

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

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IN THE MATTER OF: :

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Haben Liquors, Inc., :
t/a Spar Liquors :
3916 South Capitol St SE : Protest Hearing
Retailer A - ANC 8C : (Status)
License #105207 :
Case #21-PRO-00085 :
: :

(Application for License :
Renewal) :

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Wednesday
 January 26, 2022

The Alcoholic Beverage Control Board
 met via WebEx 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:

SALIM ADOFO, ANC 8C
 SARAH FASHBAUGH, DC ABRA Staff
 BERHANE HAILU, Applicant

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

2 10:34 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with DC Code Section
7 2576 of the Open Meetings Act, I am welcoming you
8 to the regularly scheduled meeting of the
9 Alcoholic Beverage Control Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies during the public emergency. Pursuant to
15 this guidance, notice of today's meeting was
16 provided 48 hours in advance of the meeting on
17 ABRA's website and on the District's central
18 meeting calendar. The notice included the time,
19 date, agenda, and call-in or login information
20 for public participation. This electronic
21 meeting is held -- is being held -- is being
22 hosted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson. I'm
2 Chairman of the Board. I would like to introduce
3 the other members of the ABC Board who are also
4 participating electronically pursuant to Mayor's
5 Order 2022-007. Please respond when I announce
6 your name. Mr. James Short.

7 MEMBER SHORT: Mr. James Short,
8 present.

9 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

10 MEMBER CATO: Bobby Cato, present.

11 CHAIRPERSON ANDERSON: Ms. Rafi
12 Crockett.

13 MEMBER CROCKETT: Rafi Crockett,
14 present.

15 CHAIRPERSON ANDERSON: Ms. Jeni
16 Hansen.

17 MEMBER HANSEN: Jeni Hansen, present.

18 CHAIRPERSON ANDERSON: The Board has
19 five members in attendance for the conduct of the
20 business today and that constitutes a quorum.

21 Before we get on the way with today's
22 hearing calendar, I need to make a few
23 instructions very clear so that the conduct of
24 these hearings is understood by everyone. There
25 are 10 items on -- cases scheduled for this

1 morning's calendar. Once your case is called, I
2 will take a moment or our IT specialist to
3 elevate the rights for each party and to enable
4 the camera and microphone. Then and only then
5 will you have the ability to enable your
6 equipment. If your case is not being heard, you
7 will remain mute and your camera will be
8 disabled. At the conclusion of each case, the
9 parties will have the option to leave. If the
10 party chooses to stay, all cameras and
11 microphones for the concluded case will be
12 disabled.

13 Should you have any questions or
14 require technical assistance during the hearing,
15 please submit them using the question and answer
16 feature.

17 Our first order of business today on
18 our calendar, it's a protest hearing status, Case
19 Number 21-PRO-00085, Spar Liquor, License Number
20 105207. Ms. Fashbaugh, can you please elevate
21 the rights of the parties in this case?

22 (Pause.)

23 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
24 can you please elevate the rights of the parties
25 in this case?

1 MS. FASHBAUGH: There's nobody on the
2 line for this case.

3 CHAIRPERSON ANDERSON: All right. I
4 will recall this case. So if there's anyone on
5 the line for Spar Liquors, can you please
6 identify yourself through the tech. I will --
7 I'm sorry, there's -- I see Commissioner Adofo
8 just showed up on the line.

9 MS. FASHBAUGH: Yes. He's been
10 elevated. I cannot find someone for -- oh, it
11 looks like the licensee is here as well. It's
12 Berhane Hailu. Your rights have been elevated.
13 That is all, Mr. Chair.

14 CHAIRPERSON ANDERSON: Thank you. Go
15 ahead, Hailu if you -- okay, good. All right.
16 Thank you. All right. I would like to have the
17 parties identify themselves for the record. I
18 will start with the licensee. Could the licensee
19 please spell and state his name for the record
20 and their relationship with the establishment,
21 please? Mr. Hailu. You sir, yes. Yes, sir,
22 you. Ms. -- hold on -- is his -- has his
23 microphone unmuted, Ms. Fashbaugh, because I
24 can't hear him. So I'm not sure if it's -- who's
25 end.

1 MS. FASHBAUGH: I unmuted him.

2 CHAIRPERSON ANDERSON: Sir, can you
3 please state and -- spell and state your name for
4 the record, sir?

5
6
7 MR. HAILU: Berhane Hailu.

8 CHAIRPERSON ANDERSON: Sir, can you
9 spell your name, please?

10 MR. HAILU: First name, B-R-H-A-N-E,
11 last name is H-A-I-L-U.

12 CHAIRPERSON ANDERSON: Thank you, sir.
13 And what's the relationship to this
14 establishment, sir?

15 MR. HAILU: I am the owner of the
16 establishment.

17 CHAIRPERSON ANDERSON: All right.
18 Thank you.

19 MR. HAILU: Thank you.

20 CHAIRPERSON ANDERSON: Mr. Adofo, can
21 you please spell and state your name for the
22 record, please?

23 MR. ADOFO: Salim Adofo, S-A-L-I-M, A-
24 D-O-F-O.

25 CHAIRPERSON ANDERSON: And what's your

1 affiliation with this case, please, sir?

2 MR. ADOFO: I am the Chairperson of
3 Advisory Neighborhood Commission 8C and the
4 representatives for the Commission.

5 CHAIRPERSON ANDERSON: All right.
6 Good morning. Thank you. All right. Are there
7 any preliminary matters in this case that the
8 parties wish to bring to our attention, to the
9 Board's attention?

10 MR. ADOFO: We are working on a
11 settlement agreement. We had a mediation
12 yesterday.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you. I'm glad to hear that. I -- the
15 Board supports settlement if the parties are able
16 to settle this matter. The Board supports
17 settlement because at the end of th day, this is
18 both of your community and if you can come to
19 some agreement to coexist, then that's fine. At
20 least the Board will deal with that. The parties
21 will work it out rather than the Board have to
22 make a decision where one side might be happy,
23 the other side is unhappy. So any other
24 preliminary matters that either side needs to
25 bring to the attention? Mr. -- I'm sorry, how do

1 you pronounce your name again, sir?

2 MR. HAILU: Last Hailu.

3 CHAIRPERSON ANDERSON: Mr. Hailu, any
4 -- do you have anything to say?

5 MR. HAILU: (No audible response.)

6 CHAIRPERSON ANDERSON: No?

7 MR. HAILU: No, not right now.

8 CHAIRPERSON ANDERSON: All right.

9 Okay, fine. All right. This matter then is
10 scheduled for a protest hearing on March 2, 2022
11 at 1:30 p.m. So this mater is now settled.

12 We'll have a protest hearing on March 2, 2022.

13 That clear with everyone?

14 (No audible responses.)

15 CHAIRPERSON ANDERSON: All right. Now
16 that I've scheduled this matter for a protest
17 hearing, there are a few things that I would like
18 to instruct you about because the Board's
19 practices under the COVID-19 restrictions have
20 changed. As you know, the Board's hearings are
21 conducted virtually, so it is more important than
22 ever that the protest hearings are focused and
23 addresses only those issues that are being
24 protested.

25 Following this hearing, you will

1 receive an email from ABRA Legal Assistant, Imani
2 Moreland, that will include a copy of a protest
3 information form, PIP, and a copy of an exhibit
4 form as well as specific instructions for the
5 hearing. You are required to complete and submit
6 the PIP and exhibit forms at least seven days
7 before the date of the hearing. If we do not
8 receive a copy of your form seven days before the
9 hearing, your application or your protest may be
10 subject to dismissal. These documents need to be
11 submitted to ABRA legal and to the opposing
12 parties. Please know that these documents
13 greatly assist the Board in narrowing the protest
14 issues, facilitating the process, and keeping the
15 parties on point during the hearing.

16 Each side is limited to no more than
17 five witnesses, and you will have 60 minutes to
18 present your case. This includes all direct and
19 cross-examination. The Board does not intend to
20 hear testimony in matters that are not relevant
21 to the issues that are being protested. Any
22 questions by anyone, please?

23 (No questions posed.)

24 CHAIRPERSON ANDERSON: All right. We
25 thank you greatly for your cooperation. If you

1 have any questions at any time leading up to the
2 hearing, please do not hesitate Ms. Moreland at
3 202-442-6942 or contact her by email. Thank you
4 very much. Good luck with your negotiation. I -
5 - the Board supports the parties settling these
6 matters. If you are unable to settle it, then
7 I'll see you at a hearing on March 2, 2022 at
8 1:30. Again, if you have any questions, please
9 reach out to ABRA Legal. They will provide you -
10 - through Ms. Moreland, we will provide you any
11 type of assistance either side requires to move
12 through this process; okay?

13 MR. HAILU: Okay. Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 Thank you very much and have a great day.

16 MR. HAILU: Yes, sir. Thank you.2

17
18 (Whereupon, at 10:44 a.m., the above-
19 entitled matter was adjourned.)
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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: Spar Liquors

Before: DCABRA

Date: 01-26-22

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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