

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

2 10:08 a.m.

3 MS. FLETCHER: Good morning, everyone.

4 My name is Laverne Fletcher. I'll be conducting
5 the roll call hearing as the board's agent. I'd
6 like to thank everyone for participating in
7 ABCA's roll call hearing via the WebEx platform.
8 There are four cases on the calendar today.

9 The first case on the calendar is
10 Safeway NAI Saturn Eastern, LLC, case number 23-
11 PRO-00090, 1701 Corcoran Street, NW, license
12 number ABRA-105295. This is a Retailer Class B
13 grocery for a license renewal. The protest
14 issues are ABRA's impact on peace, order, and
15 quiet. Is anyone present on behalf of Safeway?

16 MR. WILLIAMS: Yes, good morning, Ms.
17 Fletcher, Zach Williams from the law firm of
18 Venable representing Safeway. Amy Burke is here
19 as well, in-house counsel for Safeway.

20 MS. FLETCHER: Thank you, Mr.
21 Williams. Would you spell your name for the
22 record, please?

23 MR. WILLIAMS: Yes, it's Zachary Z-A-
24 C-H-A-R-Y and then Williams W-I-L-L-I-A-M-S.

25 MS. FLETCHER: Thank you, and who is

1 present on behalf of --

2 MS. BURKE: Amy Burke, A-M-Y B-U-R-K-
3 E.

4 MS. FLETCHER: Thank you, Ms. Burke.
5 Is anyone present on behalf of ANC 2B?

6 MR. SLATT: Good morning, I'm
7 Commissioner Vincent Slatt, V-I-N-C-E-N-T, last
8 name Slatt S-L-A-T-T, Commissioner 2B03. Good
9 morning.

10 MS. FLETCHER: Good morning. Thank
11 you, Mr. Slatt.

12 MR. SLATT: It's nice to see you
13 again, Ms. Fletcher.

14 MS. FLETCHER: Nice to see you too.

15 MR. SLATT: I hope you're doing well.

16 MS. FLETCHER: I am. Thank you very
17 much. ANC 2B does have standing as a protestant.
18 We need to set a date for status hearing,
19 mediation, and a protest hearing. Give me one
20 minute.

21 (Pause.)

22 MS. FLETCHER: I am looking for the
23 dates for the status and protest hearing that
24 were provided to me by a staff person.

25 (Pause.)

1 MS. FLETCHER: Okay, so I actually
2 don't see those dates right now, so what we're
3 going to do, we're going to go ahead and set the
4 mediation, and shortly following roll call, I
5 will email you the dates for the status and
6 protest hearing. Give me a second.

7 (Pause.)

8 MS. FLETCHER: What I would rather do
9 instead, if you would bear with me, is to give me
10 a minute to get those dates. It would be more
11 efficient if I could do that rather than to have
12 to contact everyone with the dates. So, I'm
13 going to go and grab those dates. I will be back
14 in a moment. Thank you. I'm going to leave the
15 recording running. I'll be right back.

16 (Pause.)

17 MS. FLETCHER: I'm back. Thanks for
18 your patience. Okay, the status hearing is
19 scheduled for February 28, 2024 at 10:30 a.m.
20 The protest hearing is scheduled for March 20,
21 2024 at 10, 1:30, I'm sorry. And we need to set
22 a date for mediation.

23 I will give you the next available
24 day. The next available day for mediation is
25 Wednesday, January 10 any time between 10:30 and

1 1:30. Actually, I see that Tuesday, January 9 is
2 also available at 10:30 or 11:30, so let's start
3 with that, Tuesday, January 9 at 10:30 or 11:30.

4 MR. SLATT: This is Commissioner Slatt
5 asking, Ms. Fletcher. Can we only meet during
6 those mediation hours or can I talk with them
7 outside of the group?

8 MS. FLETCHER: Yeah, you mean attempt
9 to resolve the matter outside of mediation?

10 MR. SLATT: Yes.

11 MS. FLETCHER: Yeah, that's fine.
12 What I'll do -- is that okay with you, Mr.
13 Williams, as well, and Ms. Burke?

14 MS. BURKE: Yes.

15 MR. WILLIAMS: Yes.

16 MS. FLETCHER: What I'll do --

17 MS. BURKE: And I may have a conflict
18 on the 9th, Zach, so Brad Spooner has joined this
19 call as well, but I don't know that I can do the
20 9th.

21 MS. FLETCHER: And Ms. Burke, is that
22 you speaking? This is for the court reporter.
23 Ms. Burke --

24 MS. BURKE: Yes.

25 MS. FLETCHER: -- you're stating that

1 you may have a conflict on the 9th?

2 MS. BURKE: Yes.

3 MS. FLETCHER: So, what I'm going to
4 do, I'm going to give you some other dates to
5 consider just in case you're unable to resolve
6 the matter outside of mediation, the date will be
7 set already. What about, Ms. Burke, so what
8 about Wednesday, January 10? Is that any better?

9 MS. BURKE: So, I apologize, but I
10 have a prescheduled meeting out of town on the
11 9th and 10th. I could do the 10th if it was
12 after 1:00 in the afternoon, but it sounded like
13 that you were only available until 1:30.

14 MS. FLETCHER: Is the court reporter
15 here? Can you hear me? Okay, thank you. Ms.
16 Burke, can you hear me now?

17 MS. BURKE: I can.

18 MS. FLETCHER: Okay, are you available
19 the week of January 15th or January 22nd?

20 MS. BURKE: Yes.

21 MS. FLETCHER: Mr. Williams, what
22 about you?

23 MR. WILLIAMS: Yes, the week of the
24 15th, I have availability.

25 MS. FLETCHER: For the week of what,

1 Mr. Williams?

2 MR. WILLIAMS: The 15th.

3 MS. FLETCHER: The 15th?

4 MR. WILLIAMS: Correct.

5 MS. FLETCHER: Okay, what about
6 Wednesday, January 17, anytime between 10:30 and
7 1:30?

8 MS. BURKE: That's fine.

9 MR. WILLIAMS: I could do 10:30.

10 MS. FLETCHER: Who said that? I'm
11 sorry, I should have told you, before you say
12 anything, the court reporter needs to know who's
13 speaking. So, Ms. Burke, what did you just say?

14 MS. BURKE: I said that that would be
15 fine. At 10:30, I believe, is when Mr. Slatt
16 said he was free.

17 MS. FLETCHER: Okay, Mr. Williams, are
18 you okay with 10:30 on --

19 MR. WILLIAMS: Yes.

20 MS. FLETCHER: -- the 17th?

21 MR. WILLIAMS: 10:30 works.

22 MS. FLETCHER: And Mr. Slatt?

23 MR. SLATT: Yes, hello, this is
24 Commissioner Slatt. I am available on Wednesday,
25 January 17, 10:30 a.m., yes.

1 MS. FLETCHER: Okay, mediation, in
2 case it is necessary, is scheduled for Wednesday,
3 January 17 at 10:30. Just to restate, ANC 2B
4 does have standing as a protestant in this
5 matter, and the protest issues are adverse impact
6 on peace, order, and quiet. Any questions from
7 anyone?

8 Well, thank you for coming. The roll
9 call hearing in this matter is concluded, and Mr.
10 Williams, I know the next case is yours as well.
11 Thank you.

12 (Whereupon, the above-entitled matter
13 went off the record at 10:22 a.m.)
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<p style="text-align: center;">A</p> <p>A-M-Y 3:2 a.m 2:2 4:19 7:25 8:13 ABC 1:16 ABCA's 2:7 above-entitled 8:12 ABRA's 2:14 ABRA-105295 1:8 2:12 adverse 8:5 afternoon 6:12 agent 1:14,16 2:5 ahead 4:3 Alcoholic 1:2,13 Amy 1:18 2:18 3:2 ANC 1:7,19 3:5,17 8:3 anytime 7:6 apologize 6:9 Applicant's 1:18,19 asking 5:5 attempt 5:8 availability 6:24 available 4:23,24 5:2 6:13,18 7:24</p>	<p>consider 6:5 contact 4:12 Corcoran 1:7 2:11 Correct 7:4 counsel 1:18,19 2:19 court 5:22 6:14 7:12</p>	<p style="text-align: center;">J</p> <p>January 4:25 5:1,3 6:8 6:19,19 7:6,25 8:3 joined 5:18</p>	<p>please 2:22 prescheduled 6:10 present 1:15,17 2:15 3:1,5 presiding 1:14 PRO-00090 2:11 protest 2:13 3:19,23 4:6 4:20 8:5 protestant 3:17 8:4 provided 3:24</p>
<p style="text-align: center;">B</p> <p>B 1:7 2:12 B-U-R-K- 3:2 back 4:13,15,17 bear 4:9 behalf 2:15 3:1,5 believe 7:15 better 6:8 Beverage 1:2,13 Board 1:2,13 board's 1:14,16 2:5 Brad 5:18 Burke 1:18 2:18 3:2,2,4 5:13,14,17,21,23,24 6:2,7,9,16,17,20 7:8 7:13,14</p>	<p style="text-align: center;">D</p> <p>date 3:18 4:22 6:6 dates 3:23 4:2,5,10,12 4:13 6:4 day 4:24,24 December 1:11 DISTRICT 1:1 doing 3:15</p>	<p style="text-align: center;">K</p> <p>know 5:19 7:12 8:10</p>	<p style="text-align: center;">Q</p> <p>questions 8:6 quiet 2:15 8:6</p>
<p style="text-align: center;">C</p> <p>C-H-A-R-Y 2:24 calendar 2:8,9 call 1:3,7 2:5,7 4:4 5:19 8:9 Cannabis 1:2,13 case 1:8 2:9,10 6:5 8:2 8:10 cases 2:8 Class 1:7 2:12 COLUMBIA 1:1 coming 8:8 Commissioner 3:7,8 5:4 7:24 concluded 8:9 conducting 2:4 conflict 5:17 6:1</p>	<p style="text-align: center;">E</p> <p>E 3:3 Eastern 1:6 2:10 efficient 4:11 email 4:5</p>	<p style="text-align: center;">L</p> <p>LaVerne 1:13,16 2:4 law 2:17 leave 4:14 let's 5:2 license 1:8,9 2:11,13 LLC 1:6 2:10 looking 3:22</p>	<p style="text-align: center;">R</p> <p>record 2:22 8:13 recording 4:15 renewal 1:9 2:13 reporter 5:22 6:14 7:12 representing 2:18 resolve 5:9 6:5 restate 8:3 Retailer 1:7 2:12 right 4:2,15 roll 1:3,7 2:5,7 4:4 8:8 running 4:15</p>
	<p style="text-align: center;">F</p> <p>February 4:19 fine 5:11 7:8,15 firm 2:17 first 2:9 Fletcher 1:14,16 2:3,4 2:17,20,25 3:4,10,13 3:14,16,22 4:1,8,17 5:5,8,11,16,21,25 6:3 6:14,18,21,25 7:3,5 7:10,17,20,22 8:1 following 4:4 four 2:8 free 7:16</p>	<p style="text-align: center;">M</p> <p>March 4:20 matter 1:5 5:9 6:6 8:5,9 8:12 mean 5:8 mediation 3:19 4:4,22 4:24 5:6,9 6:6 8:1 meet 5:5 meeting 6:10 met 1:13 minute 3:20 4:10 moment 4:14 morning 2:3,16 3:6,9 3:10</p>	<p style="text-align: center;">S</p> <p>S-L-A-T-T 3:8 Safeway 1:6 2:10,15,18 2:19 Saturn 1:6 2:10 scheduled 4:19,20 8:2 second 4:6 see 3:12,14 4:2 5:1 set 3:18 4:3,21 6:7 shortly 4:4 Slatt 1:19 3:6,7,8,11,12 3:15 5:4,4,10 7:15,22 7:23,24 sorry 4:21 7:11 sounded 6:12 speaking 5:22 7:13 spell 2:21 Spooner 5:18 St 1:7 staff 3:24 standing 3:17 8:4 start 5:2 stating 5:25 status 3:18,23 4:5,18 Street 2:11</p>
	<p style="text-align: center;">G</p> <p>give 3:19 4:6,9,23 6:4 go 4:3,13 going 4:3,3,13,14 6:3,4 good 2:3,16 3:6,8,10 grab 4:13 grocery 2:13 group 5:7</p>	<p style="text-align: center;">N</p> <p>NAI 1:6 2:10 name 2:4,21 3:8 necessary 8:2 need 3:18 4:21 needs 7:12 nice 3:12,14 number 2:10,12 NW 1:7 2:11</p>	<p style="text-align: center;">T</p> <p>t/a 1:6 talk 5:6 thank 2:6,20,25 3:4,10</p>
	<p style="text-align: center;">I</p> <p>impact 2:14 8:5 in-house 2:19 issues 2:14 8:5</p>	<p style="text-align: center;">O</p> <p>okay 4:1,18 5:12 6:15 6:18 7:5,17,18 8:1 order 2:14 8:6 outside 5:7,9 6:6</p>	
		<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 participating 2:6 patience 4:18 Pause 3:21,25 4:7,16 peace 2:14 8:6 person 3:24 platform 2:7</p>	

3:16 4:14 6:15 8:8,11
Thanks 4:17
time 4:25
today 2:8
told 7:11
town 6:10
Tuesday 1:11 5:1,3

U

unable 6:5

V

V-I-N-C-E-N-T 3:7
Venable 2:18
videoconference 1:13
Vincent 1:19 3:7

W

W-I-L-L-I-A-M-S 2:24
we're 4:2,3
WebEx 1:13 2:7
Wednesday 4:25 6:8
7:6,24 8:2
week 6:19,23,25
went 8:13
Williams 1:19 2:16,17
2:21,23,24 5:13,15
6:21,23 7:1,2,4,9,17
7:19,21 8:10
works 7:21

X

Y

Yeah 5:8,11

Z

Z-A- 2:23
Zach 2:17 5:18
Zachary 1:19 2:23

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1

1:00 6:12
1:30 4:21 5:1 6:13 7:7
10 4:21,25 6:8
10:08 2:2
10:22 8:13
10:30 4:19,25 5:2,3 7:6
7:9,15,18,21,25 8:3
10th 6:11,11
11:30 5:2,3
15th 6:19,24 7:2,3
17 7:6,25 8:3
1701 1:7 2:11
17th 7:20

2

20 4:20
2023 1:11
2024 4:19,21
22nd 6:19
23- 2:10
23-PRO-00090 1:8
26 1:11
28 4:19
2B 1:7,19 3:5,17 8:3
2B03 3:8

3

4

5

6

7

8

9

9 5:1,3
9th 5:18,20 6:1,11

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: DC ABCA

Date: 12-26-23

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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