

IN THE MATTER OF: :
 :
Wi Mila, Inc., :
t/a New Seven Market :
1406 Good Hope Road SE : Protest
Retailer B - ANC 8A : Hearing (Status)
License No. 113576 :
Case #19-PRO-00108 :
 :
(Substantial Change :
[Class Change from :
Retailer 25%B to Retailer: :
B]) :

Wednesday
November 20, 2019

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
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

DORCAS AGYEI, PROTESTANT, ANC 8A
KEVIN LEE, APPLICANT

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

9:43 a.m.

CHAIR ANDERSON: Good morning everyone.

I would like to welcome you to the regular scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is November 20, 2019.

I would like to introduce members of the Board with us today. To my far right is Ms. Rafi Crockett, and to my immediate right is Mr. Bobby Cato. To my far left is Ms. Rema Wahabzadah and to my immediate left is Mr. James Short.

My name is Donovan Anderson, I'm the Chairman of the Board. We have five members in attendance today, so we do have a quorum for the conduct of business.

I'd like to mention three things before we get started. First of all, if you have any electronic devices, pagers, cell phones, or such, please make certain that they are turned off to avoid any interruption of the proceeding.

Secondly, there is a piece of paper on each table. When you come forward as your case is called, please take a seat at the table and

1 please sign in. This is to ensure the correct
2 spelling of your name for the record.

3 Lastly, please know that today's
4 meeting of the Alcoholic Beverage Control Board
5 is governed by the Open Meetings Act. Please
6 address any questions or complaints to the Office
7 of Open Government at opengovoffice@dc.gov.

8 I would note the approximate time is
9 9:46 a.m. And our first order of business,
10 protest hearing status, Case Number 19-PRO-00108,
11 New Seven Market, License Number 113576. Would
12 the parties be approach and identify themselves
13 for the record, please?

14 MR. LEE: Good morning, Board Members.
15 My name is Kevin Lee, I represent Wi Mila, Inc.,
16 trade name New Seven Market.

17 CHAIR ANDERSON: Good morning, Mr. Lee.

18 MR. LEE: Good morning.

19 MS. AGYEI: And good morning. I'm
20 Dorcas Agyei, I'm representing the protest group
21 of 11. I'm also the ANC Commissioner for that
22 area.

23 CHAIR ANDERSON: Good morning. Now, is
24 it just a group of five or more protesting or is
25 it also the ANC?

1 MS. AGYEI: It's -- we did initially
2 protest, but due to how we made the initial
3 letter, that was dismissed. So, I am
4 representing the group.

5 CHAIR ANDERSON: Okay. No, I just
6 wanted to clarify, since you said you were the
7 ANC Commissioner, whether or not it was both or
8 what. Okay. Are there any preliminary matters
9 that need to be addressed?

10 MR. LEE: We had a mediation last week
11 and the mediator found out that there is no issue
12 to resolve the mediation.

13 CHAIR ANDERSON: I'm sorry, that
14 there's what?

15 MR. LEE: The mediator, yes, found out
16 that we had no issue to resolve at mediation.

17 MS. AGYEI: In her opinion, so we are
18 going to move straight to the hearing.

19 CHAIR ANDERSON: Well, I mean, there is
20 always a possibility that folks can talk. I
21 mean, I -- if we have to have a protest hearing,
22 this matter is scheduled for protest hearing on
23 January 15, 2020 --

24 MS. AGYEI: Correct.

25 CHAIR ANDERSON: -- January 15. But my

1 position has always been, is that if you can
2 settle a matter, settle it through a settlement
3 agreement.

4 And one of the reasons why I always
5 state that, this is your community. You live
6 here, you know what it is you want for your
7 community, and none of us live in that, well,
8 yes, none of the Board Members live in this
9 particular area.

10 And so, but if we have to, if we need
11 to have a protest hearing for us to make
12 decisions, so be it. Okay?

13 MS. AGYEI: Okay.

14 CHAIR ANDERSON: All right. So, this
15 matter is scheduled for a protest hearing on
16 January 15, 2020 at 1:30 p.m. All right. And
17 now that we have scheduled -- have any of you
18 done a protest hearing before?

19 MS. AGYEI: No.

20 CHAIR ANDERSON: No? All right.

21 MS. AGYEI: I have not.

22 CHAIR ANDERSON: All right. Now, that
23 we have scheduled this matter for a protest
24 hearing, there are a few things that I would like
25 to instruct you about, so that the protest

1 hearing is focused and addresses only those
2 issues that are being protested.

3 You either have already received or
4 will still be receiving an email from Imani
5 Moreland that contains a copy of the protest
6 information form, PIF, and a copy of the exhibit
7 form.

8 Both parties are required to complete
9 and submit the PIF and the exhibit form at least
10 seven days before the date of the hearing. If we
11 do not receive a copy of your forms seven days
12 before the hearing, your application or your
13 protest may be subject to dismissal. Likewise,
14 these documents not only need to be submitted to
15 ABRA, but to the opposing party as well.

16 Please note that these documents
17 greatly assist the Board in narrowing the protest
18 issues, facilitating the process, and keeping the
19 parties on point during the hearing.

20 Also, each side will have 90 minutes
21 to present their case. This includes all direct
22 and cross examination of witnesses.

23 The Board does not intend to hear
24 testimony on matters that are not relevant to
25 those issues that are being protested, nor will

1 the Board tolerate repetitive testimony. Anyone
2 have any questions?

3 MS. AGYEI: No.

4 CHAIR ANDERSON: We thank you for your
5 cooperation.

6 MS. AGYEI: Thank you.

7 CHAIR ANDERSON: If you have any
8 questions at any time leading up to the protest
9 hearing, please do not hesitate to contact AGC
10 April Randall at 202-442-4353. Ms. Randall is
11 here, she's an attorney for the Agency. If you
12 do not understand about the protest process, give
13 her a call, she'll provide you with instructions,
14 both side, instructions of what needs to be done.

15 The most important thing that I stated
16 this morning is seven days before the hearing,
17 you need to exchange documents with each side
18 sent to the Board. If we have a protest hearing
19 and if these documents are not exchanged, you
20 stand the possibility of the Board not listening
21 to your protest hearing.

22 Just want to make sure. Again, talk
23 to Ms. Randall if you don't understand the
24 process and she will provide both sides with the
25 guidance that you require. Okay?

1 MS. AGYEI: Thank you.

2 CHAIR ANDERSON: Have a great day and

3 --

4 MS. AGYEI: Thank you.

5 CHAIR ANDERSON: -- I will see you in
6 the new year. All right. Bye-bye.

7 MS. AGYEI: Bye.

8 MR. LEE: Thank you very much.

9 (Whereupon, the above-entitled matter
10 went off the record at 9:50 a.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p>A</p> <p>a.m 2:2 3:9 8:10 above-entitled 8:9 ABRA 6:15 Act 3:5 address 3:6 addressed 4:9 addresses 6:1 AGC 7:9 Agency 7:11 agreement 5:3 Agyei 1:23 3:19,20 4:1 4:17,24 5:13,19,21 7:3,6 8:1,4,7 Alcoholic 1:2,14,15 2:6 3:4 ALIYA 1:20 ANC 1:7,23 3:21,25 4:7 Anderson 1:16,19 2:3 2:14 3:17,23 4:5,13 4:19,25 5:14,20,22 7:4,7 8:2,5 APPLICANT 1:23 application 6:12 approach 3:12 approximate 3:8 April 7:10 area 3:22 5:9 assist 6:17 attendance 2:16 attorney 7:11 avoid 2:22</p>	<p>Change 1:9,10 clarify 4:6 Class 1:10 Columbia 1:1 2:5 come 2:24 Commissioner 3:21 4:7 community 5:5,7 complaints 3:6 complete 6:8 conduct 2:17 contact 7:9 contains 6:5 Control 1:2,14,15 2:6 3:4 cooperation 7:5 copy 6:5,6,11 correct 3:1 4:24 Crockett 1:20 2:10 cross 6:22</p>	<p>G</p> <p>give 7:12 governed 3:5 Government 3:7 greatly 6:17 group 3:20,24 4:4 guidance 7:25</p> <p>H</p> <p>hear 6:23 hearing 1:7,15 3:10 4:18,21,22 5:11,15,18 5:24 6:1,10,12,19 7:9 7:16,18,21 hesitate 7:9 Hope 1:7</p>	<p>matter 1:5 4:22 5:2,15 5:23 8:9 matters 4:8 6:24 mean 4:19,21 mediation 4:10,12,16 mediator 4:11,15 meeting 1:3 2:5 3:4 Meetings 3:5 Member 1:19,20,20,21 members 2:8,15 3:14 5:8 mention 2:18 met 1:15 Mila 1:6 3:15 minutes 6:20 Moreland 6:5 morning 2:3 3:14,17,18 3:19,23 7:16 move 4:18</p>
<p>B</p> <p>B 1:7,11 Beverage 1:2,14,15 2:6 3:4 Board 1:2,14 2:6,9,15 3:4,14 5:8 6:17,23 7:1 7:18,20 Bobby 1:19 2:11 Building 1:15 business 2:17 3:9 Bye 8:7 Bye-bye 8:6</p>	<p>D</p> <p>D.C 1:16 date 6:10 day 8:2 days 6:10,11 7:16 decisions 5:12 devices 2:20 direct 6:21 dismissal 6:13 dismissed 4:3 District 1:1 2:5 documents 6:14,16 7:17,19 Donovan 1:16,19 2:14 Dorcas 1:23 3:20 due 4:2</p>	<p>I</p> <p>identify 3:12 Imani 6:4 immediate 2:10,12 important 7:15 includes 6:21 information 6:6 initial 4:2 initially 4:1 instruct 5:25 instructions 7:13,14 intend 6:23 interruption 2:22 introduce 2:8 issue 4:11,16 issues 6:2,18,25</p>	<p>N</p> <p>N.W 1:15 name 2:14 3:2,15,16 narrowing 6:17 need 4:9 5:10 6:14 7:17 needs 7:14 new 1:6 3:11,16 8:6 note 3:8 6:16 November 1:13 2:7 Number 3:10,11</p>
<p>C</p> <p>call 7:13 called 2:25 case 1:8 2:24 3:10 6:21 Cato 1:19 2:11 cell 2:20 certain 2:21 CHAIR 2:3 3:17,23 4:5 4:13,19,25 5:14,20,22 7:4,7 8:2,5 Chairman 2:15 Chairperson 1:16,19</p>	<p>E</p> <p>either 6:3 electronic 2:20 email 6:4 ensure 3:1 examination 6:22 exchange 7:17 exchanged 7:19 exhibit 6:6,9</p>	<p>J</p> <p>James 1:20 2:12 January 4:23,25 5:16 JR 1:19,20</p>	<p>O</p> <p>Office 3:6 Open 3:5,7 opengovoffice@dc.g... 3:7 opinion 4:17 opposing 6:15 order 3:9</p>
	<p>F</p> <p>facilitating 6:18 far 2:9,11 first 2:19 3:9 five 2:15 3:24 focused 6:1 folks 4:20 form 6:6,7,9 forms 6:11 forward 2:24 found 4:11,15</p>	<p>K</p> <p>keeping 6:18 Kevin 1:23 3:15</p>	<p>P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 5:16 paggers 2:20 paper 2:23 particular 5:9 parties 3:12 6:8,19 party 6:15 phones 2:20 piece 2:23 PIF 6:6,9 please 2:21,25 3:1,3,5 3:13 6:16 7:9 point 6:19 position 5:1 possibility 4:20 7:20 preliminary 4:8</p>
		<p>L</p> <p>Lastly 3:3 leading 7:8 Lee 1:23 3:14,15,17,18 4:10,15 8:8 left 2:11,12 letter 4:3 License 1:8 3:11 Likewise 6:13 listening 7:20 live 5:5,7,8</p>	
		<p>M</p> <p>Market 1:6 3:11,16</p>	

<p> present 1:18,22 6:21 presiding 1:16 proceeding 2:22 process 6:18 7:12,24 protest 1:7 3:10,20 4:2 4:21,22 5:11,15,18,23 5:25 6:5,13,17 7:8,12 7:18,21 PROTESTANT 1:23 protested 6:2,25 protesting 3:24 provide 7:13,24 </p>	<p> started 2:19 state 5:5 stated 7:15 status 1:7 3:10 straight 4:18 Street 1:15 subject 6:13 submit 6:9 submitted 6:14 Substantial 1:9 Suite 1:16 </p>	<p> 15 4:23,25 5:16 19-PRO-00108 1:8 3:10 </p>
Q	T	2
<p> questions 3:6 7:2,8 quorum 2:16 </p>	<p> t/a 1:6 table 2:24,25 talk 4:20 7:22 testimony 6:24 7:1 thank 7:4,6 8:1,4,8 things 2:18 5:24 three 2:18 today 2:6,9,16 today's 3:3 tolerate 7:1 trade 3:16 turned 2:21 </p>	<p> 20 1:13 2:7 2000 1:15 20009 1:16 2019 1:13 2:7 202-442-4353 7:10 2020 4:23 5:16 25%B 1:10 </p>
R	U	3
<p> Rafi 1:20 2:10 Randall 7:10,10,23 reasons 5:4 receive 6:11 received 6:3 receiving 6:4 record 3:2,13 8:10 Reeves 1:15 regular 2:4 relevant 6:24 Rema 1:21 2:11 repetitive 7:1 represent 3:15 representing 3:20 4:4 require 7:25 required 6:8 resolve 4:12,16 Retailer 1:7,10,10 Road 1:7 Room 1:15 </p>	<p> understand 7:12,23 </p>	4
S	V	400S 1:16
<p> scheduled 2:5 4:22 5:15,17,23 SE 1:7 seat 2:25 Secondly 2:23 sent 7:18 settle 5:2,2 settlement 5:2 seven 1:6 3:11,16 6:10 6:11 7:16 she'll 7:13 Short 1:20 2:13 side 6:20 7:14,17 sides 7:24 sign 3:1 sorry 4:13 spelling 3:2 stand 7:20 </p>	W	5
	W	6
	X	7
	Y	8
	Z	8A 1:7,23
	0	9
	1	<p> 9:43 2:2 9:46 3:9 9:50 8:10 90 6:20 </p>
	<p> 1:30 5:16 11 3:21 113576 1:8 3:11 1406 1:7 14th 1:15 </p>	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: New Seven Market

Before: DCABRA

Date: 11-20-19

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com