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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: MMA By TMI, :
LLC, t/a To Be Determined. :
2066 Rhode Island Avenue N.E. :
Case #15 PRO-00106 :
New Application :
License #ABRA-100283 :
Retailer Class C :
Keep New Application :
November 30, 2015 :

- - - - - X

Monday, November 30, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Regulation Administration, Reeves Center, 2000
14th Street, N.W., Suite 400S, Washington, D.C.
20009.

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CHAIRPERSON:

LAVERNE FLETCHER, Presiding

ALSO PRESENT:

STEPHEN WHELAN, ESQ., Veritas Law Firm
on behalf of MMA By TMI, LLC

NOLAN TREADWAY, on behalf of ANC 5C and
Protestants

KATIE LEESMAN

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

2 CHAIRPERSON FLETCHER: The protest issues
3 are adverse impact on peace, order and quiet,
4 residential parking and vehicular and pedestrian
5 safety. My name is Laverne Fletcher. I am
6 conducting the Roll Call Hearing as the Board's
7 Agent pursuant to D.C. Official Code 1601.2.
8 Introductions, beginning with the applicant,
9 please.

10 MR. WHELAN: Good morning again. Stephen
11 Whelan of The Veritas Law Firm on behalf of the
12 Applicant MMA By TMI, LLC.

13 CHAIRPERSON FLETCHER: Okay, thank you,
14 Mr. Whelan. And would you spell your name for
15 the record?

16 MR. WHELAN: Sure. S-T-E-P-H-E-N, W-H-E-
17 L-A-N.

18 CHAIRPERSON FLETCHER: Okay. And,
19 present on behalf of ANC 5C?

20 MR. TREADWAY: Uh, ANC 5C. This is
21 Commissioner Nolan Treadway, and I'm also
22 representing the group of protestants.

1 CHAIRPERSON FLETCHER: Who's -- oh and
2 your name please?

3 MR. TREADWAY: My name is Nolan Treadway.

4 CHAIRPERSON FLETCHER: Mr. Treadway.

5 Okay, thank you. And Mr. Treadway, would you
6 spell your name?

7 MR. TREADWAY: N-O-L-A-N T-R-E-A-D-W-A-Y.

8 CHAIRPERSON FLETCHER: Thank you Mr.
9 Treadway. You're representing ANC 5C in the Blue
10 Book 200+?

11 NOLAN TREADWAY: Yes.

12 CHAIRPERSON FLETCHER: Okay, thank you
13 very much. And you have some individuals from
14 your group present today?

15 NOLAN TREADWAY: We do. Many. And also I
16 know in our petition we failed to designate a
17 representative so we've got signed sheets from
18 approximately about 100. I've got 35 of these
19 logged and the rest --

20 CHAIRPERSON FLETCHER: Yes we'll accept
21 you as the designated rep.

22 MR. TREADWAY: Without these?

1 CHAIRPERSON FLETCHER: Yes.

2 MR. TREADWAY: Okay.

3 CHAIRPERSON FLETCHER: Okay, thank you.

4 Well, if you went to the trouble, I'll take them
5 and put them in the record. Thank you very much,
6 I appreciate it. So, from the 210, plus, if you
7 would line up right beside, I mean right behind
8 Mr. Treadway and there's a microphone on the
9 table in front of Mr. Treadway. If you would
10 come to the table one at a time and state your
11 name, and spell it for the record and give me
12 your address.

13 MR. TREADWAY: All right, should folks
14 sign this as well?

15 CHAIRPERSON FLETCHER: Only you.

16 MR. TREADWAY: Okay.

17 CHAIRPERSON FLETCHER: We only need the
18 signature of you, Mr. Treadway, on that sign-in
19 sheet. But everyone else, if you would just line
20 up right behind that table, state your name and
21 spell it and state your address.

22 SPEAKER: Reverend Brian Sanderfoot, B-R-

1 I-A-N, S-A-N-D-E-R-F-O-O-T, 2021 Rhode Island
2 Avenue Northeast, Washington, D.C.

3 SPEAKER: My name is Marian Peele, M-A-R-
4 I-A-N, P-E-E-L-E, 2110 Kearney Street Northeast.

5 SPEAKER: My name is Katherine Ford, K-A-
6 T-H-E-R-I-N-E, F-O-R-D, I live at 2917 20th
7 Street Northeast, D.C.

8 SPEAKER: Good morning. My name is
9 Jonathan Eng, J-O-N-A-T-H-A-N, E-N-G, 2000 Evert
10 Street Northeast.

11 CHAIRPERSON FLETCHER: 2000 Evert?

12 MR. ENG: Yes ma'am.

13 CHAIRPERSON FLETCHER: Okay, thank you.

14 SPEAKER: Ernestine H. Brown, E-R-N-E-S-
15 T-I-N-E, H. B-R-O-W-N, 3048 Thayer Street
16 Northeast, Washington.

17 CHAIRPERSON FLETCHER: That's T-H-Y-E-R?

18 MS. BROWN: T-H-A-Y-E-R --

19 CHAIRPERSON FLETCHER: T-H-A-Y-E-R Street
20 Northeast?

21 MS. BROWN: Street Northeast.

22 CHAIRPERSON FLETCHER: Thank you.

1 MS. BROWN: Thank you.

2 SPEAKER: Good morning. My name is
3 Matthew Goedecke. That's M-A-T-T-H-E-W G-O-E-D-
4 E-C-K-E. Last name G as in George, O-E-D-E-C-K-E
5 and I live at 3028 Thayer Street Northeast.

6 CHAIRPERSON FLETCHER: Thank you.

7 SPEAKER: Delores Bushong, D-E-L-O-R-E-S,
8 B-U-S-H-O-N-G. I'm at 2030 Hamlin Street,
9 Northeast.

10 CHAIRPERSON FLETCHER: Thank you.

11 SPEAKER: Desire Blackmoore, B-L-A-C-K-M-
12 O-O-R-E, 4706 24th Street Northeast.

13 SPEAKER: Sharon, S-H-A-R-O-N, Turner, T-
14 U-R-N-E-R, 3232 Chestnut C-H-E-S-T-N-U-T Street
15 Northeast, zip 18.

16 CHAIRPERSON FLETCHER: Thank you.

17 SPEAKER: Mary Dempsey, M-A-R-Y, D-E-M-P-
18 S-E-Y, at 1732 Girard Street Northeast.

19 SPEAKER: Brenda Haynes, B-R-E-N-D-A, H-
20 A-Y-N-E-S, 1923 Jackson Street Northeast.

21 SPEAKER: Cheryl Phifer, C-H-E-R-Y-L, P-
22 H-I-F-E-R, 3014 26th Street Northeast, Washington

1 D.C. 20018.

2 SPEAKER: Robert Akines, R-O-B-E-R-T, A-
3 K-I-N-E-S, 1723 Franklin Street.

4 SPEAKER: Erica Daye, E-R-I-C-A, D-A-Y-
5 E, 2808 26th Street Northeast, Washington D.C.
6 20018.

7 SPEAKER: My name is Carolyn A. Rivers.
8 That's C-A-R-O-L-Y-N, A. R-I-V-E-R-S. I reside
9 at 2022 Jackson Street Northeast, Washington D.C.
10 20018.

11 SPEAKER: Good morning. My name is Linda
12 Williams, L-I-N-D-A, W-I-L-L-I-A-M-S, 1826
13 Jackson Street Northeast 20018.

14 SPEAKER: Jayme Harper, J-A-Y-M-E, H-A-R-
15 P-E-R, 1926 Franklin Street Northeast, D.C.
16 20018.

17 CHAIRPERSON FLETCHER: Thank you.

18 SPEAKER: Jean-Louise Turner, J-E-A-N--L-
19 O-U-I-S-E, T-U-R-N-E-R, 4314 12th Place
20 Northeast, 20017.

21 CHAIRPERSON FLETCHER: Miss Turner, you
22 live at 4514 12th Street Northeast?

1 MS. TURNER: No, I do not. I live at
2 4314.

3 CHAIRPERSON FLETCHER: 4314 12th Street
4 Northeast?

5 MS. TURNER: Place.

6 CHAIRPERSON FLETCHER: Place? Stay right
7 there for one second. Just wait one second.
8 There are -- and this will be a good time just
9 for me to state for the record, there are some
10 addresses that are not within the range over
11 which the Board has jurisdiction in this case.
12 The furthest distance that the Board considers is
13 individuals living within 1800 feet, so there are
14 just a handful of people that signed the protest
15 letter that are outside of that 1800 feet. Those
16 individuals cannot be granted standing because
17 you're outside of the bounds but you've got
18 plenty of representation.

19 MS. TURNER: Okay.

20 CHAIRPERSON FLETCHER: You know,
21 otherwise, for the establishment. And Mr.
22 Treadway is representing everyone.

1 MS. TURNER: Okay.

2 CHAIRPERSON FLETCHER: And so, Ms. Turner
3 you're the first person that's so far that falls
4 without -- without the 1800 feet.

5 MS TURNER: Okay.

6 CHAIRPERSON FLETCHER: And so, just for
7 the record you won't be recognized as a
8 protestant but your interests can still be
9 represented by Mr. Treadway.

10 MS. TURNER: Okay.

11 CHAIRPERSON FLETCHER: I wanted to state
12 that for the record, but thank you for coming.

13 MS. TURNER: Thank you.

14 CHAIRPERSON FLETCHER: And so the next
15 person?

16 SPEAKER: Sheryl Templeman, S-H-E-R-Y-L.
17 Templeman is T-E-M-P-L-E-M-A-N, 4427 19th Street
18 Northeast, 20018.

19 SPEAKER: My name is Patricia Williams,
20 P-A-T-R-I-C-I-A, W-I-L-L-I-A-M-S, 2024 Jackson
21 Street Northeast, 20018.

22 SPEAKER: Deborah Anderson. D-E-B-O-R-A-

1 H, A-N-D-E-R-S-O-N, 3211 22nd Street Northeast,
2 Washington D.C., 20018.

3 CHAIRPERSON FLETCHER: Thank you.

4 SPEAKER: Good morning. My name is Shay
5 Anderson. S-H-A-Y, A-N-D-E-R-S-O-N. My address
6 is 1815 Irving, I-R-V-I-N-G Street Northeast.

7 CHAIRPERSON FLETCHER: Thank you.

8 SPEAKER: Good afternoon. My name is
9 Danielle Henry, D-A-N-I-E-L-L-E, last name, H-E-
10 N-R-Y. My address is 3045 Clinton Street
11 Northeast. That's Clinton like Hillary and
12 George.

13 CHAIRPERSON FLETCHER: Thank you. And
14 Ms. -- is it --

15 MS. HENRY: Henry.

16 CHAIRPERSON FLETCHER: Henry. Could you spell
17 Henry again?

18 MS. HENRY: H-E-N-R-Y.

19 CHAIRPERSON FLETCHER: H-E-N-R-Y.

20 MS. HENRY: Mm hmm.

21 CHAIRPERSON FLETCHER: Okay, thank you.

22 SPEAKER: Cheryl Dixon. C-H-E-R-Y-L, D-

1 I-X-O-N.

2 CHAIRPERSON FLETCHER: D-I-X-O-N?

3 MS. DIXON: Yes.

4 CHAIRPERSON FLETCHER: And your address,
5 Ms. Dixon?

6 MS. DIXON: 2000 Jackson Street

7 Northeast. CHAIRPERSON FLETCHER: Thank you.

8 SPEAKER: Good morning. My name is
9 Yolanda Odunsi, Y-O-L-A-N-D-A. And the last name
10 is O-D-U-N-S-I. And I live at 2010 Franklin
11 Street Northeast, 20018.

12 CHAIRPERSON FLETCHER: Thank you.

13 SPEAKER: Good morning. Jo Bonney, J-O,
14 B-O-N-N-E-Y, 3004 20th Street Northeast, 20018.

15 CHAIRPERSON FLETCHER: Thank you, Ms.
16 Bonney. So, Mr. Treadway, is that everyone from
17 the group?

18 MR. TREADWAY: Yeah. I had a question on
19 the geographic reference. So, one of the folks
20 that are part of the protest is the church across
21 the street and that, the priest is obviously here
22 from there. So some of these folks who are a

1 further distance away are sort of a member of the
2 community via the church. Does that, I mean
3 would that weigh differently if the church were
4 protesting as its own entity or as those folks
5 coming in via --

6 CHAIRPERSON FLETCHER: The churches do
7 not have standing as protestants, but if there
8 are some members of the church that signed the
9 protest petition and they live within the
10 jurisdiction of the Board then those individuals
11 would have standing.

12 MR. TREADWAY: But if they're outside the
13 geographic, their membership in the church is not
14 relevant?

15 CHAIRPERSON FLETCHER: That's right. The
16 church and its membership are totally not
17 relevant.

18 MR. TREADWAY: Okay.

19 CHAIRPERSON FLETCHER: So, we only look
20 at individuals and where they live.

21 MR. TREADWAY: Okay.

22 CHAIRPERSON FLETCHER: And I'll just

1 state for the record also that there were some
2 protestants who signed the protest letter who
3 lived outside of the area, there were, just for
4 the record anyone who lives in Southeast is
5 beyond.

6 MR. TREADWAY: Yeah.

7 CHAIRPERSON FLETCHER: Beyond the
8 jurisdiction here. Vista Street is just outside
9 of the 1800 feet so there were -- there was at
10 least one person that lived on Vista.

11 MR. TREADWAY: Okay.

12 CHAIRPERSON FLETCHER: Most everyone was
13 within the 1800 feet but there were a few that
14 were not.

15 MR. TREADWAY: Sure. So anybody on
16 Eastern Avenue, Northeast, on the other side of
17 town. Will they -- will you all give us a list
18 of what the trimmed down list is? Or does that
19 just sort of work itself out.

20 CHAIRPERSON FLETCHER: Well, no if you
21 look at the list of names that was submitted, if
22 there's somebody on your list that lives on

1 Southeast just go with that understanding.

2 MR. TREADWAY: Right. Okay.

3 CHAIRPERSON FLETCHER: If there's
4 somebody that lives on Eastern Avenue, Northeast,
5 that's on the other side of town, on 3rd Place
6 Northwest that's not nearby.

7 MR. TREADWAY: Yeah.

8 CHAIRPERSON FLETCHER: There was a couple
9 of other -- oh, there was a P.O. Box, we don't
10 know where that is. Clay Street Northeast is the
11 --

12 MR. TREADWAY: One of the P.O. boxes is
13 for Jacqueline Manning, the Chair of 5C, she put
14 down -- she used the ANC 5C P.O. box address. I
15 don't know if that's relevant.

16 CHAIRPERSON FLETCHER: What's her name?

17 MR. TREADWAY: Jacqueline Manning.

18 CHAIRPERSON FLETCHER: Well then the ANC
19 was granted standing. I couldn't tell from the
20 P.O. Box.

21 MR. TREADWAY: There's another P.O. box
22 on there that I'm not familiar with, yeah.

1 CHAIRPERSON FLETCHER: So just FYI with
2 individuals that aren't granted standing, Clay
3 Street Northeast is on the other side of town.
4 Peabody Street Northwest is not nearby. I just
5 highlighted the streets that are nowhere near.
6 You've got plenty of protestors left in the
7 group. I just in general wanted to make sure
8 that you understood that anybody that lives way
9 outside of the bounds would not be granted
10 standing but that's not much of an issue in this
11 case because you've got a lot of people left.
12 And so with that.

13 SPEAKER: There's one more.

14 CHAIRPERSON FLETCHER: Oh, there's one
15 more? If you could just come up and state your
16 name and your address.

17 SPEAKER: Hi, Katie Leesman. L-E-E-S-M-
18 A-N, 1835 Hamlin, that's H-A-M-L-I-N Street
19 Northeast.

20 CHAIRPERSON FLETCHER: Thank you.

21 MR. TREADWAY: And Katie is one of our
22 backup designated representatives.

1 MS. LEESMAN: Yes.

2 MR. TREADWAY: Do you want her -- should
3 I put her down here?

4 CHAIRPERSON FLETCHER: Yes. And so I'm
5 assuming that all of the individuals from the
6 group represented by Mr. Treadway signed the
7 protest letter?

8 GROUP: Yes.

9 CHAIRPERSON FLETCHER: Everybody said
10 yes. Thank you. Because if you did not you
11 wouldn't be granted standing but I'm assuming
12 today that everybody signed. Thank you. We have
13 two groups of protestants. We have ANC 5C. We
14 have a group of five or more. Because at least
15 five individuals from your group, Mr. Treadway,
16 were present today, standing will be granted to
17 all of the protestants in your group except the
18 ones I just mentioned. So, standing will be
19 granted to everyone that signed one of these
20 letters of designation and standing will be
21 granted to everyone that's present today. So, at
22 this moment I am not sure what that number is but

1 it's going to be a large number.

2 MR. TREADWAY: Yeah.

3 CHAIRPERSON FLETCHER: Okay. So,
4 standing is granted to ANC 5C in a group of five
5 or more, the actual number will be determined
6 later. We need to set a date for a status
7 hearing, focus hearing and mediation. I will
8 give you the date for the status hearing and
9 focus hearing first. The protest hearing is set
10 for -- no, the status hearing, is set for January
11 6th -- January 6, 2016, at 9:30 a.m. for the
12 status hearing.

13 MR. TREADWAY: That's January 6th at 9:00
14 a.m.?

15 CHAIRPERSON FLETCHER: Mm hmm. January 6,
16 2016, at 9:30 a.m. for the status hearing.

17 MR. TREADWAY: Okay.

18 CHAIRPERSON FLETCHER: And the protest
19 hearing is set for January 7th at 4:30 p.m.

20 MR. TREADWAY: Is it possible to move
21 that at this time?

22 CHAIRPERSON FLETCHER: To move which

1 date, Mr. Treadway?

2 MR. TREADWAY: The one on January 27th.
3 I will be out of town for work travel.

4 CHAIRPERSON FLETCHER: You may petition
5 the Board beyond today to change the protest
6 hearing date. They don't like to do that for new
7 applications, but you can make the request.

8 MR. TREADWAY: Okay.

9 CHAIRPERSON FLETCHER: I don't know if
10 you have someone, Mr. Treadway, that you want to
11 appear on your behalf for the protest hearing,
12 but you can make that petition to the Board. If
13 the applicant is in agreement with rescheduling
14 that day you can file a joint motion, otherwise
15 just file your motion, provide a copy to Mr.
16 Whelan, the applicant will have an opportunity to
17 respond to your request, if they will be in
18 agreement with it. We're not -- and the Board
19 will take the request into consideration.

20 MR. TREADWAY: Okay, and so, but that's
21 tentatively scheduled -- or, at the moment it's
22 scheduled for the 27th at what time?

1 CHAIRPERSON FLETCHER: It is scheduled
2 for January 27 at 4:30 p.m. at this time.

3 MR. TREADWAY: Okay.

4 CHAIRPERSON FLETCHER: We need to set a
5 date for mediation. The next date available is
6 Thursday, December 17, at 9:00, 10:00 or 11:00.

7 MR. TREADWAY: Uh, how's 11:00 a.m.?

8 CHAIRPERSON FLETCHER: 11:00?

9 MR. TREADWAY: That's fine with the
10 applicant.

11 CHAIRPERSON FLETCHER: Okay. So, we have
12 Thursday December 17 at 11:00 for mediation.
13 And, Mr. Treadway, because at least five people
14 from your group were present today, that means
15 that at the upcoming status hearing only you need
16 to appear.

17 MR. TREADWAY: Alright.

18 CHAIRPERSON FLETCHER: You met the
19 requirement that the Board see at least five
20 faces. The same thing for the mediation, Mr.
21 Treadway, the designated representative is who we
22 would expect to appear for the mediation, the

1 entire group would not appear for mediation.

2 MR. TREADWAY: Great, yup.

3 CHAIRPERSON FLETCHER: The designated
4 representative on behalf of the group appears for
5 mediation.

6 MR. TREADWAY: Yup.

7 CHAIRPERSON FLETCHER: Any questions at
8 all? Okay well thank you for coming. The roll
9 call hearing is concluded.

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