

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :
:
Bezad Corporation, :
t/a Lee's Liquor :
2329 Pennsylvania Ave, SE:
License #95751 : Protest Hearing
Retailer B - ANC 7B : (Status)
Case #21-PRO-00014 :
:
(Application to Transfer :
License to New Location) :

Thursday
April 22, 2021

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:
DONOVAN W. ANDERSON, Chairperson
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
TIFFANY BROWN, ANC 7B
KYUNGHWAN "KEVIN" LEE, Licensee's Counsel

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

2 10:15 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia, in accordance with DC Code Section 2576
7 of the Open Meetings Act, I am welcoming you to
8 the regular scheduled meeting of the Alcoholic
9 Beverage Control 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 during the public health emergency.

15 Pursuant to this guidance, notice of
16 today's meeting was provided 48 hours in advance
17 of the meeting on ABRA's website and on the
18 District's central meeting calendar. The notice
19 included a time, date, agenda, and call in or
20 login information for public participation.

21 This electronic meeting is being
22 hosted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson. I'm
2 Chairman of the Board. I would like to introduce
3 the other members of the ABC Board who are also
4 participating electronically pursuant to Mayor's
5 Order 2020-054.

6 Please respond when I announce your
7 name. Mr. James Short?

8 MEMBER SHORT: Mr. James Short
9 present.

10 CHAIRPERSON ANDERSON: Ms. Rafi
11 Crockett?

12 MEMBER CROCKETT: Rafi Crockett
13 present.

14 CHAIRPERSON ANDERSON: Ms. Jeni
15 Hansen?

16 MEMBER HANSEN: Jeni Hansen present.

17 CHAIRPERSON ANDERSON: Mr. Edward
18 Grandis?

19 MEMBER GRANDIS: Edward Grandis
20 present.

21 CHAIRPERSON ANDERSON: The Board has
22 five members in attendance for the conduct of
23 business today, and that constitutes a quorum.
24 Before we get underway with today's hearing
25 calendar, I need to make a few instructions very

1 clear so that the conduct of these hearings is
2 understood by everyone.

3 There are two cases on this morning's
4 calendar. Once your case is called, I will take
5 a moment for our IT specialist to elevate the
6 rights for each party to enable their camera and
7 microphone. Then and only then will you have the
8 ability to enable your microphone.

9 Should you have any questions or
10 require technical assistance during the hearing,
11 please submit them using the question and answer
12 feature or email simone.andrews2@dc.gov.

13 Our first order of business today is a
14 protest hearing and status, Case Number
15 21-PRO-00014, Lee's Liquor, License Number
16 095751.

17 Ms. Andrews, can you please elevate
18 the rights of the participants in this case,
19 please?

20 MS. ANDREWS: Sure, stand by. Mr.
21 Lee's has been elevated. Ms. Brown, your rights
22 have been elevated. That's all, Mr. Chair.

23 CHAIRPERSON ANDERSON: All right. Is
24 Mr. Thompson, is Mr. Thompson on the line? Is he
25 --

1 MS. ANDREWS: No, sir.

2 CHAIRPERSON ANDERSON: All right.

3 Good morning to everyone. What I'm going to ask
4 everyone to do, if you're not speaking, please
5 mute your microphone so that there won't be
6 feedback. So only open your microphone, unmute
7 your microphone if you are speaking, please.

8 All right, could I have everyone
9 identify themselves for the record starting with
10 the Applicant.

11 MR. LEE: Good morning, Board members,
12 my name is Kevin Lee, K-E-V-I-N L-E-E. I am
13 attorney for the Lee's Liquor in the matter of
14 protest of Lee's Liquor.

15 CHAIRPERSON ANDERSON: Mr. Lee, is the
16 licensee going to be here today? Are you
17 expecting him to participate?

18 MR. LEE: I am attorney on behalf of
19 the licensee. He is not here.

20 CHAIRPERSON ANDERSON: Thank you.

21 MR. LEE: Right.

22 CHAIRPERSON ANDERSON: Ms. Brown?

23 MS. BROWN: Tiffany Brown, ANC
24 Commissioner 7B02, Chair of ANC 7B, Protestant.

25 CHAIRPERSON ANDERSON: Good morning.

1 Oh, by the way, I just want to alert the public
2 that I do, I am aware, I'm sorry, I do know
3 Tiffany Brown, the ANC Commissioner for 7B. I
4 was an ANC commissioner through 2018, I believe.
5 And I served on the ANC as a member with Ms.
6 Brown.

7 However, I do not believe that my
8 knowledge of her and my knowledge of this ANC,
9 and also this establishment is within the
10 confines of ANC 7B where I live, however, I do
11 not believe that my knowledge of this
12 establishment or my knowledge of Ms. Brown would
13 have any weight in swinging me one way or the
14 other in making a decision. All right, thank
15 you.

16 It was my understanding -

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: Yes, Mr. Short,
19 yes, sir?

20 MEMBER SHORT: I too would like to
21 state that I live in or I reside in ANC 7B. And
22 I do know ANC Commissioner. That would have no
23 bearing on my decision making in this process
24 today either. Thank you.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you, Mr. Short.

2 All right. It was my understanding
3 that the transfer was being protested by ANC 8A.
4 And conditional standing was granted to ANC 8A at
5 the roll call hearing. I do not see our
6 commissioner from ANC 8A here today. Does anyone
7 know what's going on? Because I need to make a
8 determination?

9 MS. BROWN: The commissioner, Brian
10 Thompson, he is out of town at this time for his
11 job.

12 CHAIRPERSON ANDERSON: Are you, Ms.
13 Brown, are you here representing the ANC, ANC 8A
14 or are you just representing ANC 7B?

15 MS. BROWN: Just 7B. But you asked if
16 anyone knew. He mentioned, he emailed for our
17 mediation hearing that he would not be able to
18 appear for mediation because of the work
19 obligation.

20 CHAIRPERSON ANDERSON: I'm sorry, what
21 do you mean he emailed mediation.

22 MS. BROWN: We had a mediation, we met
23 yesterday. And he indicated in that process by
24 email that he would not be at mediation.

25 CHAIRPERSON ANDERSON: That he would

1 not?

2 MS. BROWN: Be at mediation. He did
3 not say anything about the status hearing.

4 CHAIRPERSON ANDERSON: All right,
5 fine. Mr. Lee, is there a motion that you wish
6 to make?

7 MR. LEE: First of all, I would just
8 ask about that, Mr. Thompson from the ANC 8A
9 didn't notify anything to the status hearing to
10 the Board. Does it affect his standing or -

11 CHAIRPERSON ANDERSON: I'm sorry, what
12 did you say, Mr. Lee?

13 MR. LEE: He didn't notify his absence
14 to the status hearing to the Board. Does it
15 affect his standing for the protest? Because he
16 notify to only mediation session.

17 CHAIRPERSON ANDERSON: Mr. Lee?

18 MR. LEE: Yes, ha, ha, ha.

19 CHAIRPERSON ANDERSON: The question I
20 asked you, sir, is there a motion that you want
21 to raise?

22 MR. LEE: I want to.

23 CHAIRPERSON ANDERSON: What is the
24 motion to raise, sir?

25 MR. LEE: Actually, this Mr. ANC 8A

1 from the protest, standing -

2 CHAIRPERSON ANDERSON: Thank you. It
3 is clear to all parties that you are supposed to
4 appear at the status hearing. It was my
5 understanding that conditional standing was
6 provided to ANC 8A at the roll call hearing.

7 Initially, Counsel, it's my
8 understanding Counsel had objected to standing
9 being granted to ANC 8A. However, pursuant to
10 25601(a)4, an affected ANC is afforded standing
11 in a protest hearing. And so the determination,
12 at least at the roll call hearing, was that ANC
13 8A could have participated in this protest,
14 pursuant to 25601(a)4, as an affected ANC.

15 The ANC 8A has not informed the Board
16 that they would be unable to participate at this
17 hearing today. So therefore, I will make a
18 motion, a motion was made by the Applicant to
19 dismiss ANC 8A. And so therefore I will then
20 make a motion to the Board for the Board to
21 approve the motion and dismiss ANC 8A. Is there
22 a second?

23 MEMBER GRANDIS: Ed Grandis.

24 CHAIRPERSON ANDERSON: Mr. Grandis has
25 seconded the motion. I will now take a roll call

1 vote on the motion that's been properly seconded
2 by Mr. Grandis.

3 Mr. Short?

4 MEMBER SHORT: Mr. Short, I agree.

5 CHAIRPERSON ANDERSON: Ms. Crockett?

6 MEMBER CROCKETT: Rafi Crockett, I
7 agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 MEMBER HANSEN: Jeni Hansen, I agree.

10 CHAIRPERSON ANDERSON: Mr. Grandis?

11 MEMBER GRANDIS: Edward Grandis
12 agrees.

13 CHAIRPERSON ANDERSON: And Mr.
14 Anderson, I agree. The matter passed five, zero,
15 zero. The Board has therefore dismissed ANC 8A
16 from the protest.

17 By operation of law ANC 8A has ten
18 days, once the decision is issued, they have ten
19 days to give good notice or cause to the Board
20 why they were not available to attend this
21 hearing today. And if they were not available to
22 attend this hearing today, why did they not ask
23 someone to represent their interest today.

24 All right. Are there any other
25 preliminary issues that need to be brought to the

1 attention of the Board?

2 MR. LEE: I just really -

3 CHAIRPERSON ANDERSON: Yes, Mr. --

4 MR. LEE: Can I, yes. I just report
5 to the Board, yesterday we met at the mediation
6 with the ANC 7B. And we decided to continue the
7 negotiation for the settlement agreement with ANC
8 7B.

9 CHAIRPERSON ANDERSON: All right,
10 thank you. Any preliminary issues, Ms. Brown?

11 MS. BROWN: I was going to also add it
12 appears that the Applicant has about three
13 different settlement agreements. And so we were
14 going to look to have a joint one with 8A and 7B,
15 and have the other one to be cancelled,
16 superseded, the new agreement be superseded. But
17 if 8A no longer has standing, then I'm not sure
18 how that goes, if they no longer have standing
19 about entering into a settlement agreement

20 CHAIRPERSON ANDERSON: Well, 8A no
21 longer has standing to participate in the protest
22 matter. Whatever is done as far as a settlement
23 agreement, that's between the parties. The Board
24 is not involved in those procedures. But I'm
25 just saying all that was done today was that they

1 did not have standing to participate in this
2 protest proceeding.

3 However, as I've stated, once the
4 Board order is issued, they will be given ten
5 days to respond, why is it that they should not
6 be dismissed for their lack of appearance today.

7 But the Board takes no role in
8 whatever negotiation that occurs between the
9 parties or whoever it is that the parties decide
10 to include or not include in a settlement
11 agreement. So I just want that to be clear.

12 All right. This matter, if there are
13 no other preliminary matters, then this matter
14 will be scheduled for a protest hearing on June
15 10th at 1:30 p.m., so June 10th, at 1:30 p.m.

16 All right. Now that we have scheduled
17 this matter for a protest hearing, there are a
18 few things that I would like to instruct you
19 about. Because the Board's practices under the
20 COVID-19 restrictions have changed.

21 As you know, the Board's hearings are
22 conducted virtually. So it is more important
23 than ever that the protest hearings are focused
24 and address only those issues that have been
25 protested.

1 Following this hearing, you will be
2 receiving an email from AGC April Randall that
3 will include a copy of a Protest Information
4 Form, PIF, and a copy of an exhibit form, as well
5 as specific instructions for the hearing.

6 You are required to complete and
7 submit the PIF and exhibit form at least seven
8 days before the date of the hearing. If we do
9 not receive a copy of your forms seven days
10 before the hearing, your application or your
11 protest may be subject to dismissal.

12 These documents need to be submitted
13 to abra.legal.dc.gov and to the opposing parties.
14 Please note that these documents greatly assist
15 the Board in narrowing the protest issues,
16 facilitating the process, and keeping the parties
17 on point during the hearing.

18 Each side is limited to no more than
19 five witnesses, and you will only have 60 minutes
20 to present your case. This includes all direct
21 and cross examination. The Board does not intend
22 to hear testimony on matters that are not
23 relevant to these issues that are being
24 protested.

25 Are there any questions by anyone?

1 MR. LEE: No question, but -

2 MS. BROWN: No questions.

3 MR. LEE: Oh, sorry.

4 CHAIRPERSON ANDERSON: Go ahead.

5 MR. LEE: For the protest hearing
6 date, it's June 10th, 1:30?

7 CHAIRPERSON ANDERSON: June 10th at
8 1:30.

9 MR. LEE: Thank you.

10 CHAIRPERSON ANDERSON: Yes. All
11 right. We thank you for your - Yes, Mr. Short?

12 MEMBER SHORT: Yes, thank you. Just
13 for the record, I'd like to ask Commissioner
14 Tiffany Brown if she could enlighten us on the
15 boundaries between 7B and 8A? Because this is
16 being asked if they move within the same block.
17 And just for the record, I would like anyone who
18 reads the transcript to understand why we have
19 two ANCs involved in this proceeding.

20 CHAIRPERSON ANDERSON: Well, Mr.
21 Short, it's not, she doesn't have to give the
22 boundary because by operation of law, 25601(a)4
23 basically is stating an affected ANC. So
24 therefore, if any of the ANCs, the border, the
25 boundary, that boundary is the ANC.

1 So the establishment doesn't have to
2 be in 8A, because it's affected, because it's
3 right next to 8A. So that's why, in this
4 particular case, ANC 8A would have standing.
5 Because it's under the law, it's what's
6 considered an affected ANC.

7 MEMBER SHORT: Mr. Chair, just for the
8 record, what you said is completely correct, and
9 I do understand the statute. I would like
10 actually, if there is a street boundary that
11 separates the two, can that go on the record?

12 CHAIRPERSON ANDERSON: Ms. Brown, do
13 you know?

14 MS. BROWN: I believe it's Minnesota
15 Avenue which is right around the corner from
16 where the establishment is.

17 MEMBER SHORT: Thank you, that's what
18 I wanted on the record, sir. Thank you. Thank
19 you, Ms. Tiffany Brown.

20 MR. LEE: Mr. Chair?

21 CHAIRPERSON ANDERSON: Yes?

22 MR. LEE: I will add that at the local
23 hearing, I've just raised a standing issue about
24 the ANC 8A. But after that I found that there is
25 a previous, there was a previous boundary limit

1 with the ANC 8A, so two boundary limits before.
2 So I thought that is only the Board could discuss
3 about the standing issue about the ANC 8A.
4 That's why I didn't write a letter to the Board
5 to make an issue about it.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Lee.

8 (Simultaneous speaking.)

9 MR. LEE: -- for your report. Yes.

10 CHAIRPERSON ANDERSON: Well, thank
11 you, Mr. Lee. And so that's why that's stated as
12 pursuant to 25601(a)4, 8A is an affected, as per
13 the statute, 8A is an affected ANC. And so
14 therefore, although the establishment might not
15 necessarily be within the boundaries of ANC 8A
16 because, as per the statute, it's an affected
17 ANC. And that's all over the city.

18 If there is an establishment that's in
19 an affected ANC in the sense that, although the
20 establishment, it's not within, that's just if
21 the ANC, if they are an affected ANC as per the
22 statute, then they automatically have standing to
23 protest the renewal or any changes that are being
24 made to the license of an establishment. All
25 right, thank you.

1 All right. So we thank you greatly
2 for your cooperation. If you have any questions
3 at any time leading up to the hearing, please do
4 not hesitate to contact Assistant General Counsel
5 April Randall at 202-339-6354.

6 Thank you very much for your
7 participation today. Good luck in your
8 discussions, and I hope I don't see you June 10th
9 at 1:30, but if the Board sees you June 10th at
10 1:30, we will make a decision.

11 But as I've always stated before, I
12 prefer that there are settlement agreements,
13 because the community and the establishment could
14 amicably work out their differences, and the
15 Board would not have to make a decision for them.
16 So good luck in your continued negotiations. And
17 have a great day. Thank you.

18 MR. LEE: Thank you very much. Thanks
19 for your time.

20 CHAIRPERSON ANDERSON: All right,
21 goodbye.

22 (Whereupon, the above-entitled matter
23 went off the record at 10:34 a.m.)
24
25

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C E R T I F I C A T E

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In the matter of: Lee's Liquor

Before: DCABRA

Date: 04-22-21

Place: teleconference

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