DISTRICT OF COLUMBIA + + + + + ALCOHOLIC BEVERAGE AND CANNABIS BOARD + + + + + MEETING

IN THE MATTER OF: Holiday Family Liquors, Inc., t/a Holiday Liquors : 3505-Wheeler Road SE : Protest Hearing License #91095 : (Status) Retailer A - ANC 8C : Case #21-PRO-00025 : (Application to Renew : the License) :

> Wednesday May 24, 2023

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson BOBBY CATO, JR., Member EDWARD S. GRANDIS, Member JENI HANSEN, Member JAMES SHORT, JR., Member

ALSO PRESENT:

STEPHEN O'BRIEN, Applicant's Counsel JOSE ORELLANA, DC ABCA Staff

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1	P-R-O-C-E-E-D-I-N-G-S
2	10:36 a.m.
3	CHAIRPERSON ANDERSON: Good morning.
4	We're on the record. As Chairperson of the
5	Alcoholic Beverage and Cannabis Board for the
6	District of Columbia, and in accordance with D.C.
7	Code Section 2-571 et. seq. of the Open Meetings
8	Act, I am welcoming you to the regularly
9	scheduled meeting of the Alcoholic Beverage
10	Cannabis Board.
11	This meeting is being conducted
12	pursuant to guidance made available by the
13	District of Columbia's Office of Open Government
14	regarding electronic meetings held by public
15	bodies. Electronic meetings by the ABC Board are
16	authorized pursuant to Section 2577(a) of the
17	D.C. Code.
18	Pursuant to the OMA requirements,
19	notice of today's meeting was provided 48 hours
20	in advance of the meeting on ABCA's website and
21	on the District's Central Meeting Calendar. The
22	notice includes the time, date agenda, and
23	call-in or login information for public
24	participation.
25	This electronic meeting is being
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hosted by a WebEx account provided by the
noseed by a weber account provided by the
District of Columbia Government. Please address
any questions or complaints to the OOG at
opengovoffice@dc.gov.
My name is Donovan Anderson. I'm
Chairperson of the Board. I would like to
introduce the other members of the ABC Board who
are also participating electronically.
Please respond when I announce your
name.
Mr. James Short. Mr. James Short.
MEMBER SHORT: James Short present.
CHAIRPERSON ANDERSON: Mr. Bobby Cato.
MEMBER CATO: Bobby Cato present.
CHAIRPERSON ANDERSON: Ms. Jeni
Hansen.
MEMBER HANSEN: Jeni Hansen present.
CHAIRPERSON ANDERSON: Mr. Edward
Grandis.
MEMBER GRANDIS: Present.
CHAIRPERSON ANDERSON: The Board has
five members in attendance for the conduct of
business today, and that constitutes a quorum.
Before we get underway with today's
hearing calendar, I need to make a few

instructions very clear so the conduct of these hearings is understood by everyone.

There are six cases scheduled for 3 Once your case is called it will take a 4 today. moment for our IT Specialist to elevate the 5 rights of each party to enable their camera and 6 7 equipment and microphone. Then and only then 8 will you have the ability to enable your 9 equipment. If your case is not being heard, you will remain mute and your camera will be 10 11 disabled.

12 At the conclusion of each case, the 13 parties will have the option to leave. If the 14 party chooses to stay, all cameras and 15 microphones for the concluded case will be 16 disabled.

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

All right. Our first order of
business is Case Number 21-PRO-00025, Holiday
Liquors, License Number 95095.

24 Mr. Orellana, it's my understanding 25 that there's no one on the line, but can you see

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1 -- there should be -- Holiday Liquors is being 2 represented by an attorney, I believe it's the O'Brien law firm. 3 And I don't know if the Protestant is 4 on the line, so we'll wait a couple of minutes to 5 see if you find the participant for the parties 6 7 for this case. So, maybe you can put something 8 in the chat to see if there's anyone there who's 9 representing the Licensee. MR. ORELLANA: 10 One second. 11 CHAIRPERSON ANDERSON: What I'm going to do, I'm going to move on with our calendar and 12 I will recall this case. I will recall this case 13 14 to see if any of the parties show up. 15 So, let me move on to our calendar. 16 (Whereupon, the above-entitled matter went off the record at 10:41 a.m. and resumed at 17 18 10:46 a.m.) 19 CHAIRPERSON ANDERSON: We're back on 20 the record. Okay. I'm going to recall Case 21 Number 21-PRO-00025, this is Holiday Liquors, 2.2 License Number 95095. 23 Mr. Orellana, is there anyone on the 24 call, is there anyone waiting to participate in 25 this case?

1	MR. ORELLANA: Not at the moment, but
2	I'm looking.
3	CHAIRPERSON ANDERSON: All right.
4	MR. ORELLANA: They're trying to
5	connect.
6	CHAIRPERSON ANDERSON: All right,
7	fine.
8	Well, this matter was scheduled for a
9	Protest Status Hearing at 9:30 this morning
10	I'm sorry, 10:30 this morning it is 10:47.
11	And I have called the case, the first at
12	approximately 9:35 and now it's I'm sorry. I
13	called the case approximately at 10:35, it is now
14	10:47. I have recalled the case and there's
15	still no participant, the Licensee's not here and
16	neither is the Protestant here.
17	So, all right, this is a particular
18	case. On September 21, 2021 the Alcoholic
19	Beverage and Cannabis Board approved the renewal
20	application of Holiday Liquors. The application
21	had been protested by ANC 8C, and a group of five
22	or more individuals represented by Christopher
23	Conrad.
24	The Protestants appealed the Board
25	(Simultaneous speaking.)
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1	CHAIRPERSON ANDERSON: I'm sorry.
2	Okay. All right. Mr. O'Brien, can you identify
3	yourself for the record, please?
4	Mr. O'Brien, can you identify yourself
5	for the record, please?
6	MR. O'BRIEN: Yes. Stephen O'Brien,
7	S-T-E-P-H-E-N, O-B-R-I-E-N, representing Holiday
8	Family Liquors.
9	CHAIRPERSON ANDERSON: Mr. O'Brien,
10	this case was scheduled for a Protest Status
11	Hearing at 10:30. I came on the record and I
12	called the case approximately 10:35, you were not
13	here. I went through the agenda, and at 10:47 I
14	once again called the case again and you were not
15	here. And I was just in the process of
16	dismissing this matter.
17	However so, you're here. So, let
18	me
19	MR. O'BRIEN: Mr. Chair, may I
20	respond?
21	CHAIRPERSON ANDERSON: Yes, sir.
22	MR. O'BRIEN: Okay. I've been on
23	since 10:25 with the link Ms. Walker sent me
24	yesterday. It consistently said that the webinar
25	had not started. Thus, at 10:37 I think, I

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1	emailed Ms. Walker asking her what the status
2	was. She responded to me at 10:42, saying that
3	she was checking with Martha meaning Ms.
4	Jenkins now.
5	Then, I'm aware that Assistant General
6	Counsel called the office. I've been trying to
7	get on since before 10:30.
8	CHAIRPERSON ANDERSON: All right.
9	Thank you for the representation, Mr. O'Brien.
10	I'd asked our IT Specialist if anyone was here,
11	and he had said there was no one on the line.
12	So, I am glad that you were able to get on board
13	before I moved to dismiss this matter.
14	So, anyway. So, let me say where we
15	are, then. So, I'll start at the beginning. On
16	September 21, 2021 the Alcoholic Beverage
17	Cannabis Board approved the renewal application
18	of Holiday Liquors. The application had been
19	protested by ANC 8C and a group of five or more
20	individuals, represented by Christopher Conrad.
21	The Protestants appealed the Board's
22	decision through the District of Columbia Court
23	of Appeals. On January 12, 2023, the Board
24	received an order from the Court vacating and
25	remanding Board Order number 2021-518 for

additional proceedings. This was Conrad v. District of Columbia Alcoholic Beverage Control Board, 21-AA-748.

In response to the Court's decision, 4 5 the Board, on February 1, 2023, ordered the 6 parties to appear at a mediation on February 22, 7 2023, in the event the parties could attempt 8 settlement. The Board informed the parties that, 9 if no agreement was reached as a result of mediation, the Board would set the matter for a 10 11 second Protest Hearing.

Mediation was not held on February 22, 2023 and the Protestant group of five filed motion to withdraw its protest. The Board granted the motion and set the matter for mediation on March 17, 2023. ANC 6C remained the sole Protestant at this point.

Mediation was not held on March 17, 2023, and it was rescheduled for April 13, 2023. On April 13, 2023, both parties appeared at mediation, where the ANC requested a continuance. The matter was then scheduled for mediation on May 5, 2023. On May 5, 2023, the ANC again requested rescheduling.

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The Board has a responsibility in

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responding to the Court's order on remand. The Board acted quickly in response to the Court, and it's February 1 order was clear. The Board indicated that, if mediation was unsuccessful the Board would proceed with the second Protest Hearing.

Because the parties have been
unsuccessful, unable, or unwilling to mediate the
protest over the last three months, the Board is
not resuming the protest proceeding.

Today, we had the Protest Status Hearing, and ANC is not here. And so, because the ANC's not here I'm going to make a motion that this matter be dismissed, based on the failure of the ANC to participate in the Protest Status Hearing.

17 Once the Board votes on this motion, 18 the ANC will have 10 days to provide the Board 19 with reasonable cause why it failed to appear 20 today. And if the ANC provides the Board 21 reasonable cause why it failed to appear today, 2.2 this matter will be rescheduled for it another 23 Show Cause Status Hearing. But, failing that, 2.4 this matter will proceed.

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So, with that said, I make a motion

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1	that the Board dismiss the ANC from this
2	proceedings, based on its failure to participate
3	at this Show Cause I'm sorry, Protest Hearing
4	Status.
5	Is there a second?
6	MEMBER GRANDIS: Ed Grandis will
7	second.
8	CHAIRPERSON ANDERSON: Mr. Short and
9	Mr. Grandis has second the motion, we'll now have
10	a roll call vote on the motion.
11	Mr. Short?
12	MEMBER SHORT: Mr. Short, I agree.
13	CHAIRPERSON ANDERSON: Mr. Cato?
14	MEMBER CATO: Bobby Cato, I agree.
15	CHAIRPERSON ANDERSON: Ms. Hansen?
16	MEMBER HANSEN: (No audible response.)
17	CHAIRPERSON ANDERSON: Mr. Grandis?
18	MEMBER GRANDIS: Edward Grandis I
19	agree.
20	CHAIRPERSON ANDERSON: And Mr.
21	Anderson, I agree. The matter passes five-zero-
22	zero.
23	The Board has voted as you're
24	aware, Mr. O'Brien based on the failure of the
25	ANC to be present for this Protest Hearing
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1 They'll have -- we'll issue a decision, Status. 2 they'll have 10 days to give us reasonable notice why they are not here. If they fail to respond, 3 we will dismiss the matter and the Board will 4 5 provide the Court of Appeals a response to our action, based on its remand. 6 7 Thank you for your appearance this 8 morning, sir. And we will see what happens 9 within the next 10 days, once the ANC receives our written order dismissing them from this 10 11 protest. Okay? 12 MR. O'BRIEN: Very well. 13 CHAIRPERSON ANDERSON: All right, 14 thank you, sir. Have a great day. 15 MR. O'BRIEN: Thank you. May I --16 CHAIRPERSON ANDERSON: Yes, sir? 17 MR. O'BRIEN: Address Ms. Hansen, just 18 to say how proud we are that our granddaughter 19 graduated from Lawson College, Monday. 20 MEMBER HANSEN: Congratulations. 21 MR. O'BRIEN: Yes. Thank you, Mr. 2.2 Chair, for that indulgence. 23 CHAIRPERSON ANDERSON: All right, 24 thank you, then. Have a great a day. Thanks. 25 MR. O'BRIEN: Thanks.

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1	CHAIRPERSON ANDERSON: All right, bye-
2	bye.
3	(Whereupon, the above-entitled matter
4	went off the record at 10:56 a.m.)
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## CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Holiday Liquors

Before: DC ABCA

Date: 05-24-23

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.

near Lans &

Court Reporter

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