

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 ROLL CALL HEARING

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IN THE MATTER OF:           :
                             :
GFM South Capitol, LLC     :
t/a Good Food Markets     :
4001 South Capitol St SW  : Roll Call
License #119985           : Hearing
Retailer B - ANC 8D       :
Case #22-PRO-00009       :
                             :
(New Application)         :
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Monday
 February 28, 2022

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

RODNEY HOLLINS, Protestant
 PATRICIA JANIFER, ANC 8D
 PHILIP SAMBOL, Applicant
 KIMBERLY SHIN, Applicant's Counsel

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

2 10:19 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Good Food Markets, Case No. 22-PRO-
5 00009, GFM South Capitol, LLC, 4001 South Capitol
6 Street, SW, License No. ABRA 119985. This is a
7 Retailer Class B full service grocery store. It
8 is a new application.

9 The protest issues are adverse impact
10 on peace, order, and quiet, residential parking,
11 and vehicular and pedestrian safety, and real
12 property values.

13 My name is LaVerne Fletcher conducting
14 the roll call hearing as the Board's agent. Who
15 is present on behalf of the applicant, please?

16 MR. SAMBOL: Hi, Ms. Fletcher. Philip
17 Sambol here on behalf of Good Food Markets with
18 our counsel.

19 MS. FLETCHER: Thank you. Mr. Sambol,
20 would you spell your name for the record, please?

21 MR. SAMBOL: Sure. First name Philip,
22 P-H-I-L-I-P, last name Sambol, S-A-M-B-O-L.

23 MS. FLETCHER: And your attorney is
24 present as well?

25 MS. SHIN: Yes, I'm here.

1 MS. FLETCHER: Okay. And would you
2 state your name and spell it for the record,
3 please?

4 MS. SHIN: Yes. It's Kimberly Shin,
5 K-I-M-B-E-R-L-Y, last name S-H-I-N.

6 MS. FLETCHER: Thank you, Ms. Shin.
7 Who is present on behalf of ANC-8D?

8 MS. JANIFER: Patricia Janifer,
9 Commissioner Janifer, of ANC-8D.

10 MS. FLETCHER: Thank you, Ms. Janifer.
11 Would you spell your name for the record, please?

12 MS. JANIFER: First name is P-A-T-R-I-
13 C-I-A, last name Janifer, J-A-N-I-F-E-R.

14 MS. FLETCHER: Thank you.

15 There was one other protestant in this
16 matter. Is there a Rodney Hollins present?

17 Mr. Hollins, I think you're on mute.

18 MR. HOLLINS: Yes. Can you hear me
19 now?

20 MS. FLETCHER: I can hear you now.
21 Thank you.

22 MR. HOLLINS: Good, good.

23 MS. FLETCHER: Mr. Hollins, would you
24 please spell your name for the record?

25 MR. HOLLINS: First name is Rodney, R-

1 O-D-N-E-Y. Last name is Hollins, H-O-L-L-I-N-S,
2 and I'm a Senior.

3 MS. FLETCHER: Did you say senior?

4 MR. HOLLINS: Yes, ma'am.

5 MS. FLETCHER: Thank you. Mr.
6 Hollins, you are a resident of SMD-8D-07?

7 MR. HOLLINS: Yes.

8 MS. FLETCHER: The protest that you
9 filed will have to be dismissed because an
10 individual can only file a protest if they are an
11 abutting property owner so let me ask you, does
12 your property abut that of the market by any
13 chance?

14 MR. HOLLINS: When you say property,
15 are you talking about my residential property or
16 business property?

17 MS. FLETCHER: Yours, where you live.

18 MR. HOLLINS: Yes. I'm about a block
19 away from the establishment.

20 MS. FLETCHER: Okay. So if you're a
21 block away, that means that your properties don't
22 touch. Your property doesn't touch them.

23 MR. HOLLINS: No.

24 MS. FLETCHER: Okay. That would be
25 the circumstance under which you as an individual

1 could file a protest. Because you're not
2 abutting -- you would have to have claimed to be
3 abutting as well, but because you're not
4 abutting, your protest will be dismissed because
5 you're an individual that does not have standing
6 as an abutting property owner. Do you have any
7 questions about that, Mr. Hollins?

8 MR. HOLLINS: No.

9 MS. FLETCHER: Okay. ANC-8D did file
10 a protest properly so ANC-8D does have standing
11 as a protestant. We need to schedule a date for
12 a status hearing, a protest hearing, and a
13 mediation. I'm going to give you a date for the
14 status hearing and protest hearing first.

15 The status hearing is scheduled for
16 April 6, 2022, at 10:30. The protest hearing is
17 schedule for May 4, 2022 at 4:30. Mr. Hollins,
18 just so you know, the status hearing and the
19 protest hearing are public hearings that you can
20 attend if you want to keep track of what's going
21 on.

22 MR. HOLLINS: Yes.

23 MS. FLETCHER: So you may attend both
24 of those hearings via YouTube. You can find the
25 link to the hearings on our website. If you want

1 some more information about that, I can give it
2 to you after this hearing.

3 MR. HOLLINS: Sure.

4 MS. FLETCHER: But when you go to our
5 website, there's a listing of all the hearings
6 and there's a link there. I'll give you more
7 information about that after this hearing.

8 MR. HOLLINS: Sure. There's one more
9 question I'd like to ask. During this hearing
10 will I have an opportunity to speak on it or any
11 matter at all in reference to this issue?

12 MS. FLETCHER: Yeah. So if this
13 matter is not resolved in mediation, there will
14 be a protest hearing on April -- sorry, on May
15 4th.

16 MR. HOLLINS: May 4th.

17 MS. FLETCHER: If the ANC chooses to
18 list you as a witness -- so would you be a
19 witness for the ANC or the applicant?

20 MR. HOLLINS: The ANC.

21 MS. FLETCHER: Then the ANC has the
22 option of listing you as a witness during the
23 protest hearing and that is the way that you
24 would get in to be able to make a statement or --

25 MR. HOLLINS: Okay. Okay. No

1 problem. Thank you.

2 MS. FLETCHER: Uh-huh. I'm going to
3 give you some dates that are available for
4 mediation. Mr. Hollins, you won't be able to
5 attend the mediation because that's only between
6 the parties.

7 MR. HOLLINS: Yes.

8 MS. FLETCHER: The other two hearings
9 are public but you can feel free to stay on the
10 line so you at least will know when it is.

11 MR. HOLLINS: Okay.

12 MS. FLETCHER: Let's see here. The
13 next available day for mediation is March the
14 15th. That's on a Tuesday. That's March 15th on
15 a Tuesday. It can be any time between 10:00 and
16 2:00. Anytime between 10:00 and 2:00. If that's
17 not a good day, we have other days.

18 MR. SAMBOL: That would work fine for
19 Good Food Markets.

20 MR. HOLLINS: Ma'am, I think I have
21 one -- I may have one physical issue there.

22 MS. FLETCHER: Mr. Hollins, I'm just
23 going to interrupt you for a minute. I have to
24 remember for you to state your name so the court
25 reporter knows who you are.

1 MR. HOLLINS: Rodney Hollins.

2 MS. FLETCHER: Uh-huh.

3 MR. HOLLINS: That's a hearing where
4 I would be able to speak also. Correct?

5 MS. FLETCHER: Not at the mediation.
6 This is the mediation.

7 MR. HOLLINS: Okay.

8 MS. FLETCHER: Uh-huh. This is the
9 mediation between the parties where they attempt
10 to resolve the matter.

11 MR. HOLLINS: Okay. Okay. I
12 understand.

13 MS. FLETCHER: Let's see.

14 Mr. Sambol.

15 MR. SAMBOL: Yes, ma'am.

16 MS. FLETCHER: You said that you are
17 available the 15th?

18 MR. SAMBOL: Anytime during that
19 window if it works for the ANC.

20 MS. FLETCHER: Ms. Janifer, does the
21 15th work for you?

22 MS. JANIFER: Yes, the 15th will work
23 for me. I just checked my calendar. Thank you.

24 MS. FLETCHER: Do you have a
25 preference for time?

1 MS. JANIFER: No preference for time.

2 MS. FLETCHER: What about 10:00?

3 MS. JANIFER: 10:00 will work for me.

4 MS. FLETCHER: Okay. Mediation is set
5 for Tuesday, March 15th at 10:00 a.m. Any
6 questions, anybody?

7 MS. JANIFER: I'm sorry. I have a
8 question.

9 MS. FLETCHER: Ms. Janifer, is that
10 you having a question?

11 MS. JANIFER: Yes.

12 MS. FLETCHER: Okay.

13 MS. JANIFER: Ms. Janifer. As far as
14 the mediation, we will get information for WebEx
15 or how does that work?

16 MS. FLETCHER: I'll send out a WebEx
17 invitation same as I did today -- same as I did
18 for you at 10:00 today.

19 MS. JANIFER: Okay.

20 MS. FLETCHER: I'll send you a WebEx
21 invitation to attend the mediation the same as I
22 did for you to attend today.

23 MS. JANIFER: Okay, great. Then one
24 more question. As far as you advised Mr. Hollins
25 that the ANC can call him as a witness. How many

1 witnesses can the ANC actually call?

2 MS. FLETCHER: Well, so there is no
3 particular number of witnesses for you to call,
4 but each side has about an hour and 30 minutes.
5 If you're going to call witnesses, ideally you
6 have witnesses -- you won't have a lot of
7 repetition so you are going to have somebody to
8 testify about, say, noise, you wouldn't need 10
9 people to testify.

10 You might need -- it depends the case
11 you want to present. We don't limit you to any
12 particular number of witnesses but we limit you
13 to a particular amount of time. You have about
14 an hour and a half. Sometimes a little longer.
15 Does that give you some idea?

16 MS. JANIFER: Yes, absolutely. Thank
17 you so very much.

18 MS. FLETCHER: You're welcome. That's
19 your only other question?

20 MS. JANIFER: Yes. I'm finished.
21 Thank you.

22 MS. FLETCHER: Okay.

23 MR. SAMBOL: I have one thing, Ms.
24 Fletcher.

25 MS. FLETCHER: Yes. Is that Mr.

1 Sambol?

2 MR. SAMBOL: Yes. This is Philip from
3 Good Food Markers. I just wanted to add, Mr.
4 Hollins, I listed my phone number and email in
5 the chat. I would love to hear your concerns
6 prior to the mediation. Obviously you can also
7 communicate that to the ANC but I'd be happy to
8 hear more detail before March 15th if you'd like
9 to chat.

10 MR. HOLLINS: Yes, great. Thank you.
11 I appreciate it.

12 MS. FLETCHER: Thank you for that, Mr.
13 Hollins, because Mr. Hollins is a nearby resident
14 it seems so thank you.

15 MR. HOLLINS: Thank you.

16 MS. FLETCHER: Okay. Well, then if
17 there's nothing more, I would thank everybody for
18 coming. I will see you on -- oh, I'm the Board's
19 mediator. I didn't say that. I will see you on
20 the 15th at 10:00.

21 MS. JANIFER: Okay, great. Thank you.

22 MR. SAMBOL: Thank you all.

23 MS. FLETCHER: Okay.

24 (Whereupon, the above-entitled matter went
25 off the record at 10:30 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Good Foods Market

Before: DC ABRA

Date: 02-28-22

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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