

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :

Albo Corp, :

t/a Eleven Market :

1936 11th Street NW : Protest

Retailer B - ANC 1B : Hearing (Status)

License No. 60236 :

Case #17-PRO-00064 :

:(Application to Renew the:
License) :

Wednesday
January 10, 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
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JERRY JOHNSON, ANC 1B02

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

9:33 a.m.

CHAIRPERSON ANDERSON: Good morning, everyone and happy new year to everyone. This is our first meeting for the year, so I look forward to well, not necessarily seeing you all every week, because when I see you, that tells me something is not right, but welcome here and I hope that we all do what we need to do in the best interest of the city, of the District.

So I would like to welcome you all to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Please know that today's hearings will be conducted in accordance with D.C. Official Code Section 2-574 of the Open Meetings Act.

Today is January 10, 2018. I would first like to introduce Members of the Board with us today. To my far right is Mr. Donald Isaac, Sr. To my immediate right is Mr. Nick Alberti. To my far left is Mr. Mike Silverstein and to my immediate left is Mr. James Short. My name is

1 Donovan Anderson. I'm Chairman of the Board.
2 The Board has five Members in attendance for the
3 conduct of business today and that constitutes a
4 quorum.

5 I would like to mention two things
6 before we first get started. First of all, if
7 you have any electronic devices, pagers, cell
8 phones or such, please, make certain that they
9 are turned off to avoid any interruption of the
10 proceedings.

11 Secondly, there is a piece of paper on
12 each table. When you come forward, please, spell
13 your name out loud for the court reporter and,
14 please, sign-in. This is to ensure that we have
15 the correct spelling of your name.

16 I would also note that the approximate
17 time is 9:35 and I decided that this is the first
18 business, the first meeting date, so let's start
19 on time. I think if I start on time today, then
20 I'll keep this trend up, so I always come up here
21 at 9:30 to try to -- as close as possible to 9:30
22 to start the day.

1 All right. So the first order of
2 business today is a Protest Hearing (Status) on
3 Eleven Market, License No. 60236.

4 Would all -- would the parties,
5 please, come forward? Eleven Market. Please,
6 identify yourself. There is a sign-in sheet, so,
7 please, sign-in and, please, identify yourself
8 for the record also.

9 Do you understand me, sir?

10 INTERPRETER HAGOS: Yep.

11 CHAIRPERSON ANDERSON: Good. Did you
12 write your name in -- on that piece of paper
13 right there?

14 INTERPRETER HAGOS: Yeah.

15 CHAIRPERSON ANDERSON: So, please,
16 write your name on the piece of paper.

17 INTERPRETER HAGOS: Okay.

18 CHAIRPERSON ANDERSON: And, please,
19 state your name for the record.

20 MR. JOHNSON: I'm Jerry Johnson. I'm
21 the ANC Commissioner for Single Member District
22 1B02.

1 CHAIRPERSON ANDERSON: Good morning,
2 Mr. Johnson.

3 MR. JOHNSON: Good morning.

4 CHAIRPERSON ANDERSON: Sir, are you
5 the owner or are you the interpreter?

6 INTERPRETER HAGOS: I am the
7 interpreter.

8 CHAIRPERSON ANDERSON: All right. So
9 the owner is not here. All right. It's 9:38.
10 Why don't you step back? What I normally do --

11 MR. JOHNSON: I don't think she is
12 going to make it. I apologize for interrupting.
13 I spoke to her last evening. She was of the
14 impression that the hearing was pushed back to
15 the 24th and I was not successful -- I wasn't able
16 to reach Ms. Fashbaugh until this morning to
17 verify that it would, in fact, be this morning,
18 as was scheduled. That's the situation.

19 CHAIRPERSON ANDERSON: All right. All
20 right. Normally, on these type of proceedings,
21 if the licensee is not here, I would have
22 recalled the case at -- for 10:00. If the

1 protestant is not -- I'm sorry, the Licensee is
2 not here, I would dismiss the matter and then
3 they would have an opportunity to -- 10 days to
4 reapply.

5 I was informed that it is an Agency's
6 error that -- so we are going to reschedule this
7 to have the Status Hearing on the 24th at 9:30.

8 I apologize that you are here. I
9 apologize that you are here, but I'm not sure how
10 she got one information and you -- that same
11 information was not provided to you, sir. So I
12 appreciate the fact that you are here
13 representing the ANC.

14 And on behalf of the Agency, I do
15 apologize to you that you are here and this
16 hearing was supposed to have been the 24th at
17 9:30.

18 So what we will do is that we will
19 have another Protest (Status) Hearing on the 24th
20 at 9:30 and then we will -- if we need to change
21 the Protest Hearing date, we will do that.

22 MR. JOHNSON: Okay.

1 CHAIRPERSON ANDERSON: Okay. So
2 again, I apologize that you are here.

3 MR. JOHNSON: Is the 24th, is that a
4 date that can be altered if necessary?

5 CHAIRPERSON ANDERSON: That's the next
6 time we are here. Do you have a problem?

7 MR. JOHNSON: I might.

8 CHAIRPERSON ANDERSON: Okay. Why
9 don't you -- if you have a problem, why don't you
10 just contact the Agency and I will -- the Agency
11 will work with you.

12 MR. JOHNSON: Thank you, Chairman.

13 CHAIRPERSON ANDERSON: Because since
14 you were here today and it's our error, so just
15 contact the Agency.

16 Ms. Randall, can you give him your
17 card?

18 MS. RANDALL: Yes.

19 CHAIRPERSON ANDERSON: And so talk to
20 Ms. Randall. Okay. So we are not back here
21 until the 24, so talk to Ms. Randall and if there
22 is any issue, we will work with you to make sure

1 it's okay. So again, I thank you for being here
2 today. All right.

3 MEMBER SILVERSTEIN: Mr. Chairman?

4 CHAIRPERSON ANDERSON: Yes, Mr.
5 Silverstein?

6 MEMBER SILVERSTEIN: I know this is an
7 extraordinary situation. And I would hope that
8 we can be fair to all parties. This would seem
9 prejudice against the gentleman who has come
10 here.

11 CHAIRPERSON ANDERSON: Okay.

12 MEMBER SILVERSTEIN: Would it be fair
13 if we were to read to him today the protest
14 instructions and if -- and that would mean that
15 he would not necessarily have to come at another
16 time?

17 CHAIRPERSON ANDERSON: I'm not sure.

18 MEMBER SILVERSTEIN: We have never
19 done that before, but I would bring that up
20 simply as a matter of not requiring this
21 gentleman to spend another morning coming here
22 because the other gentleman did not attend.

1 CHAIRPERSON ANDERSON: Well, I -- no.
2 The other person is not here because we provided
3 the wrong date to the licensee. So the Agency --

4 MEMBER SILVERSTEIN: We did provide
5 the wrong date?

6 CHAIRPERSON ANDERSON: Yes.

7 MEMBER SILVERSTEIN: Or he
8 misunderstood?

9 CHAIRPERSON ANDERSON: No, no, no.
10 The Agency provided. So what Mr. Johnson just
11 stated that when he spoke to the licensee, the
12 licensee thought that the hearing was going to be
13 on the 24th. And so, therefore, what Mr. Johnson
14 said was that he was unable to contact the Agency
15 to --

16 MEMBER SILVERSTEIN: Okay.

17 CHAIRPERSON ANDERSON: -- clarify the
18 date, so --

19 MR. JOHNSON: I did contact the Agency
20 this morning.

21 CHAIRPERSON ANDERSON: Well, I'm
22 saying --

1 MR. JOHNSON: I just --

2 CHAIRPERSON ANDERSON: -- prior to
3 today.

4 MR. JOHNSON: Yep.

5 CHAIRPERSON ANDERSON: And as a
6 precautionary measure, you made sure you showed
7 up, because if you weren't here, --

8 MR. JOHNSON: You're exactly right.

9 CHAIRPERSON ANDERSON: -- you would
10 have been dismissed.

11 MEMBER SILVERSTEIN: Okay.

12 CHAIRPERSON ANDERSON: So that's why--
13 so since this was an Agency's error --

14 MR. JOHNSON: Right.

15 CHAIRPERSON ANDERSON: -- we
16 apologize.

17 MR. JOHNSON: Mr. Silverstein's
18 request is -- would be very helpful to me to not
19 have to show up again on the 24th.

20 CHAIRPERSON ANDERSON: I'm not sure if
21 from a legal perspective, I can do that. So just
22 contact the Agency and we will work with your

1 schedule --

2 MR. JOHNSON: Great.

3 CHAIRPERSON ANDERSON: -- to make sure
4 that --

5 MR. JOHNSON: Thank you.

6 CHAIRPERSON ANDERSON: -- we do not
7 further inconvenience you. Okay?

8 MR. JOHNSON: Okay.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you very much.

11 MEMBER SILVERSTEIN: Thank you.

12 MR. JOHNSON: Thank you.

13 CHAIRPERSON ANDERSON: So get -- Ms.
14 Randall will give you her contact information.

15 (Whereupon, the Protest (Status)

16 Hearing was concluded at 9:42 a.m.)
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A

a.m 2:2 11:16
able 5:15
Act 2:16
Agency 6:14 7:10,10,15
 9:3,10,14,19 10:22
Agency's 6:5 10:13
Alberti 1:18 2:20
Albo 1:6
Alcoholic 1:2,13,14
 2:13
altered 7:4
ANC 1:7,22 4:21 6:13
Anderson 1:15,18 2:3
 3:1 4:11,15,18 5:1,4,8
 5:19 7:1,5,8,13,19 8:4
 8:11,17 9:1,6,9,17,21
 10:2,5,9,12,15,20
 11:3,6,9,13
apologize 5:12 6:8,9,15
 7:2 10:16
Application 1:9
appreciate 6:12
approximate 3:16
attend 8:22
attendance 3:2
avoid 3:9

B

B 1:7
back 5:10,14 7:20
behalf 6:14
best 2:10
Beverage 1:2,13,14
 2:13
Board 1:2,13 2:13,18
 3:1,2
bring 8:19
Building 1:14
business 3:3,18 4:2

C

card 7:17
case 1:8 5:22
cell 3:7
certain 3:8
Chairman 3:1 7:12 8:3
Chairperson 1:15,18
 2:3 4:11,15,18 5:1,4,8
 5:19 7:1,5,8,13,19 8:4
 8:11,17 9:1,6,9,17,21
 10:2,5,9,12,15,20
 11:3,6,9,13
change 6:20
city 2:10
clarify 9:17
close 3:21
Code 2:15

Columbia 1:1 2:13
come 3:12,20 4:5 8:9
 8:15
coming 8:21
Commissioner 4:21
concluded 11:16
conduct 3:3
conducted 2:15
constitutes 3:3
contact 7:10,15 9:14,19
 10:22 11:14
Control 1:2,13,14 2:13
Corp 1:6
correct 3:15
court 3:13

D

D.C 1:15 2:15
date 3:18 6:21 7:4 9:3,5
 9:18
day 3:22
days 6:3
decided 3:17
devices 3:7
dismiss 6:2
dismissed 10:10
District 1:1 2:10,12
 4:21
Donald 1:19 2:19
Donovan 1:15,18 3:1

E

electronic 3:7
Eleven 1:6 4:3,5
ensure 3:14
error 6:6 7:14 10:13
evening 5:13
exactly 10:8
extraordinary 8:7

F

fact 5:17 6:12
fair 8:8,12
far 2:19,21
Fashbaugh 5:16
first 2:5,18 3:6,6,17,18
 4:1
five 3:2
forward 2:5 3:12 4:5
further 11:7

G

gentleman 8:9,21,22
give 7:16 11:14
going 5:12 6:6 9:12
Good 2:3 4:11 5:1,3
Great 11:2

H

HAGOS 4:10,14,17 5:6
happy 2:4
hearing 1:7,14 4:2 5:14
 6:7,16,19,21 9:12
 11:16
hearings 2:14
helpful 10:18
hope 2:9 8:7

I

identify 4:6,7
immediate 2:20,22
impression 5:14
inconvenience 11:7
information 6:10,11
 11:14
informed 6:5
instructions 8:14
interest 2:10
interpreter 4:10,14,17
 5:5,6,7
interrupting 5:12
interruption 3:9
introduce 2:18
Isaac 1:19 2:19
issue 7:22

J

James 1:20 2:22
January 1:12 2:17
Jerry 1:22 4:20
Johnson 1:22 4:20,20
 5:2,3,11 6:22 7:3,7,12
 9:10,13,19 10:1,4,8
 10:14,17 11:2,5,8,12

K

keep 3:20
know 2:14 8:6

L

left 2:21,22
legal 10:21
let's 3:18
License 1:8,10 4:3
licensee 5:21 6:1 9:3,11
 9:12
look 2:5
loud 3:13

M

Market 1:6 4:3,5
matter 1:5 6:2 8:20
mean 8:14
measure 10:6
meeting 1:3 2:5,12 3:18

Meetings 2:16
Member 1:18,19,19,20
 4:21 8:3,6,12,18 9:4,7
 9:16 10:11 11:11
Members 2:18 3:2
mention 3:5
met 1:14
Mike 1:19 2:21
misunderstood 9:8
morning 2:3 5:1,3,16
 5:17 8:21 9:20

N

N.W 1:14
name 2:22 3:13,15 4:12
 4:16,19
necessarily 2:6 8:15
necessary 7:4
need 2:9 6:20
never 8:18
new 2:4
Nick 1:18 2:20
normally 5:10,20
note 3:16
NW 1:7

O

Official 2:15
okay 4:17 6:22 7:1,8,20
 8:1,11 9:16 10:11
 11:7,8
Open 2:16
opportunity 6:3
order 4:1
owner 5:5,9

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
paggers 3:7
paper 3:11 4:12,16
parties 4:4 8:8
person 9:2
perspective 10:21
phones 3:8
piece 3:11 4:12,16
please 2:14 3:8,12,14
 4:5,5,7,7,15,18
possible 3:21
precautionary 10:6
prejudice 8:9
PRESENT 1:17,21
presiding 1:15
prior 10:2
problem 7:6,9
proceedings 3:10 5:20
protest 1:7 4:2 6:19,21
 8:13 11:15

protestant 6:1
 provide 9:4
 provided 6:11 9:2,10
 pushed 5:14

Q

quorum 3:4

R

Randall 7:16,18,20,21
 11:14
 reach 5:16
 read 8:13
 reapply 6:4
 recalled 5:22
 record 4:8,19
 Reeves 1:14
 regularly 2:12
 Renew 1:9
 reporter 3:13
 representing 6:13
 request 10:18
 requiring 8:20
 reschedule 6:6
 Retailer 1:7
 right 2:8,19,20 4:1,13
 5:8,9,19,20 8:2 10:8
 10:14 11:9
 Room 1:14

S

saying 9:22
 schedule 11:1
 scheduled 2:12 5:18
 Secondly 3:11
 Section 2:16
 see 2:7
 seeing 2:6
 sheet 4:6
 Short 1:20 2:22
 show 10:19
 showed 10:6
 sign-in 3:14 4:6,7
 Silverstein 1:19 2:21
 8:3,5,6,12,18 9:4,7,16
 10:11 11:11
 Silverstein's 10:17
 simply 8:20
 Single 4:21
 sir 4:9 5:4 6:11
 situation 5:18 8:7
 sorry 6:1
 spell 3:12
 spelling 3:15
 spend 8:21
 spoke 5:13 9:11
 Sr 1:19 2:20
 start 3:18,19,22

started 3:6
 state 4:19
 stated 9:11
 Status 1:7 4:2 6:7,19
 11:15
 step 5:10
 Street 1:7,14
 successful 5:15
 Suite 1:15
 supposed 6:16
 sure 6:9 7:22 8:17 10:6
 10:20 11:3

T

t/a 1:6
 table 3:12
 talk 7:19,21
 tells 2:7
 thank 7:12 8:1 11:5,10
 11:11,12
 things 3:5
 think 3:19 5:11
 thought 9:12
 time 3:17,19,19 7:6
 8:16
 today 2:17,19 3:3,19
 4:2 7:14 8:2,13 10:3
 today's 2:14
 trend 3:20
 try 3:21
 turned 3:9
 two 3:5
 type 5:20

U

unable 9:14
 understand 4:9

V

verify 5:17

W

W 1:15,18
 Washington 1:15
 wasn't 5:15
 Wednesday 1:11
 week 2:7
 welcome 2:8,11
 weren't 10:7
 why-- 10:12
 work 7:11,22 10:22
 write 4:12,16
 wrong 9:3,5

X

Y

Yeah 4:14

year 2:4,5
 Yep 4:10 10:4

Z

0

1

10 1:12 2:17 6:3
 10:00 5:22
 11th 1:7
 14th 1:14
 17-PRO-00064 1:8
 1936 1:7
 1B 1:7
 1B02 1:22 4:22

2

2-574 2:16
 2000 1:14
 20009 1:15
 2018 1:12 2:17
 24 7:21
 24th 5:15 6:7,16,19 7:3
 9:13 10:19

3

4

400S 1:15

5

6

60236 1:8 4:3

7

8

9

9:30 3:21,21 6:7,17,20
 9:33 2:2
 9:35 3:17
 9:38 5:9
 9:42 11:16

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
t/a Eleven Market

Before: DC Alcoholic Beverage Control Board

Date: 01-10-18

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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