

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

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IN THE MATTER OF:
:
:
Omega Ventures, Inc., :
t/a Alabama Convenience :
2209 Alabama Ave SE : Protest
Retailer B - ANC 8E : Hearing (Status)
License No. 104330 :
Case #23-PRO-00081 :
:
(Application to :
Renew the License) :
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Wednesday
December 13, 2023

The Alcoholic Beverage and Cannabis
Board met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
HOJIN OM, Applicant
SALIM ADOFO, ANC 8C
LAQUEDA TATE, ANC 8E

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

10:40 a.m.

CHAIRPERSON ANDERSON: Good morning.

As chairperson of the Alcoholic Beverage and Cannabis Board for the District of Columbia and in accordance with D.C. Code Section 2-571 et. seq. of the Open Meetings Act, OMA, I'm welcoming you to the regular scheduled board meeting of the Alcoholic Beverage and Cannabis Board. This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies.

Electronic meetings by the ABC Board are authorized pursuant to Section 2-577(a) of the D.C. Code. Pursuant to the OMA requirements, notice of today's meeting was provided 48 hours in advance of the meeting on ABCA's website and on the District central meeting calendar. The notice includes the time, date, agenda, and call-in or login information for public participation.

This electronic meeting has been hosted by a Webex account provided by the District of Columbia government. Please address any questions or complaints to the OOG at

1 OpenGovOffice@dc.gov. My name is Donovan  
2 Anderson, and I'm chairperson of the Board.

3 I would like to introduce the other  
4 members of the ABC Board who are also  
5 participating electronically. Please respond  
6 when I announce your names. Mr. James Short?

7 MEMBER SHORT: Mr. James Short,  
8 present.

9 CHAIRPERSON ANDERSON: Mr. Silas  
10 Grant?

11 MEMBER GRANT: Mr. Silas Grant,  
12 present.

13 CHAIRPERSON ANDERSON: The Board has  
14 three members in attendance for the conduct of  
15 business today and that constitutes a quorum.  
16 Before we get underway with today's hearing  
17 calendar, I need to make a few instructions very  
18 clear so that the conduct of these hearings is  
19 understood by everyone. There are 11 cases  
20 scheduled for today.

21 Once your case is called, I will take  
22 a moment for IT specialist to elevate the rights  
23 for each party to enable their camera and  
24 microphone. Then and only then will you have the  
25 ability to enable your equipment. If your case

1 has not been heard, you will remain mute and your  
2 camera will be disabled.

3 At the conclusion of each case, the  
4 parties will have the option to leave. If the  
5 party chooses to stay, all cameras and microphone  
6 for the concluded case will be disabled. Should  
7 you have any questions or require technical  
8 assistance during the hearing, please submit them  
9 using the question and answer feature.

10 The first case on our calendar is a  
11 protest hearing status. And the first case is  
12 Case No. 23-PRO-00081, Alabama Convenience,  
13 License No. 104330. Good morning, Mr. Orellana.  
14 Can you please elevate the rights of the parties  
15 in this case?

16 MR. ORELLANA: Good morning. Hojin  
17 Om, your access has been elevated. Commissioner  
18 Adofo, your access has been elevated. And that  
19 appears to be all, Chairman.

20 CHAIRPERSON ANDERSON: Thank you.  
21 Hojin, do you have a -- is there a Commissioner  
22 Tate to be elevated? Do you have a camera you  
23 can turn on?

24 MR. OM: Yes, sir.

25 CHAIRPERSON ANDERSON: Mr. Adofo, is

1       there another person who needs to be elevated for  
2       this case?

3                   MR. ADOFO:   No, sir.

4                   CHAIRPERSON ANDERSON:   So who's Tate?  
5       Who's that person?   Is that for this case?

6                   MR. ADOFO:   She is with the -- elevate  
7       Ms. Tate, please.

8                   CHAIRPERSON ANDERSON:   All right.  
9       She's elevated.   All right.   So Mr. Om, can you  
10      turn your camera on, please?   And Ms. Tate, can  
11      you also turn your camera on?

12                  MS. TATE:   Yes, I'm about to turn my  
13      camera on now.

14                  (Pause.)

15                  CHAIRPERSON ANDERSON:   I can see you,  
16      Ms. Tate.   Now Mr. Om, yes, sir, I can see you.  
17      Okay, good morning.   All right.   Mr. Om, can you  
18      please identify yourself for the record and  
19      please spell and state your name for the record?

20                  MR. OM:   Hojin Om, H-O-J-I-N.   Last  
21      name is O-M.

22                  CHAIRPERSON ANDERSON:   And what's your  
23      relationship to this case, please?   Mr. Om,  
24      what's your relationship to this case, sir?

25                  MR. OM:   I'm the store owner here.

1 CHAIRPERSON ANDERSON: And who is Ms.  
2 Tate? Ms. Tate, can you identify yourself for  
3 the record? And who is Ms. Tate?

4 MR. OM: She is my ANC Commissioner.

5 CHAIRPERSON ANDERSON: Ms. Tate, can  
6 you identify yourself for the record, please?

7 MS. TATE: Yes, Commissioner LaQueda  
8 Tate, ANC 8E02.

9 CHAIRPERSON ANDERSON: All right. Mr.  
10 Adofo, can you please identify yourself for the  
11 record, please?

12 MR. ADOFO: Commissioner Salim Adofo,  
13 Chairperson of Advisory Neighborhood Commission  
14 8C.

15 CHAIRPERSON ANDERSON: All right. So  
16 okay. So explain to me what ANC is this  
17 establishment -- I guess we have two ANCs. So  
18 I'm just trying to get some clarification. So  
19 maybe you can give me some clarification, Mr.  
20 Adofo.

21 MR. ADOFO: ANC 8C wanted to challenge  
22 the license and to establish a settlement  
23 agreement with the establishment. It is  
24 bordering a Commission next to us in 8E. And  
25 Commissioner Tate is here to support the owner,

1 and she is in 8E.

2 So I think that might be where some of  
3 the confusion is coming in. But I would also say  
4 that we have presented a community -- excuse me,  
5 a settlement agreement. And as of right now, we  
6 haven't agreed on the language. And so I think  
7 that's the status.

8 CHAIRPERSON ANDERSON: No, I was  
9 trying to -- because there are two -- since  
10 normally --

11 MR. ADOFO: It's just one, yes.

12 CHAIRPERSON ANDERSON: -- it's just  
13 one -- and in a sense of the chairperson who  
14 speaks. But I didn't notice that you're in two  
15 different ANCs. So I just want to get  
16 clarification.

17 MR. ADOFO: Yes, sir.

18 CHAIRPERSON ANDERSON: That's fine.  
19 All right. So all right. And I guess the  
20 question -- so good morning, everyone. It's a  
21 protest hearing. And this matter has been  
22 protested by ANC 8E.

23 MR. ADOFO: No, 8C.

24 CHAIRPERSON ANDERSON: Well, then I  
25 need to correct the record because the record

1 says -- so I need to make sure that we correct  
2 the record. This -- okay. So this establishment  
3 is located in ANC 8E. But it's been protested by  
4 the neighboring or abutting ANC which is ANC 8C.  
5 Is that correct?

6 MR. ADOFO: That is correct.

7 CHAIRPERSON ANDERSON: Okay. Just  
8 want to clarify -- I just want to -- all right.  
9 So Mr. Om, are there any preliminary matters in  
10 this case? Just meaning that not substantive,  
11 just any issues you have, just preliminary in  
12 either during mediation or whatever it is, just  
13 preliminary, sir.

14 MR. OM: Honestly, I just -- I have a  
15 good working relationship with my ANC  
16 Commissioner. And I feel like they're out of  
17 jurisdiction to really be protesting. I know  
18 it's not against the rules and stuff like that.  
19 But, like, you'll see that, like --

20 CHAIRPERSON ANDERSON: Mr. --

21 MR. OM: -- I work with the ANC. So  
22 it's just I'm a little bit, like, I'm being  
23 protested by the other ANC. So --

24 CHAIRPERSON ANDERSON: And Mr. Om, and  
25 this is not -- again, this matter right here is

1 just preliminary and not substantive. And so the  
2 way the rules are whenever a license is up for  
3 renewal, if there is an abutting ANC, that ANC  
4 can also protest your license.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: So whether or  
7 not, I know that -- go ahead, sir.

8 MR. OM: The bordering ANC  
9 Commissioner, Commissioner Moore, she's the  
10 closest one from 8C. And --

11 CHAIRPERSON ANDERSON: Hold on.

12 MR. OM: -- I have a great  
13 relationship with her too. So I'm just wondering  
14 what this is about.

15 MS. TATE: She opposes it. She  
16 opposes it.

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: All right.  
19 Hold on. Hold on a minute. Okay. Only when we  
20 have a protest hearing, we have a vote by the  
21 ANC. And there's a public vote by the ANC. And  
22 so the ANC as a body has to have a public hearing  
23 and they have to give us notice that the ANC is  
24 trying to protest the renewal.

25 And I just want to explain the

1 process. Mr. Adofo, he is a chair of the ANC of  
2 8C. And so therefore when the letter comes in,  
3 it says that we had a public meeting, and either  
4 the vote was eight to zero, eight to one, or  
5 whatever the vote was, they've told us.

6 And so the only person that this Board  
7 looks at, it's the official notice that we get  
8 from the ANC. If this matter goes to a protest  
9 hearing, sir, you are welcome to call any  
10 witnesses you want to testify. And the Board  
11 will make a decision based on the information  
12 that's presented. But just want to let you know  
13 that the law states that the ANC as a body can --

14 MR. OM: Yeah, I read all of that on  
15 the website.

16 CHAIRPERSON ANDERSON: Yeah, right.  
17 So just to let you --

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Ms. Tate,  
20 unfortunately you're not a party to this matter.  
21 You'll be a witness. So you can only speak --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: So ma'am?

24 MS. TATE: He's already given -- he's  
25 already written the communication that he would

1 like for me to be a part of this and for me to  
2 speak for him as well.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Hold on. Hold  
5 on. Hold on, ma'am. Hold on. Hold on. Have we  
6 -- and I don't know all of this.

7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: So if the  
9 Agency has received notification to state that he  
10 has assigned you to speak for him, then I'm fine  
11 with that. I don't know any of this. All right.  
12 So all right.

13 MS. TATE: So it's both of us. So  
14 yeah, she's already sent in for me to represent  
15 him as well.

16 CHAIRPERSON ANDERSON: Okay, fine.  
17 Then now you can speak, ma'am, because I was not  
18 aware of this. So now that you have told me that  
19 you have been designed as his representative,  
20 then that's fine. What is it that you want to  
21 share, ma'am? And again, this is all procedural  
22 and not substantive. Okay. Go ahead, ma'am.

23 MS. TATE: So this was basically we  
24 were not aware of the voting process. And it was  
25 not a public vote. And 8E which where the store

1 actually sits in was not aware, and neither was  
2 the Commissioner.

3 I don't remember which exact district  
4 it is. But they were not aware of that process  
5 either. Like, they voted against it. So we're  
6 just kind of confused as to how if the  
7 jurisdiction that is shared with the store did  
8 not agree upon this, how did the matter come  
9 about? Like, how was it even able to move  
10 forward if the actual jurisdiction that actually  
11 intertwines with the store did not have a say so  
12 in this?

13 CHAIRPERSON ANDERSON: Preliminarily,  
14 Mr. Adofo, I don't have your protest letter  
15 before us. And just for the record, what was the  
16 vote? My assumption is that the letter that was  
17 sent in, you stated that you had a public  
18 meeting. And when did you have the meeting and  
19 what was the vote at that meeting to protest this  
20 liquor license?

21 MR. ADOFO: Yes, I don't have it  
22 sitting in front of me either. I apologize. But  
23 it was -- I believe it might've been six to one.  
24 And so it's not like Salim just said, hey, let's  
25 do this. It was at our meeting, and it was six

1 Commissioners that wanted to challenge. But can  
2 I just add one more thing?

3 CHAIRPERSON ANDERSON: And again, this  
4 is preliminary, not substantive. Yes, sir. Go  
5 ahead.

6 MR. ADOFO: I just wanted to say that  
7 we have been in negotiations with each other in  
8 the mediation. And we just haven't finalized the  
9 settlement agreement in terms of the language.  
10 And I think that's just kind of just where we're  
11 at. We just need to finalize what we would like  
12 to see in terms of language.

13 CHAIRPERSON ANDERSON: All right.  
14 Well, the bottom line is that the parties are  
15 free to talk and come to some agreement if they  
16 so desire. But if this matter is not settled,  
17 then we're going to have a protest hearing on  
18 January 24 at 1:30 p.m. At this -- if we have --  
19 Ms. Tate, just for the record one more time,  
20 what's your first name, please, Ms. Tate?

21 MS. TATE: Commissioner LaQueda Tate.

22 CHAIRPERSON ANDERSON: How do you  
23 spell that for the record, please, ma'am?

24 MS. TATE: L-A, capital Q-U-E-D-A.

25 CHAIRPERSON ANDERSON: Thank you. And

1 the reason I ask folks to spell their name  
2 because we have a court reporter. So when we  
3 have the public record, I want to -- you all --  
4 everyone wants to make sure that their name is  
5 spelled correctly for the public record. So  
6 that's one of the reasons why I ask these  
7 questions. All right. Yes, ma'am. Yes, Ms.  
8 Tate.

9 MS. TATE: So 8E, this is the store's  
10 district. And we really don't share a  
11 jurisdiction with Salim -- with Commissioner  
12 Adofo. We were not aware of the public meeting.  
13 We were not aware of the vote.

14 And then we do know that there is a  
15 procedure for us to do a specific vote. And we  
16 just don't think at 8E that it was fair to us for  
17 them to do a vote without anyone from 8E  
18 representing, without us being able to vote. You  
19 did a vote for 8C in which that store is not in  
20 his jurisdiction.

21 And the Commissioner that just crossed  
22 over there because of the redistricting, she was  
23 -- she's against it. So we just didn't really  
24 feel as though this was fair to us. And then 8E1  
25 would love to be a part of the process or a part

1 of the vote when it comes to our store that the  
2 whole 8E utilizes.

3 CHAIRPERSON ANDERSON: Well, one of  
4 the things I'll say is that 8E and 8C can work  
5 together. And if this matter -- we received --  
6 we received a letter on October 24th, a protest  
7 letter where 8C informed us that there was a vote  
8 on October the 11th where a quorum was present.  
9 It didn't state what the vote was.

10 But they did have -- a meeting was  
11 called on October the 11th to protest it. But  
12 during this process, ma'am, I mean, whatever  
13 negotiation that is going on, ANC 8E can work  
14 with ANC 8C. E and C can work together and they  
15 can do a joint settlement that is in the best  
16 interest of all the parties if that's something  
17 that you want to do.

18 And so one ANC doesn't have to tell  
19 another ANC that they're going to protest a  
20 renewal. The law states that an abutting ANC can  
21 do that. And so that's just their -- that's  
22 their right.

23 And I just think that if you're saying  
24 that the ANC Commissioner for the area, if that  
25 ANC does not support it, then I don't know. Just

1 it appears that the parties can talk, jointly  
2 talk and come to a resolution that's in the best  
3 interest of the community and also of the  
4 applicant. So just I ask that both -- it appears  
5 both ANC can talk to see whether or not what the  
6 concerns of 8C is and to see if 8E has those same  
7 type of concerns.

8 And maybe that's something that I  
9 would think that both ANCs should -- I mean, I  
10 would recommend that both ANCs talk to see what  
11 the concerns are and to see if both ANCs can come  
12 to some agreement that's in the best interest for  
13 everyone. And if not, we'll go to a protest  
14 hearing. And ANC 8C can state why it is that  
15 they believe the license shouldn't be renewed.

16 And if that's the issue and then ANC  
17 8E can state that, you know what? They can state  
18 their position whether or not they believe the  
19 license should be renewed and whatever should  
20 there be terms and conditions. So this is all  
21 that can be done. But I believe that it's just  
22 two ANCs and that the ANCs, I would hope, should  
23 be able to work together to come up with some  
24 type of agreement that benefits both the ANCs and  
25 the licensee.

1 MS. TATE: Okay. But the thing is  
2 we're not even into clarity as to why they want  
3 to protest our license. We don't know what the  
4 issue is. Did I just wake up one day and say,  
5 hey, I just want to protest the license?

6 Like, what was the issue that has  
7 taken place that we are so unaware of it because  
8 we have already come to agreement, came to the  
9 roundtable with MPD and myself. Like, my  
10 Commission as well as MPD and my Commissioner  
11 that borders the area with me which is 8 -- I  
12 think it may be 8B. We were already somewhere.

13 So we don't know where this particular  
14 protest came from and what was the reason for it  
15 because we've already come to an -- we've already  
16 established some sort of agreement as to the  
17 things that we were going to do to change. And  
18 we've done that in January. And it's so far, so  
19 good. So we just have gotten this down where  
20 this came from. And then it's not even fair in  
21 our eyes.

22 CHAIRPERSON ANDERSON: Well, can I --  
23 would it help to schedule another mediation where  
24 8C would participate in the medication with all  
25 three parties would sit down to see the concerns

1 that 8C has -- I'm sorry, that 8C has? And maybe  
2 those issues can be hashed out. I mean, is that  
3 something that would be helpful for us to  
4 schedule? So I'll have our agency schedule  
5 another medication and with the instructions that  
6 ANC 8 --

7 MR. OM: Okay. Can I speak?

8 CHAIRPERSON ANDERSON: Yes, sir?

9 MR. OM: Because I honestly I kind of  
10 object to that. And I want to take it to the  
11 protest hearing, so --

12 CHAIRPERSON ANDERSON: Ma'am -- sir,  
13 I thought that -- that's fine. You can do  
14 whatever you want to do, yeah.

15 MR. OM: Yeah, that's fine. These  
16 guys are protesting me. So you know what?

17 CHAIRPERSON ANDERSON: All right. All  
18 right.

19 MR. OM: Let's take it to the protest.  
20 Like, at this point, like, I'm at a point where  
21 my brother already left. My business partner  
22 already left. And I'm at a point where, you know  
23 what? I might do the same thing.

24 Like, it's ridiculous. I come out  
25 here, work every single day, work 80-hour weeks.

1 I haven't had a day off in, like, three to four  
2 weeks. Like, come on. This is the last thing I  
3 want to worry about.

4 You guys already took our money, over  
5 3,000 dollars for my license. I'm looking at my  
6 license right over there. But now it's being  
7 protested. Like, come on.

8 CHAIRPERSON ANDERSON: All right. All  
9 right. So I just want to advise the parties, if  
10 this matter goes to a protest hearing on January  
11 24th, '24, this is what needs to occur. Seven  
12 days before the hearing, you have to appear. And  
13 so therefore --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: All right.  
16 Please contact our agency. We will provide you  
17 with instructions how to do a PIP. So seven days  
18 before the hearing -- this is very important,  
19 sir. If this matter is going to a protest  
20 hearing, seven days before the hearing, you need  
21 to exchange documents and witnesses you're going  
22 to rely upon at the hearing.

23 So you have to list all the documents.  
24 You have to provide us with -- you have to  
25 provide ourselves and Mr. Adofo with the

1 documents you're going to rely upon and also the  
2 witnesses you're going to call. So you have to  
3 do that seven days before the hearing. You'll  
4 receive communication from us how to do that  
5 documentation. And I'd also ask, sir that you  
6 and Ms. Tate can reach out to our agency. And we  
7 will provide you with some assistance --

8 MR. OM: So let me ask you this. So  
9 if my license doesn't get fully renewed or  
10 revoked, do I get a refund on my payment for my  
11 three years that I just paid out?

12 CHAIRPERSON ANDERSON: Sir, this is a  
13 renewal -- your license is up for what year is  
14 this? This is a '23 case. So therefore, your  
15 license is up for renewal and it gets protested.  
16 I don't know what the issues are, sir.

17 MR. OM: So does it automatically get  
18 protested, like, with every application? Does it  
19 get protested?

20 CHAIRPERSON ANDERSON: Sir, all right.  
21 All right. Let's start at the beginning. All  
22 right. Every license has to be renewed every  
23 three years. During the license period, you put  
24 the placard up. Do you remember the placard you  
25 put on the window, sir?

1 MR. OM: Mm-hmm.

2 CHAIRPERSON ANDERSON: And when you  
3 put the placard on the window, that tells the  
4 community, that tells the entire community that  
5 your license is up for renewal. And they have 45  
6 days to object to a protest. So therefore, if  
7 the 45 days had expired and no one protested,  
8 then your license would have been automatically  
9 renewed.

10 Because your license was protested  
11 within the 45 days and when you went to the roll  
12 call hearing, standing was provided to ANC 8C.  
13 That's why we're here. This is something that  
14 happens, sir, for every license in the district.

15 MR. OM: I just want you guys to know  
16 that I know why this is happening. So all right.

17 CHAIRPERSON ANDERSON: Well, I don't  
18 know --

19 MR. OM: Just know that when I close  
20 down, this community is going to have a hard  
21 time.

22 CHAIRPERSON ANDERSON: Sir --

23 MR. OM: This is where -- this is,  
24 like, where it's leading. And, like, I'm just so  
25 frustrated.

1 (Simultaneous speaking.)

2 MR. OM: I'm about to hire an  
3 attorney, and we're about to get it on. All  
4 right.

5 CHAIRPERSON ANDERSON: What I've  
6 stated, sir, this is -- as I stated, this matter  
7 is scheduled for a protest hearing on January  
8 24th at 1:30. Our office will provide you with  
9 information, how to file the PIP. But I just  
10 want to say to you, sir, both parties, if this  
11 matter goes to a protest hearing, seven days --

12 MR. OM: This man has never been to my  
13 store, and he's protesting my store. Like, come  
14 on. He doesn't -- he's not even from here.  
15 Commissioner Moore is right here.

16 CHAIRPERSON ANDERSON: Hold on. Hold  
17 on. Hold on.

18 MR. OM: Commissioner Tate is right  
19 here.

20 CHAIRPERSON ANDERSON: Sir, hold on.  
21 Hold on. Hold on. This is --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Hold on. Hold  
24 on. This is something that you guys to talk to.  
25 This is something that both ANCs can have a

1 conversation on. This is not --

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: I can't do this  
4 here.

5 MS. TATE: I just -- the reason is,  
6 like, I cannot -- like, I feel like we've been  
7 blindsided, bamboozled. Like, it's not fair.

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: I would ask --

10 MS. TATE: What is it for?

11 CHAIRPERSON ANDERSON: I --

12 MS. TATE: It's, like, what are you  
13 protesting? And no one can give us this answer.  
14 Like, not you.

15 CHAIRPERSON ANDERSON: ANC voted --  
16 hold on. ANC 8C voted to protest the renewal of  
17 the license due to adverse impact on peace,  
18 order, and quiet, including the noise and litter  
19 provision set forth in 25-313, 25-727, and 25-  
20 726. So those are the reasons why ANC 8C  
21 protested it. And so this appears that I believe  
22 that if both ANC would sit down and have a  
23 conversation, maybe both ANCs can --

24 MR. OM: I'm not signing anything.

25 CHAIRPERSON ANDERSON: -- resolve this

1 issue.

2 MR. OM: There's no settlement  
3 agreement because I'm not settling for anything.

4 CHAIRPERSON ANDERSON: All right. All  
5 right.

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: This is -- as  
8 I stated before, this matter is scheduled for a  
9 protest hearing on January 24th, 2024 --

10 MR. OM: I'll see you guys January 24  
11 --

12 CHAIRPERSON ANDERSON: -- at 1:30 p.m.

13 MR. OM: At 1:30 p.m.

14 (Simultaneous speaking.)

15 MR. OM: You guys let me know whatever  
16 you guys need.

17 CHAIRPERSON ANDERSON: Fine. Hold on  
18 one minute, please. Yes, Mr. Adofo before I  
19 bring this matter to a close. Yes, sir.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Sir -- sir --  
22 sir -- sir -- sir, hold on, please, sir. I know  
23 you're frustrated. We're just -- I don't know  
24 what the issues are. I'm just doing procedurally  
25 --

1 MR. OM: I serve this community, like,  
2 so diligently with every I got, literally.

3 CHAIRPERSON ANDERSON: Mr. -- Mr. --  
4 sir, -- sir -- sir -- sir -- sir, hold on. Sir,  
5 hold on one minute.

6 MR. OM: Like, I feel, like, really,  
7 like --

8 CHAIRPERSON ANDERSON: Sir, hold on  
9 one minute, please.

10 MR. OM: -- this is politics. This is  
11 just dirty politics. That's all it is.

12 CHAIRPERSON ANDERSON: Hold on, sir.  
13 This is not the right forum for this. Okay.  
14 This is not the right forum for this.

15 MR. OM: I just want to let you guys  
16 know. All right.

17 CHAIRPERSON ANDERSON: All right.  
18 This is not --

19 MR. OM: I will be talking to every  
20 store owner here.

21 CHAIRPERSON ANDERSON: This is not --  
22 hold on, sir. This is not the proper -- you have  
23 one question, Mr. Adofo, before I bring this  
24 hearing to close. What is the question that you  
25 have, sir? You're on mute, sir.

1 MR. ADOFO: I wanted to ask if  
2 Commissioner Tate is still representing the Mr.  
3 Om. Can we go back to the medication so we can  
4 answer all the questions and have a discussion?  
5 Because --

6 (Simultaneous speaking.)

7 MR. OM: No, no, no.

8 CHAIRPERSON ANDERSON: All right.

9 Hold on.

10 MR. OM: I'm not doing that no more.

11 CHAIRPERSON ANDERSON: All right.

12 MR. OM: I'm not doing that no more.

13 No.

14 CHAIRPERSON ANDERSON: All right. All  
15 right.

16 MR. OM: No.

17 CHAIRPERSON ANDERSON: He says he  
18 doesn't want another mediation.

19 MR. OM: I'm not doing any of that,  
20 no, no.

21 CHAIRPERSON ANDERSON: All right. All  
22 right.

23 MR. OM: We can take it -- no.

24 CHAIRPERSON ANDERSON: All right.

25 MR. OM: The next protest hearing, the

1 community is going to have my back. That's it.

2 CHAIRPERSON ANDERSON: All right. All  
3 right.

4 MR. OM: And if I have to shut down,  
5 it's on you guys. It's not on me.

6 CHAIRPERSON ANDERSON: All right. I'm  
7 going to bring this matter to closure. The  
8 parties are free to have whatever conversations  
9 they need to have. But we'll see you on January  
10 24th at 1:30 p.m. if this matter is not settled.

11 And we will provide with -- Ms. Tate,  
12 if you're representing -- either you're  
13 representing him or if he has an attorney, notice  
14 needs to come to our agency to say officially  
15 this is a person that's representing him. And  
16 then we'll --

17 (Simultaneous speaking.)

18 MS. TATE: We've already have done  
19 that and submitted it. It's so unorganized. But  
20 have this question, though, Mr. Anderson.

21 So the day of the protest, like, what  
22 does this look like because who determines who  
23 wins what? Is this going to be, like, we're in  
24 court? Like, is it may the best man win?

25 Like, how does this work? Because is

1 it based upon personal feelings? Is it based  
2 upon facts? Is it based upon opinions? Like,  
3 what happens? Because --

4 MR. OM: Can I just add that --

5 CHAIRPERSON ANDERSON: Hold on.

6 MR. OM: Can I just add that this  
7 tells me how un-united the ANC is. It's so  
8 political. It has nothing to do with what you  
9 guys said.

10 I keep the place clean. I'm putting  
11 new fences up. I've got working cameras. Like,  
12 what is the issue?

13 CHAIRPERSON ANDERSON: All right. Mr.  
14 -- all right. Hold on. Hold on.

15 (Simultaneous speaking.)

16 MR. OM: -- noise complaint. I close  
17 at 8:00 o'clock.

18 CHAIRPERSON ANDERSON: Hold on. Hold  
19 on.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: All right.

22 Based on the presentation that's made, the Board  
23 will make a decision whether or not the license  
24 will be renewed with or without conditions. I'm  
25 not sure if ANC 8C is asking us not to renew the

1 license. Maybe they're asking us to renew the  
2 license with conditions.

3 So I don't know. But the decision  
4 that the Board will make is whether or not this  
5 license is appropriate for the community. And  
6 we'll make a determination.

7 If this matter goes to a hearing, the  
8 Board will make a determination whether or not  
9 the license will be renewed, without conditions,  
10 whether or not it will not be renewed. And those  
11 are the options that the Board has based on  
12 what's presented to us at the hearing on January  
13 24th. Okay? So the three Board members who are  
14 here, we're the one who makes the determination  
15 based on what's presented to us.

16 And that's one of the reasons why I've  
17 stated is that the PIP needs to be done. We're  
18 seven days in order to argue, you need to do the  
19 PIP to tell us who the witnesses are going to be  
20 called and what are the documents one is going to  
21 rely upon. And so therefore, if ANC 8E, if they  
22 are against this process, then ANC 8E, they  
23 should be there with witnesses from the  
24 neighborhood who's going to testify on behalf of  
25 the owner. And that's basically what it is.

1 MR. OM: So common sense would be why  
2 can't ANC 8E take a vote and see if they want to  
3 protest since I sit in that jurisdiction. Like,  
4 wouldn't that be, like, common sense?

5 CHAIRPERSON ANDERSON: Sir, ANC 8 --  
6 the 45-day period was when the parties --

7 MR. OM: Even the chair for ANC 8C was  
8 not aware that they even voted. Like, I had a  
9 conversation with the chair, too, of 8E --

10 CHAIRPERSON ANDERSON: You're talking  
11 about ANC -- I'm sorry.

12 MR. OM: -- of 8E.

13 CHAIRPERSON ANDERSON: No.

14 MR. OM: Even he was not aware.

15 CHAIRPERSON ANDERSON: Hold on, Mr. --  
16 all right.

17 MR. OM: But he does know that every  
18 store on this side is being protested for every  
19 renewal.

20 CHAIRPERSON ANDERSON: All right. As  
21 I said before, this is something that the parties  
22 should be able to talk about. I can't solve this  
23 issue right here today.

24 (Simultaneous speaking.)

25 MS. TATE: Mr. Anderson, how is that

1 possible that every store on this side is being  
2 protested from 8C? Like, that doesn't -- every  
3 store that's been protested, does it really  
4 intertwine with 8C? I don't think that's  
5 correct?

6 CHAIRPERSON ANDERSON: The way that  
7 the law is at, an abutting ANC can protest it.  
8 What needs -- I can't tell you what to do. But  
9 clearly, 8E and 8C needs to have a conversation.  
10 That's all I can say. All right.

11 I'm bring this matter to closure. 8E  
12 and 8C needs to have a conversation. But if this  
13 matter -- if the protest is not withdrawn, I will  
14 see you on January 24th at 1:30 p.m. Okay. All  
15 right. Thank you. Have a great day. All right.

16 (Whereupon, the above-entitled matter  
17 went off the record at 11:15 a.m.)  
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