

IN THE MATTER OF:	:	
	:	
Sophie DC, Inc.,	:	
t/a B&B	:	
1447 Maryland Avenue NE	:	Protest (Status)
Retail B - ANC 6A	:	Hearing
License No. 132583	:	
Case #25-PRO-00075	:	
	:	
(Application for a new	:	
License)	:	

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

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member

JOSE ORELLANA, DC ABCA Staff
DANIEL ABOAGYE, Protestant
VENES ZEBENAY, Applicant

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

2 11:12 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case number 25-PRO-00075, B&B,
5 License number 132583. Mr. Orellana, can you
6 please elevate the rights of the parties in this
7 case?

8 MR. ORELLANA: Sure thing. Daniel
9 Aboagye, access elevated. And that appears to be
10 all, Chairman.

11 CHAIRPERSON ANDERSON: Is Mr. Jackson
12 available? Can you see if you find Mr. Jackson?

13 MR. ORELLANA: Yes. Checking in the
14 chat. No update, Chairman.

15 CHAIRPERSON ANDERSON: Okay, fine.
16 All right. Let's, Mr. Aboagye, I apologize, sir.
17 Can you please spell and state your name for the
18 record? And who do you represent, sir?

19 MR. ABOAGYE: Sure. Good morning,
20 Chairman and Members of the Board. This is
21 Daniel Aboagye. And that's spelled D-A-N-I-E-L,
22 A-B-O-A-G-Y-E.

23 CHAIRPERSON ANDERSON: And who do you
24 represent, sir?

25 MR. ABOAGYE: And I represent the

1 group of five, the protestants.

2 CHAIRPERSON ANDERSON: Were you
3 expecting Mr. Jackson here this morning?

4 MR. ABOAGYE: I believe that he had
5 mentioned yesterday during the mediation hearing
6 that he has jury duty today. But he did mention
7 that he expected the applicant to be here,
8 because of that. So I'm not sure if the
9 applicant is here.

10 CHAIRPERSON ANDERSON: All right.
11 Who's the applicant?

12 MR. ABOAGYE: Ms. Zebenay.

13 CHAIRPERSON ANDERSON: Mr., oh
14 there's, Ms. Zebenay, okay, is online.

15 MR. ORELLANA: Venes Zebenay.

16 CHAIRPERSON ANDERSON: Okay. Ma'am,
17 can you come on camera, please? Please unmute
18 yourself and come on camera.

19 MR. ORELLANA: I just sent them a
20 request to unmute.

21 CHAIRPERSON ANDERSON: Thank you.

22 MR. ORELLANA: It appears they're on
23 a mobile device, and they may be away,
24 essentially.

25 CHAIRPERSON ANDERSON: All right.

1 I'm --

2 MS. ZEBENAY: Hello.

3 CHAIRPERSON ANDERSON: I'm sorry.

4 Can you please spell and state your name for the
5 record, ma'am?

6 MS. ZEBENAY: Okay. Good morning.
7 My name is Venes, V-E-N-E-S, Z-E-B-E-N-A-Y.

8 CHAIRPERSON ANDERSON: And what is
9 your relationship to this case, ma'am?

10 MS. ZEBENAY: It's the owner of the
11 application.

12 CHAIRPERSON ANDERSON: Okay. Good
13 morning, ma'am.

14 MS. ZEBENAY: Good morning.

15 CHAIRPERSON ANDERSON: All right.
16 Are there any preliminary matters that you need
17 to bring to the attention of the Board?

18 MR. ABOAGYE: Mr. Chair, I would like
19 to bring up a preliminary matter. During the
20 mediation hearing yesterday there was an
21 irregularity that brought some concerns to the
22 surface for us as protestants.

23 An individual named Mr. Windin
24 Demissay was participating in the mediation as
25 the interpreter for Ms. Zebenay. That individual

1 however is not trained as a professional
2 interpreter.

3 They are in fact the owner of the
4 building in which the business is going to
5 operate out of. And based on the way that the
6 mediation was conducted we were not confident
7 that they were acting in the role of a
8 translator.

9 It seemed as if at times they were
10 speaking quite obviously for themselves. And
11 they have sort of a direct interest in the
12 outcome of this protest. In particular the
13 management and operation of the business.

14 And we're not sure what the
15 relationship between those two individuals is,
16 and the companies that they represent, and that
17 being at Sophie DC, Inc. and 1447, LLC.

18 Given that conflict of interest that
19 seems to exist there we don't feel that it was
20 appropriate for him to act as the translator for
21 that mediation session.

22 We didn't get the sense that our
23 words were being communicated to the applicant in
24 part. We never saw, we never heard rather him
25 actually do that.

1 We, in fact on several exchanges that
2 were clearly him interjecting his own opinions
3 into the discussion, and sort of steering the
4 discussion based on his own interests.

5 That raises for us concerns related
6 to DC 25.301 and 302, which is just that all
7 parties that have a financial interest or
8 substantial operational control in this business
9 should be disclosed on the application.

10 CHAIRPERSON ANDERSON: All right.

11 MR. ABOAGYE: And we're not confident
12 that that has happened in this case. And so for
13 procedural purposes we would like to see, we
14 would like to move for the Board to compel a
15 disclosure of the operational and management, and
16 management and ownership interests in this case,
17 the full disclosure thereof --

18 CHAIRPERSON ANDERSON: Okay.

19 MR. ABOAGYE: -- in order to get that
20 on the record.

21 CHAIRPERSON ANDERSON: All right.

22 Hold on one minute, please, sir. We provide
23 translation services to anyone who asks. If the
24 Licensee has not requested from us that she needs
25 a translator the Government cannot provide a

1 translator.

2 The Licensee can, if they, they can
3 designate whoever they believe that they want to
4 speak for them. So that is not something that
5 the Board can get into, sir. So if they're --

6 MR. ABOAGYE: But it's not -- Sorry.
7 Go ahead.

8 CHAIRPERSON ANDERSON: But I'm just
9 saying, you're stating that it's your opinion
10 that whoever was translating for her wasn't
11 translating appropriately.

12 MR. ABOAGYE: But --

13 CHAIRPERSON ANDERSON: Because you --
14 But I just want to, let me -- We provide
15 translation services to everyone who asks. If
16 the Licensee hasn't, if the Licensee, if they
17 don't request from us that they need a translator
18 the Board cannot do that because we believe that
19 English is not their, because we believe that
20 English, excuse me, because we believe that
21 English is not their first language, so they
22 require translation services.

23 So the Board cannot get, the Board,
24 that's not an issue that we can address, sir.

25 MR. ABOAGYE: Sure, yes. That's not

1 --

2 CHAIRPERSON ANDERSON: And I know
3 we're having this conversation. I don't know if
4 she understands. I was, it's my understanding
5 that she has a representative, who is Mr. Jeff
6 Jackson who is not here today because the, based
7 on representation that he's on jury duty.

8 So I hear what you're saying, sir.
9 But that's not an issue that this Board can, we
10 cannot respond to.

11 MR. ABOAGYE: Sure. And we're not
12 asking at all to respond to the issue of the
13 interpretation services.

14 What we're asking for is a full
15 disclosure of the financial interest and the
16 ownership interest in this business under DC
17 25.301 and 302, which is something that the Board
18 has an interest in, that all parties are
19 disclosed that have a significant financial or
20 managerial operational control over this
21 business. We don't --

22 CHAIRPERSON ANDERSON: Well that's
23 not what the, the law requires that if you, at
24 least in alcohol matters if you own more than ten
25 percent you have to be on the license.

1 If you're, if you don't own more than
2 ten percent of the business then there's no
3 requirement for you to be on, listed on the
4 license, sir.

5 So I don't know. You're saying
6 someone else that -- All we can go by is the
7 application. The application itself lists who
8 the owners are.

9 MR. ABOAGYE: So in the matter of S&G
10 Wine and Liquors, which this Board moved pretty
11 decisively on in 2021, which actually happened to
12 deal with this same individual, Windin Demissay,
13 in which a cease and desist order was issued that
14 stopped all operations for a business that the
15 Board determined through their investigation that
16 he was operating.

17 Although he was, as an owner of
18 controller of the business despite not being the
19 applicant. And even referred that order for, to
20 the Attorney General for prosecution. And that
21 was just in 2021.

22 In that case the Board I think held
23 pretty strongly that based on DC 25.301 and 302
24 that it is in the interest of the procedural
25 integrity of the licensing process that all

1 parties be disclosed that have an ownership
2 interest in the business, and that the law
3 provides for that.

4 CHAIRPERSON ANDERSON: Well I think
5 what you're, I'm not, off the top of my head,
6 sir, I'm not familiar with the case. But I --

7 MR. ABOAGYE: I can --

8 CHAIRPERSON ANDERSON: There is no
9 evidence -- Listen, listen, listen, sir. There's
10 no evidence here that the individual that you are
11 referencing is operating, or has presented him or
12 herself to the Board as the owner of the
13 establishment.

14 MR. ABOAGYE: We have that evidence -
15 -

16 CHAIRPERSON ANDERSON: But this is
17 not the forum for that. We have the owner. I
18 mean, we have the owner, we have Ms. Zebenay here
19 as the owner. She has presented herself as the
20 owner.

21 And if you believe that she is not
22 the owner that's something that either you file a
23 formal complaint. But that's not an issue that
24 we, and this, that's not an issue that can be
25 addressed here at this juncture in a protest

1 hearing, sir.

2 MR. ABOAGYE: And we totally
3 understand that. What we will ask is that we
4 plan to submit a supplementary protest filing.
5 And with that to also include a motion to compel
6 disclosure.

7 I think that both of those things are
8 processes that exist, that the Board can take
9 action on. And so we understand that that won't
10 happen today at this hearing. But we have those
11 documents.

12 And we're prepared to file them with
13 the Board, as well as exhibits that provide
14 supporting evidence for this, for these
15 allegations.

16 Because there is substantial evidence
17 that suggests that this is something the Board
18 should look into, and something the Board has
19 looked into in the past and found evidence of
20 wrongdoing.

21 CHAIRPERSON ANDERSON: All right.
22 Ms. Zebenay, is there anything, you don't have to
23 respond to what was just said, ma'am. But I'd
24 asked for preliminary matters. Did you have any
25 preliminary matters you want to bring to the

1 attention of the Board? Ms. Zebenay?

2 MS. ZEBENAY: Yes.

3 CHAIRPERSON ANDERSON: I guess, do
4 you have any preliminary matters you need to
5 bring to the attention of the Board?

6 MS. ZEBENAY: No.

7 CHAIRPERSON ANDERSON: All right.
8 Just as an FYI, you cannot, you can't, you cannot
9 add more protest grounds. The, you can file a
10 complaint. But you can't add more protest
11 grounds.

12 You had, once the matter is placarded
13 you have a, you had a finite period of time to
14 file a protest on, you had specific grounds to
15 file the protest. And --

16 MR. ABOAGYE: We're actually, we're
17 trying to do that under DC 25.433.

18 CHAIRPERSON ANDERSON: I know. But
19 you can't. I'm just saying generally you can
20 file whatever, you can file a motion. And the
21 Board will review the motion and make a
22 determination whether or not to accept that
23 motion. Okay. That's all I want to say.

24 MR. ABOAGYE: That's a --

25 CHAIRPERSON ANDERSON: All right.

1 MR. ABOAGYE: And we plan to do that
2 within the Code that is provided by the Agency.
3 We totally understand that.

4 CHAIRPERSON ANDERSON: All right.
5 That's fine. This matter, if this matter goes to
6 a protest, this matter is schedule for protest on
7 September 17th at 1:30 p.m.

8 I just want to advise the parties
9 that seven days prior to the hearing the parties
10 are required to file a PIP.

11 Failure by either side to disclose
12 the documents and witnesses that they will rely
13 upon at the hearing, the Board is empowered to
14 prevent that side from relying on those
15 documents.

16 All right. I want to let Ms. Zebenay
17 know, if you require a translator at the hearing,
18 please make a formal request in writing to the
19 Board, to the Agency, that you need a
20 translation, someone to interpret for you, and
21 what language. Okay, ma'am?

22 MS. ZEBENAY: Okay.

23 CHAIRPERSON ANDERSON: All right. So

24 --

25 MS. ZEBENAY: Yes.

1 CHAIRPERSON ANDERSON: -- if this
2 matter's not settled, then this hearing is
3 scheduled for September 17th at 1:30 p.m. Okay?

4 MR. ABOAGYE: Okay. Thank you.

5 CHAIRPERSON ANDERSON: All right.
6 Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 11:27 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 was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.

Michael Morris

Michael Morris

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