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

3:46 p.m.

ACTING CHAIRMAN ALBERTI: Okay. I think we have a quorum, so we're going to begin our next hearing.

And the next matter we're going to discuss is a fact finding hearing regarding Wagshal's 3201, LLC, trading as Wagshal's, License No. 92187.

Okay. If you would introduce yourselves first and then we'll begin. I'd appreciate that.

MR. COUREMBIS: Louis Courembis, counsel representing Wagshal's.

ACTING CHAIRMAN ALBERTI: Your name again? I'm sorry.

MR. COUREMBIS: Louis Courembis.

ACTING CHAIRMAN ALBERTI: Courembis? Okay.

MR. BILL FUCHS: Bill Fuchs, member of the family that runs the business.

ACTING CHAIRMAN ALBERTI: Great.

1 MR. AARON FUCHS: And Aaron Fuchs.

2 ACTING CHAIRMAN ALBERTI: All  
3 right. Welcome, gentlemen. Thank you for  
4 coming.

5 This is a fact finding. So we're  
6 here just to kind of get some information.  
7 And in this case I think our aim here is to  
8 make sure that we're all on the same page,  
9 that you have the same understanding of the  
10 rulemaking that we have and that we have all  
11 of the information that's needed to make a  
12 decision.

13 Now, I think it's going to be most  
14 efficient for us to lead off, and I'm going to  
15 have Board Member Jones do that, but he'll  
16 lead off with some questions and presenting  
17 what our interpretation is, how we're applying  
18 the rulemaking. And then you can ask  
19 questions and provide additional information  
20 or react to that as you see fit. But I think  
21 that that's going to be most efficient. Okay?

22 So I'm going to hand it over to

1 Board Member Jones.

2 MEMBER JONES: Thank you, Mr.  
3 Chairman.

4 So first of all, I just want to  
5 clarify, I think as of today we received two  
6 documents. One is a color floor plan layout  
7 where it seems to note the food categories.

8 MR. COUREMBIS: Right.

9 MEMBER JONES: And another second  
10 page to that document which had some more  
11 specifics regarding the detailed measurements  
12 associated with the display cases, etcetera.

13 MR. COUREMBIS: Yes.

14 MEMBER JONES: Okay. And this is  
15 what we're referencing as we speak or dialogue  
16 with you today.

17 MR. COUREMBIS: That's correct.

18 MEMBER JONES: Okay.

19 MR. COUREMBIS: And we have a  
20 blown-up version for --

21 ACTING CHAIRMAN ALBERTI: Yes.

22 MEMBER JONES: Fair enough.

1 MR. COUREMBIS: -- purposes here.

2 MEMBER JONES: Okay. First item:

3 So just for clarification purposes as well, we  
4 are looking at this document and we are  
5 assuming based on our initial perusal and  
6 review of it that you are looking to pass test  
7 1 based on the 50 percent test as opposed to  
8 the 6,000 square foot test.

9 MR. COUREMBIS: That's correct.

10 MEMBER JONES: Correct? Okay. So  
11 seemed pretty intuitive, but just wanted to  
12 make sure I had that clarified.

13 So given that, the steps that we  
14 go through to make an assessment as to the  
15 passing of test 1 and test 2 I'm going to  
16 outline right now. I'm going to step through  
17 it and using your document as a baseline to  
18 step through those steps. Is that fair?

19 MR. COUREMBIS: Absolutely.

20 MEMBER JONES: So first -- and  
21 we're going to take your numbers that you  
22 provided in terms of your calculations for

1 granted at this point, because this is an  
2 effort just to kind of go over the theory and  
3 the approach to make sure we're on the same  
4 page. Just for purposes of full disclosure we  
5 will go through and do our measurements and  
6 our own calculations to confirm and verify  
7 that we're in agreement with how you arrived  
8 at your numbers. Okay? But for today's  
9 purposes, these discussions and to expedite  
10 it, we're just going to go over the process  
11 using the numbers you provided. Okay. Is  
12 that fair?

13 MR. COUREMBIS: That's fair.

14 MEMBER JONES: All right. So  
15 given that, on the top right or near the top  
16 right-hand corner of the very first page which  
17 has the colors on it, you provided a number  
18 which indicates the total leased space as  
19 being 3,823 square feet. And then the next  
20 number you provided was the area which I  
21 requested in terms of what do you define as  
22 your non-public space, or as we would refer to

1 it as the non-selling area component of your  
2 leased space.

3 MR. COUREMBIS: Right.

4 MEMBER JONES: And that number you  
5 provided was 1,481.

6 We also looked at the third step  
7 that you have in here, which is the  
8 calculation of what would be the selling area,  
9 which is the total square footage minus or  
10 deducted from that, the non-selling area. The  
11 number you provided was 2,342. So the 2,342  
12 becomes our basis for what your selling area  
13 is at this point going forward. Are you okay  
14 with that?

15 MR. COUREMBIS: Yes.

16 MEMBER JONES: I would imagine  
17 that you would since it comports exactly with  
18 what you have here on the page.

19 Okay. At this point this is where  
20 we have a bit of a jump off or a slight  
21 deviation in terms of how we're interpreting  
22 the reg and enforcing and applying the reg

1 versus what we believe we've inferred from  
2 what you've provided. But we wanted to see  
3 you here today to clarify our inferences one  
4 way or the other. Okay?

5 So how we determine what is now  
6 the food selling area is to first determine  
7 what the non-food selling component of your  
8 selling area is. So based on our review of  
9 your document, there are two non-food selling  
10 area components that you've identified, that  
11 being prepared food and flowers and sundry.

12 MR. COUREMBIS: Correct.

13 MEMBER JONES: The total of those  
14 two areas being roughly 63 square feet  
15 according to the information that we have in  
16 front of us. Is that a correct assessment?

17 MR. COUREMBIS: Correct.

18 MEMBER JONES: Okay. So we take  
19 that number, which is your non-food selling  
20 area component of your selling area, subtract  
21 that from your selling area total to get your  
22 food selling area component. That number, as

1 we calculate it, is determined to be 2,279.

2 MR. BILL FUCHS: Could I interject  
3 for a second?

4 MEMBER JONES: Any time.

5 MR. BILL FUCHS: We also have -- I  
6 believe in the drawing we have included areas  
7 that are in the non-food selling area that are  
8 in white. If you can see on the drawing. And  
9 they represent different square footages; 10  
10 square feet, 21 square feet, 40 square feet,  
11 which is outside of the categories you just  
12 indicated.

13 MEMBER JONES: So for test 1 is  
14 not specific to the three-foot rule and/or to  
15 the food categories themselves in terms of  
16 individual categories?

17 MR. BILL FUCHS: Well, they are  
18 part of the three-foot rule, because those are  
19 things outside of the three-foot rule that we  
20 have.

21 MEMBER JONES: So let me phrase it  
22 this way: The way in which we interpret it,

1 that there's test 1 and then there's test 2.  
2 The way in which the food selling area is  
3 determined for test 1 is by taking the non-  
4 food selling area and subtracting that from  
5 the selling area. The food selling area as  
6 it's been provided to us is 2,342. And I  
7 think we agree up to that point. So that  
8 being your selling area, we determine your  
9 non-food selling area based on the information  
10 you provided to us. We do not count the white  
11 space areas that you've identified that are  
12 outside of the -- basically those are white  
13 space areas because they're outside of the  
14 three-foot rule.

15 Are you selling items that are  
16 either part of the food category or not part  
17 of the food category specifically in those  
18 areas?

19 MR. BILL FUCHS: They would be  
20 open floor displays and things like that on  
21 the ground, but we hadn't identified that  
22 because we just opened a few weeks ago.

1                   MEMBER JONES: Okay. So given  
2                   that they're not identified, we don't know  
3                   what they are.

4                   MR. BILL FUCHS: Okay.

5                   MEMBER JONES: So given that we  
6                   don't know what they are, we put them in the  
7                   category that I noted. So we take the non-  
8                   food selling area, calculate what that is  
9                   based on what is defined, subtract that from  
10                  the overall selling area and that becomes your  
11                  food selling area, the total square footage  
12                  you have available for the sale of food  
13                  categories 1 through 7, or A through G.

14                  MR. COUREMBIS: And is it from  
15                  this number that we're going to take the 50  
16                  percent calculation?

17                  MEMBER JONES: So that number is  
18                  used to make the determination of your test 1,  
19                  which in your case you're trying to reach 50  
20                  percent or more.

21                  MR. COUREMBIS: Yes.

22                  MEMBER JONES: And in this

1 instance, based on your 2,279 you have  
2 exceeded the 50 percent threshold and  
3 therefore you have passed test 1.

4 MR. COUREMBIS: Yes.

5 MEMBER JONES: Okay? Where the  
6 challenge comes into play is as we move into  
7 test 2, because in test 2 that 2,279 becomes  
8 your denominator when you're dividing it into  
9 the total square footage of your individual  
10 food categories. Based on the 2,279 food  
11 selling area denominator, you would need  
12 approximately 114 square feet devoted to six  
13 up to seven food categories in order for you  
14 to pass test 2. Based on the information  
15 that's provided, you successfully reached that  
16 threshold with the exception of two  
17 categories, that being frozen foods and canned  
18 foods.

19 ACTING CHAIRMAN ALBERTI: Mr.  
20 Jones, before we continue can I have --

21 MEMBER JONES: Sure.

22 ACTING CHAIRMAN ALBERTI: -- a

1 short aside with you --

2 MEMBER JONES: You may.

3 ACTING CHAIRMAN ALBERTI: -- just  
4 a moment?

5 (Whereupon, at 3:56 p.m. off the  
6 record until 3:56 p.m.)

7 ACTING CHAIRMAN ALBERTI: All  
8 right. Go ahead.

9 MEMBER JONES: So based on the  
10 information that we have and we've been  
11 provided, and using purely those numbers,  
12 that's what I caveated that with when I spoke  
13 initially. Now I will say that we have not  
14 done our independent calculation of this, but  
15 I will say that when we would do our  
16 independent calculations the categories that  
17 you have noted for prepared food and for  
18 flowers and sundry, based on my initial review  
19 or our initial review, these numbers that you  
20 have here are slightly understated because  
21 they do not include -- we would include in  
22 these numbers the three feet surrounding area

1 for both the prepared food as well as the  
2 flowers and sundry. So it would increase that  
3 40 to some number larger than that. It would  
4 increase the 23 to some number larger than  
5 that. With those two numbers being larger, it  
6 would be a smaller denominator that you'd be  
7 using to then calculate your individual five  
8 percent test for test No. 2.

9 So the math follows through. But  
10 as I've indicated, just based purely off the  
11 numbers that are here on this sheet that were  
12 provided to us and for the purposes of  
13 explaining our process and how we implement  
14 the regs as we have them written, the  
15 rulemaking as we've written it, that's the  
16 process we would follow.

17 MR. COUREMBIS: I'm just going to  
18 use my calculator. I'm not --

19 MEMBER JONES: Please feel free.  
20 No, no. Feel free.

21 MR. COUREMBIS: I'm not texting in  
22 front of you or anything.

1                   MEMBER JONES: So, and I'm not  
2 asking whether or not you agree with me in  
3 terms of how we process or interpret it. I'm  
4 telling you that's how we process it and  
5 that's how we are implementing it.

6                   MR. COUREMBIS: Well --

7                   MEMBER JONES: What I'm looking  
8 for from you is do you understand what it is  
9 we're trying to communicate at this point?  
10 And then we can go into the nitty-gritty of  
11 what you don't like, what you agree, however.

12                  MR. COUREMBIS: Yes.

13                  MEMBER JONES: We can go into that  
14 later. But right now is what I'm saying you  
15 understand the process that we're following?

16                  MR. COUREMBIS: Yes, we do.

17                  MEMBER JONES: Okay. All right.  
18 So then from there, once we do our own  
19 calculations we will make the determination  
20 based on the information that we have  
21 determined in terms of our calculations, but  
22 that's the process we would follow. So given

1 that, is there any -- and so, Chairman, is  
2 there anything additionally you want to add?

3 ACTING CHAIRMAN ALBERTI: Are you  
4 going to at some point cover questions about  
5 what the non-selling --

6 MEMBER JONES: Yes.

7 ACTING CHAIRMAN ALBERTI: Okay.  
8 Very good. I have nothing else then. Go  
9 ahead.

10 MEMBER JONES: Fair enough. Now  
11 based on this point of the process, this point  
12 of the hearing, do you have any questions,  
13 comments, concerns and/or feedback that you'd  
14 like to share?

15 MR. BILL FUCHS: Just to clarify.  
16 I'm sorry, Louis. Just to clarify, we'd like  
17 to say that we have flexibility obviously in  
18 the shelving and the canned good number to  
19 make that larger if it does not meet the five  
20 percent because we have excess in dry goods  
21 and baked goods and so forth and so on,  
22 because they're all synonymous on the same

1 shelf.

2 MEMBER JONES: That's correct. We  
3 would agree with your assessment that you do  
4 have that flexibility.

5 MR. BILL FUCHS: Okay. The --

6 MEMBER JONES: And I also would  
7 note that you could resubmit a drawing  
8 representative of that flexibility subsequent  
9 to this hearing, but that's your choice.

10 MR. COUREMBIS: Could I recap very  
11 quickly just what we did here and how that  
12 departure from what you set forth as the  
13 proper process?

14 MEMBER JONES: Certainly.

15 MR. COUREMBIS: So what we did in  
16 calculating the five percent requirement was  
17 we used the square footage of 1,171 square  
18 feet, or 50 percent of the selling area. You  
19 said we should have used the entire selling  
20 area. Granted, our number there wasn't the  
21 accurate number. There was a small adjustment  
22 to reduce it to 2,279 instead of 2,342.

1 MEMBER JONES: Yes and no. I'll  
2 agree with you with the exception that it's  
3 the food selling area, the entire food selling  
4 area, not 50 percent of the selling area.

5 MR. COUREMBIS: And therefore  
6 arriving at 2,279 instead of --

7 MEMBER JONES: Correct.

8 MR. COUREMBIS: -- 2,342.

9 MEMBER JONES: Correct.

10 MR. COUREMBIS: Okay. We  
11 understand where you're coming from.

12 MEMBER JONES: Fair enough.  
13 That's all I could ask at this point.

14 MR. COUREMBIS: I think we can  
15 make the appropriate adjustments, particularly  
16 -- I'm not the business, I'm not the  
17 merchandiser.

18 MEMBER JONES: Understood.

19 MR. COUREMBIS: I think we could  
20 re-submit a drawing that satisfies the  
21 criteria within that new standard or new  
22 calculation. How would you suggest we proceed

1 on this particular point?

2 MEMBER JONES: So the intent of  
3 this hearing is to make sure we convey clearly  
4 how we implement the process. And then from  
5 there you have the ability to speak with the  
6 individual that you spoke with prior to this  
7 hearing in terms of providing and submitting  
8 documentation that should be and can be  
9 considered by the Board going forward.

10 So from that standpoint I would  
11 leave it to you to speak with the general  
12 counsel and/or with the director, or both, to  
13 facilitate how you would go about providing  
14 subsequent submissions.

15 MR. COUREMBIS: Okay. Well, I  
16 think I understand.

17 MEMBER JONES: I think you can  
18 read between the lines.

19 MR. COUREMBIS: Yes, sir.

20 MR. BILL FUCHS: Well, we  
21 appreciate the opportunity to come before you  
22 with this. This is obviously all new

1 territory for us as well.

2 MEMBER JONES: Understood.

3 MR. BILL FUCHS: And sometimes  
4 it's more of an art than a science.

5 MEMBER JONES: Understood. And I  
6 will definitely say we and I personally  
7 appreciate your receipt of this information  
8 here today. So I'll leave it to you to  
9 understand and interpret why I appreciate it.

10 So, but I did have a few other  
11 questions if you don't have any other concerns  
12 regarding the process, your understanding of  
13 the process.

14 Okay. So given that, we noted  
15 based on what you've provided to us that  
16 there's an area that you defined as non-  
17 selling area. And we just want to make sure  
18 we're on the same page and we're clear in our  
19 understanding of how you arrived at that  
20 conclusion that this was non-selling area.

21 So clearly the bathrooms we get.  
22 Clearly the storage areas we get. And I'm

1 speaking independently at this point, but I'm  
2 sure --

3 ACTING CHAIRMAN ALBERTI: There  
4 seems to be agreement there.

5 MEMBER JONES: All right. So from  
6 there it leads us to this what I'll call the  
7 center area of the store in the diagram. So  
8 if you look at -- there's a section -- and my  
9 eyes betray me right now, but like, for  
10 example, 42 -- there's something. There's a  
11 casing or a display, looks like make a  
12 refrigerator/freezer-type unit that says 42  
13 and 15.

14 MR. BILL FUCHS: Correct.

15 MEMBER JONES: Okay. Can you  
16 explain to me what's going on in this area of  
17 the area and help me understand how this is  
18 sectioned off from the area that the general  
19 public would normally have access to?

20 MR. BILL FUCHS: Sure. The  
21 content that we have primarily deals with  
22 grocery items that we then prepare as well for

1 the public in our prepared food side of the  
2 business. The center section is used as that  
3 facilitator. Those 42 and 15 happen to be  
4 ovens.

5 MEMBER JONES: Okay.

6 MR. BILL FUCHS: And from that we  
7 will be baking the breads and we will be  
8 roasting some of the chickens that we sell on  
9 one side and those kinds of things --

10 MEMBER JONES: Okay.

11 MR. BILL FUCHS: -- for their  
12 consumption.

13 MEMBER JONES: Understood. And  
14 this entire area, what creates the border for  
15 that area?

16 MR. BILL FUCHS: Walls. Actual  
17 demising walls.

18 MEMBER JONES: Actual demising  
19 walls? Okay. So --

20 MR. BILL FUCHS: Well, yes, the  
21 cases, but more likely the open -- the little  
22 diagonal -- you see the four-inch walls.

1 Those are actually 72-inch-high walls.

2 MEMBER JONES: Okay.

3 MR. COUREMBIS: Board Member, are  
4 you referring specifically to 42 and 15 at  
5 this point, or that entire center aisle and  
6 area?

7 MEMBER JONES: So I used that as  
8 an example. So 42 and 15, if you look  
9 directly above 42 and 15, there appear to be  
10 floor space directly abutting, if you will, 42  
11 and 15 to the top. And then if you turn  
12 right, it seems as though you could go out of  
13 that space into what is the cheeses area.

14 MR. COUREMBIS: Correct.

15 MEMBER JONES: Right? Is there a  
16 wall preventing me as a patron -- I'm at the  
17 cheese counter. I'm looking at some cheeses  
18 that I really like. Then I smell this  
19 wonderful bread you're cooking over here.  
20 What's going to keep me from being just  
21 tempted to walk from the cheeses over to the  
22 bread area?

1 MR. BILL FUCHS: You'd have climb  
2 over the cases.

3 MEMBER JONES: Yes, okay. Got it.  
4 Okay. I just wanted to make sure. So there  
5 are barriers there that --

6 MR. BILL FUCHS: Right.

7 MEMBER JONES: -- that would  
8 prevent easy ingress and egress of people from  
9 that area that aren't authorized to be in that  
10 back area?

11 MR. BILL FUCHS: Correct.

12 MEMBER JONES: So it's analogous  
13 to the back of the restaurant, if you will?

14 MR. BILL FUCHS: If you look at  
15 21, that is the only opening.

16 MR. AARON FUCHS: The white space.

17 MR. BILL FUCHS: The white space  
18 there. Twenty-one is the only opening there  
19 between the cases.

20 MEMBER JONES: Got it. I see  
21 that, recognize and appreciate said. Thank  
22 you for that.

1                   Let's see. One other question I  
2 had. Oh, I'm sorry. So that clarifies that  
3 for me.

4                   ACTING CHAIRMAN ALBERTI: Can I  
5 ask a question while we're on that same  
6 subject?

7                   MEMBER JONES: You certainly may.

8                   ACTING CHAIRMAN ALBERTI: So this  
9 prepared food category section, No. 17, how  
10 would someone get there?

11                  MR. BILL FUCHS: That would be  
12 available to the public because as -- yes, let  
13 me show you. That may be easiest.

14                  ACTING CHAIRMAN ALBERTI: And that  
15 may nor may not prompt another question, but  
16 go ahead.

17                  MR. BILL FUCHS: We're talking  
18 specifically --

19                  ACTING CHAIRMAN ALBERTI: Well,  
20 yes, those two sort of Army green places right  
21 there.

22                  MR. BILL FUCHS: Right. Here?

1                   ACTING CHAIRMAN ALBERTI: Yes.

2                   MR. BILL FUCHS: Where the public  
3 is, it is available to go through here. This  
4 is all --

5                   ACTING CHAIRMAN ALBERTI: Right.

6                   MR. BILL FUCHS: -- public space  
7 here. So what they would do is they would  
8 walk in here and they would immediately have  
9 this area to partake of, and then they would  
10 walk over this way.

11                  ACTING CHAIRMAN ALBERTI: Oh, so  
12 the green --

13                  MR. BILL FUCHS: That wall is  
14 around this space.

15                  ACTING CHAIRMAN ALBERTI: Okay.  
16 So that green fruits and vegetable area is --  
17 what do I want to say --

18                  MR. BILL FUCHS: Those are  
19 processed salads.

20                  ACTING CHAIRMAN ALBERTI: But  
21 that's not all counters?

22                  MR. BILL FUCHS: No, no. There's

1 no --

2 ACTING CHAIRMAN ALBERTI: There's  
3 public space? Okay.

4 MR. BILL FUCHS: That's all  
5 self-service.

6 ACTING CHAIRMAN ALBERTI: Got you.  
7 Understand.

8 MR. BILL FUCHS: -- so they can  
9 get out.

10 ACTING CHAIRMAN ALBERTI: Got it.  
11 Thank you. That clarifies that. Thank you  
12 very much.

13 MEMBER JONES: Cool?

14 ACTING CHAIRMAN ALBERTI: Yes.

15 MEMBER JONES: You okay with that,  
16 Mr. Chairman?

17 ACTING CHAIRMAN ALBERTI: Yes, I  
18 am.

19 MEMBER JONES: All right.

20 ACTING CHAIRMAN ALBERTI: Thank  
21 you.

22 MEMBER JONES: And, oh, another

1 small question I had was just a confirmation  
2 just for clarification purposes. The area  
3 that's designated to the right that looks like  
4 lines -- I think the total square footage  
5 devoted to eating area -- and it looks like  
6 the -- I'll call it the restaurant area --

7 MR. BILL FUCHS: Right.

8 MEMBER JONES: -- for lack of a  
9 better expression. In that section there is  
10 this area where you would be able to get a  
11 prepared meal from one of the counters and  
12 then take that prepared meal, walk from the  
13 counter to one of these seats, or is this  
14 restaurant area an area where you have like a  
15 maitre d' or a greeter and that greeter would  
16 take you and say, hey, you are now seated in  
17 this location and you'd be served by a waiter  
18 or waitress?

19 MR. BILL FUCHS: We do not  
20 currently have any waiter or waitresses --

21 MEMBER JONES: Okay.

22 MR. BILL FUCHS: -- service. You

1 would be able to take product from this  
2 area --

3 MEMBER JONES: Yes, sir.

4 MR. BILL FUCHS: -- bring it to  
5 the cash register counter POS 7, 5, 8 or 4 and  
6 pay for the product and then sit down.

7 MEMBER JONES: Okay. That's the  
8 clarification enough for me.

9 ACTING CHAIRMAN ALBERTI: Yes.

10 MEMBER JONES: Any questions?

11 ACTING CHAIRMAN ALBERTI: No.

12 MEMBER JONES: All right. So I  
13 think that concludes the questions that I had  
14 regarding the nature of the operations and  
15 just make sure we're in lockstep in terms of  
16 how we interpret things going forward. Are  
17 there any other additional questions that you  
18 had for us?

19 MR. COUREMBIS: I think we have  
20 our marching orders.

21 MEMBER JONES: Okay.

22 MR. COUREMBIS: No, there's

1 nothing --

2 MEMBER JONES: Fair enough.

3 ACTING CHAIRMAN ALBERTI: Great.

4 MEMBER JONES: Okay. All right.

5 I'm done. Thank you, Mr. Chairman.

6 ACTING CHAIRMAN ALBERTI: Great.

7 So there are no other questions you have, or  
8 comments?

9 MR. COUREMBIS: You know --

10 ACTING CHAIRMAN ALBERTI: Go  
11 ahead, please.

12 MR. COUREMBIS: I just want to  
13 make sure that while we're here in front of  
14 you today we address all of --

15 ACTING CHAIRMAN ALBERTI: Sure.

16 MR. COUREMBIS: -- your potential  
17 comments and concerns, because I was told that  
18 there were -- after our first submission that  
19 there were a couple particular concerns. And  
20 I just want to make sure that if you reference  
21 these drawings in the future you know where  
22 the particular items are.

1                   ACTING CHAIRMAN ALBERTI: Great.

2                   Let's do that. Let's do that.

3                   MR. COUREMBIS: So, for example, I  
4                   was sent a memorandum saying that you wanted  
5                   some specificity as to the details of the  
6                   shelves in the canned food section.

7                   MEMBER JONES: Yes.

8                   MR. COUREMBIS: So if you look  
9                   here right beside the orange section --

10                  ACTING CHAIRMAN ALBERTI: Yes.

11                  MR. COUREMBIS: -- I've circled it  
12                  on the smaller renderings that you may have in  
13                  front of you --

14                  ACTING CHAIRMAN ALBERTI: Yes.

15                  MR. COUREMBIS: -- and provided  
16                  that specificity right there. So if you had  
17                  that idea in the future, it's right there.

18                  ACTING CHAIRMAN ALBERTI: Okay.

19                  MEMBER JONES: Thank you. Thank  
20                  you for adding that.

21                  ACTING CHAIRMAN ALBERTI: Those  
22                  are your annotations right there?

1 MR. COUREMBIS: (No audible  
2 response.)

3 ACTING CHAIRMAN ALBERTI: Yes?  
4 Great. Very good.

5 MR. COUREMBIS: As to the length  
6 and the width of all the shelves and display  
7 cases, there will probably be more than you  
8 want to see in the following pages.

9 ACTING CHAIRMAN ALBERTI: I think  
10 Mr. Jones has looked at that. You've looked  
11 at that other drawing?

12 MEMBER JONES: I have and I --

13 ACTING CHAIRMAN ALBERTI: Not in  
14 detail, but you are aware of it, right?

15 MEMBER JONES: Yes.

16 ACTING CHAIRMAN ALBERTI: Great.

17 MR. COUREMBIS: The color coding  
18 of the establishment's non-food selling area,  
19 we already discussed.

20 MEMBER JONES: Sir. Yes, sir.

21 MR. COUREMBIS: As well as the  
22 shading and the measurements for the non-

1 selling areas. So those are the four points  
2 I'd been informed of and I just wanted to make  
3 sure that we were all aware of it was in the  
4 drawings.

5 ACTING CHAIRMAN ALBERTI: Yes.

6 MEMBER JONES: Duly noted.

7 Definitely appreciate your --

8 ACTING CHAIRMAN ALBERTI: Yes.

9 MEMBER JONES: -- ability to  
10 address those in a very timely fashion. So  
11 thank you, sir.

12 ACTING CHAIRMAN ALBERTI: And we  
13 do appreciate that one that's labeled with all  
14 the measurements. I haven't examined it, but  
15 first glance it looks like it's what we need.  
16 So appreciate that.

17 MEMBER JONES: Thank you, sir.

18 ACTING CHAIRMAN ALBERTI: Is  
19 there --

20 MR. COUREMBIS: Thank you very  
21 much.

22 ACTING CHAIRMAN ALBERTI: And

1 that's it. I want to thank you for coming and  
2 for all this material and for responding so  
3 quickly and working with us. I will tell you  
4 that, you know, this is new to a lot of  
5 people. And so you're not alone in going  
6 through this.

7 MR. BILL FUCHS: We're pioneering.

8 ACTING CHAIRMAN ALBERTI: You are.

9 MEMBER JONES: You are.

10 ACTING CHAIRMAN ALBERTI: You are.

11 And we're actually I think refining how we  
12 present this to people. But we appreciate  
13 your cooperation and your patience. Thank  
14 you.

15 MR. BILL FUCHS: Thank you.

16 (Whereupon, the hearing was  
17 concluded at 4:11 p.m.)

18

19

20

21

22

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