

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
ROLL CALL HEARING

IN THE MATTER OF: :
 :
EZRA S Inc., :
t/a Dix Market :
6221 Dix Street NE : Roll Call
Retailer Class A - ANC 7C: Hearing
License No. ABRA-116408 :
Case #21-PRO-00042 :
 :
(License Renewal) :

Monday
July 12, 2021

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

GINA BULLET, Protestant
MARY GAFFNEY, Protestant
ROSALIND ODEN, Protestant
RACHELLE GREEN, Protestant
ANTAWAN HOLMES, ANC 7C

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

2 11:47 a.m.

3 MS. FLETCHER: I am now calling the
4 case of Dix Market, D-I-X Market. This is Case
5 Number 21-PRO-00042, E-Z-R-A, the letter S like
6 Sam, Inc., trading as Dix Market, 6221 Dix Street
7 Northeast. This is Case Number 21-PRO-00042,
8 License Number ABRA-116408. This is a Retailer
9 Class A License renewal. The protest issues are
10 adverse impact on peace, order, and quiet,
11 residential parking, and vehicular and pedestrian
12 safety, and real property values.

13 Is anyone present on behalf of Dix
14 Market?

15 (Pause.)

16 MS. FLETCHER: Is anyone present on
17 behalf of Dix Market?

18 (Pause.)

19 MS. FLETCHER: Is anyone present on
20 behalf of ANC 7C?

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

23 MS. FLETCHER: Thank you, Mr. Holmes.

24 ANC 7C does have standing as a -- as
25 a protestant.

1 Now I'm going to make a list of any
2 individuals present from -- a group of 33
3 individuals filed a protest, but there was not a
4 designated representative. And so there's no
5 one's name that I'm going to call in particular.
6 But if you could, one at a time, state your name,
7 if you're available, if you're present.

8 MS. BULETT: Ms. Fletcher?

9 MS. FLETCHER: Yes?

10 MS. BULETT: So the --

11 MS. FLETCHER: Who's speaking?

12 MS. BULETT: Oh, I'm so sorry. It's
13 Gina Bulett. And we had emailed back and forth,
14 and I'm sorry for the confusion. But the
15 petition was a group petition done by Northeast
16 Boundary Civic Association. We're the ANC
17 single-member district 7C05. And Dr. Gaffney is
18 here, and she is our ANC Commissioner and our
19 Civic Association leader. So she is our
20 representative.

21 MS. FLETCHER: And so, Ms. -- Ms.
22 Bulett, were you one of the individuals that
23 signed as a -- as a part of that group?

24 MS. BULETT: Yes.

25 MS. FLETCHER: Would you please spell

1 your name and state it for the record?

2 MS. BULETT: It's Gina Bulett, G-I-N-
3 A, B as in boy, U as in umbrella, L as in lion, E
4 as in elephant, T as in table, T as in table.

5 MS. FLETCHER: Thank you very much.
6 And so what you explained, Ms. Bulett, is that
7 this protest was actually filed by the Northeast
8 Boundary Civic Association and not a group of 33?

9 MS. BULETT: Well, we had 33 of our
10 residents and Civic Association members sign the
11 protest.

12 MS. FLETCHER: I see. Okay. But the
13 -- they -- they -- so the -- the individuals
14 signed the protest in support of the protest
15 filed by the Northeast Boundary Civic
16 Association?

17 MS. BULETT: Correct.

18 MS. FLETCHER: So we're not looking at
19 33 people. We're looking at the Northeast
20 Boundary Citizen -- Civic Association filing a
21 protest with at least 33 individuals filing in
22 support of their protest.

23 MS. BULETT: Correct.

24 MS. FLETCHER: Okay. Thank you. One
25 second.

1 And so, Dr. Mary Gaffney, you're the
2 President of the Association?

3 MS. GAFFNEY: Yes.

4 MS. FLETCHER: And, Dr. Gaffney, would
5 you please state your name and spell it for the
6 record?

7 MS. GAFFNEY: Mary Gaffney, M-A-R-Y,
8 initial L, last name G as in girl, A as in apple,
9 F-F as in Frank, N as in Nancy, E as in egg, and
10 Y as in young.

11 MS. FLETCHER: Is there any other
12 individual from the group that -- that's present?

13 MS. ODEN: Yes. Good morning. My
14 name is Rosalind Oden, and I represent -- as a
15 member of the group. My --

16 (Simultaneous speaking.)

17 MS. FLETCHER: I'm sorry. Go ahead,
18 Ms. Oden.

19 MS. ODEN: My name is spelled R-O-S-A-
20 L-I-N-D as in David, middle initial P as in Paul,
21 last name Oden, O-D-E-N as in Nancy.

22 MS. FLETCHER: Ms. Oden, what was that
23 middle initial?

24 MS. ODEN: P as in Priscilla.

25 MS. FLETCHER: P as in Priscilla?

1 MS. ODEN: Yes, ma'am.

2 MS. FLETCHER: Thank you.

3 Anyone else present? Any other
4 individual present from the group?

5 MS. GREEN: Yes. My name is Rachelle
6 Green. It's spelled R-A-C-H-E-L-L-E, and Green
7 like the color.

8 MS. FLETCHER: Thank you, Ms. Green.
9 Anyone else from the group present?
10 Okay. Thank you.

11 Ms. Gaffney, I'm going to have a
12 couple of questions for you. Just a moment.

13 MS. GAFFNEY: All right.

14 MS. FLETCHER: So you've clarified --
15 so -- so -- so, Ms. Gaffney, you agree that this
16 protest is filed by the Northeast Boundary Civic
17 Association?

18 MS. GAFFNEY: Yes.

19 MS. FLETCHER: Okay. Okay. Ms.
20 Gaffney, I have reviewed your -- the protest
21 letter filed by the Association. And the first
22 question is, to your knowledge, is the
23 Association incorporated in D.C.?

24 MS. GAFFNEY: Yes.

25 MS. FLETCHER: Thank you. Just

1 looking at -- so there are a couple of things,
2 Ms. Gaffney, just so that you know. Just in
3 reviewing your protest letter, it does not
4 indicate that you held a meeting concerning the
5 protest. But did you hold a meeting with the
6 Association concerning the protest?

7 MS. GAFFNEY: Yes, we did.

8 MS. FLETCHER: Did you -- did you
9 invite the Applicant?

10 MS. GAFFNEY: I've sent several
11 messages to her. I --

12 MS. FLETCHER: Mm-hmm.

13 (Simultaneous speaking.)

14 MS. GAFFNEY: -- return calls.

15 MS. FLETCHER: Do you know -- do you
16 recall when the meeting was held?

17 MS. GAFFNEY: Yes. The meeting was
18 held in July and May -- June.

19 MS. FLETCHER: Thank you.

20 MS. GAFFNEY: I -- I don't mean July.
21 I meant June. June and --

22 (Simultaneous speaking.)

23 MS. GAFFNEY: -- April.

24 MS. FLETCHER: Thank you. Thank you
25 very much. So, Ms. Gaffney, I checked with the

1 D.C. Department of Consumer and Regulatory
2 Affairs regarding the incorporation status of the
3 Association, which --

4 MS. GAFFNEY: Yes.

5 MS. FLETCHER: -- which is just
6 customary. It's just what we do. And according
7 to them, the Articles of Incorporation have been
8 revoked. Were you aware of that?

9 MS. GAFFNEY: I am totally unaware of
10 that. I will check with them and see why.

11 MS. FLETCHER: Yeah. Thank you. Just
12 one second. One minute. Let me see if I have
13 any other information I can provide you.

14 MS. GAFFNEY: Okay.

15 (Pause.)

16 MS. FLETCHER: Okay, Ms. Gaffney. One
17 minute.

18 (Pause.)

19 MS. FLETCHER: I'm just checking to
20 see, Ms. Gaffney, if there's any other
21 information I can provide you for you to check
22 into. Give me one second.

23 (Pause.)

24 MS. FLETCHER: Ms. Gaffney, I'm going
25 to dismiss the protest. I'll tell you the

1 reason, and I'll tell you what to do next. I'm
2 going to dismiss the protest for these reasons.
3 One, because the protest letter does not indicate
4 that a meeting was held in accordance with the
5 bylaws or that the Applicant was invited to
6 attend the meeting. And I understand that you're
7 saying that they did, and that's fine.

8 And also, according to the Department
9 of Consumer and Regulatory Affairs, the Articles
10 of Incorporation were revoked. I don't know the
11 details -- details of that, but I'm sure you're
12 going to check into it.

13 So what that means is you are going to
14 receive a Board order dismissing the protest of
15 the Northeast Boundary Civic Association, and you
16 will have an opportunity to respond to that and
17 seek reinstatement of the protest. And you can
18 explain to the Board or include in your letter
19 that you -- you did hold a meeting. It's
20 required that you hold a meeting in according
21 with your -- in accordance with your bylaws.

22 It is required that you invite the
23 Applicant to your meeting, which you said that
24 you did. So you would put that in your request
25 for reinstatement, and you would also provide any

1 information or evidence you have that your
2 Association actually is incorporated in good
3 standing in D.C.

4 So you'll have an opportunity to
5 correct all of that for -- and make that
6 presentation to the Board. Once the Board
7 receives your request for reinstatement, they'll
8 review all the information that you submitted,
9 and the -- and the -- and the Board will make --
10 will decide whether or not to grant standing to
11 the Association.

12 But I -- I'm sure that you'll contact
13 the Department of Consumer and Regulatory Affairs
14 to clear up their record. If your Articles of
15 Incorporation were not revoked, then that -- that
16 -- I'm glad that you got to know that according
17 to their record it is, and you can straighten
18 that out. And you can provide us with whatever
19 evidence you have that your Articles of
20 Incorporation are still in good standing.

21 MS. GAFFNEY: I have a question.

22 MS. FLETCHER: Yes, Ms. Gaffney?

23 MS. GAFFNEY: So is this telling me
24 that no one could come to protest unless they --
25 unless they are incorporated? You know, citizens

1 couldn't come and protest against a vendor unless
2 they are incorporated or what have you? That's
3 my --

4 (Simultaneous speaking.)

5 MS. FLETCHER: No, that's not -- no.
6 What -- what -- no, that's not what I mean. You
7 clarified at the beginning, and Ms. Bulett
8 clarified at the beginning, of this roll call
9 hearing that this protest was actually filed by
10 the Northeast Boundary Civic Association. So
11 that's the first thing we established: it was not
12 filed by 33 individuals, but that Northeast
13 Boundary Civic Association filed the protest.

14 And those 33 individuals signed in
15 support of the protest filed by the Northeast
16 Boundary Civic Association. So that was my
17 understanding, that the Association actually
18 filed the protest.

19 MS. GAFFNEY: Yes.

20 MS. BULETT: But my -- I'm confused,
21 Ms. Fletcher. And sorry. This is Gina Bulett.

22 MS. FLETCHER: So who's -- who's --
23 who's speaking? Go ahead, Ms. Bulett.

24 MS. BULETT: So the thing is the Civic
25 Association is also the single-member district

1 ANC 7C05. It's the same group. And so I'm --
2 I'm confused as to why we automatically don't
3 have standing.

4 MS. FLETCHER: So the ANC -- ANC 7C
5 filed a protest. And, Ms. Bulett, you're saying
6 -- you're referring to a -- a single-member
7 district?

8 MS. BULETT: Yes.

9 MS. FLETCHER: And which single-member
10 district --

11 (Simultaneous speaking.)

12 MS. BULETT: -- 7C05.

13 MS. FLETCHER: Which single-member
14 district are you referring to?

15 MS. BULETT: 7C05.

16 MS. FLETCHER: So you're referring to
17 single-member district 7C05. SMD 7C05 did not
18 file a protest. But just so that you know for
19 future reference, a single-member district cannot
20 file a protest, but a member -- the single-member
21 district can file a protest as a part of a group
22 of five. But -- but -- but -- but the ANC can
23 file a protest, but not the single-member
24 district.

25 So if there's a single-member district

1 member that wants to file a protest, he or she
2 would have to be part of a group of five. But
3 ANC 7C did file a protest. Any --

4 (Simultaneous speaking.)

5 MS. FLETCHER: In any event, just in
6 terms of understanding the process, Ms. Bulett,
7 there is no protest letter that we received from
8 single-member district 7C05. So there would --
9 we would not consider them to have filed the
10 protest because we didn't get a letter from them.

11 MS. GAFFNEY: Let's -- let's see if --
12 let's see if there can be some clarity about
13 this.

14 MS. FLETCHER: What was that? Who's
15 speaking?

16 MS. GAFFNEY: This is Gaffney.

17 MS. FLETCHER: What did you say?

18 MS. GAFFNEY: Let's see if we can have
19 some clarity about the entire situation.

20 MS. FLETCHER: Yes.

21 MS. GAFFNEY: Okay. All the other
22 constituents that came in this morning to
23 testify, they're under some single-member
24 district. Okay?

25 MS. FLETCHER: They're what?

1 MS. GAFFNEY: They're under a single-
2 member district. Okay?

3 MS. FLETCHER: You mean the -- you
4 mean the -- you mean the individuals that just
5 identified themselves?

6 MS. GAFFNEY: Yes. They are -- they
7 are under some single-member district. Okay?

8 MS. FLETCHER: Mm-hmm.

9 MS. GAFFNEY: All right. So, in our
10 discussion, we're just trying to make it clear
11 exactly where it's located. We are on the 7C.
12 Our Chairperson is -- is in the room, and he
13 could explain. And he's the one sent the letter
14 -- the result of the meetings that we have held.
15 And the 7C took the votes, and they sent you the
16 letter.

17 MS. FLETCHER: And so that's why I
18 granted standing to ANC 7C.

19 MS. GAFFNEY: Okay.

20 MS. FLETCHER: So ANC 7C does have
21 standing as a protestant. And so -- so that --
22 that -- that -- that much is clear.

23 MS. GAFFNEY: Okay. Well, let -- let
24 me -- let me have our Chairperson of 7C maybe
25 make additional conversation with you about the

1 entire situation.

2 Mr. Holmes?

3 MR. HOLMES: How are you doing,
4 everybody? Ms. Fletcher, thank you.

5 Based on what I'm hearing, you're
6 still going to give them an opportunity -- you're
7 going to still give the Capitol View Civic
8 Association the opportunity to get their
9 standings made or -- or -- or ruled by the Board
10 later on. They just need to finish doing their
11 -- they need to figure out what's going on with
12 DCRA to get that figured out.

13 But ANC 7C still has standing, and we
14 will continue to work with the Capitol View
15 Association --

16 MS. FLETCHER: Not Capitol View.

17 MR. HOLMES: Yes. So we --

18 MS. FLETCHER: Northeast -- Northeast
19 Boundary.

20 MR. HOLMES: Sorry, sorry, sorry. Too
21 many on my brain. Northeast Civic Association.
22 You will continue to --

23 MS. FLETCHER: I know.

24 (Simultaneous speaking.)

25 MR. HOLMES: -- Association to -- to

1 express their concerns about this matter. But
2 they do have an opportunity to get it clarified.
3 They just need to figure out what's going on with
4 DCRA per what you just said. Correct?

5 MS. FLETCHER: That's right.

6 MR. HOLMES: Okay.

7 So you're still in the game,
8 Commissioner Gaffney. And for Northeast Civic
9 Association ANC 7C, we are still working with you
10 on this one. And, honestly, I'm not -- I have
11 yet to hear the Applicant online, so I'm about to
12 wait for it to get dismissed anyway. So --

13 MS. FLETCHER: Yeah. So I'll get --
14 thank you. Yeah. I'm going to get back to that
15 in a moment. But -- so, Mr. Holmes, though, just
16 to clarify, the Northeast Boundary Civic
17 Association is dismissed for the reasons that I
18 already stated. And, Mr. Holmes, you are correct
19 that upon receipt of the Board order dismissing
20 the Association, they will have an opportunity to
21 seek reinstatement of the protest.

22 You will need to include in your
23 petition for reinstatement the information that
24 is presently missing from your protest letter,
25 which is that you held a meeting in accordance

1 with your bylaws regarding the protest of the
2 application, that you invited the Applicant to
3 the -- to the meeting. You can provide the
4 evidence that you have to show that the
5 Association is incorporated in the District of
6 Columbia. That's a requirement for an
7 association.

8 So yes, Mr. Holmes, the Association
9 will have an opportunity to provide that
10 information. The ABC Board will review it, and
11 the ABC Board will determine whether or not to
12 grant standing to the Northeast Boundary Civic
13 Association.

14 But, Mr. Holmes, as you said, ANC 7C
15 will continue to work with the residents and with
16 the Association in the resolution of this matter.
17 Did I state all that correctly?

18 MR. HOLMES: That -- that is -- That
19 is correct. That is what I -- yes. Yes, indeed.

20 MS. FLETCHER: The -- any other
21 questions, Ms. Gaffney, before I move to the next
22 step?

23 So the next step is to dismiss the
24 application filed by Dix Market because the
25 Applicant is not here today. So the application

1 is being dismissed.

2 Mr. Holmes, you're going to receive a
3 copy of the -- Ms. Gaffney, you're going to
4 receive a copy of the Board order dismissing the
5 application, and it will also dismiss the
6 Northeast Civic Boundary Association. The
7 Applicant will also have an opportunity to seek
8 reinstatement of the application, explaining to
9 the ABC Board why he or she was not present
10 today.

11 And so what happens next is the Board
12 orders go out, and then we just wait to see, you
13 know, what the Board's response is going to be to
14 any request for reinstatement.

15 Ms. Bulett, did you have any more
16 questions?

17 MS. BULETT: No, I think that's it.

18 MS. FLETCHER: Okay.

19 Ms. Gaffney, what about you?

20 MS. GAFFNEY: Well, I am going to
21 fulfill the request that you made, but I was just
22 wondering, since it comes under ANC as a whole,
23 should we mention -- so we should not have any
24 mention of single-member district and what have
25 you? Just under ANC, and make sure that the

1 organization as a whole is incorporated?

2 MS. FLETCHER: Yeah. And so ANC --
3 yeah. So there's no need to mention the SMD
4 because the SMD didn't file a protest. So you
5 got that part. That's right.

6 MS. GAFFNEY: Okay.

7 MS. FLETCHER: ANC -- as a matter of
8 fact, you don't need to mention ANC 7C either
9 because they've been granted standing as a
10 protestant already. So, basically, you're just
11 going to be speaking on behalf of the Northeast
12 Boundary Civic Association only.

13 MS. GAFFNEY: Okay.

14 MS. FLETCHER: Just -- just providing
15 whatever information that you have that I
16 mentioned. Just provide that information in your
17 letter to the Board. But you don't need to do
18 anything, Ms. Gaffney, until you receive the
19 Board order dismissing the Association, and the
20 Board order will give you ten days to ask for
21 reinstatement of your protest. So then just
22 submit that information within ten days.

23 MS. GAFFNEY: All right.

24 MS. FLETCHER: So is -- is anything --
25 any other questions I can answer for you?

1 MS. GAFFNEY: No. If I think of any,
2 I'll call you.

3 MS. FLETCHER: Okay. Okay. That's
4 good.

5 MS. GAFFNEY: Thank you so much.

6 MS. FLETCHER: Anything -- anything
7 else, Mr. Holmes?

8 MR. HOLMES: Thank you.

9 MS. FLETCHER: Well, thank everybody
10 for coming.

11 MS. GAFFNEY: Thank you.

12 MR. HOLMES: Absolutely.

13 MS. FLETCHER: I will conclude the
14 roll call hearing of Dix Market now, and have a
15 nice day.

16 MS. GAFFNEY: Same to you.

17 MS. FLETCHER: Okay. Bye, everybody.

18 MS. GAFFNEY: Bye-bye.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:13 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Dix Market

Before: DCABRA

Date: 07-12-21

Place: teleconference

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Court Reporter

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