

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

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IN THE MATTER OF:           :
                               :
S & G Inc.                   :
t/a Park Market              :
3400 13th Street, NW        : Protest Hearing
Retailer A - ANC 4C         : (Status)
License #94178               :
Case #21-PRO-00064         :
                               :
(Application for License    :
Renewal)                    :
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Wednesday
September 22, 2021

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:

- SIMONE ANDREWS, DC ABRA Staff
- JEFF JACKSON, Licensee's Representative
- GEBRE KAHASSAI, Licensee
- JERRY MALMO, Protestant

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

10:37 a.m.

1
2
3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia, in accordance with D.C. Code Section 2-
7 576 of the Open Meetings Act, I am welcoming you
8 to the regular scheduled meeting of the Alcoholic
9 Beverage Control Board. This meeting is being
10 conducted pursuant to guidance made available by
11 the District of Columbia's Office of Open
12 Government regarding electronic meetings held by
13 a public bodies during the public emergency.

14 Pursuant to this guidance, notice of
15 today's meeting was provided 48 hours in advance
16 of the meeting on ABRA's website and on the
17 District's Central Meeting Calendar. The notice
18 included the time, date, agenda, and call-in or
19 log-in information for public participation.
20 This electronic meeting is being hosted by a
21 Webex account provided by the District of
22 Columbia government. Please address any
23 questions or complaints to the OOG at
24 opengovoffice@dc.gov.

25 My name is Donovan Anderson. I'm

1 Chairman of the Board. I would like to introduce
2 the other members of the ABC Board who are also
3 participating electronically pursuant to Mayor's
4 Order 2021-096. Please respond when I announce
5 your name. Mr. James Short?

6 MEMBER SHORT: Mr. James Short,
7 present.

8 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

9 MEMBER CATO: Bobby Cato, present.

10 CHAIRPERSON ANDERSON: Ms. Rafi
11 Crockett?

12 MEMBER CROCKETT: Rafi Crockett,
13 present.

14 CHAIRPERSON ANDERSON: Ms. Jeni
15 Hansen?

16 MEMBER HANSEN: Jeni Hansen, present.

17 CHAIRPERSON ANDERSON: Mr. Edward
18 Grandis?

19 MEMBER GRANDIS: Edward Grandis,
20 present.

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

1 clear so that the Board -- the conduct of these
2 hearings is understood by everyone. There are
3 two cases scheduled for this morning's calendar.

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

11 At the conclusion of each case, the
12 parties will have the option to leave. If the
13 party choose to stay, all cameras and microphones
14 for the concluded case will be disabled. Should
15 you have any questions or require technical
16 assistance during the hearing, please submit them
17 using the question and answer feature or email
18 simone.andrews2@dc.gov.

19 Our first order of business today is
20 a protest hearing status, Case No. 21-PRO-00064,
21 Park Market, License No. 94178. Ms. Andrews, can
22 you please elevate the rights of the parties in
23 this case, please? Thank you.

24 MS. ANDREWS: Sure. Stand by. Mr.
25 Malmo, your rights have been elevated. Mr.

1 Jackson, your rights have been elevated. Mr. or
2 Ms. Kahassai, your rights have been elevated.
3 That's all, Mr. Chair.

4 CHAIRPERSON ANDERSON: Thank you. For
5 the folks who have a camera, can you please turn
6 your camera on, please, if you have a camera?
7 And I see names. I don't see anyone at the
8 moment. So if you are able to, please. Thank
9 you. Mr. Malmo, do you have a camera?

10 Mr. Malmo?

11 Mr. Malmo, are you there, sir?

12 MR. MALMO: I'm here.

13 CHAIRPERSON ANDERSON: Mr. Malmo, are
14 you there?

15 MR. MALMO: I'm sorry. I don't have
16 a camera.

17 CHAIRPERSON ANDERSON: All right,
18 fine. I just want to make sure so I can hear
19 you. That's fine. All right. Let's start with
20 the -- good morning, everyone. Thank you for
21 being here --

22 MR. MALMO: Yes.

23 CHAIRPERSON ANDERSON: -- for the
24 protest hearing.

25 MR. MALMO: I'm present.

1 CHAIRPERSON ANDERSON: Hold on. Hold
2 on, please, Mr. Malmo. Hold on, please. All
3 right. Let's start with the licensee. You are
4 the representative, Mr. Jackson, of the licensee.
5 Can you please state and spell your name for the
6 record, please?

7 MR. JACKSON: Yes. Jeff Jackson, J-E-
8 F-F J-A-C-K-S-O-N.

9 CHAIRPERSON ANDERSON: And who are
10 you, sir?

11 MR. JACKSON: Oh, I'm representing the
12 applicant, Park Market.

13 CHAIRPERSON ANDERSON: And is the
14 owner on board?

15 MR. JACKSON: He was sent the invite.
16 I don't see him available.

17 CHAIRPERSON ANDERSON: Who's that?
18 There's someone in a liquor store.

19 MR. KAHASSAI: Yes.

20 CHAIRPERSON ANDERSON: Is that the
21 owner?

22 MR. KAHASSAI: Yes.

23 CHAIRPERSON ANDERSON: All right. Can
24 you please state and spell your name for the
25 record, please?

1 MR. KAHASSAI: First name, Gebre, G-E-
2 B-R-E. Last name, K-A-H-A-S-S-A-I.

3 CHAIRPERSON ANDERSON: How do you
4 pronounce that, sir?

5 MR. KAHASSAI: Gebre Kahassai.

6 CHAIRPERSON ANDERSON: Good morning,
7 Mr. Kahassai. One, I will ask you one thing,
8 sir. Can you please put your telephone down,
9 whatever you're using? Just put it down for it
10 to be stable because you're moving it's kind of -
11 - so just put it -- rest it in one space so it
12 does not move.

13 All right. Mr. Malmo, can you please
14 state -- I'm sorry. Mr. Malmo, can you spell and
15 state your name for the record, please?

16 Mr. Malmo?

17 Mr. Malmo?

18 Mr. Malmo?

19 I believe Mr. Malmo is having some
20 technical difficulties. I see his name on the
21 screen. I heard he did introduce himself
22 earlier, but I'm not quite sure what is going on
23 with Mr. Malmo. Is there anything you can do to
24 assist, Ms. Andrews?

25 MS. ANDREWS: I can have him log back

1 out and log in. But it seems like he's having
2 connectivity issues. His WiFi isn't (audio
3 interference).

4 CHAIRPERSON ANDERSON: Thank you. Are
5 you there, Mr. Malmo? Maybe Mr. Malmo rather
6 that he can just be a call-in. I think he's
7 gone. So I guess he'll probably try to
8 reconnect.

9 Sir, is it possible for you to just
10 put the phone down, sir? Is it possible? I'm
11 speaking to the owner. Is it possible for you
12 just to put your phone -- just -- yeah, just keep
13 it in one place. I mean, I'm getting dizzy
14 because it's moving. Mr. Malmo, are you there?

15 MR. MALMO: Yes, I'm present.

16 CHAIRPERSON ANDERSON: Can you please
17 spell and state your name for the record, please?

18 MR. MALMO: Jerry, J-E-R-R-Y, Malmo,
19 M-A-L-M-O.

20 CHAIRPERSON ANDERSON: And who are
21 you, sir?

22 MR. MALMO: I'm one of the
23 protestants.

24 CHAIRPERSON ANDERSON: You're the
25 protestant for what, sir? What -- can you tell -

1 - can you identify the group that you represent,
2 sir?

3 MR. MALMO: A number of residents of
4 Capitol -- or the Columbia Heights neighborhood.

5 CHAIRPERSON ANDERSON: Are you a group
6 of -- are you a group, sir? You were given
7 standing as what, sir? As a group or a specific
8 association, what organization do you -- are you
9 representing a group of 5, a group of 20? That's
10 what I'm trying for you to put on the record,
11 sir.

12 MR. MALMO: Represent a group of 8
13 residents.

14 CHAIRPERSON ANDERSON: Thank you, sir.
15 Thank you very much. This is being recorded and
16 being transcribed. So we'll have a transcript.
17 So that's all I'm trying to do is for you to
18 clearly introduce yourself and identify yourself
19 for the record, sir. That's why I'm going
20 through of this here. All right. Are there any
21 preliminary matters that needs to be brought to
22 the attention of the Board, Mr. Jackson?

23 MR. JACKSON: Well, we had -- good
24 morning, Mr. Chairman. We had mediation, and I
25 don't think that we're going to resolve the

1 matters concerning the requests of the
2 protestants because the applicant believes or
3 feels that some of the requests are unreasonable.

4 CHAIRPERSON ANDERSON: Well, we can
5 always keep hope alive, Mr. Jackson. We can
6 always keep hope alive that the parties can come
7 to some agreement. So we'll just say let's keep
8 hope alive that the parties can continue talking
9 and maybe something will happen. Mr. Malmo, from
10 your perspective -- and I'm not asking details.
11 I'm just saying, are there any procedural issues
12 that we need to bring to the attention of the
13 Board?

14 MR. MALMO: Mr. Chairman, no, I don't
15 believe there are any procedural issues.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you very much, Mr. Malmo. Mr. Jackson has
18 stated before that he doesn't think that this
19 matter can be resolved. But I'm not -- the Board
20 supports resolution of matters outside of the
21 hearing because as I've always stated to
22 individuals, this is your neighborhood.

23 Probably none of the Board members
24 live within close to this establishment. I'm not
25 sure. And so therefore, if the parties are able

1 to resolve it, at least we know that they will
2 leave at the end of the day that both sides are
3 happy because they are able to resolve it.

4 If the parties are unable to resolve
5 this matter, this matter then is scheduled a
6 protest hearing on October 20th, 2021 at 3:30
7 p.m. So as I stated before, the Board supports
8 settlement. The Board supports both sides
9 meeting and try to resolve it.

10 But if it cannot be resolved, we'll
11 have a protest hearing on October 20th, 2021 at
12 3:30 p.m. All right. Now that we scheduled this
13 matter for a protest hearing, there are few
14 things I would like to instruct you to do because
15 the Board's practice under the public emergency
16 has changed.

17 As you know, the Board's hearings are
18 conducted virtually. So it's more important than
19 ever that the protest hearings are focused and
20 addresses only those issues that are being
21 protested. Following this hearing, you'll
22 receive an email from the General Counsel's
23 office that will include a copy of the protest
24 information form, PIF, and a copy of an exhibit
25 form as well as specific instructions for the

1 hearing.

2 You're also required to complete and
3 submit the protest information form, PIF, and the
4 exhibit form at least seven days before the date
5 of the hearing. If we do not receive a copy of
6 your forms seven days before the hearing, your
7 application or your protest may be subject to
8 dismissal. These documents not only need to be
9 submitted to abra.legal@dc.gov, but to the
10 opposing party as well. Please know that these
11 documents greatly support in narrowing the
12 protest issues, facilitating the process, and
13 keeping the parties on point during the hearing.

14 Each side is limited to no more than
15 five witnesses, and you will only have 60 minutes
16 to present your case. This includes all direct
17 and cross examination of witnesses. The Board
18 does not intend to hear testimony on matters that
19 are not relevant to those issues that are being
20 protested, nor will the Board tolerate repetitive
21 testimony. Are there any questions?

22 MR. JACKSON: No, not right now, no.

23 CHAIRPERSON ANDERSON: Mr. Malmo?

24 MR. MALMO: No, no questions.

25 CHAIRPERSON ANDERSON: All right. We

1 thank you greatly for your cooperation. If you
2 have any questions at any time leading up to the
3 hearing, please do not hesitate to contact our
4 General Counsel's office. Or you can also
5 contact martha.jenkins@dc.gov. She is our
6 General Counsel if you have questions.

7 As I stated before, the Board supports
8 the parties meeting to continue talking to
9 resolve this matter. But if the parties aren't
10 able to resolve this matter, we will see you on
11 October 20th at 3:30 p.m. for a protest hearing.
12 Thank you very much for your appearance here this
13 morning, and have a great day. Thank you.

14 And also, Mr. Jackson, just in case
15 that we have a protest hearing, please let your
16 client know that I need his view to be stable.
17 So put the phone down because if you're walking
18 around with the phone, it's somewhat --
19 especially when you're doing this online, it's
20 somewhat destabilizing. So just please talk to
21 your client about being sure that you're in a
22 stable placement for the call.

23 Mr. Malmo, and you don't have to have
24 a video. So that's fine. But as long as you
25 have stable internet because this is going to be

1 -- if we have a protest hearing, it's going to be
2 a long hearing.

3 So you need to make sure that you're
4 in an area where your WiFi -- either WiFi or
5 cellular data that it is stable so you will
6 always be with us. Okay, sir? Although I would
7 love to see the parties that I'm talking to, but
8 if you do not have a camera, that is fine. But
9 just make sure that you have stable WiFi, you
10 have stable internet for the hearing. Okay?

11 MR. MALMO: Okay. That's fine. I'm
12 at the mercy of Comcast Xfinity. So I can only
13 use what I have.

14 CHAIRPERSON ANDERSON: I appreciate
15 that, Mr. Malmo. But I'm just saying to you that
16 I need you and your parties to actively
17 participate in this process. And because it's
18 going to be -- protest hearings, historically,
19 they're long.

20 So no matter what we do -- so I'm just
21 letting you know that in order to make sure that
22 this process is beneficial to you and that you
23 and the protestants can participate in this
24 process fully just to make sure that whatever
25 that you have a good connection for date of the

1 hearing. That's all I was pointing to because I
2 don't want us to have a hearing and then we lose
3 you in the middle or we can't hear you. And so
4 then if we are unable to hear you, then you are
5 in a disadvantage because the Board is not
6 hearing what you have to present and what your
7 witnesses have to present. Okay?

8 MR. MALMO: Okay. Thank you.

9 CHAIRPERSON ANDERSON: All right.
10 Have a great day. And again, please if you're
11 able to settle this matter, please continue to
12 talk and see if agreement can be reached. If
13 not, I will see you on October 20th. Have a
14 great day. Thank you very much.

15 (Whereupon, the above-entitled matter
16 went off the record at 10:53 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: Park Market

Before: DCABRA

Date: 09-22-21

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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