

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

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 IN THE MATTER OF: :
 :
 Foxtrot Retail D.C., LLC :
 t/a Foxtrot :
 1341 14th Street NW : Protest
 Retailer B/CR - ANC 2F : Hearing (Status)
 License No. 120197 :
 License No. 120198 :
 Case #22-PRO-00043 :
 Case #22-PRO-00044 :
 :
 (Application for a :
 New License) :
 -----=

Wednesday
 July 20, 2022

The Alcoholic Beverage Control Board
 met via WebEx videoconference, Chairperson
 Donovan W. Anderson presiding.

PRESENT:
 DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 RAFI ALIYA CROCKETT, Member
 EDWARD S. GRANDIS, Member
 JENI HANSEN, Member
 JAMES SHORT, JR., Member

ALSO PRESENT:

 SARAH FASHBAUGH, DC ABRA Staff
 MICHELLE YAN, ANC 2F

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

2 10:44 a.m.

3 CHAIRPERSON ANDERSON: Good morning.

4 We're on the record.

5 Good morning everyone.

6 As chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia, and in accordance with D. C. Code
9 Section 571 -- Section 2571, SC of the Office
10 of Open Meetings Act, OMA, I am welcoming you
11 to the regularly scheduled meeting of the
12 Alcoholic Beverage Control Board.

13 This meeting is being conducted
14 pursuant to guidance made available by the
15 District of Columbia's Office of Open
16 Government regarding electronic meetings held
17 by public bodies. Electronic meetings by the
18 ABC Board are authorized pursuant to Section
19 2577(a) of the Open meeting -- of the D.C.
20 Code.

21 Pursuant to the OMA requirements,
22 notice of today's meeting was provided 48 hours
23 in advance of the meeting on ABRA's website and
24 on the District's Central Meeting Calendar.

25 The notice includes the time, date,

1 agenda, and call-in or login information for
2 public participation. This electronic meeting
3 is being hosted by a WebEx account provided by
4 the District of Columbia Government. Please
5 address any questions or complaints to the OOG
6 at opengovoffice@dc.gov.

7 My name is Donovan Anderson. I'm
8 chairman of the board.

9 I would like to introduce the other
10 ABC board members who are also participating
11 electronically. Please respond when I announce
12 your name.

13 Mr. James Short.

14 MEMBER SHORT: James Short present.

15 CHAIRPERSON ANDERSON: Ms. Rafi
16 Crockett.

17 MEMBER CROCKETT: Rafi Crockett
18 present.

19 CHAIRPERSON ANDERSON: Ms. Jeni
20 Hansen.

21 MEMBER HANSEN: Jeni Hansen present.

22 CHAIRPERSON ANDERSON: Mr. Edward
23 Grandis

24 MEMBER GRANDIS: (inaudible response.)

25 CHAIRPERSON ANDERSON: The board has

1 five members in attendance for the conduct of
2 business, and that constitutes a quorum.

3 Before we get underway with today's
4 hearing calendar, I need to make a few
5 instructions very clear so that the conduct of
6 these hearings is understood by everyone.

7 There are ten cases scheduled for this
8 morning's calendar. Once your case is called,
9 I will take a moment for IT specialists to
10 elevate the rights for each party to enable
11 their camera and microphone.

12 Then, and only then, will you have the
13 ability to enable your equipment.

14 If your case is not being heard, you
15 will remain mute, and your camera will be
16 disabled.

17 At the conclusion of each case, the
18 parties will have the option to leave. If the
19 party chooses to stay, all cameras and
20 microphones for the concluded case will be
21 disabled.

22 Should you have any questions or
23 require technical assistance during the
24 hearing, please submit them using the question
25 and answer feature.

1 Our first order of business today is a
2 protest hearing status. There are two cases.
3 I'm going to call them consecutively.

4 Case #22-PRO-00044, Foxtrot. License
5 No. 120198 and Case #22-PRO-00043, Foxtrot.
6 License No. 120197.

7 Good morning Ms. Fashbaugh.

8 Can you please elevate the rights of
9 the participants in the two Foxtrot hearings?

10 MS. FASHBAUGH: Michelle Yan, your
11 rights have been elevated.

12 I don't see Sidon Yohannes.

13 MS. YAN: Hello?

14 CHAIRPERSON ANDERSON: Ms. Yan, if you
15 have a camera, can you please turn your camera
16 on? I don't see Ms. Yohannes, or
17 representative of the licensee.

18 I briefly saw you, Ms. Yan.

19 MS. YAN: Is it working now?

20 CHAIRPERSON ANDERSON: Yes. I can see
21 you, thank you. Yes.

22 MS. YAN: Great.

23 CHAIRPERSON ANDERSON: I'm sorry, Is
24 Ms. --

25 Ms. Fashbaugh, have you been able to

1 locate the applicant?

2 MS. FASHBAUGH: I have not seen Sidon
3 Yohannes logged in today.

4 CHAIRPERSON ANDERSON: Ms. Yan, have
5 you had any conversation with Ms. Yohannes?

6 MS. YAN: Yeah. She and I were
7 actually emailing this morning. And I can just
8 give a quick update. We have come to --

9 CHAIRPERSON ANDERSON: Yeah, hold on.
10 Hold on. Hold on one minute please. I'm kind
11 of, aware what is going on, but at the same
12 time I need -- she has to be here because
13 procedurally, there are certain things I have
14 to do procedurally.

15 MS. YAN: Okay. I have not gotten a
16 response from her yet this morning.

17 CHAIRPERSON ANDERSON: So she needs to
18 be here. Yes.

19 Did you say you're going to reach her?
20 Because I have to call these cases, then if
21 she's not here. Then there are certain --

22 MS. YAN: Yeah. Another Commissioner
23 just texted her, but we haven't gotten a reply
24 yet. So if you want to move on to the next
25 case, while we wait?

1 CHAIRPERSON ANDERSON: All right. I'm
2 going to move on to the next case and then I
3 will recall Foxtrot once I -- all right. So
4 let's move on for a minute.

5 (Pause from 10:51 a.m. to 11:12 a.m.)

6 CHAIRPERSON ANDERSON: Let's move back
7 to our protest hearing status. I'm going to
8 recall Case #22-PRO-00044, Foxtrot. License
9 No. 120198 and Case #22-PRO-00043, Foxtrot.
10 License No. 120197.

11 Ms. Faushbaugh, can you please elevate
12 the rights of the parties in the Foxtrot case
13 please.

14 MS. FASHBAUGH: Chairperson, I
15 elevated Michelle Yan. I still do not see
16 Sidon Yohannes.

17 CHAIRPERSON ANDERSON: Okay. Fine.
18 Ms. Yan, are you -- Ms. Yan, can you state your
19 name for the record please?

20 MS. YAN: Yes. Michelle Yan, AMC
21 Commissioner for 2F03. That's M-I-C-H-E-L-L-E
22 Y-A-N.

23 CHAIRPERSON ANDERSON: Okay. Thank
24 you. All right.

25 This matter was scheduled for our

1 protest hearing. These two matters were
2 scheduled for protest hearing at 10:30.
3 Originally scheduled for 10:30. They were on
4 our scheduled for 10:30 and the case was
5 called, Ms. Yan was here when the case was
6 originally called.

7 It is now 11:13. I'm recalling again.
8 I did recall again. The application for a new
9 license for Foxtrot and also -- there are two
10 licenses.

11 The applicant is not here. Both times
12 the cases were called, the licensee did not
13 show. So I'm going to make a motion that the
14 ABC Board dismiss the license application in
15 Case #22-PRO-00044 Foxtrot.

16 The reason why I'm making the motion
17 that the application be dismissed, it is
18 required that the party, either the protestant
19 or the licensee must appear at the roll-call
20 hearing and at the protest status hearing. The
21 applicant has failed to appear at the protest
22 status hearing. And so therefore I'm making
23 the motion that the license application for
24 Caes #22-PRO-00044 Foxtrot be dismissed.

25 Is there a second?

1 MEMBER SHORT: Short. I'll second.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 seconded the motion. We will now have a roll-
4 call vote.

5 Mr. Short.

6 MEMBER SHORT: Mr. Short. I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett.

8 MEMBER CROCKETT: I agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen.

10 MEMBER HANSEN: Jeni Hansen. I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis.

12 MEMBER GRANDIS: (No audible response)

13 CHAIRPERSON ANDERSON: Mr. Grandis and
14 I agree. The matter passes five, zero, zero.
15 What this means is that we're dismissing the
16 application. The licensee however, once the
17 decision is issued, will have 10 days to
18 provide the board with notice why that they
19 failed to appear today.

20 The next case is case #22-PRO-00043
21 Foxtrot. License number 120197. And, again,
22 the licensee failed to appear. I'm making a
23 motion that this protest -- I'm sorry, that the
24 license application be dismissed. Is there a
25 second?

1 Ms. Crockett has seconded the motion.
2 We'll now have a roll-call hearing on the
3 request.

4 Mr. Short.

5 MEMBER SHORT: Mr. Short. I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett.

7 MEMBER CROCKETT: Rafi Crockett. I
8 agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen.

10 MEMBER HANSEN: (No audible response)

11 CHAIRPERSON ANDERSON: Mr. Grandis.

12 MEMBER GRANDIS: Edward Grandis. I
13 agree.

14 CHAIRPERSON ANDERSON: Mr. Grandis and
15 I agree. The matter passes five, zero, zero.

16 Again, the licensee has 10 days to
17 provide notice to the ABC board why is it that
18 they failed to show today.

19 Ms. -- I'm sorry, pronounce your last
20 name again for me, ma'am please?

21 MS. YAN: Yan.

22 CHAIRPERSON ANDERSON: Ms. Yan, it's
23 my understanding that there are some
24 preliminary discussions going on with the
25 party's regarding settlement. The parties can

1 still move forward with that. However, the
2 licensee has to provide a motion to the board
3 for us to reinstate their application if they
4 have to start back.

5 But you can continue to negotiate.
6 And procedurally they have to be here today.
7 If you are not here, I'll will get the same
8 motion. So I do not know whey the licensee or
9 the representative are not here. But that's
10 the decision of the ABC court today and thank
11 you very much, ma'am for you being here.

12 Thank you. Have a great day.

13 MS. YAN: Thank you.

14 (Whereupon at 11:17 a.m. the hearing
15 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: Foxtrot

Before: DC ABRA

Date: 07-20-22

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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