

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

2 10:10 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 20-PRO-00051, Giant
5 2381, License No. 91952. Ms. Andrews, can you
6 please elevate the rights of the protestants and
7 the licensee, please.

8 MS. ANDREWS: Sure. Stand by. Mr.
9 Kelty, your rights have been elevated.

10 MR. KELTY: Good morning.

11 CHAIRPERSON ANDERSON: Good morning.

12 MS. ANDREWS: Mr. O'Brien, your rights
13 have been elevated. That's all, Mr. Chair.

14 CHAIRPERSON ANDERSON: Thank you.

15 MR. O'BRIEN: Mr. Chair, Timothy Baker
16 from Giant Food also should be participating.

17 MS. ANDREWS: Okay. Stand by. Mr.
18 Baker, your rights have been elevated. That's
19 all, Mr. Chair.

20 CHAIRPERSON ANDERSON: Thank you.
21 Okay. Good morning, everyone. I would like the
22 parties to introduce themselves for the record.
23 Let's start with the licensee's representative.

24 MR. O'BRIEN: Stephen O'Brien for
25 Giant Food, Mr. Chair, and Timothy Baker,

1 District Manager for Giant Food is with me.

2 CHAIRPERSON ANDERSON: Good morning.
3 Mr. Baker, can you -- you can unmute your phone
4 and maybe if own a camera. Introduce yourself
5 for the record, please.

6 MR. BAKER: Hopefully you can hear me.
7 It's Timothy Baker, District Manager for Giant
8 Food.

9 CHAIRPERSON ANDERSON: Good morning,
10 Mr. Baker.

11 MR. BAKER: Good morning.

12 CHAIRPERSON ANDERSON: All right. Mr.
13 Kelty?

14 MR. KELTY: Good morning. This is
15 Joel Kelty representing ANC 6C.

16 CHAIRPERSON ANDERSON: Good morning,
17 sir. All right. Good morning. This is a status
18 hearing for a protest case. Are there any
19 preliminary matters that needs to be brought to
20 the attention of the Board.

21 MR. KELTY: No, sir.

22 CHAIRPERSON ANDERSON: No? Okay.
23 Thank you, Mr. Kelty. All right. I do not have
24 a date as yet for the protest hearing. But this
25 matter will be scheduled for a date to be

1 determined. All right. I want to give you some
2 -- we've made some changes and then give you
3 instructions in having a protest hearing.

4 Now we have scheduled this matter for
5 a protest hearing, there are a few things that I
6 would like to instruct you both. Can everyone,
7 please, mute their microphone, please? Mr.
8 Baker, please mute your microphone, please.

9 All right. Thank you. Now that we
10 have scheduled this matter for a protest hearing,
11 there are a few things that I would like to
12 instruct about because the Board's practices
13 under the COVID-19 restrictions have changed. As
14 you know the Board's hearings are conducted
15 virtually. So it is more important than ever
16 that protest hearings are focused and addresses
17 only those issues that are being protested.

18 Following this hearing, you will
19 receive an email from Assistant General Counsel
20 April Randall that will include a copy of a
21 protest information form and a copy of an exhibit
22 form as well as specific instructions for the
23 hearing. You are required to complete and submit
24 the PIF and exhibit forms at least seven days
25 before the date of the hearing. If we do not

1 receive a copy of your forms seven days before
2 the hearing, your application or your protest may
3 be subject to dismissal.

4 These documents need to be submitted
5 to abra.legal@dc.gov and to the opposing parties.
6 Please know that these document greatly assist
7 the Board in narrowing the protest issues,
8 facilitating the process, and keeping the parties
9 on point during the hearing. Number three, each
10 side is limited to no more than five witnesses
11 and you will only have 60 minutes to present your
12 case.

13 This includes all direct and cross
14 examination. The Board does not intend to hear
15 testimony on matters that are not relevant to
16 those issues that are being protested. Are there
17 any questions by anyone?

18 (No response.)

19 CHAIRPERSON ANDERSON: All right. We
20 thank you greatly for your cooperation. If you
21 have any questions at any time leading up to the
22 hearing, please do not hesitate to contact
23 Assistant General Counsel April Randall at 202-
24 329-6354 or contact her by email at
25 april.randall@dc.gov.

1 I wish you -- I'm not sure if the
2 parties are discussing settlement. But as always
3 been my position, I prefer if the parties agree
4 to a settlement agreement because at the end of
5 the day, this is your neighborhood. You can
6 agree to the terms and conditions for the
7 establishment to exist within the neighborhood.

8 If the parties are unable to reach an
9 agreement, then we will have a protest hearing.
10 But the Board -- the Agency will provide you
11 shortly with the dates and the time of the
12 protest hearing. So good luck in your
13 negotiations. And the matter is not settled, I
14 will see the parties at a protest hearing at a
15 date to be determined. Have a great day, and
16 thank you very much. All right.

17 (Whereupon, the above-entitled matter
18 went off the record at 10:16 a.m.)
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A	D		P
<p>a.m 2:2 6:18 above-entitled 6:17 ABRA 1:21 abra.legal@dc.gov 5:5 addresses 4:16 Agency 6:10 agree 6:3,6 agreement 6:4,9 Alcoholic 1:2,13 ANC 1:7 3:15 Anderson 1:14,17 2:3 2:11,14,20 3:2,9,12 3:16,22 5:19 Andrews 1:21 2:5,8,12 2:17 application 1:9 5:2 April 4:20 5:23 april.randall@dc.gov 5:25 assist 5:6 Assistant 4:19 5:23 attention 3:20</p>	<p>date 3:24,25 4:25 6:15 dates 6:11 day 6:5,15 days 4:24 5:1 DC 1:21 determined 4:1 6:15 direct 5:13 discussing 6:2 dismissal 5:3 District 1:1,22 3:1,7 document 5:6 documents 5:4 Donovan 1:14,17</p>	<p>includes 5:13 information 4:21 instruct 4:6,12 instructions 4:3,22 intend 5:14 introduce 2:22 3:4 issues 4:17 5:7,16</p>	<p>P-R-O-C-E-E-D-I-N-G-S 2:1 participating 2:16 parties 2:22 5:5,8 6:2,3 6:8,14 phone 3:3 PIF 4:24 please 2:6,7 3:5 4:7,7,8 4:8 5:6,22 point 5:9 position 6:3 practices 4:12 prefer 6:3 preliminary 3:19 present 1:16,20 5:11 presiding 1:14 process 5:8 protest 1:7 3:18,24 4:3 4:5,10,16,21 5:2,7 6:9 6:12,14 Protestant 1:22 protestants 2:6 protested 4:17 5:16 provide 6:10</p>
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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: Giant

Before: DCABRA

Date: 02-04-21

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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