

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
ROLL CALL HEARING

IN THE MATTER OF: :  
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 :  
NAI Saturn Eastern LLC, :  
t/a Safeway :  
2845 Alabama Ave SE : Roll Call  
Retailer B : Hearing  
License No. ABRA-097704 :  
Case #20-PRO-00059 :  
 :  
(License Renewal) :

Monday  
December 21, 2020

The Alcoholic Beverage Control Board met via Video/Teleconference, LaVerne Fletcher, Board's Agent, presiding.

**PRESENT :**

**LAVERNE FLETCHER, ABRA Board's Agent**

**ALSO PRESENT:**

JERRY MOORE, III, Applicant  
TIFFANY BROWN, Protestant

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

2 10:31 a.m.

3 MS. FLETCHER: Are parties present in  
4 the matter of Safeway?

5 MR. MOORE: Yes.

6 MS. BROWN: Yes.

7 MS. FLETCHER: Both. Thank you.

8 Oh, that's right. That's you too, Ms.  
9 Brown.

10 Okay, I see you, Mr. Moore.

11 This is Case Number 20-PRO-00059, NAI  
12 Saturn Eastern LLC, trading as Safeway, 2845  
13 Alabama Avenue, Southeast, License Number ABRA-  
14 097704. This is a Retail of Class B License  
15 Renewal, and the protest issues are adverse  
16 impact on peace, order, and quiet.

17 Mr. Moore, will you please state your  
18 name and spell it for the record?

19 MR. MOORE: I'm Jerry A. Moore, III,  
20 J-E-R-R-Y, M-O-O-R-E, III. Counsel to Safeway.

21 MS. FLETCHER: Okay. Thank you.

22 And, Ms. Brown, will you please state  
23 your name and spell it for the record, please?

24 MS. BROWN: Sure. Tiffany L. Brown,  
25 T-I-F-F-A-N-Y, middle initial L, last name Brown,

1 B-R-O-W-N, ANC Commissioner for 7B-02, also ANC  
2 7B vice chair.

3 MS. FLETCHER: Okay. Thank you very  
4 much. ANC 7B does have standing as a protestant.  
5 We need to set a date for a mediation and a  
6 status hearing. The date for the status hearing  
7 is February 11. February 11, 2021 at 10:30 a.m.  
8 for the status hearing.

9 Let's see here. I'll give you the  
10 next available day for mediation. One second.

11 The next available date for mediation  
12 is Tuesday, January 5. If that's too soon, we  
13 can move to the -- actually, any day that week.  
14 That's just the next day available, any time  
15 between 9:00 and 2:00.

16 Ms. Brown, did you need something  
17 further out?

18 MS. BROWN: No, not necessarily.  
19 There is already a settlement agreement that's  
20 not being followed, so I guess we would be  
21 looking to have the settlement agreement-  
22 agreement followed. So Wednesdays simply are  
23 better days for me.

24 MS. FLETCHER: Okay. Well, let's --

25 MS. BROWN: So I'm already coming on

1 the 13th, so can we do it that day?

2 MS. FLETCHER: Yes. We can do it that  
3 day. You're coming -- if that works for you, Mr.  
4 Moore.

5 Ms. Brown, you're coming on the 13th  
6 at 10:00 for a Patron Convenience?

7 MS. BROWN: Correct. Yes.

8 MR. MOORE: I'm sorry. What date for  
9 Ms. Brown?

10 MS. BROWN: The 13th of January.

11 MR. MOORE: Okay.

12 MS. FLETCHER: So January 13th. So,  
13 Ms. Brown, you're already coming at 10:00. Do  
14 you want to make it 12:00 or 1:00?

15 MS. BROWN: Let me check one thing.

16 MS. FLETCHER: Actually 1 o'clock  
17 would be better, either 1 o'clock or any time  
18 after, if that's okay with you, Mr. Moore?

19 MR. MOORE: Yes.

20 MS. BROWN: That sounds -- 1 o'clock  
21 is fine.

22 MS. FLETCHER: Okay. So, Mr. Moore,  
23 1 o'clock is okay for you too?

24 MR. MOORE: On the 13th of January?

25 MS. FLETCHER: Yes.

1 MR. MOORE: Okay. Mr. Ley is also on  
2 the line.

3 Is that all right with you, Tim?

4 MR. LEY: Yes, sir.

5 MS. FLETCHER: Okay. Okay, Mr. Ley is  
6 on the line. Mr. Ley, could you please state  
7 your name and spell it for the record, please?

8 MR. LEY: Sure. Tim Ley, T-I-M, last  
9 name L-E-Y.

10 MS. FLETCHER: Oh, okay. Thank you.

11 MR. MOORE: You know, Ms. Fletcher, if  
12 Ms. Brown was available before the 13th, Safeway  
13 would be happy to meet with her and talk about  
14 these issues, and hopefully we can avoid the  
15 mediation session on the 13th. Let's settle it  
16 now, and then letting it drag on.

17 MS. FLETCHER: Yes, if you're able to  
18 do that, that works also. And we would not have  
19 to -- if you're able to accomplish that before  
20 the 13th, then we would cancel the mediation for  
21 the 13th. And if you submit the settlement  
22 agreement then the status hearing would be  
23 canceled as well.

24 MR. MOORE: Well, everybody's got  
25 something to do, so that's up to Ms. Brown. We'd

1 be happy to meet with her.

2 MS. BROWN: That's fine. That would  
3 work. We could come up with another date and  
4 time that we can meet. And also the commissioner  
5 --

6 MS. FLETCHER: That's okay.

7 MR. MOORE: If you just provide us  
8 with your contact information, we can follow up.

9 MS. FLETCHER: Well, hopefully that  
10 works out. If it does, we'll cancel the  
11 mediation and the status hearing. Otherwise,  
12 I'll see you on the --

13 MR. MOORE: Can I get Ms. Brown's  
14 contact information?

15 MS. BROWN: Sure. I'll give it to  
16 you. Are you ready?

17 MS. FLETCHER: Ms. Brown, did you want  
18 to provide that now or would you like for me to  
19 send it to Mr. Moore after the roll call?

20 MS. BROWN: Is there another hearing?  
21 I mean I could give it to him now. It's not an  
22 issue.

23 MS. FLETCHER: You can go -- no,  
24 that's fine. Some people don't. You can go  
25 ahead and do it now.

1 MS. BROWN: Okay. It's  
2 7b02@anc.dc.gov.

3 MR. MOORE: Okay.

4 MS. FLETCHER: Ms. Brown?

5 MS. BROWN: Yes.

6 MS. FLETCHER: I received a note here  
7 regarding the status date for -- this is related  
8 to Patron Convenience.

9 MS. BROWN: Okay.

10 MS. FLETCHER: The status hearing for  
11 Patron Convenience is actually going to be on  
12 January 14. It's going to be on January 14 at  
13 10:30.

14 MS. BROWN: Okay. That's --

15 MS. FLETCHER: Sorry, Mr. Moore. This  
16 has nothing to do with Safeway, but while I had  
17 you on the line I wanted to tell you that.

18 MR. MOORE: Thank you.

19 MS. FLETCHER: I told you 3 -- March  
20 18 is actually going to be January 14.

21 MS. BROWN: That's fine.

22 MS. FLETCHER: Okay. And I'll let the  
23 applicant know.

24 MS. BROWN: Okay. Any questions from  
25 anyone?

1 MR. MOORE: I just want to confirm Ms.  
2 Brown's contact. It's 7D, as in delta,  
3 02@anc.dc.gov?

4 MS. BROWN: It's 7B, as in boy.

5 MR. MOORE: Oh, I'm sorry. All right.  
6 And, Ms. Brown, if you want, you can tell your  
7 fellow commissioners that Safeway is hard on the  
8 case.

9 MS. BROWN: All righty, I sure will.

10 MS. FLETCHER: Okay. Well, thank you  
11 for joining. I hope everything works out. And  
12 if not, I'll see you on the 13th of January.

13 (Whereupon, the above-entitled matter  
14 went off the record at 10:38 a.m.)  
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<p><b>A</b></p> <p>a.m 2:2 3:7 8:14  able 5:17,19  above-entitled 8:13  ABRA 1:16  ABRA- 2:13  ABRA-097704 1:8  accomplish 5:19  adverse 2:15  Agent 1:14,16  agreement 3:19,22 5:22  agreement- 3:21  ahead 6:25  Alabama 1:7 2:13  Alcoholic 1:2,13  ANC 3:1,1,4  applicant 1:18 7:23  available 3:10,11,14  5:12  Ave 1:7  Avenue 2:13  avoid 5:14</p>	<p><b>Counsel</b> 2:20</p> <p><b>D</b></p> <p>date 3:5,6,11 4:8 6:3  7:7  day 3:10,13,14 4:1,3  days 3:23  December 1:11  delta 8:2  DISTRICT 1:1  drag 5:16</p> <p><b>E</b></p> <p>Eastern 1:6 2:12  either 4:17  everybody's 5:24</p> <p><b>F</b></p> <p>February 3:7,7  fellow 8:7  fine 4:21 6:2,24 7:21  Fletcher 1:13,16 2:3,7  2:21 3:3,24 4:2,12,16  4:22,25 5:5,10,11,17  6:6,9,17,23 7:4,6,10  7:15,19,22 8:10  follow 6:8  followed 3:20,22  further 3:17</p>	<p><b>L</b></p> <p>L 2:24,25  L-E-Y 5:9  LaVerne 1:13,16  let's 3:9,24 5:15  letting 5:16  Ley 5:1,4,5,6,8,8  License 1:8,9 2:13,14  line 5:2,6 7:17  LLC 1:6 2:12  looking 3:21</p> <p><b>M</b></p> <p>M-O-O-R-E 2:20  March 7:19  matter 1:5 2:4 8:13  mean 6:21  mediation 3:5,10,11  5:15,20 6:11  meet 5:13 6:1,4  met 1:13  middle 2:25  Monday 1:11  Moore 1:18 2:5,10,17  2:19,19 4:4,8,11,18  4:19,22,24 5:1,11,24  6:7,13,19 7:3,15,18  8:1,5  move 3:13</p>	<p>questions 7:24  quiet 2:16</p> <p><b>R</b></p> <p>ready 6:16  received 7:6  record 2:18,23 5:7 8:14  regarding 7:7  related 7:7  Renewal 1:9 2:15  Retail 2:14  Retailer 1:7  righty 8:9  roll 1:3,7 6:19</p> <p><b>S</b></p> <p>Safeway 1:6 2:4,12,20  5:12 7:16 8:7  Saturn 1:6 2:12  SE 1:7  second 3:10  send 6:19  session 5:15  set 3:5  settle 5:15  settlement 3:19,21 5:21  simply 3:22  sir 5:4  soon 3:12  sorry 4:8 7:15 8:5  sounds 4:20  Southeast 2:13  spell 2:18,23 5:7  standing 3:4  state 2:17,22 5:6  status 3:6,6,8 5:22 6:11  7:7,10  submit 5:21</p>
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02@anc.dc.gov 8:3			
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7b02@anc.dc.gov 7:2			
7D 8:2			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Safeway

Before: DCABRA

Date: 12-21-20

Place: teleconference

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

  
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Court Reporter

**NEAL R. GROSS**

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