

P R O C E E D I N G S

[10:10 a.m.]

1
2
3 MS. FLETCHER: Your name, sir?

4 MR. YAHYA: My name is Abdulker Yahya.

5 MS. FLETCHER: Abdulker Yahya.

6 MR. YAHYA: Yes, yes.

7 MS. FLETCHER: And could you state that
8 one more time and spell it for the court
9 reporter.

10 MR. YAHYA: Okay. A-b-d-u-l-k-e-r.
11 Last name is Yahya. Y-a-h-y-a.

12 MS. FLETCHER: Okay. Okay. Spell the
13 first name for me one more time, a little bit
14 slower.

15 MR. YAHYA: Okay. A-b-d-u-l-k-e-r. Last
16 name. Y-a-h-y-a.

17 MS. FLETCHER: Y-a-h-y-a?

18 MR. YAHYA: Yes.

19 MS. FLETCHER: Thank you very much.

20 And present on behalf of ANC 1A?

21 MR. BOESE: Good morning. Kent Boese.
22 K-e-n-t. Last name B-o-e-s-e.

1 MS. FLETCHER: Thank you, Mr. Boese.
2 ANC 1A does have standing as a Protestant. We
3 need to set a date for mediation, and we would
4 normally set a date for a status and protest
5 hearing today, but the person that gives us those
6 dates is not here this week. So I'm just going to
7 set a date for mediation. I'll give you the next
8 dates that are available, and when you get your
9 notice in the mail, it will have the status date
10 and the protest dates.

11 So Mr. Yahya, you just wrote your
12 contact information on that sheet?

13 MR. YAHYA: Okay.

14 MS. FLETCHER: Your daytime phone
15 number and your email address.

16 MR. YAHYA: Okay. Yes. I do.

17 MS. FLETCHER: Okay. So are you going
18 to be the contact person? Are you going to be the
19 contact person?

20 MR. YAHYA: I'll try to get the first
21 one - his contact information.

22 MS. FLETCHER: And so before - can you

1 please state your name and spell it for the
2 record, please.

3 MR. Tafa: Sure. My name is Daniel
4 Tafa, and my address is 412 H Street, N.E.

5 MS. Fletcher: Did you say Daniel?

6 MR. Tafa: Yes.

7 MS. Fletcher: Could you spell that,
8 please.

9 MR. Tafa: D-a-n-i-e-l.

10 MS. Fletcher: And what's the last name
11 again?

12 MR. Tafa: T as in Tom, a as in auto,
13 f as in Frank, a as in auto.

14 MS. Fletcher: T-a-f...?

15 MR. Tafa: A.

16 MS. Fletcher: A?

17 MR. Tafa: That's correct.

18 MS. Fletcher: And so Mr. Tafa is going
19 to be the primary person to contact in this
20 matter?

21 MR. Tafa: That's true.

22 MS. Fletcher: Okay. So then Mr. Tafa,

1 you will write your daytime phone number and your
2 email address on that sheet.

3 MR. TAFA: Sure.

4 MS. FLETCHER: You'll be the person
5 that we primary contact.

6 MR. TAFA: No problem.

7 MS. FLETCHER: Okay. And so Mr. Tafa,
8 while you write, I'll just tell you - we were in
9 the process of scheduling a date for mediation.
10 We're going to have a mediation, a status
11 hearing, and a protest hearing.

12 The purpose of the mediation is to
13 allow the parties an opportunity to resolve the
14 protests by way of a negotiated agreement. The
15 purpose of the status hearing is to report to the
16 ABC Board the results of mediation. And the
17 purpose of the protest hearing is for the Board
18 to conduct a hearing in the event that the
19 parties are unable to resolve this matter. Then
20 the Board conducts a hearing, hears the testimony
21 from all the parties, and then the Board decides
22 whether or not the license will be renewed and

1 whether or not any conditions need to be imposed.

2 So we were in the process of setting
3 a date for mediation. I'll give you the next
4 available dates.

5 MR. TAFa: Okay.

6 MS. FLETCHER: The next available date
7 for mediation is Friday, December 12th. It can be
8 at 9:00, 10:00, 11:00 or 1:00 on December 12; if
9 that's good. Either one for you, Mr. Boese?

10 MR. BOESE: Yes. They're fine with me

11 MS. FLETCHER: Any particular - are
12 you good on that day, Mr. Tafa?

13 MR. TAFa: What time is that?

14 MS. FLETCHER: At 9:00 in the morning,
15 10:00, 11:00 or 1:00.

16 MR. TAFa: 11:00 will be fine.

17 MS. FLETCHER: 11:00 is good.

18 MR. TAFa: Yes, please.

19 MS. FLETCHER: So then we'll set
20 mediation for Friday, December 12th, at 11:00.

21 MR. TAFa: I have a question.

22 MS. FLETCHER: Yes?

1 MR. TAF A: Can our lawyer be present
2 there?

3 MS. FLETCHER: Yes. If you have a
4 lawyer, if you would ask him to enter his
5 appearance, and then yes.

6 MR. TAF A: Okay.

7 MS. FLETCHER: So if your lawyer
8 decides to come to mediation, he can enter his
9 appearance at that time; but of course your
10 lawyer can always be involved.

11 MR. TAF A: Okay. So this - another
12 question.

13 MS. FLETCHER: Yes?

14 Mr. TAF A: That means we have to wait
15 for the license to be clear, until December 12?
16 That's what the -

17 MS. FLETCHER: Yes. You'll have to wait
18 until the matter is resolved. This is a license
19 renewal. So -

20 MR. TAF A: Yes.

21 MS. FLETCHER: - you'll continue to
22 operate. Your license is not canceled while we go

1 through this. Because it's a license renewal, you
2 continue to operate, so nothing stops for you in
3 terms of operating. But before the license is
4 issued, the renewal is issued, the matter has to
5 be resolved in some way.

6 MR. TAFSA: Okay.

7 MS. FLETCHER: You can do that in
8 mediation with Mr. Boese, and if you all reach an
9 agreement that's written, if the ABC Board
10 approves it, your renewal license can be issued
11 at that time. Or if you are not able to reach an
12 agreement in mediation, then there's a protest
13 hearing held where the Board hears the testimony
14 from the community.

15 MR. TAFSA: Yes. We have the support
16 there also.

17 MS. FLETCHER: I'm sorry. What was
18 that?

19 MR. TAFSA: We also submit the support
20

21 MS. FLETCHER: Yes. That's in the file.
22 And that's something - at this point it's not

1 needed because at this stage, you are trying to
2 resolve the concerns of, in this case, the ANC.

3 MR. TAFa: Can I ask you a question?

4 MS. FLETCHER: Yes.

5 MR. TAFa: When you say we can resolve,
6 what do you mean by that?

7 MS. FLETCHER: Well, it means that ANC
8 - did you receive a copy of the protest letter?

9 MR. TAFa: Yes. I did. Yes.

10 MS. FLETCHER: Those are the concerns
11 expressed by the ANC, issues related to peace,
12 order, and quiet. In mediation, we talk about it,
13 what that means, and we hear from the ANC, and
14 from you, about how you would like to address
15 those issues, and however you decide to resolve
16 them or address them is reduced to writing.

17 MR. TAFa: Okay.

18 MS. FLETCHER: And that's the
19 settlement agreement. It's voluntary.

20 MR. TAFa: All right.

21 MS. FLETCHER: And if you do that, then
22 if the Board approves it, the ABC Board has to

1 approve all settlement agreements -

2 MR. TAFA: Right.

3 MS. FLETCHER: Then if ABC Board
4 approves it, then the license is issued after
5 that.

6 MR. TAFA: Okay.

7 MS. FLETCHER: If you would prefer to
8 let the ABC Board decide the matter, whether or
9 not to renew the license, then they'll conduct
10 the protest hearing, and that's the point where
11 your letter of support comes in to play. I have
12 it right here.

13 MR. TAFA: Yes.

14 MS. FLETCHER: You have quite a few
15 signatures. I suppose these are from people that
16 live nearby.

17 MR. TAFA: Yes.

18 MS. FLETCHER: So that's when the Board
19 would consider your letter of support. They would
20 consider the ANC's protest, then make a decision
21 about whether or not to renew the license, and
22 they may decide not to impose any conditions on

1 the license, or they may decide, based on the
2 testimony, that they need to impose some
3 conditions.

4 But at this point, you have an
5 opportunity to decide for yourself, how you would
6 like to see this matter resolved. That's the
7 purpose of the mediation.

8 MR. TAFa: Okay.

9 MS. FLETCHER: Mediation is mandatory
10 but it's not mandatory that you reach an
11 agreement. It's just mandatory that you
12 participate.

13 MR. TAFa: Okay.

14 MS. FLETCHER: That you appear for
15 mediation. So if you could just come in and hear
16 what the ANC has to say about its concerns, and
17 we just sort of go from there.

18 MR. TAFa: Okay.

19 MS. FLETCHER: It's very informal.

20 MR. TAFa: Thank you.

21 MS. FLETCHER: And that was Mr. Tafa
22 speaking. I'm just saying for the -

1 MR. Tafa: yes.

2 MS. FLETCHER: Anything else? Any other
3 questions, Mr. Tafa?

4 MR. Tafa: I guess that's -

5 MS. FLETCHER: Any other questions?

6 Okay. Well, my card is on the table if you -

7 MR. Tafa: Okay.

8 MS. FLETCHER: - have any questions
9 beyond today.

10 MR. Tafa: Okay. Thanks.

11 MS. FLETCHER: The mediation takes
12 place here. You would just check in with the
13 receptionist.

14 We use this room, if it's available.
15 If not, we use a room in the back.

16 MR. Tafa: Okay. Thank you.

17 MS. FLETCHER: And when you get your
18 notice in the mail, it'll have your status and
19 protest hearing date in it as well. I just don't
20 have it for you today.

21 MR. Tafa: Okay. No problem.

22 MS. FLETCHER: So that's it.

1 MR. TAFA Thank you so much.

2 MR. BOESE: Just one -

3 MS. FLETCHER: Yes?

4 MR. BOESE: Just for clarification,
5 just because I think it needs to - probably we'd
6 all benefit from it.

7 MS. FLETCHER: Yes?

8 MR. BOESE: Should we reach a
9 settlement agreement in advance of December 12th,
10 and sign it and send it in, then the mediation
11 date doesn't have to be attended.

12 MS. FLETCHER: That's right.

13 MR. BOESE: Okay.

14 MS. FLETCHER: That's exactly right.

15 MR. BOESE: I just want to make sure
16 because that's -

17 MS. FLETCHER: That's important.

18 MR. BOESE: Yes.

19 MS. FLETCHER: Because if you're able
20 to resolve this matter in some way, we would
21 prefer that you do that, if you can.

22 MR. BOESE: Right.

1 MS. FLETCHER: If you can resolve this
2 matter in some way that doesn't involve us, or
3 the Board, or the Board's mediator, and you
4 submit an agreement, that's fine also. If the
5 Board approves it the mediation is canceled.

6 Well, if you call me and tell me that
7 you're working on a settlement agreement and
8 you're pretty sure it's going to be resolved,
9 I'll cancel the mediation also. So although it's
10 on the calendar, it can be canceled.

11 MR. TAFA: Okay. Perfect.

12 MS. FLETCHER: Thank you, Mr. Boese,
13 for bringing that up.

14 Okay. Then we're done. The roll call
15 hearing is concluded.

16 (Whereupon, at 10:15 a.m., the roll
17 call hearing was concluded)

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