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

10:02 a.m.

AGENT FLETCHER: Would the parties in the matter of Brookland's Finest Bar & Kitchen please come forward. The parties in the matter of Brookland's Finest Bar & Kitchen please come forward.

The Protestants will be on this side of the table.

Excuse me, can you hear me in the back? Is the microphone not working, because sometimes it isn't.

Is there anyone present from ANC 2-5B?

UNIDENTIFIED SPEAKER: Present.

AGENT FLETCHER: You can have a chair at this table right here.

Is there anyone present from First Church Christ Holiness USA? If you all -- well, you can stay where you are. At some point you'll be called forward to read your name into the record.

1                   Is anyone present on behalf of  
2 Grace United Baptist Church?

3                   UNIDENTIFIED SPEAKER: Yes.

4                   AGENT FLETCHER: Okay. At some  
5 point you'll be called forward.

6                   Is the Pastor here in the matter  
7 of First Church Christ Holiness?

8                   UNIDENTIFIED SPEAKER: No.

9                   AGENT FLETCHER: That's okay. I'm  
10 just checking to get some idea.

11                   What about the Pastor from Grace  
12 United Methodist Church?

13                   UNIDENTIFIED SPEAKER: The  
14 Minister will be here late. He's sorry.

15                   AGENT FLETCHER: Oh, that's fine.  
16 I'm just trying to get a sense. No problem.  
17 Thank you very much.

18                   This is Case No. 13-PRO-00057,  
19 Brookland's Finest, LLC, t/a Brookland's  
20 Finest Bar and Kitchen, 3126-3128 12th Street,  
21 NE. This is License No. ABRA-092010. This is  
22 a Retailer Cr new application.

1           The protest issues are adverse  
2           impact on peace, order and quiet, residential  
3           parking, and vehicular and pedestrian safety,  
4           real property values, over-concentration, and  
5           proximity to churches.

6           My name is LaVerne Fletcher. I'll  
7           be conducting the roll call hearing as the  
8           Board's Agent, pursuant to D.C. Official Code  
9           1601.2.

10           Introductions, beginning with the  
11           Applicant, please.

12           MR. KLINE: Good morning, Andrew  
13           Kline, here on behalf of the Applicant.

14           MR. SOLOMON: John Solomon.

15           MR. HANKINS: Frank Hankins.

16           MR. TOMELDEN: Arthur Tomeldin.

17           MR. KLINE: They are -- we are all  
18           for the Applicant.

19           AGENT FLETCHER: Thank you.

20           Gentlemen, could you please  
21           restate and spell your last names?

22           MR. SOLOMON: John Solomon, S-O-L-

1 O-M-O-N.

2 AGENT FLETCHER: And Frank?

3 MR. HANKINS: Last name is  
4 Hankins, H-A-N-K-I-N-S.

5 AGENT FLETCHER: And --

6 MR. TOMELDEN: Last name is T-O-M-  
7 E-L-D-E-N.

8 AGENT FLETCHER: T-O-M-E -- did  
9 you say D-L-E-N?

10 MR. TOMELDEN: D as in David, E-N.

11 AGENT FLETCHER: E-N, okay.

12 And, Mr. Tomelden, what's the  
13 first name again?

14 MR. TOMELDEN: Arthur.

15 AGENT FLETCHER: Arthur? Thank  
16 you.

17 And, present on behalf of ANC 5B?

18 MS. STEPTOE: Carolyn C. Steptoe.

19 AGENT FLETCHER: Ms. Steptoe,  
20 would you spell your name for the court  
21 reporter?

22 MS. STEPTOE: First name is C-A-R-

1 O-L-Y-N, middle initial C, last name S-T-E-P-  
2 T-O-E.

3 AGENT FLETCHER: Thank you very  
4 much. And, ANC-5B does have standing as a  
5 Protestant, and has claimed as a Protestant.

6 MS. STEPTOE: Thank you.

7 AGENT FLETCHER: Would the  
8 individuals present from First Church Christ  
9 Holiness USA please step forward and form a  
10 line behind the table here, and you'll need to  
11 state your name and spell it for the court  
12 reporter.

13 Oh again, just step right up to  
14 the table. There's a microphone in the  
15 center. You can state your name and spell it  
16 for the court reporter.

17 MS. PERRY: Bettie Perry, B-E-T-T-  
18 I-E, last name Perry, P-E-R-R-Y.

19 AGENT FLETCHER: Thank you, Ms.  
20 Perry.

21 MS. CLAGGETT: Carol Claggett, C-  
22 A-R-O-L C-L-A-G-G-E-T-T.

1 AGENT FLETCHER: Thank you, Ms.

2 Claggett.

3 MS. JONES: Bettye Jones, B-E-T-T-

4 Y-E, Jones, J-O-N-E-S.

5 AGENT FLETCHER: Thanks.

6 MS. WASHINGTON: Johnnie Mae

7 Washington, J-O-H-N-N-I-E M-A-E Washington,

8 W-A-S-H-I-N-G-T-O-N.

9 AGENT FLETCHER: Thank you.

10 MS. MAYO: Gaynell May, Gaynell,

11 G-A-Y-N-E-L-L, Mayo, M-A-Y-O.

12 AGENT FLETCHER: Thanks.

13 MR. MAYO: And, Howard Mayo. Same

14 spelling, M-A-Y-O.

15 AGENT FLETCHER: Okay. So,

16 there's six individuals present from First

17 Church Christ Holiness USA.

18 Did each of you sign the protest

19 letter?

20 UNIDENTIFIED SPEAKER: Yes.

21 AGENT FLETCHER: Do you have a

22 designated representative for your group,

1 someone who would represent your entire group?

2 UNIDENTIFIED SPEAKER: No.

3 AGENT FLETCHER: I'm sorry, just  
4 -- is there anyone present today that would be  
5 representing the entire group? We have to  
6 have a designated representative, that's the  
7 reason I was asking if the Pastor was --  
8 because you are here as a member of the First  
9 Church Christ Holiness, yes?

10 Let me do this, can you come  
11 forward, you, yes. If you could come forward  
12 and just have a seat right there at that  
13 table, and so we can have the conversation and  
14 it will be recorded.

15 Let me say this, everything has to  
16 be recorded. If you are going to speak, you  
17 have to come up to the table so the court  
18 reporter can record what we are talking about.

19 And, if you would state your name.  
20 So, that's Mr. Mayo.

21 MR. MAYO: Correct.

22 AGENT FLETCHER: Mr. Mayo, for the

1 purpose the roll call hearing, you are going  
2 to be the designated representative for the  
3 group that's present?

4 MR. MAYO: That's correct.

5 AGENT FLETCHER: And, does  
6 everyone here agree with Mr. Mayo being their  
7 designated representative for the purpose of  
8 the roll call hearing? Okay, now we can  
9 proceed, we just needed one person at the  
10 table.

11 MR. MAYO: All right.

12 AGENT FLETCHER: So, first of all,  
13 Mr. Mayo, let me clarify. This protest was  
14 filed by First Church Christ Holiness USA.

15 MR. MAYO: Correct.

16 AGENT FLETCHER: Okay. And,  
17 everyone present is a member of the church.

18 MR. MAYO: That's not correct.

19 AGENT FLETCHER: Okay. But, the  
20 protest was filed by --

21 MR. MAYO: By the church.

22 AGENT FLETCHER: -- by the church.

1 MR. MAYO: Right.

2 AGENT FLETCHER: That's what I'm  
3 really -- that's what I really need to clarify  
4 before we go any further, that the protest was  
5 filed by the church.

6 MR. MAYO: Yes, that is correct.

7 AGENT FLETCHER: Okay. Churches,  
8 actually, do not have standing to file a  
9 protest. A church cannot file a protest. The  
10 law does not allow a church to file a protest.

11 So, the protest filed by First  
12 Church Christ Holiness USA is dismissed as a  
13 protestant, because churches can't file a  
14 protest.

15 And, just for future reference,  
16 there are six of you present today. If six of  
17 you had filed a protest as individuals, as an  
18 individual group that lived close by the  
19 establishment, then you would have had the  
20 ability to file a protest. But, a church  
21 cannot file a protest.

22 And, it was clear that the protest

1 was filed by the church. I'm just stating this  
2 to put it on the record, because that's who we  
3 received the protest letter from.

4 So, the church is dismissed as a  
5 protestant, and, Mr. Mayo, what you can do, or  
6 I'm not sure who the Pastor is, because he  
7 didn't sign the protest letter that I could  
8 tell who the Pastor is, you may seek standing  
9 as a protestant from the ABC Board, so you can  
10 appeal the decision that I'm making today, but  
11 churches, by law, don't have standing as  
12 protestants, just so that you know.

13 However, ANC 5B is here as a  
14 protestant, and they do have standing, so,  
15 perhaps, the ANC can represent the interests  
16 of the -- if you are going to speak, that's  
17 fine, just step forward to the table, state  
18 your name.

19 If you are going to say anything,  
20 you have to step forward.

21 MS. CULLINAN: I'm sorry, I'm a  
22 little disorganized.

1           AGENT FLETCHER: That's okay.

2           MS. CULLINAN: In addition to the  
3 churches, we held a number of nearby  
4 neighbors.

5           AGENT FLETCHER: Can you state  
6 your name for me?

7           MS. CULLINAN: Sure, Jeanna  
8 Cullinan. Should I spell it?

9           AGENT FLETCHER: No, are you here  
10 with which group?

11          MS. CULLINAN: With the near, they  
12 are across-the-street neighbors. So, we are  
13 kind of our own.

14          AGENT FLETCHER: Yes, you didn't  
15 file a protest.

16          MS. CULLINAN: We did.

17          AGENT FLETCHER: I'm not talking  
18 about your group yet.

19          MS. CULLINAN: So, we just --

20          AGENT FLETCHER: Yes, I haven't  
21 called your group yet.

22          MS. CULLINAN: -- and so, if the

1 church members signed on to having us as their  
2 designated representative, would that have any  
3 bearing on -- like, Mr. Mayo, his wife, and  
4 the other members signed a list that  
5 designated Deborah Hughes, Jessica Parrish and  
6 myself as their representatives?

7 AGENT FLETCHER: So, you are here  
8 with the group where the protest letter was  
9 signed, "sincerely, protestants." It was a  
10 group -- a separate group of 53. You are a  
11 member of that protesting group?

12 MS. CULLINAN: Yes.

13 AGENT FLETCHER: Let me state that  
14 first.

15 And, would you spell your name  
16 again?

17 MS. CULLINAN: Sure. Jeanna is J-  
18 E-A-N-N-A, Cullinan, C-U-L-L-I-N-A-N.

19 AGENT FLETCHER: Ms. Cullinan, to  
20 answer your question, the letter that you have  
21 indicates that protestants from the First  
22 Church Christ Holiness signed it, designating

1 you as their representative?

2 MS. CULLINAN: Yes, ma'am.

3 AGENT FLETCHER: So, is that a  
4 letter of designation, or is that a protest  
5 letter?

6 MS. CULLINAN: This is the  
7 protestant's designated representative in the  
8 matter of this case.

9 AGENT FLETCHER: Right, but is  
10 that a letter of designation or is that a  
11 protest?

12 I'll take a look at it, if you  
13 like. Okay. This letter states, "The  
14 attached under-signed protestants do hereby  
15 formally authorize Deborah Hughes, Jessica  
16 Parrish, P-A-R-R-I-S-H, and Jeanna Cullinan as  
17 their designated representative."

18 So, Ms. Cullinan, your group,  
19 actually, filed a protest letter. Your group,  
20 actually, filed a protest letter.

21 MS. CULLINAN: Yes.

22 AGENT FLETCHER: Which I have. It

1 states the bases upon which you are going to  
2 file a protest. So, there is an actual  
3 protest filed and signed by each individual on  
4 your list.

5 The only way that the individuals  
6 from First Church Christ Holiness could be  
7 represented by you is if they also signed that  
8 letter of protest that you submitted.

9 MS. CULLINAN: Okay.

10 AGENT FLETCHER: So, did any of  
11 the individuals that were here at the table  
12 just a moment ago also sign the protest letter  
13 submitted by Ms. Cullinan?

14 You can't speak from back there.  
15 You need to step up. I'm just asking if you  
16 did you can come forward. Okay.

17 So, let's start with you, Mr.  
18 Mayo. Let me start with you, Mr. Mayo.

19 Mr. Mayo, did you sign the protest  
20 letter submitted by Ms. Cullinan?

21 MR. MAYO: Yes, I did.

22 AGENT FLETCHER: Let me check

1 that, just a second. Not the one submitted by  
2 the church, the one submitted by Ms. Cullinan.

3 Ms. Cullinan's group filed a  
4 protest. They, actually, filed a protest  
5 letter of their own, separate from the church.

6 You can't talk from the back.

7 Mr. Mayo, did you sign the protest  
8 letter filed by Ms. Cullinan's group?

9 MR. MAYO: I wouldn't know for a  
10 fact before I look at the document.

11 AGENT FLETCHER: Okay. Your name,  
12 please?

13 MS. HUGHES: Deborah Hughes.

14 AGENT FLETCHER: And, Ms. Hughes,  
15 did you sign the protest letter submitted by  
16 Ms. Cullinan?

17 MS. HUGHES: Yes, I'm the  
18 designated person on the list, with Jessica  
19 and Jeanna.

20 AGENT FLETCHER: So, you signed  
21 the protest letter submitted by Ms. Cullinan.

22 MS. HUGHES: Yes.

1                   AGENT FLETCHER:  You know -- do  
2                   you have your protest letter with you?

3                   MS. HUGHES:  This is the original.

4                   AGENT FLETCHER:  May I see it,  
5                   please?  So, you can show me your signature.

6                   MS. HUGHES:  You have it.

7                   AGENT FLETCHER:  Excuse me in  the  
8                   back, you can't -- you have to be -- if you  
9                   want to speak, step forward.

10                   No, I mean, did you sign -- thank  
11                   you very much -- but what I'm asking is if you  
12                   signed the protest letter filed by Ms.  
13                   Cullinan, because you signed protest letters  
14                   filed by the First Church Christ Holiness.

15                   MS. HUGHES:  No, no, I'm not with  
16                   the First Church.

17                   AGENT FLETCHER:  Then you  
18                   shouldn't be -- let me explain -- you can go  
19                   back with your group.  Right now, I'm only  
20                   dealing with the First Church Christ Holiness,  
21                   that's it.

22                   MS. HUGHES:  Okay.

1                   AGENT FLETCHER:  If there is  
2                   anybody here from First Church Christ  
3                   Holiness, that also signed the protest letter  
4                   filed by Ms. Cullinan's group, step forward.

5                   The individuals that signed the  
6                   protest letter filed by the church need not  
7                   come forward.

8                   MS. HUGHES:  Okay.

9                   AGENT FLETCHER:  That protest has  
10                  already been dismissed.  But, if there's  
11                  anybody who signed the church protest letter,  
12                  that also filed Ms. Cullinan's protest letter,  
13                  those are the only individuals that need to  
14                  come forward.

15                  MS. COLEMAN-ALSTON:  Can I ask a  
16                  question?

17                  AGENT FLETCHER:  You need to step  
18                  forward, state your name, yes.

19                  MS. COLEMAN-ALSTON:  My name is  
20                  Helena Coleman-Alston.

21                  AGENT FLETCHER:  Could you say  
22                  that again, please?

1 MS. COLEMAN-ALSTON: Helena  
2 Coleman-Alston.

3 AGENT FLETCHER: And, could you  
4 spell that for the court reporter, please?

5 MS. COLEMAN-ALSTON: Yes. Helena,  
6 H-E-L-E-N-A, last name Coleman, C-O-L-E-M-A-N  
7 hyphen A-L-S-T-O-N.

8 AGENT FLETCHER: Okay, now Ms.  
9 Coleman-Alston, what group are you with?

10 MS. COLEMAN-ALSTON: I am with  
11 First Church Christ Holiness.

12 AGENT FLETCHER: But, you didn't  
13 step forward earlier and read your name into  
14 the record.

15 I'm just trying to make sure that  
16 we keep everything tight. I called the First  
17 Church Christ Holiness USA. Is there anybody  
18 else present from First Church Christ Holiness  
19 USA who did not step forward earlier, and  
20 state their name and read it into the record,  
21 who would like to step forward? Is there  
22 anyone else from First Church Christ Holiness

1 who is present, did not come forward.

2 Ms. Coleman-Alston, you were going  
3 to say something.

4 MS. COLEMAN-ALSTON: Yes, ma'am.  
5 I just wanted to make sure that we are  
6 representing our church, my husband and  
7 myself, and this is our Pastor as well, to  
8 represent our community.

9 AGENT FLETCHER: You filed the  
10 protest letter that was filed by the church.

11 MS. COLEMAN-ALSTON: Yes, ma'am,  
12 and I got a letter in the mail.

13 AGENT FLETCHER: Yes, you did.

14 MS. COLEMAN-ALSTON: My husband  
15 and I both.

16 AGENT FLETCHER: Okay. So, Mr.  
17 Alston, can you state your name and spell it  
18 for the record, please?

19 MR. ALSTON: Cleveland, C-L-E-V-E-  
20 L-A-N-D.

21 AGENT FLETCHER: Say that again.

22 MS. COLEMAN-ALSTON: Cleveland,

1       like Ohio.

2                   AGENT FLETCHER:   Oh, Cleveland.

3       Okay, that's the first name?

4                   MR. ALSTON:   Yes.

5                   AGENT FLETCHER:   And, the last

6       name is?

7                   MR. ALSTON:   Alston.

8                   AGENT FLETCHER:   Alston, thank

9       you, Mr. Alston, and you are also signed a

10      protest letter filed by the church.  That's

11      all I need to know.

12                   Thank you very much for coming

13      forward.

14                   And so, now we have the Pastor of

15      First Church Christ present --

16                   (Whereupon, comments made off

17      mic.)

18                   AGENT FLETCHER:   I'll do it.

19                   All right.  Pastor?

20                   PASTOR MARTINO:   Yes.

21                   AGENT FLETCHER:   Your name,

22      please?

1 PASTOR MARTINO: Pastor Ralph  
2 Martino, R-A-L-P-H M-A-R-T-I-N-O.

3 AGENT FLETCHER: What's the last  
4 name again?

5 PASTOR MARTINO: Martino, M-A-R-T-  
6 I-N-O.

7 AGENT FLETCHER: And, Pastor  
8 Martino, you are the Pastor of First Church  
9 Christ Holiness?

10 PASTOR MARTINO: That is correct.

11 AGENT FLETCHER: Before you  
12 arrived, I had dismissed the church as a  
13 protestant, because churches do not have  
14 standing to file a protest.

15 So, all of the members who are  
16 present from First Church Christ Holiness came  
17 forward, read their names into the record, and  
18 before you arrived I had explained to the  
19 group that churches do not have standing as  
20 protestants to file a protest. And, that  
21 protest was dismissed.

22 The church can always petition the

1 ABC Board to reconsider the decision that's  
2 made today, but churches do not have standing  
3 as a protestant, and so the protest filed by  
4 First Church Christ Holiness USA is dismissed  
5 as a protestant.

6 PASTOR MARTINO: Question.

7 AGENT FLETCHER: Yes.

8 PASTOR MARTINO: With that being  
9 said, although it is the church, they are also  
10 members that exist within the church, these  
11 individuals, could First Church not be  
12 considered then just a site where individuals  
13 have filed corporately, but yet individually,  
14 to express their concerns about this move?

15 AGENT FLETCHER: Let me also  
16 explain that, I'm dismissing the protest filed  
17 by the church. If the individuals who signed  
18 the protest petition as members of the church  
19 would like to petition the ABC Board to  
20 reconsider the dismissal of your protest as a  
21 group of individuals, you can do that, and the  
22 ABC Board will make a decision. But, for the

1 purpose of the roll call hearing, the protest  
2 was filed by the First Church Christ Holiness  
3 USA, and so I'm dismissing the church -- the  
4 protest filed by the church, which includes  
5 its members.

6 PASTOR MARTINO: Now, do you have  
7 a said statute that you are basing this on,  
8 just for the record, so that --

9 AGENT FLETCHER: Yes, I'll tell  
10 you what it is. I'll tell you what it is.  
11 It's D.C. Official Code, and you make -- you  
12 received the protest letter telling you about  
13 the roll call hearing today?

14 PASTOR MARTINO: That is correct.

15 AGENT FLETCHER: The person who  
16 signed that letter, you can call that person  
17 for more particulars, and I will tell you --  
18 well, she can tell you --

19 PASTOR MARTINO: Well, you are an  
20 organization, so I know you function and flow,  
21 and you communicate with each other. So, you  
22 know, I'd be surprised then, why would we get

1 a letter confirming that we needed to be here  
2 on this day, only to show up and then have you  
3 share with us that it's been dismissed?  
4 There's a lack of communication somewhere.

5 AGENT FLETCHER: Well, only the  
6 ABC Board can make a decision about who a  
7 protestant is. The person that sends out the  
8 scheduling notices can only send out a notice,  
9 and she --

10 PASTOR MARTINO: If this is  
11 correct, you are --

12 AGENT FLETCHER: If your protest  
13 is filed -- if your protest is filed timely,  
14 you are going to get a notice to appear. Only  
15 the ABC Board can determine who is a  
16 protestant.

17 PASTOR MARTINO: I understand  
18 that.

19 AGENT FLETCHER: Yes. So, the  
20 person who sends out the letters cannot make  
21 a determination about who has standing as a  
22 protestant.

1                   If your protest is filed timely,  
2                   you will receive a notice from her, telling  
3                   you that your protest was timely filed, and to  
4                   appear for a roll call hearing, so that the  
5                   ABC Board can determine who the protestants  
6                   are.

7                   So, there's no disconnect, only  
8                   the Board can make a ruling.

9                   PASTOR MARTINO: I just love  
10                  Monday morning coming all the way down into  
11                  D.C., for no reason.

12                  AGENT FLETCHER: Yes, I  
13                  understand.

14                  PASTOR MARTINO: I value your  
15                  time, you value our time.

16                  AGENT FLETCHER: Yes.

17                  PASTOR MARTINO: Because again,  
18                  the more information that we have up front,  
19                  the easier it is for us to make choice  
20                  decisions. And, it also helps us to, if you  
21                  will, constrain and maintain expectations,  
22                  because --

1                   AGENT FLETCHER:  Pastor, there is  
2                   also information on our website about who --  
3                   and there's the regulations, and there are  
4                   opportunities for you to know who can file a  
5                   protest.  Any time you file a protest, if it's  
6                   timely, you are going to get a notice to  
7                   appear today, so the ABC Board can determine  
8                   who the parties are.  That's the law, that's  
9                   the way the process works.

10                   PASTOR MARTINO:  Okay.  You were  
11                   going to share with us the Code.

12                   AGENT FLETCHER:  It's D.C.  
13                   Official Code 25601.

14                   PASTOR MARTINO:  Okay.

15                   AGENT FLETCHER:  Standing to File  
16                   a Protest Against a License.  That's where you  
17                   will find the regulations related to who can  
18                   file a protest.  A church does not have  
19                   standing as a protestant.

20                   PASTOR MARTINO:  For the record,  
21                   can you read that, do you have that written  
22                   out?

1                   AGENT FLETCHER: Yes, I have that  
2 written down, and I will summarize what it  
3 says.

4                   PASTOR MARTINO: That's fine.

5                   AGENT FLETCHER: Individuals or  
6 groups that can file a protest include, an  
7 abutting property owner, a group of five,  
8 residents or property owners, a group of three  
9 in the same moratorium zone, a citizens  
10 association incorporated in the District of  
11 Columbia, the ANC, or the affected ANC, the  
12 District Government, the Metropolitan Police  
13 Department, and the Federal Government. Those  
14 are the --

15                   PASTOR MARTINO: Now, let me ask  
16 you this question. We own property in the  
17 District.

18                   AGENT FLETCHER: You would have to  
19 -- your property would have to share a common  
20 wall with Brookland's Finest.

21                   PASTOR MARTINO: Wow.

22                   AGENT FLETCHER: And, I'm going to

1 have to move on.

2 PASTOR MARTINO: Okay.

3 AGENT FLETCHER: But, Pastor  
4 Martino, if you have any other questions  
5 related to the process, the person that signed  
6 the letter that you received is the person  
7 that you would need to call. If you want a  
8 copy of 25601 she can send that to you as  
9 well.

10 PASTOR MARTINO: Okay, and just  
11 for the record. I want you to know, we are  
12 disappointed, because we are supposed to be  
13 working together, and I don't really believe  
14 that we are, because again, you are going to  
15 ask, as someone who is praying for this  
16 community when violence breaks out, because of  
17 this attempt to bring this establishment into  
18 our area, but that's between you and God. But  
19 again, I appreciate your time.

20 AGENT FLETCHER: Okay. Thank you,  
21 Pastor Martino.

22 Is there anyone present from Grace

1 United Baptist Church? Are there any  
2 individuals present from --

3 MINISTER COLE: Good morning, how  
4 are you?

5 AGENT FLETCHER: Good morning.  
6 Are there any other individuals  
7 present from Grace United Baptist Church?

8 UNIDENTIFIED SPEAKER: Yes.

9 AGENT FLETCHER: Thank you. And,  
10 would you state your name and spell it for the  
11 court reporter?

12 MINISTER COLE: Minister Kevin  
13 Cole, K-E-V-I-N C-O-L-E.

14 AGENT FLETCHER: Thank you,  
15 Minister Cole.

16 MS. COLE: Celeste, C-E-L-E-S-T-E,  
17 Cole, C-O-L-E.

18 AGENT FLETCHER: Thank you.

19 MS. DAVIS: Christine, C-H-R-I-S-T-  
20 I-N-E, Davis, D-A-V-I-S.

21 MR. POWELL: Larry, L-A-R-R-Y,  
22 Powell, P-O-W-E-L-L.

1 AGENT FLETCHER: P-O-W-E-L-L?

2 MR. POWELL: Yes, ma'am.

3 AGENT FLETCHER: Okay, thank you.

4 And, you've been here for much of what has  
5 already transpired with respect to the First  
6 Church Christ Holiness. Churches do not have  
7 standing as protestants. And so, the protest  
8 filed by the church will have to be dismissed.

9 Any questions?

10 MR. POWELL: I have one question.

11 AGENT FLETCHER: Mr. Powell, your  
12 question?

13 MR. POWELL: Yes. I'd like to  
14 say, we've got this bar sitting there, you've  
15 got people bringing animals, right, and  
16 there's our church on the main line you've got  
17 to walk past these animals, dogs, right?  
18 You've got a bar three blocks up the street.  
19 They got another bar, it used to be Lefty's,  
20 but they changed the name to \*\*\* 10:31 \*\*\*.  
21 Then they are building a bar across the  
22 street, same kind of thing, the only thing

1 that people said is, I'm sorry, I didn't know  
2 it would bite you. I got bit by a dog. I  
3 know what they can do to you.

4 AGENT FLETCHER: Well, you know,  
5 Mr. Powell, let me say this. The purpose of  
6 the roll call hearing is just to determine who  
7 the protestants are, who has standing as  
8 protestants.

9 If this matter is not resolved in  
10 some way during the entire protest process,  
11 and there is a protest hearing, anyone who is  
12 granted standing as a protestant will have the  
13 ability to ask you to be a witness for them,  
14 if they so choose.

15 But, for the purpose of the roll  
16 call hearing, I'm just going to determine who  
17 the actual parties are to the protest.

18 MS. COLE: I have a question.

19 AGENT FLETCHER: And, your name,  
20 please?

21 MS. COLE: Celeste Cole.

22 AGENT FLETCHER: Yes.

1 MS. COLE: One of our members,  
2 actually, was the one that started the protest  
3 for the bar, and we signed her petition. So,  
4 that's why I thought that this was a part of  
5 the neighborhood petition, not so much a part  
6 of just the church.

7 AGENT FLETCHER: Well, did you  
8 file the protest -- did you by any chance file  
9 the -- sign the protest that was filed by Ms.  
10 Jeanna Cullinan? Just tell me if you did,  
11 that's all I need to know.

12 MINISTER COLE: Ms. Cullinan, no.

13 AGENT FLETCHER: Okay.

14 MINISTER COLE: Is that an option  
15 for us?

16 AGENT FLETCHER: Not at this  
17 point. Her -- Ms. Cullinan's group also filed  
18 a protest. I'm going to call her group  
19 forward in a moment. I'm dealing with each  
20 protestant group one at a time.

21 MS. COLE: Is she the only one  
22 that filed one, or do you have others?

1                   AGENT FLETCHER: You filed one  
2 also.

3                   MS. COLE: Right.

4                   AGENT FLETCHER: So, I'm just  
5 dealing with the protest filed right now, just  
6 the protest filed by Grace United Baptist  
7 Church. That's the one I'm dealing with right  
8 now.

9                   MS. COLE: Okay.

10                  AGENT FLETCHER: And so -- okay,  
11 Minister Cole?

12                  MINISTER COLE: Okay, that gives  
13 me a two-part question.

14                         You were very explicit when you  
15 talked to the Pastor about our ability, we are  
16 going to be dismissed today as Grace United  
17 Baptist Church. But, we also live in the  
18 surrounding community, and you had mentioned  
19 something pertaining to a group of five,  
20 right?

21                         Now, I want to be -- you know,  
22 could you expand on that a little more, a

1 group of five.

2 AGENT FLETCHER: Yes.

3 MINISTER COLE: So, we can  
4 reassemble ourselves.

5 AGENT FLETCHER: Yes. What I was  
6 explaining is that a church does not have  
7 standing as a protestant. So, I dismissed the  
8 church and its members as protestants, because  
9 the protest was filed by the church.

10 What I was explaining is that, if  
11 there are members in your group that signed  
12 the protest letter, that live within close  
13 proximity to Brookland's Finest, and you would  
14 like to petition the ABC Board and see if they  
15 will grant you standing as a group of five or  
16 more, you can do that. That's what I was  
17 explaining. The church is dismissed, but you  
18 have about 30 individuals from the church  
19 signed onto the protest.

20 MINISTER COLE: Exactly.

21 AGENT FLETCHER: If there are at  
22 least five members that signed the protest

1 letter who live within close proximity in the  
2 area of the church, who would like to make an  
3 attempt, or ask the ABC Board if they would  
4 grant them standing as individuals, they can  
5 do that.

6 The Board could decide to grant  
7 them standing as individuals, although the  
8 church will remain dismissed, because a church  
9 doesn't get standing, if they are members that  
10 live close by who want to seek standing as  
11 protestants, you may ask the ABC Board if you  
12 may do that.

13 So, that's what I was explaining.  
14 So, any number of them, any of the 20, it only  
15 needs to be five, you can just submit a letter  
16 to the ABC Board and tell them that the church  
17 was dismissed as a protestant today, and that  
18 you have 20 members of the church that signed  
19 the protest letter, and you would asking the  
20 ABC Board if they could seat five members of  
21 your protest to be granted standing as a group  
22 of five.

1                   MINISTER COLE:   Okay.

2                   MS. COLE:    Okay.

3                   MINISTER COLE:   Is that five, or  
4                   five or more?

5                   AGENT FLETCHER:   At least five.  
6                   It can be five or more, but we only need five.

7                   MINISTER COLE:   Okay.

8                   AGENT FLETCHER:   It can be five or  
9                   more, but we need at least five.

10                  MINISTER COLE:   Okay.

11                  AGENT FLETCHER:   So, that's what I  
12                  was explaining, Minister Cole, that the church  
13                  is dismissed, but that's an option that you  
14                  always have.   So, that's something that you  
15                  can do.

16                  MINISTER COLE:   Now, I might need  
17                  to address this with the ABC Board, but I'm  
18                  not clear, because now, if you've got a church  
19                  right there in the proximity of this location  
20                  that they are going to facilitate a bar, like  
21                  Brother Larry was saying with the different  
22                  elements that it brings, and that could be,

1       you have five churches, three schools. And,  
2       we come from that community, some come from  
3       the outer limits of that community, and we are  
4       what makes that community grow. And, we have  
5       an address there, you know, what I mean, we  
6       own the property.

7                     And, I just don't see why we are  
8       not a valid part of this. It's like we are  
9       being shut out of this as a group.

10                    Now, is that something we address  
11       with the ABC Board, you? Who do we address  
12       that with?

13                    AGENT FLETCHER: Well, the  
14       regulations establish who the protestants can  
15       be, so that's -- we have to enforce those.  
16       And, I don't know if you were present when I  
17       read --

18                    MINISTER COLE: Yes, I was.

19                    AGENT FLETCHER: -- so, those are  
20       the only individuals who can file a protest,  
21       that's it. So, that's just the law. We just  
22       enforce it.

1                   And, churches are not on that  
2 list, so they don't have standing. A church  
3 would have standing as a protestant if it were  
4 an abutting property owner that shared a  
5 common wall with the establishment.

6                   MINISTER COLE: Can you be a  
7 little clearer on that, abutting wall, you  
8 mean --

9                   AGENT FLETCHER: Abutting means  
10 you -- abutting means that there's a wall and  
11 you are on one side and they are on the other.  
12 In that case, a church could file a protest,  
13 because it would be an abutting property  
14 owner.

15                   MINISTER COLE: You've been great  
16 in explanations, everybody got it.

17                   MS. DAVIS: Yes, but I think it's  
18 terrible that we cannot, because --

19                   AGENT FLETCHER: Well, maybe you  
20 can. Maybe -- you can petition the ABC Board  
21 to consider five members of your group as a  
22 group of five.

1                   MINISTER COLE: Oh, I'm sure it's  
2 going to work out.

3                   AGENT FLETCHER: You can -- so  
4 that is something that you have the right to  
5 do.

6                   MINISTER COLE: Okay. All right.  
7 You've been great. Thank you so much.

8                   AGENT FLETCHER: Okay, thank you,  
9 Minister Cole.

10                   Minister Cole, are you going to be  
11 the designated representative for the church?

12                   MINISTER COLE: I would believe my  
13 Pastor, Pastor Gary Davis --

14                   AGENT FLETCHER: Is he here?

15                   MINISTER COLE: No, he's not here  
16 today, but I will direct him on which -- you  
17 know, what happened today. I don't know, it  
18 will either be myself or him.

19                   AGENT FLETCHER: Well, let me ask  
20 you to do this, just for the record, if you  
21 don't mind.

22                   There is a sign-in sheet on that

1 table, so that we can have a contact person  
2 beyond today.

3 MINISTER COLE: Okay.

4 AGENT FLETCHER: Now, I understand  
5 that it may very well be the Pastor, but so  
6 that we have a contact person, because that  
7 would be helpful.

8 MINISTER COLE: Okay. Sure.

9 AGENT FLETCHER: And so, if you  
10 could put, Minister Cole, your daytime  
11 telephone number and your email address, if  
12 you have one.

13 MINISTER COLE: I have one.

14 MS. COLE: I have one question.  
15 Does my Pastor --

16 AGENT FLETCHER: Who is speaking?

17 MS. COLE: Celeste Cole, I'm  
18 sorry.

19 AGENT FLETCHER: Okay, thank you.

20 MS. COLE: My Pastor was under the  
21 impression that we would be coming back on the  
22 14th, I believe, of August.

1                   AGENT FLETCHER: What he was  
2 referring to was the protest hearing date.

3                   MS. COLE: Okay.

4                   AGENT FLETCHER: There is a  
5 protest hearing scheduled for August 14th. A  
6 protest hearing is held if this matter is not  
7 resolved. Beyond today, we are going to  
8 schedule a mediation, which allows the parties  
9 an opportunity to resolve the issues.

10                   If that happens, there won't be a  
11 protest hearing, because the matter will have  
12 been resolved. But, if the matter is not  
13 resolved in mediation, then there is a protest  
14 hearing.

15                   MS. COLE: So, the mediation is  
16 going to take place today.

17                   AGENT FLETCHER: No, I'm going to  
18 schedule a mediation in just a few minutes.

19                   MS. COLE: Okay.

20                   AGENT FLETCHER: But, if mediation  
21 fails, and the parties aren't able to resolve  
22 their concerns in mediation, then there's

1 going to be a protest hearing on August the  
2 14th, where all the parties are present and  
3 the Board hears testimony. And then, the  
4 Board makes a ruling.

5 MS. COLE: So, even though we've  
6 been dismissed as protestants, is there any  
7 way possible that we could sit in on the  
8 mediation, just to see how this thing is going  
9 or whatever, or are we just eliminated  
10 altogether?

11 AGENT FLETCHER: Mediation is  
12 strictly confidential, so only the parties who  
13 have been granted standing as protestants can  
14 be present for mediation.

15 However, there's going to be a  
16 status hearing beyond mediation, and if the  
17 matter is not resolved in mediation there's  
18 going to be a protest hearing, and those are  
19 both public hearings. So, anybody can come  
20 for those.

21 MS. COLE: So we have to, what,  
22 check the website, or would you -- we wouldn't

1 get any notification or anything, would we?

2 AGENT FLETCHER: Well, I'm going  
3 to tell you -- I'm going to state today when  
4 the status hearing is.

5 MS. COLE: Okay.

6 AGENT FLETCHER: So, if you would  
7 like to come back to be a part of the audience  
8 for the status us, you would be able to.

9 The status hearing, I can tell  
10 you, is going to be on July 17th.

11 MS. COLE: Okay.

12 AGENT FLETCHER: It's going to be  
13 on July 17th.

14 MS. COLE: July 17th.

15 AGENT FLETCHER: At 9:30.

16 MS. COLE: Thank you.

17 MINISTER COLE: Thank you so much.

18 AGENT FLETCHER: Okay, you are  
19 welcome.

20 And, my card is on the table if  
21 you have any questions.

22 Would the parties in the matter of

1 -- it's a group of 53, Ms. Cullinan, if you  
2 are present, would you and any members from  
3 our group please come forward?

4 Ms. Cullinan, believe this is  
5 yours.

6 MS. CULLINAN: Thank you.

7 AGENT FLETCHER: And, could you  
8 please state your name again and spell it for  
9 the court reporter?

10 MS. CULLINAN: Jeanna Cullinan, J-  
11 E-A-N-N-A C-U-L-L-I-N-A-N.

12 AGENT FLETCHER: Thank you.

13 And, your name, sir?

14 MR. CARROLL: Chris Carroll, C-H-  
15 R-I-S, last name C-A-R-R-O-L-L.

16 AGENT FLETCHER: Thank you.

17 MS. HUGHES: Deborah Hughes, H-U-  
18 G-H-E-S.

19 MR. JENKINS: Alvin Jenkins, A-L-  
20 V-I-N J-E-N-K-I-N-S.

21 MS. PARRISH: Jessica Parrish, J-  
22 E-S-S-I-C-A P-A-R-R-I-S-H.

1                   AGENT FLETCHER: Thank you. And,  
2                   so, I know Ms. Cullinan is designated as a  
3                   representative for the group, as well as  
4                   Jessica Parrish -- no, Ms. Hughes. Ms. Hughes  
5                   is a designated representative, Ms. Cullinan  
6                   is a designated representative, and who is the  
7                   third person?

8                   MS. PARRISH: Me, Jessica Parrish.

9                   AGENT FLETCHER: Jessica, so you  
10                  -- okay.

11                  So, your group has standing as  
12                  protestants, because at least five of you are  
13                  present. And, I need at least one designated  
14                  representative, or however you want to do it,  
15                  to sign that roll call -- there's a sheet on  
16                  the table to sign in, so that we have contact  
17                  information.

18                  So, Ms. Cullinan, beyond today, we  
19                  will just contact you, and I know if for some  
20                  reason you are not available than Ms. Hughes  
21                  and Ms. Parrish are the ones we should  
22                  contact.

1                   Yes. You can just let us know at  
2 what point we would need to contact Ms. Hughes  
3 or Ms. Parrish.

4                   MS. CULLINAN: Okay.

5                   AGENT FLETCHER: And so, you are  
6 done, you can be seated and we'll proceed.

7                   MS. CULLINAN: Would you need the  
8 original copy of the --

9                   AGENT FLETCHER: I believe we --  
10 do we have that? I think we have that. Let  
11 me check.

12                   Yes, to answer your question, we  
13 don't have that already.

14                   MS. CULLINAN: Okay.

15                   MS. STEPTOE: May I give you the  
16 ANC original that is signed as well?

17                   AGENT FLETCHER: Yes. Okay.

18                   MS. STEPTOE: Thank you.

19                   AGENT FLETCHER: Thank you very  
20 much. Okay. So, we have two protestants, ANC  
21 5B and the group of individuals represented by  
22 Ms. Cullinan.

1 Ms. Cullinan, you can come back.

2 The fact that there were at least  
3 five individuals present from your group today  
4 means that only you would need to appear for  
5 the status hearing. All of you don't need to  
6 appear for the status hearing.

7 The purpose of the status hearing  
8 is to inform the Board regarding the status of  
9 your mediation. And, if you weren't present,  
10 then some additional people would need to show  
11 up for the status hearing.

12 But, so you've met your  
13 requirement to be considered protestants  
14 today. So, for the status hearing, only you  
15 need to show up, or one of the other  
16 designated representatives.

17 MS. CULLINAN: Okay. And, the  
18 status hearing is?

19 AGENT FLETCHER: The status  
20 hearing is, actually, set for July 17th.

21 Now, we need to set a date for a  
22 mediation, and the purpose of the mediation is

1 to try and resolve the protest. If the  
2 parties can resolve the protest by entering  
3 into a settlement agreement, and they submit  
4 the settlement agreement to the ABC Board  
5 before the status hearing, the status hearing  
6 can be canceled.

7 If the Board approves the  
8 settlement agreement, then the protest hearing  
9 would also be canceled.

10 The date for the -- I'll give you  
11 the dates for the status hearing and the  
12 protest hearing first. The date for the  
13 status hearing is July 17 at 9:30. The date  
14 for the protest hearing is set for August 14,  
15 August 14 at 4:00. And, you'll receive a  
16 notice of those dates, but those are the  
17 dates.

18 We need to set a date for  
19 mediation. If the mediation can occur before  
20 July 17, that would be the ideal situation.  
21 The status hearing is coming up rather  
22 quickly, so we'll try to do that. If we can't,

1 it will just be after the status hearing, but  
2 you would still need to appear for the status  
3 hearing, and you would tell the Board we  
4 haven't had mediation yet.

5 So, I'll give you -- I'll check  
6 and see if there are any dates available  
7 before July 17th.

8 Anybody available this week? Very  
9 short notice. I didn't think so, just  
10 checking. I'll keep moving.

11 Okay. So, we are going to move to  
12 August. The first available date in August is  
13 August the 6th, that's a Tuesday, at 9:00,  
14 10:00, 11:00 or 1:00. Is that okay for you,  
15 Ms. Steptoe?

16 MS. STEPTOE: 9:00.

17 AGENT FLETCHER: 9:00?

18 MS. STEPTOE: Ms. Fletcher, I'm  
19 sorry, 10:00.

20 MR. KLINE: 10:00 is fine with us,  
21 10:00 on the 6th.

22 AGENT FLETCHER: Is that good for

1       you, Ms. Cullinan?

2                   MS. CULLINAN:   Yes.

3                   AGENT FLETCHER:   10:00, so  
4       mediation is set for 10:00 on Tuesday, August  
5       6th.

6                   The mediation will be here.  It  
7       may be in this room.  My card is on the table.  
8       You may note, I'm the Board's Mediator.  It  
9       will be with me, it will either be in this  
10      room or a room in the back.  So, you can just  
11      check in with the receptionist and I'll come  
12      out.

13                  So, we've got, just to recap, the  
14      status hearing is July 17th at 9:30.  The  
15      protest hearing is August 14 at 4:00.  The  
16      mediation is Tuesday, August 6th, at 10:00  
17      a.m.

18                  Any questions?

19                  MS. STEPTOE:   May I ask you, in  
20      advance of the mediation hearing, is there  
21      anything that the parties are supposed to need  
22      to submit to the Board barring a settlement

1 agreement?

2 AGENT FLETCHER: No, Ms. Steptoe,  
3 there's nothing you need to do in preparation  
4 for the mediation, just to show up and we just  
5 have to make an attempt to resolve the  
6 protest, if we can. That would be the ideal  
7 situation. The Board would prefer for the  
8 parties to resolve the protest issues, if they  
9 can.

10 If that can't be done, then the  
11 protest hearing will be held, and the Board  
12 will hear testimony, and the Board will make  
13 a decision about the issuance of the license.

14 MS. STEPTOE: Okay. All right.  
15 Thank you.

16 AGENT FLETCHER: You are welcome.

17 MR. KLINE: Ms. Fletcher, I would  
18 ask that you check with the Board to see if it  
19 might be appropriate to move the status date  
20 to August 7th, rather than having it before  
21 the mediation. That would be after the  
22 mediation and before the protest date.

1                   AGENT FLETCHER: Thank you, Mr.  
2                   Kline. I, actually, did raise that issue, and  
3                   it was still set for July 17th. I'll raise it  
4                   again and let them know that the parties  
5                   raised the issue, but I raised that issue,  
6                   because, as you know, we like to have the  
7                   mediation first.

8                   MR. KLINE: Understood.

9                   AGENT FLETCHER: And, but I did  
10                  bring that up, but I'll bring it up again.

11                  MR. KLINE: Okay, thank you.

12                  AGENT FLETCHER: Yes. And then,  
13                  if the status hearing date changes, you'll be  
14                  informed in the notice that you receive that  
15                  gives you all the dates we talked about today.  
16                  If the status hearing date is going to change,  
17                  it will be in that notice, but I did explore  
18                  that changing of the date before today.

19                  MS. STEPTOE: Okay.

20                  AGENT FLETCHER: Okay, then, let's  
21                  see, Ms. Steptoe and Ms. Cullinan, I have your  
22                  email address and phone number. So, I can

1 reach you. I have Mr. Kline's contact  
2 information.

3 Okay. Well then, the roll call  
4 hearing is completed. Thank you for coming.

5 MS. STEPTOE: Thank you.

6 MR. KLINE: Thank you.

7 (Whereupon, the above-entitled  
8 matter was concluded at 10:51 a.m.)

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