DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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ROLL CALL HEARING

IN THE MATTER OF:     :

DC MARKET, Inc.,      :
t/a DC Food Market    :
2200 16th Street SE   : Roll Call
Retailer B            : Hearing
License No. ABRA-10692 :
Case #20-PRO-00053    :

(Substantial Change  :
(From Class B - Beer & :
Wine to Class A - Beer, :
Wine, and Spirits))    :

Monday
December 21, 2020

The Alcoholic Beverage Control Board
met via Video/Teleconference, LaVerne Fletcher,
Board's Agent, presiding.

PRESENT:
LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:
EPHRAME KASSAYE, Applicant
TROY CRESTWOOD, Protestant
MS. FLETCHER: Are the parties present in the matter of DC Food Market? This is case number 20-PRO-00053, DC Food Market, 220 16th Street, Southeast, License Number ABRA-106962. This is a Retail Class B Substantial Change, Class change from B to A.

Is anyone present on behalf of DC Food Market?

MR. KASSAYE: Yes, ma'am.

COMMISSIONER PRESTWOOD: Yes, Commissioner Prestwood is present.

MS. FLETCHER: Thank you, Mr. Prestwood.

And is it Mr. Kassaye?

MR. KASSAYE: Yes, ma'am.

MS. FLETCHER: Okay. And you're present on behalf of DC Food Market?

MR. KASSAYE: Yes, ma'am.

MS. FLETCHER: Okay, thank you.

MR. KASSAYE: You're welcome.

MS. FOWLER: Thank you very much.

MR. KASSAYE: You're welcome, ma'am.

MS. FLETCHER: The protest issues in
this matter are adverse impact on peace, order, 
and quiet. ANC 8A has standing as a protestant. 

We need to set a date for mediation 
and a status hearing. I'm going to give you the 
date for mediation first. We'll set that date 
first.

MR. KASSAYE: Thank you, ma'am.

MS. FLETCHER: You're very welcome. 

I'll look at the next available date on the 
calendar. I'll give you the next available dates 
in January.

MR. KASSAYE: Okay.

MS. FLETCHER: The next available date 
in January is January the 5th. That's on a 
Tuesday, January 5th at -- 9:00, 10:00, 11:00, 
12:00, 1:00 -- pretty much anytime between 9:00 
and 2:00 on January 5 is available for mediation.

MR. KASSAYE: That works for me okay, 
yes.

COMMISSIONER PRESTWOOD: Okay. I do 
have a question on that. So January 5th, a new 
commissioner will be in this seat and I think 
they may need just a little bit more time to get 
up to speed. Although they are definitely in 

purport of the protest, I do not know what their
schedule is and so it might be unfair for me to schedule something during that time. Can you tell me if the mediation is just for this body or is that just mediation on our own?

MS. FLETCHER: The mediation is with the Board's mediator, that's me. The mediation is with the mediator and the parties.

COMMISSIONER PRESTWOOD: Okay. Yes, I would ask if we could schedule it out a little bit further than the 5th.

MS. FLETCHER: Because you're going to have a new commissioner?

COMMISSIONER PRESTWOOD: That's correct.

MS. FLETCHER: Uh-huh. Well, your status hearing is scheduled for January 14.

COMMISSIONER PRESTWOOD: Okay.

MS. FLETCHER: Normally, mediation takes place before the 14th. Would it help to push it out to January 12? You said this person needs to be brought up to speed?

COMMISSIONER PRESTWOOD: Yes.

MS. FLETCHER: So would that be helpful if we make it January 12? Is that enough time to bring them up to speed?
COMMISSIONER PRESTWOOD: I will certainly present that information to the commissioner-elect.

MS. FLETCHER: Would someone else who's already up to speed be able to participate as well?

COMMISSIONER PRESTWOOD: If the -- so I'll be the outgoing commissioner. If the commissioner-elect will say that the former commissioner, being myself, can speak on this matter that wouldn't be a problem.

MR. KASSAYE: I have -- I mean, I don't know.

MS. FLETCHER: Well, Mr. Prestwood?

Mr. Prestwood?

COMMISSIONER PRESTWOOD: I'm here.

MS. FLETCHER: Do you know who the incoming commissioner would be?

COMMISSIONER PRESTWOOD: Yes, Laneice Moore.

MS. FLETCHER: So I will -- Mr. Kassaye, if you're available on January 12, I'll set the mediation for January 12. Ideally --

MR. KASSAYE: Yes. And, ma'am -- I'm sorry. Go ahead, ma'am.
MS. FLETCHER: Is January 12 okay for you?

MR. KASSAYE: Ma'am, anytime you're giving me, I'm available. Any day, any time. I'm okay with whatever dates that you're giving to me.

MS. FLETCHER: Okay.

MR. KASSAYE: Yes. So I guess then if the new ANC commissioner's was going to be effectively taking over, then I guess that will be the individual who, you know, who'll have to face the hearings, I guess. I don't know. I don't know how it works, but I'm available though, on the 12th.

MS. FLETCHER: Okay. Well, Mr. Prestwood. Mr. Prestwood?

COMMISSIONER PRESTWOOD: I'm here.

MS. FLETCHER: So January 12, anytime between 9:00 and 2:00. Do you have a preference, the time?

COMMISSIONER PRESTWOOD: Could we do say 11:00?

MS. FLETCHER: 11:00 is fine on this end. I guess, Mr. Kassaye, 11:00 is fine with you?
MR. KASSAYE: Yes, ma'am. Whatever time you give me, I'm fine with it.

MS. FLETCHER: Well, then we're set for January 12, 2021, at 11:00. And I'm going to give you the date for your status hearing.

The status hearing's set for January 14, 2021, at 10:30 a.m.

MR. KASSAYE: You say 10:00 a.m.?

MS. FLETCHER: 10:30.

MR. KASSAYE: 10:30, okay.

MR. KASSAYE: Okay, just one second.

Any questions at all? Oh, the mediation's going to take place by Webex, same as today. Did I see somebody raise their hand?

Oh, never mind.

Okay, just a second, please.

MR. KASSAYE: Okay.

COMMISSIONER PRESTWOOD: Will you send this order out in email?

MS. FLETCHER: Yes, you'll receive an invitation for the mediation the same way that you received it for the roll call.

COMMISSIONER PRESTWOOD: Okay. No, I mean like an official communique. I'll --

MS. FLETCHER: Then you can -- what
about an official communique?

COMMISSIONER PRESTWOOD: Oh, no. I'm just curious, would it be an official communique outlining the dates as I receive for the protest opportunity?

MS. FLETCHER: Yes, you're going to receive a Webex invitation just like you received for the roll call hearing. It's going to come from Webex, same way. It's just going to be for mediation.

COMMISSIONER PRESTWOOD: Okay.

MS. FLETCHER: You'll join the mediation the same way you joined the roll call today.

COMMISSIONER PRESTWOOD: Okay.

MS. FLETCHER: Did that answer your question though?

COMMISSIONER PRESTWOOD: It did. And just so that I know, if the commission, they can elect to either have a commissioner, or a member of the community representing the commission, speak at this hearing, at the mediation, and then also the --

MS. FLETCHER: What we want is somebody that has the -- what we need is somebody
that has the ability to negotiate on behalf of the ANC and has the ability to -- I know that the ANC has to vote, so no person can enter into a settlement agreement before you all vote.

But we need somebody with authority to negotiate on behalf of the ANC. If it's not going to be an ANC commissioner, you're going to need to send us something in writing designating that person to represent the ANC.

COMMISSIONER PRESTWOOD: Understood.

MS. FLETCHER: But Laneice Moore will become a commissioner, yes?

COMMISSIONER PRESTWOOD: That's correct.

MS. FLETCHER: Okay.

(Pause.)

MS. FLETCHER: Okay, there's been a change with the date for the status hearing. The status hearing is now set for January 7th. That's Thursday, January 7th.

COMMISSIONER PRESTWOOD: How --

MS. FLETCHER: The status hearing is now set for Thursday, January 7, instead of the 14th.

COMMISSIONER PRESTWOOD: Excuse me.
How would the -- if the mediation is not until the 12th?

MS. FLETCHER: What that means is this. You'll appear for the status hearing on January 7 and inform the Board of your mediation. They just want to know the status of the case, and the status of your case will be that mediation is going to occur on January 12 at 11:00.

COMMISSIONER PRESTWOOD: Okay.

MR. KASSAYE: So the January 7 is changed from the 14th to the 7th, what time that will be?

MS. FLETCHER: Yes. So the 14th is canceled and the status hearing is now going to be on January 7.

MR. KASSAYE: What time?

MS. FLETCHER: At 10:30 a.m.

MR. KASSAYE: Okay, that works for me.

And then the actual hearing will be on the 12th at 10:21 a.m., right? I mean --

MS. FLETCHER: That's the --

COMMISSIONER PRESTWOOD: That's the mediation.

MR. KASSAYE: Okay.
MS. FLETCHER: That's the mediation where the parties get together to try to resolve the protest issues.

MR. KASSAYE: Okay.

COMMISSIONER PRESTWOOD: 11 o'clock.

MS. FLETCHER: At 11 o'clock for the mediation, yes.

COMMISSIONER PRESTWOOD: Okay.

MS. FLETCHER: Okay. Any other questions?

MR. KASSAYE: No, ma'am. Merry Christmas. See you next year.

MS. FLETCHER: Okay, well, thank you very much. And the roll call hearing is concluded. You may leave the meeting or stay on the line, if you wish. But I'm going to call the next case.

(Whereupon, the above-entitled matter went off the record at 10:26 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: DC Food Market

Before: DCABRA

Date: 12-21-20

Place: teleconference

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

[Signature]
Court Reporter