

IN THE MATTER OF: :
 :
Super Investments, Inc., :
t/a Logan Circle Liquors :
1515 Wisconsin Ave NW : Protest Hearing
License #86950 : (Status)
Retailer A - ANC 2E :
Case #20-PRO-00045 :
 :
(Transfer to New :
Location) :

Thursday
December 10, 2020

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
KAREN CRUSE, Citizens Association of Georgetown
JEFF JACKSON, Licensee's Representative
STEPHEN LITNER, Protestant
RICHARD MURPHY, ANC 2E
NICOLE VIKAN, Protestant
TARLETON WATKINS, Protestant

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

2:45 p.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 20-PRO-00045, Logan Circle Liquors, License No. 86950. Ms. Andrews, can you please elevate the rights of the parties in this case, please?

MS. ANDREWS: Sure, stand by. Mr. Jackson, your rights have been elevated. I'm not sure how to pronounce but Mr. or Ms. Ketema, your rights have been elevated. Ms. Vikan, your rights have been elevated. Ms. Burnell, your rights have been elevated. Ms. Byrne, your rights have been elevated. Mr. Litner, your rights have been elevated. Ms. Rutledge, your rights have been elevated. Mr. Watkins, your rights have been elevated. Mr. Murphy, your rights have been elevated. Ms. Cruse, your rights have been elevated. And that's all, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you, Ms. Andrews. I would like the parties to introduce themselves. I will start with the Licensee. Can you please identify yourself and spell your name and your affiliation?

1 MR. JACKSON: Jeff Jackson representing

2 --

3 CHAIRPERSON ANDERSON: I see that --

4 MR. JACKSON: Jeff Jackson representing
5 the Applicant.

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: - Mr. Jackson.
8 I'm sorry?

9 MR. JACKSON: Jeff Jackson representing
10 the Applicant.

11 CHAIRPERSON ANDERSON: Is the Licensee
12 on the line with you?

13 MR. JACKSON: Yes.

14 CHAIRPERSON ANDERSON: Who is the
15 Licensee? Can the Licensee identify themselves?

16 MR. JACKSON: I just saw him, Mr.
17 Singh.

18 CHAIRPERSON ANDERSON: I'm sorry, who
19 is the licensee?

20 MR. JACKSON: Singh, S-I-N-G-H.

21 CHAIRPERSON ANDERSON: Is the Licensee
22 on the line?

23 MR. JACKSON: Yes, he is. I just saw
24 him.

25 CHAIRPERSON ANDERSON: Well, can the

1 Licensee please identify -- can the Licensee
2 please speak and --

3 MR. JACKSON: I just saw him. I'm
4 trying to see him again.

5 CHAIRPERSON ANDERSON: All right, but
6 - all right, Mr. Jackson, I don't - but I know
7 that you - I know you are the representative.
8 Who is the Licensee?

9 MR. JACKSON: Mr. Singh. He was on the
10 line just a few minutes ago. His picture was --

11 CHAIRPERSON ANDERSON: That's fine.
12 What's his first and last name, Mr. Jackson?
13 What's his first and last name? Mr. Jackson,
14 what is his first and last name?

15 MR. JACKSON: That's him right there.
16 There he go right there.

17 CHAIRPERSON ANDERSON: Can Mr. Singh
18 please speak up? I don't see him, so I don't
19 know. Can the Licensee identify themselves for
20 the record?

21 MR. KETEMA: Yeah, Mr. Estegenet G.
22 Ketema.

23 CHAIRPERSON ANDERSON: Sir, you have
24 been in front of my face this entire time and I
25 have been asking you to identify yourself and you

1 haven't said nothing. Can you please --

2 MR. KETEMA: Yeah, Mr. Estegenet
3 Ketema. I am the owner of the business.

4 CHAIRPERSON ANDERSON: Can you please
5 spell your first name and please spell your last
6 name, sir?

7 MR. KETEMA: My first name is E-T-S-E-
8 G-E-N-E-T K-E-T-E-M-A.

9 CHAIRPERSON ANDERSON: Thank you, sir.
10 You've been there the entire time and I've been
11 asking you to identify yourself and you just sat
12 there and didn't say nothing.

13 MR. KETEMA: Yes, I didn't hear you
14 correctly, that's why. I thought you were
15 talking to somebody else.

16 CHAIRPERSON ANDERSON: Thank you, sir.

17 MR. KETEMA: I apologize for that.

18 CHAIRPERSON ANDERSON: Let me have the
19 -- hold on a minute, please. Let me have the ANC
20 represent themselves. Let me hear from the ANC
21 representative please.

22 MR. MURPHY: Yes, Rick Murphy, ANC 2E.
23 I represent single-member district 3 and ANC 2E.

24 CHAIRPERSON ANDERSON: Thank you. What
25 about the Citizens Association of Georgetown?

1 MS. CRUSE: Good afternoon. Karen
2 Cruse representing the Citizens Association.

3 CHAIRPERSON ANDERSON: And then we have
4 the group of five or more. Who is the designee
5 for the group? Who is representing the group?
6 Can we have all the group members

7 (Simultaneous speaking.)

8 MS. GEBREMESKEL: Hello?

9 CHAIRPERSON ANDERSON: Can someone from
10 the group speak? There's a lot of folks on the
11 line. Can someone -- can you just open your
12 microphone and speak, please?

13 MR. LITNER: Yes, Nicole Vikan is the
14 representative for the group. She appears to be
15 having a technology problem.

16 CHAIRPERSON ANDERSON: Nicole who?

17 MR. LITNER: Vikan, V-I-K-A-N.

18 CHAIRPERSON ANDERSON: Who else is here
19 for the group?

20 MS. GEBREMESKEL: Hello? Hello?

21 CHAIRPERSON ANDERSON: I'm sorry, who
22 -- identify yourself please.

23 MS. GEBREMESKEL: Yes, I'm from Wonder
24 Mart. My name is Adanech. Hello? I'm going to
25 present --

1 CHAIRPERSON ANDERSON: Who are you?
2 Can you spell your name and who are you?

3 MS. GEBREMESKEL: Yes. My name is
4 Adanech, A-D-A-N-E-C-H and last name G-E-B-E-R-E-
5 M-E-S-K-E-L. I'm from Wonder Mart.

6 CHAIRPERSON ANDERSON: I'm sorry, Miss.
7 You're not for this case. I have not called your
8 case just yet. Ms. Adanech, this is not for that
9 case. I need you to take off your microphone. I
10 have not called your cases yet, okay? I have not
11 called your cases yet.

12 MR. LITNER: This is Stephen Litner,
13 Mr. Anderson. There are people from our
14 neighborhood who are working on this. The
15 participants are Nicole Vikan, who has been
16 online. There is also Sue Rutledge, who's been
17 online. There is Tarleton Watkins, who has been
18 online. We have people online and they have been
19 waiting the whole time. I just think there is a
20 technology problem at the moment, sir.

21 CHAIRPERSON ANDERSON: That's fine. In
22 this particular case, the group would get
23 standing at the roll call hearing, so we're fine
24 as long as we have someone who's speaking for the
25 group, we're fine. There are some cases where,

1 like the abutting property owner has to be there,
2 but as long as we have the representative from
3 the group, then we're fine. If anyone else wants
4 to identify them -- if they're able to identify
5 themselves for the record, please go ahead. Give
6 me one minute, please. Hold on one minute,
7 please. All right, I'm back. I apologize.

8 MR. LITNER: Mr. Anderson, this is
9 Stephen Litner. Mr. Anderson, we also have one
10 other person from the group that's online that
11 you saw earlier on the screen, and this is
12 Meaghan Byrne. M-E-A-G-H-A-N B-Y-R-N-E is also
13 with us from the neighbors.

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Litner.

16 MR. LITNER: Ms. Vikan can hear now.
17 She's connected again.

18 CHAIRPERSON ANDERSON: All right. So,
19 everyone, so all the group members have been
20 identified? All the folks who want to identify
21 themselves, they have been? Mr. Jackson?

22 MR. JACKSON: Yes? I hear you.

23 CHAIRPERSON ANDERSON: Mr. Jackson,
24 please engage your camera.

25 MR. JACKSON: I don't have a camera on.

1 CHAIRPERSON ANDERSON: Just engage your
2 camera please. Please, I need your attention to
3 this matter. Are there any preliminary matters
4 in this case.

5 MR. JACKSON: Sir, I'm having trouble.
6 Hello? I'm having trouble hearing. I can hear
7 you now.

8 CHAIRPERSON ANDERSON: Mr. Jackson, are
9 there any preliminary matters as far as your
10 client is concerned?

11 MR. JACKSON: I can't hear you.

12 CHAIRPERSON ANDERSON: Are there any
13 preliminary matters as -- Mr. Jackson, if you --
14 (Simultaneous speaking.)

15 MR. JACKSON: Oh no, no. We --

16 CHAIRPERSON ANDERSON: If you would
17 just turn on the camera -- you keep on moving
18 away. That's why we --

19 MR. JACKSON: We're working on -- we're
20 trying -- (Inaudible.)

21 CHAIRPERSON ANDERSON: Mr. Jackson,
22 just stay right there. I can see you, I can hear
23 you, but you keep on moving. That's why I can't
24 hear you.

25 MR. JACKSON: Oh I'm sorry.

1 CHAIRPERSON ANDERSON: Mr. Jackson just
2 stay right there. Don't move.

3 MR. JACKSON: Okay.

4 CHAIRPERSON ANDERSON: If you stay
5 right there I can see you and I can hear you.
6 Don't move, okay?

7 MR. JACKSON: Okay. I'm just having
8 trouble. I can't hear you guys -- (Telephonic
9 interference.)

10 CHAIRPERSON ANDERSON: No.
11 (Laughter.) I'm sorry, I'm sorry.

12 MR. JACKSON: We work -- (Telephonic
13 interference.)

14 CHAIRPERSON ANDERSON: This has been
15 working. I'm sorry. I'm turning my volume up.
16 We have not had any issues. Can you hear? Can
17 everyone hear me?

18 MR. JACKSON: I can, Chairman.

19 MS. CRUSE: Yes.

20 CHAIRPERSON ANDERSON: Do we have any
21 preliminary matters from the ANC's perspective?

22 MR. LITNER: There are no preliminary
23 matters from the ANC. Thank you, Mr. Chairman.

24 CHAIRPERSON ANDERSON: Thank you. What
25 about from the Citizens Association of

1 Georgetown?

2 MS. CRUSE: We have no preliminary
3 matters either, thank you.

4 CHAIRPERSON ANDERSON: I know the
5 representative Nicole Vikan, is she able to speak
6 or will you speak for her, Mr. Litner?

7 MR. LITNER: My understanding is that
8 Ms. Vikan is connected. If she's not connected I
9 can speak for her and clarify the participants.
10 Nicole, can you speak? She needs to be unmuted.
11 She just sent me a message. Can they unmute her?

12 MS. ANDREWS: Please provide the name.
13 If she's the call-in number, please provide the
14 number to me directly in the chat.

15 MR. LITNER: Her number. Just a
16 second, I will give it to you.

17 MR. WATKINS: Stephen, Mr. Anderson,
18 this is Tarleton Watkins. Her telephone number
19 is 917-406-00 --

20 MS. ANDREWS: Don't say the whole phone
21 number.

22 MR. WATKINS: Okay.

23 MS. ANDREWS: I don't think she's a
24 call-in. What's the name?

25 MR. WATKINS: It's Nicole Vikan.

1 MS. ANDREWS: Okay.

2 MS. VIKAN: Can you hear me?

3 MS. ANDREWS: Ms. Vikan, your rights
4 have been elevated.

5 MS. VIKAN: Yes, can you hear me?
6 Hello?

7 MS. ANDREWS: Yes, we can hear you.

8 CHAIRPERSON ANDERSON: We can hear you,
9 ma'am. Can you spell your name for the record
10 and identify yourself, please?

11 MS. VIKAN: Sure. My name is Nicole --
12 I'm trying to start the video, too. My name is
13 Nicole Vikan. It's V as in Victor, I-K-A-N. My
14 first name is N-I-C-O-L-E.

15 CHAIRPERSON ANDERSON: Are there any
16 preliminary matters you want to bring to our
17 attention?

18 MS. VIKAN: I don't believe so, sir.
19 We've been trying to arrange a date for
20 mediation, and we've had some trouble between Mr.
21 Litner's schedule and Mr. Jackson's schedule, so
22 we're just waiting to hear back from them about a
23 date for mediation.

24 CHAIRPERSON ANDERSON: Thank you. Can
25 I ask everyone if you're not speaking to put your

1 microphone on mute, please? Just unmute your
2 microphone when you need to speak. If you're not
3 speaking, please, because we've had some
4 feedback. This matter will be scheduled for a
5 protest hearing at a date to be determined. But
6 there are a lot of parties in this case who are
7 protesting this case. This is --

8 MR. JACKSON: I want to apologize for
9 leaving the camera so much, but I'm trying to
10 cook my kids' food.

11 CHAIRPERSON ANDERSON: That's TMI, Mr.
12 Jackson. TMI, Mr. Jackson. I appreciate your
13 comment, but alright.

14 MR. JACKSON: And that ringing may be
15 cutting it out more.

16 CHAIRPERSON ANDERSON: I'm sorry, hold
17 on. There are a lot of parties in this case, and
18 the Board supports -- if this is an establishment
19 that the residents of Georgetown would like to
20 operate in Georgetown, I would support us having
21 -- that the parties get together. I know you
22 haven't had mediation as yet, but I would support
23 either through mediation or that the parties meet
24 and try to come up with a settlement agreement if
25 you are able to do that.

1 The Board supports it. I'm not saying
2 that it's something that you must do, but if the
3 parties believe that this is an establishment
4 that we want in our neighborhood, then I would
5 encourage that the parties get together and agree
6 with some terms. If the parties are unable to do
7 that, then of course we will have a hearing
8 sometime in the new year and the Board will
9 listen to all the parties and then make a
10 determination. But as I said before, if this
11 matter can be settled, the Board will appreciate
12 that, okay?

13 Now that we have scheduled this matter
14 for a protest hearing, there are a few things
15 that I would like to instruct you about so that
16 the protest hearing is focused and addresses only
17 those issues that are being protested. You
18 either have already received or will soon be
19 receiving an email from Imani Moreland that
20 contains a copy of a Protest Information Form,
21 PIF, and a copy of an exhibit form.

22 Both parties are required to complete
23 and submit the Protest Information Form and the
24 exhibit form at least seven days before the date
25 of the hearing. If we do not receive a copy of

1 your form seven days before the hearing, your
2 application or your protest may be subject to
3 dismissal. These documents not only need to be
4 submitted to ABRA, but to the opposing party, as
5 well. Please note that these documents greatly
6 assist the Board in narrowing the protest issues,
7 facilitating the process and keeping the parties
8 on point during the hearing.

9 Each side will be provided 90 minutes
10 to present their case. This includes all direct
11 and cross-examination of witnesses. The Board
12 does not intend to hear testimony on matters that
13 are not relevant to these issues that are being
14 protested, nor will the Board tolerate repetitive
15 testimony. Are there any questions from anyone?

16 MR. JACKSON: No.

17 MS. VIKAN: I have a question sir.

18 CHAIRPERSON ANDERSON: Who's speaking,
19 please? Identify yourself.

20 MS. VIKAN: Nicole Vikan.

21 CHAIRPERSON ANDERSON: Yes, Ms. Vikan.

22 MS. VIKAN: Okay, sir, my understanding
23 is that we have this hearing if we can't come to
24 a settlement with a settlement agreement, right?

25 CHAIRPERSON ANDERSON: Yes.

1 MS. VIKAN: So do we prepare for the
2 hearing before we have the settlement agreement,
3 or do we update you again after we have a
4 settlement agreement if the parties agree
5 together.

6 CHAIRPERSON ANDERSON: What will occur
7 is that we would provide -- the parties can -- I
8 know you're going to have mediation. After you
9 have mediation you can continue speaking, you can
10 sign a settlement agreement. Ms. Vikan, who do
11 you represent?

12 MS. VIKAN: I represent the neighbors
13 who oppose having the liquor store.

14 CHAIRPERSON ANDERSON: So you are part
15 of the group.

16 MS. VIKAN: Yes, sir.

17 CHAIRPERSON ANDERSON: Okay, If the ANC
18 signs a settlement agreement with the owner, then
19 your protest by law falls.

20 MS. VIKAN: Okay.

21 CHAIRPERSON ANDERSON: You are the only
22 one who would lose your right to protest the
23 matter if the ANC signs a settlement agreement.
24 If the ANC signs a settlement agreement, the
25 Citizens Association will continue to move

1 forward because they have their own standing to
2 protest this matter. I would talk to the ANC to
3 make sure that if the ANC decides to settle this
4 matter, that you can be part of it or that they
5 take your views in consideration. Because by
6 law, if the ANC signs a settlement agreement with
7 the establishment, then your rights will
8 terminate there. That's just an FYI.

9 MS. VIKAN: Even if we have five or
10 more people?

11 CHAIRPERSON ANDERSON: Right, because
12 the statute states that if there is a settlement
13 agreement with an ANC, the group falls. The only
14 one that would remain would be an abutting
15 property owner or a citizens association because
16 the way it's looked at is by saying that as a
17 group you are part of the ANC. The ANC is
18 representing your interests as a group per se.

19 MS. VIKAN: If one of us is an abutting
20 property owner, that person still has standing?

21 CHAIRPERSON ANDERSON: Only if you were
22 granted standing at the roll call hearing. So,
23 when you went to the Roll Call, did you protest
24 this establishment as an abutting property owner?

25 MS. VIKAN: No, because we did it as a

1 group of five or more.

2 CHAIRPERSON ANDERSON: Right. No.

3 Now, if you did not protest it as an abutting
4 property owner, then you have lost that right,
5 then you cannot --

6 MS. VIKAN: Who?

7 CHAIRPERSON ANDERSON: -- because you
8 are part of the group and so therefore your
9 rights fall. If you had protested it as an
10 abutting property owner, even if the ANC had
11 signed a settlement agreement, you could continue
12 on with your protest.

13 MS. VIKAN: Oh wow. Yeah, can you tell
14 me where to find all these details? Because I
15 thought I had done my research, but I did not
16 know about that distinction so I want to make
17 sure I have all the information before the next
18 thing happens.

19 CHAIRPERSON ANDERSON: Well, what I
20 would ask you to do is at the end of this hearing
21 you can contact our Assistant General Counsel,
22 April Randall.

23 MS. VIKAN: April has been very
24 helpful, yes.

25 CHAIRPERSON ANDERSON: Talk to her.

1 Talk to her since you have her information. She
2 can give you further information that you
3 require.

4 MS. VIKAN: Okay.

5 CHAIRPERSON ANDERSON: And whatever
6 questions you have about -- all the parties,
7 whatever questions you have about the process,
8 please speak to Ms. Randall. She is very
9 helpful. Our legal office is here to help all
10 sides to provide whatever information they can.
11 Since you've already been in contact with her,
12 she can provide you whatever other information
13 that you require, okay?

14 MS. VIKAN: Okay, thank you.

15 CHAIRPERSON ANDERSON: Thank you for
16 your questions. Unless there are any other
17 issues, I'm going to adjourn this hearing. I
18 want to thank you. I apologize for the technical
19 issues, but I want to thank everyone for their
20 participation. I want to wish everyone a happy
21 and safe holiday season. If I do not see this
22 protest in the new year, the Board will not take
23 it personally. We will take it that the parties
24 were able to work their differences out. Good
25 luck. If I see you in the new year then we'll

1 see you in the new year, and we'll move forward
2 with this matter, okay?

3 MS. VIKAN: Thank you, sir.

4 CHAIRPERSON ANDERSON: Thank you very
5 much then. Have a great day.

6 MS. CRUSE: Thank you.

7 MR. JACKSON: Thank you.

8 (Whereupon, the above-entitled matter
9 went off the record at 3:10 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: Logan Circle Liquors

Before: DCABRA

Date: 12-10-20

Place: teleconference

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