

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

2 (3:03 p.m.)

3 CHAIRPERSON ANDERSON: Our next case
4 is Case Number 22-PRO-00148 and 22-PRO-00084,
5 Champion Kitchen, License Number 103055.

6 Mr. Orellana, can you please elevate
7 the rights of the parties in these cases?

8 MR. ORELLANA: Their access has been
9 elevated, and it appears to be all term.

10 CHAIRPERSON ANDERSON: Ms. Yohannes,
11 where are your parties? So, you're - I'm sorry.
12 The licensee - I'm sorry. The licensee, the
13 protestants, are they planning to be here today?

14 MS. YOHANNES: My understanding is
15 that they are.

16 CHAIRPERSON ANDERSON: Okay. This
17 hearing was postponed to 1:30 to 3:00 because
18 it's my understanding that the parties asked us
19 to postpone it to 3:00, so all right. It says
20 that Paula Edwards is here, so maybe she can be
21 - all right.

22 All right. Ms. Edwards, is there
23 anyone else who needs to be elevated?

24 (No response.)

25 CHAIRPERSON ANDERSON: Ms. Edwards, is

1 there anyone else who needs to, who's there who
2 needs to be elevated, ma'am?

3 (No response.)

4 CHAIRPERSON ANDERSON: Mr. Orellana,
5 is Ms. Edwards on the -

6 MS. EDWARDS: Yes, I'm here.

7 CHAIRPERSON ANDERSON: Ms. Edwards, is
8 there anyone else that needs to be elevated on
9 your side, ma'am?

10 MS. EDWARDS: I do not believe so. I
11 don't believe Mr. Carnes is able to attend.

12 CHAIRPERSON ANDERSON: All right. All
13 right. Do you have a camera you can turn on, Ms.
14 Edwards?

15 MS. EDWARDS: I'm turning it on now.
16 Here I am, okay. Can you see me?

17 CHAIRPERSON ANDERSON: No, ma'am. All
18 right, but, yes, now I can. All right.

19 MS. EDWARDS: Okay.

20 CHAIRPERSON ANDERSON: Could the
21 parties identify themselves for the record?
22 Let's start with the licensee.

23 MS. YOHANNES: Yes. Sidon Yohannes
24 here on behalf of the licensee. And that is S-I-
25 D-O-N Y-O-H-A-N-N-E-S. And the client is also

1 here, Eyov Worku.

2 CHAIRPERSON ANDERSON: Where is he?

3 MS. YOHANNES: I see him as a
4 participant. He's Eyov. There you go.

5 CHAIRPERSON ANDERSON: Sir, can you
6 identify yourself for the record, please? Spell
7 and state your name for the record.

8 (No response.)

9 CHAIRPERSON ANDERSON: I can't hear
10 you, sir.

11 MS. YOHANNES: He is working on it. I
12 let him know that we cannot hear him. I've asked
13 him to go ahead and just call in so he can
14 actually be heard. I don't know what's happening
15 with his speakers or volume.

16 CHAIRPERSON ANDERSON: Speak, sir. I
17 can't hear you. Say something.

18 (No response.)

19 CHAIRPERSON ANDERSON: Now, I can't
20 hear you. I still can't hear you. No. I guess
21 while - all right.

22 Ms. Edwards, can you please identify
23 yourself for the record, please

24 MS. EDWARDS: Yes. Paula Edwards,
25 Treasurer SPCA. P-A-U-L-A E-D-W-A-R-D-S.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you. All right. I think our IT person is
3 trying to communicate with him to let him know
4 how to join.

5 Ms. Yohannes, for the record, just who
6 is it that we're waiting to get on the line?

7 MS. YOHANNES: The owner of Champion
8 Kitchen. That's Eyov Worku, and that's E-Y-O-V
9 W O-R-K-U.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. All right. Now, are we having the
12 hearing today or is this matter settled? What's
13 going on?

14 MS. YOHANNES: We do have -

15 CHAIRPERSON ANDERSON: No. You, Ms.
16 Yohannes.

17 MS. YOHANNES: Sure. We have an
18 agreement that has been signed by my client, and
19 we are awaiting signatures from SPCA at this
20 point.

21 CHAIRPERSON ANDERSON: We're having
22 this hearing, so is it that - is there something
23 that we can memorialize this on basically? We
24 have a Board order to say these are the terms?

25 MS. EDWARDS: Unfortunately, no. We

1 presented this to our Board, and they would not
2 approve it, so I think we'll have to -

3 CHAIRPERSON ANDERSON: But I think -
4 but you're at a disadvantage here, Ms. Edwards,
5 you know.

6 MS. EDWARDS: And I understand, but -

7 CHAIRPERSON ANDERSON: Hold on a
8 minute. Hold on a minute. Procedurally, we're
9 having a hearing today.

10 MS. EDWARDS: Yes.

11 CHAIRPERSON ANDERSON: All right. You
12 have no documents or witnesses. It's my
13 understanding that there's no PIP, so the only
14 thing you can do is cross-examine. And I know
15 who you are, and so because you're president of
16 the Civic Association -

17 MS. EDWARDS: No, I'm treasurer.

18 CHAIRPERSON ANDERSON: I'm sorry.
19 You're treasurer of Civic Association.

20 MS. EDWARDS: Yes.

21 CHAIRPERSON ANDERSON: So, there have
22 been no surprise if you decide to testify, but
23 there's nobody else on your side to testify to
24 and testify, so where we are, so what's going to
25 happen is that we'll call the investigator - I'm

1 sorry.

2 Who's the investigator in this case?

3 MS. YOHANNES: Investigator Puente.

4 CHAIRPERSON ANDERSON: Is Mr. Puente
5 in the room today elevated?

6 (No response.)

7 CHAIRPERSON ANDERSON: So, what would
8 occur today is that the investigator will
9 testify, the licensee will put on a case, and you
10 can cross-examine, so that's it. And the Board
11 will issue a decision based on the presentation
12 that - based on the licensee's presentation, so
13 -

14 MS. EDWARDS: I understand.

15 CHAIRPERSON ANDERSON: - you are -
16 and I don't - I'm not telling people to do
17 settlement agreement, but conceivably, you might
18 be in a better position by having a settlement
19 agreement, but if - I'm not telling people to
20 settle, so we're going to - so we're doing to do
21 the hearing, but I'm just pointing out to you
22 where we are.

23 MS. EDWARDS: I do have a question.

24 CHAIRPERSON ANDERSON: Yes, ma'am.

25 MS. EDWARDS: There were two cases.

1 One is the protest hearing, and the other is the
2 settlement, the aggregation of the settlement
3 agreement.

4 CHAIRPERSON ANDERSON: The substantial
5 change, yes.

6 MS. EDWARDS: Yes, the settlement
7 agreement change, so - I'm sorry. The -

8 CHAIRPERSON ANDERSON: So, the
9 settlement change.

10 MS. EDWARDS: - the original
11 settlement agreement, right.

12 CHAIRPERSON ANDERSON: You petitioned
13 to terminate or amend the settlement agreement,
14 yes, that's correct, yes.

15 MS. EDWARDS: So, how will the cases
16 go? Will they be adjudicated together or -

17 CHAIRPERSON ANDERSON: Yes.

18 MS. EDWARDS: Okay.

19 CHAIRPERSON ANDERSON: The Board will
20 make a decision based on presentation that's made
21 today whether or not to renew the license and
22 whether or not based on the presentation whether
23 or not we'll amend our settlement agreement. And
24 that was - you're only limited to ask in cross-
25 examination.

1 MS. EDWARDS: Sure, that's fine. I
2 mean, I explained that to our Board. I can't
3 sign the agreement without their consent.

4 CHAIRPERSON ANDERSON: All right.

5 MS. YOHANNES: And if I may at this
6 point? I mean, this is the very first time that
7 I've heard that the Board has actually decided
8 not, you know, has decided to vote against this
9 agreement. We've been - this is - at this very
10 point, we've -

11 CHAIRPERSON ANDERSON: Ms. Yohannes,
12 it's irrelevant at this point.

13 MS. YOHANNES: Well, it's relevant in
14 that we filed a PIP a week ago. We have not
15 filed a PIP at this - we've not filed, you know,
16 an exhibit list, or nothing has been done in
17 terms of what they plan to say.

18 We understand what we've negotiated
19 on, but I, at this point, do want to move for
20 dismissal of their protest in both matters under
21 1722.10, and believe that their protest -

22 CHAIRPERSON ANDERSON: I'm sorry.
23 What is it?

24 MS. YOHANNES: 1722.10.

25 CHAIRPERSON ANDERSON: So, you've

1 asked them to -

2 MS. YOHANNES: That they failed to
3 file their PIP. Their Exhibit 4 was pursuant to
4 the section and that their failure to do so
5 should, results in a dismissal of their protest.

6 CHAIRPERSON ANDERSON: Ms. Edwards,
7 any other arguments that you wish to make? I'm
8 looking for my -

9 MS. EDWARDS: I suppose it's a weak
10 argument, but I have - we appeared at a hearing
11 before this body with Premier Lounge that did not
12 file a PIP, and there, our protest was not
13 dismissed. I mean, that's fine. I mean, if you
14 want to dismiss it, that's fine.

15 My concern is about the settlement
16 agreement, but I believe that our protest is
17 valid. And whether we present arguments or not,
18 it should not negate the inspector's report and
19 any concerns we have about the Applicant's
20 record, which is terrible, so I didn't see that
21 the mere, not filing a PIP would invalidate our
22 protest.

23 CHAIRPERSON ANDERSON: This matter was
24 scheduled for a protest. It's my - well, this
25 matter was scheduled for a protest hearing last

1 week.

2 MS. EDWARDS: Yes.

3 CHAIRPERSON ANDERSON: Okay. The
4 parties asked for a second mediation.

5 MS. EDWARDS: We did.

6 CHAIRPERSON ANDERSON: We postponed
7 the timing of the protest hearing because the
8 parties stated - because the parties stated that
9 "We need a second mediation," and, so, therefore,
10 the Board waited for the second mediation.

11 MS. EDWARDS: They did.

12 CHAIRPERSON ANDERSON: After the
13 allotted time for the second mediation had
14 expired, the parties informed the Board that
15 they're going to have a settlement agreement, and
16 so, therefore, we should schedule for today as a
17 placeholder, so as far as the Board was
18 concerned, this would - we were going to have
19 the hearing today. This was just a placeholder
20 in my calendar.

21 This hearing was scheduled for 1:30
22 this afternoon. The Board has been told this
23 entire time that the parties are - we have some
24 signed agreement, and we - so, therefore, we
25 should postpone this hearing from 1:30 to 3:00.

1 My understanding that when we were
2 having this hearing today that we would have had
3 a supplement agreement or some - now, I've been
4 told that after this matter was postponed to have
5 a settlement agreement, a mediation, and keep a,
6 that this was just a holding -- we were going to
7 have this hearing today. Now, I'm told that the
8 Board - so when is it - Ms. Edwards, when is it
9 that your Board voted to reject this agreement?

10 MS. EDWARDS: First, I'm not the
11 primary on this. I just found out that I was
12 going to be appearing as the primary on this this
13 morning. Mr. Jackson Carnes was the primary.
14 Secondly, unlike everyone else in this room, I'm
15 the only one not being paid. We've spent many
16 hours doing the settlement agreement. We entered
17 into it in good faith.

18 We sent - we received, I believe,
19 from the Applicant its last version on Monday,
20 and we submitted it to our Board in an emergency
21 fashion to consider for today. That in a sense
22 even violated our bylaws, but we did the best we
23 could.

24 And there was so much push back on the
25 settlement agreement that we designed to increase

1 the occupancy that we were told that it did not
2 represent the wishes of the Board, and I cannot
3 proceed without a signature or approval from the
4 Board, so, you know, I can only do what's given -

5 I can only proceed with what's given to me.

6 CHAIRPERSON ANDERSON: All right.

7 Any other representation that - any
8 other representation you're asking, Ms. Yohannes?

9 MS. YOHANNES: I will just say that at
10 no time -- it was presented on Monday. At no
11 time were we informed that there was a no. We
12 continue to negotiate in good faith. We continue
13 to discuss in good faith up until literally a
14 couple of minutes before I logged into this
15 hearing.

16 This is the very first time I'm being
17 informed that we're actually going today for the
18 protest hearing. I think this is - I don't
19 think this is in good faith. And I believe that
20 this is prejudicial to my client, and that, you
21 know, it should be dismissed.

22 They had numerous opportunities to
23 file a protest or file a PIP, to file an exhibit
24 form to inform the Board that they were moving
25 forward, and they failed to do so.

1 MS. EDWARDS: My counter is that we
2 operated in good faith, that we did not receive a
3 final from the Applicant until Monday when we
4 requested previously. I believe we negotiated on
5 Monday. We received a draft from the Applicant
6 last Friday. We worked with it.

7 We negotiated again on Monday, and
8 then we received another draft from the
9 Applicant, and presented it to our Board as soon
10 as we were able to work with it. This is a
11 timing thing, and we did the best we could with
12 the time we had, and we negotiated in very good
13 faith.

14 I think the Applicant made a good-
15 faith effort to meet us. We did the same, but
16 our Board has rejected it.

17 CHAIRPERSON ANDERSON: And now just -
18 this matter was scheduled for a 1:30 hearing.

19 MS. EDWARDS: Yes.

20 CHAIRPERSON ANDERSON: Why was this
21 matter postponed today to three o'clock?

22 MS. EDWARDS: I have no idea.

23 MS. YOHANNES: My understanding was we
24 were - they were - that the SPCA was waiting on
25 votes, and that they didn't have - majority at

1 the time, and they were waiting on votes for this
2 agreement, to sign on to the agreement.

3 MS. EDWARDS: I did not request it, so
4 I have no idea.

5 MS. YOHANNES: It was not through Ms.
6 Edwards -- It wasn't through Ms. Edwards, but -

7 CHAIRPERSON ANDERSON: So, what - all
8 right. This matter was scheduled for a protest
9 hearing at 1:30 today.

10 Ms. Yohannes, what was your
11 understanding by whom?

12 MS. YOHANNES: My understanding by -
13 I've been speaking to Jackson Carnes, and my
14 understanding is -

15 CHAIRPERSON ANDERSON: And who is
16 Jackson Carnes?

17 MS. YOHANNES: - Jackson Carnes is the
18 president of SPCA.

19 CHAIRPERSON ANDERSON: Okay.

20 MS. YOHANNES: And my understanding is
21 that they were waiting, they being SPCA, on votes
22 in order to sign off on the agreement. He didn't
23 have the majority at the time, the majority to
24 take the vote, and so he was just waiting. He
25 said, "It could come in at any minute, and we may

1 get it before."

2 Initially, the idea was to sign before
3 1:30. As we got closer, I was told that, you
4 know, he just wasn't sure, which is why the
5 request was made to give us some additional time
6 assuming he would have spoken to whom he needed
7 to speak to to get the votes. We've been in
8 continuous communication literally up until a
9 couple of minutes before I logged into this
10 hearing.

11 CHAIRPERSON ANDERSON: And, so where
12 is Mr. Carnes?

13 MS. EDWARDS: Mr. Carnes this morning
14 asked me to sit in on the meeting instead of him
15 at 11:00. I have been participating in the
16 negotiations with Ms. Yohannes, but Mr. Carnes
17 has been the primary. And I don't know where Mr.
18 Carnes is.

19 CHAIRPERSON ANDERSON: All right. As
20 Chairperson of the Alcoholic Beverage Control
21 Board for the District of Columbia in accordance
22 with D.C. Official Code Section 2575 of the Open
23 Meetings Act, I move that the ABC Board hold a
24 closed meeting for the purpose of seeking legal
25 advice from our counsel on Case Number 22-PRO-

1 00148 and Case Number 22-PRO-00084, Champion
2 Kitchen, pursuant to D.C. Official Code Section
3 2575(b)(4)(8) of the Open Meetings Act.

4 Is there a second?

5 MEMBER SHORT: Mr. Short, I second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion. We'll now have a roll call
8 vote. Excuse me. Mr. Short?

9 MEMBER SHORT: Mr. Short, I agree.

10 CHAIRPERSON ANDERSON: Mr. Cato?

11 (No response.)

12 CHAIRPERSON ANDERSON: Ms. Crockett?

13 MEMBER CROCKETT: Agree.

14 CHAIRPERSON ANDERSON: Ms. Hansen?

15 (No response.)

16 CHAIRPERSON ANDERSON: Mr. Grandis?

17 MEMBER GRANDIS: Edward Grandis, I
18 agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson, I
20 agree. The matter passes 5-0-0. The Board will
21 go to seek legal advice from our counsel on the
22 next step.

23 I will ask all parties to stay on the
24 line and mute your lines, and we will be back.
25 I'll ask all Board members to return to Executive

1 Session, please. Thank you.

2 (Whereupon, the above-entitled matter
3 went off the record at 3:24 p.m. and resumed at
4 3:47 p.m.)

5 CHAIRPERSON ANDERSON: We're back on
6 the record.

7 Are you here, Ms. Edwards?

8 MS. EDWARDS: Yes. Let me get the
9 camera back on. Yes, I'm on.

10 CHAIRPERSON ANDERSON: All right.
11 We're here on - this matter was scheduled for a
12 protest hearing on - I just want to put this
13 matter in perspective. This is Case Number 22-
14 PRO-00148 and Case Number 22-PRO-00084,
15 application to renew the license, petition to
16 amend or terminate the settlement agreement.

17 A Roll Call hearing, in this case, was
18 held in August of 2022. The first mediation was
19 held on December 8, 2022. A status hearing was
20 held on January 11, 2023.

21 And at the status hearing, both
22 parties were reminded that they had, that a PIP
23 must be filed and that a PIP must be filed seven
24 days prior to the hearing, and failure by either
25 party to file a PIP unless good cause is shown,

1 the Board might prevent that party from relying
2 on documents or witnesses that are not disclosed
3 at the PIP.

4 And that is pursuant to 1722.10, which
5 basically says failure to file a PIP on exhibit
6 form, pursuant to the section may result in
7 exclusion of evidence to dismissal of the license
8 application or protest unless in the discretion
9 of the Board good cause is shown for the party's
10 failure to file. That's the section.

11 All right. So, as I stated before,
12 the status hearing was scheduled for January the
13 - I'm sorry, we had the status hearing on
14 January the 11th, 2023. This matter was - then,
15 we had - on January the 11th, 2023, the parties
16 were reminded that a PIP should have been filed
17 and the deadline for the PIP to be filed.

18 Also, it's my understanding also on
19 January 25, 2023, ABRA staff sent an email to
20 remind all parties of the PIP. The Applicant
21 responded, it's my understanding, that the
22 Protestant did not respond.

23 There was a mediation -- the first -
24 there was - a mediation was held 12 - the
25 second mediation - I'm sorry, the first

1 mediation was held in December 28, 2022. A
2 second mediation was held on February 6, 2023.

3 And what is also -- the mediation was
4 held on February 6, 2023. This matter was
5 scheduled for a protest hearing on February 1,
6 2023, at 1:30 p.m., so on February 1, 2023, the
7 hearing was scheduled for 1:30.

8 The parties advised we were - the
9 Board was advised earlier in the day that the
10 parties were discussing a settlement, so they
11 wanted to have a mediation, and can we postpone
12 that hearing to a later point in the afternoon?

13 So, rather than the hearing be held at
14 1:30 p.m., the hearing was convened at 3:00 p.m.
15 The case was called at three p.m. on February the
16 1st, 2023. The parties were advised by the Board
17 that they believe that a settlement would be
18 reached, and so, therefore, this matter should be
19 a placeholder placed on a schedule for a protest
20 hearing today, February the 8th, 2023.

21 The Board was advised this morning
22 that although this matter was scheduled for 1:30
23 p.m., can we postpone - I'm sorry - can we
24 postpone, rather than having the hearing at 1:30,
25 we should have the hearing at 3:00 based on the

1 discussion of the parties regarding the
2 settlement.

3 This case was called at three o'clock.
4 The Board was told that there's no settlement
5 because it appears that the Civic Association
6 that their Board had rejected some settlement
7 earlier in the week, and the - at no point has
8 the Civic Association provided a PIP.

9 One has never been filed, and so,
10 therefore, and I believe that based on
11 representation that was made today, and I think
12 even more so, I see that Ms. Paula Edwards is
13 here and the individual who has been - it's my
14 understanding the person who has been at the
15 hearing to represent the Civic Association is Mr.
16 Jackson Carnes, who is the president of the Civic
17 Association.

18 Ms. Edwards also stated on the record
19 today that she was asked at 11 a.m. this morning
20 to fill in for Mr. Carnes. Ms. Yohannes, the
21 attorney for the Applicant, represented today
22 that she was informed by Mr. Carnes that they
23 were waiting for -- one of the reasons why we had
24 the postponement today is because they were
25 waiting for the officiant members of the Civic

1 Association, the Shepherd Park Association, to
2 sign off on the settlement agreement.

3 With all that said, it's my view that
4 reasonable cause, good cause has not been shown
5 by the Civic Association for their failure to
6 provide a PIP, and so I'm making a motion that
7 there - I'll give you an opportunity, ma'am.

8 MS. EDWARDS: Yes, if you'll give me
9 an opportunity to speak, I appreciate it.

10 CHAIRPERSON ANDERSON: Yes. Then, I
11 will make a motion to the Board that the Agency
12 be directed to move forward with the renewal of
13 the license application and the termination of
14 the settlement agreement. That's the motion I
15 will make to the Board.

16 Ms. Edwards, you stated you needed to
17 make a comment.

18 MS. EDWARDS: I'm looking at the
19 transcript of the hearing that I appeared on June
20 29th, 2022, for the new 7307. The Applicant did
21 not present a PIP. The Applicant presented
22 nothing. And the case was - and we proceeded
23 with the protest.

24 Now, is it only the Applicant who is
25 required - I mean, is it only the Protestant

1 that is required to submit a PIP? Because there
2 was no question raised about the Applicants not
3 having provided a PIP and being invalidated
4 because of it.

5 No one asked for good cause that he
6 did not provide a PIP. No one asked him why.
7 They just said, "He didn't provide a PIP." I'll
8 show you the page.

9 CHAIRPERSON ANDERSON: What case are
10 you talking about, ma'am?

11 MS. EDWARDS: This is the - it is the
12 matter of the New 7307, Inc, t/a Premier Lounge,
13 7307 Georgia Avenue NW, Licensee 120372, Retailer
14 CT - ANC 4B, Case Number 22-PRO-00022.

15 CHAIRPERSON ANDERSON: Okay. So,
16 you're saying that for another case that a PIP
17 was not provided -

18 MS. EDWARDS: And no questions asked.

19 CHAIRPERSON ANDERSON: All cases are
20 different, ma'am.

21 MS. EDWARDS: Yes, right.

22 CHAIRPERSON ANDERSON: And one of the
23 reasons why - and I'm going to state this again,
24 ma'am. This is a case that we had a Roll Call
25 hearing in this particular case from August of

1 2022.

2 We were supposed to have had a - if
3 we had had a hearing last week, which we were
4 scheduled to have a hearing last week, the Board
5 postponed the hearing from 1:30 to 3:00 because
6 the parties told us that they wanted to provide,
7 they wanted to participate in a second mediation,
8 and so rather than having the hearing at 1:30, we
9 had the hearing at 3:00.

10 When the case was called at three
11 o'clock, the parties informed the Board that -
12 all right, "We're still talking, we believe that
13 we're going to have a settlement, and so,
14 therefore, I need you to postpone this hearing
15 until today as a placeholder." Not to have a
16 hearing, but just as a placeholder because this
17 case was scheduled for 1:30.

18 We were informed today that the
19 parties were still waiting to have the agreement
20 signed, so, therefore, rather than have the
21 hearing at 1:30, we're supposed to, we agreed to
22 have the hearing at 3:00.

23 It's now three o'clock. The Civic
24 Association is in no position to challenge the
25 renewal or the settlement agreement or -

1 MS. EDWARDS: I do not - I'm sorry.
2 I disagree. I disagree. I believe that we are
3 in the position based on cross-examination to
4 challenge this. And I believe that if you're
5 making your motion based on the fact that we've
6 rescheduled, then please state that.

7 If you're making your motion on the
8 basis that we did not submit a PIP, then I say
9 that that has happened before and the Protestants
10 have been allowed to proceed, so I think that
11 this Applicant's record is such that based merely
12 on cross-examination, we can make a good case for
13 not renewing it.

14 Whether you decide to renew it or not,
15 but I think we can make a very good case for not
16 renewing it based on the Applicant's record alone
17 and based on cross-examination.

18 CHAIRPERSON ANDERSON: But, Ms.
19 Edwards, this is on the - the decision that has
20 been made has been made on the totality of
21 circumstances because the designated
22 representative for the Civic Association is Mr.
23 Jackson Carnes. You're just - I don't have -
24 you - that's the person who is representing -

25 MS. EDWARDS: I was at the Roll Call

1 hearing. I've been at every hearing for this, so
2 I'm on the roll call.

3 CHAIRPERSON ANDERSON: And you were at
4 the status hearing also.

5 MS. EDWARDS: Exactly.

6 CHAIRPERSON ANDERSON: Yes, you were
7 at the status hearing, but based on the totality
8 of the circumstances of this particular case that
9 is the decision that the Board is making. And
10 this is not - personally, you, ma'am, I just
11 think that this is an abuse of the process
12 because as I've always stated before, the Board
13 supports settlement.

14 And that's one of the reasons why we
15 postponed the hearing from last week. We
16 postponed it from 1:30 to 3:00. It was scheduled
17 for last week. It was now scheduled for today as
18 a placeholder. It was scheduled for today at
19 1:30. It was postponed from 1:30 to 3:00 based
20 on the representation that's made by the parties.

21 And so, representations are made that
22 we're just waiting for a signature. Now, I'm
23 being told Wednesday that the Civic Association
24 rejected the settlement agreement on Monday.
25 Today is Wednesday.

1 MS. EDWARDS: I did not say that. I
2 did not say that.

3 CHAIRPERSON ANDERSON: You presented
4 earlier, ma'am.

5 MS. EDWARDS: I said that we received
6 a draft on Monday. We revised it on Tuesday, and
7 we presented it to the Board on Tuesday evening.
8 That is exactly what I said. I'm sorry.

9 CHAIRPERSON ANDERSON: Well, then I
10 stand corrected, but initially, that's what you
11 said on Monday, and that they - so when is it,
12 ma'am - we're sitting here today. Are you
13 saying that - hold on.

14 Yes, Mr. Grandis, yes. Hold on. Go
15 ahead, Mr. Grandis.

16 MEMBER GRANDIS: I believe the record
17 last week clearly gave the Board the impression
18 that the Applicant or the licensee to renew and
19 the Protestants were in a dialogue, and they
20 requested for an additional week.

21 The reason it's this week is because
22 they requested it for an additional week. And I
23 believe the record would show from last week that
24 we - the assurance they gave us was that we were
25 going to come back and have a settlement

1 agreement for the Board to consider.

2 And I believe that it's been stated
3 today that that also was the desire of the
4 representative of the group, but that on Tuesday,
5 meaning yesterday, for whatever reason, the Board
6 failed to adopt it or agreed to that, and,
7 therefore, I'm concerned that we can't continue
8 postponing these types of hearings because we
9 would never get decisions made.

10 And I think, I believe the Protestants
11 were in good faith last week. I believe the
12 representative today from the Civic Association
13 is in very good faith, but I still think that we
14 have rules that we have to follow as a Board, and
15 we're now put in sort of a hard place because we
16 relied on the assurances that's in the record
17 from last week.

18 Thank you for letting me speak, Mr.
19 Chairman.

20 CHAIRPERSON ANDERSON: All right. So,
21 that's the motion. Any discussion by anyone
22 before - let me - is there a second?

23 MS. YOHANNES: Ms. Crockett seconds.

24 CHAIRPERSON ANDERSON: Ms. Crockett
25 has seconded the motion.

1 Any discussion?

2 (No response.)

3 CHAIRPERSON ANDERSON: Hearing none,
4 so let's do a roll call vote.

5 Mr. Short?

6 (No response.)

7 CHAIRPERSON ANDERSON: I cannot hear
8 you, Mr. Short.

9 MEMBER SHORT: Mr. Short votes
10 present.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: Bobby Cato, I agree.

13 CHAIRPERSON ANDERSON: Ms. Crockett?

14 MEMBER CROCKETT: I agree.

15 CHAIRPERSON ANDERSON: Ms. Hansen?

16 (No response.)

17 CHAIRPERSON ANDERSON: Mr. Grandis?

18 MEMBER GRANDIS: I agree.

19 CHAIRPERSON ANDERSON: And Mr.
20 Anderson, I agree.

21 The Board votes 5-0-0 to dismiss the
22 protest and directs the Agency to move forward
23 with the renewal of the license application
24 determining the settlement agreement.

25 Mr. Short voted present. The

1 Protestant will issue an order. The Protestant
2 will have an opportunity to ask the Board to
3 reconsider its decision, once the Board order
4 gives its decision, but that is - they give them
5 ten days. They can file a motion to ask the
6 Board to reconsider the decision that was made
7 today.

8 The decision that the Board made
9 today, the Board, typically, it's not hardened
10 facts on the PIP in a sense that we listened to
11 representation filed by the parties and if the
12 Board believes that good cause has been shown,
13 the Board will vote to move forward by allowing
14 parties to testify if they, if good cause has
15 been shown.

16 In this particular case, based on the
17 procedural history of this case, the Board does
18 not believe that the Protestants have provided
19 good cause why we should allow them to move
20 forward. And the Board, at least, I believe,
21 that there has been an abuse of the process
22 because if it's a case that has started in August
23 of 2022, and it's now in, this is now February of
24 2023.

25 But as I've stated, the Board will, we

1 will issue an order, and the Protestant will have
2 an opportunity to file a motion to ask the Board
3 to reconsider its determination.

4 MS. EDWARDS: May I ask a question?

5 CHAIRPERSON ANDERSON: Yes, Ms.
6 Edwards.

7 MS. EDWARDS: Which case does this
8 pertain to?

9 CHAIRPERSON ANDERSON: Both cases,
10 ma'am.

11 MS. EDWARDS: No.

12 CHAIRPERSON ANDERSON: Ma'am, Ms.
13 Edwards, this is -

14 MS. EDWARDS: We'll be back.

15 CHAIRPERSON ANDERSON: Ms. Edwards,
16 the cases to be decided today, as I stated, is
17 Case Number 22-PRO-00148 and Case Number 22-PRO-
18 00084. One of the cases is a petition to renew
19 the license, and the second case is a petition to
20 amend or terminate the settlement agreement.

21 MS. EDWARDS: Yes.

22 CHAIRPERSON ANDERSON: The parties
23 asked the Board to combine both cases -

24 MS. EDWARDS: I'm sorry. Let me speak
25 after you finish. I'm sorry.

1 CHAIRPERSON ANDERSON: This Board has
2 been moving that these cases were consolidated,
3 and it's the two protests to amend, to renew the
4 license, and to amend the settlement agreement
5 that those are the issues that the parties,
6 that's the issue that the Board was asked to
7 settle and that is the issue, ma'am, that is -

8 MS. EDWARDS: I didn't say anything.

9 CHAIRPERSON ANDERSON: The protest -
10 I just want the record to -- hold on. Let me go
11 one more, let me - I'll do one thing for you,
12 Ms. Edwards. Hold on one --

13 MS. EDWARDS: I was at that hearing.

14 CHAIRPERSON ANDERSON: Hold on. Hold
15 on one minute.

16 MS. EDWARDS: Yes. I was at the
17 hearing. I remember exactly what happened, so
18 keep going.

19 CHAIRPERSON ANDERSON: I'm going to do
20 something. I'm going to do something. I'm going
21 to do one thing, Ms. Edwards. I'm looking at
22 something to read for you.

23 MS. EDWARDS: And I have - I can pull
24 up the hearing where you combined the cases to -

25 CHAIRPERSON ANDERSON: Well, we had -

1 when we had the status hearing, Ms. - well, we
2 had the status hearing January 11th.

3 MS. EDWARDS: Yes. I was there.

4 CHAIRPERSON ANDERSON: The case was
5 called January 11th. I'm looking at the
6 transcript.

7 MS. EDWARDS: I was there.

8 CHAIRPERSON ANDERSON: Two cases were
9 called.

10 MS. EDWARDS: Yes.

11 CHAIRPERSON ANDERSON: Case Number 22-
12 PRO-00084, petition to amend or terminate
13 settlement agreement.

14 MS. EDWARDS: Yes.

15 CHAIRPERSON ANDERSON: And Case Number
16 22-PRO-00148, application to renew the license,
17 okay?

18 MS. EDWARDS: Yes.

19 CHAIRPERSON ANDERSON: That is the
20 case that's scheduled. Those are the cases that
21 are scheduled today.

22 MS. EDWARDS: Yes.

23 CHAIRPERSON ANDERSON: And I'm not
24 quite sure what, Ms. - what is it you don't
25 understand, ma'am?

1 MS. EDWARDS: You said - it's not
2 that I don't understand. You stated that the
3 Applicant - that the parties requested that the
4 cases be combined. The Applicant requested that
5 the cases be combined, the Board wanted to
6 combine the cases, but the Protestants requested
7 that the cases be kept separate, so what you
8 stated that the parties requested that the cases
9 be combined is not correct.

10 The Applicant did and the Board did.
11 And we said, "If you're going to combine them,
12 then fine," or something, I think, at the end,
13 but we did not request that the cases be
14 combined. And I have the YouTube video here. I
15 can pull it up.

16 MS. YOHANNES: I'll say that the Board
17 order does indicate that the Applicant made the
18 request that indicates that the petitioner or Mr.
19 Carnes consented at the status hearing.

20 MS. EDWARDS: He consented after the
21 Board said that it would make the determination.
22 I was at the status hearing also.

23 MS. YOHANNES: Yes, I was just -- the
24 Board orders.

25 MS. EDWARDS: That may be what the

1 court order says, but I was there, and I
2 specifically asked that the cases not be combined
3 for this reason because I knew this was going to
4 happen.

5 CHAIRPERSON ANDERSON: I'm reading the
6 transcript for the Roll Call hearing, Ms. -
7 whether or not the matter is consolidated or not,
8 we had two protest hearings.

9 MS. EDWARDS: That's fine.

10 CHAIRPERSON ANDERSON: One was to
11 renew the license and one was to amend or
12 terminate the settlement agreement. The protest
13 hearing was scheduled for today.

14 And the Protestant never filed a PIP
15 in either case, so even with one case or two
16 cases, the Protestant never filed a PIP in either
17 case, and based on the representation that was
18 made today, reasonable cause, the Board concluded
19 that reasonable cause has not been shown by the
20 Protestant -

21 MS. EDWARDS: That's fine.

22 CHAIRPERSON ANDERSON: - in either
23 case to move forward.

24 MS. EDWARDS: I just want the record
25 to be clear. That's fine. I understand what

1 you're saying. I just want the record to be
2 accurate. That's all I'm saying.

3 CHAIRPERSON ANDERSON: And that's what
4 I'm doing, ma'am. It was - while I was reading
5 the transcript for - I was reading the
6 transcript at the Roll Call hearing when the
7 matter, when consolidation of the case was
8 discussed. Yes, that's what I was reading, so
9 you are correct.

10 MS. EDWARDS: I know I am.

11 CHAIRPERSON ANDERSON: You are
12 correct, but -

13 MS. EDWARDS: That's fine.

14 CHAIRPERSON ANDERSON: But I also
15 wanted to make clear whether or not the cases
16 were consolidated or we're going to have two
17 cases today, it is the same conclusion.

18 MS. EDWARDS: I understand your point.

19 CHAIRPERSON ANDERSON: And in case the
20 Protestant never filed a PIP in the case to renew
21 the license, and the Protestant never filed a PIP
22 in the case to amend or terminate the settlement
23 agreement.

24 MS. EDWARDS: I do want to say one
25 thing. I cannot speak for Mr. Carnes. He was

1 the one who was supposed to do that, but I
2 believe that he really expected to have a
3 settlement agreement, and that is why he did not
4 file, so he did not act in bad faith.

5 I don't think that anyone was giving
6 the Board the runaround or anything like that.
7 He really expected to have a settlement agreement
8 in place that would be accepted by the Board. It
9 was not. And I don't want to, you know, see the
10 Board have the wrong impression of this process.

11 CHAIRPERSON ANDERSON: And I'm not
12 saying that - was that Mr. Jackson?

13 MS. EDWARDS: Mr. Carnes, yes.

14 CHAIRPERSON ANDERSON: I'm sorry, Mr.
15 Carnes, the Civic Association have been in bad
16 faith. I never - I've not made a determination
17 that they acted in bad faith.

18 MS. EDWARDS: You did say abuse of
19 process.

20 CHAIRPERSON ANDERSON: That doesn't
21 necessarily mean that they acted in bad faith,
22 ma'am. I did not use those words.

23 MS. EDWARDS: You said abuse of
24 process.

25 CHAIRPERSON ANDERSON: Because, as

1 I've stated before, the protest hearing was
2 scheduled for last week, and we were told this
3 week that this was just only a placeholder. And
4 there are no witnesses testified. You're the
5 only person who is here, and you're not even the
6 designated representative as far as we're
7 concerned for this.

8 You informed us - but you informed us
9 today that Mr. Carnes advised you today to step
10 in for him at 11:00 today. I think that's the
11 representation you made earlier. Yes, you have
12 -- as a lead for this case. Isn't that correct?

13 MS. EDWARDS: Yes. Let me - I want
14 to understand something going forward. Is it
15 necessary that I be designated as the
16 representative in order to step in for this case
17 just for going forward? Because we will see each
18 other again on this case, not this particular
19 case, but on this matter.

20 CHAIRPERSON ANDERSON: For all cases,
21 I designated at the Roll Call hearing someone has
22 to be designated as a designated representative
23 who's going to represent the ANC, who's going to
24 represent the Civic Association, who's going to
25 represent the group of five or more.

1 MS. EDWARDS: Exactly.

2 CHAIRPERSON ANDERSON: At the Roll
3 Call, it can be stated that the president and the
4 secretary or the treasurer can represent the
5 person, so, yes, a designation has to be made and
6 that's usually made at the Roll Call hearing.

7 MS. EDWARDS: Exactly.

8 CHAIRPERSON ANDERSON: And normally
9 when I have a status hearing, I do ask who's the
10 designated representative and -

11 MS. EDWARDS: Only the designated
12 representative can represent the organization? I
13 just want to be clear.

14 CHAIRPERSON ANDERSON: I'm sorry?

15 MS. EDWARDS: Only the designated
16 representative can represent the organization at
17 any hearing?

18 CHAIRPERSON ANDERSON: Yes. We have
19 to be informed in writing -

20 MS. EDWARDS: In writing beforehand,
21 okay, fine.

22 CHAIRPERSON ANDERSON: - who is the
23 designated representative who's designated to
24 represent and that is normally done when the
25 protest is filed. Like, for example, for a, say,

1 a protest is filed by the ANC, the ANC will
2 inform us that either the chair or any of the
3 Board members or any specific officers when Civic
4 Association.

5 When they filed a protest, they also
6 inform us who the designated representative is.
7 And if that's not determined at the Roll Call
8 hearing that is determined, so by the time we get
9 to a status hearing, I know who - because that's
10 one of the questions that - I'm not sure if you
11 recall, every time we have a hearing -

12 MS. EDWARDS: No, I did. No, I
13 remember. Yes, that's fine.

14 CHAIRPERSON ANDERSON: - I always ask
15 "Who is the designated representative for the
16 group?"

17 MS. EDWARDS: I just wanted to know
18 what is the process if the designated
19 representative is not available, so does one have
20 to submit in writing that someone else will
21 substitute for the designated representative, or
22 is the case thrown out?

23 CHAIRPERSON ANDERSON: No. You need
24 to provide ABRA Legal with notification that -

25 MS. EDWARDS: Okay, fine. That's all

1 I need to know.

2 CHAIRPERSON ANDERSON: - that you are
3 now the designated representative -

4 MS. EDWARDS: Okay, that's fine.

5 CHAIRPERSON ANDERSON: - for moving
6 forward on this case.

7 MS. EDWARDS: Okay. Now, I do also
8 have a question, so since you've dismissed the
9 settlement agreement, does that mean the
10 settlement agreement is now null and void?

11 CHAIRPERSON ANDERSON: Yes, ma'am.

12 MS. EDWARDS: Okay, fine. And -

13 CHAIRPERSON ANDERSON: The decision of
14 the Board today is to renew, is to direct the
15 Agency to renew the license and terminate the
16 settlement agreement as requested by the
17 Applicant, but as I've stated before, we will
18 issue the Board order and the Civic Association
19 will have an opportunity to ask the Board to
20 reconsider its position.

21 MS. EDWARDS: Okay. No, that's fine,
22 we will. And just - I just want to say again
23 because I was a bit put off by abuse of process.
24 I'm not being paid. I'm the only person on the
25 screen who's not being paid.

1 I've spent countless hours with this
2 and so has Mr. Carnes. We are all volunteers, so
3 we are not in this to abuse to process. We're
4 not here to waste your time because we're wasting
5 our free time, but we will be back before the
6 Board, so thank you very much for your time.

7 And I'm very sorry that this turned
8 out the way it did and, you know, and everybody's
9 time being spent, but we'll be back. Thank you.

10 CHAIRPERSON ANDERSON: And thank you,
11 Ms. Edwards. And the Board appreciates your
12 efforts and the Board appreciates all ANC, and
13 Civic Association who care about their community
14 and care about this process, and they want to
15 ensure that every licensee complies with the
16 neighborhood that they live in, so we do
17 appreciate the efforts by your organization to
18 move forward in this process.

19 In this particular case, so based on
20 where we are in this particular case, the Board
21 believes in this particular case that based on
22 that provision, based on 1722.10 that good cause
23 has not been shown.

24 MS. EDWARDS: All right.

25 CHAIRPERSON ANDERSON: In this

1 particular case, that's the decision that's made.
2 And all of these cases are - all cases can be
3 distinguishable, and we made individual
4 determination on where we are.

5 MS. EDWARDS: All right. Well, thank
6 you very much, and we'll await the Board order.

7 CHAIRPERSON ANDERSON: Thank you, Ms.
8 Edwards, and thank you, Ms. Yohannes.

9 MS. EDWARDS: Okay.

10 MS. YOHANNES: Thank you.

11 CHAIRPERSON ANDERSON: That was the
12 last case on our hearing calendar, and so I'm
13 going to close the record.

14 As chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia, and accordance with D.C. Official Code
17 Section 2575(b) and Section 2575(b)(14) of the
18 Open Meetings Act, I move that the ABC Board hold
19 a closed meeting on February 15, 2023, for the
20 purpose of discussing and hearing the Court's
21 concern in ongoing or planned investigations of
22 alleged criminal or civil misconduct or
23 violations of law or regulations in seeking legal
24 advice from our legal counsel on the matters
25 identified on the Board's legal licensing and

1 investigative agenda for February 15, 2023, as
2 published in the D.C. Register on February 10,
3 2023.

4 Is there a second?

5 MEMBER SHORT: Mr. Short, I second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion. I will take a roll call.
8 Vote on the motion before us now that it has been
9 seconded.

10 Mr. Short?

11 MEMBER SHORT: Mr. Short, I agree.

12 CHAIRPERSON ANDERSON: Mr. Cato?

13 MEMBER CATO: Bobby Cato, I agree.

14 CHAIRPERSON ANDERSON: Ms. Crockett?

15 (No response.)

16 CHAIRPERSON ANDERSON: Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen, I agree.

18 CHAIRPERSON ANDERSON: Mr. Grandis?

19 (No response.)

20 CHAIRPERSON ANDERSON: And Mr.

21 Anderson, I agree.

22 As it appears that the motion has
23 passed, I hereby give notice that the ABC Board
24 will hold a closed meeting pursuant to the Open
25 Meetings Act.

1 Notice will also be posted on the ABC
2 Board hearing room bulletin board, placed on
3 electronic calendar and ABRA's website, and
4 published in D.C. Register, in as timely a manner
5 as practical.

6 We're now adjourned for the day. I
7 would like to thank all Board members who
8 participated in the process. I would like to
9 thank the members of the public who participated
10 in the process today.

11 We're now adjourned on our public
12 calendar today. I'll now ask all the Board
13 members to return to Executive Session for
14 further action. Thank you.

15 (Whereupon, the above-entitled matter
16 went off the record at 4:24 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Champion Kitchen

Before: DC ABRA

Date: 02-08-23

Place: teleconference

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Court Reporter

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