

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

2 11:17 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 is Case number 21PRO00030, Capitol View Market,
5 License No. 076250. Ms. Andrews, can you elevate
6 the rights of the parties in this case, please?

7 MS. ANDREWS: Sure. Stand by. Mr. or
8 Ms. Mengesha, your rights have been elevated.

9 MR. MENGESHA: Yes. My name is
10 Fikremariam Mengesha.

11 CHAIRPERSON ANDERSON: Yes. Hold on
12 one minute, please. I'm glad that you're here.
13 Hold on. So, we have ANC 7C, and we have the
14 Capitol View Civic Association. Myron Smith is
15 the representative.

16 MS. ANDREWS: Commissioner Holmes,
17 your rights have been elevated. And the
18 representative doesn't seem to be online, Mr.
19 Chair.

20 MR. HOLMES: I'm right here.

21 CHAIRPERSON ANDERSON: Mr. Myron
22 Smith, are you on the line? No, not Mr. Holmes.
23 I'm talking about Myron Smith. Is there anyone
24 online from --

25 If you're here for the Capitol View

1 Civic Association, please identify yourself for
2 the record, please. Is there anyone online for
3 the Capitol View Civic Association? If you're
4 here for the Capitol View Civic Association,
5 please identify yourself, so Ms. Andrews can
6 elevate your rights.

7 MR. HOLMES: I see Ms. Deavie Lewis on
8 the attendee list.

9 CHAIRPERSON ANDERSON: How is Ms.
10 Deavie Lewis? Who's she?

11 MR. HOLMES: One of the executives of
12 the Capitol View Civic Association.

13 CHAIRPERSON ANDERSON: So, Ms. Deavie
14 Lewis, can you identify yourself? And, Ms.
15 Andrews will --

16 MS. ANDREWS: I didn't see a Deavie
17 Lewis. I'm going to elevate your rights.

18 MS. LEWIS: Good morning. This is
19 Deavie Lewis.

20 CHAIRPERSON ANDERSON: All right.

21 MS. LEWIS: And I'm representing the
22 Capitol View Civic Association. I'm the Second
23 Vice President.

24 CHAIRPERSON ANDERSON: All right.
25 Thank you. All right. Okay. Good morning

1 again, everyone. So, let me have everyone
2 introduce themselves for the record.

3 And let me start with Mr. Lee, who's
4 the attorney representing the establishment. Mr.
5 Lee, can you please state and, spell and state
6 your name for the record, please?

7 MR. LEE: Mr. Chair. I represent the
8 union, but not this one, this case.

9 CHAIRPERSON ANDERSON: I'm sorry. You
10 do not represent Capitol View? You're not the
11 counsel for Capitol View? So, you're not the
12 counsel for Capitol View Market, sir?

13 MR. LEE: Yes. I'm not.

14 CHAIRPERSON ANDERSON: My information
15 says that you are still -- then Ms. Andrews, can
16 you then -- all right. All right. So, let's,
17 Ms. Andrews, can you --

18 MS. ANDREWS: Yes.

19 MS. LEWIS: Mr. D --

20 MS. ANDREWS: I will make him an
21 attendee.

22 CHAIRPERSON ANDERSON: All right. Mr.
23 Mengesha, can you please spell and state your
24 name for the record, please?

25 MR. MENGESHA: My first name is

1 Fikremariam, F-I-K-R-E-M-A-R-I-A-M. And last
2 name is Mengesha, M-E-N-G-E-S-H-A.

3 CHAIRPERSON ANDERSON: And what's your
4 relationship with this establishment, sir?

5 MR. MENGESHA: Owner.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you, sir.

8 MR. MENGESHA: And my attorney is Mr.
9 Dietz, Bernard Dietz.

10 CHAIRPERSON ANDERSON: And Mr. Dietz,
11 it's my understanding he will not be attending
12 the hearing today. All right. So, All right.
13 So let's have the ANC representing themselves.

14 And, Mr. Holmes, please -- and Mr.
15 Dietz had informed the Board that based on a
16 medical, some medical -- he has a medical
17 procedure, and said he would not be appearing
18 today.

19 All right, fine. Mr. Holmes, can you
20 spell and speak your name for the record, please?

21 MR. HOLMES: Yes. Antawan Holmes, A-
22 N-T-A-W-A-N, H-O-L-M-E-S.

23 CHAIRPERSON ANDERSON: And what's your
24 relationship to this case, sir?

25 MR. HOLMES: I am the Chair of ANC 7C.

1 CHAIRPERSON ANDERSON: All right.
2 Good morning, sir. Capitol View Civic
3 Association? Who do we have here?

4 MS. LEWIS: My name is Deavie Lewis.

5 CHAIRPERSON ANDERSON: And who are
6 you? Please spell and state your name for the
7 record, please.

8 MS. LEWIS: My first name is D-E-A-V,
9 as in Victor, I-E. Last name, L-E-W-I-S. I am
10 the Second Vice President of the Capitol View
11 Civic Association.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you, ma'am. All right. Ms. Lewis, it's my
14 understanding that at roll call the
15 representative for the Capitol View Civic
16 Association, only conditional granted with,
17 conditional standing was granted to your
18 organization.

19 It is my understanding that the Board
20 Agent informed your representative that they must
21 provide the, provide us with notice that, seven
22 days, that pursuant to the 25 DCMR 601(3)(d),
23 that the civic association must provide, must
24 prove that they have provided the licensee with
25 seven days' notice of their meeting in which they

1 were going to discuss the license renewal
2 application.

3 That information was not provided at
4 roll call. It was, they were informed that that
5 information must be provided today. So, do you
6 have that information to provide to us, ma'am?

7 MS. LEWIS: I do not have that
8 information to provide. When we checked our
9 records we did not personally send an invitation
10 to Mr. Mengesha, because we invited the ANC and
11 the Single Member District, our Commissioners.
12 So we felt that that was going to be handled at
13 that level.

14 CHAIRPERSON ANDERSON: All right.
15 Well, thank you for the representation that you
16 made, Ms. Lewis. So, pursuant to 25 DCMR 601
17 (3)(b) standing cannot be provided to your group,
18 because you did not provide, your group did not
19 provide seven days' notice.

20 So therefore, I'm going to make a
21 motion that standing will not be provided to the
22 civic association.

23 MS. LEWIS: We understand.

24 CHAIRPERSON ANDERSON: Thank you, Ms.
25 Lewis. Is there a second?

1 MEMBER CROCKETT: Ms. Crockett
2 seconds.

3 CHAIRPERSON ANDERSON: Ms. Crockett
4 has second the motion. We'll now have a roll
5 call vote on the motion. Mr. Short.

6 MEMBER SHORT: Mr. Short. I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett.

8 MEMBER CROCKETT: Rafi Crockett. I
9 agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen.

11 MEMBER HANSEN: Jeni Hansen. I agree.

12 CHAIRPERSON ANDERSON: Mr. Grandis.

13 MEMBER GRANDIS: Edward Grandis. I
14 agree.

15 CHAIRPERSON ANDERSON: And Mr.
16 Anderson. I agree. The measure passed five,
17 zero, zero. I want to thank you for your
18 honesty, Ms. Lewis.

19 You can, if your group, civic
20 association, still wants to participate in this
21 protest hearing you can, you would have to work
22 with the ANC to, you would have to work with the
23 ANC to work on this issue.

24 It is, as I said before, for future
25 reference it's 25 DCMR 601 (3)(b), that as a

1 civic association if you plan to protest the
2 scheduled, a renewal, your group must
3 specifically seven days before the hearing invite
4 the owner, and let the owner know that what will
5 be discussed at that meeting is their license
6 renewal process.

7 And I want to thank you for being very
8 honest, and letting the Board know that your
9 group did not comply with the organization. I've
10 had many groups who have appeared in front of us.
11 And they make excuses. And they've told us, and
12 we've asked for proof. And they have failed to
13 provide the proof.

14 But I appreciate your honesty, ma'am.
15 And I look forward to working with your group,
16 based on your honesty, in other matters. But if
17 you want, but if your group wishes to protest
18 this liquor license application you have to work
19 through the ANC. Okay, ma'am?

20 MS. LEWIS: We understand. They have
21 our support. And thank you.

22 CHAIRPERSON ANDERSON: Thank you, Ms.
23 Lewis. Thank you very much. All right. Are
24 there any other preliminary matters that need to
25 be raised at this hearing by the ANC or by the

1 owner?

2 MR. HOLMES: Okay. So, at this point,
3 with them not having standing, ANC 7C still has
4 issues. As well as we will be working with
5 Capitol View. And we can move forward working
6 with Capitol View still to address the complaint.
7 And we still have to move forward with discussion
8 of a settlement agreement.

9 CHAIRPERSON ANDERSON: The ANC has
10 full standing to continue to move forward. And
11 they can work with whoever it is that they want
12 to work with. They can work with the civic
13 association.

14 The only difference is that the civic
15 association doesn't have, in this its own
16 standing. And one of the difference in this type
17 of case, is if the civic association had
18 standing, and if the ANC had, this ANC signs a
19 settlement agreement, and if the civic
20 association did not agree with the settlement
21 agreement, the civic association could move
22 forward with a protest hearing. Although there
23 was a settlement agreement with the ANC. So,
24 that's (audio interference) difference.

25 MR. HOLMES: So just for clarity, for

1 folks that are listening out here, if you do have
2 a citizen or civic association, and you do have -
3 - well, we know on the BZA, we call it party
4 status. If you have party status with every one
5 of these cases, then that does allow them to be
6 able to move independently of the ANC, correct?

7 CHAIRPERSON ANDERSON: Yes. That is
8 what -- and that's -- it's -- and -- but that's
9 only if -- that's only (audio interference)
10 abutting property member and also a civic
11 association.

12 If it's a group of five or more, and
13 if the ANC has a settlement agreement, and if a
14 group of five or more decide that they don't want
15 to go along with it, they lose their standing.
16 Because the ANC represents their interests.

17 However, if you are an abutting
18 property owner, or if you are a civic
19 association, you will have your standing
20 independent of the ANC.

21 MR. HOLMES: And that's why I want to
22 be here. I'm going to make sure we get that
23 information out to the, all of the standing
24 citizens and civic associations in 7C. All
25 right.

1 CHAIRPERSON ANDERSON: All right.

2 MEMBER GRANDIS: Mr. Chairman?

3 CHAIRPERSON ANDERSON: Yes, Mr.

4 Grandis.

5 MEMBER GRANDIS: And thank you. I
6 don't mean to interrupt you. But, Mr. Holmes, I
7 want to make sure that you have complete
8 understanding that the ANC is still able to move
9 forward with this protest, and may have a protest
10 hearing, or it may have a settlement.

11 And I wasn't, I want to make sure.
12 Because when you spoke I may have missed, because
13 of the communication situation, I may have missed
14 what you said completely. But I just want to be
15 comfortable, and know that you all know the ANC
16 is still a full party. And they have (audio
17 interference) protest for them.

18 MR. HOLMES: Thank you, Commissioner
19 Grandis. We thank you.

20 MR. MENGESHA: Can I say something,
21 Mr. Chairman?

22 CHAIRPERSON ANDERSON: I'm sorry,
23 who's that? Who's speaking? I don't know who's
24 that?

25 MR. MENGESHA: This is Fikremariam

1 Mengesha from Capitol View.

2 CHAIRPERSON ANDERSON: I'm sorry.

3 Yes, sir. Go ahead.

4 MR. MENGESHA: Yes. Let me say, we do
5 respect, let me say this. Mr. Antawan Holmes is
6 the Chairman of the Capitol View Civic
7 Association. So, I don't see anybody
8 representing the ANC 7 here.

9 MR. HOLMES: That would be incorrect.
10 I am the Chair of ANC 7C. The Chair of the
11 Capitol View Civic Association, well, is not on
12 the call. And you've just had Ms. Deavie, who
13 was the Second Vice President. But I am the
14 Chair of ANC 7C.

15 CHAIRPERSON ANDERSON: Is there, Mr.,
16 I'm sorry, Mr. --

17 MR. MENGESHA: Mengesha.

18 CHAIRPERSON ANDERSON: -- Mengesha.
19 Mr. Mengesha, the ANC was --

20 MR. MENGESHA: Yes.

21 CHAIRPERSON ANDERSON: -- given
22 standing at the roll call. At the roll call
23 hearing your renewal was challenged by the civic
24 association and by the ANC. And full standing
25 was granted to the ANC at the roll call hearing.

1 So therefore, by law you have to negotiate with
2 the ANC.

3 The Civic, the, you can if you so
4 desire, you can negotiate with the civic
5 association. You can still participate with, you
6 can still negotiate with them, if you so desire.
7 However, as far as the ABC Board is concerned,
8 you must, must communicate with the ANC.

9 Because the ANC is the party that is
10 recognized by the ABC Board as moving forward
11 with a, with this protest. And unless there is a
12 settlement agreement with the ANC --

13 If the ANC wishes to move forward at
14 a protest hearing on August, I'm sorry, and this
15 protest hearing will be scheduled for August 5th
16 at 1:30 p.m.

17 So, unless there's a settlement
18 agreement with the ANC, if the ANC wishes to move
19 forward with the protest hearing, that is their
20 right, sir.

21 So, the only thing I would say to you
22 today, you must discuss what's going on with the
23 ANC. Because if you do not the ANC has a right
24 to move forward with the protest hearing on
25 August 5th.

1 And if you want to continue talking to
2 the civic association, whoever you speak to, that
3 is your prerogative. But you have to speak to
4 the ANC. If not, we're going to have a protest
5 hearing on August 5th. Is that correct, sir? Is
6 that correct?

7 Are you, I know that Mr. Dietz is not
8 here today. But Mr. Dietz understands the
9 process. And so, Mr. Dietz understands the
10 process. So, are you still there, sir? I see,
11 I'm not sure if your connection is --

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Okay. Your
14 attorney, Mr. Dietz, understands the process.
15 So, you could speak to him after this hearing.
16 And he will further explain to you what happened
17 today. Okay, sir?

18 MR. MENGESHA: Okay.

19 CHAIRPERSON ANDERSON: All right. All
20 right. Are there any other issues that need to
21 be brought to the attention of the Board? All
22 right.

23 As I said, this matter is scheduled
24 for a protest hearing on August 5th, at 1:30 p.m.
25 All right. Now that we've scheduled this matter

1 for a protest hearing there are a few things that
2 I would like to instruct you about, because the
3 Board practices on the COVID 19 restrictions have
4 changed.

5 As you know, the Board's hearings are
6 conducted virtually. So, it is more important
7 than ever that protest hearings are focused, and
8 addressing only those issues that are being
9 protested.

10 Following this hearing you will be
11 receiving an email from Assistant General Counsel
12 April Randall that will include a copy of the
13 protest information form, and a copy of the
14 exhibit form, as well as specific instructions
15 for the hearing.

16 You are required to complete and
17 submit the PIF and exhibit forms at least seven
18 days before the date of the hearing. If we do
19 not receive a copy of your forms seven days
20 before the hearing, your application or your
21 protest may be subject to dismissal.

22 These documents need to be submitted
23 to ABRA Legal and to the opposing parties.
24 Please provide these, please note that these
25 documents greatly assist the Board, and narrow

1 the protest issues, facilitating the process, and
2 keeping the parties on point during the hearing.

3 These documents need to be submitted
4 to ABRA Legal and to the opposing parties.
5 Please provide these, please note that these
6 documents greatly assist the Board, and narrow
7 the protest issues, facilitating the process, and
8 keeping the parties on point during the hearing.

9 What this means, Mr. Holmes, for your
10 benefit. If this matter goes to a protest
11 hearing, seven days before August 5th you must
12 provide a PIP with your documents and witnesses.
13 Because if that's not provided --

14 It must be provided to the licensee.
15 And it must be provided to ABRA. If this is not
16 provided to us seven days, if we move forward
17 with the protest hearing, you might not be able
18 to call documents, I'm sorry, to call witnesses,
19 and have documents introduced in the record if
20 the other side objects to them, sir. Okay. And
21 do you understand, sir?

22 MR. HOLMES: Yes. So basically, not
23 everything, everything needs to be filed to you
24 all by, what you're saying, July 29th by 11:59
25 p.m.?

1 CHAIRPERSON ANDERSON: If that is
2 seven days before August 5th, sir, yes.

3 MR. HOLMES: Thank you.

4 CHAIRPERSON ANDERSON: And I know for,
5 as far as the licensee is concerned, they, he's
6 represented by counsel. And my assumption,
7 although I shouldn't assume, is that counsel is
8 aware of the requirements. But I'm letting,
9 putting the parties on notice that the seven day
10 notice is very important. And it must be
11 complied with. All right.

12 Then the other changes that we've made
13 is that each side is restricted to no more than
14 five witnesses. And you will have 60 minutes to
15 present your case. And this includes all direct
16 and cross examination.

17 The Board does not intend to hear
18 testimony in matters that are not relevant to
19 those issues that are being protested. Are there
20 any questions? All right. Thank you for your
21 cooperation.

22 If you have any questions that are in
23 timely enough for the hearing, please do not
24 hesitate to contact Assistant General Counsel,
25 April Randall at 202-329-6354, or contact her by

1 email.

2 Thank you for your presentation this
3 morning. I do hope the parties are able to work
4 this matter out. If they are not able to work
5 this matter out we will see you on August 5th at
6 1:30 p.m. for a protest hearing. Okay?

7 MR. MENGESHA: Okay.

8 MR. HOLMES: Thank you.

9 CHAIRPERSON ANDERSON: Have a great
10 day. Thank you very much. Bye-bye.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:37 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: Capitol View Market

Before: DCABRA

Date: 06-30-21

Place: teleconference

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

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Court Reporter

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