

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

:

Pako, LLC, :

t/a Kovaks Liquors :

1237 Mount Olivet Road, :

NE, : Protest

Retailer A - ANC 5D : Hearing (Status)

License No. 106551 :

Case #18-PRO-00053 :

:

(Substantial Change - :

Request to Change Hours :

of Operation and Sales) :

Wednesday
 July 25, 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

BOBBY CATO, JR., Member

DONALD ISAAC, SR., Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

ALSO PRESENT:

WILLIAM JOHNSON, Licensee's Representative

KEISHA SHROPSHIRE, ANC 5D

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

2 9:47 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please know that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 Section 2-574 of the Open Meetings Act.

10 Today is July 25, 2018. I would like
11 to introduce Members of the Board with us today.
12 To my far right is Mr. Donald Isaac, Sr., to his
13 left is Mr. Bobby Cato. To my immediate right is
14 Mr. Nick Alberti. To my far left is Mr. Mike
15 Silverstein and to my immediate left is Mr. James
16 Short. My name is Donovan Anderson and I'm the
17 Chairman of the Board. We have six Members in
18 attendance today and we do have a quorum.

19 I would like to mention two things
20 before we get started. First of all, if you have
21 any electronic devices, pagers, cell phones or
22 such, please, make certain that they are turned

1 off to avoid any interruption of the proceedings.

2 Secondly, there is a piece of paper on
3 each table. When you come forward as your case
4 is called, please, take a seat at the table and,
5 please, sign-in. This is to ensure the correct
6 spelling of your name for the record.

7 Additionally, when you introduce
8 yourself for the record, please, spell your name
9 aloud for the court reporter.

10 I will note that the approximate time
11 is 9:46 a.m. I do apologize that we were not
12 here promptly at 9:30. I know that you were here
13 and I do appreciate you being prompt, so I do
14 apologize that we were not here promptly at 9:30.

15 All right. Let's start with our
16 calendar. The first case on our calendar is Case
17 No. 18-PRO-00053, Kovaks Liquors, License No.
18 106551.

19 Will the parties in this case, please,
20 come forward? And who are -- you can introduce
21 yourself and I'll tell you where -- are you the
22 protestants or are you the owner?

1 MR. JOHNSON: I'm the representative
2 for the owner.

3 CHAIRPERSON ANDERSON: You can come
4 over to this side, sir. What do you mean you are
5 the representative for the owner?

6 MR. JOHNSON: The last time I was
7 here, I submitted a representation to represent
8 in all proceedings --

9 CHAIRPERSON ANDERSON: I wasn't aware,
10 sir. I have never -- this is the first time --

11 MR. JOHNSON: I met with Ms. Fletcher,
12 I believe last time.

13 CHAIRPERSON ANDERSON: But as I said
14 before, this is the first time you are appearing
15 in front of me, so I was not aware of that, so
16 that's one of the reasons why -- I don't have any
17 information, so I'll ask the Agency to -- but if
18 you have provided the Agency with that
19 information, that's fine.

20 MR. JOHNSON: Yes.

21 CHAIRPERSON ANDERSON: But I have not
22 seen it and this is the first time this

1 establishment is appearing before me. So could
2 you, please, identify yourself for the record?

3 MR. JOHNSON: My name is William
4 Johnson.

5 CHAIRPERSON ANDERSON: Good morning,
6 Mr. Johnson. You said you are the representative
7 for the owner?

8 MR. JOHNSON: Yes.

9 CHAIRPERSON ANDERSON: And you said
10 that you have also provided the Agency with your
11 Letter of Representation?

12 MR. JOHNSON: It will be in the report
13 from the Agency.

14 CHAIRPERSON ANDERSON: Okay. Thank
15 you. Yes, ma'am?

16 MS. SHROPSHIRE: I'm Keisha
17 Shropshire, ANC, for Single Member District 5D02.

18 CHAIRPERSON ANDERSON: I'm sorry, your
19 last name, ma'am?

20 MS. SHROPSHIRE: Shropshire, S-H-R-O-
21 P-S-H-I-R-E.

22 CHAIRPERSON ANDERSON: Ms. Shropshire.

1 MS. SHROPSHIRE: Yes.

2 CHAIRPERSON ANDERSON: Good morning.
3 Okay. Thank you. Yes, Mr. Johnson, I do see in
4 the record, that was not previously provided to
5 me and, I do have a Letter of Representation that
6 you are representing the owner.

7 I guess the only problem is that the
8 document -- all right. That's fine.

9 Just one thing I'll just ask in the
10 future that when these documents are provided,
11 that they are dated, because I know that you
12 signed it and the licensee also signed it, but
13 neither party dated it, so I would just ask in
14 the future when the documents are provided, that
15 they are dated.

16 The Agency did sign that it was
17 received on June 25, 2018. All right.

18 Are there any preliminary matters in
19 this case that I need to address?

20 MS. SHROPSHIRE: What does that mean?

21 CHAIRPERSON ANDERSON: It means that
22 at this stage, I set the date for the Protest

1 Hearing, so I'm just saying is there anything you
2 want to bring to my attention and I can address
3 as a preliminary matter or there is really
4 nothing going on, because you two are talking or
5 you are going to direct it to a protest, that's
6 what is a preliminary.

7 MS. SHROPSHIRE: So we had a mediation
8 hearing. I don't know if you have record of
9 that, but we met with Ms. Fletcher. And --

10 CHAIRPERSON ANDERSON: I'm not trying
11 to -- I don't want you to tell me the substance
12 of what was discussed.

13 MS. SHROPSHIRE: Um-hum.

14 CHAIRPERSON ANDERSON: Just if there
15 is any problems, that's what this is about.

16 MS. SHROPSHIRE: No, there weren't.
17 We -- I met with Ms. Fletcher and Mr. Johnson
18 wasn't able to attend, at that time, so we are in
19 the process of rescheduling another mediation
20 hearing.

21 CHAIRPERSON ANDERSON: Okay.

22 MS. SHROPSHIRE: So we just came to

1 show up for the Status Hearing today. We have
2 not withdrawn the protest. There are some things
3 that we need to discuss in mediation, so it
4 stands as is.

5 CHAIRPERSON ANDERSON: All right.
6 That's fine. I mean, this matter is scheduled
7 for a Protest Hearing on September 12th at 1:30
8 p.m. And so basically what that means is that if
9 you are unable to come to a settlement agreement,
10 then we will have this Protest Hearing on
11 September 12th where you would bring your witness
12 and documents and argue the case why you believe
13 that this -- that the Board should or should not
14 grant the substantial change that is being
15 requested by the owner.

16 MS. SHROPSHIRE: Okay.

17 CHAIRPERSON ANDERSON: All right. Mr.
18 Johnson, do you have any questions before I -- I
19 am going to read it.

20 MR. JOHNSON: No, sir.

21 MS. SHROPSHIRE: Okay.

22 CHAIRPERSON ANDERSON: All right.

1 MR. JOHNSON: Oh, one question. You
2 said September 12th?

3 CHAIRPERSON ANDERSON: September 12th
4 at 1:30.

5 MR. JOHNSON: 1:30. Okay.

6 CHAIRPERSON ANDERSON: Now that we
7 have scheduled this matter for a Protest Hearing,
8 there are a few things that I would like to
9 instruct the application and the protestant
10 about, so that the Protest Hearing is focused and
11 addresses only those issues that are being
12 protested. The Board does not intend to hear
13 testimony on matters that are not relevant to
14 this case.

15 You should have received by electronic
16 or regular mail a letter explaining the protest
17 process, a copy of the Protest Information Form
18 and a copy of the Exhibit Form. If you do not
19 have these documents, please, contact Assistant
20 General Counsel Ms. April Randall following this
21 hearing.

22 It is imperative that you review the

1 rules closely and that you follow them before and
2 during the Protest Hearing. You are also
3 required to complete and submit the Protest
4 Information Form (PIF) and the Exhibit Form seven
5 days before the date of the hearing. These two
6 forms and accompanying documents need to be
7 submitted to ABRA's Legal Division and to all
8 opposing parties in this matter.

9 If we do not receive a copy of your
10 PIF, your application or your protest, whichever
11 side you are representing, may be subject to
12 dismissal. Likewise, if we do not receive a copy
13 of the Exhibit Form and the exhibits themselves,
14 your exhibits may be excluded from the record
15 upon a finding that the opposing party has been
16 prejudiced or no good cause for failure to submit
17 has been shown.

18 Likewise witnesses other than a party
19 may also be subject to exclusion if not
20 identified in the PIF.

21 Accordingly, these forms are very
22 important as they greatly assist the Board in

1 narrowing the protest issues, facilitating the
2 process and keeping the parties on point during
3 the hearing. They likewise provide notice to
4 opposing parties enabling them to better prepare
5 for the hearing.

6 We thank you greatly for your
7 cooperation. If you have any questions today or
8 at any time leading up to the hearing, please, do
9 not hesitate to contact AGC Randall at (202) 442-
10 4353. Again, her number is (202) 442-4353.

11 As I have stated, the Agency -- if you
12 have any questions, contact Ms. Randall. If you
13 have never done a Protest Hearing before, she is
14 here to work with both sides. If any questions,
15 they will be answered. Good luck with your
16 negotiation. If not, I will see you on September
17 12th at 1:30.

18 MS. SHROPSHIRE: Thank you.

19 CHAIRPERSON ANDERSON: Thank you.

20 MR. JOHNSON: Thank you.

21 (Whereupon, the Protest (Status)

22 Hearing was concluded at 9:56 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Kovacs Liquors

Before: DC ABRA

Date: 07-25-18

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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