

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

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IN THE MATTER OF: :
 :
Friendship Heights :
Convenience Store, LLC, : Cease and Desist
t/a Friendship Heights : Hearing
Convenience Store :
5252 Wisconsin Ave NW :
ANC 3E :
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Wednesday
December 28, 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
INVESTIGATOR MARK RUIZ, DC ABCA

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

2 10:14 a.m.

3 CHAIRPERSON ANDERSON: The first case
4 in our calendar, it's a cease and desist. This
5 is for Friendship Heights Convenience Store. I
6 don't have the license number. Friendship
7 Heights Convenience Store. Hold on one minute,
8 let me see if I have the license -- all right.
9 Mr. Orellana, can you please elevate the rights
10 of the all the parties in this case, please?

11 MR. ORELLANA: Investigator Mark Ruiz,
12 your access has been elevated. That is all,
13 Chairman.

14 CHAIRPERSON ANDERSON: Thank you. All
15 right. It is -- this matter was scheduled for a
16 hearing for 10:00. It is now 10:15 and it
17 doesn't appear that the licensee is here. And so
18 since the licensee is not here, I'm going to move
19 forward with this case in this sense.

20 We're here today at the request of
21 Haile Maryam, H-A-I-L-E M-A-R-Y-A-M Negash, N-E-
22 G-A-S-H, who's the sole owner of Friendship
23 Heights Convenience Store, who desires to
24 challenge the board's cease and desist order
25 issued on December 13, 2023, specifically Board

1 Order Number 2023-702.

2 Let us review the series of events
3 that led us to today's hearing. On November 15,
4 2023 ABCA Investigator Mark Ruiz observed Mr.
5 Negash using his Retailer Class B license to
6 operate his alcoholic beverage business at a
7 location not covered by the license nor
8 authorized by the board -- by this board.

9 Additionally, Investigator Ruiz
10 observed that the establishment was being used to
11 allow for the unlawful sale of THC, premium hemp,
12 and multiple cannabis pre-manufactured products.

13 On December 6, 2023 the board
14 following its review of Case Number 23CMP00101
15 determined that the licensee was causing
16 immediate harm to the public by repeatedly and
17 illegally permitting sales of alcoholic and
18 cannabis products without proper licensure. The
19 board issued Board Order Number 23-702 requiring
20 the license to -- licensee to cease and desist
21 all illegal activity.

22 On November 18, 2023 Mr. Negash
23 requested an expedited hearing pursuant to DC
24 Code, Section 25-829(b)(1). Given the pending
25 holidays the board scheduled the hearing for --

1 at its earliest availability. And hold on. On
2 December 19 Mr. Negash was sent an email by the
3 legal office of ABCA to inform him that the --
4 that -- dear Mr. Negash, the board approve your
5 request for an expedited hearing under the order
6 to cease and desist for Friendship Heights
7 Convenience Store. Your hearing is scheduled for
8 Thursday, December 8 -- I'm sorry, Thursday,
9 December 28, 2023 at 10:00 a.m.

10 Please provide your list of exhibits
11 and witnesses you would like to introduce at the
12 hearing by close of business on December 26,
13 2023. Please know that your hearing will be held
14 virtually.

15 And he was also given instructions how
16 to -- it says Mr. Orellana -- I am sorry -- who
17 is copied above, will provide you and any
18 witnesses you may want to call with a link next
19 week prior to the hearing. If you have any
20 questions regarding the hearing, feel free to ask
21 him. As a -- if you have changed your mind about
22 requesting a hearing please notify the ABCA
23 Office as soon as possible.

24 So this was an email that was sent to
25 Mr. Negash on December 29, 2023 at 11:11 a.m. It

1 is now 10:19. Mr. Negash, although he requested
2 this hearing, has failed to show. And so since
3 this was Mr. Negash challenging and asking us to
4 issue us -- contesting the cease and desist order
5 that was issued by the board, since he is not
6 here today, I see no reason why this board will -
7 - I see no reason why this board would make any
8 changes to Board Order Number -- I'm sorry -- to
9 Board Order Number 23-702 requiring the board to
10 cease -- I'm sorry, the licensee to cease and
11 desist all illegal activity.

12 So that cease and desist order remains
13 in effect -- remain in effect because the
14 licensee who requested this hearing to challenge
15 our cease and desist order has failed to appear.
16 All right? So, the board doesn't have to vote.
17 This was -- this is a request in this -- I'm
18 sorry, this was a hearing requested by him for us
19 to make changes to a cease -- our cease and
20 desist order.

21 The board is here today, it is 10:21,
22 ready to listen to testimony from Mr. Negash, for
23 him to give us reason why we should lift our
24 cease and desist order. And so based on failure
25 of him to appear, the board therefore has no

1 reason to lift its order. So the -- our -- so
2 the board's order -- the board's cease and desist
3 order remain in effect. If there's no other -- I
4 see he's still not here, so I will now close the
5 record for the day, and also for the year. I did
6 that before, but I will still do that again.

7 As chairperson of the Alcoholic
8 Beverage and Cannabis Board for the District of
9 Columbia in accordance with Title 3, Chapter 4
10 and 5, Office of Open Government, I move that ABC
11 Board will hold a closed hearing on January 10,
12 2024 for the purpose of discussing that hearing
13 reports concerning the ongoing or planned
14 investigations of alleged criminal or civil
15 misconduct or regulations of law, violations of
16 law or regulations and seeking legal advice from
17 our legal counsel and the board's investigative
18 agenda, legal agenda, licensing agenda for
19 January 10, 2024 as published in DC Register on
20 January 5, 2024. Is there a second?

21 MEMBER SHORT: Mr. Short, I second.

22 CHAIRPERSON ANDERSON: Mr. Short has
23 seconded the motion. We'll now have a roll call
24 vote. Mr. Short?

25 MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Grant?

2 MEMBER GRANT: Mr. Grant, I agree.

3 CHAIRPERSON ANDERSON: And Mr.

4 Anderson, I agree. As it appears, the motion has
5 passed 3-0. I hereby give notice that the ABC
6 Board will hold this closed meeting pursuant to
7 Open Meetings Act. Notice will also be posted on
8 the ABC Board Hearing Room bulletin board, placed
9 on electronic calendar on ABCA's website, and
10 published in D.C. Registry in as timely manner as
11 practical, or one minute before. All right.

12 So having no further business, we
13 adjourn for the year. Thank you. I would like
14 to thank the board members who made themselves
15 available for this hearing. That was not an
16 unexpected hearing, but I want to thank the board
17 members for appearing today.

18 And so we are now adjourned for the
19 day. I'll ask all the board members to return to
20 executive session for -- briefly for some
21 discussions. Thank you very much. Have a great
22 day, have a great year. Thank you.

23 (Whereupon, the above-entitled matter
24 went off the record at 10:23 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: Friendship Heights Convenience Store

Before: DC ABCA

Date: 12-28-23

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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