

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Big Chair Cafe, LLC
t/a Big Chair Coffee & Grill
2122 MLK Jr. Ave., SE
License #ABRA-85903
Retailer CR
Substantial Change
Case #14-PRO-00044

Monday, June 30, 2014

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. La Verne Fletcher, Mediator, presiding.

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

10:13 a.m.

AGENT FLETCHER: Would the parties in the matter of Big Chair Coffee and Grill please come forward?

This is Case No. 14-PRO-00044, Big Chair Cafe, LLC trading as Big Chair Coffee and Grill, 2122 Martin Luther King Jr. Avenue, Southeast. This is License No. ABRA-85903. This is a Retailer CR substantial change for entertainment endorsement and summer garden.

The protest issues are adverse impact on peace, order, and quiet, and parking.

My name is La Verne Fletcher. I'm conducting the roll call hearing as the Board's agent pursuant to D.C. Official Code 1601.2.

Introductions beginning with the Applicant, please. Your name, sir?

MR. YIMENU: My name is Bantamlak Yimenu.

1 MEDIATOR FLETCHER: Would you
2 spell that for the court reporter, please?

3 MR. YIMENU: B-A-N-T-A-M-L-A-K Y-
4 I-M-E-N-U.

5 MEDIATOR FLETCHER: B-A-N-T-A?

6 MR. YIMENU: M-L-A-K.

7 MEDIATOR FLETCHER: Uh-huh.

8 MR. YIMENU: Last name Y-I-M-E-N-
9 U.

10 MEDIATOR FLETCHER: Y-I-M-E-N-U?

11 MR. YIMENU: Yes, ma'am.

12 MEDIATOR FLETCHER: Thank you very
13 much. And you're the Applicant?

14 MR. YIMENU: I am the Applicant.

15 MEDIATOR FLETCHER: Your name,
16 ma'am?

17 MS. YIMENU: Ayehubizu Yimenu, A-
18 Y-E-H-U-B-I-Z-U, Yimenu, the same as his.

19 MEDIATOR FLETCHER: Thank you.
20 And on behalf of ANC-8A?

21 MS. FULLER: Greta Fuller.

22 MEDIATOR FLETCHER: Ms. Fuller,

1 would you spell your name for the record
2 please?

3 MS. FULLER: G-R-E-T-A F-U-L-L-E-
4 R.

5 MEDIATOR FLETCHER: ANC-8A does
6 have standing as a Protestant.

7 We need to set a date for a status
8 hearing, a protest hearing, and a mediation.
9 I'll give you the dates for the status and
10 protest hearings first.

11 The status hearing is July 23 at
12 9:30.

13 MS. FULLER: I will actually be
14 out on business from the 23rd to the 28th.

15 MEDIATOR FLETCHER: Ms. Fuller,
16 can someone attend the status hearing on your
17 behalf? At the status hearing you just report
18 to the ABC Board the status of the case.

19 MS. FULLER: Okay.

20 MEDIATOR FLETCHER: If you can do
21 that --

22 MS. FULLER: I could probably.

1 MEDIATOR FLETCHER: If you could
2 have somebody just step in for you for just a
3 minute, it won't take long.

4 MS. FULLER: Okay.

5 MEDIATOR FLETCHER: We don't
6 discuss the issues or anything.

7 MS. FULLER: Okay. I could do
8 that.

9 MEDIATOR FLETCHER: Okay. So then
10 we can go ahead with the July 23 status
11 hearing date. That's at 9:30 a.m.

12 MS. FULLER: Okay.

13 MEDIATOR FLETCHER: The protest
14 hearing is set for August 13, 2014 at 2:30.

15 MS. FULLER: At what time?

16 MEDIATOR FLETCHER: At 4:30 p.m.

17 MS. FULLER: Okay. August?

18 MEDIATOR FLETCHER: August 13.

19 MS. FULLER: Okay.

20 MEDIATOR FLETCHER: We need to set
21 a date for mediation.

22 Did you have a question, Mr.

1 Yimenu?

2 MR. YIMENU: I don't know. It's
3 taking longer to --

4 MEDIATOR FLETCHER: I'm sorry.
5 Could you speak into the microphone?

6 MR. YIMENU: It's taking long.

7 MEDIATOR FLETCHER: It's just a
8 normal process.

9 MR. YIMENU: A normal process?

10 MEDIATOR FLETCHER: Yes. The only
11 thing that could shorten the process is if
12 during the mediation process -- we've got to
13 set a date for mediation. If during the
14 mediation process the parties are able to
15 negotiate a settlement agreement to resolve
16 the protest issues, that would expedite the
17 matter.

18 Otherwise we just go through the
19 entire process which is a status hearing first
20 and then a protest hearing, after which the
21 Board has 90 days to render a decision.

22 MR. YIMENU: Okay. The letter we

1 got from this office says the Protestant
2 protested against the time. But our request
3 was for just an entertainment license. We
4 didn't change any time.

5 MEDIATOR FLETCHER: Yes. The
6 community protested the application for a
7 substantial change and a summer garden.

8 MR. YIMENU: That's it.

9 MEDIATOR FLETCHER: Yes. The
10 protest was -- you applied for entertainment
11 and for a summer garden.

12 MR. YIMENU: Yes.

13 MEDIATOR FLETCHER: The ANC
14 protested your application for a substantial
15 change and the summer garden.

16 MR. YIMENU: Oh, the summer
17 garden. Okay.

18 MEDIATOR FLETCHER: Yes. So there
19 was a protest against the application.

20 MR. YIMENU: Okay.

21 MS. YIMENU: What if we cancel
22 that?

1 MEDIATOR FLETCHER: If you
2 withdraw your application?

3 MS. YIMENU: I mean the --

4 MR. YIMENU: The summer garden?

5 MS. YIMENU: -- the summer garden.

6 MEDIATOR FLETCHER: You can't
7 negotiate that here today. Today I'm just
8 establishing who the parties are.

9 MS. YIMENU: But the summer is
10 gone now.

11 MEDIATOR FLETCHER: Are you saying
12 what if you cancel the summer garden and just
13 go forward with the entertainment endorsement?

14 MS. YIMENU: Yes.

15 MR. YIMENU: Yes. I mean, the
16 summer this way is going to go over.

17 MEDIATOR FLETCHER: Let me say
18 this. This is not the point where you would
19 discuss amending the application.

20 But if you decide you want to
21 amend the application to withdraw your request
22 for a sidewalk cafe, if Ms. Fuller can say or

1 wants to say now that would resolve the matter
2 for the ANC, she can.

3 Would you still be opposed to the
4 entertainment endorsement?

5 MS. FULLER: I don't understand
6 exactly what the entertainment endorsement is
7 about.

8 Also we had a voluntary agreement
9 that they would come before the ANC or speak
10 to the commissioner for that particular area
11 of which I am. And I had no idea that this
12 application was up to be changed. That was
13 one of the things that we were promised in our
14 voluntary agreement.

15 So I think we need to revisit the
16 voluntary agreement and understand exactly
17 what it is they want to do. Because I have no
18 real idea.

19 MEDIATOR FLETCHER: So we're just
20 going to proceed as we normally would, which
21 is what we're going to have to do anyway. I
22 just wanted to hear what the ANC had to say

1 about your comment about withdrawing the
2 application.

3 No matter what anybody does, for
4 the purpose of the roll call hearing I'll need
5 to set the status date, the protest date, a
6 date for mediation. And what you just
7 discussed this morning would be discussed
8 further during mediation.

9 MR. YIMENU: Yes. I mean, I
10 already talked to Ms. Fuller three weeks ago.
11 We made a mistake in interacting. Instead of
12 coming straight up and make the application,
13 we should have gone to them and discussed the
14 matter with them first. I forgot about that.

15 MEDIATOR FLETCHER: Yes. For the
16 purpose of the roll call hearing, just so that
17 you know, none of this is appropriate for a
18 roll call. This discussion --

19 MR. YIMENU: The thing is --

20 MEDIATOR FLETCHER: This
21 discussion is not appropriate for a roll call
22 hearing. You have to reserve it for

1 mediation.

2 MR. YIMENU: So we can go ahead
3 and talk to --

4 MEDIATOR FLETCHER: Mr. Yimenu,
5 this discussion is not appropriate for the
6 roll call hearing. You must wait until the
7 mediation to have this conversation.

8 MR. YIMENU: Okay.

9 MS. YIMENU: All right.

10 MEDIATOR FLETCHER: Let me give
11 you some dates that are available for
12 mediation. That is where we discuss these
13 issues. It's not for the record in a roll
14 call hearing, just so you know.

15 The status hearing is July 23, so
16 let me give you some dates that are available
17 for mediation prior to that.

18 The next available date for
19 mediation is Thursday, July 10. This
20 Thursday, July 10 is the next available date
21 for mediation.

22 Is that good for you, Ms. Fuller?

1 MS. FULLER: Yes, it is.

2 MEDIATOR FLETCHER: If that's good
3 for you then we can make it July 10. It can
4 be at 9:00, 10:00, or 11:00 on that day.

5 MS. FULLER: Ten would work for
6 me.

7 MEDIATOR FLETCHER: Thank you.
8 Would that work for you, Mr. and
9 Mrs. Yimenu?

10 MR. YIMENU: That would be okay.

11 MEDIATOR FLETCHER: Ten?

12 MS. YIMENU: Okay.

13 MEDIATOR FLETCHER: So mediation
14 is set for 10:00 on Thursday, June 10.

15 MS. YIMENU: Did you say at 10:00
16 a.m.?

17 MEDIATOR FLETCHER: At 10:00.

18 MR. YIMENU: Ten?

19 MEDIATOR FLETCHER: Uh-huh. Ten
20 o'clock on July 10.

21 MS. YIMENU: Okay. All right.

22 MEDIATOR FLETCHER: The mediation

1 most likely will be held in this room. My
2 card is there. I'm the Board's mediator so
3 the mediation will be with us.

4 Any questions at all?

5 MS. FULLER: No.

6 MEDIATOR FLETCHER: Mr. and Ms.
7 Yimenu, any questions at all?

8 MS. YIMENU: No.

9 MEDIATOR FLETCHER: Okay. Thank
10 you very much. The roll call hearing is
11 concluded.

12 (Whereupon, the above-entitled
13 matter went off the record at 10:23 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 5:11 12:16 13:13 ABC 4:18 able 6:14 above-entitled 13:12 ABRA-85903 1:10 2:9 adverse 2:12 agent 2:3,17 ago 10:10 agreement 6:15 9:8 9:14,16 ahead 5:10 11:2 Alcoholic 1:3,17,18 amend 8:21 amending 8:19 ANC 7:13 9:2,9,22 ANC-8A 3:20 4:5 anybody 10:3 anyway 9:21 Applicant 2:20 3:13,14 application 7:6,14 7:19 8:2,19,21 9:12 10:2,12 applied 7:10 appropriate 10:17 10:21 11:5 area 9:10 attend 4:16 August 5:14,17,18 available 11:11,16 11:18,20 Ave 1:10 Avenue 2:8 Ayehubizu 3:17</p>	<p>Big 1:9,9 2:4,6,7 Board 1:3,18 4:18 6:21 Board's 2:17 13:2 Building 1:18 business 4:14</p> <p style="text-align: center;">C</p> <p>cafe 1:9 2:7 8:22 call 1:5 2:16 10:4 10:16,18,21 11:6 11:14 13:10 cancel 7:21 8:12 card 13:2 case 1:12 2:6 4:18 Chair 1:9,9 2:4,7,7 change 1:11 2:10 7:4,7,15 changed 9:12 Code 2:17 Coffee 1:9 2:4,7 COLUMBIA 1:1 come 2:5 9:9 coming 10:12 comment 10:1 commissioner 9:10 community 7:6 concluded 13:11 conducting 2:16 Control 1:3,17,18 conversation 11:7 court 3:2 CR 1:11 2:10</p>	<p>11:5 DISTRICT 1:1</p> <p style="text-align: center;">E</p> <p>endorsement 2:11 8:13 9:4,6 entertainment 2:11 7:3,10 8:13 9:4,6 entire 6:19 establishing 8:8 exactly 9:6,16 expedite 6:16</p> <p style="text-align: center;">F</p> <p>F-U-L-L-E 4:3 first 4:10 6:19 10:14 Fletcher 1:19 2:3 2:15 3:1,5,7,10,12 3:15,19,22 4:5,15 4:20 5:1,5,9,13,16 5:18,20 6:4,7,10 7:5,9,13,18 8:1,6 8:11,17 9:19 10:15,20 11:4,10 12:2,7,11,13,17 12:19,22 13:6,9 forgot 10:14 forward 2:5 8:13 Fuller 3:21,21,22 4:3,13,15,19,22 5:4,7,12,15,17,19 8:22 9:5 10:10 11:22 12:1,5 13:5 further 10:8</p>	<p style="text-align: center;">H</p> <p>hear 9:22 hearing 1:5,18 2:16 4:8,8,11,16,17 5:11,14 6:19,20 10:4,16,22 11:6 11:14,15 13:10 hearings 4:10 held 13:1</p> <p style="text-align: center;">I</p> <p>I-M-E-N-U 3:4 idea 9:11,18 impact 2:13 interacting 10:11 Introductions 2:19 issues 2:12 5:6 6:16 11:13</p> <p style="text-align: center;">J</p> <p>Jr 1:10 2:8 July 4:11 5:10 11:15,19,20 12:3 12:20 June 1:14 12:14</p>	<p>6:12,13,14 10:6,8 11:1,7,12,17,19 11:21 12:13,22 13:3 mediator 1:19 3:1 3:5,7,10,12,15,19 3:22 4:5,15,20 5:1 5:5,9,13,16,18,20 6:4,7,10 7:5,9,13 7:18 8:1,6,11,17 9:19 10:15,20 11:4,10 12:2,7,11 12:13,17,19,22 13:2,6,9 met 1:18 microphone 6:5 minute 5:3 mistake 10:11 MLK 1:10 Monday 1:14 morning 10:7</p>
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