

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

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 IN THE MATTER OF: :
 :
 Four Five Eight, LLC, :
 t/a INDIGO - Indian Food :
 on the go! :
 243 K Street NE :
 Retailer CR - ANC 6C :
 License #92792 :
 Case #22-PRO-00060 :
 :
 (Application to Renew :
 the License) :
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Wednesday
 September 21, 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:

MATTHEW MINORA, Applicant's Counsel
 SYLVIA SANCHEZ, Protestant

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

2 10:45 a.m.

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is Case Number 22-PRO-00060, Indigo-
5 Indian Food On The Go, License Number 92792.

6 Mr. Orellana, can you please elevate
7 the rights of the parties in this case, please.

8 MR. ORELLANA: Your access has been
9 elevated. That is all, Chairman.

10 CHAIRPERSON ANDERSON: Good morning,
11 Mr. Minora, can you identify yourself for the
12 record.

13 MR. MINORA: Sure. My name is Matthew
14 Minora. I'm from the law firm of Malios, O'Brien
15 and Standground. We are ABC license counsel for
16 the licensee.

17 CHAIRPERSON ANDERSON: Good morning.

18 Ms. Sanchez, can you please identify
19 yourself for the record, please.

20 MS. SANCHEZ: Yes. I'm Sylvia Sanchez.
21 And I'm the abutting neighbor to Indigo.

22 CHAIRPERSON ANDERSON: Will you please
23 spell your name for the record.

24 MS. SANCHEZ: Sure. S-Y-L-V-I-A S-A-
25 N-C-H-E-Z.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 Mr. Minora, was the ANC protesting
4 this matter?

5 MR. MINORA: They were but I have not
6 been able to contact someone -- the ANC
7 representative since mediation about this. I've
8 made efforts but I've not heard anything back.

9 CHAIRPERSON ANDERSON: And is the ANC,
10 is there anyone from ANC 6C on this hearing,
11 please identify yourself for the record, please.

12 Is there anyone here from ANC 6C,
13 please identify yourself for the record.

14 One more time. Is there anyone here
15 from ANC 6C, please identify yourself for the
16 record.

17 I'm waiting for a response. I see
18 there is information in the Chat asking someone
19 to identify themselves. Let me wait a minute
20 before see if there is a person.

21 All right. This matter was scheduled
22 for a Protest Hearing status at 10:38. It's
23 10:48 and I've called the case and the ANC is not
24 here. So, I'm going to make a motion to dismiss
25 the ANC from this protest. Is there a second?

1 MEMBER SHORT: Mr. Short seconds.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 seconded the motion. We'll now have a Roll Call
4 vote.

5 Mr. Short?

6 MEMBER SHORT: Mr. Short, I agree.

7 CHAIRPERSON ANDERSON: Mr. Cato?

8 MEMBER CATO: Bobby Cato, I agree.

9 CHAIRPERSON ANDERSON: Ms. Crockett?

10 MEMBER CROCKETT: Rafi Crockett, I
11 agree.

12 CHAIRPERSON ANDERSON: Ms. Hansen?

13 MS. HANSEN: (No audible response.)

14 CHAIRPERSON ANDERSON: Mr. Grandis?

15 MEMBER GRANDIS: Edward Grandis and I
16 agree.

17 CHAIRPERSON ANDERSON: And Mr.

18 Anderson, I agree. The matter passes six, zero,
19 zero.

20 What this means is that the ANC has 10
21 days. We're issuing an order dismissing the ANC
22 from this protest. The ANC will have 10 days to
23 provide a reasonable notice, good cause, why they
24 failed to appear at hearing today.

25 I just want to tell you Ms. Sanchez,

1 just want to let everyone know that these matters
2 are scheduled so if the ANC or if you did not
3 show up at the Roll Call Hearing or at the Status
4 Hearing then we would dismiss the party. And so,
5 therefore, they'll have 10 days to appeal. If
6 they fail to appeal or provide the Board notice,
7 good cause, why they failed to appear today. If
8 they do that then maybe we can reinstate them but
9 if not, they are dismissed from this protest.
10 So, the only protestant in t his case will be the
11 abutting property owner.

12 All right. This matter then is
13 scheduled for -- if this matter goes to a hearing
14 it is scheduled for a Protest Hearing on October
15 19th, 2022, at 1:30 p.m.

16 Any questions by anyone?

17 All right. Ms. Sanchez, if this
18 matter goes to -- let me ask you, do the parties
19 believe that this matter will be settled?

20 MS. SANCHEZ: I'm not sure at this
21 time. I did get an email over the weekend from
22 Matt and we haven't had a chance to talk. So,
23 I'm not sure.

24 CHAIRPERSON ANDERSON: All right. As
25 I stated before this matter is scheduled for a

1 Protest Hearing on October 19th, 2022. And so n
2 ow that we've scheduled this matter for a Protest
3 Hearing there are a few things that I would like
4 to instruct you about because the Board's
5 practices have changed.

6 As you know, the Board's hearings are
7 conducted virtually so it is important whenever
8 Protest Hearings ae focused and addresses only
9 those issues that are being protested.

10 Following this hearing you'll receive
11 an email from ABRA Legal that will include a copy
12 of a protest information form and a copy of an
13 exhibit form as well as specific instructions for
14 the hearing. You are required to complete and
15 submit the PIF and exhibit form at least seven
16 days before the date of the hearing. If we do
17 not receive a copy of your forms seven days
18 before the hearing, your application or your
19 protest may be subject to dismissal.

20 These documents need to be submitted
21 to ABRA Legal and to the opposing parties.
22 Please note that these documents greatly assist
23 the Board in narrowing the protest issues,
24 facilitating the process and keeping the parties
25 on point during the hearing.

1 Each side is limited to n o more than
2 five witnesses and you will only have 60 minutes
3 to present your case. This includes all direct
4 and cross-examination. The Board does not intent
5 to hear testimony in matters that are not
6 relevant to these cases that are being protested.

7 Any questions by anyone?

8 We thank you very much for your
9 cooperation. If at anytime you have any
10 questions after the hearing please do not
11 hesitate to contact ABRA Legal, our legal office
12 and we will provide you with any technical
13 information and we're looking forward to this
14 hearing.

15 Again, good luck with your
16 negotiations. As Mr. Minora knows, until the ANC
17 has been dismissed from this matter and if the
18 Board does not reinstate the ANC then the
19 abutting property owner is the only person that
20 he needs to negotiate with unless he so chooses
21 to negotiate with the ANC.

22 All right. Good luck with your
23 negotiation. And have a great day.

24 (Whereupon, the above interview was
25 concluded at 10:52 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

In the matter of: Hearing

Before: ABC Board

Date: 09-21-22

Place: Vieoconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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