



**ALSO PRESENT:**

**ANITA NORMAN, ANC 1B**

**JERROLD JOHNSON, ANC 1B02**

**BEREKET TUMEBO**

**DESTA ENKENYELESH, Licensee**

**ENDESSA KINSE**



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

2 3:42 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Okay. We are back on the record. Our next case  
5 is Case No. 17-PRO-00064, Eleven Market, License  
6 No. 60236. Will the parties, please, approach  
7 and identify themselves for the record, please?

8 Would all parties, please, come  
9 forward and -- would all parties -- all right.  
10 Can you sit up, please, sir?

11 INTERPRETER: Yes, sir.

12 CHAIRPERSON ANDERSON: What language  
13 again is this, sir?

14 INTERPRETER: Amharic.

15 CHAIRPERSON ANDERSON: Do you swear or  
16 affirm that you will faithfully translate these  
17 proceedings from Amharic to English and from  
18 English to Amharic?

19 INTERPRETER: Yes, sir.

20 CHAIRPERSON ANDERSON: Thank you. Can  
21 you just identify yourself for the record,  
22 please.

1 INTERPRETER: Endessa Kinse.

2 CHAIRPERSON ANDERSON: And spell your  
3 name, please, sir.

4 INTERPRETER: E-N-D-E-S-S-A last name  
5 K-I-N-S-E.

6 CHAIRPERSON ANDERSON: And you are the  
7 interpreter. Is that correct?

8 INTERPRETER: Yes, sir.

9 CHAIRPERSON ANDERSON: All right. And  
10 I need you to speak up, because I can't hear you.  
11 Okay? So can you, please, identify yourself,  
12 ma'am, for the record?

13 MS. ENKENYELESH: Desta, D-E-S-T-A.

14 INTERPRETER: Last name.

15 MS. ENKENYELESH: Enkenyelesh, E-N-K-  
16 E-N-Y-E-L-E-S-H.

17 CHAIRPERSON ANDERSON: Thank you,  
18 ma'am. Have you signed in? There is a sign-in  
19 sheet. Could you also sign your name in, too,  
20 please? Yes, sir, go ahead.

21 MR. TUMEBO: My last name is Tumebo,  
22 T-U-M-E-B-O, first name B-E-R-E-K-E-T.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you, sir. Please, sign-in.

3 MR. JOHNSON: First name Jerrold, J-E-  
4 R-R-O-L-D, last name Johnson, J-O-H-N-S-O-N.

5 CHAIRPERSON ANDERSON: And you are,  
6 sir? And who are you?

7 MR. JOHNSON: I am the Single Member  
8 District Commissioner for ANC-1B02.

9 CHAIRPERSON ANDERSON: Thank you, sir.

10 MS. NORMAN: Anita Norman, A-N-I-T-A  
11 N-O-R-M-A-N, I am the ANC Commissioner 1B Chair  
12 for ABR.

13 CHAIRPERSON ANDERSON: Thank you.  
14 Have a seat, please. All right. This is a  
15 Protest Hearing for the renewal of this  
16 application. The purpose of the, it was my  
17 understanding, protest is for peace, order and  
18 quiet.

19 Oh, I apologize. It appears that the  
20 parties were unable to come to an agreement, so  
21 we have a Protest Hearing today. All right. So  
22 are there any preliminary issues that needs to be

1 addressed?

2 MS. ENKENYELESH: No.

3 CHAIRPERSON ANDERSON: No.

4 INTERPRETER: No.

5 CHAIRPERSON ANDERSON: All right.

6 Does the applicant wish to make an opening  
7 statement or the licensee in this particular  
8 case? Basically, does she want to tell us what  
9 this case is about and what is it that she wants  
10 us to do?

11 INTERPRETER: She is asking me--

12 CHAIRPERSON ANDERSON: What is it she  
13 wants the Board to do? Why is she here today?  
14 Tell me why are you here today and what is it  
15 that you want the Board to do.

16 MS. ENKENYELESH: I came because I  
17 never heard complaint in the ANC Board. The ANC  
18 asking me to come here. The Board asking me to  
19 come here, that's why I came here.

20 CHAIRPERSON ANDERSON: No, that's not  
21 why she is coming here. She applied for -- to  
22 renew her license. So tell me, why are you here?

1 Is it that you are here because you have applied  
2 to renew your license? The ANC protest? So what  
3 is it that you want the Board to do? Do you want  
4 them to renew your license? Do you want them to  
5 take away your license? Do you want to renew  
6 your license with restrictions? What is it you  
7 want the Board to do today?

8 MS. ENKENYELESH: I want my license to  
9 be renewed.

10 CHAIRPERSON ANDERSON: All right. Do  
11 you wish to make an opening statement, sir?

12 MR. JOHNSON: Yes, I would like to.  
13 I'm here for a very simple task, which is to  
14 describe the current situation which is an  
15 outdated voluntary agreement which restricts the  
16 applicant only to single sales of a specific size  
17 of 12 ounces.

18 The -- this outdated 2006 voluntary  
19 agreement, unfortunately, opens up the  
20 opportunity for the applicant to sell singles in  
21 a variety of sizes and still meet the terms of  
22 the agreement, but not in any way meeting the



1 spirit of the original agreement.

2 The applicant is a well-respected  
3 business person. She is doing her best. We are  
4 not in any way trying to harm her business. We  
5 come here with one simple goal in mind.

6 CHAIRPERSON ANDERSON: And what's the  
7 goal? What is it you want the Board to do?

8 MR. JOHNSON: To amend the language so  
9 as to not merely limit single sales to those of  
10 12 ounce containers, but to also include  
11 containers of 16, 20, 24, 32 and 40 ounces, all  
12 of which are well-known to be available in her  
13 establishment and in other establishments.

14 CHAIRPERSON ANDERSON: So in this  
15 particular case, you are asking the Board to put  
16 a restriction on her license that she cannot sell  
17 any singles?

18 MR. JOHNSON: Which would be  
19 consistent with the spirit of the original  
20 agreement in 2006.

21 CHAIRPERSON ANDERSON: All right.  
22 That's it?

1 MR. JOHNSON: Yes, that's it.

2 CHAIRPERSON ANDERSON: All right. The  
3 Board will call its first witness. Huh? No, do  
4 you guys understand how this process works? All  
5 right. All right. So this is how the process  
6 works.

7 The Board will call its witness. We  
8 will -- the witness will, the Board's witness  
9 will testify regarding the report that he wrote.  
10 Do both of you have the Board report?

11 MR. JOHNSON: I do not have it with  
12 me, but I'm familiar with it.

13 CHAIRPERSON ANDERSON: But do you have  
14 the -- you got a copy of the report?

15 MS. ENKENYELESH: Yes.

16 CHAIRPERSON ANDERSON: All right. So  
17 he will -- so the Board's witness will testify on  
18 his report. The Board will then ask our witness  
19 questions about the report. Once we are done  
20 asking questions of the Board's witness, then the  
21 applicant can ask the Board's witness questions.  
22 Then the protestant will have an opportunity to

1 ask questions of the Board's witness. And the  
2 Board will probably -- might ask questions,  
3 follow-up.

4 All right. After the Board presents  
5 its case, then the applicant has -- will present  
6 its case. And so the applicant can either  
7 testify themselves or if they have a witness that  
8 they want to bring to testify, then the applicant  
9 they will -- will have that portion of the  
10 presentation.

11 Once the applicant presents its case,  
12 the protestant then can ask questions of the  
13 applicant's witness. Once that is done, then the  
14 Board will ask questions of the applicant's  
15 witness. The protestant will have an opportunity  
16 of asking questions of the applicant, based on  
17 the Board's witnesses. And then depending how  
18 the applicant presents its case, then they can  
19 ask questions of their witness to clarify the  
20 record.

21 Once the applicant has presented its  
22 case, then the protestant will present its case

1 by calling witnesses or presenting whatever  
2 information they want to present. Once the  
3 protestant has presented its case, then the  
4 applicant will have an opportunity cross-examine  
5 whatever witnesses the protestant has. The Board  
6 will ask questions. The applicant again can ask  
7 questions of the witness based on the questions  
8 that the Board asked. And then once the  
9 applicant has -- the protestant has finished  
10 their case, then they will wrap-up.

11 Then the applicant, if we need to call  
12 rebuttal witnesses, can and the Board -- the  
13 protestant can. The Board can also call rebuttal  
14 witness if that's necessary.

15 Then the applicant makes a closing  
16 statement. The closing is that this is what we  
17 have proven. The protestant will say -- I'm  
18 sorry, the applicant should -- would conclude  
19 their case and say we want the Board to renew our  
20 license without any restrictions and then the  
21 protestants will have an opportunity to close and  
22 they can say this is what we have shown and we

1 are asking that you renew their license with  
2 these restrictions on their license.

3 I will make some closing statements  
4 and then that's it. So each side will have about  
5 90 minutes to present its case, but I believe  
6 that based on the witnesses that I see here, this  
7 case should not take three hours. But we will  
8 take as much time as you need to move forward.

9 Okay. All right. So hearing that,  
10 the Board will call its first witness, Mr. Earl  
11 Jones, Jr.

12 INVESTIGATOR JONES: Good afternoon to  
13 the Board.

14 CHAIRPERSON ANDERSON: Good afternoon.  
15 Can you raise your right hand, sir?

16 INVESTIGATOR JONES: Yes, sir.  
17 Whereupon,

18 INVESTIGATOR EARL JONES, JR.  
19 was called as a witness by the Agency, and having  
20 been first duly sworn, assumed the witness stand  
21 and was examined and testified as follows:

22 INVESTIGATOR JONES: I do.

1 CHAIRPERSON ANDERSON: All right.

2 DIRECT EXAMINATION

3 CHAIRPERSON ANDERSON: Can you state  
4 your name for the record, please?

5 INVESTIGATOR JONES: Earl Jones.  
6 First name Earl, E-A-R-L, last name Jones, J-O-N-  
7 E-S.

8 CHAIRPERSON ANDERSON: And where are  
9 you currently employed, Mr. Jones?

10 INVESTIGATOR JONES: I'm with the  
11 Alcoholic Beverage Regulation Administration,  
12 sir.

13 CHAIRPERSON ANDERSON: And how long  
14 have you been employed?

15 INVESTIGATOR JONES: Nine years, sir.

16 CHAIRPERSON ANDERSON: I'm sorry?

17 INVESTIGATOR JONES: Nine years.

18 CHAIRPERSON ANDERSON: Nine years?

19 INVESTIGATOR JONES: Yes, sir.

20 CHAIRPERSON ANDERSON: And what is  
21 your role here at the Agency?

22 INVESTIGATOR JONES: I conduct

1 inspections and investigations of licensed-ABC  
2 establishments within the District of Columbia.

3 CHAIRPERSON ANDERSON: Now, are you  
4 familiar with this protest?

5 INVESTIGATOR JONES: Yes, sir.

6 CHAIRPERSON ANDERSON: And can you  
7 tell us how are you familiar with this protest?

8 INVESTIGATOR JONES: I was assigned  
9 this protest back in January of this year, sir.

10 CHAIRPERSON ANDERSON: Okay. And can  
11 you -- did you write a report as a result of  
12 being assigned to this case?

13 INVESTIGATOR JONES: I did, sir.

14 CHAIRPERSON ANDERSON: And can you  
15 present your findings to the Board, based on what  
16 -- based on the report that you wrote, sir?

17 INVESTIGATOR JONES: Yes, sir. On  
18 January 24th of this year, I was assigned the  
19 license renewal protest of Albo Corp. t/a Eleven  
20 Market located at 1936 11th Street, N.W.

21 The Class B grocery store is being  
22 protested by ANC-1B in which Commissioner Anita

1 Norman was listed as the designated  
2 representative. ANC-1B is protesting the effect  
3 on real property values, effect on peace, order  
4 and quiet as well as the effect upon residential  
5 parking needs and vehicular and pedestrian  
6 safety.

7 On January 25th, I visited Eleven  
8 Market to tour the dwelling and to speak with  
9 ownership regarding their license being  
10 protested. I met with Ms. Desta, the owner for  
11 the establishment, who stated she was aware of  
12 this protest.

13 Ms. Desta stated she and her husband  
14 had been in business for more than 20 years and  
15 have never been protested up to this date.

16 CHAIRPERSON ANDERSON: Mr. Jones?

17 INVESTIGATOR JONES: Yes, sir?

18 CHAIRPERSON ANDERSON: Go a little  
19 slower since he is translating.

20 INVESTIGATOR JONES: I'm sorry. Yes,  
21 sir. Excuse me. Ms. Desta stated the issues  
22 that she is aware of regarding this protest



1 revolve around the neighboring ABC establish --  
2 I'm sorry, revolve around the neighboring ABC  
3 establishment, Villa Teca, pressuring she and her  
4 husband to sell the building due to wanting to  
5 purchase the property, complaints of individuals  
6 loitering in front of the store and selling  
7 single sale canned beers.

8 Ms. Desta also stated that due to the  
9 influx of ABC establishments in the near  
10 vicinity, business has slowed up considerably and  
11 they are barely surviving at this time.

12 Ms. Desta added that the only cliental  
13 that frequent Eleven Market purchase a few  
14 grocery items and single beers. Ms. Desta stated  
15 if she is forced to eliminate single beers  
16 totally from her inventory, she would be pretty  
17 much forced to close her doors.

18 On January 27th, I sent an email to  
19 Commissioner Norman regarding the renewal of  
20 Eleven Market's alcohol license in which she  
21 advised that Commissioner Jerry Johnson was  
22 actually the protestant.

1                   On January 29th of this year, I  
2 followed-up with an email to Commissioner Johnson  
3 regarding communicating with him about the  
4 renewal of the establishment's alcohol license.

5                   Due to this protest having to be  
6 completed within a week, Eleven Market was  
7 monitored a total of five times during different  
8 times while the establishment was open in which  
9 there were no ABRA violations that were observed.

10                  Regarding the protest issues, ABRA  
11 Investigators are not qualified to assess real  
12 property values. Also, during the monitoring  
13 periods, individuals were not observed loitering  
14 in front of the store. No noise was detected  
15 from inside or the rear of the dwelling and  
16 vehicular/pedestrian safety did not seem to be an  
17 issue.

18                  Additionally, during the monitoring  
19 periods, I did not observe any parking -- excuse  
20 me. I did not observe anyone park and enter the  
21 establishment. All patrons I observed entering  
22 Eleven Market appeared to either live in the

1 neighborhood or were walk-ups.

2 Lastly, there were no noise complaints  
3 associated with 1936 11th Street, N.W., over the  
4 last year and the MPD Crime Analysis Unit  
5 provided a list of calls made to 1936 11th  
6 Street, N.W., over the past year in which none  
7 were ABRA-related.

8 And finally, as of January 31, 2018,  
9 which was the deadline for this protest,  
10 Commissioner Johnson had not responded to my  
11 request for communication regarding this  
12 protesting the license of Eleven Market. Thank  
13 you.

14 CHAIRPERSON ANDERSON: Just in their  
15 investigative history, what is it you have found  
16 out regarding this establishment?

17 INVESTIGATOR JONES: The only thing  
18 that I could determine from their history as far  
19 as we are concerned that they may have had, there  
20 were voluntary agreement issues and I think that  
21 they may have been, excuse me, just give me a  
22 second, sir, they had a sale to minor in 2016.

1 There was also another one -- well, 11/2016 as  
2 well as 7/2016.

3 They had issues with settlement  
4 agreement regarding go-cups as well. Other than  
5 that, there was nothing else that I could  
6 determine that they had issues with, sir.

7 CHAIRPERSON ANDERSON: All right.  
8 Now, are there any exhibits attached to your  
9 report? Can you go through those exhibits?

10 INVESTIGATOR JONES: I don't have the  
11 pictures, but they were exhibits. There are  
12 exhibits, sir.

13 CHAIRPERSON ANDERSON: The reason why  
14 I'm asking, I want for -- to -- maybe I need to  
15 give you the report. So I need you to let us  
16 know what the -- what is in the report. So for  
17 the -- and mark the record. So can you give him  
18 a copy, please?

19 So can you tell us what are the  
20 exhibits that are attached to the report, please?

21 INVESTIGATOR JONES: So the first  
22 exhibit is the protest announcement from our

1 Agency, from ABRA.

2 (Whereupon, the above-  
3 referred to document was  
4 marked as Agency Exhibit No.  
5 1 for identification.)

6 INVESTIGATOR JONES: You want me to go  
7 through each one?

8 CHAIRPERSON ANDERSON: Yes.

9 INVESTIGATOR JONES: Okay.

10 CHAIRPERSON ANDERSON: So I need you  
11 to state what they are, Exhibit 1, just to mark  
12 the record.

13 INVESTIGATOR JONES: Yes, sir. Yes,  
14 sir.

15 CHAIRPERSON ANDERSON: That's why I'm  
16 going through this, yes.

17 INVESTIGATOR JONES: Exhibit 2 is the  
18 protest letter from the ANC-1B.

19 Exhibit 3 is a Google Internet picture  
20 of the front of the establishment t/a Eleven  
21 Market.

22 11/4 is a picture of a lease sign that

1 they have posted outside of their establishment.

2 CHAIRPERSON ANDERSON: Hold on. Hold  
3 on a minute. I think that my numberings are not  
4 the same as the numberings that --

5 MEMBER ISAAC: Right. Mine isn't  
6 either.

7 CHAIRPERSON ANDERSON: Yeah. Can I  
8 see the -- the numbers that he is reading from  
9 are different from what I have in front of me, so  
10 -- and I want to make sure the record is clear  
11 what the exhibits are. Hold on.

12 Does the applicant -- do you have a  
13 copy of the report with you?

14 MS. ENKENYELESH: Which report?

15 CHAIRPERSON ANDERSON: The  
16 Investigator's report. The report that Mr. Jones  
17 did. Do you have a copy of the report with you  
18 or does the protestant? Does anyone have a copy  
19 of the report with them?

20 In the future, if you are doing --  
21 well, I'm hoping that we never have a protest,  
22 but it's good for you to come to a Protest

1 Hearing with a copy of the documents, because the  
2 documents were provided to you.

3 All right. What I'll do then, Mr.  
4 Jones, why don't you tell me -- let's go back one  
5 more time to the exhibits and tell me what  
6 Exhibit 1 is, please.

7 INVESTIGATOR JONES: Exhibit 1 is the  
8 protest announcement from ABRA.

9 CHAIRPERSON ANDERSON: All right.  
10 What is Exhibit 2?

11 INVESTIGATOR JONES: Exhibit 2 is the  
12 Protest Letter from ANC-1B.

13 CHAIRPERSON ANDERSON: All right.  
14 Hold on. What is Exhibit 3?

15 INVESTIGATOR JONES: It's a picture of  
16 Eleven -- the front of Eleven Market.

17 CHAIRPERSON ANDERSON: What is Exhibit  
18 4?

19 INVESTIGATOR JONES: A picture of the  
20 lease sign that is outside of Eleven Market.

21 CHAIRPERSON ANDERSON: A picture of  
22 what?

1 INTERPRETER: Lease, the lease sign.

2 CHAIRPERSON ANDERSON: Can I see what  
3 -- let me see the document you are looking at,  
4 sir. You can just show it to me.

5 INVESTIGATOR JONES: Oh.

6 CHAIRPERSON ANDERSON: Just show me.

7 MEMBER ALBERTI: Hold it up there.

8 CHAIRPERSON ANDERSON: Just show me  
9 what is -- the exhibit you just mentioned,  
10 please, so I can -- and what exhibit is this?

11 INVESTIGATOR JONES: 4.

12 CHAIRPERSON ANDERSON: All right.

13 MEMBER ISAAC: 4.

14 CHAIRPERSON ANDERSON: All right.

15 What's the next document? What's Exhibit 5?

16 INVESTIGATOR JONES: It's an email to  
17 Commissioner Norman.

18 CHAIRPERSON ANDERSON: All right.

19 Exhibit 6?

20 INVESTIGATOR JONES: The response from  
21 Commissioner Norman.

22 CHAIRPERSON ANDERSON: No. 7?



1 INVESTIGATOR JONES: Email to  
2 Commissioner Johnson.

3 CHAIRPERSON ANDERSON: No. 8?

4 INVESTIGATOR JONES: A copy of the  
5 Zoning Map.

6 CHAIRPERSON ANDERSON: Let me see that  
7 again. Let me see what it looks like.

8 INVESTIGATOR JONES: 8?

9 CHAIRPERSON ANDERSON: Yeah, let me  
10 see what 8 looks like, yeah. Okay. All right.  
11 And No. 9?

12 INVESTIGATOR JONES: No. 9 is a copy  
13 of the Zoning Map explanation.

14 CHAIRPERSON ANDERSON: And No. 10?

15 INVESTIGATOR JONES: 10 is a copy of  
16 the GIS information regarding the ABC  
17 establishments within 1200 feet.

18 CHAIRPERSON ANDERSON: No. 11?

19 INVESTIGATOR JONES: GIS regarding rec  
20 centers, school and libraries.

21 CHAIRPERSON ANDERSON: No. 12?

22 INVESTIGATOR JONES: A photo of ABC

1 establishments next to Eleven Market leading to U  
2 Street.

3 CHAIRPERSON ANDERSON: All right. Let  
4 me see what you are looking at. I just want to  
5 make sure it's the same document that I'm looking  
6 at. Okay. What's the next document?

7 INVESTIGATOR JONES: 13 is a photo of  
8 residential property leading towards T Street,  
9 N.W.

10 CHAIRPERSON ANDERSON: Could I see  
11 that, please?

12 INVESTIGATOR JONES: Sure.

13 MEMBER ALBERTI: Oh, and that has the  
14 lease sign in front of it?

15 INVESTIGATOR JONES: Yes, yes.

16 MEMBER ALBERTI: Okay.

17 CHAIRPERSON ANDERSON: Let me see it  
18 again.

19 MEMBER ALBERTI: So that's exhibit  
20 what?

21 INVESTIGATOR JONES: 13.

22 CHAIRPERSON ANDERSON: So 13 is -- all

1 right. I'm going to ask you to give me 4 from  
2 your package.

3 INVESTIGATOR JONES: Okay.

4 CHAIRPERSON ANDERSON: All right. So  
5 hold on. What's the next one?

6 INVESTIGATOR JONES: 14 is a photo of  
7 the property across the street from Eleven  
8 Market.

9 CHAIRPERSON ANDERSON: Let me see  
10 that, please. Okay. What's the next one,  
11 please?

12 INVESTIGATOR JONES: 15 is the photo  
13 of property across the street leading towards T  
14 Street, N.W.

15 CHAIRPERSON ANDERSON: Let me see what  
16 that looks like, please. Okay. 16? All right.

17 INVESTIGATOR JONES: Photo of interior  
18 of Eleven Market.

19 CHAIRPERSON ANDERSON: Okay. No. 17?

20 INVESTIGATOR JONES: Photo of interior  
21 of Eleven Market.

22 CHAIRPERSON ANDERSON: Let me see 17,

1 please. No. 18?

2 INVESTIGATOR JONES: The same photo of  
3 interior of Eleven Market.

4 CHAIRPERSON ANDERSON: Let me see  
5 that.

6 INVESTIGATOR JONES: That's the front  
7 of it.

8 CHAIRPERSON ANDERSON: Okay.

9 INVESTIGATOR JONES: And the last one  
10 is a copy -- thank you. The last one is the  
11 calls for service.

12 (Whereupon, the above-  
13 referred to documents were  
14 marked as Agency Exhibit No.  
15 2 through 19 for  
16 identification.)

17 CHAIRPERSON ANDERSON: Okay. All  
18 right. So those are -- that's all the exhibits?

19 INVESTIGATOR JONES: Yes, sir.

20 CHAIRPERSON ANDERSON: Okay. All  
21 right. And that's the extent of your report,  
22 sir?

1 INVESTIGATOR JONES: Yes, sir.

2 CHAIRPERSON ANDERSON: All right. We  
3 are going to take a short break. Okay. All  
4 right.

5 (Whereupon, the above-entitled matter  
6 went off the record at 4:15 p.m. and resumed at  
7 4:23 p.m.)

8 CHAIRPERSON ANDERSON: All right. We  
9 are back on the record. All right. Let me ask  
10 the parties what they want to do. There are some  
11 discrepancies with the reports. And I have just  
12 given both parties a copy of the report.

13 We can reschedule this hearing to next  
14 week, so you can look at the report that you have  
15 or we can move forward today with this report  
16 that were given to you.

17 So I want the parties to let me know,  
18 because I don't know. There was -- there is some  
19 -- the documents that I have didn't comply --  
20 there are just some issues.

21 So I want the parties to let me know,  
22 since I just gave them a copy of the report with

1 the exhibits, do they want us to postpone this  
2 hearing until next week or do you want to move  
3 forward today?

4 MS. ENKENYELESH: Postpone. I have  
5 also another reason, a missing witness.

6 CHAIRPERSON ANDERSON: What?

7 INTERPRETER: She is basically  
8 requesting a postponement.

9 CHAIRPERSON ANDERSON: Well, let --  
10 was the witness listed in the -- in her PIF? Did  
11 you tell us what -- who the witness you were  
12 calling?

13 MS. ENKENYELESH: No, I didn't. No,  
14 I didn't.

15 CHAIRPERSON ANDERSON: I can't hear.  
16 I'm sorry.

17 INTERPRETER: She didn't list it.

18 MS. ENKENYELESH: No, she didn't write  
19 the name. His name is in there. The missing  
20 witness is not --

21 CHAIRPERSON ANDERSON: If I postpone  
22 this until next week, I'm not going to allow you

1 to bring another witness in, because the only  
2 reason why this hearing would be postponed is  
3 because of the documents. So I would not allow  
4 you to bring a new witness in.

5 So if we are going to have this  
6 hearing next week, it's with the same witnesses  
7 that are here today. So if that makes a  
8 difference? So if the reason why you want to  
9 postpone it is because you want to bring another  
10 witness, I'm not going to allow that.

11 So but you let me know if based on --  
12 this -- the fact is that there is some confusion  
13 with the documents. I don't know what documents  
14 were given to you and so, therefore, I'm giving  
15 both parties a copy of the witness -- the  
16 documents today and so if -- the option is that  
17 we can postpone this hearing for one week, based  
18 on the error by the Board.

19 And so I'll ask -- so let me ask the  
20 applicant, are you -- do you want to move forward  
21 today or do you want to postpone until next week?

22 MS. ENKENYELESH: Yes.

1 CHAIRPERSON ANDERSON: I'm sorry?

2 INTERPRETER: She wants a  
3 postponement.

4 CHAIRPERSON ANDERSON: All right. I  
5 also want her to -- it to be clear that the only  
6 witness who can testify next week is this  
7 gentleman beside her. She cannot and I will not  
8 allow her to bring in another witness, because  
9 that person is not here today. I don't know if  
10 the party did a PIF, but that person was not  
11 listed on the PIF, so there will be no new  
12 witnesses brought in for next week.

13 Is that clear?

14 MS. ENKENYELESH: Yes.

15 CHAIRPERSON ANDERSON: Are you  
16 available next week for a hearing anyway?

17 MS. NORMAN: I'll check my schedule.

18 CHAIRPERSON ANDERSON: Does 2:30 work  
19 for the parties? 2:30?

20 MS. NORMAN: Next Wednesday?

21 CHAIRPERSON ANDERSON: Next Wednesday  
22 at 2:30.



1 MS. NORMAN: No.

2 CHAIRPERSON ANDERSON: You're not  
3 available at -- are you available later on or --

4 MS. NORMAN: Yes.

5 CHAIRPERSON ANDERSON: What time?

6 MS. NORMAN: After 3:30.

7 CHAIRPERSON ANDERSON: You mean after  
8 3:30? Do we have anything else after or is that  
9 it? Okay. So 3:30.

10 MS. NORMAN: Okay.

11 CHAIRPERSON ANDERSON: So this hearing  
12 will be recessed until next Wednesday at 3:30.

13 Now, I want it to be clear that no new  
14 witnesses, no new documents, so the only  
15 witnesses that will be testifying are the  
16 witnesses who are here today. Unless did you  
17 have someone who was listed on a PIF that is not  
18 here or was coming later, sir?

19 MR. JOHNSON: I did not. I did not,  
20 however, list my colleague.

21 CHAIRPERSON ANDERSON: Well, I'm --

22 MR. JOHNSON: And I --

1                   CHAIRPERSON ANDERSON: Neither did  
2 this side, but since both of you are here, these  
3 are the people who are going to testify.

4                   MR. JOHNSON: Okay.

5                   CHAIRPERSON ANDERSON: I'm just saying  
6 I don't want to see a new face, to say because I  
7 give you another week, so you can bring somebody  
8 new or new documents. So it's all the documents  
9 and witnesses.

10                   So therefore, this case then is  
11 recessed until next Wednesday at 3:30. Thank  
12 you.

13                   MR. JOHNSON: Thank you.

14                   CHAIRPERSON ANDERSON: And, Mr. Jones,  
15 you will -- you have not been cross-examined, so  
16 you are also -- need to be here, too, at 3:30  
17 next Wednesday.

18                   INVESTIGATOR JONES: Yes, sir.

19                   CHAIRPERSON ANDERSON: Thank you.

20                   MEMBER ALBERTI: Thank you.

21                   CHAIRPERSON ANDERSON: I need to close  
22 the record. Yes, I'm going to close the record

1 now, so hold on a minute. Okay. Oh, I'm sorry,  
2 hello? If you guys can settle this matter in the  
3 week and we don't come back next week, that means  
4 that you can continue talking and if you have an  
5 agreement and we don't have to have this hearing  
6 next week, that can still work. All right.

7 As chairperson of the Alcoholic  
8 Beverage Control Board for the District of  
9 Columbia and in accordance with DC Official Code  
10 Section 2-574(b), closed meetings, and Section 2-  
11 574, Notice of Meetings, of the Open Meetings  
12 Act, I move that the ABC Board hold a closed  
13 meeting on May 9, 2018 for the purpose of  
14 discussing and hearing reports concerning ongoing  
15 or planned investigations of alleged criminal or  
16 civil misconduct or violations of law or  
17 regulations and seeking legal advice from our  
18 counsel on the Board's Investigative, Legal and  
19 Licensing Agenda for May 9, 2018 as published in  
20 the DC Register on May 4, 2018.

21 Is there a second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has  
2 seconded the motion. I will now take a roll call  
3 vote on the motion before us now that it has been  
4 seconded.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIRPERSON ANDERSON: Mr. Alberti?

10 MEMBER ALBERTI: I agree.

11 CHAIRPERSON ANDERSON: Mr. Cato?

12 MEMBER CATO: I agree.

13 CHAIRPERSON ANDERSON: Mr. Isaac?

14 MEMBER ISAAC: I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson?

16 I agree.

17 As it appears that the motion has  
18 passed, I hereby give notice that the ABC Board  
19 will hold this aforementioned closed meeting  
20 pursuant to the Open Meetings Act. Notice will  
21 also be posted on the ABC Board hearing room  
22 bulletin board, placed on the electronic calendar

1 on ABRA's website and published in the DC  
2 Register in as timely a manner as practicable.

3 It is 4:35 p.m. and we are adjourned  
4 for the day. Thank you.

5 (Whereupon, the Protest Hearing was  
6 concluded at 4:34 p.m.)

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**A**

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t/a Eleven Market

Before: Alcoholic Beverage Control Board

Date: 05-02-18

Place: Washington, D.C.

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