

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

2 (10:11 a.m.)

3 MS. FLETCHER: Would the parties in
4 the matter of All Souls please come forward, the
5 parties in the matter of All Souls? Are there
6 any individuals present in the matter of All
7 Souls?

8 Okay, thank you. You can just pull
9 your chair right up behind the Commissioners.
10 Thank you.

11 This is Case Number 15-PRO-00063, All
12 Souls, LLC trading as All Souls, 725 T Street,
13 Northwest, License Number ABRA-088179. This is a
14 Retailer Class CT, Substantial Change, change of
15 hours and sidewalk cafe endorsement.

16 The protest issues are adverse impact
17 on peace, order, and quiet, parking, property
18 values, and pedestrian safety.

19 My name is LaVerne Fletcher. I am
20 conducting the roll call hearing as the Board's
21 Agent pursuant to D.C. Official Code 1601.2.
22 Present on behalf of the Applicant?

1 MR. WHELAN: Good morning, Ms.
2 Fletcher. Stephen Whelan from Veritas Law on
3 behalf of All Souls.

4 MS. FLETCHER: Thank you, Mr. Whelan.

5 MR. BATISTA: And David Batista.

6 MS. FLETCHER: Did you say "Batista?"

7 MR. BATISTA: Yes, B as in boy, A-T-I-
8 S-T-A.

9 MS. FLETCHER: Thank you. And, Mr.
10 Whelan, you put your contact information on that
11 sheet already?

12 MR. WHELAN: I did.

13 MS. FLETCHER: Okay, thank you. Is
14 Erica Hurtt present? Is Erica Hurtt present?
15 Erica Hurtt?

16 (No audible response)

17 MS. FLETCHER: Is Stanley Mayes
18 present?

19 MR. MAYES: I am.

20 MS. FLETCHER: Thank you, Mr. Mayes.
21 Present on behalf of ANC 1B?

22 MR. FOOTER: Commissioner Footer and

1 Commissioner Sullivan.

2 MS. FLETCHER: Mr. Footer, what's your
3 first name?

4 MR. FOOTER: Brian, B-R-I-A-N.

5 MS. FLETCHER: F-O-O-T-E-R? F-O-O-T-
6 E-R?

7 MR. FOOTER: Yes.

8 MS. FLETCHER: Thank you. And Ellen
9 Sullivan?

10 MS. SULLIVAN: Yes, ma'am.

11 MS. FLETCHER: And so there are also
12 a group of eight individuals that filed the
13 protest. Mr. Mayes, you are one of those
14 individuals?

15 MR. MAYES: Yes.

16 MS. FLETCHER: Okay, so I know that
17 you are present from the group of eight. Is
18 anyone else present from the group of eight?

19 MS. LAYNE: Esther Layne.

20 MS. FLETCHER: If you would step
21 forward and state your name into the microphone
22 and spell it for the record. The microphone is

1 in front of -- It's right there.

2 MS. LAYNE: Esther Layne.

3 MS. FLETCHER: Would you spell that,
4 Ms. Layne?

5 MS. LAYNE: E-S-T-H-E-R, L-A-Y-N-E.

6 MS. FLETCHER: Okay, thank you.

7 Anyone else present from the group of eight?

8 (No audible response)

9 MS. FLETCHER: Okay?

10 MS. LAYNE: I have two statements from
11 --

12 MS. FLETCHER: I'll take those, thank
13 you.

14 MR. FOOTER: There is no more room on
15 this. Do you want to give us another one or just
16 put it on the back?

17 MS. FLETCHER: You can just put it on
18 the back and we'll only need the designated
19 representative to sign that sheet and I'm going
20 to determine who that is in a minute.

21 MR. FOOTER: Okay, great.

22 MS. FLETCHER: Thank you. Thank you,

1 Mr. Mayes. And so what was your name, sir?

2 MR. VASQUEZ: Victor Vasquez.

3 MS. FLETCHER: Victor Vasquez. And,
4 Mr. Vasquez, would you spell your name? Come to
5 the microphone and if you could spell that for
6 the record, please.

7 MR. VASQUEZ: Victor Vasquez, V-I-C-T-
8 O-R, V-A-S-Q-U-E-Z.

9 MS. FLETCHER: Thank you very much.
10 And I have letters of designation. I have one
11 from W. Norman Wood designating Stanley Mayes as
12 his representative.

13 I have a letter of designation from
14 Juanita C. Wood designating Stanley Mayes as her
15 representative. I have a letter from Hazel
16 Spicer designating Esther Layne as her
17 representative and I have a letter from Maurice
18 Webster designating Esther Layne as his
19 representative.

20 Conditional standing will be granted
21 to a group of seven. A conditional standing is -
22 - Mr. Mayes -- Well to each of you, actually.

1 Each of the individuals from the group of eight,
2 there is not a designated represented for the
3 entire group.

4 Do you know who that designated
5 representative is going to be for the group?

6 MR. MAYES: That has not been
7 determined, but I willing to do it if I am --

8 MS. FLETCHER: Okay, then what -- Is
9 it okay with you Mr. Vasquez and Ms. Layne if Mr.
10 Mayes is the designated representative, at least
11 for the two of you?

12 MS. LAYNE: That's fine.

13 MR. MAYES: Okay.

14 MS. FLETCHER: We'll work out the
15 rest.

16 MR. MAYES: Okay.

17 MS. FLETCHER: Because what I'm going
18 to ask you to do, Mr. Mayes, when you come back
19 for the status hearing you will need to bring two
20 additional people, because three of you are here
21 today.

22 MR. MAYES: Right.

1 MS. FLETCHER: So today you are being
2 granted conditional standing because three of you
3 are here but you have letters of designation
4 resulting in a group of five. We just need to
5 see two more faces at the status hearing.

6 MR. MAYES: Okay.

7 MS. FLETCHER: So conditional standing
8 is granted to the group of seven today. If you
9 bring the two additional people to the status
10 hearing the Board will grant full standing to the
11 group and if you do not then the Board will
12 dismiss the group of seven.

13 And the mediation will take place
14 before the status hearing, but that's okay.

15 MR. MAYES: Okay.

16 MS. FLETCHER: But you can participate
17 in mediation with conditional standing. Erica
18 Hurtt is not present. Ms. Hurtt is dismissed as
19 a protestant.

20 Ms. Hurtt filed a protest as an
21 abutting property owner. Her protest is
22 dismissed. Ms. Hurtt will have ten days to seek

1 reinstatement of her protest upon receipt of the
2 Board Order dismissing her protest.

3 Mr. Mayes, you filed a protest as an
4 abutting property owner, also?

5 MR. MAYES: Correct.

6 MS. FLETCHER: So you are granted
7 standing as an abutting property owner. Your
8 property does abut in accordance with the
9 District of Columbia Geographic Information
10 System.

11 MR. MAYES: Yes.

12 MS. FLETCHER: Your property does abut
13 All Souls, and so you are granted standing as an
14 abutting property owner and you are granted
15 conditional standing as a member of the group of
16 seven.

17 MR. MAYES: Okay.

18 MS. FLETCHER: Ms. Sullivan?

19 MS. SULLIVAN: I just also wanted to
20 offer a comment from the ANC to give you an
21 understanding of where we are in the process just
22 for the benefit of the Board.

1 MS. FLETCHER: Yes.

2 MS. SULLIVAN: We have been working
3 with the Applicant extensively on this. He has
4 come to more ANC meetings, committee and full
5 meetings than have been necessary, always willing
6 to come, always willing to make another
7 presentation.

8 We have also done a neighborhood
9 meeting with the neighbors who live most closely
10 to the establishment and from that have been
11 working on a settlement agreement.

12 MS. FLETCHER: Yes.

13 MS. SULLIVAN: We are down to a few
14 technical issues on that settlement agreement,
15 that we were waiting on some information from
16 DDOT, which the Applicant just got, and so we
17 expect to be able to move forward with that
18 settlement agreement now that we have that
19 technical information.

20 We had too much of a gray area on it
21 to do a solid settlement agreement and we want to
22 make sure that the neighbors and the Applicant

1 are protected with strong, solid language.

2 MS. FLETCHER: Okay, thank you. I
3 made a note of that. And so I know that although
4 we're going to set a date for mediation that we
5 may not need it and you could just let me know.

6 And so I will -- Yes, Mr. Mayes?

7 MR. MAYES: You may not need it as it
8 relates to that Commissioner and the --

9 MS. FLETCHER: Well, Mr. Mayes, you
10 can -- There is a chair over there in that
11 corner, right, that's close by if you want it.

12 I understand what you're saying, Mr.
13 Mayes, and that relates only to the ANC. We have
14 two other protestants here.

15 MR. MAYES: Yes.

16 MS. FLETCHER: We have the ANC as one
17 protestant, you as an abutting property owner as
18 another protestant, and we have a group of seven
19 with conditional standing.

20 And so I'll just take this opportunity
21 to tell you what that means, and this relates to
22 the group of individuals.

1 If the ANC enters into a settlement
2 agreement with All Souls then the Board will
3 dismiss the group of individuals because the ANC
4 represents the entire community.

5 So the Board would dismiss the group
6 of individuals, but not Mr. Mayes as an abutting
7 property owner. You are a standalone protestant
8 and you can proceed because you are abutting, but
9 the group of individuals would be dismissed.

10 MR. MAYES: There will not be any
11 discussion about the agreement that the ANC has
12 reached? There was reference here to a --

13 MS. FLETCHER: Not today. This is the
14 roll call hearing.

15 MR. MAYES: Okay. I understand what
16 this is for --

17 MS. FLETCHER: Yes.

18 MR. MAYES: -- but there was also a
19 discussion about what the merits of that, that
20 represent the merits of that particular position
21 and I, there are issues about that that need to
22 be aired and the ANC has not, in my estimation,

1 been diligent with regard to neighboring property
2 owners.

3 MS. FLETCHER: Well that's a non-issue
4 for ABRA. For ABRA if any party enters into a
5 settlement with All Souls that's fine.

6 Ms. Layne, did you have something?
7 You need to come to the table and speak into the
8 microphone.

9 MS. LAYNE: I'm trying to understand
10 this because I'm feeling a little left out.

11 MS. FLETCHER: So, Ms. Layne, you need
12 to speak right, come right up to behind Mr. Mayes
13 and --

14 MS. LAYNE: I'm just saying that if
15 the ANC has made an agreement with the owner of
16 All Souls that I will be dismissed?

17 MS. FLETCHER: Yes, that's right.

18 MS. LAYNE: They never met with me.
19 I've lived in that neighborhood over 40 years.
20 They never met with me and these ANC I thought,
21 ANC is supposed to work with the people in the
22 community as a whole.

1 MS. FLETCHER: Yes.

2 MS. LAYNE: They are working more with
3 the owner than the residents. I never even met
4 this lady and I met this guy one time.

5 MS. SULLIVAN: I've been at multiple
6 hearings or committee meetings with you --

7 MS. LAYNE: I'm just trying to feel --
8 (Simultaneous speaking)

9 MS. FLETCHER: Well let me say this.
10 And I understand what you are saying, Ms. Layne,
11 but those are the regulations. You do have a
12 mediation coming up where you'll have an
13 opportunity to participate in the mediation that
14 I'm about to schedule.

15 MS. LAYNE: Yes.

16 MS. FLETCHER: So your group of seven
17 that have been granted conditional standing,
18 you'll have an opportunity to participate in
19 mediation.

20 If between now and the date of the
21 mediation the ANC submits a settlement agreement
22 you may still participate in mediation unless the

1 Board approves that settlement agreement before
2 the mediation. That's the way the regulations
3 work.

4 If you want to have a conversation
5 with the ANC, that's an issue outside of ABRA.
6 But if the ANC reaches a settlement agreement
7 with an establishment then any group of
8 individuals are dismissed.

9 MS. LAYNE: This is my other question.

10 MS. FLETCHER: Yes?

11 MS. LAYNE: By me living around there
12 and experienced all the troubles around there,
13 it's life threatening to me. I'm just wondering
14 can I sue them, the ANC and this individual, if
15 my grandbaby or myself be victimized and my
16 property? My property has already been damaged
17 from all that goes on around there.

18 MS. FLETCHER: Well one thing you
19 might want to do, if there is a settlement
20 agreement there may be provisions in the
21 settlement agreement that you would be in
22 agreement with to prevent -- Well, and you can't

1 prevent, but you may be in agreement with the
2 terms in the settlement agreement.

3 They may address your concerns. So
4 that might be helpful.

5 MS. LAYNE: Well one of the concerns
6 I know they can't address that I'm worried about.
7 It's the parking and all the traffic --

8 MS. FLETCHER: And, Ms. Layne, just so
9 that you know the roll call hearing is not the
10 place to air the issues.

11 MS. LAYNE: Okay.

12 MS. FLETCHER: That happens during --

13 MS. LAYNE: I'm just trying to figure
14 out what else that I can do.

15 MS. FLETCHER: Well so far you will
16 attend the mediation.

17 MS. LAYNE: Okay.

18 MS. FLETCHER: And so far you can
19 attend the mediation and if for some reason your
20 group is dismissed and you cannot, Mr. -- And I
21 don't know if Mr. Mayes' issues are the same as
22 an abutting property as they are as a group of

1 seven, but he will continue to be a part of the
2 process.

3 MS. LAYNE: Oh, okay.

4 MS. FLETCHER: Because he's an
5 abutting property owner, so he maintains his
6 standing even if your group of individuals is
7 dismissed.

8 MS. LAYNE: Okay, thanks.

9 MS. FLETCHER: You're welcome. And
10 we're going to set a date for mediation in just a
11 few minutes. I'm going to give you the dates for
12 the status and protest hearing first.

13 The date for the status hearing is
14 August 12 at 9:30, August 12 at 9:30 for the
15 status hearing, and September 9th at 4:30 for the
16 protest hearing.

17 The next available date for mediation
18 is Friday, July 24th, if that's good for anyone,
19 at either 9:00, 10:00, or 11:00, Friday July 24.

20 MR. WHELAN: That does not work for
21 the Applicant.

22 MS. FLETCHER: Okay, I'll just keep

1 moving on a date that works for everybody. The
2 next available date is Tuesday, July 28th at
3 9:00, 10:00, or 11:00.

4 MR. WHELAN: Unfortunately that also
5 does not work for the Licensee.

6 MS. FLETCHER: No problem. I'll move
7 right along to Thursday, July 30th --

8 MR. WHELAN: That's acceptable to the
9 Applicant.

10 MS. FLETCHER: Does that work for you,
11 Mr. Mayes, Thursday, July 30?

12 MR. MAYES: At what time and I will --

13 MS. FLETCHER: It can be at 9:00,
14 10:00, or 11:00.

15 MR. MAYES: Nine.

16 MS. FLETCHER: Does that work for you,
17 Mr. Footer, Mr. Sullivan, at 9 o'clock?

18 MR. FOOTER: Early is fine.

19 MS. FLETCHER: So mediation is set for
20 Thursday, July 30 at 9:00.

21 MR. MAYES: And if there are any
22 issues with regard to that date what am I

1 expected to do?

2 MS. FLETCHER: Just contact me, my
3 card is on the table, LaVerne Fletcher.

4 MR. MAYES: Okay.

5 MS. FLETCHER: You can contact me.
6 You're going to get a notice in the mail, too,
7 and so the phone number will be on that also.

8 MR. MAYES: Okay.

9 MS. FLETCHER: So if there are any
10 problems just let me know.

11 MR. MAYES: Okay.

12 MS. FLETCHER: Okay, any questions at
13 all?

14 (No audible response)

15 MS. FLETCHER: Okay. Well, thank you
16 for coming.

17 (Whereupon, the above-entitled matter
18 went off the record at 10:28 a.m.)

19

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21

22

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In the matter of: All Souls

Before: DC ABRA

Date: 06-29-15

Place: Washington, DC

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Court Reporter

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