

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:           :
                             :
New Queens Cafe, LLC,      :
t/a Queens Cafe           :
2405 18th Street NW       : Protest (Status)
Retailer DR - ANC 1C      : Hearing
License #127807           :
Case # 23-PRO-00067       :
                             :
(Application for a New     :
License)                   :
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Wednesday
 September 20, 2023

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

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

- JOSE ORELLANA, DC ABCA Staff
- DENIS JAMES, Protestant
- CAMERON MIXON, Applicant's Counsel

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

2 10:37 a.m.

3 CHAIRMAN ANDERSON: Good morning.

4 We're on the record. Good morning. As
5 chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia and
7 in accordance with D.C. Code Section 2571(c) of
8 the Open Meetings Act, OMA, I am welcoming you to
9 the regularly scheduled meeting of the Alcoholic
10 Beverage Cannabis Board. This meeting is being
11 conducted pursuant to guidance made available by
12 the District of Columbia's Office of Open
13 Government regarding electronic meetings held by
14 public bodies.

15 Electronic meetings by the ABC Board
16 are authorized pursuant to Section 2577(a) 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 the, time, date, agenda, and call
22 in or log in information for public
23 participation.

24 This electronic meeting is being
25 hosted by a Webex account provided by the

1 District of Columbia government. Please address
2 any questions or complaints to the OOG at
3 opengovoffice@dc.gov.

4 My name is Donovan Anderson. I'm
5 chairperson of the Board. I would like to
6 introduce the other members of the ABC Board who
7 are also participating electronically. Please
8 respond when I announce your name. Mr. James
9 Short?

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

12 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

13 MEMBER CATO: Bobby Cato, present.

14 CHAIRPERSON ANDERSON: Ms. Jeni
15 Hansen?

16 MEMBER HANSEN: Jeni Hansen, present.

17 CHAIRPERSON ANDERSON: Mr. Edward
18 Grandis?

19 MEMBER GRANDIS: Present.

20 CHAIRPERSON ANDERSON: The Board has
21 five members in attendance for the conduct of
22 business today and that constitutes a quorum.
23 Before we get underway with today's hearing --
24 this morning's hearing calendar, I need to make a
25 few instructions very clear so that the conduct

1 of these hearings is understood by everyone.

2 There are eight cases on this morning's calendar.

3 Once your case is called, I will take
4 a moment for IT specialist to elevate the rights
5 for each party to enable their camera and
6 microphone. Then and only then will you have the
7 ability to enable your equipment. If your case
8 has not been hearing, you will remain mute and
9 your camera will be disabled.

10 At the conclusion of each case, the
11 parties will have the option to leave. If a
12 party chooses to stay, all cameras and
13 microphones for the concluded case will be
14 disabled. Should you have any questions or
15 require technical assistance during the hearing,
16 please submit them using the question and answer
17 feature.

18 Our first case today is the protest
19 hearing status Case No. 23-PRO-00067, Queens
20 Caf,, License No. 127807. Good morning, Mr.
21 Orellana. Can you please elevate the rights of
22 the parties in this case?

23 MR. ORELLANA: Cameron Mixon, your
24 access has been elevated. Denis James, your
25 access has been elevated. That appears to be

1 all, Chairman.

2 CHAIRMAN ANDERSON: Thank you. Mr.
3 James? Mr. James, can you please unmute yourself
4 and turn your camera on, sir?

5 MR. JAMES: Here we go.

6 CHAIRMAN ANDERSON: All right. Good
7 morning, sir. All right.

8 MR. JAMES: Good morning.

9 CHAIRMAN ANDERSON: All right. Good
10 morning, Mr. Mixon. Can you please identify
11 yourself for the record, please?

12 MR. MIXON: Hello, Cameron Mixon with
13 The Veritas Law Firm, counsel to New Queens Caf,.
14 That's Cameron, C-A-M-E-R-O-N, Mixon, M-I-X-O-N.

15 CHAIRMAN ANDERSON: Good morning, Mr.
16 Mixon. Mr. James, can you please spell and state
17 your name for the record. Identify yourself.

18 MR. JAMES: Yes, I'm Denis James. I'm
19 representing a party of three individual
20 protestants in this matter. My name is spelled
21 D-E-N-I-S J-A-M-E-S.

22 CHAIRMAN ANDERSON: Good morning, Mr.
23 James. Good morning, Mr. Mixon. Mr. Mixon, this
24 is an application for a new license. Are there
25 any preliminary matters in this case?

1 MR. MIXON: Not at this time.

2 CHAIRMAN ANDERSON: Mr. James, any
3 preliminary matters on your part?

4 MR. JAMES: I think there are. As the
5 Board knows, Mr. Klein for the applicant sought
6 to dismiss the protestants and the Board ruled
7 against that motion. And since then which was
8 just last week, there has been no ability due to
9 Mr. Klein not agreeing to a time to mediate.

10 And with a protest hearing coming next
11 week, the protestants are disadvantaged by this
12 way this has played out. Mr. Klein is just
13 running out the clock before a protest hearing.
14 And the KCA actually filed -- not filed.

15 We proffered a settlement agreement on
16 August 14, and we've never heard one substantive
17 comment. We never received a red line document
18 back, nothing of that nature. So I don't think
19 that they're negotiating in good faith. They're
20 not negotiating at all.

21 CHAIRMAN ANDERSON: Well, Mr. Mixon,
22 do you care to respond? You don't have to
23 respond if you don't want to.

24 MR. MIXON: We're planning on
25 attending mediation and we have an email chain to

1 discuss the outstanding issues for settlement.

2 MR. JAMES: If I might, we don't have
3 a date set to mediate yet. Both myself and Ms.
4 Fletcher have asked Mr. Klein if Friday good.
5 And as of the start of this hearing, we hadn't
6 seen a response. That's just to agree to meet.

7 CHAIRMAN ANDERSON: I think as you
8 stated, this matter is scheduled for a protest
9 hearing on October 4th at 1:30 if this matter is
10 not settled. That's in two weeks. The parties
11 are -- this is an application for a new license.

12 The parties are welcome to have a
13 conversation to see if this matter can be
14 settled. If this matter cannot be settled, then
15 that is one of the reasons why we're going to
16 have a protest hearing on October 4th if the
17 parties are unable to come to an agreement. Now
18 the Board cannot force parties to speak.

19 The Board cannot force parties to sign
20 settlement agreements. Of course, the Board
21 supports parties settling matters if it can be
22 settled. But as I stated before, if the matter
23 can't be settled, then the Board will have an
24 opportunity to make a decision on whether or not
25 we're going to grant this license.

1 But it appears that there's some
2 disagreement. I'd hope that the parties at least
3 would try to have conversations to make a good
4 faith effort to see if this is a matter that can
5 be settled. And if it cannot be settled, then
6 the Board will make a decision.

7 MR. JAMES: Thank you.

8 CHAIRMAN ANDERSON: So if nothing
9 further, I believe both parties are very much
10 familiar with this process. As I stated, this
11 matter is schedule for this hearing on October
12 4th and remind the parties that they are required
13 to submit a PIF seven days before the hearing.
14 And failure on either side to provide a PIF seven
15 days before the hearing, the Board is empowered
16 to prevent that other party from moving forward.

17 And the PIF is very important. As
18 what was stated in this case, Mr. James, if that
19 is correct, the PIF is very important for the
20 parties to identify what the issues are. And so
21 the Board -- if this matter goes to a hearing,
22 the Board will know specifically what the issues
23 are that the disagreements are regarding this
24 matter.

25 So again, all the Board can do is

1 support the parties having conversations. And if
2 this matter can be settled, we are happy with
3 that. If this matter can't be settled, then
4 we'll see you at a protest hearing on October 4th
5 at 1:30 p.m. Any other questions?

6 MR. MIXON: No.

7 CHAIRMAN ANDERSON: Have a great day.
8 Thank you very much.

9 MR. MIXON: Thank you.

10 MR. JAMES: Thank you, Chairman
11 Anderson.

12 (Whereupon, the above-entitled matter
13 went off the record at 10:46 a.m.)
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<p style="text-align: center;">A</p> <p>a.m 2:2 9:13 ABC 2:15 3:6 ABCA 1:21 ABCA's 2:19 ability 4:7 6:8 above-entitled 9:12 access 4:24,25 account 2:25 Act 2:8 address 3:1 advance 2:19 agenda 2:21 agree 7:6 agreeing 6:9 agreement 6:15 7:17 agreements 7:20 Alcoholic 1:2,13 2:5,9 ANC 1:7 Anderson 1:14,17 2:3 3:4,12,14,17,20 5:2,6 5:9,15,22 6:2,21 7:7 8:8 9:7,11 announce 3:8 answer 4:16 appears 4:25 8:1 applicant 6:5 Applicant's 1:22 application 1:9 5:24 7:11 asked 7:4 assistance 4:15 attendance 3:21 attending 6:25 August 6:16 authorized 2:16 available 2:11</p>	<p>cameras 4:12 Cameron 1:22 4:23 5:12,14 Cannabis 1:2,13 2:6,10 care 6:22 case 1:8 4:3,7,10,13,18 4:19,22 5:25 8:18 cases 4:2 Cato 1:17 3:12,13,13 central 2:20 chain 6:25 Chairman 2:3 5:1,2,6,9 5:15,22 6:2,21 7:7 8:8 9:7,10 chairperson 1:14,17 2:5 3:5,12,14,17,20 chooses 4:12 clear 3:25 clock 6:13 Code 2:7,17 Columbia 1:1 2:6 3:1 Columbia's 2:12 come 7:17 coming 6:10 comment 6:17 complaints 3:2 concluded 4:13 conclusion 4:10 conduct 3:21,25 conducted 2:11 constitutes 3:22 conversation 7:13 conversations 8:3 9:1 correct 8:19 counsel 1:22 5:13 course 7:20</p>	<p style="text-align: center;">E</p> <p>Edward 1:18 3:17 effort 8:4 eight 4:2 either 8:14 electronic 2:13,15,24 electronically 3:7 elevate 4:4,21 elevated 4:24,25 email 6:25 empowered 8:15 enable 4:5,7 equipment 4:7</p> <p style="text-align: center;">F</p> <p>failure 8:14 faith 6:19 8:4 familiar 8:10 feature 4:17 filed 6:14,14 Firm 5:13 first 4:18 five 3:21 Fletcher 7:4 force 7:18,19 forward 8:16 Friday 7:4 further 8:9</p> <p style="text-align: center;">G</p> <p>go 5:5 goes 8:21 going 7:15,25 good 2:3,4 4:20 5:6,8,9 5:15,22,23 6:19 7:4 8:3 government 2:13 3:1 Grandis 1:18 3:18,19 grant 7:25 great 9:7 guidance 2:11</p>	<p style="text-align: center;">I</p> <p>identify 5:10,17 8:20 important 8:17,19 included 2:21 individual 5:19 information 2:22 instructions 3:25 introduce 3:6 issues 7:1 8:20,22</p> <p style="text-align: center;">J</p> <p>J-A-M-E-S 5:21 James 1:19,21 3:8,10 4:24 5:3,3,5,8,16,18 5:18,23 6:2,4 7:2 8:7 8:18 9:10 Jeni 1:18 3:14,16 JOSE 1:21 JR 1:17,19</p> <p style="text-align: center;">K</p> <p>KCA 6:14 Klein 6:5,9,12 7:4 know 8:22 knows 6:5</p>
<p style="text-align: center;">B</p> <p>back 6:18 believe 8:9 Beverage 1:2,13 2:5,10 Board 1:2,14 2:6,10,15 3:5,6,20 6:5,6 7:18,19 7:20,23 8:6,15,21,22 8:25 Bobby 1:17 3:12,13 bodies 2:14 business 3:22</p> <p style="text-align: center;">C</p> <p>C-A-M-E-R-O-N 5:14 Caf 4:20 5:13 Cafe 1:6,6 calendar 2:20 3:24 4:2 call 2:21 called 4:3 camera 4:5,9 5:4</p>	<p style="text-align: center;">D</p> <p>D-E-N-I-S 5:21 D.C 2:7,17 date 2:21 7:3 day 9:7 days 8:13,15 DC 1:21 decision 7:24 8:6 Denis 1:21 4:24 5:18 disabled 4:9,14 disadvantaged 6:11 disagreement 8:2 disagreements 8:23 discuss 7:1 dismiss 6:6 District 1:1 2:6,12 3:1 District's 2:20 document 6:17 Donovan 1:14,17 3:4 DR 1:7 due 6:8</p>	<p style="text-align: center;">H</p> <p>Hansen 1:18 3:15,16,16 happy 9:2 heard 6:16 hearing 1:7 3:23,24 4:8 4:15,19 6:10,13 7:5,9 7:16 8:11,13,15,21 9:4 hearings 4:1 held 2:13 Hello 5:12 hope 8:2 hosted 2:25 hours 2:18</p>	<p style="text-align: center;">L</p> <p>Law 5:13 leave 4:11 license 1:8,10 4:20 5:24 7:11,25 line 6:17 LLC 1:6 log 2:22</p> <p style="text-align: center;">M</p> <p>M-I-X-O-N 5:14 matter 1:5 5:20 7:8,9,13 7:14,22 8:4,11,21,24 9:2,3,12 matters 5:25 6:3 7:21 mediate 6:9 7:3 mediation 6:25 meet 7:6 meeting 1:3 2:9,10,18 2:19,20,24 meetings 2:8,13,15 Member 1:17,18,18,19 3:10,13,16,19 members 3:6,21 met 1:14 microphone 4:6 microphones 4:13 Mixon 1:22 4:23 5:10 5:12,12,14,16,23,23 6:1,21,24 9:6,9 moment 4:4</p>

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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: Queens Cafe

Before: DC ABCA

Date: 09-20-23

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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