## DISTRICT OF COLUMBIA

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# ALCOHOLIC BEVERAGE CONTROL BOARD

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## ROLL CALL HEARING

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IN THE MATTER OF:

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Express Convenience : Store, LLC, : t/a Express Convenience : Store : 2031 Benning Road, NE : Retailer B - ANC 5D : License No. 113544 :

:

(New Application)

Case #19-PRO-00085

MONDAY, JULY 15, 2019

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. LaVerne Fletcher, Agent, presiding.

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

10:20 a.m.

AGENT FLETCHER: Would the parties in the matter of Express Convenience, please, come forward? The parties in the matter of Express Convenience. The applicant is going to sit on this side.

Are the parties present in the matter of Express Convenience? You are the applicant, yes?

MR. BAYETA: Yes.

CHAIRPERSON ANDERSON: Okay. If you could just sit on this side of the table, that will be great. Thank you. Just have a seat right there. Thank you very much.

This is Case No. 19-PRO-00085, Express Convenience Store, LLC, 2031 Benning Road, N.E., License No. ABRA-113544. This is a Retailer Class B new application.

The protest issues are adverse impact on peace, order and quiet; real property values; residential parking and vehicular and pedestrian

1	safety.
2	My name is LaVerne Fletcher conducting
3	the Roll Call Hearing as the Board's Agent.
4	Introductions beginning with you, sir. If you
5	could just state your name and spell it for the
6	record?
7	MR. BAYETA: My name is Tadele Bayeta.
8	AGENT FLETCHER: Could you spell that,
9	please?
10	MR. BAYETA: T-A-D-E-L-E.
11	AGENT FLETCHER: Did you say T-A?
12	MR. BAYETA: D-E-L-E.
13	AGENT FLETCHER: Did you say T-A?
14	MR. BAYETA: Yes.
15	AGENT FLETCHER: Uh-huh.
16	MR. BAYETA: T-A-D-E-L-E. Last name
17	Bayeta, B-A-Y-E-T-A.
18	AGENT FLETCHER: B-A-Y-E?
19	MR. BAYETA: E-T-A.
20	AGENT FLETCHER: Okay. Could you,
21	please, fill in that there is a sign-in sheet
22	right there on the table. If you could put your

1	contact information on that sheet?
2	MR. BAYETA: Okay.
3	AGENT FLETCHER: Appreciate it. Thank
4	you very much.
5	Present on behalf of the Langston
6	Civic Association?
7	MS. MOORE: Yes, Sydelle Moore.
8	AGENT FLETCHER: Thank you. Ms.
9	Moore, would you spell your name for the record,
10	please?
11	MS. MOORE: S, as in Sam, Y, as in
12	yellow, D, as in dog, E-L-L-E last name Moore, M-
13	O-O-R-E.
14	AGENT FLETCHER: Thank you, Ms. Moore.
15	And on behalf of ANC-5D?
16	MS. MOORE: Sydelle Moore, the same.
17	AGENT FLETCHER: Thank you. Present
18	on behalf of the Friends of Kingman Park?
19	MS. YEAKLEY: Hi, Melissa Yeakley.
20	AGENT FLETCHER: Melissa, would you,
21	please, spell your name for the record?
22	MS. YEAKLEY: Sure. M-E-L-I-S-S-A

1	last name is Y-E-A-K-L-E-Y.
2	AGENT FLETCHER: Thank you very much.
3	And there is a group of individuals also. Is
4	Tamara Blair here?
5	MS. BLAIR: Tamara Blair.
6	AGENT FLETCHER: Oh, hi, Ms. Blair.
7	Could you state your name and spell it for the
8	record, please?
9	MS. BLAIR: Tamara Blair, T, as in
10	Tom, A-M-A-R-A Blair, B, as in boy, L-A-I-R.
11	AGENT FLETCHER: Are there other
12	individuals present from your group today, Ms.
13	Blair?
14	MS. BLAIR: Yes, ma'am.
15	AGENT FLETCHER: If you could stand
16	right beside Ms. Moore, there is a well, the
17	microphone is over there now, so if you could
18	stand right in front of that microphone and just
19	state your name and spell it for the record for
20	all the individuals present from the Group of 26?
21	MS. PAYNE: Hi, good morning. Ebony
22	Payne, E-B-O-N-Y P-A-Y-N-E.

1	AGENT FLETCHER: Thank you.
2	MS. HIBBS: Diana Hibbs, D-I-A-N-A H-
3	I-B, as in boy, B-S, as in Sam.
4	AGENT FLETCHER: Diana what is the
5	last name again?
6	MS. HIBBS: Hibbs, H-I-B-B-S.
7	AGENT FLETCHER: Thank you.
8	MS. NUNN: Lora Nunn, L-O-R-A N-U-N-
9	N.
10	AGENT FLETCHER: N-U-N-N?
11	MS. NUNN: That's correct.
12	AGENT FLETCHER: Thank you.
13	Ms. DAVIS: Denise Davis, D-E-N-I-S-E
14	D-A-V-I-S.
15	AGENT FLETCHER: What's the first
16	name?
17	MS. DAVIS: Denise.
18	AGENT FLETCHER: Oh, Denise. I don't
19	know what I thought you said, Denise. What's the
20	last name?
21	MS. DAVIS: Davis, D-A-V-I-S.
22	AGENT FLETCHER: Thank you.

1	MS. MOSES: Helen Moses, H-E-L-E-N M-
2	O-S-E-S.
3	AGENT FLETCHER: Thank you.
4	MR. TILLERY: Ricky Tillery, R-I-C-K-Y
5	T-I-L-E-R-Y.
6	AGENT FLETCHER: Thank you, Mr.
7	Tillery. You are also a designated
8	representative?
9	MR. TILLERY: (No audible answer.)
10	AGENT FLETCHER: You are also a
11	designated representative for the group?
12	MR. TILLERY: Correct.
13	CHAIRPERSON ANDERSON: Okay. Thank
14	you. Good morning.
15	MS. GHEBRETINSAE: Good morning.
16	Yodit Ghebretinsae, Y-O-D-I-T last name G, as in
17	George, H, as in Hector, E, as in Elmo, B, as in
18	boy, R, as in Roger, E, Elmo, T, Tom
19	AGENT FLETCHER: Okay. You lost me.
20	MS. GHEBRETINSAE: Sorry.
21	AGENT FLETCHER: It's G I have most
22	of it. It's G-H-E-B?

1	MS. GHEBRETINSAE: B, as in boy.
2	AGENT FLETCHER: Uh-huh.
3	MS. GHEBRETINSAE: R-E-T-I-N-S-A-E.
4	That's it.
5	AGENT FLETCHER: What's the last
6	letter?
7	MS. GHEBRETINSAE: E.
8	AGENT FLETCHER: Thank you. There are
9	eight individuals present from the Group of 26,
10	which means that the Group is granted full
11	standing. We only needed to see five people in-
12	person. Ms. Blair, the group is granted full
13	standing as protestants.
14	What that means is that at the
15	upcoming Status Hearing, only the designated
16	representative needs to appear. At the
17	mediation, only the designated representatives
18	need to appear. The group already has full
19	standing.
20	We have the Langston Civic Association
21	with standing as a protestant.
22	ANC-5D with standing as a protestant

1 and also the Friends of Kingman Park have 2 standing as a protestant. 3 Mr. Bayeta? 4 MR. BAYETA: Yes? 5 AGENT FLETCHER: Do you have any 6 questions about what just happened? Do you 7 understand what just happened? Do you need -- so 8 just for the record, Mr. Bayeta requested an 9 interpreter for today. It slipped completely through the 10 11 crack. And interpreter was not requested for you 12 for today. 13 MR. BAYETA: Okay. 14 AGENT FLETCHER: I talked with you 15 earlier today and we talked about just getting 16 started with this process to see if you had any 17 questions. 18 What I did today is we determined who 19 filed the protest today. So you know you are 20 here because a protest was filed against the new 21 application, yes?

Yes.

MR. BAYETA:

22

1	AGENT FLETCHER: So what I did today
2	was to identify the individuals and the groups
3	that filed a protest. But I think you met with
4	them already, yes?
5	MR. BAYETA: Yes.
6	AGENT FLETCHER: So you know who they
7	are?
8	MR. BAYETA: Yeah, and I under
9	AGENT FLETCHER: Okay. So that's
10	so today I just introduced them for the record.
11	So I just wanted to make it clear that you met,
12	you know who they are, so that's number one.
13	MR. BAYETA: Okay.
14	AGENT FLETCHER: So that's what I did
15	today. You knew who they were, now I know who
16	they are.
17	MR. BAYETA: Okay.
18	AGENT FLETCHER: And what we do next
19	is we set a date for some hearings. Am I doing
20	okay so far or do you need an interpreter to
21	understand what I'm saying right now?
22	MR. BAYETA: No, that's okay, no.

AGENT FLETCHER: So I'm just going to give you a couple of dates and you can write those down. And with that contact information that you put on that sheet, we are going to send you an official notice. I'm just going to tell you some dates now, but you are going to get a notice in the -- by email to give you these dates again.

MR. BAYETA: Okay.

AGENT FLETCHER: And when you come for your mediation, your Status Hearing and your Protest Hearing, if there is going to be one, there will be an Amharic Interpreter present for you.

MR. BAYETA: Okay.

AGENT FLETCHER: We have the request.

MR. BAYETA: Okay.

AGENT FLETCHER: I'm going to give you the date for the Status Hearing and the Protest Hearing first.

The Status Hearing is going to be on August 14.

1	MR. BAYETA: Can I write on here?
2	AGENT FLETCHER: No, that's mine, but
3	I can give you something to write on though.
4	Here you go.
5	MR. BAYETA: Okay.
6	AGENT FLETCHER: You know, if you
7	write on that, I'll be taking it. One second,
8	here you go.
9	MR. BAYETA: Thank you.
10	AGENT FLETCHER: You're very welcome.
11	The Status Hearing is August 14th, that's August
12	14 at 9:30 a.m. for the Status Hearing, August 14
13	at 9:30 a.m. for the status.
14	MR. BAYETA: 9?
15	AGENT FLETCHER: At 9:30 a.m.
16	MR. BAYETA: Okay.
17	AGENT FLETCHER: It will be right here
18	in this room, the Status Hearing.
19	The Protest Hearing is set for
20	September 11, September 11 at 4:30 p.m. for the
21	Protest Hearing.
22	Ms. Moore?

1	MS. MOORE: I know that that date
2	doesn't work for several of us.
3	AGENT FLETCHER: For the Status?
4	MS. MOORE: For the Protest.
5	AGENT FLETCHER: For the Protest
6	Hearing? So what I'm going to do, Ms. Moore, I'm
7	going to give you that date for today, because at
8	this moment, it's the next available day on the
9	Board's calendar.
10	But what you can do is ask the Board
11	to change the date. So who is it not good for?
12	MS. MOORE: Both Commissioner Blair
13	and myself.
14	AGENT FLETCHER: Okay. All right. So
15	what you can do is petition the ABC Board for a
16	new date, but explain the reason.
17	MS. MOORE: Okay.
18	AGENT FLETCHER: And they will respond
19	to you. Okay. So for the purpose of the Roll
20	Call Hearing, the Protest Hearing date is
21	September 11 at 4:30 p.m.
22	And, Ms. Moore, when you and Ms. Blair

1 -- you can file a joint request to change the 2 date, but can you copy Mr. Badea? 3 MR. BAYETA: Bayeta. 4 AGENT FLETCHER: Bayeta? 5 MR. BAYETA: Yes. Okay. 6 AGENT FLETCHER: Thank you. 7 if you can copy Mr. Badea, because once he gets 8 your request, he has an opportunity to say he is 9 good with it or he is not, so just copy him on the request. Do you have his contact 10 11 information? 12 MS. MOORE: Yes, I do. 13 AGENT FLETCHER: Okay. And, Ms. 14 Yeakley, you are okay with changing the date as 15 well? 16 MS. YEAKLEY: Yes. 17 Okay. AGENT FLETCHER: Thank you. 18 need to set a date for mediation. I'll give you 19 the next available day. The next available day 20 for mediation is Thursday, August 8, that's 21 Thursday, August 8. Any time in the morning or afternoon. 22 It can be 9:00, 10:00, 10:30, 11:00,

1	11:30, 1:00, 2:00?
2	MS. MOORE: Anytime during the day at
3	all?
4	AGENT FLETCHER: Um-hum, before 4:00.
5	Before 4:00.
6	MS. YEAKLEY: Does 4:00 work or does
7	it need to be
8	AGENT FLETCHER: We can make it 4:00.
9	MS. YEAKLEY: Okay.
10	AGENT FLETCHER: If that's okay with
11	Mr. Bayeta.
12	MR. BAYETA: Bayeta.
13	AGENT FLETCHER: Is that a good time?
14	We can or would a better time on that day be
15	better?
16	MR. BAYETA: I think 10:00 is more,
17	because I work the daytime and afternoon, so
18	AGENT FLETCHER: Well
19	MS. MOORE: I can make that work on
20	the 8th, but if we move forward
21	AGENT FLETCHER: We can move forward
22	to another day. 10:00 works better for you in

1	the morning, rather than afternoon? I can move
2	to another day.
3	MS. MOORE: Okay.
4	MS. YEAKLEY: I can do the morning.
5	MR. BAYETA: Actually, I don't think
6	longer date like the 10 or like that, but
7	AGENT FLETCHER: Yes, so earlier
8	during the day is better for you. Okay. So let
9	me try another day, earlier. You prefer like
10	10:00 or 11:00 in the morning?
11	MR. BAYETA: In the morning, yeah.
12	AGENT FLETCHER: Okay. I will
13	okay, let's see. All right. In that case, so we
14	can do Tuesday, August 13 at 10:00? That's
15	Tuesday, August 13 we can do it at 10:00.
16	MR. BAYETA: Okay.
17	AGENT FLETCHER: Does that work for
18	you, Ms. Moore? Ms. Yeakley? Mediation is
19	scheduled for 10:30 on Tuesday, August 13.
20	So the mediation most likely will take
21	place in this room. Just check in with the
22	person out front.

1 MR. BAYETA: Okay. 2 AGENT FLETCHER: When you come. And we will have an interpreter here for you for the 3 mediation. 4 5 Any questions at all? I just have two questions. 6 MS. MOORE: 7 AGENT FLETCHER: Yes. 8 MS. MOORE: Mediation will be on the 9 13th and then the Status Hearing will be the following day? 10 11 AGENT FLETCHER: Yeah, so what 12 happens, yes, because this is a new application, 13 everything happens very fast. So that's the 14 reason. 15 MS. MOORE: Okay. 16 AGENT FLETCHER: Now, let me say this, 17 If that back-to-back creates a Ms. Moore. 18 problem, the mediation can occur after the Status 19 Hearing, if you could still appear for the Status 20 Hearing and tell the Board that your mediation is 21 upcoming. 22 So but we can change the date of the

1	mediation.
2	MS. MOORE: No, I think that that's
3	fine.
4	AGENT FLETCHER: Is that okay?
5	MS. MOORE: Yes.
6	AGENT FLETCHER: Yes, you are right.
7	It's one day right after the other.
8	MS. MOORE: Okay. It works.
9	AGENT FLETCHER: Yes, okay. Is it
10	okay, too, for you, Mr pronounce your last
11	name for me again.
12	MR. BAYETA: Yes, Bayeta.
13	AGENT FLETCHER: Is that okay for you?
14	MR. BAYETA: Yes.
15	AGENT FLETCHER: Okay. That's it, Ms.
16	Moore? Ms. Yeakley, were you going to say
17	something?
18	MS. YEAKLEY: I have a question as
19	well. Is it possible to add anyone here who are
20	also members of Friends of Kingman Park as a
21	backup designee?
22	AGENT FLETCHER: Yes, um-hum.

1	MS. YEAKLEY: Okay.
2	AGENT FLETCHER: Yeah.
3	MS. YEAKLEY: Can we do that just
4	whenever is a good time?
5	AGENT FLETCHER: Oh, yes, so you
6	for Kingman Park you want a backup?
7	MS. YEAKLEY: Yes.
8	AGENT FLETCHER: Oh, that's fine with
9	us.
10	MS. YEAKLEY: Okay.
11	AGENT FLETCHER: Do you have anybody
12	in mind right now?
13	MS. YEAKLEY: Yes.
14	AGENT FLETCHER: Okay. Let me make a
15	note of that.
16	MS. YEAKLEY: Do you need their names
17	again?
18	AGENT FLETCHER: We have you and
19	William Knudsen.
20	MS. YEAKLEY: Yes. He is not going to
21	be able to participate.
22	AGENT FLETCHER: Oh, that's fine. I'm

1	just going to spell his last name, since I said
2	it.
3	MS. YEAKLEY: Okay.
4	AGENT FLETCHER: His last name is
5	spelled K-N-U-D, like dog, S-E-N. So yeah,
6	whoever you choose is fine.
7	MS. YEAKLEY: Okay.
8	AGENT FLETCHER: Are they here today?
9	MS. YEAKLEY: Yes, ma'am.
10	AGENT FLETCHER: Who is it?
11	MS. YEAKLEY: It's Lora Nunn.
12	AGENT FLETCHER: How do you spell the
13	first name?
14	MS. YEAKLEY: L-O-R-A.
15	AGENT FLETCHER: N-U-N-N?
16	MS. YEAKLEY: Yes.
17	AGENT FLETCHER: So, Ms. Nunn, you are
18	going to be the backup?
19	MS. NUNN: Yes.
20	AGENT FLETCHER: So what that means,
21	Ms. Yeakley, if Ms. Nunn could put her contact
22	information on that sheet

1	MS. YEAKLEY: Okay.
2	AGENT FLETCHER: just so that we
3	know.
4	MS. YEAKLEY: Okay. So I just I
5	have one backup?
6	AGENT FLETCHER: Yeah.
7	MS. YEAKLEY: Okay.
8	AGENT FLETCHER: So you can have as
9	many as you want, but just let us know who they
10	are as you go.
11	MS. YEAKLEY: Oh, okay.
12	AGENT FLETCHER: Yeah, so that's fine.
13	It's okay with us.
14	MS. YEAKLEY: Okay.
15	AGENT FLETCHER: Yeah, you can just
16	add them as you go.
17	MS. YEAKLEY: Okay. Perfect.
18	AGENT FLETCHER: So right now we have
19	you as the you are the person that we are
20	going to contact. If you want us to contact
21	somebody else, you can let us know or you can
22	contact them. We just need one person to be in

1	touch with.
2	MS. YEAKLEY: Okay. Okay. Great.
3	Thank you.
4	AGENT FLETCHER: But I made a note
5	that Lora Nunn is also a designated
6	representative.
7	MS. YEAKLEY: Okay.
8	MS. BLAIR: Ms. Fletcher, I have a
9	question.
10	AGENT FLETCHER: Yes, Ms. Blair?
11	MS. BLAIR: I named Ricky Tillery in
12	my petition as a backup, so I don't need to add
13	him to that list?
14	AGENT FLETCHER: No, because for your
15	group I have Rick Tillery already as one of the
16	designated representatives. That's T-I-L-L-E-R-
17	Y?
18	MS. BLAIR: Yes, ma'am.
19	AGENT FLETCHER: Yeah, he is already
20	listed.
21	MS. BLAIR: Okay.
22	AGENT FLETCHER: Okay. Anything else?

1	Any questions on this side?
2	Okay. Well, thank you for coming.
3	See you soon. The Roll Call Hearing is
4	concluded. Thank you.
5	(Whereupon, the Roll Call Hearing was
6	concluded at 10:39 a.m.)
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# <u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Express Convenience Store

Before: DC ABRA

Date: 07-15-19

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.

Court Reporter

Mac Nous &