

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Aki & Mueller Corporation

T/A Wheeler Market :

4133 Wheeler Road SE : Protest

License Renewal : Hearing

Retailer B :

License No. 88835 :

ANC 8E :

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MARCH 18, 2015

The Alcoholic Beverage Control
 Board met in the Alcoholic Beverage Control
 Hearing Room, Reeves Building, 2000 14th
 Street N.W., Washington, D.C., Chairperson
 Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

NICK ALBERTI, Member

HECTOR RODRIGUEZ, Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

HERMAN JONES, Member

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

2 9:43 a.m.

3 CHAIR MILLER: All right, so,
4 we're going to go to the next protest hearing
5 status case, 14-PRO-00075, Wheeler Market.
6 Are people here from that case?

7 (No audible response)

8 CHAIR MILLER: Wheeler Market,
9 located at 4133 Wheeler Road, Southeast.
10 Okay, come on forward.

11 License No. 88835 in ANC 8E. It's
12 an application to renew a license.

13 Would you identify yourselves for
14 the record, please?

15 MR. DIETZ: I'm Bernard C. Deitz,
16 representing the Applicant and I have with me,
17 Mr. Akilu Berhe, who is a managing member of
18 the Applicant.

19 CHAIR MILLER: Okay.

20 MR. MUHAMMAD: Anthony Muhammad,
21 Chair of ANC 8E.

22 CHAIR MILLER: Okay, good. So,

1 I'm going to give you your dates and some
2 instructions for the hearing, but first, just
3 ask you if there is anything you wanted to
4 report to the Board, any concerns or questions
5 that you have?

6 MR. MUHAMMAD: We have an
7 agreement that I thought was signed.

8 CHAIR MILLER: Okay.

9 MR. DIETZ: The Board didn't
10 accept that agreement. They asked for
11 amendments, and nothing was done.

12 But in the meanwhile, due to some
13 legislative changes in the District of
14 Columbia, we have serious concerns about key
15 provisions of that agreement.

16 CHAIR MILLER: Okay.

17 MR. DIETZ: So, we're prepared to
18 go to a hearing.

19 CHAIR MILLER: Are you still
20 trying to work them out or are you -- you know
21 you're going to hearing?

22 MR. DIETZ: Pardon?

1 CHAIR MILLER: Are you still
2 trying to work them out or are you -- are you
3 finished negotiating, mediating?

4 MR. DIETZ: We've already done
5 that.

6 CHAIR MILLER: Okay, all right.
7 Well, if nothing changes, then I'm going to
8 give you the new hearing date and your
9 instructions for hearing, for the protest
10 hearing.

11 Your protest hearing is scheduled
12 for May 6th, 2015 at 4:30 p.m. I want to
13 remind you that the focus of a protest hearing
14 is the appropriateness of the establishment,
15 both the surroundings.

16 You should already have received
17 by email, the protest information form and
18 exhibit forms, and these are very critical to
19 the hearings and are required to be submitted
20 to the Board and to opposing party within
21 seven days of the hearing.

22 The forms should be sent to -- for

1 the Board, to Janea Raines, who is our
2 Assistant General Counsel. Her number is 442-
3 4353, if you have any questions.

4 If we don't receive a copy of your
5 protest information form, which asks you
6 questions such as what are you issues and who
7 are your witnesses, it's possible your case
8 could be dismissed. We will decide that at
9 the hearing, if the other side were prejudiced
10 by it.

11 With respect to the exhibit forms,
12 you're suppose to list the exhibits and attach
13 the exhibits, if they're photographs or things
14 like that, so that both sides have clear
15 notice of what's going to be presented at the
16 hearing.

17 Likewise, if they're not exchanged
18 within seven days of the hearing, then they
19 might be excluded because of prejudice to the
20 other side.

21 So, this results, we think in a
22 hearing, where everyone is on notice of the

1 issues, and we can address them fully and
2 fairly.

3 If you have any questions about
4 the forms or your exhibit form or anything
5 else, you can ask Janea Raines or if you have
6 any questions today, you can ask right now,
7 okay.

8 MR. MUHAMMAD: Thank you.

9 CHAIR MILLER: Well, then thank
10 you very much.

11 MR. DIETZ: Thank you.

12 (Whereupon, the above-entitled
13 matter went off the record at 9:47 a.m.)
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