DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

IN THE MATTER OF:
Hillview Market, LLC,:
t/a Hillview Market:
2324 North Capitol:
Street, N.W.:
Retailer B - ANC 5E:
License No. 119160:
Case # 22-PRO-00001:
(Substantial Change):

Wednesday
April 20, 2022

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
NITHI TANDON, Applicant
DINESH TANDON, Applicant Counsel
DIANNE BARNES, ANC 5E09
KIRBY VINING, Protestant Counsel
TERI JANINE QUINN, Protestant
INIDA LUCKETT, Protestant
JASON ORFANON, Protestant
EVELYN BROWN, Protestant
SCOTT NGUYEN, Protestant
REBECCA MILLS, Protestant
INVESTIGATOR JOVAN MILLER, DC ABRA
Neal R. Gross and Co., Inc.
(202) 234-4433
Washington DC
www.nealrgross.com
CHAIRPERSON ANDERSON: Thank you. I don't see the licensee on the line. Where Nithi Tandon? That's the licensee. Where's the licensee?

Earlier, I saw Mr. Dinesh Tandon, but Mr. Tandon is not the licensee. So where is the licensee?

Ms. Fashbaugh, do you see Ms. Nithi Tandon on the line, please?

MS. FASHBAUGH: Chairperson, he is not present, and Dinesh Tandon was elevated, but it seems like he fell out of the room.

CHAIRPERSON ANDERSON: Ms. Fashbaugh, can you also, can you look back again for, I don't know what happened to -- to please see if you can find again Mr. Tandon on the --

MR. TANDON: I don't know somehow, I'm here, sir, I don't know somehow my camera stopped working. It was working just now.

CHAIRPERSON ANDERSON: I need to see you, sir. I need you to log on --

MS. FASHBAUGH: Chairperson?

CHAIRPERSON ANDERSON: Yes?

MS. FASHBAUGH: Yes, Chairperson, is it possible for him to log out, log back in so I
can actually elevate him? All I can do is unmute him.

MR. TANDON: Sure, I can do that.

MS. FASHBAUGH: He has left the room.

CHAIRPERSON ANDERSON: Sure. Okay, so we'll look back for him.

MS. FASHBAUGH: Chairperson, all I can do is unmute him.

CHAIRPERSON ANDERSON: I'm sorry?

MS. FASHBAUGH: He is unmuted. I cannot do anything other than mute him.

MR. TANDON: I don't know. My camera was on just now. I don't know what happened, though.

CHAIRPERSON ANDERSON: Did you log off, sir, and try to log back on?

MR. TANDON: Yes, sir. Yes, sir, I did.

CHAIRPERSON ANDERSON: Well, I need you to see you. I saw you before, so I need to see you.

I need to see who I'm speaking to. So let me ask you to log back off again, sir, and start back over and see what happens.

MR. TANDON: Okay. I don't know.
It's not showing my camera now. Is there any way that -- I don't know, is there any way the host can --

CHAIRPERSON ANDERSON: Ms. Fashbaugh, have you elevated his rights for his camera?

MS. FASHBAUGH: I'm unable to elevate him. Let me try sending him an email with another way to log in, and then that potentially could work. So just one moment.

CHAIRPERSON ANDERSON: Thank you.

While we are waiting, I know there are several people here, and so have you guys decided who is going to be the representative representing the protest? You, Mr. Vining? Are you? Okay, good. Thank you.

With all of the different sides, I would allow the other sides to make an opening and closing if they so desire.

But in the sense of directing testimony and cross-examining witnesses, then we're just going to have one representative.

I know you're raising your hand, Mr. Vining. You can speak if you need to. We're still waiting for the licensee to come on.

MR. VINING: All right, thank you. I
had three short questions, which is preliminary matters. Shall I wait on those until Mr. Tandon joins us?

CHAIRPERSON ANDERSON: Yes, I need to -- yes. If it concerns this case. If not, yes. I'd ask that everyone mute your telephone until you're called upon to speak, please.

MS. FASHBAUGH: Chairperson, is it possible for Dinesh to log in with another device, like a cell phone?

CHAIRPERSON ANDERSON: I was told that the opposite was the call at hand, so I'm not sure.

It does not appear that he's back online. It's my understanding that Danny, I think, is calling him. So I'm not quite sure what the agency is doing.

I don't know what's going on with Mr. Tandon. He's not responding to our contact, so I don't know what's going on.

MS. FASHBAUGH: Dinesh Tandon has been elevated. Thank you.

CHAIRPERSON ANDERSON: Mr. Tandon?

Mr. Tandon?

MR. TANDON: Yes.
CHAIRPERSON ANDERSON: You are now logged in, it appears you are logged in twice, sir.

MR. TANDON: Yes, sir, I am.

CHAIRPERSON ANDERSON: I still don't see you.

MR. TANDON: Oh, you don't see me?

CHAIRPERSON ANDERSON: But when I get feedback, it's informing me that you're actually logged in on two different equipment, or someone else is logged in who is in the same location as you are.

So are you logged in on two separate equipment, sir? I can see you, sir. Let me see.

MR. TANDON: Yes, sir, I can see you, too.

CHAIRPERSON ANDERSON: All right. I just want to get, let me get some clarification.

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: Who is on the license?

MR. TANDON: Say that again, sir.

CHAIRPERSON ANDERSON: Who is on the license application?

MR. TANDON: Sir, it's my wife.
CHAIRPERSON ANDERSON: And is she appearing today, sir?

MR. TANDON: She had sent in an email requesting me to represent her, but --

CHAIRPERSON ANDERSON: I'm asking a question, sir. I need the record to be that you stated that she sent in an email to whom? Who did she send an email to, sir?

MR. TANDON: To ABRA Legal informing them that I would represent her in this hearing.

CHAIRPERSON ANDERSON: All right. So, your wife who -- are you on the license?

MR. TANDON: No, sir, I'm not on the license.

CHAIRPERSON ANDERSON: Okay. So your wife. And what's your wife's name, sir?


CHAIRPERSON ANDERSON: So I am aware that your wife has sent an email in to our ABRA to inform us that you would be representing her. However, the agency was unaware that she would not appear today. Is there some reason why she's not appearing today, sir?

MR. TANDON: No, sir. Actually, I
have had -- we had duly informed the agency seven
days prior to this hearing, but the thing is that
we have a restaurant and one of us has to be
there. So she is taking care of the site now.

CHAIRPERSON ANDERSON: All right. As
I said before, you are correct. The agency was
informed that you would be representing your wife
at the hearing today.

However, the agency was not aware that
she would not be joining us today. I do not have
a problem with it.

I just want to make sure that the
record, that clearly you represent, on the record
today, that you are appearing today, representing
your wife who is the licensee who is on the
application.

MR. TANDON: Yes, sir, but she can be
here. Like, I can call her in a couple minutes
if --

CHAIRPERSON ANDERSON: It always helps
when the licensee's here. I mean, one of the
things that, at least as Board chair, I
appreciate doing this hearing virtually, I
thought it was easier for the Applicant.

So the Applicant has stated that
someone needs to be operating the business that
the Applicant can still operate his or her
business and still appear virtually in our
hearing.

So there's no reason since the hearing
is virtual, there's no reason for that other
person not to log in.

I'm not saying that she has to. I'm
just saying that because the hearing is virtual -
-

MR. TANDON: Yes, sir. She's coming.

She's here now.

CHAIRPERSON ANDERSON: Well, all
right. You have --

MR. TANDON: Come join us, please.

Come join us. She's here.

CHAIRPERSON ANDERSON: All right.
That's fine. That's fine, sir. Mr. Vining, you
said that you had a preliminary matter that you
wanted to make, sir.

MR. VINING: Yes, sir. In the prep
form, we sent him a list of what witnesses and
exhibits do we need to formally request
permission to admit those witnesses and exhibits
into the case.
CHAIRPERSON ANDERSON: Once you start your case, sir, then you can call the witnesses.

I mean, if there are witnesses that you had listed that you want us to elevate their rights partly for them to listen, that's fine, but it's not necessary at this juncture.

But once you present your case, then you can call your witnesses. And if they're not already elevated, we can elevate their rights later on.

And then during the presentation of your case, documents that you can move for us to admit those documents in evidence, sir.

MR. VINING: Okay, so that would be up to me after the opening statement to request that the witnesses one by one that we've got on our prep form to appear. Is that correct?

CHAIRPERSON ANDERSON: You can elevate them. You can ask that their rights be elevated now or you can wait.

But the process of how this works, this is the way this works. The Board will call its witness, Mr. Miller.

The Board will ask Mr. Miller questions about his report. The Board will then
question Mr. Miller about the contents of his report.

After the Board questions Mr. Miller about the contents of his report, the licensee will have an opportunity to ask questions of Mr. Miller.

Once the licensee asks questions of Mr. Miller, then you as the designated representation will have an opportunity to ask questions of Mr. Miller.

Once that's done, the licensee will present his case. I am not sure how many witnesses, if any, the licensee will have.

Once the licensee has presented its case, you'll have an opportunity to cross-examine the licensee's witnesses and the Board will do it also.

So therefore, then you'll have an opportunity present your case. But it's 2:30 now, so at a minimum, I don't see you presenting your case until 3:30, 4 o'clock.

I'm not sure, depending how fast we move through the Board's case and the licensee's case.

So I just want to let your witnesses
know that they will not be able to be called as
witnesses, the earliest we're talking about,
3:30, 4 o'clock.

So they can either, we can have them
here now or you can wait maybe around 3:30, 4
o'clock to advise them they need to be on standby
so that we're going to call them.

But I just want everyone to know that
the way the process works is that I know this
hearing was supposed to start at 1:30.

I know we're somewhat delayed. But
procedurally, the Protestant will not present its
case until 3:30 at the earliest, 4 o'clock, okay?

MR. VINING: I understand. Thank you.

Yes, I think all of our, the Protest witnesses
have already been elevated. But again, I heard
your comment about they would.

But one of the questions I wanted to
ask --

CHAIRPERSON ANDERSON: Yes, sir.

MR. VINING: -- are the Bloomingdale
Civic Association witnesses informed us,
unfortunately, late last night, early this
morning, that he would not be able to participate
in person because he was called in to work on an
emergency.

We're wondering if that's person's testimony could be combined with one of the other Bloomingdale Civic Association witnesses who is with us, who in fact shares a home with that person.

Would that be permitted to combine those two because the one person cannot join us?

CHAIRPERSON ANDERSON: What do you mean combine, sir?

MR. VINING: The two persons, the two witnesses, share a home and they prepared separate testimony they were going to give.

And I'm wondering if that one person who can be with us can append the absent witness's testimony to her remarks.

CHAIRPERSON ANDERSON: No. Normally, I'm not sure what the licensee will say because normally we have a witness, they would want to have an opportunity to cross-examine the witness.

And I'm not sure if they will be able to cross-examine a statement. So that's the only problem there is that I don't know what position the licensee will take.

If the licensee objects, then we
probably would not allow that to occur because the licensee does have an opportunity, should have an opportunity to cross-examine testimony.

If someone gives testimony for the record, the licensee or maybe the Board and its Board member might want to have questions of that witness and it would be difficult for them to cross-examine a statement.

So with that caveat, I mean, we can deal with that once that presents itself.

MR. VINING: Shall I bring up that matter when it's time for that witness who is with us comes up and asks for the discussion?

CHAIRPERSON ANDERSON: Yes, sir, you can do that, and then I will ask the licensee whether or not they have any objection.

And then based on their response, I will try to make a decision what's in the best interest of how to present this case.

Any other preliminary parts? Let me have all the parties identify themselves. So let's start with the licensee.

Mr. Tandon, you're stated on the record and the agency is in receipt of our representation saying that you're representing
your wife today.

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: But let us, for the record, please spell and state your name and your relationship. And then I'll have your wife also introduce herself.

MR. TANDON: My name is Dinesh Tandon, D-I-N-E-S-H, last name Tandon, T-A-N-D-O-N. I'm representing my wife who is the licensee for Hillview Market.

CHAIRPERSON ANDERSON: And if your wife is there, can you spell her name for the record?

MR. TANDON: Sir, I'm very sorry, she had to -- but I will call her. I'm very sorry, sir. One of us has to take care of the restaurant, sir.

State your name. State and spell your name.

MS. TANDON: My name is Nithi Tandon. First name, N-I-T-H-I, and the last name is Tandon, T-A-N-D-O-N.

CHAIRPERSON ANDERSON: And you're the licensee? Your name is on the application, the license application. Is that correct?
MS. TANDON: Yes.

CHAIRPERSON ANDERSON: All right, thank you. Okay, let's go to the Protestant. Mr. Vining, please spell and state your name for the record and who you represent, sir.

MR. VINING: My name is Kirby Vining. It's spelled K-I-R-B-Y, last name Vining, V-I-N-I-N-G. I am going to present the opening statement for three of the four protestors, the Stronghold Civic Association, the Bloomingdale Civic Association, ANC Single Member District 5E09.

I will not be representing the fourth protestors, which is a group of five persons who were working on a voluntary agreement because they had not coordinated.

So I will not be representing them, but only the three, Stronghold, Bloomingdale, and the ANC.

CHAIRPERSON ANDERSON: All right. Who is here from ANC?

MR. VINING: Yes, sir, Dianne Barnes was elevated.

CHAIRPERSON ANDERSON: I see her there.
MS. BARNES: Yes, I was on mute.

Dianne Barnes.

CHAIRPERSON ANDERSON: And who are you, ma'am?

MS. BARNES: I am the ANC representative for the single member district for ANC 5E09, representing ANC 5E.

CHAIRPERSON ANDERSON: All right. And who is here from the Bloomingdale Civic Association?

MS. QUINN: Hi, I am Teri Janine Quinn, President of the Bloomingdale Civic Association.

CHAIRPERSON ANDERSON: Can you spell your name for the record, please, ma'am?


CHAIRPERSON ANDERSON: And who are the -- who is here from the group of the group? Who is here from the group?

I was told there was a group of five. Is there a group here? Ah, Mr. Tandon?

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: Who else protests in your license, sir? Your substantial
change?

MR. TANDON: Who is protesting?

CHAIRPERSON ANDERSON: Yes, sir.

MR. TANDON: Stronghold Civic Association, ANC 5E09, and Bloomingdale Civic Association.

CHAIRPERSON ANDERSON: Okay, but there is no group.

MR. TANDON: Sir --

CHAIRPERSON ANDERSON: You don't have to answer. And I guess Mr. Vining, you said, and the reason I have some confusion, you said that you don't represent the group. What group of five, sir? What group is that?

MR. VINING: There was a group of five persons who were in our initial mediation discussions who, it was my understanding, was going to be working on a settlement agreement. But we have not heard from them.

CHAIRPERSON ANDERSON: Well, if you have not heard from them and they are not here today, then they are not a part of this protest. So if they were -- let me just -- I just want to make sure, who is Eric Tomassi?

MR. VINING: That was the principle
name working with the group of five. I think
that was the head of the group of five. That's
the name.

CHAIRPERSON ANDERSON: All right. So,
and Ms. Quinn, I'm sorry, what group are you with
again, Ms. Quinn? You're the civic association,
I'm sorry.

MS. QUINN: Yes.

CHAIRPERSON ANDERSON: You're with a
civic association. Ms. Barnes is the ANC. All
right, so Eric Tomassi is not here and there is
nobody here, because Eric Tomassi is not here.

I don't recall and I need to look at
the so-called -- yes, Eric Tomassi is not online
and neither is -- and there is no one here from
the group of five or more, is that correct?

Is there anyone else here who was with
Eric Tomassi and his group? If there is no one
else here with Eric Tomassi and his group, I
would make a motion that the ABC Board dismisses
the group of five or more from the protest of
Eric Tomassi. Is there a second?

MEMBER GRANDIS: I second it, Mr.

Grandis.

CHAIRPERSON ANDERSON: Mr. Grandis has
seconded the motion. I'll take a roll call vote on the motion. Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr. Anderson, I agree. The matter passes 6-0-0.

Therefore, the group of five or more have been dismissed from this protest and they have been dismissed from this protest, so they are not involved in whatever decision that is made regarding this application.

The group of five or more where Mr. Tomassi is a member is not a part of this. The only protestors currently are the Stronghold Civic Association, the Bloomingdale Civic Association, and the ANC 5E.
And I guess Ms. Barnes, you're the, are you single in the district or are you the chair of the ANC 5E?

MS. BARNES: I'm the vice chair of ANC 5E.

CHAIRPERSON ANDERSON: Okay. All right. And Mr. Kirby is representing all the protestors, is that correct?

MR. VINING: Yes, it is, but we do have one of the witnesses here. She's the president of the Stronghold Civic Association. You did not call her by name. So would you like to?

CHAIRPERSON ANDERSON: I'm sorry, who else is here for the Stronghold Civic Association?

MR. VINING: The first witness is the President of the Stronghold Civic Association, Ms. India Luckett. She's been elevated.

CHAIRPERSON ANDERSON: Where is Ms. India Luckett where she can --

MS. LUCKETT: Good afternoon, Chairman Donovan. I am India Luckett.

CHAIRPERSON ANDERSON: Can you spell and state your name for the record, ma'am?

CHAIRPERSON ANDERSON: And what's your relationship with this protest, ma'am?

MS. LUCKETT: I am the President of the Stronghold Civic Association.

CHAIRPERSON ANDERSON: All right. Good afternoon, ma'am. All right, so prior to us starting this hearing, I stated what's going to happen.

So basically, we'll have the licensee and, hold on one minute. We're going to have the Applicant, who is going to make an opening statement.

Then the Protestants will have an opportunity to make an opening statement. And then the Board will call its witness.

You have five minutes to do an opening. Once we start, the case, you have an hour to present your case.

I'll be somewhat flexible, Mr. Vining, because you are representing three groups, but the Board does not intend to access repetitive or redundant testimony.

This matter is going to take a minute.
It's going to take a while because of the Board's case, but I don't want us to be here all night.

The Board's available all night to do it, but I don't want us to be here all night.

And so, if I believe that you are having repetitive or redundant testimony, then I will try to stop you.

But because we want to make sure that you're proving the facts that are important in this case for us to make a decision.

I will also state also, please do not spend a significant amount of time in cross-examination.

I prefer that you spend more of your time presenting direct evidence rather than cross-examining witnesses because that does not help us per se.

Your protest in this application, you need to tell me your witness's presentation, your reason for protest, not your cross-examination.

That's not necessarily helpful for this Board to make a determination. All right?

Okay.

So let's start with opening statements. And Mr. Tandon, you wish to make an
opening statement?

MR. TANDON: All right. So like I said, my name is Denish Tandon. I'm here representing my wife, Nithi Tandon, who is the licensee.

So for Hillview Market, Hillview Market acquired this business and the property in July 2021, which this is an already existing beer and wine establishment which can process as well for the neighborhood and intends to be the same thing with the exception of having liquor in it.

And that is what my wife has put in the application for, to add spirits to the existing beer and wine permit and a grocery shelf, like whatever it is.

We are going to keep the same concept going. Hillview is a very vibrant neighborhood, and I believe some may plus on either side of it, there are no liquor stores, not a proper liquor store.

We believe that it's gonna be a very important for the community and for the income from the venues part of you as well for the business.

We want to make it a one-stop shop,
which will carry spirits, beer, wine, groceries,
and the bulk of it in coffee stores.

So this is what the intention is. And we've put in an application for that. I'll close my statement here.

And then I know there is a lot of protest. But since there is no history to any of the things that are being claimed in the protest, so I believe we should be given a conservative chance to run and operate and prove ourselves. Thank you.

CHAIRPERSON ANDERSON: All right, thank you. Mr. Vining?

MR. VINING: Thank you. I'm Kirby Vining, Director of Finding for the Stronghold Civic Association.

Presenting to you today is the designated representative of three of the four protest groups in this case.

Well, it's all three protestors in this case, the Stronghold Civic Association, Bloomingdale Civic Association, and the ANC single-member district 5E09.

Each of the parties will present specific exhibits and witnesses as outlined in
the PIF each group submitted, each addressing
aspects of ABRA's appropriateness standards.

    But in this opening statement, we will
present concerns and comments of the
neighborhoods of these three protesting parties.

    Each of the groups will describe how
they surveyed neighbors and residents and how the
surveys are the result of these protests today.

    This case concerns an application for
a Class A liquor license for the Applicants, who
currently has a Class B liquor and wine license.

    Since purchasing the store, the
Applicant has not been in business at this
location selling liquor or anything else.

    So we in the community have no
experience how the proposed new business would be
run.

    Thus our comments must focus on the
community's experience of the two Class B
licenses in our neighborhood in ambition of what
could change and a Class A license could be like.

    That is the simple question we ask the
community. Do you support or oppose granting a
liquor license to the store and why?

    The vast majority of the neighborhood
residents who responded to the surveys said they do not support the granting of a liquor license and provided details on why they took this position, mostly due to littering, loitering, and that it's sometimes noisy and sometimes ends in violence, public drinking and drug use in the area surrounding the store in the past, an eclectic view that adding liquor to the menu would only make matters worse for the community.

Littering, loitering, drug use, et cetera, that the witnesses will speak about in opposition to the Class A license application is arguably only indirectly related to the presence of the two Class B stores in our neighborhood, as most of the unsavory activity witnesses describe is generally near but not on the premises of the stores.

It must be on the control or the responsibility of the store owner. However, it has rather strict regulations governing on-premise activity and those regulations are in general abided by.

The objectionable activity described is demonstrably fueled by or catalyzed by the store's presences, though only indirectly caused
by the store.

    When the stores are closed, the objectionable activity is generally not present.

    The stores selling rolling papers, for example, but do not sell marijuana and have no control over where those rolling papers are used to roll marijuana.

    Bamboo brand paper wrappers sold in the stores are all over the neighborhood.

Similarly, while hard liquor is not sold at either of the stores now, hard liquor bottles are frequently seen among the litter in adjacent areas, an example being Exhibit 14, which shows a liquor bottle on top of a trash bag neighbors put out on Channing Street to try to encourage less littering.

    With the environment and the atmosphere created by Class B licenses, neighbors clearly asked themselves if a Class A license would help a situation.

    The majority answers that it would not. As an introduction to the witnesses and exhibits to be presented by the three protest parties, along with a brief description of the neighborhood and existing conditions in it that
are shared by the neighborhood's representative here today.

The neighborhood surrounding the Applicant's store is entirely resident, except for one other Class B retail store a block away at 2501 North Capitol Street Northeast that was the subject of an application for a Class A license, in our case 16-PRO-00016, decided in August 2016, which is Exhibit 25.

Both those stores are buildings zoned residential, R3 zoning in Stronghold area to the east, RF1 zoning to the west, as are all other properties in the neighborhood.

These stores were originally built as corner stores at the same time as the adjacent houses in the World War I era.

These two stores are nearly identical to the houses they are adjacent to, differing from those adjacent houses only in details of the larger entrances and windows.

Exhibit P3 is a zoning map of the neighborhood, showing the Applicant's store marked with a star in red.

The other store, one block away at 2501 North Capital Street Northeast with a black
rectangle.

Right up the middle of that map is North Capital Street. That's Stronghold to the east, Bloomingdale to the west.

The entire map is within the area of ANC SMB 5E09. Exhibit P4 is a map showing a slightly larger area where the nearest liquor store and store in the neighborhood are located.

At the extreme bottom of that map, the Super Liquors store is marked with an asterisk rather than a letter to indicate that it closed recently.

The owner of Super Liquors ultimately decided not to renew a Class A license and was cancelled in ABRA Case 079241, following order 221-238 dated April 2021.

So this is what the neighbors see when they look for stores in the neighborhood. Two corner stores with Class B licenses that sell beer, wine, and a variety of daily necessities, just a short walk away, and a ring of liquor stores that is located a bit further away.

Notice that the liquor stores marked on this map are all in commercial areas, supplying a variety of other goods and services,
and none of the liquor stores marked on the map are informing businesses in their respective areas.

Note that within the same area with all the liquor stores, there are no banks, grocery stores, drug stores, or gas stations, all of which are available a bit further out in all directions.

Based on these maps and the testimony you will hear, one might conclude that the neighborhood is sufficiently supplied with liquor stores now and the neighbors might enjoy both the convenience and proximity, but also the advantage of distance from them while regarding the presence of two local convenience stores a demonstrable benefit.

There are few or no instances of objectionable behavior cited by witnesses at the Applicant's store location since the store was closed, and that is in essence of demonstration that the activities cited is indirectly caused by alcohol sales.

There have been no alcohol sales, no sales of anything, since the store was closed. But there are examples of this activity
continuing at the Channing Street store where alcohol sales continue.

Exhibit P6 is a police report of calls at the Applicant's store location for a one-year period ending in October 2021 when the store closed.

We are told that this report is heavily redacted so we can have no knowledge of what information has removed from it.

So assaults and other incidents are identified all in the first six months of 2021 when the previous owner was in business.

At the same time we requested a report of police calls to the other store at 2501 North Capital Street to compare with this, but there's no information in response to that request because all the information we were told, all the information in that report was redacted.

So we have nothing to offer as evidence in that case to compare. We hoped to show a comparison of the type and frequency of police calls to these two stores when both are open and selling alcohol.

An example of neighborhood complaints concerning the derelict current conditions in
Exhibit P9 dated March 6, 2022, and Exhibit P10, an email from ABRA promising to assign an investigator to investigate this matter, but as far as we know has not yet been investigated as no response to communicate has been received. I conclude my opening remark.

CHAIRPERSON ANDERSON: All right.

Thank you, sir. Does the Board want to call its first witness?

INVESTIGATOR MILLER: Jovan Miller.

CHAIRPERSON ANDERSON: Mr. Miller, can you raise your right hand, please? I'm sorry, you are one side of my screen but then you switched to another side.

That's why I'm like looking for you. I couldn't figure out where you were. I'm sorry.

Do you swear or affirm to tell the truth and tell nothing but the truth?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: All right, Mr. Miller, can you please spell and state your name for the record, please?

INVESTIGATOR MILLER: Jovan Miller, J-O-V-A-N, last name Miller, M-I-L-L-E-R.

CHAIRPERSON ANDERSON: And Mr. Miller,
where are you currently employed?

INVESTIGATOR MILLER: I am currently employed at Alcohol and Beverage Regulation Administration.

CHAIRPERSON ANDERSON: And how long have you been employed at this agency, sir?

INVESTIGATOR MILLER: Next week it will be three years, sir.

CHAIRPERSON ANDERSON: And what are your duties and responsibilities at the agency?

INVESTIGATOR MILLER: ABRA investigators conduct investigations and inspections of ABC licensed establishments throughout the District of Columbia.

CHAIRPERSON ANDERSON: Now are you familiar with the establishment, the nature of this protesting, Hillview Market, sir?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: And how did you become familiar with this establishment?

INVESTIGATOR MILLER: I have done investigation for the protest for the Hillview Market protest.

CHAIRPERSON ANDERSON: And did there come a time when you wrote a report?
INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: Are you able to share your screen and share this report with us, sir?

INVESTIGATOR MILLER: Sir, I have it in paper form, but I do have my report. I can just give a summary of the report.

CHAIRPERSON ANDERSON: All right. Well, I think, do you have, at some point probably I would like you to share your screen as you go through the exhibits so we can also see what exhibits are part of your report.

But we can start. Now, who are the protestors in this? Who are the parties protesting this substantial change application, sir?

INVESTIGATOR MILLER: That would be the ANC 5E, Bloomingdale Civic Association, and the Stronghold Civic Association.

CHAIRPERSON ANDERSON: And have you had an opportunity to speak to representatives of these groups, sir?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: And what information were you able to gather when you
spoke to the -- who did you speak to from the ANC?

INVESTIGATOR MILLER: I spoke with, excuse me, the ANC, I spoke with, let's see, that was Ms. Dianne Barnes.

CHAIRPERSON ANDERSON: And what information, if any, were you able to gather as a result of your conversation with Ms. Barnes?

INVESTIGATOR MILLER: No further information was added. I believe they were going to bring witnesses or information to present for their case.

CHAIRPERSON ANDERSON: But I'm saying, did you speak to Ms. Barnes? What if anything did she share with you, if anything?

INVESTIGATOR MILLER: There was no information, sir. No additional information from outside the protest report.

CHAIRPERSON ANDERSON: What about did you speak to anyone from the Stronghold Civic Association?

INVESTIGATOR MILLER: For all three protestors, they all had the same, that they would provide information was for the case once they had the protest hearing, outside of their protest letter.
CHAIRPERSON ANDERSON: So you're basically saying that, let me ask the question like this. You contacted them, and so what did they say?

INVESTIGATOR MILLER: I believe all the information was that they would present their witnesses. They were gathering their witnesses for some, and others had no information to add to their protest from their protest letter.

CHAIRPERSON ANDERSON: But do you know why the ANC is protesting this substantial change application?

INVESTIGATOR MILLER: They stated just for peace and quiet, real property values, residential parking needs, vehicle and pedestrian safety, and overconcentration of liquor stores.

CHAIRPERSON ANDERSON: And this is information that they provided in their protest letter?

INVESTIGATOR MILLER: Yes, sir. Let me go exactly to their protest letter. Scroll down. Some of their protest letters are a little lengthy, but just give me --

CHAIRPERSON ANDERSON: Are they all
referring back to their protest letter? I have
nothing else to say. You're sure of the protest
letters. Is that what you're saying?

INVESTIGATOR MILLER: Yes, sir. Some
were gathering more information as far as
witnesses and others didn't have anything else to
add from their protest letter, outside of that.

CHAIRPERSON ANDERSON: So you wrote a
report. So what is it that you wrote a report
regarding?

Tell me what is in your report. What
is the report to? What are you able to report
today as part of your investigation?

INVESTIGATOR MILLER: Would you like
me to read the summary, sir?

CHAIRPERSON ANDERSON: Well, I need to
bring information for the public record. You've
done an investigation.

So whatever kind of findings. What is
it as a result of doing an investigation of this
protest did you find out?

INVESTIGATOR MILLER: So some
protestors, well, actually all, have concerns
about traffic on North Capital Street.

They think it's already a busy street.
And they think that more traffic as comes to the establishment would change the nature of traffic.

Also, loitering. They have numerous liquor stores that have loitering and littering and crime, degrading the business profile of liquor stores, what else?

Of course, parking. They said there's not a lot of parking, so how could, you have to evaluate traffic flow. And that's about it.

That was the main concerns.

CHAIRPERSON ANDERSON: But this is all information that was in their protest letter. This is not from any investigation speaking to them?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: What about, were you able to speak to the Applicant?

INVESTIGATOR MILLER: Yes, sir. I had a chance to speak to actually the representative, Mr. Tandon.

CHAIRPERSON ANDERSON: What information then were you able to gather from Mr. Tandon?

INVESTIGATOR MILLER: Mr. Tandon basically stated, well, I'm going to go to
exactly what he said, that he was doing
renovations of his establishment.

He's going to, I believe he said
$200,000 to $300,000 to improve the
establishment.

He hasn't had any history of ABC
license violations from ABRA. And he just wants
to know basically why people are protesting
against his establishment.

He has no loitering. He says he has
no loitering or littering outside of his
establishment or criminal activity. That's the
basis of it.

CHAIRPERSON ANDERSON: So you spoke to
the representative, Mr. Tandon. Were you able to
view the property?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: Tell me about
it. Were you able to view this property with Mr.
Tandon or without him?

INVESTIGATOR MILLER: I reviewed it
with Mr. Tandon.

CHAIRPERSON ANDERSON: So tell me,
what is it that -- tell me about that. What did
you talk to him about? And what is it that you
saw? And when did this happen?

INVESTIGATOR MILLER: I talked to him about basically his thoughts on the protest, approaching the problems that the protestors claim to be happening.

He basically told me the information I provided to you a few moments ago. As far as the property goes, he hasn't done any upgrades as far as the establishment as of yet.

It's a little bit outdated and the interior and exterior does need work.

CHAIRPERSON ANDERSON: So you went to the site with Mr. Tandon to view the site?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: So when did you go there? And tell me about this site. What is it that you saw when you went to view the site with Mr. Tandon?

INVESTIGATOR MILLER: Mr. Chairperson, can I just share my screen so I can show the property?

CHAIRPERSON ANDERSON: All right, well, hold on. That's one of the exhibits that you have later on, is that --

INVESTIGATOR MILLER: Yes, sir.
CHAIRPERSON ANDERSON: Is that one of the exhibits that you have attached to your report?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: All right. Let's hold on before you go there. But let me ask you to tell us.

So tell me about the characteristics of the neighborhood. Tell me what it is that you found out regarding the characteristics of the neighborhood.

INVESTIGATOR MILLER: The characteristic of the neighborhood, it's very peaceful. I have monitored the surrounding areas.

I haven't seen a lot of criminal activity. Further down North Capital, there were people who were I guess homeless or, but that's probably about three or four blocks down.

Across the street occasionally, there were homeless people over there. But overall, the neighborhood was a pretty good neighborhood.

As far as the exterior around the building, it's pretty clean. There wasn't lots of littering.
There was occasional people dropping things, but nothing extravagant. Outside of that, it was just a busy street.

Of course, North Capital is very busy. And very quiet. It's very quiet over there.

CHAIRPERSON ANDERSON: All right. Are there any other ABC licensed establishments within 1,200 foot of this establishment?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: And what establishment is that?

INVESTIGATOR MILLER: That is Capitol Market, sir.

CHAIRPERSON ANDERSON: What type of establishment is that?

INVESTIGATOR MILLER: A Class B.

CHAIRPERSON ANDERSON: What's a Class B?

INVESTIGATOR MILLER: Sorry. Class B only sells wine and beer and does grocery. It's a full grocery, as well. So deli items, various home things.

CHAIRPERSON ANDERSON: All right. What are the proposed hours of operation from -- it's my understanding that this establishment is
not open as yet.

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: But what are the proposed hours of operation for this establishment and hours of sales of beverages if this license is approved?

INVESTIGATOR MILLER: Sunday through Saturday, the hours of operation are 9 a.m. to 9 p.m.

Hours of sale on Sunday is 10 a.m. to 9 p.m. and Monday through Saturday, 9 a.m. to 9 p.m.

CHAIRPERSON ANDERSON: All right. You had testified before that you went to the location with the representative, but outside of this other time that you went to visit the establishment, have you gone to the establishment to observe the operation?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: How many times have you been there?

INVESTIGATOR MILLER: Myself, eight times, but in total, it's 11.

CHAIRPERSON ANDERSON: And so of the eight times that you went to observe the establishment, what did you observe?
INVESTIGATOR MILLER: I observed a quiet neighborhood for the most part, besides traffic during rush hour.

There really wasn't anything going on. No patrons outside or pedestrians, excuse me, outside.

Light littering. Nothing too absurd from like the wind blowing it into the area. But overall, it was just, it was quiet.

No criminal activity. No pedestrians who seemed to be doing any drugs. No loitering.

CHAIRPERSON ANDERSON: Now, have you had an opportunity to monitor any other establishments that's within walking distance of the location?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: And what are they?

INVESTIGATOR MILLER: That is Capitol Market.

CHAIRPERSON ANDERSON: I'm sorry, who?

INVESTIGATOR MILLER: Capitol Market. It's one establishment within walking distance of Hillview Market is Capitol Market. Or not Capitol Market, excuse me.
CHAIRPERSON ANDERSON: But are there any other establishments along the corridor that you have noted in your investigation of this facility?

INVESTIGATOR MILLER: Not an ABC licensed establishment.

CHAIRPERSON ANDERSON: But are there any other establishments that are there?

INVESTIGATOR MILLER: There is a market called Flaggler Market that is within walking distance. I only observed that twice and it was not really busy.

CHAIRPERSON ANDERSON: That is not an ABC establishment, is that correct?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: All right. Ms. Fashbaugh, can you give Mr. Miller the ability to share his screen, please?

MS. FASHBAUGH: This has already been accomplished. Thank you.

CHAIRPERSON ANDERSON: So what is it that you want to share with us, Mr. Miller?

INVESTIGATOR MILLER: I want to show the exhibits for the exterior and interior of Hillview Market.
CHAIRPERSON ANDERSON: What exhibit are you going to show us now?

INVESTIGATOR MILLER: Excuse me, let me share my screen. Go down to, I'm going to show you the exterior first of Hillview Market. Am I sharing correctly?

CHAIRPERSON ANDERSON: I'm not seeing. All I see is the ABRA logo, sir.

INVESTIGATOR MILLER: All right.

Maybe I'm not sharing correctly. Share file. Excuse me, sir.

CHAIRPERSON ANDERSON: What is it that we're now looking at, sir?

INVESTIGATOR MILLER: You can see it, Mr. Chairperson?

CHAIRPERSON ANDERSON: Yes, I can see it. What are we looking at?

INVESTIGATOR MILLER: This is the exterior of Hillview Market, which used to be Sun Beam Market.

CHAIRPERSON ANDERSON: Okay.

INVESTIGATOR MILLER: This is the surrounding area. On this street is, I believe it is Bryant Street. Sorry. This is the other side on North Capitol.
CHAIRPERSON ANDERSON: When you're going through the documents, can you just tell us for the record what exhibit you are describing for us, please?

INVESTIGATOR MILLER: So for this exhibit, I am showing you, it's just the side of --

CHAIRPERSON ANDERSON: No, sir, what exhibit? Also what exhibit number is this?

INVESTIGATOR MILLER: This is Exhibit 11. This is the left side of Hillview Market. I'm just showing you guys just the exterior of just the ground around the building has just a little bit of weeds or stuff growing on the building.

Exhibit 12 is just showing you guys the sign, how it's a little bit worn down and needs a little bit of maintenance.

Also, just the front door of the establishment, which has a gated door with a lock.

Exhibit 13 is just the inside of the building, just showing the exterior to get a better view.

And Exhibit 14 is the interior of the
front door, which you would be greeted by an ATM and I believe the freezer.

Exhibit 15, that's inside of I guess if you want to call it box. I'm not sure of the general name for that.

But it's just showing the interior.

Again, Mr. Tandon told me that they were doing upgrades on the establishment.

CHAIRPERSON ANDERSON: In general, the interior of the establishment is in disrepair, is that what you're showing us?

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: Okay.

INVESTIGATOR MILLER: Exhibit is just more of the interior, showing the surrounding areas.

Exhibit 17 is more of the interior, showing that the floors, it's not really organized at the moment.

CHAIRPERSON ANDERSON: And again, you're showing us the interior of the restaurant, basically.

I'm sorry, the interior of the business which is in disrepair because it's not apparent that any work has been done since the
last licensee moved out, and so the business is in disrepair. Is that correct?

INVESTIGATOR MILLER: Correct.

CHAIRPERSON ANDERSON: Is there any produce or any -- is there anything for sale currently in the building?

INVESTIGATOR MILLER: No, sir, the store has not been open since it has been transferred of sale.

CHAIRPERSON ANDERSON: Okay.

INVESTIGATOR MILLER: And just more interior photographs for Exhibit 18, I believe. 19, excuse me.

This is just the back of the store. I was just showing more of the floor and the disrepair of the back of the store.

For Exhibit 20, the floor, and just more photographs of the back of the store, or the establishment, excuse me, of work that needs to be done.

And the remaining photos are just more photos of the repairs that need to be done, Mr. Chairperson.

CHAIRPERSON ANDERSON: Now, based on your conversation with Mr. Tandon, the
representative --

INVESTIGATOR MILLER: Yes, sir.

CHAIRPERSON ANDERSON: -- this establishment currently has a license. So did you have any conversation with them, since they already have a B license, why is he not operating with a B license?

INVESTIGATOR MILLER: Mr. Tandon said that he was waiting on the repairs. I believe he's waiting on after the substantial change protest to see if he can do I guess different upgrades to the establishment to fit liquor inside of the establishment or remodify the interior of the establishment.

He said that he would be putting $200,000 to $300,000 into the establishment to do renovations.

CHAIRPERSON ANDERSON: So based on your conversation with him, did he share with you what products, if any, would be sold in this establishment?

INVESTIGATOR MILLER: No, sir.

CHAIRPERSON ANDERSON: So were you able to gather, is the business going to be a grocery or is this going to be a strict liquor
store?

Based on your conversation with him, did you get any idea what is it that he plans to do with this business? And what I'm being shown is an empty store of disrepair.

INVESTIGATOR MILLER: From what I believe, he just stated that he wanted to do the repairs.

He didn't have a direction of which way he was going at the moment. And I believe he just waited, as far as I know from his early statements today, that he was planning on doing a store providing full grocery. But until our previous conversation, no, sir.

CHAIRPERSON ANDERSON: All right. What else do you have to show us?

INVESTIGATOR MILLER: The remaining is more just photographs of the interior of just leftover from the previous owner of old alcohol and wine.

And that is Exhibit 23. Exhibit 24, just more left behind items from the previous owner, was left in the freezer.

And then it goes into just the sale of his ABC license. As far as the establishment
goes, there is no more photographs for the interior or exterior. That was all.

CHAIRPERSON ANDERSON: What other exhibits do you have attached to your report?

INVESTIGATOR MILLER: I have the ABC license, settlement agreement.

CHAIRPERSON ANDERSON: And can you please let me know what are these exhibits that are -- what is the exhibit number, please?

INVESTIGATOR MILLER: Exhibit 25 is the ABC license. Exhibit 26 is their current settlement agreement.

There is a continuation of the settlement agreement. Also a continuation of the settlement agreement. Furthermore of the settlement agreement.

CHAIRPERSON ANDERSON: You can move on to the next exhibit.

INVESTIGATOR MILLER: Yes, sir.

Exhibit 27 is the transit stations that are near Hillview Market.

There are approximately ten within two to three blocks in each direction. Route 80, or bus 80.

Exhibit 28 is just signs of the
parking that's around the building. This is
right here, it's North Capitol Street, right by
the establishment.

This also is, for Exhibit 29, another
parking sign for North Capitol.

CHAIRPERSON ANDERSON: How far is this
from the establishment?

INVESTIGATOR MILLER: This is
approximately like half a block.

CHAIRPERSON ANDERSON: Okay.

INVESTIGATOR MILLER: Exhibit 30, this
is Adams Street, which I believe is two blocks
down.

It's just more parking. This is
Exhibit 30. This is Bryant Street on the side of
North Capitol.

Excuse me, on the side of Hillview
Market. More parking signs for Exhibit 31. This
is Channing, I believe, Street.

More parking. This is Exhibit 32.

And that was all, Mr. Chairperson.

CHAIRPERSON ANDERSON: All right. You
can close your screen, sir. Any questions by any
Board members?

MR. GRANDIS: Yes, sir.
CHAIRPERSON ANDERSON: Please go ahead, Mr. Grandis.

MR. GRANDIS: Good afternoon, Mr. Miller. Thank you for your presentation and the report that you had asked to be part of the record, and I want to thank you for your good work on that.

I know it's my understanding that this establishment was closed during the entire time you investigated it. Is that correct?

INVESTIGATOR MILLER: Yes, sir.

MR. GRANDIS: Even with that situation, did you do a call for service for that address?

INVESTIGATOR MILLER: Yes, sir.

MR. GRANDIS: Is that part of your report? Because I was trying to see if I could see that.

INVESTIGATOR MILLER: Yes, sir. The calls of service was attached to -- well, they had no calls of service.

It wasn't actually. I wrote it in the report but I didn't have an actually paper for that. Nothing to report.

MR. GRANDIS: Okay. What types of calls for service did you obtain? You said you
made a call.

You did a research for calls for service for that address. Was there any information you learned from that?

INVESTIGATOR MILLER: No, sir. They have zero calls for service for that address.

MR. GRANDIS: Okay. Well, that tells us something. Did you also find out from the Applicant what percentage of the inventory of the prior owner, which I understand was a B license, had groceries as well as beer and wine, did you have any conversations to try to determine what that percentage was?

INVESTIGATOR MILLER: No, sir, but all Class B full grocery have to have 50 percent of daily items or things of that nature.

MR. GRANDIS: Okay, I appreciate that being made part of the record. I want to thank you again. I want to thank you for your presentation. Thank you.

INVESTIGATOR MILLER: Thank you, sir.

CHAIRPERSON ANDERSON: Any other questions by any other Board members?

MEMBER SHORT: Yes, Mr. Chair.

CHAIRPERSON ANDERSON: Go ahead, Mr.
Short.

MEMBER SHORT: Good afternoon,
Investigator Miller.

INVESTIGATOR MILLER: Good afternoon, sir.

MEMBER SHORT: Okay. Would you please pull up, well, before we go there, parking in the vicinity of this Applicant's establishment, can you describe the parking for residential and the parking for businesses there?

INVESTIGATOR MILLER: There is limited for both on each street. They do have residential parking designation and they also do have just limited parking, but it is limited around the vicinity of the establishment.

MEMBER SHORT: Okay. Now, on one of the photographs you showed of the Applicant's store there, on North Capitol, and I believe that's Adams Street, but it is, it showed there's two stories to that building, correct?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Did you know or did you investigate what's on that second floor?

INVESTIGATOR MILLER: The second floor are apartments, sir.
MEMBER SHORT: Residential?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: What abuts the store on either side and on the rear?

INVESTIGATOR MILLER: Excuse me, sir, I couldn't hear you. Could you say it one more time?

MEMBER SHORT: What types of occupancies abut the establishment that's asking for the state license?

INVESTIGATOR MILLER: It's residential.

MEMBER SHORT: Residential on the north side?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Residential on the back?

INVESTIGATOR MILLER: Yes, sir. That would be the south side and the back.

MEMBER SHORT: Okay. Now, should this license be granted by this Board, he'd have to have deliveries of his goods to sell, correct?

INVESTIGATOR MILLER: Yes, sir. I believe so.

MEMBER SHORT: Did you question the
licensee as to where he would get his deliveries?

Or where the store that was there previously, inquire where their deliveries were made?

INVESTIGATOR MILLER: No, sir.

MEMBER SHORT: Did that come to your mind that it might be an issue?

INVESTIGATOR MILLER: I believe there is an alley which is, if I'm not mistaken, let me not speak wrong --

MEMBER SHORT: Well, I know you're not into traffic, so I'm not even going to do that to you.

So let’s move on. Now, what I'm going to ask you is, the alley that you were pondering just now in the rear of this licensee's proposed store, how wide is it, the alley in the rear?

INVESTIGATOR MILLER: I'm not sure, sir.

MEMBER SHORT: Would you say that big delivery trucks might be an issue or they could just drive clearly through?

INVESTIGATOR MILLER: I believe a big delivery truck would have an issue.

MEMBER SHORT: Okay. Now, also what
I wanted to ask you is, what was the sale date that this licensee purchased the location he's in now? What was the sale date?

INVESTIGATOR MILLER: I believe that was in July of 2021.

MEMBER SHORT: 07/21, and it's been vacant ever since, to your knowledge?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: So when you made your testimony about how quiet it is, did you factor in if you put an A store there that it would change that quiet just a wee bit or a little bit? Or would it affect quiet at all?

INVESTIGATOR MILLER: I am not sure, sir.

MEMBER SHORT: So right now it's quite quiet?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Okay.

INVESTIGATOR MILLER: Outside of traffic.

MEMBER SHORT: So you showed the interior. Did you get the square footage of the interior?

INVESTIGATOR MILLER: No, sir.
MEMBER SHORT: Would you consider it to be large, small, medium?

INVESTIGATOR MILLER: I am not sure, sir.

MEMBER SHORT: Have you been to many A stores with the same type of interior?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Where are they located, if you don't mind, if your memory can serve you?

INVESTIGATOR MILLER: I am not sure off the top of my head, sir.

MEMBER SHORT: Are there many?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Okay, that's fair. Now showing the inside and you don't know the square footage, did you see any storage areas for delivery of A products or any other products?

Did you see much storage area?

INVESTIGATOR MILLER: They did have a lower level, a basement for storage.

MEMBER SHORT: Is that the stairway going down? Or can they load it from the north side or the inside? How do they get to that storage area?

INVESTIGATOR MILLER: Stairwell, sir.
MEMBER SHORT: One way in and one way out?

INVESTIGATOR MILLER: They have, I believe, an exit on the bottom floor.

MEMBER SHORT: So on the first floor is the store itself.

INVESTIGATOR MILLER: Yes, sir, ground level.

MEMBER SHORT: On the ground level. And so the entrance floor or access in the basement, you said it's on the, where does that come out?

On the alley side or the front side, side? Where does that second entrance come out of the basement?

INVESTIGATOR MILLER: Alley side.

MEMBER SHORT: Okay. And I guess what I wanted you to do for me if you would, would you pull up Exhibit number 28 that you were showing for us?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Okay. That's 28?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: What is that showing?

INVESTIGATOR MILLER: That is showing
the parking near Hillview Market.

MEMBER SHORT: Now are those houses or
are those homes or those buildings on the same
side of the street as the Applicant's store?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Is one of them abutting
store?

INVESTIGATOR MILLER: I'm not sure
what that means, sir.

MEMBER SHORT: Abut. Is there one of
them --

INVESTIGATOR MILLER: Oh, abutting.

MEMBER SHORT: Yes, does one of them
share a wall with him?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Okay. Now, across the
street from these stores, I guess that would be
Adams Street, what's on that corner, the next
corner, on the next corner?

INVESTIGATOR MILLER: More residential
house. More houses.

MEMBER SHORT: So can you tell me, are
there many commercial establishments at all
within a block, block and a half of this store?

INVESTIGATOR MILLER: Outside of
Capitol Market, no, sir. And Flaggler Market.

Excuse me.

MEMBER SHORT: Yes, I'm very familiar with Flaggler place. But at any rate, within one block of the pictures that you're showing, Exhibit number 28 or 29, within one block of these homes, are there any other commercial stores at all within one block?

INVESTIGATOR MILLER: No, sir.

MEMBER SHORT: Directly across the street where these pictures are taken, what is there?

INVESTIGATOR MILLER: More residential housing.

MEMBER SHORT: Okay. So the parking signs, can you pull up the parking signs again, please? Now, to your best, can you read them for us for the record?

INVESTIGATOR MILLER: No emergency route. No parking during emergency. Tow away. No standing or parking 7 a.m. to 9:30 a.m. Monday through, I'm not familiar with what the other one states.

MEMBER SHORT: It's probably Saturday.

But at any rate, thank you for that. And I'm
looking at Section 400 of our code book.

And that says, appropriateness requirements, and under Section P, which reads, the establishment will not have an adverse impact on residential parking needs, considering available appropriate and private parking and any arrangements made to secure such parking for the clientele of the establishment.

Now, me reading that statement, and your interpretation, I don't know what that would be, but would you consider that the parking needs of this community, are they appropriate to have now a store come there? In your opinion.

INVESTIGATOR MILLER: I am not sure, sir.

MEMBER SHORT: Okay. So, and the residential parking on Adams Street, that means you have to have a residential sticker in your windshield that you live in that community to park there certain hours, correct?

INVESTIGATOR MILLER: Yes, sir.

MEMBER SHORT: Okay. Thank you for answering the report, Investigator, and I have no further questions, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you, Mr.
Short. Please close your screen, Mr. Miller.

Any other questions by any Board members? Mr. Tandon, any questions of the investigator?

CROSS EXAMINATION

MR. TANDON: Yes, sir. I can ask them, yes. Mr. Miller?

INVESTIGATOR MILLER: Good afternoon.

MR. TANDON: Mr. Miller, how are you?

Thank you for your report, first of all. Mr. Miller, just one question from me.

When on 11 instances when you were there, did you ever feel that there was like the parking could be an issue, parking was an issue?

INVESTIGATOR MILLER: You are asking me if I believe the traffic was and will be an issue?

MR. TANDON: I'm not asking that. I'm saying that during your 11 visits whenever you were there 11 times, you said for your inspections or whatever, did you ever feel for once that the cars were parked all the way North Capitol up and Pine Street and Adams Street and Channing Street, everywhere there was no parking spaces available?
INVESTIGATOR MILLER: No, sir, there were a few parking spots available.

MR. TANDON: Right. So, I mean, that is, I mean, this is all I, just a parking problem issue I am trying to address that North Capitol Street is a busy street anyways and it's a busy intersection.

With a store coming there or the store coming in operation, it's a little statement to make if people say that, if somebody says that parking is going to be an issue.

Parking is, I don't believe parking is ever going to be an issue. It's always going to be a stop and go kind of a situation where --

CHAIRPERSON ANDERSON: Mr. Tandon, are you asking a question, sir? I mean, you'll have an opportunity to present your case.

MR. TANDON: Thank you. Thank you.

That's all. That's all, Mr. Miller. Thank you.

CHAIRPERSON ANDERSON: I'm not stopping you, sir. I'm just saying you need to ask questions if you have questions.

When you present your case, you can make your argument. But this is just if you have questions of the investigator of the report.
MR. TANDON: That's it, sir. Thank you.

CHAIRPERSON ANDERSON: Mr. Vining, any questions of the investigator?

CROSS-EXAMINATION

MR. VINING: Yes, please. The visits that Mr. Miller had to the location there asking about parking, this is a common concern of the civic associations and the ANC, were your visits, sir, all during the daylight hours or any in the evening?

INVESTIGATOR MILLER: There were day and night.

MR. VINING: You have in Paragraph 9 of your report, where in the DC Office of Unified Communications, there were no calls for service from August '21 through March 1st at the address of 2324 North Capitol Street.

Was that standard ABRA practice to ask, what is that, three months? So you went back three months? Is that the scope of your request?

INVESTIGATOR MILLER: In regards to the establishment, we would go off of the timeframe that the establishment actually had,
for Hillview Market, we didn't want to give them
calls for service for something that did not
occur with them.

MR. VINING: Okay, so that's the
period of time that it was Hillview Market's
responsibility, not the previous owners? Is that
correct?

INVESTIGATOR MILLER: Correct.

MR. VINING: For your visits to the
neighborhood there, it was quite clear to all of
us that the store was not open.

You're well aware of the Capitol
Market that is one block north of the location.

Did you make any observations about activity
about the Capitol Market because it's a Class B
market?

Did you make any observations about
that? I know that's not the case here, but you
cited frequently as a parallel case and the only
other store nearby, did you look at the activity
at 2501, parking activity, any of that during
your visits?

INVESTIGATOR MILLER: I monitored
their establishment as far as loitering,
littering, residential parking, and for, are you
asking me what did I observe or are you just
asking me did I do that?

MR. VINING: Just asking you if you
observed it at the same time you were visiting
the Applicant's store.

INVESTIGATOR MILLER: No problem.

Yes, I did.

MR. VINING: I have no further
questions.

CHAIRPERSON ANDERSON: Before I
dismiss Mr. Miller, any other questions by any
other Board members?

Mr. Vining is the only person who is
going to ask questions. That's why I asked.
He's the only designated representative.

So I'm just now asking the Board
members before I dismiss Mr. Miller if any other
Board members have any questions that they want
to ask.

All right, hearing none, thank you,
Mr. Miller. You're free to go. Thank you.

INVESTIGATOR MILLER: Thank you, Mr.
Chairperson. Thank you, Board.

MEMBER SHORT: Thank you.

CHAIRPERSON ANDERSON: Mr. Tandon?
MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: How do you wish to present your case? Do you have more witnesses you wish to call?

MR. TANDON: Yes, sir. So I am --

CHAIRPERSON ANDERSON: I'm sorry, do you have a witness you wish to call, sir?

MR. TANDON: No, sir, I don't have a witness. No.

CHAIRPERSON ANDERSON: You're going to be testifying, sir?

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: Can you raise your right hand, please? Do you swear or affirm to tell the truth and nothing but the truth?

MR. TANDON: I do.

CHAIRPERSON ANDERSON: And be aware that Mr. Vining is going to have an opportunity to cross-examine you, sir, and the Board will. Go ahead.

DIRECT EXAMINATION

MR. TANDON: So my wife's intention is to introduce a small, woman owned small store, small community store, with selective spirits, beer, and wine, and selective grocery.
And she also plans to complement the store by adding a little coffee place to it and introducing a place of having a work and a one stop shop kind of a place for coffee and treats.

But I am really shocked at the negative and discriminatory comments made by the members of Stronghold Civic Association and other protestors pertaining to her request for a license change.

Their objections seem highly discriminatory, because despite the mayor's efforts to incentivize and influence women entrepreneurship, they seem to be working hard to have her application denied.

Now it is no secret that there has been evident rise in crime in our city. Like recently, the residents of Washington, DC received an Amber Alert that a 12-year-old boy was kidnapped.

And a couple months back, a car, in an unfortunate incident, sorry, a car crashed into an establishment where patrons were enjoying dinner.

Later that week, there were shots fired in Trinidad and then last week there was a
carjacking on North Capitol Street.

These are all instances that have angered our community. I understand that. But in no way these can be linked to small businesses with Class B or Class A licenses.

Insisting otherwise undermines the dedicated entrepreneurship and hard work behind these establishments.

As for the protest file, it seemed like the Stronghold Association and, what Stronghold Association and single member district is trying to say is that every incident happening on North Capitol Street is because of Hillview Market's Class A application.

Every incident cannot be linked to Hillview Market. And the trash on the street as described in the protest form submitted by Stronghold Civic Association is in no way coming from our store.

In fact, there's a well-run business on the block. The trash and unwanted waste is bound to decrease.

Stronghold Association and other protestors' claims are simply hypothetically assumptions because Hillview Market has not been
in operation for a single day ever since it
bought the business from Sun Beam Market.

This is because Hillview Market has
extensive renovation plans and is waiting on
permits from DCRA under the application number
B2200641.

There is zero trash, zero loitering,
that can be related to our property at 2324 North
Capitol Street.

Ms. Evelyn Brown's statement in the
protest form submitted seem hyperbolic and
misrepresents our establishment.

Her statement insisting that there are
piles of trash all around is an extreme
overstatement.

I have personally hired Mr. Cesar
Lopez, one of the temporary caretakers for the
property ever since I bought it, and his job is
to make sure that the property stays clean of all
the litter around.

And he does a good job at keeping it.

There was also another, in the protest form it
was mentioned about the store, the label, which
seemed outrageous to me since back during the
wintertime when it was snow around, the whole
Pine Street, entire block on Pine Street, had large patches of frozen ice.

And no one cared to tend to it. But Ms. Brown seemed heavily focused on a little patch of ice that was outside Hillview Market, but nonetheless, was also taken care of in a timely fashion by Mr. Cesar Lopez.

Stronghold Civic Association is perhaps adopting this form of opposition because of the successful protest against a Class A for Capitol Market back in 2016.

Capitol Market is another establishment with Class B license on northeast side of North Capitol and Channing Street.

I was reading through the facts of the ABRA investigator, and it seems like Capitol Market was not following the rules and there has been a history of defaults.

My wife, on the contrary, along with me and our family, has owned and successfully operated a restaurant in northeast DC with a full liquor license for the last nine years without any complaints of negative history.

The restaurant now has become a neighborhood favorite and is a staple of the
community normal.

The comments from the consequence presented by Stronghold Civic Association and single member district seem to claim that the city's Class B and Class B retainers are behind, are to be blamed for all the crime, encouraging public urination in their respective areas, which is highly discriminatory.

I understand the concerns of the commissioners and the neighbors, but all these concerns are based on assumptions and are hypothetical since our business, Hillview Market, has not been in operation so far.

It is and it always will be our sole duty to make sure that we follow all the rules and protocols to ensure our patrons' safety comfort for the neighborhood.

We will do everything in our power to ensure that the business is not the cause of any neighborhood.

I just hope that my wife has a chance to own and operate the business of her dreams in her beloved city.

We want the store to be a strong addition to the community and have a place of
peace for Bloomingdale.

   We hope you will understand our pure intentions for the new store and approve on the class change request. Thank you.

   CHAIRPERSON ANDERSON: Any questions, Mr. Vining?

CROSS-EXAMINATION

   MR. VINING: Yes, if you please. Mr. Tandon, in your opening statement you said, you spoke about your plans for the business as a good fit for the community.

   MR. TANDON: Yes, sir.

   MR. VINING: You see in our exhibits and the witness can talk further about that, that everything that the three organizations have presented as testimony based on surveys of the community.

So I'm wondering how you arrived at that determination of a good fit for the community.

   What surveys and neighbors or what market research might have informed that statement?

   MR. TANDON: It is just a rearview approach to the community, sir. First of all, I
don't know how Hillview Market has been presented
to your community by you or your other members of
the organization.

If you tell someone that it's a liquor
store that is coming to the corner, this class
change is going to bring exclusive liquor store
which will bring all the loitering, littering,
and crime, and that is not, people are going to
start thinking about it like that.

But if you lay the plan out, if you
tell them what my plan is, I think I should be
given a chance to present my case rather than you
guys doing the job for me.

If the case is presented from my true
heart, I have been trying to connect with you
guys.

I have been trying to send you emails
without any response to connect with you to share
my plan with you.

My plan is not to make it an exclusive
liquor store. That is not the plan. The plan is
to have spirits as a part of the already-existing
wine and grocery store and to complement it,
we're going to have a small deli and a coffee
place.
And we plan to make it a neighborhood place. Please present it the same way I'm presenting this case to you.

If you present it the same way to the community, they will respond with positive numbers.

I tried to reach out to the community as much as I could. I don't have all the emails but I could get together a few.

And then I sent out the emails and I got a much positive response. Some of them said that they didn't know all this.

They were not told about all this. They were told it was just an exclusive liquor store coming to the neighborhood. And probably, nobody likes the idea of losing a corner store to a liquor store.

But I truly feel that it is a good fit. It's just got to be a good fit for the community.

I am trying to make it a one stop shop for the place. I am thinking outside the box. Please think outside the box with me. Sometimes, the picture is better on the other side. This is all I'm trying to say.
MR. VINING: Mr. Tandon, you presented to the Stronghold Civic Association, both in person and some questions there, and the did the same to the Bloomingdale Civic Association and presented your case. And I'm not sure if you're aware that it was only after you presented it to us, you presented the business plan that the various, the three organizations survey the community. But the survey of the community, we emphasized that this is a case before ABRA. We were very appreciative of the fact that you presented your business plan. But we said that the only question that ABRA wants to know is does the community oppose or support a Class A license in the neighborhood, and please explain why.

So are you aware that that is the sole basis of the responses that you heard?

MR. TANDON: I understand. I understand, but 60 or 70 protesters don't contribute to all of Bloomingdale. Bloomingdale is a big population of 40,000 to 50,000 people. 60 or 70 constituents, unhappy constituents, who have thwarted my plan, they
don't contribute, they don't necessarily make the whole Bloomingdale.

This is all. I understand. I understand that you're probably, you can't make everybody happy.

The intention is to make everybody happy. The plan is to make everybody happy. But you cannot make everybody happy.

There are some people who probably don't form the idea. But my intention is true. My wife's intention is true.

And her plan is going to be the same. It is an issue on your side. You have the trust issues.

You think that I am playing some bait and switch game where once I get the liquor license I'm going to turn it into a full-blown liquor store.

I believe these are the trust issues. But so on the other hand, we are starting our plan and we're going to stick with our plan, always.

Just, the intention is to make it a neighborhood place. I cannot go against the constituents and try to run a business in the
community, which is a very community-oriented --
Bloomingdale is a very community-oriented placed.

I cannot go against the community and
still expect my business to succeed. I have to
work with the community.

But what I am trying to do is I'm
trying to come up with a plan, and a plan which
fits all issues, that can serve all issues.

I am thinking outside the box. That's
all I'm doing. I am trying to have spirits,
beer, wine, grocery, coffee, a small deli.

I mean, I think what else can a
neighborhood ask for? I understand there are
some better experiences.

You guys probably have better
experiences from some other establishments. But
it's not going to be the case on this. You have
to work on the change. That's all.

MR. VINING: Thank you, Mr. Anderson.
I think addressing some of Mr. Tandon's results,
the witnesses we have are the three protestors
who will describe specifically what they did to
reach their conclusion.

They can address that at that point,
but I have nothing further. Thank you.
CHAIRPERSON ANDERSON: All right, Mr. Tandon?

MR. TANDON: Yes?

CHAIRPERSON ANDERSON: When did you purchase this business?

MR. TANDON: We purchased the building and did the business --

CHAIRPERSON ANDERSON: I'm sorry. When did your wife purchase this business? I'm sorry.


CHAIRPERSON ANDERSON: July or August 2021. And when you purchased it, you purchased it with a B license, was that correct?

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: Oh, why did not you operation? Why did you not open with a B license?

MR. TANDON: The place has a pretty rundown foundation inside. The previous owners have not been keeping up with the place inside. Outside, the building still looks kind of okay, but inside, it needs a lot of work.

So instead of, because once you start
the business, then it's hard to close it because then you lose all your business revenue and then there is stock that you have to take care of, the inventory.

Because my plan from day one is to renovate the place because it's a rundown place inside.

CHAIRPERSON ANDERSON: So where are you in this renovation?

MR. TANDON: Because there is a residential place upstairs as well, so things are kind of -- so I have applied for the permits, and in fact, today I got an email from my architect that they should be, they are very hopeful that the permits are going to next week.

CHAIRPERSON ANDERSON: All right. You applied. So when did you, your personal property in July, so when you did you start applying for permits since you're stating that the property needs to be renovated. When did you start your plan? When did you start --

MR. TANDON: October and November, we started applying for the permits.

CHAIRPERSON ANDERSON: So you're saying that an architect is working? So do you
have a plan for the store that you wish to share
with us?

I mean, I guess, did you have any
specific architectural plans so I can see what
the place looks like?

MR. TANDON: No, sir, I don't have the
-- I can ask my architect, but I don't have them
handy right now. That is the thing.

CHAIRPERSON ANDERSON: All right.

MR. TANDON: But I can --

CHAIRPERSON ANDERSON: The question,
because you stated that you want to, your
business plan, you said you want to see beer,
wine, spirits, you want to have a caf,, and
grocery, and the only -- an A license will allow
you to sell spirits.

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: But the part B
license that you have, it would allow you to sell
everything else. I mean --

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: -- you'd still
have your caf,, everything else that you
mentioned.

You can still do that without having
an A license. I'm just curious why is it that you're -- I'm curious, why is it that the renovation hasn't started.

Why have we not inferred that in the process? Why we're not -- I would understand it if you did not have a current license.

So I would understand you're saying you can't. Hold on, sir. I understand you're saying you can't operate because you do not have a license but you do have a license.

MR. TANDON: Yes, sir. Yes.

CHAIRPERSON ANDERSON: Why has there not been any movement?

MR. TANDON: There has been a lot of movement. There has been a lot of movement. Like I said, the permits are expected to be in by the next week.

So the movement has been there. I have been working with the architect. The architect has been constantly working with DCRA to get the permits out.

We are also trying to get some work with DDOT as well. So we are moving. It's not that I am not working towards it.

We've been going a while on this. But
I believe it's always a good option for me, my
business plan includes having spirits in it.

The day we bought the place, that day
I decided, me and my wife, but I mean, she wanted
to have a one-stop shop for the whole thing,
which has spirits, beer, wine, and groceries.

There are not many places around town
like that. There is one in the northwest, up in
the northwest, close to town somewhere, which has
spirits and grocery with it.

But with the kind of the Bloomingdale
kind of things moving in Bloomingdale is a very
vibrant kind of community, and the changes coming
to Bloomingdale.

So we thought that we would have this
as a part of the plan. So our business model is
based on spirits in it, selective spirits,
selective beer, selective wine.

I can go further into my business
model but to summarize it, I'm just saying that
selective spirits, beer, selective wine,
selective grocery, and a caf', in the back.

So just to give you a little idea of
the inside, the front half of the building is
going to be dedicated towards spirits, beer, and
wine, and the rear half is going to be grocery
and the caf,'.

The caf, is probably going to start
before the liquor sales, so we will close it off
like in between like after all the alcohol, there
would be like the chain gates until the company,
until 9 a.m. or 10 a.m. when the time for, the
approved time for liquor sale comes, and then we
will get the chain gates or the patrons who shop
for the alcohol.

This is a rough idea I'm giving you,
summarized idea of what the plan is going to be.

CHAIRPERSON ANDERSON: All right. You
stated that either you or your wife own another
business.

MR. TANDON: Yes.

CHAIRPERSON ANDERSON: Does that
business have an ABC license?

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: And so what
business is this?

MR. TANDON: It's an Indian
restaurant.

CHAIRPERSON ANDERSON: What's the name
of this restaurant?
MR. TANDON: It's Indigo, by the name Indigo. It's in NoMa.

CHAIRPERSON ANDERSON: It's in where?

MR. TANDON: NoMa.

CHAIRPERSON ANDERSON: Indigo Restaurant.

MR. TANDON: It's in NoMa.

CHAIRPERSON ANDERSON: Is this restaurant in your name? Is the license in your name or your wife's name?

MR. TANDON: That license is in my name, sir.

CHAIRPERSON ANDERSON: The Indigo restaurant. And how long have --

MR. TANDON: We've been in business for nine plus years.

CHAIRPERSON ANDERSON: Okay. All right. Any questions by any of the Board members?

MR. GRANDIS: Yes, sir.

CHAIRPERSON ANDERSON: Go ahead, Mr. Grandis.

MR. GRANDIS: Mr. Tandon, I want to thank you for your presentation and you are giving information, one to the protesters, but
also to the Board, that you've done a lot of
critical thinking, or you and your wife have done
a lot of critical thinking about this place.

And I think that the more information
you can give the public, I think the better
understanding of how to evaluate what you want to
do for the neighborhood.

I would imagine because of all the
knowledge you seem to have on looking at how to
use the space, what is the square footage of that
space that is going to be open to the public?

Because I'm sure there is part of it
that you will use as storage and other things.

Basically, what kind of floor space, square
footage, did you purchase?

MR. TANDON:  I would say around 1,500
square foot.

MR. GRANDIS:  Okay, 1,500.  And did
you know the prior owner?

MR. TANDON:  I didn't know him
personally, but I dealt with him so I have a
little sense of knowing him.

MR. GRANDIS:  And with his B license,
do you know the percentage of non-alcohol in that
1,500 feet was reserved for non-alcohol?
MR. TANDON: Yes, sir.

MR. GRANDIS: Come on.

MR. TANDON: I believe it is 40-50 percent.

MR. GRANDIS: We heard I think the investigator say that to be licensed, grocery had to be at least 50 percent.

That sounds like what the prior owner was telling you he did. With that in mind, and if you add spirits to this establishment, because of your critical thinking and because of all the conversations you've had with I guess contractors and architects, how much of this 1,500 square feet is going to be used for non-alcohol?

MR. TANDON: So with the Class A, if I get the Class A license, I still would, and not quite 50 percent, or 40 percent, but our plan still falls around 50 percent for the grocery and the caf'..

MR. GRANDIS: Okay. And of that other 50 percent, because it sounds like you've done some research regarding spirits, because I think you've testified that you're going to have limited spirits, limited beer, limited wine, of that area, how much do you, because of your
MR. TANDON: Yes, sir. So of the 50 percent, I would say about 30 percent of the 50 percent I would give to spirits and the rest, 20 percent, to beer and wine.

MR. GRANDIS: Okay. So you're comfortable in this hearing to let protestants know and the public at large that even though you're not required by our regulations to have 50 percent groceries, or let's say 50 percent non-alcohol, your current business and dealing with your architect for that build out, and I can tell you, I can understand and have sympathy as someone who has dealt with those issues in the past, that maybe you can't get decisions until you know whether or not you'll have an A or B.

So I'm not as concerned about why the delays because it sounds like you have done critical thinking of having this coffee area and things related to coffee.

So you're comfortable testifying under oath today that the reconstruction, the layout, is going to be setup initially to be at least 50 percent non-alcohol?

MR. TANDON: Yes, sir.
MR. GRANDIS: And you're also comfortable --

MR. TANDON: That is the plan.

MR. GRANDIS: Thank you.

MR. TANDON: Yes, sir. So that is the business plan and this is what I have been trying to convey to the community.

I have been trying to get in touch with Stronghold Civic Association and single member district and Bloomingdale Civic Association.

I'm sure that Teri Quinn from Bloomingdale Association, she is not, because I have had more chances of contacting with her than Mr. Vining.

Ms. Barnes also probably knows about it. And I was never shy of sharing my plan with them.

I have always been consistently telling them my plan, which is I am not going to be completely focused, I'm never going to be completely focused on changing this as a liquor store.

My wife's primary interest is to want it as a market, and a market where people can
come in for a quick coffee and a quick bite and
plus they have access to the market to the
groceries, the beer, wine, and spirits, but
spirits are definitely going to have to be there
because every business plan comes with a revenue
model and all that.

So that's all behind the scenes. But
I am never going to change my -- I don't intend
to change my plan.

Let me put it like that. I don't
intend to change my plan. We will stick to our
plan of 50 percent straight.

This will be for the groceries and the
coffee place. And the 50 percent liquor and the
beer and wine.

MR. GRANDIS: And you're comfortable
today to state that 30 percent, if I heard you
correctly, that may be spirits, was actually only
30 percent of the 50 percent.

MR. TANDON: Yes, sir.

MR. GRANDIS: Which means maybe it's
15 percent of the space. But I'm not limiting
you to 15.

But it will be less than -- you're
dealing with that of the 50 percent that can be
alcohol.

MR. TANDON: That is what the plan is, yes.

MR. GRANDIS: Okay. And I think it's interesting that your wife and you have already had experience with a restaurant.

I think that gives us a sense that you know that there are regulations.

MR. TANDON: Yes.

MR. GRANDIS: ABRA strictly enforces, and you've had probably inspections at the restaurant.

So I think that's a positive for the community to know that. At least it's positive for me to know that you all have that experience of working with our investigators and dealing with all the requirements of an ABC license with DC.

MR. TANDON: Right.

MR. GRANDIS: Is it perhaps maybe, and I'm only speculating from what I've heard, that your wife has a real interest in the coffee element, do you think she had an interest in the cultural elements that could bring things to that, maybe is that part of her idea is to bring
different types of coffees to the neighborhood
and things like that?

MR. TANDON: We definitely are working
on that.

MR. GRANDIS: Okay. Well, I want to
thank you for your testimony today.

MR. TANDON: Yes, sir.

MR. GRANDIS: Thank you, Mr. Chairman.

CHAIRPERSON ANDERSON: Thank you. Any
other questions from any of the Board members?

MEMBER SHORT: Yes, I have a couple,
Mr. Chair.

CHAIRPERSON ANDERSON: Go ahead, Mr.
Short.

MEMBER SHORT: Good afternoon, again,
Mr. Tandon.

MR. TANDON: Yes, sir.

MEMBER SHORT: At your other business
in NoMa, is that an A, B, or what is that license
on that?

MR. TANDON: A, sir. I have liquor
license.

MEMBER SHORT: It's A. So in the --

MR. TANDON: No, sorry, the restaurant
falls under C, I think. I mean, but I'm allowed
to sell liquor.

MEMBER SHORT: You have a Class C license?

MR. TANDON: I think that is what restaurants get, Class C, to serve liquor.

MEMBER SHORT: Well, in the District of Columbia, it sounds like you know the laws pretty well. And you personally have two A licenses in the District of Columbia?

MR. TANDON: No, sir. So that is why this license is under my wife's name. The Hillview Market is under my wife's name.

MEMBER SHORT: Okay. All right. Well, that would make sense, because if you did it, it would be illegal.

MR. TANDON: Yes, sir, I completely understand that.

MEMBER SHORT: Okay, well, now, you say in your testimony you knew the previous owner.

MR. TANDON: I didn't know him, but I know him, I dealt with him, so in that pretext, I know him a little bit.

MEMBER SHORT: How many years did that person have that location that you're seeking the
license?

MR. TANDON: According to him, he stated that he had that business for about 12-13 years.

MEMBER SHORT: And how many times did he apply for an A license in that 13 years?

MR. TANDON: I don't think so he applied for one. I don't know, sir. I actually don't know. I shouldn't make a statement. Yes, I shouldn't make a statement like that because I don't know.

MEMBER SHORT: Mr. Tandon, someone applied for an A license at this same location before, more than once, so you're not the first one. And you didn't know that? You didn't know that?

MR. TANDON: No, sir, I didn't know that.

MEMBER SHORT: Okay. And Mr. Tandon, again, this is a very middle class, I guess hard working class neighborhood, and they're pretty close and the houses are right on top of each other and whatever. So, you'll fit in.

Your business model you say will fit right in with those, the people that have been
there for 30, 40, 50 years.

MR. TANDON: Absolutely. I'm very confident.

MEMBER SHORT: Okay. That's all I have, Mr. Chair. Thank you very much.

MR. TANDON: Thank you.

CHAIRPERSON ANDERSON: Any other questions from any of the Board members? Mr. Vining, any follow-up questions based on the questions that the Board asked?

MR. VINING: No, thank you.

CHAIRPERSON ANDERSON: Mr. Tandon, do you wish to make any corrections of any testimony or questions that were asked to you by the Board?

MR. TANDON: Corrections? I don't understand the question, sir.

CHAIRPERSON ANDERSON: Well, if you had an attorney, I would ask, I would have asked if based on the questions that the Board asked, did you have any questions of the witness.

But because you are both the attorney and the witness, I'm just asking you if there's any corrections or any clarifications that you want to make for the record based on the questions that the Board members just asked you,
sir.

I'm not asking for new information. I'm just, if you were not able to answer the questions clearly as you wanted to.

MR. TANDON: So I have laid down my business plan, and according to the plan so far, I don't think so anything needs to be changed. And I hope that things go according to the plan. And we will stick to the plan. The only thing that I got wrapped up while talking to, I'm forgetting his name, was that the protestant seems like, it confused me a little bit, but I'm just throwing out the numbers, the 30 percent or 50 percent.

I don't know how much implication that would bring from ABRA's side. But besides that, I don't have anything to change in my statement. Just it's always going to have, this place is always going to have coffee and grocery. And I am just a little confused about the number side, like the personal side. Maybe I just threw out the numbers like 50 percent, 30 percent, here and there.

But the plan so far is that the coffee is always going to be there. The groceries are
going to be there for the neighborhood.

And my main focus is going to be on the wine and the spirits and selective beer, selective spirits.

I don't intend to sell -- my intention is not to sell no pints, no cheap liquor.

I only want to keep premium liquor there, some nice wine. That is going to be the focus.

But like I said, I don't want to be held with the number part of it. The spirits are going to be, a little section is going to be for the spirits.

Now, I don't know how much percentage that is, like 30, 35, 25, but a little section is going to be for the spirits, some section.

Bigger than the spirit section is going to be the wine section and then some beer.

But groceries, coffee will always be there. That plan will never change.

CHAIRPERSON ANDERSON: All right, sir. Thank you for --

MR. GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: I'm sorry?

MR. GRANDIS: Mr. Chairman?
CHAIRPERSON ANDERSON: We're at the part where we're ending the questions and we're just allowing him to say final comments before he rests.

If you ask a question, then I have to allow Mr. Vining to ask a question again and Mr. Tandon. So, I mean, you tell me.

MR. GRANDIS: I understand and I want to move things along, Mr. Chairman, but now I have information that confuses me. Let's move forward. Thank you.

CHAIRPERSON ANDERSON: All right.

Thank you. All right. It is 4:25. We've been doing this for the past two hours and I forget to told you that we're getting a break, scheduled break every two hours.

It's 4:25. We're going to take a 10-minute break until 4:35. You don't need to log off but you need to put your -- mute your phone.

You can turn your camera off. And we'll come back on the record at 4:35. And Mr. Kirby, you should be prepared to call your witnesses.

(Whereupon, the above-entitled matter went off the record at 4:25 p.m. and resumed at
4:35 p.m.)

CHAIRPERSON ANDERSON: We're back on the record. If I could get everyone to come back. All right, Mr. Vining, I just want to ask just for some clarification.

You're the, you're, tell me how is it that the protests are planning to move forward? Tell me just how you, how you're going to present the case. I'm just trying to get some clarification.

MR. VINING: We would move now to introduce the witnesses for the three process groups.

CHAIRPERSON ANDERSON: Okay. And so are you, so you're going to call all of the witnesses and ask them questions? Is that what's going to occur?

MR. VINING: They would have a make a presentation. They have a, each of the witnesses has a statement and then it'd be open as the Board wishes beyond that point.

CHAIRPERSON ANDERSON: All right, so you're going to call the witnesses and they're going to make a statement. And then, they'll be, they will be, well, normally you'd ask the
question, but you're saying that they're going to have statements.

And then, I guess, Mr. Tandon will be able to cross-examine them and the Board will be able to cross-examine them on whatever statements they're asking of.

Okay, if it's, I want to make sure that it's more in the form of questions rather than just a statement, but let's see. All right, so who's the first witness, sir?

MR. VINING: The first witness for the Stronghold Civic Association is India Luckett. There's a summary of her position in the PIP forms. I would like to just call India Luckett, please.

CHAIRPERSON ANDERSON: And where's Ms. Luckett?

MS. LUCKETT: Good evening, Chairman Anderson.

CHAIRPERSON ANDERSON: Can you raise your right hand please then?

WHEREUPON,

INDIA LUCKETT was called as a witness and, having been first duly sworn, assumed the witness stand, was
examine and testified as follows:

CHAIRPERSON ANDERSON: All right, go ahead, Mr. Vining.

DIRECT EXAMINATION

INDIA LUCKETT

MR. VINING: Well, Ms. Luckett had a statement. I thought that was how we would proceed and see if there's any questions. She's got a brief statement to make about the, about the how Stronghold went about finding its position on this matter.

CHAIRPERSON ANDERSON: So why don't you just ask her, I'm not going to just, I don't know what statement it is what you know what the statement is?

So just ask her some questions around the statement, and then she can talk about what's in her statement, sir. Just ask her some general questions about it.

And then, she can, I'm going to give some leeway for her to go on. So just ask her, you know what, you have read the statement so just formulate some questions to ask her about her statement and then she can, you can go ahead.

MR. VINING: Sure. Ms. Luckett, would
you tell us about Stronghold, Stronghold's to
actions and responses to the our application for
this license?

CHAIRPERSON ANDERSON: Hold on a
minute. Why don't you just ask her who she is --

MR. VINING: I'm sorry, yes.

CHAIRPERSON ANDERSON: And just give
her some, just ask her some questions so she can
tell who she is. And this is for her, this is an
opportunity for her to talk about herself and
then you can have her, then she can give her
statement, please.

MR. VINING: Ms. Luckett, would you
state your name and your role in the Stronghold
Civic Association for the record, please?

MS. LUCKETT: I am India Luckett,
lifelong resident of the Stronghold community.
Current president of the Stronghold Civic
Association.

Today is a very important day for us.
We have worked on this notice of public hearing
requests for class change from Retailer B to a
Retailer A liquor store process for the past six
months.

I must say and as our Stronghold motto
says, we are working together for our community since 1991. That's my intro, Chairman Anderson. If I can ask permission of the Board, I won't be before for you long if I may continue on with my testimony.

CHAIRPERSON ANDERSON: So Mr. Vining's going to ask you some, ask her some questions and have her, just have her, you know what her statement is. Just ask her some basic question that she can elaborate, sir.

MR. VINING: Yes. Ms. Luckett, could you tell us how the Stronghold Civic Association into the position that it's taking in this matter?

What did you do? What was, how did you seek the communities and all of the answers that became the basis of the Stronghold Civic Association's position?

MS. LUCKETT: In October 2021, a member of the Stronghold Committee, community shared at a meeting of our monthly meeting that there were new owners taking over the Hillview Market.

And at that time the store will be closing at the end of October, and it did. And
at that time, I was contacted by ANC Barnes,
advising me to reach out to Mr. Tandon, the new
owner, to invite him to a Stronghold Civic
Association meeting.

And allow him to make a presentation
to us of his vision, his plans, for the Hillview
Market. And he did. He participated with us, he
gave us a presentation.

Prior to that, we actually sent him a
set of questions to answer, to review and prepare
himself when he speaks with us. And then return
we did, I did, reach back to, reach back to Mr.
Tandon asking him to give us those responses in
writing so we'd have them to share with the
committee.

At that time, the Executive Board, we
met and then we had a meeting in November, and we
voted unanimously that we proceed with a protest
for this Class A license.

And in doing so, we created a survey.
This survey was, actually a survey spoke of one
of two things. Do you support the approval of a
Class A license, or do you oppose?
And this survey was circulated door to
door all the, to all of the residents in the
community by email and or next door social media platform.

We received those responses back and at that time, we were continually off our force and in our stance as a protester for this case. That was the only communication we have with Mr. Tandon.

We did not invite him back to my meetings. At that time, the association, Bloomingdale Civic Association, which I attended their meeting and witnessed Mr. Tandon give a presentation, his vision, his plans for the Hillview Market.

And that was in, that was actually in November, or November the 15th 2021. November 16, 2021, I attended the ANC 5E09 meeting. Again, Mr. Tandon gave a presentation on his vision, his plans for the store.

I'd like to, if I could, permit it to Mr. Chairman Anderson, there's one statement that was made I just like from our record. The store actually closed.

I understand there was a sale, a purchase in July of 2021. But the store actually closed in October. It has not reopened since.
So from October to July to October, there was no business.

The times that investigator Miller visited the store, the store was not open. Let's see. And if I could, just referencing Exhibit P-1 from our exhibits, which is the protest.

There were several comments from residents from our survey, their responses, and I'd just like to read a few more for the record to show those in the neighborhood, the residents, how they say about a Class A license.

One of which, no, I do not support a liquor license for residential neighborhood. There have been problems in the past at that location.

In fact, the killing and the robbery. At one point, it was a hangout location with drug peddling. If you observe the other store at North Capitol and Bryant, well actually North Capitol and Chain, you will see it's a hangout spot, drug peddling in there present.

A liquor license would only invite more problems. I am always picking up beer cans, wine bottles, all of the time in my yard. People don't respect the neighborhood and dispose of
beer cans, wine bottles, in the streets and throughout the neighborhood.

That was one resident. Another stated, I do not support this change. I feel like it's important for this store to continue providing groceries and other staple items to our neighbors.

Currently there are far too many liquor stores in our community that do not support the needs of families. I oppose the approval of the city granting a Class A liquor license for previously stated reasons.

And third and last, yes, I oppose the approval of granting a Class A liquor license. Neighborhood does not need, this neighborhood does not need it.

There are several in established class A in the area. I do not support. There are several established Class A stores within Ward 5 area. With traffic being an issue at that corner, also potential for unwanted loitering.

And again, I mentioned the times, my participation again, my purpose here, Chairman and Board members, is to bring awareness and be the voice for the community for the residents
that have vouched how they feel about this, this
change of license.

And, again, Mr. Vining has, was
actually delegated to speak on our behalf, sir.
And after my testimony, you will hear from four
long standing residents and of the Stronghold
Community.

Who will testify giving the Stronghold
Civic Association's protest concerns following
the appropriateness standards exit, Exhibit P-1
in the middle section.

This concludes my testimony. Thank
you so much for allowing me to share all the
concerns of the neighbors in the Stronghold
Community.

CHAIRPERSON ANDERSON: Thank you. Mr.
Vining, do you have any other questions that you
wish to ask her?

MR. VINING: One for Ms. Luckett. Ms.
Luckett, how long have you and your family been
in your present location in Stronghold?

MS. LUCKETT: Yes, I am a lifelong
resident, born and raised at my home in the
Stronghold neighborhood. And it is a joy. We
are a family.
And I'm on the northeast side, Whining Street directly across from the store. In investigator Miller's report, he mentioned about residential parking.

We have residential parking on the northeast side, which is very critical, as well as on the northwest side where the store is located.

So the parking is an issue. And especially when there's businesses open. It's hard to tell those parallel, those differences. It's like apples and oranges when the store is not open.

CHAIRPERSON ANDERSON: Any other questions, sir?

MR. VINING: No. None for me. Thank you.

CHAIRPERSON ANDERSON: Mr. Tandon, do you have any questions you wish to ask her, Ms. Luckett?

CROSS-EXAMINATION

INDIA LUCKETT

MR. TANDON: Ms. Luckett, how are you doing?

MS. LUCKETT: Good. How are you, sir?
Good evening. And Ms. Tandon, great to meet you.

MS. TANDON: Same here. Thank you.

MR. TANDON: Ma'am, so you --

MS. LUCKETT: Yes.

MR. TANDON: -- said, I gave my presentation three times before today. Did you, did you ever see my presentation being different from today?

MS. LUCKETT: Yes.

MR. TANDON: Is it different?

MS. LUCKETT: Your vision is the same.

But it's totally differently, Mr. Tandon. And I don't mean that negatively. You gave presentations several times.

MR. TANDON: Yes.

MS. LUCKETT: Yes.

MR. TANDON: So what was different in the previous presentation versus today?

MS. LUCKETT: With the Stronghold Civic Association's presentation, I must say we did not ask questions as it relates to percentages, which you gave answers, which you responded to in the other meetings.

So it's more or less what and Board members, we sent Mr. Tandon 15 questions. And he
so graciously answered them.

MR. TANDON: Right but --

MS. LUCKETT: And --

MR. TANDON: -- but what's my position

CHAIRPERSON ANDERSON: Hold on Mr. Tandon. Were you done, Ms. Luckett, answering?

MS. LUCKETT: Yes, sir.

CHAIRPERSON ANDERSON: All right, go ahead, sir.

MS. LUCKETT: Yes.

MR. TANDON: So but in all of my presentation, presentations, was not specifically very clear that I will have grocery and a small section for the spirits?

MS. LUCKETT: Yes, I actually because I had to brief, be very brief of my comments, I would have mentioned that what you said for --

MR. TANDON: Right.

MS. LUCKETT: -- as relates to the grocery, the One Stop. Yes, sir. You've mentioned all that. You gave us a detail, you answered our questions. And in the other presentations that I witnessed, you spoke of your layout, your vision, and how your store would be
run.

    MR. TANDON: Right. And can I, can I, may I please ask you very respectfully when you guys sent out the survey to the community, did you specifically tell them this is the plan for Hillview Market? That he's going to have groceries and a small section for the spirits? Or was it just Class B versus class A?

    MS. LUCKETT: We used the same language that was presented from ABRA and we asked two questions whether they oppose or whether they would support.

    MR. TANDON: Right.

    MS. LUCKETT: So that was the language -- may I finish?

    MR. TANDON: Yes. Yes, please.

    MS. LUCKETT: That was the language that we used in our survey, and that we shared with the community.

    MR. TANDON: Right. And I believe that you, you have, the meetings that I was not invited to, you do have community meetings all the time with your constituents.

    During that, what was the consequence, one of the consequence ever given the idea about
my business plan? What my business plan is? The presentation that I gave to Stronghold Civic Association was the same idea presented to the constituents during your regular meetings with the constituents ever?

MS. LUCKETT: You joined us in November, and you responded to the 15 questions that we sent you. We have monthly meetings. In the month of November, we established a Hillview Market Committee. We met. We discussed. We created a survey.

In our December meeting, we, there was a motion and we voted unanimously that we protest your request for a change of license. That was the month of December. We meet the beginning of each month. And so in those two months business was as usual, and we had to, we proceed with the protest.

MR. TANDON: I understand but my question was something else, but it's okay. And what I, this is not, this is not a question. But this is, this is just I'm telling you, ma'am. That if Stronghold Civic Association has presented to the constituents my plan --

CHAIRPERSON ANDERSON: Mr. Tandon, you
need to ask your asking a question, sir. This is, this is a statement. She gave her presentation. You need to ask questions about what she just testified to, sir.

MR. TANDON: All right, okay. Was, Ms. Luckett, I was also told well, I don't have a solid proof for that, but Stronghold Civic Association was against MacMillan, MacMillan Park Development as well, the development project that is going on. Did you guys oppose that idea as well?

MS. LUCKETT: I have no comment on that question, Mr. Tandon. We're here discussing Hillview Market.

CHAIRPERSON ANDERSON: Let's move on.

MR. TANDON: All right, no more questions. Thank you.

BOARD EXAMINATION

INDIA LUCKETT

CHAIRPERSON ANDERSON: Anything? Ms. Luckett, so tell me about Sun Beam Market, the previous A that was, the previous B well was there. Was that? Tell me about that establishment or whether or not the community welcomed that --
MS. LUCKETT: That establishment, even though the exterior looks as it looks now, and I would take it people, and again I'm speaking on behalf of the community. This isn't India Luckett, I'm representing the community.

The family that owned, well the family that operated were very friendly. They constantly kept it clean. Constantly, again, warm greeting and handled their business as best as they could.

CHAIRPERSON ANDERSON: Well what, I mean what, I know that there had be like, but did you ever, did you, were you, did you, were you a customer of that establishment?

MS. LUCKETT: Yes, I was, I was, I was a customer of that store. Yes, I was.

CHAIRPERSON ANDERSON: So what was it that they sold?

MS. LUCKETT: I'm sorry. They sold groceries. You can get a dozen of eggs. You can get a pack of cheese. You can get a green pepper. You can be able to get some onions.

You can get some grits. You can get broth for your cooking. You can get some hot sauce, seasoning for your foods, as well as, milk
juice various sodas, wine and beer. You can also
get all of the chips. Not all of, but an array
of snacks.

CHAIRPERSON ANDERSON: Now, but, why?
Is it that your evidence? I mean, I get what Mr.
Tandon said, that division, they're going to sell
beer or wine, they're going to have a caf,,
they're going to sell grocery.

So why is it that your community
believes that this is not appropriate for this
community if all he said is that we're just going
to bury them, we're just going to, we're going to
I lead the presentation, we're just going to
improve on what was there?

MS. LUCKETT: The improvements would
definitely be welcome. And I believe the
question is more or less why does the community
disagree with the sale of liquor bottles?

CHAIRPERSON ANDERSON: No, no I'm
sorry. Why is it that because there's already a
B there.

MS. LUCKETT: Yes.

CHAIRPERSON ANDERSON: And he's asking
for an A, and at least the vision at least as
presented here, it's like, yes, I'm going to do,
I'm going to still sell grocery, and then, might have a caf', but I'm only going to sell, I'm just adding spirits to complement what the other store had.

So why? That's what I'm just asking. Why is that the community is again, at least what presented as I'm just complimented by certain spirits to what was already there?

MS. LUCKETT: From the responses that I've read, Chairman, the neighborhood does not want the sale of liquor. The neighborhood does not disagree with the beer and wine. But they feel this with --

CHAIRPERSON ANDERSON: I'm sorry, you didn't say spirits, not liquor, because --

MS. LUCKETT: Sorry, spirits --

CHAIRPERSON ANDERSON: -- spirits isn't a liquor.

MS. LUCKETT: Yes, sir. I'm sorry. I'm from the old school, sir. Yes, so the, from reading responses, the residents preferred not to have spirits added to what's currently licensed, or what, let's say what's currently can be sold in store.

They prefer that the groceries would
be the main selling in the store. There had also
been questions about bringing that, bringing the
D.C. lottery, but that's another area. There
have been questions about that as well.

And we did ask Mr. Tandon and at that
time, he, they were not sure if they would,
correct me if I'm wrong.

But again, the community would rather
the store continue on as it did as it relates to
sales, which would be groceries with the B
license, everything that falls under a B license.

CHAIRPERSON ANDERSON: All right,

thank you. Any other questions by any of the
Board members?

MEMBER CROCKETT: I have a few
questions.

CHAIRPERSON ANDERSON: Rafi Crockett.

MEMBER CROCKETT: Good afternoon, Ms.
Luckett, how are you?

MS. LUCKETT: I'm well. Good
afternoon.

MEMBER CROCKETT: You read to us the
questions that were posed on the survey.
However, it was there any kind of introductory
language or a summary also on the questionnaire
that went out or was it just those questions?

MS. LUCKETT: There was an intro, and
the intro, and I'm sorry, I do not have that in
front of me.

We had a survey was sent out in the
Excel spreadsheet format. And, again, we used
the language from the ABRA's letter of notice of
public hearing that Hillview Market, and I don't
want to go verbatim and be incorrect.

The question was, do you oppose, and
one of my colleagues, Kirby may pull this up and
show it. I can't grab it right now. Do you
oppose or do you support a Class A retailer's
license?

And so, that was sent, again, that was
sent out by email. It was also shared on next
door, and it was also hand delivered to every
resident.

Now, the responses we got back, we
have over 300 residents. Of course, we didn't
have to receive 300 responses back but we did get
a quite amount of responses.

MEMBER CROCKETT: I have some. If
you, in your survey --

MS. LUCKETT: Yes.
MEMBER CROCKETT: -- that went out, did you at any point, you said you use ABRA's language. Did you at any point define what a Class A license is versus what's currently there a Class B license?

MS. LUCKETT: Yes. And that's, that actually was discussed and mentioned during our monthly meeting. I do apologize, I do not have that in front of me to actually read it for you. It was an email.

So again, when the survey was sent through Google and so that description was listed in the front of that survey. And actually, our petition, petition one that we submitted to ABRA actually does list those responses.

But again, to your question, I do not have that in front of me. Kirby, maybe you can pull that up when you're able to come back online.

CHAIRPERSON ANDERSON: I'm sorry, I'm sorry, Ms. Crockett. Ms. Luckett, was, is the survey a part of one of your exhibits?

MS. LUCKETT: Yes. Only, well, part of, part of an exhibit. So our Exhibit P-1 was the actual protest petition, which included seven
responses of the survey.

CHAIRPERSON ANDERSON: But you don't have the survey though, right?

MS. LUCKETT: We didn't, we did not share the entire survey, which is the Excel spreadsheet.

CHAIRPERSON ANDERSON: Okay, I'm sorry, Ms. Crockett. Go ahead.

MEMBER CROCKETT: So also, you did share with us, I see that there are, you know, seven written responses. How many written responses did you receive?

MS. LUCKETT: I'm reading --

MEMBER CROCKETT: Comments, not just like, yes or no, but actual comments.

MS. LUCKETT: Yes. Totally respond is 36 out of 111 survey neighbors I'm reading at the bottom of the survey. Kirby, do you have those numbers?

CHAIRPERSON ANDERSON: Well, he can't respond, ma'am. You have to.

MS. LUCKETT: I'm sorry. Okay. I do not have that in front of me.

MEMBER CROCKETT: So there were 36 written responses and you've shared with us seven
of them?

MS. LUCKETT: Yes, on the record that you have, and then, I read three more. I think, I read three different ones in my statement. Yes, but yes.

MEMBER CROCKETT: Okay. So close to 30 responses have not been shared with us?

MS. LUCKETT: Correct.

MEMBER CROCKETT: Okay. Thank you, I don't have any further questions.

MS. LUCKETT: Okay.

CHAIRPERSON ANDERSON: Thank you, Ms. Crockett.

MS. LUCKETT: Thank you.

CHAIRPERSON ANDERSON: Any other questions by Board members?

MEMBER SHORT: Yes, Mr. Chair, I had one.

CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

MEMBER SHORT: Yes, good afternoon, good afternoon Ms. --

MS. LUCKETT: Luckett.

MEMBER SHORT: Ms. Luckett, okay. Ms.

Luckett
MS. LUCKETT: Yes.

MEMBER SHORT: -- so how many years, how many years have a B store been on that, at that location? Or B license.

MS. LUCKETT: Well, Mr. Short, I heard someone say over 12 years. I've, there have been different owners. Again, I'm born and raised here. I'm in my family home here on Brian Street. So I believe I've know three owners. And I --

MEMBER SHORT: Okay.

MS. LUCKETT: Yes.

MEMBER SHORT: Okay. I guess what I'm trying to find out is none of those B licenses had a problem with the community or the community had a problem with the Bs?

MS. LUCKETT: No, sir, no problem.

MEMBER SHORT: And you don't have a problem with the new owners maintaining a B there?

MS. LUCKETT: Correct.

MEMBER SHORT: And would the community, would the Stronghold Community have any problem with all the plans, the beautiful plans, that Mr. Tandon has? If you stay a B, you
could still, you could still do all the things
with a B, couldn't he?

MS. LUCKETT: We welcome the
renovation, sir. And India Luckett welcomes to
those renovations. That will be a beautiful
sight on that corner.

MEMBER SHORT: Okay. That's all I
have, Mr. Chair. Thank you very much, Ms.
Luckett.

MS. LUCKETT: Thank you.

CHAIRPERSON ANDERSON: Sir, Ms.
Crockett, in the Stronghold, in the Stronghold,
what Exhibit, Exhibit 2, it does have the survey
questions.

So I just want you, Ms. Luckett, as
Ms. Crockett has stated, you only shared seven,
you only shared seven and you also read three.

MS. LUCKETT: Yes.

CHAIRPERSON ANDERSON: But were the
other, because I see, I see Exhibit 2 where you
said that the market have acquired with the Sun
Beam store on the corner of North Capitol and
Brian Street Northwest, and plans to develop the
retail space of a class, of a deli class market.

The previous establishment from the
market had a Class B license, which was for the
sale of beer and wine and required to store to
sell a variety of grocery items.

Hillview inherited that license but
seeks to obtain a class A liquor store. A class
a liquor store, excuse me, allows the sale of
spirits as well as beer and wine, but does not
require this Court to sell anything else such as
grocery items.

So let's say, that is, that is the
summary. That was written on this survey. So
while the, you said you got about 30 type of
responses.

So would you summarize, were the other
responses that you did not share, did they
support this and you didn't share them with us or
you just, or does the seven that you shared with
us, if those seven were reflective of the views
of the community as a whole?

MS. LUCKETT: As I'm, as I'm looking
at the survey from another device, we have 30
responses that oppose, and there were six that
did support.

So yes, there were, there were some
residents that that support the Class A license.
And I do apologize that we did not send this entire record to you. Of course, we sent which reflected our stance and where the majority voted was to oppose, and we are protesting the Class A license.

CHAIRPERSON ANDERSON: All right, thank you. Any other questions by any of the Board members? All right, Ms., I'm sorry, Mr. Tandon.

MR. TANDON: Yes, sir?

CHAIRPERSON ANDERSON: Any questions of Ms. Luckett based on the questions that were asked by the Board?

MR. TANDON: Can I ask one last question to Ms. Luckett?

CHAIRPERSON ANDERSON: It has to do with, it has to do with the question that the Ms. asked her if it's related to one of the questions that the Board asked, you can go ahead and ask it, but it can't be a new area.

MR. TANDON: I believe it is in relation to Mr. Short's question.

CHAIRPERSON ANDERSON: Go ahead, sir.

RE-CROSS EXAMINATION

INDIA LUCKETT
MR. TANDON: Ms. Luckett, do you, do
you believe that adding spirits to an already
beer and wine store would bring more problems to
the neighborhood?

This is, do you think that adding
spirits are Class A license, all the businesses
around the Class A licenses, are the reason for
all of the littering, and the crime, and whatever
happens to a particular neighborhood? You think
the Class A license is the harm, is the is the
core reason for that?

MS. LUCKETT: We've never had a Class,
we've never been a Class A license. At least I
don't recall the Class A license where spirits
were sold at either location, here at Bryant and
North Capitol, or Channing, and North Capitol.

So I cannot comment, and I, and those
that will be coming behind me that are residents
of the Stronghold have their personal opinions as
it relates to the effects of having a Class A
license would be to the community. Again, on
behalf of the community, they would rather not
see a Class A license approved.

MR. TANDON: I understand. I am
asking your personal view. Do you think the
Class A operators are the reason for promoting crime, loitering, and littering, and urination, and drug abuse in the neighborhood?

MS. LUCKETT: Well, those are different categories, Mr. Tandon. So to answer your question directly, do I feel spirits is a product of crime? It can be. Overuse of any, obsessive use of any substance can contribute to crime, sir.

MR. TANDON: And do you, do you think that the people chosen for the, on your survey, demonstrate the opinion of the community at large?

MS. LUCKETT: The survey, the responses to the survey were residents that either spoke individually, or spoke individually and with the thoughts and concerns of the community.

MR. TANDON: No, what I mean is that the number of surveys that you get from the community, do they represent the whole community at large?

MS. LUCKETT: We only have one survey. There were two surveys circulated through our community, one by the Stronghold Civic
Association and the ANC, so. And those numbers pretty much matched as it relates to the support and the opposition.

MR. TANDON: I understand what you were saying. But what I'm saying is that sample size is what represents the whole community.

MS. LUCKETT: The survey represents the entire community, yes.

MR. TANDON: How do you, how do you estimate that sample size? Like 36 people in the community represent the community at large?

MS. LUCKETT: Thirty six is the number that was responded. It was circulated to over 100. Those were the only ones that wanted to share how they felt.

MR. TANDON: That's what I'm saying. Maybe the other --

MS. LUCKETT: Whereas, whereas, whereas, Mr. Tandon, I'm just saying there are those, there are always those that do not want to share their personal opinions.

MR. TANDON: And they're to, they probably are the ones who are, who are okay with the idea. Because not everybody thinks that Class A license holders are the reason for all
the bad things happening to the neighbors,
neighborhood.

MS. LUCKETT: I welcome the four
witnesses that will be coming behind me to share
their stories with us.

MR. TANDON: So yes, thank you.

CHAIRPERSON ANDERSON: All right, are
you done, Mr. Tandon?

MR. TANDON: Yes, yes, sir. I'm good.

Thank you.

CHAIRPERSON ANDERSON: Mr. Vining, do
you have any follow up you needed to ask Ms.
Luckett any clarification questions based on the,
based on the questions that were asked on the
Board?

REDIRECT EXAMINATION

INDIA LUCKETT

MR. VINING: Thank you. Ms. Luckett,
you said that the entire community was given an
opportunity to express its opinion on this, and
that you received 36 responses. Do you think
it's fair to make any statement about the people
who did not respond?

MS. LUCKETT: Yes, I would say part of
those are seniors that still, that reside in the
neighborhood who do not have internet accessibility who do not want to share their opinion one way or the other.

And those neighbors that are not homeowners, possibly renters, possibly students, from other states, different locations. And that's the majority of our neighborhood.

And again, we reached out, we went as far as we could. We went door to door, we went through the electronic, through email, and on the next door platform, which is pretty broad today.

But the ANC as, when you cross examine the ANC you will see those results were much different than ours and I believe broader than ours and more of a, of opposition as well.

MR. VINING: Thank you. That's all I have.

CHAIRPERSON ANDERSON: All right. Thank you. Mr. is that do your part. I just want to remind everyone if you are not speaking, your phone, you can mute your line.

If not you're speaking because I'm hearing feedback, so I just need everybody, only the folks who are speaking. They're, they are the only ones whose line need to unmuted. All
right, need to be unmuted. All right, Mr. Vining, do you have another witness?

MR. VINING: Yes. Yes, we do. Jason Orfanon lives on the unit block of Bryant Street within a block of the store, and I'd like to ask if Mr. Orfanon is with us there is he would describe his --

CHAIRPERSON ANDERSON: All right, hold on, hold. Hold on, sir. Mr. Orfanon, can you raise your right hand, please?

MR. VINING: That's right, sorry.

WHEREUPON, JASON ORFANON was called as a witness and, having been first duly sworn, assumed the witness stand, was examined and testified as follows:

CHAIRPERSON ANDERSON: And can you please spell and state your name for the record please, sir?

MR. ORFANON: My name is Jason, J-A-S-O-N, Orfanon, O-R-F-A-N-O-N.

CHAIRPERSON ANDERSON: Go ahead, Mr. Vining.

DIRECT EXAMINATION

JASON ORFANON
MR. VINING: Mr. Orfanon, would talk with us about your reaction when you heard about the application for a Class A license and describe that a Class A and Class B would be for your neighborhood? Is that, is that a fair question that you could address, Mr. Orfanon?

MR. ORFANON: I'd be happy to answer that. First, I would just like to thank the ABRA Board, and Chairman, and also all of the folks who participating, and especially the Tandons for joining us and taking the time.

I know how difficult it is when you're running a business. I come from a family of restaurant owners so I know how hard it is to take the time, so thank you.

So yes, I live on unit block of Bryant Street about halfway up the block so I'm very close to the, this establishment across the street from India Luckett.

I've been living in the neighborhood since about 2015. And, you know, it's, as been noted before, it's a residential neighborhood. It's a neighborhood that is wonderful, but it also struggles a bit with loitering and other issues, drinking, drug use.
We've had gunshots in our alley, which I can talk a little bit more about. But when I heard about this substantial change, it was something that definitely caught my attention because we had had gone through this several years back which the Channing Street store.

It was very clear that and in the loitering issues in our neighborhood, the littering, the public urination would be exacerbated by the introduction of spirits to our neighborhood.

There was already drinking going on, there was already drug use. There's already littering, and that's all happening. It would be exacerbated by the substantial change from a Class B to Class A.

I'm all for that corner store selling beer, wine, groceries, but the introduction of spirits would take it up a notch. It would, it would cause people to get drunk faster.

It would cause people to get rowdier, louder. There's already bottles of petron sitting out on the on the street corner, which is a high-end liquor, which Mr. Tandon describes.

You'll see that in, I think that's one
of our exhibits that we shared. But the, I walk
everyday around this neighborhood. I go past the
Sun Beam Mart, I through the alley between Bryant
and Channing.

I go by the Channing Street Store.
Every day there are large groups gathered in that
unit block of Channing Street, in the alley
sometimes between Bryant and Channing, sometimes
on Bryant Street.

This is a known hangout area. This is
a known open air drug market as well. This area
is very conducive to those sorts of behaviors
because these are all dead end streets.

They're always easy to park your car
at the end of the street, double park, hang out
with your friends, pop your trunk open. On
Channing Street people set up folding chairs.
They bring out a barbecue in the summer.

These aren't neighbors, these are
people driving in from Maryland. This is an area
where a lot of transactions are happening as
well.

But the bottle of Patron, people are
drinking, going on, you know. Now people can
walk, will be able to do we want people to be
able to walk down to Bryant, and North Capitol, and pick up another bottle and bring it back to the party?

Within the last, within the time that I've lived in this area, there's been noticeable violence spurred on by these gatherings. There's been shootouts in just that little alley between Bryant and Channing Street, at least three times.

There was someone bludgeoned with a tire iron after an altercation in the alley between Bryant and Channing. This is a block from the Hillview Market.

So these are the kinds of reasons why when I heard about this substantial change in the residential neighborhood that's zoned residential where I don't think ABRA should necessarily give a liquor license, a spirits license to a residential neighborhood.

It surprised me. It surprised me that we would have to take the time to protest it. That this wouldn't be something that would be rejected automatically.

So I'm, so that's why I, you know, why I was surprised I wanted to share my voice in the community. One other thing I'd like to add just
about the survey process.

I felt that it was very, that Stronghold Civic Association especially took great care to try to be as neutral as possible and to try to reach as many people within the Stronghold Community as possible.

I mean, they emailed people, they posted on next door, they went door to door with pieces of paper trying to get people to voice their concerns.

And, you know, we can't say that every survey is different but this survey, I think the ratio of the responses were similar to the ratio responses that the ANC received in their survey.

And I feel like I was able to get to know, through the public meetings, through the shared Q&A, that the Stronghold Civic Association shared that Mr. Tandon provided explaining the concept.

I felt like I really knew what they were doing. And it's not anything against them, against that means liquor in general, it's just the introduction of spirits in this location with the current set of circumstances in our neighborhood, that neighbors have been trying for
decades to help get their arms around.

And really when I say decades, it goes back to the '80 where people were sitting out trying to stop this liquor. We just can't stop, and spirits will just make it worse. Kirby, you're muted.

MR. VINING: Mr. Orfanon, I think you're referring to Exhibit No. 14, was the liquor in the trash that was taken by one of the residents there?

MR. ORFANON: Correct. And Exhibit 12 shows the people gathered in lawn chairs. I took that photo on one of my nightly walks. You can see, it looks like it's a weekend block party.

There are people on one side of the street with lawn chairs hanging out drinking. They are people on the other side of the street, you know, hanging out.

There's another photo of cars, Exhibit P-11, double parked. That's what people do, they double park on these dead end streets, pop their trucks, hang out and that's, you know, that's the conditions that would be exacerbated.

You know, it's the pile of dry leaves that throwing a match on it would cause a fire.
In this case, the match is the introduction of spirits.

MR. VINING: All right, Mr. Orfanon, are you satisfied that the Stronghold Civic Association was fair and thorough about giving the residents an opportunity to respond to the survey?

MR. ORFANON: I do. I mean, that's what I say. I feel like great effort was made to reach all of the houses in Stronghold, give people the opportunity to respond whether it be verbally, via email, on paper, they were given that chance.

And I think that it was fair, and also a great effort to communicate in adding Mr. Tandon to speak. Following up to asking for written responses that were shared to the community.

I don't feel like his revision was not represented to the community. I think great pain was taken to give that, to give his vision and share it with the community.

MR. VINING: Thank you. If I can, it sounds from your description there that there is benefit to the stores that you've experienced,
the two stores in the Stronghold, the old Sun
Beam, and the continuing Capitol Market.

There's benefit there as the
convenience store side, but there's also a
downside to it. So it sounds like it's a mixed
blessing that it is a benefit to the community
but there's a downside, but it sounds like this
is a workable balance.

And if I'm interpreting you correctly,
you see liquor is changing that balance to
unfavorable. Would that be a fair conclusion to
reach based on your remark?

MR. ORFANON: Exactly. I feel like,
well, ABRA controls the sale of spirits more
strictly than they do the sale of beer and wine.
It's grocery store going into the neighborhood.

There's a reason for that. So yes, I
think that the introduction of spirits to a
location would change the balance. It would add
something new that wasn't there before.

In a situation where we are dealing
with these other elements. It's not saying that
it's a bad thing in a high density retail
commercial area, which there are half a mile away
where there are liquor stores located.
But in this residential neighborhood, the stores next to a residence, behind it across the alley, is a family with kids. Across the other side is another residence. There aren't a lot, there's not all that foot traffic. There's not all that police patrolling. There's not five other businesses around it that balance it out. This would be the introduction of liquor sales in a residential neighborhood.

MR. VINING: Thank you. Mr. Anderson, that's my conclusion to my questions for Mr. Orfanon. Thank you.

CHAIRPERSON ANDERSON: Thank you. Mr. Tandon, do you have any questions for Mr. Orfanon?

CROSS-EXAMINATION

JASON ORFANON

MR. TANDON: Yes. Yes, sure. So Mr. Orfanon, you came pretty, it seems like you came pretty prepared for all of this, but. And so, all of the things that you've been talking about, the loitering, the double parking, the people doing barbecue and all of that stuff, I don't see any liquor store around in the neighborhood.
So where are they, where are they bringing all of these bottles from? Probably some other liquor store?

MR. ORFANON: Exactly. So the introduction of a liquor store within a block of these heavy hangout areas would only make it easier for people to acquire liquor to walk over after they're too drunk to drive, maybe. I'm not done. They can pick up another --

CHAIRPERSON ANDERSON: Mr. Orfanon, we're going to, we've been fine so far. Mr. Tandon, please allow him to finish his statement. And Mr. Orfanon, I will allow you, we have been very civil this day and we probably have a couple of more hours with each other. So I just want everyone to be civil. All right.

MR. ORFANON: I think I said it. I think, the, what Mr. Tandon was saying is asking if these are people hanging out, they have alcohol, aren't they getting it from somewhere else?

Yes, but the introduction of a store within a block of this active hangout area, where people are already drinking outdoors, public urination, using drugs, it's only going to make
It's only going to make it easier for them to acquire alcohol. I understand that ABRA takes into consideration the character of the neighborhood and any issues in that an existing loitering situation nearby is a reason why they would think twice about introducing a Class A license.

CHAIRPERSON ANDERSON: Mr. Tandon, Mr. Tandon hold on one minutes, please. If you do not want him to speak a lot, you need to ask him more pointed questions, sir.

So if you don't ask pointed questions, he's going to speak up, he's going to speak up about, he's going to get his point over. Okay, sir?

MR. TANDON: I understand. But yes, yes. Let me, let me ask him another question please. The question that I asked India Luckett before.

So do you think that liquor stores are to be blamed for all of the urination, the drug abuse, the crime, the gun violence you referred to. So liquor store, the Class A license holders are to be blamed for all of this?
MR. ORFANON: No. I don't, and I'll elaborate if you'd like. I don't think they are to blame in this existing situation, it will make it worse.

MR. TANDON: Please. So you don't, you don't feel that Class A license is the reason for all of this?

MR. ORFANON: What I believe is that a Class A license would exacerbate an existing situation where there's gun violence, loitering, public urination and litter.

MR. TANDON: May I, may I ask you, do you do drink, sir?

MR. ORFANON: I do.

MR. TANDON: Do, do you, do you personally drink?

MR. ORFANON: I do.

MR. TANDON: All right, you so, where do you buy your liquor from? You probably, do you know this place, the one, Classy Wine & Spirits on --

MR. ORFANON: Are you referring to the one that's located in a commercial area?

MR. TANDON: No, that's not a commercial area. That's a very residential area.
Yes, it's the very residential neighborhood.

MR. ORFANON: It's not. I look, I remember when you shared that. It's, so that is the one that is 801 Virginia Avenue. Is that correct?

MR. TANDON: No. I said 8th and Maryland Avenue, Classy Wine & Spirits. It's a very neighborhood area. Do you think, I never saw any loitering, littering or crime or people hanging around buying liquor, drinking outside? I never happened to see that there. So my thing is --

MR. ORFANON: I'm familiar with, so if Mr. Tandon, I'm unfamiliar with that location.

MR. TANDON: Okay, so I am giving you the update on that. It's 8th and Maryland Avenue Northeast. You can check it sometime. It's a nice, very, very wonderful store.

CHAIRPERSON ANDERSON: Mr. Tandon, the witness said he is not familiar with the area, sir. Let's move on, sir.

MR. TANDON: All right, so what I'm saying is that if all of these things are happening, already happening there, has the neighborhood ever tried to take care of these
things by calling the cops, calling the
authorities, to take care of it?

    Why put everything on a potential
business that is yet to start? And with a, with
a proposed plan?

    MR. ORFANON: Yes, we worked really
closely with the police and have reached out to
them several times. What they recommend is
calling 911, which we do. They come out, they're
not able to do a lot about loitering,
unfortunately.

    That's what we've been told time and
again, that they don't have an anti-loitering law
but it is something that contributes to the
character of the neighborhood.

    And it's something that ABRA takes
into consideration when they're looking for,
looking at a situation like this where something
new is being asked to be introduced to a
residential neighborhood. Where you have --

    MR. TANDON: Don't you say a well-run
store will cut down on loitering and littering in
the neighborhood? A well, well, well-run
organized store will reduce the loitering and the
littering in the neighborhood? Do you seriously
I don't believe that?

MR. ORFANON: I don't believe so because the store does not have any control on what happens a block away. You're not going to stop someone from buying a bottle of liquor if they're sober, and they walk into the store and they take it a block away.

You have no control over that. The neighbors, you can't stop someone from buying your liquor, walking a block away and hanging out. That's just not something you'll be able to control.

MR. TANDON: Absolutely. I don't have control on what goes on three blocks from me or two blocks from me. I am more concerned about what happens outside Hillview Market when it comes into operation.

I am, I cannot follow all of the, all of the patrons and see what they are doing with the stuff that they buy from the store. That is the responsibility of the neighborhood associations. That is why they are there, you know?

But my input about my immediate vicinity, what happens outside of my store, and I
can assure you that with a very well run
organized store, you will see the reduction of
loitering, littering and the crime acts in that
exact spot.

I mean, although, although Hillview's,
Hillview Market where the Hillview Market is
going to be, that area has been crime free or
loitering free, never any reports of loitering or
littering there, in particular.

What says it can be on some of the
blocks of Channing Street or North Capitol
Street. But, you know, beer and wine are bigger
mediums of loitering and littering. What's the,
what is the difference in bringing, changing it
to Class B to Class A?

MR. ORFANON: I'll answer the
question. Is that a question for me, Mr. Tandon?
What is the difference? The difference to me as
a neighbor is that the change from selling beer
and wine to spirits introduces a new element into
the neighborhood. One where people will get
drunk faster, have greater access to spirits,
which are controlled even more strictly than beer
and wine

And while you can control what
happens immediately in front of your store, you
don't, you can't control what will happen in the
alley next door, the alley across the street, the
alley a block away.

And that's the problem that exists for
us as neighbors that have been living in this for
years, if not decades, where we know that people
hang out in those secluded locations because they
can.

MR. TANDON: My problem is that you
guys generalize so many things. You generally
think that every bottle coming out or every
person loitering outside is going to come out
from Hillview Market.

Everything happening in the
neighborhood is going to be -- don't connect
everything to, I don't expect you guys to connect
everything to Hillview Market. Every bad thing
happening out there is happening because of the
Class change in Hillview Market. Look at the
other side also, sometimes. I --

CHAIRPERSON ANDERSON: Mr. Tandon, I
need you to ask a question, sir. I hear your
passion but I need you to, this is you're
cross-examining the witness, sir.
MR. TANDON: Right, okay. I'm coming back to the same question. Do you think that Class A establishments are the reason for all the loitering? So if that is -- and you said yes. So --

MR. ORFANON: I did not, I did not say that, sir. I said no. But what I said was the introduction of a Class A to a neighborhood where the existing character involves loitering, drug use, gun violence, will exacerbate those existing issues. And that's why ABRA pays attention to that.

MR. TANDON: Well, there are authorities, I believe, to take care of it as long as the business is well-run and organized. I don't think that these things should matter that much. But no more questions. Thank you.

BOARD EXAMINATION

JASON ORFANON

CHAIRPERSON ANDERSON: All right. Mr. Orfanon, now, irrespective of the decision that's made today by the Board, you know that there's going to, there is a Class B license in, at this location?

MR. ORFANON: Yes, I am. And I'm
completely fine with it. That's the existing normal that we're used to.

CHAIRPERSON ANDERSON: Now, were you living in the neighborhood when the Beam, I guess, the name of the other establishment when it was offered, when it was in operational?

MR. ORFANON: Yes.

CHAIRPERSON ANDERSON: And did, were there loitering around the I mean, what, can you tell us, what was it like when the, when that building, that business was in operation?

MR. ORFANON: Sure. There was occasional loitering in front of that store. There are, you know, a few folks that that would hang out, and then, across the street on the northwest corner of Bryant Street.

People would hang out where the alley is. And there was a house there that was, you know, that people, they would let people kind of hang out on that lawn.

People would park illegally around that store to run in, get things. The owners were great. It was, they provided valuable groceries to the neighborhood.

They did not sell spirits. They sold
beer and wine. I bought, I went there probably
every other day, and, but there were people
hanging out in front of that store on occasion.

CHAIRPERSON ANDERSON: Any other
questions by any of the Board members? Mr.
Tandon, do you have any questions of Mr. Orfanon
based on the question that I asked?

MR. TANDON: No, sir.

CHAIRPERSON ANDERSON: No? Mr.
Vining, do you have any questions of Mr. Orfanon
based on the questions that I asked?

MR. VINING: No, no further questions.

Thank you.

CHAIRPERSON ANDERSON: Thank you. Mr.
Orfanon, thank you very much for your testimony
today. Do you have another witness Mr. Vining?

MR. VINING: Yes, we do. Ms. Evelyn
Brown, I think you want to swear her in. Is that
correct, Mr. Anderson?

CHAIRPERSON ANDERSON: Where is Ms.
Evelyn Brown?

MR. VINING: Evelyn Brown was a --

CHAIRPERSON ANDERSON: All right Ms.
Brown, can you raise your right hand, please?
Could you unmute your microphone, please, ma'am?
MS. BROWN: Okay.

CHAIRPERSON ANDERSON: All right, yes, raise your right hand, please.

WHEREUPON,

EVELYN BROWN was called as a witness and, having been first duly sworn, assumed the witness stand, was examined and testified as follows:

CHAIRPERSON ANDERSON: Your witness, sir.


DIRECT EXAMINATION

EVELYN BROWN

MR. VINING: Would you please state for the record? And I think they would like you to spell it, as well, say for the record here your name and spell your name.

MS. BROWN: My name is Evelyn Brown. It's spelled E-V-E-L-Y-N. Last name is Brown, B-R-O-W-N.

MR. VINING: And would you tell us about where you live, how far you are from the old Sun Beam, the new Hillview Market, and please give us some impressions of your experience of the Sun Beam Market.
And your thoughts about the transition to the Hillview. Is that a comfortable, a question you're comfortable answering?

MS. BROWN: Sure, yes. I live at 2318 North Capitol Street Northwest. I am the third house down from the Hillview Market. My family, we lived in the neighborhood, the house in since 1959.

In terms of the Sun Beam Market, and in terms of its operation, we've frequented the store, you know, purchasing groceries now and then. And so I'm pretty familiar, you know, with the neighborhood and that area.

MR. VINING: And, what was your response when you first heard about the proposal that would, changes to the store, of course, in the largest picture, but specifically to including liquor or spirits in the store? What was your response to that?

MS. BROWN: My response was really not being in favor of it because, as with the testimony I prepared, I have experienced the loitering.

I've experienced, I've seen the trash. I walk my dog. I have an little dog and I walk
the dog between three and five times a day. And
I walk past that market.

I walk past the Bryant Street
Northwest side. I walked past, I walk in the
Bryant Street Northeast area as well as Channing
Street.

So I've seen the crowds when the store was
operational. There were times in which you did
have loitering outside of the store. And
sometimes as I was walking my dog, I would have
to walk around the crowd, and, you know, walk
closer to the sidewalk in order not to walk
between the group that gathers out there.

MR. VINING: But you heard Mr. Tandon,
explain his business model. Would you put that
all in the context about your thoughts? Are they
the same or separated there about the business
model that he described, and the liquor aspect of
that?

MS. BROWN: I think the liquor aspect
to me will contribute to, exacerbate the
loitering that occurs. Even with the store
closed at the moment, I've witnessed trash. The
peace and quiet, I do hear the interruptions.

And when they, even when the Sun Beam
store was in operation, I would hear the noises, the loitering, both during the day and during off business hours. So you know, there have been gatherings out there all along.

It's a matter of the tolerable level. And what I perceive that with the introduction of alcohol, I think will exacerbate it. You look at research. The ANC provided information about, you know, research on liquor stores and community health, and you know, what happens in the neighborhood.

And so, to me, with what I have observed, in terms of the loitering, the trash some of the things that go on, I think it will contribute to more loitering, more trash, and a lot more activity, that to me, is not conducive to the peace and quiet of the neighborhood.

MR. VINING: Thank you. We're here today, of course, specifically because of the request for a substantial change from Class B to Class A.

The old Sun Beam has, and Mr. Tandon kept from them the Class B. What would be your thoughts about continuing Class B license at that location?
Include if you wish, Mr. Tandon's description of his business model, or not. The continuation of a Class B, how, how would you respond to that question?

MS. BROWN: The Class B license at the current state that it was when it was operational, it was tolerable. I mean, there were disruptions. As I said there was loitering, there was trash.

But to the extent that it was controlled to a certain extent by the previous owner, you know, we were able, we were, I was pretty much I was pretty much able to tolerate it.

I do think that with the inclusion of alcohol, I think that the exaggerations of the activities, I think will increase. And it's not something that I would want to have in a neighborhood in which I live.

MR. VINING: Great. Thanks, thank you. Mr. Anderson, I have no further questions for Ms. Brown, thank you.

CHAIRPERSON ANDERSON: Thank you. Mr. Tandon, any questions for Ms. Brown?

MR. TANDON: Yes, yes, definitely.
CROSS-EXAMINATION

EVELYN BROWN

MR. TANDON: First of all, Ms. Brown, I really empathize with what your experience is from the current Class B establishments in your neighborhood. So if I may ask you, ma'am, have you ever had a chance to live next to a Class A license establishment?

MS. BROWN: No, I have not. And I consider myself very fortunate based on things that I have observed.

MR. TANDON: So, again -- yes, so that means all, all is, all your assumptions are all hypothetical? That it's going to increase the loitering, it's going to increase the littering? It's all hypothetical?. That's all. Thank you. No more questions.

CHAIRPERSON ANDERSON: Okay. I thought you said, one more. I thought you said one more, rather than, no more questions.

MR. TANDON: No. No, more.

CHAIRPERSON ANDERSON: Okay, any questions by any Board members?

BOARD EXAMINATION

EVELYN BROWN
MEMBER SHORT: Yes, Chair.

CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

MEMBER SHORT: Thank you. Good afternoon, Ms. Brown.

MS. BROWN: Good afternoon.

MEMBER SHORT: So you've, how many years have you been in that house, your family?

MS. BROWN: Since 1959. So that would make it 63 years in August of 2022.

MEMBER SHORT: In 1959, the Police Department, Metropolitan Police wouldn't have allowed people to stand out in the corner like that, right?

MS. BROWN: You're right.

MEMBER SHORT: Okay. Well, a lot of new changes that happened. And some people like the change, and some people don't like the changes. So I've been in Washington, all my life, 75 years.

And so I saw the changes coming to Washington. And sometimes, we have to, we were telling people a lot younger than us to be careful what you ask for.

MS. SHORT: That's right.
MEMBER SHORT: Because I remember the loitering laws get changed under very, I guess, a man who was charismatic, and people thought it was a wonderful thing to tell the police you can't arrest somebody standing on the corner.

And the next thing, you know, we had open air drug markets everywhere. But anyway, getting back to my questions. You don't have a problem with the Beam staying like it is on that corner?

MS. BROWN: Not really, no. I think it's something that it's tolerable.

MEMBER SHORT: Okay. Well, thank you for your testimony. That's all I wanted was that answer from you. And thank you for your very compelling testimony. Thank you.

CHAIRPERSON ANDERSON: Okay, Mr. Short. Any other questions, for any of the Board members? All right. Mr. Tandon, do you have any questions to ask the witness based on the questions that were asked by Mr. Short?

MR. TANDON: No, sir.

CHAIRPERSON ANDERSON: Mr. Vining, do you have any questions to ask witness based on questions that were asked by Mr. Short?
MR. VINING: I do not, thank you.

CHAIRPERSON ANDERSON: All right.

Thank you. Ms. Brown, thank you very much for your testimony. Thank you very much. Mr. Vining, do you have -- how many more, how many more do you guys have?

MR. VINING: There's two for Stronghold. I do not think -- I'll have to ask them to be get to it, but I do not think that we've got any witnesses remaining from Bloomingdale.

And I don't see any witnesses for the ANC. There are two are Stronghold. But I'll have to check to see if there's anyone left from Bloomingdale.

CHAIRPERSON ANDERSON: All right, all right. I got the five witnesses and I just want to make sure. All right, fine. All right. Who's the next witness, sir?

MR. VINING: Rebecca Mills. If Ms. Rebecca Mills is online? I think I saw her elevated.

CHAIRPERSON ANDERSON: Yes, Ms. Mills, if you can unmute, you can take yourself off mute, please? Unmute yourself, ma'am. I can't
read lips.

I think you said you're trying. Just press on your, on your, just, just press the mute button, ma'am, to unmute yourself. On, on your computer, just press the mute button. Mr. Tandon, can you mute your phone, please, sir?

MR. TANDON: Sorry.

CHAIRPERSON ANDERSON: Ms. Mills, are you still not have been able, you've been unable to unmute? All right. Mr. Vining, can you -- let's call it another witness.

And maybe Ms. Mills can figure out how to unmute herself. Because I think she's having some issues unmuting herself. I see that she's there. And I see that there, so she can try to figure out how to unmute herself. Do you have another witness, Mr. Vining?

MR. VINING: Yes, Mr. Scott Nguyen.

If he is with us, here? I think I saw him elevated.

CHAIRPERSON ANDERSON: Yes, Mr. Nguyen, can you raise your right hand please, sir.

WHEREUPON,

SCOTT NGUYEN
was called as a witness and, having been first
duly sworn, assumed the witness stand, was
examined, and testified as follows:

    CHAIRPERSON ANDERSON: All right,
then. Go ahead, Mr. Nguyen, your witness.

DIRECT EXAMINATION

SCOTT NGUYEN

    MR. VINING: Mr. Nguyen could you
please state your name for the record and spell
it for the record please?

    MR. NGUYEN: Hello, good afternoon.
My name is Scott Nguyen. It's S-C-O-T-T,
N-G-U-Y-E-N.

    MR. VINING: And could you tell us
where do you live vis a vis, where are you from
the store? What is your location and in respect
to the old Sun Beam, current Hillview Market?
Where are you located?

    MR. NGUYEN: I'm located directly
across the street from Hillview Market. We are
on the southeast corner of North Capitol and
Bryant.

    MR. VINING: It's directly across the
street apparently? What are your observations on
the old Sun Beam Market and activity in the
neighborhood surrounding the old Sun Beam Market and your responses to the, Mr. Tandon's request to change?

He's got a business model that also including a liquor license. Could you compare the two? The old Sun Beam and your response to the request for a liquor license, which is why we're here today.

MR. NGUYEN: Well, my vantage point,
I'm right on North Capitol. So the North Capitol corridor between Florida Avenue and Michigan Avenue is essentially a drag strip.

However, the intersections of Bryant and Channing are especially dangerous. Northbound, you have traffic coming from Florida Avenue.

And the cars come roaring through the underpass and pass through Bryant, Channing since it goes down from three usable lanes down to two usable lanes.

There's a speed camera, further up north on North Cap. and the cars know this. So essentially they specifically speed through Bryant and Channing, just to slow down before they get hit by the speed camera.
Southbound, the cars fly past Bryant
and Channing just because they know they can go
full throttle through the underpass without any
impediments.

My Exhibits P-15, P-16, I believe, are
just a couple of examples of the accidents right
in front of my house, which is also right in
front of Hillview Market, or the old Sun Beam.

That illustrate how dangerous that
intersection could be for cars and pedestrians.
Exhibit 15 specifically ended up in the death of
two passengers who were hit by southbound driver.

And we've had, and currently still
have, multiple and ongoing conversations with
D.C. Department transportation to put more speed
cameras, stoplight cameras, crosswalks, anything,
to try to slow down the traffic to make that
intersection a little bit safer.

So I bring all that up just to state
for the record, we're doing what we can to make
this intersection safer for both motorists and
pedestrians. But we feel that the spirits can do
nothing but make matters worse at this
intersection.

Pointing to Mr. Orfanon's point, we
already have groups of people getting drunk,
high, and loitering less than a block away from
Hillview, the old Sun Beam. And we feel like
these groups would make a beeline to Hillview if
there's a liquor, spirit license to purchase even
more spirits.

And that's just going to exasperate
how dangerous that section already is.

MR. VINING: Thank you. It sounds
like your major concern there from where you are.
Is the traffic situation as you see it there.
And would it be fair to say that you simply don't
see the addition of liquor to the mix is helping
the situation? Is that a fair summary?

MR. NGUYEN: That is a fair summary.

MR. VINING: That's all the questions
I've got. Thank you.

CHAIRPERSON ANDERSON: Mr. Tandon, do
you have any questions for Mr. Nguyen? You're
on mute, Mr. Tandon.

CROSS-EXAMINATION

SCOTT NGUYEN

MR. TANDON: Yes. Mr. Scott?

CHAIRPERSON ANDERSON: Mr. Nguyen.

MR. TANDON: Mr. Nguyen, how are you
doing? So the, your Exhibit P-15 and P-16, I suppose you were referring to those are the two accidental pictures that you, like, you know, from the accidents right outside your place, I believe, right?

MR. NGUYEN: Correct.

MR. TANDON: And do you know if they were charged for drunk driving?

MR. NGUYEN: I believe the accident for P-15, actually, I think they both were, had had substance.

MR. TANDON: So and did they, how? So you believe that somebody -- if I, if we have a liquor, Class A license across the street, somebody's going to buy? Do you believe this, the sequence? Tell me if I'm wrong.

Somebody buys the liquor, comes out drinks it, and hits an accident, right, opposite, you know? This is, this is what you are generalizing? This is how you are generalizing the whole application process that I put forth, forward?

MR. NGUYEN: No. What we're trying to say Mr. Tandon is there's already groups of people getting, rowdy groups of people, half a
That we know that you were probably going to take care of because you're a good business owner. But you can't control what happens to half a block away.

And we are concerned that having a store that sells spirits will just make people walk to your store across that busy intersection just to get more drunk. And it's going to exacerbate the problem at that intersection.

MR. TANDON: I, I don't see the relevance of Hillview Market applying for a liquor license, and what's is, what your exhibits are trying to show.

Or, you know, the car speeds, speeding cars coming from under the underpass. And, you know, going north and south. It has nothing to, I don't believe it has nothing to do with, with the Hillview Market applying for a class change.

MR. NGUYEN: We just want to put for the record that, that intersection, that corridor is very, very dangerous. And just having people walk across to buy liquor, when they're already having parties.
They're already -- it's adding to the, going to add more fuel to fire to the parties half a block away. It's just a concern for us. And, and if you, as a potential neighbor can't see how, why that may cause a problem, that kind of makes you a bad neighbor.

MR. TANDON: So you mean that once a place gets a Class A license, it has to have the responsibility of what happens few blocks down the road on either side? They should --

MR. NGUYEN: No. You, you won't hold -- you're not responsible for it. But it's a fact that if you can't understand that you may have an impact on that, kind of makes it, kind of drives the point home for us.

MR. TANDON: So the point comes out to you, as well as the same posture, that you also feel that Class A license is the reason for all the accidents, and the crime, and the loitering?

You didn't mention loitering, but you, you are specifically concerned about the traffic nuisance. And all that is happening because the Capitol Mart, the Hillview Market's class change? And your concern is that it will, it will create more mess in that particular corner across your
MR. NGUYEN: I do.

MR. TANDON: So --

MR. NGUYEN: And it's not going to make it better, I'm afraid.

MR. TANDON: I, I understand. What I am trying to point out is that, So you believe that ABC is kind of responsible because ABC is taking care of all the Class A licenses being issued to these established establishments. And you, you are undermining the hard work that goes behind to run these establishments.

And so, ABC and the Class A establishments are to be blamed for all the accidents, littering, loitering, gun violence, according to you and your other constituents? You, you want to blame everything on the Class A licenses? Established --

MR. NGUYEN: No, I do not. ABC already has a hard enough job as it is. They have to just go through and look at all the facts and get the opinions of the neighbors. And this is what the opinion of the neighborhood is.

MR. TANDON: But, but this is, this is you, this is all -- don't you think this is all
hypothe\nical assumption of things that you're
making?

That you are making hypothetical
assumptions that if we, if Hillview Market gets a
Class A, and if somebody walks in buys a bottle
of Patron, goes out, drive drunk, and it's these,
hits the corner around two blocks down, this is
-- don't you think this is all too hypothetical
assumption?

MR. NGUYEN: I'm not making the --
that might be, that's another issue. That,
that's another scenario that might be. But I was
talking specifically about the groups that hang
out half a block away.

That will be walking across that
intersection to purchase spirits, if it's
available, and they may get hit. They may get
hit by drivers that go through that intersection,
drunk driver.

MR. TANDON: So all of a sudden, you
are very concerned about the people who are
hanging around your house, or are one block down.
Instead of you asking your association, the
neighborhood association to take care of this
problem, you want to, you want to kill a business
model just because you want to make sure that
those people stay safe, and some drunk driver
might run them over. This is, this --

MR. NGUYEN: No.

MR. TANDON: -- this is a weird
situation.

MR. NGUYEN: No, I'm afraid -- the
driver doesn't need to be drunk. Yes, and you're
right, I am concerned. Because in Exhibit P-15,
I actually had to bring out my garden hose to put
out a fire in that car to save the life or
attempt to save the life of the people in P-15.
They end up dying.

MR. TANDON: Mr. Nguyen --

MR. NGUYEN: I don't want that to
happen again.

CHAIRPERSON ANDERSON: Mr. Nguyen --

MR. TANDON: Mr. Nguyen, that scenario
has nothing to do with Hillview Market applying
for a class change.

MR. NGUYEN: That is what, what we
were trying to say is that intersection is
already dangerous for pedestrians. Having a
liquor license or spirit license will just
exacerbate the problem. That's all we're saying
for the record.

MR. TANDON: I, I think this is very hypothetical assumption you're making.

CHAIRPERSON ANDERSON: Please stop editorializing. Please ask the questions, sir, if you have a question. You can do that in your closing, but you're asking questions. Please ask the questions, sir.

MR. TANDON: Sir, no more questions.

Thank you, very much.

MR. NGUYEN: Okay.

CHAIRPERSON ANDERSON: Any questions by the Board members?

BOARD EXAMINATION

SCOTT NGUYEN

CHAIRPERSON ANDERSON: Go ahead, Mr. Short.

MEMBER SHORT: Thank you. Mr. Nguyen?

MR. NGUYEN: Yes, sir?

MEMBER SHORT: How have you resided in your current address?

MR. NGUYEN: About seven years now.

MEMBER SHORT: About seven years. So you've had a chance to observe the traffic on North Capitol Street pretty closely. It looks
like you have a heck of a view out of your window there.

MR. NGUYEN: Yes. I can see it, and also hear it, too. I can hear it, without having to see it, as well. And probably, almost a daily basis, at least at weekly basis there are little accidents that that happen at that intersection.

MEMBER SHOT: Okay. Well, this question is based on peace, order, and quiet. And I'd like to know, how did the business there on the corner that now once -- well, the previous owner, how did the deliveries take place? On North Capitol Street with all of that traffic up and down, speeding, and all of the things that your pictures indicate? How did they? How did they -- when did they ever? How? Deliveries, how were deliveries made?

MR. NGUYEN: The delivery trucks would deliver on North Capitol.

MEMBER SHORT: Yes?

MR. NGUYEN: They would stop on North Capitol itself. And they would, sometimes if there was parking available to stop Bryant. Basically, they would choose either Bryant or North capital, just, and just -- and we're
talking big trucks, right?

MEMBER SHORT: Yes.

MR. NGUYEN: Yes.

MEMBER SHORT: Well, and on your P-15 Exhibit, there's a sign in the background says winning tickets sold here. What kind of location is that?

MR. NGUYEN: That is Sun Beam, which is now Hillview Market.

MEMBER SHORT: Okay. So directly in front of this applicant's proposed A store, this is what happened?

MR. NGUYEN: A southbound draw car hits an elderly couple that was crossing the street in a car on Bryant. They basically got t-boned, and a fire started.

And neighbors from all sections, from all corners ran over to try to help the drivers, I mean the passengers. Unfortunately, they both died.

MEMBER SHORT: Sorry to hear that.

What time of day did this accident occur?

MR. NGUYEN: That was late afternoon.

MEMBER SHORT: What time would delivery trucks have a chance to stop on Bryant
Street or North Capitol Street to deliver to a business there?

       MR. NGUYEN: All, all times of the day. We've seen them from morning, afternoon, and later at night, before closing.

       MEMBER SHORT: And right in cross-hairs of these accidents and speeding?

       MR. NGUYEN: Yes, sir.

       MEMBER SHORT: What do pedestrians do? Well, how do you pedestrians avoid getting hit by cars speeding from under the tunnel.

       MR. NGUYEN: So the neighbors who live on the right hand of Channing, that they, and North Capitol, we've learned to, as we're waiting for the lights to turn, the crosswalk lights to turn green to actually, they walk very far away from the intersection until the light turns green.

       And then, we go as quickly as we can. I mean, obviously, we look both ways because there are cars that will run the red light.

       MEMBER SHORT: Okay. So you have Children's Hospital, Veterans Hospital, Washington Hospital Center. So there are a lot of emergency vehicles also up and down the street
at all times, is that correct?

    MR. NGUYEN: Yes, sir. I didn't bring that up, but yes, that's a good point.

    MEMBER SHORT: All right. Well, I'll just simply say this, your, your testimony has been very interesting to me. And again, I based my questions on peace, order, and quiet.

    So in your opinion, as a neighbor and someone who's been living in the neighborhood for seven years, would an A store contribute to -- or how would an A store affect peace, order and quiet versus a B?

    MR. NGUYEN: It would very much affect peace, order, and quiet. B is, like Mr. Orfanon mentioned, it's kind of like our normal. And we can kind of live with it because we're just kind of used to that. But an A license is just something that we don't think would be very good for the neighborhood at all.

    MEMBER SHORT: During your time across the street from the current B, did people ever stop their cars on North Capitol, and run into the store, and run back out?

    MR. NGUYEN: Oh, yes, absolutely.

    MEMBER SHORT: So if it was an A store
there, would they run in more or less, in your
opinion?

MR. NGUYEN: I, I mean, I have no
idea. I mean, it's -- I do want to make
something clear. We, we want, we are
pro-business. We're not anti-business. We, we
want Mr. Tandon to succeed.

We're just very concerned as
neighbors, that an A license would be very, very
bad for the neighborhood, very bad for the peace,
order -- and I forget what the third thing was.

MEMBER SHORT: Quiet.

MR. NGUYEN: Quiet, of the
neighborhood.

MEMBER SHORT: Okay, thank you very
much. That's all I have, Mr. Chair. Thank you,
for your testimony, Mr. Nguyen.

MR. NGUYEN: Thank you, Mr. Short.

CHAIRPERSON ANDERSON: Thank you. Any
other questions from any of the Board members?
Mr. Tandon, any questions of Mr. Nguyen based on
the questions that were asked by Mr. Short?

MR. TANDON: Yes, sir.

CHAIRPERSON ANDERSON: Go ahead, sir.

RECROSS EXAMINATION
SCOTT NGUYEN

MR. TANDON: Mr. Nguyen, do you have any experience by any chance to own and run, own, and operate a Class A establishment?

MR. NGUYEN: I do not. My parent, though, I grew up, my parents owned grocery stores in Houston, Texas. And I'm also a D.C. business owner, although, not, not in retail. But I am pro-business. I understand business. I understand how hard it is to run a business.

MR. TANDON: If I may ask you, where did you get this experience of, some feedback, or the experience, better experience of a Class A license, or a Class establishment attracting all these negative things like loitering, and violence, and the peace, and quiet, you know, disturbing peace and quiet?

Where did you get all this experience from? And you know, if I may ask you, just, just for my knowledge.

MR. NGUYEN: I've got the experience of rowdy, rowdy crowds, currently. Because a few doors down from my house is loitering, and drug use, and liquor drinking, and beer drinking. And that has a -- you haven't even
open yet. Is that, when you open with the spirit license, it scares, scares me. It scares all these neighbors. That's why we're having this hearing.

MR. TANDON: So it there, is there a Class A license there, Class A license permit holder there? Were all this loitering, and littering, and drinking is happening?

MR. NGUYEN: No. But having a Class A closer at their disposal, not going to make it any better.

MR. TANDON: So don't you think this is all subjective experiences and hypothetical thinking?

MR. NGUYEN: Sir, I mean, again, this kind of, this kind of illustrates you as a potential bad neighbor if you can't understand that having a liquor license, half a block, a liquor store half a block away from all these things that are already happening in the neighborhood concerns me. And should concern the ABRA Board, as well.

MR. TANDON: I, yes, that is, that is the thing. That is what I am, I've been trying to tell you guys that this is -- I have, and I
just for the record, I have a nine year experience of handling liquor. So I --

MR. NGUYEN: Yes.

MR. TANDON: -- I understand liquor better than all these hypothetical assumptions. That's all. Thank you, very much.

MR. NGUYEN: Just one more point to Mr. Tandon's point. I love your store. I had, to go Indian restaurant food just this past weekend. If you wanted to open up a restaurant that sold liquor, that's a completely different thing.

We would, probably, I can't speak for everyone, we probably welcome back with open arms. But what, that's not what you're trying to do. You try to open up a liquor store.

And that really, really concerns us. Take away liquor is completely different than going in, getting a restaurant, and ordering a couple of drinks.

MR. TANDON: Well, that's all right, Mr. Nguyen, you're not a bad neighbor. But this, this business is also a new experience and a new way to connect with the neighbors. But it's okay. Thank you, very much.
MR. NGUYEN: Thank you.

CHAIRPERSON ANDERSON: Mr. Vining, do you have any, any follow up questions to Mr. Nguyen based on the questions that were asked by the Board?

MR. VINING: No, no follow up questions. Thank you.

CHAIRPERSON ANDERSON: Thank you, very much, Mr. Nguyen for your testimony today. Do you have any -- I think your previous witness, I don't see her online. Are you still trying to call her?

MR. VINING: Yes. She apparently was bumped off. She is waiting to rejoin us, to be elevated.

CHAIRPERSON ANDERSON: Ms. Fashbaugh, can -- I'm sorry, what's her name again, sorry, please?

MR. VINING: Rebecca Mills.

CHAIRPERSON ANDERSON: Ms. Fashbaugh, can you please elevate the rights of Ms. Mills, please? Ms. Fashbaugh, can you please elevate the rights of Ms. Mills, please?

MS. FASHBAUGH: Please standby.

CHAIRPERSON ANDERSON: Thank you.
MS. FASHBAUGH: Her rights have been elevated.

CHAIRPERSON ANDERSON: Ms. Mills?

MS. MILLS: All right. Can you hear me?

CHAIRPERSON ANDERSON: I can hear you, but I can't see you this time.

MS. MILLS: Okay, I'll fix that. I think, I see me.

CHAIRPERSON ANDERSON: Now, I can hear you and see you.

MS. MILLS: That was incredibly frustrating. Thank you for bearing with me.

CHAIRPERSON ANDERSON: You're welcome.

Can you please raise your right hand please?

MS. MILLS: Yes.

WHEREUPON,

REBECCA MILLS was called as a witness and, having been first duly sworn, assumed the witness stand, was examined, and testified as follows:

CHAIRPERSON ANDERSON: Thank you, Your witness.

DIRECT EXAMINATION

REBECCA MILLS
MR. VINING: Ms. Mills, thank you for joining us. If I understand your exact location, which you would describe for us there. I, I think I understand your current location as being almost exactly halfway in between the Hillview Market and the Capital Market. Is that the case?

MS. MILLS: Pretty much. I'm a little bit closer to Hillview. I'm at 2407 North Capitol Street, which is four houses north of the Bryant Street intersection. So I am midway between the two stores, but a little bit closer to Hillview.

MR. VINING: Would you say that you're equally familiar with the two existing stores? Mr. Tandon has, of course, his business model there. But in the years you've been at that location, are you equally familiar with the two stores with their class B license?

MS. MILLS: Very much, yes. I used to go into Sun Beam almost daily. Since Sun Beam closed, I've been going to Capital Market a couple of times a week.

MR. VINING: What is your response to the application for a Class A license?

MS. MILLS: Concern. I have no doubt
that the Tandons know what they're doing in terms of sales of liquor. However, as been, has been stated before from a couple of previous witnesses, the Tandons don't have any control over what goes on once that liquor leaves their property and gets into the neighborhood.

I'm sorry, spirits, I'm supposed to be saying spirits, rather than liquor. And I live right between the two stores. The alley behind my house is a big hangout spot with a lot of drinking going on and public urination.

And that hanging out, idle hanging out often leads to, you know, even more problems. Like, we had a shooting a while back. I, I just don't see how introducing the sales of spirits will help the issue.

MR. VINING: And how do you -- you heard Mr. Tandon describe the rest of his business model. Other than the Class A, if he were for example, to go into business with the Class B, how would you feel about that proposal?

MS. MILLS: I feel fine with the Class B, mainly because that's what we're used to. And also, that's not really what we're talking about here. I mean, the Class B comes with the
purchase of the store.

So that's not really what we're talking about. As far as I understand, we can't do anything about it. I would love it if there wasn't even a Class B. I think it would be really helpful.

I primarily buy food there and I hope to continue to do so. But, so, yes, the Class B is a done deal, as I see it. The Class A is not. And I, I would be happy if the store just continued with Class B.

MR. VINING: And I assume it was something in your comment there suggested that you either do not drink at all or do not often drink is that, is that your experience? Or am I misinterpreting that, that comment there?

MS. MILLS: Yes, I don't often drink. I, I can't say I don't drink at all. But I, it's definitely not very often. I, I'm not going to be a, I'm not going to be visiting to buy the alcohol.

MR. VINING: Thank you. That's all the questions that I have for you. Thank you.

MS. MILLS: Thank you.

CHAIRPERSON ANDERSON: Mr. Tandon, do
you have any questions of Ms. Mills?

MR. TANDON: No questions.

CHAIRPERSON ANDERSON: Any Board members have any questions of Ms. Mills? Thank you, very much Ms. Mills for your testimony today.

MS. MILLS: All right.

CHAIRPERSON ANDERSON: Have a great day. Mr. Vining, do you rest?

MR. VINING: Not yet. I understand, I misspoke. The Bloomingdale Civic Association has a witness who I, I am ashamed to say I forgot, the President of the Bloomingdale Civic Association. Ms. Teri Janine Quinn is one of her own witnesses on the BCA.

CHAIRPERSON ANDERSON: Ms. Quinn?

MS. QUINN: Hello.

CHAIRPERSON ANDERSON: Can you raise your right hand please?

WHEREUPON,

TERI JANINE QUINN was called as a witness and, having been first duly sworn, assumed the witness stand, was examined, and testified as follows:

CHAIRPERSON ANDERSON: Your witness,
DIRECT EXAMINATION

TERI JANINE QUINN

MR. VINING: Ms. Quinn, would you describe the response --

CHAIRPERSON ANDERSON: Hold on, hold on, one -- Ms. Quinn, can you please spell and state your name for the record? Please can you spell it?


CHAIRPERSON ANDERSON: Go ahead, Mr. Vining.

MR. VINING: Would you state for us the position of the Bloomingdale Civic Association on the application for a Class A license and how you came to that? This is being, speaking on behalf of the Bloomingdale Civic Association, of course.

MS. QUINN: Sure. The Civic Association protested this application. And this was after, I believe, two meetings. We had a meeting in November, and then, a meeting in December.
Both with the applicant present and participating in the meeting and having an opportunity to explain to us in his own words, what the business model was, what he intended to bring to the neighborhood.

We heard from neighbors who lived very close to the business. We also heard from other members of our association who live a bit further. And we heard a presentation from our, from the ANC 5E09 representative for that area.

That's actually the single member district where the business is located. And lastly, we had a surprise visit from the President of the Stronghold Civic Association, who explained their process of evaluating this matter and coming to their own protest.

So we listened to all of that. And I think I may have missed that the, I believe, the ANC Commissioner noted that she had had single-member District meetings on this issue, at least one.

And that she had conducted some survey of some sort, which she detailed at the time, I just don't have a memorized, of her own. And that, that particularly, it was important to us
because her single-member District is partly in Bloomingdale, and partly, and then, she has all of Stronghold.

    So it was, you know, it's one thing for Stronghold to say that they surveyed their members. Which, you know, I won't get into all the details, but for some strange reason, they have co-opted some of our neighbors as members of both their civic association and ours.

    But at any rate, so, so, I think the Stronghold survey reflects some small sentiment of Bloomingdale. But certainly the survey that the ANC for 5E09 conducted gave a little bit more insight in terms of what the neighbors who live closest, and who potentially didn't make it to our meeting, really felt it.

    And so, after that, we, you know, we heard all the testimony, or not testimony, well, we heard all the input. And then, we took a proper vote at a meeting that was properly noticed, and to which the applicant was invited and attended.

    We took a vote. And the vote was to protest. And when we protest, we go into these things understanding the ABRA process. So we go
in with a full faith effort to attempt a
settlement, if it's at all possible.

    And we know, sometimes, it doesn't
work out. Like, it didn't in this time. But we,
we do really participate in that process. We,
you know, hope for the best. And sometimes we
end up here.

    But as you can see, particularly the
Board, you haven't seen me often, if any of you
have ever seen me. And that's because we don't
do this a lot. We don't just protest every
application.

    This is a neighborhood that is not, in
any way, an alcohol desert. And in fact, it is
not a Class A desert. I've heard testimony today
that would suggest that there are no liquor
stores in the area.

    There may not be in the two short
blocks around this particular site. But I can
tell you that from anywhere in Bloomingdale, you
can walk to a liquor store. We have a liquor
store, full-blown liquor store in the heart of
our neighborhood.

    But it is at what we would call kind
of like our business district, if you will. So
it is, while it's in a neighborhood, it's in a business segment of the neighborhood.

But from my house, I could walk to three different liquor stores within five minutes. The two of them technically aren't in Bloomingdale. I across Florida Avenue.

But nonetheless, it's, I think my point is made that you can get to spirits, with great ease from Bloomingdale.

MR. VINING: Could you -- thank you. You and the Stronghold, sorry. The Bloomingdale Civic Association, initially engaged with the group of five who was trying to work out a settlement agreement. Can you tell us anything about how that went?

MS. QUINN: I don't think I can. I think that's inappropriate.

CHAIRPERSON ANDERSON: Ms. Quinn, hold on. I, I don't want to have any discussion about settlement, negotiation. If you're just talking about process, but I don't want to hear substance over not appropriate discussion at a protest hearing. Okay? So if you want to talk about a process, but not substance.

MS. QUINN: Well, what I was about to
say, is I don't think it's appropriate. I mean, I think you get the instruction that it's a process --

CHAIRPERSON ANDERSON: Then you, then

MS. QUINN: -- that you're not supposed to talk about it, so.

CHAIRPERSON ANDERSON: Let's, so let's move on, Mr. Vining. Thank you, Ms. Quinn. At least that, I -- that's my position, but I did not realize that we shared the same position.

MS. QUINN: Right.

MR. VINING: Ms. Quinn, you had, there were two other witnesses here today, who apparently couldn't, couldn't stay with us there. Is there anything that you can talk about that you're knowledgeable of about the concerns of the, these witnesses, if that's appropriate?

MS. QUINN: Well, you know, first and foremost, I'll say how disappointed I am, that, especially as the host neighborhood for this site, that we don't have the advantage of having people who live closest to the business, be able to present their own perspective.

They were here. Well, at least one of
them was here. One of them had a work thing.
And you know, there's nothing you can do about
that. But one of them was here for hours. And
ultimately was not able to stay. What? Five,
six hours, later? To be prove it.

So, I, you know, I don't know how much
I can go into it. But I will say that those are
neighbors who live closest to the building, who
had the opportunity to experience, you know, some
of the activity that I think you might not see
every single day.

But when you live, literally, next
door to the building, you are able to experience
in terms of noise, in terms of -- and this is,
just to be clear, this is both back when it was
the other business, all the way through now, that
they are still experiencing noise.

They are still complaining of
loitering. Harassment, I think that's really one
of the important things I wanted to get to today.
Is that, we've heard a lot of discussion of
loitering today.

And I think that there's, there's,
it's important for us to be clear, when we're
talking about loitering of folks just hanging
1 out, and loitering where there's actual bad
2 behavior, and illegal behavior.
3
4 And what these particular neighbors
5 seem to be expressing was that this was, in fact,
6 that latter category of actual street harassment.
7 And something more than just, you know, me and my
8 friends, you know, enjoying the sun, or the cold,
9 or whatever we're doing.
10
11 And I think that has been one of the
12 concerns that we've discussed within our
13 community. Because at some point, we understood
14 from the applicant that he was considering having
15 outdoor seating at the business.
16
17 And there was concern, at least from
18 the Bloomingdale side, about what that might mean
19 in a situation that is already known to kind of
20 generally promote loitering, and such.
21
22 And how difficult it is to control
23 what people are doing. You know, we hear that
24 from businesses all the time. And you know, you
25 complain that folks are sitting outside their
26 door. And they have a difficult time managing
27 it.
28
29 But when you add spirits into the mix,
30 and then you add outdoor seating into the mix,
like how are you managing the inside of your
store and managing whether people are taking what
they just bought from out there and drinking out
right there on your premises?

Which would, in fact, be illegal.
While they can do that at their restaurant, this
is a whole different operation. You cannot both
buy alcohol at a Class A establishment and drink
it on premises. So those are some of the
cconcerns that I've experienced.

MR. VINING: Thank you. As a
procedural matter, as long as you're here, Ms.
Quinn for the Bloomingdale Civic Association, a
preliminary matter that we brought up earlier
with Mr. Anderson, Chair Anderson, was that Mr.
Rodriguez, one of your two witnesses here
regretting that he couldn't be here today
actually had a written statement.

And we're asking whether that could be
introduced into the record, even though he is not
here. Mr. Anderson, could I bring that issue
back up while Ms. Quinn is here?

CHAIRPERSON ANDERSON: Well, I think
part of it is that if it's part of your
disclosure, it's in record. I can, we can put in
the record, for whatever it's worth.

But I can't have her testify about the document because, because the document cannot be cross-examined. You cannot cross-examine a document.

I mean, it can, if it's a part of your, the five-day disclosure, yes, it's disclosed. But we can't her testify on, about the contents of the document because it's not her statement. And that person is not, cannot be cross-examined.

MR. Vining: Understood. Thank you, I guess, we'll have to let --

(Simultaneous speaking)

Chairperson Anderson: Ms. Quinn, did you want to say something, ma'am?

Ms. Quinn: Yes, I just had a question, Mr. Anderson. Does that mean that, that written testimony can still be submitted?

Chairperson Anderson: Is it part of the disclosure? Was it was it disclosed seven days prior to the hearing, as part of the PIP?

Ms. Quinn: He was listed as a witness.

Chairperson Anderson: Was the
statement disclosed as part of the PIP?

       MS. QUINN: I don't know that his statement was included there.

   CHAIRPERSON ANDERSON: No, then if it was not included, then it cannot be.

       MR. VINING: Right. Thank you. I guess, I think we'll have to let the record suffice. I've asked Ms. Quinn about some questions about the near witnesses there. And that will suffice for the record. I have no more questions, Mr. Anderson.

   CHAIRPERSON ANDERSON: Thank you, Mr. Tandon, do you have any questions you want to ask Ms. Quinn?

       MR. TANDON: Yes, sir.

CROSS-EXAMINATION

TERI JANINE QUINN

       MR. TANDON: So Ms. Janine?

       MS. QUINN: Ms. Quinn.

       MR. TANDON: Ms. Quinn, Ms. Quinn, if I may ask how many people probably you think live in the Bloomingdale neighborhood? What is the population like?

       MS. QUINN: Well, you know, I don't know. I would guess probably 7,000, if I had to
take a guess.

MR. TANDON: Seven thousand people are the customers?

MS. QUINN: That would be my guess. That would be my guess.

MR. TANDON: All right. I mean, that's really less the number that shows on the D.C. record. But anyway --

MS. QUINN: Well, then, that document is absolutely incorrect. And I heard you give a number earlier that was outrageous. There's no way, there's nothing near 40,000 or 50,000 people in Bloomingdale. That's ridiculous.

MR. TANDON: Well, if you go on, D.C. records, you Google it. And then --

MS. QUINN: Sure.

MR. TANDON: -- you get to know. Anyways, anyways, so you mentioned something about the Class A deserts. Like, you don't Bloomingdale to be a Class A desert, you know.

MS. QUINN: Sir, that's not what I said at all. I said, Bloomingdale is not a Class A desert.

MR. TANDON: Yes.

MS. QUINN: I said, yes.
MR. TANDON: Right. So, and you definitely don't want Bloomingdale to be a Class A desert.

MS. QUINN: I didn't say that, whatsoever.

MR. TANDON: All right. Okay. But this is what I heard you saying that, but you know. So my thing is that you know, how does, how come you guys decide what, what, what makes a desert? How many how many Class A establishments constitute to be a desert?

CHAIRPERSON ANDERSON: All right. This is not the purpose of this, this hearing.

MR. TANDON: Okay.

CHAIRPERSON ANDERSON: All right. I mean, if you have a question to ask about the your request for Class A at your location, we don't need to be discussing whether or not it's a Class A desert or not, sir.

MR. TANDON: Okay. And I, because I suppose that Ms. Quinn has made another statement, a very hypothetical statement. Because she's referencing to somebody buying drinks and drinking outside, and which is completely illegal.
So what makes you think that me, being a business owner, who's run a very successful business for the last ten years, I don't understand the implications of somebody buying liquor from my store, and sitting outside, and drinking it? What makes you that I don't have application?

CHAIRPERSON ANDERSON: Mr. Tandon, and I'm sorry to do this, sir. But the representation here, sir, is that your wife applied for a liquor license. And you are the representative --

MR. TANDON: Right.

CHAIRPERSON ANDERSON: -- representing your wife here today, sir. That's, that is the representation that's been made, sir. And so I need you to continue representing Ms., your wife. I'm not sure if it's my understanding that your wife have 100 percent owner of the licensor, so.

All right.

MR. TANDON: I, I understand. But you know, the, all the protestants, they keep talking about noise. I mean, we are -- how noise inside the store is going to bother the neighbors?

I want to make them understand that my
wife is proposing a class change. She's not asking for a club license. We're not opening a club at the location. It's a Class A license, from Class B to Class A.

CHAIRPERSON ANDERSON: I know, Mr. Tandon. Please ask a question.

MR. TANDON: Yes.

CHAIRPERSON ANDERSON: A lot of the comments you're making Mr. Tandon, you can raise.

MR. TANDON: No, because she --

CHAIRPERSON ANDERSON: -- those in closing. You'll have an opportunity to present a closing statement.

MR. TANDON: No questions, sir.

CHAIRPERSON ANDERSON: All right. Any questions by the Board members of Ms. Quinn.

Thank you, Ms. -- all right, I'm sorry. Thank you, Ms. Quinn for your testimony today. Mr. Vining, do you rest do you have another witness? Or do rest?

MR. VINING: It is, sir, the final witness is ANC, it's SMD 5E09, Commissioner Dianne Barnes, who is her own witness for the ANC.
CHAIRPERSON ANDERSON: Mr. Vining, I'm laughing because I thought Ms. Quinn was the last witness. And I know that I had informed -- but you know, I'll let, we'll just have, I'm sorry, Ms., that's Ms. Barnes. Ms. Barnes, can please raise your hand? Now, is Ms. Barnes, the last witness?

MR. VINING: Yes.

CHAIRPERSON ANDERSON: All right. All right, Ms. Barnes, do you -- you need to unmute your phone, ma'am, please. Please, a little bit over, I see, I can just see your index finger. Thank you.

WHEREUPON,

DIANNE BARNES was called as a witness and, having been first duly sworn, assumed the witness stand, was examined, and testified as follows:

CHAIRPERSON ANDERSON: Your witness, Mr. Vining.

DIRECT TESTIMONY

DIANNE BARNES

MR. VINING: Commissioner Barnes, thank you for joining us here. Would you please tell us about the survey of the community that
you engaged in and the relevance of the survey to the license here today?

CHAIRPERSON ANDERSON: Hold on one minute, please. Ms. Barnes, can you please spell and state your name for the record?


So I don't get to see what's going on unless someone calls me. Currently, I serve as the Vice Chair of ANC 5E. I've been a Commissioner for about 20 years. The Hillview Market is within our 5E09, in which I am serving Commissioner of Stronghold, along with the northern Bloomingdale.

There is, there are about four single member districts within the Bloomingdale. Each CM member District consists of about 2,000 residents. So, with what Mr. Tandon has stated pertaining to Bloomingdale residents 40,000, that's nowhere near that. It's more so close to 7,000 to 8,000.

MR. VINING: Could you, Ms. Barnes,
could you talk about the survey that you engaged?

    MS. BARNES: Yes.

    MR. VINING: You heard the, about the
application for the license there?

    MS. BARNES: Yes.

    MR. VINING: You engaged in a survey
of the community. Could you please tell us about
that survey? How it went and what you found?

    MS. BARNES: Yes. Once I received the
notice of public hearing, I actually sent that
out to my distribution list to inform the
neighbors that a request for a new license was
coming up.

    Then I actually talked to the
Stronghold because they're the ones that actually
see what's going on over there about doing an
outreach survey. So, but what I did, I actually
surveyed both neighborhoods, both Stronghold and
also the Bloomingdale neighborhood.

    And actually, the results from the
survey outreach to the community for 5E09 was,
for the email distribution was 282 emails that I
sent out. The constituent door-to-door
distribution was 148.

    That only included the Addle Street,
unit block of Addle Street, Bryant Street, and
Channing Street, and also the 2300 block of North
Capitol and a 2400 block of North Capitol. And
that came to a total 148.

And I've included the Stronghold
neighborhood within my report. And with the
Stronghold online survey via email responses, it
was 111.

So the total responses that I received
for 5E09 Bloomingdale constituents was six in
support, and 47 in opposition. The total number
of responses received from 5E09 Stronghold
constituents was seven in support and 40.

MR. VINING: Thank you. You're in,
you're a single-member District. Would you
please describe how much of Bloomingdale and how
much a Stronghold your single-member District
includes?

MS. BARNES: Well, Stronghold is
about, I think I'm told it's about 300 houses
there.

MR. VINING: No, just what percentage
of the Stronghold neighborhood is in your SMD?
Where, what part of Bloomingdale is in your SMD?
Just what --

MS. BARNES: Oh, the northern portion of Bloomingdale is my neighborhood and Stronghold is like maybe one-third, or whatever, or less, about 300 people in the Stronghold community.

MR. VINING: So all of Stronghold is in your SMD?

MS. BARNES: All of Stronghold is within in my single-member District.

MR. VINING: So, and Bloomingdale from what street north is your single-member District?

MS. BARNES: My single-member District within Bloomingdale runs from Michigan Avenue, down to Adams Street, and goes over to Second Street of Bryant Street, and Addle Street.

So I have the 100 block of Adams and the unit block of Adams, along with the 100 block of Bryant and the unit block of Bryant. And only the unit block of Channing Street, within the northern portion of Bloomingdale.

MR. VINING: All right. Thank you, thank you, Commissioner. That's all the questions that I have, Mr. Anderson.

CHAIRPERSON ANDERSON: Mr. Tandon, do you have any questions, for Commissioner Barnes?
MR. TANDON: No, sir, no questions.

CHAIRPERSON ANDERSON: Does any of the Board members of Commissioner Barnes?

Commissioner Barnes, thank you, very much for your testimony today.

MS. BARNES: Well, thank you. Because my iPad was getting ready to die on me. So I has hoping that it didn't I have ten minutes.

CHAIRPERSON ANDERSON: All right.

Thank you, ma'am. All right. Do you have any other witnesses, Mr. Vining?

MR. VINING: No, that is, that is the last of the witnesses. You heard that there were two Bloomingdale witnesses who dropped off. But we have covered all the rest of our lists. Thank you.

CHAIRPERSON ANDERSON: Okay. I just want the record to reflect that this hearing started around 2 o'clock. I did inform the parties that the protestant would not be able to present this case based on the format until maybe 3:30, 4 o'clock, the earliest.

And based on my estimation, we did start around 4 o'clock in a sense of when the protestant was able to present its case. So I
heard that witnesses were on to six hours.

But I did inform all the witnesses that based on how the format of this hearing, that the protestants would not be able to start his case until later on in the afternoon.

And so, I just want the record reflect that I did make that, make an announcement prior to the hearing. All right. So what we're going to do, each side will have five minutes to close.

And what I'm, I'm going to take a break first though. And when I said five minutes, I mean, five minutes. So we're going to take a ten minute break. It's 6:36.

We'll come back on the record at 6:45. And both sides will have five minutes to present its case. We'll start with the applicant will have a five minute presentation.

And then, the protestant will have a five minute presentation. Then I will ask the both sides whatever documents that were disclosed, which, what documents they need to put in the record.

So we'll be off, we're off the record until 6:45. And once we come on then, the protestant, I'm sorry, the applicant will have
five minutes to do closing and the protestant
doing to closing.

Yes, Ms. Barnes, do you want to say
something?

MS. BARNES: Yes, I would like to log
off my iPad.

CHAIRPERSON ANDERSON: You can --

MS. BARNES: So I can go to my

computer.

CHAIRPERSON ANDERSON: -- just close
your screen, ma'am. And you can just close your
screen and you're gone.

MS. BARNES: Okay, then.

CHAIRPERSON ANDERSON: Just --

MS. BARNES: But I'm going to try to
get back.

CHAIRPERSON ANDERSON: -- just push
the button. There's a red button, you can just
press, and you're gone. Okay?

MS. BARNES: Okay. But I'm going to
try to get back on the laptop, the laptop.

CHAIRPERSON ANDERSON: All right.

MS. BARNES: So would I be able to get
it back in?

CHAIRPERSON ANDERSON: You'd have to,
if you want to get back in, then you need to send
a notation. Yes, you can. You, yes, I have to
ask. Ms. Fashbaugh, once we come back from
break, can you look for Ms. Barnes, please? And
elevate her right, please?

MS. BARNES: Okay. Because I only
have 9 percent left on my iPad.

CHAIRPERSON ANDERSON: And so, we'll
look for you ma'am. All right?

MS. BARNES: Okay. Thank you.

CHAIRPERSON ANDERSON: Someone could,
someone please remind me to remind our IT.

(Whereupon, the above-entitled matter
went off the record at 6:38 p.m. and resumed at
6:45 p.m.)

CHAIRPERSON ANDERSON: We are back on
the record. Ms. Barnes, are you there?

(No audible response.)

CHAIRPERSON ANDERSON: Ms. Barnes, are
you there?

MS. BARNES: Yes, I'm here.

CHAIRPERSON ANDERSON: All right, just
be -- I made sure that I remind myself, I saw
your name on my screen but I just wanted to make
sure that you're still there. So, I don't want
folks to say that the ABC Chair excluded me from
the hearing. Okay, all right.

MS. BARNES: Thank you, sir.

CHAIRPERSON ANDERSON: You're welcome, ma'am. All right. To do closing, what I want
specifically, I want -- Mr. Tandon, I want you to
tell me specifically what it is that you're
seeking from the ABC Board.

And Mr. Vining, and I -- where's Mr. Vining?

(No audible response.)

CHAIRPERSON ANDERSON: I don't think
Mr. Vining's back as yet. Does anyone have Mr.
Vining's phone number, maybe they can call him to
let him know that we're ready to move back on,
please?

(No audible response.)

CHAIRPERSON ANDERSON: Thank you, Ms.
Luckett. I see Mr. Vining, don't walk away,
we're ready, sir. We're waiting on you. Yes, I
see Ms. Luckett is back, all right.

As I stated before, we're now -- Ms.
Barnes, please mute your phone, mute your line,
please, ma'am. You see, you made me notice you
so now I'm going to call you out, I can always
tell who's line is unmuted. So, I can always
tell, but I don't always call folks out.

But, all right, so what I want you to
do, Mr. Tandon, is to specifically tell us what
it is that you're asking the Board to do.

And, Mr. Vining, what I'm asking you
to do is to, in your closing, is to specifically
tell the Board what it is you want the Board to
do, okay? So, Mr. Tandon, you go first.

MR. TANDON: All right. So I would
like to say a thank you for letting me represent
my wife as the Applicant, and everyone in the
community to share their views.

I can empathize why some might feel
opposed to the license change, but I really feel
that, by attacking a class change with such
negative and discriminatory --

(Telephonic interference)

MR. TANDON: The dedicated hard work
behind these establishments.

Almost 10 years ago when me and my
wife opened Indigo, the situation in NoMa was, if
not worse, the same, like, what is being
explained by the consequence in Bloomingdale.

Loitering, littering, and crime was
there, everything was there, everybody -- and the
neighbors got together, they shared their views
with me. But now, in the modern day, where
Indigo is -- I don't say it is all because of
Indigo, but that neighborhood is definitely a
better place. This is what positive change comes
when we open ourselves to the change.

And I can presume that alcohol or
spirit sales can naturally lead to more
boisterous behavior, but I would like say,
sometimes we naturally gravitate towards negative
outlook.

All I can say is, this venture is also
an expression to connect with more members in the
community. It's the dedicated hard work behind
this establishment which can be the catalyst for
positive change in the community.

Clearly we disagree, and both sides
have made their points, but me and my wife, we
have already clear concept of a one-stop shop
where a person does not have to look anywhere
else for their very needs, including spirits.

I as an owner will do everything in my
power, when I say, I, like, I represent my wife,
we, as owners, we will do everything in our power
to make this venture a positive communal experience.

I just hope that my wife has a chance to own and operate the business of her dreams, we want the store, like I already said before, we want the store to be a strong addition to the community and become a place for peace for Bloomingdale.

And we hope that our pure intentions can be reached out to everybody, and based on my presentation and the application, I request ABRA to approve this class change. Thank you.

CHAIRPERSON ANDERSON: Thank you. Mr. Vining, five minutes.

MR. VINING: Thank you. On behalf of the three protesting organizations, Stronghold Civic Association, Bloomingdale Civic Association, and the ANC, when we first heard about the application, I am convinced both, because I am an officer in the Stronghold Civic Association, but I am a regular guest at the Bloomingdale Civic Association, all of them.

The question came up neutrally, there is this application and the immediate response of the officers of those organizations and of the
ANC was, well let's ask the community and we will take the position of the community.

And the three groups separately found a way to poll their community, and each of the three organizations, Stronghold, Bloomingdale, and the ANC, presented fairly and clearly the responses to that survey. And the results of that survey is that we request to not grant the Class A license.

We are very well aware of the Applicant's business plan, but the issue of liquor, spirits is the issue that is before us, and that is specifically what so many of the respondents to the survey said, that they think that that will make things worse.

They will think, of course, we have never had a Class A license in this immediate area, but as these organizations, we democratically and openly said, what do you think, and that's what we said. So that's why the three organization have taken the position they did, it is following immediately.

And as a long-time member, one of the founding members, as a matter of fact, of the Stronghold Civic Association, and a very frequent
guest for the Bloomingdale Civic Association, it
makes me quite proud that, not just this, but
this is every issue that comes before these
organizations, membership, community, what do you
think, no matter what the issue is.

And you've heard our conclusion there,
it makes me proud to be a part of these
organizations. Thank you.

CHAIRPERSON ANDERSON: I know that
we've had the PIP and so, you want to move all
the -- the Applicant and the protestants, they
want to move all the documents that are in their
PIP in the record, is that correct?

MR. VINING: I would. Please. We did
not refer to every single one, we did refer to
most of them but we were under some
misunderstanding about the procedure for the 2016
protest of the capital market.

Each of the witnesses made a statement
and then were questioned there, and all of the
exhibits that are in the protest for Stronghold
there would have been a part of each of the
witnesses' statements.

But it was a different format than we
were used to, so I would like to include them all
because they would've been included in the statements there. And I think they're all directly relevant to the comments that have been made by the community.

CHAIRPERSON ANDERSON: All right. I'm going to move the documents that were in the PIP, all of the documents, the Applicants, the ANC, the Bloomingdale Civic Association, Stronghold Civic Association, and there were documents for the protest of a group of five or more, we're going to discard those documents because they were dismissed from this protest, all right.

All right, now we are at -- the record is now closed, and do the parties wish to file proposed Findings of Fact and Conclusion of Law or waive their right to do so? What that means is that you want the Board to make a decision on the presentation that was today, or do you want to wait for the transcript to say, these are the facts and what the law states?

In protest hearings, that's usually waived by the parties because you can't bring in any new information, this is basically what was presented today.

MR. VINING: That was simply whether
to consider submission of a Finding of Fact and
Conclusion of Laws, or waive that and allow the
Board to make a decision, is that --

CHAIRPERSON ANDERSON: The Board is
going to make a decision anyway, but sometimes
there are, some lawyers, they want to file, to
say -- they would wait for the transcript to come
out to say, these are the facts in the case and
this is what the law states. And that's
basically what that is.

MR. VINING: I think that we would
like to waive that, I think the record is
sufficiently replete with the statements, the
positions of the three organizations. That we
would just wait for the Board's decision, I think
that's the correct action for us.

CHAIRPERSON ANDERSON: All right. Mr.
Tandon, do you waive it also?

MR. TANDON: Yes, sir. I want the
Board to take it to decision.

CHAIRPERSON ANDERSON: All right,
well.

All right. Hold on one minute,
please. Give me -- I'm usually a little bit more
prepared than this, I apologize.
MR. VINING: If I could ask, Mr. Anderson, you moved that the exhibits for all three groups, Stronghold, Bloomingdale, and the ANC, would be admitted to the record. I didn't hear, do you take votes on that or is that done, it's just done?

CHAIRPERSON ANDERSON: That's just done, sir.

MR. VINING: Thank you.

CHAIRPERSON ANDERSON: All right. Okay, I apologize for -- as chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with D.C. Official Code Section 2-575 of the Open Meetings Act, I move that the ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case Number 22-PRO-00001, Highview Market.

Pursuant to D.C. Official Code Section 2-575(b)(4)(A) of the Open Meetings Act, and deliberate upon Case Number 22-PRO-00001 Highview Market, for the reasons cited in D.C. Official Code Section 2-575(b)(13) of the Open Meetings Act. Is there a second?

MEMBER CROCKETT: Ms. Crockett
seconds.

(Simultaneous speaking.)

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Mr. Short and Ms. Crockett have seconded the motion, we'll now take a roll call vote on the motion before us now that it has been properly seconded.

Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr. Anderson, I agree. As it appears that the motion has passed, I hereby give notice that the ABC Board will recess these proceedings to hold a closed meeting pursuant to Section 2-575 of the Open Meetings Act.
Thank you very much for your presentation today, the Board will issue a decision in 90 days -- shorter than 90 days, we will issue a decision on whether or not we will grant the substantial change. So that's the decision the Board will make, and so I want to thank everyone for their presentation today.

So just give me a minute, let me close the record officially for the day. As the chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with D.C. Official Code Section 2-575(b) and 2-575(b)(14) of the Open Meetings Act, I move that ABC Board hold their closed meeting on April 27, 2022, for the purpose of discussing and hearing reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, and seek legal advice from our legal counsel on the matters identified on the Board's Legal Licensing and Investigative Agenda for April 27, 2022, as published in D.C. Register, on April 22, 2022. Is there a second?

MEMBER CROCKETT: Ms. Crockett seconds.
CHAIRPERSON ANDERSON: Ms. Crockett has seconded the motion, I will now take a roll call vote on the motion before us now that it has been seconded.

Mr. Short?

(No audible response.)

CHAIRPERSON ANDERSON: Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: Bobby Cato, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Edward Grandis, I agree.

CHAIRPERSON ANDERSON: And Mr. Anderson, I agree. As it appears that the motion has passed, I hereby give notice that the ABC Board will hold this closed meeting.

Pursuant to the Open Meetings Act, notice will also be posted on the ABC Board hearing room bulletin board, placed on the
electric calendar on ABRA's website, and published in D.C. Register in as timely a manner as practical.

We're adjourned for the day, I would like to thank all the parties who participated in this hearing today. I would also want to thank the members of the public who have participated in these hearings today, and I also want to thank the Board members.

Thank you very much for your participation, I now direct all board members to return to executive session for further development. Have a good night, and thank you very much.

(Whereupon, the above-entitled matter went off the record at 7:02 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Hillview Market

Before: DCABRA

Date: 04-20-22

Place: teleconference

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

[Signature]

Court Reporter

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