

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
:
Shaw Howard Deli, LLC, :
t/a Shaw Howard Deli :
1911 7th Street NW :
Retailer B - ANC 1B :
License #95169 : Show Cause
Case #23-251-00015 : Hearing (Status)
:
(Allowed Establishment :
to be Used for Unlawful :
or Disorderly Purpose, :
Violation of Settlement :
Agreement, Failed to :
have security cameras :
operational) :
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Wednesday
September 27, 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:

- COLLIN CENCI, DC OAG
ROBERT CLAYTON, Licensee's Counsel
ROBERT NEWMAN, Licensee's Counsel
JOSE ORELLANA, DC ABCA Staff

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

2 10:48 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case Number 23-25100015, Shaw  
5 Howard Deli. License Number 95169.

6 Good morning, Mr. Orellana, can you  
7 please elevate the rights of the licensee and the  
8 government in this case, please?

9 MR. ORELLANA: Good morning. Robert  
10 Newman, your access has been elevated.

11 Robert Clayton, your access has been  
12 elevated.

13 And, Collin Cenci, your access has  
14 been elevated.

15 That appears to be all, Chairman.

16 CHAIRPERSON ANDERSON: Thank you. Can  
17 everyone turn their camera on if they have that  
18 ability, please?

19 I see Mr. Clayton, Mr., all right,  
20 good morning. Good morning, Mr. Cenci. Good  
21 morning, could you identify yourself for the  
22 record by please spelling and stating your name?

23 MR. CENCI: Good morning, Chairperson  
24 Anderson. Collin Cenci, C-O-L-L-I-N C-E-N-C-I,  
25 Assistant Attorney General with the Office of the

1 Attorney General for the District of Columbia,  
2 representing the District today.

3 CHAIRPERSON ANDERSON: Fine, sir, all  
4 right. All right, I am not familiar with the two  
5 gentlemen. So who is the licensee in the case?

6 Or I'm sorry, Mr. Newman, you're the  
7 counsel. Can you please spell and state your  
8 name for the record, sir?

9 MR. NEWMAN: My name is Robert, Robert  
10 Newman. I am counsel for the Shaw Howard Deli.  
11 With me is my colleague, Robert Clayton.

12 And the spelling is N-E-W-M-A-N is the  
13 last name. First name is Robert, R-O-B-E-R-T.

14 CHAIRPERSON ANDERSON: And, Mr.  
15 Clayton, can you also identify yourself for the  
16 record, please?

17 MR. CLAYTON: Yes, good morning, this  
18 is Robert Clayton, C-L-A-Y-T-O-N. I'm general  
19 counsel for Shaw Howard Deli, LLC.

20 CHAIRPERSON ANDERSON: All right, good  
21 morning, sir. All right, good morning, Mr.  
22 Cenci. Are there any preliminary matters in this  
23 case?

24 MR. CENCI: Just to let the Board know  
25 that we have already reached out to Mr. Newman,

1 and the parties are discussing an offer in  
2 compromise.

3 CHAIRPERSON ANDERSON: All right.

4 MR. CENCI: But otherwise, they're  
5 (audio interference) hearing date.

6 CHAIRPERSON ANDERSON: All right,  
7 thank you, sir. All right, Mr. Newman, if there  
8 are no preliminary matters so therefore, this  
9 matter is then scheduled for --

10 (Simultaneous speaking.)

11 MR. NEWMAN: Sir?

12 CHAIRPERSON ANDERSON: I'm sorry, Mr.  
13 Newman, go ahead, sir.

14 MR. NEWMAN: I apologize, there was  
15 one preliminary matter. And I have already  
16 spoken with counsel about this, and they said  
17 they wouldn't object. The primary witness and  
18 co-owner is actually out of the country and not  
19 expected to be back until October 28.

20 And so we were asking to have the show  
21 cause hearing be rescheduled because not only is  
22 she the co-owner, but she's also the primary  
23 witness. She was there on the date of this  
24 incident.

25 Counsel nor I anticipate that we will

1 get there, because I think we have already had  
2 productive conversations regarding a settlement,  
3 but nevertheless, just wanted to put that out  
4 there for if we end up going to the show cause  
5 hearing, to ask if it could be rescheduled.

6 CHAIRPERSON ANDERSON: All right,  
7 prior to the show cause hearing, if we have a  
8 show cause hearing, it's scheduled for October 25  
9 --

10 (Simultaneous speaking.)

11 MR. NEWMAN: Right.

12 CHAIRPERSON ANDERSON: -- at 10:30  
13 a.m. If the parties are mutually agreed to  
14 change the date, they can send a motion to our  
15 general counsel and we will change the date to a  
16 mutually agreeable timeline.

17 If the parties on the other hand, if  
18 they decide to settle this matter, this matter  
19 can be settled --

20 (Simultaneous speaking.)

21 MR. NEWMAN: Right.

22 CHAIRPERSON ANDERSON: -- on our Legal  
23 Agenda through an offer in compromise.

24 MR. NEWMAN: Right.

25 CHAIRPERSON ANDERSON: All right. One

1 other thing I just want to advise both parties.  
2 If this matter goes to a hearing, seven days  
3 before the hearing both parties are required to  
4 exchange documents and witnesses.

5 Failure by either side to provide, to  
6 exchange documents and witnesses seven days  
7 before the hearing, the Board is empowered to  
8 prevent that side from moving forward, unless  
9 reasonable cause is shown. Any questions?

10 MR. NEWMAN: No questions.

11 CHAIRPERSON ANDERSON: All right, good  
12 luck with your negotiation and if this matter is  
13 not settled, the parties should send a mutual, a  
14 consent agreement to extend the timeline to, with  
15 the date and to our legal counsel, and the Board  
16 will try to accommodate the schedule. All right?

17 MR. NEWMAN: Thank you.

18 CHAIRPERSON ANDERSON: Thank you very  
19 much and have a great day.

20 MR. CENCI: You, too.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:52 a.m.)  
23  
24  
25

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 5:13 6:22  <b>ABCA</b> 1:24  <b>ability</b> 2:18  <b>above-entitled</b> 6:21  <b>access</b> 2:10,11,13  <b>accommodate</b> 6:16  <b>advise</b> 6:1  <b>Agenda</b> 5:23  <b>agreeable</b> 5:16  <b>agreed</b> 5:13  <b>agreement</b> 1:11 6:14  <b>ahead</b> 4:13  <b>Alcoholic</b> 1:2,16  <b>Allowed</b> 1:9  <b>ANC</b> 1:7  <b>Anderson</b> 1:17,19 2:3  2:16,24 3:3,14,20 4:3  4:6,12 5:6,12,22,25  6:11,18  <b>anticipate</b> 4:25  <b>apologize</b> 4:14  <b>appears</b> 2:15  <b>asking</b> 4:20  <b>Assistant</b> 2:25  <b>Attorney</b> 2:25 3:1  <b>audio</b> 4:5</p>	<p>co-owner 4:18,22  <b>colleague</b> 3:11  <b>Collin</b> 1:23 2:13,24  <b>Columbia</b> 1:1 3:1  <b>compromise</b> 4:2 5:23  <b>consent</b> 6:14  <b>conversations</b> 5:2  <b>counsel</b> 1:23,24 3:7,10  3:19 4:16,25 5:15  6:15  <b>country</b> 4:18</p>	<p style="text-align: center;"><b>H</b></p> <p>hand 5:17  <b>HANSEN</b> 1:20  <b>hearing</b> 1:8 4:5,21 5:5,7  5:8 6:2,3,7  <b>Howard</b> 1:6,6 2:5 3:10  3:19</p>	<p><b>OAG</b> 1:23  <b>object</b> 4:17  <b>October</b> 4:19 5:8  <b>offer</b> 4:1 5:23  <b>Office</b> 2:25  <b>operational</b> 1:12  <b>Orellana</b> 1:24 2:6,9</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B</b> 1:7  <b>back</b> 4:19  <b>Beverage</b> 1:2,16  <b>Board</b> 1:2,16 3:24 6:7  6:15  <b>BOBBY</b> 1:19</p>	<p style="text-align: center;"><b>D</b></p> <p><b>date</b> 4:5,23 5:14,15  6:15  <b>day</b> 6:19  <b>days</b> 6:2,6  <b>DC</b> 1:23,24  <b>decide</b> 5:18  <b>Deli</b> 1:6,6 2:5 3:10,19  <b>discussing</b> 4:1  <b>Disorderly</b> 1:10  <b>District</b> 1:1 3:1,2  <b>documents</b> 6:4,6  <b>Donovan</b> 1:17,19</p>	<p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 2:21 3:15  <b>incident</b> 4:24  <b>interference</b> 4:5</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b>  2:1  <b>parties</b> 4:1 5:13,17 6:1  6:3,13  <b>please</b> 2:7,8,18,22 3:7  3:16  <b>preliminary</b> 3:22 4:8,15  <b>PRESENT</b> 1:18,22  <b>presiding</b> 1:17  <b>prevent</b> 6:8  <b>primary</b> 4:17,22  <b>prior</b> 5:7  <b>productive</b> 5:2  <b>provide</b> 6:5  <b>Purpose</b> 1:10  <b>put</b> 5:3</p>
<p style="text-align: center;"><b>C</b></p> <p><b>C-E-N-C-I</b> 2:24  <b>C-L-A-Y-T-O-N</b> 3:18  <b>C-O-L-L-I-N</b> 2:24  <b>calendar</b> 2:4  <b>camera</b> 2:17  <b>cameras</b> 1:12  <b>Cannabis</b> 1:2,16  <b>case</b> 1:8 2:3,4,8 3:5,23  <b>CATO</b> 1:19  <b>cause</b> 1:8 4:21 5:4,7,8  6:9  <b>Cenci</b> 1:23 2:13,20,23  2:24 3:22,24 4:4 6:20  <b>Chairman</b> 2:15  <b>Chairperson</b> 1:16,19  2:3,16,23 3:3,14,20  4:3,6,12 5:6,12,22,25  6:11,18  <b>change</b> 5:14,15  <b>Clayton</b> 1:23 2:11,19  3:11,15,17,18</p>	<p style="text-align: center;"><b>E</b></p> <p><b>EDWARD</b> 1:20  <b>either</b> 6:5  <b>elevate</b> 2:7  <b>elevated</b> 2:10,12,14  <b>empowered</b> 6:7  <b>Establishment</b> 1:9  <b>exchange</b> 6:4,6  <b>expected</b> 4:19  <b>extend</b> 6:14</p> <p style="text-align: center;"><b>F</b></p> <p><b>Failed</b> 1:11  <b>Failure</b> 6:5  <b>familiar</b> 3:4  <b>Fine</b> 3:3  <b>First</b> 3:13  <b>forward</b> 6:8</p>	<p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:21  <b>JENI</b> 1:20  <b>JOSE</b> 1:24  <b>JR</b> 1:19,21</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 6:9,10</p>
<p style="text-align: center;"><b>G</b></p> <p><b>general</b> 2:25 3:1,18  5:15  <b>gentlemen</b> 3:5  <b>go</b> 4:13  <b>goes</b> 6:2  <b>going</b> 5:4  <b>good</b> 2:6,9,20,20,20,23  3:17,20,21 6:11  <b>government</b> 2:8  <b>GRANDIS</b> 1:20  <b>great</b> 6:19</p>	<p style="text-align: center;"><b>M</b></p> <p><b>matter</b> 1:5 4:9,15 5:18  5:18 6:2,12,21  <b>matters</b> 3:22 4:8  <b>MEETING</b> 1:3  <b>Member</b> 1:19,20,20,21  <b>met</b> 1:16  <b>morning</b> 2:6,9,20,20,21  2:23 3:17,21,21  <b>motion</b> 5:14  <b>moving</b> 6:8  <b>mutual</b> 6:13  <b>mutually</b> 5:13,16</p>	<p style="text-align: center;"><b>K</b></p> <p><b>know</b> 3:24</p>	<p style="text-align: center;"><b>R</b></p> <p><b>R-O-B-E-R-T</b> 3:13  <b>reached</b> 3:25  <b>reasonable</b> 6:9  <b>record</b> 2:22 3:8,16 6:22  <b>regarding</b> 5:2  <b>representing</b> 3:2  <b>required</b> 6:3  <b>rescheduled</b> 4:21 5:5  <b>Retailer</b> 1:7  <b>right</b> 2:19 3:4,4,20,21  4:3,6,7 5:6,11,21,24  5:25 6:11,16  <b>rights</b> 2:7  <b>Robert</b> 1:23,24 2:9,11  3:9,9,11,13,18</p>
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**7th** 1:7

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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: Shaw Howard Deli

Before: DC ABCA

Date: 09-27-23

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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