

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff

SIDON YOHANNES, Applicant Counsel

JACKSON CARNES, Shepherd Park Citizens
Association

PAULA EDWARDS, Shepherd Park Citizens
Association

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

2 12:04 p.m.

3 CHAIRPERSON ANDERSON: All right, the
4 next case on our calendar is Case Number -- I'm
5 going to call two cases, but there's two separate
6 cases, however, Case Number 22-PRO-00084,
7 Champion Kitchen, License Number 103055, and Case
8 Number 22-PRO-00148, Champion Kitchen, License
9 Number 103055.

10 Mr. Orellana, can you please elevate
11 the parties in this case, please.

12 MR. ORELLANA: Yes, Chair, access has
13 been elevated. That is all, Chair.

14 CHAIRPERSON ANDERSON: All right, good
15 morning, sorry for the -- good afternoon now,
16 sorry for the delay. Could the parties please
17 introduce themselves for the record? Let's start
18 with the Licensee, please.

19 MS. YOHANNES: Sidon Yohannes here on
20 behalf of the Licensee. And that is S-I-D-O-N
21 Y-O-H-A-N-N-E-S.

22 CHAIRPERSON ANDERSON: All right, Ms.
23 Yohannes.

24 Mr. Carnes, can you please identify
25 yourself for the record, please? You're on mute,

1 sir.

2 MR. CARNES: Hi, Jackson Carnes,
3 representing the Shepherd Park Citizens
4 Association. The spelling of my name, Jackson,
5 J-A-C-K-S-O-N, Carnes, C-A-R-N-E-S.

6 CHAIRPERSON ANDERSON: Good morning,
7 sir.

8 All right. Are there any preliminary
9 matters?

10 MS. YOHANNES: I would say the only
11 preliminary matter is, I believe you called both
12 cases, would be to consolidate these matters.
13 And I would, unless you want it in writing, I
14 would move now that we additionally consolidate
15 them if SPCA consents.

16 CHAIRPERSON ANDERSON: Do you consent,
17 sir, to the consolidation of both matters?

18 MR. CARNES: I don't. I cannot see it
19 as two separate matters.

20 CHAIRPERSON ANDERSON: And why do you
21 believe that they're -- I think one is a
22 substantial change, and one is a renewal of the
23 licensing. So why is it that you disagree, you
24 believe that we should have two separate hearings
25 on this matter, sir?

1 MR. CARNES: And also I'd like to
2 point out that Paula Edwards is on the line right
3 now, but she was not elevated. She's the
4 treasurer.

5 CHAIRPERSON ANDERSON: Mr. Orellana,
6 can you -- hold on please, can you please elevate
7 Paula? I'm sorry, Paula who?

8 MR. CARNES: Paula Edwards.

9 CHAIRPERSON ANDERSON: Paula Edwards.

10 MR. ORELLANA: Paula Edwards, access
11 has been elevated.

12 CHAIRPERSON ANDERSON: Ms. Edwards?
13 Ms. Edwards?

14 Mr. Orellana, has she been un-muted?
15 Is it now up to her to un-mute herself or is
16 there anything that we can do?

17 MR. ORELLANA: A request has been sent
18 to un-mute. It's up to her.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you, sir.

21 MR. CARNES: Let's see, she just
22 reached out to me.

23 CHAIRPERSON ANDERSON: She needs to
24 unmute herself. We elevated her rights, but she
25 just needs to unmute her line.

1 MS. YOHANNES: And, Chairman, just to
2 clarify, I just wanted to say it's actually a
3 petition to terminate.

4 CHAIRPERSON ANDERSON: A settlement,
5 I'm sorry. I apologize. So it's a petition to
6 terminate the settlement agreement. And then the
7 second one is a renewal of the license.

8 MS. YOHANNES: Correct.

9 CHAIRPERSON ANDERSON: Ms. Edwards?
10 If she has some concerns, she can --

11 MR. CARNES: She's telling me that
12 she's having a problem un-muting.

13 CHAIRPERSON ANDERSON: If you look in
14 the chat, Mr. Carnes, we have a call-in number.
15 So if she has some problems un-muting herself,
16 she can call in on the telephone, and you can
17 provide her that information that's in the chat,
18 please.

19 MR. CARNES: Okay, perfect. I will do
20 that.

21 All right. I understand Paula Edwards
22 is calling in right now. So she should be on the
23 line momentarily. Oh, it looks like that may be
24 her.

25 CHAIRPERSON ANDERSON: No, this is not

1 a call-in person who is on. This is an actual --
2 who's Tho Nguyen? I believe that's how you
3 pronounce that?

4 What is her, I guess, is the last four
5 digits of her phone number? Do you know?

6 MR. CARNES: Let's see, last four
7 digits are 3053.

8 CHAIRPERSON ANDERSON: Mr. Orellana,
9 can you please elevate that phone number? The
10 last four digits are 3053, please.

11 MR. ORELLANA: There is not a caller
12 in the lobby, unfortunately.

13 I believe the two attendees are the
14 court reporter.

15 CHAIRPERSON ANDERSON: Okay, thanks.
16 Do you know what going on with her, Mr. Carnes?

17 MR. CARNES: Let me check.

18 (Pause.)

19 MR. CARNES: Hi, everybody, I have
20 Paula Edwards on the line calling in. Ms.
21 Edwards, can you hear?

22 MS. EDWARDS: Yes, I can.

23 MR. CARNES: Very good.

24 CHAIRPERSON ANDERSON: Ms. Edwards,
25 can you please spell and state your name for the

1 record, please?

2 MS. EDWARDS: Paula, P-A-U-L-A,
3 Edwards, E-D-W-A-R-D-S.

4 CHAIRPERSON ANDERSON: And what's your
5 relationship to this matter, ma'am?

6 MS. EDWARDS: I'm the treasurer of the
7 SPCA.

8 CHAIRPERSON ANDERSON: Thank you,
9 ma'am.

10 All right, the question that we had
11 before was that the Licensee had asked that we
12 consolidate both matters. And you, Mr. Carnes,
13 had stated that one case, Case Number 22-PRO-
14 00148, that was the application to renew the
15 license, and Case Number 22-PRO-00084 was a
16 petition to amend or to terminate the settlement
17 agreement.

18 And I support consolidating this issue
19 in both cases, because I believe that, rather
20 than the Board having two separate hearings, it's
21 going to be the same witnesses, it's going to be
22 the same Board, it's going to be the same
23 representative, that I believe that it would be
24 more efficient to preserve public resources to
25 have one hearing.

1 But I'll listen to you, Mr. Carnes.

2 MS. EDWARDS: Okay, as Mr. Carnes
3 presented a --

4 CHAIRPERSON ANDERSON: Who's speaking?
5 I'm sorry.

6 MR. CARNES: That was Ms. Edwards. I
7 was --

8 CHAIRPERSON ANDERSON: All right. Ms.
9 Edwards, when you speak, can you, you're on the
10 same line as Mr. Carnes. So I heard a voice, but
11 I did not see his lips moving. So that's one of
12 the reasons why I was asking. So please identify
13 yourself when you speak. Go ahead.

14 MS. EDWARDS: I shall. I'm Paula
15 Edwards speaking. As Mr. Carnes presented his
16 side of the argument since I couldn't hear what
17 was going on.

18 CHAIRPERSON ANDERSON: Ms. Edwards has
19 just stated that -- I'm sorry, Mr. Carnes has
20 just stated that he doesn't believe that this
21 matter should be consolidated. He didn't give a
22 reason, I mean, we didn't give us -- we didn't go
23 into details why he disagreed with that.

24 And so that's why I was just asking
25 him to provide us justification why these two

1 cases should not be consolidated.

2 MR. CARNES: So I don't mind them
3 being consolidated for the purposes of it being
4 at the same time. But I do see the two matters
5 as separate and distinct.

6 CHAIRPERSON ANDERSON: But we're going
7 to have a hearing whether or not to renew their
8 license. And if the Board determines not to
9 renew the license, then the other issue to amend
10 or terminate the settlement agreement falls.

11 The Board can also determine, as part
12 of the renewal, that we're not going to amend.
13 So if the Board could also determine, if we agree
14 to renew the license, that we are going to
15 continue the terms in the previous settlement
16 agreement.

17 So the Board could agree to renew the
18 license with the terms and conditions in the old
19 settlement agreement. So I'm just -- all right.
20 So any other --

21 (Simultaneous Speaking.)

22 CHAIRPERSON ANDERSON: Go ahead, Ms.
23 Edwards, yes.

24 MS. EDWARDS: Hi, that's part of my
25 question, I suppose. In consolidating the

1 hearings, you're speaking consolidating the
2 hearings, but you're not talking, I assume, of
3 merging the two issue in that they will be
4 adjudicated separately, or will they be
5 adjudicated together? I think that's my concern.

6 CHAIRPERSON ANDERSON: I mean, the
7 Board would make --

8 (Simultaneous Speaking.)

9 CHAIRPERSON ANDERSON: I'm sorry. The
10 Board would make a concurrent decision if they're
11 going to renew the license. And if they're going
12 to renew the license, whether or not we're going
13 to consider terminating the settlement agreement,
14 amending the settlement agreement, or putting new
15 terms and conditions and move forward, so I'm
16 just -- that's what the Board would do.

17 But, I mean, any other questions or
18 concerns by the parties?

19 MS. EDWARDS: Again, my concern is
20 that if one suit succeeds, does it influence the
21 success of the other suit? Are these two
22 independent issues? If the protest fails, does
23 the settlement agreement also fail? Or can the
24 settlement agreement succeed where the protest
25 fails?

1 CHAIRPERSON ANDERSON: If the Board
2 agrees to renew the license, in all renewals the
3 Board is going to look at terms and conditions to
4 renew the license. And so the Board is going to
5 look at the current settlement agreement or
6 whether a current Board order.

7 And the Board will determine whether
8 or not those terms and conditions, whether or not
9 they are appropriate or whether or not, based on
10 what was presented at their protest hearing,
11 whether or not the Board should make any changes
12 to that.

13 So it doesn't mean that if the Board
14 was to renew the license, that automatically
15 means that the Board will agree to terminate the
16 settlement agreement.

17 MS. EDWARDS: Okay.

18 CHAIRPERSON ANDERSON: That doesn't --
19 the Board has to make, in all license renewals,
20 the Board will look whether or not the license
21 will renew, whether or not we will renew the
22 license. And if we would renew the license, will
23 there be any terms and conditions attached to
24 this renewal.

25 But what the - any other arguments by

1 either side?

2 MS. YOHANNES: None for the Applicant.

3 CHAIRPERSON ANDERSON: All right. The
4 Board will take this matter under advisement.
5 And we'll issue a decision on whether or not --
6 the board will issue a decision on whether or not
7 we will consolidate these cases or whether or not
8 we'll keep them as separate cases.

9 Okay. Are there any other preliminary
10 matters that need to be addressed?

11 All right. This matter then is
12 scheduled for a protest hearing on -- both cases
13 are scheduled for a protest hearing on February
14 1st, 2023, at 1:30 p.m. So both cases are
15 scheduled for February 21st, I'm sorry, February
16 1st, 2023, at 1:30 p.m.

17 And so we'll either have two separate
18 protest hearings or the cases will be
19 consolidated --

20 (Simultaneous Speaking.)

21 MR. CARNES: And, Chair Anderson, this
22 is Jackson Carnes speaking, I wanted to raise --
23 Ms. Edwards and I both participated in a
24 mediation hearing on the matter on Thursday,
25 December 8th, at 11:30 a.m.

1 And we understood that the Applicant
2 or their attorney would be in touch about
3 arranging an sound engineer to come to our
4 community for the purposes of ongoing mediation.
5 However, we have not heard from the Applicant or
6 their attorney. And I was just, you know,
7 wondering how that might impact --

8 MS. YOHANNES: And I will state right
9 now, Mr. Carnes, if you are willing to discuss
10 this with me, I'm happy and available to discuss
11 the sound engineer and what we're doing.

12 CHAIRPERSON ANDERSON: The Board
13 doesn't entertain -- we don't want to know about
14 what happens at mediation. All we try to do is
15 facilitate it. But I've heard Mr. Carnes. Ms.
16 Yohannes said actually they could have a
17 conversation.

18 So I'm hoping that after this hearing
19 the parties will continue whatever discussions
20 that they plan to have. And I would hope that
21 whatever the concerns are, the parties are able
22 to sit and discuss and make a determination where
23 they are and whether or not we need to have this
24 protest hearing on the first.

25 (Simultaneous Speaking.)

1 CHAIRPERSON ANDERSON: I'm sorry, is
2 that Ms. Edwards speaking?

3 MS. EDWARDS: Yes, it's Ms. Edwards.
4 Would it be possible for us to reschedule in
5 order that we have these discussions? Because
6 that would put it very close.

7 CHAIRPERSON ANDERSON: Reschedule
8 what, ma'am?

9 MS. EDWARDS: Reschedule the protest
10 hearing?

11 CHAIRPERSON ANDERSON: Because this is
12 a renewal, the Board would not have a problem
13 rescheduling it if the parties sent us a motion
14 asking us to reschedule it for postponement.

15 So I would ask that, if that's what
16 the parties want to do, they can set up a mutual
17 motion jointly agreeing to postpone it if they so
18 desire.

19 MS. EDWARDS: Okay.

20 CHAIRPERSON ANDERSON: And we will
21 consider that favorably.

22 MS. EDWARDS: Thank you.

23 CHAIRPERSON ANDERSON: Any other
24 questions? As I said, this matter will be
25 scheduled for a protest hearing on February 1st,

1 2023 at 1:30 p.m., both cases. And I'll remind
2 the parties that this matter is scheduled for a
3 protest hearing on whatever date is scheduled for
4 a protest hearing.

5 Seven days before the hearing, both
6 parties are required to provide us documents and
7 witnesses that they'll be relying on at this
8 protest hearing.

9 I just also want to remind the parties
10 that you will have one hour to present your case
11 and that you are limited to no more than five
12 witnesses. I'm sorry, hold on. I want to make
13 sure I'm giving you the right number. Yes, you
14 are limited to no more than five witnesses at
15 this matter for the protest hearing.

16 I support the parties having
17 conversations, whatever was discussed at
18 mediation. I would hope that the parties would
19 try to jointly follow-up to continue those
20 conversations. And the Board will act based on
21 what is provided, based on the guidance that's
22 provided to us by the parties. Okay.

23 MS. EDWARDS: Okay, thank you.

24 MR. CARNES: Great, thank you.

25 CHAIRPERSON ANDERSON: Thank you very

1 much. Have a great day.

2 MS. YOHANNES: Thank you.

3 (Whereupon, the above-entitled matter
4 went off the record at 12:24 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Champion Kitchen

Before: DC ABRA

Date: 01-11-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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