

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

9:54 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 17-PRO-00064, Eleven Market.

Would the parties, please, approach and identify themselves for the record, please?

Could you take your hat off, please, sir?

MR. JOHNSON: Sorry.

CHAIRPERSON ANDERSON: You're the translator, sir?

INTERPRETER: Yes, sir.

CHAIRPERSON ANDERSON: Can you raise your right hand? What language is this?

INTERPRETER: Amharic.

CHAIRPERSON ANDERSON: Amharic?

INTERPRETER: Yes, sir.

CHAIRPERSON ANDERSON: Could you raise your right hand, please?

Do you swear or affirm to faithfully translate these proceedings from English to

1 Amharic and from Amharic to English?

2 INTERPRETER: Yes, sir.

3 CHAIRPERSON ANDERSON: Okay. Have a
4 seat, please.

5 You can have a seat, ma'am, and could
6 -- there is a sign-in sheet that once you tell us
7 your name, you sign-in. You also, sir. So I
8 need everyone to let me know what their name is
9 and sign-in on the sign-in sheet.

10 You can go ahead, sir.

11 MR. JOHNSON: Yes, my name is Jerry
12 Johnson. I am the ANC Commissioner for Single
13 Member District 1B02.

14 CHAIRPERSON ANDERSON: So you are the
15 designee from ANC-1B?

16 MR. JOHNSON: ANC-1B.

17 CHAIRPERSON ANDERSON: ANC-1B. Mr.
18 Johnson? Mr. Johnson?

19 MR. JOHNSON: Yes.

20 CHAIRPERSON ANDERSON: No. I'm making
21 sure that I got your name, Mr. Johnson.

22 MR. JOHNSON: Yes, Jerry Johnson.

1 Yes.

2 CHAIRPERSON ANDERSON: Yes.

3 MR. JOHNSON: Thank you.

4 CHAIRPERSON ANDERSON: All right.

5 This matter is scheduled for a Protest Hearing on

6 May 2nd at 4:30 p.m.

7 MS. ENKENYELESH: Again, now in the
8 future?

9 CHAIRPERSON ANDERSON: I'm sorry?
10 What's the question she is asking?

11 MS. ENKENYELESH: The future, May?

12 CHAIRPERSON ANDERSON: Yes.

13 MS. ENKENYELESH: The 2nd of May?

14 CHAIRPERSON ANDERSON: The Protest
15 Hearing is scheduled for May 2nd at 4:30.

16 Does she understand the process and
17 the procedure? You have to vocalize.

18 MS. ENKENYELESH: Yes, sir.

19 CHAIRPERSON ANDERSON: Someone needs
20 to say yes to me, sir.

21 MS. ENKENYELESH: Yes, sir.

22 INTERPRETER: She say yes.

1 CHAIRPERSON ANDERSON: All right. Mr.
2 Johnson, are there any preliminary matters that
3 the Board needs to address?

4 MR. JOHNSON: There really aren't. We
5 have kind of reached a stalemate here where --

6 CHAIRPERSON ANDERSON: Speak slower,
7 because remember --

8 MR. JOHNSON: Sure.

9 CHAIRPERSON ANDERSON: -- he is trying
10 to translate.

11 MR. JOHNSON: Sure.

12 CHAIRPERSON ANDERSON: So I'm not sure
13 her level of comprehension, so don't -- give him
14 an opportunity to translate for her, please.

15 MR. JOHNSON: Okay. My efforts here
16 have been on behalf of my constituents and my
17 effort is quite simple. It is just to bring --
18 my effort is to bring the business practices of
19 Eleven Market into conformance with the spirit of
20 the 2006 settlement agreement.

21 So as to effectuate that change, I
22 have requested from ABRA staff language that

1 would update that 2006 agreement, which
2 prohibited the sale of singles, but limited that
3 prohibition to singles of 12 ounces only.

4 CHAIRPERSON ANDERSON: No, I'm not
5 trying to get into the --

6 MR. JOHNSON: I know. I am just
7 trying to -- okay.

8 CHAIRPERSON ANDERSON: I don't --

9 MR. JOHNSON: Yes.

10 CHAIRPERSON ANDERSON: -- in the --
11 I'm just trying to find out --

12 MR. JOHNSON: Okay. So --

13 CHAIRPERSON ANDERSON: Yeah.

14 MR. JOHNSON: -- to wrap this up, I
15 have received guidance from staff attorneys who
16 now appreciate the situation that is quite
17 simple. And I think that unfortunately the only
18 resolution here will come with a directive from
19 this Board.

20 So I will need to present that
21 proposal apparently within the context of a
22 hearing.

1 CHAIRPERSON ANDERSON: So you are
2 saying that you are not able to --

3 MR. JOHNSON: No.

4 CHAIRPERSON ANDERSON: -- I mean,
5 what's the --

6 MR. JOHNSON: No, but I don't know if
7 you remember, we had a hiccup at our last
8 meeting. We did not have a translator.

9 CHAIRPERSON ANDERSON: Right.

10 MR. JOHNSON: The new translator and
11 I spoke prior to the meeting. I am quite
12 confident now that the applicant understands that
13 we are not trying to harm her business and she
14 understands that yes, she is in conformance with
15 the letter of the 2006 agreement, but she is not
16 in conformance with the spirit of that agreement.

17 So the frustrations that were
18 expressed by Chair at our last meeting, I
19 believe, have been properly addressed with the
20 new translator. I believe we have now, at least,
21 an understanding within the parties.

22 CHAIRPERSON ANDERSON: Is there

1 anything else in the sense of translation
2 services, is there anything that our Agency can
3 do to assist the communications to make sure that
4 if an agreement -- and I'm not saying you need to
5 do an agreement, but if an agreement can be
6 reached, is there anything that the Agency can do
7 as far as translation services to facilitate the
8 communication?

9 MR. JOHNSON: I think the Agency has
10 done now what needed to be done. And the
11 applicant, although appreciates the situation and
12 our position, is not willing on her own to enter
13 into a new agreement.

14 CHAIRPERSON ANDERSON: All right. Is
15 there any preliminary -- from her perspective,
16 I'm not trying to get into the merits, but does
17 she -- is there anything she wants to say?

18 MS. ENKENYELESH: We are performing
19 according to our license.

20 CHAIRPERSON ANDERSON: You need to
21 speak up, sir.

22 MS. ENKENYELESH: We are working

1 according to our license, that's what I want to
2 say.

3 CHAIRPERSON ANDERSON: Okay. That's
4 fine. So as I said before, this matter is
5 scheduled for a Protest Hearing on May 2nd at
6 4:30.

7 Now, I'm going to read some
8 instructions and I need you to make sure that she
9 gets the instructions.

10 INTERPRETER: Yes, sir.

11 CHAIRPERSON ANDERSON: Now that we
12 have scheduled the matter for a Protest Hearing,
13 there are a few things that I would like to
14 instruct the applicant and the protestant. I
15 want to make sure that -- do you need me to stop
16 or tell me how -- tell me what I need to do in
17 reading, so you can translate all this stuff to
18 her.

19 INTERPRETER: You can just --

20 CHAIRPERSON ANDERSON: Just go ahead?

21 INTERPRETER: Yes, sir.

22 CHAIRPERSON ANDERSON: Okay. The

1 Board does not intend to hear testimony on
2 matters that are not relevant to this case. You
3 should have received by electronic or regular
4 mail a letter explaining the protest process, a
5 copy of the Protest Information Form and a copy
6 of the Exhibit Form. If you do not have these
7 documents, please, contact Assistant General
8 Counsel April Randall following this hearing.

9 It is important that you review the
10 rules closely and follow them before and during
11 the Protest Hearing. You are required to
12 complete and submit the Protest Information Form
13 (PIF) and the Exhibit Form seven days before the
14 date of the hearing. These two forms and
15 accompanying documents need to be submitted to
16 ABRA's Legal Division and to all opposing parties
17 in this matter.

18 If we do not receive a copy of your
19 PIF, your application or your protest, whichever
20 side you are representing, may be subject to
21 dismissal. Likewise, if we do not receive a copy
22 of the Exhibit Form and the exhibits themselves,

1 your exhibits may be excluded from the record
2 upon a finding that the opposing party has been
3 prejudiced or no good cause for failure to submit
4 has been shown.

5 Likewise witnesses other than a party
6 may also be subject to exclusion if not
7 identified in the PIF.

8 Accordingly, these forms are very
9 important as they greatly assist the Board in
10 narrowing the protest issues, facilitating the
11 process and keeping the parties on point during
12 the hearing. They likewise provide notice to
13 opposing parties enabling them to better prepare
14 for the hearing.

15 We thank you for your cooperation. If
16 you have any questions today or at any time,
17 please, do not hesitate to contact AGC Randall at
18 (202) 442-4353. Again, the number is (202) 442-
19 4353, and that's Ms. Randall.

20 The long and short of it is that seven
21 days before the Protest Hearing, you need to make
22 sure each side needs to exchange the witnesses

1 and the documents they are going to rely on and
2 you also need to make -- ensure that we get a
3 copy of it. So seven days before the hearing.

4 If you have any questions, if you
5 don't understand the process, Ms. Randall, the
6 number I gave you, either side can contact her
7 and she can let you know what is it that you need
8 to do. Okay?

9 So I'm not sure -- it doesn't appear
10 that there is going to be a settlement. It
11 appears that we are going to have a hearing and
12 we will see you then on May 2nd at 4:30. Thank
13 you.

14 MR. JOHNSON: Thank you.

15 CHAIRPERSON ANDERSON: Have a good
16 day. Thank you.

17 (Whereupon, the Protest (Status)
18 Hearing was concluded at 10:07 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: Albo Corp

Before: DC ABRA

Date: 04-11-18

Place: Washington, DC

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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