

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

IN THE MATTER OF: :
 :
Holiday Family Liquor, :
t/a Holiday Liquors :
3505 Wheeler Road, S.E. :
License #91095 : Protest Status
Retailer A - ANC 8C : Hearing
Case #21-PRO-00025 :
 :
(Application for License :
Renewal) :

Wednesday
June 30, 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:
VICTORIA AKINSEYE, ANC 8C
SIMONE ANDREWS, DC ABRA Staff
VICTORIA BALL, Protestant
CHRISTOPHER CONRAD, Protestant
CASSANDRA HARRIS, Protestant
JERMAINE JORDEN, Protestant
KYUNG LEE, Applicant's Counsel
HAROLD TAYLOR, Protestant

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

2 10:43 a.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case on our calendar is Case Number 21-PRO-
5 00025, Holiday Liquors, License Number 091095.

6 Ms. Andrews, can you please elevate
7 the rights of the participants. Mr. Lee is also
8 the Counsel, I realize. So Mr. Lee is the
9 Counsel for the next two cases, and he can stay
10 online for the next two cases, Ms. Andrews.

11 MS. ANDREWS: Okay.

12 CHAIRPERSON ANDERSON: Thank you.

13 MS. ANDREWS: Mr. Lee's rights have
14 been elevated.

15 MR. LEE: Yes.

16 CHAIRPERSON ANDERSON: So for this
17 case, it's a group of five or more, and also ANC
18 8C.

19 MS. ANDREWS: Yes, one second. There
20 are a lot of call-ins for this case. Mr. Conrad,
21 your rights have been elevated.

22 Mr. Conrad, you're unmuted, you can
23 now unmute yourself.

24 Mr. Jordan, your line has been
25 unmuted.

1 Mr. Taylor, your line has been
2 unmuted.

3 Ms. Harris, your line has been
4 unmuted.

5 Ms. Ball, your rights have been
6 unmuted.

7 That's all, Mr. Chair.

8 CHAIRPERSON ANDERSON: I need
9 everyone, if you're not speaking, to please mute
10 your telephone, please.

11 Mr. Conrad, do you have a camera? If
12 you have a camera, can you turn your camera on
13 please, sir? Mr. Conrad?

14 Ms. Andrews, has he unmuted himself,
15 because I'm not hearing from him, although I
16 think he

17 MS. ANDREWS: Yes, he has been
18 unmuted. Mr. Conrad, you can announce yourself?

19 CHAIRPERSON ANDERSON: Mr. Conrad?

20 MS. ANDREWS: Mr. Conrad, is your
21 device connected to a bluetooth, like, airpod or
22 a bluetooth device? That may be what's
23 happening. I think I just want to call him.

24 CHAIRPERSON ANDERSON: All right. I
25 see him. Mr. Conrad?

1 MS. ANDREWS: He said he's going to
2 call in. I'll ask all parties, if you are a
3 call-in, please announce yourself and spell your
4 name for the court reporter when called upon.
5 Thank you.

6 Okay, Mr. Chair, I do see Mr. Conrad
7 has called in. I'm going to unmute his line.

8 MR. LEE: Thank you.

9 MS. ANDREWS: And Mr. Conrad, you can
10 announce yourself.

11 MR. CONRAD: Yes. Can you hear me
12 now?

13 MS. ANDREWS: Yes.

14 CHAIRPERSON ANDERSON: I can hear, Mr.
15 Conrad.

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: Okay, hold on.

18 MR. CONRAD: I apologize for the
19 delay, we're having some technical difficulties
20 with the WebEx platform on my computer. But we
21 are present in our group of five.

22 CHAIRPERSON ANDERSON: All right, hold
23 on. Okay, good morning.

24 All right, good morning everyone.

25 This is a protest hearing for Holiday Liquors.

1 The protest is from ANC, from Mr. Conrad, who is
2 the designated representative of a group of five
3 or more, and ANC 8C. I still do not -- ANC 8C is
4 not on the call.

5 MS. AKINSEYE: I'm present.

6 CHAIRPERSON ANDERSON: I'm sorry?

7 MS. AKINSEYE: This is Commissioner
8 Victoria Akinseye from ANC 8C.

9 CHAIRPERSON ANDERSON: Okay, fine.

10 All right, so let me have all the parties.
11 Before we meet, it's my understanding that the
12 group of five or more was given conditional
13 standing at the roll call. It's also my
14 understanding that Mr. Conrad was the only
15 representative at the ANC. So I need four
16 additional people from -- Mr. Conrad, you need to
17 add four additional people from the ANC. State
18 and spell you name for the record, please.

19 MR. CONRAD: Yes, my name is
20 Christopher Conrad, C-H-R-I-S-T-O-P-H-E-R. My
21 group of five is on the line.

22 CHAIRPERSON ANDERSON: Just hold on,
23 sir, hold on.

24 So you're Christopher Conrad. And you
25 are the designated representative for the group

1 of five or more. Is that correct?

2 MR. CONRAD: That is correct.

3 CHAIRPERSON ANDERSON: So can you
4 please --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Hello? Please,
7 hello? Hello? I do not need --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: I'm sorry,
10 hello? Your phone lines are unmuted. I do not
11 need anyone to speak until you are directed to
12 speak. I can hear things in the background, so
13 unless you are directed to speak while you're
14 online, if you're going to speak, and you do not
15 want us to hear what's being said, please mute
16 your line.

17 I need Mr. Conrad to tell me to call
18 who the additional members are. Once he calls
19 your name, I need you then to come online and
20 state and spell your name for the record.

21 So, Mr. Conrad, who is the first
22 member of the group that is here today?

23 MR. CONRAD: Yes, I'm going to start
24 off with Harold Taylor. I'll defer to Mr.
25 Taylor.

1 CHAIRPERSON ANDERSON: And, Mr.
2 Taylor, can you please state and spell your name
3 for the record, please?

4 MR. TAYLOR: Good morning, my name is
5 Harold Taylor, H-A-R-O-L-D, first name, last
6 name, T-A-Y-L-O-R.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you. Mr. Conrad, who is the other member,
9 sir?

10 MR. CONRAD: Yes, we have Cassandra
11 Harris.

12 CHAIRPERSON ANDERSON: Ms. Harris, can
13 you please spell and state your name for the
14 record, please?

15 MS. HARRIS: Good morning. My name is
16 Cassandra Harris, C-A-S-S-A-N-D-R-A, last name
17 Harris, H-A-R-R-I-S.

18 CHAIRPERSON ANDERSON: Thank you. Mr.
19 Harris, I'm sorry, Mr. Conrad, who is the next
20 member, please?

21 MR. CONRAD: Yes, the next member is
22 going to be Jermaine Jordan.

23 CHAIRPERSON ANDERSON: Jermaine
24 Jordan, can you please state and spell your name
25 for the record, please?

1 MR. JORDEN: Yes, sir, Jermaine
2 Jordan, J-E-R-M-A-I-N-E, last name, J-O-R-D-E-N.

3 CHAIRPERSON ANDERSON: Mr. Conrad, who
4 is your next member, please?

5 MR. CONRAD: We have Victoria Ball.

6 CHAIRPERSON ANDERSON: Ms. Ball, can
7 you please -- I'm sorry, can you please state and
8 spell your name your name for the record, please?

9 MS. BALL: Yes, Victoria Ball, that's
10 spelled V-I-C-T-O-R-I-A, last name Ball, B-A-L-L.

11 CHAIRPERSON ANDERSON: Good morning,
12 Ms. Ball.

13 Mr. Conrad, are there any other
14 members that you wish to identify?

15 MR. CONRAD: Yes, we may actually have
16 a sixth, Chris Newton also signed. And so I'm
17 not sure if he's present or whether his
18 significant other is present, Shante.

19 CHAIRPERSON ANDERSON: Is that person
20 on the line?

21 (No audible response.)

22 CHAIRPERSON ANDERSON: All right, the
23 person -- I'm sorry. All right.

24 MS. ANDREWS: Mr. Chair, I do not have
25 a phone number for that person. So I can't see.

1 CHAIRPERSON ANDERSON: All right,
2 thank you, Ms. Andrews.

3 The group of five or more only needed
4 four members to be identified today. And the
5 four other members Harold Taylor, Cassandra
6 Harris, Jermaine Jordan, and Victoria Ball. So
7 therefore, I make a motion that full standing be
8 granted to the group of five or more. Is there a
9 second?

10 MEMBER SHORT: James Short, I second.

11 CHAIRPERSON ANDERSON: Ed Grandis will
12 second.

13 MEMBER SHORT: Mr. Short, I second.

14 CHAIRPERSON ANDERSON: Mr. Short and
15 Mr. Grandis have seconded the motion. We'll now
16 have a roll call vote on the motion that's been
17 properly seconded.

18 Mr. Short?

19 MEMBER SHORT: Mr. Short, I agree.

20 CHAIRPERSON ANDERSON: Mr. -- I'm
21 sorry, Ms. Hansen?

22 MEMBER HANSEN: Jeni Hansen, I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I
25 agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?

2 MEMBER GRANDIS: Edward Grandis, I
3 agree.

4 CHAIRPERSON ANDERSON: And Mr.
5 Anderson, I agree. The matter passes 5, 0, 0.
6 So full standing is now granted to the group of
7 five or more. And Christopher Conrad is the
8 designated representative.

9 All right. So let me have the other
10 parties identify themselves for the record,
11 starting with the representative of the Licensee.

12 MR. LEE: Good morning, Board members.
13 My name is Kyung Lee, K-Y-U-N-G L-E-E. I am an
14 attorney for the Holiday Liquors.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Lee.

17 MR. LEE: Good morning.

18 CHAIRPERSON ANDERSON: And who do we
19 have on the line from the ANC?

20 MS. AKINSEYE: Yes, good morning. My
21 name is Commissioner Victoria Akinseye for 8C.

22 CHAIRPERSON ANDERSON: Can you spell
23 your name, ma'am?

24 MS. AKINSEYE: Sure, first name is
25 spelled V-I-C-T-O-R-I-A, last name is spelled A-

1 K-I-N-S-E-Y-E.

2 CHAIRPERSON ANDERSON: And you
3 represent ANC 8C?

4 MS. AKINSEYE: Yes, that is correct.

5 CHAIRPERSON ANDERSON: All right,
6 thank you. All right, are there any other
7 preliminary matters that should be brought to the
8 attention of the Board?

9 Let's start with you, Mr. Lee?

10 MR. LEE: Yes. We are currently
11 working on the possible settlement agreement.
12 And the Licensee suggested to meet before the
13 protest hearing at the site so we just walk
14 through it together. We suggest it, and we'll
15 arrange a meeting with the ANC, and the group of
16 five.

17 CHAIRPERSON ANDERSON: All
18 right, thank you, Mr. Lee.

19 Mr., I'm sorry, Ms. Akinseye, are
20 there any preliminary matters you want to bring
21 to, at least from ANC's position, that you want
22 to bring to the Board?

23 MS. AKINSEYE: No. We just haven't
24 reached a settlement agreement at this time.

25 CHAIRPERSON ANDERSON: All right,

1 thank you.

2 Mr. Conrad, are there any preliminary
3 matters you want to bring to the attention of the
4 Board?

5 MR. CONRAD: No, I agree with
6 everything everyone's said. The agreement's
7 still in process.

8 CHAIRPERSON ANDERSON: All right then.
9 Thank you, sir.

10 All right, I encourage the parties to
11 settle this matter if it can be settled. Because
12 as I've always stated that you live in a
13 community, you know what your concerns are. And
14 it's better if you are able to come to a
15 consensus on an agreement rather than leave it
16 for the Board to make a decision. But if there
17 is not agreement, then the Board will make its
18 determination.

19 Mr. Conrad, I just want to let you
20 know, just as an FYI, if there is a settlement
21 agreement that's signed between the Licensee and
22 the ANC, and if you can agree with the -- Mr.
23 Lee, please put your line on mute, please. And
24 if your group doesn't agree with the settlement
25 agreement, by operation of law your protest will

1 fall.

2 So I just want to let you know that if
3 there is a settlement agreement between the ANC
4 and the Licensee, and if your group is not a part
5 of the settlement agreement, or you do not agree
6 with the settlement agreement, your right to
7 protest this matter will fall by operation of
8 law, just as an FYI. Okay, sir?

9 MR. CONRAD: Sounds good, sir, and I
10 appreciate and understand that we are preempted
11 by the ANC's decision in the settlement matters,
12 and I believe that the ANC and the group of five
13 are on the same page with regards to that.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you.

16 All right. This matter then is
17 scheduled for a protest hearing on August 18th at
18 3:30 p.m., August 18th at 3:30 p.m. All right.

19 MR. LEE: Mr. Chair?

20 CHAIRPERSON ANDERSON: Yes, Mr. Lee?

21 MR. LEE: Yes, I just found that
22 initially the group of five, there was four other
23 people. Victoria Ball was not on the list of the
24 protestant letter. So it was Christopher Newton
25 (phonetic). But I think he is not there today.

1 So that is a factor, that full standing for group
2 of five?

3 CHAIRPERSON ANDERSON: Mr. Lee?

4 MR. LEE: I just found it on the
5 letter here.

6 CHAIRPERSON ANDERSON: Mr. Lee, now I
7 have the Protestants, all the names who made up
8 this group.

9 MR. LEE: Okay.

10 CHAIRPERSON ANDERSON: I had them go
11 through all the names. You did not object. I
12 made a motion to grant them standing. The Board
13 voted to grant them standing. We have now moved
14 almost to the end of the case, and now you're
15 bringing to my attention, for the first time,
16 that Victoria Ball did not sign the letter.

17 So, Mr. Conrad, can you please respond
18 to the allegation that was made by Mr. Lee?

19 MR. CONRAD: Yes, Mr. Anderson. That
20 is your position is mine, which is that the
21 objection was untimely. In addition, these are
22 members of the same household. So this is
23 formalistic and not substantive in terms of the
24 dispute.

25 CHAIRPERSON ANDERSON: So, Mr. Conrad,

1 are you then stating that Ms. Ball did not sign
2 the petition?

3 MR. CONRAD: Ms. Ball did not sign the
4 petition. We thought that it was unnecessary to
5 have multiple members of the same household sign
6 the petition. Again, these are individuals that
7 are at the same exact address.

8 And so I think today is mere issues of
9 schedule convenience for Ms. Ball versus Mr.
10 Newtown. Again, there was an opportunity to
11 object on these kind of narrow formalistic
12 grounds. And I see no basis to deny standing on
13 really a mere technicality.

14 I'm happy to follow-up and amend the
15 initial letter if that's necessary. Ms. Ball has
16 offered to stand in the shoes of Mr. Newton if
17 there's any issue.

18 But, you know, frankly I think we
19 should try and get to the merits of this and try
20 and get to a resolution for the community rather
21 than quibbling over individuals in the same
22 household and whether their name was or wasn't on
23 the protest letter that was initially filed,
24 especially after we've already granted
25 conditional standing.

1 CHAIRPERSON ANDERSON: Mr. Conrad, is
2 there anyone else on the line who has signed the
3 petition who has not been represented so far?

4 MR. CONRAD: No, everybody is exactly
5 the same. Mr. Taylor was on the --

6 CHAIRPERSON ANDERSON: No, I'm sorry,
7 sir. Do you have another member, do you have
8 another member who has signed the petition who
9 has not been identified so far through this
10 hearing who's on the line?

11 MR. CONRAD: Oh, no, no, no. So we
12 stopped at five, and the only issue is, as I
13 understand Mr. Lee's point, the fifth individual
14 and Ms. Ball are of the same household which,
15 again, I think is a more formalistic issue that
16 we can resolve beyond that as needed.

17 CHAIRPERSON ANDERSON: Mr. Lee, any
18 other comments you want to make before I make a
19 recommendation of what we're going to do, sir?

20 MR. LEE: I just recall both the
21 decision about the resignation (audio
22 interference) of Protestant that's missing, and
23 then there is kind of replacement for that. And
24 I didn't mention about the first time, after the
25 (audio interference) just follow-up and (audio

1 interference). And I found that, sir. It's up
2 to the Board to just follow that.

3 CHAIRPERSON ANDERSON: All right. Mr.
4 Conrad, the regulation requires, and it's not
5 procedural, sir, it's substantive. Although Mr.
6 Lee was late in bringing this to the Board's
7 attention, it's because of the substantive, it's
8 a substantive violation.

9 And it is required by the law that,
10 for a group of five or more, five people must be
11 at the roll call hearing. I'm sorry, either at
12 the roll call hearing or at the status hearing.
13 And all five people must sign the petition. At
14 the roll call hearing, you were the only person
15 at the roll call hearing, and the other four
16 people were not there.

17 You were specifically informed by the
18 Board's agent that four additional members must
19 be present today at the roll call, at the status
20 hearing. Unfortunately, you did not present four
21 members today at the status hearing who had
22 signed the petition.

23 And although the Board had granted
24 standing, full standing to your group, the Board
25 has to legally, by law, has to revisit this

1 issue.

2 And so therefore, I am making a motion
3 that because Ms. Ball did not sign the petition,
4 and -- because she did not sign the petition, and
5 by law, in order for the group to be granted
6 standing, all four members today should have been
7 on the petition. And they are not.

8 So I will ask to make a motion that
9 the Board now deny standing to the group of five
10 or more, because they have not complied with the
11 regulation that all five members who are present
12 between the roll call and the status hearing be
13 present. I ask is there a second.

14 MEMBER GRANDIS: Yes, sir. I second
15 it.

16 CHAIRPERSON ANDERSON: Mr. Grandis has
17 seconded the motion. I will now take a roll call
18 on the motion. Mr. Short?

19 MEMBER SHORT: Mr. Short, I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett?

21 MEMBER CROCKETT: Rafi Crockett, I
22 agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Anderson,

1 I agree. The matter passed 5, 0, 0. And so the
2 Board will not grant full standing to the Conrad
3 group. However, Mr. Conrad, the Board will issue
4 a decision, and we'll issue a decision, and you
5 have ten days to ask the Board to reconsider its
6 determination.

7 So if you have any legal reasons why
8 you believe that the decision that the Board made
9 this morning, you have ten days to appeal our
10 decision, and the Board will reconsider its
11 position, sir.

12 One thing I'll say to you, if
13 standing is not granted to your group, you can
14 still work with the ANC. And if it goes to a
15 protest hearing you can still, the ANC can
16 contact you or other members of your group as
17 witnesses or you can still work with the ANC on a
18 settlement agreement. But currently, you do not
19 have standing as a group of five or more to
20 participate in this matter formally, sir.

21 Mr. Conrad?

22 MR. CONRAD: Okay. So I understand
23 that this a case that's moving forward, but
24 without the group of five and only being
25 prosecuted, so to speak, by the ANC. Is that

1 correct?

2 CHAIRPERSON ANDERSON: Yes, sir.

3 However, as I stated before, you have ten days
4 where the Board will -- you will get a written
5 decision, and you have ten days to ask the Board
6 to reconsider its position.

7 And whatever arguments that you want
8 to make, if you decide to contest the decision by
9 the Board, you can do so. You have ten days once
10 we issue the decision in writing to contest that.

11 MR. CONRAD: Yes, sir. Can I ask on
12 which grounds are bases for overturning the
13 decision? Mr. Newton is, you know, they have a
14 newborn, and this is the reason why there was a
15 changeout in the individual that was representing
16 that household. I just want to understand what
17 good cause constitutes in this context, sir.

18 CHAIRPERSON ANDERSON: Well, I don't
19 know what, I can't tell you, sir, what the cause
20 you have to, you have to tell us.

21 But the regulation clearly states
22 that, the group of five or more, that they have
23 to sign the petition. And they have to sign the
24 petition, and all five members must appear. All
25 five members who signed the petition must appear

1 either at the roll call hearing or at the status
2 hearing.

3 So we give you two opportunities for
4 the five members. Also, if you if you review the
5 code, the code will provide you, our regulations
6 will provide you the condition of what is
7 considered good cause so -

8 (Simultaneous speaking)

9 CHAIRPERSON ANDERSON: Yes, so the
10 regulations will give you examples of what's
11 considered good cause. Unfortunately, at least
12 your oral reason right now is not sufficient.
13 It's not one of the conditions listed.

14 But you can revisit the regulation,
15 and it will provide you with what's considered
16 good cause. And if one of those conditions
17 exist, the Board will revisit its position. But
18 as I stated before, once we issue this written
19 decision, you have ten days, sir, to contest it
20 and give us good cause why we should change our
21 decision.

22 MR. CONRAD: Yes, sir. Now can I ask
23 one more question, Mr. Anderson?

24 CHAIRPERSON ANDERSON: Yes, sir.

25 MR. CONRAD: Is there any means by

1 which we can retroactively amend the original
2 petition so as to bring into compliance Ms.
3 Ball's appearance here today?

4 CHAIRPERSON ANDERSON: No, sir. It is
5 too late. You cannot amend the petition. You
6 have 45 days. The petition clearly states that
7 the parties have 45 days to contest, to protest
8 the renewal or the issuance of the license. And
9 if we do not receive that notice within the 45-
10 day timeline, you have lost that right.

11 So no, you are unable to amend. If
12 the 45 days had not expired, then yes, you can
13 amend it if it was within the 45 days through the
14 petition period. But since the 45 days has
15 expired, you are unable to, right. You cannot go
16 back and retroactively amend the petition, sir.

17 MR. CONRAD: I understand completely,
18 Mr. Anderson. And I apologize, I have one last
19 question, and then I will stop pestering you, but
20 I just

21 CHAIRPERSON ANDERSON: No, sir. Not
22 a problem, ask as many questions. I don't want
23 anyone to ever say that they were denied standing
24 and that the Board did not listen to their
25 position. So what other questions do you have,

1 sir?

2 MR. CONRAD: Yes, sir, thank you. I
3 appreciate the time. May the ANC proceed with,
4 can they proceed represented in the matter ahead
5 without the group of five, meaning can they
6 acquire a pro bono counsel for example?

7 CHAIRPERSON ANDERSON: I'm sorry, can
8 they do what?

9 MR. CONRAD: Can they be counseled,
10 the ANC members, do they have to prosecute the
11 protest individually or can they do so with the
12 assistance of counsel?

13 CHAIRPERSON ANDERSON: No, it's
14 between you and the ANC, sir. So the ANC can do
15 whatever it wants to do. So the ANC, if the ANC
16 is, they have standing to represent the
17 community. And if the ANC so designates you, or
18 the ANC decides that, well, at least through --
19 the ANC votes and decides that you are counsel or
20 you represent them and they advise us this is
21 what their position is, that's up to the ANC.

22 So you can speak to the ANC, and the
23 ANC can advise us what it is that's their
24 position. But that's not up to the Agency to
25 tell the ANC who they can utilize. As long as

1 the ANC provides written notice to us who is
2 their designated representative is, then that's
3 up to the ANC.

4 Or if we have a protest hearing, the
5 ANC can do whatever it wants to do. But as long
6 as reasonable notice is provided to the Agency,
7 the Agency will never question the authority of
8 the ANC in who it is that they're going to use to
9 represent them, sir.

10 MR. CONRAD: Thank you for the
11 thorough response, Mr. Anderson. So I understand
12 that any of the ANCs that are connected with this
13 matter, they represent me and delegate me to
14 prosecute the action on their behalf if that is
15 their decision.

16 CHAIRPERSON ANDERSON: If that is
17 their decision, sir, that is the decision of the
18 ANC. And the Agency will not question the
19 decision of the ANC as long as it provides to us,
20 in writing, who their representative is, sir.

21 MR. CONRAD: All right, sounds good.
22 Thank you very much, Mr. Anderson. I appreciate
23 your guidance on this matter. And I want to
24 confirm with the rest of the Board if that's the
25 case.

1 CHAIRPERSON ANDERSON: Mr. Conrad, I
2 speak for the Board, and so it's not up to each
3 individual Board member to respond to you, sir.
4 Unfortunately, that's the way this works.

5 MR. CONRAD: No, that's okay. That's
6 okay.

7 CHAIRPERSON ANDERSON: The Board
8 members --

9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: The Board
11 members can, if there is a question presented
12 then, if a Board member wants to speak, then I
13 will authorize them to speak, sir. We have some
14 procedures that we follow here, and that's how it
15 is. So I speak for the Board. And as you see, a
16 decision was made, and the Board voted to confirm
17 the decision on the recommendation of the Chair,
18 sir. And it was --

19 MR. CONRAD: Oh, that's absolutely
20 fine. No, no, I'm not asking for any sort of re-
21 litigation of the decision on the group of five
22 standing. I just want to confirm that I can, in
23 fact, be delegated, that the ANC can delegate
24 their responsibilities to me. And you confirmed
25 that, so I appreciate that.

1 CHAIRPERSON ANDERSON: You're welcome.
2 All right.

3 Okay, so are there any other
4 preliminary matters by either the ANC or by the
5 Applicant?

6 MR. LEE: No, that's all.

7 CHAIRPERSON ANDERSON: Ms. Akinseye?
8 Ms. Akinseye?

9 MS. AKINSEYE: Yes, I'm here.

10 CHAIRPERSON ANDERSON: All right.
11 Now, are there any other preliminary matters that
12 you wish to raise, ma'am?

13 MS. AKINSEYE: No, just that we
14 haven't come to a settlement agreement yet with
15 Holiday Liquor. That's it.

16 CHAIRPERSON ANDERSON: All right,
17 that's fine.

18 All right. As I stated before, this
19 matter is scheduled for a protest hearing on
20 August 18th at 3:30 p.m.

21 All right. Now that we have scheduled
22 this matter for a protest hearing, there a few
23 things that I would like to instruct you about,
24 because the work practices under the COVID-19
25 restrictions have changed.

1 As you know, the Board's hearings are
2 conducted virtually. So it is more important
3 than ever that the protest hearings are focused
4 and address only those issues that are being
5 protested.

6 Following this hearing you will
7 receive an email from Assistant General Counsel
8 April Randall that will include a copy of a
9 protest information form, PIF, and a copy of an
10 exhibit form, as well as specific instructions
11 for the hearing.

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

18 These documents need to be submitted
19 to abra.legal@dc.gov and to the opposing parties.
20 Please note that these documents greatly assist
21 the Board in narrowing the protest issues,
22 facilitating the process, and keeping the parties
23 on point during the hearing.

24 Each side is limited to no more than
25 five witnesses, and you will only have 60 minutes

1 to present your case. This includes all direct
2 and cross examination. The Board does not intend
3 to hear testimony in matters that are not
4 relevant to those issues that are being
5 protested.

6 Are there any questions?

7 MS. AKINSEYE: No.

8 CHAIRPERSON ANDERSON: Hearing none,
9 Mr. Lee, no?

10 MR. LEE: There are none.

11 CHAIRPERSON ANDERSON: All right. We
12 thank you greatly for your cooperation. If at
13 any time you have any questions, if you have any
14 questions that are timely enough for the hearing,
15 please do not hesitate to contact Assistant
16 General Counsel April Randall at 202-329-6354 or
17 contact her by email.

18 Thank you very much. Again, I ask the
19 Board to a support settlement agreement with the
20 parties. If the parties are able to settle this
21 matter, then the Board welcomes that. If the
22 parties are unable to settle this matter, then we
23 will have a protest hearing.

24 And as I stated, Mr. Conroy, you have
25 ten days once the decision is written to give the

1 Board good cause why we should revisit not
2 providing standing to your group, sir. Okay,
3 sir?

4 MR. CONRAD: Thanks very much.

5 CHAIRPERSON ANDERSON: All right,
6 thank you.

7 All right. You can stay on the line,
8 Mr. Lee.

9 So we will now move to -- so all the
10 other parties are dismissed. And I'm about to
11 call the next case.

12 (Whereupon, the above-entitled matter
13 went off the record at 11:17 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Holiday Liquors

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.



Court Reporter

NEAL R. GROSS

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