

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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 MEETING

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IN THE MATTER OF:           :
                             :
Hillview Market, LLC       :
t/a Indigo Chapter 2       :
2324 North Capitol         :
Street NW                  : Protest
Retailer CR - ANC 5E       : Hearing (Status)
License No. 128552         :
Case #24-PRO-00084        :
                             :
(Application for a         :
New License)               :
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Wednesday
 September 11, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 SILAS GRANT, JR., Member
 JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
 MANALLE MAHMOUD, Applicant Representative
 KARLA LEWIS, ANC 5E
 EVELYN BROWN, Protestant
 RICHARD SMITH, Protestant
 KIRBY VINING, Protestant
 MICHAEL MENDELSON
 MALINI TOLAT

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

2 (10:52 a.m.)

3 CHAIRPERSON ANDERSON: We're on the
4 record. Good morning. As Chairperson of the
5 Alcoholic Beverage and Cannabis Board for the
6 District of Columbia, and in accordance with D.C.
7 Code Section 2571, et. seq., of the Open Meetings
8 Act, OMA, I am welcoming you to the regular
9 scheduled meeting of the Alcoholic Beverage and
10 Cannabis Board.

11 This meeting is being conducted
12 pursuant to guidance made available by the
13 District of Columbia's Office of Open Government
14 regarding electronic meetings held by public
15 bodies. The electronic meetings by the ABC Board
16 are authorized pursuant to Section 257A of the
17 D.C. Code. Pursuant to the OMA requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on ABCA's website and
20 on the District's central meeting calendar. The
21 notice included time, date, agenda, and call in
22 or log in information for public participation.

23 This electronic meeting is being
24 hosted by a Webex account provided by the
25 District of Columbia government. Please address

1 any questions or complaints to the OOG at
2 opengovoffice@dc.gov.

3 My name is Donovan Anderson. I am
4 Chairperson of the Board. I would like to
5 introduce the other members of the ABC Board who
6 are also participating electronically. Please
7 respond when I announce your names. Mr. James
8 Short.

9 MEMBER SHORT: Mr. James Short,
10 present.

11 CHAIRPERSON ANDERSON: Mr. Silas
12 Grant.

13 MEMBER GRANT: Mr. Silas Grant,
14 present.

15 CHAIRPERSON ANDERSON: The Board has
16 three members in attendance for the conduct of
17 business today, and that constitutes a quorum.
18 Before we get underway with today's hearing
19 calendar I need to make out the instructions very
20 clear so that the conduct of these hearings is
21 understood by everyone.

22 There are ten cases scheduled for
23 today. Once your case is called I will take a
24 moment for IT specialist to elevate the rights
25 for each party and to enable their camera and

1 microphone, then and only then will you have the
2 ability to enable your equipment. If your case
3 has not been heard you will remain mute and your
4 camera will be disabled. At the conclusion of
5 each case the parties will have the option to
6 leave. If the party chooses to stay all cameras
7 and microphones of the concluded case will be
8 disabled. Should you have any questions or
9 require technical assistance during the hearing
10 please submit them using the question and answer
11 feature.

12 I just want to apologize to the public
13 for not starting on time today, our
14 administrative calendar ran long this morning, so
15 I do apologize for our late start. All right.
16 So our first order of business today is a protest
17 hearing status, Case Number 24-PRO-00084, Indigo
18 Chapter 2, License Number 128552. Good morning,
19 Mr. Orellana, can you please elevate the rights
20 of the parties in this case?

21 MR. ORELLANA: Morning. Manalle
22 Mahmoud, your access has been elevated. Sorry,
23 wrong person. Manalle Mahmoud, your access has
24 been elevated. Once second.

25 (Pause.)

1 MR. ORELLANA: One second, everyone.
2 Kirby Vining -- oh, gees everyone, I am having
3 technical difficulties. There we go. Kirby
4 Vining, your access has been elevated, Michael
5 Mendelson, your access has been elevated, Evelyn
6 Brown, your access has been elevated, Richard
7 Smith, your access has been elevated, Malini
8 Tolat (phonetic), your access has been elevated.
9 That appears to be all Chairman.

10 CHAIRPERSON ANDERSON: Good morning.
11 All right. Okay. Good morning, Ms. Mahmoud, can
12 you spell and state your name for the record?

13 MS. MAHMOUD: Mr. Chairman, members of
14 the Board, Manalle Mahmoud, M-A-N-A-L-L-E, M-A-H-
15 M-O-U-D.

16 CHAIRPERSON ANDERSON: Good morning,
17 ma'am, and who do you represent?

18 MS. MAHMOUD: I am here on behalf of
19 the applicant, Hillview Market, LLC, trading as
20 Indigo Chapter 2.

21 CHAIRPERSON ANDERSON: Let me ask you
22 a quick question, ma'am. How many protestants
23 are in this case?

24 MS. MAHMOUD: We have four parties in
25 total protesting, two groups of five or more v.

1 Bloomingdale Civic Association and ANC 5E.

2 CHAIRPERSON ANDERSON: Okay. Hold on
3 a minute. Okay. All right. So who is
4 representing the ANC, and who is here from ANC
5 5E? I'm sorry, who is here from ANC 5E? Okay,
6 if there is no representative -- all right, so
7 there is no representation from ANC 5E. Hold on.
8 Hold on a minute. Indigo.

9 MR. ORELLANA: I have Karla Lewis.
10 There we go. I believe she is representing.

11 CHAIRPERSON ANDERSON: Okay.

12 MS. LEWIS: Oh, I was not able to
13 speak before. Now I am able to speak.

14 CHAIRPERSON ANDERSON: Hold on Ms.
15 Lewis, do you have a camera you can turn on,
16 ma'am?

17 (Pause.)

18 CHAIRPERSON ANDERSON: Ms. Lewis, do
19 you have a camera you can turn on?

20 MS. LEWIS: I have a camera, but I
21 cannot turn it on right now.

22 CHAIRPERSON ANDERSON: All right.
23 Okay. Ms. Lewis, can you please spell and state
24 your name for the record and who do you
25 represent?

1 MS. LEWIS: Okay. My name is Karla
2 Lewis, K-A-R-L-A, L-E-W-I-S, and I represent ANC
3 5E, I am the chair.

4 CHAIRPERSON ANDERSON: Okay. All
5 right, ma'am. Thank you. Hold on. All right,
6 so we have Ms. Lewis from -- one minute. All
7 right, Ms. -- who do we have here from the
8 Bloomingdale Civic Association?

9 (No response.)

10 CHAIRPERSON ANDERSON: Do we have a
11 representative here from the Bloomingdale Civic
12 Association?

13 (No response.)

14 CHAIRPERSON ANDERSON: All right, let
15 me move forward. Hold on.

16 (Pause.)

17 MR. ORELLANA: All right, so we have
18 a couple --

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MR. ORELLANA: We have a couple call-
21 in users. Would you like me to elevate to see?

22 CHAIRPERSON ANDERSON: If you are here
23 from the Bloomingdale Civic Association can you
24 please identify yourself, please?

25 (No response.)

1 CHAIRPERSON ANDERSON: I do not have
2 -- let me see. On my list it does not tell me
3 who is from the Civic Association.

4 MR. ORELLANA: I elevated the call and
5 users, Chairman, if you want to ask the question
6 again.

7 CHAIRPERSON ANDERSON: Is there anyone
8 here from the Bloomingdale Civic Association? If
9 you are, can you please identify yourself for the
10 record?

11 (No response.)

12 CHAIRPERSON ANDERSON: Okay, so there
13 is no one here from the Bloomingdale Civic
14 Association. I am asking once, twice. All
15 right, so --

16 MR. SMITH: I believe that they are
17 trying to call in and they are not having any
18 success.

19 CHAIRPERSON ANDERSON: Who is
20 speaking?

21 MR. SMITH: Oh, my apologies, Richard
22 Smith, R-I-C-H-A-R-D, S-M-I-T-H. I see they are
23 texting in the background on our phones.

24 CHAIRPERSON ANDERSON: You are -- what
25 group are you from?

1 MR. SMITH: I am one of the group of
2 five, represented by Pamela Mendelson or Steven
3 Mendelson.

4 CHAIRPERSON ANDERSON: All right. I
5 saw in the chat -- all right, so who is -- let me
6 see. Mr. Orellana, there is -- I see there is
7 some chatter in the chat regarding the
8 Bloomingdale Civic Association, can you --

9 MR. ORELLANA: Oh, Evelyn Brown I
10 believe is with the Bloomingdale Association, and
11 she is already elevated.

12 CHAIRPERSON ANDERSON: Okay. All
13 right. Hold on.

14 (Pause.)

15 CHAIRPERSON ANDERSON: Where is Ms.
16 Brown? Ms. Brown, can you please spell and state
17 your name for the record, please? Ms. Brown.

18 MR. ORELLANA: I sent a request to
19 mute.

20 MS. BROWN: E-V-E-L-Y-N, B-R-O-W-N.

21 CHAIRPERSON ANDERSON: Who do you
22 represent, ma'am?

23 MS. BROWN: I am the alternate for the
24 Bloomingdale Civic Association.

25 CHAIRPERSON ANDERSON: Good morning,

1 ma'am.

2 MS. BROWN: Good morning.

3 CHAIRPERSON ANDERSON: I guess we had
4 Mr. Richard Smith. Who is the representative of
5 that group of five or more? Who is the
6 representative for -- are you the representative
7 of Mr. Smith, or is there another name?

8 MS. BROWN: Pam Mendelson was on the
9 phone. She called in.

10 CHAIRPERSON ANDERSON: No, not you.
11 I know that, Ms. Brown. Ms. Brown, you represent
12 the Bloomingdale Civic Association. We are fine,
13 ma'am, unless -- are you representing a group?

14 MS. BROWN: I am also the alternate
15 for the group of five, for Bloomingdale.

16 CHAIRPERSON ANDERSON: Okay, so then
17 I need you then to also introduce yourself again,
18 and who are you representing, ma'am.

19 MS. BROWN: Evelyn Brown, E-V-E-L-Y-N,
20 B-R-O-W-N. I am the alternate for the
21 Bloomingdale Group of Five.

22 (Pause.)

23 CHAIRPERSON ANDERSON: Do we have
24 another group or have I covered everyone? Did I
25 cover all the protestants or is there someone

1 missing? I saw the person, I guess Mr. Vining,
2 can you identify yourself for the record, and who
3 are you representing, sir?

4 MR. VINING: Can you hear me?

5 CHAIRPERSON ANDERSON: Yes, sir, I can
6 hear you.

7 MR. VINING: This is Kirby Vining,
8 spelled K-I-R-B-Y, last name V-I-N-I-N-G. I am
9 the representative of the Stronghold group of
10 five protestants.

11 CHAIRPERSON ANDERSON: All right, so
12 we have -- I just want to make sure that I have
13 all the parties. So we have ANC 5E, we have the
14 Bloomingdale Civic Association, we have the
15 Bloomingdale group of five, and we have the
16 Stronghold group of five. Did I get all the
17 protestant, or am I missing a group? Okay.
18 Thank you, miss, all right, thank you.

19 All right, can everyone if you are not
20 speaking please can you just mute your line,
21 please? All right. Ms. Mahmoud, are there any
22 preliminary matters you want to bring to the
23 attention of the Board?

24 MS. MAHMOUD: No, Mr. Chair, we
25 provided a settlement agreement to all parties.

1 We have also submitted for the Board's
2 consideration a consent motion to reschedule the
3 hearing as it overlapped with the BZA hearing, so
4 hopefully that will give the parties even more
5 time to hopefully settle.

6 CHAIRPERSON ANDERSON: Okay, thank you
7 for that representation. All right, Ms. Lewis,
8 and the representation that you wish to make.
9 I'm sorry, do you have any -- Ms. Lewis.

10 MS. LEWIS: What are you asking?

11 CHAIRPERSON ANDERSON: Any procedural
12 type of issues that you want to bring to the
13 attention of the Board if there is any?

14 MS. LEWIS: Only what Ms. Mahmoud had
15 mentioned.

16 CHAIRPERSON ANDERSON: Okay. Thank
17 you. Let me see, Ms. Brown, on behalf of the
18 Bloomingdale Civic Association, do you have any
19 preliminary matters you need to bring to the
20 attention of the Board?

21 MS. BROWN: No.

22 CHAIRPERSON ANDERSON: Ms. Brown, Yes,
23 no? No, you said no?

24 MS. BROWN: No.

25 CHAIRPERSON ANDERSON: Ms. Brown, on

1 behalf of the Bloomingdale group of five or more,
2 any preliminary matters you need to bring to the
3 Board?

4 MS. BROWN: We have received the
5 preliminary summary agreement, and we are
6 reviewing it.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you. Mr. Vining, if I am saying that
9 correct, any preliminary matters you need to
10 bring to the attention of the Board on behalf of
11 the Stronghold group of five or more, sir?

12 MR. VINING: Vining, and just the
13 comment is identical to Ms. Brown's statement.
14 We have received -- 24 hours ago we received the
15 draft proposed settlement agreement, our group
16 has that, and we are reviewing it. That is all
17 we have for this morning.

18 CHAIRPERSON ANDERSON: Okay. Thank
19 you. All right, I think Ms. Mahmoud, you
20 mentioned that the request was made to the Board
21 for an extension, and I believe the extension was
22 granted, and the protest hearing is scheduled for
23 October 23, 2024. That is the extension date, is
24 that correct? All right, so the protest hearing,
25 if this matter goes to a protest hearing it is

1 scheduled then for October 23, 2024 at 1:30 p.m.

2 Now that we have scheduled this matter
3 for a protest hearing and there are a whole lot
4 of parties -- now that we have scheduled this
5 matter for a protest hearing there are a few
6 things that I would like to instruct the
7 applicants and the protestants about so that the
8 protest hearing is focused and addresses only
9 those issues that are being protested. The Board
10 does not intend to hear testimony on matters that
11 are not relevant to this case.

12 You should have received by electronic
13 or regular mail a letter explaining the protest
14 process, a copy of the protest information form,
15 a copy of the exhibit form. If you do not have
16 these documents, please contact our legal office
17 following this hearing. It is imperative that
18 you review the rules and closely adhere to them
19 before and during the protest hearing. You are
20 also required to complete and submit the protest
21 information form, PIP, and the exhibit form seven
22 days before the date of the hearing.

23 These two forms and accompanying
24 documents need to be submitted to ABCA's legal
25 division and to all opposing parties in this

1 matter. If we do not receive a copy of your PIP,
2 your application, or your protest, whichever side
3 you are representing may be subject to dismissal.

4 Likewise, if we do not receive a copy
5 of the exhibit form and the exhibits themselves
6 your exhibits may be excluded from the record, or
7 a finding that the opposing party has been
8 prejudiced, or no good cause for failure to
9 submit has been shown. Likewise, witnesses other
10 than a party may also be subject to exclusion if
11 not identified on the PIP.

12 Accordingly, these forms are very
13 important, they greatly assist the Board in
14 narrowing the protest issues, facilitating the
15 process, and keeping the parties on point during
16 the hearing. They likewise provide notice to the
17 opposing parties, enabling them to better prepare
18 for the hearing.

19 As you are aware, all our hearings are
20 now conducted virtually. You will have one hour
21 to present your case, and you will only be
22 allowed to call five witnesses. If you require
23 more time, and this because there are all these
24 protestants, so, therefore, if you require more
25 time or require additional witnesses please file

1 a motion with the Board requesting additional
2 time and/or additional witnesses.

3 For cases such as this where there are
4 more than one protesting group the Board point to
5 Section 1612.8 is requesting that the protestants
6 designate one individual to represent that groups
7 protesting this application. If this matter goes
8 to a protest hearing pursuant to 1612.8 the Board
9 is requesting that the protestants get together
10 and designate one representative who will
11 represent all the groups.

12 I am also reminding the parties that
13 because there are four protestants in this
14 matter, if this matter goes to a hearing, and if
15 you need more witnesses and more time to present
16 your case please file a formal motion with the
17 Board requesting additional time and additional
18 witnesses.

19 As an FYI, I just want to inform the
20 two groups of five or more that -- this is
21 pertaining to the two groups of five or more, if
22 the ANC signs a settlement agreement with the
23 applicant the two groups of five or more will no
24 longer have standing to protest this matter.
25 Just want to let you know if the ANC signs a

1 settlement agreement, if the two groups of five
2 or more, if they sign on to the agreement that is
3 agreeable, but if they do not sign, if they are
4 not a part of the settlement agreement, their
5 protest will stand and there is nothing the Board
6 can do as far as their protest is concerned.

7 And the Board cannot force the ANC to
8 sign a settlement agreement. The Board cannot
9 force the ANC to include the two groups of five
10 or more with the settlement agreement, that is as
11 far as the two groups are concerned.

12 As far as the Bloomingdale Civic
13 Association is concerned, if the ANC agrees to a
14 settlement agreement with the Licensee, the
15 applicant, if the Civic Association, if they are
16 not a part of the settlement agreement they can
17 move forward with the hearing because they have
18 separate standing.

19 So I just want to put the parties on
20 notice that if a settlement agreement is reached
21 between the ANC and the applicant the two groups
22 of five or more will no longer have standing to
23 pursue this matter. However, the Bloomingdale
24 Civic Association will have standing to move
25 forward with the hearing if they are not part of

1 the settlement agreement, okay?

2 Any questions by anyone before I bring
3 this matter to a hearing -- to closure? If you
4 have something to say please say it now. Good
5 luck -- since it appears that there is a
6 settlement agreement that is on the table, good
7 luck with your discussion. I hope that the
8 parties are able to resolve this matter if it can
9 be resolved. If not, we will see you for a
10 protest hearing on October 23rd at 1:30 p.m. All
11 right, have a great day. Thank you very much.

12 MS. BROWN: Thank you.

13 MS. LEWIS: Thank you. You have a
14 good day too.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you.

17 (Whereupon, the above-entitled matter
18 went off the record at 11:00 a.m.)

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This is to certify that the foregoing transcript


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