

IN THE MATTER OF: :
 :
Cheers Wine & Spirits, :
LLC, t/a Cheers Wine & :
Spirits : Roll Call
1901 Michigan Avenue, NE : Hearing
License #ABRA-116859 :
Retailer Class A :
ANC 5B :
Case #20-PRO-00039 :
 :
(New Application) :

Tuesday
October 13, 2020

The Alcoholic Beverage Control Board met via Videoconference, LaVerne Fletcher, Board's Agent, presiding.

PRESENT :

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

GAYLE CARLEY, ANC 5B
IRA HOBBS, Protestant
EDWARD JOHNSON, Protestant
LAWRENCE THURSTON, Protestant

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

10:14 a.m.

MS. FLETCHER: I am going to go ahead and call the first case. The first case is Cheers Wine and Spirits. This is Case Number 20-PRO-00039, Cheers Wine and Spirits, LLC, 1901 Michigan Avenue, Northeast. The License Number is ABRA-116859. This is a Retailer Class A Application.

The protest issues are adverse impact on peace, order, and quiet.

Who is present on behalf of the Applicant?

(No response.)

MS. FLETCHER: Is anyone present on behalf of the Applicant?

(No response.)

MS. FLETCHER: Is anyone present on behalf of Cheers Wine and Spirits?

(No response.)

MS. FLETCHER: Is anyone present on behalf of ANC-5C?

MR. JOHNSON: Edward Johnson.

MS. CARLEY: The liquor store falls in 5B-01.

1 MS. FLETCHER: I'm sorry, who is
2 speaking, please?

3 MS. CARLEY: Commissioner Carley.

4 MS. FLETCHER: Hi, Ms. Carley. Ms.
5 Carley, will you spell your name for the record,
6 please?

7 (Pause.)

8 MS. FLETCHER: Ms. Carley?

9 MS. CARLEY: Yes, ma'am.

10 MS. FLETCHER: Commissioner Carley,
11 will you spell your name for the record. please?

12 MS. CARLEY: Yes. Gayle, G-A-Y-L-E,
13 Carley, C-A-R-L-E-Y.

14 MS. FLETCHER: Thank you. Ms.
15 Carley, your presence is on behalf of ANC 5C.

16 MS. CARLEY: Five-B, 5B, as in
17 Bravo.

18 MS. FLETCHER: Okay, thank you.

19 (Pause.)

20 (Simultaneous speaking.)

21 MS. FLETCHER: Just a second, just a
22 second. Is anyone else present with you today,
23 Ms. Carley?

24 MS. CARLEY: As far as the ANC?

25 MS. FLETCHER: Yes, I'm just

1 checking because I can't see. I'm making sure -
2 - if there is anyone else present with you
3 today, now would be the time to introduce
4 themselves. Are you the only one present --

5 MS. CARLEY: No, ma'am.

6 MS. FLETCHER: -- on behalf of ANC
7 5B today?

8 MS. CARLEY: No, ma'am.

9 MR. JOHNSON: Edward Johnson. Can
10 you hear me? Mr. Johnson is present. Okay.

11 MR. JOHNSON: Yes.

12 MS. FLETCHER: Thank you, Mr.
13 Johnson. Mr. Johnson, would you spell your name
14 for the record, please?

15 MR. JOHNSON: Edward, E-D-W-A-R-D.

16 MS. FLETCHER: Thank you, very much.

17 MR. JOHNSON: Last name Johnson, J-
18 O-H-N-S-O-N. You got it?

19 MS. FLETCHER: Yes, I have it.

20 Thank you very much.

21 MR. JOHNSON: You got it? Okay.

22 MR. THURSTON: Lawrence Thurston -

23 MS. CARLEY: And Lawrence Thurston
24 is also 5B-01.

25 MS. FLETCHER: So, Lawrence

1 Thurston, you are present?

2 MR. THURSTON: Yes.

3 MS. FLETCHER: Thank you.

4 MR. THURSTON: Yes, I am.

5 MS. FLETCHER: Thank you very much.

6 Is anyone else present from the
7 protestants?

8 MR. JOHNSON: You have a chat from
9 Ira Hobbs indicating that he cannot speak.

10 MS. FLETCHER: Who is that? Who is
11 that that cannot speak?

12 MR. JOHNSON: Look at the chat
13 window, there is an Ira Hobbs indicating a
14 desire to protest.

15 MS. FLETCHER: Yes, a Mr. Hobbs.
16 Mr. Hobbs, could you -- Mr. Hobbs's name is
17 spelled -- just one second. It's I-R-A, H-O-B-
18 B-S. That's for the court reporter.

19 Okay, I see you. Okay, anyone else
20 from the protestants?

21 (No response.)

22 MS. FLETCHER: Thank you. Is anyone
23 present on behalf of Cheers Wine and Spirits?

24 (No response.)

25 MS. FLETCHER: There is no one

1 present on behalf of Cheers Wine and Spirits.
2 The time is approximately 10:20. The
3 application for the new license is dismissed
4 because the Applicant is not present.

5 ANC-5B does have standing as a
6 protestant. Ms. Carley?

7 MS. CARLEY: Yes, ma'am.

8 MS. FLETCHER: So, the application
9 is dismissed because the Applicant is not
10 present. The Board is going issue an order
11 dismissing the application.

12 MS. CARLEY: Thank you.

13 MS. FLETCHER: And you will receive
14 a copy of the order. The Applicant will have
15 ten days to seek reinstatement of the
16 application. If he does do that, you will have
17 an opportunity to respond to that. But that is
18 the process at this point.

19 The application is dismissed and the
20 Board order will be for dismissing the
21 application because the Applicant is not
22 present.

23 MS. CARLEY: Thank you very much.

24 MS. FLETCHER: You are welcome.

25 MS. CARLEY: You have a nice day

1 MR. JOHNSON: Ms. Fletcher?

2 MS. FLETCHER: Yes.

3 MR. JOHNSON: Can I say --

4 MS. FLETCHER: Mr. Johnson, is that
5 you?

6 MR. JOHNSON: Yes, ma'am. Can I say
7 something for the record?

8 MS. FLETCHER: Yes.

9 MR. JOHNSON: Make a brief
10 statement?

11 MS. FLETCHER: Yes.

12 MR. JOHNSON: Okay. I am a
13 neighbor. I live approximately two blocks from
14 the front door of this proposed liquor store.
15 In addition to that, I am an architect, an urban
16 planner, who has been in private practice for
17 over 35 years.

18 The purpose of the Comprehensive
19 Plan is to provide the orderly development of
20 the nation's capital. The zoning regulations
21 are structured to protect the health, safety,
22 and welfare of this community. A liquor store
23 is in conflict of those mandates.

24 MS. FLETCHER: Mr. Johnson? Mr.
25 Johnson?

1 MR. JOHNSON: Yes, ma'am.

2 MS. FLETCHER: I'm just going to
3 interrupt you for just a moment -

4 MR. JOHNSON: Yes, ma'am.

5 MS. FLETCHER: So, save that
6 statement -- that's not for this part of
7 proceeding.

8 MR. JOHNSON: Okay.

9 MS. FLETCHER: At the roll call
10 hearing you won't need to make that statement.
11 But if there is a protest hearing, you will need
12 to make a statement.

13 MR. JOHNSON: Yes, ma'am.

14 MS. FLETCHER: But, you know, thank
15 you for that, but you will have an opportunity
16 to make it at that time.

17 MR. JOHNSON: All right, so, my
18 point is, I'm speaking as a neighbor and a
19 professional.

20 MS. FLETCHER: I understand.

21 MR. JOHNSON: All right, thank you.

22 MS. FLETCHER: Thank you very much.

23 MR. JOHNSON: Yes, ma'am, thank you.

24 MS. FLETCHER: Okay, well, then, I'm
25 concluding the roll call hearing for Cheers Wine

1 and Spirits. And you can hang up.

2 (Whereupon, the above-entitled
3 matter went off the record at 10:22 a.m.)

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| <p>A</p> <p>a.m 2:2 9:3 above-entitled 9:2 ABRA 1:17 ABRA-116859 1:8 2:8 addition 7:15 adverse 2:10 Agent 1:15,17 ahead 2:4 Alcoholic 1:2,14 ANC 1:9,19 3:15,24 4:6 ANC-5B 6:5 ANC-5C 2:22 Applicant 2:13,16 6:4,9 6:14,21 application 1:10 2:9 6:3 6:8,11,16,19,21 approximately 6:2 7:13 architect 7:15 Avenue 1:7 2:7</p> | <p>day 6:25 days 6:15 desire 5:14 development 7:19 dismissed 6:3,9,19 dismissing 6:11,20 DISTRICT 1:1 door 7:14</p> | <p>4:17,17,21 5:8,12 7:1 7:3,4,6,9,12,24,25 8:1 8:4,8,13,17,21,23</p> | <p>2:18,21 3:22 4:2,4,10 5:1,6,23 6:1,4,10,22 presiding 1:15 private 7:16 proceeding 8:7 process 6:18 professional 8:19 proposed 7:14 protect 7:21 protest 2:10 5:14 8:11 protestant 1:20,20,21 6:6 protestants 5:7,20 provide 7:19 purpose 7:18</p> |
| <p>B</p> <p>B-S 5:18 behalf 2:12,16,19,22 3:15 4:6 5:23 6:1 Beverage 1:2,14 blocks 7:13 Board 1:2,14 6:10,20 Board's 1:15,17 Bravo 3:17 brief 7:9</p> | <p>E</p> <p>E-D-W-A-R-D 4:15 Edward 1:20 2:23 4:9 4:15</p> | <p>K</p> | <p>Q</p> <p>quiet 2:11</p> |
| <p>C</p> <p>C-A-R-L-E-Y 3:13 call 1:3,7 2:4 8:9,25 capital 7:20 Carley 1:19 2:24 3:3,3,4 3:5,8,9,10,12,13,15 3:16,23,24 4:5,8,23 6:6,7,12,23,25 case 1:9 2:4,4,5 chat 5:8,12 checking 4:1 Cheers 1:6,6 2:5,6,19 5:23 6:1 8:25 Class 1:8 2:8 COLUMBIA 1:1 Commissioner 3:3,10 community 7:22 Comprehensive 7:18 concluding 8:25 conflict 7:23 Control 1:2,14 copy 6:14 court 5:18</p> | <p>F</p> <p>falls 2:24 far 3:24 first 2:4,4 Five-B 3:16 Fletcher 1:14,17 2:3,15 2:18,21 3:1,4,8,10,14 3:18,21,25 4:6,12,16 4:19,25 5:3,5,10,15 5:22,25 6:8,13,24 7:1 7:2,4,8,11,24 8:2,5,9 8:14,20,22,24 front 7:14</p> | <p>L</p> <p>LaVerne 1:14,17 Lawrence 1:21 4:22,23 4:25 license 1:8 2:7 6:3 liquor 2:24 7:14,22 live 7:13 LLC 1:6 2:6 Look 5:12</p> | <p>R</p> <p>receive 6:13 record 3:5,11 4:14 7:7 9:3 regulations 7:20 reinstatement 6:15 reporter 5:18 respond 6:17 response 2:14,17,20 5:21,24 Retailer 1:8 2:8 roll 1:3,7 8:9,25</p> |
| <p>D</p> | <p>G</p> <p>G-A-Y-L-E 3:12 Gayle 1:19 3:12</p> | <p>M</p> <p>ma'am 3:9 4:5,8 6:7 7:6 8:1,4,13,23 making 4:1 mandates 7:23 matter 1:5 9:3 met 1:14 Michigan 1:7 2:7 moment 8:3</p> | <p>S</p> <p>safety 7:21 save 8:5 second 3:21,22 5:17 seek 6:15 Simultaneous 3:20 sorry 3:1 speak 5:9,11 speaking 3:2,20 8:18 spell 3:5,11 4:13 spelled 5:17 Spirits 1:6,7 2:5,6,19 5:23 6:1 9:1 standing 6:5 statement 7:10 8:6,10 8:12 store 2:24 7:14,22 structured 7:21</p> |
| | <p>H</p> <p>H-O-B- 5:17 hang 9:1 health 7:21 hear 4:10 hearing 1:3,7 8:10,11 8:25 Hi 3:4 Hobbs 1:20 5:9,13,15 5:16 Hobbs's 5:16</p> | <p>N</p> <p>name 3:5,11 4:13,17 5:16 nation's 7:20 NE 1:7 need 8:10,11 neighbor 7:13 8:18 new 1:10 6:3 nice 6:25 Northeast 2:7 Number 2:5,7</p> | <p>T</p> <p>t/a 1:6 ten 6:15 thank 3:14,18 4:12,16 4:20 5:3,5,22 6:12,23 8:14,21,22,23 Thurston 1:21 4:22,22</p> |
| | <p>I</p> <p>I-R-A 5:17 impact 2:11 indicating 5:9,13 interrupt 8:3 introduce 4:3 Ira 1:20 5:9,13 issue 6:10 issues 2:10</p> | <p>O</p> <p>O-H-N-S-O-N 4:18 October 1:12 opportunity 6:17 8:15 order 2:11 6:10,14,20 orderly 7:19</p> | |
| | <p>J</p> <p>J- 4:17 Johnson 1:20 2:23,23 4:9,9,10,11,13,13,15</p> | <p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 part 8:6 Pause 3:7,19 peace 2:11 Plan 7:19 planner 7:16 please 3:2,6,11 4:14 point 6:18 8:18 practice 7:16 presence 3:15 present 1:16,18 2:12,15</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: Cheers Wine and Spirits

Before: DCABRA

Date: 10-13-20

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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