

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

2 11:14 a.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is Case Number 20-PRO-00059, Safeway,
5 License Number 097704. I believe that Ms. Brown
6 is the ANC representative for Safeway, so Ms.
7 Andrews, can you please elevate the rights of the
8 Licensee and if there is any other representative
9 on the line.

10 MS. ANDREWS: Sure. Mr. Moore, your
11 rights have been elevated. That's all, Mr.
12 Chair.

13 CHAIRPERSON ANDERSON: Okay, thank
14 you. Mr. Moore, do you have a camera you can
15 turn on? Or if not, we'll move on. I see that
16 you're online.

17 MR. MOORE: Should I do it?

18 CHAIRPERSON ANDERSON: Mr. Moore?

19 MR. MOORE: Yes, I'm here.

20 CHAIRPERSON ANDERSON: No, I can't see
21 you. But if not, then that's fine.

22 MR. MOORE: Yes.

23 CHAIRPERSON ANDERSON: All right.
24 I'll have everyone introduce themselves for the
25 record. I'll start with you, Mr. Moore. Can you

1 introduce yourself for the record?

2 MR. MOORE: Certainly, I'm Jerry A.
3 Moore III, counsel to Safeway.

4 CHAIRPERSON ANDERSON: Good morning,
5 Mr. Moore.

6 MR. MOORE: Good morning.

7 CHAIRPERSON ANDERSON: Ms. Brown, can
8 you please introduce yourself for the record,
9 please?

10 MEMBER BROWN: Sure, Tiffany L. Brown,
11 ANC Commissioner, 7B-02, current ANC 7B vice-
12 chair.

13 CHAIRPERSON ANDERSON: All right,
14 thank you, Ms. Brown. I just want to remind both
15 parties that there is also a mediation scheduled
16 for this case on January 13th. I'm not sure what
17 time, but I know there's a mediation scheduled
18 for the Safeway matter on January 13th. All
19 right. Mr. Moore, are there any preliminary
20 matter you need to bring to the Board's
21 attention?

22 MR. MOORE: No, sir.

23 CHAIRPERSON ANDERSON: Ms. Brown, are
24 there any preliminary matters you need to bring
25 to the Board's attention?

1 MEMBER BROWN: No, not at this time.

2 CHAIRPERSON ANDERSON: All right. The
3 Board is unable to provide a date and time for
4 the protest hearing. But we will provide you a
5 date as soon as possible when the protest hearing
6 is scheduled for. I remind both parties that I
7 encourage their participation in mediation, and I
8 also encourage both parties that if the matter
9 can be settled that they should settle the
10 matter. Because at least if the matter is
11 settled, then the parties can come up to a mutual
12 agreement that both sides are happy. If the
13 Board has to make a decision, then one side might
14 be happy and the other side might not be happy.
15 All right.

16 Okay, now that we have scheduled this
17 matter for a protest hearing, there are a few
18 things that I would like to instruct you about.
19 Because the Board's practices under the COVID-19
20 restrictions have changed. As you know, the
21 Board's hearings are conducted virtually. So it
22 is more important than ever that every protest
23 hearing is focused and addresses only those
24 issues that are being protested.

25 Following in this hearing, you will be

1 receiving and email from Assistant General
2 Counsel, April Randall, that will include a copy
3 of the protest information form, PIP, and a copy
4 of an exhibit form as well as specific
5 instructions for the hearing.

6 You are required to complete and
7 submit the PIP and exhibit form at least seven
8 days before the date of the hearing. If we do
9 not receive a copy of your forms seven days
10 before the hearing, your application or your
11 protest may be subject to dismissal. These
12 documents need to be submitted to
13 abra.legal@dc.gov and to the opposing parties.

14 Please note that these documents
15 greatly assist the Board in narrowing the protest
16 issues, facilitating the process, and keeping the
17 parties on point during the hearing. Each side is
18 limited to no more than five witnesses, and you
19 will only have 60 minutes to present your case.
20 This includes all direct and cross examination.
21 The Board does not intend to hear testimony on
22 matters that are not relevant to those issues
23 that are being protested. Are there any
24 questions?

25 MR. MOORE: No, I -

1 (Telephonic interference.)

2 CHAIRPERSON ANDERSON: What time, do
3 you know what time --

4 (Telephonic interference.)

5 CHAIRPERSON ANDERSON: -- April
6 Randall is on --

7 MS. ANDREWS: Oh, no, no, I'm sorry.
8 It's the 13th at 1 o'clock. I did have that.

9 CHAIRPERSON ANDERSON: Mr. Moore -
10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: -- January 13th
12 at 1 o'clock.

13 MR. MOORE: Yes, thank you.

14 CHAIRPERSON ANDERSON: All right. We
15 thank you greatly for your cooperation. If you
16 have any questions at any time leading up to this
17 hearing, please do not hesitate to contact
18 Assistant General Counsel, April Randall, at 202-
19 329-6354, or contact her by email at
20 april.randall@dc.gov.

21 I wish both sides good luck in your
22 mediation. I also wish you good luck in your
23 communication. And my view has always been I
24 don't like protest hearings, because when we go
25 to protest hearings someone is going to be

1 unhappy. So at least if we think it's mediated
2 and a settlement agreement is reached, then at
3 least the community and the establishment will be
4 happy. So good luck, and have a great day.
5 Thank you very much.

6 MR. MOORE: Thank you, sir.

7 MEMBER BROWN: Thank you.

8 CHAIRPERSON ANDERSON: All right, bye-
9 bye.

10 (Whereupon, the above-entitled matter
11 went off the record at 11:20 a.m.)
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<p style="text-align: center;">A</p> <p>a.m 2:2 7:11 above-entitled 7:10 ABRA 1:21 abra.legal@dc.gov 5:13 addresses 4:23 agreement 4:12 7:2 Alabama 1:7 Alcoholic 1:2,13 ANC 1:7,22 2:6 3:11,11 Anderson 1:14,17 2:3 2:13,18,20,23 3:4,7 3:13,23 4:2 6:2,5,9,11 6:14 7:8 Andrews 1:21 2:7,10 6:7 application 1:9 5:10 April 5:2 6:5,18 april.randall@dc.gov 6:20 assist 5:15 Assistant 5:1 6:18 attention 3:21,25 Ave 1:7</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:7 believe 2:5 Beverage 1:2,13 Board 1:2,13 4:3,13 5:15,21 Board's 3:20,25 4:19,21 bring 3:20,24 Brown 1:22 2:5 3:7,10 3:10,14,23 4:1 7:7 bye 7:9 bye- 7:8</p> <hr/> <p style="text-align: center;">C</p> <p>camera 2:14 case 1:8 2:4,4 3:16 5:19 Certainly 3:2 chair 2:12 3:12 Chairperson 1:14,17 2:3,13,18,20,23 3:4,7 3:13,23 4:2 6:2,5,9,11 6:14 7:8 changed 4:20 COLUMBIA 1:1 come 4:11 Commissioner 3:11 communication 6:23 community 7:3 complete 5:6 conducted 4:21 contact 6:17,19 Control 1:2,13</p>	<p>cooperation 6:15 copy 5:2,3,9 counsel 3:3 5:2 6:18 COVID-19 4:19 cross 5:20 current 3:11</p> <hr/> <p style="text-align: center;">D</p> <p>date 4:3,5 5:8 day 7:4 days 5:8,9 decision 4:13 direct 5:20 dismissal 5:11 DISTRICT 1:1 documents 5:12,14 Donovan 1:14,17</p> <hr/> <p style="text-align: center;">E</p> <p>EASTERN 1:6 EDWARD 1:17 elevate 2:7 elevated 2:11 email 5:1 6:19 encourage 4:7,8 establishment 7:3 examination 5:20 exhibit 5:4,7</p> <hr/> <p style="text-align: center;">F</p> <p>facilitating 5:16 fine 2:21 five 5:18 focused 4:23 Following 4:25 form 5:3,4,7 forms 5:9</p> <hr/> <p style="text-align: center;">G</p> <p>General 5:1 6:18 GRANDIS 1:17 greatly 5:15 6:15</p> <hr/> <p style="text-align: center;">H</p> <p>HANSEN 1:18 happy 4:12,14,14 7:4 hear 5:21 hearing 1:7 4:4,5,17,23 4:25 5:5,8,10,17 6:17 hearings 4:21 6:24,25 hesitate 6:17</p> <hr/> <p style="text-align: center;">I</p> <p>Ill 3:3 important 4:22 include 5:2 includes 5:20 information 5:3</p>	<p>instruct 4:18 instructions 5:5 intend 5:21 interference 6:1,4 introduce 2:24 3:1,8 issues 4:24 5:16,22</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:18 January 1:12 3:16,18 6:11 JENI 1:18 Jerry 1:21 3:2 JR 1:18</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 5:16</p> <hr/> <p style="text-align: center;">L</p> <p>L 3:10 leading 6:16 License 1:8,10 2:5 Licensee 2:8 limited 5:18 line 2:9 LLC 1:6 luck 6:21,22 7:4</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:5 3:18,20 4:8 4:10,10,17 7:10 matters 3:24 5:22 mediated 7:1 mediation 3:15,17 4:7 6:22 MEETING 1:3 Member 1:17,18,18,19 3:10 4:1 7:7 met 1:14 minutes 5:19 Moore 1:21 2:10,14,17 2:18,19,22,25 3:2,3,5 3:6,19,22 5:25 6:9,13 7:6 morning 3:4,6 move 2:15 mutual 4:11</p> <hr/> <p style="text-align: center;">N</p> <p>NAI 1:6 narrowing 5:15 need 3:20,24 5:12 note 5:14 Number 2:4,5</p> <hr/> <p style="text-align: center;">O</p> <p>o'clock 6:8,12 online 2:16</p>	<p>opposing 5:13</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 participation 4:7 parties 3:15 4:6,8,11 5:13,17 PIP 5:3,7 please 2:7 3:8,9 5:14 6:17 point 5:17 possible 4:5 practices 4:19 preliminary 3:19,24 present 1:16,20 5:19 presiding 1:14 process 5:16 protest 1:7 4:4,5,17,22 5:3,11,15 6:24,25 protested 4:24 5:23 provide 4:3,4</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:24 6:16</p> <hr/> <p style="text-align: center;">R</p> <p>Randall 5:2 6:6,18 reached 7:2 receive 5:9 receiving 5:1 record 2:25 3:1,8 7:11 relevant 5:22 REMA 1:19 remind 3:14 4:6 Renew 1:9 representative 2:6,8 required 5:6 restrictions 4:20 Retailer 1:7 rights 2:7,11</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:17 Safeway 1:6 2:4,6 3:3 3:18 SATURN 1:6 scheduled 3:15,17 4:6 4:16 SE 1:7 settle 4:9 settled 4:9,11 settlement 7:2 seven 5:7,9 SHORT 1:18 side 4:13,14 5:17 sides 4:12 6:21 SIMONE 1:21</p>
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Simultaneous 6:10	202- 6:18		
sir 3:22 7:6	2021 1:12		
soon 4:5	2845 1:7		
sorry 6:7		<hr/>	
speaking 6:10		3	
Specialist 1:21	329-6354 6:19	<hr/>	
specific 5:4		4	
start 2:25		<hr/>	
Status 1:7		5	
subject 5:11		<hr/>	
submit 5:7		6	
submitted 5:12		<hr/>	
	60 5:19		
<hr/>		7	
T		<hr/>	
t/a 1:6	7 1:12		
Telephonic 6:1,4	7B 1:7,22 3:11		
testimony 5:21	7B-02 3:11		
thank 2:13 3:14 6:13,15			
7:5,6,7			
things 4:18			
Thursday 1:11			
Tiffany 1:22 3:10			
turn 2:15			
<hr/>			
U			
unable 4:3			
unhappy 7:1			
<hr/>			
V			
vice- 3:11			
videoconference 1:14			
view 6:23			
virtually 4:21			
<hr/>			
W			
W 1:14,17			
WAHABZADAH 1:19			
WebEx 1:14			
went 7:11			
wish 6:21,22			
witnesses 5:18			
<hr/>			
X			
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Y			
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Z			
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11:14 2:2			
11:20 7:11			
13th 3:16,18 6:8,11			
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20-PRO-00059 1:8 2:4			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Safeway

Before: DCABRA

Date: 01-07-21

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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