

ALSO PRESENT:

DANIEL ADGEH, Licensee

ROBERT CLAYTON, Attorney for Licensee

YOSEF ENDALE, Licensee

CHARLOTTE NUGENT, ANC 4C01

NANCY ROTH, ANC 4D01

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

2 9:41 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 17-PRO-
5 00073, Lucky Corner Store, License No. 93115.

6 Would the parties, please, approach
7 and identify themselves for the record, please?
8 Are you the protestant or the Licensee?

9 MS. NUGENT: We're the Protestants.

10 MS. ROTH: Protestants.

11 CHAIRPERSON ANDERSON: Okay. You are
12 fine right there.

13 MS. NUGENT: Yeah.

14 CHAIRPERSON ANDERSON: Okay.

15 MS. ROTH: Thank you.

16 CHAIRPERSON ANDERSON: So make sure
17 you sign-in on the table, please.

18 All right. So can I have you
19 introduce yourself starting with the Protestant,
20 please?

21 MS. NUGENT: Yes, I'm Charlotte
22 Nugent. I'm ANC Commissioner in 4C01.

1 CHAIRPERSON ANDERSON: Ms. Nugent.

2 Yes, ma'am? Oh, you can spell your name for the
3 record then, please.

4 MS. NUGENT: Oh, spell my whole name?

5 CHAIRPERSON ANDERSON: Yes, please.

6 MS. NUGENT: Charlotte, C-H-A-R-L-O-T-
7 T-E, Nugent, N-U-G-E-N-T.

8 CHAIRPERSON ANDERSON: Thank you.

9 Yes, ma'am?

10 MS. ROTH: Hi, I am Nancy Roth, R-O-T-
11 H. I'm with -- N-A-N-C-Y R-O-T-H. I'm with
12 ANC-4D01, directly across the street from my
13 colleague.

14 CHAIRPERSON ANDERSON: Now, is it both
15 -- so is ANC-4?

16 MS. NUGENT: C and 4D.

17 CHAIRPERSON ANDERSON: So is it
18 protested by both 4C and 4D?

19 MS. ROTH: We are -- I think --

20 MS. NUGENT: Yes.

21 MS. ROTH: -- we were told we had --
22 we are both protesting, but we developed separate

1 settlements.

2 CHAIRPERSON ANDERSON: That's what I'm
3 trying to find out. So both --

4 MS. NUGENT: We are both protesting.

5 CHAIRPERSON ANDERSON: -- ANCs, 4C and
6 4D, are protesting the matter?

7 MS. ROTH: Yes, Your Honor.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. CLAYTON: Good morning,
10 Commissioners. Sorry I'm late.

11 MS. NUGENT: Oh, okay.

12 CHAIRPERSON ANDERSON: There is a
13 sign-in sheet, sir. Could you sign-in your name
14 and, please, tell -- well, your timing is
15 perfect, so can you --

16 MR. CLAYTON: Yes, Robert Clayton,
17 general counsel for YD Progress.

18 CHAIRPERSON ANDERSON: Your last name,
19 sir?

20 MR. CLAYTON: Clayton, C-L-A-Y-T-O-N.

21 CHAIRPERSON ANDERSON: And can you
22 guys introduce yourself for the record, please?

1 MR. ADGEH: I'm Daniel Adgeh. I am
2 one of the owner of Lucky Corner Market.

3 CHAIRPERSON ANDERSON: Can you spell
4 your name for the record, please, sir?

5 MR. ADGEH: D-A-N-I-E-L and my last
6 name is A-D-G-E-H.

7 CHAIRPERSON ANDERSON: Good morning,
8 Mr. Adgeh.

9 MR. ENDALE: My name is Yosef, Y-O-S-
10 E-F. My last name is Endale, E-N-D-A-L-E.

11 CHAIRPERSON ANDERSON: And who are
12 you, sir?

13 MR. ENDALE: I'm the owner.

14 CHAIRPERSON ANDERSON: Okay. All
15 right. Are there any preliminary matters in this
16 case?

17 MR. CLAYTON: I believe, Your Honor,
18 the -- I mean Commissioner, the situation is as
19 follows. We had a mediation with the protesters
20 in February -- excuse me, last month. We worked
21 out a preliminary settlement agreement, but we
22 have some issues that we were trying to finalize.

1 CHAIRPERSON ANDERSON: Okay.

2 MR. CLAYTON: So what we would like to
3 do is have additional time to finalize those,
4 because I think we are very close to resolving
5 the matter without the protest.

6 CHAIRPERSON ANDERSON: Well, the
7 Protest Hearing is scheduled for February 28th,
8 so you have over a month. So this is just a
9 preliminary hearing just to see where you are.
10 And this matter is scheduled for a Protest
11 Hearing on February 28th at 4:30.

12 And so it's -- you have more than
13 enough time to do that. And so are there any
14 other preliminary issues that you need to
15 address?

16 MR. CLAYTON: No.

17 CHAIRPERSON ANDERSON: All right. I
18 just want to again just remind both sides that
19 the purpose of a Protest Hearing is to determine
20 the appropriateness of the establishment in the
21 section of the District where the establishment
22 is located.

1 And I just want to also instruct the
2 parties that if we do move forward to a Protest
3 Hearing, that the protest should only be focused
4 and address only those issues that are being
5 protested. That the Board does not intend to
6 hear testimony on matters that are not relevant
7 to this case.

8 You should have received electronic or
9 regular mail a letter explaining the protest
10 process, a copy of the Protest Information Form
11 and a copy of the Exhibit Form. If you do not
12 have these documents, please, contact Assistant
13 General Counsel Ms. April Randall following this
14 hearing.

15 It is imperative that you review the
16 rules closely and adhere to them before and
17 during the Protest Hearing. You should have also
18 received -- you are also required to complete and
19 submit the Protest Information Form and the
20 Exhibit Form, which is due seven days before the
21 hearing. These two forms and accompanying
22 documents need to be submitted to ABRA's Legal

1 Division and to all opposing parties in this
2 matter.

3 If we do not receive a copy of your
4 PIF, your application or your protest, whichever
5 side you are representing, may be subject to
6 dismissal. Likewise, if we do not receive a copy
7 of the Exhibit Form and the exhibits themselves,
8 your exhibits may be excluded from the record
9 upon a finding that the opposing party has been
10 prejudiced or no good cause for failure to submit
11 has been shown.

12 Likewise witnesses other than a party
13 may also be subject to exclusion if not
14 identified in the PIF.

15 Accordingly, these forms are very
16 important as they greatly assist the Board in
17 narrowing the protest issues, facilitating the
18 process and keeping the parties on point during
19 the hearing. They likewise provide notice to the
20 opposing parties enabling them to better prepare
21 for the hearing.

22 We thank you greatly for your

1 cooperation. If you have any questions today or
2 at any point leading up to the hearing, please,
3 do not hesitate to contact AGC Randall at (202)
4 442-4353. Thank you.

5 As I said, the hearing is scheduled
6 for February 28th at 4:30. You have over a
7 month. You have a question, ma'am?

8 MS. ROTH: I do, sir.

9 CHAIRPERSON ANDERSON: Yes, ma'am?

10 MS. ROTH: I guess I just wondered --

11 CHAIRPERSON ANDERSON: Can you speak
12 up? You are being recorded, but I can't hear.
13 Yes, ma'am.

14 MS. ROTH: Well, I'm hearing impaired,
15 so I always speak up. But I just wonder if in
16 the event we are still working on it by a week
17 before the Protest Hearing, do we have the option
18 to push back a little bit more on the Protest
19 Hearing?

20 CHAIRPERSON ANDERSON: Both sides, if
21 you are asking for -- if you need a continuance,
22 both sides can request to the Board to say that

1 we are very close to a settlement and we are
2 asking for a continuance.

3 So that's something that you can talk
4 about.

5 MS. ROTH: So that's an option.

6 CHAIRPERSON ANDERSON: You can speak
7 and request from the Board. Make a formal joint
8 motion to the Board that we would like the -- to
9 continue the hearing. So if you do that, the
10 Board will, of course, agree to that.

11 Yes, ma'am?

12 MS. NUGENT: And by what date would
13 you need that request?

14 CHAIRPERSON ANDERSON: Well, this is
15 my position. Okay? As soon as possible, but I'm
16 not going to -- since the hearing is scheduled on
17 the 28th, then we have to have our investigator
18 to go out and do a lot of leg work. So if you
19 are very sure that you are going to come to a
20 settlement -- a joint -- sign a settlement
21 agreement and that you are not going to need a
22 Protest Hearing, then you can say to the Board

1 that I -- we are going to come to some agreement,
2 we just need some more time.

3 So you can let us know as soon as
4 possible.

5 MS. NUGENT: Absolutely.

6 MR. CLAYTON: I think the reason why--

7 CHAIRPERSON ANDERSON: Yes, sir?

8 MR. CLAYTON: -- the commissioners are
9 concerned is because ANC-4C doesn't meet until
10 the 14th of February --

11 CHAIRPERSON ANDERSON: Okay.

12 MR. CLAYTON: -- to vote on any
13 settlement that we may arrive.

14 CHAIRPERSON ANDERSON: That's fine.

15 MR. CLAYTON: And 4D doesn't meet
16 until the 20th.

17 CHAIRPERSON ANDERSON: Okay.

18 MR. CLAYTON: So that's exactly eight
19 days before our protest. So they will vote that
20 evening and they won't let us know probably until
21 the next day whether or not, you know --

22 MS. NUGENT: That's right.

1 CHAIRPERSON ANDERSON: So then what
2 you can do. You can let us know prior to the
3 14th that -- because now for example if you know
4 that you have come to an agreement and you can
5 then let the Board know say around the 14th or
6 maybe the first or second week in February to say
7 we have come to an agreement. However, it cannot
8 be finalized until the ANC meeting.

9 And so the Board will continue the
10 matter. So I would just say once you have come
11 to an agreement prior to the vote, just jointly
12 send an email to Ms. Randall to ask her that your
13 -- the Board is asking for -- that you are asking
14 for a continuance because we have come to an
15 agreement, but the ANCs have to vote publicly and
16 we don't have enough time for them to vote prior
17 to the hearing on the 28th. Okay?

18 MS. ROTH: Thank you, sir.

19 CHAIRPERSON ANDERSON: All right.

20 MS. ROTH: That's fine.

21 CHAIRPERSON ANDERSON: So my view has
22 always been, I prefer for the neighborhoods to

1 settle the matter, give us settlement agreements,
2 because this is where you live. You can
3 determine the point, the agreement, rather than
4 having the Board come in and impose conditions
5 that both sides are not going to be happy.

6 So as I have said before, I will not
7 be upset if I don't see you on the 28th, because
8 that tells me that the process has worked, that
9 you have an agreement.

10 So as I said before, as soon as you
11 sign a settlement, you have agreed to a
12 settlement agreement, just let the Board know
13 that we need a postponement, continuance because
14 the ANC has to vote. Okay?

15 MR. CLAYTON: Thank you, sir.

16 CHAIRPERSON ANDERSON: All right. So
17 good luck and thank you for being here today.

18 MEMBER SILVERSTEIN: Mr. Chairman?

19 CHAIRPERSON ANDERSON: Yes, Mr.

20 Silverstein?

21 MEMBER SILVERSTEIN: I would
22 underscore what our Chairman has said and would

1 like to explain to both of you that we have a
2 very limited number of Investigators and often
3 only half a dozen work during the daytime. And
4 they are busy dealing with matters of extreme
5 importance of public safety and things of that
6 sort.

7 When we do a -- when we go to a full
8 Protest Hearing, they have to put together a
9 book, a loose-leaf binder book that takes an
10 enormous amount of time that gives all of the
11 facts of the case before the hearing. This takes
12 up their time and if you are able to come up with
13 something a week in advance, we understand your
14 time limits, but, please, understand ours. It
15 would be extremely helpful to us if it looks like
16 you are going to do -- you are going to come to
17 an agreement (A) let us know; (B) don't look just
18 at your deadline, but at ours for the benefit of
19 the entire city.

20 If we work together on it, it's better
21 for everyone. Thank you. Thank you, Mr.
22 Chairman.

1 CHAIRPERSON ANDERSON: Thank you, Mr.
2 Silverstein. All right. Thank you.

3 MS. ROTH: Thank you.

4 CHAIRPERSON ANDERSON: As I said
5 before, just -- both sides, do you have Ms.
6 Randall's phone number? Ms. Randall, can you
7 give them your card, please?

8 MS. RANDALL: Yes.

9 CHAIRPERSON ANDERSON: Just stay in
10 contact with Ms. Randall and so at least she will
11 be -- she will know what's going on. All right.
12 So she will give you her card. You will stay in
13 contact with her and we are fine. And she will
14 keep us informed where you are in the process.
15 Okay. All right. Thank you.

16 MS. ROTH: Thank you, sir.

17 MS. NUGENT: Thank you.

18 CHAIRPERSON ANDERSON: Have a good
19 day, sir.

20 (Whereupon, the Protest (Status)
21 Hearing was concluded at 9:53 a.m.)
22

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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: YD Progress, LLC

Before: DC ABRA

Date: 01-24-18

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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