Mr.
2 O'Connor?

3 MR. O'CONNOR: Good morning. How are
4 you doing, Mr. Anderson?

5 CHAIRPERSON ANDERSON: Good morning.

6 MR. O'CONNOR: My name is Doug
7 O'Connor; spelled D-O-U-G, last name, O,
8 apostrophe, C-O-N-N-O-R.

9 CHAIRPERSON ANDERSON: And who do you
10 represent, sir?

11 MR. O'CONNOR: I represent the
12 interests of the residents of Chinatown East,
13 also known as 6th Street Flats, address located -
14 - it's a condominium building at 809 6th Street,
15 Northwest, Washington, D.C. 20001.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you, sir. Mr. Lee, are there are any
18 preliminary matters that needs to be brought to
19 my attention?

20 MR. LEE: Yes, we had a mediation on
21 the 8th of February. And then we scheduled
22 another meeting on (audio interference). So we
23 have --

24 CHAIRPERSON ANDERSON: Hold on.

25 MR. LEE: -- scheduled a second

1 mediation.

2 CHAIRPERSON ANDERSON: Mr. Lee, your
3 internet connection was very spotty. So I need
4 you to repeat --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: I need you to
7 repeat everything --

8 MR. LEE: Okay.

9 CHAIRPERSON ANDERSON: -- that you
10 stated, please.

11 MR. LEE: Okay. I'll repeat that. We
12 had a mediation on February 8th. And then we
13 schedule another mediation, second mediation on
14 February 26th. That's a Friday.

15 CHAIRPERSON ANDERSON: All right.
16 Well, thank you --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: -- for bringing
19 that to my attention. Mr. --

20 MR. LEE: Thank you.

21 CHAIRPERSON ANDERSON: -- Shankle, any
22 preliminary matters that you want to bring to the
23 Board's attention?

24 MR. SHANKLE: No, other than that, we
25 are meeting outside of mediation on the 23rd as

1 well at the site to -- with all the parties to
2 kind of review some of the concerns that we have
3 in person.

4 CHAIRPERSON ANDERSON: Thank you. Mr.
5 O'Connor, any issues that you want to bring to
6 our attention?

7 MR. O'CONNOR: No, sir. I'm just here
8 to help verify. We look forward to resolving the
9 issue and working with Chinatown Market and
10 grateful to all parties. Thank you.

11 CHAIRPERSON ANDERSON: Well, I like to
12 hear that. I've always told folks that I prefer
13 that folks settle matters because this is your
14 community. And if you are able to settle the
15 matter without having a hearing to have the ABC
16 Board make a determination, then that works in
17 the best interest of the community.

18 If you can't settle it, then we'll
19 make a decision. But I always prefer when the
20 community settles its matters. At least at the
21 end of the day, everyone is happy.

22 But if it comes to the Board, someone
23 might be happy. Another person will not be
24 happy. And just as a technical issue, Mr.
25 O'Connor, you're given standing just as a group,

1 not as an abutting, just as -- is it as a group
2 or as an abutting neighbor? Which one?

3 MR. O'CONNOR: I'm sorry. A group or
4 as a what? I don't understand.

5 CHAIRPERSON ANDERSON: An abutting
6 neighbor. Which one were you given standing as,
7 your group? Was it a group of five or more, or
8 were you given standing as an abutting neighbor?
9 Do you know?

10 MR. O'CONNOR: We are more than five.
11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: -- technicality
13 of the question. But maybe Mr. Shankle can help
14 me.

15 MR. SHANKLE: They were given standing
16 as a group --

17 CHAIRPERSON ANDERSON: As a group?
18 Okay.

19 MR. SHANKLE: -- of 11, yes.

20 CHAIRPERSON ANDERSON: All right.

21 MR. SHANKLE: They are three doors
22 away from the property.

23 CHAIRPERSON ANDERSON: Just -- and I
24 just want to say just as a technical issue, I
25 just want to -- because we have had it sometimes,

1 so I'm just mentioning this to you. If a
2 settlement agreement is signed with ANC and if
3 you don't sign onto that settlement agreement,
4 unfortunately, you're going to lose your right to
5 protest this matter. I just want to say -- I
6 just want -- this is just as an FYI. So --

7 MR. O'CONNOR: Thank you. I
8 appreciate that.

9 CHAIRPERSON ANDERSON: Yeah, so it
10 would behoove you to work with the ANC because if
11 the ANC signs a settlement agreement as a group,
12 then the matter will be over. So --

13 MR. O'CONNOR: We love working with
14 the ANC. No problem.

15 CHAIRPERSON ANDERSON: All right.
16 This is just an FYI. And the only reason why I
17 mention it because we have groups come to us
18 after to say, we need to move forward with a
19 hearing because we still have our protest. And I
20 just want to let -- by operation of law, that's
21 just the way it is. Okay? So it's not personal.
22 I just want to let you know. Okay? All right.

23 I don't have a date at the moment to
24 provide for the protest hearing. But the Agency
25 will contact the parties shortly to provide a

1 date and time for the protest hearing. But I
2 hope we don't move to a protest hearing. I hope
3 that the parties settle this matter.

4 But anyway, now that we have scheduled
5 this matter or now that I've given you some idea
6 about what's going to happen and that the Board
7 will provide you a date shortly for the protest
8 hearing, there are a few things that I would like
9 to instruct you about because the Board's
10 practices under COVID-19 restrictions have
11 changed. As you know the Board's hearings are
12 conducted virtually. So it is more important
13 than ever that protest hearings are focused and
14 addresses only those issues that are being
15 protested.

16 Following this hearing, you will be
17 receiving an email from Associate General Counsel
18 April Randall that will include a copy of a
19 protest information form, PIF, and a copy of an
20 exhibit form as well as specific instructions for
21 the hearing. You are required to complete and
22 submit the PIF and exhibit forms at least seven
23 days before the date of the hearing. If we do
24 not receive a copy of your forms seven days
25 before the hearing, your application or your

1 protest may be subject to dismissal.

2 These documents need to be submitted
3 to ABRA.legal.gov to the -- and to the opposing
4 parties. Please know that these documents
5 greatly assist the Board in narrowing the protest
6 issues, facilitating the process, and keeping the
7 parties on point during the hearing. Each side
8 is limited to no more than five witnesses, and
9 you will have 60 minutes to present your case.

10 This includes all direct and cross-
11 examination. The Board does not intend to hear
12 testimony on matters that are not relevant to
13 those issues that are being protested. Any
14 questions by anyone?

15 MR. LEE: No, no.

16 CHAIRPERSON ANDERSON: All right. We
17 thank you greatly for your cooperation. If you
18 have any questions at any time leading up to the
19 hearing, please do not hesitate to contact
20 Associate General Counsel April Randall at 202-
21 329-6354. Or you can contact her by email at
22 april.randall2@dc.gov.

23 Thank you very much. Good luck with
24 your conversations. And as I tell folks, if I
25 don't see you in this forum at a protest hearing,

1 the Board will not take it personal. But good
2 luck in your negotiation. Thank you very much.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Have a great
5 day then. All right. Bye-bye.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:19 a.m.)

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| <p style="text-align: center;">A</p> <p>a.m 2:2 11:7 ABC 6:15 able 6:14 above-entitled 11:6 ABRA 1:21 ABRA.legal.gov 10:3 abutting 7:1,2,5,8 address 4:13 addresses 9:14 Agency 8:24 agreement 8:2,3,11 ahead 2:19 Alcoholic 1:2,13 ANC 1:8,23 2:8 3:17,17 3:22 8:2,10,11,14 Anderson 1:14,17 2:3 2:22 3:5,10,12,16,23 4:1,4,5,9,16,24 5:2,6 5:9,15,18,21 6:4,11 7:5,12,17,20,23 8:9 8:15 10:16 11:4 Andrews 1:21 2:6,11,13 2:16 anyway 9:4 apostrophe 4:8 application 1:9 9:25 appreciate 8:8 April 9:18 10:20 april.randall2@dc.gov 10:22 assist 10:5 Associate 9:17 10:20 attention 4:19 5:19,23 6:6 attorney 3:6 audio 4:22</p> | <p>CATO 1:17 Chair 2:18,21 Chairperson 1:14,17 2:3,22 3:5,10,12,16 3:23 4:1,5,9,16,24 5:2 5:6,9,15,18,21 6:4,11 7:5,12,17,20,23 8:9 8:15 10:16 11:4 changed 9:11 chat 2:19 Chinatown 1:6,23 2:5 3:3 4:12 6:9 COLUMBIA 1:1 come 8:17 comes 6:22 community 6:14,17,20 complete 9:21 concerns 6:2 condominium 4:14 conducted 9:12 connection 5:3 contact 8:25 10:19,21 Control 1:2,13 conversations 10:24 cooperation 10:17 copy 9:18,19,24 Counsel 1:22 9:17 10:20 COVID-19 9:10 cross- 10:10</p> | <p style="text-align: center;">F</p> <p>facilitating 10:6 February 1:12 4:21 5:12,14 first 2:25 five 1:23 7:7,10 10:8 Flats 1:23 2:9 4:13 focused 9:13 folks 6:12,13 10:24 Following 9:16 form 9:19,20 forms 9:22,24 forum 10:25 forward 6:8 8:18 Friday 5:14 FYI 8:6,16</p> <p style="text-align: center;">G</p> <p>General 9:17 10:20 given 6:25 7:6,8,15 9:5 GRANDIS 1:18 grateful 6:10 greatly 10:5,17 group 1:23 4:1 6:25 7:1 7:3,7,7,16,17 8:11 groups 8:17</p> <p style="text-align: center;">H</p> <p>H 1:7 HANSEN 1:18 happen 9:6 happy 6:21,23,24 hear 6:12 10:11 hearing 1:6 6:15 8:19 8:24 9:1,2,8,16,21,23 9:25 10:7,19,25 hearings 9:11,13 help 6:8 7:13 hesitate 10:19 Hi 3:20 Hold 4:24 hope 9:2,2</p> | <p>issue 6:9,24 7:24 issues 6:5 9:14 10:6,13</p> <p style="text-align: center;">J</p> <p>JAMES 1:19 JENI 1:18 JR 1:17,19</p> <p style="text-align: center;">K</p> <p>K-W-A-N 3:14 keeping 10:6 Kevin 1:22 2:7 3:3 known 4:13 Kwan 1:6 3:9</p> <p style="text-align: center;">L</p> <p>law 8:20 leading 10:18 Lee 1:22 2:7,16 3:2,3,5 3:8,11,14 4:17,20,25 5:2,8,11,20 10:15 Let's 3:17 License 1:7,10 2:5 licensee 2:7,8 3:1,6,7 Licensee's 1:22 limited 10:8 located 4:13 look 6:8 lose 8:4 love 8:13 luck 10:23 11:2</p> <p style="text-align: center;">M</p> <p>M-I-C-H-A-E-L 3:21 Market 1:6 2:5 3:4 6:9 matter 1:5 3:4 6:15 8:5 8:12 9:3,5 11:6 matters 4:18 5:22 6:13 6:20 10:12 mediation 4:20 5:1,12 5:13,13,25 meeting 1:3 4:22 5:25 Member 1:17,18,18,19 1:19 members 3:2 mention 8:17 mentioning 8:1 message 2:18 met 1:14 Michael 1:23 3:20 minutes 10:9 moment 8:23 morning 2:22 3:2,7,23 3:25 4:3,5 move 8:18 9:2</p> |
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Chinatown Market

Before: DCABRA

Date: 02-11-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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