

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

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 IN THE MATTER OF:                   :  
                                           :  
 Matthias, Inc.                       :  
 t/a Sylvia's Liquors               :  
 1818 Benning Road, N.E.         :  
 Retailer A - ANC 5D               :  
 License #104606                   :  
 Case #21-PRO-00040               :  
                                           :  
 (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  
 FELICIA DANTZLER, DC ABRA Investigator  
 RONALD DIXON, ANC 5D's Counsel  
 MADISON GIBBS, ANC 5D's Counsel  
 NAM YOUNG JOUNG, Licensee  
 KYONGSOOK KIM, Korean Language Interpreter  
 SYDELLE MOORE, ANC 5D  
 HYEJUNG NA, Licensee  
 SIDON YOHANNES, Licensee's Counsel

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

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,  
4 everyone. We're back on the record. My name is  
5 Donovan Anderson. I'm Chairman of the ABC Board.  
6 Joining me this afternoon are five other Board  
7 members: Mr. James Short, Mr. Bobby Cato, Ms.  
8 Rafi Crockett, Ms. Jeni Hansen, Mr. Edward  
9 Grandis. The Board has six members in attendance  
10 for the conduct of business, and that constitutes  
11 a quorum.

12 Before we're underway with this  
13 afternoon's hearing calendar, I need to make a  
14 few instructions very clear so that the conduct  
15 of these hearings is understood by everyone. We  
16 only have one hearing scheduled for this  
17 afternoon. It's a protest hearing. Should you  
18 have any questions or require technical  
19 assistance during the hearing, please submit them  
20 using the question and answer feature or email  
21 simone.andrews2@dc.gov. All right.

22 Our first order of business this  
23 afternoon is a protest hearing status -- I'm  
24 sorry, is a protest hearing, I'm sorry, Case No.  
25 21-PRO-00040, Sylvia's Liquor, License No.

1 104606. This is an application for license  
2 renewal. Ms. Andrews, can you please elevate the  
3 rights of the parties in this case, please?

4 MS. ANDREWS: Sure. Stand by.  
5 Investigator Dantzler, your rights have been  
6 elevated. Ms. Yohannes, your rights have been  
7 elevated. Mr. or Ms. Na, your rights have been  
8 elevated. Mr. or Ms. Kim, your rights have been  
9 elevated. Ms. Moore, your rights have been  
10 elevated.

11 I do have two attendees that I do not  
12 have a case assigned for. That is Ms. Erskines  
13 (phonetic). Please acknowledge yourself in the  
14 chat if you belong to this case. And Ms. Gibbs,  
15 please acknowledge yourself in the chat if you  
16 belong to this case.

17 CHAIRPERSON ANDERSON: Yes.

18 MS. ANDREWS: That's it, Mr. Chair.

19 CHAIRPERSON ANDERSON: Please elevate  
20 the rights of Madison Gibbs.

21 MS. ANDREWS: Oh, okay.

22 CHAIRPERSON ANDERSON: Yes.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Is there a Ron  
25 Dixon there?

1 MS. ANDREWS: No.

2 MS. GIBBS: Some issues getting on. So  
3 I believe he's trying to call in through the  
4 phone.

5 CHAIRPERSON ANDERSON: All right. So  
6 you can look for Ron Dixon too, Ms. Andrews.

7 MS. ANDREWS: Okay.

8 CHAIRPERSON ANDERSON: And if --  
9 sorry, if Mr. Dixon is calling in, Ms. Gibbs, can  
10 you put Mr. -- I'm sorry, Mr. Dixon's phone  
11 number in the chat so at least Ms. Andrews will  
12 know to elevate his rights, please?

13 MS. GIBBS: Yes, Chair Anderson. I  
14 will.

15 CHAIRPERSON ANDERSON: All right.

16 MS. ANDREWS: Thank you. That's all,  
17 Mr. Chair.

18 CHAIRPERSON ANDERSON: Thank you. No,  
19 Mr. Gibbs is not on as yet. I'm sorry. I'm  
20 sorry, Mr. Dixon. So Mr. Dixon needs to be on  
21 also. So I need to wait for Mr. Dixon also.

22 MS. ANDREWS: Ms. Gibbs, does the  
23 number begin with 803?

24 MS. GIBBS: No, it begins with 202.

25 MS. ANDREWS: Okay.

1 (Simultaneous speaking.)

2 MS. ANDREWS: Would the caller with  
3 the phone number that begins with 202 please  
4 announce yourself?

5 MR. DIXON: This is Mr. Ronald Dixon,  
6 counsel for ANC 5D.

7 CHAIRPERSON ANDERSON: Hi, hi.

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: Okay. All  
10 right. Hold on, Mr. Dixon, just so -- we just  
11 want to make sure that you are on line. All  
12 right, fine. All right.

13 Good afternoon, everyone. This is a  
14 protest hearing, Case No. 21-PRO-00060, Sylvia's  
15 Liquor, License No. 104606. It's an application  
16 for the renewal of the license.

17 And it's my understanding that the  
18 renewal has been -- it's been protested by ANC  
19 5D. So what I'm going to start off is to have  
20 the parties introduce themselves for the record.  
21 And let's start with the licensee -- oh, I'm  
22 sorry. I'm sorry. We have -- who are we  
23 translating for? We have a translator.

24 MS. ANDREWS: Mr. Chair, there is an  
25 echo because Mr. Dixon has logged in. So I'm

1 going to mute his phone. Mr. Dixon, I need to  
2 mute your phone, and I'm going to elevate your  
3 rights on your computer.

4 CHAIRPERSON ANDERSON: And I will ask  
5 all parties if you're not speaking, please mute  
6 your phone. Okay? All right. There's a Korean  
7 translator. And because I'm familiar with this  
8 person, that's why I'm saying there's a Korean  
9 translator. Who is it that you're in for? Who  
10 needs a Korean translator, Ms. Yohannes?

11 MS. YOHANNES: The licensee, Mr. Na.

12 CHAIRPERSON ANDERSON: Is the licensee  
13 on the line?

14 MS. YOHANNES: Yes, he is.

15 CHAIRPERSON ANDERSON: I see two  
16 people on the line. So all right. So let me  
17 have the translator, can you raise your right  
18 hand, please? Furthermore, can you please say  
19 and spell your name for the record, please?

20 THE INTERPRETER: Yes. My name is  
21 Kyongsook Kim, and my first name is K-Y-O-N-G-S-  
22 O-O-K. My last name is Kim which is K-I-M.

23 CHAIRPERSON ANDERSON: And you're a  
24 Korean translator. Is that correct, ma'am?

25 THE INTERPRETER: Yes, that is

1 correct.

2 CHAIRPERSON ANDERSON: All right.

3 (Interpreter sworn.)

4 CHAIRPERSON ANDERSON: Thank you. You  
5 can put your hand down. All right. So let me  
6 have all the parties identify themselves starting  
7 with the licensee. Ms. Yohannes, can you please  
8 spell and state your name for the record, please?

9 MS. YOHANNES: Yes, Sidon Yohannes, S-  
10 I-D-O-N Y-O-H-A-N-N-E-S, from The Veritas Law  
11 Firm on behalf of the applicant licensee.

12 CHAIRPERSON ANDERSON: All right. So  
13 could we have -- can we have the licensee  
14 identify him or herself for the record and also  
15 spell and state his or her name for the record,  
16 please?

17 MS. NA: Hi, my name is Hyejung Na.  
18 I am the owner of Sylvia's Liquor. And my name  
19 is spelled H-Y-E-J-U-N-G. Last name is N-A.

20 MR. JOUNG: Hi, my name is Nam Young  
21 Joung. First name is N-A-M. Middle is name Y-O-  
22 U-N-G. Last name is J-O-U-N-G.

23 CHAIRPERSON ANDERSON: And who are  
24 you, sir?

25 MR. JOUNG: I'm a Sylvia's Liquor

1 store owner.

2 CHAIRPERSON ANDERSON: All right.  
3 Thank you. Are you their -- okay. All right.  
4 So let's have the representative -- the -- I'm  
5 sorry. Let's now go to -- let's start with the  
6 representative of the licensee, either Mr. Dixon  
7 or Ms. Gibbs, whoever want to go first.

8 (Simultaneous speaking.)

9 MS. GIBBS: Good morning -- good  
10 afternoon. Madison Gibbs, Attorney on behalf --  
11 one of the attorney on behalf of ANC 5D. My name  
12 is spelled M as in Mary, A-D-I-S-O-N. Last name  
13 is Gibbs, G-I-B-B-S.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you. Mr. Dixon?

16 MR. DIXON: Good afternoon, Mr.  
17 Anderson. Thank you so much for allowing me to  
18 introduce myself. I'm Ronald Dixon, R-O-N-A-L-D  
19 D-I-X-O-N. I'm Co-Counsel with Ms. Madison Gibbs  
20 with the first of Bynum and Jenkins, and we  
21 represent ANC 5D, Sydelle Moore, Chairperson of  
22 that ANC. Ready to go forward.

23 CHAIRPERSON ANDERSON: Ms. Moore, can  
24 you please spell and state your name for the  
25 record?

1 MS. MOORE: Yes. My name is Sydelle  
2 Moore, and that's spelled S-Y-D-E-L-L-E, last  
3 name, M-O-O-R-E.

4 CHAIRPERSON ANDERSON: And who are  
5 you, ma'am?

6 MS. MOORE: And I'm the Chairperson of  
7 Advisory Neighborhood Commission 5D.

8 CHAIRPERSON ANDERSON: Thank you. I  
9 know who you are. But remember, for the public  
10 record, you need to be identified. Someone reads  
11 the transcript, then they'll know who Ms. Sydelle  
12 Moore is. That's why.

13 MS. MOORE: Yes, thank you.

14 CHAIRPERSON ANDERSON: All right. Ms.  
15 Dantzler, can you please spell and state your  
16 name for the record, please?

17 MS. DANTZLER: Yes, good afternoon.  
18 My name is Felicia Dantzler spelled F like Frank,  
19 E-L-I-C-I-A, Dantzler, D like David, A-N-T like  
20 time, Z like zebra, L-E-R. And I'm the lead  
21 investigator.

22 CHAIRPERSON ANDERSON: Thank you, Ms.  
23 Dantzler. All right. Ms. Yohannes, this is a  
24 protest hearing. It's my understanding that  
25 there is a preliminary matter that you had filed

1 a motion. Can you please elaborate on that  
2 motion, please? You're on mute, Ms. Yohannes.

3 MS. YOHANNES: Sorry. We filed a  
4 motion to continue this protest hearing. We  
5 filed this motion on August 14th. My  
6 understanding is that it's unopposed.

7 Throughout this period of time in  
8 conversations with opposing counsel for ANC 5D,  
9 licensee proceeded unrepresented. We were not  
10 retained until after the status hearing and after  
11 the mediation. Mediation was held on July 23rd.  
12 We were retained about a month ago.

13 There has not been any substantive  
14 communications between the parties. We believe  
15 that having another mediation date and allowing  
16 for time for the parties to actually speak about  
17 some of these substantive issues could lead to a  
18 resolution. I know alternative resolutions have  
19 not really been explored in this matter. With  
20 that said, I do understand that the --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Hold on, Ms. --

23 MS. YOHANNES: -- are likely.

24 CHAIRPERSON ANDERSON: -- Yohannes.

25 Hold on one minute, please.

1 MS. YOHANNES: Sorry.

2 CHAIRPERSON ANDERSON: You remember we  
3 have a translator.

4 MS. YOHANNES: Right.

5 CHAIRPERSON ANDERSON: Go ahead, Ms.  
6 Kim. Go ahead, Ms. Yohannes.

7 MS. YOHANNES: In the last couple of  
8 weeks, I've been in communications with Mr. Dixon  
9 and Ms. Gibbs. More recently, my understanding  
10 is that there is not opposition to this motion  
11 and not an opposition to the possibility of a  
12 mediation if the Board allows for another  
13 mediation to be held. And that being said, I am  
14 respectfully requesting that this continuance be  
15 granted to give us a good faith attempt to really  
16 turn to a settlement agreement, Your Honor.

17 CHAIRPERSON ANDERSON: All right.  
18 Thank you. Mr. Dixon, it's my understanding that  
19 the response from your -- that the -- I'm sorry,  
20 from the protesters that they did not take a  
21 position but they wanted to be heard. So can you  
22 please explain? Hold on, sir, before you respond  
23 so she can translate. Go ahead Mr. Dixon.

24 MR. DIXON: Thank you, Mr. Anderson.  
25 That is correct. However, Ms. Yohannes obviously

1 frames the opposition with reference to her  
2 motion to continue in a light most favorable to  
3 the licensee.

4 Mr. Anderson and Board members, we  
5 have taken extraordinary measures to reach out to  
6 Sylvia's Liquor through Ms. Na and Mr. Joung with  
7 reference to trying to mediate this matter. The  
8 record should reflect that this is not the first  
9 time that Sylvia's has been before this Board  
10 because of a protest. We understand before  
11 administrative tribunals and in other court  
12 matters a licensee or a defendant, if you will,  
13 has the right to have representation.

14 However, here it comes on the eve of  
15 our preparation for this matter. And indeed, it  
16 comes at extreme cost to our client, ANC 5D. In  
17 light of our efforts and we've met with Ms.  
18 Fletcher. We've met with Sylvia's through Ms. Na  
19 and Mr. Joung.

20 We've tendered to them our position on  
21 trying to mediate this matter, and they have just  
22 not responded. Actually, they responded of late  
23 with hiring Ms. Yohannes. And we have been in  
24 contact with her.

25 We don't see the need in setting

1 another mediation. Our position is -- and we're  
2 prejudiced by setting another round of  
3 mediations. What we would ask this panel to do  
4 is set a quick -- if you're of the mind to grant  
5 a continuance to set a quick turnaround date for  
6 this protest hearing.

7 And not to put too fine a point on  
8 this, Board members and Mr. Anderson, there's a  
9 daycare right next door to Sylvia's that's had to  
10 curtail their business on account of the crowds  
11 and the activity and the magnet that Sylvia's  
12 presents for people outside of the neighborhood.  
13 And indeed, it's created an environment like that  
14 Wild West out there. And we think this needs to  
15 be addressed.

16 And again, this is not the first time.  
17 Sylvia's had an agreement in 2018 to do better,  
18 and they just haven't. So we would -- those are  
19 representations that we'll submit on the record,  
20 Mr. Anderson and Board members.

21 CHAIRPERSON ANDERSON: Thank you very  
22 much for your representation, Mr. Dixon, on  
23 behalf of your client. So I just want to get  
24 some clarification. Does the ANC -- do they  
25 object to the motion?

1                   MR. DIXON: In response, Mr. Anderson  
2 and Board members, we take no position.  
3 Obviously as the record should bear out, we're  
4 not objecting and we're not consenting to it.  
5 But we're deferring to the judgment of the Board  
6 on this issue given the backdrop and the  
7 circumstances that bring us where we are.

8                   CHAIRPERSON ANDERSON: All right.  
9 Thank you for the representation, Mr. Dixon. I'm  
10 going to show my own biases and bias in the sense  
11 as an attorney. I am going to recommend to the  
12 Board that the Board grants a short continuance  
13 until October 6th at 1:30, if that date works for  
14 the parties. Let's -- I apologize. I need to be  
15 off the record for five minutes. I apologize for  
16 this. Okay.

17                   (Whereupon, the above-entitled matter  
18 went off the record at 1:57 p.m. and resumed at  
19 1:59 p.m.)

20                   CHAIRPERSON ANDERSON: All right.  
21 We're back on the record. So I'll wait for the  
22 parties to join us. And I do apologize for the  
23 interruption.

24                   All right. Now as I stated before, I  
25 am going to recommend to the Board that the Board

1 grant a short continuance until October 6, 2021  
2 at 1:30 p.m. to start the hearing, if that date  
3 words for the parties. And I'll give you the  
4 reasons why I'm going to recommend to the Board  
5 that we grant this continuance. As represented  
6 by both parties, as Mr. Dixon stated, there was a  
7 previous protest hearing on a previous renewal.

8 We now have an attorney -- we have  
9 attorneys on both sides. And with my prejudice  
10 (audio interference) attorney, I believe that  
11 once you have -- if you have attorneys on both  
12 sides that I would hope that we'll be able to  
13 come to a meeting of the minds. My position has  
14 always been that none -- I'm not aware of any of  
15 the Board members living in this area.

16 And if the parties can sit down and  
17 come to an agreement that works for them, then we  
18 do not have to have the Board make a decision  
19 that one side is going to be happy and the other  
20 one is unhappy. So I always support having the  
21 parties sit and discuss settlement because I  
22 think, at the end of the day, the parties  
23 hopefully can come to a decision that they're  
24 both happy with rather than have the Board make a  
25 decision. And once the Board makes a decision,

1 one side is going to be happy and the other side  
2 is going to be unhappy.

3 That's the main reason. And also  
4 because, as represented by counsel, she was  
5 recently hired by the licensee. And as a  
6 professional courtesy -- and I appreciate, Mr.  
7 Dixon, you did not deny -- you took no position.  
8 So that's one of the reasons why I will make a  
9 recommendation to the Board to grant this short  
10 continuance. All right. So does the date of  
11 October 6th at 1:30, does that work for both  
12 sides?

13 MR. DIXON: Mr. Anderson and Board  
14 members, this is Mr. Dixon speaking on behalf of  
15 ANC 5D. We're satisfied with the October 6th  
16 date with the record that the Board had made with  
17 reference to the recent entry of counsel.  
18 However, we do ask the Board not to -- to take a  
19 very strong position on no further continuances  
20 unless good cause is shown. And I'm informed by  
21 my client that October 6 is good.

22 However, I have a slight conflict. I  
23 have another court hearing that day at 9:30. But  
24 hopefully, it will not flow into the 1:30 date.  
25 However, we will work genuinely to try to resolve

1 this matter short of having the Board to wield  
2 its heavy hand.

3 CHAIRPERSON ANDERSON: Thank you. Go  
4 ahead, Ms. Yohannes.

5 MS. YOHANNES: No, I was just going to  
6 say that licensee -- that date and time works for  
7 the licensee. And thank you to Mr. Dixon.

8 CHAIRPERSON ANDERSON: All right.  
9 With that, I'll make a motion that we grant this  
10 continuance to October 6th, 2021 --

11 MEMBER GRANDIS: Mr. Chairman?

12 CHAIRPERSON ANDERSON: -- at 1:30.

13 MEMBER GRANDIS: Mr. Chairman?

14 CHAIRPERSON ANDERSON: I'm sorry. Who  
15 --

16 MEMBER GRANDIS: Mr. Chairman?

17 CHAIRPERSON ANDERSON: Yes. Yes, Mr.  
18 Short. Yes, Mr. Grandis.

19 MEMBER GRANDIS: Shouldn't other Board  
20 members have an opportunity to ask questions  
21 before we're asked to vote on something?

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Go ahead.

24 MEMBER GRANDIS: Go ahead now. Sorry?

25 CHAIRPERSON ANDERSON: Go ahead. Go

1 ahead, sir.

2 MEMBER GRANDIS: Thank you, and thank  
3 you for recognizing me. Mr. Dixon --

4 CHAIRPERSON ANDERSON: Mr. Grandis?

5 MEMBER GRANDIS: Yeah.

6 CHAIRPERSON ANDERSON: Remember, this  
7 is purely procedural.

8 MEMBER GRANDIS: Yes?

9 CHAIRPERSON ANDERSON: Purely  
10 procedural. So I --

11 MEMBER GRANDIS: Yes?

12 CHAIRPERSON ANDERSON: -- hope that if  
13 you're asking questions, just ask him procedure  
14 and nothing substantive, please. All right.  
15 Yes, Mr. Grandis.

16 MEMBER GRANDIS: Thank you. Mr.  
17 Dixon, could you just refresh the Board with some  
18 dates? What was the date of your mediation?

19 MR. DIXON: If the Board will indulge  
20 me one moment, Mr. Grandis in particular, I'm  
21 going to bring those dates up. Just give me one  
22 moment.

23 (Pause.)

24 MEMBER GRANDIS: Mr. Dixon?

25 CHAIRPERSON ANDERSON: Mr. Dixon said

1 that he had to find the dates, sir, to get back  
2 to you.

3 MEMBER GRANDIS: Thank you.

4 MS. YOHANNES: I will say, Mr.  
5 Grandis, if I may, while Mr. Dixon looks that up,  
6 answer your question, and also supplement in that  
7 in my motion --

8 (Simultaneous speaking.)

9 MEMBER GRANDIS: Ms. Yohannes, I don't  
10 believe I've asked you a question.

11 MS. YOHANNES: Sorry. Apologies.  
12 Okay.

13 MEMBER GRANDIS: Thank you very much.  
14 Mr. Dixon?

15 MR. DIXON: For the Board and Mr.  
16 Grandis, July 14, 2021 is when we met formally  
17 for with Ms. LaVerne Fletcher. Present were  
18 representatives from Sylvia's. That would be Mr.  
19 Joung and Ms. Na, Ms. Fletcher, myself and Ms.  
20 Moore, and Attorney Madison Gibbs. And we met at  
21 that time for an hour and 22 minutes.

22 To augment that, there were other  
23 email exchanges. And I can get those to Mr.  
24 Grandis or the Board if necessary. But there  
25 were email exchanges.

1                   And indeed a second mediation was set  
2 after July 14. Unfortunately, Ms. Na and Mr.  
3 Joung did not appear. They were no shows.

4                   MEMBER GRANDIS: Excuse me. So there  
5 was a second mediation date that you, on behalf  
6 of the ANC, attended?

7                   MR. DIXON: Yes, sir. We met with Ms.  
8 Fletcher and we exchanged emails with her.

9                   MEMBER GRANDIS: Do you have that  
10 date?

11                   MR. DIXON: Yeah, I can get that for  
12 you. I have to go into my email file. I can  
13 send that to the Board.

14                   MEMBER GRANDIS: No, sir. No, sir.  
15 I'm trying -- I'm just trying to get a timeline  
16 here.

17                   MR. DIXON: Okay. Just one --

18                   MEMBER GRANDIS: So there were two  
19 mediations that the ANC attended?

20                   MR. DIXON: Yeah, if you will --

21                   MS. GIBBS: I can clarify if you would  
22 like, Mr. Dixon.

23                   MR. DIXON: Yes. Ms. Gibbs --

24                   MEMBER GRANDIS: Ms. Gibbs --

25                   MR. DIXON: -- will help me with that

1 --

2 MEMBER GRANDIS: -- please identify  
3 yourself --

4 MR. DIXON: -- Mr. Grandis.

5 MEMBER GRANDIS: -- for me. I know  
6 you did earlier.

7 MS. GIBBS: Yes. So my name is  
8 Madison Gibbs. I am one of the co-attorneys for  
9 ANC 5D.

10 MEMBER GRANDIS: Thank you.

11 (Simultaneous speaking.)

12 MEMBER GRANDIS: Does the translator  
13 want to try to catch up?

14 THE INTERPRETER: Yes.

15 MEMBER GRANDIS: So Ms. Gibbs, you --

16 MS. GIBBS: Yes, so --

17 MEMBER GRANDIS: -- attended the  
18 second mediation?

19 MS. GIBBS: -- there was no second  
20 date for mediation. There was only one day of  
21 mediation on July 14th. ANC 5D and counsel did  
22 reach out about a second date for mediation to  
23 ABRA and to the licensee, and one was not  
24 scheduled. But we did send the licensee -- and  
25 it was only them at the time because they had no

1 counsel -- a proposed settlement agreement. And  
2 that was on July 23rd. And at that time, we --  
3 sorry, go ahead.

4 MEMBER GRANDIS: Thank you. And Ms.  
5 Yohannes --

6 MS. GIBBS: On July 23rd, the  
7 licensees did acknowledge receipt of the  
8 settlement agreement and asked for time to allow  
9 them to review it. We reached out maybe a month  
10 later at the end of the month, and we did not  
11 hear anything back from the licensee. And we  
12 didn't hear anything from them until their  
13 attorney became assigned to the case.

14 MEMBER GRANDIS: Thank you. Ms.  
15 Yohannes, it's a pleasure to have you before the  
16 Board today. And I only have two questions for  
17 you.

18 MS. YOHANNES: Yes, sir.

19 MEMBER GRANDIS: Could you help the  
20 Board understand the date when your firm was  
21 retained to represent this licensee on this  
22 particular matter?

23 MS. YOHANNES: Yes. So the date in  
24 which I indicate in my motion when the status  
25 hearing was, that was actually the date in which

1 we were retained on or about August 18th. The  
2 status was actually on July 15th. That was what  
3 I was going to clarify earlier.

4 MEMBER GRANDIS: And what -- oh,  
5 excuse me, Ms. Interpreter -- Ms. Kim, I think.  
6 So Ms. Yohannes, just one last question. If I  
7 understand correctly, you all were retained in  
8 mid-August. And here we are, it's September  
9 20th. And you're asking for -- I believe the  
10 Chairman has offered a two-week delay. What are  
11 your grounds for asking for the extension?

12 MS. YOHANNES: Yes. So in terms of  
13 our grounds for asking for a continuance, it was  
14 -- it is in hopes to actually reach a settlement  
15 agreement. When the mediation took place, we  
16 were not retained at the time. And once we were  
17 retained, we reached out to opposing counsel,  
18 however had not been able to reach an agreement  
19 mostly due to not being able to discuss  
20 substantive issues because there's preparation  
21 going on for a protest hearing at that time.

22 MEMBER GRANDIS: Thank you, Ms.  
23 Yohannes. And thank you, Mr. Chairman. And I'm  
24 only one members of this Board, but I would like  
25 to see us go to executive session. But it's up -

1 - you are the chairman and I'll follow you.

2 Thank you.

3 MR. DIXON: If I may, Mr. Anderson,  
4 Chair, and Board members.

5 CHAIRPERSON ANDERSON: Yes, yes, go  
6 ahead.

7 MR. DIXON: I would note for the  
8 record, and it's just for the record and this  
9 procedural situation, that the protestant has  
10 complied with the Board mandate on witnesses and  
11 exhibits. And we did that, based on my  
12 understanding and I can defer to Ms. Gibbs on  
13 that, in a timely fashion. If the Board wants to  
14 go into executive session, obviously we have no  
15 control over that. And we await -- if there is  
16 to be a final word from the Board, we will await  
17 if you want to have us --

18 CHAIRPERSON ANDERSON: Any other  
19 representation needs to be made by anyone else?  
20 At the request of the -- hold on. Hold on, Ms.  
21 Yohannes.

22 MS. YOHANNES: Okay.

23 CHAIRPERSON ANDERSON: As a courtesy  
24 to the Board member, we're going to go into  
25 executive session. I want to make sure that I

1 hear from all the parties before the Board leaves  
2 to go into executive session to discuss the  
3 motion and consult with legal. So go ahead, Ms.  
4 Yohannes. Hold on. Let her translate. Go  
5 ahead, Ms. Yohannes.

6 MS. YOHANNES: Yes, so regarding the  
7 motion to continue, I'll just say without going  
8 into detail about discussions that occurred  
9 previously during the mediation or in settlement  
10 discussions, there are issues that have recently  
11 been relayed or discussed between counsel where I  
12 believe that a settlement agreement is possible.  
13 And I think that it's worth us exploring. It has  
14 not been explored previously. Regarding the  
15 exhibits that Mr. Dixon just mentioned the  
16 exhibits, I will just note that although the PIF  
17 and the exhibit list was submitted by the  
18 protestants, the actual exhibits themselves were  
19 not submitted until the following day.

20 MR. DIXON: If I may, Mr. Anderson and  
21 Board members, this is Mr. Dixon. One last --

22 CHAIRPERSON ANDERSON: Yes, Mr. Dixon.

23 MR. DIXON: -- comment from us is that  
24 we're in a short turnaround. We obviously have  
25 witnesses to round up and get prepared. And if

1 the date remains the same, we would ask the Court  
2 just to give us a little leeway come hearing date  
3 if we haven't worked this out. And ANC 5D will  
4 negotiate in good faith as we have. But we would  
5 just ask if we can't work things out and on the  
6 hearing date we still have to run that date by  
7 our witnesses and make sure that we're prepared  
8 to go forward.

9 CHAIRPERSON ANDERSON: Mr. Dixon and  
10 Ms. Yohannes, although -- the Board is going into  
11 executive session to discuss some legal issues  
12 before we vote on the motion that I've made. I  
13 don't know. But I just want to state to you  
14 moving forward, whether or not we grant this  
15 motion or not, any joint motions that is provided  
16 to the -- if a joint motion is presented to the  
17 Board for a continuance, the Board would look  
18 favorable on that.

19 The Board is not going to stand in the  
20 way if both parties put in a joint motion to say,  
21 this is what we want to occur. So the Board is  
22 not going to say, although both parties want to  
23 continue the matter that we're going to say, you  
24 need to have a hearing. Okay? So I just want  
25 you to know at least that's my position as Board

1 Chair. And I see no reason why the Board would  
2 not support a joint motion.

3 MR. DIXON: Mr. Anderson and Board  
4 members --

5 CHAIRPERSON ANDERSON: Yes, Mr. Dixon.

6 MR. DIXON: -- this is Mr. Dixon. We  
7 appreciate those comments, and that's why we  
8 considered our position with reference to  
9 responding to the motion. But I can say that  
10 given all of the -- the 360 degree picture of  
11 this case, the ANC has other issues with other  
12 liquor stores. And we've resolved those.

13 But with reference to Sylvia's, we  
14 think that -- and I'm going to use a colloquial  
15 term -- we have their attention now. They have  
16 hired counsel. And I think we should be able to  
17 work something out. I'm hoping that we can.

18 CHAIRPERSON ANDERSON: Thank you for  
19 that representation, Mr. Dixon. Go ahead, Ms.  
20 Kim. Any other representation by any side before  
21 we move into executive session?

22 MR. DIXON: Not from ANC, the  
23 protestants. And I would just ask for point of  
24 clarification, does the Board want us to wait  
25 online or dial back in?

1                   CHAIRPERSON ANDERSON: Yes, wait  
2 online. I don't believe this should be more than  
3 ten minutes. Okay. I just wanted to --

4                   (Simultaneous speaking.)

5                   CHAIRPERSON ANDERSON: Thank you. I  
6 just wanted to declare to all Board members at  
7 any point during any of our proceedings if a  
8 Board member requests that we go into executive  
9 session, I will honor that request. And so  
10 therefore, because we have to vote to go into  
11 executive session, so I'm asking all Board  
12 members as a courtesy to the other Board members,  
13 please support the motion for us to go in  
14 executive session.

15                   So therefore, as Chairperson of the  
16 Alcoholic Beverage Control Board for the District  
17 of Columbia in accordance with D.C. Official Code  
18 Section 2-574(B) of the Open Meetings Act, I move  
19 that ABC Board hold a closed meeting for the  
20 purpose of seeking legal advice from our counsel  
21 on Case No. 21-PRO-00040, Sylvia's Liquor,  
22 pursuant to D.C. Official Code Section 2-  
23 574(B)(4) of the Open Meetings Act. Is there a  
24 second? I believe, Mr. Short, you second the  
25 motion, although your mic was off.

1                   MEMBER SHORT: Forgive me, Mr. Chair.  
2 I did second the motion, yes.

3                   CHAIRPERSON ANDERSON: All right. The  
4 motion has been second by Mr. Short. So we'll  
5 now have a roll call vote on the motion. Mr.  
6 Short?

7                   MEMBER SHORT: Mr. Short, I agree.

8                   CHAIRPERSON ANDERSON: Mr. Cato?

9                   MEMBER CATO: Bobby Cato, I agree.

10                  CHAIRPERSON ANDERSON: Ms. Crockett?

11                  MEMBER CROCKETT: Rafi Crockett, I  
12 agree.

13                  CHAIRPERSON ANDERSON: Ms. Hansen?

14                  MEMBER HANSEN: Jeni Hansen, I agree.

15                  CHAIRPERSON ANDERSON: Mr. Grandis?

16                  MEMBER GRANDIS: Mr. Grandis agrees.

17                  CHAIRPERSON ANDERSON: And Mr.

18 Anderson, I agree. We're going to be in  
19 executive session. As it appears that the motion  
20 has passed, I hereby give notice that ABC Board  
21 will recess this proceeding to hold a closed  
22 meeting in the ABC Board -- well, in our virtual  
23 conference room pursuant to Section 2-574(B) of  
24 the Open Meetings Act. Give us about ten  
25 minutes. Please stay on the line, and we will

1 back shortly. Thank you.

2 (Whereupon, the above-entitled matter  
3 went off the record at 2:34 p.m. and resumed at  
4 2:52 p.m.)

5 CHAIRPERSON ANDERSON: We're back on  
6 the record. Is everyone back? Well, let me see.  
7 I see the -- two counsel, Ms. Yohannes. Okay,  
8 fine. All right. All right. I'm going to make  
9 a motion that the Board grants the motion to  
10 continue this hearing until October 6, 2021 at  
11 1:30 p.m. Is there a second?

12 MEMBER SHORT: Mr. Short, I second.

13 CHAIRPERSON ANDERSON: Mr. Short has  
14 second the motion. We'll now have a roll call  
15 vote on the motion. Mr. Short?

16 MEMBER SHORT: Mr. Short, I agree.

17 CHAIRPERSON ANDERSON: Mr. Cato?

18 MEMBER CATO: Bobby Cato, I agree.

19 CHAIRPERSON ANDERSON: Ms. Crockett?

20 MEMBER CROCKETT: Rafi Crockett, I  
21 agree.

22 CHAIRPERSON ANDERSON: Ms. Hansen?

23 MEMBER HANSEN: Jeni Hansen, I agree.

24 CHAIRPERSON ANDERSON: Mr. Grandis?

25 You're on mute, Mr. Grandis.

1 MEMBER GRANDIS: Edward Grandis  
2 agrees.

3 CHAIRPERSON ANDERSON: And Mr.  
4 Anderson, I agree. The matter passed 6-0-0.  
5 This matter therefore is being continued to  
6 October 6 at 1:30. The Board supports  
7 settlement.

8 THE INTERPRETER: Okay.

9 CHAIRPERSON ANDERSON: I was -- go  
10 ahead, Ms. Kim.

11 THE INTERPRETER: Thank you.

12 CHAIRPERSON ANDERSON: All right. As  
13 stated before, the Board supports the parties  
14 negotiating in good faith. I was told there's a  
15 settlement agreement out there. I don't know if  
16 you're aware of that, Ms. Yohannes. But I was  
17 told that there's a settlement agreement out  
18 there.

19 So I hope that if that's not -- if you  
20 don't have it, that Mr. Dixon or Ms. Gibbs will  
21 provide it to you. You can look at it, discuss  
22 it with your client. And my position has always  
23 been if you settle this, everyone will be happy.  
24 The Board will make a decision. When the Board  
25 makes a decision, one side is happy, the other

1 side might be happy or unhappy. I don't know.

2 But I prefer when both parties can  
3 hold hands and -- because the establishment,  
4 irrespective of what the Board does, might be in  
5 this neighborhood for -- in some form or the  
6 other. So it's great if parties are able to come  
7 to a meeting of the mind on what works for the  
8 community. All right. Any further  
9 representation by either side before I formally  
10 close the record on this case?

11 MR. DIXON: Yes, if the Board pleases,  
12 this is Mr. Dixon. Mr. Anderson, I'll ask you  
13 through the Board, in the event that we can reach  
14 out a settlement, does the Board direct us back  
15 to Ms. Fletcher or does the Board direct us to a  
16 contact person with the counsel for the Board?  
17 So if we hammer out an agreement, we can just get  
18 that agreement back to Ms. Fletcher. Or should  
19 we get that to the counsel for the Board?

20 CHAIRPERSON ANDERSON: No, I think Ms.  
21 Yohannes -- I'm sorry. Go ahead, ma'am.

22 THE INTERPRETER: Mr. Dixon, my  
23 apologies. Could you repeat what you just said,  
24 please?

25 MR. DIXON: Yes. For the record, in

1 the event that we can hammer out an agreement  
2 between the ANC and the licensee, do we then get  
3 that document to Ms. Fletcher or do we submit  
4 that to the General Counsel for the Board?

5 CHAIRPERSON ANDERSON: Send the signed  
6 agreement to our General Counsel,  
7 martha.jenkins@dc.gov, please.

8 MR. DIXON: Thank you, Mr. Anderson and  
9 the Board. We'll move forward. Thank you so much.

10 CHAIRPERSON ANDERSON: Anything you  
11 need to say, Ms. Yohannes?

12 MS. YOHANNES: No, nothing further  
13 from the licensee. Thank you.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you very much. And again, the Board  
16 supports settlement agreements. So I support the  
17 parties speaking. If I see you on October 6, the  
18 Board will make a decision. But I hope the Board  
19 doesn't have to make a decision. Thank you. All  
20 right. Have a good one.

21 THE INTERPRETER: Thank you.

22 CHAIRPERSON ANDERSON: Thank you very  
23 much. All right. Have a great day.

24 (Whereupon, the above-entitled matter  
25 went off the record at 3:00 p.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: Sylvia's Liquors

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.

*Neal R Gross*

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