

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

2 10:34 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is case number 24-PRO-00103, DC
5 Food Market, license number 106962.

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

9 MR. ORELLANA: Emanuel Mpras, your
10 access has been elevated. And Commissioner
11 Moore, your access has been elevated. That is
12 all, Chairman.

13 CHAIRPERSON ANDERSON: Thank you.
14 Commissioner Moore, if you have a camera, can you
15 please -- okay, thank you very much. Good
16 morning, Mr. Mpras, can you please spell and
17 state your name for the record?

18 MR. MPRAS: Good morning, Mr.
19 Anderson. My name is Emanuel Mpras, E-M-A-N-U-E-
20 L, last name M-P-R-A-S.

21 CHAIRPERSON ANDERSON: And who do you
22 represent, sir?

23 MR. MPRAS: I'm representing DC Food
24 Market this morning.

25 CHAIRPERSON ANDERSON: Good morning.

1 Commissioner Moore, can you please spell and
2 state your name for the record?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: You need to
5 unmute yourself, ma'am.

6 MS. MOORE: Yes, hi, good morning,
7 everyone. My name is Commissioner Laneice Moore,
8 L-A-N-E-I-C-E, Moore, M-O-O-R-E.

9 CHAIRPERSON ANDERSON: And do -- who
10 do you represent, ma'am?

11 MS. MOORE: I represent single-member
12 district 8A04.

13 CHAIRPERSON ANDERSON: No, but you're
14 here representing ANC 8A.

15 MS. MOORE: ANC 8A04.

16 CHAIRPERSON ANDERSON: No, you're --
17 you're the representative from ANC 8A. Because
18 you're here representing the ANC as a whole, not
19 your single-member district, because the protest
20 has been -- was protested by ANC 8A. So I just
21 want to establish that for the record, ma'am.

22 MS. MOORE: Okay, I am here to
23 represent ANC 8A.

24 CHAIRPERSON ANDERSON: Thank you. All
25 right, I know that -- I know -- are there any

1 preliminary matters? And when I say, preliminary
2 matters that needs to be brought to the attention
3 of the Board, I know that a motion was filed,
4 however, the Board will make a decision on that
5 motion on October 30, 2024. But are there any
6 other preliminary matters that needs to be
7 brought to the attention of the board? Mr.
8 Mpras?

9 MR. MPRAS: Not from us, Mr. Anderson.

10 CHAIRPERSON ANDERSON: Ms. Moore?
11 Just preliminary, not substantive. Just if you
12 have any problems --

13 MS. MOORE: I'd like to bring to the
14 Board that Mr. Mpras served ANC 8A a subpoena on
15 October 2, 2024, without filing a motion with the
16 ward for a subpoena, D.C. Code Subtitle 25-443.
17 Therefore, any subpoena issued to ANC outside of
18 the requirements of the D.C. Code is defective on
19 its face and cannot be on a basis for a motion to
20 dismiss.

21 CHAIRPERSON ANDERSON: I am not -- any
22 other -- I'm not aware of that subpoena. I know
23 that, normally, when subpoenas are filed it is
24 brought to my attention for me to sign off on it.
25 So, I'm not aware of that subpoena, so Mr. Mpras,

1 is that something that you can address?

2 MR. MPRAS: Yes, sir --

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: I'm sorry, or
5 was that part of the motion that I said that the
6 Board will address?

7 MR. MPRAS: It's included in the
8 motion, but to clarify, I did submit my request
9 for a subpoena from the Board. And I have an
10 email from ABRA's -- ABCA's legal counsel stating
11 that I prepare and serve the subpoena, and to let
12 them know if there are any issues with the
13 response.

14 CHAIRPERSON ANDERSON: Oh, okay, fine.
15 As I said before, I'm aware that a motion was
16 filed and the Board will rule on the motion on
17 October 30. If there are no other preliminary
18 matters -- are there any other preliminary
19 matters that needs to be brought to the attention
20 of the Board?

21 MR. MPRAS: Not --

22 CHAIRPERSON ANDERSON: Mr. Mpras?

23 MS. MOORE: Yes.

24 CHAIRPERSON ANDERSON: Yes, Ms. Moore?

25 (Simultaneous speaking.)

1 MS. MOORE: Yes --

2 CHAIRPERSON ANDERSON: Go ahead,
3 ma'am.

4 MS. MOORE: Oh, I'm sorry. Yes, we'd
5 just asked the Board to deny the Applicant's
6 motion to dismiss, be denied. And I'd also like
7 to bring to the Board's attention that sub-
8 chapter requirements -- chapter three of the ABC
9 -- ABCA --

10 MR. MPRAS: Mr. Anderson, I object --
11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Hold on, Mr.
13 Mpras, I don't know what -- give her an
14 opportunity to present and then, once she's done,
15 then if you want to raise an objection. But, as
16 you know, I'm just asking if there are
17 preliminary matters and she has some preliminary
18 matters that she's bringing to the attention of
19 the Board. So go ahead, Ms. Moore.

20 MS. MOORE: Thank you very much.
21 Chapter three of the ABRA code book, requirements
22 to qualify for a license, sub-chapter 25-338,
23 limitations on successive applications after
24 denial. The Board should not consider an
25 application for the same class of license,

1 permit, endorsement, or substantial change by the
2 same applicant if the Board denied a previous
3 filed application within five years.

4 On December 20, 2021, there was a roll
5 call hearing in the matter of DC Food Market,
6 case number 00053, where Mr. Mpras submitted --
7 Mr. Mpras -- I'm sorry, something is going on on
8 my -- Mr. Mpras submitted an application for a
9 substantial change from a Retailers Class B to a
10 Retailers Class A.

11 CHAIRPERSON ANDERSON: And so --

12 MS. MOORE: And we ask that the -- and
13 we -- and the ANC 8A asks that the Board deny
14 this application for a class change.

15 CHAIRPERSON ANDERSON: Are you -- did
16 you raise this in writing to the Agency or are
17 you just raising this for the first time?

18 MS. MOORE: I submitted a letter, sir,
19 to --

20 CHAIRPERSON ANDERSON: Oh, so -- I'm
21 sorry.

22 MS. MOORE: I did submit a letter to
23 ABCA legal, also ABCA DOTS and Ms. Jenkins.

24 CHAIRPERSON ANDERSON: Okay, so you
25 have submitted that in writing to the Agency?

1 Okay, fine.

2 MS. MOORE: Yes, sir.

3 CHAIRPERSON ANDERSON: All right, any
4 other preliminary matters you want to bring to
5 the attention?

6 MS. MOORE: No, sir, that would be
7 all.

8 CHAIRPERSON ANDERSON: Hold on one
9 minute, please. Any response you want to make,
10 Mr. Mpras?

11 MR. MPRAS: Yes, I would object that
12 that's not a preliminary matter. And I also have
13 a copy of the order the commissioner just
14 mentioned, and the application was never
15 dismissed by the Board.

16 CHAIRPERSON ANDERSON: Well, I -- all
17 right, we'll address that issue next week. But I
18 just wanted some clarification to you,
19 Commissioner Moore, denied application only
20 applies -- it only applies to the merits of the
21 case, so if an application is dismissed --
22 generally, if an application is dismissed for
23 technical reasons, not necessarily -- not -- if
24 the Board didn't address the merits, then the
25 provision that you cite would not be relevant.

1 However, the Board -- we will -- we
2 are aware of your filings and we will address
3 that, generally, when the Board issues a decision
4 on the motion on next week, October 30, okay?

5 MS. MOORE: Yes, sir. Thank you,
6 Chairman.

7 CHAIRPERSON ANDERSON: All right, so
8 this matter then -- if this matter is now
9 settled, it's scheduled for a protest hearing on
10 November 20 at 1:30 pm.

11 Now that we have scheduled this -- so,
12 yeah, that's November 20 at 1:30 p.m. Yes,
13 ma'am?

14 (No audible response.)

15 CHAIRPERSON ANDERSON: All right, now
16 that we have scheduled this matter for a protest
17 hearing, there are a few things that I would like
18 to instruct the applicant and the protestants
19 about, so that the protest hearing is focused and
20 addresses only those issues that are being
21 protested.

22 The Board does not intend to hear
23 testimony on matters that are not relevant to
24 this case. You should have received, by
25 electronic or regular mail, a letter explaining

1 the protest process, a copy of the protest form,
2 and a copy of the exhibit form. If you do not
3 have these documents, please contact our legal
4 office following the hearing.

5 It is imperative that you review the
6 rules closely and adhere to them before and
7 during the protest hearing. You are also
8 required to complete and submit the protest
9 information form, PIP, and the exhibit form seven
10 days before the date of the hearing. These two
11 forms and accompanying documents need to be
12 submitted to ABCA's legal division and to all
13 opposing parties.

14 If we do not receive a copy of your
15 PIP, your application or your protest, whichever
16 side you're representing, may be subject to
17 dismissal. Likewise, if we do not receive a copy
18 of your exhibit form and of the exhibits
19 themselves, your exhibits may be excluded from
20 the record upon a finding that the opposing party
21 has been prejudiced or no good cause for the
22 failure to submit has been shown.

23 Likewise, witnesses other than a party
24 may also be subject to exclusion if not
25 identified on the PIP. Accordingly, these forms

1 are very important, they greatly assist the Board
2 in narrowing the protest issues, facilitating the
3 process, and keeping the parties on point during
4 the hearing. They likewise provide notice to
5 opposing parties, enabling them to better prepare
6 for the hearing.

7 As you are aware, all our hearings are
8 now conducted virtually. You will have one hour
9 to present your case and you will only be allowed
10 to call five witnesses. If you require more than
11 -- time to present your case and require more
12 than five witnesses, please file a motion with
13 the Board requesting additional time or
14 additional witnesses. Any questions?

15 MR. MPRAS: No, sir.

16 CHAIRPERSON ANDERSON: Ms. Moore?

17 MS. MOORE: No, sir.

18 CHAIRPERSON ANDERSON: All right, we
19 thank you very much for your cooperation. If you
20 have any questions today or anytime leading up to
21 the hearing, please do not hesitate to contact
22 ABCA's legal to provide further guidance.

23 MS. MOORE: Yes, sir, thank you very
24 much.

25 CHAIRPERSON ANDERSON: If this matter

1 is able to be settled, I -- we support
2 settlement. If not, we will see you then on
3 November 30 -- November 20 at 1:30 p.m., okay?
4 Have a great day --

5 (Simultaneous speaking.)

6 MS. MOORE: Yes, sir, thank you very
7 much. Yes, sir, you too.

8 CHAIRPERSON ANDERSON: All right,
9 you're welcome. Thank you.

10 MR. MPRAS: Thank you, Mr. Anderson.
11 And if I can -- quickly, if I may, I'd just like
12 to say, I welcome Ms. Quinn and look forward to
13 working with you.

14 MEMBER QUINN: Thank you.

15 CHAIRPERSON ANDERSON: All right,
16 thank you, Mr. Mpras.

17 (Whereupon, the above-entitled matter
18 went off the record at 10:46 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: DC Food Market

Before: DC ABCA

Date: 10-23-24

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.



Court Reporter

NEAL R. GROSS

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