

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:

The VIP Room, LLC  
t/a The VIP  
6201 Third Street, N.W.  
License #ABRA-94561  
Retailer CT - New  
Application  
Case #14-PRO-00038

MONDAY, JUNE 9, 2014

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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.

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

(10:03 a.m.)

MS. FLETCHER: Would the parties  
in the matter of The VIP please come forward.  
The parties in the matter of The VIP.

This is Case No. 14-PRO-00038.  
The VIP Room, LLC, Trading as The VIP, 6201  
Third Street, N.W., License No. ABRA-94561.

This is a retailer CT new  
application. The protest issues are adverse  
impact on peace, order and quite.

My name is LaVerne Fletcher. I am  
conducting the roll call hearing as the  
Board's Agent, pursuant to D.C. Official Code  
1601.2.

Introductions, beginning with the  
Applicant, please.

MR. BIANCO: Good morning, Ms.  
Fletcher. Richard Bianco. Good morning, Ms.  
Fletcher. For the record, Richard Bianco on  
behalf of the Applicant The VIP Room.

With me I have Bo Sampson,

1 Principal of VIP Room, LLC.

2 MS. FLETCHER: And, Mr. Bianco,  
3 would you spell your name for the court  
4 reporter.

5 MR. BIANCO: Absolutely. B-i-a-n-  
6 c-o.

7 MS. FLETCHER: And did you say Bo  
8 Sampson.

9 MR. BIANCO: Bo Sampson.

10 MS. FLETCHER: B-o Sampson?

11 MR. BIANCO: Yes, ma'am.

12 MS. FLETCHER: Okay. Thank you  
13 very much.

14 And present on behalf of ANC --  
15 ANC 4B?

16 MR. AUSTIN: This is Ron Austin,  
17 ANC 4B06.

18 MS. FLETCHER: Thank you, Mr.  
19 Austin. And then there is a group of -- I  
20 counted 23, but there is a group of  
21 individuals, so if you could just stand behind  
22 the microphone on the table and state your

1 name and spell it for the record.

2 MS. STEHL: My name is Phyllis  
3 Stehle. It is P-h-y-l-l-i-s, S-t-e-h-l-e.

4 MS. FLETCHER: Thank you.

5 MR. STEHLE: My name is James  
6 Stehle. Do you want the spelling?

7 MS. FLETCHER: Yes. S-t-e-h-l-e?

8 MR. STEHLE: Yes.

9 MS. FLETCHER: Thank you.

10 MR. COTTON: Good morning, my name  
11 is Michael R. Cotton, M-i-c-h-a-e-l, C-o-t-t-  
12 o-n, last name.

13 COURT REPORTER: Would you say  
14 that again.

15 MR. COTTON: M-i-c-h-a-e-l, middle  
16 initial R, Last name, C-o-t-t-o-n.

17 I also have two letters for --

18 MS. FLETCHER: I will take those.  
19 Thank you, Mr. Cotton.

20 MR. COTTON: You are welcome.

21 MS. FLETCHER: I have letters from  
22 Suzanne Grinnan, S-u-z-a-n-n-e, Grinnan, G-r-

1 i-n-n-a-n.

2 Ms. Grinnan is designating Michael  
3 Cotton as her representative.

4 I have a letter from Yolande  
5 Cotton, spelled Y-o-l-a-d-e, last name Cotton,  
6 C-o-t-t-o-n, designating Michael Cotton as her  
7 representative. Thank you.

8 Next.

9 MS. PECK: Jill Peck, J-i-l-l, P-  
10 e-c-k.

11 MS. FLETCHER: Thank you.

12 MR. SINCLAIR: Good morning. Ted  
13 Sinclair, T-e-d is the first name. Sinclair,  
14 S-i-n-c-l-a-i-r.

15 MS. FLETCHER: Thanks.

16 MR. OLIVER: Good morning. Ian  
17 Oliver, I-a-n, O-l-i-v-e-r. Oliver is the  
18 last name. I have a letter on behalf of my  
19 wife, Polly Oliver. H-o-l-l-y.

20 MS. FLETCHER: I have a letter of  
21 designation from Holly Oliver, designating Ian  
22 Oliver as her representative.

1 MR. FERRARI: Good morning.

2 Jonathan Ferrari, F-e-r-r-a-r-i. I have a  
3 letter on behalf of my wife, Megan Fitzgerald,  
4 as well.

5 MS. FLETCHER: I will take that.

6 Yes. Thank you.

7 I have a letter of designation  
8 from Megan Fitzgerald. Megan is spelled M-e-  
9 g-a-n. Designating Jonathan Ferrari as her  
10 designated representative.

11 MR. CAVANAUGH: Good morning. My  
12 name is Clyde Cavanaugh, C-l-y-d-e, C-a-v-a-n-  
13 a-u-g-h.

14 MS. FLETCHER: Thank you. Is that  
15 everybody?

16 (No verbal response.)

17 MS. FLETCHER: Okay. Thank you  
18 very much. You can have a chair. So, I  
19 assuming that everyone present signed the  
20 letter, protest letter?

21 MR. CAVANAUGH: No.

22 MS. FLETCHER: Is there someone

1 who did not sign that protest letter? And  
2 your name, sir?

3 MR. CAVANAUGH: Clyde Cavanaugh.

4 MS. FLETCHER: Mr. Cavanaugh, if  
5 you did not sign the protest letter, you  
6 cannot be recognized as a protestant, but if  
7 the matter goes forward for a protest hearing,  
8 you can be a witness if they will designate  
9 you as a witness during the hearing.

10 MR. CAVANAUGH: Can I still remain  
11 and just observe?

12 MS. FLETCHER: Only if you want.

13 MR. CAVANAUGH: Okay. Thanks.

14 MS. FLETCHER: Yes.

15 So, Cavanaugh is -- he is not a  
16 participant in this matter because he did not  
17 sign the protest letter.

18 Would the designated  
19 representatives come to the table. Jill Peck  
20 is a designated representative. Ted Sinclair  
21 is a designated representative.

22 Actually, either of you or all, if

1       you can come.

2                   James -- how do you pronounce your  
3 last name, James?

4                   MR. STEHLE: Stehle.

5                   MS. FLETCHER: -- Stehle is a  
6 designated representative. Ian Oliver is a  
7 designated representative and Michael Cotton  
8 is a designated representative.

9                   You can all come forward and have  
10 a seat at the table, or any one of you. I  
11 just need a designated representative from the  
12 group.

13                   Okay. That will be fine. Thank  
14 you. And you are?

15                   MR. SINCLAIR: Ted Sinclair.

16                   MS. FLETCHER: You are Ted  
17 Sinclair. Okay. So, Mr. Sinclair, what we  
18 want is, we have a list of designated  
19 representatives for your group, but we want is  
20 one in particular that we could communicate  
21 with directly.

22                   Would that be you? Is that okay

1 with all the other designated representatives?

2 MS. SINCLAIR: Yes.

3 MS. FLETCHER: Is that okay with  
4 the rest of the group?

5 The reason we want just one person  
6 is so that we can just reach out to one  
7 persons, if necessary, and we know for the  
8 record that if, for some reason, you can't  
9 come, all the other designated representatives  
10 can step forward on behalf of the group.

11 So, Mr. Sinclair, on that sign-in  
12 sheet on the table, would you put your contact  
13 information.

14 MR. SINCLAIR: Yes, ma'am.

15 MS. FLETCHER: Thank you.

16 Your group of 23 -- I counted 23.  
17 Your group does have standing as a protestant  
18 because at least five of you are present  
19 today.

20 That means that at the upcoming  
21 status hearing, only one of the designated  
22 representatives need to appear, so your group

1 has been granted full standing today as  
2 protestants.

3 You may be seated. I will just  
4 deal with Mr. Sinclair for now.

5 We need to set a date for a  
6 mediation, a status hearing and a protest  
7 hearing.

8 MR. BIANCO: Ms. Fletcher.

9 MS. FLETCHER: yes.

10 MR. BIANCO: If I may, for the  
11 record.

12 MS. FLETCHER: Yes.

13 MR. BIANCO: We object to standing  
14 being granted to any of the named 23  
15 protestants that are either not presently  
16 present or have not delivered a letter of  
17 agency to one of the people that are present.

18 I count eleven people --

19 MS. FLETCHER: Yes.

20 MR. BIANCO: -- that were present  
21 were represented.

22 MS. FLETCHER: Yes.

1                   MR. BIANCO:  And, out of the 23,  
2  we would ask that the remainder be dismissed.

3                   MS. FLETCHER:  Mr. Bianco, you are  
4  -- you are correct about that.  The -- the  
5  standing will be granted.  I did say that  
6  there was a group of 23, and that -- that is  
7  correct, that you started off as a group of  
8  23.

9                   The -- all protestants received  
10 letters saying that if you -- you either have  
11 to come in person or to designate a  
12 representative or your protest will be  
13 dismissed without prejudice, and so standing  
14 will be granted to the individuals present, or  
15 the ones of the designated representatives,  
16 which means we now have a group of eleven.

17                   MR. BIANCO:  That is what I get.  
18  Eleven.

19                   MS. FLETCHER:  Yes.

20                   MR. BIANCO:  Okay.

21                   MS. FLETCHER:  So, thank you for  
22  reminding me of that, Mr. Bianco.

1 MR. SINCLAIR: Excuse me, though.

2 When we turned in our petition --

3 MS. FLETCHER: Yes.

4 MR. SINCLAIR: -- our page listing  
5 the five as the representatives --

6 MS. FLETCHER: Yes.

7 MR. SINCLAIR: -- it clearly  
8 states in the following are served -- are to  
9 serve as designated representatives for the  
10 group.

11 MS. FLETCHER: Let me take a look  
12 at that.

13 MR. BIANCO: Respectfully, it  
14 doesn't say that. It says, "Official contact  
15 information." It doesn't say anything about  
16 designation.

17 MS. FLETCHER: Well, you know what  
18 happened, Mr. Bianco, just so you know, there  
19 is a -- there is one -- the document that you  
20 have, Mr. Bianco, is the one that I originally  
21 saw.

22 MR. BIANCO: Right.

1 MS. FLETCHER: And I asked Tesha  
2 Anderson to -- she received a phone call from  
3 somebody from the group of 23 and she wanted  
4 to know if that letter that you are referring  
5 to, Mr. Bianco, be accepted as a letter of  
6 designation, and I told her no, that the group  
7 would have to submit a statement designating  
8 representatives, not contact people.

9 MR. BIANCO: Sure.

10 MS. FLETCHER: And so, they did  
11 that. She didn't send you a copy of it. I  
12 have it right here.

13 MR. BIANCO: Right.

14 MS. FLETCHER: So, here is a --

15 MR. BIANCO: If I could just  
16 reserve my rights to move to dismiss.

17 MS. FLETCHER: Yes.

18 And I will just read for the  
19 record the additional statement that the group  
20 sent. It says, "The following are to serve as  
21 designated representatives for our petition."

22 And then the names of the

1 designated representatives are listed. But  
2 then --

3 MR. BIANCO: Is that signed by the  
4 entire group of 23?

5 MS. FLETCHER: Yes. They attached  
6 it.

7 MR. BIANCO: Well, I understand  
8 they attached -- my point would be --

9 MS. FLETCHER: Yes.

10 MR. BIANCO: -- they went around  
11 and circulated a petition saying, "I am  
12 against this."

13 MS. FLETCHER: Yes.

14 MR. BIANCO: They submitted it.

15 MS. FLETCHER: Yes.

16 MR. BIANCO: And then they were  
17 informed by Board that that wasn't sufficient,  
18 to designate five people as representatives.

19 MS. FLETCHER: Yes.

20 MR. BIANCO: And then, without  
21 going back to the 23 people --

22 MS. FLETCHER: Yes.

1                   MR. BIANCO:  -- they submitted a  
2 piece of paper that says "I am the designated  
3 representative."

4                   MS. FLETCHER:  That is right.

5                   MR. BIANCO:  That is not a  
6 designation as a representative.

7                   MS. FLETCHER:  You are right about  
8 that.

9                   MR. BIANCO:  Yes.

10                  MS. FLETCHER:  And so Mr. Bianco  
11 objects to you being recognized as designated  
12 representatives because your statement  
13 designating representatives is not signed by  
14 all the petitioners.

15                  What I have done for the purpose  
16 of roll call is to accept it, but Mr. Bianco  
17 is opposed to it, and so he may object to that  
18 official --

19                  MR. BIANCO:  I will submit a  
20 motion.  That would probably be the  
21 appropriate --

22                  MS. FLETCHER:  Yes.  He is going

1 to submit a motion, file a motion to dismiss  
2 the group of eleven because the letter  
3 designating your representatives was not  
4 signed by all the parties.

5 MR. BIANCO: And, Ms. Fletcher,  
6 may I have a copy of the supplemental  
7 information I didn't receive?

8 MS. FLETCHER: Yes. Yes. Any  
9 questions about that, Mr. Sinclair?

10 MR. SINCLAIR: Well, we were told  
11 by your -- by your agency that this would be  
12 sufficient. So, without having had any  
13 follow-up or any opportunity to go ahead, I  
14 would have had time to go back and get the  
15 signatures of the additional people, having  
16 known that that was necessary.

17 MS. FLETCHER: I understand what  
18 you mean. If Mr. -- if Mr. Bianco decides to  
19 file a motion to dismiss your group, that  
20 would be your response to the motion, that the  
21 staff didn't advise you that you needed to go  
22 back and get the signatures.

1                   And then the Board -- the ABC  
2 Board will decide whether or not you should  
3 maintain your standing as protestants.

4                   For the purpose of roll call, I am  
5 going to give you standing. The Board can  
6 decide to dismiss the protest based on Mr.  
7 Bianco's motion or not.

8                   MR. SINCLAIR: All right.

9                   MS. FLETCHER: If you have a  
10 question, you need to come up to the  
11 microphone and state your name and spell it  
12 for the record. Oh, just state it at this  
13 point.

14                  MR. COTTON: I am Michael Cotton  
15 again. You mentioned that Mr. Bianco is going  
16 to file a motion to dismiss the group.

17                  MS. FLETCHER: Yes.

18                  MR. COTTON: And file a motion to  
19 dismiss the -- all the remaining, other than  
20 the eleven. Eleven are present, so you can't  
21 dismiss the entire group.

22                  The balance of people who aren't

1 here can be dismissed based on what you just  
2 ruled, but not the entire group. Eleven are  
3 represented today.

4 MR. BIANCO: We are going to  
5 submit a motion and they will have the  
6 opportunity to respond and the Board can rule.

7 MR. COTTON: I just wanted that to  
8 be part of the record.

9 MS. FLETCHER: I understand.

10 There are one, two, three, four --  
11 there are eleven individuals present today, or  
12 represented. So, there are eight individuals  
13 present today, and there are three letters of  
14 designation, for a total of eleven.

15 So, the eleven are granted  
16 standing today. The remainder of what we are  
17 talking about, the remainder are not granted  
18 standing today because they are not present  
19 and they did not file letters of designation.

20 And what you are saying, Mr.  
21 Sinclair, is that if you had known that would  
22 have gotten signatures from all the others.

1                   MR. SINCLAIR: It is not that I  
2                   didn't know, it is that I was specifically  
3                   told that it wasn't necessary.

4                   MS. FLETCHER: Oh, I know. That  
5                   is what I --

6                   MR. SINCLAIR: All right.

7                   MS. FLETCHER: We are saying the  
8                   same thing. If you had been informed of that,  
9                   as opposed to just submitting the statement,  
10                  you would have had all of the other  
11                  individuals to sign this letter of  
12                  designation, but that is not what you were  
13                  told.

14                  MR. SINCLAIR: Exactly.

15                  MS. FLETCHER: I understand.

16                  MR. SINCLAIR: Okay.

17                  MS. FLETCHER: I understand  
18                  exactly what you mean.

19                  So, we have a group of eight that  
20                  are present and three that have submitted  
21                  letters of designation, and those three signed  
22                  the protest letter.

1                   Yes, sir, if you would just come  
2 up to the microphone and state your name.

3                   MR. OLIVER: Ian Oliver, again. I  
4 would like to know what the time frame will be  
5 if the motion is submitted. How we will be  
6 notified, how long it will take to be notified  
7 and how much time we will have based on that  
8 notification.

9                   MS. FLETCHER: When Mr. Bianco  
10 files his motion, I am assuming that he will  
11 do that as soon as possible. ASAP. Whenever  
12 he does it, you will know.

13                   There is no time frame for his to  
14 file his motion to dismiss, but the case is  
15 going to move on through the process.

16                   So, Mr. Bianco, if you wanted to  
17 respond to that, you can, but we don't have a  
18 time frame for Mr. Bianco to submit his  
19 motion, but I assume he would do it before the  
20 case moves forward.

21                   MR. OLIVER: But if it is  
22 submitted the day before the hearing,

1 obviously that doesn't give us time to  
2 respond.

3 MS. FLETCHER: Yes. Mr. Bianco,  
4 do you want to respond?

5 MR. BIANCO: Well, I can't give  
6 legal advice to the -- to the petitioners.

7 MS. FLETCHER: Yes. You -- it  
8 will be -- it will be timely. I am pretty  
9 sure that it will be timely-filed. We don't  
10 have a time frame.

11 MR. OLIVER: Okay. I understand  
12 that.

13 MS. FLETCHER: yes.

14 MR. OLIVER: We were -- my concern  
15 is we were never notified of things in a  
16 proper manner to begin with, except for the  
17 response to our petition.

18 So, I am concerned that the 23  
19 that we are speaking on behalf of have their  
20 opportunity to have their voices heard on the  
21 record.

22 MS. FLETCHER: You will have an

1 opportunity to heard your voices heard on the  
2 record and also, for the record, each person  
3 that filed a protect actually did receive  
4 proper notice.

5 The proper notice told each  
6 individual who filed a protest that they  
7 either needed to be here or to designate a  
8 representative. That was the initial notice  
9 to everyone. You either be here personally,  
10 or designate a representative. So, everybody  
11 got that notice.

12 So, proper notice was given. What  
13 happens beyond that point we sort it all out  
14 during roll call.

15 But the group of eleven is granted  
16 standing.

17 MR. OLIVER: Right. I understand  
18 that.

19 MS. FLETCHER: And so, if the ABC  
20 Board decides to not grant standing to the  
21 remainder, you still have your group of eleven  
22 who can speak on behalf of the ones who were

1 not granted standing.

2 MR. OLIVER: I have a question if  
3 I may. If the remaining members of the group  
4 wish to have -- to be officially represented,  
5 can we file a motion to represent them?

6 MS. FLETCHER: It depends on what  
7 the Board decides first. First the Board has  
8 to decide whether or not to grant them  
9 standing. If the Board decides not to grant  
10 the remaining individuals standing as  
11 protestants, then you can speak on their  
12 behalf throughout this process, but they will  
13 not be recognized as protestants in this  
14 matter, although your group can speak on  
15 behalf of the individuals that were not  
16 granted standing.

17 I mean, you can talk to us about  
18 their interest and concerns. Maybe you are  
19 all concerned about the same type of petition,  
20 so you can still put their issues forward, but  
21 they will not be recognized as protestants.

22 As of today, just the eleven are

1 recognized as protestants.

2 MR. OLIVER: Based on his motion?

3 MS. FLETCHER: Well, it doesn't  
4 have to be based on his motion, that is  
5 something I -- he --

6 MR. OLIVER: Okay.

7 MS. FLETCHER: That -- that --  
8 what he said is correct.

9 MR. OLIVER: Right. Okay. I just  
10 wanted to get that --

11 MS. FLETCHER: Yes. That is not  
12 based on a motion. That is based on Mr.  
13 Bianco actually bringing that to my attention.  
14 That is the proper ruling in this case, that  
15 eleven are granted standing today.

16 The motion would be to dismiss the  
17 others that are not here.

18 And so we have two protestants in  
19 this matter. We have ANC 4B and a group of  
20 eleven.

21 MR. AUSTIN: I have a question for  
22 you. Ron Austin.

1 MS. FLETCHER: Yes.

2 MR. AUSTIN: The other 12 is never  
3 being recognized that -- though may not be  
4 recognized at the Board. Do they have a  
5 period of time that they can -- so many days  
6 that they can file and become protesters.

7 MS. FLETCHER: Well, once Mr.  
8 Bianco files his motion to dismiss them, you  
9 will receive -- the protestants will receive  
10 a copy of that order, a copy of the motion.

11 MR. AUSTIN: Okay.

12 MS. FLETCHER: And once the Board  
13 issues an order making a decision, the  
14 protestants will also receive a copy of that  
15 order.

16 So, you will be kept informed  
17 through the entire process. So, Mr. Bianco  
18 will provide a copy of the motion to dismiss  
19 to ANC 4B and Mr. Sinclair, you are  
20 representing the group -- I know there are  
21 other designated representatives, but you are  
22 the primary representative today.

1                   So, the designated representatives  
2 will receive a copy of the motion to dismiss  
3 and a copy of the Board's decision about  
4 whether or not to grant standing to the other  
5 12.

6                   MR. AUSTIN: All right.

7                   MS. FLETCHER: And the only point  
8 that I was making is that the interest of the  
9 other 12 could still be represented because  
10 there is a group of eleven that is  
11 outstanding.

12                  MR. AUSTIN: Right. Okay.

13                  MS. FLETCHER: Anything?

14                  MR. AUSTIN: Okay. I'm fine.

15                  MS. FLETCHER: So we need to set a  
16 date for a status hearing, protest hearing and  
17 a date for a mediation.

18                         I am going to give you the dates  
19 for the status hearing and protest hearing  
20 first. There is a status hearing scheduled  
21 for June 25, 2014 at 9:30.

22                         There is a protest hearing

1 scheduled for July 30, 2014 at 1:30 p.m.

2 The purpose of the status hearing  
3 is to inform the Board with respect to the  
4 results of mediation.

5 And let me say this, because we  
6 have an ANC and a group of individuals. The  
7 purpose of mediation is to attempt to reach a  
8 settlement agreement to resolve the protest  
9 issues.

10 If a settlement agreement is  
11 reached with the ANC and the Board approves  
12 it, the Board will dismiss the group of  
13 individuals because the ANC is -- they are  
14 giving great weight in their considered --  
15 recognized as a representative for the entire  
16 community.

17 Anybody have any questions about  
18 that?

19 (No verbal response.)

20 MS. FLETCHER: We need to set a  
21 date for mediation to occur prior to June 25.  
22 If anyone is available, Friday, June 13 is

1 available for mediation. If that is too soon,  
2 I will move to the following week?

3 MR. BIANCO: I can't do it.

4 MS. FLETCHER: The next available  
5 day. Keep moving. Okay. The next available  
6 day is Tuesday, June 17 at 11:30. Is that  
7 good for anyone?

8 MR. BIANCO: I am available on --

9 MS. FLETCHER: You are available  
10 at that time.

11 Is that good for you, Mr.  
12 Sinclair? Mr. Austin?

13 MR. AUSTIN: Yes.

14 MS. FLETCHER: So, mediation is  
15 set for Tuesday, June 17 at 11:30. Yes.

16 MR. STEHLE: James Stehle. I just  
17 have a question about what you said about  
18 mediation and the agreement that the ANC and  
19 the Applicant could come up with that that  
20 would be sufficient and then the group would  
21 be dismissed.

22 What if the group was not

1 satisfied or had a reason to disagree with  
2 that agreement?

3 MS. FLETCHER: Yes. That is not  
4 an option for the -- for the group. What you  
5 can always do, though, if the ANC enters into  
6 an agreement that you are not satisfied with,  
7 you can always bring your concerns to the  
8 attention of the ABC Board.

9 But the regulations were changed  
10 about a year ago, so that once an ANC enters  
11 into a settlement agreement, then if there are  
12 any individuals in a protest group the, the  
13 Board dismisses the group of individuals,  
14 unless the individuals are abutting property  
15 owners, meaning they share a property line or  
16 a common wall.

17 MR. STEHLE: And then what would  
18 happen then?

19 MS. FLETCHER: Well, then, you  
20 would make that -- your -- the protest filed  
21 by this group of individuals did not claim to  
22 be abutting property owners, and so that is

1 not a claim that was made initially.

2 If there are any protestants in  
3 your group who are abutting property owners  
4 and you want to make a case for not being  
5 dismissed because you are abutting, the Board  
6 would have to decide whether or not to accept  
7 that because you did not claim to be abutting  
8 in your original protest letter and you did  
9 not claim to be abutting by the petition  
10 deadline.

11 But that would be a decision for  
12 the Board to make.

13 MR. STEHLE: Okay. Thank you.

14 MS. FLETCHER: You are welcome

15 MS. PECK: I am that abutting  
16 owner.

17 MS. FLETCHER: And your name?

18 MS. PECK: Jill Peck.

19 MS. FLETCHER: And your name?

20 MS. PECK: Jill Peck.

21 MS. FLETCHER: So, Ms. Peck, you  
22 are an abutting property owner?

1 MS. PECK: Yes.

2 MS. FLETCHER: And you share a  
3 common wall. How do you abut?

4 MS. PECK: Alley.

5 MS. FLETCHER: Okay. So, what you  
6 would do, if you want to -- I mean, you could  
7 wait and see if the Board grants Mr. Bianco's  
8 motion to dismiss the other twelve.

9 MS. PECK: Yes.

10 MS. FLETCHER: And if they do, if  
11 you want to then make a claim that you are an  
12 abutting property owner and you want to be  
13 granted standing, the Board would have to  
14 decide whether or not to grant you standing  
15 because that is not a claim that you made at  
16 the beginning, and when you file a protest,  
17 there is a deadline which to file a protest,  
18 and the Board would have to decide if it is  
19 willing to accept that after the petition  
20 deadline.

21 But you can -- you can --

22 MS. PECK: Does the Board taken

1       into account how complicated this stuff is  
2       when they -- when they decide to grant --

3                   MR. STEHLE:   Yes.   Just curious.

4                   MS. FLETCHER:  If they take into  
5       consideration --

6                   MS. PECK:   How complicated all  
7       this is.

8                   MS. FLETCHER:  Well, the initial  
9       notice tells -- you are here.

10                  MS. PECK:   Yes.

11                  MS. FLETCHER:  And you are -- you  
12       are in a standing.

13                  MS. PECK:   Yes.

14                  MS. FLETCHER:  I mean, you are  
15       granted standing already.

16                  MS. PECK:   No.

17                  MS. FLETCHER:  You are part of the  
18       group of eleven.  So, you are already granted  
19       standing.

20                  MS. PECK:   Down the road, I might  
21       --

22                  MS. FLETCHER:  Yes, down the road.

1 MS. PECK: I might need to assert  
2 my status differently?

3 MS. FLETCHER: Yes. Down the road  
4 for the purpose of this case, you are already  
5 a protestant.

6 MS. PECK: Right.

7 MS. FLETCHER: So you won't have  
8 to make any claim. You are already a  
9 protestant. But, down the road, if you want  
10 to assert yourself as an abutting property  
11 owner, you could file your protest.

12 Like take this case as an example.  
13 You could file a protest as an abutting  
14 property owner and you could also sign the  
15 protest letter with the other group, so that  
16 --

17 MS. PECK: So do I do that now or  
18 later?

19 MS. FLETCHER: No. You don't have  
20 to do it at all. You are already a  
21 protestant. There is nothing you need to do.

22 MS. PECK: Okay.

1 MS. FLETCHER: So you are -- you  
2 are already a party.

3 MS. PECK: Thank you.

4 MS. FLETCHER: You are welcome.

5 MR. AUSTIN: I have another  
6 question. Ron Austin. On the 17th is the day  
7 I am going to try to bring the groups together  
8 to try to see what kind of agreement we might  
9 be able to reach. Is it another day we could  
10 do the mediation?

11 I know that has to be done before  
12 25th.

13 MS. FLETCHER: Yes. We could do  
14 it on the 18th. Or we could do it on the 19th  
15 at 11:30.

16 MR. AUSTIN: You would be good for  
17 the 19th?

18 MR. BIANCO: The 19th I can't do.  
19 18th I can do. I have a ten a.m. in D.C.  
20 Superior Court that I have to work around on  
21 the 18th.

22 MS. FLETCHER: We could also do it

1 on the 24th. That is one day before the  
2 status hearing, but we could do it on the  
3 24th.

4 MR. BIANCO: The 24th is much  
5 better for me.

6 MS. FLETCHER: Is that good, Mr.  
7 Austin and Mr. Sinclair?

8 MR. AUSTIN: That is fine with me.

9 MR. SINCLAIR: The 18th would be  
10 the best day for us.

11 MS. FLETCHER: Can you --

12 MR. BIANCO: I can --

13 MS. FLETCHER: The protestants --

14 MR. BIANCO: I can do the 18th,  
15 but I just can't do it, say, between 9:30 a.m.  
16 and 11:30 a.m. The earliest I would be  
17 available would be noon on the 18th.

18 MS. FLETCHER: What about the 18th  
19 at two?

20 MR. BIANCO: I can do that.

21 MS. FLETCHER: We can do the 18th  
22 at two, Mr. Sinclair.

1                   If that will work for you, Mr.  
2 Austin.

3                   MR. BIANCO: Yes, ma'am.

4                   MR. AUSTIN: How long does the  
5 mediation take place?

6                   MS. FLETCHER: It depends, from  
7 one to two hours. It depends on how much  
8 progress you have made. Ideal -- and maybe we  
9 won't need it at all if you are able to  
10 resolve it before then.

11                  MR. AUSTIN: Right. So the 18th  
12 would be good.

13                  MS. FLETCHER: 18th at two.

14                  MR. AUSTIN: Yes. That is great.

15                  MS. FLETCHER: And if the matter  
16 is resolved before that, then we will cancel  
17 the mediation.

18                  MR. AUSTIN: Okay.

19                  MS. FLETCHER: And if the Board  
20 approves the settlement agreement, then the  
21 Board would cancel the status hearing and the  
22 protest hearing.

1                   So, mediation is set for June the  
2                   18th at two. And just to summarize, we have  
3                   two protestants, a group of eleven and ANC.

4                   Any other questions at all?

5                   (No verbal response.)

6                   MS. FLETCHER: Okay. Well, then,  
7                   Mr. Austin, I think you did this already, but  
8                   is your contact information on that sheet?

9                   MR. AUSTIN: I already put it on  
10                  there.

11                  MS. FLETCHER: Oh. Okay. Thank  
12                  you.

13                  Okay. Mr. Sinclair, you are going  
14                  to be the designated representative that we  
15                  communicate with.

16                  MR. SINCLAIR: Correct.

17                  MS. FLETCHER: If we do go forward  
18                  for a status hearing, if for some reason you  
19                  are not able to come any other designated  
20                  representative can come.

21                  Same thing with the mediation.  
22                  You are the designated representative. You

1 can just come to mediation as a designated  
2 representative.

3 We like one, but we -- if you all  
4 wanted to come, you could.

5 Okay. Well, then, the roll call  
6 hearing is concluded. Thank you for coming.

7 MR. AUSTIN: All right. Thank  
8 you.

9 MR. SINCLAIR: Thank you.

10 MR. BIANCO: Thank you, Ms.

11 Fletcher.

12 (Whereupon, the above-entitled  
13 matter went off the record at 10:35 a.m.)

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<b>A</b>	<p><b>approves</b> 27:11 36:20</p> <p><b>ASAP</b> 20:11</p> <p><b>asked</b> 13:1</p> <p><b>assert</b> 33:1,10</p> <p><b>assume</b> 20:19</p> <p><b>assuming</b> 6:19 20:10</p> <p><b>attached</b> 14:5,8</p> <p><b>attempt</b> 27:7</p> <p><b>attention</b> 24:13 29:8</p> <p><b>Austin</b> 3:16,16,19 24:21,22 25:2,11 26:6,12,14 28:12 28:13 34:5,6,16 35:7,8 36:2,4,11 36:14,18 37:7,9 38:7</p> <p><b>available</b> 27:22 28:1,4,5,8,9 35:17</p>	<p>16:5,18 17:15 18:4 20:9,16,18 21:3,5 24:13 25:8 25:17 28:3,8 34:18 35:4,12,14 35:20 36:3 38:10</p> <p><b>Bianco's</b> 17:7 31:7</p> <p><b>Bo</b> 2:22 3:7,9</p> <p><b>Board</b> 1:3,16 14:17 17:1,2,5 18:6 22:20 23:7,7,9 25:4,12 27:3,11 27:12 29:8,13 30:5,12 31:7,13 31:18,22 36:19,21</p> <p><b>Board's</b> 2:14 26:3</p> <p><b>bring</b> 29:7 34:7</p> <p><b>bringing</b> 24:13</p> <p><b>Building</b> 1:17</p>	<p>9:9 11:11 17:10 20:1 28:19 37:19 37:20 38:1,4</p> <p><b>coming</b> 38:6</p> <p><b>common</b> 29:16 31:3</p> <p><b>communicate</b> 8:20 37:15</p> <p><b>community</b> 27:16</p> <p><b>complicated</b> 32:1,6</p> <p><b>concern</b> 21:14</p> <p><b>concerned</b> 21:18 23:19</p> <p><b>concerns</b> 23:18 29:7</p> <p><b>concluded</b> 38:6</p> <p><b>conducting</b> 2:13</p> <p><b>consideration</b> 32:5</p> <p><b>considered</b> 27:14</p> <p><b>contact</b> 9:12 12:14 13:8 37:8</p> <p><b>Control</b> 1:3,16,16</p> <p><b>copy</b> 13:11 16:6 25:10,10,14,18 26:2,3</p> <p><b>correct</b> 11:4,7 24:8 37:16</p> <p><b>Cotton</b> 4:10,11,15 4:19,20 5:3,5,5,6 8:7 17:14,14,18 18:7</p> <p><b>count</b> 10:18</p> <p><b>counted</b> 3:20 9:16</p> <p><b>court</b> 3:3 4:13 34:20</p> <p><b>CT</b> 1:11 2:9</p> <p><b>curious</b> 32:3</p>	<p>31:17,20</p> <p><b>deal</b> 10:4</p> <p><b>decide</b> 17:2,6 23:8 30:6 31:14,18 32:2</p> <p><b>decides</b> 16:18 22:20 23:7,9</p> <p><b>decision</b> 25:13 26:3 30:11</p> <p><b>delivered</b> 10:16</p> <p><b>depends</b> 23:6 36:6 36:7</p> <p><b>designate</b> 7:8 11:11 14:18 22:7,10</p> <p><b>designated</b> 6:10 7:18,20,21 8:6,7,8 8:11,18 9:1,9,21 11:15 12:9 13:21 14:1 15:2,11 25:21 26:1 37:14 37:19,22 38:1</p> <p><b>designating</b> 5:2,6 5:21 6:9 13:7 15:13 16:3</p> <p><b>designation</b> 5:21 6:7 12:16 13:6 15:6 18:14,19 19:12,21</p> <p><b>differently</b> 33:2</p> <p><b>directly</b> 8:21</p> <p><b>disagree</b> 29:1</p> <p><b>dismiss</b> 13:16 16:1 16:19 17:6,16,19 17:21 20:14 24:16 25:8,18 26:2 27:12 31:8</p> <p><b>dismissed</b> 11:2,13 18:1 28:21 30:5</p> <p><b>dismisses</b> 29:13</p> <p><b>DISTRICT</b> 1:1</p> <p><b>document</b> 12:19</p>
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