

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

2 (9:45 a.m.)

3 MS. FLETCHER: I'm going to call the
4 next case. The next case is -- Excuse me one
5 second -- The next case is JS Mart Liquor, Case
6 No. 20 -- Case No. 20-PRO-00034, 936 Rhode Island
7 Avenue, NE. License No. ABRA-116822. This is a
8 Retailer Class A New Application. The protest
9 issues are adverse impact on peace, order, and
10 quiet.

11 I'm now going to elevate the parties
12 present for this case so that they can speak.
13 Mr. Lee, can you hear me?

14 MR. LEE: (audio interference)

15 MS. FLETCHER: You can hear me, Mr.
16 Lee, okay?

17 MR. LEE: Yes.

18 MS. FLETCHER: Okay, thank you. Is
19 Mr. Tesfaye going to be joining you today?

20 MR. LEE: (audio interference).

21 MS. FLETCHER: Okay, well we can get
22 started. Maybe he'll show up. There's also a
23 group of 23 residents in this case. Is there
24 anyone present from the group of 23?

25 (Whereupon, the above-entitled matter

1 went off the record at 9:47 a.m. and resumed at
2 9:47 a.m.)

3 MR. LEE: Sorry.

4 MS. FLETCHER: Oh there you are, Mr.
5 Lee.

6 MR. LEE: Hi.

7 (laughter)

8 MS. FLETCHER: Is there anyone present
9 from the group of 23? This is JS Martin Liquor.
10 And so Mr. Lee, this case is actually scheduled
11 to begin at 10:00. I was just checking to see if
12 anyone was here from the group of 23 because I
13 see a couple of callers without knowing which
14 case they're with.

15 MR. LEE: Understood.

16 MS. FLETCHER: So what I'm going to do
17 is I'm going to mute myself and stop the video.
18 I'm going to recall the case at 10 o'clock. And
19 so I'll talk to you then.

20 MR. LEE: Okay (audio interference)

21 MS. FLETCHER: Okay.

22 MR. LEE: I've got a quick question.
23 (audio interference) are they still required to
24 asking my clients to come to their meeting with
25 (indiscernible due to accent) association.

1 MS. FLETCHER: That doesn't apply to
2 the group of five.

3 MR. LEE: Okay. (indiscernible due to
4 accent) association, ANC. Right?

5 MS. FLETCHER: I believe the
6 associations --

7 MR. LEE: Okay.

8 MR. FERREIRA: -- associations only.

9 MR. LEE: Okay. Can you hear me very
10 well?

11 MS. FLETCHER: I hear you very well.

12 MR. LEE: Oh, that's good. That's
13 good.

14 (Whereupon, the above-entitled matter
15 went off the record at 9:51 a.m. and resumed at
16 10:04 a.m.)

17 MS. FLETCHER: Good morning. I'm
18 recalling the case of JS Martin Liquor, Case No.
19 20-PRO-00034, 936 Rhode Island Avenue NE, License
20 No. ABRA-116822. This is a Retailer Class A New
21 Application. The protest issues are adverse
22 impact on peace, order, and quiet. Mr. Lee, can
23 you hear me?

24 MR. LEE: Yes, I hear you.

25 MS. FLETCHER: Thank you. Jorge

1 Berges, can you hear me?

2 MR. BERGES: Yes, I can hear you.

3 MS. FLETCHER: Okay, thank you.

4 You're here representing -- you're here on behalf
5 of Meg Vorhees today?

6 MR. BERGES: Yeah, that's correct.

7 MS. FLETCHER: Could you please spell
8 your name for the court reporter?

9 MR. BERGES: My name?

10 MS. FLETCHER: Could you spell it for
11 me? Uh huh.

12 MR. BERGES: Sure. It's J-O-R-G-E and
13 last name is B-E-R-G-E-S.

14 MS. FLETCHER: Do you know if anyone
15 else from your group will be present today?

16 MR. BERGES: No, I think it's only me.

17 MS. FLETCHER: Okay, thank you. Okay
18 Mr. Berges, I am granting conditional standing to
19 your group of 23. In order to be granted full
20 standing as a protesting group, at least five
21 individuals from your group need to be present,
22 which means that at the upcoming status hearing,
23 at least four more individuals who are not here
24 today will need to appear at the upcoming status
25 hearing. Any questions about that?

1 MR. BERGES: No, I understand.

2 MS. FLETCHER: Thank you. So
3 conditional standing is granted to your group of
4 23. We're going to set a date for a mediation.
5 I don't have a date for the status hearing and
6 protest hearing yet. Those hearings are held by
7 the ABC Board, but we don't have dates for those
8 hearings yet. So today we're going to schedule a
9 mediation only. And I'll give you the next
10 available date for mediation.

11 Mr. Berges, do you have any questions
12 about the mediation process?

13 MR. BERGES: Do you mind explaining
14 how it takes place please?

15 MS. FLETCHER: Yes. Mediation is
16 offered as an alternative to the protest hearing.
17 It gives the parties an opportunity to meet with
18 the Board's mediator and try to resolve the
19 protest to try to resolve the concerns of the
20 community. To try and find a resolution mutually
21 satisfactory to all parties. It's an alternative
22 dispute resolution process as an alternative to
23 going through the entire protest hearing. It's
24 confidential, it's nonadversarial and it's very
25 informal. We meet together to resolve the

1 protest. If we can, the protest hearing is
2 cancelled. If we cannot, then the Board calls
3 the protest hearing.

4 MR. BERGES: Thank you, understood.
5 Thank you for the explanation.

6 MS. FLETCHER: You're very welcome.
7 So now I will give the next available date for
8 mediation. The next available day for mediation
9 is Wednesday -- Well, actually we could do it on
10 Monday, October 5 in the afternoon at 1 o'clock
11 if you would like to do it in the afternoon.
12 Otherwise, we'll move to Wednesday, October 7.

13 MR. LEE: October 7? Yeah, that's
14 good for me.

15 MS. FLETCHER: Is that good for you,
16 Mr. Berges?

17 MR. BERGES: October 7 at what time?
18 Sorry.

19 MS. FLETCHER: At 9:00, 10:00, 11:00,
20 1:00 or 2:00. It can be morning or afternoon
21 anytime.

22 MR. LEE: I prefer afternoon, 11:00 or
23 1:00.

24 MS. FLETCHER: Okay, Mr. Berges.
25 Would 11:00 or 1:00 work for you?

1 MR. BERGES: I would prefer 1:00 p.m.
2 I think it would be easier around lunchtime to
3 (indiscernible due to accent).

4 MS. FLETCHER: Okay. Then I'll
5 schedule mediation for 1 o'clock on Wednesday,
6 October 7. Mr. Berges, are you going to be the
7 designated representative for the group for now?

8 MR. BERGES: For now, I would say yes.

9 MS. FLETCHER: Can I get your email
10 address? And you can -- if you want, you can
11 email it to me or you can give it to me now.

12 MR. BERGES: I can put it in the chat
13 for you.

14 MS. FLETCHER: Okay, that would be
15 fine. If you could put your telephone number in
16 the chat also.

17 MR. BERGES: Yeah, I think you've got
18 it now.

19 MS. FLETCHER: Okay, one second.
20 Yeah, I am -- One second. So Mr. Berges, what's
21 your -- Oh, I see it. Never mind, just a second.
22 Give me one minute. Okay well, thank you very
23 much for that, Mr. Berges. Any more questions?

24 MR. BERGES: Not for now.

25 MR. LEE: Ms. Fletcher?

1 MS. FLETCHER: Yes.

2 MR. LEE: Yeah, it's Kyung Lee
3 speaking. Would you explain that the protest is
4 about the possible (indiscernible due to accent)
5 agreement so I can -- if they have it drafted,
6 they can forward to me to consider before the
7 mediation? It would be easier doing the
8 mediation (indiscernible due to accent). So
9 would you explain this?

10 MS. FLETCHER: Yes. And so Mr.
11 Berges, if your group has a draft settlement
12 agreement they would like to propose to the
13 Applicant, you can send it to Mr. Lee before the
14 mediation. If you're able to resolve the matter
15 before mediation, you can do that as well in
16 which case we will cancel the mediation. But if
17 you have a draft settlement agreement that you
18 would like to provide to the Applicant ahead of
19 time, you may do that.

20 MR. BERGES: Thank you for the
21 clarification. I will convene and see if we can
22 prepare something in advance.

23 MS. FLETCHER: Okay. It's helpful if
24 you can. If you can't, we'll just proceed on the
25 7th.

1 MR. BERGES: Okay.

2 MS. FLETCHER: And you'll receive
3 further instructions about how we're going to
4 proceed with the mediation. It may be in the
5 same way that we're having a roll call hearing.
6 I'm not positive right now.

7 (simultaneous speaking)

8 MR. BERGES: Okay. Thank you very
9 much for further instructions on guidelines.

10 MS. FLETCHER: You're very welcome.
11 Thank you, Mr. Lee.

12 MR. LEE: Thank you very much.

13 MS. FLETCHER: Thank you, Mr. Berges.
14 Take care. The roll call hearing is concluded.

15 MR. BERGES: Okay. Thank you very
16 much and have a good day.

17 MS. FLETCHER: Okay, you too. Thank
18 you.

19 MR. BERGES: Thank you. Bye-bye.

20 MR. LEE: So you're going to send us
21 the notified mediation schedule by email or
22 something?

23 MR. BERGES: Maybe she left already.
24 (indiscernible due to accent) .

25 MS. FLETCHER: I said -- So Mr. Lee,

1 what I said is yes, to your question that you're
2 going to receive an email related to the
3 mediation and how we're going to proceed.

4 MR. LEE: Okay.

5 MS. FLETCHER: Okay. Anything else?
6 Mr. Berges, are you still there?

7 MR. BERGES: Yes, I'm here. Nothing
8 on my end.

9 MS. FLETCHER: Okay, yes. And you're
10 going to receive further instructions related to
11 the mediation. Okay.

12 MR. BERGES: Thank you very much.

13 MS. FLETCHER: Okay, thank you. The
14 roll call hearing is concluded. Okay. Bye, Mr.
15 Lee.

16 MR. BERGES: Thank you.

17 MR. LEE: Thank you very much. Have
18 a good day. Bye.

19 MS. FLETCHER: You too, thank you.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:14 a.m.)
22
23
24
25

A	<p>cancel 9:16 cancelled 7:2 care 10:14 case 1:9 2:4,4,5,5,6,12 2:23 3:10,14,18 4:18 4:18 9:16 chat 8:12,16 checking 3:11 clarification 9:21 Class 1:8 2:8 4:20 clients 3:24 COLUMBIA 1:1 come 3:24 community 6:20 concerns 6:19 concluded 10:14 11:14 conditional 5:18 6:3 confidential 6:24 consider 9:6 Control 1:2,13 convene 9:21 correct 5:6 couple 3:13 court 5:8</p>	<p>8:19,25 9:1,10,23 10:2,10,13,17,25 11:5 11:9,13,19 forward 9:6 four 5:23 full 5:19 further 10:3,9 11:10</p>	<p>Lee 1:19 2:13,14,16,17 2:20 3:3,5,6,10,15,20 3:22 4:3,7,9,12,22,24 7:13,22 8:25 9:2,2,13 10:11,12,20,25 11:4 11:15,17 left 10:23 License 1:7 2:7 4:19 Liquor 1:6 2:5 3:9 4:18 LLC 1:6 lunchtime 8:2</p>
B	<p>cancel 9:16 cancelled 7:2 care 10:14 case 1:9 2:4,4,5,5,6,12 2:23 3:10,14,18 4:18 4:18 9:16 chat 8:12,16 checking 3:11 clarification 9:21 Class 1:8 2:8 4:20 clients 3:24 COLUMBIA 1:1 come 3:24 community 6:20 concerns 6:19 concluded 10:14 11:14 conditional 5:18 6:3 confidential 6:24 consider 9:6 Control 1:2,13 convene 9:21 correct 5:6 couple 3:13 court 5:8</p>	<p>give 6:9 7:7 8:11,22 gives 6:17 granted 5:19 6:3 granting 5:18 group 2:23,24 3:9,12 4:2 5:15,19,20,21 6:3 8:7 9:11 guidelines 10:9</p>	<p style="text-align: center;">M</p> <p>Mart 1:6 2:5 Martin 3:9 4:18 matter 1:5 2:25 4:14 9:14 11:20 means 5:22 mediation 6:4,9,10,12 6:15 7:8,8 8:5 9:7,8 9:14,15,16 10:4,21 11:3,11 mediator 6:18 meet 6:17,25 meeting 3:24 Meg 5:5 met 1:14 mind 6:13 8:21 minute 8:22 Monday 1:11 7:10 morning 4:17 7:20 move 7:12 mute 3:17 mutually 6:20</p>
C	<p>date 6:4,5,10 7:7 dates 6:7 day 7:8 10:16 11:18 designated 8:7 dispute 6:22 DISTRICT 1:1 doing 9:7 draft 9:11,17 drafted 9:5 due 3:25 4:3 8:3 9:4,8 10:24</p>	<p style="text-align: center;">H</p> <p>he'll 2:22 hear 2:13,15 4:9,11,23 4:24 5:1,2 hearing 1:3,7 5:22,25 6:5,6,16,23 7:1,3 10:5 10:14 11:14 hearings 6:6,8 held 6:6 helpful 9:23 Hi 3:6 huh 5:11 HWAN 1:19</p>	<p style="text-align: center;">N</p> <p>name 5:8,9,13 NE 1:7 2:7 4:19 need 5:21,24 Never 8:21 New 1:10 2:8 4:20 nonadversarial 6:24 notified 10:21 number 8:15</p>
D	<p>easier 8:2 9:7 elevate 2:11 email 8:9,11 10:21 11:2 entire 6:23 Excuse 2:4 explain 9:3,9 explaining 6:13 explanation 7:5</p>	<p style="text-align: center;">I</p> <p>impact 2:9 4:22 indiscernible 3:25 4:3 8:3 9:4,8 10:24 individuals 5:21,23 informal 6:25 instructions 10:3,9 11:10 interference 2:14,20 3:20,23 Island 1:7 2:6 4:19 issues 2:9 4:21</p>	<p style="text-align: center;">O</p> <p>o'clock 3:18 7:10 8:5 October 7:10,12,13,17 8:6 offered 6:16 opportunity 6:17 order 2:9 4:22 5:19</p>
E	<p>FERREIRA 4:8 find 6:20 fine 8:15 five 4:2 5:20 Fletcher 1:14,17 2:3,15 2:18,21 3:4,8,16,21 4:1,5,11,17,25 5:3,7 5:10,14,17 6:2,15 7:6 7:15,19,24 8:4,9,14</p>	<p style="text-align: center;">J</p> <p>J-O-R-G-E 5:12 joining 2:19 Jorge 1:19 4:25 JS 1:6,6 2:5 3:9 4:18</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 8:1 parties 2:11 6:17,21</p>
F	<p>call 1:3,7 2:3 10:5,14 11:14 callers 3:13 calls 7:2</p>	<p style="text-align: center;">K</p> <p>knowing 3:13 Kyung 1:19 9:2</p>	
G	<p>call 1:3,7 2:3 10:5,14 11:14 callers 3:13 calls 7:2</p>	<p style="text-align: center;">L</p> <p>laughter 3:7 LaVerne 1:14,17</p>	
H	<p>call 1:3,7 2:3 10:5,14 11:14 callers 3:13 calls 7:2</p>		

<p>peace 2:9 4:22 place 6:14 please 5:7 6:14 positive 10:6 possible 9:4 prefer 7:22 8:1 prepare 9:22 present 1:16,18 2:12,24 3:8 5:15,21 presiding 1:14 proceed 9:24 10:4 11:3 process 6:12,22 propose 9:12 protest 2:8 4:21 6:6,16 6:19,23 7:1,1,3 9:3 Protestant 1:19 protesting 5:20 provide 9:18 put 8:12,15</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 3:22 11:1 questions 5:25 6:11 8:23 quick 3:22 quiet 2:10 4:22</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>recall 3:18 recalling 4:18 receive 10:2 11:2,10 record 3:1 4:15 11:21 related 11:2,10 reporter 5:8 representative 8:7 representing 5:4 required 3:23 residents 2:23 resolution 6:20,22 resolve 6:18,19,25 9:14 resumed 3:1 4:15 Retailer 1:8 2:8 4:20 Rhode 1:7 2:6 4:19 roll 1:3,7 10:5,14 11:14</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>satisfactory 6:21 schedule 6:8 8:5 10:21 scheduled 3:10 second 2:5 8:19,20,21 send 9:13 10:20 September 1:12 set 6:4 settlement 9:11,17 show 2:22 simultaneous 10:7 Sorry 3:3 7:18 speak 2:12</p>	<p>speaking 9:3 10:7 spell 5:7,10 standing 5:18,20 6:3 started 2:22 status 5:22,24 6:5 stop 3:17</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 takes 6:14 talk 3:19 telephone 8:15 Tesfaye 2:19 thank 2:18 4:25 5:3,17 6:2 7:4,5 8:22 9:20 10:8,11,12,13,15,17 10:19 11:12,13,16,17 11:19 today 2:19 5:5,15,24 6:8 try 6:18,19,20</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 6:1 understood 3:15 7:4 upcoming 5:22,24</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>video 3:17 Videoconference 1:14 Vorhees 5:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>way 10:5 Wednesday 7:9,12 8:5 welcome 7:6 10:10 went 3:1 4:15 11:21 work 7:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:00 7:20,23,25 8:1 10 3:18 10:00 3:11 7:19 10:04 4:16 10:14 11:21 11:00 7:19,22,25</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 7:20 20 2:6</p>	<p>20-PRO-00034 1:9 2:6 4:19 2020 1:12 23 2:23,24 3:9,12 5:19 6:4 28 1:12</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 7:10 5B 1:8</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 7:12,13,17 8:6 7th 9:25</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:00 7:19 9:45 2:2 9:47 3:1,2 9:51 4:15 936 1:7 2:6 4:19</p>
---	--	---

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: JS Mart

Before: DCABRA

Date: 09-28-20

Place: teleconference

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701