

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: :
 :
 Provost, LLC :
 t/a Provost :
 2129 Rhode Island Ave NE :
 License #ABRA-108015 :
 Retailer Class CR :
 New Application :
 Case #17-PRO-00091 :

Monday, January 8, 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 11:13 a.m.

3 AGENT FLETCHER: Okay. Would the
4 parties in the matter of Provost, the parties in
5 the matter of Provost, please, come forward?
6 This is Case No. 17-PRO-00091, Provost, LLC, 2120
7 Rhode Island Avenue, N.E., License No. ABRA-
8 108015. This is a Retailer Class CR new
9 application.

10 Introductions beginning with the
11 Applicant, please?

12 MS. YOHANNES: Sidon Yohannes on
13 behalf of the Applicant.

14 AGENT FLETCHER: Ms. Yohannes, would
15 you spell your name for the record?

16 MS. YOHANNES: S-I-D-O-N Yohannes, Y-
17 O-H-A-N-N-E-S.

18 AGENT FLETCHER: Thank you very much.

19 MR. GILCHRIST: Irvin Gilchrist. I-R-
20 V-I-N G-I-L-C-H-R-I-S-T.

21 AGENT FLETCHER: Did you say Irvin?

22 MR. GILCHRIST: Irvin, I-R-V-I-N.

1 AGENT FLETCHER: Okay. That's what I
2 have got. Okay. Thank you.

3 And present on behalf of ANC-5C?

4 MS. ODUNSI: This is on behalf of ANC-
5 5C02.

6 AGENT FLETCHER: Is anyone present on
7 behalf of ANC-5C?

8 MS. ODUNSI: 5C07, I'm sorry. 5C07.

9 AGENT FLETCHER: But 5C?

10 MS. ODUNSI: Yes.

11 AGENT FLETCHER: You -- okay.

12 MS. ODUNSI: I'm Yolanda Odunsi. Y-O-
13 L-A-N-D-A O-D-U-N-S-I.

14 AGENT FLETCHER: Thank you, Ms.
15 Odunsi. Ms. Odunsi, did you put your contact
16 information on that sheet already?

17 MS. ODUNSI: This one is full.

18 AGENT FLETCHER: Oh, you can just flip
19 it over on the back.

20 MS. ODUNSI: Oh, okay.

21 AGENT FLETCHER: Yeah. Thank you.
22 Actually, I have -- you can put it there. I have

1 it here, too, I see.

2 MS. ODUNSI: Okay.

3 AGENT FLETCHER: But you can just put
4 it there just for the record.

5 MS. ODUNSI: Okay.

6 AGENT FLETCHER: It's 5co7@anc.dc.gov?

7 MS. ODUNSI: Yes.

8 AGENT FLETCHER: Thank you. Is anyone
9 present on behalf of the group of individuals?
10 There is a group of individuals as well in this
11 matter.

12 MS. PERRYMAN: Yes.

13 AGENT FLETCHER: A Group of 5 or More.

14 MS. PERRYMAN: We're right here.

15 AGENT FLETCHER: Thank you. Then you
16 can all come forward and stand right behind Ms.
17 Odunsi and just state your name and spell it for
18 the record. Okay. Mr. Mullone?

19 MR. MULLONE: Kevin Mullone, K-E-V-I-N
20 last name is Mullone, M-U-L-L-O-N-E.

21 AGENT FLETCHER: Thank you.

22 MS. PERRYMAN: Seleda Perryman.

1 AGENT FLETCHER: I'm sorry, you --

2 MS. PERRYMAN: S --

3 AGENT FLETCHER: -- the microphone is
4 right there between Mr. Mullone and Ms. Odunsi.

5 MS. PERRYMAN: Seleda Perryman. S, as
6 in Sam, E-L-E-D-A last name P, as in Paul, E-R-R-
7 Y-M-A-N.

8 AGENT FLETCHER: P-E-R?

9 MS. PERRYMAN: R-Y-M-A-N.

10 AGENT FLETCHER: Ms. Perryman, what's
11 your first name?

12 MS. PERRYMAN: Seleda.

13 AGENT FLETCHER: Seleda?

14 MS. PERRYMAN: Yeah, it might have SM
15 on there.

16 AGENT FLETCHER: Okay. Thank you.

17 MS. PERRYMAN: Um-hum.

18 MS. DEMPSEY: Mary Dempsey, M-A-R-Y
19 D-E-M-P-S-E-Y.

20 AGENT FLETCHER: Mary Dempsey?

21 MS. DEMPSEY: Yes.

22 AGENT FLETCHER: Thank you.

1 MS. JONES: Elmira Jones, E-L-M-I-R-A
2 J-O-N-E-S.

3 MS. BROWN: Ernestine Brown, E-R-N-E-
4 S-T-I-N-E B-R-O-W-N.

5 AGENT FLETCHER: Thank you.

6 MR. MONTAGUE: Jeremiah Montague, Jr.,
7 J-E-R-E-M-I-A-H Montague, M-O-N-T-A-G-U-E,
8 Junior.

9 AGENT FLETCHER: And you each signed
10 the Protest Letter?

11 MR. MONTAGUE: Yes.

12 AGENT FLETCHER: Thank you very much.
13 And, Ms. Odunsi, I see that you signed the
14 Protest Letter as well, so you would be counted
15 in this group.

16 MS. ODUNSI: Thank you.

17 AGENT FLETCHER: There are seven
18 individuals from the group that was -- that are
19 present, so the group is granted full standing as
20 a protestant.

21 So there are two protestants in this
22 matter: ANC-5C and a Group of 5 or More.

1 And what that means is that the -- at
2 the upcoming Status Hearing, only the designated
3 representative for the group of individuals need
4 to appear and that's you, Ms. Odunsi.

5 So you are representing ANC-5C and the
6 group of individuals?

7 MS. ODUNSI: Yes.

8 AGENT FLETCHER: And that is stated in
9 the Protest Letter for the group. I'm just
10 stating it for the record. But it also says that
11 either you or Mr. Mullone --

12 MS. ODUNSI: Yes.

13 AGENT FLETCHER: -- are the designated
14 representatives for the group of individuals.

15 MS. ODUNSI: Correct.

16 AGENT FLETCHER: So if either one of
17 you come or -- that will be fine.

18 We need to set a date for --

19 MS. YOHANNES: Before you do that,
20 preliminarily, regarding the ANC's Protest
21 Letter --

22 AGENT FLETCHER: Uh-huh.

1 MS. YOHANNES: -- I'm looking at the
2 letter dated December 25th.

3 AGENT FLETCHER: Um-hum.

4 MS. YOHANNES: I want to make a Motion
5 to Dismiss this protest --

6 AGENT FLETCHER: Um-hum.

7 MS. YOHANNES: -- based on the letter
8 not being sufficient. The ANC letter indicates
9 that a SMD meeting was conducted on November 30th
10 and that constituents voted. There was no public
11 meeting and no vote by the commissioners of the
12 ANC in this matter.

13 AGENT FLETCHER: Can you clarify that?
14 Can you respond to that, Ms. Odunsi?

15 MS. ODUNSI: Now, that's why I said
16 earlier that I'm representing ANC-5C07. It was
17 an SMD meeting. It was not --

18 AGENT FLETCHER: Oh, that's the point
19 you were making?

20 MS. ODUNSI: Right.

21 AGENT FLETCHER: Oh, if that's the
22 point you were making, let me -- that changes

1 things a bit.

2 MS. ODUNSI: Um-hum.

3 AGENT FLETCHER: Because what happens
4 a lot of times, the ANC is filing a protest, but
5 the Single Member District will still file the
6 protest, which is fine with us.

7 MS. ODUNSI: Um-hum.

8 AGENT FLETCHER: But if you are saying
9 that the Single Member District actually filed
10 the protest --

11 MS. ODUNSI: Um-hum.

12 AGENT FLETCHER: -- a Single Member
13 District cannot file a protest. It has to be an
14 ANC. A Single Member District person like you
15 can be a part of a group of individuals and you
16 are a part of the group --

17 MS. ODUNSI: Um-hum.

18 AGENT FLETCHER: -- so you are
19 accounted for in that group. But the SMD itself
20 cannot file a protest.

21 And so the protest filed by the -- by
22 SM -- by the -- by your Single Member District

1 5C07 is dismissed, just because an SMD doesn't
2 have standing to file a protest.

3 And, Ms. Yohannes, thanks for
4 clarifying that, because we see protests all the
5 time where it's filed by the ANC, but the SMD
6 might sign the letter and that's okay with us.

7 So the Single Member District protest
8 is actually dismissed.

9 Any questions about that, Ms. Odunsi?
10 Any questions about that?

11 MS. ODUNSI: Yeah, but the Group of
12 five or more?

13 AGENT FLETCHER: Stands.

14 MS. ODUNSI: Okay.

15 AGENT FLETCHER: Yes.

16 MS. YOHANNES: Also regarding the
17 group of five or more, I just want to clarify.

18 AGENT FLETCHER: Um-hum.

19 MS. YOHANNES: So I received the
20 petition as well as there is two sort of forms of
21 signatures, so maybe you can clarify this as
22 well. I just want it to be on record that those

1 that are protesting this application --

2 AGENT FLETCHER: Um-hum.

3 MS. YOHANNES: -- it's just what has
4 been marked as Petition to Protest Provost, not
5 the additional Single Member District meeting
6 signature sheet.

7 MR. MULLONE: That's just showing that
8 there was a meeting.

9 MS. ODUNSI: Yeah, that's --

10 MS. YOHANNES: Right.

11 MR. MULLONE: And the people who were
12 present.

13 MS. YOHANNES: Okay. It looked as if
14 it was all attached as one, so I didn't want
15 these signatures to also be added to the group.

16 MS. ODUNSI: No, no, I think the --

17 MS. YOHANNES: Okay.

18 MS. ODUNSI: -- signatures are what
19 was on the protest when people were signing.

20 MS. YOHANNES: That's what I thought.
21 I just wanted to --

22 MS. ODUNSI: Right.

1 MS. YOHANNES: -- clarify --

2 AGENT FLETCHER: You're correct.

3 MS. YOHANNES: -- the way I received
4 it from the from the --

5 AGENT FLETCHER: You're correct.

6 MS. ODUNSI: Right.

7 AGENT FLETCHER: Yeah, the way it came
8 to you it was all -- yeah.

9 MS. YOHANNES: Okay.

10 AGENT FLETCHER: Thank you for
11 clarifying that.

12 We need to schedule a date for a
13 mediation, Status Hearing and Protest Hearing.
14 I'll give you the date for the Status and Protest
15 Hearing first.

16 The date for the Status Hearing is
17 February 7, February 7, 2018 at 9:30 a.m.

18 The Protest Hearing is set for March
19 the 7, 2018 at 4:30.

20 MS. ODUNSI: What day of the week is
21 that?

22 AGENT FLETCHER: Oh, it's going to be

1 a Wednesday. Uh-huh, February 7 and March 7 are
2 Wednesdays.

3 If you can come forward, you can state
4 your name into the record and --

5 MR. MONTAGUE: Oh, Jeremiah Montague,
6 Jr. I had a question about the status.

7 AGENT FLETCHER: Can you state your
8 name for the record, please?

9 MR. MONTAGUE: Jeremiah Montague, Jr.

10 AGENT FLETCHER: Thank you.

11 MR. MONTAGUE: Okay. We couldn't hear
12 you, so the status date is February the 7th?

13 AGENT FLETCHER: Yeah, thank you. The
14 Status Hearing is February 7.

15 MR. MONTAGUE: At what time?

16 AGENT FLETCHER: At 9:30 a.m.

17 MR. MONTAGUE: Cool.

18 AGENT FLETCHER: And the Protest
19 Hearing is March the 7th.

20 MR. MONTAGUE: At 4:30?

21 AGENT FLETCHER: At 4:30 p.m.

22 MR. MONTAGUE: Okay.

1 AGENT FLETCHER: And just so that you
2 know for the -- at the Status Hearing --

3 MR. MONTAGUE: I'll need --

4 AGENT FLETCHER: -- yes, you can come
5 if you want. I just wanted you to know you are
6 not required to come if you have a designated
7 representative, but you can come if you want.

8 MR. MONTAGUE: Okay.

9 AGENT FLETCHER: That's just so you
10 know.

11 MR. MONTAGUE: Okay.

12 AGENT FLETCHER: And the same thing
13 for the mediation, we are going to set a date for
14 mediation. The designated representative is
15 expected to appear. You don't have to come to
16 that either, because you designated a
17 representative to speak on your behalf. But you
18 are welcome to come, of course, because you are a
19 protestant.

20 But you won't need to appear at the
21 Status Hearing, because full standing has already
22 been granted to your group. You can come if you

1 want though. I just wanted to let you know that
2 it is a public hearing, you are welcome to come
3 as a protestant, because you filed a protest.

4 MR. MONTAGUE: Huh?

5 AGENT FLETCHER: I said you are
6 welcome to come to the Status Hearing. I was
7 making sure you knew that you didn't have to come
8 to the Status Hearing.

9 MR. MONTAGUE: Oh, I understand.

10 AGENT FLETCHER: Oh, okay.

11 MR. MONTAGUE: I'm cool.

12 AGENT FLETCHER: Okay.

13 MR. MONTAGUE: So now we need to
14 schedule a mediation date?

15 AGENT FLETCHER: Yes. So the next
16 available date for mediation is January 30,
17 that's a Tuesday, at 9:00, 10:00 or 11:30.
18 That's on a Tuesday.

19 MS. YOHANNES: I'm sorry, one second.

20 AGENT FLETCHER: Does that work for
21 you, Ms. Yohannes?

22 MS. ODUNSI: What time again? I'm

1 sorry.

2 AGENT FLETCHER: Hum?

3 MS. ODUNSI: The dates you said?

4 AGENT FLETCHER: Oh, it's Tuesday,
5 January 30.

6 MS. ODUNSI: January 30th.

7 AGENT FLETCHER: January 30 at 9:00,
8 10:00 or 11:30.

9 MS. ODUNSI: 11:30 works better for
10 me.

11 MR. GILCHRIST: 11:30 is good for me.

12 AGENT FLETCHER: Mr. Mullone?

13 MR. MULLONE: Yes?

14 AGENT FLETCHER: Would that be good
15 for you?

16 MR. MULLONE: Yes.

17 AGENT FLETCHER: Ms. Yohannes, is that
18 good for you, 11:30 on January 30?

19 MS. YOHANNES: Yes, I'll say yes. If
20 I need to change it, I'm sorry, I'll contact you.

21 AGENT FLETCHER: Okay.

22 MS. YOHANNES: But 11:30 is fine.

1 AGENT FLETCHER: All right. Mediation
2 is set for January 30 at 11:30.

3 Any questions at all? See you then.

4 MS. YOHANNES: Thank you.

5 AGENT FLETCHER: Thank you for coming.

6 (Whereupon, the Roll Call Hearing was
7 concluded at 11:27 a.m.)

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Before: DCABRA

Date: 01-08-18

Place: Washington, DC

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Court Reporter

NEAL R. GROSS

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