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

2 1:54 p.m.

3 CHAIRPERSON MILLER: Good afternoon,
4 everyone. Thank you for your patience. The
5 Board had some work it had to do in the back and
6 now we are all yours for this afternoon,
7 hopefully not too many hours.

8 But I'm going to call the case now.
9 It's 14-PRO-00101 and 14-PRO-00099. It is
10 Georgia Line Convenience Store located at 5125
11 Georgia Avenue, N.W., License No. 91196.

12 So whoever is going to be
13 participating in the hearing, you can come
14 forward and take a seat at these tables. The
15 applicant usually sits on this side and the
16 protestants usually sit on that side.

17 MR. SHEON: Do you want those who
18 would be providing testimony or just the --

19 CHAIRPERSON MILLER: Well, it depends
20 on how many seats are at the table, but
21 basically, you know, not all witnesses have to
22 come up now. So mainly those who are going to be

1 participating in the advocacy, you know.

2 MR. SHEON: I think it should just be
3 me.

4 CHAIRPERSON MILLER: So there should
5 be a piece of paper on each of the tables and I
6 would ask you to sign-in, so then we will get
7 your name correctly spelled in the record. Okay.
8 And then if you could introduce yourselves for
9 the record, starting on my right.

10 MR. FOX: Jameson Fox, attorney for
11 Georgia Line.

12 MS. TASSEW: Alemtsehay Tassew, owner
13 of the Georgia Line Convenience Store.

14 CHAIRPERSON MILLER: Okay.

15 MR. SHEON: David Sheon representing
16 ANC-4D.

17 CHAIRPERSON MILLER: Okay. And what
18 about the group of six?

19 MR. SHEON: And the group of six.

20 CHAIRPERSON MILLER: And the group of
21 six.

22 MR. SHEON: Yes.

1 CHAIRPERSON MILLER: Okay. Okay. So
2 you all have submitted PIFs, Exhibit Forms and so
3 we have got an idea of what the issues are and
4 who your witnesses may be and your exhibits.

5 This is a combined hearing of an
6 application to renew the license and a petition
7 to amend or terminate the settlement agreement.

8 Okay. Just in general, the
9 application to renew the license would be dealing
10 with, you know, any adverse conditions that you
11 have identified in the PIF as being a problem
12 from the operation of the establishment to date,
13 you know, such as trash or whatever, that kind of
14 stuff.

15 And then the application to terminate
16 is basically in our statute, 25-446, but when you
17 are arguing for a need to terminate or amend, you
18 need to show you have made an effort to locate
19 all the parties to the settlement agreement and
20 that there is a need for an amendment caused by
21 circumstances beyond the control of the applicant
22 or due to a change in the neighborhood where the

1 applicant's establishment is located. And the
2 amendment or termination will not have an adverse
3 impact on the neighborhood where the
4 establishment is located.

5 And I only remind you of those so we
6 can kind of keep this hearing focused, you know,
7 on your specific issues. Okay. So are you all--
8 have you had any -- participated in a Protest
9 Hearing before? Okay. So let me just tell you
10 some general rules.

11 It is run like an administrative
12 hearing, so you will be presenting testimony,
13 whoever is going to testify will be put under
14 oath and you can offer evidence to be admitted
15 into the record. And if there is an objection,
16 it could be based on things like relevance,
17 primarily relevance, that's the most important
18 thing here, but there could be other reasons. We
19 are not -- we don't apply the Rules of Evidence
20 super strictly, but relevance is a basic.

21 The way it goes is we deal with
22 preliminary issues first and that's what I'm

1 doing right now, dealing with the preliminary
2 issues.

3 We have time limits on your
4 presentations and they are as follows: After we
5 finish with this, you can each do an opening
6 statement, if you would like, generally
7 describing your case, what you are going to
8 prove, what you are going to show.

9 You are not giving any of your -- none
10 of that is evidence. It's just an introduction.
11 So you each will have five minutes to do that.

12 Then we have our Investigator who did
13 the investigative report. He will come and give
14 a summary on the stand. He will be under oath.
15 And you will have a chance to cross-examine him
16 and the Board will also.

17 And after he is done, then the
18 applicant will present its evidence and the
19 applicant has the burden of proof in a renewal
20 case and in a termination case to prove why we
21 should rule in your favor. And protestant can
22 cross-examine witnesses and Board can ask

1 questions.

2 And then when they are done, the
3 protestant does the same thing. They put on
4 their case, their witnesses, whatever.

5 When you put on your witnesses, I
6 think this may be a case where you listed a lot
7 of witnesses and -- if I'm not mistaken, yes,
8 nine witnesses. Am I mistaken?

9 (Simultaneous speaking.)

10 MR. FOX: It's actually the applicant.

11 MR. SHEON: The applicant.

12 CHAIRPERSON MILLER: Okay. So I just
13 want to say this, that you can put on a witness
14 and that witness can say I adopt the testimony of
15 or I agree with the previous witness, but I want
16 to also add this or whatever. They don't have to
17 and they shouldn't, and you are under a time
18 constraint anyway, repeat or be redundant,
19 because that is really not going to help.

20 I mean, we trust if they say, you
21 know, I had the same experience. You know, I
22 adopt that same testimony. So just so you know

1 you can do that.

2 So if you have a rebuttal witness, the
3 applicant can put on rebuttal and the same thing
4 with cross-examination.

5 And then each side -- okay. So you
6 all have an hour and a half for this, for the
7 bulk of this case. And that means your hour and
8 a half is when your witnesses are actually
9 testifying or, you know, you are asking them
10 questions in direct exam, that counts for your
11 time. When you are cross-examining the witness,
12 it counts for your time, because you are
13 soliciting that testimony.

14 So that is where the hour and a half
15 is. And five minutes for closing. So hopefully
16 you may not even need an hour and a half. So
17 that's basically it. When you want to put a
18 document into evidence, you just have your
19 witness identify it, if you have a witness to
20 identify it and say I would like to offer this
21 into evidence. And then I will accept it most
22 likely or if there is an objection, we will see

1 about that. And then it will be entered into the
2 record.

3 You know, we can go along. You know,
4 I can help you when you get to that point, but
5 just to let you know that's basically how it
6 works. The other side can object or whatever.

7 MR. SHEON: That's fine.

8 CHAIRPERSON MILLER: Okay. All right.
9 Are there any questions right now? I'm certainly
10 happy to answer questions as we go long though,
11 too.

12 MR. FOX: One question I have is I did
13 not make multiple copies of our exhibits. I
14 believe three of them are already sort of with
15 the Board, but the ones that I did not make
16 copies of that might be useful are some
17 photographs. If we do enter that into evidence,
18 would it be possible to sort of pass that around?

19 CHAIRPERSON MILLER: How many copies
20 do you have? The others, the protestants have to
21 have a copy. And then we should each have a
22 copy, but if that's not possible, I don't know

1 whether somebody can make some copies in the
2 meantime.

3 MR. FOX: Okay.

4 CHAIRPERSON MILLER: How many copies
5 do you have?

6 MR. FOX: I have one copy with me. So
7 I believe --

8 MR. SHEON: I'm familiar with the
9 subject area of the -- and I'm not concerned
10 about that, for what that's worth.

11 CHAIRPERSON MILLER: Okay.

12 MR. SHEON: If I take a quick look at
13 it and share, I'm fine with that.

14 CHAIRPERSON MILLER: It's one photo,
15 one page?

16 MR. FOX: It's two or three photos.
17 It's very possible that it won't actually be
18 super relevant to our -- it depends on where the
19 testimony goes, I guess, but we might not need --

20 CHAIRPERSON MILLER: Okay. You might
21 not even offer it?

22 MR. FOX: Yes.

1 CHAIRPERSON MILLER: Okay. All right.
2 So we will cross that bridge then I guess when we
3 come to it.

4 MR. FOX: Okay.

5 CHAIRPERSON MILLER: Okay. So do you
6 -- okay. I have one other question for you all
7 and then we can move on, but do you anticipate
8 calling all the witnesses you identified or are
9 you going to see how it goes as you put on?

10 MR. FOX: We don't. We anticipate
11 calling probably four of those nine witnesses.

12 CHAIRPERSON MILLER: Okay. Okay.
13 And, Mr. Sheon, how many witnesses do you have?

14 MR. SHEON: Three.

15 CHAIRPERSON MILLER: Three. Okay.
16 All right. Are there any questions? All right.
17 Then we can start with the applicant's opening
18 statement.

19 MR. FOX: First off, I would like to
20 thank the Board, Madam Chair and all the Members
21 for having us here and Investigator Demby as well
22 and the other side, protestants, as well.

1 I think that we really are both going
2 for the same goal. I'm not sure that an
3 adversarial proceeding is absolutely necessary,
4 in fact. Both Georgia Line and the ANC are very
5 interested in having a good community and working
6 together in that community.

7 The testimony will show that the
8 owners of Georgia Line have worked very hard with
9 the community to show that they are trying to be
10 good Members of the community. The testimony
11 will also show that being restrained from making
12 sales on Sundays is a handicap in a very
13 competitive market, specifically the neighborhood
14 where they operate, and that it is very much a
15 damage to their business as a small business
16 owner.

17 The testimony will probably also show
18 that the history of the relationship between
19 Georgia Line and the protestants has not always
20 been great, but most of that history goes back to
21 a time before the current owners were there. And
22 we simply don't see that history as being

1 relevant to this proceeding here.

2 With regards to the application for
3 renewal of the license and the protestants' basis
4 for protesting, that is specifically limited to
5 peace, order and quiet. And if you look at the
6 statements that were made along with the protest,
7 many of the statements put into evidence are not
8 directly relevant to peace, order and quiet.

9 And the evidence that is directly
10 relevant to peace, order and quiet will show that
11 it is actually a very orderly store. It's very
12 well-kept and the owners are very mindful of
13 their role in the community making sure that it
14 is a safe and a clean place.

15 But we believe that there is room for
16 them to continue their alcohol sales to make
17 money as a small business doing it and to be even
18 able to do that on Sundays just like the other 10
19 stores in the area.

20 Once again, thank you for your time.
21 We look forward to --

22 CHAIRPERSON MILLER: Thank you. Mr.

1 Sheon?

2 MR. SHEON: Mr. Fox, Ms. Tassew, thank
3 you and thank you, Board and participants today.
4 I'm David Sheon, the ANC Commissioner for Single
5 District 4D, Single Member District 4D04 in which
6 Georgia Line Convenience Store resides.

7 Explaining our position on this
8 requires a few minutes of background. I was
9 elected in November 2014 and sworn into office
10 this past January 3rd. By the time I was sworn
11 into office, Georgia Line had already submitted
12 its petition to revoke a longstanding voluntary/
13 settlement agreement with the community and the
14 ANC had already written its letter to protest and
15 seek revocation of their license.

16 Now, I have that as an exhibit, but I
17 think you all probably already have that letter.
18 Is that correct?

19 CHAIRPERSON MILLER: Yes.

20 MR. SHEON: So I came into the
21 situation as an outsider with no vested interest
22 and no history with the store or the community

1 regarding this issue. I became aware of the
2 request to remove the VSA on my own accord in
3 November, shortly after the election by
4 researching ABRA proceedings for my area and by
5 contacting William Hager, ABRA's Public
6 Information Officer, and requesting the relevant
7 case files on Georgia Line.

8 After reading the files, my first step
9 was to go to Georgia Line and introduce myself to
10 the owner, Ms. Tassew. I found her to be
11 pleasant and I saw her store to be providing a
12 service to the community. I understood her
13 position that she wants to eliminate the VSA in
14 order to be competitive on Sundays with other
15 stores in the area that can sell on Sundays.

16 I asked her to confirm that as stated
17 in their petition, she attempted to reach the
18 community petitioners from the VSA. She
19 confirmed that she did try and those that are
20 surviving and remained in the area refused to
21 meet with her. I told her that I would attempt
22 to speak with the community petitioners and that

1 I wanted to hear their perspective, but that in
2 general I envisioned supporting her efforts.

3 I tracked down the remaining original
4 complainants. I'll note that ABRA, of course,
5 blacked out the addresses, so I went door-to-door
6 to find these individuals on Hamilton Street.

7 And there are three of them from the original 10:
8 Ms. Wallace, Ms. Tompkins and Ms. Elliott. Two
9 of the three are here today. And one-by-one they
10 told me that they never refused to meet with Ms.
11 Tassew and that on the contrary they had
12 discussions about her desire to remove the VSA.

13 I will let those here testify to those
14 discussions, but I was surprised that these
15 community members each had the same story, which
16 differed from Ms. Tassew's claim that they
17 refused to meet despite that I met them
18 independently of each other.

19 Misrepresenting facts by the
20 applicant, should that be the case, in their
21 petition violates D.C. Code and creates a lack of
22 trust with the community.

1 I asked each one if they had ever
2 filed a complaint against other businesses on
3 Georgia Avenue, especially others selling
4 alcohol. I wanted to see if their dispute, this
5 is the members of the community, was limited to
6 Georgia Line or if they had a general
7 predisposition against establishments selling
8 alcohol. Each confirmed that Georgia Line is the
9 only protest they have filed.

10 CHAIRPERSON MILLER: Mr. Sheon?

11 MR. SHEON: Yes?

12 CHAIRPERSON MILLER: I just want to
13 tell you that you are not under oath yet.

14 MR. SHEON: Yes.

15 CHAIRPERSON MILLER: And it sounds
16 like maybe some of this is what you might want to
17 testify to.

18 MR. SHEON: Okay.

19 CHAIRPERSON MILLER: So I'm not sure.
20 So that happens a lot with -- you're not an
21 attorney, I assume?

22 MR. SHEON: No.

1 CHAIRPERSON MILLER: Right. Okay. So
2 that happens a lot when people get this opening
3 statement. And I just want to say it was just
4 really just to give us a general road map.

5 MR. SHEON: Okay.

6 CHAIRPERSON MILLER: But you know, you
7 may have to --

8 MR. SHEON: Repeat some of that?

9 CHAIRPERSON MILLER: -- repeat,
10 because if you want this as evidence, you know--

11 MR. SHEON: Okay. Well, good. Then
12 I --

13 CHAIRPERSON MILLER: -- save some of
14 this. You yourself can testify.

15 MR. SHEON: Then I'll cut it short
16 there and state that we have gone to the
17 community in a couple of different ways. We had
18 an additional meeting with -- calling for the
19 whole ANC, not just our Single Member District,
20 and learned that there are many community
21 members, in fact, that have had very positive
22 experiences with Ms. Tassew and the store.

1 And so overall, we are left with a
2 very difficult picture of one where we have some
3 community members who are incredibly upset over
4 the way that they have been handled and others
5 who have had very positive experiences in the
6 store. And as an ANC and as a signer on that
7 protest, we came to the conclusion that we need
8 to have trust in order to have order, because
9 order is predicated upon trust.

10 And if we don't have that order, then
11 we think that the ANC has merit in presenting its
12 perspective.

13 CHAIRPERSON MILLER: Okay. Thank you.

14 MR. SHEON: Thank you.

15 CHAIRPERSON MILLER: All right. Is
16 our Investigator here? Okay. Come on up.
17 Whereupon,

18 INVESTIGATOR DORSHAE DEMBY
19 was called as a witness by the ABRA Board, and
20 having been first duly sworn, assumed the witness
21 stand and was examined and testified as follows:

22 INVESTIGATOR DEMBY: I do.

1 CHAIRPERSON MILLER: Thank you. So if
2 you would identify yourself for the record and
3 then give us a little summary of your report that
4 you did?

5 INVESTIGATOR DEMBY: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay.

7 DIRECT EXAMINATION

8 INVESTIGATOR DEMBY: Investigator
9 Dorshae Demby. Prior to me jumping into the
10 summary, Madam Chair, on page 3 of the report
11 under the nearby establishments, there are some
12 errors with some of the establishments' licenses
13 numbers and classes.

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR DEMBY: I have an amended
16 form here which I would like to submit that has
17 the correct information on it.

18 CHAIRPERSON MILLER: You want to
19 submit it now?

20 INVESTIGATOR DEMBY: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER RODRIGUEZ: All right.

1 CHAIRPERSON MILLER: Thank you.

2 INVESTIGATOR DEMBY: Again, my name is
3 Investigator Dorshae Demby with the Alcoholic
4 Beverage Regulation Administration.

5 As an ABRA Investigator, I conduct
6 inspections and investigations of licensed ABC
7 establishments throughout the District of
8 Columbia.

9 I was assigned to investigate the
10 protest of A And A, LLC t/a Georgia Line
11 Convenience Store, a Class B Retailer located at
12 5125 Georgia Avenue, N.W., located in Ward 4
13 under ANC-4D.

14 The establishment has submitted an
15 application to amend or terminate its settlement
16 agreement while its application for renewal is
17 simultaneously being protested. The application
18 to amend or terminate the settlement agreement
19 and the renewal application is being protested by
20 the Advisory Neighborhood Commission ANC-4D,
21 which is represented by ANC's 4D's Chairperson,
22 Mr. David Sheon.

1 Mr. David Sheon also represents the
2 group of six. The protest issue for Georgia Line
3 Convenience are adverse impact on peace, order
4 and quiet.

5 I interviewed ANC-4D's Chairperson,
6 Mr. David Sheon on Monday, February 23, 2015,
7 regarding the protest of Georgia Line Convenience
8 having an adverse affect on peace, order, quiet.
9 Mr. Sheon stated that the owners of the
10 establishment did not properly take care of the
11 exterior of their property, because they did not
12 pick up trash surrounding the establishment, as
13 agreed upon per the settlement agreement.

14 Mr. Sheon stated that the
15 establishment had a stove sitting in the rear of
16 their establishment for days causing an eyesore
17 to the community. Mr. Sheon stated that the
18 establishment had bribed a member of the group of
19 six or offered a community member \$500 to not
20 take part in the protest process.

21 Mr. Sheon stated that the
22 establishment had violated their settlement

1 agreement by selling alcohol to a member of the
2 community on Sunday, the son of Ms. Annie Wallace
3 which is forbidden by the establishment's alcohol
4 license. Because so much time had lapsed between
5 the original protest date and the hearing today,
6 I conducted a follow-up interview with Mr. David
7 Sheon on Tuesday, April 14th.

8 I conducted a follow-up interview to
9 address any new concerns that may have arose
10 concerning the establishment. Mr. Sheon stated
11 that some members of the community disagree with
12 the group of six and thought that the
13 establishment was a good neighbor and that he and
14 the community are interested in ABRA completing
15 the protest process and after the protest is
16 concluded moving forward with the ownership in
17 the community.

18 Mr. Sheon concluded his statement by
19 stating that he is conveying the thoughts of all
20 those that he represents in his ward and will let
21 the process take its course.

22 On Tuesday, March 10, 2015, I

1 interviewed Ms. Tassew, the owner of Georgia Line
2 Convenience Store. Ms. Tassew stated that the
3 business has been open since 2013. Ms. Tassew
4 stated that she owns and operates a convenience
5 store that has future plans of selling deli
6 sandwiches and coffee to the neighborhood.

7 Ms. Tassew stated that she has been
8 trying to work with the neighbors continuously
9 throughout the process, even after being told by
10 Mr. Sheon a week and a half after mediation at
11 ABRA that he would rather let the Board decide
12 the matter.

13 Ms. Tassew stated that her neighbors
14 are permitted to sell beer on Sunday and that she
15 wants the same opportunities as her neighbors to
16 have a successful business. Ms. Tassew stated
17 that she feels as though her neighbors are being
18 discriminatory against her. She also stated that
19 her neighbors complain of trash around the
20 perimeter of her establishment and insists that
21 she cleans the exterior of her store on a daily
22 basis.

1 Ms. Tassew stated that she does not
2 have a loitering problem in front of her
3 establishment. Ms. Tassew concluded her
4 statement by stating that she was willing to work
5 with the neighbors to resolve any issues that
6 they may have and that she deserves to keep her
7 license.

8 Again, because of the lapse in time
9 between the original protest date and today, I
10 conducted a follow-up interview with Ms. Tassew
11 on Tuesday, April 14th, to address any new issues
12 that she may have.

13 Ms. Tassew stated that the neighbors
14 had complained about a stove being left in the
15 rear of her property for days, but she stated
16 that the stove belongs to the landlord and a
17 tenant of the apartment located above her store.
18 Ms. Tassew stated that she attended a community
19 meeting in March and that individuals in the
20 community who are protesting her establishment
21 failed to show up.

22 The summary of my findings resulting

1 from my investigation beginning February 20, 2015
2 until April 14, 2015 are the following: Georgia
3 Line Convenience Store is located in the 5100
4 Block of Georgia Avenue, N.W., between Hamilton
5 Street and Gallatin Street, N.W. The building is
6 made of brick and concrete with a large glass
7 window across the front, Exhibits 3, 4 and 5.

8 The sections of Georgia Avenue which
9 houses Georgia Line Convenience Store is a two-
10 way, four lane road heading northbound and
11 southbound. Georgia Line Convenience Store
12 interfaces onto Georgia Avenue, N.W.

13 Georgia Line Convenience Store is a
14 large sized establishment at 5125 Georgia Avenue,
15 N.W., Washington, D.C. and has one main entrance
16 in the front of the building. When you enter the
17 establishment you have the option of three rows
18 of grocery items to choose from with both
19 alcoholic and non-alcoholic beverages being
20 located in refrigerators that line the right wall
21 of the establishment.

22 The cash register is surrounding

1 primarily by plexiglass with an opening for
2 customer interactions. Georgia Line Convenience
3 Store occupies the first floor of a three-story
4 building with the third floor being an apartment
5 and the basement belonging to their landlord.

6 Georgia Line Convenience is located in
7 the C-2-A Zone and there are 10 active ABC
8 licensed establishments operating within 1,200
9 feet of Georgia Line Convenience Store with five
10 being for off-premise sales and all five of those
11 establishments having Sunday alcohol sales hours.
12 Of those establishments, you have a Class A,
13 Jefferson Liquors whose alcohol sales on Sundays
14 are 12:00 p.m. to 8:00 p.m., S & G Wine, whose
15 alcohol sales on Sunday are 7:00 a.m. to 12:00
16 a.m., Colony Liquors who alcohol sales on Sunday
17 are 8:00 a.m. to 12:00 a.m., Hamilton Liquors
18 whose alcohol sales on Sunday are 9:00 a.m. to
19 12:00 a.m., and a Class B establishment, Lucky
20 Corner Store, whose alcohol sales on Sunday are
21 7:00 a.m. to 12:00 a.m.

22 ABRA Investigators visited Georgia

1 Line Convenience Store from February 20th to April
2 14, 2015. On all of the visits no ABRA
3 violations were observed. A check of ABRA
4 records revealed that the establishment has never
5 been the subject of a noise complaint nor has the
6 establishment been visited by the Noise Task
7 Force.

8 Information received from the Office
9 of Unified Communication shows that the
10 establishment had 33 calls for service between
11 March 2014 and February 2015 with none of the
12 calls requiring ABRA enforcement.

13 A check of the establishment's
14 investigative history shows the following:
15 August 10, 2014, Case No. 14-CMP-00460, hours of
16 sale and delivery for off-premise retail licenses
17 Sunday sales and settlement agreement, the case
18 is yet to be adjudicated by the Board. That's
19 all I have, Madam Chair.

20 CHAIRPERSON MILLER: Thank you. That
21 was excellent. Are there Board questions? I
22 wanted to ask you, how long have you been with

1 ABRA?

2 INVESTIGATOR DEMBY: Since January of
3 2014.

4 CHAIRPERSON MILLER: January of 2014.

5 INVESTIGATOR DEMBY: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. So have
7 you had occasion to go by this establishment on
8 other occasions?

9 INVESTIGATOR DEMBY: Yes.

10 CHAIRPERSON MILLER: Separate from
11 this protest?

12 INVESTIGATOR DEMBY: Yes, ma'am.

13 CHAIRPERSON MILLER: And did you
14 notice, at that time, any problems with trash or
15 anything like that from this establishment?

16 INVESTIGATOR DEMBY: With trash, no,
17 ma'am. There was one previous occasion where I
18 was -- ABRA had received a complaint about
19 possible Sunday sales at the establishment.

20 CHAIRPERSON MILLER: Yes.

21 INVESTIGATOR DEMBY: I was actually
22 the Investigator assigned to investigate that

1 matter. I was able to visit that establishment
2 on August 10th, which is the case that I
3 referenced in the report.

4 CHAIRPERSON MILLER: Right.

5 INVESTIGATOR DEMBY: And purchased
6 alcohol on a Sunday in violation of the
7 settlement agreement and that case is before you
8 all right now.

9 CHAIRPERSON MILLER: Right. Okay.
10 Okay. Other questions? Mr. Rodriguez?

11 MEMBER RODRIGUEZ: Yes. The owner
12 has, in this report, indicated that there might
13 be some discrimination. Have you detected any
14 kind of discrimination?

15 INVESTIGATOR DEMBY: No, sir.

16 MEMBER RODRIGUEZ: Okay.

17 CHAIRPERSON MILLER: Any other
18 questions? Mr. Jones?

19 MEMBER JONES: Just to be clear, so
20 you were the Investigator that found the
21 violation of the sale on Sunday?

22 INVESTIGATOR DEMBY: Yes, sir.

1 MEMBER JONES: Answer this as best you
2 can in the most appropriate fashion. I'm not
3 sure if I'm asking it the right way, but what
4 directed you down that path to conduct that
5 activity in the manner in which you did on that
6 Sunday? Was it a tip? Was it just a regular
7 assignment? Was it --

8 INVESTIGATOR DEMBY: No, sir. It was
9 an email complaint that ABRA received from a
10 member of the community alleging that they had
11 illegal alcohol sales on Sunday. It was
12 presented to the Investigators during the hours
13 as an overtime assignment. I accepted that
14 assignment. I went to that establishment.

15 I monitored the establishment just to
16 give you some background --

17 MEMBER JONES: Okay.

18 INVESTIGATOR DEMBY: -- from the
19 exterior for approximately 10 minutes to see the
20 foot traffic to see if I could see somebody from
21 the community able to purchase alcohol. The foot
22 traffic was light during the time and date that I

1 was there. So I then proceeded to enter the
2 store in an undercover capacity. I entered the
3 store. I retrieved the alcohol. I went to the
4 register. There were two males behind the
5 register. They processed my transaction for the
6 beer that I purchased.

7 I came back, subsequently made
8 notification to those at the Agency and the
9 report followed.

10 MEMBER JONES: Okay. So not to go
11 into great detail about that particular case,
12 because I know it's --

13 INVESTIGATOR DEMBY: Yes.

14 MEMBER JONES: -- pending.

15 INVESTIGATOR DEMBY: Right.

16 MEMBER JONES: But just to get a feel
17 or sense, was this the one and only time that in
18 an official capacity you and/or any one of our --
19 your colleagues attempted to purchase alcohol
20 from that location on a Sunday?

21 INVESTIGATOR DEMBY: Yes, sir. That
22 was actually my first time visiting the

1 establishment in my tenure at this Agency.

2 MEMBER JONES: Okay. And to your
3 knowledge, there were no other attempts made to
4 purchase alcohol on a Sunday in an undercover
5 capacity in the manner in which you performed it?

6 INVESTIGATOR DEMBY: Not that I'm
7 aware of.

8 MEMBER JONES: Okay. And I'm asking
9 that question from the standpoint of getting a
10 sense of we went 10 times and it happened once or
11 we went one time and it happened the only time
12 that we went. So from a baseball standpoint, we
13 are batting 1,000. You went once and you were
14 able to get alcohol on a Sunday, which was -- may
15 potentially be a violation.

16 INVESTIGATOR DEMBY: Yes, sir.

17 MEMBER JONES: Okay. The sense that
18 you got was that it was a tip, so was it -- is it
19 your sense, and I understand that you can't give
20 your opinion, but from the nature of how you saw
21 traffic going in and out of the establishment on
22 the day that you went, is it your -- did you get

1 the impression that that was a customary thing
2 for the establishment to be selling alcohol on
3 that Sunday or on Sundays in general?

4 INVESTIGATOR DEMBY: I don't know how
5 to appropriately answer that question, sir. They
6 sell --

7 MEMBER JONES: Okay.

8 INVESTIGATOR DEMBY: -- more items
9 than alcohol.

10 MEMBER JONES: Excuse me?

11 INVESTIGATOR DEMBY: They sell more
12 items than just alcohol, so the foot traffic on a
13 Sunday for the time of day that I was there, it
14 was appropriate. I don't know if it's customary
15 for them to sell alcohol on Sunday. I just know
16 that they did when I went into it.

17 MEMBER JONES: Okay. Fair enough.
18 Thank you. That's all I need. Thank you, Madam
19 Chair.

20 CHAIRPERSON MILLER: Okay. Anyone
21 else? Mr. Rodriguez?

22 MEMBER RODRIGUEZ: One more question.

1 Investigator, there was a complaint that there
2 was a stove in front of their premises and then I
3 read that the stove belonged to the owner of the
4 building, not to the business. Can you verify
5 that? Have you verified that?

6 INVESTIGATOR DEMBY: I was unable to.
7 I found that information out from the applicant
8 on April the 14th. So I was unable to confirm
9 that with the building's landlord as to whether
10 it belong to the tenant upstairs. That was just
11 the statement of the owner of the establishment.

12 MEMBER RODRIGUEZ: Okay.

13 CHAIRPERSON MILLER: Okay. Not seeing
14 any other Board questions, does the applicant
15 have any questions?

16 MR. FOX: Yes.

17 CROSS-EXAMINATION

18 MR. FOX: Thank you, Investigator
19 Demby.

20 MEMBER RODRIGUEZ: Can you raise
21 your --

22 MR. FOX: Yes, sorry. Can you hear me

1 now?

2 MEMBER RODRIGUEZ: Yes.

3 MR. FOX: Okay. Let me move this over
4 a little bit.

5 I just wanted to confirm, you didn't
6 go and ask the landlord whether or not that was
7 the apartment owner's stove upstairs, did you?

8 INVESTIGATOR DEMBY: That's correct.

9 MR. FOX: Okay. That's all the
10 questions I have.

11 CHAIRPERSON MILLER: Okay. Any
12 questions, Mr. Sheon?

13 MR. SHEON: One very quick
14 clarification that is just an inaccuracy. I'm
15 not the Chairman of ANC-4D. I am a Single Member
16 District, you know, ANC Commissioner. Our
17 Chairman is Lisa Colbert.

18 But other than that, I just wanted to
19 ask if you had checked the case file to find that
20 there was historically another Sunday sale
21 violation in 2012?

22 MR. FOX: I would object to that,

1 because it's outside of the scope, at the time.
2 The current owner of Georgia Line started her
3 ownership in 2013. So anything that occurred
4 before that is not directly relevant to either
5 the petition to renew the license or to remove
6 Sunday sales restriction.

7 MR. SHEON: And I have questions
8 regarding the relationship between the previous
9 owner and the current owner.

10 CHAIRPERSON MILLER: Can you be a
11 little bit more specific how it is relevant?
12 Because it does sound like it's outside the time
13 frame.

14 MR. SHEON: Yes, the previous owner,
15 Zebader Tasema, was interviewed by ABRA in a
16 Fact-Finding Hearing on April 25, 2012. And in
17 that, she brought her husband to help translate
18 and her husband's name, as identified in this
19 document --

20 MR. FOX: I object to that as well.
21 I object to that as well.

22 CHAIRPERSON MILLER: Wait. He is not

1 -- but he --

2 MR. SHEON: I'm --

3 CHAIRPERSON MILLER: I want to hear
4 the explanation. He didn't let him finish his
5 statement.

6 MR. FOX: I'm sorry.

7 MR. SHEON: Yes, I would like to find
8 out in cross-examination, because the husband is
9 also Tassew, the same last name as the current
10 owner and I would like to find out if there is a
11 relationship.

12 MR. FOX: Right. Well, that's -- I
13 think that's a very baseless reason to look for a
14 relationship.

15 CHAIRPERSON MILLER: Okay.

16 MR. FOX: If I were to be held
17 responsible for the opinions of Fox News, I would
18 be in much a worse point.

19 CHAIRPERSON MILLER: Okay. I think --

20 MR. SHEON: No. At this point, we
21 don't know whether there is a relationship or
22 not.

1 CHAIRPERSON MILLER: Okay. So you
2 haven't convinced me though that we should be
3 delving into the years 2012. That is before this
4 ownership of the establishment, correct? So it
5 has nothing to do with her history of how it has
6 been running under, which is renewal, her
7 operations. So -

8 MR. SHEON: At this point, we don't
9 know the history of that transaction of the sale
10 of the business, what the relationship was
11 between the previous owner and this owner.

12 CHAIRPERSON MILLER: Okay.

13 MR. FOX: Even if there were a
14 relationship, it would be irrelevant to her
15 direction of the --

16 CHAIRPERSON MILLER: How she is
17 running the --

18 MR. FOX: Right.

19 CHAIRPERSON MILLER: Okay. So let's
20 skip -- I'm going to sustain the objection.

21 MR. SHEON: Okay.

22 CHAIRPERSON MILLER: Any other

1 questions?

2 MR. SHEON: No.

3 CHAIRPERSON MILLER: Okay. All right.

4 Thank you very much.

5 INVESTIGATOR DEMBY: Thank you.

6 (Whereupon, the witness was excused.)

7 CHAIRPERSON MILLER: Okay. So now it
8 is the applicant's turn to put on any witnesses.

9 MR. FOX: Okay. Ms. Alemtsehay
10 Tassew.

11 CHAIRPERSON MILLER: I'm going to
12 swear you in.

13 Whereupon,

14 ALEMTSEHAY TASSEW

15 was called as a witness by Counsel for the
16 Applicant, and having been first duly sworn,
17 assumed the witness stand and was examined and
18 testified as follows:

19 MS. TASSEW: I do.

20 CHAIRPERSON MILLER: You do?

21 MS. TASSEW: Yes.

22 CHAIRPERSON MILLER: Okay. You are

1 going to need to speak up a little bit.

2 MS. TASSEW: Sure.

3 CHAIRPERSON MILLER: The microphone is
4 on the table.

5 MS. TASSEW: Oh.

6 CHAIRPERSON MILLER: Okay.

7 DIRECT EXAMINATION

8 MR. FOX: Good morning, Ms. Tassew.
9 Could you state your name for the record?

10 MS. TASSEW: My name is Alemtsehay
11 Tassew. I am an owner of the store, Georgia Line
12 Convenience Store.

13 MR. FOX: And when did you become
14 owner of that store?

15 MS. TASSEW: February 2013.

16 MR. FOX: Okay. And are you the sole
17 owner?

18 MS. TASSEW: I'm sorry?

19 MR. FOX: Are you the sole owner or do
20 you own the store with somebody else?

21 MS. TASSEW: I own the store with my
22 sister, Abeba Tassew.

1 MR. FOX: Okay. And at what point in
2 time did you learn about complaints that members
3 of the community had against the previous store
4 owners?

5 MS. TASSEW: The like complaining
6 about trashes.

7 MR. FOX: Yes. Just in general, when
8 did you learn that there had been a bad
9 relationship, if you did?

10 MS. TASSEW: I just find out when we
11 renew the license, time to renew the license.

12 MR. FOX: Okay. With regards to
13 removal of the Sunday sales restriction, before
14 the general prohibition on Sunday sales was
15 removed, what year do you remember was the
16 general prohibition on Sunday sales removed?

17 MS. TASSEW: I'm sorry?

18 MR. FOX: Do you remember when the
19 other stores were allowed to sell --

20 MS. TASSEW: It was since the new --
21 it was, I don't know when it start, but it's a
22 new Sunday for D.C., they can sell the beer and

1 wine, the same time they start.

2 MR. FOX: And when was that? Was that
3 in 2012, 2011, do you know?

4 MS. TASSEW: It was '13 or '14. I'm
5 not sure exactly.

6 MR. FOX: Okay.

7 MS. TASSEW: It was '14, I think, last
8 year.

9 MR. FOX: Last year?

10 MS. TASSEW: I think so. I'm not sure
11 exactly, but the same time they -- all D.C. they
12 can sell beer and wine on Sunday, based at the
13 same time.

14 MR. FOX: So at that time, were you
15 already owner of the store?

16 MS. TASSEW: Yes.

17 MR. FOX: Okay. When that general
18 prohibition was removed, was there a change in
19 the amount of alcohol you sold?

20 MS. TASSEW: A lot.

21 MR. FOX: How much?

22 MS. TASSEW: Like you mean Sunday?

1 MR. FOX: Yes.

2 MS. TASSEW: We don't sell Sundays, so
3 we don't have any option like to sell Sundays.

4 MR. FOX: Right. Well, let me ask you
5 a different question then. Do you feel that your
6 ability to compete with your neighboring stores
7 is hampered because of the Sunday restriction on
8 you?

9 MS. TASSEW: Yes.

10 MR. FOX: In what way?

11 MS. TASSEW: Well, because I cannot
12 sell the beer and wine like everybody selling the
13 beer and wine. We cannot sell any beer and wine
14 and losing the customer.

15 MR. FOX: Okay. Does that affect your
16 sales the other days of the week, too?

17 MS. TASSEW: Of course, 100 percent.

18 MR. FOX: Okay. How much --

19 CHAIRPERSON MILLER: I'm sorry, what
20 did you say to that last question?

21 MS. TASSEW: Yes, it affects our
22 business we didn't sell alcohol and beer and wine

1 on Sunday.

2 CHAIRPERSON MILLER: But did he ask
3 you if it affected your sales on other days of
4 the week?

5 MS. TASSEW: We sell Monday to
6 Saturday, yes. Then we don't sell Sunday. So
7 it's affect us.

8 CHAIRPERSON MILLER: Okay. Thank you.
9 Okay.

10 MR. FOX: If you were allowed to sell
11 on Sundays would that increase the amount of
12 trash in or outside of your store?

13 MS. TASSEW: No.

14 MR. FOX: Would you expect to see more
15 loitering?

16 MS. TASSEW: No.

17 MR. FOX: Would there be noise
18 associated with it?

19 MS. TASSEW: No.

20 MR. FOX: Okay. Let's move on to the
21 renewal of the license. How would your business
22 be affected without an alcohol license?

1 MS. TASSEW: It really bad.

2 MR. FOX: What was that?

3 MS. TASSEW: Affect us? Good.

4 MR. FOX: If you did not have an
5 alcohol license, how would that affect your
6 business?

7 MS. TASSEW: We are not going to sell
8 like that. We just selling groceries is not
9 going to --

10 MR. FOX: And could you put a monetary
11 amount? How much money would you lose by not
12 having a license?

13 MS. TASSEW: \$500, \$600, \$700.

14 MR. FOX: Every year? Every month?
15 Every week?

16 MS. TASSEW: I mean, every week. It's
17 more than that though.

18 MR. FOX: So you estimate -- what was
19 that number again?

20 MS. TASSEW: Maybe \$700, \$800.

21 MR. FOX: Okay. Okay. How would that
22 affect your personal income?

1 MS. TASSEW: Like? I'm sorry?

2 MR. FOX: So if your store was losing
3 \$700 a week, you said somewhere -- I think I
4 heard \$500 to \$800 something like that per week,
5 how would that affect your income, your take-home
6 pay?

7 MS. TASSEW: Really bad.

8 MR. FOX: Would that affect your
9 family?

10 MS. TASSEW: Sure. Of course. It
11 affects my --

12 MR. SHEON: I would like to object.
13 She -- to state that she has had this loss
14 implies that she once had this. She doesn't have
15 a loss of \$700 to \$800 a week.

16 CHAIRPERSON MILLER: Is there a
17 question you are objecting to though?

18 MR. SHEON: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MR. SHEON: I would like to -- well,
21 I would like to object to the question.

22 CHAIRPERSON MILLER: Which question?

1 MR. SHEON: His question when if we
2 can go through the transcript, he just asked
3 what, you know, is the impact of sustaining this
4 loss of \$700 to \$800 a week.

5 CHAIRPERSON MILLER: Oh, okay.

6 MR. SHEON: She hasn't had a loss.

7 CHAIRPERSON MILLER: Right.

8 MR. FOX: Okay.

9 CHAIRPERSON MILLER: You mean what
10 would be the impact?

11 MR. FOX: Right, yes, that's what I
12 meant. This is -- okay.

13 I think I have explored that topic
14 enough. Let's go to the stove. I believe that
15 is exhibit -- is that Exhibit 4 of the --

16 MR. SHEON: That's Exhibit 1.

17 MR. FOX: Oh.

18 MR. SHEON: And if the Board would
19 like, I can share it.

20 CHAIRPERSON MILLER: Whose Exhibit 1
21 is it?

22 MR. SHEON: It's our exhibit.

1 MR. FOX: Yes, yes.

2 CHAIRPERSON MILLER: Oh.

3 MR. FOX: This is the ANC's Exhibit 1,
4 Protestant's Exhibit 1. Yes, do you have copies
5 of that?

6 MR. SHEON: I do. And here is one for
7 you.

8 CHAIRPERSON MILLER: Did you -- you
9 didn't submit it with your Exhibit Form or did
10 you?

11 MR. SHEON: I did.

12 CHAIRPERSON MILLER: Well, maybe we
13 have it.

14 MR. SHEON: Well, I have it here.
15 Either way.

16 CHAIRPERSON MILLER: Okay. You have
17 extra copies right there?

18 MR. FOX: Yes.

19 CHAIRPERSON MILLER: All right. We
20 will take them, yes.

21 MR. SHEON: There is a lot of
22 documents in here.

1 MR. FOX: I think that should do it.

2 MR. SHEON: Thank you. If you need
3 one more, I have that.

4 MR. FOX: You do? Okay. Great.
5 This is Protestant's Exhibit 1.

6 (Whereupon, the above-entitled
7 document was marked as Protestant
8 Exhibit No. 1 for identification.)

9 MR. FOX: First off, is that your
10 Georgia Line Convenience Store in the background?

11 MS. TASSEW: This is our store, but
12 that stove is not belonging to us.

13 MR. FOX: Okay. Do you know who the
14 stove belongs to?

15 MS. TASSEW: Probably the apartment
16 that is on the second floor.

17 MR. FOX: Okay.

18 CHAIRPERSON MILLER: I'm having
19 trouble hearing.

20 MEMBER RODRIGUEZ: I'm sorry, yes.

21 CHAIRPERSON MILLER: Could you repeat
22 that?

1 MS. TASSEW: Maybe it's from the
2 upstairs, the second floor. There is apartment
3 probably that's maybe them, but I don't see it.
4 I don't know.

5 CHAIRPERSON MILLER: Okay.

6 MR. FOX: It looks like there is a
7 doorway on the left side of the photograph.
8 There is a -- it looks like there is a picture of
9 5125. Is that a doorway on the left side of the
10 photograph?

11 MS. TASSEW: That's the apartment.
12 The people they can entrance to go to the
13 upstairs.

14 MR. FOX: Okay. Is that the closest
15 doorway to the stove?

16 MS. TASSEW: Yes.

17 MR. FOX: In that photograph? Okay.
18 Do you use that doorway?

19 MS. TASSEW: No.

20 MR. FOX: Okay. Do you have a key to
21 that door?

22 MS. TASSEW: No.

1 MR. FOX: Do you have a key to the
2 apartments upstairs?

3 MS. TASSEW: No.

4 MR. FOX: Okay. Let's go back. Well,
5 let's see, I want to make sure I cover the
6 effects of the removal of the Sunday sales
7 limitation.

8 Would there be any negative impact
9 that you can think of from removing the
10 restriction on Sunday sales? Would there be
11 anything bad that would happen if you were
12 allowed to sell on Sunday?

13 MS. TASSEW: No.

14 MR. FOX: In the community?

15 MS. TASSEW: No.

16 MR. FOX: Okay. Those are all the
17 questions I have. Thank you.

18 CHAIRPERSON MILLER: Okay. Mr. Sheon,
19 do you have some cross-examination questions?

20 MR. SHEON: I do have a couple of
21 questions for Ms. Tassew. Thank you.

22 CHAIRPERSON MILLER: Okay.

CROSS-EXAMINATION

1
2 MR. SHEON: When did you first learn
3 that there was a voluntary settlement agreement
4 in place?

5 MS. TASSEW: I know when I signed.
6 When we buy the business, we know there is a
7 voluntary agreement, but we are trying to work
8 with the committee and we are --

9 MR. SHEON: Right.

10 MS. TASSEW: -- work with the -- to
11 remove the Sundays to sell.

12 MR. SHEON: And how often in that
13 voluntary settlement agreement does it say that
14 the property needs to be cleaned?

15 MS. TASSEW: Every day.

16 MR. SHEON: And has it been cleaned
17 since you started and took --

18 MS. TASSEW: Every morning. We clean
19 every morning. When we open the door, we always
20 clean.

21 MR. SHEON: On the petition to
22 unilaterally terminate the voluntary settlement

1 agreement, you stated that Ms. Elliott and Ms.
2 Wallace refused to meet with you. Can you tell
3 me when they refused and generally what happened
4 that made you think that they refused to meet
5 with you?

6 MS. TASSEW: I went to Ms. Wallace's
7 house. I knocked her door and I spoke to her.
8 And she told me the first time she is not working
9 any more with this kind of situation.

10 MR. SHEON: Yes.

11 MS. TASSEW: She don't know what is
12 going on. So that's all I ask her.

13 MR. SHEON: Yes. So you had a
14 conversation with her?

15 MS. TASSEW: With her, yes.

16 MR. SHEON: And what about with Ms.
17 Roy-Elliott? She has since married, so Ms. Roy
18 is here.

19 CHAIRPERSON MILLER: Oh.

20 MR. SHEON: Did you have a discussion
21 with Ms. Roy?

22 MS. TASSEW: What kind of discussion?

1 MR. SHEON: About your decision to
2 petition to remove the voluntary settlement
3 agreement?

4 MS. TASSEW: She told me this I can't
5 agree and when I ask her because there is no
6 submission I can get. So if she don't know what
7 is going on, why should I go there and ask her.

8 MR. SHEON: Yes. So she did discuss
9 this with you?

10 MS. TASSEW: I asked her and what I
11 have to do to remove Sunday beer and because
12 everybody asking -- when I go and ask them,
13 because they say you should go and ask her. And
14 I'll go there and ask her and she said I don't
15 know. So that's not the answer for me.

16 MR. SHEON: Yes. And do you know a
17 date when you --

18 MS. TASSEW: I don't.

19 MR. SHEON: -- had these discussions?

20 MS. TASSEW: I don't remember.

21 MR. SHEON: That's okay. Looking
22 again at the picture of the stove, is the stove

1 physically located by store property?

2 MS. TASSEW: No.

3 MR. SHEON: That's not your store
4 going --

5 MS. TASSEW: You see --

6 MR. SHEON: -- back that distance?

7 MS. TASSEW: No. This is the last
8 one, but they put -- see the door right there,
9 5125?

10 MR. SHEON: I actually gave my last
11 copy --

12 MS. TASSEW: They put it in front of.

13 MR. SHEON: -- of the picture away.

14 MS. TASSEW: Right here.

15 MR. SHEON: Maybe I can borrow
16 Jameson's. Thank you. Yes.

17 MS. TASSEW: You see the sign say
18 5125?

19 MR. SHEON: Yes.

20 MS. TASSEW: That's the apartment
21 door.

22 MR. SHEON: So above that you can see

1 sort of a fan blowing out. Is that not the fan
2 from your kitchen in the store?

3 MS. TASSEW: It is my kitchen.

4 MR. SHEON: Yes.

5 MS. TASSEW: But it's not below it to
6 me. They come put it over there. I don't really
7 see it. I don't know when these things happen.

8 MR. SHEON: Does it state in the
9 voluntary settlement agreement the location of
10 your property that you are supposed to keep
11 clean?

12 MS. TASSEW: But this is not my
13 location that we see.

14 MR. SHEON: Yes, I see it.

15 MS. TASSEW: You see that door right
16 next to 5125.

17 MR. SHEON: I have a question. This
18 is the property belonging to the store in which
19 the stove is seated?

20 MS. TASSEW: No, this is not ours.

21 MR. SHEON: But that is the fan from
22 your kitchen directly above it?

1 MS. TASSEW: It's up in the corner.

2 MR. SHEON: Okay. Are you -- in 2012
3 when you purchased the store --

4 MR. FOX: Objection. I believe it is
5 2013.

6 MR. SHEON: Oh, I'm sorry. Correct.
7 My mistake. In 2013, what was the sale price of
8 the store?

9 MS. TASSEW: I'm sorry?

10 MR. SHEON: What did you pay to buy
11 the store?

12 MS. TASSEW: I don't remember exactly
13 how much.

14 MR. SHEON: If you were to ballpark?

15 MS. TASSEW: I cannot say right now,
16 because I don't know exactly how much.

17 MR. SHEON: Yes. Who is Maulu Tassew?

18 MS. TASSEW: He is owner of the store
19 husband.

20 MR. SHEON: And there is no relation
21 between you and Maulu Tassew?

22 MS. TASSEW: No.

1 MR. SHEON: Okay.

2 MR. FOX: Again, I would object. I
3 don't think, even if there were a relationship,
4 that it would be relevant. What we are looking
5 at here is the way that she and her business
6 partner have run the store since they have been
7 there.

8 CHAIRPERSON MILLER: Okay. I have no
9 idea who they are.

10 MR. SHEON: Yes.

11 CHAIRPERSON MILLER: So okay. But--

12 MR. SHEON: And it appears to be
13 irrelevant.

14 CHAIRPERSON MILLER: Okay.

15 MR. SHEON: I'll just double-check if
16 I have any other questions. For the record, do
17 you mind stating the name of your business
18 partner?

19 MS. TASSEW: Abeba Tassew.

20 MR. SHEON: Tassew?

21 MS. TASSEW: Yes.

22 MR. SHEON: And I'll ask whether she

1 has a relationship to Maulu Tassew?

2 MS. TASSEW: No.

3 MR. SHEON: Okay. Thank you. Were
4 there any of the protestants, now granted we are
5 in agreement that many of the original
6 protestants are deceased or have moved, but of
7 those who remain, you listed that each and every
8 one of them refused to meet with you. Did any of
9 them actually refuse to meet with you or did they
10 all have discussions with you?

11 MS. TASSEW: No. I heard some -- and
12 the people would say somebody they wouldn't come.
13 They come to the store because I told them to
14 come in to talk to me. I don't even talk to
15 them. I don't know who say that. I don't know.

16 MR. SHEON: Did you ever set up a
17 meeting with an agreed upon time with any of the
18 protestants to meet and discuss the petition to
19 remove the voluntary settlement agreement?

20 MS. TASSEW: Well, I would like to,
21 but I don't have a chance.

22 MR. SHEON: Did you -- when you spoke

1 with Ms. Elliott or Ms. Wallace, did you invite
2 them to talk further about this in relation to --

3 MS. TASSEW: I would like to.

4 MR. SHEON: -- this meeting.

5 MS. TASSEW: I would love to meet, but
6 they don't give me a chance.

7 MR. SHEON: Okay. I think that's all
8 my questions.

9 CHAIRPERSON MILLER: Okay. Any Board
10 questions? Mr. Short?

11 MEMBER SHORT: Good afternoon.

12 MS. TASSEW: Good afternoon. How are
13 you?

14 MEMBER SHORT: When you purchased or
15 before you purchased the business, did you do any
16 discovery or did you do any checking of the
17 business you were buying?

18 MS. TASSEW: No.

19 MEMBER SHORT: You just bought it.
20 You didn't --

21 MS. TASSEW: We just bought it.

22 MEMBER SHORT: Okay. Did you have any

1 idea how the neighborhood was or the type of
2 clients you would have in that neighborhood?

3 CHAIRPERSON MILLER: Is your mike on?

4 MEMBER SHORT: Thank you. Did you
5 have any idea about the type of neighborhood you
6 were buying your business in?

7 MS. TASSEW: I used to live in
8 neighborhood before, like 10 years ago. So it
9 wasn't really -- I don't see things like I can't
10 say it's bad.

11 MEMBER SHORT: Okay. So the thing is
12 when you lived there, did you know your neighbors
13 there?

14 MS. TASSEW: Yes, I know them.

15 MEMBER SHORT: So now you have new
16 neighbors since you have a business, correct?

17 MS. TASSEW: It's very much, yes.

18 MEMBER SHORT: So you know all of your
19 neighbors? You get along with them well?

20 MS. TASSEW: Yes.

21 MEMBER SHORT: Okay. And so you want
22 to also expand your business, correct?

1 MS. TASSEW: Yes.

2 MEMBER SHORT: And you have to talk to
3 the neighbors to do that, correct?

4 MS. TASSEW: Yes.

5 MEMBER SHORT: And you have done that?

6 MS. TASSEW: Well, like --

7 MEMBER SHORT: Have you talked with
8 your neighbors?

9 MS. TASSEW: To do?

10 MEMBER SHORT: About the expansion of
11 your business?

12 MS. TASSEW: Yes, I do, yes.

13 MEMBER SHORT: And what --

14 MS. TASSEW: I went to the meeting,
15 the Commissioner meeting and I told them what I'm
16 going to do for the future and explain the
17 business. I like to work with the neighbors,
18 too, so I would explain for Mr. David.

19 MEMBER SHORT: What was their response
20 when you went to the meeting?

21 MS. TASSEW: Well, Mr. David was there
22 and some other neighbors was there. They was

1 like very happy and they were like why these
2 things happen, why not you can have opportunity
3 like other people have. So then he was like
4 positive thinking.

5 MEMBER SHORT: Okay. So again, I'll
6 ask, what was their response to your --

7 MS. TASSEW: They --

8 MEMBER SHORT: -- idea of expanding?

9 MS. TASSEW: -- really happy. They
10 happy.

11 MEMBER SHORT: They approved it?

12 MS. TASSEW: Yes.

13 MEMBER SHORT: Okay. That's all I
14 have. Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay. Thank you.
16 Mr. Rodriguez?

17 MEMBER RODRIGUEZ: Yes. Ms. Tassew,
18 two things. One is in the report I saw that you
19 had mentioned, and I want us to verify that it's
20 so, it should be, that there was -- that you felt
21 there was some discrimination by some people. IS
22 that -- did you feel that, that there was some

1 discrimination?

2 MS. TASSEW: I feel like that's
3 discrimination, because all the neighbors like
4 500 feet like they sell beer and wine and like
5 two blocks selling beer and wine on Sunday. Why
6 they treat me -- they pick me on the idea and
7 then I cannot do anything. I have a family. And
8 I have business. I have to pay for rent,
9 everything, so I would like to get that
10 opportunity.

11 MEMBER RODRIGUEZ: But you also have
12 then support from many sides of the community.

13 MS. TASSEW: Sure, yes.

14 MEMBER RODRIGUEZ: You have. Okay.
15 And my next question deals with that stove. How
16 long has that stove been -- is that the back or--
17 that's the back, right, of your --

18 MS. TASSEW: That's -- this is the
19 store.

20 MEMBER RODRIGUEZ: Yes.

21 MS. TASSEW: And the apartment is on
22 this side.

1 MEMBER RODRIGUEZ: Right.

2 MS. TASSEW: You go -- you have to go
3 like the other side. It's on the other side.
4 You cannot -- I don't know how long the stove,
5 that oven, I don't really see it. May be there
6 one night, may be the next three, maybe they
7 throw trash. I don't even see it.

8 MEMBER RODRIGUEZ: Is that -- was that
9 there yesterday?

10 MS. TASSEW: It wasn't yesterday. I
11 don't know when these things happen. I don't
12 know.

13 MEMBER RODRIGUEZ: When was the last
14 time you saw the stove there?

15 MS. TASSEW: I never seen the stove.
16 Maybe they take it outside the same day. Maybe
17 they take it the same time they take a picture,
18 the same day the take the trash. I don't know.

19 MEMBER RODRIGUEZ: Okay. That's as
20 far as I'll go with that. Thank you.

21 MR. FOX: If I could just interject
22 something?

1 CHAIRPERSON MILLER: Wait. Sorry.

2 Are we finished with Board questions?

3 MEMBER ALBERTI: No.

4 CHAIRPERSON MILLER: No. You will get
5 a chance afterwards, so remember that thought.

6 Okay. Mr. Alberti?

7 MEMBER ALBERTI: Ms. Tassew?

8 MS. TASSEW: Yes.

9 MEMBER ALBERTI: Is it Tassew or
10 Tassew?

11 MS. TASSEW: Tassew.

12 MEMBER ALBERTI: Tassew. Thank you.
13 Ms. Tassew, when did you become the owner of this
14 license?

15 MS. TASSEW: 2013.

16 MEMBER ALBERTI: Do you know when in
17 2013, approximately when in 2013?

18 MS. TASSEW: February.

19 MEMBER ALBERTI: Do you know when in
20 2013?

21 MS. TASSEW: Don't know, exactly, no.

22 MEMBER ALBERTI: Well, approximately,

1 was it in the spring?

2 MS. TASSEW: Approximately --

3 MEMBER ALBERTI: The fall, the summer?

4 MS. TASSEW: No, it was like spring.

5 MEMBER ALBERTI: So it was early 2013?

6 MS. TASSEW: Yes, early 2013.

7 February.

8 MEMBER ALBERTI: Pardon?

9 MS. TASSEW: February.

10 MEMBER ALBERTI: February, in the
11 early part of the year. Okay.

12 MS. TASSEW: Yes.

13 MEMBER ALBERTI: Okay. That's good
14 enough.

15 MS. TASSEW: Yes.

16 MEMBER ALBERTI: And you were aware of
17 the settlement agreement, at that time?

18 MS. TASSEW: Yes.

19 MEMBER ALBERTI: Okay. So I just am
20 curious. The only thing I have heard you talk
21 about so far with respect to the settlement
22 agreement is the restriction on selling alcohol

1 on Sundays.

2 MS. TASSEW: Yes.

3 MEMBER ALBERTI: Alcoholic beverages
4 on Sundays.

5 MS. TASSEW: Yes.

6 MEMBER ALBERTI: So is it fair to
7 conclude that you would like to sell alcoholic
8 beverages on Sunday?

9 MS. TASSEW: Yes.

10 MEMBER ALBERTI: Okay. Is there
11 anything else that the settlement agreement
12 prevents you from doing that you would like to
13 do?

14 MS. TASSEW: I --

15 MEMBER ALBERTI: Is there anything
16 about the operation that you would like to do?

17 MS. TASSEW: Yes. I would like to
18 keep my license and I would like to sell Sundays
19 also and I would like to work the neighbors. I
20 want to see if we can work together. If they
21 have any complaint, they can come in and let me
22 know, so I would like to work with neighbors.

1 MEMBER ALBERTI: Okay. I will take
2 that as my answer.

3 MS. TASSEW: Okay.

4 MEMBER ALBERTI: Thank you.

5 MS. TASSEW: You're welcome.

6 MEMBER ALBERTI: I have no further
7 questions.

8 CHAIRPERSON MILLER: Okay. Any other
9 Board questions? Mr. Jones?

10 MEMBER JONES: Thank you, Madam Chair.
11 Is the current structure of your settlement
12 agreement outside of the restriction on Sunday
13 sales inhibiting or limiting your business as it
14 stands today from the standpoint of profitability
15 or ability to make money?

16 MS. TASSEW: Yes.

17 MEMBER JONES: It is?

18 MS. TASSEW: Yes.

19 MEMBER JONES: Okay. What other
20 factors outside of the restrictions on Sunday
21 sales are impacting your revenue?

22 MS. TASSEW: I'm sorry, I didn't

1 understand.

2 MEMBER JONES: So right now you have--
3 your settlement agreement does not allow you to
4 sell alcohol on Sundays, correct?

5 MS. TASSEW: Yes.

6 MEMBER JONES: Let's assume that you
7 are able to sell on Sundays like you want.

8 MS. TASSEW: Okay. Okay.

9 MEMBER JONES: Are there any other
10 terms in the settlement agreement that you would
11 find restrictive in a manner that limit your
12 ability to make money?

13 MS. TASSEW: No.

14 MEMBER JONES: No. So your really --
15 your only real contention or issue or problem
16 with the SA is its restrictions or limitations on
17 your ability to sell on Sundays?

18 MS. TASSEW: Yes.

19 MEMBER JONES: Okay. So you have no
20 issue with cleaning up around your property?

21 MS. TASSEW: I don't have any problem.
22 We always clean every morning, so --

1 MEMBER JONES: You always clean every
2 morning?

3 MS. TASSEW: Yes.

4 MEMBER JONES: So it's not a problem
5 for you?

6 MS. TASSEW: No problem.

7 MEMBER JONES: You have no issues with
8 loitering or making sure that you don't have
9 loitering taking place?

10 MS. TASSEW: No problem, 100 percent.

11 MEMBER JONES: Okay. And in your
12 operation of the establishment, are you the
13 primary manager on duty or the primary person
14 responsible for the day-to-day operations of that
15 establishment?

16 MS. TASSEW: Me and my sister.

17 MEMBER JONES: You and your sister?

18 MS. TASSEW: Yes.

19 MEMBER JONES: Is it safe to say that
20 either you or your sister are on-premise, are on
21 the property during operating hours?

22 MS. TASSEW: Yes.

1 MEMBER JONES: Yes, okay. Do you have
2 anyone that is delegated as a manager that has an
3 ABC Manager's License to work at your
4 establishment?

5 MS. TASSEW: No.

6 MEMBER JONES: No. So if it's open
7 either you or your sister are there?

8 MS. TASSEW: Yes, yes.

9 MEMBER JONES: Yes?

10 MS. TASSEW: Yes.

11 MEMBER JONES: Okay. Okay. Thank
12 you. That's all I have. Thank you, Madam Chair.

13 CHAIRPERSON MILLER: Okay. Others?
14 I just have one follow-up question.

15 MS. TASSEW: Yes.

16 CHAIRPERSON MILLER: So if the Board
17 were to grant you Sunday hours, what -- are there
18 any hours that are more important than others? I
19 mean, if we say okay, the Board might not grant
20 you full hours, say the Board would grant you
21 afternoon hours or something, is there any time
22 that is more important?

1 MS. TASSEW: Sunday, like 10:00 to
2 10:00.

3 CHAIRPERSON MILLER: 10:00 to what?

4 MS. TASSEW: 10:00 to 10:00.

5 CHAIRPERSON MILLER: 10:00 to 10:00?

6 MS. TASSEW: Yes.

7 CHAIRPERSON MILLER: Okay. Any other
8 Board questions? All right. So now we return to
9 the parties to see if you have questions based
10 on --

11 MEMBER JONES: Madam Chair?

12 CHAIRPERSON MILLER: Oh, Mr. Jones.
13 I'm sorry.

14 MEMBER JONES: No problem, ma'am.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER JONES: I just wanted to
17 confirm, I think Board Member Rodriguez went down
18 this path a little bit, but you have a stove in
19 your establishment, correct? Do you have a stove
20 in your --

21 MS. TASSEW: At the store?

22 MEMBER JONES: At the store.

1 MS. TASSEW: Yes.

2 MEMBER JONES: You do?

3 MS. TASSEW: Yes.

4 MEMBER JONES: Okay. Have you
5 replaced the stove in your store?

6 MS. TASSEW: No.

7 MEMBER JONES: No. Have you replaced
8 it? Since you owned it, it's the same stove that
9 you -- was there when you bought it?

10 MS. TASSEW: Yes.

11 MEMBER JONES: Okay. So you are
12 fairly confident that this stove that's listed in
13 this picture, Exhibit 1 from the protestants, is
14 definitely not yours?

15 MS. TASSEW: Yes.

16 MEMBER JONES: Okay. You are also
17 stating, just to make sure I'm clear on the
18 record, that you had no knowledge prior to seeing
19 this photograph of the fact that this stove was
20 resident on the exterior of your premises?

21 MS. TASSEW: Yes.

22 MEMBER JONES: That's correct?

1 MS. TASSEW: Yes.

2 MEMBER JONES: You had no knowledge of
3 it prior to seeing this evidence?

4 MS. TASSEW: No.

5 MEMBER JONES: Okay. What's above
6 you?

7 MS. TASSEW: I'm sorry?

8 MEMBER JONES: What's above you? In
9 terms of your store, what's above you?

10 MS. TASSEW: Above is the apartment
11 complex like.

12 MEMBER JONES: There is an apartment
13 up there?

14 MS. TASSEW: Yes.

15 MEMBER JONES: Okay. Is it the same
16 landlord that is responsible for the tenant as
17 you have with the store?

18 MS. TASSEW: Yes, yes.

19 MEMBER JONES: Okay. All right.

20 Thank you. Thank you, Madam Chair.

21 CHAIRPERSON MILLER: Any other Board
22 questions? Okay. Now, applicant questions?

1 MR. FOX: I just wanted to follow-up
2 on Chairman Rodriguez.

3 REDIRECT EXAMINATION

4 MR. FOX: I think it was the date of
5 the photograph that was in question there. I
6 believe on protestant's exhibit it's stated
7 January 25th.

8 CHAIRPERSON MILLER: That's
9 Protestant's Exhibit No. 1?

10 MR. FOX: Yes.

11 CHAIRPERSON MILLER: And it's the
12 stove. Okay.

13 MR. SHEON: That's correct. The photo
14 was taken January 25th.

15 CHAIRPERSON MILLER: Okay.

16 MR. FOX: Of this year, yes, January
17 25, 2015.

18 CHAIRPERSON MILLER: Somebody may
19 testify to that?

20 MR. SHEON: I'm happy to testify to
21 that.

22 CHAIRPERSON MILLER: Okay.

1 MR. SHEON: The picture.

2 CHAIRPERSON MILLER: All right. So do
3 you have any other questions for this witness?
4 Do you have any other questions? Okay. Do you
5 have any other questions based on Board
6 questions?

7 MR. SHEON: I do.

8 RECROSS-EXAMINATION

9 MR. SHEON: When you state that you
10 clean daily and you clean the premises, does it
11 include cleaning this side, both sides of the
12 store, the front on Georgia and the side on
13 Hamilton?

14 MS. TASSEW: On my side?

15 MR. SHEON: Yes.

16 MS. TASSEW: Yes.

17 MR. SHEON: And so on a daily cleaning
18 then, wouldn't you see if there were a stove and
19 you are cleaning seven days a week, you would
20 notice it there.

21 MS. TASSEW: I don't see it.

22 MR. SHEON: Okay. Thank you.

1 CHAIRPERSON MILLER: Okay.

2 MR. FOX: I actually do have --

3 CHAIRPERSON MILLER: All right.

4 MR. FOX: -- a follow-up to that
5 question.

6 CHAIRPERSON MILLER: Okay.

7 MR. FOX: And I would like to use
8 Investigator Demby's Exhibit No. 5 in his report,
9 if you have that there.

10 RE-REDIRECT EXAMINATION

11 MR. FOX: This is -- so in
12 Investigator Demby's report, Exhibit No. 5, is
13 that -- what is that photograph of?

14 MS. TASSEW: That's in front of the
15 store.

16 CHAIRPERSON MILLER: I'm sorry, what
17 did she say?

18 MS. TASSEW: That's in front of the
19 store.

20 CHAIRPERSON MILLER: Okay.

21 MR. FOX: And I believe on the left
22 side of the photograph you will see a doorway.

1 Do you use that doorway?

2 MS. TASSEW: No.

3 MR. FOX: Okay. Is that doorway the
4 same doorway -- I guess we should look at both
5 exhibits. If we could compare this to Exhibit
6 No. 1 of the --

7 MR. SHEON: Which exhibit is she --
8 would you mind just pointing it out, since I --

9 MR. FOX: Yes, Exhibit No. 5.

10 MR. SHEON: Okay. So this one. Okay.

11 MR. FOX: Yes.

12 MR. SHEON: Thank you.

13 MR. FOX: Yes. So if you would turn
14 back to Exhibit No. 1 of the protestants, we have
15 an awning that says 5125 or roof sort of. I
16 don't know what color that is. It's grey, but
17 it's a roof.

18 MS. TASSEW: Green.

19 MR. FOX: It says 5125 in Exhibit 1 of
20 the protestants? And there is a doorway on the
21 left side of that photograph. And then if you
22 look at Exhibit 5 in Investigator Demby's report,

1 and I guess I'm assuming the photograph we have
2 another doorway. Are those the same doorways?

3 MS. TASSEW: That door is -- this one
4 on the right side is our door, but we don't use
5 it. The other side is on their entrance.

6 MR. FOX: Okay. And between those two
7 doors we have a protrusion of the building. I
8 don't know what you call it. Sort of a part of
9 the building sticks out. Do you consider that
10 your property or their's or does it stand in the
11 middle?

12 MS. TASSEW: It's in the middle.

13 MR. FOX: Okay.

14 CHAIRPERSON MILLER: What was the
15 answer?

16 MS. TASSEW: It's in the middle.

17 CHAIRPERSON MILLER: What?

18 MS. TASSEW: It's between us and the
19 other peoples.

20 CHAIRPERSON MILLER: Okay.

21 MR. FOX: Okay. That's the only
22 question I had.

1 CHAIRPERSON MILLER: Okay. Thank you
2 very much.

3 (Whereupon, the witness was excused.)

4 MR. FOX: Okay. Please, take a seat.
5 Whereupon,

6 TIGIST TADESSE

7 was called as a witness by Counsel for the
8 Applicant, and having been first duly sworn,
9 assumed the witness stand and was examined and
10 testified as follows:

11 MS. TADESSE: Yes.

12 CHAIRPERSON MILLER: Thank you. Okay.

13 DIRECT EXAMINATION

14 MR. FOX: Could you state your name
15 for the record?

16 MS. TADESSE: My name is Tigist
17 Tadesse.

18 MR. FOX: And what is your
19 relationship to the store owners?

20 MS. TADESSE: My mother is Abeba
21 Tassew and my aunt is Alemtsehay Tassew.

22 MR. FOX: Okay. Do you frequently

1 visit Georgia Line Convenience Store?

2 MS. TADESSE: Yes, I do.

3 MR. FOX: Have you noticed while you
4 are there any trash inside or out, sitting on the
5 street or elsewhere?

6 MS. TADESSE: No. When I do visit,
7 it's always clean and I know my mother and my
8 aunt make it a priority to make the customers
9 happy.

10 MR. FOX: Okay. Have you seen your
11 mother and your aunt or either one of them
12 interacting with customers?

13 MS. TADESSE: Yes. They -- as I
14 recall, every time that I do visit there not only
15 having discussions about the products that they
16 well, it's more personal. I would say that there
17 are now more friendships developed over the
18 years.

19 MR. FOX: Okay. And of the people
20 that do visit the store, do you see -- well,
21 let's leave that question out.

22 Have you seen your mother or your aunt

1 interact with members of the community with
2 regards to this Protest Hearing?

3 MS. TADESSE: Yes. I have attended
4 both of the meetings that my Aunt Alemtsehay have
5 attended on behalf of my mother, because one
6 person has to be at the store at all times. So
7 we did attend one of the meetings, which was
8 called Meet the Clean Team, in which we talked
9 about in ways how we can fix the issues that are
10 being complained about. When it's trash, they
11 said that instead of coming once a day to clean
12 up, they would make it a priority to come at
13 least twice a day to make sure that this conflict
14 is solved.

15 And the second meeting we attended was
16 with Mr. David. And we also talked about how the
17 other community members felt. And they felt that
18 they were misrepresented because they feel like
19 they had no idea that this issue was occurring.
20 They understood that we were not -- the owners
21 were not allowed to sell on Sundays, but they did
22 not know to the extent and they felt that they

1 should have been aware, because the ladies here
2 are their representatives.

3 MR. FOX: Thank you. I forgot for the
4 record, what is your age?

5 MS. TADESSE: I'm 18 years-old.

6 MR. FOX: Okay. I believe those are
7 the only questions I have.

8 CHAIRPERSON MILLER: Okay. Any
9 questions?

10 MR. SHEON: No questions.

11 CHAIRPERSON MILLER: Board Members?
12 I have a question because I didn't hear exactly
13 what you said. Who was going to come two times a
14 day?

15 MS. TADESSE: The Clean Team is.

16 CHAIRPERSON MILLER: The Clean Team?

17 MS. TADESSE: Yes.

18 CHAIRPERSON MILLER: And who is that?

19 MS. TADESSE: So they are the people
20 hired by the Government who go by once a day,
21 that's usually their protocol on picking up trash
22 or shoveling snow. So we went over there to

1 speak with them and to celebrate what they do.
2 And I believe that was maybe like a month ago. I
3 don't remember exactly what day it was. And they
4 expressed that, you know, if this is a pressing
5 issue and a conflict within the community and our
6 drive to want to help the community, they
7 suggested that they will come twice a day.

8 And we also took the initiative to
9 talk to community members about maybe creating
10 once a month meetings with the community and
11 attending more of the meetings that Mr. David
12 holds once a month to ensure that we are
13 communicating with the community, because we are
14 also a part of the community.

15 CHAIRPERSON MILLER: And when was
16 that?

17 MS. TADESSE: I believe it was like a
18 month ago. I can't specifically remember.

19 CHAIRPERSON MILLER: Oh, okay. So it
20 was fairly recent.

21 MS. TADESSE: Yes, fairly recent we're
22 talking about.

1 CHAIRPERSON MILLER: Has anything
2 happened since that meeting? I mean, has the
3 Clean Team come more frequently or anything like
4 that, do you know?

5 MS. TADESSE: Well, I'm at school, so
6 I can't --

7 CHAIRPERSON MILLER: Okay.

8 MS. TADESSE: -- like really say like
9 they have been there, but I would take their word
10 on it and I believe my aunt also said that she
11 has been cleaning frequently.

12 And I would just like to just add to
13 this because this is a personal cause for me,
14 too. My aunt and my mother are running the
15 store. And this license is very, very key
16 because without that they do not have enough
17 revenue or profit to support, which my mother is
18 a mom of four kids and my aunt is a mother of
19 three kids and I plan on attending Towson
20 University in the fall.

21 And without this license, they do not
22 have the funds to support me in my future and my

1 dreams. So I would like to say thank you to the
2 Board for hearing me out.

3 CHAIRPERSON MILLER: Okay. Well, you
4 are doing a great job here. And did you say did
5 you go to some of the meetings with the
6 community?

7 MS. TADESSE: Yes, I have.

8 CHAIRPERSON MILLER: Did you go to the
9 ANC meetings?

10 MS. TADESSE: Yes.

11 CHAIRPERSON MILLER: Okay. Did you
12 talk at those meetings also?

13 MS. TADESSE: Yes, I talked to them
14 and I expressed why this business means a whole
15 lot to not just only my mother and my aunt, but
16 this is a family-run business that I one day hope
17 to take over.

18 CHAIRPERSON MILLER: Oh, great. And
19 what kind of response did you get from the
20 community at the ANC meeting?

21 MS. TADESSE: They said that, you
22 know, it was nice for me to speak out, but also

1 they liked the idea of having this once a month
2 meeting to address not only our concerns, but
3 their concerns, too, because we want to make this
4 work.

5 CHAIRPERSON MILLER: Okay. That's
6 great. All right. Anybody else? Mr. Rodriguez?

7 MEMBER RODRIGUEZ: Ms. Tadesse, so you
8 have -- am I to understand that you have some
9 responsibility in taking action with the cleaning
10 team, the cleaning crew?

11 MS. TADESSE: Yes, sir.

12 MEMBER RODRIGUEZ: Okay. I don't want
13 to beat the dead horse to death, but what can you
14 tell me about that stove then? Why nobody knows
15 anything about a stove.

16 MS. TADESSE: Well, about the stove,
17 I can't necessarily explain to you why it is
18 there, but there are apartment complexes
19 upstairs. So if they are renovating, they are
20 taking stuff out. That's not necessarily the
21 responsibility of Georgia Line Convenience Store
22 to clean up after them, because we -- because

1 Georgia Line is not renting out those apartments
2 for them.

3 So I would say it's the landlord and
4 the owner of the apartments, it is that person's
5 responsibility to make sure that it is clean and
6 taken care of, sir.

7 MEMBER RODRIGUEZ: Okay. Thank you.

8 MS. TADESSE: Thank you.

9 CHAIRPERSON MILLER: Any other Board
10 questions? Any questions based on Board
11 questions? Well, thank you very much.

12 MS. TADESSE: Thank you.

13 (Whereupon, the witness was excused.)

14 Whereupon,

15 WONDIE TIRUNEH

16 was called as a witness by Counsel for the
17 Applicant, and having been first duly sworn,
18 assumed the witness stand and was examined and
19 testified as follows:

20 MR. TIRUNEH: Yes.

21 CHAIRPERSON MILLER: Okay. Thank you.

22 DIRECT EXAMINATION

1 MR. FOX: Could you state your name
2 for the record?

3 MR. TIRUNEH: Wondie Tiruneh. I
4 reside at 5117 Georgia Avenue for the last 21
5 years.

6 MR. FOX: Okay. And do you frequent
7 Georgia Line Convenience Store?

8 MR. TIRUNEH: Yes.

9 MR. FOX: How often do you go in
10 there?

11 MR. TIRUNEH: When I need to buy
12 something from them, if they have it, I will
13 probably go there.

14 MR. FOX: Is that once a month? Once
15 a week?

16 MR. TIRUNEH: Maybe daily.

17 MR. FOX: Okay. Are you related in
18 any way to the owners of the store?

19 MR. TIRUNEH: The same country.

20 MR. FOX: Same country.

21 MR. TIRUNEH: Yes.

22 MR. FOX: Okay.

1 CHAIRPERSON MILLER: What? I'm sorry.

2 MR. TIRUNEH: The same country.

3 CHAIRPERSON MILLER: Same country?

4 MR. TIRUNEH: We are from the same
5 country.

6 CHAIRPERSON MILLER: Oh, okay.

7 MR. FOX: Okay. When you have been in
8 the store, have you noticed any trash on the
9 floor, trash outside the store on the sidewalk,
10 anything, you know, dirty?

11 MR. TIRUNEH: Well, I don't go there
12 to take a look, you know, with what they keep
13 clean or not, but I didn't see anything messed up
14 there. It's clean.

15 MR. FOX: Okay. And have you seen,
16 you know, people loitering outside, drinking
17 alcohol or causing trouble outside?

18 MR. TIRUNEH: No. Usually may stop
19 and talk about the business outside, but I didn't
20 see them loitering there.

21 MR. FOX: Okay. Have you heard loud
22 noises coming from the store?

1 MR. TIRUNEH: No.

2 MR. FOX: Okay. How would you
3 describe the store and the store owners'
4 relationship with the community?

5 MR. TIRUNEH: They have a good
6 relation with the community. When I went there
7 to buy stuff, especially the lady beside us here,
8 she was friendly and greeting customer. She help
9 us even handling their stuff out there in their
10 car, that's what I see.

11 MR. FOX: Okay.

12 MR. TIRUNEH: And yes, they show some
13 -- but as a family.

14 MR. FOX: Okay. Those are the only
15 questions I have.

16 CHAIRPERSON MILLER: Okay. Cross?

17 MR. SHEON: No questions.

18 CHAIRPERSON MILLER: Okay. Board
19 questions? Mr. Short?

20 MEMBER SHORT: Good afternoon. How
21 are you doing?

22 MR. TIRUNEH: Good. How are you?

1 was called as a witness by Counsel for the
2 Applicant, and having been first duly sworn,
3 assumed the witness stand and was examined and
4 testified as follows:

5 MR. KELLEY: I do.

6 CHAIRPERSON MILLER: Thank you. Okay.
7 Have a seat.

8 DIRECT EXAMINATION

9 MR. FOX: Thank you for coming and
10 I'll try and keep this brief.

11 Could you state your name for the
12 record?

13 MR. KELLEY: Joseph Kelley, K-E-L-L-E-
14 Y.

15 MR. FOX: And what is your
16 relationship with the owners or the Georgia Line
17 Convenience Store?

18 MR. KELLEY: I have no relationship,
19 but as a neighbor and a resident of Ward 4 for
20 over 12 years or more.

21 MR. FOX: Okay. Do you frequent the
22 store?

1 MR. KELLEY: Every day.

2 MR. FOX: Every day. All right. And
3 what is your relationship with the -- well, not
4 the relationship, I guess, but do you find the
5 owners friendly? Do you have -- you know, do you
6 find the owners friendly, I guess?

7 MR. KELLEY: Well, from my own
8 experience and from my own experience, I come in
9 the store and I have like four children that goes
10 to the store every day, every day. And when we
11 go up there, one, the store is clean. The
12 outside is clean. There is a city trash can
13 right there in front of the door that people put
14 trash in. I never seen any trash in front of the
15 store or around the store.

16 And if I can use you -- use something
17 for an example, like if this is the corner here
18 and this is Georgia Avenue, this is Hamilton
19 Street. I live back here one block behind the
20 store. The front door of the store is here in
21 the middle of the building. I have noticed there
22 is an apartment over top of the store that people

1 live. And they go in that side door of Hamilton
2 Street.

3 Then right next to that door is
4 another door that used to be a print shop there.
5 That has been vacant for a mighty long time. And
6 the people that lives in the apartment upstairs,
7 they had -- some had moved out, people had moved
8 in. According to that stove that is in the back
9 yard, as far as I'm concerned, I don't even think
10 it belonged to anything to the store, because her
11 store is facing Georgia Avenue.

12 So she wouldn't have even had the
13 responsibility. Right beside her door of the
14 store is a gate that goes around the yard to the
15 apartment where really she don't even have a gate
16 to go in there. The people that lives in that
17 apartment upstairs goes in that way.

18 So where did that stove come from, I
19 can't say, but it would be in the back yard. To
20 me, that would be the landlord's responsibility.
21 Therefore, in my opinion, when I go in that
22 store, two years ago I had some very serious

1 surgery done. We -- when I walked in that store,
2 I was so depressed and had a lot of issues,
3 medical issues, I didn't have to say anything to
4 this young lady. She looked at me and saw
5 something was wrong.

6 She gave me what I needed from the
7 store without charging me and then put money in
8 my hand and said this is for you. I said no, no.
9 No, this is for you. They help you. We don't
10 have stores that many around in the community
11 that somebody has a heart and see their customers
12 who come in that store.

13 We went to the meetings, neighborhood
14 meeting, all the neighbors had said the same
15 thing about them, not about the other stores that
16 we do have problems within the neighborhood.
17 People standing outside begging for money, trash,
18 drugs. You don't see that in front of this store
19 period.

20 So the ones who is complaining about
21 this store, 10 to 1, they don't even support this
22 store or go in the store. Okay. Then why is it

1 just that store is the only one getting the
2 complaint? And it's with the people just in that
3 900 Block of Hamilton Street. We on Illinois
4 Avenue have not heard anything about a complaint
5 of that store.

6 CHAIRPERSON MILLER: Okay.

7 MR. KELLEY: And after we talked about
8 it as a community in a meeting, everybody want
9 this store there and for the same reason I have
10 experienced. Nothing wrong with that store.
11 It's always clean.

12 MR. FOX: Okay. Thank you very much.
13 I don't have any further questions.

14 CHAIRPERSON MILLER: Okay.

15 MR. SHEON: I do have a couple of
16 questions.

17 CHAIRPERSON MILLER: All right.

18 CROSS-EXAMINATION

19 MR. SHEON: Mr. Kelley, thank you for
20 being here and as you know, I have enjoyed having
21 you in our community and working with you on many
22 issues. So thank you and I'm glad that you are

1 here today.

2 I just want to ask for clarification
3 on a couple of points. One may not be relevant
4 at all, but you did state that the store faces
5 Georgia Avenue. Is that the case or does the
6 store door face on an angle to both Hamilton and
7 Georgia?

8 MR. KELLEY: It's on an angle.

9 MR. SHEON: Right, okay.

10 MR. KELLEY: Yes.

11 MR. SHEON: And the other point I
12 would like to clarify is that in November of
13 2014, the ANC discussed Georgia Line at its ANC
14 meeting. And at that meeting opened public
15 comment period for community to interact and
16 discuss this issue before taking a vote on
17 whether or not to file its protest. Were you at
18 that meeting in November?

19 MR. KELLEY: Yes, I was.

20 MR. SHEON: So did you provide any
21 testimony, at that time, at that meeting?

22 MR. KELLEY: Well, we -- that was our

1 first time we came that we hear complaint against
2 the store.

3 MR. SHEON: Yes.

4 MR. KELLEY: And the problem that I
5 had and a lot of the other residents was the
6 people who are complaining did not come to that
7 meeting.

8 MR. SHEON: Yes.

9 MR. KELLEY: They had a chance to
10 express to the rest of the community --

11 MR. SHEON: Yes.

12 MR. KELLEY: -- about whatever the
13 complaint was. So nobody was there to present
14 themselves that way.

15 MR. SHEON: Were -- I'm sorry.

16 MR. KELLEY: Yes.

17 MR. SHEON: Were you at the January
18 2015 or the February 2015 ANC meetings?

19 MR. KELLEY: Yes.

20 MR. SHEON: Do you recall any of the
21 witnesses here today at the meeting?

22 MR. KELLEY: No. I can't remember her

1 name and I think Dawn Robinson was there at the
2 meeting.

3 MR. SHEON: Yes.

4 MR. KELLEY: But they -- nobody never
5 expressed themselves about --

6 MR. SHEON: You don't --

7 MR. KELLEY: There was a complaint.
8 All they did was there was complainers on
9 Hamilton Street about the store being dirty.

10 MR. SHEON: Yes.

11 MR. KELLEY: Selling liquor on -- I
12 mean, not liquor, but I'm saying alcohol or wine
13 on Sunday.

14 MR. SHEON: Yes.

15 MR. KELLEY: Nobody else in the
16 community heard it but the complainers, whoever
17 they were.

18 MR. SHEON: So just one final question
19 and then we'll leave it. But you don't recall
20 seeing Ms. Wallace at the meeting in February
21 talking about the community protest and allowing
22 -- and the ANC allowed for community opportunity

1 to discuss that?

2 MR. KELLEY: She was at one meeting at
3 -- it could be a school. She came up and she
4 spoke about the liquor store. I can't remember
5 word-for-word that she said.

6 MR. SHEON: Okay.

7 MR. KELLEY: But it seemed like we
8 didn't get to a point --

9 MR. SHEON: Yes.

10 MR. KELLEY: -- of where the community
11 was not satisfied with what the complaint was,
12 because we was not getting enough of when did
13 this happen.

14 MR. SHEON: Yes.

15 MR. KELLEY: How did it happen and
16 when we hear about like around the store being
17 dirty.

18 MR. SHEON: Yes.

19 MR. KELLEY: Or inside the store being
20 dirty, no. But, you know, we -- our community
21 feels like if the liquor store on two block -- I
22 mean, two buildings past the store can sell beer

1 and wine --

2 MR. SHEON: Yes.

3 MR. KELLEY: -- why can't she sell it?

4 MR. SHEON: Right.

5 MR. KELLEY: You know, that's how we
6 felt, you know. We don't see no whole lot of
7 people hanging out in the store, noise or
8 youngsters trying to buy beer or liquor. We
9 don't see that. And I'm in there very day and
10 sometimes twice a day.

11 MR. SHEON: I know I said that I --
12 that that as my last question, I just promise I
13 have one more. Were you at the March, I believe
14 it was, 24th special meeting we had about this
15 issue --

16 MR. KELLEY: Yes.

17 MR. SHEON: -- that invited all of the
18 community to attend?

19 MR. KELLEY: Yes.

20 MR. SHEON: And at that meeting, did
21 you feel that you and others in the community had
22 ample opportunity to be heard about your

1 positions?

2 MR. KELLEY: Yes.

3 MR. SHEON: Okay. Thank you.

4 MR. KELLEY: Thank you.

5 CHAIRPERSON MILLER: Okay. Board

6 questions? Mr. Rodriguez?

7 MEMBER ALBERTI: Go ahead, Mr.

8 Rodriguez.

9 MEMBER RODRIGUEZ: Mr. Kelley, thank
10 you for coming here and presenting your
11 testimony. I believe, in my opinion, that your
12 testimony has been one of the more compelling
13 testimonies that I have heard this afternoon
14 about this and actually answered, to me, the
15 question about the stove and also, you know, the
16 camaraderie, that there seems to be with this.

17 And I do appreciate your coming and
18 testifying today. That's all I have, Madam
19 Chair.

20 CHAIRPERSON MILLER: Okay. Mr.

21 Alberti?

22 MEMBER ALBERTI: Good afternoon, Mr.

1 Kelley. I just want to understand your
2 relationship to the licensee. You said you are a
3 neighbor?

4 MR. KELLEY: I'm a resident of Ward 4.
5 I live one block away from the store.

6 MEMBER ALBERTI: Okay.

7 MR. KELLEY: So that is my most
8 closest store that I always go to, you know, for
9 every little thing that my household might need.

10 MEMBER ALBERTI: Okay. So you are
11 familiar with the store through that?

12 MR. KELLEY: Very much.

13 MEMBER ALBERTI: Through having bought
14 stuff there. Do you have any other relationship
15 with the store?

16 MR. KELLEY: No, I don't.

17 MEMBER ALBERTI: Are you an employee?

18 MR. KELLEY: Am I an employee?

19 MEMBER ALBERTI: Are you an employee?

20 MR. KELLEY: No, no.

21 MEMBER ALBERTI: Have you ever worked
22 in the store in any capacity?

1 MR. KELLEY: No.

2 MEMBER ALBERTI: Have you ever served
3 customers in the store in any capacity?

4 MR. KELLEY: No.

5 MEMBER ALBERTI: Okay. Do you -- you
6 saw the Investigator who was here earlier?

7 MR. KELLEY: Yes.

8 MEMBER ALBERTI: Did you recognize him
9 in any capacity?

10 MR. KELLEY: No. Never seen him
11 before in my life until I walked through the door
12 today.

13 MEMBER ALBERTI: Okay. Thank you very
14 much.

15 CHAIRPERSON MILLER: Others? Mr.
16 Jones?

17 MEMBER JONES: Can you just clarify?
18 Can you state your name again for the record?

19 MR. KELLEY: Joseph Kelley.

20 MEMBER JONES: Joseph Kelley. How do
21 you spell your last name?

22 MR. KELLEY: K-E-L-L-E-Y.

1 MEMBER JONES: Okay. And you are
2 saying you -- have you ever volunteered at the
3 store?

4 MR. KELLEY: No.

5 MEMBER JONES: Have you ever helped to
6 clean up?

7 MR. KELLEY: No. I'm retired.

8 MEMBER JONES: No capacity in any way,
9 shape or form?

10 MR. KELLEY: No. Just go in, I buy
11 what I need, and come out. And through the years
12 that -- I mean, a couple of years I been very
13 sick.

14 MEMBER JONES: Yes.

15 MR. KELLEY: They took interest in me,
16 always ask about me.

17 MEMBER JONES: Right.

18 MR. KELLEY: And they may have given
19 me things on credit.

20 MEMBER JONES: Right.

21 MR. KELLEY: You know, when I was
22 really down and out and had a lot of stress and

1 stuff going through.

2 MEMBER JONES: Understood.

3 MR. KELLEY: And after surgery, the
4 surgery, I never seen a store do that since I was
5 probably a child.

6 MEMBER JONES: Understood.

7 MR. KELLEY: Because it's not out
8 there now like that.

9 MEMBER JONES: Right.

10 MR. KELLEY: They took the time out
11 for me, you know.

12 MEMBER JONES: Okay. And in all of
13 that, all that good will you received from them,
14 you have never had an opportunity or taken the
15 opportunity to give back to the store in any way
16 in terms of --

17 MR. KELLEY: No, I haven't. They
18 won't let me.

19 MEMBER JONES: Okay. All right.

20 MR. KELLEY: I have offered money to
21 pay for some of the things I needed at that time.

22 MEMBER JONES: Right.

1 MR. KELLEY: No, no, no, no, no, that
2 was for you.

3 MEMBER JONES: Okay. And do you have
4 any siblings that live in the area?

5 MR. KELLEY: Siblings?

6 MEMBER JONES: Do you have any
7 siblings, any brothers or sisters?

8 MR. KELLEY: No, just my family.

9 MEMBER JONES: Just your family.

10 MR. KELLEY: And I have cousins that
11 live on -- right up the street from her on
12 Hamilton Street side. They goes to the same
13 store and shopping there. I'm on this side, on
14 the north side of Georgia Avenue and go to the
15 store.

16 MEMBER JONES: Understood.

17 MR. KELLEY: And I have a cousin that
18 lives on the west side that goes into the store.

19 MEMBER JONES: Okay. So I just wanted
20 to make sure so you don't have any brothers?

21 MR. KELLEY: No brothers. All my
22 siblings are --

1 MEMBER JONES: No brothers.

2 MR. KELLEY: -- way out in Maryland
3 and Virginia.

4 MEMBER JONES: Okay. So none of your
5 siblings would have volunteered or worked at the
6 store, right?

7 MR. KELLEY: Oh, no.

8 MEMBER JONES: Okay. Thank you.

9 MR. KELLEY: They don't visit me.

10 MEMBER JONES: They don't visit you.
11 I know the feeling. Thank you. Thank you, Madam
12 Chair.

13 CHAIRPERSON MILLER: Okay. Others?
14 Mr. Kelley?

15 MR. KELLEY: Yes?

16 CHAIRPERSON MILLER: I just want to
17 ask you did you go to any other community
18 meetings besides the ANC meetings? You know, is
19 there other like citizen group meetings or
20 anything like that that dealt with this issue?

21 MR. KELLEY: Covering this issue?

22 CHAIRPERSON MILLER: Yes, just this

1 issue.

2 MR. KELLEY: No. I mean, about every
3 ANC meeting --

4 CHAIRPERSON MILLER: ANC.

5 MR. KELLEY: -- in the neighborhood.
6 Mr. David come out and went to each one of them.

7 CHAIRPERSON MILLER: But I'm just
8 curious were there other community meetings other
9 -- not the ANC. You said you went to the ANC.
10 Were there other like smaller groups that had
11 meetings? Yes, just the ANC?

12 MR. KELLEY: Yes.

13 CHAIRPERSON MILLER: Okay. Thank you.
14 All right. Anything else?

15 MR. KELLEY: And I'm retired now.

16 CHAIRPERSON MILLER: What did you say?
17 You are what?

18 MR. KELLEY: I'm kind of retiring. I
19 can't get out like I used to. I've been sitting.
20 I can't get out to a lot of different things.

21 CHAIRPERSON MILLER: Right. There may
22 not even have been other ones. I was just

1 curious if there were others. Okay. Yes, you
2 have a question?

3 MR. SHEON: I do have just one more
4 question.

5 CHAIRPERSON MILLER: Okay.

6 MR. SHEON: Mr. Kelley, you have been
7 very helpful and just given the number of times
8 you have been in the store, it might be helpful
9 later on, we'll see, have you ever been in the
10 store in the last year or let's say year when
11 there was a male employee working in the store
12 behind the counter?

13 MR. KELLEY: No. The only one I ever
14 really seen in the store is the two females.

15 MR. SHEON: Yes.

16 MR. KELLEY: The two sisters.

17 MR. SHEON: Okay.

18 CHAIRPERSON MILLER: Okay.

19 MR. KELLEY: I might have seen them,
20 yes, like standing there, but I never seen a male
21 working in the store. I seen males in the store.
22 If there was any related to gentlemen, I don't

1 think so, because a lot of them would be on the
2 same side of the counter I be on.

3 MR. SHEON: I see.

4 MR. KELLEY: So I -- and I mean,
5 Sunday, two or three times a day me and my kids
6 might go up there, so I never seen anything that
7 is out of -- different. You know, so during the
8 week, during the daytime, you know, it's the same
9 two people there.

10 MR. SHEON: Thank you.

11 MR. KELLEY: Very rare I see the young
12 lady back there. She be at school when I
13 probably go up to the school. So you know,
14 that's what I see.

15 CHAIRPERSON MILLER: Okay. Thank you
16 very much.

17 MR. KELLEY: Of course. Thank you.

18 (Whereupon, the witness was excused.)

19 CHAIRPERSON MILLER: Did you have
20 another witness or is that it?

21 MR. FOX: No, that's it.

22 CHAIRPERSON MILLER: That's it?

1 MR. FOX: Yes.

2 CHAIRPERSON MILLER: Okay. Do you all
3 want a five minute break before we go to the --

4 MR. SHEON: I think that would be
5 good.

6 CHAIRPERSON MILLER: 10 minute break.

7 MR. SHEON: Bathroom.

8 CHAIRPERSON MILLER: Let's take a 10
9 minute break. Okay. We will recess for 10
10 minutes.

11 (Whereupon, the above-entitled matter
12 went off the record at 3:27 p.m. and resumed at
13 3:41 p.m.)

14 CHAIRPERSON MILLER: Okay. We are
15 ready to proceed with the protestant's case.
16 Well, before we do that since you are not
17 seasoned here, let me ask the applicant. Is
18 there an exhibit, like that Exhibit 1, that you
19 wanted to move into evidence, because it hasn't
20 been moved into evidence.

21 MR. FOX: Are you referring to --

22 CHAIRPERSON MILLER: The picture of

1 the stove. I just want to double check before we
2 move over to the protestant's case.

3 MR. FOX: Okay. Yes.

4 CHAIRPERSON MILLER: Not that you have
5 to move anything in. I just want to ask if you
6 do though.

7 MR. FOX: I guess because we
8 referenced it so much, I would like to move into
9 evidence Protestant's Exhibit 1. I also think it
10 would be helpful to move into evidence
11 Investigator Demby's report.

12 CHAIRPERSON MILLER: His report is
13 in --

14 MR. FOX: Okay.

15 CHAIRPERSON MILLER: -- automatically.
16 And all the attachments thereto.

17 MR. FOX: Okay. Great.

18 CHAIRPERSON MILLER: Okay. Do you
19 have any objection to Protestant's Exhibit No. 1,
20 which was the picture of the stove?

21 MR. SHEON: Not being an attorney,
22 does it make any difference that he introduces

1 the -- it is my --

2 CHAIRPERSON MILLER: Oh, it's your's?

3 MR. SHEON: Yes.

4 CHAIRPERSON MILLER: It's your's.

5 It's his.

6 MR. FOX: Yes, but --

7 MR. SHEON: But it doesn't matter to
8 me unless -- but I don't know what I'm agreeing
9 to, I guess.

10 CHAIRPERSON MILLER: Well, the
11 document is the document.

12 MR. SHEON: Yes.

13 CHAIRPERSON MILLER: Actually, it
14 doesn't matter.

15 MR. SHEON: Okay.

16 CHAIRPERSON MILLER: So okay, do you
17 want to move that into evidence?

18 MR. FOX: Yes.

19 CHAIRPERSON MILLER: This is so funny,
20 I'm not sure even what to -- whose exhibit it is
21 any more. Well, let me ask the protestant if you
22 would -- did you want to move it into evidence?

1 MR. SHEON: Please.

2 CHAIRPERSON MILLER: It's your exhibit
3 and identified in the PIF, so okay, we will let
4 you do that. We will call it Protestant's
5 Exhibit No. 1. Okay.

6 (Whereupon, the above-referred to
7 document marked as Protestant Exhibit
8 No. 1 was received into evidence.)

9 CHAIRPERSON MILLER: All right. Then
10 we are ready now to move to the protestant's
11 case, right? Okay.

12 MR. SHEON: I have two kind of
13 procedural questions.

14 CHAIRPERSON MILLER: Okay.

15 MR. SHEON: Would it be easier if I
16 brought the exhibits to you just now, so that
17 everyone has them in the event that we refer to
18 them?

19 CHAIRPERSON MILLER: It's certainly
20 easier for me, because I have to rule on them
21 anyway.

22 MR. SHEON: Okay.

1 CHAIRPERSON MILLER: But if you have
2 seven copies?

3 MR. SHEON: I believe I do.

4 CHAIRPERSON MILLER: Is there -- how
5 many?

6 MR. SHEON: They got a little
7 discombobulated, but I think I have got them all.

8 CHAIRPERSON MILLER: Then it would be,
9 yes, good to have them up here whenever we are
10 ready to distribute them, if we need to, yes.

11 MR. SHEON: Okay.

12 CHAIRPERSON MILLER: Okay. Ms. Walker
13 will get them from you.

14 MR. SHEON: Let me just make sure they
15 are in order. Three, four, yes. So they are
16 missing No. 1, because No. 1 has already been
17 accepted.

18 CHAIRPERSON MILLER: Right.

19 MR. SHEON: Okay.

20 MR. FOX: I would actually like to
21 object to two of the exhibits that he has in
22 there.

1 CHAIRPERSON MILLER: Okay. So when he
2 -- he isn't even moving them in yet.

3 MR. FOX: Okay.

4 CHAIRPERSON MILLER: Correct? You are
5 just having them up here --

6 MR. SHEON: That's correct.

7 CHAIRPERSON MILLER: -- for when you
8 are ready?

9 MR. SHEON: I mean, right, and I guess
10 my second procedural question is that would it be
11 appropriate then if we interview witnesses and
12 then actually the remarks which are timed at four
13 and a half minutes that I would make these at the
14 end after that?

15 CHAIRPERSON MILLER: What are they?

16 MR. SHEON: Would I become a witness
17 or how --

18 CHAIRPERSON MILLER: You can become a
19 witness.

20 MR. SHEON: I can become a witness?

21 CHAIRPERSON MILLER: Because there
22 were some things that you started to testify to

1 that you seemed to want to get into evidence.

2 MR. SHEON: Yes.

3 CHAIRPERSON MILLER: And you are
4 allowed to be a witness, because you don't have
5 an attorney and you are a party, yes.

6 MR. SHEON: Okay. Then I think maybe
7 I would prefer to do that first.

8 CHAIRPERSON MILLER: Your party?

9 MR. SHEON: Yes, I think so.

10 CHAIRPERSON MILLER: I'm going to put
11 you under oath.

12 MR. SHEON: Yes.

13 CHAIRPERSON MILLER: And then if it's
14 not a problem to sit, take the witness stand --

15 MR. SHEON: Yes.

16 CHAIRPERSON MILLER: -- unless you
17 need to deal with your documents there.

18 MR. SHEON: That's this which is my
19 comments, which is not part -- I --

20 CHAIRPERSON MILLER: It's not an
21 exhibit.

22 MR. SHEON: -- did not submit that.

1 CHAIRPERSON MILLER: Okay.

2 MR. SHEON: This is my own comments.

3 CHAIRPERSON MILLER: All right. Okay.

4 So we are going to start. I'll swear you in and
5 then when you want to move in an exhibit, you can
6 identify it for the record.

7 MR. SHEON: Okay.

8 CHAIRPERSON MILLER: Okay.

9 Whereupon,

10 DAVID SHEON

11 was called as a witness by Counsel for the
12 Protestant, and having been first duly sworn,
13 assumed the witness stand and was examined and
14 testified as follows:

15 MR. SHEON: I do.

16 CHAIRPERSON MILLER: Okay. Thank you.
17 Have a seat.

18 MR. SHEON: Thank you, Board. Do you
19 wish to wait for -- or should we go ahead?

20 CHAIRPERSON MILLER: Who is missing?
21 Oh, Mr. Short.

22 MEMBER JONES: We have a quorum.

1 MEMBER ALBERTI: We have a quorum.

2 MR. SHEON: All right.

3 CHAIRPERSON MILLER: Yes, he can read
4 the transcript for the part that he misses.
5 Okay.

6 MR. SHEON: That's fine.

7 CHAIRPERSON MILLER: All right.

8 DIRECT EXAMINATION

9 MR. SHEON: So thank you all and
10 thanks for your patience, as I read a few of
11 these comments that I had already started, but
12 put them into testimony now.

13 I'm David Sheon, the ANC Commissioner
14 for Single Member District 4D04 in which Georgia
15 Line Convenience Store resides. Explaining my
16 position on this matter requires a few minutes of
17 background.

18 I was elected in November 2014 and
19 sworn into office January 3, 2015. By the time I
20 was sworn into office, Georgia Line had submitted
21 its petition to revoke a longstanding voluntary/
22 settlement agreement already with the community

1 and the ANC had already written its letter to
2 protest and seek revocation of their license,
3 which is Protestant Exhibit 2. That's our letter
4 for -- from the ANC.

5 CHAIRPERSON MILLER: Yes.

6 MR. SHEON: I came into the situation
7 as an outsider with no vested interest and no
8 history with the store or the community regarding
9 this issue. I became aware of the request to
10 remove the VSA on my own accord in November,
11 shortly after the election by researching ABRA
12 proceedings for my area and by contacting William
13 Hager, ABRA's Public Information Officer, and
14 requesting the relevant case files on Georgia
15 Line.

16 After reading the files, my first step
17 was to go to Georgia Line and introduce myself to
18 the owner, Ms. Tassew. I found her to be
19 pleasant and I saw her store to be providing a
20 service to the community. I understood her
21 position that she wants to eliminate the VSA in
22 order to be competitive on Sundays with other

1 stores in the area that can sell on Sundays.

2 I asked her to confirm that as stated
3 in their petition, she attempted to reach the
4 community petitioners from the VSA. She
5 confirmed that she did try and that they refused
6 to meet with her. I told her that I would
7 attempt to speak with the community petitioners
8 and that I wanted to hear their perspective, but
9 that, in general, I envisioned supporting her
10 efforts.

11 I tracked down the remaining original
12 complainants of which there are three: Ms.
13 Wallace, Ms. Tompkins, who can't be here today by
14 the way, she is ill, and Ms. Elliott, so two of
15 the three are here.

16 And one-by-one they told me that they
17 never refused to meet with Ms. Tassew and that on
18 the contrary, they had discussions about her
19 desire to remove the VSA. I will let those here
20 today testify to these discussions, but I was
21 surprised that these community members each had
22 the same story, which differed from Ms. Tassew's

1 claim that they refused to meet, despite that I
2 met with each of the complainants independently
3 from each other.

4 Misrepresenting facts by the
5 applicant, in its position, if that is indeed the
6 case, would violate D.C. Code.

7 I asked each one if they had ever
8 filed a complaint against other businesses on
9 Georgia Avenue, especially others selling
10 alcohol. I wanted to see if their dispute was
11 limited to Georgia Line or if they had a general
12 predisposition against establishments selling
13 alcohol and each confirmed that Georgia Line is
14 the only protest they have filled -- filed.

15 When I learned of Ms. Wallace's
16 allegation that you will be hearing today, the
17 owner, which is an attempted bribe, my view began
18 to change. I found Ms. Wallace and the other
19 complainants to be credible and their testimony
20 problematic.

21 And I also spoke with Ross Antinson,
22 a constituent and neighbor, who wrote a letter of

1 support to the store, to hear his views as well
2 on the kindness he sees exhibited by the owners
3 in the store. I wanted to take in all
4 perspectives.

5 After continued discussion with Sarah
6 Fashbaugh and requests for additional files, I
7 learned of ABRA Case 14-CMP-0460, which is our
8 Exhibit 4. It is Investigator Demby's case from
9 August 10th in which the store was found in August
10 2014 by Mr. Demby to be selling alcohol in
11 violation of the VSA.

12 (Whereupon, the above-referred to
13 document was marked as Protestant
14 Exhibit No. 3 for identification.)

15 MR. SHEON: I found on-line and read
16 the transcript from our Exhibit 5, ABRA 25, 2012
17 Fact-Finding Hearing, that questioned the
18 previous store owner's position that the same
19 community protestants refused to meet. When they
20 again testified that they had met, but that the
21 owner did not agree with the position of the
22 protestants.

1 Remarkably, the store at that time,
2 which I realize was under separate ownership,
3 also had an ABRA case report indicating violation
4 of the VSA for which the previous owner appears
5 to have paid a \$500 fine.

6 So setting aside the issues of the
7 change of ownership, we have two virtually
8 identical cases for this establishment coming
9 within two years, which puts --

10 MR. FOX: I realize he is not being
11 questioned, but if he were being questioned
12 regarding this testimony, I would have had
13 objected to these questions. The Exhibit 5, the
14 transcript of the hearing, the ABRA Hearing in
15 2012 with the previous owners is not relevant.
16 And any testimony regarding that transcript is
17 equally irrelevant.

18 CHAIRPERSON MILLER: Well, let's take
19 one at a time then. You don't want to testify
20 about the previous transcript.

21 MR. SHEON: Yes.

22 CHAIRPERSON MILLER: Which was 2012

1 because it was prior to this owner's ownership of
2 the --

3 MR. FOX: Right.

4 CHAIRPERSON MILLER: -- establishment.

5 MR. FOX: If there were violations
6 made by previous owners --

7 CHAIRPERSON MILLER: So it's
8 irrelevant is what you are saying.

9 MR. FOX: Right. It has nothing to
10 do. I mean, I'm sure --

11 CHAIRPERSON MILLER: Okay. It sounds
12 irrelevant. How is it relevant? Is it relevant?

13 MR. SHEON: It's relevant because
14 there is a consistent pattern. These cases are
15 identical.

16 MR. FOX: I object to that as well.
17 Consist pattern? These are separate individuals.
18 You can look at a pattern across the United
19 States and find violations in other places, but
20 we are not going to hold her responsible for
21 violations --

22 CHAIRPERSON MILLER: Well, how is it

1 relevant to the impact of this establishment on
2 peace, order and quiet or on to the question of
3 whether they should operate on Sundays? Because
4 that's what we are looking at in this case.

5 MR. SHEON: Right. And I think that
6 when there was a transfer of ownership, this was
7 not something that was shared with the community
8 or explained to the community or that any effort
9 was made by the owners. And because of this and,
10 you know, for some of the members of the
11 community going back 10 years even, there is such
12 a history of misrepresentation of what these
13 complainants --

14 MR. FOX: Well, again, I object. I
15 mean, the history of --

16 CHAIRPERSON MILLER: Okay.

17 MR. FOX: -- misrepresentation is not
18 her history.

19 CHAIRPERSON MILLER: Right. Let's
20 limit this to her history.

21 MR. SHEON: Okay. I also inquired of
22 the complainants about trash and the complainants

1 indicated that at one point the store had been
2 cleaning daily, but that over time that had
3 dropped off. While much of the trash was not
4 thought to have been generated directly by the
5 store, keeping the property clean is part of the
6 VSA regardless of whether it is their trash or
7 trash that has blown up against the property.

8 And Ms. Tompkins unfortunately has
9 taken seriously ill, but put into her -- into the
10 complainant letter talked about routine trash
11 build-up. And I believe that others will testify
12 to this today.

13 Then I saw in photograph the stove
14 deposited on the sidewalk by Georgia Line, that's
15 Exhibit 1. And I will point out that the stove,
16 as Ms. Tassew said, is -- appears to be located
17 under the vent for the stove that is inside of
18 her store. Not that it relates to the stove, but
19 only in that that shows geographically that it's
20 on her property or on the property belonging to
21 the store.

22 And this isn't something that would be

1 acceptable in other parts of the city and it's
2 unacceptable in ours. Whether or not the store
3 puts it there, it's on their property and
4 violates the agreement.

5 At our March 25th ANC meeting, I asked
6 for permission to represent the ANC on this issue
7 before ABRA and the ANC voted unanimously to give
8 me that authority, but asked that we hold a
9 special meeting to give the store owner an
10 opportunity to speak before the community and to
11 add any more points of view. Seven people,
12 including Mr. Kelley, attended this meeting and
13 they felt passionately that the ANC last November
14 should have done a more thorough job of offering
15 community input before writing its letter.

16 The community -- although it was
17 vetted at that November meeting and there was an
18 opportunity for community input, community
19 members came forward expressing support for the
20 owners citing examples of kindness, which you
21 have already heard of today, but some felt that
22 the allegations of a bribe were hearsay and

1 shouldn't drive the ANC to a position.

2 However, when I asked what they would
3 want done, because they are members of the
4 community, if an allegation like that were true,
5 they confirmed that ABRA should be informed and
6 that the ANC should bring it to the attention of
7 ABRA, because this is a member of our community.

8 So representing our ANC in full means
9 that I am now representing 12,000 residents, but
10 of those 12,000, fewer than 15 have spoken out in
11 some way as could be expected from casting a net
12 this wide. There is disagreement on what to do.

13 The complainants experience will be
14 shared with you as will perspectives of the
15 supporters. Appropriateness standards have been
16 violated, but just as important to that is the
17 violation of trust resulting from
18 misrepresentation of facts and the apparent
19 attempt to influence the application process.

20 The ANC feels that a trust has been
21 violated and that we can't have order, at least
22 not when it comes to the beer and wine license

1 with this owner. Trust is the cornerstone of
2 order and without trust, there is no order.
3 While we did not arrive at this decision lightly,
4 we ask you to revoke the applicant's license.

5 However, given that others in the
6 community express a history of good will and
7 based on my experience with the owner, I will see
8 that the ANC commits to help the owner find
9 community grants and support that help them to
10 evolve their business in a way that we believe
11 collectively can be highly profitable.

12 We have a lot of needs in our
13 neighborhood that are unmet. Further, I have
14 committed to making this Board's decision the
15 final say on the Georgia Line issue in our
16 community and have informed the ANC, the owner of
17 the store, the complainants, the attorney for the
18 owner and the supporters of my commitment to
19 create a fresh start and put the past behind us
20 permanently regardless of how you vote today.

21 Thank you.

22 CHAIRPERSON MILLER: Thank you. Okay.

1 Cross?

2 CROSS-EXAMINATION

3 MR. FOX: Thank you, Commissioner
4 Sheon.

5 MR. SHEON: You're welcome.

6 MR. FOX: The question I would have
7 for you is how would you define order under the
8 ABRA Regulations?

9 MR. SHEON: Order is defined as being
10 able to have a community, I realize that peace is
11 another word, but it is contained in the concept
12 of order, that the community can have peace with
13 an owner. And that therefore things, you know,
14 we have order. And inherent in that is a
15 trusting relationship.

16 MR. FOX: Is that your understanding
17 or is that taken directly from the code?

18 MR. SHEON: Directly from the code?

19 MR. FOX: Right.

20 MR. SHEON: No.

21 MR. FOX: You referenced --

22 MR. SHEON: The --

1 MR. FOX: -- the code, but is that
2 just your understanding?

3 MR. SHEON: My understanding is that
4 peace, order and quiet is a broad term that is
5 left to the interpretation across the D.C.
6 Government in a case-by-case basis.

7 MR. FOX: Okay. That's the only
8 question I have.

9 CHAIRPERSON MILLER: Okay. Board
10 Members? Okay. I have a few questions.

11 MR. SHEON: Okay.

12 CHAIRPERSON MILLER: You have made
13 reference to a bribe and that's a pretty serious
14 allegation.

15 MR. SHEON: It's absolutely serious.

16 CHAIRPERSON MILLER: Okay. And I
17 think you said, you know, like if true, then
18 whatever. Have you been able to determine
19 whether that is true? Whether a bribe occurred?

20 MR. SHEON: I -- no, no, I haven't.
21 I -- well, first of all, there is no allegation
22 that a bribe occurred. It's an offer of a bribe.

1 CHAIRPERSON MILLER: Okay.

2 MR. SHEON: I mean, if there is a
3 distinction.

4 CHAIRPERSON MILLER: An attempted
5 bribe?

6 MR. SHEON: An attempted bribe.

7 CHAIRPERSON MILLER: Okay.

8 MR. SHEON: It is our best
9 determination based on speaking with those
10 involved that it likely occurred, but we don't
11 have evidence that it occurred. We have
12 testimony that you will hear today.

13 CHAIRPERSON MILLER: Oh, we will hear
14 further testimony?

15 MR. SHEON: Yes, absolutely.

16 CHAIRPERSON MILLER: Okay.

17 MR. SHEON: You will hear testimony--

18 CHAIRPERSON MILLER: Okay.

19 MR. SHEON: -- from those involved.

20 CHAIRPERSON MILLER: Then that would
21 be the person to follow-up with.

22 MR. SHEON: Absolutely.

1 CHAIRPERSON MILLER: Okay. Who took
2 the photograph of the --

3 MR. SHEON: I took the photograph.

4 CHAIRPERSON MILLER: Okay. And you
5 took it on January 25th?

6 MR. SHEON: It was a Sunday.

7 CHAIRPERSON MILLER: On a Sunday. And
8 do you know how long, how many days or, you know,
9 what period of time that stove was even there?

10 MR. SHEON: No. The only thing I can
11 state with regard to my experience was that I
12 went back by the store four days later and it
13 wasn't there. But I don't know when it was
14 removed.

15 CHAIRPERSON MILLER: Is it your
16 opinion that it's this establishment's
17 responsibility to have carted that stove away as
18 opposed to the landlord?

19 MR. SHEON: It's that store's
20 responsibility to keep its area, based on the
21 VSA, clean. And if the landlord were the one who
22 put the stove there and it's their landlord as

1 well, I would think that at the very least the
2 store owner would have a responsibility to tell
3 the landlord get it the heck out of here, you
4 know.

5 CHAIRPERSON MILLER: So you
6 complained? Did you complain to Georgia Line the
7 day that you took the picture?

8 MR. SHEON: I did not. I called the
9 ABRA Tipline.

10 CHAIRPERSON MILLER: Oh, okay. So you
11 don't even know who took the stove away, do you?

12 MR. SHEON: No, I don't.

13 CHAIRPERSON MILLER: Okay. The trust
14 issue. Okay. So it's -- I mean, to me,
15 honestly, it seems like, you know, it's a big
16 deal to say that you think the license should be
17 revoked. You know, I can understand -- we will
18 hear testimony as to maybe why individuals might
19 not want them to sell on a Sunday, which is our
20 other issue.

21 MR. SHEON: Yes.

22 CHAIRPERSON MILLER: But to actually

1 revoke the license seems like wow, you know. And
2 so what is this trust thing? Because that is to
3 me like what the reason -- is that the reason
4 that you are saying they should have the license
5 revoked because you just can't trust this
6 establishment?

7 MR. SHEON: Well, if you look at the
8 ABRA process and you look at the history of the
9 license and the VSA, which is attached to the
10 license, the fact that there was a need for a VSA
11 to begin with 10 years ago, which --

12 CHAIRPERSON MILLER: Okay. I
13 understand that.

14 MR. FOX: Again, I --

15 CHAIRPERSON MILLER: This is a new
16 owner, so that really -- I knew he was about to
17 object to that. And I don't think that the Board
18 -- I'm not sure how we would weigh that in
19 determining now whether to revoke a license.

20 MR. SHEON: Right, but when -- you
21 know, for instance when you get into let's say
22 mediation that you are going to work with this

1 owner, if there is not an inherent basis for
2 trust, for instance, if the VSA already says that
3 the property needs to be kept clean, but the
4 constituents feel that it is not being kept
5 clean, there is nothing more we can add or
6 negotiate into a VSA.

7 CHAIRPERSON MILLER: Okay. So --

8 MR. SHEON: Because there is not
9 trust.

10 CHAIRPERSON MILLER: Okay.

11 MR. SHEON: It's not --

12 CHAIRPERSON MILLER: But is there not
13 trust that they are going to keep the property
14 clean because, according to -- because they
15 haven't been keeping the property clean?

16 MR. SHEON: No. I think the bigger
17 issue is which -- I think that this discussion
18 may -- I'm happy to answer your question, but I
19 think that it may be more fruitful if you hear
20 the testimony of the others.

21 CHAIRPERSON MILLER: Okay. That's
22 fine.

1 MR. SHEON: Is that all right?

2 CHAIRPERSON MILLER: That's absolutely
3 fine.

4 MR. SHEON: And then I'm happy to be
5 sworn in again and answer.

6 CHAIRPERSON MILLER: Because all I'm
7 saying is, you know, you raised that issue and if
8 they are going to address it head-on, that's
9 great, because --

10 MR. SHEON: Yes.

11 CHAIRPERSON MILLER: -- what I'm
12 hearing is revoke their license because they
13 can't be trusted and that's a big problem. So
14 that's -- we will all hear more from the others
15 then.

16 MR. SHEON: Right.

17 CHAIRPERSON MILLER: Okay. Okay. Any
18 other questions? Okay. Thank you.

19 MR. SHEON: Thank you. So we want to
20 -- now, I have to switch seats.

21 CHAIRPERSON MILLER: Yes.

22 MR. SHEON: Put on a different hat and

1 I'll call Tawanna Roy as our first witness.

2 CHAIRPERSON MILLER: Okay.

3 MR. SHEON: Ms. Roy?

4 CHAIRPERSON MILLER: Good afternoon.

5 MS. ELLIOTT: Good afternoon.

6 Whereupon,

7 TAWANNA ROY-ELLIOTT

8 was called as a witness by Counsel for the
9 Protestant, and having been first duly sworn,
10 assumed the witness stand and was examined and
11 testified as follows:

12 MS. ELLIOTT: I do.

13 CHAIRPERSON MILLER: All right. Thank
14 you. Have a seat.

15 DIRECT EXAMINATION

16 MR. SHEON: Ms. Roy, just for
17 clarification purposes, because I know I have
18 been confused and it may be written in different
19 ways in this document, you have been married
20 since some of these documents were started and
21 your name changed. So can you also give your
22 legal name?

1 MS. ROY-ELLIOTT: I'm Tawanna Roy-
2 Elliott. I got married last June.

3 MR. SHEON: Okay. Thank you. Can you
4 tell me about your experience with the owner when
5 it comes to the issue of discussions around their
6 interest in removing the voluntary settlement
7 agreement?

8 MS. ROY-ELLIOTT: I received a call
9 from Ms. Wallace that she had been approached by
10 the owners about moving it. She mentioned that
11 she has referred them to speak to me, as the
12 person kind of responsible on our block for the
13 issue. I got their telephone number. We did the
14 phone tag thing for a bit. Finally, connected
15 and we were supposed to meet at the store to have
16 a discussion about it. I guess that was maybe a
17 year or so. It was before I started wedding
18 plans, so some time in 2013.

19 But in any event, I went to the store
20 to meet and they did not show up.

21 MR. SHEON: Just to clarify, would it
22 be 2014?

1 MS. ROY-ELLIOTT: Let me see, okay,
2 this is 2015. Yes, it was last year. It was
3 last year. It was last year, sorry.

4 MR. SHEON: Okay. So did you -- and
5 now I'm confused myself. Did you connect with
6 the store owner?

7 MS. ROY-ELLIOTT: Once over the phone
8 we talked and we set a time to meet at the store,
9 to which I went there and waited about 20 to 30
10 minutes and they did not show up.

11 MR. SHEON: At any time -- they didn't
12 show up, but --

13 MS. ROY-ELLIOTT: The person who I was
14 supposed to meet did not show up. There was a
15 person in the store, but that was not the person,
16 because I asked them.

17 MR. SHEON: Okay. And did that person
18 make an attempt to reach the other person or --

19 MS. ROY-ELLIOTT: No, not that I
20 recall, no.

21 MR. SHEON: Yes.

22 MS. ROY-ELLIOTT: I just stood there

1 and sort of said is it okay if I wait and they
2 said sure.

3 MR. SHEON: At any time were you
4 approached by the owner or anyone representing
5 the owner or their store on this issue in which
6 you refused to meet with them?

7 MS. ROY-ELLIOTT: No.

8 MR. SHEON: Is there anything else you
9 would like to add based on what you have heard
10 today that you think could add more light on this
11 issue?

12 MS. ROY-ELLIOTT: Well, first, I would
13 like to say it's not that we don't want the store
14 in our community. I'm sort of getting the
15 feeling that that's what may be felt by the store
16 owner. That's not the case.

17 As before and still now, we are just
18 concerned about sales on Sunday. Primarily
19 because as has been mentioned, we have more than
20 enough businesses who sell beer and wine and we
21 have had problems in terms of trash at that
22 store. For example, that stove. I know people

1 have sort of have difference of opinion about
2 where that stove was located, but it was actually
3 located close to where that store was, as if it
4 came out of that store.

5 There has been times where there has
6 been a lot of trash in front of the Georgia
7 Avenue entrance to the store because there is a
8 trash can that's there. Again, that's the city's
9 responsibility, but as a store owner and also
10 neighbor, we are all required to keep our
11 properties clean in front of our house and along
12 the sides of our house. So again, we would
13 expect that same thing from any other member of
14 the community.

15 So I guess what I would say is my
16 biggest concern is the fact that we have more
17 than enough stores that sell beer and wine on
18 Sunday and we just don't need another because of
19 the loitering, because of the trash, because of
20 the noise that does happen, especially late at
21 night on the weekends as a result of, you know,
22 young people drinking and hanging out. We just,

1 as tenants on that block, don't want that.

2 MR. SHEON: You mentioned that you
3 never refused to meet and you mentioned that the
4 store owner didn't show up. Does that affect
5 your trust for the store owner?

6 MS. ROY-ELLIOTT: To be honest, that
7 doesn't affect my trust as much as the fact that
8 I know beer and wine has been sold on Sundays
9 from that store. I know things come up in terms
10 of, you know, your family and like that, so that
11 would not affect a trust issue. But I do know
12 that there have been incidents of beer and wine
13 sales on Sunday and, to me, that affects the
14 trust more than missing the appointment.

15 MR. SHEON: How do you know that?

16 MS. ROY-ELLIOTT: One, my fiancée at
17 the time, who is now my husband, he went to the
18 store and purchased beer there on a Sunday,
19 because I asked him to see -- after Ms. Wallace
20 had made me aware that they were trying to
21 establish or change the voluntary agreement.

22 MR. SHEON: So you tested the -- kind

1 of tested the system?

2 MS. ROY-ELLIOTT: Yes, yes, yes, and
3 he was able to purchase.

4 MR. SHEON: About when would you say
5 that was?

6 MS. ROY-ELLIOTT: That was before we
7 were married. Maybe in the spring of 2014.

8 MR. SHEON: Okay. Anything else you
9 can think of?

10 MS. ROY-ELLIOTT: No.

11 MR. SHEON: All right. Thank you.

12 CHAIRPERSON MILLER: Cross?

13 MR. FOX: Yes.

14 CROSS-EXAMINATION

15 MR. FOX: Thank you, Ms. Elliott.

16 First, you said -- you mentioned that you talked
17 on the phone with the owner. Was it Ms. Tassew,
18 Alemtsehay or was it her sister?

19 MS. ROY-ELLIOTT: I'm not sure to be
20 honest. I know she was not the lady at the store
21 when I went to visit. And again, because of the
22 last names, I don't remember the last name, so

1 I'm not sure.

2 MR. FOX: Okay. And did you talk --
3 when was that? Approximately what date that you
4 talked on the phone?

5 MS. ROY-ELLIOTT: Oh, about -- let me
6 just think a minute. I would say in the spring.
7 It wasn't cold. So it would have had to have
8 been in the springtime. It wasn't like hot
9 summer, but it wasn't, you know, the wintertime.

10 MR. FOX: Okay. And was that the only
11 phone call that you had with her?

12 MS. ROY-ELLIOTT: Yes.

13 MR. FOX: Okay. And approximately how
14 long did that last?

15 MS. ROY-ELLIOTT: Not very long
16 because, again, we had played phone tag for a
17 while and the point was just to have a meeting,
18 so it was just to arrange a time and date for the
19 meeting.

20 MR. FOX: Okay. You say phone tag,
21 you called her and she called you back?

22 MS. ROY-ELLIOTT: No, she called me

1 first, because I think Ms. Wallace had given them
2 my number and told me. Ms. Wallace told me that
3 she had, so she called me and then I called back
4 and I didn't -- so I think we did that a couple
5 of times before we finally connected.

6 MR. FOX: Okay. Now, has your husband
7 -- he is not here today, is he?

8 MS. ROY-ELLIOTT: No.

9 MR. FOX: Okay. Has he written an
10 affidavit or testimony regarding the Sunday --

11 MS. ROY-ELLIOTT: No.

12 MR. FOX: -- purchases?

13 MS. ROY-ELLIOTT: No.

14 MR. FOX: Okay. Does he have a
15 receipt from that purchase?

16 MS. ROY-ELLIOTT: No. I'm sure, no.

17 MR. FOX: Okay. Great. Those are all
18 the questions I have.

19 CHAIRPERSON MILLER: Board Members?

20 MEMBER SHORT: Madam Chair?

21 CHAIRPERSON MILLER: Yes, Mr. Short?

22 MEMBER SHORT: Good afternoon.

1 MS. ROY-ELLIOTT: Hi.

2 MEMBER SHORT: Can I ask you how long
3 you have been in that community?

4 MS. ROY-ELLIOTT: 17 years.

5 MEMBER SHORT: 17 years.

6 MS. ROY-ELLIOTT: Actually, on that
7 block 17 years, but I lived on Kennedy Street as
8 a young person, so I guess in that community
9 maybe about 30 years.

10 MEMBER SHORT: 30 years. Okay. And
11 I guess what I need to know is have you ever
12 purchased anything from this particular store?

13 MS. ROY-ELLIOTT: Yes.

14 MEMBER SHORT: When you were there,
15 have you noticed how many persons they have
16 working there? How many employees?

17 MS. ROY-ELLIOTT: Every time that I
18 have always gone in, there has only been one
19 person. And usually a lady.

20 MEMBER SHORT: Okay. So that's the
21 person here today at the table? Do you
22 recognize?

1 MS. ROY-ELLIOTT: No.

2 MEMBER SHORT: So that would have to
3 be her sister?

4 MS. ROY-ELLIOTT: I guess, because I
5 don't recognize her.

6 MEMBER SHORT: Okay. And you stated
7 that your now husband had an experience at the
8 store?

9 MS. ROY-ELLIOTT: Yes.

10 MEMBER SHORT: What reason would you
11 have to sit there and tell us an untruth today
12 about that?

13 MS. ROY-ELLIOTT: No reason, because
14 to be honest, sir, as I said, my issue with that
15 store is that we have more than enough places
16 that sell beer and wine on Sunday. So that was
17 my concern really, are they violating the
18 agreement. And after Ms. Wallace told me that
19 they were looking to renew it, I just wanted to
20 see how honest they were in keeping with what we
21 had agreed upon before.

22 MEMBER SHORT: Okay.

1 MS. ROY-ELLIOTT: So I don't have any
2 reason to.

3 MEMBER SHORT: So the voluntary
4 agreement when they purchased the store said they
5 couldn't sell beer or wine on Sundays.

6 MS. ROY-ELLIOTT: We were told that
7 the agreement would last with every owner of that
8 store for the life of the store.

9 MEMBER SHORT: So they had to purchase
10 that store knowing that that agreement was in
11 place?

12 MS. ROY-ELLIOTT: I would assume,
13 because that's what we were told when we walked
14 around in the winter to get signatures to set up
15 that agreement.

16 MEMBER SHORT: Okay. I'm looking at
17 a list of ABC licensed establishments in the 54,
18 53, 52, 5100 Block and 4900 Block of Georgia
19 Avenue. That would be Ingraham Street, Hamilton
20 Street, Jefferson Street.

21 MS. ROY-ELLIOTT: Yes.

22 MEMBER SHORT: And there are no more--

1 no less than one, two, three, four, five, six,
2 seven, eight, nine, ten, eleven, so all these
3 other stores sell beer and wine on Sundays? The
4 others listed on this? You don't have the list
5 in front of you, so you wouldn't --

6 MS. ROY-ELLIOTT: No, I don't.

7 MEMBER SHORT: Lucky Corner, S & G
8 Wine & Liquors, TVD, Macombo Lounge, Jefferson
9 Liquors, El Camino Real Restaurant, Hamilton
10 Liquors, T & T, El Pulgarcito and Colony Liquors.
11 That's a lot of ABC establishments.

12 MS. ROY-ELLIOTT: Yes, sir, it is.

13 MEMBER SHORT: It sounds like you all
14 are washed in ABC establishments.

15 MS. ROY-ELLIOTT: Yes, we are.

16 MEMBER SHORT: In those three blocks.

17 MS. ROY-ELLIOTT: Yes, we are, sir.

18 MEMBER SHORT: And so the other ones
19 are already selling on Sundays. And I'm just
20 trying to figure and you don't have to answer
21 this if you don't know the reason, but where are
22 these clients coming from to make all these

1 people profitable selling whiskey on Sundays or
2 wine and beer on Sundays?

3 MS. ROY-ELLIOTT: I don't have any
4 idea, sir. I don't. I have seen Maryland
5 license plates on our thing. I mean, you know,
6 everybody comes from everywhere because as you
7 just mentioned, they have got a whole range of
8 options. So I don't have a clue, but definitely
9 the fact that we have so many says that there is
10 definitely the business there.

11 MEMBER SHORT: You once had a Safeway
12 at Jefferson and Georgia Avenue, didn't you? Was
13 there a Safeway or --

14 MS. ROY-ELLIOTT: Yes, a long time on
15 Ingraham. It used to be one on Ingraham, yes.

16 MEMBER SHORT: Ingraham.

17 MS. ROY-ELLIOTT: Yes, sir.

18 MEMBER SHORT: Is that still there?

19 MS. ROY-ELLIOTT: No, it's a CVS now.

20 MEMBER SHORT: So a lot of the
21 businesses that were there over the years for
22 long time persons who have been in the area, they

1 are gone.

2 MS. ROY-ELLIOTT: That's true.

3 MEMBER SHORT: And replaced with ABC
4 establishments.

5 MS. ROY-ELLIOTT: Yes, that's true
6 because there used to be a Hamilton Hardware at
7 the corner of our store a long time ago. There
8 were a lot of other businesses that did not sell
9 beer and wine in the past. That's correct.

10 MEMBER SHORT: Okay. So you still, as
11 their neighbor and I'm hearing from the ANC, do
12 not want this establishment to be selling beer
13 and wine on Sundays?

14 MS. ROY-ELLIOTT: No, because again
15 the traffic that it brings to our particular
16 block. The other places that you named are
17 further away from our block. But historically,
18 we have had problems on our block with people who
19 purchased beer or wine from that store when it
20 was able to buy that, which is why we went
21 through all this to get the voluntary agreement.

22 MEMBER SHORT: Okay. Well, I want to

1 thank you again today for your testimony and wish
2 that there would be some kind of way that you
3 could work it out with this business and that
4 everybody could be happy, but I guess that's
5 going to be a decision this Board is going to
6 make.

7 I would just like to thank the ANC
8 also and all the people that have come to testify
9 from the community. And it does -- I as a Board
10 Member, I can't speak for the other Board
11 Members, do give great weight to people who have
12 20 and 30 years in the community versus someone
13 who just comes in and doesn't really know the lay
14 of the land. Thank you. That's all I have,
15 Madam Chair.

16 CHAIRPERSON MILLER: Okay. Others?
17 Okay. No, no, I have a few questions.

18 MS. ROY-ELLIOTT: Oh, sorry.

19 CHAIRPERSON MILLER: That's okay. So
20 I want to ask you, you are an original signatory.

21 MS. ROY-ELLIOTT: Yes.

22 CHAIRPERSON MILLER: I forget what

1 year it was. At least 10 years ago.

2 MS. ROY-ELLIOTT: Yes.

3 CHAIRPERSON MILLER: Right, okay.

4 MS. ROY-ELLIOTT: It was a while ago.

5 CHAIRPERSON MILLER: So when you
6 signed this agreement Sunday sales weren't
7 allowed anyway.

8 MS. ROY-ELLIOTT: Exactly.

9 CHAIRPERSON MILLER: Right? But so
10 when it was put in your agreement, was it just --
11 it didn't do anything more than what the law
12 allowed any way, right?

13 MS. ROY-ELLIOTT: Correct.

14 CHAIRPERSON MILLER: Okay. I think
15 you said that -- well, let me ask you. Are you
16 seeking that the license be revoked or just that
17 they not have Sunday hours?

18 MS. ROY-ELLIOTT: No. Not to be
19 revoked.

20 CHAIRPERSON MILLER: You're not
21 seeking that it be revoked?

22 MS. ROY-ELLIOTT: No. Because I

1 understand the need to get a profit from the
2 store. I am concerned, as I said, about the beer
3 and wine sales on Sunday.

4 Initially, we had a lot of elderly
5 people on our block. And so again, I was
6 concerned about the quiet and peace and order for
7 the elderly people.

8 It has changed a little, but now we
9 have young kids on our block.

10 CHAIRPERSON MILLER: Yes.

11 MS. ROY-ELLIOTT: So again, it's still
12 the same sort of thing about keeping the children
13 safe as a result of the type of traffic that you
14 can have back and forth on a Sunday, especially
15 with games and such.

16 CHAIRPERSON MILLER: Especially with
17 what?

18 MS. ROY-ELLIOTT: With games, you
19 know, the football games and baseball games and
20 all the season things that make people --

21 MR. SHEON: Sporting events.

22 CHAIRPERSON MILLER: Yes, yes.

1 MS. ROY-ELLIOTT: -- sporting events,
2 right, that make people keep coming back and
3 forth to buy beer and wine on Sundays.

4 CHAIRPERSON MILLER: That's what I was
5 going to ask you because I wanted to ask you if
6 you noticed problems on the weekdays with traffic
7 and loitering that you were concerned about on
8 Sundays?

9 MS. ROY-ELLIOTT: To be honest, I work
10 such long hours on the weekdays, so --

11 CHAIRPERSON MILLER: You're not there?

12 MS. ROY-ELLIOTT: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. ROY-ELLIOTT: So, no, I don't.

15 CHAIRPERSON MILLER: You don't notice
16 them in the evening?

17 MS. ROY-ELLIOTT: Again, I work long
18 hours.

19 CHAIRPERSON MILLER: Okay.

20 MS. ROY-ELLIOTT: Like sometimes by
21 the time I get home, it's like 8:00 or 9:00.

22 CHAIRPERSON MILLER: Okay.

1 MS. ROY-ELLIOTT: So and I'm focused
2 to go in the house at that point.

3 CHAIRPERSON MILLER: So are you
4 speculating then about the traffic and the
5 loitering? Do you think that -- there are so
6 many establishments, do you think that there is
7 going to be a lot of loitering and traffic on
8 Sunday?

9 MS. ROY-ELLIOTT: I guess I see on
10 Friday and Saturday nights a lot of traffic. I
11 know again that sports events kind of create the
12 need, if you will for consumption of alcohol.
13 And it's not that I'm against the consumption of
14 alcohol. Again, my concern is, you know, again,
15 myself. I work all week.

16 CHAIRPERSON MILLER: Okay.

17 MS. ROY-ELLIOTT: So on the weekends,
18 I would like to have a little peace and quiet.
19 And I think the traffic contributes to disruptive
20 behavior on the block when they can keep going
21 back and forth.

22 CHAIRPERSON MILLER: Could you see

1 that on Saturday?

2 MS. ROY-ELLIOTT: Saturday nights.

3 CHAIRPERSON MILLER: Okay. Do you see
4 a difference then, I'm just asking just so that I
5 -- between the night and the day whether it may
6 be less of a problem if it were open some hours
7 on Sunday during the day, but not the night?
8 Does that matter to you?

9 MS. ROY-ELLIOTT: I guess it does.
10 Again, because I'm out so much working all during
11 the week, that I don't want that level of traffic
12 or sort of the nuisance factor, if you will, that
13 comes with people going back and forth to that
14 store for alcohol.

15 CHAIRPERSON MILLER: Yes.

16 MS. ROY-ELLIOTT: And so it would
17 bother me any hours --

18 CHAIRPERSON MILLER: Any hours.

19 MS. ROY-ELLIOTT: -- that it would
20 sell, because again --

21 CHAIRPERSON MILLER: Okay.

22 MS. ROY-ELLIOTT: -- they have other

1 places that they can go to sit down and drink
2 their beer and wine or get it and go home and not
3 have to kind of come down Hamilton Street.

4 CHAIRPERSON MILLER: Okay. Do you
5 shop at this store regularly?

6 MS. ROY-ELLIOTT: I wouldn't say
7 regularly, but if I run out of things I go there.
8 And my kids go there regularly.

9 CHAIRPERSON MILLER: Okay. So has the
10 store been a nuisance in general?

11 MS. ROY-ELLIOTT: No. I can't say
12 that it has.

13 CHAIRPERSON MILLER: Okay. Do you
14 have any knowledge about their offer to meet with
15 the community on a monthly basis?

16 MS. ROY-ELLIOTT: No, that was the
17 first time I have ever heard that tonight. I
18 have to say though I did miss those other
19 meetings because of travel, so I don't know if
20 they announced it at some of the other community
21 meetings.

22 CHAIRPERSON MILLER: Okay.

1 MS. ROY-ELLIOTT: But I had not heard
2 that before from either of my neighbors as well.

3 CHAIRPERSON MILLER: And how about
4 this trust issue? Do you have a comment on that?
5 Because it's interesting because, you know, we
6 have a lot of hearings on protests and this is
7 really the first time I'm hearing trust being an
8 issue.

9 MS. ROY-ELLIOTT: I guess again, my
10 concern is if it's their responsibility to keep
11 the property clean around it and they are not
12 doing that, then that's sort of a violation of
13 trust, if you will.

14 And then the other thing of selling
15 the beer and wine on Sundays, if we have the
16 agreement and we -- actually, we didn't even want
17 them to get an alcohol license, so we --

18 CHAIRPERSON MILLER: The previous
19 owners?

20 MS. ROY-ELLIOTT: -- compromised.

21 CHAIRPERSON MILLER: That you --

22 MS. ROY-ELLIOTT: Yes.

1 CHAIRPERSON MILLER: -- agreed with.

2 MS. ROY-ELLIOTT: Yes.

3 CHAIRPERSON MILLER: Okay.

4 MS. ROY-ELLIOTT: When we first
5 started the process, we did not want that store
6 to have beer and wine sales, but we compromised
7 by allowing it with keeping it limited to those
8 times. So again, the fact that there have been
9 incidents of it demonstrates that they don't make
10 good faith efforts at keeping their agreements.

11 CHAIRPERSON MILLER: Okay. And
12 finally, the agreement originally was made with
13 is it 15 people or something and there are now
14 three left? Something like that?

15 MS. ROY-ELLIOTT: There is like six I
16 think now.

17 CHAIRPERSON MILLER: Six? Six, okay.

18 MS. ROY-ELLIOTT: A few as you
19 mentioned are -- or someone mentioned are
20 deceased. A few have moved off away from the
21 block and a few, two ladies I think relocated.
22 So there are only like six of us who are actually

1 still living on the block.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 All right. Any other questions?

4 MEMBER ALBERTI: Yes.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: Good afternoon, Ms.

7 Elliott.

8 MS. ROY-ELLIOTT: Good afternoon.

9 MEMBER ALBERTI: So I would like for
10 you to sort of characterize the level of traffic
11 that you now see on Sundays and how it affects
12 the neighborhood.

13 MS. ROY-ELLIOTT: Currently, it is not
14 a lot of traffic on Sunday. I mean, I guess, you
15 know, I see people going in and out of the store,
16 but its not as busy as the Saturday night
17 traffic. And don't really know the daytime
18 traffic, so I -- you know, the weekday traffic.
19 But it is not a lot.

20 MEMBER ALBERTI: Okay. All right.
21 Let me tell you I mean, the reason I'm asking,
22 and I asked that way was that we recently heard a

1 case involving an allegation of this
2 establishment selling alcohol on Sundays. And
3 you have testified that they sell alcohol on
4 Sundays, so one could presume that there has been
5 an ongoing sale of alcohol on Sundays.

6 And if that was the case, then you
7 would currently be seeing the traffic that would
8 result. So I'm trying to understand if you are
9 not seeing a lot of traffic now and you are not--
10 it's not -- you are not telling me that it's
11 affecting the neighborhood in any adverse way,
12 why do you think the granting of the ability for
13 them to do that legitimately would change things?

14 MS. ROY-ELLIOTT: I think you said the
15 key word is legitimately. Like currently, they
16 are not supposed to sell it.

17 MEMBER ALBERTI: Right.

18 MS. ROY-ELLIOTT: So there has to be,
19 I guess, some limitations to whom they sell it
20 and when or if they sell it. And because they
21 are not supposed to, I don't think they are
22 getting the volume that they would get once they

1 were freely able to. Because again, some people
2 in the area do know that they are not allowed to
3 sell on Sundays.

4 So people don't really go there to buy
5 their stuff on Sundays. Maybe those people who
6 do -- who are getting sales on Sundays are
7 getting it and getting away with it, but I still
8 don't think it would be the level of traffic that
9 we would see once they are openly able to sell
10 beer and wine on Sunday.

11 So I think really to be honest,
12 because it's kind of clandestine, that's probably
13 why we don't see that level of traffic. But if
14 they are given the opportunity, I think it would
15 increase.

16 MEMBER ALBERTI: Okay.

17 MS. ROY-ELLIOTT: That's just my
18 opinion.

19 MEMBER ALBERTI: And thank you, thank
20 you for that answer. I just wanted to make sure
21 that we explored that, because it is just kind of
22 hanging out there.

1 MS. ROY-ELLIOTT: Yes.

2 MEMBER ALBERTI: And I wanted to touch
3 on that. Thank you.

4 CHAIRPERSON MILLER: Okay. Others?

5 MEMBER RODRIGUEZ: Yes.

6 CHAIRPERSON MILLER: Mr. Rodriguez?

7 MEMBER RODRIGUEZ: Hi, Ms. Elliott,
8 how are you?

9 MS. ROY-ELLIOTT: I'm fine. Thank
10 you.

11 MEMBER RODRIGUEZ: Congratulations on
12 your marriage. I wanted to ask you now, Georgia
13 Line Convenience Store is at 5125 Georgia Avenue,
14 right?

15 MS. ROY-ELLIOTT: (No audible answer.)

16 MEMBER RODRIGUEZ: Now, I see on the
17 list of other businesses that T & T is at 5123
18 Georgia Avenue.

19 MS. ROY-ELLIOTT: I don't -- I think
20 T & T was like this club Trinidad and Tobago
21 Association to which that has since been shut
22 down because of its activities that kind of got a

1 little crazy for our block, too.

2 CHAIRPERSON MILLER: Yes.

3 MS. ROY-ELLIOTT: So I think that is
4 what T & T is.

5 MEMBER RODRIGUEZ: So T & T is a club
6 then?

7 MS. ROY-ELLIOTT: Well, it used to be
8 the Trinidad and Tobago Association. It was like
9 a -- it's not a restaurant club. I think it was
10 a social club that they used to have parties
11 there or something. And again, we have had a lot
12 of incidents with them as well.

13 MEMBER RODRIGUEZ: Are they existing
14 now? Do they have activity now? No?

15 MS. ROY-ELLIOTT: I think they have
16 been closed down now as a result of some big
17 thing we had a couple months ago.

18 MEMBER RODRIGUEZ: Oh, a couple months
19 ago?

20 MS. ROY-ELLIOTT: Yes.

21 MEMBER RODRIGUEZ: Okay. All right.
22 Then that's all I have.

1 MS. ROY-ELLIOTT: Okay.

2 CHAIRPERSON MILLER: I want to follow-
3 up on that. Basically, what we do have this list
4 of other alcohol establishments on Georgia Avenue
5 and I wanted to ask you, is your block different
6 from these other blocks of Georgia Avenue that
7 all have the Sunday sales? You know, is it more
8 residential?

9 MS. ROY-ELLIOTT: Oh, no.

10 CHAIRPERSON MILLER: Is there
11 something distinct about where this particular
12 store is?

13 MS. ROY-ELLIOTT: No, because it is
14 residential off of Ingraham and all the other
15 stores were their beer and wine sales.

16 CHAIRPERSON MILLER: Okay. So they
17 are similar. Okay. All right. Any other Board
18 questions? Okay. Any other questions based on
19 Board questions?

20 MR. FOX: Yes, I would like to ask.

21 CHAIRPERSON MILLER: Okay.

22 RE-CROSS-EXAMINATION

1 MR. FOX: Following up on the idea of
2 proximity to other locations, are you familiar
3 with Hamilton Liquor?

4 MS. ROY-ELLIOTT: Yes.

5 MR. FOX: Could you remind me, what
6 street do you live on?

7 MS. ROY-ELLIOTT: On Hamilton Street
8 in the 900 Block of Hamilton.

9 MR. FOX: Okay. Do you know how many
10 -- I mean, what the distance is between Hamilton
11 Liquor and Georgia Line?

12 MS. ROY-ELLIOTT: It's across the
13 street from each other.

14 MR. FOX: Okay.

15 MS. ROY-ELLIOTT: I guess a few blocks
16 in though. Hamilton -- excuse me, a floor doors
17 in.

18 MR. FOX: Okay.

19 MS. ROY-ELLIOTT: On Georgia Avenue.

20 MR. FOX: And do you know whether
21 Hamilton Liquor is able to sell on Sundays?

22 MS. ROY-ELLIOTT: I don't. I don't

1 know.

2 MR. FOX: Thank you. That's all the
3 questions I have.

4 CHAIRPERSON MILLER: Okay. Any other
5 questions? All right. Thank you.

6 MS. ROY-ELLIOTT: Thank you.

7 MR. SHEON: Thank you.

8 (Whereupon, the witness was excused.)

9 MR. SHEON: Get back to work.

10 MS. ROY-ELLIOTT: Okay.

11 MR. SHEON: Oh, is it okay if she --
12 she wanted to go back to work. Is it a problem
13 if she --

14 CHAIRPERSON MILLER: It's your case.
15 If you are finished with her, the Board has
16 already asked her questions and everything, so
17 it's fine with us.

18 MR. SHEON: Yes. Thank you.

19 CHAIRPERSON MILLER: Okay.

20 MS. ROY-ELLIOTT: Thank you.

21 MR. SHEON: So shall I call the next
22 witness up?

1 CHAIRPERSON MILLER: Sure.

2 MR. SHEON: Okay.

3 CHAIRPERSON MILLER: Yes.

4 MR. SHEON: Ms. Wallace?

5 CHAIRPERSON MILLER: Good afternoon.

6 Whereupon,

7 ANNIE WALLACE

8 was called as a witness by Counsel for the
9 Protestant, and having been first duly sworn,
10 assumed the witness stand and was examined and
11 testified as follows:

12 MS. WALLACE: I do.

13 CHAIRPERSON MILLER: Thank you.

14 DIRECT EXAMINATION

15 MR. SHEON: Ms. Wallace, were you
16 approached to discuss the issue of the petition
17 to remove the voluntary settlement agreement by
18 the owners?

19 MS. WALLACE: Yes. I have been
20 approached several times. When I go into the
21 store, you know, she would ask me -- actually,
22 she start asking me during the time that my

1 husband was very ill. And during that time,
2 because I have been the liaison for the
3 neighborhood for about 40 years and I have been
4 in the neighborhood 43 years, and my husband was
5 very, very sick.

6 So Ms. Roy she kind of took over in my
7 spot as far as handling things, because I
8 couldn't do it any longer. So she would approach
9 me and ask me if I would talk with the neighbors
10 to get her license on Sunday. And I told her, I
11 said listen I'm not dealing with that right now.
12 My husband is sick, but Ms. Roy is dealing with
13 that and you have to talk with her.

14 And so I gave Ms. Roy her number and
15 told her that maybe she can get in touch with
16 them. And another time I went in the store and
17 she approached me again. Somehow she feels that
18 if I ask the neighbors, they would, you know, do
19 it for me. And I told her I could not do that.
20 I said as a matter of fact, you are not keeping
21 your end of the bargain.

22 You are not keeping the tree box on

1 the sidewalk or in the front of your store clean.
2 How can I ask my neighbors to let you have your
3 license on Sunday and you are not keeping your
4 end of the bargain? So at that time, she said
5 I'll give you \$500. I said I would never do that
6 to my neighbors. I said my neighbors trust me to
7 take care of whatever is happening on the block.
8 So I would not deceive them.

9 I said first of all, you are not
10 keeping your end of the bargain. The tree box
11 are dirty. Trash in the front of the store. I
12 said you've got to do better. I said we are
13 willing to help you, but you've got to help us.
14 And there is no way I can go to my neighbors and
15 ask them to do anything and you are not doing
16 what you are supposed to do.

17 MR. SHEON: Is that the extent? Were
18 there other discussions that you can think of?

19 MS. WALLACE: There was about three
20 discussions altogether. And as I say, I didn't
21 deal with it any more. I just stopped going in
22 the store because, you know, my husband was sick

1 and I didn't want her to approach me again,
2 because I couldn't do anything, you know.

3 MR. SHEON: Yes.

4 MS. WALLACE: I had done what I could
5 and as I told her, you have to keep your end of
6 the bargain in order for me to think about going
7 to the neighbors to ask them to do anything.

8 MR. SHEON: At any time did you refuse
9 to speak with the owner about this issue?

10 MS. WALLACE: No. I never refused.
11 I never refused to speak with her. She always
12 talked to me and I always talked to her. But I
13 told her Ms. Roy is taking care of this now.

14 MR. SHEON: Ms. Wallace and Board
15 Members, just so that we could use this visual,
16 this Exhibit 5, from Investigator Demby's report
17 as a kind of map, we have got the -- and may I
18 approach to do that?

19 We have the store here and then as was
20 previously offered, there is the store and then
21 there is a print shop that is now defunct.
22 Behind that you can see an alley. Just to give

1 the Board a sense of how closely with the store,
2 where do you live from there?

3 MEMBER ALBERTI: Mr. Sheon, could you
4 tell us what exhibit that is?

5 MR. SHEON: Right.

6 MEMBER ALBERTI: In -- the number of
7 the exhibit.

8 MR. SHEON: It's Exhibit 5.

9 MEMBER ALBERTI: Okay. Just for the
10 record. Exhibit 5 from the Investigator's
11 report. Thank you.

12 MR. SHEON: Yes, sure.

13 MS. WALLACE: Well, the store -- how
14 far I live from the store?

15 MR. SHEON: Well, yes. I mean, just
16 point. Like how many doors down after that alley
17 do you live?

18 MS. WALLACE: Two.

19 MR. SHEON: Two. So what happens at
20 the store you store you must see on a pretty
21 regular basis. Is that right?

22 MS. WALLACE: Oh, yes.

1 MR. SHEON: About how often are you in
2 front of or around the store?

3 MS. WALLACE: Well, it depends on
4 where I have to park. Sometimes I have to park
5 on the same side of the store across the street
6 from the store. It depends on -- and then I go
7 out every day to get my car, so I'm always right
8 in front of the store every day, basically, or
9 even if I park on Hamilton, you know, I can still
10 see the store.

11 MR. SHEON: Now, Ms. Wallace, you
12 wrote in the complaint that your son purchased
13 alcohol on Sunday. Can you explain what
14 happened?

15 MS. WALLACE: Well, that was before
16 the liquor stores could sell beer and wine,
17 liquor on Sunday. My son came over and he had a
18 six pack. And I asked him, I said where did you
19 get beer from? He said I got it from the corner
20 store. I said you got it from the corner store?
21 I said what corner store? He said right there.
22 So I went out on the porch and I said you come

1 and show me what store you got this beer from.

2 He said I got it from that one.

3 I said who sold it to you? A man or
4 a woman? He said a man. I said okay.

5 MR. SHEON: Can you approximate the
6 month and year that that happened?

7 MS. WALLACE: That was in 2014 around
8 -- it was in the spring of 2014. And I mentioned
9 it to her when -- in one of our discussions when
10 she was trying to get me to talk with the
11 neighbors. I told her I said you are selling
12 beer and wine on Sunday. And she said I'm not.
13 I said you are, I said because my son bought beer
14 from you on a Sunday. And she said well, who is
15 your son? I said that's besides the question.
16 You did sell my son beer on Sunday. So --

17 MR. SHEON: I think unless there is
18 anything else you can think of that you saw if
19 you wish to comment on your -- I believe you saw
20 the stove that day. Anything that would only add
21 to the discussion, not repeat? Is there anything
22 else that you would like to say?

1 MS. WALLACE: Well, the only thing
2 that I would like to say, we are not opposed --
3 we are not trying to take her license. We
4 understand that she needs to make a living like
5 we need to make a living.

6 But we do feel that there is enough
7 places in our neighborhood that is selling beer
8 and wine and now they allow the liquor store to
9 be open. Liquor store, the corner store is right
10 here, the liquor store is right there. But the
11 people go in the liquor store and get what they
12 are going to get and they go get in their car and
13 go on.

14 Now, we have children in our
15 neighborhood and there are still a few elderly
16 people left in our neighborhood, but we feel that
17 our children need to know that in the environment
18 that they live in, something else can be sold
19 other than beer and wine. I just don't think
20 that sets a good example for the children. And
21 you know, during the week it's enough.

22 On weekends we do need a little peace,

1 because people tend to walk to the store on the
2 corner and get what they want and then they come
3 back in the neighborhood and they drink it and
4 they throw it down and then that trash up the
5 neighborhood. So we are not trying to stop her
6 from making a living. We are just asking that we
7 keep the agreement as it is, not selling beer and
8 wine on Sundays. That's what we are asking.

9 MR. SHEON: Ms. Wallace, we have
10 spoken a little bit about trust. I'm wondering
11 if you feel that you trust the owner of the
12 store?

13 MS. WALLACE: Well, at this point, you
14 know, I wouldn't say that I don't trust her. And
15 I don't know -- I really can't say that I don't
16 trust her. It's just that she is not keeping her
17 end of the bargain and she know, she know what
18 she is supposed to be doing and she is not doing
19 it.

20 And I don't trust her word. I mean,
21 if you know that you are not supposed to sell
22 beer and wine on Sunday, then why did you do

1 that? And it's not my son or Mrs. Roy's husband,
2 the officer went in and purchased beer or wine on
3 a Sunday, you know, so that kind of make me a
4 little doubtful about her. You know, I mean, I'm
5 a little doubtful about her trust.

6 MR. SHEON: Thank you.

7 MS. WALLACE: I wouldn't say that I
8 totally distrust her, but I have my doubts, at
9 this point.

10 MR. SHEON: No more questions.

11 CROSS-EXAMINATION

12 MR. FOX: Thank you for coming, Ms.
13 Wallace. Did your son come today to this
14 hearing?

15 MS. WALLACE: No, he did not.

16 MR. FOX: Okay. Has he written an
17 affidavit or given any testimony to the court or
18 to the Board here?

19 MS. WALLACE: No. I mean, I didn't
20 ask him. I guess he would have if I had asked
21 him, but I didn't ask him.

22 MR. FOX: Did he give you a receipt?

1 Have you provided a receipt to us of the sale?

2 MS. WALLACE: We had the receipt.

3 Yes, he gave me the receipt and I kept the
4 receipt for a long time, but then it just kind of
5 got away from me.

6 MR. FOX: Okay. So we don't have that
7 with us today?

8 MS. WALLACE: No, I don't have it with
9 me today.

10 MR. FOX: Okay. Okay. That's all I
11 have. Thank you.

12 CHAIRPERSON MILLER: Board Members?
13 Mr. Short?

14 MEMBER SHORT: Good afternoon, Ms.
15 Wallace.

16 MS. WALLACE: Hi.

17 MEMBER SHORT: Thank you for being
18 such a great Washingtonian over the years.

19 MS. WALLACE: Thank you.

20 MEMBER SHORT: And holding down that
21 end of Georgia Avenue. Things are changing in
22 the city very rapidly.

1 MS. WALLACE: Yes.

2 MEMBER SHORT: Your son came to your
3 home with a six pack of beer?

4 MS. WALLACE: Yes.

5 MEMBER SHORT: Told you where he
6 purchased it.

7 MS. WALLACE: Right.

8 MEMBER SHORT: We have had testimony
9 that other people have also visited that store on
10 Sundays. We are just weighing all the
11 information we get. We are -- we all can just
12 weigh each testimony.

13 And it sounds like you are trying to
14 work out to be a good neighbor with your
15 neighbor. You talked with them and you told her
16 about cleaning the tree boxes and you talked to
17 her about the other things in the neighborhood.
18 And they felt close enough to you to ask you to
19 go to the other neighbors to get you -- so they
20 can sell beer and wine legally on Sundays.

21 MS. WALLACE: Right.

22 MEMBER SHORT: Do you have any reason

1 to come here and tell this Board a lie today?

2 MS. WALLACE: I do not. I do not have
3 any reason to lie about anything, because I like
4 her, but I also respect my neighbors. And I've
5 been fighting with this neighborhood for 40
6 years, as I said. And I have no reason to lie
7 about her or anyone else. And my true feeling is
8 we have enough places selling beer and wine on
9 Sunday and we deserve some type of relaxation
10 from it.

11 MEMBER SHORT: Okay.

12 MS. WALLACE: And she is not keeping
13 her end of the bargain. There was an agreement
14 and I know that she know what the agreement is
15 when she bought the store and she is not keeping
16 the agreement, then I don't think she deserve to
17 get her license to sell beer on Sunday.

18 MEMBER SHORT: Okay. One last thing
19 now. Do you know her sister probably also?

20 MS. WALLACE: I don't know her sister.

21 MEMBER SHORT: So when you go into the
22 store the only person you ever see is the person

1 sitting there at the table now?

2 MS. WALLACE: I have seen a couple of
3 ladies in the store, but I wasn't pointed out
4 that either one --

5 MEMBER SHORT: Okay.

6 MS. WALLACE: -- of them was her
7 sister.

8 MEMBER SHORT: So who would you say is
9 the main person that you identify with when you
10 go into the store?

11 MS. WALLACE: The lady that is sitting
12 at the table with the attorney.

13 MEMBER SHORT: Okay. Thank you.
14 That's all I have, Madam Chair. Thank you very
15 much.

16 CHAIRPERSON MILLER: Okay. Others?
17 Mr. Alberti?

18 MEMBER ALBERTI: All right. Good
19 afternoon, Ms. Wallace.

20 MS. WALLACE: Hi.

21 MEMBER ALBERTI: Just I'm trying to
22 understand what your concerns are about Sunday

1 sale of alcoholic beverages. Is it fair to say
2 that your concerns sort of stem from increase of
3 traffic in that -- in the vicinity of the store?

4 MS. WALLACE: I would say yes.

5 MEMBER ALBERTI: I mean, both vehicle,
6 vehicular and pedestrian traffic?

7 MS. WALLACE: I would say yes, there
8 is a lot of concern.

9 MEMBER ALBERTI: What else? What
10 other concerns?

11 MS. WALLACE: Well, my other concern
12 is the Peace and Quiet Act. I mean, we do have a
13 lot of children in the neighborhood, you know,
14 and they have to look at this seven days a week,
15 you know.

16 MEMBER ALBERTI: Okay.

17 MS. WALLACE: Our children --

18 MEMBER ALBERTI: Look at what? I'm
19 sorry to interrupt, but what do you mean, look at
20 what?

21 MS. WALLACE: At people up and down
22 the street drinking beer. You know, like I say,

1 even though there is a liquor store there, but
2 people tends to come in the car, get their liquor
3 or beer or whatever they are going to get and
4 they move on.

5 But people who come to the corner
6 store, tends to get it and drink it on the way up
7 the street or drink it at the corner there and
8 start raising sand, you know.

9 MEMBER ALBERTI: So do you see that on
10 other days of the week?

11 MS. WALLACE: Not as much.

12 MEMBER ALBERTI: Not as much as?

13 MS. WALLACE: Sometimes in the evening
14 we have a few people who used to come and sit on
15 the corner. There is a hardware store there --

16 MEMBER ALBERTI: Yes.

17 MS. WALLACE: -- on the corner. And
18 they tends to come sometimes and sit on the
19 corner and drink and act up, you know. But not
20 as much during the week as they do on the
21 weekends.

22 MEMBER ALBERTI: Not as much during

1 the week as?

2 MS. WALLACE: As on the weekend on
3 Saturday and Sunday.

4 MEMBER ALBERTI: Okay. So it's your
5 fear that you would find -- so is the atmosphere
6 in and around the store -- well, in the vicinity
7 of the store a concern to you on Saturdays?

8 MS. WALLACE: I'm sorry?

9 MEMBER ALBERTI: Well, is the activity
10 and the atmosphere on the street in the vicinity
11 of the store on Saturdays, is that of concern to
12 you?

13 MS. WALLACE: Yes, concern.

14 MEMBER ALBERTI: And in what way?

15 MS. WALLACE: Well, like I just said,
16 you know, people coming to and from.

17 MEMBER ALBERTI: And --

18 MS. WALLACE: Loud talking.

19 MEMBER ALBERTI: Okay. And is that as
20 a result of this store, do you think? Customers
21 from the store?

22 MS. WALLACE: I can say it is, because

1 as I said, the liquor store people tends to come
2 in the car. They go in the store and get what
3 they are going to get and they move on.

4 MEMBER ALBERTI: And so I'm -- is it
5 fair to say that your concern is that you would
6 see a similar atmosphere on Sundays, is that your
7 fear?

8 MS. WALLACE: Saturday and Sunday.

9 MEMBER ALBERTI: Saturday and Sunday
10 if there were Sunday sales?

11 MS. WALLACE: Right.

12 MEMBER ALBERTI: Is that what you are
13 saying?

14 MS. WALLACE: Yes.

15 MEMBER ALBERTI: Okay. Okay. I have
16 no further questions. Thank you.

17 MS. WALLACE: Yes.

18 CHAIRPERSON MILLER: Others? Have you
19 observed loitering and traffic issues on Saturday
20 related to Georgia Line?

21 MS. WALLACE: Well, there is sometimes
22 especially in the spring and summer, you know,

1 there is traffic in and out, you know. People
2 that is coming from a block or two down the
3 street, you know, going to the store and getting
4 what they are going to get and coming back
5 through Hamilton Street.

6 CHAIRPERSON MILLER: How about at the
7 other liquor stores nearby? Do they get a lot
8 of --

9 MS. WALLACE: Well, you see, I don't
10 know. I live -- you know, they are not where I
11 can really see --

12 CHAIRPERSON MILLER: This is the only
13 one?

14 MS. WALLACE: -- on a daily basis is
15 this store and the liquor store, you know, if I'm
16 sitting on my porch. You can see the cars just
17 stop at the liquor store to usually get their
18 whatever and they move on, you know.

19 CHAIRPERSON MILLER: This is Georgia
20 Line Liquors? That's what you are referring to
21 Georgia Line?

22 MS. WALLACE: No.

1 CHAIRPERSON MILLER: Oh, you are
2 referring to another liquor store?

3 MS. WALLACE: To the Hamilton Liquor
4 Store. No, what I'm saying is the Hamilton
5 Liquor Store.

6 CHAIRPERSON MILLER: Hamilton, okay.

7 MS. WALLACE: Yes. I said people tend
8 -- if I'm sitting on my porch, I can see people
9 getting out of their cars and going into the
10 store purchasing whatever they are going to get
11 and get back in their car and moving on.

12 CHAIRPERSON MILLER: Okay.

13 MS. WALLACE: But usually the people
14 that is patrons at this store, they are walking
15 people.

16 CHAIRPERSON MILLER: They are walking.

17 MS. WALLACE: Now, there are some
18 people that are in cars, you know, but basically
19 they are people who are walking two or three
20 blocks down the street.

21 CHAIRPERSON MILLER: And do they hang
22 out in front? Do they loiter there or no?

1 MS. WALLACE: It's not as bad as it
2 used to be. It used to be that they hang out in
3 front of the store, raising sand, police has to
4 come several times, but that's not as bad now as
5 it was.

6 CHAIRPERSON MILLER: Okay. Did the
7 applicant keep her bargain with respect to the
8 tree boxes after you complained about them?

9 MS. WALLACE: It just in the past when
10 this started when they put in the application for
11 their license, I noticed it's more cleaner now,
12 but that's just when they put in their
13 application to get their license renewed.

14 CHAIRPERSON MILLER: Okay. Okay.
15 Thank you. Anybody else? Any questions on Board
16 questions?

17 RECROSS-EXAMINATION

18 MR. FOX: Just one follow-up. You
19 mentioned that things got better. There used to
20 be people on the corner raising trouble, but that
21 it got better at a certain point. About when did
22 it start getting better?

1 MS. WALLACE: I would say some time
2 last year it started getting a little bit better,
3 you know, but -- and it's always okay until
4 spring or summer and then they branch out again
5 and hanging around.

6 MR. FOX: Okay.

7 MS. WALLACE: You know, of course, in
8 the wintertime it's not as bad, but as soon as
9 summer comes, people come out that you haven't
10 seen since last summer to hang out.

11 MR. FOX: Okay. That's all I have.

12 CHAIRPERSON MILLER: Okay. Thank you.

13 (Whereupon, the witness was excused.)

14 MR. SHEON: I'm going to be quick with
15 our last witness.

16 CHAIRPERSON MILLER: Okay.

17 MR. SHEON: Ms. Brockington, Donna
18 Brockington.

19 CHAIRPERSON MILLER: Good afternoon.
20 Whereupon,

21 DONNA BROCKINGTON
22 was called as a witness by Counsel for the

1 Protestant, and having been first duly sworn,
2 assumed the witness stand and was examined and
3 testified as follows:

4 MS. BROCKINGTON: I do.

5 CHAIRPERSON MILLER: All right. Thank
6 you.

7 DIRECT EXAMINATION

8 MR. SHEON: Ms. Brockington, let's
9 start with some context. How do we know each
10 other?

11 CHAIRPERSON MILLER: And sorry, could
12 she give her full name again?

13 MR. SHEON: Sure.

14 MS. BROCKINGTON: Donna Brockington.

15 CHAIRPERSON MILLER: Okay.

16 MR. SHEON: So I'll state it this way,
17 Ms. Brockington, prior to January 3rd you were the
18 elected ANC Commissioner for ANC Single Member
19 District 4D04. Is that correct?

20 MS. BROCKINGTON: Yes. And I was also
21 the chair at the time.

22 MR. SHEON: And the chair of our

1 Commission, at the time, that's right. And I'm
2 wondering if you want to briefly, you know, again
3 in ways that add to the discussion, provide your
4 experience with this issue since the owner, the
5 current owner took possession of the store,
6 ownership of the store.

7 MS. BROCKINGTON: I remember and I
8 don't know the legal ramifications, but I have
9 lived in the neighborhood for quite a long time
10 and I remember when the business was burned out.
11 It stayed vacant for a while. And we were happy
12 when someone put the store there. And for a long
13 time, there was no beer and wine sales there.

14 So I remember and I was there when the
15 whole thing came about with the voluntary
16 agreement, how it was reached and why. And this,
17 of course, is before the Sunday sales, which the
18 verdict is not in on that yet, because, you know,
19 I still hear problems about that. Different
20 people, everybody is not happy with that, with
21 the liquor stores and Sunday sales.

22 So but what is relevant is that the

1 agreement still has not -- and this has been
2 problematic, it's never been kept, the agreement
3 has never been kept on the part of the store.
4 The Sunday sales still occur.

5 And yes, while, you know, I'm not
6 saying that there is just tons of trash like
7 piled up. There are times when -- that the store
8 is not neat and clean in front and I know that
9 maybe the city doesn't come and empty the little
10 round thing, but if it's your store and it's --
11 the trash is overflowing and there is trash
12 around the -- you get some bags and you try to
13 neaten it up, you know, to keep the appearance
14 up. You know, and so there are things that just
15 don't happen.

16 The reason why, you know, initially as
17 a Commissioner we were going back to doing the
18 voluntary agreement when I found out that they
19 wanted to remove the Sunday sales and we started
20 the protest against that, was because they have
21 always been -- to my knowledge, it's not really
22 been a lot of not selling on Sundays.

1 And so I was hoping that maybe, you
2 know, we could of had a discussion this time that
3 if the agreement was actually kept, the premises
4 were kept neat and orderly, some of the things
5 that were in the store were removed, the little
6 half naked people, you know, with the beer and
7 the cigarette posters and things like that, you
8 know, maybe we could get into a meaningful
9 voluntary agreement and it was kept, then maybe,
10 you know, the community would say okay, well, we
11 won't bother them any more since they, you know,
12 are doing some of the things that we want as a
13 community.

14 And so with the Sunday sales, the
15 thing was people want a break. Six days a week
16 of the drunkenness and on my block, I'm a block
17 away, it's a shame. I mean, I have come home and
18 people are just sprawled out beer and wine, the
19 cans, the bottles right where they are at and I
20 know where they are getting it from.

21 I watch them, I see them. They are my
22 neighbors, they live in my building. I watch

1 them. They go in there and they buy and it's
2 just like she said, it's wherever. And so it
3 becomes a nuisance. And so on Sunday when Ms.
4 Wallace was saying on Sunday, the residents
5 deserve a break, it's true.

6 You want peace and quiet. And I have
7 even asked you -- the owner, I said if you lived
8 in the neighborhood that was inundated with beer
9 and wine, I said wouldn't you appreciate at least
10 one day of quiet or the theory, one day of family
11 and quiet?

12 And so that's how that voluntary no
13 sales on Sunday and why it was so important.
14 It's not that it was just something designed to
15 try to hurt a business. It was something for the
16 community, because as we have all discussed
17 today, we are inundated with beer and wine and
18 liquor sales in our community. And we are
19 talking what an eight block radius.

20 And it's not acceptable in other
21 communities, but it is always acceptable in our
22 communities where people may not be of the same

1 economic backgrounds as in some of the other
2 communities. And you don't see this in other
3 places. You don't.

4 And the thing that is unique about
5 where we are at, we are not downtown on 7th
6 Street, that can happen downtown on 7th Street.
7 They are not a lot of families living down there
8 on 7th Street. These businesses are right in
9 front of residential neighborhoods where people
10 are living, they are raising their children, they
11 are getting old, they are dealing with end of the
12 life issues with sick family members, they are
13 entertaining their family and friends. So there
14 is a different dynamic.

15 And so that's what led to all of that.
16 I begged the store owner by saying you are doing
17 well now without your beer and wine, why do you
18 need to get it? And he asked me to support him
19 and I told him I will not sign for it. I will
20 not -- I said I'm not going to. I can't. I said
21 I wholeheartedly just disagree. You have a store
22 Quik Stop on Georgia and Decatur, they don't sell

1 beer and wine and they are doing a thriving
2 business.

3 And I noticed that the children are
4 able and the parents and the kids and there is a
5 lot more -- you see more of the little families
6 in the stair/steps and the children in and out
7 all day long. People are in and out of that
8 store all day long. And you know, they are
9 thriving and they are not losing money. I mean,
10 they are making probably the same amount of money
11 as the stores that are with beer and wine, so we
12 know it's doable.

13 You know, but, you know, people seem
14 to feel that beer and wine is additional revenue,
15 so okay. We didn't stand in the way. The
16 agreement was not on Sunday and that was --
17 that's not -- it still hasn't been honored. It's
18 a running joke in my building. My neighbors go
19 in there on Sunday and they purchase. They go.
20 I watch them. Sometimes I have gone in there and
21 I have not said anything and I have watched the
22 guys and I say gentlemen, you're not supposed to

1 be doing this on Sunday.

2 And I said that if you had -- if you
3 were babysitting children, it doesn't matter if
4 it's not the women. It doesn't matter if it's
5 the men. I said if you have children and one is
6 allergic to strawberries, wouldn't you tell every
7 babysitter that comes to your home oh, by the way
8 that child can't have strawberries, so just don't
9 give any of the children strawberries because
10 they -- we don't want you to give it to the wrong
11 one.

12 It's the same thing with that
13 voluntary agreement. Whoever is in that store
14 should know that on Sundays you are not selling.
15 You know, and, you know, I mean, I didn't think
16 that ABRA took it seriously because we raised the
17 concern. So I was -- when I found out they did
18 have the Investigator actually come in and it's
19 now documented, we are not crazy, you know.
20 There is evidence.

21 But this is going -- this still goes
22 on. You know, and my neighbors they go in there

1 on Sunday and they do it. And, you know, I just
2 get concerned -- the other thing I get concerned
3 about is when I see drunk people able to still
4 purchase, you know, and stumble back and forth.
5 So you know, it's a lot of dynamics with this
6 protest, but it was never my intent as a
7 Commissioner to try to hurt the business.

8 We want the business there. We want
9 to see it do well. We want to see all of our --
10 I'm a small business person. When Walmart came I
11 was one of the ones that was against it, but I
12 believe in the small businesses. And unlike a
13 lot of people, I do go in my small businesses. I
14 -- my job was changed, so I wasn't able to keep
15 going in there because they closed at 10:00.

16 But when I wasn't home, my family and
17 my neighbors, I was -- and they was going and I
18 was home, I would say well, pick this up for me
19 or pick that up for me. But, yes, I do go in
20 businesses and a lot of them know me, maybe not
21 by name, but, by face. But Alem knows me by name
22 and she -- you know, we -- this was her second

1 time in that store, because I think in -- 10
2 years ago you worked there, if I'm not mistaken.

3 And I was so happy to see her when she
4 came back. I mean, but again, the agreement, you
5 know, was not kept. So and I think that's the
6 important part is the agreement was never kept.
7 And I was kind of hoping that if the agreement
8 was kept this time, that we could have done
9 something differently and moved past that,
10 because it seems to be a concern in the community
11 that the agreement that you entered into is
12 honored.

13 I mean, it's like saying yes, I'm not
14 going to do something. It's like kind of like an
15 insult to people that took the time to come up
16 with that agreement. And trust me, it took a
17 long time and even Council Member Fenty was
18 pulled into it, you know, the tug of war between
19 the community and the store originally.

20 And so at the time, it was a good
21 compromise. You know, now recently we have the
22 Sunday sales. So I think that's probably what

1 sparked the thing of getting rid of the agreement
2 on Sunday sales. But hey, that's still been in
3 place then, I don't even know if we would even be
4 here, you know.

5 But again, like the verdict is not
6 out. It's still out on the Sunday sales and the
7 liquor stores being open on Sundays. I hear two
8 different opinions about that. So --

9 MR. SHEON: Thank you, Ms.

10 Brockington. I guess I have one question and
11 it's a pretty -- I think it's a pretty
12 straightforward question. Whether reflecting on
13 your years as a Commissioner or the Chairman and
14 with regard to the situation, do you have
15 experience that directs you if a voluntary
16 agreement has been in place and appears to be
17 broken on what you feel is a regular basis and
18 the applicant wants to remove that agreement and
19 at best you want to mediate and try to come up
20 with a new agreement, how do you -- well, just
21 thinking about this case, so that it's a fair
22 question, do you feel that you would trust the

1 decisions, opinions and signature of the owner to
2 keep that agreement?

3 MS. BROCKINGTON: Well, what I was
4 hoping is that we could have had an open arms
5 discussion that we know that this wasn't being
6 kept, let's not go down that road, and that maybe
7 if you keep it this time, then maybe the
8 community -- and you do all the other things that
9 the community has asked, then perhaps the next
10 time or grandfathered in then maybe stairs
11 stepped in, well, if this is done, then this will
12 go away.

13 MR. SHEON: So when do you -- what --

14 MS. BROCKINGTON: And I was really --
15 and again, let me just preface this also. This
16 is before I found out about the attempt for a
17 bribe, you know. I had -- that wasn't brought to
18 my attention. So that was why my initial was to
19 do the mediation.

20 MR. SHEON: Yes.

21 MS. BROCKINGTON: And in hopes that we
22 would do that, because to try to bridge that gap

1 between the neighborhood and the business, you
2 know.

3 MR. SHEON: All right.

4 MS. BROCKINGTON: But so yes, I was
5 going to attempt to try to trust one last time,
6 because you really want to believe that people
7 like that -- at face value that maybe oh, they
8 didn't realize the seriousness of it. And maybe,
9 you know, there was a breakdown in communications
10 with the other people that are selling the beer
11 and wine on Sunday.

12 MR. SHEON: You said that you
13 confronted the owner about alcohol being sold on
14 Sunday.

15 MS. BROCKINGTON: It was the gentlemen
16 that were behind the counter.

17 MR. SHEON: So there was a gentlemen?

18 MS. BROCKINGTON: It was some guys.
19 Yes, two guys was in the store.

20 MR. SHEON: Okay. All right. Thank
21 you.

22 MS. BROCKINGTON: Yes, sir.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Rodriguez?

3 MEMBER RODRIGUEZ: Yes.

4 MEMBER ALBERTI: Well, don't we get
5 cross-examination?

6 MEMBER RODRIGUEZ: Oh, cross-
7 examination.

8 CHAIRPERSON MILLER: Oh, I'm sorry.

9 MEMBER RODRIGUEZ: Oh, yes, okay.

10 MEMBER ALBERTI: By the applicant.

11 MR. FOX: Yes, thank you.

12 MEMBER RODRIGUEZ: It's getting late.

13 CROSS-EXAMINATION

14 MR. FOX: The first question I have
15 for you, Ms. Brockington, is regarding the
16 neighbors you say have gone in there and
17 purchased on Sunday. Are they present at this
18 hearing today?

19 MS. BROCKINGTON: No.

20 MR. FOX: No? Did they provide
21 testimony in regard to this to the court -- I
22 mean, to the Board?

1 MS. BROCKINGTON: No, but being that
2 I have seen it done, you know, it's --

3 MR. FOX: So you have gone in there
4 and purchased on Sundays?

5 MS. BROCKINGTON: I don't buy. No, I
6 didn't purchase. I was in there when they did it
7 and I said to the guys you all know you're not
8 supposed to be doing this?

9 MR. FOX: So you were there in on a
10 Sunday when alcohol was purchased?

11 MS. BROCKINGTON: Yes.

12 MR. FOX: Okay. Did you get a receipt
13 for that purchase?

14 MS. BROCKINGTON: No.

15 MR. FOX: Do you know somebody who
16 does have a receipt for that purchase? I guess
17 the more appropriate question is have they
18 provided a receipt to the Board?

19 MS. BROCKINGTON: They weren't
20 complaining. They wanted the beer and wine, so,
21 no.

22 MR. FOX: Okay.

1 MS. BROCKINGTON: That wasn't a
2 complaint about the -- and it's a running joke.

3 MR. FOX: Okay.

4 MS. BROCKINGTON: They say it's the
5 store they can't sell on Sunday, but they sell,
6 let's go get our beer.

7 MR. FOX: But the purchaser didn't
8 provide any proof of that purchase?

9 MS. BROCKINGTON: No.

10 MR. FOX: Okay. I can't remember now
11 looking at the protest that was filed, who was it
12 who said they were bribed?

13 MS. BROCKINGTON: Ms. Wallace.

14 MR. FOX: Ms. Wallace, okay. And then
15 the special meeting that was held on March 23rd,
16 I think it was all the members of the ANC, is
17 that right?

18 MS. BROCKINGTON: Yeah.

19 MR. FOX: Who was called to that
20 special meeting?

21 MS. BROCKINGTON: They would have to
22 tell you. I wasn't able to be there.

1 MR. FOX: Okay.

2 MS. BROCKINGTON: I had a health
3 issue.

4 MR. FOX: Okay.

5 MR. SHEON: If the Board would like,
6 I would be happy to answer that question.

7 MEMBER ALBERTI: No.

8 MR. FOX: No. I think I'm -- the
9 question I was trying to get at is what issues.

10 MR. SHEON: Okay.

11 MR. FOX: Those are the only questions
12 I have.

13 CHAIRPERSON MILLER: Okay. Now, we go
14 to Board questions. Mr. Rodriguez?

15 MEMBER RODRIGUEZ: Commissioner, how
16 long have you been with the ANC?

17 MS. BROCKINGTON: At least since 2002
18 when I lost my last election.

19 MEMBER RODRIGUEZ: Okay. So you have
20 been around for a while.

21 MS. BROCKINGTON: Yes, sir.

22 MEMBER RODRIGUEZ: You have seen -- so

1 how did all these other liquor establishments
2 along, you know, that area -- were they
3 challenged? I mean, I know this one is being
4 challenged because there is a voluntary
5 agreement, but there is a lot of liquor
6 establishments all along there that I see and
7 they are selling liquor, what happened to the
8 challenges there? How did they all manager to
9 have liquor sold along all those streets and they
10 got away with it?

11 MS. BROCKINGTON: Okay. Now, Hamilton
12 Liquor Store since I was a kid has always been a
13 liquor store. El Camino I think that is going to
14 get challenged because -- well, that's between
15 the new Commissioner, because they have had some
16 violence there. They have been closed down.
17 There has been a couple of murders there.

18 T & T, Trinidad and Tobago, they were
19 fine when they were doing a mature crowd.
20 However, they decided to reach out to the younger
21 community and it wrecked havoc. I did talk to
22 the owners and tried to get them to see the

1 seriousness of it and they assured me that I
2 didn't know what I was talking about and then it
3 made the news. And then you guys revoked their
4 license before the new Commissioner even had to
5 do anything.

6 There was also at the time that this
7 whole thing started, when -- the only thing I
8 know -- I don't know his last name. He always
9 told us to call him G, the gentleman that
10 reestablished the corner store. You know, like I
11 said it had burned down and it stayed dormant for
12 a while. Well, when he reopened it, at that
13 time, two doors down where now is a nail place,
14 there was twin liquor stores.

15 So then we had that store in between
16 two liquor stores. And they were all steps --
17 you could throw a rock in either direction. So
18 that was the other thing, too, with the -- how
19 necessary is it? And he was doing well, you
20 know, because we had suggested do the dinners and
21 things. And I was one that, yes, I went in
22 there. I'm single. I would go in there and get

1 my dinner. I would go. Fine, I wouldn't cook
2 today, that day and I go in there and get dinner.

3 And the community was doing that. And
4 where you see that fence, I suggested put some
5 tables out there and some little sandwiches and
6 danishes. I mean, the neighborhood -- I mean, we
7 want some things like that in our neighborhood.

8 MEMBER RODRIGUEZ: Yes.

9 MS. BROCKINGTON: We can go and sit
10 and talk in the evenings, especially this time of
11 the year and in the summer. So there were other
12 examples of way that he had originally wanted and
13 said yes, those are great ideas. And that's what
14 he said he was going to do. Then he started then
15 I guess for whatever reason, he wanted to do the
16 beer and wine and that was how the beer and wine
17 license even started.

18 So now, Emerson Liquor Store, that has
19 always been there. Colony that has been there
20 forever, too. And then in the next block, I
21 can't think of the name of the liquor store, but
22 that has been there for a while.

1 MEMBER RODRIGUEZ: Okay.

2 MS. BROCKINGTON: And then you have
3 got some restaurants in between Delafield and
4 Decatur, so the restaurants always ask for the
5 beer and wine and liquor to sell to the patrons.
6 They start out sometimes just not asking, but
7 then they end up coming back and saying we need
8 to be able to sell spirits to our customers.

9 And to my knowledge, Quik Stop has
10 never had a beer and wine or Class C License at
11 all.

12 MEMBER RODRIGUEZ: Yes.

13 MS. BROCKINGTON: And going further
14 up, Macombo Lounge is a strip club. They don't
15 make money if they don't sell. It's just that
16 simple. You have got a couple of new eateries in
17 there that sell some liquor. There is another --
18 opposite of Macombos, there is a -- there is a
19 corner store, Lucky. You will hear about that
20 more, too, because that I believe is under
21 protest for a lot of the really bad reasons.

22 And then there was a liquor store that

1 just recently reopened, but it was closed for a
2 while because the owner, the lady was murdered.
3 And so the family -- I think they sold it. I
4 don't think the children were even able to even
5 go back in there. But whoever has it, that is
6 now open again and that was a liquor store.

7 And I think there wa a lounge in
8 there, G Spot, and that's gone. And I think
9 whoever took that place, I think they are going
10 to ask for the beer and wine and liquor license
11 to be able to sell spirits. But a lot of things
12 have changed over time in the neighborhood.

13 MEMBER RODRIGUEZ: Well, thank you for
14 covering the waterfront here.

15 MS. BROCKINGTON: And that's just that
16 side of the street.

17 MR. SHEON: That's right.

18 MS. BROCKINGTON: We haven't even
19 covered 4C.

20 MEMBER RODRIGUEZ: Right.

21 MS. BROCKINGTON: On the other side.

22 MEMBER RODRIGUEZ: So okay, thank you.

1 MS. BROCKINGTON: You're welcome.

2 CHAIRPERSON MILLER: Others?

3 MEMBER SHORT: Madam Chair?

4 CHAIRPERSON MILLER: Yes, Mr. Short?

5 MEMBER SHORT: Thank you. Thank you
6 again for coming down and testifying. Now, there
7 has been some testimony before this Board
8 previously about males working in this
9 establishment selling beer on Sundays. Would you
10 tell us again your experience?

11 MS. BROCKINGTON: Apparently some of
12 the Sundays when the ladies aren't there, I have
13 never -- I don't drink, okay, so but -- and I'm
14 not against those that do, but apparently the
15 guys are selling it. I don't know why, but I
16 would assume that if it's my business and it's my
17 baby, as I said with strawberries example, you
18 wouldn't be doing it. And once I found out about
19 it, I would stop it, but it doesn't stop.

20 MEMBER SHORT: Again --

21 MS. BROCKINGTON: So I don't --

22 MEMBER SHORT: -- there were two males

1 there.

2 MS. BROCKINGTON: Yes.

3 MEMBER SHORT: Were the males working
4 the day that our Investigator came out?

5 MS. BROCKINGTON: Based on what the
6 testimony he has given, I can only assume --

7 CHAIRPERSON MILLER: How does she
8 know?

9 MEMBER SHORT: I'm asking if she
10 knows. The only way to find out if she knows is
11 to ask her.

12 CHAIRPERSON MILLER: But do you know
13 what day --

14 MEMBER SHORT: Does she know.

15 CHAIRPERSON MILLER: -- of the week it
16 was?

17 MEMBER SHORT: She said she testified
18 earlier.

19 MS. BROCKINGTON: It was a Sunday
20 sale. Your Investigator -- it's a Sunday sale.
21 And it's usually two younger guys that is in
22 there. They are not older men. 20-ish looking.

1 MEMBER SHORT: I thought I heard her
2 testify earlier that she had seen two males in
3 there selling on Sunday.

4 CHAIRPERSON MILLER: Yes, I heard her
5 say that.

6 (Simultaneous speaking.)

7 MS. BROCKINGTON: And that's --

8 MEMBER SHORT: And she said that --

9 MS. BROCKINGTON: -- when the purchase
10 was made.

11 MEMBER SHORT: -- she did testify that
12 she knows the Investigator had been --

13 MS. BROCKINGTON: I mentioned --

14 MEMBER SHORT: -- there and made a
15 buy.

16 MEMBER RODRIGUEZ: Um-hum.

17 MEMBER SHORT: So I was asking --

18 CHAIRPERSON MILLER: Right. But --

19 MEMBER SHORT: -- questions relevant
20 to that.

21 CHAIRPERSON MILLER: Yes, but did she
22 know --

1 MS. BROCKINGTON: I wasn't there the
2 day that the Investigator did. I'm just saying
3 that as your Investigator has done, which raises
4 the legitimacy that this has occurred. It's not
5 like it's just people in the neighborhood making
6 it up. You know, so it's not a he say, she say.
7 You have --

8 MEMBER SHORT: Well, let me clear up
9 everything. When you went in one Sunday and saw
10 sales on Sunday, were there two males there?

11 MS. BROCKINGTON: Yes.

12 MEMBER SHORT: Thank you. Okay.

13 MS. BROCKINGTON: And I did --

14 MEMBER SHORT: Now --

15 MS. BROCKINGTON: -- mention it to
16 them.

17 MEMBER SHORT: -- okay.

18 MS. BROCKINGTON: You know, I didn't
19 seek to try to destroy or hurt. I was just like
20 you know you're not supposed to be doing it.

21 MEMBER SHORT: Okay. Thank you.

22 CHAIRPERSON MILLER: Now, we are not

1 trying the other case here.

2 MEMBER SHORT: No.

3 MS. BROCKINGTON: Oh, I'm not, I'm
4 just saying.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER SHORT: We just -- I just asked
7 the question. I'm finished with that question.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER SHORT: Now, again, you said
10 you have been there for a lot of years. Do you
11 mind telling us how many years you've been in the
12 neighborhood?

13 MS. BROCKINGTON: Well, I was actually
14 when I was -- until my mother passed, I lived
15 there. And then which -- but I moved right down
16 the street with my aunt and uncle, her sister and
17 husband.

18 MEMBER SHORT: Yes.

19 MS. BROCKINGTON: And then I moved
20 back into the neighborhood in '95. I have been
21 there since. 1995.

22 MEMBER SHORT: Okay. Thank you very

1 much for your testimony. And sorry we had the
2 mix-up, but I just wanted to get it clear that
3 you did see two males in that store selling and
4 it wasn't hearsay.

5 MS. BROCKINGTON: No, it wasn't.

6 MEMBER SHORT: All right. Thank you.

7 MS. BROCKINGTON: And yes, I have been
8 in that neighborhood since I was a kid. I went
9 to elementary school there. And I --

10 MEMBER SHORT: I probably know a lot
11 of your neighbors.

12 MS. BROCKINGTON: Yes, I do.

13 MEMBER SHORT: But we won't go there.
14 I know a lot of your neighbors.

15 MS. BROCKINGTON: Yes, sir.

16 CHAIRPERSON MILLER: Mr. Rodriguez?

17 MEMBER RODRIGUEZ: Yes, Madam Chair.
18 I have heard testimony under oath by two separate
19 individuals one claiming that there were no males
20 and one claiming that there is. And both are
21 under oath. Can you explain? Can you --

22 CHAIRPERSON MILLER: Okay. What I

1 want to really impress on everybody is that there
2 is another case that has been adjudicated and
3 that record is that record. And so we are not
4 here to determine whether or not the males were
5 working or people were lying in that case or
6 whatever.

7 We are here in this case to find out
8 testimony about the renewal and the petition to
9 terminate or amend the agreement.

10 Now, if we hear testimony, for
11 instance, from this woman that there were males
12 in the establishment, I'm not sure how that is
13 necessarily relevant, except if we heard contrary
14 testimony, then you might be thinking that
15 somebody's testimony is not that credible.

16 But I really would advise Board
17 Members to kind of deal with them separately.
18 They are separate.

19 MEMBER RODRIGUEZ: Madam Chair, the
20 relevance that I saw was that not that they were
21 males, but that they were selling liquor --

22 CHAIRPERSON MILLER: Okay.

1 MEMBER RODRIGUEZ: -- on Sundays and
2 they happened to be males.

3 MS. BROCKINGTON: Yes.

4 MEMBER RODRIGUEZ: So that's the
5 relevance.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER RODRIGUEZ: The connect that I
8 made there.

9 CHAIRPERSON MILLER: Okay. Okay.

10 MEMBER RODRIGUEZ: I don't -- similar
11 to what I connect.

12 CHAIRPERSON MILLER: Okay. Do you
13 have -- Mr. Alberti?

14 MEMBER ALBERTI: Yes, I promise to go
15 on a completely different line of questions.

16 CHAIRPERSON MILLER: Okay. Go ahead.

17 MEMBER SHORT: We will just wait and
18 see.

19 MEMBER ALBERTI: Thank you. So I
20 mean, I'll call you Commissioner Brockington,
21 because you -- that many years of service you
22 deserve that title still.

1 MS. BROCKINGTON: Thank you.

2 MEMBER ALBERTI: And I thank you for
3 your service.

4 MS. BROCKINGTON: Thank you.

5 MEMBER ALBERTI: I was a Commissioner
6 for 13 years, 14 years, so I understand. So I
7 want to walk you back through history a little
8 bit, all right, because this is important to me.

9 So yes, back in 2004, were you part of
10 the negotiation? Were you actively negotiating
11 or knowledgeable about the negotiations for the
12 settlement agreement?

13 MS. BROCKINGTON: I was knowledgeable
14 and I was hoping that they could have -- that it
15 would just go away. But, yes, I was
16 knowledgeable about it.

17 MEMBER ALBERTI: And you are -- I
18 mean, so, all right, you knew the ins and outs of
19 what was -- why things were negotiated?

20 MS. BROCKINGTON: Yes.

21 MEMBER ALBERTI: Okay. Great. I
22 mean, it strikes me that in 2004 you would put in

1 this clause the legal hours of wine -- of sales
2 which are 9:00 a.m. to 10:00 p.m., provided
3 however that the applicant shall not sell
4 alcoholic beverages on Sunday. It's very clean.
5 But I'm curious about why that got put in here in
6 2004. Was it purposeful? Was it kind of just,
7 well, you know, you can't --

8 MS. BROCKINGTON: That was --

9 MEMBER ALBERTI: -- sell on Sunday
10 anyway, so we will just put it in there. I mean,
11 what was going on?

12 MS. BROCKINGTON: That was the
13 agreement that Mr. G and Ms. Wallace came up
14 with. He was tired of paying the attorneys. He
15 was paying, you know, to represent him and to
16 negotiate. He saw that the community wasn't
17 backing down and so that was the middle ground,
18 that at least on Sunday there would be no sale.
19 And liquor stores, at that time, weren't open on
20 Sunday. You had a few corner stores in the
21 neighborhood that were, so that people --

22 MEMBER ALBERTI: But people they

1 weren't allowed to.

2 MS. BROCKINGTON: They were already --
3 people were already going to those stores,
4 because we wasn't selling beer and wine at all,
5 at that time. So they were already
6 establishments like the Lucky, the one on
7 Kennedy.

8 MEMBER ALBERTI: Yes.

9 MS. BROCKINGTON: They were selling,
10 so people walked up there.

11 MEMBER ALBERTI: So what I'm hearing
12 from you is that it was purposeful. You had this
13 fear that or the suspicion that people were doing
14 it anyways. Is that correct?

15 MS. BROCKINGTON: That store --

16 MEMBER ALBERTI: In 2004.

17 MS. BROCKINGTON: In 2004, there were
18 only -- there was no single -- there was no sales
19 on Sundays --

20 MEMBER ALBERTI: Right.

21 MS. BROCKINGTON: -- for liquor
22 stores.

1 CHAIRPERSON MILLER: Right.

2 MS. BROCKINGTON: You could go to
3 Maryland, of course. And but the community
4 stores that people would go to in the
5 neighborhood was the Lucky store on --

6 MEMBER ALBERTI: Okay.

7 MS. BROCKINGTON: -- they would walk
8 up there and get beer and wine.

9 MEMBER ALBERTI: On Sunday?

10 MS. BROCKINGTON: On Sunday.

11 MEMBER ALBERTI: So all right.

12 MS. BROCKINGTON: Oh, he -- I guess --
13 I can't speak for him, but he told -- what he --
14 I can only say what he told me, that Sunday
15 didn't -- wasn't going to make or break a
16 difference because he would have Monday through
17 Saturday.

18 MEMBER ALBERTI: The store owner?

19 MS. BROCKINGTON: The store owner at
20 that time.

21 MEMBER ALBERTI: Right.

22 MS. BROCKINGTON: Yes.

1 MEMBER ALBERTI: But it was -- but
2 from the point of view of the community, it was
3 purposeful.

4 MS. BROCKINGTON: It was purposeful--

5 MEMBER ALBERTI: Because you --

6 MS. BROCKINGTON: -- because that was
7 if they acquire it --

8 MEMBER ALBERTI: I don't want to put
9 words in your mouth. But what I'm hearing from
10 you is you wanted the extra protection of the
11 weight that this settlement agreement would have.

12 MS. BROCKINGTON: Yes.

13 MEMBER ALBERTI: All right.

14 MS. BROCKINGTON: To make sure that it
15 was kept, that --

16 MEMBER ALBERTI: No Sunday sales.
17 That was very -- that was a conscious effort to
18 put this in here.

19 MS. BROCKINGTON: Yes, that was. That
20 was negotiated, yes.

21 MEMBER ALBERTI: Back then in 2004.

22 MS. BROCKINGTON: Yes.

1 MEMBER ALBERTI: Okay. So but I have
2 to ask, I mean, there was -- we have talked a
3 little bit about these other establishments and
4 I'm going to be more focused then some of the
5 other questions on these. All right?

6 Is there a settlement agreement with
7 Lucky Corner?

8 MS. BROCKINGTON: That's 4D01 and to
9 my knowledge, I believe that they were going to--
10 the new Commissioner is going to raise a protest.

11 MEMBER ALBERTI: But was there ever
12 one? Did you ever establish one with Lucky? How
13 long has Lucky been there?

14 MS. BROCKINGTON: Lucky has been there
15 for a while. But what had occurred during my
16 last Commission, we had three inactive
17 Commissioners, so they were allowed -- they got
18 away with a lot of things that they shouldn't
19 have. And 4D01's Commissioner he was very -- he
20 was not active, but he did recognize that the
21 store -- because he had gotten complaints, so he
22 did reach out to the new Commissioner to follow-

1 up with the protest.

2 And I think he ended the protest
3 before his Commission expired so that the time
4 line -- that he wouldn't lose the time line. And
5 I believe Commissioner Roth is going to pick back
6 up, is going to take -- stick to that.

7 MEMBER ALBERTI: So I am going to try
8 to make this quicker than it has been. So we
9 have Jefferson Liquors. We have Colony Liquors.
10 And we have Hamilton Liquors. Do any of those
11 have settlement agreements that restrict sales on
12 Sunday?

13 MS. BROCKINGTON: No. As a matter of
14 fact, no, they just started selling. You know,
15 it was like we woke up one day and the liquor
16 stores were open on Sunday and it was like hey,
17 did you know that we can sell on Sunday now?

18 MEMBER ALBERTI: Well, why -- I'm
19 like --

20 MS. BROCKINGTON: And I'm trying to
21 think does Jefferson open on Sunday.

22 MEMBER ALBERTI: I'm going to be

1 pretty factual with you. Why would you create a
2 settlement agreement for this establishment way
3 back in 2004 to restrict sales on Sundays, but
4 you didn't do it for liquor stores? I think I
5 know the answer, but --

6 MS. BROCKINGTON: Because liquor
7 stores weren't selling on Sunday in the District
8 of Columbia.

9 MEMBER ALBERTI: Because they weren't
10 open?

11 MS. BROCKINGTON: They weren't open on
12 Sunday in the District of Columbia.

13 MEMBER ALBERTI: So it wasn't a
14 concern to the neighborhood back then?

15 MS. BROCKINGTON: We had no idea that
16 the District would even consider opening the
17 stores on Sunday.

18 MEMBER ALBERTI: Right, right. And no
19 one could cheat, because they weren't open.

20 MS. BROCKINGTON: Huh?

21 MEMBER ALBERTI: And no one could
22 cheat --

1 MS. BROCKINGTON: Exactly.

2 MEMBER ALBERTI: -- because they were
3 not open.

4 MS. BROCKINGTON: Exactly.

5 MEMBER ALBERTI: Is that correct?

6 MS. BROCKINGTON: Exactly.

7 MEMBER ALBERTI: Okay. I got it.

8 Thank you. Thank you.

9 MS. BROCKINGTON: Um-hum.

10 CHAIRPERSON MILLER: So I just want to
11 follow-up on that though. Why -- so they weren't
12 selling on Sunday. It wasn't legal to sell on
13 Sunday when you entered into this settlement
14 agreement with this establishment. So what made
15 this establishment different from the other
16 establishments putting in a -- were there
17 settlement agreements with them?

18 MEMBER ALBERTI: Well --

19 CHAIRPERSON MILLER: Were there
20 settlement agreements that the others didn't
21 have?

22 MEMBER ALBERTI: Can I just interject,

1 so you are clear, so the question is clear?

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: I mean, the other
4 establishments I just talked about are Class A.

5 CHAIRPERSON MILLER: Yes, okay.

6 MEMBER ALBERTI: This is a Class B.

7 CHAIRPERSON MILLER: So is that the
8 reason?

9 MEMBER ALBERTI: So that's a big
10 distinction.

11 CHAIRPERSON MILLER: Is that the
12 reason? Is that your reason?

13 MS. BROCKINGTON: What is the
14 question?

15 CHAIRPERSON MILLER: Well, I'm not
16 sure what number one was, but I thought Mr.
17 Alberti was asking about this, but I didn't
18 understand exactly the answer.

19 Did these have settlement agreements
20 to begin with, these other places?

21 MS. BROCKINGTON: Well, I can only
22 speak to 4D, the ones in 4D. Kennedy Street is a

1 different Single Member District.

2 CHAIRPERSON MILLER: Okay.

3 MS. BROCKINGTON: And like I said,
4 that Commissioner for the most part was defunct
5 his last term.

6 CHAIRPERSON MILLER: Okay.

7 MS. BROCKINGTON: He was missing in
8 action.

9 CHAIRPERSON MILLER: And we can check
10 our records, but we are just kind of going and
11 asking about your institutional knowledge. And
12 then I think --

13 MS. BROCKINGTON: But to my knowledge,
14 4D -- that one Lucky --

15 CHAIRPERSON MILLER: Okay.

16 MS. BROCKINGTON: -- always sold on
17 Sundays and people used to go in there. And then
18 further down there was the Midnight Deli once
19 they opened up. But that's further down like
20 Crittenden.

21 CHAIRPERSON MILLER: Okay. Maybe I'm
22 getting tired. But how could they always sell on

1 Sundays, when it wasn't -- they were illegally
2 always selling on Sundays?

3 MS. BROCKINGTON: They were legally
4 selling on Sundays. It was legal to sell beer
5 and wine on Sunday.

6 CHAIRPERSON MILLER: When it was
7 legal?

8 MS. BROCKINGTON: When it was legal,
9 yes.

10 CHAIRPERSON MILLER: Okay.

11 MS. BROCKINGTON: But the agreement
12 that we entered into with that new store, with
13 that new -- when they first got their license --

14 CHAIRPERSON MILLER: Yes.

15 MS. BROCKINGTON: -- to sell beer and
16 wine period any day of the week --

17 CHAIRPERSON MILLER: Yes.

18 MS. BROCKINGTON: -- was give us
19 Sunday. That was the compromise. We would drop
20 out of the protest if you give us Sunday as a day
21 of quiet, that you agree not to sell on Sunday
22 like the other corner stores.

1 CHAIRPERSON MILLER: Okay.

2 MS. BROCKINGTON: We know restaurants
3 can get away with it. We know that.

4 CHAIRPERSON MILLER: Right. Okay.

5 MS. BROCKINGTON: Yes.

6 CHAIRPERSON MILLER: So is there any
7 other settlement agreement like this that you
8 have with another establishment that is similar
9 to this?

10 MS. BROCKINGTON: No.

11 CHAIRPERSON MILLER: No, okay. Mr.
12 Short?

13 MEMBER SHORT: Yes. Just to try to
14 clarify, I see nothing else. Having been raised
15 in Washington, D.C. myself, before there were
16 legalized sales of beer and wine in stores, were
17 there any scoff laws or illegal businesses that
18 would do that any way?

19 MS. BROCKINGTON: We had Sing Along
20 that was selling beer illegally after hours. And
21 they were finally busted. They say they are
22 under new management now and they say they don't

1 do it, so but there was stores that were -- and
2 you also had not -- I can't think of the tag name
3 that they used to call them, but they were people
4 who would -- different businesses that sell
5 different types of alcoholic beverages during the
6 non-sale hours in the District of Columbia and on
7 Sundays.

8 MEMBER SHORT: Okay.

9 MS. BROCKINGTON: Bootleggers, that's
10 it.

11 MEMBER SHORT: Yes, I was -- yes.

12 MS. BROCKINGTON: And some businesses,
13 legal businesses picked up the stick and were
14 making additional revenue selling.

15 MEMBER SHORT: Now, you mentioned also
16 earlier in your testimony that the Mayor, Mayor
17 Fenty got involved.

18 MS. BROCKINGTON: At the time he was
19 Council Member.

20 MEMBER SHORT: Council Member, forgive
21 me. Council Member Fenty got involved with this
22 settlement agreement?

1 MS. BROCKINGTON: Yes. Ms. Wallace
2 sought help with his office as well. And they
3 helped us.

4 MEMBER SHORT: On this particular
5 settlement agreement?

6 MS. BROCKINGTON: The -- yes. When it
7 first came up.

8 MEMBER SHORT: He also had a problem
9 with the Macombo Lounge and a few other
10 businesses in that block, didn't he?

11 MS. BROCKINGTON: We still have a
12 problem with Macombo.

13 MEMBER SHORT: Okay. All right. I'll
14 leave that. Thank you very much. I just wanted
15 to get the testimony that there were
16 establishments selling illegally on Sundays, even
17 before D.C. decided to let people sell on
18 Sundays.

19 MS. BROCKINGTON: Oh, yes, yes.

20 MEMBER SHORT: Okay. That might
21 answer your question.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: Thank you, Madam Chair.
2 My intent here is -- well, I'll just ask my
3 questions. So what is your primary concern as
4 relates to the operations of this establishment
5 right now today? If there are many, you can give
6 me your top three.

7 MS. BROCKINGTON: It's a slap in the
8 community's face for the time and effort it took
9 to enter into the agreement and, you know, uphold
10 your end of the bargain. I mean, it's like
11 saying we just do what we want to do in your
12 neighborhood.

13 And you know, at the end of the day,
14 a lot of these people don't live in our
15 community. They are not vested in our community.
16 They go to their nice quiet community somewhere
17 else and we are left with the wreckage of the
18 things that have taken place during that time.

19 MEMBER JONES: So --

20 MS. BROCKINGTON: And so I don't think
21 we should reward a business that has broken the
22 agreement. We should still try to see if they

1 want to do the right thing.

2 And so, you know, because I mean, at
3 the end of the day, what is the good of having
4 any type of agreement if it's not -- if the
5 expectation is it's just not going to carry any
6 weight. It's just something we say and but we
7 really are not going to do it, but we just put it
8 there.

9 It's just -- so what was the purpose
10 of this order or any other agreement if it's --
11 if the expectation is that this is not going to
12 be legally binding and that there are no
13 consequences when you don't keep your end of the
14 agreement.

15 MEMBER JONES: Understood. So if they
16 -- if the establishment was in compliance with
17 the terms of the SA or the voluntary agreement,
18 you would have no issue with their existence and
19 continued ongoing operation, correct?

20 MS. BROCKINGTON: Correct.

21 MEMBER JONES: Okay. So your biggest
22 concern is related to any of the violations that

1 you have noted as a point of concern related to
2 the SA. So specifically speaking, I know that
3 what I heard you testify to very succinctly is
4 Sunday sales.

5 MS. BROCKINGTON: Yes.

6 MEMBER JONES: Okay. Are there any
7 other specific issues outside of their apparent
8 violation of Sunday sales?

9 MS. BROCKINGTON: Again, some times
10 when D.C. doesn't do due diligence or for
11 whatever reason, the trash kind of overflows, you
12 know, in front of the stores. And when some of
13 these youth are hanging around out front and, you
14 know, you can't run panhandlers away as long as
15 they are not touching you.

16 But, you know, some of those other
17 issues.

18 MEMBER JONES: So I want to focus in
19 on those two. So related to the loitering,
20 right, so what is your understanding of the
21 licensee's obligation as relates to the terms of
22 the SA when it comes to loitering specifically?

1 MS. BROCKINGTON: Just I mean if it
2 really is going to -- it's not -- you know, you
3 see the -- you know, it's basically kind of
4 summer is bringing in -- they just hanging around
5 out front and running in and out while somebody
6 else might be in there and they out front waiting
7 or whatever.

8 But and so you don't really get as
9 angry about that. The trash you do kind of want
10 to see the front always kind of clean, because
11 we've got a great build --

12 MEMBER JONES: On the point --

13 MS. BROCKINGTON: -- hall which --

14 MEMBER JONES: I'm don't want to cut
15 you off too much, but I want to kind of bifurcate
16 the issues. So specifically talking about
17 loitering, is there -- it sounds like you are
18 saying there is not much more that you think the
19 establishment can do?

20 MS. BROCKINGTON: They can. They can
21 -- you can call the police.

22 MEMBER JONES: Okay.

1 MS. BROCKINGTON: Or you could just
2 ask them can you, you know, kind of break up or
3 wait around the corner or do whatever, wait for
4 your friends somewhere else, you know.

5 MEMBER JONES: Okay.

6 MS. BROCKINGTON: If they are just
7 hanging out. You can do that as a citizen.

8 MEMBER JONES: All right. And are you
9 feeling as though -- well, let me say it
10 differently. Do you have knowledge of the fact
11 that the establishment, the owners and their
12 employees have not taken those steps to address
13 loitering in front of their establishment? Can
14 you definitively say --

15 MS. BROCKINGTON: I can't say that on
16 a daily basis it's a huge problem. You know, as
17 far as like some places where it's just out of
18 control. So it's not to the point where it's
19 really out of control. There are just some days
20 that, you know, kids -- you know, they are just
21 there sometimes.

22 MEMBER JONES: Okay.

1 MS. BROCKINGTON: But it's not
2 rampant, uncontrollable.

3 MEMBER JONES: So it's not rampant
4 pervasive problem of loitering --

5 MS. BROCKINGTON: It's not like that.

6 MEMBER JONES: -- out in front of this
7 establishment?

8 MS. BROCKINGTON: It's not that bad.

9 MEMBER JONES: Okay. All right. So
10 it's not -- that's not a major issue?

11 MS. BROCKINGTON: No.

12 MEMBER JONES: Okay. All right.
13 Cool. So we can -- thank you. I just wanted to
14 shelve that one.

15 MS. BROCKINGTON: Right.

16 MEMBER JONES: Now, let's talk about
17 the trash.

18 MS. BROCKINGTON: Yes.

19 MEMBER JONES: So tell me about your
20 issues related to this establishment and the
21 trash associated therewith.

22 MS. BROCKINGTON: I'm just saying

1 that, you know, when D.C. or when people are --
2 don't -- when they do their little hoop shot and
3 they miss and so, I mean, you know, maybe a
4 little more attentiveness. Just be a little
5 attentative that if you see it, you know, just
6 pick it up, bag it up or something.

7 MEMBER JONES: Okay.

8 MS. BROCKINGTON: So that, you know,
9 your front looks presentable.

10 MEMBER JONES: Okay.

11 MS. BROCKINGTON: Because what I may
12 not see and it doesn't offend me, other people
13 may and they get upset about it.

14 MEMBER JONES: All right. So --

15 MS. BROCKINGTON: And they see that
16 often enough, they get in their mind that you are
17 not keeping it up clean. It could just be that
18 those particular days, that's the day the hoop
19 shots were just missed.

20 MEMBER JONES: Right.

21 MS. BROCKINGTON: And D.C. hasn't sent
22 the orange trucks to get the trash yet.

1 MEMBER JONES: Right. You heard test
2 -- did you -- were you in the room when the owner
3 testified to the fact that she is responsible for
4 and executes a daily morning clean-up around her
5 establishment?

6 MS. BROCKINGTON: Yes.

7 MEMBER JONES: Do you have any reason
8 to believe that that is not the case?

9 MS. BROCKINGTON: No.

10 MEMBER JONES: Have you had
11 opportunity to bear witness to her or anyone in
12 her employ at any point in time cleaning up in
13 front of the establishment or around the
14 establishment period?

15 MS. BROCKINGTON: Due to the hours
16 that I work, no, I have not seen her personally
17 do it in the morning.

18 MEMBER JONES: Yes.

19 MS. BROCKINGTON: And under her
20 ownership, I don't -- I know previously some of
21 the -- they had employed a couple of guys in the
22 community, because one of the gentlemen, God rest

1 his soul, in my building would go around and help
2 them in the store and that was one of his things.
3 He was sweet.

4 MEMBER JONES: Right.

5 MS. BROCKINGTON: Inside/outside,
6 Larry was a clean freak, because he kept our
7 building nice and clean.

8 MEMBER JONES: Okay. But you can't
9 tie any of those activities specifically to the
10 current ownership?

11 MS. BROCKINGTON: No.

12 MEMBER JONES: Okay. I can't say
13 that. So once in the morning may be good in the
14 morning, but then by 10:00 at night, it could be
15 looking totally different.

16 MEMBER JONES: All right. So if the
17 applicant or excuse me, if the owner did more to
18 keep the environment around her establishment
19 clean, then would that -- if she honored that
20 aspect of her voluntary agreement, would that
21 remove that as an issue --

22 MS. BROCKINGTON: Yes.

1 MEMBER JONES: -- from your
2 consideration?

3 MS. BROCKINGTON: Yes.

4 MEMBER JONES: Okay. All right. So
5 for example, if she offered to hey, I'll do it
6 once in the evening at 5:00 and in the morning,
7 so I'm doing it twice a day? Because it is kind
8 of a high bar to say it's going to be perfectly
9 clean all the time.

10 MS. BROCKINGTON: Exactly.

11 MEMBER JONES: Right. So and
12 honestly, it's kind of hard to hold the owner
13 accountable for negligence on the part of the
14 District of Columbia Government in the sense that
15 the trash hasn't come when it is supposed to
16 come.

17 MS. BROCKINGTON: Um-hum.

18 MEMBER JONES: But if they make a good
19 effort, a sincere effort and that effort includes
20 or encompasses something that is agreed upon
21 which could be I'll do it once in the morning at
22 8:00 and once in the evening at 5:00 and they

1 follow that construct, would that be something
2 that would engender the operation of that
3 establishment to you, as a member of the
4 community?

5 MS. BROCKINGTON: Yes, because, at
6 that point, it's not just a once a day and you
7 are looking at oh, now, there is stuff out there
8 that wasn't there this morning let us, you know,
9 freshen it back up.

10 MEMBER JONES: Right.

11 MS. BROCKINGTON: You know, until D.C.
12 does what it is supposed to do.

13 MEMBER JONES: Okay.

14 MS. BROCKINGTON: And as a business,
15 they are supposed to have a place where they
16 throw their trash anyway. They are supposed to
17 have access to their own trash cycle. So any
18 debris or whatever that even isn't theirs, but
19 it's in front of their business --

20 MEMBER JONES: Right.

21 MS. BROCKINGTON: -- they should still
22 be able to get up and put in the proper

1 receptacle.

2 MEMBER JONES: Okay. So we talked
3 about -- thank you for that. Appreciate that.
4 So we talked about trash. We talked about
5 loitering. Were there any -- so I have gotten
6 three issues. There is the Sunday sales. There
7 is loitering. There is trash. Are there any
8 other items that you would consider to be --

9 MS. BROCKINGTON: Well, I haven't been
10 in the store recently, but from what I
11 understand, they have taken down some of the, you
12 know, ladies with the bikinis and the little
13 beers and the enticements and --

14 MEMBER JONES: Yes.

15 MS. BROCKINGTON: -- the cigarette
16 things, the enticements.

17 MEMBER JONES: Yes.

18 MS. BROCKINGTON: So I was told that
19 that was removed.

20 MEMBER JONES: Okay.

21 MS. BROCKINGTON: I haven't been in
22 her store lately, so, you know, I --

1 MEMBER JONES: So you have no reason
2 to consider that to be an issue?

3 MS. BROCKINGTON: No. I do always get
4 concerned about those enticements.

5 MEMBER JONES: Okay. Understood.
6 Fair enough, but okay. But other than that,
7 anything else? And I'm really -- what I'm trying
8 to do is just basically understand clearly and
9 succinctly for myself what -- and I know you are
10 speaking for yourself, so these are your -- this
11 is your perspective on it. But I just want to
12 get a feel for that.

13 MS. BROCKINGTON: Um-hum.

14 MEMBER JONES: So I have three main
15 issues. So if we were able to find a way to
16 sincerely address those three issues, you would
17 not be opposed to the continued operation of the
18 establishment in the neighborhood?

19 MS. BROCKINGTON: Like I said, we want
20 -- I'm a small business person.

21 MEMBER JONES: Yes.

22 MS. BROCKINGTON: So we want to see

1 our small business community thrive. And that we
2 don't want empty businesses and so that's one of
3 the charms of D.C. is small businesses. You
4 know, you can go in there, people know you, you
5 can get your things and go. You don't have to go
6 to the larger stores and wait in the long lines--

7 MEMBER JONES: Right.

8 MS. BROCKINGTON: -- when you can do
9 business right in your own community. And so
10 it's always good for --

11 MEMBER JONES: Okay.

12 MS. BROCKINGTON: -- neighborhood to
13 have.

14 MEMBER JONES: All right. And this is
15 probably an unfair question, but I'm going to ask
16 it anyway.

17 MS. BROCKINGTON: Okay.

18 MEMBER JONES: If you did not have the
19 impression that the establishment was not
20 appropriately conducting Sunday sales, i.e., they
21 were selling on Sunday when they weren't supposed
22 to, would you have been more open to allowing

1 them a -- since it's now legal, would you have
2 been more open to giving them an opportunity to
3 do that or are you just dead set against another
4 establishment in your neighborhood selling
5 alcohol on Sundays?

6 MS. BROCKINGTON: Repeat that again?
7 Let me just make sure I heard you.

8 MEMBER JONES: Yes. It's a tough one.
9 So what I'm trying to understand, really what I'm
10 trying to get to is --

11 MS. BROCKINGTON: Um-hum.

12 MEMBER JONES: -- are you just dead
13 set, do you have a philosophical opposition to
14 another establishment, regardless of how well it
15 has been operated, regardless of how great the
16 owner is with another establishment selling
17 alcohol on Sundays or are you against it today
18 because you have knowledge of the fact that they
19 have been violating the agreement and thus
20 violated a trust?

21 MS. BROCKINGTON: At the moment, I
22 would say the greater weight would be because

1 they have not honored the agreement.

2 MEMBER JONES: Okay.

3 MS. BROCKINGTON: And violated the
4 trust.

5 MEMBER JONES: Okay.

6 MS. BROCKINGTON: But, you know, like
7 I said, the verdict is not in on the Sunday sales
8 yet. I mean, it's being done now, but who knows
9 what --

10 MEMBER JONES: Understood.

11 MS. BROCKINGTON: -- will happen two
12 years from now.

13 MEMBER JONES: Fair enough. Thank you
14 very much.

15 MS. BROCKINGTON: We might take it
16 back.

17 MEMBER JONES: Thank you, Madam Chair.

18 CHAIRPERSON MILLER: You're welcome.
19 Anyone else?

20 MS. BROCKINGTON: Thank you.

21 CHAIRPERSON MILLER: Do you want to
22 elaborate on the statement you have been making

1 about the verdict is not out yet?

2 MS. BROCKINGTON: Because some people
3 really don't --

4 CHAIRPERSON MILLER: Some people don't
5 like it?

6 MS. BROCKINGTON: -- care for the
7 stores, the liquor stores and things to sell on
8 Sunday, you know, and the verdict is not out yet.
9 You know, we -- they are still fighting about the
10 marijuana law.

11 CHAIRPERSON MILLER: Yes.

12 MS. BROCKINGTON: So and I know a lot
13 of residents have and other Commissioners also
14 have said that they didn't -- you know, it was
15 like you just wake up one day and it was a done
16 deal. There was no community input. There was
17 no marketing. No one came to our meetings to
18 tell us this was even being considered.

19 So that's why I said the verdict is
20 still not in yet, because it was just like it was
21 thrust upon us.

22 CHAIRPERSON MILLER: Right.

1 MS. BROCKINGTON: You know.

2 CHAIRPERSON MILLER: Okay. Thank you.

3 MS. BROCKINGTON: Thank you.

4 CHAIRPERSON MILLER: And I just want
5 to just get your opinion on this peace and quiet
6 on Sunday, because I can see that, you know, if
7 nobody could sell on Sunday, you would really
8 have peace and quiet on Sunday. So my question
9 is do you have in your mind like the impact?
10 Like if all these other places are selling, what
11 difference is it going to make if this other
12 place sells?

13 MS. BROCKINGTON: It's rewarding
14 someone for not doing what they were supposed to
15 do.

16 CHAIRPERSON MILLER: I got that part.
17 I got that part a lot. But what are the reasons?
18 You are against the Sunday sales amendment would
19 be because they violated your -- the trust of the
20 agreement. I understand that. Separate from
21 that as far as impact goes, do you have an
22 opinion as far as impact, given -- and you know

1 where the stores are and stuff much better than
2 we do, you know. So given those stores that can
3 sell it right now, if you add this store into the
4 equation, it's going to maybe draw some from
5 other places or whatever, but do you have a feel
6 for that?

7 MS. BROCKINGTON: Well, because it was
8 -- stuff was still being sold on Sunday, I mean,
9 you know, a lot of people don't notice the
10 difference. So you know, six in one and half a
11 dozen in the other, but as far as the peace and
12 quiet, you mean is their selling going to make
13 more noise?

14 CHAIRPERSON MILLER: Yes.

15 MS. BROCKINGTON: Is that the --

16 CHAIRPERSON MILLER: Right. Is that
17 going to bring more -- is that really going to
18 bring more traffic to the block and noise for
19 that much or --

20 MS. BROCKINGTON: Six in one and half
21 a dozen of the other, because once she says that
22 she can sell on Sunday, then, yes, a lot of

1 people that, you know, normally would maybe go up
2 to Kennedy Street or now that the liquor stores
3 are open, they go to the liquor store, may, may--

4 CHAIRPERSON MILLER: Right.

5 MS. BROCKINGTON: -- go there to her
6 store. You know, it's consumer pricing, too, so
7 you know, they -- yes.

8 CHAIRPERSON MILLER: Okay. But I
9 totally have heard your position on the Sunday
10 sales. And I just want to confirm is it correct
11 that you are not opposed to the renewal of the
12 license? You don't want Sunday sales and you --

13 MS. BROCKINGTON: I was mixed on that
14 because the bribe. We keep not talking about --

15 CHAIRPERSON MILLER: Oh, the bribe
16 thing. Okay.

17 MS. BROCKINGTON: -- the bribe.

18 CHAIRPERSON MILLER: Go ahead.

19 MS. BROCKINGTON: That's serious. And
20 you know, I wish that hadn't occurred.

21 CHAIRPERSON MILLER: That was you?

22 MS. BROCKINGTON: No, it was Ms.

1 Wallace.

2 CHAIRPERSON MILLER: Oh, oh, okay.

3 All right.

4 MS. BROCKINGTON: And I trust Ms.
5 Wallace implicitly. She has always only wanting
6 to advocate for the community. I have never
7 known her to fabricate anything.

8 CHAIRPERSON MILLER: Okay.

9 MS. BROCKINGTON: You know, she is a
10 straight shooter. You know, she is very
11 articulate. She is not afraid to say no, baby, I
12 don't agree.

13 CHAIRPERSON MILLER: Okay.

14 MS. BROCKINGTON: And this is going to
15 be my position, politely. And so that bothered
16 me a lot, you know, because I mean, to me that's
17 just -- to me that should really be -- that's
18 kind of illegal. I mean, that's almost like
19 asking an elected official to -- how they -- what
20 they did with Michael Brown was caught with a
21 suitcase full of money. I'm just saying, you
22 know, that's like you don't -- those things you

1 don't do that.

2 You come to the community. You talk
3 to citizens. There are other avenues to go to --
4 and/or you work together and say well, we really
5 -- this is really important to us. What can we
6 do because, you know, whatever, but you don't
7 offer people money to try to ask people not to
8 protest or go back into a voluntary agreement.
9 You don't -- to me, that's really -- that was--

10 CHAIRPERSON MILLER: So it is your
11 position that the license should not be renewed?

12 MS. BROCKINGTON: Well, that was my --
13 that was up to him. I didn't know at the time
14 about the -- I mean, to David when he became
15 Commissioner. And I was made aware after. I
16 wanted to try to -- for us to try to work some
17 sort of agreement out again and give them one
18 last chance to get it right, so that we would --
19 maybe could end it. You know, that if you do it
20 right, then maybe Ms. Wallace will let it go, you
21 know, and maybe the community, the protest would
22 kind of, you know, fade out.

1 But the thing with the bribe, but I
2 don't want to see the -- I mean, that's up to
3 this Board. I'm glad I don't have that decision
4 to make, because I'm kind of mixed.

5 CHAIRPERSON MILLER: Yes.

6 MS. BROCKINGTON: Because part of me
7 says we shouldn't reward their behavior, but the
8 other part I don't want the business to go. So
9 though I'm sure we could be creative and help
10 them find other ways and means to make money from
11 whatever revenue, if they may, you know, lose.
12 But I believe that it is part of what the
13 Commission has asked this Board to do. I believe
14 that was what Commissioner Sheon has asked, which
15 overrules what I had initially said.

16 CHAIRPERSON MILLER: So are you one of
17 the party of six or are you just a witness?

18 MS. BROCKINGTON: Now, I'm one of the
19 party of six.

20 CHAIRPERSON MILLER: Okay.

21 MS. BROCKINGTON: And a witness.

22 CHAIRPERSON MILLER: So could you --

1 maybe you could clarify for me, has the party of
2 six taken a position with respect to renew or not
3 renew?

4 MS. BROCKINGTON: I think they are
5 like everybody else. They don't want to see the
6 business go. No one wants to hurt the business.

7 CHAIRPERSON MILLER: Okay.

8 MS. BROCKINGTON: You know, we want
9 businesses in our community. We don't want
10 boarded up stores, you know, but we don't know
11 what else we can do except either try to go into
12 an agreement or null and void the whole thing
13 with the beer sales, because now you have added
14 insult to injury with bribery. And you didn't
15 uphold the agreement. So you know, I'm just glad
16 we don't have to -- but, yes, so, yes.

17 We don't want to hurt them. If there
18 was some way to do some sort of trial basis and
19 then if that, this, that and the other, you know,
20 like the sample of the shampoo commercial where
21 you do the robot one wet hair, two pour shampoo,
22 three lather, then this, then that. If there was

1 something like that available that this Board
2 could help us reaching that, I think would make
3 everyone happy.

4 CHAIRPERSON MILLER: Okay. Thank you.
5 All right. Any other Board questions? Any
6 questions on Board questions?

7 MR. SHEON: I just have a quick
8 question.

9 REDIRECT EXAMINATION

10 MR. SHEON: Because what I heard you
11 say now is that when you were in your position at
12 the ANC, you didn't want to seek revocation of
13 the license and that it wasn't until after you
14 learned about the bribe --

15 MS. BROCKINGTON: Yes.

16 MR. SHEON: -- that you did. But the
17 -- so maybe there is a timing sequence. Maybe
18 you learned about it, but this December 12th
19 letter that you authored states, and this is,
20 what is this, Exhibit 2, I think, ANC-4D at a
21 public --

22 CHAIRPERSON MILLER: Oh, okay.

1 MR. SHEON: Right? It's -- yes, it's
2 our Exhibit 2. "Advisory Neighborhood Commission
3 4D had a public meeting held on November 18th," so
4 that was even earlier, "duly noticed and at which
5 four Commissioners were present constituting a
6 quorum, voted for a resolution not to support
7 ABRA renewal License No. 091196."

8 (Whereupon, the above-referred to
9 document was marked as Protestant
10 Exhibit No. 2 for identification.)

11 MR. SHEON: You didn't vote for a
12 resolution not to support the petition to remove
13 the voluntary settlement agreement.

14 MS. BROCKINGTON: It was -- that was
15 after I found out about the bribe.

16 MR. SHEON: Okay. Thank you.

17 MS. BROCKINGTON: Prior to that, I
18 didn't know about the bribe.

19 MR. SHEON: Okay.

20 MS. BROCKINGTON: Ms. Wallace had
21 mentioned it to you, because you were door
22 knocking.

1 MR. SHEON: Right. And then I let you
2 know.

3 MS. BROCKINGTON: And you let me know.

4 MR. SHEON: Yes. Got it.

5 CHAIRPERSON MILLER: Any other
6 questions? Okay. Thank you. Thank you very
7 much for the answer.

8 MS. BROCKINGTON: Thank you.

9 MR. SHEON: Thank you.

10 MS. BROCKINGTON: Thank you.

11 (Whereupon, the witness was excused.)

12 CHAIRPERSON MILLER: Somebody in the
13 audience raised his hand. There was some --
14 whose witness was it? Was that your witness?

15 MR. SHEON: Oh, that's up to the
16 Board.

17 CHAIRPERSON MILLER: Oh, wait a
18 minute. Talk to your counsel, if you could.

19 MR. FOX: Yes, come on up here.

20 CHAIRPERSON MILLER: Okay.

21 MR. FOX: We will not call him as a
22 witness right now.

1 CHAIRPERSON MILLER: I'm sorry, what?
2 What?

3 MR. FOX: We are ready to move to
4 closing statements if that's the next step.

5 CHAIRPERSON MILLER: Okay. So there
6 is no rebuttal? I see.

7 MR. FOX: Well, concluding statement,
8 but we won't call witnesses or a rebuttal
9 witness, no. No rebuttal witness if that's what
10 you are --

11 CHAIRPERSON MILLER: Okay.

12 MR. FOX: -- asking.

13 CHAIRPERSON MILLER: You are just
14 going to make a closing argument?

15 MR. FOX: Yes.

16 CHAIRPERSON MILLER: Okay. Before we
17 go to closing, I want to make sure that any of
18 the documents that you all wanted to offer into
19 evidence have been offered into evidence, because
20 I haven't -- the only document that I have
21 admitted into evidence so far is Protestant's
22 Exhibit No. 1, the picture of the stove.

1 MR. FOX: I would like to enter a
2 couple more documents into evidence. Just for,
3 essentially, reference sake, we don't need to
4 necessarily cross or examine witnesses on it, but
5 one is I guess they are our Exhibits No. 3 and 4.
6 We provided that by email to Ms. Raines, I
7 believe. I do not have seven copies right now
8 though, so I can provide the one copy I do have,
9 if that's sufficient.

10 CHAIRPERSON MILLER: Okay.

11 MR. FOX: The Exhibit 3 is the letter
12 written by Ross Antinson, a member of the
13 community in support of the petition to remove
14 the Sunday restriction.

15 (Whereupon, the above-referred to
16 document was marked as Applicant
17 Exhibit No. 3 for identification.)

18 MR. FOX: And Exhibit 4 --

19 CHAIRPERSON MILLER: Wait. Okay.
20 Wait. I want to see if I can -- I want to look
21 at it as you identify it, so you submitted --

22 MR. FOX: If I can approach?

1 CHAIRPERSON MILLER: Do you have an
2 extra copy that I could look at at least? Okay.
3 That would be good. I mean, Board Members may
4 have gotten this with the PIFs, but --

5 MR. FOX: Ma'am, my apologies for
6 not --

7 CHAIRPERSON MILLER: It's okay.

8 MR. FOX: I can definitely provide you
9 with these.

10 CHAIRPERSON MILLER: I think we have
11 them. If you submitted them with the PIFs, then
12 we have them.

13 MR. FOX: Okay.

14 MEMBER SHORT: Exhibit 3?

15 CHAIRPERSON MILLER: Yes. See he has
16 got it.

17 MR. FOX: Okay.

18 CHAIRPERSON MILLER: Okay. But at
19 least I have got it now right in front of me.

20 MEMBER ALBERTI: Well, but they still
21 need to be entered into evidence --

22 CHAIRPERSON MILLER: No, I know.

1 MEMBER ALBERTI: -- officially.

2 CHAIRPERSON MILLER: That's why I need
3 to look at it and make a call.

4 MEMBER ALBERTI: Okay. I just wanted
5 to -- yes.

6 CHAIRPERSON MILLER: And, Mr. Sheon --

7 MEMBER ALBERTI: All right. Okay.
8 Very good. Sorry.

9 CHAIRPERSON MILLER: -- do you have
10 these documents?

11 MR. SHEON: I do from the attachment
12 to his PIF.

13 CHAIRPERSON MILLER: Right.

14 MR. SHEON: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: No, not the PIF. The
17 PIF isn't necessarily part of our administrative
18 record.

19 CHAIRPERSON MILLER: It's not a part
20 of the Investigator's report. It's --

21 MR. FOX: No, those are separate --

22 CHAIRPERSON MILLER: Right.

1 MR. FOX: Exhibit 4 are photographs
2 taken on April 14th or 16th, I believe.

3 (Whereupon, the above-referred to
4 document was marked as Applicant
5 Exhibit No. 2 for identification.)

6 CHAIRPERSON MILLER: Okay. So Exhibit
7 2, you are not offering into evidence. Is that
8 right?

9 MR. FOX: I believe that's the same as
10 one of the protestant exhibits, that's simply the
11 -- yes, that's also Protestant's Exhibit 2.

12 CHAIRPERSON MILLER: Okay. All right.
13 So your exhibit is this.

14 MEMBER ALBERTI: But we haven't
15 entered the protestant's exhibits either.

16 MR. SHEON: Right. One way or another
17 that would be in evidence.

18 CHAIRPERSON MILLER: Okay. Yes, I
19 think we will let --

20 MR. FOX: Okay. Let's move Exhibit 2
21 in.

22 CHAIRPERSON MILLER: Let's let the

1 protestant do the protestant's exhibits.

2 MR. FOX: Okay.

3 CHAIRPERSON MILLER: Okay. So your
4 exhibit you are talking about now is the December
5 12th letter?

6 MR. SHEON: We both submitted that
7 just to clarify.

8 MR. FOX: Yes.

9 MR. SHEON: As evidence.

10 CHAIRPERSON MILLER: Oh, you both
11 submitted it.

12 MR. SHEON: Right.

13 CHAIRPERSON MILLER: Okay.

14 MR. SHEON: As an exhibit. So that's
15 why there is confusion.

16 MEMBER ALBERTI: So let's just enter
17 it.

18 CHAIRPERSON MILLER: All right. Okay.
19 So this is the -- there is no objection, so this
20 is -- I can call this Applicant's Exhibit No. 1?

21 MR. FOX: Right.

22 CHAIRPERSON MILLER: Is that all

1 right?

2 (Whereupon, the above-referred to
3 document was marked as Applicant
4 Exhibit No. 1 for identification and
5 was received into evidence.)

6 CHAIRPERSON MILLER: Okay. All right.
7 Which is the December 12, 2014 letter or report.
8 Okay. And photographs?

9 MR. FOX: Yes, April 16 photographs
10 taken of the storefront and the surrounding area.

11 CHAIRPERSON MILLER: Who took them?

12 MR. FOX: I did.

13 CHAIRPERSON MILLER: Okay.

14 MR. FOX: So I can -- I'll establish
15 foundation for them and I'll attest that those
16 are photographs of the storefront and the
17 surrounding area, the grounds from across the
18 street.

19 CHAIRPERSON MILLER: What time did you
20 take them?

21 MR. FOX: In the morning,
22 approximately, 10:00 a.m.

1 CHAIRPERSON MILLER: Okay. Do you
2 have any objection?

3 MR. SHEON: Oh, I'm sorry, no.

4 CHAIRPERSON MILLER: Do you have an
5 objection?

6 MR. SHEON: No, no, I don't.

7 CHAIRPERSON MILLER: Okay. So the
8 two, four, six photographs taken on April 16,
9 2015 will be Applicant's Exhibit 2.

10 (Whereupon, the above-referred to
11 document was marked as Applicant
12 Exhibit No. 2 for identification.)

13 CHAIRPERSON MILLER: Okay. Is that
14 it?

15 MR. FOX: Let's see, then Exhibit 3
16 would be Ross Antinson's letter. Is that
17 correct?

18 CHAIRPERSON MILLER: What is that?

19 MR. FOX: That's PIF Attachment
20 Exhibit 3.

21 CHAIRPERSON MILLER: Did you give that
22 to me?

1 MR. FOX: Yes.

2 CHAIRPERSON MILLER: Ross Antinson's
3 letter, okay. I thought that was Exhibit 1.

4 MR. FOX: Okay. Okay.

5 CHAIRPERSON MILLER: Is that right?

6 MR. FOX: I understand.

7 CHAIRPERSON MILLER: That's what I did
8 first. You gave me --

9 MEMBER ALBERTI: No.

10 CHAIRPERSON MILLER: -- the letter and
11 you gave me --

12 MEMBER ALBERTI: Can I go through this
13 again?

14 MR. FOX: Yes.

15 CHAIRPERSON MILLER: -- the photos.

16 MR. FOX: I thought that the one --

17 MEMBER ALBERTI: So you have as
18 Applicant's Exhibit 1 the December 12th letter.

19 MR. FOX: Okay. That's Ross
20 Antinson's letter.

21 CHAIRPERSON MILLER: By Ross Antinson.

22 MEMBER ALBERTI: No, that is --

1 MR. SHEON: There are two December 12
2 letters.

3 MEMBER ALBERTI: That's Donna -- I'm
4 sorry. That's Donna Brockington's letter.

5 CHAIRPERSON MILLER: Oh, okay.

6 MR. SHEON: Yes.

7 CHAIRPERSON MILLER: I don't have that
8 letter.

9 MEMBER ALBERTI: It's, okay, the PIF
10 attachment. The applicant's PIF Attachment
11 Exhibit 2. All right?

12 CHAIRPERSON MILLER: Well, I don't see
13 it.

14 MR. SHEON: Right.

15 CHAIRPERSON MILLER: I mean, I --

16 MEMBER ALBERTI: You don't see it?
17 Here I'll show it to you. I'll show it to you.

18 CHAIRPERSON MILLER: Oh, you have it
19 right there?

20 MEMBER ALBERTI: Yes, I have it right
21 here. All right. So why don't you just go in
22 order and label those in the order that they are

1 in and call them 1, 2 and 3?

2 CHAIRPERSON MILLER: Well, that's what
3 I thought I did.

4 MEMBER ALBERTI: I know, I know, but
5 you --

6 CHAIRPERSON MILLER: But I never had
7 the letter. Okay.

8 MEMBER ALBERTI: But you got mixed up
9 between the two letters.

10 CHAIRPERSON MILLER: Okay. Because I
11 didn't have the first one.

12 So what are you suggesting the first
13 one be?

14 MEMBER ALBERTI: Okay. So let's call
15 it Applicant's Exhibit 1.

16 CHAIRPERSON MILLER: Which?

17 MEMBER ALBERTI: Which is the letter
18 from Donna Brockington, December 12th letter from
19 Donna Brockington. Okay.

20 No. 2 is, is it a December 12th letter
21 also from --

22 CHAIRPERSON MILLER: Yes.

1 MEMBER ALBERTI: -- Ross Antinson?

2 CHAIRPERSON MILLER: Antinson. So
3 that will be Exhibit 2.

4 (Whereupon, the above-referred to
5 document marked as Applicant Exhibit
6 No. 2 was received into evidence.)

7 MEMBER ALBERTI: Right.

8 CHAIRPERSON MILLER: Right.

9 MEMBER ALBERTI: And Exhibit 3A or 3A,
10 B, C, D are -- is the --

11 CHAIRPERSON MILLER: The six photos.

12 MEMBER ALBERTI: -- six photos.

13 CHAIRPERSON MILLER: Yes. April 15 --

14 MEMBER ALBERTI: April 16 photos.

15 CHAIRPERSON MILLER: Right.

16 MEMBER ALBERTI: It's late. We have
17 had a hard day.

18 CHAIRPERSON MILLER: Well, I didn't
19 have -- I'll tell you, you know, it works the
20 best when I have those charts and people write
21 down the exhibits, 1, 2, 3.

22 MEMBER ALBERTI: Yes, I know.

1 CHAIRPERSON MILLER: And I check them
2 off. Okay. So that's it. Is that it or is
3 there more?

4 MR. FOX: Yes, as far as exhibits for
5 the applicant.

6 CHAIRPERSON MILLER: Yes. Okay. Now,
7 the protestant?

8 MR. SHEON: Right. So we have already
9 entered the stove. We have already entered Donna
10 Brockington's letter.

11 Would our -- the community signed
12 protest, that would already be part of the file.
13 Does that need to be submitted as evidence?

14 CHAIRPERSON MILLER: The protest
15 letter?

16 MR. SHEON: Yes.

17 CHAIRPERSON MILLER: The protest
18 letter is in the file.

19 MR. SHEON: Does that mean that it --

20 CHAIRPERSON MILLER: The protest
21 letter for this protest?

22 MR. SHEON: Yes.

1 CHAIRPERSON MILLER: Yes, that's in
2 the file.

3 MR. SHEON: And that makes it
4 evidence?

5 CHAIRPERSON MILLER: Yes. Oh, well,
6 wait, let's just -- all right, to be safe we can
7 identify it.

8 MR. SHEON: Right. Because there is
9 a recap of the testimony, essentially.

10 CHAIRPERSON MILLER: Okay. So the
11 protest letter is that Exhibit 2.

12 MR. SHEON: It was my Exhibit 3.

13 MEMBER ALBERTI: Well, yes, but it now
14 becomes their Exhibit 2.

15 MR. SHEON: Right, because --

16 MEMBER ALBERTI: The Protestant's
17 Exhibit 2 because --

18 CHAIRPERSON MILLER: We are talking
19 about this letter, December 12, 2015?

20 MEMBER ALBERTI: No, no, no.

21 CHAIRPERSON MILLER: No, that's
22 Brockington. Never mind.

1 MR. SHEON: Right.

2 CHAIRPERSON MILLER: Okay. Do you
3 have it?

4 MR. SHEON: Yes, I do.

5 MEMBER ALBERTI: If this is a protest
6 letter, we will just take administrative note.

7 CHAIRPERSON MILLER: Well --

8 MR. SHEON: Okay.

9 CHAIRPERSON MILLER: -- let's just
10 give it --

11 MEMBER ALBERTI: All right. Fine.

12 CHAIRPERSON MILLER: Do it. I mean,
13 I know --

14 MR. SHEON: It should be in the stack
15 that I just gave to you.

16 MEMBER ALBERTI: No, it --

17 CHAIRPERSON MILLER: But what's the
18 date on that and we will just make sure.

19 MR. SHEON: That is a good question.
20 I think --

21 CHAIRPERSON MILLER: Oh, I --

22 MR. SHEON: -- it is early December,

1 but I have given out my last copy.

2 MEMBER ALBERTI: The last one in the
3 stack that he gave.

4 CHAIRPERSON MILLER: Oh.

5 MEMBER ALBERTI: This is in the stack
6 that you gave us?

7 MR. SHEON: That's -- oh, I've got it
8 here, December 10th addressed to Sarah Fashbaugh,
9 William Hager and LaVerne Fletcher.

10 CHAIRPERSON MILLER: Oh, I have it.

11 MR. SHEON: Okay.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: Yes, okay.

14 MR. SHEON: So --

15 MEMBER ALBERTI: That's going to be
16 their Exhibit 2.

17 MR. SHEON: Okay.

18 (Whereupon, the above-referred to
19 document was marked as Protestant
20 Exhibit No. 2 for identification and
21 was received into evidence.)

22 CHAIRPERSON MILLER: Okay. Is this

1 signed by -- I'm not sure, is this signed by Anne
2 Wallace and Jiret, right? Okay.

3 MR. SHEON: Yes.

4 CHAIRPERSON MILLER: Okay. So that's
5 Protestant's Exhibit No. 2. Okay. Dated
6 December 10, 2014, correct?

7 MR. SHEON: Correct.

8 CHAIRPERSON MILLER: Okay.

9 MR. SHEON: And then, you know, I
10 yield to your place on this, but as Investigator
11 Demby testified to the fact that he took this
12 case report, I wanted to enter that case report
13 into evidence.

14 MR. FOX: And I would oppose that,
15 because that's still out. You know, the decision
16 has not been made on the April 8 Show Cause
17 Hearing. I would oppose having that case report
18 being entered until there has been a decision on
19 it.

20 CHAIRPERSON MILLER: Okay. We are
21 well aware of that decision and keeping them
22 separate, but you are saying that he referenced

1 this case report in his testimony?

2 MR. SHEON: He referenced the case
3 report and explained that he went into the store
4 and recapped a summary of his purchase on that
5 day.

6 MR. FOX: I would oppose the relevance
7 of that testimony. I know he made testimony to
8 that effect. It was the Board Members here that
9 were questioning him on that, but, you know, I
10 don't -- I oppose entry of that into evidence in
11 this Protest Hearing.

12 MR. SHEON: We can't argue that the
13 event took place. I mean, he did go there. It
14 has been heard. It is --

15 MR. FOX: Right. But I don't think it
16 should be taken into consideration when it comes
17 to the -- either the Protest Hearing or the --

18 CHAIRPERSON MILLER: Okay. What we
19 heard was we did hear different testimony with
20 respect to Sunday sales. And he testified that
21 he investigated on this day and this is what his
22 report is. It's not conclusive to a finding

1 about this report. So because he testified to
2 it, I think it is fair to put it in.

3 But I'm very cognizant. I think the
4 Board is, too, even though we heard this
5 different testimony, of not mixing up that case
6 with this case.

7 MR. FOX: Okay.

8 CHAIRPERSON MILLER: But the fact that
9 he did testify to it, I think, makes it
10 allowable.

11 MR. SHEON: Thank you.

12 CHAIRPERSON MILLER: All right. So
13 that is Exhibit 3.

14 MR. SHEON: Right.

15 (Whereupon, the above-referred to
16 document marked as Protestant Exhibit
17 No. 3 was received into evidence.)

18 MR. SHEON: And then I had listed this
19 transcript, but I think it has become clear that
20 that is extraneous, the transcript from the --

21 CHAIRPERSON MILLER: Right. That --

22 MR. SHEON: -- from 2012.

1 CHAIRPERSON MILLER: -- was the
2 previous owner.

3 MR. SHEON: So we can strike that.

4 CHAIRPERSON MILLER: Okay. So that is
5 not coming in. Okay. Anything else?

6 MR. SHEON: No.

7 CHAIRPERSON MILLER: Okay. So you
8 have three exhibits. Okay.

9 MR. SHEON: Right.

10 CHAIRPERSON MILLER: The photos, the
11 protest letter.

12 MR. SHEON: Three and a half, but
13 whatever, yes, three.

14 CHAIRPERSON MILLER: I'm just
15 checking. Yes.

16 MEMBER ALBERTI: It really doesn't
17 matter who the exhibits belong to.

18 MR. SHEON: No, it doesn't matter.

19 CHAIRPERSON MILLER: Right.

20 MEMBER ALBERTI: If they are in our
21 record, we look at them.

22 MR. SHEON: Right.

1 CHAIRPERSON MILLER: All right. Not
2 to belabor things, but I think I had more
3 exhibits than that. Okay. What was exhibit --
4 the photos are Exhibit 1?

5 MR. SHEON: Only the photo of --

6 CHAIRPERSON MILLER: Of the --

7 MR. SHEON: -- the stove.

8 CHAIRPERSON MILLER: -- stove. That's
9 Exhibit 1.

10 MEMBER ALBERTI: That's the -- that's
11 already the applicant's exhibit.

12 CHAIRPERSON MILLER: Applicant? This
13 is applicant's exhibit?

14 MEMBER ALBERTI: Yes, that's this
15 letter here.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: No, no, that's --

18 CHAIRPERSON MILLER: The Donna
19 Brockington letter.

20 MEMBER ALBERTI: Right, right.

21 CHAIRPERSON MILLER: Yes.

22 MEMBER ALBERTI: Is --

1 CHAIRPERSON MILLER: Donna
2 Brockington's letter is that your exhibit?
3 That's protestant's?

4 MEMBER ALBERTI: Well, the December
5 12th, right, Donna Brockington's letter is --

6 CHAIRPERSON MILLER: Was that your's
7 or your's?

8 MR. SHEON: We both submitted it, but
9 you took it from their side.

10 CHAIRPERSON MILLER: So that goes on
11 the applicant.

12 MR. SHEON: Yes.

13 CHAIRPERSON MILLER: That's fine.

14 MR. SHEON: Which is fine.

15 MEMBER ALBERTI: The applicant's.

16 CHAIRPERSON MILLER: All right.

17 MEMBER ALBERTI: That's right.

18 CHAIRPERSON MILLER: Fine. Okay. All
19 right. Ross Antinson's letter is the
20 applicant's?

21 MR. FOX: Yes.

22 CHAIRPERSON MILLER: Okay. Got it.

1 All right. Okay. Exhibit 1 is the stove.
2 Exhibit 2 then for the protestant is the letter
3 to Sarah Fashbaugh.

4 MR. SHEON: Okay.

5 CHAIRPERSON MILLER: And Exhibit 3 is
6 the case report.

7 MR. SHEON: Okay.

8 CHAIRPERSON MILLER: Okay. So that's
9 it. All right. We're set then.

10 MR. SHEON: Thank you.

11 CHAIRPERSON MILLER: Okay. Now, we
12 can close the record. There is not going to be
13 any more evidence then submitted in this case.
14 Okay. And we can then do closing arguments.

15 MR. FOX: Okay. We have been here for
16 a while, so I'm going to try and keep this brief.

17 CHAIRPERSON MILLER: Okay.

18 MR. FOX: Thank you very much. I'm
19 sorry, does the applicant start?

20 CHAIRPERSON MILLER: The applicant
21 goes first.

22 MR. FOX: Okay. Just making sure.

1 CHAIRPERSON MILLER: You can save a
2 little bit of time for rebuttal, if you need to,
3 if you want to, but it's five minutes each.

4 MR. FOX: Okay. I'll save one minute
5 for rebuttal.

6 CHAIRPERSON MILLER: Okay. All right.

7 MR. FOX: Anyway, there are just a
8 couple of points. I think the most important
9 thing to remember is that we have gone far afield
10 in our testimony. And we need to remember, and
11 you know better than me, what the purpose of the
12 Protest hearing is and regarding the possibility
13 of removing the Sunday restriction, sales
14 restriction.

15 One thing is this is not a retrial of
16 the April 8th Show Cause Hearing.

17 CHAIRPERSON MILLER: Yes.

18 MR. FOX: This is also not a trial of
19 the rightness or wrongness of having a whole lot
20 of liquor stores in one place. This is not a
21 history of the Georgia Line store itself. We are
22 not interested in what happened before these

1 owners came on board in February of 2013. There
2 is a lot of history there, but it just is not
3 applicable to this case here.

4 This is also not a criminal
5 proceeding. We have heard allegations of a
6 bribe, which I believe is 18 U.S.C. Criminal code
7 201, § 201. I'm not sure. But without having
8 had, you know, due process on that, I'm not sure
9 of the, you know, possibility of punishing
10 somebody for a bribe even in an administrative
11 proceeding.

12 I leave it to the Board to look at
13 your rules and regulations with that, but this is
14 definitely not a criminal proceeding. And due
15 process has not occurred on that.

16 I bring up the fact that no
17 documentary evidence has been brought with
18 regards to Sunday sales. In fact, most of the
19 testimony here was my neighbors saw it or my
20 brother saw it. And yet, the brother, the
21 husband, they are not here to testify, so that's
22 hearsay.

1 And the last thing is that, I mean, I
2 defer to you again to look at the definition of
3 what order entails, but trust is not order. You
4 know, trust may be important in a community
5 relationship, but I'm pretty sure that's not what
6 peace, quiet and order means.

7 Just in closing, I would say that this
8 is a small business owner looking to survive in a
9 tough market. And she has been doing
10 wonderfully, they have been doing wonderfully
11 even with a real handicap, not being able to
12 compete on Sundays in a place where, you know,
13 much more liquor-oriented stores are competing on
14 Sundays.

15 And I would reiterate that Georgia
16 Line is very much interested in working with the
17 community in the future. Thank you for your
18 time. It has been a long day.

19 CHAIRPERSON MILLER: Thank you. Okay.
20 Mr. Sheon?

21 MR. SHEON: Thank you. It has been a
22 long day and I thank you as well for your time

1 and the testimony of all those who have
2 volunteered to come here and give up their
3 afternoon.

4 I think that the picture that was
5 painted pretty accurately whether it was the
6 direct experience of Ms. Brockington witnessing a
7 Sunday sale at the store or whether it was what
8 very clearly shows that nobody at any time
9 refused to work and discuss the situation with
10 the owner, yet their position has been
11 misrepresented in documentation that was
12 presented to you, that this elevates an issue of
13 trust and it does create an issue.

14 Not -- you know, it's not just a
15 passing issue of trust, but it's one that becomes
16 a cornerstone of order. When members of the
17 community who have been subject to this or have
18 witnessed it go past that store, see others
19 purchasing on Sunday, we don't have order in its
20 highest regard in terms of being able to be
21 literally put together, literally in order as a
22 community, because we can't trust.

1 And when I went to the mediation with
2 as good faith as I could possibly have, it felt
3 like because there was no trust, our hands were
4 completely tied because all we could possibly ask
5 for was already in the voluntary settlement
6 agreement. So how do you negotiate for something
7 that already exists with a partner that hasn't
8 exhibited trust?

9 It became incredibly difficult and
10 that left us with no alternative but to seek
11 revoking the license, because there is nowhere
12 else to go.

13 And I just want to ask that you think
14 of one thing. With all of these liquor stores
15 and all of these establishments on Georgia
16 Avenue, 10 or so within -- every 120 feet, the
17 message that is going to be sent to them is
18 voluntary settlement agreements don't need to be
19 kept, because we will just go ahead and give them
20 Sunday sales. We will just go ahead and continue
21 their license despite very real and somewhat, I
22 think you could see, at the very least, highly

1 frustrating and aggravating relations based on a
2 failure to honor basic agreements.

3 So I want very much to have Ms. Tassew
4 in our community. As I stated, we, as a
5 community, have met several different times. As
6 Ms. Brockington said, we have a Midnight Deli.
7 We have another corner store that does just fine
8 with no liquor license whatsoever, but it is
9 further down the road.

10 Ms. Tassew has a kitchen. She can
11 make food. We now know that 7-Eleven sees D.C.
12 as the largest and most fast-growing market in
13 the United States because of the increase in hot
14 foods, quick foods that people are buying. This
15 could be pursued.

16 We could help. I would -- I will be
17 the first one to try to win a small business
18 economic development grant for the store owner,
19 but I just feel -- and I have never seen this
20 before, but after this experience, I have seen a
21 different side of alcohol addiction. It's an
22 addiction by an owner to maintain that license at

1 any cost, even if it means not telling the truth
2 about the relations that she has had and
3 communications that she has had with the
4 community. It is deeply troubling.

5 And while the allegation of a bribe is
6 Ms. Wallace's word against the owners, I find, as
7 Ms. Brockington did, in all of our experiences
8 with Ms. Wallace that she is speaking of the
9 highest caliber in our community. And it's
10 tremendously painful to hear that and to see it.

11 And whether it is -- you know, whether
12 that is a trial for a different day in a
13 different court, we still cannot send a message
14 to other store owners that this type of behavior
15 is acceptable. Thank you.

16 CHAIRPERSON MILLER: Thank you. Is
17 there any rebuttal?

18 MR. FOX: I would -- I guess
19 everything that has been said has been said. If
20 you have any questions for me, I'll answer them.
21 Otherwise, let's get out of here.

22 CHAIRPERSON MILLER: I think every

1 question has been asked, too. Okay. Unless some
2 Board Member has a question. Okay. Oh, I have
3 this question.

4 Do the parties want to file proposed
5 findings of fact and conclusions of law or waive
6 your right to do so?

7 MR. SHEON: I need to hear you say
8 that again. I'm sorry.

9 CHAIRPERSON MILLER: Okay. At the end
10 of all the evidentiary hearings, it is standard
11 for me to ask whether or not the parties want to
12 file proposed findings of fact and conclusions of
13 law or waive your right to do so.

14 What it means is that you don't have
15 an opportunity to offer any new evidence, but you
16 would have an opportunity to, after the
17 transcript is available, like do like a legal
18 brief and make like a proposed order that you
19 would find on the website our proposed orders,
20 but this should be the findings of fact and this
21 should be the conclusions of law.

22 So you know, I would say that most

1 parties don't do it and the Board does not need
2 it, but it is something that you are allowed to
3 do. If you do it, we will read it, but it's not
4 something we are asking for.

5 MR. FOX: I would be fine waiving that
6 if protestants waive that as well, otherwise,
7 I'll --

8 CHAIRPERSON MILLER: Yes, that is how
9 it usually goes.

10 MR. SHEON: We have looked forward to
11 this day to put this behind us and put our
12 community back together again. As you can see,
13 there is people on both sides and we are ready,
14 whatever you decide to move on.

15 CHAIRPERSON MILLER: Right. So the
16 Board can do that ourselves.

17 MR. SHEON: Yes.

18 CHAIRPERSON MILLER: Based on the
19 evidence we have heard, we will make our findings
20 and Legal Counsel will, you know, put them in
21 writing and that's fine. That's what most people
22 do do.

1 MR. SHEON: Yes.

2 CHAIRPERSON MILLER: We don't need you
3 to do that, so, okay. Yes, I know it's a stress
4 on a community.

5 So all right. Then the last thing is
6 the Board is going to deliberate this in closed
7 session and issue a written order within 90 days.
8 To deliberate in closed session though, we are
9 going to take a vote, so if you will just bear
10 with us on that.

11 MEMBER ALBERTI: This is really just
12 an administrative matter, so if you really want
13 to start packing up, you can.

14 CHAIRPERSON MILLER: As Chairperson --

15 MEMBER ALBERTI: Seriously, this
16 really is not --

17 MR. SHEON: You're taking a vote as to
18 whether or not to deliberate in private?

19 CHAIRPERSON MILLER: You can hear it.

20 MEMBER ALBERTI: It's a formality --

21 CHAIRPERSON MILLER: Yes, to
22 deliberate.

1 MEMBER ALBERTI: -- to deliberate in
2 closed session.

3 CHAIRPERSON MILLER: Right.

4 MEMBER ALBERTI: That's all it is.

5 MR. SHEON: Oh.

6 CHAIRPERSON MILLER: As Chairperson of
7 the Alcoholic Beverage Control Board for the
8 District of Columbia and in accordance with
9 Section 405 of the Open Meetings Amendment Act of
10 2010, I move that the ABC Board hold a closed
11 meeting for the purpose of seeking legal advice
12 from our counsel on Case No. 14-PRO-00101 and 14-
13 PRO-00099, Georgia Line Convenience Store, per
14 Section 405(b)(4) of the Open Meetings Amendment
15 Act of 2010, and deliberating upon this case for
16 the reasons cited in Section 405(b)(13) of the
17 Open Meetings Amendment Act of 2010.

18 Is there a second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON MILLER: Mr. Short has
21 seconded the motion. I'll now take a roll call
22 vote on the motion before us now that it has been

1 seconded.

2 Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Mr. Rodriguez?

5 MEMBER RODRIGUEZ: I agree.

6 CHAIRPERSON MILLER: Ms. Miller

7 agrees.

8 Mr. Short?

9 MEMBER SHORT: I agree.

10 CHAIRPERSON MILLER: Mr. Jones?

11 MEMBER JONES: I agree.

12 CHAIRPERSON MILLER: It appears that

13 the motion has passed by a 5-0-0 vote.

14 I hereby give notice that the ABC
15 Board will hold this aforementioned closed
16 meeting pursuant to the Open Meetings Amendment
17 Act of 2010 and we will issue a written order
18 within 90 days.

19 MR. SHEON: Thank you.

20 CHAIRPERSON MILLER: Thank you very
21 much.

22 MEMBER RODRIGUEZ: Thank you.

1 MEMBER ALBERTI: Thank you.

2 MR. FOX: Thank you.

3 MEMBER ALBERTI: Thank you everyone.

4 CHAIRPERSON MILLER: Have a good
5 night.

6 MEMBER ALBERTI: And it was a
7 pleasure. I mean, it was very efficient. Many
8 times these hearings go much longer. So you can
9 pat yourselves, everyone on the back, you did a
10 wonderful job.

11 MR. SHEON: Thank you.

12 CHAIRPERSON MILLER: So the Board will
13 recess and come back fairly soon to do the
14 agendas.

15 (Whereupon, the Protest Hearing in the
16 above-entitled matter was concluded at 6:10 p.m.)

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