DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

IN THE MATTER OF:

EZRA S, Inc.,
t/a Dix Market
6221 Dix Street, N.E.
Retailer A - ANC 7C
License #11640
Case #21-PRO-00081
(Application for a License Renewal)

Wednesday
January 12, 2022

The Alcoholic Beverage Control Board met via Videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
CHRISSIE CHANG, Licensee Counsel
MARY GAFFNEY, ANC Commissioner
DAWIT GGIORGS, Licensee
ANTAWAN HOLMES, Chair of ANC7C
FASEKA SHEFERAW, Licensee
P-R-O-C-E-E-D-I-N-G-S

CHAIRPERSON ANDERSON: All right. The next case on our calendar is Case Number 21-PRO-00081, Dix Market, License Number 116408.

Ms. Fashbaugh, can you please elevate the rights of the parties in this case, please.

MS. FASHBAUGH: One moment, Mr. Chair. We have an interpreter on the line. That's Lidia Bellod. You are -- your rights are elevated.

MS. BELLOD: Good morning. This is Lidia, the Spanish interpreter.

CHAIRPERSON ANDERSON: Hold on a minute, please, ma'am. If you have a camera, can you please turn your camera on, please, ma'am?

MS. BELLOD: Uh-huh.

MS. FASHBAUGH: Alexis Larios, your rights have been elevated.

Janika Jordan, your rights have been elevated.

Investigator Felicia Dantzler, your rights have been elevated.

That is all, Chairperson.

CHAIRPERSON ANDERSON: I'm sorry. Hold on a minute. Hold on. This is -- this is Dix Liquor. Is that -- is that
correct?

MS. FASHBAUGH: It is not. I made a mistake. My apologies.

CHAIRPERSON ANDERSON: All right. So this is the --

MS. FASHBAUGH: That was Villa Tuscana. Let me de-escalate.

CHAIRPERSON ANDERSON: Yeah. So I apologize. We're not ready for this case as yet. So the case we're calling is Dix Liquor, which is another protest hearing status. And this -- your case will be next, okay?

So I apologize for the inconvenience. All right? All right.

So Dix Liquor -- so, Dix -- please elevate the rights for Dix Market, please.

MS. FASHBAUGH: Chrissie Chang, your rights have been elevated. I do not see --

CHAIRPERSON ANDERSON: I believe Ms. Chang is probably the designated representative of that person.

MS. FASHBAUGH: Mary Gaffney, your rights have been elevated, and Antawan Holmes, your rights have been elevated. That is all, Chairperson.
CHAIRPERSON ANDERSON: All right.

Thank you very much. All right. Let's have the parties identify themselves for the record. Let's start with the licensee or the licensee's representative.

MS. CHANG: My name is Chrissie Chang, C-H-R-I-S-S-I-E C-H-A-N-G, and renewal applicant, EZRA S, Inc. Mr. Dawit Ggiorgs, he is here. He is right here.

Hello?

CHAIRPERSON ANDERSON: I'm sorry. So, Ms. Chang, who is it that you represent? You're the representative for --

MS. CHANG: Yes, the renewal applicant, the business owner of this market, EZRA X -- you know, EZRA S, Inc., sir.

CHAIRPERSON ANDERSON: All right. So is it -- well, who's --

MS. CHANG: Ms. Faseka.

CHAIRPERSON ANDERSON: Hold on, ma'am.

MS. CHANG: Hello?

CHAIRPERSON ANDERSON: Ms. Chang?

UNIDENTIFIED PARTICIPANT: Is he the guy that lives on the 1600 block that's Mary Ann's friend --
MS. CHANG: Yes.

UNIDENTIFIED PARTICIPANT: -- that has a dog?

CHAIRPERSON ANDERSON: I'm sorry.

Who's that speaking? I'm sorry. The only person who should be speaking is Ms. Chang. I heard someone talking about the dog in the background.

I'm going to ask that if you're not -- if I've not called on you, I need everyone to mute their microphone, please. The only person's microphone who should be unmuted currently is Ms. Chang.

All right. So let's start again, Ms. Chang. Who do you represent?

MS. CHANG: Okay. Yes, the renewal applicant, Faseka. Are you there?

CHAIRPERSON ANDERSON: All right. So who's the person --

MS. CHANG: Hello?

CHAIRPERSON ANDERSON: All right, Ms. Chang -- so, is Mr. Faseka or Ms. Faseka -- is that person supposed to be on the line?

MS. CHANG: Yes.

CHAIRPERSON ANDERSON: Ms. Fashbaugh, do you see --
MS. CHANG: Yes, Ms. Faseka and --
yes.
CHAIRPERSON ANDERSON: Ms. -- who is
the other person?
MS. CHANG: Mr. Ggiorgs and Ms.
Faseka. They are owners of Dix Market.
CHAIRPERSON ANDERSON: Are they on the
line? Are they --
MS. CHANG: Both of them, yes.
CHAIRPERSON ANDERSON: All right. Can
they identify themselves? Because we haven't
identified --
MS. CHANG: Okay. Sir?
CHAIRPERSON ANDERSON: Yes, ma'am?
My clients is calling you right now, and he
said -- she said -- she's has been trouble to
unmute herself. Could you please --
CHAIRPERSON ANDERSON: So what's her
name? What is her name?
MR. GGIORGS: My name is Dawit --
MS. CHANG: Hello?
MR. GGIORGS: -- Dix Market.
CHAIRPERSON ANDERSON: Hold on, hold
on, hold on. Dawit. Is that the person who
needs to be unmuted, Ms. Chang?

MR. GGIORGS: Yes.

MS. CHANG: Okay.

CHAIRPERSON ANDERSON: All right. All right. Fine. So can you please -- if this is Dawit -- I'm sorry. Can you please spell and state your name --

MS. CHANG: Yes, please.

CHAIRPERSON ANDERSON: Can you please spell and state your name for the record, and your relationship, please.

MR. GGIORGS: Okay. My name is Dawit, D-A--

MS. CHANG: My name is Chrissie Chang.

CHAIRPERSON ANDERSON: No, hold on, hold on. Not you, Ms. Chang. I'm talking about -- you've already --

MS. CHANG: Okay. Okay.

CHAIRPERSON ANDERSON: I'm talking about Dawit. Go ahead. Dawit, go ahead.


CHAIRPERSON ANDERSON: And who are you, sir?

MR. GGIORGS: I'm owner.
CHAIRPERSON ANDERSON: You're the owner of Dix Market?

MR. GGIOGGS: Yes.

CHAIRPERSON ANDERSON: Who else is -- all right. Who is the other person, Ms. Chang, who we're looking for?

MS. CHANG: Sure. Ms. Faseka is the wife of Mr. Dawit Ggiorgs, the owner of Dix Market. They are --

CHAIRPERSON ANDERSON: All right. So it's --

MS. CHANG: -- you know, operating the business.

CHAIRPERSON ANDERSON: Right. Is Ms. Faseka -- is she on the line? Is she trying to be on the line?

MS. SHEFERAW: Yes, but I'm having an issue. I can't connect.

CHAIRPERSON ANDERSON: I can hear you. So, can you please --

MS. SHEFERAW: Uh-huh.

CHAIRPERSON ANDERSON: -- spell and state your name for record, then, ma'am?

MS. SHEFERAW: My name is Faseka Sheferaw, F-A-S-E-K-A, last name, S-H-E-F-E-R-A-
CHAIRPERSON ANDERSON: And what's your relationship to the establishment, please?

MS. SHEFERAW: Are you able to hear me?

CHAIRPERSON ANDERSON: Yes. What's your relationship to the establishment?

MS. SHEFERAW: I'm the wife of the owner.

CHAIRPERSON ANDERSON: All right. So you're also the owner of the establishment?

MS. SHEFERAW: Yes, sir.

CHAIRPERSON ANDERSON: All right. Okay, thank you. All right.

Dr. Gaffney, can you please spell and state your name for the record, please?

(No response.)

CHAIRPERSON ANDERSON: Mary Gaffney, can you please spell and state your name --

MS. GAFFNEY: Are you speaking to me? I'm sorry. I'm having --

CHAIRPERSON ANDERSON: Can you please spell your -- spell and state the name -- your name for the record, please.

MS. GAFFNEY: Mary Gaffney, M-A-R-Y --
(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Hold on, hold on, hold on. The only person who needs to be speaking right now is Mary Gaffney. All right.

Go ahead, Ms. Gaffney.

MS. SHEFERAW: Okay. I'm going to respond. My name is Faseka --

CHAIRPERSON ANDERSON: Who's speaking?


CHAIRPERSON ANDERSON: No, stop. Hold on, hold on. Okay. Hold on, hold on.

MS. SHEFERAW: Last name, Sheferaw.

S-H --

MS. CHANG: Faseka, not -- please, not you.

CHAIRPERSON ANDERSON: Hold on, hold on.


CHAIRPERSON ANDERSON: All right.

Hold on. Hold on. Who is -- Ms. Chang, who is that person? Who is that -- the name -- who is that person --

MS. CHANG: I'm the -- you know, I am on behalf of --
CHAIRPERSON ANDERSON: Ms. Chang, who was the person who was trying to speak?

MS. CHANG: Okay. Chairman, are you asking my name?

CHAIRPERSON ANDERSON: No, Ms. Chang. Ms. Chang -- hold on, Ms. Gaffney. Ms. Chang, while Ms. Gaffney --

MS. CHANG: Yes, sir?

CHAIRPERSON ANDERSON: -- was trying to speak, someone else was trying to speak. Who is that person?

MS. CHANG: Ms. Faseka. She understood. Sorry.

CHAIRPERSON ANDERSON: All right.

MS. CHANG: She's not -- she -- yeah.

CHAIRPERSON ANDERSON: Who's Ms. Faseka? Who is Ms. Faseka?

MS. CHANG: Who is Ms. Faseka? It's the wife of the owner of Dix Market.

CHAIRPERSON ANDERSON: All right. So she doesn't need to speak anymore.

MS. CHANG: Ms. Faseka is the wife of --
CHAIRPERSON ANDERSON: Fine.

MS. CHANG: Okay.

CHAIRPERSON ANDERSON: Ms. Faseka does not need to --

MS. CHANG: Okay.

CHAIRPERSON ANDERSON: -- anymore

until I tell -- until I ask the questions. All right.

MS. CHANG: Okay.

CHAIRPERSON ANDERSON: Go ahead --

MS. CHANG: Okay.

CHAIRPERSON ANDERSON: -- Ms. Gaffney.

I apologize. Ms. Gaffney, please, spell and state your name and your relationship, please.

MS. GAFFNEY: All right. Mary -- my name is Mary, M-A-R-Y, initial L, Gaffney, G-A-F-F-N-E-Y. I am the commissioner for the area that the liquor store is in.

CHAIRPERSON ANDERSON: All right. You're ANC commissioner. I saw that Mr. Holmes was on the line.

Mr. Holmes, can you please spell and state your name for record, please.

MR. HOLMES: Yes, Antawan Holmes,

ANC7 -- chair of ANC7C.
CHAIRPERSON ANDERSON: Is there anyone else on the line who needs to identify themselves for the record?

(No response.)

CHAIRPERSON ANDERSON: So this renewal is being protested by the ANC alone. Is that correct?

MR. HOLMES: I believe it was -- I believe the Northeast Boundary Civic Association also had party status for this case.

CHAIRPERSON ANDERSON: So who is -- so, who represents the Northeast Boundary Civic Association?

MR. HOLMES: They can be represented by Commissioner Gaffney. She's also the president of Northeast Boundary Civic Association.

CHAIRPERSON ANDERSON: All right. Mr. Holmes, I appreciate that, but I don't expect you to say that. If Ms. Gaffney is representing the Northeast Boundary Civic Association, then Ms. Gaffney needs to put that on the record.

Ms. Gaffney said that she's a single-member district ANC representative. So who is Ms. Gaffney representing at this hearing?

CHAIRPERSON ANDERSON: Thank you very much, Ms. Gaffney.

MS. GAFFNEY: Thank you.

CHAIRPERSON ANDERSON: We have everything -- this has been -- this hearing has been transcribed, one of the reasons -- that's why I ask everyone to state their name and their relationship.

And Ms. Gaffney, if Mr. Holmes did not make that clarification to the record, I was going to make a motion to dismiss the Northeast Boundary Civic Association because they did not show up at this hearing, ma'am.

So that's why it's important, when I ask everyone to state your name and your affiliation to this case. Is that correct? Everyone understands?

MS. GAFFNEY: Thank you so much.

CHAIRPERSON ANDERSON: All right.

Thank you very much. All right. This matter is scheduled for a protest hearing on February 16 at 1:30 p.m.
Are there any preliminary -- Ms. Chang, do you have any preliminary matters you want to bring to the attention of the Board?

MS. CHANG: Yes. I would like to inform you all that we are in negotiation for a settlement agreement, and the protesters and I do -- we do hope that very soon, in the very near future, the settlement agreement can be signed. We are in negotiation.

CHAIRPERSON ANDERSON: All right.

Thank you, Ms. Chang.

And, Ms. Gaffney, on behalf of the Northeast Boundary Civic Association, any questions, any preliminary issues you want to bring to the attention of the Agency?

MS. GAFFNEY: No, no more than she said we in the negotiation. But we were supposed to have this done before now, you know? And they were supposed to come back with one week, and we have not heard from them until today.

CHAIRPERSON ANDERSON: Well, I would hope that the parties before -- let me say something. Mr. Holmes, any preliminary matters that you want to bring to the attention?

MR. HOLMES: Not at this time.
CHAIRPERSON ANDERSON: All right. If
the parties -- the Board supports settlement
agreement --

MS. GAFFNEY: Yes.

CHAIRPERSON ANDERSON: -- if the
parties are able to settle this matter. So the
Board will just let all parties know that if you
intend to settle this matter, speak. And -- so,
you can bring agreement, if the parties are able
to settle this matter, okay?

So I just want to bring that to say if
what -- if you need an additional mediation from
the Agency, the Agency will work with doing that.
If you're able to do it informally, that's up to
you.

Let me -- let us know. We will help
to facilitate -- whatever this Agency can do to
facilitate the process, we will do that, okay?

MS. GAFFNEY: Thank you so much.

CHAIRPERSON ANDERSON: All right.

MS. CHANG: Thank you.

CHAIRPERSON ANDERSON: Thank you. All
right. All right. Now, that we've scheduled
this matter for protest hearing, there are a few
things that I would like to instruct you about,
because the Board's practices under the COVID-19 restrictions have changed.

As you know, the Board's hearings are conducted virtually, so it is more important than ever that protest hearings are focused and addresses only those issues that are being protested.

Following this hearing, you will receive an email from ABRA Legal assistant, Imani Moreland, that will include a copy of a protest information form, PIF, and a copy of an exhibit form, as well as specific instructions for the hearing.

You are required to complete and submit the PIF and exhibit forms at least seven days before the date of the hearing. If we do not receive a copy of your forms seven days before the hearing, your application or your protest may be subject to dismissal.

These documents need to be submitted to ABRA Legal and to the opposing parties. Please know that these documents greatly assist the Board in narrowing the protest issues, facilitating the process, and keeping the parties on point during the hearing.
Each side is limited to no more than five witnesses, and you will only have 60 minutes to present your case. This includes all direct and cross-examination.

The Board does not intend to hear testimony of matters that are not relevant to those issues that are being protested. Any issues -- any questions or concerns for anyone?

(No response.)

CHAIRPERSON ANDERSON: All right. Hearing none --

MS. CHANG: No, sir.

CHAIRPERSON ANDERSON: -- we thank you greatly for your cooperation. If at any time, you have any questions leading up to the hearing, please do not hesitate to contact Ms. Moreland at 202-442-6942 or contact her by email.

Again, the Board supports settlement. If the parties are able to settle this matter, we do support that you have -- that conversations are held, and if there's anything the Agency can do, you can contact Ms. Moreland to assist you.

If you need to have another mediation, you can contact Ms. Moreland just to ask her to help facilitate another mediation session, if
that's required. But whatever this Agency can do
to assist the parties if the parties really want
to settle this matter, we will do that.

If not, we'll see you for hearing on
February 16 at 1:30 p.m. Okay?

MS. GAFFNEY: Yes.

CHAIRPERSON ANDERSON: Thank you,
everyone, for your presentation and --

MS. CHANG: Thank you.

CHAIRPERSON ANDERSON: -- for your
appearance this morning. Happy new year, and
have a great day. Thank you very much.

MS. CHANG: Thank you.

MR. HOLMES: Thank you.

(Whereupon, the above-entitled matter
went off the record.)
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This is to certify that the foregoing transcript

In the matter of: Dix Market

Before: DCABRA

Date: 01-12-22

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