

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE AND CANNABIS BOARD

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MEETING

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IN THE MATTER OF:           :
                             :
DC Market, Inc.             :
t/a DC Food Market         :
2200 16th Street SE        : Protest
Retailer B - ANC 8A        : Hearing (Status)
License No. 106962         :
Case No. 23-PRO-00096     :
                             :
(Application to            :
Renew the License)        :
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Wednesday
March 6, 2024

The Alcoholic Beverage and Cannabis Board met via Webex videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
STEVAN LIEBERMAN, Applicant Counsel
PATRICK O'KEEFE, Protestant, Group of Five

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

2 10:32 a.m.

3 CHAIRPERSON ANDERSON: Good morning.

4 As Chairperson of the Alcoholic Beverage and
5 Cannabis Board for the District of Columbia, in
6 accordance with DC Code Section 2571 et seq. of
7 the Open Meetings Act (OMA), I am welcoming you
8 to the regular scheduled meeting of the Alcoholic
9 Beverage and Cannabis Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding electronic meetings held by public
14 bodies. Electronic meetings by the ABC Board are
15 authorized pursuant to Section 2577a of the DC
16 Code.

17 Pursuant to the OMA requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on ABCA's website and
20 on the District's Central Meeting Calendar. The
21 notice included the time, date, agenda, and call-
22 in or log-in information for public
23 participation.

24 This electronic meeting is being
25 hosted by a Webex account provided by the

1 District of Columbia government. Please address
2 any questions or complaints to the OOG at
3 opengovoffice@dc.gov.

4 My name is Donovan Anderson. I'm
5 Chairperson of the Board. I would like to
6 introduce the other members of the ABC Board, who
7 are also participating electronically.

8 Please respond when I announce your
9 name. Mr. James Short?

10 MEMBER SHORT: Mr. James Short,
11 present.

12 CHAIRPERSON ANDERSON: Mr. Silas
13 Grant?

14 MEMBER GRANT: Silas Grant, present.

15 CHAIRPERSON ANDERSON: The Board has
16 three members in attendance for the conduct of
17 business today, and that constitutes a quorum.

18 Before we get underway with today's
19 hearing calendar, I need to make a few
20 instructions very clear so that the conduct of
21 these hearings is understood by everyone. There
22 are nine cases on this morning's calendar.

23 Once your case is called, I will take
24 a moment for the IT specialist to elevate the
25 rights for each party to enable their camera and

1 microphone. Then and only then will you have the
2 ability to enable your equipment. If your case
3 is not being heard, you will remain mute and your
4 camera will be disabled.

5 At the conclusion of each case, the
6 parties will have the option to leave. If the
7 party chooses to stay, all cameras and
8 microphones for the concluded case will be
9 disabled.

10 Should you have any questions or
11 require technical assistance during the hearing,
12 please submit them using the question and answer
13 feature.

14 Our first case this morning, it's a
15 protest hearing status, Case No. 23-PRO-00096, DC
16 Food Market, License No. -- Mr. Short, can you
17 please mute your line? License No. 106962.

18 Good morning, Mr. Orellana. Can you
19 please elevate the rights of the Licensee and the
20 Protestant?

21 MR. ORELLANA: Good morning.

22 Stevan Lieberman on behalf of Emanuel
23 Mpras, your access has been elevated.

24 And Patrick O'Keefe, your access has
25 been elevated.

1 That appears to be all, Chairman.

2 CHAIRPERSON ANDERSON: Thank you.

3 Good morning. I'm sorry. The person
4 speaking, Mr. Lieberman, do you have a camera to
5 turn on?

6 MR. LIEBERMAN: I do not,
7 unfortunately.

8 CHAIRPERSON ANDERSON: Mr. O'Keefe, do
9 you have a camera to -- okay. Good morning.

10 MR. O'KEEFE: Good morning.

11 CHAIRPERSON ANDERSON: All right.
12 Good morning. Mr. Lieberman, can you please
13 spell and state your name for the record and
14 identify who you represent, sir?

15 MR. LIEBERMAN: My name is Stevan
16 Lieberman. I'm from the Law Offices of Greenberg
17 & Lieberman. My name is spelled S-T-E-V-A-N,
18 Lieberman, L-I-E-B-E-R-M-A-N. This is for DC
19 Food Market, 23-PRO-00096.

20 CHAIRPERSON ANDERSON: And who do you
21 represent, sir?

22 MR. LIEBERMAN: I guess that would be
23 King Convenience Store.

24 CHAIRPERSON ANDERSON: Sir, it's not
25 your guess. You're telling me who you represent,

1 sir.

2 MR. LIEBERMAN: I'm sorry. I'm going
3 based upon notes provided by Mr. Mpras.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, sir.

6 Mr. O'Keefe, good morning. Can you
7 please spell and state your name for the record
8 and identify who you represent?

9 MR. O'KEEFE: Good morning. My name
10 is Patrick O'Keefe. It's spelled P-A-T-R-I-C-K,
11 last name spelled O'K-E-E-F-E. I'm representing
12 the Group of Five Protestants.

13 I saw and heard that this was for DC
14 Food Market. And I think I just heard Mr.
15 Lieberman mention King Convenience. So are we
16 discussing DC Food Market or King Convenience?

17 CHAIRPERSON ANDERSON: Mr. Lieberman,
18 the case I called is 23-PRO-00096, DC Food
19 Market.

20 MR. LIEBERMAN: I'm sorry. In that
21 case, I'll be representing DC Food Market.

22 CHAIRPERSON ANDERSON: All right.
23 Thank you. All right. Mr. Lieberman, are there
24 any preliminary matters that you need to bring to
25 the attention of the Board?

1 MR. LIEBERMAN: Just that there's
2 nothing to report at this time.

3 CHAIRPERSON ANDERSON: Thank you.
4 And Mr. O'Keefe, is there any
5 preliminary matter you want to report to the
6 Board?

7 MR. O'KEEFE: Nothing to report at
8 this time.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you.

11 This matter goes to a hearing. It's
12 scheduled for a protest hearing on March 21st at
13 10:00 a.m.

14 Now that we've scheduled this matter
15 for a protest hearing, there are a few things
16 that I would like to instruct the Applicant and
17 the Protestants about so that the protest hearing
18 is focused and addresses only those issues that
19 are being protested.

20 The Board does not intend to hear
21 testimony on matters that are not relevant to
22 this case. You should have received by
23 electronic or regular mail a letter explaining
24 the protest process, a copy of the protest
25 information form, and a copy of the exhibit form.

1 If you do not have these documents,
2 please contact our legal office following this
3 hearing. It is imperative that you review the
4 rules closely and adhere to them before and
5 during the protest hearing.

6 You're also required to complete and
7 submit the protest information form (PIP) and the
8 exhibit form seven days before the date of the
9 hearing.

10 These two forms and accompanying
11 documents need to be submitted to ABCA's Legal
12 Division and to all opposing parties in this
13 matter. If we do not receive a copy of your PIP,
14 your application or your protest, whichever side
15 you're representing, may be subject to dismissal.

16 Likewise, if we do not receive a copy
17 of the exhibit form and the exhibits themselves,
18 your exhibits may be excluded from the record
19 upon a finding that the opposing party has been
20 prejudiced or no good cause for failure to submit
21 has been shown.

22 Likewise, witnesses other than a party
23 may also be subject to exclusion if not
24 identified on the PIP.

25 Accordingly, these forms are very

1 important. They greatly assist the Board in
2 narrowing the protest issues, facilitating the
3 process, and keeping the parties on point during
4 the hearing. They likewise provide notice to
5 opposing parties, enabling them to better prepare
6 for the hearing.

7 Also, as you're aware, all our
8 hearings are now conducted virtually. You will
9 have one hour to present your case. You will
10 only be allowed to call five witnesses. If you
11 require more time, you are welcome to file a
12 motion with the Board to request more time.

13 We thank you greatly for your
14 cooperation. If you have any questions today or
15 at any time leading up to the hearing, please do
16 not hesitate to contact ABCA's Legal Division.
17 Thank you.

18 Good luck with your negotiations. If
19 this matter is not settled, we will see you on
20 March 21st at 10:00 a.m. -- I'm sorry -- not
21 10:00 a.m. That should be 10:30 because we start
22 at 10:30. So it's March 21st at 10:30.

23 All right. Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 10:41 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 7:13 9:20,21,25 ABC 2:14 3:6 ABCA 1:22 ABCA's 2:19 8:11 9:16 ability 4:2 above-entitled 9:24 access 4:23,24 accompanying 8:10 account 2:25 Act 2:7 address 3:1 addresses 7:18 adhere 8:4 advance 2:19 agenda 2:21 Alcoholic 1:3,15 2:4,8 allowed 9:10 ANC 1:9 Anderson 1:16,19 2:3 3:4,12,15 5:2,8,11,20 5:24 6:4,17,22 7:3,9 announce 3:8 answer 4:12 appears 5:1 Applicant 1:22 7:16 application 1:11 8:14 assist 9:1 assistance 4:11 attendance 3:16 attention 6:25 authorized 2:15 available 2:11 aware 9:7</p>	<p>9:9 cases 3:22 cause 8:20 Central 2:20 Chairman 5:1 Chairperson 1:16,19 2:3,4 3:5,12,15 5:2,8 5:11,20,24 6:4,17,22 7:3,9 chooses 4:7 clear 3:20 closely 8:4 Code 2:6,16 Columbia 1:1 2:5 3:1 Columbia's 2:12 complaints 3:2 complete 8:6 concluded 4:8 conclusion 4:5 conduct 3:16,20 conducted 2:10 9:8 constitutes 3:17 contact 8:2 9:16 Convenience 5:23 6:15 6:16 cooperation 9:14 copy 7:24,25 8:13,16 Counsel 1:22</p>	<p>explaining 7:23</p> <p style="text-align: center;">F</p> <p>facilitating 9:2 failure 8:20 feature 4:13 file 9:11 finding 8:19 first 4:14 five 1:23 6:12 9:10 focused 7:18 following 8:2 Food 1:8 4:16 5:19 6:14 6:16,18,21 form 7:25,25 8:7,8,17 forms 8:10,25</p>	<p style="text-align: center;">J</p> <p>James 1:20 3:9,10 JOSE 1:22 JR 1:19,20</p>
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<p style="text-align: center;">C</p> <p>calendar 2:20 3:19,22 call 9:10 call- 2:21 called 3:23 6:18 camera 3:25 4:4 5:4,9 cameras 4:7 Cannabis 1:3,15 2:5,9 case 1:10 3:23 4:2,5,8 4:14,15 6:18,21 7:22</p>	<p style="text-align: center;">E</p> <p>electronic 2:13,14,24 7:23 electronically 3:7 elevate 3:24 4:19 elevated 4:23,25 Emanuel 4:22 enable 3:25 4:2 enabling 9:5 equipment 4:2 et 2:6 excluded 8:18 exclusion 8:23 exhibit 7:25 8:8,17 exhibits 8:17,18</p>	<p style="text-align: center;">H</p> <p>hear 7:20 heard 4:3 6:13,14 hearing 1:9 3:19 4:11 4:15 7:11,12,15,17 8:3,5,9 9:4,6,15 hearings 3:21 9:8 held 2:13 hesitate 9:16 hosted 2:25 hour 9:9 hours 2:18</p>	<p style="text-align: center;">L</p> <p>L-I-E-B-E-R-M-A-N 5:18 Law 5:16 leading 9:15 leave 4:6 legal 8:2,11 9:16 letter 7:23 License 1:10,12 4:16 4:17 Licensee 4:19 Lieberman 1:22 4:22 5:4,6,12,15,16,17,18 5:22 6:2,15,17,20,23 7:1 likewise 8:16,22 9:4 line 4:17 log-in 2:22 luck 9:18</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: DC Food Market

Before: DC ABCA

Date: 03-06-24

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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