

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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ROLL CALL HEARING

IN THE MATTER OF: :
 :
ELU Star Inc. :
t/a Max Liquors :
605 Division Avenue, NE : Roll Call
Retailer A - ANC 7C : Hearing
License No. ABRA-116889 :
Case #21-PRO-00035 :
 :
(License Renewal) :

Monday
June 21, 2021

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

ANTAWAN HOLMES, ANC 7C
MANDLA DESKINS, Capitol View Civic Association
VICTORIA CLARK, ANC 7C

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

2 11:02 a.m.

3 MS. FLETCHER: This is the case of Max
4 Liquors, Case Number 21-PRO-00035, ELU Star Inc.,
5 605 Division Avenue Northeast, License Number
6 ABRA-116889.

7 This is a Retailer Class A license
8 renewal. The protest issues are adverse impact
9 on peace, order, and quiet, residential parking,
10 and vehicular and pedestrian safety. My name is
11 LaVerne Fletcher, conducting the roll call
12 hearing as the Board's agent.

13 Is the Applicant present?

14 (Pause.)

15 MS. FLETCHER: Is the Applicant
16 present?

17 MR. DESKINS: Sorry. Yes. The Civic
18 Association is present. I'm representing the
19 Capitol View Civic Association.

20 Oh, I'm sorry. Wrong person.

21 MS. FLETCHER: Is -- is the Applicant
22 present, Max Liquors?

23 (Pause.)

24 MS. FLETCHER: Who's present on behalf
25 of ANC 7C?

1 MR. HOLMES: This is Commissioner
2 Holmes, Chair of ANC 7C.

3 MS. FLETCHER: Mr. Holmes, could you
4 state your name and spell it for the record,
5 please?

6 MR. HOLMES: Yes. Antawan Holmes, A-
7 N-T-A-W-A-N, last name Holmes, H-O-L-M-E-S.

8 MS. FLETCHER: Thank you.

9 And who's present on behalf of Capitol
10 View Civic Association?

11 MR. DESKINS: This is Mandla Deskins.

12 MS. FLETCHER: Okay. Thank you.
13 Would you spell your name for the record, please?

14 MR. DESKINS: First name, M-A-N-D-L-A.
15 Last name, D-E-S-K-I-N-S.

16 MS. FLETCHER: Thank you. Mr.
17 Deskins, you are one of the designated
18 representatives for the Association. I have a
19 question for you.

20 I read your protest letter. I can't
21 tell from it whether or not your Association
22 provided the Applicant with at least seven-day
23 notice of the meeting that you held concerning
24 the application.

25 MR. DESKINS: Yeah. Commissioner

1 Clark, who is also on the call, was communicating
2 with the Applicant, but it is my understanding
3 that they did get seven days' notice.

4 MS. FLETCHER: Thank you. What was
5 the name of the other person that you said was on
6 the line?

7 (Pause.)

8 MS. FLETCHER: Mr. -- Mr. Deskins, did
9 you say that someone else is on the -- on the
10 line from the Association?

11 MR. DESKINS: Not from the
12 Association. Sorry. The -- the Commissioner
13 whose -- the -- the liquor store is in.

14 MS. FLETCHER: That's other than
15 Antawan Holmes?

16 MR. HOLMES: That is correct. I see
17 Commissioner Clark, the single-member district
18 Commissioner for 7C06. She's also on the call,
19 Ms. Victoria Clark.

20 MS. FLETCHER: Okay. So -- so Ms.
21 Clark -- we would consider Ms. Clark to be a part
22 of ANC 7C because -- well, because ANC 7C is the
23 protestant.

24 Ms. Clark, would you please state your
25 name and spell it for the record?

1 MS. CLARK: Hi. My name is Victoria
2 Clark, V-I-C-T-O-R-I-A, Clark, C-L-A-R-K.

3 MS. FLETCHER: Okay. Ms. Clark, you
4 -- you -- you will be considered a part of ANC
5 7C. You didn't file a protest, but you are a
6 single-member district representative in ANC 7C?

7 MS. CLARK: Yes.

8 MS. FLETCHER: Okay. I'm just noting
9 for the record that the SMD did not file a
10 protest.

11 Mr. Deskins, your -- your letter --
12 your protest letter does not state that you gave
13 the Applicant at least seven-day notice to attend
14 your hearing concerning the protest, and the
15 Applicant is not present to say whether he
16 received notice or not. So here's -- here's what
17 I'm going to do.

18 First of all, the -- the application
19 has to be dismissed because the Applicant is not
20 present.

21 MR. DESKINS: Okay.

22 MS. FLETCHER: That's first of all.
23 The second thing, where the Association is
24 concerned, conditional standing is granted to the
25 Association because we don't know right now if

1 that notice was given or not, but you will have
2 an opportunity to provide the Board with evidence
3 that that seven-day notice was given if this case
4 proceeds. At this point, the application has
5 been dismissed.

6 The Applicant will have ten days to
7 seek reinstatement of the application upon
8 receipt of the Board order dismissing the
9 application. If that happens, then you will be
10 contacted, Mr. Antawan, and the Civic Association
11 will be contacted. A status hearing will be
12 scheduled, and you'll have an opportunity, Mr.
13 Deskins, to show that the Association provided at
14 least seven-day notice to the Applicant. And
15 maybe he'll say you did. We don't know right
16 now.

17 So the Civic Association is granted
18 conditional standing, and the ANC is granted full
19 standing. Any questions about that?

20 MR. DESKINS: Yes, ma'am. So you said
21 the -- the application is dismissed as in their
22 application to continue having their liquor
23 license?

24 MS. FLETCHER: Yes. The -- so Mr.
25 Deskins is speaking right now.

1 Yes, Mr. Deskins, that means that the
2 application to renew the license is dismissed.
3 The Applicant -- because the Applicant is not
4 present today.

5 MR. DESKINS: Okay.

6 MS. FLETCHER: The -- the Board will
7 issue an order dismissing the application because
8 the Applicant's not here, and the Applicant will
9 have ten days to seek reinstatement of the
10 application explaining to the Board why he or she
11 is not present today. And you'll be kept
12 informed as to whether or not the Board grants
13 reinstatement of the application or not.

14 MR. DESKINS: And -- and that kept
15 informed will be done via email?

16 MS. FLETCHER: You'll receive a copy
17 of the -- yes, it'll be done by email, to answer
18 your question.

19 MR. DESKINS: Perfect. Okay. All
20 right.

21 MS. FLETCHER: And -- and you'll
22 receive a copy of the Board order also.

23 MR. DESKINS: Okay.

24 MS. FLETCHER: The Board order
25 dismissing the application.

1 MR. DESKINS: Okay. Thank you.

2 MS. FLETCHER: And you'll be kept
3 informed.

4 MR. DESKINS: Okay. That sounds --

5 MS. FLETCHER: Mr. Holmes, you look
6 like you want to say something.

7 MR. HOLMES: No. I'm -- I'm fine.

8 MS. FLETCHER: Okay.

9 MR. HOLMES: Thank you.

10 MS. FLETCHER: Okay. You're very
11 welcome.

12 Okay. Then any other questions, Mr.
13 Deskins?

14 MR. DESKINS: No, ma'am. Thank you.

15 MS. FLETCHER: Okay. Well, thank you.
16 The roll call hearing in the matter of
17 Max Liquors is concluded, and I will call the
18 next case.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:09 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: Max Liquors

Before: DCABRA

Date: 06-21-21

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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