

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
TM Liquors, Inc., :
t/a Big Ben Liquors :
1300 N Capitol Street, NW: Protest
Retailer A - ANC 5E : Hearing (Status)
License No. 60652 :
Case #18-PRO-00048 :
 :
(Application to Renew the:
License) :

Wednesday
July 25, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- NICK ALBERTI, Member
- BOBBY CATO, JR., Member
- DONALD ISAAC, SR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member

ALSO PRESENT:

- BRADLEY THOMAS, ANC 5E
- LEON BRADDELL, Hanover Area Civic Association
- HARJINDER SINGH, Licensee

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

9:56 a.m.

CHAIRPERSON ANDERSON: All right. The next case on our calendar is Case No. 18-PRO-00048, Big Ben Liquors, License No. 60652.

Will the parties, please, approach and identify themselves, please?

MR. THOMAS: Good morning, Mr. Chairman. Bradley Thomas, ANC-5E.

CHAIRPERSON ANDERSON: Mr. Thomas.

MR. BRADDELL: Good morning, Mr. Chairman. Leon Braddell, Vice President of Hanover Civic area -- Hanover Area Civic Association.

CHAIRPERSON ANDERSON: Mr., your last name again?

MR. BRADDELL: Braddell, B-R-A-D-D-E-L-L.

CHAIRPERSON ANDERSON: Good morning, Mr. Braddell.

MR. SINGH: Good morning, Mr. Chairman. My name is Harjinder Singh, owner of

1 TM Liquors, Inc. t/a Big Ben Liquors.

2 CHAIRPERSON ANDERSON: Good morning,
3 Mr. Singh.

4 Mr. Braddell, did you provide notice,
5 seven days notice to the owner that you were
6 protesting --

7 MR. BRADDELL: Yes.

8 CHAIRPERSON ANDERSON: -- the -- so
9 you did provide them the notice. Did you
10 receive?

11 MR. SINGH: I didn't get notice.

12 MR. BRADDELL: Well --

13 CHAIRPERSON ANDERSON: How did you
14 provide notice to them? How?

15 MR. BRADDELL: Well, I followed the
16 rules of --

17 CHAIRPERSON ANDERSON: What is --

18 MR. BRADDELL: Well --

19 CHAIRPERSON ANDERSON: All right.
20 They are saying they never received it, so --

21 MR. BRADDELL: Okay.

22 CHAIRPERSON ANDERSON: -- I'm just

1 asking you how did you --

2 MR. BRADDELL: Well, then outside --
3 since I didn't know, Mr. Singh's email or
4 anything like that, I didn't -- Hanover Area
5 Civic Association did not provide notice to Big
6 Ben Liquors. We just notified the ABRA Liquor
7 Board.

8 CHAIRPERSON ANDERSON: Well, Chapter
9 25-601(b) --

10 MR. BRADDELL: Um-hum.

11 CHAIRPERSON ANDERSON: -- states that
12 if you are going to protest the license, you have
13 to give them seven days notice.

14 MR. BRADDELL: Well, yes, that's true,
15 but also I contacted ABRA stating that I couldn't
16 even find the placard for the record notice. If
17 -- I don't know if they provided any notice, but
18 I spoke with your Community Relations liaison and
19 emailed them several times that I can't even find
20 the placard about the liquor license protest --

21 CHAIRPERSON ANDERSON: Let me --

22 MR. BRADDELL: -- about the liquor

1 license validation.

2 CHAIRPERSON ANDERSON: What do you
3 mean you couldn't find the placard?

4 MR. BRADDELL: So if I can't even see
5 that, how can I provide? I can't even really
6 provide a notice to the owner. And your -- ABRA
7 wrote back to say that they were going to
8 investigate that, so I just went on not seeing
9 that and ABRA not writing me back, I just
10 followed the procedures of the -- the known
11 procedures of filing with ABRA.

12 CHAIRPERSON ANDERSON: But I guess
13 what I'm saying is if you said you followed the
14 procedures of filing with ABRA, but weren't you
15 aware that the procedures also stated that you
16 also needed to -- when you have your meeting to
17 invite the owner at your meeting for him to come
18 and to also inform him that one of the issues
19 that my civic association is going to do, we are
20 going to protest your liquor license.

21 How is he supposed to know that you
22 are protesting his liquor license?

1 MR. BRADDELL: Well, I mean we can
2 look at that several ways, sir. If I can't see
3 the placard, I can't even figure out what the
4 date and times are for the protest, if it's not
5 posted.

6 Two, your -- these Protest Hearings
7 happen in the summer time when we don't even have
8 meetings. So it's kind of hard to get him to a
9 meeting when (A) the placard isn't up there and
10 (B) our meetings aren't even being held.

11 But again, I still followed the
12 procedures, the part of the procedures of liquor
13 license protest that ABRA publishes.

14 CHAIRPERSON ANDERSON: I hear what you
15 are saying, sir, but this is the problem I'm
16 having. Okay. You are going to sue me and you
17 don't give me notice that you are going to sue me
18 and so -- and although -- no, I can't use that
19 analogy. The -- let me not use that analogy.

20 Let me give you -- I'm going to give
21 you -- I'm going to go back --

22 MEMBER ALBERTI: May I ask?

1 CHAIRPERSON ANDERSON: -- to the
2 regulations.

3 MEMBER ALBERTI: May I ask --

4 CHAIRPERSON ANDERSON: What is it, Mr.
5 Alberti?

6 MEMBER ALBERTI: -- just a couple
7 quick questions?

8 CHAIRPERSON ANDERSON: Yes.

9 MEMBER ALBERTI: I'm sorry, your name
10 again, sir?

11 MR. BRADDELL: Mr. Braddell.

12 MEMBER ALBERTI: Mr. Braddell, so did
13 the association meet to vote on this?

14 MR. BRADDELL: Yes.

15 MEMBER ALBERTI: So you did have a
16 meeting?

17 MR. BRADDELL: Yes, well, we had a
18 meeting at the end of our -- end of year, end of
19 June meeting, but --

20 MEMBER ALBERTI: Okay. Well, I was
21 just confused because you said you don't meet in
22 the summer time.

1 MR. BRADDELL: Well, yes --

2 MEMBER ALBERTI: But you did meet?

3 MR. BRADDELL: -- in the months of --

4 MEMBER ALBERTI: Okay. So that --

5 MR. BRADDELL: -- after May, June.

6 MEMBER ALBERTI: -- doesn't matter.

7 You did meet to vote on this protest. Is that
8 correct?

9 MR. BRADDELL: Yes.

10 MEMBER ALBERTI: All right. Did you
11 attempt to deliver notice at the store?

12 MR. BRADDELL: No, because I didn't
13 even see the placard.

14 MEMBER ALBERTI: No, but you knew
15 about the protest. How did you know about the
16 protest?

17 MR. BRADDELL: Bradley Thomas let me
18 know about the protest.

19 MEMBER ALBERTI: Okay. And did he
20 give you the details?

21 MR. BRADDELL: He give me part of the
22 details as far as when the protest was --

1 MEMBER ALBERTI: And so you decided
2 that you were going to -- you might protest and
3 you then -- and then you knew that you had this
4 meeting coming up, right?

5 MR. BRADDELL: Um-hum.

6 MEMBER ALBERTI: And before the
7 meeting, did you make an attempt to notify -- you
8 didn't have his email. I got that, you don't
9 have that information.

10 MR. BRADDELL: Right.

11 MEMBER ALBERTI: Before the meeting,
12 did you visit the store to deliver a notice?

13 MR. BRADDELL: No.

14 MEMBER ALBERTI: Okay. This gentleman
15 here, I'm sorry, you mentioned his name.

16 MR. SINGH: Mr. Singh.

17 MEMBER ALBERTI: Did he give you any
18 information about how to contact the licensee?

19 MR. BRADDELL: No.

20 MEMBER ALBERTI: Why not? He had the
21 information.

22 MR. BRADDELL: Oh, I don't know if he

1 had the information.

2 MEMBER ALBERTI: Well, maybe he
3 didn't.

4 (Simultaneous speaking)

5 MR. BRADDELL: But --

6 MEMBER ALBERTI: All right.

7 MR. BRADDELL: -- the thing is is that
8 I --

9 MEMBER ALBERTI: But still --

10 MR. BRADDELL: -- at least attempted
11 to follow-up with ABRA and I --

12 MEMBER ALBERTI: No, I understand
13 that.

14 MR. BRADDELL: Wait a minute.

15 MEMBER ALBERTI: I understand that.

16 MR. BRADDELL: I request that you give
17 me a chance to answer. I still went to the ABRA
18 Community Liaison to say hey, look, I can't
19 really see this information. Where is it at?
20 So, yes --

21 MEMBER ALBERTI: Did they send you
22 notice?

1 MR. BRADDELL: -- I can understand why
2 the Board has --

3 MEMBER ALBERTI: Did ABRA send --

4 MR. BRADDELL: -- I can understand --

5 MEMBER ALBERTI: -- you notice then?

6 CHAIRPERSON ANDERSON: Hold on, Mr.
7 Alberti. The man needs to answer the question.
8 Go ahead, Mr. Braddell. Go ahead, sir.

9 MR. BRADDELL: I can understand as far
10 as saying well, you didn't contact Mr. Singh.
11 But I was trying to get information about the
12 start of the process. So the basic is, we didn't
13 contact Mr. Singh in seven days, but I was trying
14 to find information about the protest, because
15 the placard wasn't where it was and I did not --

16 MEMBER ALBERTI: No, I understand the
17 placard wasn't there. I got that.

18 MR. BRADDELL: Let me answer your
19 question.

20 MEMBER ALBERTI: No, because when did
21 you contact ABRA to get the information?

22 MR. BRADDELL: Excuse me, sir, I just

1 said --

2 MEMBER ALBERTI: When? When?

3 MR. BRADDELL: Well, I would have to
4 look through my emails.

5 MEMBER ALBERTI: Well, please, let me
6 know.

7 MR. BRADDELL: But I did --

8 MEMBER ALBERTI: Let me know when it
9 was. Was it before your meeting?

10 MR. BRADDELL: Huh?

11 MEMBER ALBERTI: Was it before your
12 meeting?

13 MR. BRADDELL: It was before the date
14 of the protest.

15 MEMBER ALBERTI: Okay. So it was
16 before your meeting?

17 MR. BRADDELL: Right. But --

18 MEMBER ALBERTI: Okay. So --

19 MR. BRADDELL: -- remember on that--

20 MEMBER ALBERTI: -- no, no, wait,
21 wait.

22 MR. BRADDELL: Okay.

1 MEMBER ALBERTI: Did you ask them to
2 send you the information? Because --

3 MR. BRADDELL: Yes.

4 MEMBER ALBERTI: And did they?

5 MR. BRADDELL: No.

6 CHAIRPERSON ANDERSON: All right.

7 Hold on, Mr. Alberti. There is --

8 MEMBER ALBERTI: Then you should take
9 that up with the Director, Mr. Moosally.

10 CHAIRPERSON ANDERSON: All right.

11 Hold on.

12 MR. BRADDELL: My name is Mr.
13 Braddell, but thank you.

14 CHAIRPERSON ANDERSON: No, all right.

15 All right.

16 MR. BRADDELL: Oh, okay. Oh, Mr.
17 Moosally, oh, okay.

18 CHAIRPERSON ANDERSON: I think that
19 there has been some confusion, because I know you
20 were not at -- I know, Mr. Braddell, you were not
21 at the Roll Call. I know you were. Okay. And
22 so, therefore, you weren't granted standing.

1 The issue that I have today, this
2 Board was going to provide you standing because
3 you did protest timely the renewal. However, the
4 regulation says, 25-601.3, it states that "A
5 citizens association incorporated under the laws
6 of the District of Columbia located within the
7 affected area provided that the following
8 conditions are met."

9 And this is a condition that I'm
10 having right now that you have not overcome is
11 that "A resolution concerning the license
12 application has been duly noted in accordance
13 with the association's Articles of Incorporation
14 or bylaws at a duly called meeting with the
15 notice of the meeting given to the voting body
16 and the applicant at least seven days before the
17 date of the meeting."

18 And so the regulation clearly states
19 that in order for me to grant you notice, you had
20 to have invited him to your meeting at least
21 seven days before the meeting and let him know
22 that one of the discussions that we are going to

1 have today is that we are going to protest your
2 liquor license in order for me to grant you
3 standing.

4 Now, if the Board decided not to grant
5 you standing, you can still work with the ANC.
6 You could sign-off on a -- if the ANC allows you
7 to, you could sign-off on a settlement agreement
8 with the ANC, if the ANC wants you to be a party.

9 The only problem that this -- that we
10 have here today, I'm not sure if I can grant the
11 citizens association standing by itself, because
12 you have not complied with that, one of the
13 provisions. And so that's one of the -- that's
14 the exercise that we are having today.

15 So if you can categorically provide us
16 information to say seven days before you -- if --
17 because you could say to me although you did not
18 -- I didn't send it to him, but I went to the
19 store and I dropped off a letter to someone in
20 the store to say we are having this meeting and
21 we are going to discuss protesting your liquor
22 license and no one showed up and if you can say--

1 and because you said well, I did not know his
2 email address, I couldn't email it, but someone
3 from our -- from the civic association went to
4 the liquor store, dropped the notice off and gave
5 it to one of the employees.

6 But what you are saying is that you
7 didn't tell him and so that's the problem that we
8 are having here today.

9 So can you respond to -- and so are
10 you then stating that you did not provide him
11 seven days notice prior --

12 MR. BRADDELL: I am stating that I did
13 not provide him seven days notice.

14 CHAIRPERSON ANDERSON: All right. And
15 so because you have not provided him seven days
16 notice, I cannot grant standing to the civic
17 association.

18 Okay? And so therefore, I make a --
19 and so that's -- it's automatic because you have
20 not complied with the provision.

21 So what this says, so the ANC is here,
22 you can still work with the ANC. And if they

1 allow, if the ANC decides to come to a Protest
2 Hearing, then they can call you as a witness and
3 you can do whatever you need to do, but you would
4 have to be a part of their case. Okay?

5 So therefore, I make a -- I then make
6 a motion that standing is not -- that the civic
7 association is not given standing in this matter,
8 because they have not complied with 25-601.3. Is
9 there a second?

10 MEMBER SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON ANDERSON: Those opposed?

16 The matter passes 6-0-0.

17 MR. BRADDELL: Well, excuse me, sir?

18 CHAIRPERSON ANDERSON: Yes?

19 MR. BRADDELL: Can I say one more
20 thing?

21 CHAIRPERSON ANDERSON: Yes, sir.

22 MR. BRADDELL: And I would state for

1 the record that ABRA didn't do its job. That
2 ABRA failed in its responsibility.

3 CHAIRPERSON ANDERSON: Well, I don't--

4 MR. BRADDELL: No, wait, excuse me.

5 CHAIRPERSON ANDERSON: Hold on, sir.

6 I'm not --

7 MR. BRADDELL: No, excuse me, sir.

8 CHAIRPERSON ANDERSON: Hold on. Hold
9 on. Hold on, sir, hold on. Hold on, sir, hold
10 on.

11 What I have stated to you, sir,
12 before, I stated to you that there were some
13 administrative foul-up. And part of the
14 administrative foul-up, as I stated before, you
15 were not at the Roll Call and normally, if you
16 don't show up at the Roll Call, then you don't
17 have standing. And so, therefore, I am admitting
18 that there was some foul-up. Okay?

19 But the bottom line is that, sir, you
20 knew that there was -- you knew that they were
21 asking for a liquor license, they want to renew
22 their liquor license. You also stated that you

1 knew ABRA's protocol. This is what you said.

2 You said I know ABRA's protocol, so
3 therefore, I came to protest the liquor license.
4 All I'm saying to you, sir, is that at some point
5 if you are going to protest a liquor license, you
6 need to tell them.

7 So you are having a meeting, you need
8 to tell the applicant that. And so if you had
9 said to me today that you talked to our Community
10 Liaison and so even if after the fact you spoke
11 to them, if you had said to me once I spoke to
12 ABRA, got some information, I went over there and
13 spoke to them about what we were doing, then
14 maybe I would have stated -- I could use the
15 argument to say that there was some additional
16 administrative foul-up and because of the
17 Agency's administrative foul-up, you were
18 prevented.

19 But at some point you had to tell him.
20 Mr. Singh said to me today, so irrespective of
21 who is at fault, I did not know. I didn't get
22 any notice. I did not know they were protesting

1 my liquor license. Okay? That's all I'm saying.

2 So if Mr. Singh -- so everything you
3 have said, I could listen to it and I could ask
4 the Agency let's listen to it and because of the
5 Agency's foul-up, because this is what you have
6 done, but you have told me that you have never
7 contacted him to tell him that you wanted to
8 protest his liquor license.

9 And what I have stated, sir, is that
10 you can work with the ANC if you want to work
11 with the ANC and do whatever you want to do. The
12 only difference in this particular case is that
13 you do not have -- you cannot -- say for example
14 I can't force you -- I can't force -- if there is
15 a settlement agreement, I cannot force the ANC to
16 make you a part of the settlement agreement.

17 But if you and the ANC are on the same
18 page, they can bring you in as a party to a
19 settlement agreement and you can talk to the ANC
20 and you can have -- if a settlement agreement is
21 reached and if the ANC agrees with -- you agree
22 with them and they want to bring you in as a

1 party, they can do that.

2 And so everything that you need, you
3 can still have it. So I hear you and I hear your
4 frustration. All I have said to you is that if
5 you had told me at some point that you had
6 contacted him and told him that you wanted to
7 protest his liquor license, then I could take --
8 because as I said before, I have taken
9 administrative notice that there was some Agency
10 foul-up.

11 So that's -- so you were not --
12 because I could have -- if -- but not for the
13 foul-up, because you were not at the Roll Call, I
14 could have said you did not show up at the Roll
15 Call, so, therefore, we are not even going to
16 entertain you today. But you were not at the
17 Roll Call and it was not your fault why you were
18 not at the Roll Call.

19 So I have taken all that into
20 consideration. The only part that I am making a
21 decision on is because you did not tell Mr. Singh
22 that you were protesting his liquor license.

1 Okay, sir?

2 MR. BRADDELL: Okay. Thank you.

3 CHAIRPERSON ANDERSON: All right.

4 That's all. All right. I don't -- I want this
5 to be consumer-friendly. I don't want folks to
6 believe that I come here and the Board is not
7 listening to me and the Board is making
8 decisions. No, you care about your community and
9 you took the time to show up here today.

10 All I'm saying to you is that you have
11 to give him notice that this is the decision that
12 we are making. Okay, sir?

13 MR. BRADDELL: All right. Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 Yes, Mr. Silverstein?

16 MEMBER SILVERSTEIN: Thank you. Thank
17 you, Mr. Braddell. I can sense your frustration
18 and I understand it and sympathize with it. And
19 I would think that all of us understand when
20 there is a bureaucratic issue, that it can be
21 extremely frustrating.

22 I do think that you need to be -- you

1 need to understand this is not our rule. This
2 was part of an omnibus bill that City Council
3 passed three or four years ago that changed the
4 status of community organizations. And
5 originally the bill was going to allow them to be
6 completely subsumed if an ANC signed a settlement
7 agreement and these are the rules that they put
8 in to allow citizen associations to remain in the
9 bill. And we have to abide by the City Council
10 rule.

11 You can work hand-in-hand with your
12 ANC and partner in this, it's just you don't have
13 the status, because we can't legally grant it to
14 you.

15 And I'm sorry with the frustration you
16 went through and the difficulty and I thank you
17 for your work on behalf of your community, but we
18 all have to go by the rules and we have to stay
19 in our lanes and that's what we are doing.

20 MR. BRADDELL: Okay.

21 MEMBER SILVERSTEIN: Thank you all.

22 CHAIRPERSON ANDERSON: All right. Are

1 there any preliminary matters? Yes, Mr. Singh?

2 MR. SINGH: Same question. The ANC
3 also they did the same thing, they never informed
4 us of a meeting or anything.

5 MR. THOMAS: For that, I can --

6 CHAIRPERSON ANDERSON: Well, let's --
7 I'm reading the -- one of the things that I do,
8 see this book in front of me, this is the law
9 that we operate by.

10 MR. SINGH: Um-hum.

11 CHAIRPERSON ANDERSON: And so when
12 people ask questions, I take the time to read the
13 law, to read the rules before I respond. And so
14 I know what you are saying and, sir, as far as
15 the ANC is concerned, that's not up -- the law
16 does not require --

17 MR. SINGH: Okay.

18 CHAIRPERSON ANDERSON: -- that -- it
19 doesn't require. Yes, it would be nice if they
20 do that, but the law does not require for them to
21 do that. So that's not required.

22 MR. SINGH: Yet that is you have my

1 side, if somebody is complaining about me, I
2 answered the questions at meetings when I saw
3 them.

4 CHAIRPERSON ANDERSON: I'm sorry, sir,
5 I didn't hear what you said.

6 MR. SINGH: It been happening,
7 something about me and my --

8 CHAIRPERSON ANDERSON: Speak a little
9 bit slower. I'm trying to make sure that I hear
10 everything that is being said.

11 MR. SINGH: Sometimes people are
12 talking about me.

13 CHAIRPERSON ANDERSON: Um-hum.

14 MR. SINGH: Sometimes present over
15 there, that talk about me.

16 CHAIRPERSON ANDERSON: Right.

17 MR. SINGH: So I could defend myself
18 and tell about the truth.

19 CHAIRPERSON ANDERSON: I hear you, but
20 in this particular case, the regulation does
21 not --

22 MR. SINGH: That's fine.

1 CHAIRPERSON ANDERSON: -- require for
2 them to give you notice for you to show up at a
3 meeting. That's not in these regulations.

4 MR. SINGH: Okay. That is fine.

5 CHAIRPERSON ANDERSON: Mr. Thomas, can
6 you respond to --

7 MR. THOMAS: Yes.

8 CHAIRPERSON ANDERSON: Yes, sir.

9 MR. THOMAS: For the record, notice
10 was given. We post well in advance of the
11 meeting, a minimum of seven days in advance.

12 MEMBER SILVERSTEIN: I'm sorry, sir,
13 I can't hear you.

14 CHAIRPERSON ANDERSON: Move your --

15 MR. THOMAS: Sorry. A minimum of
16 seven days in advance of every public meeting, we
17 post the notice of the meeting with the agenda,
18 including this matter, on our website, on all of
19 the local listservs and in three or four
20 conspicuous places within the Single Member
21 District, within the ANC. But it -- in each
22 Single Member District, there are several places

1 where it is posted, in addition to the website,
2 in addition to all the listservs.

3 So the notice is posted and it
4 contains everything that is going to be discussed
5 at that meeting. So Mr. Singh has no -- if he
6 chooses not to avail himself of looking to see
7 what is on the --

8 MR. SINGH: I never --

9 MR. THOMAS: -- schedule, to look at
10 the agenda, that's on him. But we are not
11 required --

12 CHAIRPERSON ANDERSON: Hold on, Mr.
13 Singh. Only one person can speak.

14 MR. THOMAS: We are not required by
15 our rules to go to every single individual,
16 because all these matters affect all of us and we
17 are not required to give a specific hand-held
18 notice to every individual who lives in our
19 Single Member District or in our ANC.

20 We are required to post the notice in
21 the manners in which I just described and we have
22 done that and we do that for every single

1 meeting.

2 CHAIRPERSON ANDERSON: All right. No,
3 I'm -- I -- sir, I do hear your pain, but --

4 MR. SINGH: That's fine.

5 CHAIRPERSON ANDERSON: -- I heard your
6 pain.

7 MR. SINGH: That's fine. Still
8 working on that, that's fine.

9 CHAIRPERSON ANDERSON: Yeah, but as I
10 said, there is nothing -- the only specific
11 regulation that is listed here talks about the
12 civic associations.

13 MR. SINGH: Well, I was assuming,
14 because last time they send me letter before last
15 proceeding, I got a letter at my business that
16 this is agenda.

17 CHAIRPERSON ANDERSON: Right.

18 MR. SINGH: My name was there also.
19 I was assuming this time also I got some
20 information on my store. I don't have website.
21 I have -- it end up being a lot of problem in
22 life also. So maybe he like to go to the

1 website, but I don't have website.

2 CHAIRPERSON ANDERSON: Well, what I'll
3 say to you, Mr. Singh, is that you are the one
4 who is asking to -- is this a renewal?

5 MR. SINGH: Renewal.

6 CHAIRPERSON ANDERSON: And so one of
7 the things I'll ask you in the future to do that
8 when your liquor license is up for renewal, just
9 as an FYI, you contact your ANC commissioner to
10 say my liquor is up for renewal, is there
11 anything I can do to make sure that my license
12 doesn't get -- I'm not saying you need to do
13 that.

14 But just to be proactive --

15 MR. SINGH: That's fine.

16 CHAIRPERSON ANDERSON: -- to be in
17 touch with the ANC, so I'm not saying you have
18 not done that, but just to protect yourself, so
19 therefore, you are not necessarily faced with
20 coming to a hearing and you are saying that I
21 thought everything was okay. I don't know why
22 these ANC people are protesting my -- the renewal

1 of my liquor license, because, you know, I'm an
2 upstanding citizen. I have done everything I'm
3 supposed to do.

4 So I'm just saying just to protect
5 yourself.

6 MR. SINGH: Okay.

7 CHAIRPERSON ANDERSON: But
8 unfortunately -- or if -- or another thing that
9 you can do is maybe have someone, if you know
10 when the ANC meetings are, you kind of just
11 browse the Internet to go check to look at the
12 agenda to see if people are talking about you.

13 MR. SINGH: Okay.

14 CHAIRPERSON ANDERSON: Okay.

15 MR. SINGH: That's fine.

16 CHAIRPERSON ANDERSON: Just to protect
17 yourself, okay?

18 MR. SINGH: Yes.

19 CHAIRPERSON ANDERSON: I'm not -- all
20 right. Yes, Mr. Short?

21 MEMBER SHORT: Yeah, I would like to
22 say to Mr. Braddell and also Mr. Thomas and to

1 the owner, as the Chairman stated, our ABRA Rules
2 and Regulations are available on the Internet,
3 but you can -- before you leave here today, and I
4 would advise anybody who is running a civic
5 association, especially in your area, to get a
6 copy of the rules and regulations of ABRA, that
7 way you protect yourself and when you come here,
8 you will be properly prepared.

9 Thank you, Mr. Chair.

10 CHAIRPERSON ANDERSON: All right.

11 MR. THOMAS: May I?

12 CHAIRPERSON ANDERSON: Yes, Mr.

13 Thomas.

14 MR. THOMAS: Just one other thing for
15 the record. The reason that Mr. Singh received a
16 specific notice three years ago was that, I
17 think, because his store was one of the locations
18 where we did the public posting. Those locations
19 change from time-to-time.

20 But that particular time, his store
21 was one of the places that we would post the
22 public notice. This time it was not one of the

1 places where we posted the public notice.
2 However, the public notice was posted in a
3 conspicuous place.

4 CHAIRPERSON ANDERSON: Well, as I
5 said, that is not an issue as far as the ANC is
6 concerned. That's not required. But I
7 appreciate the explanation to Mr. Singh. So we
8 want this to be a playing level field for
9 everyone, so I don't want folks to come here and
10 say I did not know and I did not know.

11 Okay. Are there any other preliminary
12 matters that need to be discussed?

13 MR. THOMAS: Yes. The Protest Hearing
14 date was set as September 19th.

15 CHAIRPERSON ANDERSON: Yes, September
16 19th at 4:30.

17 MR. THOMAS: But I requested via email
18 to counsel for the Board that we move that date
19 to late October. The reason being, the ANC, as
20 Mr. Braddell has indicated that just like the
21 civic association, doesn't meet in the summer.
22 The next meeting of our ANC is September 18. So

1 we don't have time to respond or to negotiate or
2 to prepare a settlement agreement.

3 CHAIRPERSON ANDERSON: Well, you can
4 negotiate, you can do that, but this -- you can
5 negotiate. You can continue to negotiate. You
6 could ask -- for example, because you can say
7 that we have reached a settlement agreement, but
8 in order for -- but we need to meet for the ANC
9 to vote on it.

10 And so just let me ask, Mr. Singh,
11 would you agree to postpone the date?

12 MR. SINGH: Yeah, yeah, that's fine.

13 CHAIRPERSON ANDERSON: All right.

14 MR. SINGH: That's fine.

15 CHAIRPERSON ANDERSON: So the Agency--
16 since we have an agreement from both sides to
17 postpone the date, the Agency will come up with
18 another date. And because it's a renewal, it's
19 not an issue in the sense of pushing the date up.
20 So the Agency will come up with another date to
21 have this meeting.

22 But what I'll ask that the parties to

1 do is to meet, see if you can come up with some
2 type of agreement. And if you can't come up with
3 an agreement, then we will have, hold on, sir, a
4 date.

5 Give me your name again, Mr. Braddell?

6 MR. BRADDELL: Braddell.

7 CHAIRPERSON ANDERSON: Mr. Braddell.

8 Yes, Mr. Braddell.

9 MR. BRADDELL: Well, sir, I mean, I'm
10 sure you guys here have a lot of cases in front
11 of you. And I mean, we have, as an association
12 and as an ANC, you know, protested the liquor
13 license before.

14 CHAIRPERSON ANDERSON: Yes, sir.

15 MR. BRADDELL: And you are right, the
16 more preferred method is to negotiate with them
17 over there --

18 CHAIRPERSON ANDERSON: Yes, sir.

19 MR. BRADDELL: -- as far as the
20 protest. And I mean, I think Bradley would say
21 and we were -- we are definitely more on that
22 path, instead of having the Protest Hearing.

1 CHAIRPERSON ANDERSON: Right.

2 MR. BRADDELL: Now, just as you know
3 that, you know, I as a HACA representative and
4 Bradley have to get our communities --

5 MEMBER SHORT: Speak up, Mr. Braddell,
6 speak up.

7 MR. BRADDELL: -- involved on -- oh.
8 Myself and Mr. Thomas have to get our communities
9 vote for approval.

10 CHAIRPERSON ANDERSON: Right, right.

11 MR. BRADDELL: Just as you asked
12 before, did we have a vote on this?

13 CHAIRPERSON ANDERSON: Right.

14 MR. BRADDELL: So I have to have a
15 vote later on also.

16 CHAIRPERSON ANDERSON: Right.

17 MR. BRADDELL: And my next meeting is
18 -- our -- his next meeting is September and my
19 next meeting is in September.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. BRADDELL: But if the Board grants
22 a little extension, I'm sure we probably, as we

1 did in our last liquor protest, would come up
2 with an agreement and write the Board that hey,
3 we have come up with an agreement. We don't
4 really need the Protest Hearing.

5 MR. THOMAS: Right.

6 CHAIRPERSON ANDERSON: No, I mean, we
7 are going to grant the extension, because we are
8 going to -- because both sides have agreed. So
9 we are going to grant the extension.

10 I can't give you a date. Would
11 October 31st at 1:30, would that work for both
12 sides? October 31st at 1:30. So the Protest
13 Hearing is scheduled for October 31st, that's the
14 new date. October 31st at 1:30. So I want every
15 -- I want to make sure that everyone writes this
16 date down, October 31st at 1:30.

17 MR. THOMAS: Okay.

18 CHAIRPERSON ANDERSON: That's when we
19 are going to have the Protest Hearing. And what
20 this means is that seven days -- if there is no
21 agreement, seven days prior to October 31st you
22 need to exchange your documents and witnesses to

1 the Agency.

2 And if there are any -- if you don't
3 understand this process, if you need some
4 assistance in figuring out how this process
5 works, please, contact Assistant General Counsel,
6 Ms. April Randall. And her phone number is (202)
7 442-4353.

8 She is here. Whatever problems you
9 have, if you don't understand the process, she
10 will explain to you what is it that you need to
11 do. Again, her number -- her name is April
12 Randall and her number is (202) 442-4353.

13 Okay. All right. Do we have any
14 other questions by anyone else?

15 MR. BRADDELL: I believe that is it
16 for us.

17 CHAIRPERSON ANDERSON: Mr. Singh? Mr.
18 Thomas? I don't know why I should remember Mr.
19 Braddell.

20 MR. BRADDELL: Yes, sir.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you for being here today, sir, and I see

1 your pain and I understand your frustration. I
2 don't want you to leave here to say these folks,
3 the Board doesn't understand and the Board is
4 being unfair. That's one of the reasons why I
5 take the time to explain to you why the Board
6 ruled the way it does.

7 And to also explain to you that you
8 are not shut out from the process. All this is
9 is that you now have to work through the ANC to
10 get what is it that you need.

11 MR. BRADDELL: Okay.

12 CHAIRPERSON ANDERSON: Okay. All
13 right.

14 MR. SINGH: Yes, Mr. Chairman, I
15 wanted to --

16 CHAIRPERSON ANDERSON: Yes, Mr. Singh?

17 MR. SINGH: No matter protestant done,
18 have done, still I work with the community. I'll
19 work with Mr. Bradley. What I will say I'll work
20 with him, yes.

21 CHAIRPERSON ANDERSON: Yes.

22 MR. SINGH: I wonder why the community

1 said we have some problems in the neighborhood
2 here.

3 CHAIRPERSON ANDERSON: Right.

4 MR. SINGH: Which is all our problem.

5 CHAIRPERSON ANDERSON: Right.

6 MR. SINGH: Nobody here protested
7 Mark, I still work with him, yeah, both of them.
8 We will see if we can come together and work out
9 everything.

10 CHAIRPERSON ANDERSON: What I was
11 about to say is that I don't really want to see
12 you on October 31st.

13 MR. SINGH: I got that.

14 CHAIRPERSON ANDERSON: Okay. That's
15 what I was about to say.

16 MR. SINGH: Yes, I'm trying my best
17 not to see.

18 CHAIRPERSON ANDERSON: All right. I
19 don't want to see you on October 31st, because if
20 I see you on October 31st, it's telling me that
21 the community cannot agree. And one thing I
22 prefer for the community to agree and to have

1 settlement agreements, because this is your
2 community. You know what works and what does not
3 work in your community.

4 So I'm hoping that you can solve it,
5 because it's much easier for you to solve it than
6 for you to come here and for the seven of us, who
7 none of us -- well, maybe except for this Ward,
8 that's what Ward 2?

9 MR. THOMAS: No, it's Ward 5.

10 CHAIRPERSON ANDERSON: Ward 5. Well,
11 Mr. Cato is the only one who actually lives in
12 Ward 5. The rest of us live in others. So we
13 would be making decisions about your neighborhood
14 and we don't live there.

15 So I prefer when folks negotiate, have
16 an agreement, come to us to say this is what we
17 are happy with, because at least if you have a
18 settlement agreement, both sides are happy.

19 When the Board makes a decision,
20 everyone is going to be upset, because you have
21 seven folks making decisions about your
22 neighborhood. Okay.

1 So I prefer that, I tell folks that I
2 prefer, you do settlement agreements. So if you
3 don't come back on October 31st, I'm not going to
4 take it personally. Okay. It just tells me that
5 the process works.

6 Mr. Silverstein wants to say
7 something.

8 MEMBER SILVERSTEIN: Yes.

9 CHAIRPERSON ANDERSON: Go ahead, Mr.
10 Silverstein.

11 MEMBER SILVERSTEIN: I agree, of
12 course, with everything that our Chair said. And
13 since we are talking about the importance of
14 communicating with one another, we should also
15 tell you that if you are going to come to an
16 agreement, if you can, the sooner the better.

17 If you wait until the 31st, our
18 Investigators will put together a protest report
19 for us that is in a big loose leaf binder. It
20 may have 40 or 50 pages. It can take many hours
21 for them to do.

22 And if you come to an agreement say

1 two weeks in advance, they are not going to have
2 to finish that and they would be able to do other
3 work. It is a great help to us if you -- if it
4 appears that you are going to come to an
5 agreement and you think you can, that you do it a
6 little earlier, so that our staff can go about
7 doing the work to -- the other work that they
8 have to do.

9 Thank you very much for being here.

10 MR. BRADDELL: Thank you, sir.

11 CHAIRPERSON ANDERSON: Thank you.

12 Have a good day.

13 MR. THOMAS: Thank you.

14 MR. BRADDELL: Thank you.

15 (Whereupon, the Protest (Status)

16 Hearing was concluded at 10:28 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: Big Ben Liquors

Before: DC ABRA

Date: 07-25-18

Place: Washington, DC

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Neal R Gross

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