

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF: :

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Express Convenience :  
Store, LLC, :  
t/a Express Convenience :  
Store :  
2031 Benning Road NE, : Protest  
Retailer B - ANC 7D : Hearing (Status)  
License No. 113544 :  
Case #19-PRO-00085 :  
:  
(Application to Renew :  
the License) :

Wednesday  
August 14, 2018

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Donovan W. Anderson, presiding.

**PRESENT:**

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
MIKE SILVERSTEIN, Member  
JAMES SHORT, Member  
REMA WAHABZADAH, Member  
RAFI ALIYA CROCKETT, Member

**ALSO PRESENT:**

**TADELE BAYETA, APPLICANT**

**SELAM LEGESSE, INTERPRETER**

**SYDELLE MOORE, PROTESTANT**

**TAMARA BLAIR, PROTESTANT**

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 -- don't leave, just sit back. Once their  
5 lawyer comes, I'll have them give you the  
6 information.

7 All right, the next case on our  
8 calendar is Case No. 19-PRO-00085, Express  
9 Convenience Store, License No. 113544. Will the  
10 parties please approach and identify themselves  
11 for the record, please?

12 MS. LEGESSE: Yes.

13 CHAIRPERSON ANDERSON: Hold on a  
14 moment, please. What establishment are you here  
15 for, ma'am?

16 MS. LEGESSE: Excuse me?

17 CHAIRPERSON ANDERSON: You're here  
18 for what?

19 MS. LEGESSE: I'm the Amharic  
20 interpreter. Selam Legesse.

21 (Interpreter sworn.)

22 CHAIRPERSON ANDERSON: Can you have

1 the licensee introduce himself for the record,  
2 please?

3 MR. BAYETA: Tadele Bayeta.

4 CHAIRPERSON ANDERSON: What's the  
5 last name?

6 MS. LEGESSE: Bayeta.

7 CHAIRPERSON ANDERSON: Bayeta?

8 MR. BAYETA: Yes.

9 CHAIRPERSON ANDERSON: Okay, good  
10 morning. There's a sign-in sheet, make sure  
11 that you please sign in.

12 Thank you. The protestant, can you  
13 identify yourself, please?

14 MS. MOORE: Yes, I am Commissioner  
15 Sydelle Moore, ANC 5D Vice Chairperson.

16 MS. YEAKLEY: Melissa Yeakley, Vice  
17 President of Friends of Kingman Park Civic  
18 Association.

19 CHAIRPERSON ANDERSON: I'm sorry,  
20 your last name, ma'am?

21 MS. YEAKLEY: Yeakley.

22 CHAIRPERSON ANDERSON: How do you

1 spell that?

2 MS. YEAKLEY: Y-E-A-K-L-E-Y.

3 CHAIRPERSON ANDERSON: And you're  
4 from the Civic Association.

5 MS. YEAKLEY: Yes.

6 CHAIRPERSON ANDERSON: Who else is  
7 here?

8 MS. BLAIR: Tamara Blair,  
9 representing Group of 5 or more.

10 CHAIRPERSON ANDERSON: Who is here  
11 from -- who are you representing Ms. Moore?

12 MS. MOORE: Both. So I represent  
13 both ANC 5D, I'm the designated representative  
14 by the ANC for this case, and I'm also the  
15 designated representative for the Langston Civic  
16 Association.

17 CHAIRPERSON ANDERSON: Who's here  
18 from Friends of Kingman Park?

19 MS. YEAKLEY: That's me.

20 CHAIRPERSON ANDERSON: I'm sorry.  
21 And you're Ms. Blair, right?

22 MS. BLAIR: Yes.

1 CHAIRPERSON ANDERSON: And so you're  
2 representing the Group of 5 or more?

3 MS. BLAIR: Yes, sir.

4 CHAIRPERSON ANDERSON: All right.  
5 Okay.

6 All right, this matter is then  
7 scheduled for a protest hearing on September  
8 11th at 4:30. Are there any other preliminary  
9 matters that needs to be addressed?

10 MS. MOORE: Yes, all of the  
11 protestants agree that we'd like to change the  
12 date if possible. None of us will be in town on  
13 September 11th. And so September 25th or  
14 thereafter.

15 CHAIRPERSON ANDERSON: Did you make  
16 a request to the agency to change the date?

17 MS. MOORE: We haven't made an  
18 official request, we just discussed it with the  
19 applicant yesterday.

20 MS. LEGESSE: So when we talk  
21 yesterday they had said it would be rescheduled  
22 within five days, but not more than that.

1                   CHAIRPERSON ANDERSON: So are you in  
2 agreement, sir, to change the date?

3                   MS. LEGESSE: I do not agree because  
4 I do want to work. But if they are not able to  
5 come that day, they can maybe come two, three  
6 days after that, but no more than that.

7                   CHAIRPERSON ANDERSON: So you are in  
8 agreement, sir, to change the date?

9                   Go ahead.

10                  MS. LEGESSE: Yes, I do agree, as  
11 long as it's not way too long after the date.

12                  CHAIRPERSON ANDERSON: Well, part of  
13 the problem we're going to have is that we need  
14 to come up with -- since it was scheduled for  
15 9/11 and the parties said that 9/11, so then we  
16 have to find another date to reschedule this  
17 for.

18                  MS. LEGESSE: Okay.

19                  CHAIRPERSON ANDERSON: Okay, hold  
20 on. Let me see if I can come up with a date  
21 now. Let me see.

22                  I'm trying to see if I can get

1 another date, but our legal staff is not here,  
2 is not able to provide another date. But our  
3 calendar -- we only meet on Wednesday's and I do  
4 not know what the calendar looks like for the  
5 following Wednesday or the Wednesday after that.

6 So what we will do that is that an  
7 oral motion is made to change the date, which  
8 has been consented to, and I'll have the legal  
9 staff contact both sides to come up with another  
10 date.

11 Are there any other issues that  
12 needs to be brought to the attention of the  
13 board?

14 MS. MOORE: Sure, I have one  
15 question, a process question.

16 CHAIRPERSON ANDERSON: Yes, ma'am.

17 MS. MOORE: So the ANC and two Civic  
18 Associations are protesting, but there's also a  
19 Group of 5.

20 CHAIRPERSON ANDERSON: Go slower;  
21 she's translating.

22 MS. MOORE: If the Group of 5 were

1 to reach a settlement in this instance -- and  
2 then it goes to a full protest with the other  
3 protestants, then how does the hierarchy of  
4 settlements work in that instance with a new  
5 licensee?

6 CHAIRPERSON ANDERSON: The licensee  
7 would have to abide by the terms of the  
8 settlement agreement that was signed with the  
9 Group of 5, the term of the settlement agreement  
10 that was agreed with the ANC's and the term of  
11 the settlement that was by the groups. Now, I  
12 mean, I would hope that they're not in conflict.  
13 I mean, of course the board has to approve all  
14 settlement agreements. But if -- I would say  
15 that if the parties are amenable to settlements,  
16 maybe we can have one settlement agreement that  
17 everyone signs off on to make sure that there's  
18 consistency between/amongst the parties. If the  
19 ANC signs the settlement agreement and if the  
20 Group of 5 or more is not a party to the  
21 settlement agreement, the Group of 5 or more  
22 falls. However, the associations would still

1 remain as parties to the protest hearing.

2 All right, now that we've scheduled  
3 this matter for a protest hearing, there are a  
4 few things that I would like to instruct the  
5 applicant and the protestants about the process  
6 to ensure that the protest is focused and  
7 addresses only those issues that are being  
8 protested. The board does not intend to hear  
9 testimony on matters that are not relevant to  
10 this case. You should have received by  
11 electronic or regular mail a letter explaining  
12 the protest process, a copy of the protest  
13 information form, and a copy of the exhibit  
14 form. If you do not have these documents,  
15 please contact Assistant General Counsel, April  
16 Randall, following this hearing.

17 It is imperative that you review the  
18 rules closely and adhere to them before and  
19 during the protest hearing. You're also  
20 required to complete and submit the protest  
21 information form, PIP, and the exhibit form  
22 seven days before the date of the hearing.

1 These two forms and accompanying documents need  
2 to be submitted to ABRA's legal division and to  
3 all opposing parties in this matter. If we do  
4 not receive a copy of your PIP, your application  
5 or your protest, whichever side you're  
6 representing, may be subject to dismissal.

7 Likewise, if we do not receive a copy of the  
8 exhibit form and the exhibits themselves, your  
9 exhibits may be excluded from the record. I'll  
10 put a finding that the opposing party has been  
11 prejudice or no good cause for failure to submit  
12 has been shown. Likewise, witnesses other than  
13 a party may also be subject to exclusion, if not  
14 identified on the PIP. Accordingly, these forms  
15 are very important. They greatly support the  
16 protest issues facilitating the process and  
17 keeping the parties on point during the hearing.  
18 They, likewise, provide notice to the opposing  
19 parties, enabling them to better prepare for the  
20 hearing.

21 Thank you for your attention. If  
22 you have any problem, please feel free to

1 contact Associate General Counsel, April  
2 Randall, at (202) 442-4353.

3 Thank you.

4 The longest short of it is that if  
5 we're going to go to a hearing, seven days  
6 before the hearing you need to exchange  
7 documents to each side. And Ms. Randall is able  
8 to provide you with information on how to do  
9 this.

10 All right, so -- yes -- so we'll get  
11 back to you on a date when the matter is  
12 scheduled for, okay?

13 All right, thank you.

14 Any other questions by anyone else?

15 MS. LEGESSE: I do not have any  
16 questions.

17 CHAIRPERSON ANDERSON: All right,  
18 thank you. Have a great day.

19 (Whereupon, the above-entitled  
20 matter went off the record at 11:04 a.m.)  
21  
22

<b>A</b>	<b>C</b>	<b>E</b>	<b>G</b>	<b>I</b>	<b>K</b>		
<b>a.m</b> 3:2 12:20 <b>abide</b> 9:7 <b>able</b> 7:4 8:2 12:7 <b>above-entitled</b> 12:19 <b>ABRA's</b> 11:2 <b>accompanying</b> 11:1 <b>addressed</b> 6:9 <b>addresses</b> 10:7 <b>adhere</b> 10:18 <b>agency</b> 6:16 <b>agree</b> 6:11 7:3,10 <b>agreed</b> 9:10 <b>agreement</b> 7:2,8 9:8,9 9:16,19,21 <b>agreements</b> 9:14 <b>ahead</b> 7:9 <b>Alcoholic</b> 1:2,14,15 <b>ALIYA</b> 1:21 <b>amenable</b> 9:15 <b>Amharic</b> 3:19 <b>ANC</b> 1:8 4:15 5:13,14 8:17 9:19 <b>ANC's</b> 9:10 <b>Anderson</b> 1:16,18 3:3 3:13,17,22 4:4,7,9,19 4:22 5:3,6,10,17,20 6:1,4,15 7:1,7,12,19 8:16,20 9:6 12:17 <b>applicant</b> 2:11 6:19 10:5 <b>application</b> 1:10 11:4 <b>approach</b> 3:10 <b>approve</b> 9:13 <b>April</b> 10:15 12:1 <b>Assistant</b> 10:15 <b>Associate</b> 12:1 <b>Association</b> 4:18 5:4 5:16 <b>associations</b> 8:18 9:22 <b>attention</b> 8:12 11:21 <b>August</b> 1:13	<b>calendar</b> 3:8 8:3,4 <b>case</b> 1:9 3:3,7,8 5:14 10:10 <b>CATO</b> 1:19 <b>cause</b> 11:11 <b>Chairperson</b> 1:16,18 3:3,13,17,22 4:4,7,9 4:15,19,22 5:3,6,10 5:17,20 6:1,4,15 7:1,7 7:12,19 8:16,20 9:6 12:17 <b>change</b> 6:11,16 7:2,8 8:7 <b>Civic</b> 4:17 5:4,15 8:17 <b>closely</b> 10:18 <b>COLUMBIA</b> 1:1 <b>come</b> 7:5,5,14,20 8:9 <b>comes</b> 3:5 <b>Commissioner</b> 4:14 <b>complete</b> 10:20 <b>conflict</b> 9:12 <b>consented</b> 8:8 <b>consistency</b> 9:18 <b>contact</b> 8:9 10:15 12:1 <b>Control</b> 1:2,14,15 <b>Convenience</b> 1:6,7 3:9 <b>copy</b> 10:12,13 11:4,7 <b>Counsel</b> 10:15 12:1 <b>course</b> 9:13 <b>CROCKETT</b> 1:21	<b>D</b>	<b>F</b>	<b>H</b>	<b>J</b>		
<b>B</b>	<b>E</b>	<b>G</b>	<b>I</b>	<b>K</b>	<b>L</b>		
<b>B</b> 1:8 <b>back</b> 3:4 12:11 <b>Bayeta</b> 2:11 4:3,3,6,7,8 <b>Benning</b> 1:8 <b>better</b> 11:19 <b>between/amongst</b> 9:18 <b>Beverage</b> 1:2,14,15 <b>Blair</b> 2:14 5:8,8,21,22 6:3 <b>board</b> 1:2,14 8:13 9:13 10:8 <b>BOBBY</b> 1:19 <b>brought</b> 8:12 <b>Building</b> 1:15	<b>electronic</b> 10:11 <b>enabling</b> 11:19 <b>ensure</b> 10:6 <b>establishment</b> 3:14 <b>exchange</b> 12:6 <b>excluded</b> 11:9 <b>exclusion</b> 11:13 <b>Excuse</b> 3:16	<b>calendar</b> 3:8 8:3,4 <b>case</b> 1:9 3:3,7,8 5:14 10:10 <b>CATO</b> 1:19 <b>cause</b> 11:11 <b>Chairperson</b> 1:16,18 3:3,13,17,22 4:4,7,9 4:15,19,22 5:3,6,10 5:17,20 6:1,4,15 7:1,7 7:12,19 8:16,20 9:6 12:17 <b>change</b> 6:11,16 7:2,8 8:7 <b>Civic</b> 4:17 5:4,15 8:17 <b>closely</b> 10:18 <b>COLUMBIA</b> 1:1 <b>come</b> 7:5,5,14,20 8:9 <b>comes</b> 3:5 <b>Commissioner</b> 4:14 <b>complete</b> 10:20 <b>conflict</b> 9:12 <b>consented</b> 8:8 <b>consistency</b> 9:18 <b>contact</b> 8:9 10:15 12:1 <b>Control</b> 1:2,14,15 <b>Convenience</b> 1:6,7 3:9 <b>copy</b> 10:12,13 11:4,7 <b>Counsel</b> 10:15 12:1 <b>course</b> 9:13 <b>CROCKETT</b> 1:21	<b>exhibit</b> 10:13,21 11:8 <b>exhibits</b> 11:8,9 <b>explaining</b> 10:11 <b>Express</b> 1:6,7 3:8	<b>facilitating</b> 11:16 <b>failure</b> 11:11 <b>falls</b> 9:22 <b>feel</b> 11:22 <b>find</b> 7:16 <b>finding</b> 11:10 <b>five</b> 6:22 <b>focused</b> 10:6 <b>following</b> 8:5 10:16 <b>form</b> 10:13,14,21,21 11:8 <b>forms</b> 11:1,14 <b>free</b> 11:22 <b>Friends</b> 4:17 5:18 <b>full</b> 9:2	<b>hear</b> 10:8 <b>hearing</b> 1:8,15 6:7 10:1 10:3,16,19,22 11:17 11:20 12:5,6 <b>hierarchy</b> 9:3 <b>hold</b> 3:13 7:19 <b>hope</b> 9:12	<b>JAMES</b> 1:20 <b>JR</b> 1:19	<b>keeping</b> 11:17 <b>Kingman</b> 4:17 5:18
<b>M</b>	<b>O</b>	<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>		
<b>ma'am</b> 3:15 4:20 8:16 <b>mail</b> 10:11 <b>matter</b> 1:5 6:6 10:3 11:3 12:11,20 <b>matters</b> 6:9 10:9 <b>mean</b> 9:12,13 <b>meet</b> 8:3 <b>MEETING</b> 1:3 <b>Melissa</b> 4:16 <b>Member</b> 1:19,19,20,20 1:21 <b>met</b> 1:15 <b>MIKE</b> 1:19 <b>moment</b> 3:14 <b>Moore</b> 2:13 4:14,15 5:11,12 6:10,17 8:14 8:17,22 <b>morning</b> 4:10 <b>motion</b> 8:7	<b>N</b>	<b>O</b>	<b>P</b>	<b>R</b>	<b>S</b>		
<b>N.W</b> 1:15 <b>name</b> 4:5,20 <b>NE</b> 1:8 <b>need</b> 7:13 11:1 12:6 <b>needs</b> 6:9 8:12 <b>new</b> 9:4 <b>notice</b> 11:18	<b>N</b>	<b>O</b>	<b>P</b>	<b>R</b>	<b>S</b>		
<b>N</b>	<b>O</b>	<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>		
<b>official</b> 6:18 <b>Once</b> 3:4 <b>opposing</b> 11:3,10,18 <b>oral</b> 8:7	<b>N</b>	<b>O</b>	<b>P</b>	<b>R</b>	<b>S</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
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<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
<b>P</b>	<b>R</b>	<b>S</b>	<b>T</b>	<b>U</b>	<b>V</b>		
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Express Convenience Store

Before: DCABRA

Date: 08-14-19

Place: Washington, DC

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



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Court Reporter

**NEAL R. GROSS**

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