

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

2 10:01 a.m.

3 MS. FLETCHER: I would like to say
4 good morning to everyone, and thank you for
5 joining ABRA's roll call hearings being conducted
6 via the Webex platform, provided by the D.C.
7 Office of Open Government.

8 I'll be conducting the roll call
9 hearings as the Board's agent.

10 PARTICIPANT: Good morning.

11 MS. FLETCHER: Good morning.

12 I am calling the matter of Big Ben's
13 Liquors. This is Case No. 21-PRO-00026, TM
14 Liquors Inc., 1300 North Capitol Street,
15 Northwest. License No. ABRA-060652. This is a
16 Retailer Class A license renewal.

17 Is the Applicant present in this
18 matter? Is the Applicant present in the matter
19 of Big Ben's?

20 (No response.)

21 Is the Applicant present in the matter
22 of Big Ben's?

23 (No response.)

24 Is the Protestant present in the
25 matter of Big Ben's?

1 MR. BAKHAJE: Yes, I'm here.

2 MS. FLETCHER: Okay. Thank you.

3 If you would please state your name
4 and spell it for the record, please?

5 MR. BAKHAJE: Absolutely. My name is
6 Payam Bakhaje, spelled P, as Peter; A, as apple;
7 Y, as yellow; A, as apple; M, as in Mary. And
8 last name is B, as in boy; A, as apple; K, as a
9 kilo; H, as a hotel; A, as apple; J, as Jackson;
10 E, as Edward.

11 MS. FLETCHER: Thank you. And can you
12 pronounce your last name one more time for me,
13 please?

14 MR. BAKHAJE: Sure. Bakhaje.

15 MS. FLETCHER: Thank you.

16 MR. BAKHAJE: And it's difficult.

17 MS. FLETCHER: I think I've got it.
18 Thank you, Mr. Bakhaje.

19 MR. BAKHAJE: (Audio interference)
20 when they try to say my name.

21 MS. FLETCHER: We're going to need to
22 wait another five or six minutes to allow the
23 Applicant to appear. We allow at least 10
24 minutes for someone to appear for the hearing.

25 I've noted that you're here. Just

1 stay there. I'm going to call the case again in
2 a moment.

3 MR. BAKHAJE: No problem.

4 MS. FLETCHER: Okay. I'm going to
5 move along to the next case, and then, I'll come
6 back to this one right after the next. Thank
7 you.

8 MR. BAKHAJE: I think Mr. Singh is
9 here. I see him on the camera. The Applicant is
10 there.

11 MS. FLETCHER: He didn't respond.
12 Let's try again.

13 Is the Applicant in the matter of Big
14 Ben Liquors present? Mr. Singh, are you there?

15 MR. SINGH: Yes, ma'am, I'm here. Can
16 you hear me?

17 MS. FLETCHER: I do now. Thank you.

18 MR. SINGH: Thank you very much.

19 MS. FLETCHER: You're welcome.

20 So, we can proceed with Big Ben
21 Liquors.

22 Mr. Singh, would you please spell your
23 name for the record?

24 MR. SINGH: My name, Harjinder Singh.
25 H-A-R-J-I-N-D-E-R S-I-N-G-H, as in the singer.

1 MS. FLETCHER: Thank you very much.

2 Mr. Bakhaje, I have a couple of
3 questions for you related to your protest.

4 MR. BAKHAJE: Absolutely. Sure.

5 MS. FLETCHER: Your protest did not
6 state the address of your business. What is the
7 business?

8 MR. BAKHAJE: I'm next door. It's 3
9 New York Avenue, Northwest, Washington, D.C.

10 MS. FLETCHER: Sorry, what's the
11 address again?

12 MR. BAKHAJE: No. 3 New York Avenue,
13 Northwest. I'm exactly next door to the Big Ben
14 Liquor store.

15 MS. FLETCHER: And you filed your
16 protest as an individual. As an individual, are
17 you a business owner or are you a resident that
18 lives next door?

19 MR. BAKHAJE: I'm a property owner.
20 I'm a resident. I'm using that as a rental unit.
21 It's a residential rental. It's not commercial.

22 MS. FLETCHER: Okay. Thank you.

23 And, Mr. Bakhaje, you did not state in
24 your protest the basis upon which you were filing
25 your protest. You did indicate some problems

1 with the establishment, but you didn't state a
2 basis upon which you were filing a protest.

3 We have certain bases upon which you
4 can file a protest. For example, you would have
5 been able to file a protest as an abutting
6 property owner, but you actually didn't file your
7 protest as an abutting property owner. You did
8 say that you live next door.

9 MR. BAKHAJE: Yeah. You know, this is
10 something that I don't do every day. So, I don't
11 have --

12 MS. FLETCHER: I understand.

13 MR. BAKHAJE: -- of doing that.

14 MS. FLETCHER: Yes.

15 MR. BAKHAJE: But I tried my best to
16 explain that I'm a next-door neighbor.

17 MS. FLETCHER: And you did.

18 MR. BAKHAJE: I'm apologizing about
19 that.

20 MS. FLETCHER: No problem.

21 So, Mr. Bakhaje, for the purpose of
22 the roll call hearing, your protest is going to
23 have to be dismissed, but I'll tell you the
24 reason, and then, you'll have an opportunity to
25 petition the ABC Board to grant you standing as a

1 Protestant.

2 But your protest letter did not state
3 your address. You didn't claim to be an abutting
4 property owner, and you didn't state the basis
5 upon which you were actually filing your protest.
6 Those are some requirements in order to be
7 considered a Protestant.

8 And I understand it's not something
9 that you normally do. And so, that may be the
10 reason that those things are missing from your
11 protest letter.

12 So, your protest is actually going to
13 have to be dismissed, but, once you receive the
14 Order dismissing your protest, you will have 10
15 days to seek standing as a Protestant from the
16 ABC Board, providing whatever explanation you
17 want for the reason that you should be granted
18 standing as a Protestant. Do you have any
19 questions about that?

20 MR. BAKHAJE: Yes. Is there any forms
21 that comes with that, so I know what I'm doing?
22 Because I'm afraid to file again, and we would be
23 in the same situation that we are right now.
24 Because this is a matter that's ongoing, and this
25 is not the first time I'm protesting. This is

1 the second time. And unfortunately, this is the
2 thing -- I've been dealing with this since I
3 bought the property. And, you know, so I just
4 want to know if the forms come with that, some
5 sort of forms, so I know what to fill out, just a
6 blank?

7 MS. FLETCHER: Actually, it does, Mr.
8 Bakhaje. You'll get, when you receive this Board
9 Order, it will tell you what to do.

10 MR. BAKHAJE: Okay.

11 MS. FLETCHER: It will tell you that
12 you have 10 days to petition the ABC Board for
13 standing as a Protestant, and it tells you how to
14 go about doing that. I understand what you mean,
15 but those instructions are there.

16 MR. BAKHAJE: Okay.

17 MS. FLETCHER: And, Mr. Singh, you
18 will receive a copy of the Board Order also. If
19 Mr. Bakhaje decides to petition the ABC Board for
20 standing as a Protestant --

21 MR. BAKHAJE: Which I will do. I will
22 it.

23 MS. FLETCHER: If Mr. Bakhaje decides
24 to petition the Board for standing as a
25 Protestant, Mr. Singh, you'll be informed of that

1 and you'll have an opportunity to respond.

2 MR. SINGH: Okay.

3 MS. FLETCHER: Any questions about
4 that?

5 MR. SINGH: Oh, no thanks. No.

6 MS. FLETCHER: Can I provide any other
7 clarification for you, Mr. Bakhaje, on what
8 happens next?

9 MR. BAKHAJE: Honestly, I don't know
10 what is the process involved, but I thought
11 simply the fact that I am a next-door neighbor
12 and I'm present at the protest here, that should
13 be ground enough to discuss that. But I respect
14 your rules and just tell me what I can do.

15 MS. FLETCHER: And so, you can provide
16 that information to the ABC Board as well. They
17 can take that into consideration.

18 MR. BAKHAJE: Okay. So, can I say
19 that now or when I receive the letter?

20 MS. FLETCHER: Yes, once you receive
21 the Board Order, it will tell you that you have
22 10 days. Once you receive the Order, you're
23 going to see that you have 10 days --

24 MR. BAKHAJE: Got it.

25 MS. FLETCHER: -- to petition the ABC

1 Board for standing as a Protestant. It's right
2 there in the Order.

3 MR. BAKHAJE: Okay. Thank you so
4 much.

5 MS. FLETCHER: I will note for the
6 record that you did file your protest on the
7 basis of peace, order, and quiet. It was clear
8 what your concerns were. So, that was reflected
9 in your protest letter. What wasn't there was an
10 address and you didn't file a protest as an
11 abutting property owner. You did say you lived
12 next door, but there was no address.

13 And so, for the reasons that I've
14 already stated, the protest has to be dismissed
15 today, but your Board Order will include the
16 basis of the dismissal as well.

17 MR. BAKHAJE: Do you think I need to
18 involve my attorney on this one or do you think
19 it's something I can do it myself?

20 MS. FLETCHER: Well, you -- it's up to
21 you. Once you get the Board Order, you'll be in
22 a better position to decide what you need to do.

23 MR. BAKHAJE: Okay. All right. I
24 will discuss with my lawyer.

25 MS. FLETCHER: Okay. Well, thank you

1 very much for coming. I appreciate it.

2 Mr. Singh, thank you for coming today.

3 MR. SINGH: Thank you, ma'am. Thank
4 you.

5 MS. FLETCHER: You're very welcome.

6 MR. SINGH: Thank you.

7 MS. FLETCHER: If there are no further
8 questions, the roll call hearing in the matter of
9 Big Ben Liquors is concluded.

10 MR. BAKHAJE: All right. Thank you.

11 MS. FLETCHER: I'll call the next
12 case. Thank you.

13 MR. SINGH: Thank you.

14 MS. FLETCHER: You're very welcome.

15 (Whereupon, at 10:12 a.m., the roll
16 call hearing was concluded.)

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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: Big Ben Liquors

Before: DCABRA

Date: 06-28-21

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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