

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 EZRA S, Inc., :
 t/a Dix Market :
 6221 Dix Street NE : Protest
 Retailer A - ANC 7C : Hearing
 License No. 116408 :
 Case #21-PRO-00081 :
 :
 (Application for License :
 Renewal) :
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Wednesday
 February 16, 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:

GINA BULETT, Protestant
 CHRISSIE CHANG, Applicant's Counsel
 SARAH FASHBAUGH, DC ABRA Staff
 MARY GAFFNEY, ANC 7C
 DAWIT GERORIAS, Applicant
 INVESTIGATOR VANESSA PLEITEZ, DC ABRA
 FASEKA SHEFERAW, Witness

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

2 (1:51 p.m.)

3 CHAIRPERSON ANDERSON: All right, so
4 now let's move -- let's all move now to our
5 calendar -- afternoon calendar. The first case
6 in our afternoon calendar is a protest hearing,
7 Case No. 21-PRO-00081, Dix Market, License No.
8 116408. Ms. Fashbaugh, can you please elevate
9 the rights of the parties in this case please?

10 MS. FASHBAUGH: Sure thing. Please
11 stand by. Chrissie Chang, your rights have been
12 elevated. The Licensee is not present. Mary
13 Gaffney, your rights have been elevated. I'm not
14 seeing Antoine Holmes. Vanessa Pleitez, your
15 rights have been elevated. That is all, Mr.
16 Chair.

17 CHAIRPERSON ANDERSON: All right. Mr.
18 Holmes is one of the protestors, so we need to
19 find Mr. Holmes unless there is someone else
20 representing the ANC. Ms. Chang, have you had
21 any conversations with Mr. Holmes today regarding
22 his appearance at the -- at this roll call
23 hearing?

24 MS. FASHBAUGH: Chairperson --

25 CHAIRPERSON ANDERSON: I'm sorry.

1 MS. FASHBAUGH: -- I see that Gina
2 Bulett has her hand raised.

3 CHAIRPERSON ANDERSON: All right.

4 MS. FASHBAUGH: Gina, I unmuted you.

5 MS. BULETT: Yes. Mr. Holmes is not
6 here today, but I am here today on behalf of
7 Northeast Boundary Civic Association. And our
8 Civic Association President, Dr. Gaffney as well.
9 She is also an ANC leader within 7C. She is here
10 today.

11 CHAIRPERSON ANDERSON: Who's
12 representing the -- Who is representing the ANC
13 today?

14 MS. BULETT: Dr. Gaffney -- Mary
15 Gaffney.

16 CHAIRPERSON ANDERSON: Why doesn't Dr.
17 Gaffney say something? She's on the -- She's on
18 --

19 MS. BULETT: Well probably because she
20 can't unmute.

21 CHAIRPERSON ANDERSON: Her rights were
22 elevated, so that's why she's -- that's why she's
23 on my screen. Ms. Fashbaugh, have you unmuted
24 Dr. Gaffney?

25 MS. FASHBAUGH: Her rights have been

1 elevated and I just manually unmuted.

2 MS. GAFFNEY: Dr. Gaffney's unmuted
3 now.

4 CHAIRPERSON ANDERSON: All right,
5 thank you. Good afternoon, everyone. All right,
6 this is a protest hearing, case for Dix Street
7 Liquor. Let me have the parties introduce
8 themselves for the record. Let's start with the
9 Licensee.

10 MS. CHANG: Hi. My name is Chrissie
11 Chang. I'm the author and agent for the owners,
12 EZRA S. Inc and sole owner, Mr. Dawit Ggiorgis
13 right now is joining the hearing. And yeah, so I
14 represent the Applicant. Thank you.

15 CHAIRPERSON ANDERSON: Is that person
16 -- Is that person -- Hold on, Ms. Chang. For
17 some reason, I'm hearing -- I'm not hearing you
18 well. So is there someone else in the same
19 location as you who's also online?

20 MS. GAFFNEY: Okay --

21 CHAIRPERSON ANDERSON: All right. Dr.
22 Gaffney, can you please mute your phone --
23 please, ma'am? I need everyone to mute their
24 phone. The only person -- all the phones need to
25 be muted. And when I call on you to introduce

1 yourself, then you can unmute yourself. So let's
2 start again. All right Ms. Chang, who is your
3 client? And is that person -- has that person
4 been unmuted? Are they online?

5 MS. CHANG: Okay. Yeah, they are on
6 the phone -- Mr. Chair, (audio interference) is
7 on the phone. That's what I understand.

8 CHAIRPERSON ANDERSON: All right. Can
9 you put the person's phone number in the chat so
10 Ms. Fashbaugh can elevate their rights? Because
11 I don't know how many people are -- I don't know
12 how many people are online on the phone.

13 MS. CHANG: (audio interference), can
14 you please unmute?

15 CHAIRPERSON ANDERSON: Who's speaking?

16 MS. CHANG: I'm sorry. My name --
17 This is Chrissie Chang on behalf of the owners,
18 the renewal applicant. And could you please
19 unmute the Applicant, Dawit Ggiorgis please?

20 CHAIRPERSON ANDERSON: What's the last
21 four digits on their phone number?

22 MS. CHANG: Okay. Phone number --

23 CHAIRPERSON ANDERSON: The last four
24 digits of their phone number.

25 MS. CHANG: 1705.

1 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
2 do you see a 1705 to unmute please?

3 MS. FASHBAUGH: I do not. Does he
4 have a different name?

5 CHAIRPERSON ANDERSON: I think they're
6 on the phone -- they're on the phone.

7 MS. CHANG: Yeah, the owner's wife --
8 owner's wife, (audio interference), the 0961
9 please.

10 MS. FASHBAUGH: I've elevated Faseka
11 Sheferaw.

12 MS. CHANG: Yes, she is owner's wife.

13 CHAIRPERSON ANDERSON: All right.
14 There's still an issue, Ms. Chang with your --
15 with your volume. I'm not sure. I'm hearing --
16 I'm not hearing you well. And I don't know -- I
17 thought it was because someone else was logged
18 in. Is there someone else in your office who is
19 also logged in on this call?

20 MS. CHANG: No, it is just me. It is
21 just me.

22 CHAIRPERSON ANDERSON: All right.

23 MS. CHANG: Let me (audio
24 interference). It is actually pretty -- What
25 about -- How about now?

1 CHAIRPERSON ANDERSON: Maybe if you
2 turn your volume down a little bit please. Turn
3 your volume down a little bit and let me see.

4 MS. CHANG: Oh, okay.

5 CHAIRPERSON ANDERSON: Turn your
6 volume down some and speak again.

7 MS. CHANG: Hi. Yeah, how about now?
8 Can you hear me please?

9 CHAIRPERSON ANDERSON: I can hear you.
10 Let me see something. I can hear you, but you're
11 -- All right. Let's start it again. All right,
12 so the -- All right. All right. Can you please
13 spell and state your name for the record again,
14 Ms. Chang?

15 MS. CHANG: Sure. Chrissie Chang, C-
16 H-R-I-S-S-I-E. My last name is C-H-A-N-G.

17 CHAIRPERSON ANDERSON: And what's your
18 role in this -- in this matter today please?
19 What's your role in this hearing, Ms. Chang?

20 MS. CHANG: I am an authorized
21 representative of the owner, EZRA S. Inc, renewal
22 applicant. The sole owner is Mr. Dawit.

23 CHAIRPERSON ANDERSON: All right. Is
24 he on the phone? Can he please spell and state
25 his name for the record -- the owner of the

1 establishment, please spell and state your name
2 for the record please.

3 MS. CHANG: Can I say his name? Can
4 I say his name?

5 CHAIRPERSON ANDERSON: You can call
6 his name.

7 MS. CHANG: Mr. Dawit Ggiorgis.

8 CHAIRPERSON ANDERSON: Is he there?
9 I need him to state and spell his name.

10 MS. CHANG: Could you please unmute
11 Faseka Sheferaw please. She keeps texting me
12 that, you know, that (audio interference) didn't
13 unmute me.

14 CHAIRPERSON ANDERSON: All right. Ms.
15 Fashbaugh, can you please unmute Ms. Sheferaw
16 please -- S-H-E-R --

17 (simultaneous speaking)

18 MS. FASHBAUGH: She's been elevated,
19 but I unmuted her as well.

20 CHAIRPERSON ANDERSON: Ms. Sheferaw,
21 are you -- are you there?

22 MS. SHEFERAW: Yes, sir. I'm here.
23 Can you hear me?

24 CHAIRPERSON ANDERSON: Yes, I can hear
25 you.

1 MS. SHEFERAW: Great, yes.

2 CHAIRPERSON ANDERSON: Are you the
3 owner or are you the owner's wife?

4 MS. SHEFERAW: I'm the owner's wife.

5 CHAIRPERSON ANDERSON: So is the owner
6 there? He was on and all of the sudden the
7 system failed, so he's trying to call in. We've
8 been online since 1 o'clock.

9 CHAIRPERSON ANDERSON: Well, this
10 hearing started at 1:30.

11 MS. SHEFERAW: Right.

12 CHAIRPERSON ANDERSON: It started at
13 1:30. I came on at 1:43. So has he been able to
14 -- Is he calling in or is he -- or does he -- Is
15 he going to be on the telephone or is he going to
16 be --

17 MS. SHEFERAW: He's trying to use the
18 phone to call in because the website didn't work
19 now.

20 CHAIRPERSON ANDERSON: But it works
21 for you. Why doesn't it work for him?

22 MS. SHEFERAW: We're not in the same
23 location. Sorry.

24 CHAIRPERSON ANDERSON: Can you find
25 out when he has called in?

1 MS. SHEFERAW: Yes, sir.

2 CHAIRPERSON ANDERSON: And then give
3 me the last four -- What's the last four digits
4 of his phone number?

5 MS. SHEFERAW: 1705.

6 CHAIRPERSON ANDERSON: All right. So
7 Ms. Fashbaugh, can you please look for 1705 --

8 MS. SHEFERAW: Let me call.

9 CHAIRPERSON ANDERSON: -- to see when
10 that number has shown up please.

11 MS. FASHBAUGH: I have unmuted a
12 caller user with a number starting with a 5. I
13 cannot see the last four digits. But you're
14 unmuted if you are the business owner
15 potentially.

16 CHAIRPERSON ANDERSON: I'm sorry.
17 (audio interference)

18 MR. GGIORGIS: Hello?

19 CHAIRPERSON ANDERSON: Can you
20 identify yourself please? Hello. Can you
21 identify yourself please?

22 MR. GGIORGIS: Hello?

23 CHAIRPERSON ANDERSON: Can you please
24 identify yourself?

25 (audio interference)

1 MR. GGIORGIS: Hello?

2 CHAIRPERSON ANDERSON: Can you please
3 identify yourself, sir?

4 MR. GGIORGIS: Dawit, last name
5 Gerorias, Dix Market.

6 CHAIRPERSON ANDERSON: Can you spell
7 your first name, sir, and your last name, sir?

8 MR. GGIORGIS: My name is Dawit, last
9 name Ggiorgis, G-G-I-O-R-G-I-S.

10 CHAIRPERSON ANDERSON: Sir, can you
11 please spell your first name again please?

12 MR. GGIORGIS: Dawit, D-A-W-I-T.

13 CHAIRPERSON ANDERSON: And your last
14 name again please, sir? Spell your last name
15 again please, sir.

16 MR. GGIORGIS: G-G-R-I-O-R-G-I-S.

17 CHAIRPERSON ANDERSON: And you're the
18 owner of Dix -- you're the owner of Dix Market?

19 MR. GERORIAS: Yeah, I'm owner of Dix
20 Market.

21 CHAIRPERSON ANDERSON: Thank you. All
22 right, Ms. Sheferaw.

23 MR. GERORIAS: I'm almost (audio
24 interference)

25 CHAIRPERSON ANDERSON: I'm sorry, sir?

1 MR. GGIORGIS: Almost half an hour
2 here. I don't know if -- (audio interference)

3 CHAIRPERSON ANDERSON: Sir, this
4 hearing was scheduled to start at 1:30.

5 MR. GGIORGIS: I'm sorry.

6 CHAIRPERSON ANDERSON: -- at 1:30. I
7 called the case at 1:45. I don't want anyone to
8 be complaining that they've been here for a half
9 an hour waiting. Okay?

10 MR. GGIORGIS: Okay.

11 CHAIRPERSON ANDERSON: We have a
12 schedule and we're trying to comply as closely as
13 possible to the schedule, sir. Okay? One of the
14 beauties of doing this remotely -- virtually, at
15 least you didn't have to be sitting in our -- if
16 we were doing this in-person, you would have been
17 sitting in the hearing room for all this period
18 of time. But at least you can be either in your
19 office -- in your business or you can be out
20 doing other things and make yourself available
21 for this hearing. So I am trying to keep this on
22 a schedule and try to be accommodating for
23 everyone's time. Okay? Thank you.

24 All right. Ms. Faseka, can you please
25 spell and state your -- spell your first and your

1 last name for the record and your relationship to
2 this business, ma'am? Ms. Faseka, are you there?

3 MS. SHEFERAW: Ms. Faskea is my wife.

4 CHAIRPERSON ANDERSON: I'm asking her
5 to speak, sir. Is she on the line? All right.

6 MS. CHANG: She said she is muted
7 right now.

8 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
9 can you please -- if she is muted --

10 MS. SHEFERAW: There you go.

11 CHAIRPERSON ANDERSON: -- then unmute
12 her please. Ms. Faseka?

13 MS. SHEFERAW: Okay, I am unmuted.

14 CHAIRPERSON ANDERSON: Can you please
15 --

16 MS. SHEFERAW: Faseka, sorry.

17 CHAIRPERSON ANDERSON: Ms. Faseka, can
18 you spell and state -- spell your first name and
19 your last name and your relationship to this
20 establishment?

21 MS. SHEFERAW: Yes, sir. I apologize
22 for everything, sir. My name is Faseka, F-A-S-E-
23 K-A, last name Sheferaw, S-H-E-F-E-R-A-W. And I
24 am the wife of Dawit Ggiorgis.

25 CHAIRPERSON ANDERSON: Thank you,

1 ma'am. Dr. Gaffney, can you please spell and
2 state your name for the record and your
3 relationship? And explain to us who do you
4 represent in this matter.

5 MS. GAFFNEY: Mary Gaffney, M-A-R-Y
6 G-A-F-F-N-E-Y. I represent the ANC.

7 CHAIRPERSON ANDERSON: Thank you,
8 ma'am. Ms. Bulett, can you please spell and
9 state your name for the record? And who do you
10 represent, ma'am?

11 MS. BULETT: G-I-N-A B-U-L-E-T-T. I
12 represent Northeast Boundary Civic Association.

13 CHAIRPERSON ANDERSON: Thank you.

14 MEMBER SHORT: Mr. Chairman, if I
15 might.

16 CHAIRPERSON ANDERSON: Yes, Mr. Short.

17 MEMBER SHORT: I'd just like to go on
18 the record as knowing -- I do know and have
19 worked with for many years, Dr. Mary Gaffney
20 through the **2:07:04 Community Development
21 Organization. But that would have no bearing on
22 what takes place in this hearing today. I just
23 wanted to acknowledge that. Thank you.

24 CHAIRPERSON ANDERSON: Thank you, Mr.
25 Short. Ms. Pleitez, can you please spell and

1 state your name for the record please?

2 INVESTIGATOR PLEITEZ: Vanessa
3 Pleitez, V-A-N-E-S-S-A. Last name is P-L-E-I-T-
4 E-Z. Investigator for ABRA.

5 CHAIRPERSON ANDERSON: Thank you. Is
6 there anyone else from either side that I have
7 not recognized before we -- we move on? Have I
8 recognized all the participants in this case?
9 Okay, all right.

10 All right then, this matter comes
11 before the Board as a protest on the application
12 to renew a license by EZRA, trade name Dix Street
13 Market -- Dix Market, I'm sorry, Retailer's Class
14 A, License No. ABRA-166408, located at 6221 Dix
15 Street NE.

16 By way of background, the Board's
17 record reflects the following: The license
18 application was placard on August 20th, 2021.
19 ANC 7C represented by Chairperson, Antoine Holmes
20 filed a protest on October 25th, 2021. A second
21 protest was filed by the Northeast Boundary Civic
22 Association on October 25th, 2021, represented at
23 that time by Dr. Mary Gaffney. Both protestant
24 groups were granted standing at the roll call
25 hearing held on November 15th, 2021.

1 Now things have been brought to the
2 Board's attention that as a result of mediation
3 and continued legal association, only one issue
4 remains in dispute. And that is the hours of
5 operation, specifically the closing time for the
6 establishment. Is that correct?

7 INVESTIGATOR PLEITEZ: Correct.

8 CHAIRPERSON ANDERSON: Dr. Gaffney?

9 MS. GAFFNEY: I would yield to Gina.

10 CHAIRPERSON ANDERSON: And Ms. Bulett,
11 is that correct?

12 MS. BULETT: Yes, it is.

13 CHAIRPERSON ANDERSON: All right. If
14 so, the Board is inclined to propose the
15 following format for today's hearing. Namely the
16 parties can stipulate on the record to those
17 issues where agreement is reached. And then for
18 the one remaining issue in dispute, the Board is
19 willing to take oral argument from each side as
20 to why the establishment should close at the hour
21 they're requesting. Are the parties agreeable to
22 that format?

23 FEMALE PARTICIPANT: Yes.

24 CHAIRPERSON ANDERSON: Ms. Chang? Ms.
25 Chang?

1 MS. CHANG: Yes.

2 CHAIRPERSON ANDERSON: All right
3 (audio interference)

4 CHAIRPERSON ANDERSON: Yes, Ms. Chang?
5 You were saying yes. That's all you're saying.
6 You weren't actually asking a question?

7 MS. CHANG: Actually, sorry. (audio
8 interference)represent. Could you please repeat
9 that again?

10 CHAIRPERSON ANDERSON: I'm saying
11 that, it's my understanding that the parties are
12 in agreement in most -- in all issues with the
13 exception of the hours of operation -- the
14 closing time. Is that correct?

15 MS. CHANG: That's correct. Yes, sir.

16 CHAIRPERSON ANDERSON: All right. And
17 so what I'm asking is that I would be -- if
18 that's the case, the Board would be inclined for
19 the parties to stipulate on the issues that --
20 could stipulate on the record the issues that
21 they are in agreement to. And that we would then
22 just hear testimony on the one remaining issue,
23 which is the closing hour where the Applicant
24 would tell the Board why it believes that it
25 should close at a specific time. And the ANC and

1 the Civic Association would give testimony on why
2 they believe that they want a shorter hour.

3 And so what I'm saying, would the
4 parties do that? I would then ask that the
5 issues that are agreed to, that you would put
6 that on the record and we would -- this would be
7 the Board order -- this would be a part of the
8 Board order. And then the Board would just
9 listen to testimony on both sides on the hours --
10 the closing hours.

11 MS. CHANG: Okay. Can I start the
12 reason of the -- Can I start (audio interference)

13 CHAIRPERSON ANDERSON: You're breaking
14 up.

15 MS. CHANG: Can I start the (audio
16 interference)

17 CHAIRPERSON ANDERSON: Ms. Chang, I
18 think it's your internet connection.

19 MS. CHANG: Okay. I would like to
20 test it, yes.

21 CHAIRPERSON ANDERSON: Ms. Chang, I
22 think the problem is it's your internet
23 connection because you are --

24 MS. CHANG: Yes.

25 CHAIRPERSON ANDERSON: -- every couple

1 of seconds, you're freezing.

2 MS. CHANG: Okay. I am hearing well.
3 I'm seeing you very well. And I'm not sure this
4 is an internet connect problem in my location --

5 (simultaneous speaking)

6 MS. CHANG: Do you want me to (audio
7 interference) some other place?

8 CHAIRPERSON ANDERSON: Am I the only
9 one having problems hearing Ms. Chang? All
10 right. Ms. Chang, when I look at my screen --

11 MS. CHANG: Sure.

12 CHAIRPERSON ANDERSON: -- I see that
13 your screen in freezing. Okay? So that tells me
14 -- I've been doing this for two years, so I can
15 tell who is having internet -- (audio
16 interference). Your internet, ma'am, is not
17 stable. All right, for everyone, yours breaks
18 up. We can't hear you.

19 MS. CHANG: I'm being moved now
20 downstairs.

21 CHAIRPERSON ANDERSON: Yes, can you
22 move to --

23 (simultaneous speaking)

24 MS. BARTH: Let me try.

25 CHAIRPERSON ANDERSON: Yes, can you

1 move to another location where your --

2 MS. CHANG: Okay.

3 CHAIRPERSON ANDERSON: -- internet
4 works better, ma'am?

5 (pause)

6 MS. CHANG: Sir, is this better?

7 CHAIRPERSON ANDERSON: Yes, Ms. Chang.
8 Much, much better.

9 MS. CHANG: Oh, okay. Thank you very
10 much.

11 CHAIRPERSON ANDERSON: All right.

12 MS. CHANG: Sorry everybody about this
13 problem and issues. Okay, so --

14 CHAIRPERSON ANDERSON: All right. So
15 what I stated earlier is that it's my
16 understanding that the parties through mitigation
17 negotiation, they have agreed to almost all issue
18 with the exception of the hours -- the closing
19 hours. So what I'm -- what I'm proposing is that
20 the parties would stipulate by putting on the
21 record, what are the issues that were agreed to.
22 So we'd offer that as a stipulation. We'd put in
23 the Board order. And then we would just have
24 testimony from the parties on why the Licensee is
25 requesting the specific hour that they're

1 requesting for closure. And the ANC and/or the
2 Neighborhood Civic Association would present
3 evidence on why they want different hours. So
4 what I'm saying, is this agreeable to both sides?
5 Is that agreeable to you, Ms. Chang?

6 MS. CHANG: Yes.

7 CHAIRPERSON ANDERSON: And I believe
8 that I -- I did hear from Ms. Bulett that, that
9 was agreeable. Is that correct, ma'am?

10 MS. BULETT: Yes.

11 CHAIRPERSON ANDERSON: And so what I'm
12 also asking, if that's so, will the parties --
13 are the parties willing to waive the examination
14 of the Board's witness because there would be no
15 need for the Board's witness to testify? Because
16 she would just testify -- she would be testifying
17 -- She's now qualified to testify on the
18 appropriateness of hours. So she would just
19 testify on what is it that she saw from her
20 perspective. Is that agreeable?

21 MS. GAFFNEY: Yes.

22 MS. BULETT: Yes.

23 CHAIRPERSON ANDERSON: All right.

24 Thank you. Ms. Chang?

25 MS. CHANG: Yes, sir.

1 CHAIRPERSON ANDERSON: All right.
2 Thank you, Ms. Pleitez. You just did such a
3 wonderful job that your testimony is no longer
4 required today. You can watch -- You can watch
5 the hearing if you so desire, but you're not --
6 you're not mandated to be there -- to be here.

7 All right, so prior to us -- So what
8 I would ask is that -- I would ask you, Ms. Chang
9 to provide the Board with the stipulation of the
10 issues that you have agreed to. And we will
11 memorialize this as part of our Board order. And
12 then after that's done, then we'll have testimony
13 from you and your client why that you're
14 requesting the hours that you're requesting. And
15 then the protestant will provide us with reasons
16 why they are seeking shorter hours. Is that
17 agreeable?

18 MS. CHANG: Yes, agreeable.

19 CHAIRPERSON ANDERSON: Are there any
20 -- Outside what I just stated, are there any
21 other issues that we need to address prior to us
22 starting?

23 MS. CHANG: There is no other issue,
24 sir.

25 CHAIRPERSON ANDERSON: All right. Ms.

1 Bulett, any issues on your side for us to --

2 MS. BULETT: I would just like to say
3 we do really appreciate Investigator Pleitez's
4 followup in this process. It's been very
5 refreshing.

6 CHAIRPERSON ANDERSON: Well thank you
7 for that representation, Ms. Bulett. And it
8 appears that I myself read the Board order -- I'm
9 sorry, her case report and I see that she had
10 attended meetings with both sides. So thank you
11 for the representation that you made. And maybe
12 that's one of the reasons why this case is not
13 going to go to a full hearing. It's just going
14 to go -- We're just going to have arguments on
15 the hours. So thank you for the representation
16 that you made on behalf of one of our employees.
17 Thank you very much, ma'am. All right?

18 All right. So Ms. Chang, can you tell
19 us what are -- what are the issues that the
20 parties have agreed? What's the agreement --
21 What's the stipulation? So tell me what is it
22 that the parties have agreed upon? And we will
23 put this -- This will be memorialized as part of
24 our Board order.

25 MS. CHANG: Sure. Right now, the

1 hours (audio interference) the Board is 12 -- you
2 know, the closing time is 12:00 a.m.

3 CHAIRPERSON ANDERSON: No. Hold on,
4 Ms. -- No. What are the issues that you guys
5 have agreed to? Tell me what is it that -- tell
6 me everything that the parties have agreed to.
7 And we'll put that -- That will be part of the
8 record.

9 MS. CHANG: Okay.

10 CHAIRPERSON ANDERSON: So here's what
11 I want from you -- What is it that --

12 (simultaneous speaking)

13 MS. CHANG: Okay. Everything that we
14 --

15 (simultaneous speaking)

16 CHAIRPERSON ANDERSON: Everything that
17 both sides have agreed to.

18 MS. CHANG: Okay.

19 CHAIRPERSON ANDERSON: This is a
20 stipulation --

21 (simultaneous speaking)

22 MS. CHANG: Yes. Both sides -- Okay.
23 We agreed with -- Because I came to downstairs,
24 so please let me go to upstairs. I'm very sorry.

25 CHAIRPERSON ANDERSON: We will wait.

1 We will wait, ma'am. Take your time. Take your
2 time. Don't run up the stairs.

3 (pause)

4 MS. CHANG: Okay. I would like to
5 start with the camera issue. We agreed with all
6 the camera requirements. And then you know, I
7 provided the work contract signed by the (audio
8 interference) owner that the camera is going to
9 be installed as required. And the window repair
10 --

11 CHAIRPERSON ANDERSON: Hold on.

12 MS. CHANG: -- the Applicant wanted to
13 wait for the city's help but decided to stop
14 waiting for it. And that window repair is going
15 to be all completed by February 25th.

16 CHAIRPERSON ANDERSON: Ms. Chang, can
17 you hear me?

18 MS. CHANG: And all the proof as the
19 signed contract was provided.

20 CHAIRPERSON ANDERSON: Ms. Chang?

21 MS. CHANG: And the (audio
22 interference) Yes?

23 CHAIRPERSON ANDERSON: Can you hear
24 me?

25 MS. CHANG: Yes.

1 CHAIRPERSON ANDERSON: All right. I
2 need you to go --

3 MS. CHANG: I can hear you, but it's
4 lots of like, you know --

5 CHAIRPERSON ANDERSON: Yeah. And the
6 reason why --

7 MS. CHANG: -- this connection is
8 still --

9 CHAIRPERSON ANDERSON: You're right.

10 MS. CHANG: -- you have a problem --

11 CHAIRPERSON ANDERSON: Right. When I
12 don't speak it's because I see that you're having
13 -- at least from the video perspective, that
14 you're having some issues. So that's why --

15 (simultaneous speaking)

16 MS. CHANG: Oh, I can't hear you.

17 CHAIRPERSON ANDERSON: You can hear
18 me?

19 MS. CHANG: Okay.

20 CHAIRPERSON ANDERSON: So when I don't
21 speak, if you're addressing is because I don't
22 speak, it is because something is going on with
23 the camera.

24 MS. BULETT: I apologize to interject.
25 She might have some luck if she turns off her

1 camera. Sometimes with the internet issues like
2 that, it helps.

3 CHAIRPERSON ANDERSON: Yeah. I was
4 just about to suggest she do that. Thank you.
5 Thank you, ma'am. But I'll wait for her to come
6 back.

7 MS. FASHBAUGH: Call-in user with the
8 number starting with 7, you are unmuted.

9 CHAIRPERSON ANDERSON: Ms. Chang, why
10 don't you --

11 MS. CHANG: Yes, join by the phone.

12 CHAIRPERSON ANDERSON: Right. So
13 yeah, all right. So just turn your camera off.
14 Just turn your camera off please and I think
15 you'll be fine.

16 MS. CHANG: Okay.

17 CHAIRPERSON ANDERSON: And we can hear
18 you.

19 MS. CHANG: I think this way is (audio
20 interference)

21 CHAIRPERSON ANDERSON: Yes, ma'am. So
22 just turn your -- so just stay on the call-in and
23 just log off the other one. Okay?

24 MS. CHANG: Let me leave (audio
25 interference).

1 MS. SHEFERAW: Is it okay if I start
2 it -- if I say it?

3 CHAIRPERSON ANDERSON: Yes. I can
4 hear you perfectly. I'm sorry. Well I need --
5 but you see, I need both sides. Okay, I'll have
6 you do it, but I need her -- I need both parties
7 to -- I'm sorry, is that Ms. Bulett?

8 MS. SHEFERAW: No, this is Faseka.

9 CHAIRPERSON ANDERSON: All right,
10 okay. Perfect. All right. I'll wait for --
11 When she comes back, then I'll have you -- if she
12 has some issues, then I'll have you put it on.
13 And then I'll make sure that as far as she's
14 concerned that this is correct because she's the
15 representative. And then I'll confirm that with
16 the other side. Okay? So Ms. Faseka -- and
17 forgive me for the -- How do you pronounce your
18 last name for me one more time, ma'am?

19 MS. SHEFERAW: It's Sheferaw.

20 CHAIRPERSON ANDERSON: Sheferaw, yeah.
21 Once she comes back -- Once I hear from Ms.
22 Chang, then I'll have you -- I'll have you tell
23 me the terms. Okay? What I want you to do is
24 specifically tell me -- camera -- This is what we
25 want to do for the camera or whatever it is say

1 this is the issue. This is the resolve -- this
2 is how we're going to resolve it. Okay?

3 MS. SHEFERAW: Yes, sir.

4 CHAIRPERSON ANDERSON: That's what I'm
5 requesting.

6 MS. BULETT: Mr. Anderson, would it
7 help if I -- This is Gina Bulett. Would it help
8 if I try to summarize everything and they can
9 agree or disagree with my summary?

10 CHAIRPERSON ANDERSON: Well normally
11 what -- normally what we would do is because the
12 Applicant is the one that -- it's the Applicant's
13 license, so therefore they're the ones who will
14 say to me that this is what I have agreed to. So
15 normally I would have the Applicant tell me what
16 it is. And then the Protestant would say yes.
17 But I need it to be from the Applicant's
18 perspective. But I also need Ms. Chang on the
19 line and she's not here.

20 So whoever's going -- whoever's going
21 to tell me what the concerns are, I need both
22 sides. So whoever can do a better job and put it
23 together. Ms. Bulett, if you have it, fine. But
24 I need Ms. Chang to be on the line because I need
25 to -- I need to make sure that what you're saying

1 as per the Licensee, that the Licensee agrees to
2 what you're saying. So yes, I'll have you do
3 that. But I'll wait for Ms. Chang to come back.

4 MS. BULETT: Faseka, is it okay if I
5 summarize?

6 MS. SHEFERAW: It's okay with me.

7 MS. BULETT: Okay.

8 CHAIRPERSON ANDERSON: All right. But
9 I need -- But I need Ms. Chang to come back
10 because Ms. Chang has identified herself to us as
11 the representative for the establishment. So I
12 don't want to -- I do not want to move forward
13 without her coming back online.

14 MS. GAFFNEY: Right.

15 CHAIRPERSON ANDERSON: So I don't know
16 what -- Ms. Fashbaugh, is Ms. Chang connected to
17 us because she was on the phone. I don't know
18 what happened.

19 MS. FASHBAUGH: She is unmuted on the
20 phone and I don't see her computer online.

21 CHAIRPERSON ANDERSON: Right. I think
22 she left the computer, but is she -- is she
23 unmuted on the phone because we were having
24 issues? So she's unmuted on the phone?

25 MS. FASHBAUGH: She is, yes.

1 CHAIRPERSON ANDERSON: Ms. Chrissie
2 Chang, can you please identify yourself please?

3 MS. GAFFNEY: She needs to press *6.

4 CHAIRPERSON ANDERSON: Ms. Bulett, let
5 me ask you a question. Have you guys
6 memorialized like a settlement agreement, but
7 that has all the issues with the exception of the
8 time? Do you guys have that?

9 MS. BULETT: And I --

10 (simultaneous speaking)

11 CHAIRPERSON ANDERSON: I'm sorry,
12 who's speaking? Who's speaking?

13 MS. BULETT: This is me, Ms. Bulett.

14 CHAIRPERSON ANDERSON: Okay.

15 MS. BULETT: Chairman Anderson, so
16 that was my intention yesterday to finalize the
17 draft so we could get it signed. But
18 unfortunately we couldn't come to an agreement on
19 that. But I have all the issues pulled up. I
20 can summarize to you what we have agreed on.
21 What we agreed on in back and forth negotiations
22 and where we still are.

23 CHAIRPERSON ANDERSON: All right. Ms.
24 Chang, can you hear me? I can't hear you, Ms.
25 Chang. Ms. Chang, I cannot hear you. I can't

1 hear you. I can't hear you, Ms. Chang.

2 MS. BULETT: I think she's back on the
3 computer and she's muted.

4 CHAIRPERSON ANDERSON: All right. But
5 she's unmuted on the phone, but I'm still not
6 hearing her on the phone. Because she has the
7 phone in her hand, so she's -- Ms. Chang, are you
8 -- Ms. Fashbaugh, can you please unmute her also
9 on the computer too?

10 MS. FASHBAUGH: She's unmuted.

11 CHAIRPERSON ANDERSON: Ms. Chang, can
12 you hear me?

13 MS. CHANG: Yes. I can hear you well.

14 CHAIRPERSON ANDERSON: All right.
15 This is what -- This is what we're going to do,
16 Ms. Chang. Okay?

17 MS. CHANG: Yes.

18 CHAIRPERSON ANDERSON: Ms. Bulett,
19 she's going to lay out what the issues are --
20 what the agreement is. I'm going to write them
21 down. Please listen to them. At the end of the
22 list when she's done, I'm going to ask you to
23 confirm that you -- that your client has agreed
24 to these. Is that okay with you?

25 MS. CHANG: Yes. Yes, please do.

1 CHAIRPERSON ANDERSON: Go ahead, Ms.
2 Bulett.

3 MS. BULETT: Okay. Let me just pull
4 up our original document. Okay, so we agreed on
5 the issues regarding public space cleanliness and
6 maintenance. That was no issue. We also had no
7 issue on the signage, loitering or illegal
8 activity, how to handle that. And then we made
9 some suggestions regarding fresh food and local
10 product sales, that perhaps they could also
11 enroll in DC Essential Kitchens -- Healthy
12 Corners Program.

13 The one piece of that, that we did not
14 agree on is the volume of gross receipts of
15 alcohol sales. The above -- That was fine.
16 And then just the general cooperation with ANC 7C
17 and with these boundaries, that was fine. And
18 then we had some issues to delve into regarding
19 participation in the community. And then
20 obviously no issues with notice and opportunity
21 to cure.

22 So what we went back and forth in, in
23 deliberations, let me pull that up. And I
24 apologize, I am on the phone. So I am in-between
25 email accounts as well. Okay, so in deliberation

1 and discussion, we came to the table (audio
2 interference) Northeast boundary as 7C because
3 Dix Market is struggling to address some of the
4 issues. Per the cameras, we had a meeting. We
5 met with Faseka and Dawit. I showed Faseka where
6 we need the camera. Basically on the front of
7 the store, we just need a full 180 view, so she
8 needs the direction. The window furthest to the
9 right when you're looking at the store, it just
10 needs to come out at an angle so it can give --
11 So with their other cameras that they've
12 installed that it can give a full 180 view. So
13 Faseka and Dawit are working on that.

14 Now the window repair, we're happy to
15 hear that they are able to make the investment to
16 repair the window. But we will still work with
17 them on pressing out District Government for the
18 facade improvement for that whole corner.
19 Because that may even better, you know, the outer
20 look of their store.

21 We did concede to the percentage
22 regarding the alcohol sales. That was the issue
23 that was in under the fresh foods and such. We
24 do understand that they're struggling to keep
25 their business afloat. We personally and still

1 consistently feel that alcohol was a bad choice
2 for them because they entered into an already
3 saturated market. And they had limitations
4 regarding and constrictions because they do have
5 a very small store.

6 However, our expectation is that they
7 work with us over the next couple years to find
8 something that they can be successful at, that
9 can be of benefit and health to our community.
10 So we are willing as a Civic Association ANC to
11 try to help them figure out that nitch that can
12 help their business thrive. And we fully believe
13 that they can find something that is of greater
14 benefit and well being to our community.

15 And then participation in the
16 community, we understand because this is a
17 husband and wife team, that they just don't have
18 the capacity to attend all of the meetings that
19 we have -- the ANC meetings, the Civic
20 Association, the MPD safety meetings because we
21 understand, some of us are on like three or four
22 meetings a week. So we just expected the
23 continued commitment from them to work on facade
24 improvement and a business pivot.

25 Hopefully this pandemic is ending

1 soon. They're operating next door to a daycare,
2 so we anticipate in the next year, that daycare
3 is going to be booming. So we expect them just
4 to work with us around issues on that corner to
5 make sure that things are safe and presentable
6 for children.

7 Faseka and Dawit and a lot of this
8 issue in our community concern is that their
9 business is located in a really bad intersection
10 in our community. The alley going behind our
11 community -- where the stores are, the big
12 convenient store that moved two down from them
13 and just that corner where they're positioned,
14 that alley behind the store is the super highways
15 for robbers in our community. And so I'm not
16 sure if you're -- how familiar you guys are with
17 what's going on in Deanwood every day, but we're
18 having robberies, we're having shootings. I
19 can't recall the last day the helicopter wasn't
20 out.

21 But we really do appreciate the Faseka
22 and Dawit. I've come to them several times. One
23 of our community members was shot five times on
24 the 30th on his way to work. We just had a
25 robbery of another neighbor Monday night, half a

1 block up from the store. They took his car,
2 robbing him as he's coming in from work, putting
3 the keys in the door. And I do appreciate the
4 way they step up to look at their cameras, to
5 communicate, and to try to help keep us safe. So
6 that's where we are in terms of agreement.

7 CHAIRPERSON ANDERSON: All right, this
8 is what I'm going to ask the parties to do. I
9 will ask the parties to provide us with a consent
10 agreement to say these are the terms that we've
11 agreed to and provide that to us. And we will
12 append that to the order. Because I think, Ms.
13 Bulett, you were in the process of drafting a
14 sentiment agreement, but that was not done
15 yesterday. So why don't you -- the parties
16 provide us the terms that they've agreed to. And
17 we will append that to our order. Is that
18 agreeable?

19 MS. BULETT: I can work on that
20 tonight.

21 CHAIRPERSON ANDERSON: And you'll
22 provide it to Ms. Chang. And you believe that --
23 When do you believe that both of you can provide
24 that to the Agency?

25 MS. BULETT: I am going out of town on

1 Thursday, so I will have to do it tonight.

2 MS. BULETT: All right. So I can
3 email it out. We have, I think several -- we have
4 an email chain going that has several ABRA people
5 on it, so then it can come to you guys.

6 CHAIRPERSON ANDERSON: So email it.
7 Both you and Ms. Chang will send this document to
8 us to say this is what we have agreed to. Okay?

9 MS. BULETT: Okay.

10 CHAIRPERSON ANDERSON: So what we're
11 going to have then is just a hearing on the
12 hours. And I need the Licensee to be specific
13 why they need the specific hours -- closing hours
14 that they're asking for. And I then need the
15 Protestant to be specific in telling us why they
16 need their time -- that's different from what the
17 Licensee's asking for. Okay? All right.

18 So Ms. Chang, I'm hoping that we're
19 not going to have -- One of the things I'll ask
20 you to do, Ms. Chang since you're on -- since
21 you're on video, you can turn your camera off.

22 MS. CHANG: Yes.

23 CHAIRPERSON ANDERSON: Yes, ma'am?

24 MS. CHANG: Okay. I would like to try
25 again. Could you please tell me if you hear me

1 well?

2 CHAIRPERSON ANDERSON: Yes, ma'am. I
3 can hear you.

4 MS. CHANG: Okay, thank you.

5 CHAIRPERSON ANDERSON: So why don't
6 you now tell us why is it that -- what closing
7 hour -- what are the hours that the Licensee is
8 requesting? And why are they -- why are they
9 requesting those hours? And why is it that Board
10 should grant those hours?

11 MS. CHANG: (audio interference)
12 approved by the Board is 12:00 a.m. This is the
13 closing hours. Closing (audio interference) in
14 the current ABC (audio interference). And the
15 protestors (audio interference) concerns to our
16 safety -- the owners and (audio interference)
17 appreciate the -- appreciate it. However, the
18 owner and his wife would like to -- (audio
19 interference) 11:00 p.m. as closing hours.

20 Yeah, the owner is closing the
21 operation around 10:00 p.m. during this pandemic.
22 But the owner needs flexibility for some busy
23 nights to avoid a violation such as an after hour
24 sale. The owner is not able to agree with 10:00
25 (audio interference) to make a complete closing.

1 The owner needs some time to remove customers,
2 you know, inside of the -- on the premises.

3 As for the safety concerns, the owner
4 and his wife promise to utilize their discretions
5 to the fullest. The owner would like to ask the
6 protestors to give him a chance to prove that
7 11:00 p.m. (audio interference) indicated as the
8 closing time in (audio interference) from the
9 community. And also if needed, this issue can be
10 discussed again in two years when the next
11 renewal is required.

12 And then (audio interference) located
13 in the -- like 10 foot radius. And their ABC
14 license closing time is still 12:00 a.m. And I
15 understand that they're closing basically, you
16 know, 10:00 p.m. right now. They just like a
17 little flexibility, a little later than 10:00
18 p.m. So this is what the owner requests the
19 Board to (audio interference) the 11:00 p.m. as
20 the closing time to be indicated in the ABC
21 license. Thank you.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, Ms. Chang. Ms. Bulett?

24 MS. BULETT: Hi, yes. Chairman
25 Anderson, it is correct that Skip's Liquor does

1 have the license hours, but they consistently
2 close at 10 o'clock. And the reason our
3 community has not had to do a settlement
4 agreement with them is because they are very
5 communicative with Dr. Gaffney and very vigilant
6 regarding resolving community issues.

7 Unfortunately, the block outside their business
8 is ripe with a lot of illicit activity. They
9 struggle with the same things that Dix Market
10 does in terms of being in a an epicenter of
11 really bad activity and dangerous activity.

12 They've done a lot of things regarding
13 lighting, cameras, preventing loitering They
14 even took money out of their pocket and fenced in
15 a next door property that wasn't theirs, but they
16 did it for community safety because people were
17 trying to operate a drug trafficking and human
18 trafficking ring off the front of this abandoned
19 house. So that is the reason we don't have a
20 settlement agreement, because they agreed to do
21 things like closing at 10 o'clock to increase
22 everybody's safety.

23 They too have been victims of robbery,
24 so they understand the seriousness of it. And
25 unfortunately right now with how our neighborhood

1 is with the sharp, really jarring increase of
2 robberies and violent crimes in our neighborhood,
3 Monday and last night, we had robberies in our
4 neighborhood. The police keep coming back to
5 that alley behind the stores. And two doors
6 down, the bigger -- it's a big convenient store,
7 they too have been robbed. For them to be open
8 and the only one -- that store that's been
9 robbed, that also closes at 10:00. For them to
10 be open that one hour, it just puts a bulls eye
11 over the store.

12 And there's no amount of money that
13 they can make in that hour that would be worth
14 putting Faseka and Dawit at risk. There just
15 isn't. They need to go home at night to their
16 families. So that little bit of money that they
17 can make in that hour is not worth the increased
18 risk of being alone and open that hour when we
19 know the robbers are right behind the store in
20 the alley.

21 And you know, it's also just not about
22 Faseka and Dawit. I had to go down there Monday
23 night because of the robbery that happened to my
24 neighbor, to talk with them about if they saw
25 anything on the camera. They took my neighbor's

1 keys, his wallet, his money and then they went
2 and stole his car. So you have two people riding
3 around in a stolen car probably robbing other
4 people, doing other illegal things.

5 It is a risk for the entire community
6 safety and we're already stressed out and
7 honestly scared because, I mean we went from pre-
8 pandemic, our violent crime being lower to now
9 two years into the pandemic, it's really spiking
10 in a very scary way. And no amount of money is
11 worth putting them at risk. And there's no
12 amount of actions that they can take that will
13 mitigate the risk because it doesn't matter that
14 they have cameras, they will stay come in there,
15 stare right into the camera and pull out a gun
16 and rob the store.

17 Faseka and Dawit cannot, you know,
18 exit the store -- like there's not a plexiglass,
19 bulletproof tunnel that let's them exit the store
20 to their car safely. They're going to still have
21 to come outside. We really need them to close at
22 10 o'clock for everybody's sake, for the
23 community's sake, for their safety.

24 CHAIRPERSON ANDERSON: Anything else
25 you wish to say, Ms. Bulett?

1 MS. BULETT: It was a pleasure getting
2 to know Faseka and Dawit in the process, I know
3 that we were really at odds. We do appreciate
4 the way they engage our community. It's
5 sometimes unlikely to have folks, particularly
6 when they live elsewhere and are doing business
7 in our community, engage our most struggling
8 members of our community with respect. But I've
9 universally heard good things about them. And I
10 understand like you think that, you know, when
11 you engage even the most struggling person with
12 respect that it protects you from robberies, but
13 I know it does not.

14 I had my friend when she was staying
15 with me in 2014 in front of my house, half a
16 block up from their store, boys surrounded her.
17 Dragged her by her hair, kicking her to get her
18 purse. I speak to everybody in the community.
19 They knew me. They knew my friend who was
20 staying with me. We treated everybody with
21 respect, but it didn't prevent a robbery.

22 CHAIRPERSON ANDERSON: All right. Ms.
23 Chang, do you have any questions of Ms. Bulett
24 and Ms. Bulett, do you have any questions of Ms.
25 Chang?

1 MS. CHANG: Yeah. Again, the owner
2 and I do appreciate the concerns and fully
3 understand about the safety issues. But they
4 just, you know -- Again, just because you know,
5 the citywide renewal actually last year and
6 almost a year passed. So I would like to suggest
7 like a -- you know, this issue can be discussed,
8 you know, in two years. And try -- you know,
9 let's give a chance to the owner to try at 11:00
10 p.m. And then just let's give us (audio
11 interference)

12 CHAIRPERSON ANDERSON: Are you done,
13 ma'am --

14 (simultaneous speaking)

15 MS. CHANG: And then all the issues --
16 all the issues like camera, community activity
17 involvement, everything, the owner is going to,
18 you know, try themselves and make every effort,
19 you know, for the whole benefit in the community
20 and the owners and everybody. So I just would
21 like to personally suggest on behalf of their
22 (audio interference) that like, you know, 11:00
23 p.m. and then, you know, prove that (audio
24 interference) the community.

25 CHAIRPERSON ANDERSON: All right. All

1 right. Do you have any questions of Ms. Chang,
2 Ms. Bulett?

3 MS. BULETT: I don't. I have a
4 general statement though.

5 CHAIRPERSON ANDERSON: All right, go
6 ahead. Go ahead. Go ahead, ma'am.

7 MS. BULETT: I think when we talk
8 about harm to the community, there are times that
9 are, you know, they're irreparable. There's
10 situations of harm and trauma that you just can't
11 go back from. When the bullet's out of the gun,
12 you don't get it back. And so I don't think
13 waiting and seeing when we're in a crime surge
14 right now is the responsible way to move forward
15 to protect the community, especially when we are
16 in (audio interference) what should be two safe
17 and sacred places for children.

18 You have a daycare right next door.
19 At the block of 61st and Dix, you have a small
20 private school. We don't need -- and even if
21 it's overnight when the children are home, what
22 have you, those should still be safe spaces
23 because at the end of the day if somebody gets
24 shots and killed, the police are out there. The
25 coroner's truck is out there. They'll be over

1 there with the tap until the following morning,
2 what have you. And we don't need kids walking
3 across that to go to school.

4 We already have a situation had at
5 61st and Dix where there's a memorial up and
6 literally someone took a picture of the woman
7 under the police sheet lying dead on the ground.
8 She hit some PCP and it was laced with Fentanyl.
9 And she just -- she died there and that was it.
10 So there's just some situations of harm that we
11 don't get to go back from.

12 MS. SHEFERAW: Is it possible I can
13 speak -- add on?

14 CHAIRPERSON ANDERSON: On what? No,
15 I mean I will just let -- where we are is I just
16 -- each side has given me -- has given the Board
17 reasons why we should agree with their side
18 regarding the hours. And I mean I've heard a
19 lot, but I'm not quite sure -- I know that Ms.
20 Chang is representing your interests. Is it
21 something that she has not said that you need to
22 take -- I 'm not asking you to respond to what
23 Ms. Bulett just said. She's the representative
24 and is it that she has not stated what it is that
25 you're seeking as far as the hours are concerned?

1 MS. SHEFERAW: She did. I just wanted
2 to express a little bit more.

3 CHAIRPERSON ANDERSON: Well, I believe
4 that -- I mean okay -- A little bit more -- go
5 ahead, ma'am. I'm sorry. Ms. Chang, can Ms.
6 Sheferaw, can she speak? Ms. Chang?

7 MS. CHANG: Yeah.

8 CHAIRPERSON ANDERSON: Go ahead, ma'am.

9 MS. SHEFERAW: Yes.

10 CHAIRPERSON ANDERSON: Yeah. Go
11 ahead.

12 MS. SHEFERAW: I just want to add on.
13 I'm grateful for the community. I understand the
14 concern. I'm very thankful. And at the end of
15 the day, we want to go home as well. We do close
16 at 10:00 right now. However, having restriction
17 only going to make it harder for us. We are
18 struggling right now in the store. So we wanted
19 that one hour grace period during the summertime
20 or you know, if it gets better. But as of now,
21 we do close at 10 o'clock because of everything
22 that's going on.

23 However, we just want them to trust us
24 and let us, you know, show them and prove to them
25 that we are able and we'll work with them,

1 whatever needs to be done. But the 10 o'clock
2 restriction, the violation and all that stuff,
3 only going put us in more debts than, you know,
4 we are right now. So that 11 o'clock doesn't
5 mean that we're going to close at 11 o'clock
6 every single day from today and on, we do close
7 at 10:00. But we just want to have that
8 flexibility and coming from 12 o'clock to 11
9 o'clock and from 10:00 to 11:00, I think is fair
10 enough to say that it is workable.

11 And you know, in two years if it needs
12 to be fixed, we will fix it if we don't obey by
13 what they say or how they like it. But right now
14 because we're struggling, because a new store
15 came right next to us opened, our business is
16 gone. So the extra hour, the extra 30 minutes
17 gives us a little bit of help. It helps us a
18 lot. So that's why during the Summer we want to
19 stay a little bit open if that's possible. I
20 appreciate it.

21 CHAIRPERSON ANDERSON: All right,
22 thank you. All right. Any questions by any
23 board members? Any questions from any board
24 members? I guess -- I just have a question, Ms.
25 Bulett.

1 MS. BULETT: Yes, I'm here.

2 CHAIRPERSON ANDERSON: Yeah, I know.
3 When you talk about them closing earlier, but can
4 you attribute whether -- I know that you say that
5 you're concerned for their personal safety. But
6 how can you -- Are you able to tie their later
7 hours to specific crimes in the neighborhood that
8 generated from their late -- their specific late
9 hours?

10 MS. BULETT: Well Chairman Anderson,
11 if you think about it, where do robbers like to
12 strike? They like to strike where there's less
13 people out, where there's less people around,
14 where there's less businesses open. When you
15 have the other two businesses -- main businesses
16 in the community closing, then their the only
17 ones open. It's a small store. They're right
18 next to the robber's super highway. I mean, you
19 know, it just exacerbates risk. You know?

20 And in addition, you know, nothing
21 stopped that guy in October who went into their
22 neighbor two doors down. I mean I watched the
23 MPD video. You know, one of the most respected
24 men in our community. He's been in our community
25 doing handyman work forever, was the person that

1 guarded the cars when the church was in -- that
2 building used to be a church before it was a
3 convenience market. He would be out monitoring
4 the cars every Sunday as they were lined up.

5 That didn't stop that man from showing
6 that man the gun in his -- in his coat pocket and
7 robbing that store. I mean these late night
8 hours, I mean it just exacerbates the risk. You
9 have the cover of darkness and then you have
10 every other store closed around it. It's just
11 not a good situation.

12 CHAIRPERSON ANDERSON: All right. Any
13 other questions by any of the board members?

14 MEMBER GRANDIS: Mr. Chairman?

15 CHAIRPERSON ANDERSON: Yes, Mr.
16 Grandis.

17 MEMBER GRANDIS: Who was speaking?
18 I'm trying to look at the screen.

19 CHAIRPERSON ANDERSON: All right. Who
20 do you want to -- who do you want to address --

21 MEMBER GRANDIS: The person who was
22 speaking just now. It wasn't Ms. Chang, it was
23 the --

24 CHAIRPERSON ANDERSON: Ms. Chang --
25 (simultaneous speaking)

1 MS. CHANG: Yes, I'm here.

2 MEMBER GRANDIS: No, no, no.

3 CHAIRPERSON ANDERSON: Hold on. Hold
4 on, Mr. Grandis.

5 MEMBER GRANDIS: Yes.

6 CHAIRPERSON ANDERSON: Ms. Chang is
7 the representative. Mr. Faseka is the wife of
8 the owner. I don't know if she is -- I do not
9 know if she's on the license. But she has been
10 identified as the wife of the owner. So I'm more
11 so addressing whatever questions I think is
12 better addressed to Ms. Chang and Ms. Bulett
13 because they're the sole representatives.

14 MEMBER GRANDIS: Yes. It's Ms. Bulett
15 then. Ms. Bulett, I want to thank you for being
16 a witness today and participating. You mentioned
17 the crime that's in the neighborhood. But maybe
18 I missed hearing you, is there any of this crime
19 that you have mentioned, which is very serious.
20 None of us want this in any of neighborhoods.
21 But is any of this crime that you're talking
22 about related to this establishment?

23 MS. BULETT: No, it's not. But it's
24 happening around the establishment and we don't
25 want the establishment to be targeted. That

1 corner they're on is very dangerous and MPD has
2 long identified the alley behind those stores as
3 basically the source of the robberies in our
4 neighborhood. And that's only escalated in
5 recent weeks.

6 I mean the robbery last night, I
7 happened to be out running errands. The cops are
8 in that alley with the flashlights looking in the
9 dumpsters to see if they, you know, threw a gun
10 or something. They came out of that alley when
11 they robbed my neighbor Monday night. When they
12 shot my neighbor five times on his way to work,
13 they came out of that alley. You know, and
14 that's literally two -- two doors down from where
15 they operate.

16 So we know that high risk people are
17 in and around there. That corner has been very
18 bad for violence for a long time. We do not
19 think Faseka and Dawit are the cause, but they
20 could be targeted just because they're close.
21 Why would you travel somewhere to rob somebody
22 where you can just go around the corner, throw a
23 face mask on and get away?

24 A lot of the robberies and crimes that
25 are in our neighborhood remain unsolved including

1 back when the barbershop next to Faseka and Dawit
2 was open, they had a murder in there of a young
3 man. And then I think about a year later, they
4 had a multi-person shooting, including the
5 shooting of a five-year-old, still unsolved. The
6 folks came out of the alley to do it.

7 Over the summer, argument down at
8 Watts Park. Started at Watts Park on a Monday
9 late morning. I think Monday before noon, that
10 kid that was in the argument down there was in
11 the alley behind the store. Before noon, that
12 boy was shot five times in that alley behind the
13 store. It is a hot spot.

14 MEMBER GRANDIS: Thank you, Ms. Bulett
15 for giving me more information. Thank you very
16 much.

17 CHAIRPERSON ANDERSON: All right. Any
18 other questions by any of the board members?

19 MS. GAFFNEY: Mr. Anderson?

20 CHAIRPERSON ANDERSON: Yes, Dr.
21 Gaffney.

22 MS. GAFFNEY: (audio interference)
23 have you received more comments, that's fine.
24 Gina has spoken very clearly and honestly about
25 the situation. But I just want to add that, that

1 store is probably as large as a one-bedroom per
2 se. And (indiscernible due to accent) on one
3 side of it in the room and whatever little
4 whatnots on the shelf. You think it's a grocery
5 store, but it isn't. And I just think the
6 investment was in the wrong place. And we are
7 trying to get them to comply with the other
8 stores in the community that closes at 10
9 o'clock. That's what we're trying to do. We're
10 trying to be very aware of the situations that's
11 happening in the community. And I think Gina has
12 explained those opportunities very well.

13 CHAIRPERSON ANDERSON: All right.

14 Thank you, ma'am. All right. Any final comments
15 -- any final comments you want to make, Ms.
16 Chang?

17 MS. CHANG: Yes. (audio interference)
18 the crime (audio interference) activities around
19 the store. And I believe (audio interference)
20 understand. You know, my client is the one who
21 fully understands what's going on. But as long
22 as all the criminal activities is not directly
23 related to the store, still I do believe that the
24 store needs to prove like (indiscernible due to
25 accent) next two years about the -- to prove

1 themselves -- to prove themselves that the 11:00
2 p.m. close is not going to be a big -- you know,
3 it's going to be a big problem, you know, for the
4 community. Okay?

5 And they are hard workers. And you
6 know, (audio interference) really smart. And
7 because all the communications and they do
8 understand. And actually, this is their first
9 business. And they did not understand about what
10 to do towards community, you know (indiscernible
11 due to accent). Now through all these procedures
12 and now they got learned and they are 100 percent
13 willing to communicate with the communities. And
14 they know all the (audio interference) and you
15 know, the Civic Association authority, you know,
16 to represent the community. And they clearly
17 understand they're a part of the community
18 members. All I ask is just give them, you know,
19 the two years to prove themselves. That's all I
20 ask please.

21 CHAIRPERSON ANDERSON: All right.

22 MS. CHANG: They are struggling.

23 MS. BULETT: Chairman Anderson --
24 (simultaneous speaking)

25 MS. CHANG: Please help us --

1 CHAIRPERSON ANDERSON: I'm sorry.

2 Hold on.

3 MS. CHANG: Yeah.

4 MS. BULETT: I apologize. I'm sorry

5 --

6 (simultaneous speaking)

7 MS. CHANG: Please help this business
8 survive.

9 (simultaneous speaking)

10 CHAIRPERSON ANDERSON: Hold on. Ms.
11 Bulett, hold on. I didn't give you -- I didn't
12 give you permission to speak, ma'am. So hold on.
13 I wasn't sure if I was going to, so just hold on.
14 One can only speak when I give you permission to
15 speak. So hold on please, ma'am. Ms. Chang
16 wasn't done speaking. I want to make sure that's
17 she's done speaking. Are you done, ma'am?

18 MS. CHANG: So just so you know --
19 Yeah.

20 CHAIRPERSON ANDERSON: Are you done
21 speaking?

22 MS. CHANG: Please -- Yes, I'm done.
23 And I would like to finally -- I would like to
24 request the chance to prove themselves, you know,
25 to the community please. Thank you so much.

1 CHAIRPERSON ANDERSON: All right,
2 thank you. You have the last word, Ms. Bulett.

3 MS. BULETT: Okay. Chairman Anderson,
4 I think there's also been some confusion. This
5 is not a matter of Faseka and Dawit or Dix Market
6 proving themselves. You know, the only people
7 that need to "prove themselves" or change their
8 behavior are unfortunately the significant number
9 of young people running around with guns in our
10 community and selling drugs in our community and
11 engaging in illicit behaviors, human trafficking,
12 drug trafficking, what have you that make our
13 community a dangerous place.

14 So this is not about like a moral
15 test, do we think Faseka and Dawit are up for the
16 task. It is just a statement of fact that there
17 is nothing that they can do to protect their
18 safety and prevent a robbery, especially when we
19 have such a spike in violent crimes and so many
20 young people that are engaging in such high risk
21 behaviors in concentration around the store.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you, ma'am. All right. Okay, I'm going to
24 bring this hearing then to a close. The parties
25 will provide us the consent order, meaning the

1 consent agreement for all the issues that they
2 have agreed upon. Once we are in -- Once the
3 Board receives this information, we will add that
4 to the decision that we will make regarding the
5 hours -- and the hours of operation, what's been
6 requested. The Licensee is being requested that
7 there will -- that their license -- that they be
8 allowed to operate until 11:00 p.m. and the
9 Protestant is asking that they should close at
10 10:00 p.m. All right? Okay.

11 All right, so this hearing then is --
12 the record is closed. All right, as Chairperson
13 of the Alcohol Beverage Control Board for the
14 District of Columbia in accordance with DC
15 Official Code Section 2574(b) of the Open
16 Meetings Act, I move that ABC Board hold a closed
17 meeting for the purpose of seeking legal advice
18 from our Counsel on Case No. 21-PRO-00081, Dix
19 Market, pursuant to DC Official Code Section
20 2574(b)(4) of the Open Meetings Act. And
21 deliberate upon Case No. 21-PRO-00081, Dix Market
22 for the reasons cited in DC Official Code Section
23 2574(b)(13) of the Open Meetings Act. Is there a
24 second?

25 MEMBER SHORT: Mr. Short, I second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. I will now take a roll call
3 vote on the motion before us. Mr. Short?

4 MEMBER SHORT: Mr. Short, I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: Bobby Cato, I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett?

8 MEMBER CROCKETT: Rafi Crockett, I
9 agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen?

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: Mr. Grandis?

13 MEMBER GRANDIS: Edward Grandis, I
14 agree.

15 CHAIRPERSON ANDERSON: And Mr.

16 Anderson, I agree. As it appears that the motion
17 has passed, 6-0-0, I hereby give notice that the
18 ABC Board will recess these proceedings to hold a
19 closed meeting in the ABC conference room
20 pursuant to Section 2574(b) of the Open Meetings
21 Act. Thank you very much. The Board will issue
22 a decision within 90 days. Thank you very much.
23 Have a great day. And I want to thank the
24 parties for agreeing to most of the issues in
25 this complaint -- in this protest. So I want to

1 thank the parties for agreeing to most of the
2 issues. And so therefore, the Board will make a
3 determination on whether or not the Licensee will
4 be allowed to operate at 11:00 or they have to
5 close at 10 o'clock. All right, thank you very
6 much and have a great day.

7 (simultaneous)

8 Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 3:09 p.m.)

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Before: DCABRA

Date: 02-16-22

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Court Reporter

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