

IN THE MATTER OF: :

:

BE2 LLC Inc. :

t/a Suburban Market :

4600 Sheriff Road, NE :

License # 108109 : Roll Call Hearing

Retailer B - ANC 7C :

:

(Application to Renew :

the License) :

Monday
February 22, 2021

The Alcoholic Beverage Control Board met via WebEx videoconference, LaVerne Fletcher, Board's Agent, presiding.

PRESENT :

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

BERNARD DIETZ, Applicant's Counsel
BINIAM HABTEMICHAEL, Applicant
ANTAWAN HOLMES, ANC 7C
MAX RICHMAN, Deanwood Citizens Association

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

2 10:13 a.m.

3 MS. FLETCHER: I'm now calling
4 Suburban Market, BE2 LLC Inc., t/a Suburban
5 Market, 4600 Sheriff Road, NE, License No. ABRA-
6 108109. This is the Retailer Class B Grocery
7 Store. This is an application to renew the
8 license.

9 Is anyone present on behalf of
10 Suburban Market?

11 MR. DIETZ: I'm Bernard C. Dietz, the
12 attorney for the Applicant.

13 MS. FLETCHER: Okay, so Mr. Dietz,
14 okay, great, you were able to call in. I see you
15 up there now, okay, thank you. Mr. Dietz, I
16 don't know what happened -- I don't know what
17 happened with your invitation. I'm glad you
18 could join.

19 MR. DIETZ: I am too.

20 MS. FLETCHER: Oh, Mr. Dietz, may I
21 ask you something just while I'm talking to you?
22 Did you receive an email from Messenger at
23 DC.net, did you receive an email from Messenger?

24 MR. DIETZ: Yes, I did.

25 MS. FLETCHER: Okay, that's the

1 invitation, just so that you know.

2 MR. DIETZ: Right, yeah.

3 MS. FLETCHER: I thought about that
4 later. The invitation doesn't come from our
5 agency, but it comes from Messenger.

6 MR. DIETZ: Yeah.

7 MS. FLETCHER: So I'm checking just to
8 make sure okay, that you did receive it.

9 MR. DIETZ: I got it this morning,
10 right.

11 MS. FLETCHER: Okay, well, thank you.
12 Mr. Dietz, will you spell your name for the
13 record, please.

14 MR. DIETZ: Yes, first name is
15 Bernard, B-E-R-N-A-R-D, Dietz, D-I-E-T-Z.

16 MS. FLETCHER: Thank you very much.
17 And who's present on behalf of ANC 7C?

18 MR. HOLMES: Commissioner Antawan
19 Holmes.

20 MS. FLETCHER: Hi, Mr. Holmes, will
21 you spell your name for the record, please.

22 MR. HOLMES: A-N-T-A-W-A-N Holmes, H-
23 O-L-M-E-S.

24 MS. FLETCHER: Okay. And Mr.
25 Habtemichael, you're also present on behalf of

1 Suburban Market, you're the Applicant?

2 MR. HABTEMICHAEL: Yes, ma'am.

3 MS. FLETCHER: Okay, I'm going to need
4 you to spell your name again for this case.

5 MR. HABTEMICHAEL: Okay, B like --
6 first name B like boy, I as international, N as
7 in Nancy, I as international, A as apple, M as in
8 Mary, first name.

9 Last name H like house, A as apple, B
10 as the boy, T as a teacher, E as Edward, M as in
11 Mary, I as international, C as a cat, H as a
12 house, A as apple, E as Edward, L as the
13 language, Habtemichael.

14 MS. FLETCHER: Okay, thank you. Mr.
15 Richman.

16 MR. RICHMAN: Hello again, Ms.
17 Fletcher, good morning to you.

18 MS. FLETCHER: Good morning. I am
19 making a note that you're with the Deanwood --

20 MR. RICHMAN: Citizens Association.

21 MS. FLETCHER: Citizens Association.
22 You're not a party to this protest though, right?

23 MR. RICHMAN: Correct, as we discussed
24 last time, we didn't sent an individual letter
25 but a combined letter. And we know going forward

1 to send our own individual letter. But we've
2 been negotiating between the ANC and this
3 applicant, so I thought to attend to provide any
4 context that we could help with.

5 MS. FLETCHER: Okay, well, since
6 you're on the line, I'm going to ask you to spell
7 your name please.

8 MR. RICHMAN: Sure, it's M-A-X, and
9 then last name is Richman, R-I-C-H-M-A-N.

10 MS. FLETCHER: And so Mr. Richman,
11 just so that you know, you're -- I'm talking to
12 you right now because roll call hearings are
13 public hearings. But if we were actually in
14 hearing room, you would not be allowed to sit at
15 the table because you didn't file a protest.

16 So I'm just going to make a note that
17 you're here and that you understand that you're
18 not a protestant. And only parties to a protest
19 are invited to a hearing. But it is a public
20 hearing. But any effort that you want to make to
21 resolve this matter with the Applicant is fine
22 with us.

23 MR. RICHMAN: Thank you.

24 MS. FLETCHER: You're welcome. Mr.
25 Dietz?

1 MR. DIETZ: Yes.

2 MS. FLETCHER: Mr. -- Mr. Dietz?

3 MR. DIETZ: Yes.

4 MS. FLETCHER: Have you met Mr.
5 Richman?

6 MR. DIETZ: No, I haven't. I've
7 gotten into this late and I'm not fully up to
8 date as to exactly what the status is at this
9 point.

10 MS. FLETCHER: Well, Mr. Richman
11 represents the Deanwood Civic Association, which
12 is not a party to the protest, just so that you
13 know.

14 MR. DIETZ: But I'm aware of that.

15 MS. FLETCHER: Okay, I just wanted to
16 make that note for the record. And I also said
17 that, Mr. Dietz, because you also know that if we
18 were in the actual hearing room, that Mr. Max
19 would not have a seat at the table.

20 MR. DIETZ: Right.

21 MS. FLETCHER: Okay, just wanted to
22 make sure that you're aware that I'm aware that
23 Deanwood's not --

24 MR. DIETZ: Right, but I'm also aware
25 that Mr. Max has been very helpful --

1 MS. FLETCHER: Yes.

2 MR. DIETZ: In this activity.

3 MS. FLETCHER: Okay, well, great.

4 Okay, thank you. Then I will go ahead and set a
5 date for mediation. ANC 7C does have standing as
6 a protestant. I'm looking at the next available
7 date in March. What about March 9th is the next
8 available day, that's a Tuesday. Keep moving
9 along, Mr. Antawan?

10 MR. HOLMES: You're killing me, you
11 know I've got to home school.

12 MS. FLETCHER: Well actually, March is
13 pretty wide open, except for March 5, if you want
14 to choose a date that'll work for you.

15 MR. HOLMES: The best days, honestly,
16 so that I don't get any mean looks is probably
17 Wednesdays.

18 MS. FLETCHER: Okay, well, how about
19 --

20 MR. HOLMES: Wednesday at 10:00?

21 MS. FLETCHER: Yup.

22 MR. HOLMES: That's my favorite time.

23 MS. FLETCHER: Well, you know what,
24 that works on this end. Mr. Dietz, does March 10
25 work for you?

1 MR. DIETZ: Sure, yeah.

2 MS. FLETCHER: Any particular time
3 that's preferable for you, Mr. Antawan, any time
4 in the morning or afternoon beginning at 10:00?

5 MR. HOLMES: Yeah, 10:00, that's when
6 I'm finishing up the morning meetings, yup. Hold
7 on, wait a minute, sorry, sorry, sorry. I'm just
8 about to -- let me not do that, let me not do
9 that. I looked at one calendar, not the second
10 calendar. One second. Go back to your 9th date,
11 I'm sorry.

12 MS. FLETCHER: Okay.

13 MR. HOLMES: Go back to your 9th date,
14 I'm sorry.

15 MS. FLETCHER: All right, back on the
16 9th. Mr. Dietz, is the 9th good for you?

17 MR. DIETZ: The 9th, okay.

18 MS. FLETCHER: That's Tuesday, March
19 9.

20 MR. HOLMES: So far so good.

21 MS. FLETCHER: Mr. Antawan, do you
22 have a preference in terms of time? Still ten
23 o'clock in the morning?

24 MR. HOLMES: Let's do ten o'clock.

25 MS. FLETCHER: Is ten o'clock good for

1 you, Mr. Dietz?

2 MR. DIETZ: Yes, that works.

3 MS. FLETCHER: Mediation is set for
4 Tuesday, March 9 at 10:00. Okay, any questions
5 at all?

6 MR. DIETZ: I don't have the contact
7 information for Mr. Antawan. Could he send me an
8 email so that we could have a conversation?

9 MR. HOLMES: I need your email so we
10 can have an email conversation.

11 MR. DIETZ: Pardon?

12 MR. HOLMES: Please give me your
13 email, and you'll be receiving an email
14 immediately.

15 MR. DIETZ: Yeah, yeah, it's dietzlaw,
16 D-I-E-T-Z-L-A-W, at aol.com.

17 MR. HOLMES: Okay, thank you. I'll
18 also --

19 (Simultaneous speaking.)

20 MR. DIETZ: I think we should be able
21 to resolve this.

22 MR. HOLMES: From what I heard, that's
23 why I talked to Mr. Richman today, and told me he
24 had been working directly with the Applicant, and
25 it sounds like the process of a settlement

1 agreement is starting to be generated.

2 So what we would definitely like to do
3 is go ahead and have another meeting so that by
4 the time -- before we have the next meeting it'll
5 make that meeting that much easier getting
6 through the rest of the settlement agreement.

7 So I'm going to also include Mr.
8 Richman on that and the rest of the Deanwood
9 Citizens Association, and we have all those
10 conversations right after this meeting.

11 MR. DIETZ: Okay, that's great.

12 MS. FLETCHER: And if the matter is
13 resolved before March 9, we can cancel the
14 mediation if the settlement agreement is reached
15 before then. And then of course the status
16 hearing would also be canceled once the
17 settlement agreement is submitted to the Board.

18 MR. HOLMES: And I just want to
19 confirm again, that's dietzlaw@aol.com.

20 MR. DIETZ: That's correct.

21 MR. HOLMES: Okay, you'll see an email
22 shortly. Thank you.

23 MR. DIETZ: Okay. Okay, I'm going to
24 be tied up for the rest of this morning, but we
25 can get started today I think, okay.

1 MR. HOLMES: Thank you.

2 MS. FLETCHER: And Mr. Holmes and Mr.
3 Richman, thank you for your efforts to resolve
4 this matter, and you too, Mr. Dietz. We sure
5 appreciate it.

6 MR. DIETZ: Okay.

7 MS. FLETCHER: Take care. Okay, any
8 -- if there's nothing more, then I'll sign out.

9 MR. HOLMES: That's it.

10 MR. DIETZ: Thank you, bye.

11 MS. FLETCHER: Okay, thanks,
12 everybody. See you soon, bye-bye.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:24 a.m.)
15
16
17
18
19
20
21
22
23
24
25

<p>A</p> <p>A-N-T-A-W-A-N 3:22 a.m 2:2 11:14 able 2:14 9:20 above-entitled 11:13 ABRA 1:16 ABRA- 2:5 activity 7:2 actual 6:18 afternoon 8:4 agency 3:5 Agent 1:14,16 agreement 10:1,6,14,17 ahead 7:4 10:3 Alcoholic 1:2,13 allowed 5:14 ANC 1:8,19 3:17 5:2 7:5 Antawan 1:19 3:18 7:9 8:3,21 9:7 aol.com 9:16 apple 4:7,9,12 applicant 1:19 2:12 4:1 5:3,21 9:24 Applicant's 1:18 application 1:9 2:7 appreciate 11:5 Association 1:20 4:20 4:21 6:11 10:9 attend 5:3 attorney 2:12 available 7:6,8 aware 6:14,22,22,24</p>	<p>case 4:4 cat 4:11 checking 3:7 choose 7:14 Citizens 1:20 4:20,21 10:9 Civic 6:11 Class 2:6 COLUMBIA 1:1 combined 4:25 come 3:4 comes 3:5 Commissioner 3:18 confirm 10:19 contact 9:6 context 5:4 Control 1:2,13 conversation 9:8,10 conversations 10:10 correct 4:23 10:20 Counsel 1:18 course 10:15</p>	<p>exactly 6:8</p> <p>F</p> <p>far 8:20 favorite 7:22 February 1:11 file 5:15 fine 5:21 finishing 8:6 first 3:14 4:6,8 Fletcher 1:13,16 2:3,13 2:20,25 3:3,7,11,16 3:20,24 4:3,14,17,18 4:21 5:5,10,24 6:2,4 6:10,15,21 7:1,3,12 7:18,21,23 8:2,12,15 8:18,21,25 9:3 10:12 11:2,7,11 forward 4:25 fully 6:7</p>	<p>I</p> <p>immediately 9:14 include 10:7 individual 4:24 5:1 information 9:7 international 4:6,7,11 invitation 2:17 3:1,4 invited 5:19 it'll 10:4</p>
<p>B</p> <p>B 1:8 2:6 4:5,6,9 B-E-R-N-A-R-D 3:15 back 8:10,13,15 BE2 1:6 2:4 beginning 8:4 behalf 2:9 3:17,25 Bernard 1:18 2:11 3:15 best 7:15 Beverage 1:2,13 BINIAM 1:19 Board 1:2,13 10:17 Board's 1:14,16 boy 4:6,10 bye 11:10 bye-bye 11:12</p>	<p>D</p> <p>D-I-E-T-Z 3:15 D-I-E-T-Z-L-A-W 9:16 date 6:8 7:5,7,14 8:10 8:13 day 7:8 days 7:15 DC.net 2:23 Deanwood 1:20 4:19 6:11 10:8 Deanwood's 6:23 definitely 10:2 Dietz 1:18 2:11,11,13 2:15,19,20,24 3:2,6,9 3:12,14,15 5:25 6:1,2 6:3,6,14,17,20,24 7:2 7:24 8:1,16,17 9:1,2,6 9:11,15,20 10:11,20 10:23 11:4,6,10 dietzlaw 9:15 dietzlaw@aol.com 10:19 directly 9:24 discussed 4:23 DISTRICT 1:1</p>	<p>G</p> <p>generated 10:1 getting 10:5 give 9:12 glad 2:17 go 7:4 8:10,13 10:3 going 4:3,25 5:6,16 10:7,23 good 4:17,18 8:16,20 8:25 gotten 6:7 great 2:14 7:3 10:11 Grocery 2:6</p>	<p>J</p> <p>join 2:18</p> <p>K</p> <p>Keep 7:8 killing 7:10 know 2:16,16 3:1 4:25 5:11 6:13,17 7:11,23</p>
<p>C</p> <p>C 2:11 4:11 calendar 8:9,10 call 1:3,7 2:14 5:12 calling 2:3 cancel 10:13 canceled 10:16 care 11:7</p>	<p>E</p> <p>E 4:10,12 easier 10:5 Edward 4:10,12 effort 5:20 efforts 11:3 email 2:22,23 9:8,9,10 9:13,13 10:21 everybody 11:12</p>	<p>H</p> <p>H 4:9,11 H- 3:22 Habtemichael 1:19 3:25 4:2,5,13 happened 2:16,17 heard 9:22 hearing 1:3,7 5:14,19 5:20 6:18 10:16 hearings 5:12,13 Hello 4:16 help 5:4 helpful 6:25 Hi 3:20 Hold 8:6 Holmes 1:19 3:18,19,20 3:22,22 7:10,15,20,22 8:5,13,20,24 9:9,12 9:17,22 10:18,21 11:1 11:2,9 home 7:11 honestly 7:15 house 4:9,12</p>	<p>L</p> <p>L 4:12 language 4:13 late 6:7 LaVerne 1:13,16 Let's 8:24 letter 4:24,25 5:1 license 1:7,9 2:5,8 line 5:6 LLC 1:6 2:4 looked 8:9 looking 7:6 looks 7:16</p> <p>M</p> <p>M 4:7,10 M-A-X 5:8 ma'am 4:2 making 4:19 March 7:7,7,12,13,24 8:18 9:4 10:13 Market 1:6 2:4,5,10 4:1 Mary 4:8,11 matter 1:5 5:21 10:12 11:4,13 Max 1:20 6:18,25 mean 7:16 mediation 7:5 9:3 10:14 meeting 10:3,4,5,10 meetings 8:6 Messenger 2:22,23 3:5 met 1:13 6:4 minute 8:7 Monday 1:11 morning 3:9 4:17,18 8:4,6,23 10:24 moving 7:8</p>

N	resolve 5:21 9:21 11:3 resolved 10:13 rest 10:6,8,24 Retailer 1:8 2:6 Richman 1:20 4:15,16 4:20,23 5:8,9,10,23 6:5,10 9:23 10:8 11:3 right 3:2,10 4:22 5:12 6:20,24 8:15 10:10 Road 1:7 2:5 roll 1:3,7 5:12 room 5:14 6:18	think 9:20 10:25 thought 3:3 5:3 tied 10:24 time 4:24 7:22 8:2,3,22 10:4 today 9:23 10:25 told 9:23 Tuesday 7:8 8:18 9:4	6
O	o'clock 8:23,24,25 O-L-M-E-S 3:23 Oh 2:20 okay 2:13,14,15,25 3:8 3:11,24 4:3,5,14 5:5 6:15,21 7:3,4,18 8:12 8:17 9:4,17 10:11,21 10:23,23,25 11:6,7,11 once 10:16 open 7:13	understand 5:17	7
P	P-R-O-C-E-E-D-I-N-G-S 2:1 Pardon 9:11 particular 8:2 parties 5:18 party 4:22 6:12 please 3:13,21 5:7 9:12 point 6:9 preferable 8:3 preference 8:22 present 1:15,17 2:9 3:17,25 presiding 1:14 pretty 7:13 probably 7:16 process 9:25 protest 4:22 5:15,18 6:12 protestant 5:18 7:6 provide 5:3 public 5:13,19	U videoconference 1:13	7C 1:8,19 3:17 7:5
Q	questions 9:4	V	8
R	R-I-C-H-M-A-N 5:9 reached 10:14 receive 2:22,23 3:8 receiving 9:13 record 3:13,21 6:16 11:14 renew 1:9 2:7 represents 6:11	W wait 8:7 want 5:20 7:13 10:18 wanted 6:15,21 we've 5:1 WebEx 1:13 Wednesday 7:20 Wednesdays 7:17 welcome 5:24 went 11:14 wide 7:13 work 7:14,25 working 9:24 works 7:24 9:2	9
	S school 7:11 seat 6:19 second 8:9,10 see 2:14 10:21 11:12 send 5:1 9:7 sent 4:24 set 7:4 9:3 settlement 9:25 10:6,14 10:17 Sheriff 1:7 2:5 shortly 10:22 sign 11:8 Simultaneous 9:19 sit 5:14 soon 11:12 sorry 8:7,7,7,11,14 sounds 9:25 speaking 9:19 spell 3:12,21 4:4 5:6 standing 7:5 started 10:25 starting 10:1 status 6:8 10:15 Store 2:7 submitted 10:17 Suburban 1:6 2:4,4,10 4:1 sure 3:8 5:8 6:22 8:1 11:4	X	9 8:19 9:4 10:13 9th 7:7 8:10,13,16,16 8:17
	T T 4:10 t/a 1:6 2:4 table 5:15 6:19 Take 11:7 talked 9:23 talking 2:21 5:11 teacher 4:10 ten 8:22,24,25 terms 8:22 thank 2:15 3:11,16 4:14 5:23 7:4 9:17 10:22 11:1,3,10 thanks 11:11	Y yeah 3:2,6 8:1,5 9:15,15 yup 7:21 8:6	
		Z	
		0	
		1	
		10 7:24 10:00 7:20 8:4,5 9:4 10:13 2:2 10:24 11:14 108109 1:7 2:6	
		2	
		2021 1:11 22 1:11	
		3	
		4	
		4600 1:7 2:5	
		5	
		5 7:13	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: ABRA Hearing

Before: Alcoholic Beverage Control Board

Date: 02-22-21

Place: Video Teleconference

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com