

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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5 - - - - -X

6 IN THE MATTER OF :

7 E and K, Inc.: Case #16-PR0-00101

8 t/a Champion Kitchen :

9 7730 Georgia Avenue NW :

10 License #ABRA-103055 :

11 Retailer Class CR :

12 New Application :

13 - - - - -X

14 Monday, October 24, 2016

15  
16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Control Board, Reeves Center, 2000 14th Street,  
19 N.W., Suite 400S, Washington, D.C. 20009.

20  
21  
22

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 EYOB WORKU

6 EDMUND ATKINS

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

2 MEDIATOR FLETCHER: Would the parties in  
3 the matter of Champion Kitchen please come  
4 forward? This is Case #16-PRO-00101. E and K,  
5 Inc., trading as Champion Kitchen, 7730 Georgia  
6 Avenue NW, license #ABRA-103055. This is a  
7 retailer class CR new application. The protest  
8 issues are adverse impact on peace, order and  
9 quiet, residential parking and vehicular and  
10 pedestrian safety, real property values and  
11 overconcentration. My name is Laverne Fletcher  
12 and I'm conducting the roll call hearing as the  
13 board's agent. Introductions beginning with the  
14 applicant, please.

15 MR. WORKU: My name is Eyob Worku.

16 MEDIATOR FLETCHER: Can you spell that for  
17 the record?

18 MR. WORKU: E-Y-O-B.

19 MEDIATOR FLETCHER: Did you say A-Y?

20 MR. WORKU: E-Y-O-B.

21 MEDIATOR FLETCHER: Oh, I'm sorry, I'm  
22 writing a little slow. What's the first letter

1 again?

2 MR. WORKU: E -

3 MEDIATOR FLETCHER: Mm hmm.

4 MR. WORKU: Y-O-B, last name W-O-R-K-U.

5 MEDIATOR FLETCHER: W-O-R-K-U?

6 MR. WORKU: Yes.

7 MEDIATOR FLETCHER: Thank you very much.

8 Present on behalf of Shepherd Park Citizens'

9 Association?

10 MR. ATKINS: Edward Atkins. E-D-M-U-N-D,

11 Capital A-T-K-I-N-S.

12 MEDIATOR FLETCHER: Thank you, Mr. Atkins.

13 Mr. Atkins, in the association's protest letter

14 you indicate that the applicant was given notice

15 but was the applicant given at least a seven-day

16 notice of you meeting regarding the application

17 that you had concerning the application.

18 MR. ATKINS: To the best of my belief and

19 knowledge, he was.

20 MEDIATOR FLETCHER: And, Mr. Worku, were you

21 aware of -- were you notified that the

22 association was having a meeting?

1 MR. WORKU: No, I didn't get any letters.

2 MEDIATOR FLETCHER: Mm hmm. So, what I'm  
3 going to do because the notice -- let me take a  
4 look at it -- I believe it indicates the  
5 applicant was given notice.

6 MR. ATKINS: Yes, it says it was sent by  
7 registered mail to the applicant. Unfortunately,  
8 I do not have a copy of the --

9 MEDIATOR FLETCHER: That's okay, because I  
10 did read that in the protest letter that that's  
11 required. The next part of the requirement is  
12 that it's at least a seven-day notice, and so  
13 what I'm going to do today, I'm going to grant  
14 standing to --

15 MR. ATKINS: To Shepherd Park?

16 MEDIATOR FLETCHER: -- the association. It's  
17 going to be conditional standing. What that  
18 means is at the point of the status hearing or  
19 before you can bring the ABC notice that is a  
20 proof that a seven-day notice was given. So, the  
21 notice does indi -- your protest letter does  
22 indicate that notice was given. The seven-day

1 part is what's important. So, Mr. Worku, you --  
2 we don't know if you received, or not, the  
3 notice, but it's required to be sent to you.

4 MR. WORKU: The address, I don't know -- did  
5 you check which address it was sent to?

6 MR. ATKINS: Yes, it was sent to 7912 Georgia  
7 Avenue at Champion Ethio Café in Silver Springs,  
8 Maryland, 20912 in which the applicant has an  
9 interest. He's a partner in that establishment  
10 as well.

11 MEDIATOR FLETCHER: Yeah, and that's why  
12 you're going to be granted conditional standing  
13 because there's an indication that you sent it.  
14 We take your word for that, that you sent it to  
15 that address --

16 MR. ATKINS: And also to the one where he  
17 proposes to have his establishment as well.

18 MEDIATOR FLETCHER: Okay, so conditional  
19 standing is going to be granted to the  
20 association. So, we're going to move forward  
21 with the protest process so at the point of the -  
22 - I'm going to give you a date for the status

1 hearing in a minute. So, at the status hearing  
2 you can bring proof that it was sent seven days -  
3 that they received notice -

4 MR. ATKINS: Seven days before our meeting?

5 MEDIATOR FLETCHER: -- yes.

6 MR. ATKINS: Okay.

7 MEDIATOR FLETCHER: And/or you can do it  
8 before that, but you can take care of that at  
9 that time.

10 MR. ATKINS: Okay. I have no wish to meet on  
11 November 8th.

12 MEDIATOR FLETCHER: Okay, I won't even stop  
13 at that date. I'll give you the date for the  
14 status and protest hearing first, then we'll pick  
15 the date for mediation that's not November 8th.

16 MR. ATKINS: Okay.

17 MEDIATOR FLETCHER: The status hearing is set  
18 for November 30.

19 MR. ATKINS: November 30?

20 MEDIATOR FLETCHER: Yes, at 9:30 a.m.

21 MR. ATKINS: And what exactly is a status  
22 hearing?

1           MEDIATOR FLETCHER: The purpose of a status  
2 hearing is where you appear before the full  
3 board. The full board is here on Wednesdays.  
4 It's where you appear to let the board know the  
5 status of the case, and so before that status  
6 hearing a mediation will be held where the  
7 parties come together to try to resolve this  
8 matter and enter into a settlement agreement to  
9 address your protest concerns.

10          MR. ATKINS: Will the mediation be held with  
11 the -- I forget the person's name -- but the  
12 general counsel or her designee?

13          MEDIATOR FLETCHER: The board's mediator is  
14 Laverne Fletcher, that would be me.

15          MR. ATKINS: That's you.

16          MEDIATOR FLETCHER: Mm hmm.

17          MR. ATKINS: Oh, okay.

18          MEDIATOR FLETCHER: Mm hmm and so --

19          MR. ATKINS: It'll be here then.

20          MEDIATOR FLETCHER: Yes. That's my card on  
21 the table. If you have any questions prior to  
22 the mediation you can call me, but beyond today

1 you're going to get an e-mail about all the  
2 future proceedings and it will have information  
3 about each one. The mediation, it's mandatory  
4 that you come but it's not mandatory that you  
5 enter into a settlement agreement, but the board  
6 likes the parties to resolve the issues  
7 themselves if possible. If not, the case just  
8 keeps going. The next step is the protest  
9 hearing where the board hears testimony from all  
10 the parties and then the board makes a decision  
11 about whether or not to issue the license or the  
12 parties can enter into an agreement and if the  
13 board approves the agreement, then the board will  
14 grant the license based on the conditions that  
15 the parties agree to.

16 MR. ATKINS: Got it.

17 MEDIATOR FLETCHER: But the purpose of the  
18 status hearing is only to tell the board the  
19 status of the case. The status will always be,  
20 if the mediation is held, that the status of the  
21 mediation, if the matter is resolved before the  
22 status hearing there won't be a status hearing.

1 So, if the parties submit a settlement agreement  
2 before the status hearing the board will cancel  
3 the status hearing and if the board approves the  
4 settlement agreement then the protest hearing is  
5 also cancelled because the matter will have been  
6 resolved.

7 MR. ATKINS: Question. This is being taped,  
8 so maybe I won't say anything. I was going to  
9 say something.

10 MEDIATOR FLETCHER: Yeah, it's a public  
11 record.

12 MR. ATKINS: Never mind.

13 MEDIATOR FLETCHER: And the other thing I  
14 wanted to tell you is at the status hearing this  
15 case is the outstanding issue of the conditional  
16 standing so at the status hearing the board will  
17 ask you for the proof that you have that that  
18 notice was sent to the establishment at least  
19 seven days before the date of the meeting that  
20 you held, so that'll happen at the status hearing  
21 also. They'll ask you. Or you can do it before  
22 then, but you can wait until then because that's

1 an outstanding issue that can be settled at the  
2 status hearing.

3 MR. ATKINS: Okay.

4 MEDIATOR FLETCHER: So, what happens if the  
5 board accepts that you gave at least a seven-day  
6 notice then the board will grant you full  
7 standing because it's conditional right now, and  
8 if the board does not accept your proof that you  
9 gave notice at least seven days in advance then  
10 they will dismiss the protest, but you have an  
11 opportunity to show.

12 MR. ATKINS: On the other hand, if we're able  
13 to reach -- even though, as I said to my best  
14 belief and knowledge, but suppose it's six days  
15 instead of seven, can we still sit down with the  
16 applicant and work out an agreement? We did that  
17 once before.

18 MEDIATOR FLETCHER: You can. You can. You  
19 can do that.

20 MR. ATKINS: If he agrees to meet with us.

21 MR. WORKU: Yeah, I'm agreed, too.

22 MEDIATOR FLETCHER: So, let's just say you

1 look at your records and you didn't give them at  
2 least seven days' notice -- let's say you didn't.  
3 You can still enter into a settlement agreement  
4 and if you submit it to the board they'll still  
5 approve it.

6 MR. ATKINS: Okay. The person who's in  
7 charge of sending it on has been out of town and  
8 I haven't been able to contact the person.  
9 That's why I don't have it today.

10 MEDIATOR FLETCHER: Yeah, they put everything  
11 in the letter but that, so they may have sent it  
12 at least seven days.

13 MR. ATKINS: Yeah, so, okay. Did you mention  
14 when the mediation is going to be?

15 MEDIATOR FLETCHER: We're going to do that  
16 now.

17 MR. ATKINS: Oh, sorry. I'm not trying to --

18 MEDIATOR FLETCHER: That's okay, I  
19 understand, you were asking about the status  
20 hearing so I was letting you know what happens.

21 MR. ATKINS: All right, thank you.

22 MEDIATOR FLETCHER: Mm hmm. So, I'll give

1 you the next available date for mediation that's  
2 not November 8th.

3 MR. ATKINS: That happens to be election day  
4 here in the U.S.A.

5 MEDIATOR FLETCHER: That's exactly right. I  
6 just scratched it off.

7 MR. ATKINS: Yes ma'am.

8 MEDIATOR FLETCHER: Let me do that right now.  
9 Let me make a note of that. I don't think  
10 anybody's going to want that date. The next  
11 available date is Tuesday, November 22, at 9:00,  
12 10:00 or 11:00.

13 MR. ATKINS: 10:00 works best for me. 22  
14 November?

15 MEDIATOR FLETCHER: Mm hmm.

16 MR. ATKINS: 10:00 a.m.?

17 MEDIATOR FLETCHER: Yep. That work for you?

18 MR. ATKINS: I'm not a morning person, so  
19 10:00 --

20 MEDIATOR FLETCHER: 10:00.

21 MR. ATKINS: Strike that from the record,  
22 please. Right here?

1           MEDIATOR FLETCHER: Yes. Most likely in this  
2 room. You can just check in with the front desk.  
3 This will probably be the room we'll be using.

4           MR. ATKINS: Okay.

5           MEDIATOR FLETCHER: So, I have a mediation  
6 for Tuesday November 22nd at 10:00. You put your  
7 contact information on that sheet?

8           MR. ATKINS: I did. I had to put it on the  
9 top, I ran out of space.

10          MEDIATOR FLETCHER: That's fine, I'll get it.

11          MR. WORKU: That's full already.

12          MR. ATKINS: You can put it at the top.

13          MEDIATOR FLETCHER: Thank you, anywhere you  
14 put it I'll find it, because communication beyond  
15 today is going to be by e-mail.

16          MR. WORKU: Okay.

17          MEDIATOR FLETCHER: The roll call hearing is  
18 concluded. Thank you for coming.

19          [Off the record.]

20          MR. ATKINS: What about the protest hearing?

21          MEDIATOR FLETCHER: I didn't give you the  
22 protest hearing?

1 MR. ATKINS: No, ma'am.

2 MEDIATOR FLETCHER: Okay, can you open the  
3 record for me?

4 [On the record.]

5 MEDIATOR FLETCHER: Thank you. We stopped at  
6 the status hearing and I went back and then I  
7 need to go forward.

8 MR. ATKINS: All right. Sorry about that.

9 MEDIATOR FLETCHER: Thank you for reminding  
10 me. I'll give you the protest hearing date. The  
11 protest hearing is scheduled for January 11,  
12 2017, at 1:30 p.m.

13 MR. ATKINS: 1:30 p.m.?

14 MEDIATOR FLETCHER: Mm hmm. January 11th.

15 MR. ATKINS: Okay, all right.

16 MEDIATOR FLETCHER: Anything else?

17 MR. ATKINS: No, ma'am.

18 MEDIATOR FLETCHER: Thank you for coming, the  
19 roll call hearing is concluded.

20 [Whereupon, the above-entitled matter  
21 concluded.]