

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: :
 :
 Asmara, Inc. :
 t/a Kenilworth Market :
 1612 Kenilworth Ave, N.E.:
 License #ABRA-087818 :
 Retailer Class A - :
 License Renewal :
 Case #18-PRO-00033 :

TUESDAY, MAY 29, 2018

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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.

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

2 10:14 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Kenilworth Market please come
5 forward, the parties in the matter of Kenilworth
6 market?

7 This is Case Number 18-PRO-00033,
8 Asmara, Incorporated, 1612 Kenilworth Avenue, NE,
9 License Number ABRA-087818. This is a Retailer
10 Class A.

11 (Simultaneous speaking.)

12 AGENT FLETCHER: You're with the group
13 of protestants?

14 MS. GRAY: Do you want them to also
15 come forward one at a time or -

16 AGENT FLETCHER: Yes, so in a moment
17 I'm going - are you the designated
18 representative.

19 MS. GRAY: For one person, but we also
20 have other residents.

21 AGENT FLETCHER: So here's what we're
22 going to do. You can have a seat right there for

1 now. I'm going to get introductions, and then
2 everyone who's here can come up and sign the
3 book.

4 This is for protestants only, anybody
5 that filed a protest. I'll let you know when to
6 come up. Just a second, you stay there for now,
7 right there. I'm going to get introductions
8 first, and then anyone that signed your protest
9 letter can stand behind you and state their names
10 for the record.

11 MS. DOUGLAS: Well, I'd like to
12 introduce myself -

13 AGENT FLETCHER: Excuse me, just one
14 second. Introductions beginning with the
15 Applicant, please?

16 MR. LEE: My name is Kevin Lee,
17 representing Asmara Incorporated, t/a Kenilworth
18 Market. And the next to me is the owner of the
19 establishment.

20 AGENT FLETCHER: Thank you, Mr. Lee.

21 MS. HAILE: Eden Haile?

22 AGENT FLETCHER: I'm sorry, what's the

1 first name?

2 MS. HAILE: Eden Haile.

3 AGENT FLETCHER: How do you spell it?

4 MS. HAILE: E-D-E-N.

5 AGENT FLETCHER: E?

6 MS. HAILE: D-E-N.

7 AGENT FLETCHER: G?

8 (Simultaneous speaking.)

9 AGENT FLETCHER: I'm sorry, if you
10 could just speak up. I just can't hear you.

11 MS. HAILE: Eden, E-D-E-N.

12 AGENT FLETCHER: Okay. And what's the
13 last name?

14 MS. HAILE: Haile, H-A-I-L-E.

15 AGENT FLETCHER: Okay. Thank you very
16 much. A protest was filed by a group of ten
17 individuals. Are any of those individuals
18 present today?

19 MS. GRAY: Yes.

20 AGENT FLETCHER: Could you state your
21 name for the record?

22 MS. GRAY: My name is Rochelle Gray.

1 I'm the president of the Eastland Gardens Civic
2 Association.

3 AGENT FLETCHER: Ms. Gray, could you
4 spell your name for the record, please?

5 MS. GRAY: R-O-C-H-E-L-L-E.

6 AGENT FLETCHER: Yes.

7 MS. GRAY: Last name, Gray, G-R-A-Y.

8 AGENT FLETCHER: Ms. Gray, what is the
9 association that you named again?

10 MS. GRAY: Eastland Gardens Civic
11 Association.

12 AGENT FLETCHER: So there was not a
13 protest filed by the Association. So you -

14 MS. GRAY: There was not?

15 AGENT FLETCHER: No. We have a
16 protest filed by a group of ten individuals.

17 MS. GRAY: Okay.

18 AGENT FLETCHER: Not by the
19 Association that you named. You thought you
20 filed a protest on behalf of the Association?

21 MS. GRAY: Yes.

22 AGENT FLETCHER: And why did you think

1 that? Why did you think that?

2 MS. GRAY: I followed the directive of
3 Ms. Moreland in terms of how to write the protest
4 out. And members of our civic association signed
5 that, then we filed by May 14th.

6 AGENT FLETCHER: So just for the
7 record -

8 MS. GRAY: Okay.

9 AGENT FLETCHER: Your protest letter
10 says, "We wish to file a protest in opposition to
11 the renewal of the alcoholic beverage license on
12 the basis that the operation affects peace,
13 order, and quiet of the residents of the Eastland
14 Gardens Civic Association and surrounding
15 communities." That's what your protest letter
16 says.

17 MS. GRAY: Okay.

18 AGENT FLETCHER: And so was it your
19 intention to file a protest on behalf of the
20 Civic Association or as a group of ten
21 individuals?

22 MS. GRAY: As the Civic Association,

1 or whatever works best.

2 AGENT FLETCHER: There are rules that
3 have to be followed. So I'm trying to establish
4 your intention before I say what the rules are
5 that apply a protest filed by a civic
6 association. So your intention was to file a
7 protest on behalf of Eastland Gardens Civic
8 Association. That was your intention, yes?

9 MS. GRAY: Or the residents, yes, or
10 individual residents. This is our first time
11 going through this. So when we called for the
12 instructions, we were told to use that particular
13 language, which we did. But it can be on behalf
14 of the residents.

15 AGENT FLETCHER: Okay. So just to
16 create a clear record -

17 MS. GRAY: Okay.

18 AGENT FLETCHER: -- if your intention
19 was to file a protest on behalf of Eastland
20 Gardens Civic Association, that protest would not
21 have been accepted. And I'm going to consider it
22 dismissed. Because you stated that was your

1 intention.

2 So the protest that you filed on
3 behalf of the Eastland Civic Association is
4 dismissed, because a civic association has to
5 give the Applicant at least a seven-day written
6 notice of a meeting concerning protesting the
7 application. And that would need to be stated in
8 the protest letter.

9 Also, there is no - so that's
10 missing. But also, there's no signature on this
11 letter from the president of the Association. It
12 does not appear that the protest was filed on
13 behalf of the Eastland Gardens Civic Association.
14 What's your role in the Association?

15 MS. GRAY: I am the president of the
16 Association.

17 AGENT FLETCHER: You are the president
18 of the Association.

19 MS. GRAY: Yes. So my individual
20 signature does appear there.

21 AGENT FLETCHER: I'm going to address
22 that in just one moment.

1 MS. GRAY: Okay.

2 AGENT FLETCHER: And just for the
3 future, Ms. Gray, when you file a protest, it has
4 to be for one group or the other. You wouldn't
5 do both. If there's a group of individuals who
6 want to file a protest, they can. If you want to
7 file a protest on behalf of a civic association,
8 the civic association has to be incorporated in
9 the District of Columbia. Is it incorporated?

10 MS. GRAY: Yes, we are.

11 AGENT FLETCHER: So it has to be
12 incorporated, and you have to follow certain
13 rules. After being incorporated, the next rule
14 is that you provide notice to the Applicant that
15 you are going to hold a meeting concerning the
16 protest of the license at least seven days before
17 that meeting. Do you understand what I mean?

18 MS. GRAY: Yes, I do.

19 AGENT FLETCHER: Ms. Gray, there are
20 individuals present with you today?

21 MS. GRAY: Pardon?

22 AGENT FLETCHER: There are individuals

1 present with you today that signed the protest
2 letter?

3 MS. GRAY: I don't have it in front of
4 me, but we do have a number of residents from the
5 community that are present today, yes.

6 AGENT FLETCHER: If they can line up
7 behind you and state their names for the record?

8 MR. LEE: Just an individual instead
9 of the civic association.

10 AGENT FLETCHER: Yes.

11 MR. LEE: Okay.

12 MR. LEE: Thanks for clarifying that,
13 Mr. Lee. So now we are going to look at the
14 group of ten and see what happens.

15 AGENT FLETCHER: Hi, yes?

16 MR. HASAN: Sirraaj Hasan. I am the
17 advisory neighborhood commissioner in the
18 Eastland Gardens community.

19 AGENT FLETCHER: And so what ANC is
20 that?

21 MR. HASAN: 7D02.

22 AGENT FLETCHER: And so just so that

1 you know, there was no protest filed by the ANC.
2 And so if you're present here today, it would be
3 because you signed the protest letter.

4 MR. HASAN: And I'm a resident also.

5 AGENT FLETCHER: And you signed the
6 protest letter as well?

7 MR. HASAN: Yes.

8 AGENT FLETCHER: And what's your name?

9 MR. HASAN: Sirraaj Hasan.

10 AGENT FLETCHER: And how do you spell
11 that?

12 MR. HASAN: S-I-R-A-A-J, last name, H-
13 A-S-A-N.

14 AGENT FLETCHER: Okay, Mr. Hasan.

15 MR. HASAN: Yes.

16 MR. LEE: So does he represent the ANC
17 or just as an individual today?

18 AGENT FLETCHER: The ANC did not file
19 a protest. So there is no protest filed by the
20 ANC. I was just stating that for the record,
21 because Mr. Hasan is a part of the ANC. But
22 there is no protest filed by the ANC. So it does

1 not have to even be dismissed, because there is
2 not one. But I understand your connection to the
3 ANC, Mr. Hasan.

4 I'm looking at the protest letter, and
5 I don't see that you signed it. So what that
6 means is that you cannot be recognized as a
7 protester. I'm not going to dismiss you, because
8 you're just not going to be recognized, because
9 you didn't sign the protest letter.

10 MR. HASAN: Okay.

11 AGENT FLETCHER: But your name is in
12 the record as having appeared today.

13 MR. HASAN: Okay.

14 AGENT FLETCHER: Thank you. Good
15 morning.

16 MS. C. ALLEN: Carole Allen.

17 AGENT FLETCHER: And how do you spell
18 Carole? So which one is Carole Allen?

19 MS. C. ALLEN: This is Carole Allen
20 right here. And Portia.

21 AGENT FLETCHER: Oh, okay.

22 MS. P. ALLEN: Portia Allen.

1 AGENT FLETCHER: What's your name
2 again?

3 MS. C. ALLEN: Right here. She's
4 Portia.

5 AGENT FLETCHER: I mean what's your
6 name?

7 MS. C. ALLEN: Carole, C-A-R-O-L-E,
8 Allen, A-L-L-E-N.

9 AGENT FLETCHER: Okay. And the lady
10 sitting in purple is a protester as well? The
11 person -

12 (Simultaneous speaking.)

13 MS. P. ALLEN: Portia Allen, P-O-R-T-
14 I-A.

15 AGENT FLETCHER: Thank you. And
16 what's the last name?

17 MS. P. ALLEN: A-L-L-E-N.

18 AGENT FLETCHER: Same last name, same
19 last name?

20 MS. P. ALLEN: A-L-L-E-N.

21 AGENT FLETCHER: Okay.

22 MS. P. ALLEN: Portia.

1 AGENT FLETCHER: Ms. Allen and Ms.
2 Allen, you did not sign the protest letter.

3 MS. C. ALLEN: I can't hear you. I'm
4 sorry.

5 AGENT FLETCHER: This applies to both
6 Ms. Allens.

7 MS. C. ALLEN: Yes.

8 AGENT FLETCHER: You did not sign the
9 protest letter which means you cannot be
10 recognized as protestants today. But the record
11 reflects that you did come. But you cannot be
12 recognized as a protester, because you did not
13 sign the protest letter.

14 (Simultaneous speaking.)

15 AGENT FLETCHER: You did not sign the
16 protest letter. You have to - but, you know,
17 thank you for coming. And the record reflects
18 that you were here.

19 MS. C. ALLEN: Okay.

20 AGENT FLETCHER: Good morning, hi. If
21 you could just -

22 MS. JACKSON: Thelma Jackson.

1 AGENT FLETCHER: Thelma Jackson.

2 MS. JACKSON: T-H-E-L-M-A, Jackson,
3 like the Jackson Five, I'm sorry.

4 (Laughter.)

5 MS. JACKSON: No relation.

6 (Laughter.)

7 AGENT FLETCHER: Ms. Jackson, you also
8 did not sign the protest letter. What that means
9 is that you cannot be recognized as a protester,
10 but the record will reflect that you were here
11 today.

12 MS. JACKSON: Okay.

13 AGENT FLETCHER: Okay, thank you.

14 MS. JACKSON: We need to find out what
15 letter you're reading from.

16 AGENT FLETCHER: Well, there's -

17 MS. GRAY: It's the actual one that
18 was submitted to them on the -

19 AGENT FLETCHER: So what happens, Ms.
20 Jackson, when a protest is filed, you have to
21 sign it in order to be considered as a protester.
22 So there're some signatures on the protest

1 letter, Ms. Jackson, but not yours.

2 MS. JACKSON: Yes, I thought I signed
3 it, because they passed it around the civic
4 meeting. But we don't have a copy of it right
5 now.

6 AGENT FLETCHER: Good morning.

7 MS. MUHAMMAD: Good morning. Donna
8 Muhammad, M-U-H-A-M-M-A-D.

9 AGENT FLETCHER: M-U-H -

10 MS. MUHAMMAD: -- A-M-M-A-D.

11 AGENT FLETCHER: And what's the first
12 name, Ms. Muhammad?

13 MS. MUHAMMAD: Donna, D-O-N-N-A.

14 AGENT FLETCHER: Thank you very much.
15 One second, Ms. Muhammad. You also did not sign
16 the protest letter.

17 MS. MUHAMMAD: Yes, ma'am.

18 AGENT FLETCHER: And so you cannot be
19 recognized as a protester, also the record
20 reflects you were here today.

21 MS. MUHAMMAD: Thank you very much.

22 AGENT FLETCHER: Thank you.

1 MS. ISRAEL: Good morning.

2 AGENT FLETCHER: Good morning.

3 MS. ISRAEL: Sheila Gear Israel.

4 AGENT FLETCHER: S-H-E-I --

5 MS. ISRAEL: L-A.

6 AGENT FLETCHER: And what's the last
7 name?

8 MS. ISRAEL: Gear, G-E-A-R, and then
9 Israel, I-S-R-A-E-L.

10 AGENT FLETCHER: Oh, wait a minute.
11 Gear, and then there's a second part to the last
12 name?

13 MS. ISRAEL: Yes.

14 AGENT FLETCHER: I'm sorry. What is
15 it?

16 MS. ISRAEL: I-S-R-A-E-L.

17 AGENT FLETCHER: Excuse me, Mr. Lee,
18 if you could move your paper from the microphone.

19 Okay, what's the second part?

20 MS. ISRAEL: I-S-R-A-E-L.

21 AGENT FLETCHER: Israel, oh, okay.
22 And Ms. Gear Israel, you did sign the protest

1 letter. Thank you for coming.

2 Good morning.

3 MS. OSHIN: Morning, Thelma Oshin,
4 last name, O-S-H-I-N.

5 AGENT FLETCHER: And what's the first
6 name, Ms. Oshin?

7 MS. OSHIN: Thelma.

8 AGENT FLETCHER: Thelma. Ms. Oshin,
9 you did not sign the protest letter, and you
10 cannot be recognized as a protester. But the
11 record reflects that you were here today. Thank
12 you.

13 MS. KING: Regina King.

14 AGENT FLETCHER: R-E-G-I-N-A K-I-N-G?

15 MS. KING: Correct.

16 AGENT FLETCHER: Ms. King, you did not
17 sign the protest letter and cannot be recognized
18 as a protester. But the record reflects that you
19 were here today.

20 Good morning.

21 MS. DOUGLAS: Good morning. I just
22 want to say I apologize for this morning. But I

1 just wanted -

2 AGENT FLETCHER: That's okay, I
3 understand, ha, ha, ha.

4 MS. DOUGLAS: I just wondered, because
5 I'm Dorothy Douglas, I'm the ANC 7D03 which
6 represents Kenilworth. And I've explained to you
7 earlier about me being here.

8 AGENT FLETCHER: Yes.

9 MS. DOUGLAS: Because Kenilworth was
10 not aware of this hearing or its due process. So
11 I just want to give an opportunity to express
12 that concern. Because now we have a new Chair.

13 Because the Chair of Kenilworth Court
14 has passed. That's only been about a week and a
15 half since she's been away. And during this time
16 that this circulation was going around, or
17 protest, we're not aware that she was in the
18 hospital sick.

19 AGENT FLETCHER: Yes.

20 MS. DOUGLAS: So now we have a new
21 president. And he definitely wants to be made
22 aware so we can make the community know where it

1 was going. I never received the information nor
2 got anything from the ANC.

3 AGENT FLETCHER: Yes.

4 MS. DOUGLAS: My single district. And
5 I've been up here many times. I think -- I
6 believe about 12 or 13 years coming here.

7 AGENT FLETCHER: And what's your last
8 name again, Dorothy?

9 MS. DOUGLAS: Yes, ma'am, Douglas.

10 AGENT FLETCHER: Douglas?

11 MS. DOUGLAS: Yes, ma'am, one S.

12 AGENT FLETCHER: And which SMD is
13 that?

14 MS. DOUGLAS: 7D03, which I do
15 represent.

16 AGENT FLETCHER: 7D03?

17 MS. DOUGLAS: Yes, ma'am.

18 AGENT FLETCHER: And so, Ms. Douglas,
19 let me ask you something. How did you become
20 aware of the hearing today?

21 MS. DOUGLAS: I got an email from Ms.
22 Gray. And that was during the time when the

1 funeral was going on. So then I got another one.
2 And I didn't respond. And I said I didn't have
3 an opportunity to talk to the new president, or
4 the community. And I just speak with him earlier
5 today before I came.

6 In Kenilworth, there's no knowledge of
7 this at all or even the hearing. He was
8 surprised. So he wanted to also be made aware of
9 the notification. And I did not.

10 AGENT FLETCHER: And so ANC 7D has a
11 new Chair?

12 MS. DOUGLAS: No, it has the same
13 Chair. But I did not receive it nor -

14 AGENT FLETCHER: Do you know if the
15 Chair received a copy of the -

16 MS. DOUGLAS: I don't know that or
17 not. Because I have not responded. It has not
18 come from the Chair for me at all, for my ANC 7D.
19 It only came from Ms. Gray.

20 We have not met or even had this
21 discussion. Matter of fact, this Monday's our
22 last meeting for the - well, next month, what

1 I'm saying, June, for the year. And we're out in
2 July and August.

3 So normally, we normally communicate
4 with one another when things do happen. I know
5 sometimes he don't give me stuff, but at least
6 the Commissioners do share the information for
7 that. That has not happened. And normally, I
8 get it at my house as well. And that's all
9 through the city. I've been there since 1970, so
10 I just wanted to share that.

11 AGENT FLETCHER: And so, Ms. Douglas,
12 at this moment, you don't know if ANC 7D filed a
13 protest or not?

14 MS. DOUGLAS: No, ma'am. And I
15 haven't gotten anything through my government
16 email saying that they filed a protest at all.

17 AGENT FLETCHER: Yes. Because ANC 7D
18 did not file a protest, I know there's
19 information you don't have today -

20 MS. DOUGLAS: Yes, ma'am.

21 AGENT FLETCHER: So you don't know if
22 ANC 7D knows about the hearing today or if they

1 filed a protest. So here's the situation. ANC
2 7D did not file a protest, but we don't know if
3 they received the - they should have received
4 the placard notices. You probably know that.

5 MS. DOUGLAS: Yes, ma'am. I know what
6 that means.

7 AGENT FLETCHER: So the placard
8 notices go up on the outside of the establishment
9 so that the community knows that the
10 establishment has filed an application. The
11 ANC's receive copies of those placard notices,
12 and then if a protest is filed with us, we send
13 the ANC a notice to appear for this hearing
14 today.

15 MS. DOUGLAS: Yes, ma'am

16 AGENT FLETCHER: And I understand that
17 you are here because you were informed by Ms.
18 Gray. And so you're here not knowing what ANC 7D
19 actually did.

20 MS. DOUGLAS: Yes.

21 AGENT FLETCHER: But had you known,
22 you're saying you would have filed a protest.

1 MS. DOUGLAS: Yes, I would have -
2 first of all, I have an obligation to the single
3 member district I represent to notify the
4 community so they can have the feedback. And I
5 think Mr. -- Kenilworth Market, the last time
6 they had a - they were up for renewal of their
7 license, I got it then. But I did not get it
8 this time.

9 AGENT FLETCHER: Well, let me tell you
10 something, Ms. Douglas, just for future
11 reference. As an SMD representative, if you were
12 going to file a protest, you would need to do it
13 as a part of a group of five or more.

14 MS. DOUGLAS: I understand.

15 AGENT FLETCHER: So this is just for
16 the record. I'm just clarifying something for
17 the record here. So you would be filing not as
18 the ANC but as part of a group of five. Because
19 a single member district representative does not
20 have standing to file a protest. But as a part
21 of a group, you can.

22 MS. DOUGLAS: Yes, ma'am.

1 AGENT FLETCHER: And there's nothing
2 we can do today about the fact that ANC 7D didn't
3 file a protest. But what you can do, you can, if
4 you want to contact the ABC Board, you can do
5 that about anything.

6 MS. DOUGLAS: Yes, ma'am.

7 AGENT FLETCHER: If you, I mean, I
8 suppose you would consult with the Chair, et
9 cetera, of ANC 7D.

10 MS. DOUGLAS: Yes, ma'am.

11 AGENT FLETCHER: But you would first
12 need to know if they intended to file a protest.
13 They didn't file one. So we don't know. So if
14 they didn't intend to file a protest, then they
15 just didn't.

16 But if you want, I would suggest you
17 consult with them and see what the intention was.
18 And if you consult with the Chair of ANC 7D, and
19 you become aware that they did not receive the
20 placard notices, which they're supposed to
21 receive -

22 MS. DOUGLAS: Yes, ma'am.

1 AGENT FLETCHER: -- then you can let
2 the ABC Board know that placards were posted, ANC
3 7D did not receive copies of the placard notices.

4 If you have proof, if ANC has proof
5 that a protest was filed, they can provide a copy
6 of that. The point would be to create a record
7 to show the Board that a protest actually was
8 filed but that proper notice was not given to the
9 ANC to appear today.

10 And so once you consult with the, you
11 know, the Chair of your ANC, if you think there's
12 some request that can be made to the ABC Board to
13 consider, that ANC 7D should have been notified
14 of the hearing, you can do that. And ask the
15 Board to consider granting standing to ANC 7D.
16 But as of today, a protest does not exist filed
17 by ANC 7D. But that's the reason, those are the
18 reasons.

19 And, Ms. Douglas, can you put your
20 contact information on that sheet right there for
21 me, please?

22 MS. DOUGLAS: Yes, ma'am.

1 AGENT FLETCHER: Thank you. Did you
2 want to say something, sir?

3 MR. GRAY: Christopher Gray.

4 AGENT FLETCHER: Oh, you can just come
5 right behind the microphone. It's right near,
6 but move it very delicately. Thank you.

7 MR. GRAY: Christopher Gray.

8 AGENT FLETCHER: Christopher Gray,
9 you're one of the protestants in this case, Mr.
10 Gray? What's your role here today?

11 MR. GRAY: Protester, yes.

12 AGENT FLETCHER: Are you a protester?

13 MR. GRAY: Yes.

14 AGENT FLETCHER: Christopher, C-H-R-I-
15 S-T-O-P-H-E-R? And how do you spell your last
16 name, Mr. Gray.

17 MR. GRAY: G-R-A-Y.

18 AGENT FLETCHER: Mr. Gray, you did not
19 sign the protest letter. And so you cannot be
20 recognized as a protester today, but the record
21 reflects that you were here.

22 MR. GRAY: Okay.

1 AGENT FLETCHER: Thank you.

2 MS. GRAY: For Ms. Cindy Hamilton, she
3 couldn't attend, but she did send a letter
4 allowing me to represent her position.

5 AGENT FLETCHER: I'll take that. You
6 can show that to Mr. Lee.

7 MR. LEE: Okay. No objection.

8 (Pause.)

9 AGENT FLETCHER: Ms. Gray?

10 MS. GRAY: Yes?

11 AGENT FLETCHER: There are three
12 people with two people present today that signed
13 the protest letter. You -

14 MS. GRAY: Yes.

15 AGENT FLETCHER: -- and Sheila Gear
16 Israel.

17 MS. GRAY: Yes.

18 AGENT FLETCHER: You both signed the
19 protest letter. You provided a letter from Cindy
20 Hamilton --

21 MS. GRAY: That's correct.

22 AGENT FLETCHER: -- designating you as

1 her representative. Your group of ten is being
2 dismissed. And I'll tell you why.

3 Today either five people from your
4 group needed to appear in person or designate you
5 as their representative in order for you to be
6 granted standing as a protester. That is the
7 reason that the protest filed by the group of ten
8 has to be dismissed. There are not enough people
9 present.

10 MS. GRAY: Okay. I understand.

11 AGENT FLETCHER: The roll call hearing
12 notice that you received says that each person
13 needs to appear in person or designate a
14 representative. And the individuals in your
15 group did not designate you to represent them.
16 Cindy Hamilton did --

17 MS. GRAY: Yes.

18 AGENT FLETCHER: -- provide you with
19 a letter designating you to represent her. But
20 that's what everybody needed to do if they wanted
21 you to represent them today.

22 MS. GRAY: Okay.

1 AGENT FLETCHER: And so the protest
2 filed by the group of ten is dismissed, because
3 there are not five people present today. And at
4 least five of them did not designate you as their
5 representative today.

6 MS. GRAY: What other options do we
7 have?

8 AGENT FLETCHER: You may ask the ABC
9 Board to reconsider what I'm telling you today.

10 MS. GRAY: Okay.

11 AGENT FLETCHER: You're going to
12 receive a Board order dismissing your protest for
13 the reasons that I just stated.

14 MS. GRAY: Okay.

15 AGENT FLETCHER: In that order, it's
16 going to tell you that you have ten days to seek
17 reinstatement of your protest for good cause. So
18 if you think your group should be granted
19 standing, then you can tell the Board why you
20 think so.

21 MS. GRAY: Okay.

22 AGENT FLETCHER: The order will say

1 exactly what I said today. But you, of course,
2 have the opportunity to appeal that.

3 MS. GRAY: Okay. And do you suggest
4 that we appeal that based on being a civic
5 association or individuals based on those
6 persons, just those ten people not being able to
7 come here?

8 AGENT FLETCHER: So your protest
9 letter was really not very clear. You said two
10 things. You mentioned the -- in your protest
11 letter, you mentioned the Eastland Gardens Civic
12 Association.

13 And today, when you initially
14 introduced yourself, you introduced yourself as
15 the president of the Eastland Garden Civic
16 Association. And so I dismissed that protest,
17 because you said that for the reasons that I
18 stated. And the order will also say that the
19 Eastland Gardens Civic Association was dismissed
20 for the reasons that I already stated.

21 MS. GRAY: Okay.

22 AGENT FLETCHER: With respect to the

1 group of ten, it's going to state that that was
2 dismissed for the reasons that I stated as well.
3 So it's going to be - there are going to be two
4 dismissals based on our communication today.

5 MS. GRAY: Okay.

6 AGENT FLETCHER: So what this means
7 for the Applicant at this stage, there are no
8 protests at this stage. If you ask the Board to
9 consider reinstating your protest, then Mr. Lee
10 will be informed.

11 And if you do that, you'll need to
12 copy Mr. Lee. If you ask the Board to reinstate
13 the protest, you need to provide Mr. Lee with a
14 copy of that request so that he has an
15 opportunity to respond to it.

16 MS. GRAY: Okay.

17 AGENT FLETCHER: And when you get the
18 order, you'll see, Ms. Gray, that you have ten
19 days from the date of that order to ask for
20 reinstatement.

21 MS. GRAY: Okay. And so notifying him
22 is through email or is it through -

1 AGENT FLETCHER: However you choose to
2 do it. However you choose to do it is fine as
3 long as he knows that you're asking the Board for
4 reconsideration, however you choose to do that,
5 so that Applicant has an opportunity to respond
6 to your request.

7 MS. GRAY: Okay.

8 AGENT FLETCHER: Excuse me, Mr. Gray,
9 in the back, did you have a question?

10 MR. GRAY: Yes.

11 AGENT FLETCHER: Can you come up to
12 the table? Thank you.

13 MR. GRAY: Thank you. The
14 reinstatement with the ten-day time limit -

15 AGENT FLETCHER: Yes.

16 MR. GRAY: -- does it have to be for
17 the original ten people on the individual, or can
18 it be -

19 AGENT FLETCHER: Well, the people that
20 did not sign the protest don't count.

21 MR. GRAY: Okay.

22 AGENT FLETCHER: At all. So don't

1 mention them. They are not recognized as
2 protestants today. The only people that signed
3 the protest letter, you can only speak on behalf
4 of the people that signed the protest letter.
5 They were only ever -- the only ones to be
6 considered as protestants.

7 MS. GRAY: Okay.

8 AGENT FLETCHER: So if you didn't sign
9 the letter, you don't need to reference them.

10 MR. GRAY: So there can't be a new
11 protest?

12 AGENT FLETCHER: No. I'm glad you
13 asked the question.

14 MR. GRAY: That's the question I
15 wanted.

16 AGENT FLETCHER: That's exactly right.
17 After the petition dateline, there can't be a new
18 protest. The petition deadline in this case was
19 May the 14th.

20 MR. GRAY: Okay.

21 AGENT FLETCHER: But that's the reason
22 why there can't be a new one. But -- okay, thank

1 you.

2 MS. DOUGLAS: Ms. --

3 AGENT FLETCHER: Yes, Ms. Douglas.

4 MS. DOUGLAS: Yes, thank you for
5 hearing me. In regards to - I know the ANC
6 Commissioners, you say that they're supposed to
7 send some documentation saying that they're being
8 represented in this case.

9 But the Board of Zoning, is it nowhere
10 in your files to see that that information has
11 been done? Because, I mean, once before I know
12 the Board of Zoning, if the information's not
13 filed, the ANC has to send in a notification on
14 your records saying that they're filing or have
15 had this meeting, the same process that we
16 normally go through.

17 AGENT FLETCHER: Pretty much the same
18 thing, that's right.

19 MS. DOUGLAS: But if your record
20 doesn't show that, then that means that they have
21 not.

22 AGENT FLETCHER: That's right.

1 MS. DOUGLAS: So they have to go
2 through the same process all over again.

3 AGENT FLETCHER: That's exactly right.

4 MS. DOUGLAS: Yes, ma'am.

5 AGENT FLETCHER: That's right. That
6 protest letter would have to say exactly what you
7 said, a meeting was held, a quorum was present, a
8 vote was taken, the majority voted to protest.
9 It's the same thing.

10 MS. DOUGLAS: And you have to notify
11 also the community that represents that single
12 member district. We have to notify everybody in
13 Kenilworth aware of this hearing, because then -

14 AGENT FLETCHER: Now, we don't - for
15 us, we don't require that.

16 MS. DOUGLAS: But by law we have to -

17 AGENT FLETCHER: For you, yes.

18 MS. DOUGLAS: We do have to notify
19 them

20 AGENT FLETCHER: Yes.

21 MS. DOUGLAS: -- and let them know the
22 knowledge what's happening. Because they weren't

1 acknowledged of this happening at all.

2 AGENT FLETCHER: Yes. And so the
3 placard notice that goes up is up there for 45
4 days so that the community gets to see that the
5 application is pending. But it doesn't
6 necessarily mean that everybody in the community
7 is going to see it. But it's just posted. You
8 probably know all about that.

9 MS. DOUGLAS: Well, I do. I know the
10 whole process. But I'm saying, but it does give
11 the opportunity for the ANC to have a meeting
12 with those residents in that area that was
13 established. And I think that Mr. Lee
14 established his. That's Kenilworth. He's right
15 there on that corner.

16 AGENT FLETCHER: Yes, I know where it
17 is.

18 MS. DOUGLAS: And this organization,
19 and no disrespect to Ms. Gray, they're in
20 Eastland Gardens. So they don't -

21 (Simultaneous speaking.)

22 AGENT FLETCHER: You can only speak

1 from the table. So just one second. Ms.
2 Douglas?

3 MS. DOUGLAS: Yes, ma'am?

4 AGENT FLETCHER: So you're saying that
5 the Eastland Gardens Civic Association is not in
6 close enough proximity to even file a protest?

7 MS. DOUGLAS: Yes, ma'am.

8 AGENT FLETCHER: Okay.

9 MS. GRAY: Well -

10 AGENT FLETCHER: But you don't need to
11 respond to that, because this is not an
12 adversarial process. I'm just collecting
13 information.

14 MS. GRAY: I just wanted to make it
15 clear that Kenilworth Market is within the
16 Eastland Gardens Civic Association boundary.

17 AGENT FLETCHER: Okay.

18 MS. GRAY: So whether we're next door
19 or a block away, it's still within our -

20 AGENT FLETCHER: And for our purpose
21 today, it doesn't matter.

22 MS. GRAY: Yes.

1 AGENT FLETCHER: That's just for your
2 future understanding. Because there is no
3 protest pending.

4 MS. DOUGLAS: I understand. But I
5 just want to get clear -

6 AGENT FLETCHER: I'm just telling Ms.
7 Gray.

8 MS. DOUGLAS: Yes, ma'am.

9 MS. GRAY: Thank you.

10 MS. DOUGLAS: And I just want to make
11 it clear too so that I can have an understanding
12 when I go back and speak to the community and to
13 the president in regards to that.

14 Because the establishment is in ANC
15 7D03 which is supposed to be notified. So I do
16 know what the process is, and how to pursue the
17 codes. Because the law has to recognize ANC 7D,
18 acknowledgment that he is now - he's in my
19 single member district. So he will have due
20 process as well as well as everybody else in the
21 community.

22 I just think it should be fair, that's

1 all I'm saying. I'm not trying to stop the
2 process. I just want to make sure that
3 everything is done equally so everyone can be on
4 point. And that did not happen.

5 AGENT FLETCHER: Right.

6 MS. GRAY: Well, 7D Commission did
7 receive notice. So you're in 7D03, that's a
8 single -

9 AGENT FLETCHER: So is there - excuse
10 me. So we're done with that.

11 MS. GRAY: Okay.

12 AGENT FLETCHER: The person in the
13 back with the blue scarf, did you want to say
14 something? If you could step forward and state
15 your name, please.

16 MS. MUHAMMAD: Donna Muhammad. I was
17 going to - I live in 7D03. And that's what I
18 was going to say. It is people here from 7D03
19 that was notified about the meeting today. So I
20 don't know what's happening.

21 AGENT FLETCHER: Yes. So what
22 happens? And you're right. There were quite a

1 few people here today. But you just didn't sign
2 the protest letter.

3 MS. MUHAMMAD: I know that.

4 AGENT FLETCHER: Yes. But I'm aware
5 of what you're saying.

6 MS. MUHAMMAD: That's fine. Thank you
7 very much.

8 AGENT FLETCHER: You're welcome.

9 MS. DOUGLAS: But I also want to make
10 note that that's just a few. And that was not
11 the body --

12 AGENT FLETCHER: I understand.

13 MS. DOUGLAS: -- of our community.

14 AGENT FLETCHER: I understand 100
15 percent and I'm going --

16 (Simultaneous speaking.)

17 MS. DOUGLAS: It has to be the body,
18 it just can't be a few. It has to be more than a
19 few.

20 AGENT FLETCHER: Well, for us, if the
21 ANC files a protest, for us it just has to be one
22 person representing the ANC.

1 MS. DOUGLAS: Right.

2 AGENT FLETCHER: And so Mr. Hasan, you
3 were going to say something?

4 MR. HASAN: Yes. I just have a
5 question, a quick question, just for clarity. So
6 with the Applicant currently, I'm just trying to
7 understand where we are in the process.

8 AGENT FLETCHER: Yes.

9 MR. HASAN: So I'm assuming we're at
10 the initial phase of the Applicant's proposal for
11 reinstating their liquor license --

12 AGENT FLETCHER: Yes. This is the
13 license - yes. This is for a license renewal.

14 MR. HASAN: Okay.

15 AGENT FLETCHER: This is the very
16 first stage. Well, the first stage was the
17 placard notice posted for the community. The
18 next thing is this hearing to establish who the
19 protestants are, which is what we did today. So
20 this is the very first thing that happens.

21 MR. HASAN: And then there'll be a
22 hearing?

1 AGENT FLETCHER: That's exactly right.
2 If there were any protestants remaining in this
3 case right now, I would give a date for a status
4 hearing, a protest hearing, and we would set a
5 date for mediation.

6 But at this stage, because there are
7 no protestants right now, there are no dates.
8 Otherwise, we would be talking about dates right
9 now.

10 MR. HASAN: Okay. And then the date
11 for the actual hearing, that'll be sent out -

12 AGENT FLETCHER: Well, if the Board
13 grants standing to this group of ten, which has
14 been dismissed, if the Board decides they're not
15 going to grant standing to Ms. Gray's group of
16 ten, there will be no hearings.

17 MR. HASAN: And the Applicant receives
18 their -

19 AGENT FLETCHER: The Applicant will
20 proceed with the license renewal, unprotested.

21 MR. HASAN: Okay.

22 AGENT FLETCHER: But if Ms. Gray

1 petitions the Board to reinstate the protest or
2 if Ms. Douglas can show the Board that ANC 7D did
3 all it was supposed to do and still didn't know
4 about this hearing then, as a result of those two
5 actions, the Board decides to grant standing to
6 either group -

7 MR. HASAN: They hold a hearing.

8 AGENT FLETCHER: That's it. Then you
9 receive notice from this office that the Board
10 has granted standing to the groups. And then you
11 would hear from me to set up a date for
12 mediation. And you would receive a notice of a
13 status hearing and a protest hearing. So, yes,
14 this is the initial phase, Mr. Hasan.

15 MR. HASAN: Thank you. The last
16 question, the timeline, so between the Board
17 possibly automatically granting reinstatement of
18 the liquor license versus either organization
19 trying to get a petition in --

20 AGENT FLETCHER: Yes.

21 MR. HASAN: -- with your timeline, is
22 that months, weeks?

1 AGENT FLETCHER: Yes. There's a
2 timeline. The ABC Board is going to issue an
3 order dismissing the protestants that were
4 dismissed today.

5 MR. HASAN: Correct.

6 AGENT FLETCHER: From that point, upon
7 receipt of that order from the Board, the
8 protestants dismissed will have ten days to seek
9 reinstatement.

10 MR. HASAN: Got it, okay.

11 AGENT FLETCHER: After that ten days,
12 that opportunity, that window is closed.

13 MR. HASAN: Got it, okay. All right,
14 thank you.

15 MR. LEE: I'd like to note why is not
16 reinstatement, this is just for renewal of the
17 license.

18 AGENT FLETCHER: Yes.

19 MR. LEE: First of all, he just
20 imagined, Mr. Hasan imagined it's about the
21 reinstatement. It is not. So it's a renewal.

22 AGENT FLETCHER: Yes. For the

1 Applicant, it's regarding the renewal of the
2 license application. So they don't have to do
3 anything. They don't have to seek reinstatement.
4 They don't have to do anything.

5 They were required to come today. And
6 they're here. So there's nothing they have to do
7 but wait to see what the Board does related to
8 any requests that you make, Ms. Gray, to
9 reinstate your protest, or Ms. Douglas.

10 But otherwise, the Applicant doesn't
11 need to do anything. And if the Board doesn't
12 grant standing in either case, then the license
13 renewal application moves forward.

14 MR. LEE: And then one more, just to
15 put in the notes, Ms. Gray just mentioned about
16 that. It's ANC got the notice from them. So I'd
17 just put in the note, and the ANC later asked for
18 reinstatement or something like that as a
19 protester. Then that was another -

20 AGENT FLETCHER: That's separate.

21 MR. LEE: -- iteration.

22 AGENT FLETCHER: That's right. That's

1 right. That's a separate matter. So there are
2 two things going. So Ms. Douglas is going to
3 consult with ANC 7D, should you so decide, to see
4 if they filed a protest, intended to file a
5 protest. So you'll be checking with them to see.

6 On our end, as far as we're concerned,
7 we just didn't get a protest from ANC 7D.

8 MS. DOUGLAS: Yes, ma'am. I
9 understand, thank you.

10 AGENT FLETCHER: And Ms. Johnson, it's
11 a separate matter. You know, your group was
12 dismissed because there were not enough people
13 present today and not enough people designated
14 you to represent them today. Did that cover
15 everything, Mr. Lee?

16 MR. LEE: Yes. Thank you.

17 AGENT FLETCHER: Okay, any questions?

18 (No audible response.)

19 Thank you for coming. The roll call
20 hearing is concluded.

21 MS. GRAY: Okay, thank you.

22 MR. LEE: Thank you very much.

1 AGENT FLETCHER: You're welcome.

2 MS. DOUGLAS: Did you need my address
3 on here so -

4 AGENT FLETCHER: Just your email
5 address, Ms. Douglas, is good.

6 MS. DOUGLAS: Okay, I have two emails,
7 my ANC -

8 AGENT FLETCHER: Just give me which
9 one you prefer.

10 MS. DOUGLAS: I'll put the ANC 7D.

11 AGENT FLETCHER: Okay.

12 MS. DOUGLAS: I'll put number one, and
13 then number two, my personal.

14 AGENT FLETCHER: Okay, that's good.

15 MS. DOUGLAS: But sometimes, you know,
16 things don't work all -

17 AGENT FLETCHER: Oh, I know. Thank you.

18 Roll call hearing concluded.

19 (Whereupon, the above-entitled matter
20 went off the record at 10:54 a.m.)

21

22

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In the matter of: Kenilworth Market

Before: DC ABRA

Date: 05-29-18

Place: Washington, DC

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