

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

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IN THE MATTER OF:           :
                              :
His & Hers                   :
t/a His & Hers                :
2214 Rhode Island NE        : Roll Call
License #118224              : Hearing
Case #21-PRO-00060           :
Retailer CT - ANC 5C         :
                              :
(Application for a New       :
License)                       :
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Monday  
 August 9, 2021

The Alcoholic Beverage Control Board  
 met via WebEx videoconference, LaVerne Fletcher,  
 Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

- SHEENA ALSTON, Protestant
- DEBRA HEARD, Protestant, Group of Six
- MORRIS HEARD, JR., Protestant, Group of Six
- JEREMIAH MONTAGUE, JR., Protestant, ANC 5C and  
Group of Six
- DAVID SILEK, Ms. Alston's Counsel
- PATIENCE SINGLETON, ANC 4A
- PAUL WINESTOCK, Applicant
- SIDON YOHANNES, Applicant's Counsel

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

2 10:00 a.m.

3 MS. FLETCHER: Good morning, everyone.

4 MS. ALSTON: Good morning.

5 MS. FLETCHER: I would like to thank  
6 everyone for joining ABRA's roll call hearing  
7 vis-a-vis WebEx Platform provided by the D.C.  
8 Office of Open Government. My name is LaVerne  
9 Fletcher. I'll be conducting the roll call  
10 hearings as the Board's agent.

11 I'm going to call the first case on  
12 the calendar. The first case is His & Hers. The  
13 Case No. is 21-PRO-00060, His & Hers, LLC, 2214  
14 Rhode Island Avenue NE, License No. ABRA-118224.  
15 This is a Retailer Class CT New Application. The  
16 protest issues are ABRA's impact on peace, order,  
17 and quiet and parking.

18 Who is present on behalf of the  
19 Applicant? Is anyone present on behalf of His &  
20 Hers?

21 MS. YOHANNES: Good morning.

22 MS. FLETCHER: Good morning. Ms.  
23 Yohannes, you're -- say that one more time? Ms.  
24 Yohannes, you're breaking up very bad. I'm going  
25 to come back to you in a minute. You want to try

1 again, Ms. Yohannes? You're breaking up.

2 MS. YOHANNES: Okay.

3 MS. FLETCHER: You can try again.

4 MS. YOHANNES: Yes. Give me a moment.

5 MS. FLETCHER: Okay.

6 MS. YOHANNES: Is this better?

7 MS. FLETCHER: Yes.

8 MS. YOHANNES: Okay. Sidon Yohannes  
9 on behalf of the Applicant. I can spell my name.

10 MS. FLETCHER: Yes.

11 MS. YOHANNES: That is S-I-D-O-N Y-O-  
12 H-A-N-N-E-S. I also have the Applicant here. It  
13 may be difficult to hear him but I'll let him  
14 introduce himself.

15 MS. FLETCHER: If you would state your  
16 name and spell it for the record, please.

17 MR. WINESTOCK: Paul Winestock, P-A-U-  
18 L W-I-N-E-S-T-O-C-K.

19 MS. FLETCHER: Okay. Thank you very  
20 much.

21 The first thing I want to do is deal  
22 with the fact that the stipulated license that  
23 was issued to the Applicant will now have to be  
24 revoked. On May 26, 2021 the Board issued a  
25 stipulated license to the Applicant based on the

1 support of the ANC which is fine unless a valid  
2 protest is filed within the protest period. A  
3 valid protest was filed by a group of individuals  
4 which we'll get to in a moment. The stipulated  
5 license is revoked. Any questions about that,  
6 Mr. Winestock or Ms. Yohannes?

7 MS. YOHANNES: Yes. Can we clarify in  
8 terms of the date in which the revocation is  
9 going to occur? Will --

10 MS. FLETCHER: Right now. Right now.

11 MS. YOHANNES: Will there be an order  
12 issued to that effect?

13 MS. FLETCHER: Yes.

14 MS. YOHANNES: Okay.

15 MS. FLETCHER: That's the only  
16 question, Ms. Yohannes?

17 MS. YOHANNES: Well, I'm assuming  
18 we're going to get to the protest and the  
19 validity of the protest?

20 MS. FLETCHER: We'll get to that next.  
21 I wanted to deal with this first.

22 MS. YOHANNES: Well, I will -- in  
23 terms of whether or not a Group of Five  
24 conditional standing is going to be granted or  
25 not. I think that's important in the

1 determination.

2 MS. FLETCHER: Well, it is important.  
3 Absolutely it's important.

4 MS. YOHANNES: I will just say that if  
5 there is conditional standing granted, I would  
6 request that we wait for the Board to make a  
7 determination.

8 MS. FLETCHER: Let's see what happens  
9 when we get to that, Ms. Yohannes. We'll see  
10 what happens beyond this point.

11 The next issue is the protest filed by  
12 Sheena Alston. Is Ms. Alston present?

13 MS. ALSTON: Yes, I am.

14 MS. FLETCHER: Hi, Ms. Alston. Would  
15 you please state your name and spell it for the  
16 record?

17 MS. ALSTON Yes, ma'am. It's Sheena  
18 Alston, S-H-E-E-N-A A-L-S-T-O-N.

19 MS. FLETCHER: Thank you very much.  
20 Ms. Alston, you filed a protest against the  
21 amended application filed by Mr. Winestock. You  
22 and Mr. Winestock are members of the LLC?

23 MS. ALSTON: That is correct.

24 MS. FLETCHER: And your protest is  
25 pretty much based on the fact that Mr. Winestock

1 filed an amended application that you were not in  
2 agreement with?

3 MS. ALSTON: Correct. It was -- I was  
4 unaware of it also.

5 MS. FLETCHER: Okay. That is not a  
6 basis upon which you can actually file a protest,  
7 Ms. Alston. One, a member of an LLC cannot file  
8 a protest against another --

9 MR. SILEK: Um --

10 MS. FLETCHER: Who is speaking,  
11 please?

12 MR. SILEK: My name is David Silek.  
13 I'm counsel for Ms. Alston.

14 MS. FLETCHER: Oh, thank you, Mr.  
15 Silek. Would you please state your name one more  
16 time and spell it for the record?

17 MR. SILEK: David Silek, S-I-L-E-K.

18 MS. FLETCHER: Uh-huh.

19 MR. SILEK: Because she is a party to  
20 the initial application, I think it's a mistake  
21 to say that she cannot object to an amendment to  
22 that. Under the operating agreement for Him &  
23 Her, LLC they are co-managers. Therefore, it  
24 requires both members to act.

25 The initial application had both

1 members. He then filed the amended application  
2 without her consent or approval, or even  
3 knowledge. I'm sorry, His and Hers, excuse me.  
4 Therefore, she is a proper party to objecting and  
5 to withdraw any application as a co-manager.  
6 Under the operating agreement, which we provided  
7 to you, it requires both of them to act, not just  
8 one.

9 MS. FLETCHER: I actually understand  
10 what you mean, Mr. Silek. That's just not a  
11 basis upon which to file a protest against an  
12 application. There may be some other process  
13 that you can follow or you may petition the ABC  
14 Board.

15 MS. SINGLETON: This is Patience  
16 Singleton from ANC-4A. I'm having trouble with  
17 WebEx. I just want you to know that I'm on.  
18 Sorry about that.

19 MS. FLETCHER: Okay. Who is that  
20 again?

21 MS. SINGLETON: Patience Singleton.  
22 I'm in 4A-04.

23 MS. FLETCHER: Okay. Thank you --

24 MS. SINGLETON: I had trouble getting  
25 into WebEx so I'm on the phone for now.

1 MS. FLETCHER: Okay. Thanks for  
2 letting me know.

3 MR. SILEK: I was called back into  
4 court. I'm at the courthouse right now. I'm  
5 being called back into the courtroom.

6 MS. FLETCHER: Okay.

7 MR. SILEK: However, my client has  
8 been told what she needs to say. When I get out  
9 of court, I will Zoom back in or call back in.

10 MS. FLETCHER: Okay.

11 MR. SILEK: Thank you.

12 MS. FLETCHER: Okay. You're welcome.

13 Ms. Alston, your protest has to be  
14 dismissed for the reason that I stated. However,  
15 you will receive a Board order dismissing your  
16 protest for the reason that I just stated. You  
17 will have 10 days to seek reinstatement of your  
18 protest. Explain to the Board why you think you  
19 should be considered a protestant. You will have  
20 an opportunity to tell the Board why you think  
21 you should be.

22 MS. ALSTON: Yes, ma'am. So am I  
23 staying on the call?

24 MS. FLETCHER: You can if you like to  
25 see how -- what happens beyond this point.



1 MS. ALSTON: Thank you.

2 MS. FLETCHER: Feel free to hang up at  
3 any point. I'm just going to move on to the next  
4 protestant and you'll get to see what happens  
5 next.

6 MS. ALSTON: Yes, ma'am.

7 MS. FLETCHER: We also have a protest  
8 filed by a Group of Six individuals. Is anyone  
9 present from the Group of Six?

10 MR. MONTAGUE: Yes.

11 MS. FLETCHER: If you could state your  
12 name and spell it for the record, please.

13 MR. MONTAGUE: Jeremiah Montague, Jr.,  
14 J-E-R-E-M-I-A-H, Montague, M-O-N-T-A-G-U-E, Jr.

15 MS. FLETCHER: Thank you, Mr.  
16 Montague. Is anyone else present from your group  
17 today?

18 MR. MONTAGUE: I see Mr. and Ms.  
19 Heard.

20 MS. HEARD: Great morning. My name is  
21 Debra Heard.

22 MS. FLETCHER: Thank you, Ms. Heard.  
23 Would you spell your name for the record, please?

24 MS. HEARD: Absolutely. Debra is  
25 spelled D-E-B-R-A. My last name is Heard like I

1 Heard it Through the Grapevine, H-E-A-R-D.

2 MS. FLETCHER: Thank you.

3 Anyone else?

4 MR. HEARD: Morris Heard, Jr.

5 MS. FLETCHER: Mr. Heard, if you would  
6 spell your name for the record as well.

7 MR. HEARD: Yes. M-O-R-R-I-S H-E-A-  
8 R-D, Jr.

9 MS. FLETCHER: Thank you. Anyone else  
10 present from the Group of Five?

11 MR. MONTAGUE: I can't tell, Ms.  
12 Fletcher.

13 MS. FLETCHER: That's okay. That's  
14 all right. I've counted three individuals  
15 present from the Group of Five today. What that  
16 means is that the group is granted conditional  
17 standing today. An additional two people will  
18 need to appear for the status hearing that are  
19 not present today. Otherwise, the Board may  
20 dismiss the protest of the Group of Five. Does  
21 the Group of Five have a designated  
22 representative?

23 MR. MONTAGUE: Myself, Mr. Montague.

24 MS. FLETCHER: Mr. Montague, you're  
25 the designated representative?

1 MR. MONTAGUE: Yes, I am.

2 MS. FLETCHER: Mr. and Ms. Heard, is  
3 that okay with you?

4 MR. HEARD: Yes.

5 MS. FLETCHER: Okay. Thank you.

6 Do you have any questions, the Group  
7 of Five, related to the requirement to bring an  
8 additional two people to the upcoming status  
9 hearing?

10 MR. MONTAGUE: No, not at all.

11 MS. FLETCHER: Thank you.

12 MR. MONTAGUE: Ms. Fletcher, I did --  
13 well --

14 MS. FLETCHER: What was that?

15 MR. MONTAGUE: I was trying to decide  
16 if I had an additional question.

17 MS. FLETCHER: And who is speaking?

18 MR. MONTAGUE: Mr. Montague.

19 MS. FLETCHER: Okay. Go ahead, Mr.  
20 Montague.

21 MR. MONTAGUE: So the ANC did not have  
22 the opportunity to meet prior to the protest  
23 deadline so the ANC is not a party to this  
24 protest. Right?

25 MS. FLETCHER: The ANC did not file a

1 protest. That's correct.

2 MR. MONTAGUE: Okay. For the record  
3 I just wanted that said.

4 MS. FLETCHER: Yes. The ANC did not  
5 file a protest so they are not a protestant in  
6 this matter.

7 Ms. Yohannes, to address your concern  
8 a moment ago related to whether or not the  
9 stipulated license should be revoked if the group  
10 is granted additional standing, I'm not aware of  
11 any provision that would require this license to  
12 not be revoked with the conditional standing of a  
13 group. The stipulated license is revoked. Ms.  
14 Yohannes, you know what to do. You can petition  
15 the ABC Board to reconsider.

16 MS. YOHANNES: I'm sorry. You said I  
17 could petition the Board?

18 MS. FLETCHER: The stipulated license  
19 is being revoked because a valid protest has been  
20 filed. Conditional standing was granted. You  
21 mentioned earlier your thinking is that if  
22 conditional standing is granted, that the license  
23 would not be revoked. I'm not aware of any such  
24 stipulation and so the stipulated license is  
25 revoked. You may petition the ABC Board to

1 reconsider that decision.

2 MS. YOHANNES: Sure. I'll just say,  
3 for the record, that currently a protest has been  
4 filed but there is not a Group of Five --

5 MS. FLETCHER: I understand. I  
6 understand 100 percent.

7 MS. YOHANNES: -- to move forward to  
8 file that. However, I also want to pose a  
9 question in terms of if an agreement is reached,  
10 can you indicate how, or tell the parties how  
11 that will affect the decision today?

12 MS. FLETCHER: Yes. If there is an  
13 agreement reached between the ANC and the  
14 Applicant, the Group of Five would be dismissed.

15 MS. YOHANNES: And what does that do,  
16 if anything, to the stipulated license?

17 MS. FLETCHER: Well, if you enter into  
18 a settlement agreement, once the Board approves  
19 it, then the license is issued.

20 MS. YOHANNES: Correct. I'm just  
21 worried about those two days and that period of  
22 time until the Board officially signed off on the  
23 agreement.

24 MS. FLETCHER: Yeah. So what you can  
25 do about that, if you want to know what the Board

1 will do about that, Ms. Yohannes, I recommend  
2 that you contact April Randall. You know Ms.  
3 Randall, yes? I'm going to spell Randall for the  
4 record. It's April like the month, R-A-N-D-A-L-  
5 L, April Randall, the Assistant General Counsel.  
6 If you know what would happen during that two-day  
7 period, Ms. Randall can help you out with that.

8 MS. YOHANNES: That is helpful. Thank  
9 you.

10 MS. FLETCHER: You are very welcome.  
11 Any other questions about His & Hers?

12 Mr. Montague, do you understand that  
13 if the ANC enters into a settlement agreement  
14 with the Applicant that the protest filed by the  
15 Group of Six would have to be dismissed?

16 MR. MONTAGUE: Yes.

17 MS. FLETCHER: Okay.

18 MR. MONTAGUE: All of the members were  
19 made aware of that.

20 MS. FLETCHER: Okay. Thank you.

21 MR. MONTAGUE: May I ask one more  
22 question?

23 MS. FLETCHER: Yes.

24 MR. MONTAGUE: With the stipulated  
25 license having been revoked, that means there's

1 no liquor sales until another activity occurs.

2 Right?

3 MS. FLETCHER: Yeah. So once the  
4 stipulated license is revoked, that means that  
5 the Applicant no longer is able to sell alcoholic  
6 beverages.

7 MR. MONTAGUE: Thank you.

8 MS. FLETCHER: You are very welcome.  
9 In light of the fact that conditional standing  
10 has been granted to a group of five, we will  
11 still need to schedule a date for mediation and  
12 I'll still need to give you a date for a status  
13 hearing and a protest hearing.

14 MR. MONTAGUE: Understood.

15 MS. FLETCHER: The status hearing is  
16 scheduled for August 18, 2021 at 10:30 a.m.  
17 That's the status hearing.

18 MR. MONTAGUE: Okay.

19 MS. FLETCHER: The protest hearing is  
20 scheduled for October 6, 2021 at 1:30. That's  
21 for the protest hearing. October 26 at 1:30.

22 MR. MONTAGUE: Thank you.

23 MS. FLETCHER: You're welcome.

24 MR. MONTAGUE: And the mediation?

25 MS. FLETCHER: I'm going to give you

1 the next available day for mediation. We can do  
2 it this week if you wanted to do it this week.  
3 We can do it on Friday the 13th. Otherwise,  
4 we'll move to -- you may want to move until after  
5 -- let me put it this way. We can do it on the  
6 13th, 17th, or 19th.

7 MS. YOHANNES: I believe we have  
8 something that's pretty much almost complete so  
9 the sooner the better in terms of scheduling this  
10 mediation and facilitating communications between  
11 the parties the better.

12 MS. FLETCHER: Well, if -- Ms.  
13 Yohannes, we can do it on Wednesday the 11th.

14 MS. YOHANNES: That would work.

15 MS. FLETCHER: Mr. Montague --

16 MS. ALSTON: I have a question.

17 MS. FLETCHER: Yes, Ms. Alston.

18 MS. ALSTON: So because I am a member  
19 of the business and on the license, am I part of  
20 the mediation and all these other scheduled  
21 dates?

22 MS. FLETCHER: Well, you're a member  
23 of the LLC.

24 MS. ALSTON: I'm also on the liquor  
25 license.



1 MS. FLETCHER: Yeah. And so you -- at  
2 some point you and Mr. Winestock filed the  
3 application together?

4 MS. ALSTON: Correct.

5 MS. FLETCHER: And then beyond a  
6 certain point you weren't in agreement with the  
7 amendment. If our records reflect --

8 MS. ALSTON: No, the amendment was  
9 filed fraudulently. The amendment was made  
10 without my name on it as if he was the sole owner  
11 and that's not the case.

12 MS. FLETCHER: So that does not  
13 preclude the fact that you're still a member of  
14 the LLC.

15 MS. ALSTON: Correct.

16 MS. FLETCHER: Right. And so you also  
17 are considered an applicant.

18 MS. ALSTON: Thank you.

19 MS. FLETCHER: Thanks for checking on  
20 that.

21 MS. ALSTON: Um-hum.

22 MS. FLETCHER: Mr. Montague, are you  
23 available on Wednesday, August 11th?

24 MR. MONTAGUE: I will make myself  
25 available.

1 MS. FLETCHER: Do you have a  
2 preference in terms of time? Anytime is good on  
3 this end. We can do it anytime beginning at 9:00  
4 a.m. up until 2:00 on Wednesday the 11th.

5 MR. MONTAGUE: Is 10:00 a.m. okay?

6 MS. FLETCHER: Good on this end.

7 MS. YOHANNES: That works for us.

8 MS. FLETCHER: 10:00?

9 MS. YOHANNES: Yes.

10 MS. FLETCHER: Okay. Mediation is set  
11 for Wednesday, August 11 at 10:00. I'll send you  
12 out the mediation invitation.

13 Mr. Heard and Ms. Heard, are you also  
14 going to attend the mediation or is Mr. Montague  
15 going to attend on behalf of the group?

16 MS. HEARD: Mr. Montague -- Morris,  
17 what do you think?

18 MR. HEARD: Yeah, Mr. Montague can  
19 attend on our behalf.

20 MS. FLETCHER: Okay. Well, then, Mr.  
21 Montague, you will receive the mediation  
22 invitation. I'll see you on Wednesday, August  
23 11th, at 10:00.

24 MS. ALSTON: One other question, Ms.  
25 Fletcher.

1 MS. FLETCHER: Ms. Alston. I'm just  
2 stating your name for the record. Go ahead.

3 MS. ALSTON: What is the purpose of  
4 mediation?

5 MS. FLETCHER: The purpose of the  
6 mediation is to try to resolve the protest issues  
7 as an alternative to going to a protest hearing.  
8 There is a protest hearing scheduled in October.  
9 If the parties are able to resolve the protest  
10 issues in a mutually acceptable way, then you  
11 would not have to attend a protest hearing.

12 MS. ALSTON: Okay.

13 MS. FLETCHER: At the protest hearing  
14 the Board would hear testimony from all the  
15 parties and make a decision about whether or not  
16 to issue the license.

17 MS. ALSTON: Okay.

18 MR. MONTAGUE: Ms. Fletcher, this is  
19 Mr. Montague, let me ask you for the record one  
20 more thing. Although -- let's say there's an  
21 agreement intervening, which would remove the  
22 Group of Five or more as protestants, the fact  
23 that that occurred, does the Board still consider  
24 other concerns that it had regarding the license  
25 before it awards the license?

1 MS. FLETCHER: You know, ideally if  
2 there's an agreement with the ANC and the Group  
3 of Five is dismissed, ideally the agreement with  
4 the ANC would address the concerns of the  
5 community.

6 MR. MONTAGUE: But in the fact finding  
7 hearing that was conducted about the May 4th  
8 investigation, the Board raised concerns and  
9 expressed its concerns to Mr. Winestock about  
10 certain issues related to the license.

11 MS. FLETCHER: Anything that occurred  
12 during the fact finding hearing has no barring on  
13 the roll call hearing.

14 MR. MONTAGUE: Okay.

15 MS. YOHANNES: I would say for the  
16 record, Mr. Montague, we are happy to have  
17 discussions regarding any concerns that you or  
18 other residents have.

19 MR. MONTAGUE: No, I'm raising the  
20 concern that the Board raised, although Ms.  
21 Fletcher said that it has no barring. There were  
22 two specific issues or directives --

23 MS. FLETCHER: Mr. Montague, just so  
24 that you know, the roll call hearing is not the  
25 time to raise those issues.

1 MR. MONTAGUE: Those issues. Okay.

2 MS. FLETCHER: Just FYI.

3 MR. MONTAGUE: I'm good, Ms. Fletcher.

4 MS. FLETCHER: Okay. Thank you very  
5 much. Anything else?

6 MR. MONTAGUE: Just we are where we  
7 are.

8 MS. FLETCHER: Okay. Well then, I  
9 will see you on --

10 MR. MONTAGUE: The 11th.

11 MS. FLETCHER: -- Wednesday August  
12 11th at 10:00.

13 MR. MONTAGUE: Yes, ma'am.

14 MS. FLETCHER: Thank you all for  
15 coming.

16 MS. YOHANNES: Thank you.

17 MS. FLETCHER: Thank you, Ms. Alston.  
18 Thank you everybody.

19 (Whereupon, the above-entitled matter went  
20 off the record at 10:24 a.m.)

21

22

23

24

25

**A**

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