

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :
7 Spo-dee-o-dee, LLC :Case #16-PRO-00038
8 t/a Showtime :
9 113 Rhode Island Ave, NW :
10 License #ABRA-089186 :
11 Retailer Class CT :
12 Substantial Change :

13 - - - - -X

14 Tuesday, May 31, 2016

15
16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

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21
22

1 LAVERNE FLETCHER PRESIDING

2

3 OTHER PERSONS PRESENT

4 PAUL VIVARI

5 FARID BOASK-BARANI

6 BASIR VAN DE FLIERT

7 DR. PAUL COLLINS

8 NADIM VAN DE FLIERT

9 SARAH ARNESON

10 MAURICE DORCEY

11 WILLIS TATTERSON

12

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

2 ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Would the parties
4 in the matter of Showtime please come forward?
5 This is case #16-PRO-00038. Spo-dee-o-dee LLC,
6 trading as Showtime, 113 Rhode Island Avenue
7 Northwest, license number ABRA-089186, retailer
8 class CT, substantial change with expansion of
9 premises with a total occupancy of 78 with 46
10 seats. The protest issues are adverse impact on
11 peace, order and quiet. My name is Laverne
12 Fletcher and I am conducting the Roll Call
13 Hearing as the Board's agent pursuant to D.C.
14 Official Code 1601.2. Introductions beginning
15 with the applicant.

16 MR. VIVARI: Paul Vivari. P-A-U-L, V as
17 in Victor, I-V again, A-R-I.

18 CHAIRPERSON FLETCHER: Okay. Mr. -- is
19 it pronounced Vivari?

20 MR. VIVARI: Yes ma'am.

21 CHAIRPERSON FLETCHER: Would you put your contact
22 information on this sheet please?

1 MR. VIVARI: I did.

2 CHAIRPERSON FLETCHER: Please. Okay,
3 thank you. We have a group of 8 protestants and
4 some abutting property owners so if we could
5 begin with the introduction of each individual
6 that signed the protest letter.

7 MR. BOSAK-BARANI. Farid Bosak-Barani,
8 I'm an occupant at 109 Rhode Island Avenue.

9 CHAIRPERSON FLETCHER: Would you spell
10 that for the record?

11 MR. BOSAK-BARANI: First name is F-A-R-I-
12 D, last name is Bosak-Barani, B as in Boy, O, S
13 as in Sam, A-K, hyphen B-A-R-A-N-I.

14 CHAIRPERSON FLETCHER: thank you very
15 much. And your name sir, next to Mr. Bosak-
16 Barani.

17 MR. VAN DE FLIERT: Basir Van de Fliert.
18 That's Basir with B-A-S-I-R, last name V-A-N
19 space D-E, space F-L-I-E-R-T.

20 CHAIRPERSON FLETCHER: Thank you very
21 much. And your name sir?

22 DR. COLLINS: Dr. Paul Collins. The

1 address is 111 --

2 CHAIRPERSON FLETCHER: Did you say Paul
3 Collins?

4 DR. COLLINS: Paul Collins.

5 CHAIRPERSON FLETCHER: P-A-U-L

6 DR. COLLINS: C-O-L-L-I-N-S.

7 CHAIRPERSON FLETCHER: I won't need the
8 address, thank you Mr. Collins.

9 DR. COLLINS: 111 Rhode Island Avenue,
10 Northwest.

11 CHAIRPERSON FLETCHER: Thank you, thank
12 you very much.

13 MR. VAN DE FLIERT: I'm Nadim Van de
14 Fliert. First name N-A-D-I-M, last name V as in
15 Victor, A-N, space D as in David, E, space, F as
16 in Frank, L-I-E-R-T.

17 CHAIRPERSON FLETCHER: Thank you.

18 MS. ARNESON: Sarah Arneson, last name A-
19 R-N-E-S-O-N. I'm here on behalf of my husband,
20 Richard Dizinno and also Will and Lisa Vickery.

21 CHAIRPERSON FLETCHER: Sarah, your first
22 name is spelled with an H?

1 MS. ARNESON: Yes.

2 CHAIRPERSON FLETCHER: And how do you
3 spell your last name again?

4 MS. ARNESON: A-R-N-E-S-O-N.

5 CHAIRPERSON FLETCHER: And you're here on
6 behalf of Richard --

7 MS. ARNESON: Dizinno.

8 CHAIRPERSON FLETCHER: Could you spell
9 that?

10 MS. ARNESON: D-I-Z-I-N-N-O.

11 CHAIRPERSON FLETCHER: What's the other
12 person?

13 MS. ARNESON: Will and Lisa Vickery.

14 CHAIRPERSON FLETCHER: Did you say
15 William?

16 MS. ARNESON: Yeah, William and Lisa. She
17 may have put her maiden name which is Hanson.

18 CHAIRPERSON FLETCHER: That's LISA?

19 MS. ARNESON: Yes.

20 CHAIRPERSON FLETCHER: William and Lisa -
21 - how do you spell her last name? I think she's
22 changed it now to Vickery. V-I-C-K-E-R-Y.

1 CHAIRPERSON FLETCHER: Thank you very
2 much. Is that everyone present from the group?

3 MR. NADIM: I -- I --

4 CHAIRPERSON FLETCHER: Did you raise your
5 hand, sir?

6 MR. NADIM: No, sorry.

7 CHAIRPERSON FLETCHER: Okay. So, Mr.
8 Nadim and Mr. Basir Van de Fliert, I see your
9 name on a protest letter but I don't see where
10 you signed one. I just wanted to tell you I have
11 your names here.

12 MR. N. VAN DE FLIERT: We sent a copy
13 with the signatures.

14 CHAIRPERSON FLETCHER: I know, but I
15 didn't see your signature. Let me look again.
16 Yeah, because initially as you know we started
17 out with no signatures and I know that you worked
18 with the staff to get signatures, so I looked
19 through to see who's signatures were there. I'm
20 going to make sure I didn't overlook yours. But
21 you do recall signing?

22 MR. N. VAN DE FLIERT: We both signed,

1 yes.

2 CHAIRPERSON FLETCHER: Do you know if
3 anyone submitted your signatures to us? Do you
4 know if anyone in your group submitted your
5 signatures to us? You may have signed, I'm just
6 trying to make sure that your knowledge somewhat
7 submitted your signature.

8 MR. N. VAN DE FLIERT: We're in an e-mail
9 chain that included the staff members.

10 CHAIRPERSON FLETCHER: I saw that e-mail,
11 I'm going to look at it again, because I know on
12 the 16th some signatures came in individually.

13 MR. N. VAN DE FLIERT: It was on the 19th
14 at 9:46 p.m. The e-mail was sent to Randall,
15 April Randall.

16 CHAIRPERSON FLETCHER: On the 19th? I
17 actually know the e-mail you're referring to.

18 MR. N. VAN DE FLIERT: legal e-mail
19 address?

20 CHAIRPERSON FLETCHER: No. That's the
21 office that I work in.

22 MR. N. VAN DE FLIERT: Okay and it

1 included Sarah Fashbaugh.

2 CHAIRPERSON FLETCHER: Sarah's name is
3 spelled S-A-R-A-H, her last name is Fashbaugh.

4 MR. N. VAN DE FLIERT: Fashbaugh.

5 CHAIRPERSON FLETCHER: That's F-A-S-H-B-
6 A-U-G-H for the record. And you mentioned April
7 Randall?

8 MR. N. VAN DE FLIERT: April Randall.

9 CHAIRPERSON FLETCHER: And so, April's
10 last name is spelled R-A-N-D-A-L-L.

11 MR. N. VAN DE FLIERT: The letter was
12 addressed to Ms. Randall and it included a copy
13 of the protest letter with both Basir Van de
14 Fliert and Nadim Van de Fliert's signatures.

15 CHAIRPERSON FLETCHER: I see a letter
16 that we received on the 19th. I don't see your
17 signature but let's assumed that you signed those
18 letters and they're not here in the file for some
19 reason.

20 MR. N. VAN DE FLIERT: I have a copy of
21 it visually if that's helpful.

22 CHAIRPERSON FLETCHER: Yeah, the

1 signatures would have need -- would have needed
2 to be submitted by the petition deadline which is
3 11:59 p.m. on May 16. There's a petition
4 deadline but, so even if I had that right now in
5 my possession I would dismiss you as protestants
6 because the protests were untimely filed but I
7 know that everybody in the group has the same
8 interests so I imagine your interests will still
9 be addressed.

10 So, Mr. Basir Van de Fliert and Mr. Nadim
11 Van de Fliert, I'm sorry, you're not granted
12 standing as protestants but let's see who else we
13 have here. Mr. Bosak-Barani?

14 MR. BOSAK-BARANI: You signed the protest letter.

15 Dr. Collins, you signed the protest letter.

16 Sarah Arneson you signed the protest letter.

17 Richard Dizinnio signed the protest letter.

18 William and Lisa Vickery filed the protest as
19 former owners and occupants. The law does not
20 allow the filing of a protest by former owners
21 and former occupants, so their protest will be
22 dismissed. Mr. Bosak-Barani.

1 MR. BOSAK-BARANI: Yes, ma'am.

2 CHAIRPERSON FLETCHER: Did I pronounce
3 it? You were designated as the representative
4 for the entire group at the outset and in the
5 original protest letter that you filed and we
6 received on time you were designated as the
7 representative and for that reason, I am going to
8 grant standing to the entire group of eight to
9 sign the protest letter and I'll tell you who
10 those eight -- well, you probably know who the
11 eight are. Would it help for me to tell you who
12 they are?

13 MR. BOSAK-BARANI: I have the names
14 listed.

15 CHAIRPERSON FLETCHER: So, I'm granting
16 standing to each one of those people. On that
17 original protest letter that was sent in, Mr.
18 Basir and Nadim didn't sign that original letter
19 but you signed one later, I'm just letting you
20 know I'm aware of what was submitted, so you did
21 sign one later. So, I'm granting standing to a
22 group of eight that you are representing and also

1 some members from your group filed as abutting
2 property owners. Paul Collins, you filed also as
3 an abutting property owner. And Mr. Dizinnio
4 also filed as an abutting property owner and so
5 did you, Ms. Arneson?

6 MS. ARNESON: Yes.

7 CHAIRPERSON FLETCHER: You filed as an
8 abutting property owner, and so do your
9 properties share a common wall? You're claiming
10 that your properties abut, so they abut in that
11 way. Mr. Vivari, do you agree that the
12 properties abut to your knowledge? They do?

13 MS. VIVARI: Yes.

14 CHAIRPERSON FLETCHER: Okay, no
15 objections. Abutting property owners have stand
16 alone standings so you're granted standing as
17 part of the group of eight and you're granted
18 standing as abutting property owners as well.
19 So, there was also someone by the name of Eleanor
20 Mayer.

21 MS. ARNESON: Yes.

22 CHAIRPERSON FLETCHER: I see now that

1 she's former. So Eleanor Mayer, that's E-L-E-A-
2 N-O-R, M-A-Y-E-R, is not granted standing as a
3 protestant although she signed the letter, former
4 occupants are not granted standing. So, we have
5 in addition to the group of eight, we have three
6 abutting property owners: Paul Collins is an
7 abutting property owner.

8 MR. N. VAN DE FLIERT: I don't know if
9 it's necessary to clarify that Mr. Basir and Mr.
10 Nadim Van de Fliert are also abutting property
11 owners.

12 CHAIRPERSON FLETCHER: Who?

13 MR. N. VAN DE FLIER: Mr. Basir and Mr.
14 Nadim Van de Fliert are also abutting property
15 owners.

16 CHAIRPERSON FLETCHER: Well, if the claim
17 wasn't made in the protest letter, yeah. Oh, did
18 you make that claim in your protest letter on
19 someone here?

20 It was noted that we were at 115 Rhode Island Ave
21 Northwest which is an abutting property

22 CHAIRPERSON FLETCHER: That would be?

1 MR. N. VAN DE FLIERT: Unit 2.

2 CHAIRPERSON FLETCHER: And who else did
3 you say is -- . Basir and Mr. Nadim Van de
4 Fliert.

5 CHAIRPERSON FLETCHER: Because the
6 signatures are untimely, it wouldn't matter.
7 Sorry. Otherwise it would.

8 MR. N. VAN DE FLIERT: Okay.

9 CHAIRPERSON FLETCHER: So, Dr. Collins
10 would you prefer to be called doctor or reverend?
11 We have you as reverend, does it matter to you?
12 I'll just call you doctor. I want to put the
13 right characterization of you in the record.

14 DR. COLLINS: Okay.

15 CHAIRPERSON FLETCHER: Which would you
16 prefer?

17 DR. COLLINS: Doctor or reverend --

18 CHAIRPERSON FLETCHER: Doctor is good?
19 I'll go with doctor if you say doctor.

20 DR. COLLINS: Just doctor.

21 CHAIRPERSON FLETCHER: Doctor is good,
22 okay what I have, I just wanted to make sure.

1 So, Dr. Collins, you're granted standing as an
2 abutting property owner, Richard Dizinnio is
3 granted standing as an abutting property owner,
4 and Sarah Arneson is granted standing as an
5 abutting property owner.

6 So, as protestants we have a group of
7 eight and three abutting property owners. We
8 need to set a date for a -- oh, the other thing
9 before I forget, Mr. Bosak-Barani, you're
10 representing the entire group so do you have your
11 contact information on that sheet?

12 MR. BOSAK-BARANI: Yes, ma'am.

13 CHAIRPERSON FLETCHER: Each abutting
14 property owner also needs to put their contact
15 information on that sheet and so Ms. Arneson did
16 you put your contact information on that sheet,
17 because you'll be communicated with separately.
18 You'll receive your designated representative
19 will be contacted but you will be, too, as an
20 abutting property owner. Dr. Collins, can you
21 put your contact information on that sheet,
22 please?

1 DR. COLLINS: Yes.

2 CHAIRPERSON FLETCHER: Thank you. Can
3 you? Did you?

4 DR. COLLINS: Yes, it's all on there.

5 CHAIRPERSON FLETCHER: Okay, thank you.
6 And Mr. Dizinnio is not present.

7 MS. ARNESON: I included his information
8 on there.

9 CHAIRPERSON FLETCHER: Hmm?

10 MS. ARNESON: I included his information
11 on there.

12 CHAIRPERSON FLETCHER: Okay, thank you.
13 We're ready to set a date for a mediation, a
14 status hearing and a protest hearing. The date
15 for the status hearing is July 13, at 9:30 a.m.
16 July 13 at 9:30. The date for the protest
17 hearing is August the 10th at 4:30. We need to
18 set a date for mediation. I'll give you the next
19 date available.

20 MR. VIVARI: Regarding the mediation, we
21 had a mediation session on Sunday with our local
22 ANC chair, I think sort of like the last case

1 that was up here we hope to have a settlement
2 agreement in place within the next few weeks.

3 CHAIRPERSON FLETCHER: With the ANC?

4 MR. VIVARI: Yeah, and I think the
5 mediation, if it's okay with everyone else,
6 should be set a little closer to the status
7 hearing just as like a backup in case our
8 personal mediation ends up not working out for
9 whatever reason, we can fall back on ABRA's but
10 we hope to have something in place before that.

11 CHAIRPERSON FLETCHER: Well, the ANC
12 actually didn't file a protest.

13 MR. VIVARI: It wasn't officially to the
14 ANC, she just -- she acted as -- you know -- a
15 go-between between myself and the protestants.

16 MR. N. VAN DE FLIERT: That's correct.

17 CHAIRPERSON FLETCHER: So, the ANC is in
18 the process of working with Showtime on a
19 settlement agreement and if the ANC is able to
20 reach an agreement that addresses your concerns
21 then you would be willing to sign off on that
22 settlement agreement?

1 MR. N. VAN DE FLIERT: Yes, ma'am.

2 CHAIRPERSON FLETCHER: Okay, so you would
3 consider the matter resolved if the establishment
4 enters into a settlement agreement with the ANC?

5 MR. N. VAN DE FLIERT: Yes, ma'am.

6 MR. BOSAK-BARANI: Yes.

7 CHAIRPERSON FLETCHER: Okay, the reason
8 I'm asking is because the best time with us but
9 the ANC did not file a protest so if there's not
10 a settlement agreement that you are in agreement
11 with then you would continue through the process.
12 So, for that reason, I'm going to need to --
13 normally, what you -- normally we'd just set the
14 mediation out as far as possible but the ANC
15 didn't file a protest, so I'm going to have to
16 set it before July 13th and if the ANC and
17 Showtime enter into a settlement agreement before
18 then -- do you know when the ANC votes by any
19 chance? Mr. Vivari?

20 MR. VIVARI: The third Tuesday.

21 CHAIRPERSON FLETCHER: The third Tuesday?

22 MR. VIVARI: Of the month, yeah.

1 CHAIRPERSON FLETCHER: So, if the ANC
2 reaches a settlement agreement with Showtime
3 before the status hearing then we would need
4 verification from you that that settles your
5 protest or you can also, if the ANC does not
6 mind, it's okay with us if you sign off on that
7 settlement agreement but we'll need something
8 from the group -- it can be submitted by you, Mr.
9 Barak -- I'm trying to keep both your names
10 together -- Mr. Bosak-Barani, it's okay if you
11 tell us on behalf of everyone that your group
12 withdraws its protest if the ANC enters into an
13 agreement. We just need something in the record
14 that shows that it's okay with you that the
15 matter was resolved --

16 MR. BOSAK-BARANI: That's our
17 understanding.

18 CHAIRPERSON FLETCHER: -- with the ANC
19 agreement since they didn't file a protest. But
20 I'll make a note of what you just said , Mr.
21 Vivari, that if the ANC reaches a settlement --
22 which ANC is this?

1 MR. VIVARI: 5E.

2 MR. BOSAK-BARANI: 5E, yeah.

3 CHAIRPERSON FLETCHER: If ANC 5E enters
4 into a settlement agreement that addresses the
5 concerns of the protestants, you're going to be
6 on board because you're working together to
7 resolve these issues?

8 MR. BOSAK-BARANI: Yes, ma'am, we're in
9 contact with our representative.

10 MR. VIVARI: So, whatever settlement
11 agreement we come to would need to be approved by
12 the ANC? Even though they didn't file protests?

13 CHAIRPERSON FLETCHER: Well, the ANC can
14 enter into a settlement agreement even if there's
15 no protest. I mean, you can always enter into a
16 settlement agreement even if you don't file a
17 protest. It just has to be submitted to the ABC
18 Board for approval. Because the ANC enters into
19 a settlement agreement with you doesn't mean the
20 ABC Board is going to approve it, so -- you can --
21 -- it's good that you're working together if -- if
22 -- if you submit the settlement agreement the

1 ANC, the ABC Board will review it. If they
2 approve it and understand that it resolved the
3 concerns of the group then the Board will sign
4 the settlement agreement and then you can proceed
5 through the licensing.

6 BOSAK-BARANI: Going through the ANC
7 makes it a stronger case for the settlement
8 agreement.

9 CHAIRPERSON FLETCHER: Well, not in this
10 case because the ANC didn't file a protest
11 because they're not protestants at all. So, if
12 the ANC settlement agreement were to fall apart,
13 then we would still have the group of eight and
14 the three abutting property owners who did file
15 protests, so the ANC is a non issue for us,
16 they're not protestants at all but if they want
17 to enter into an agreement with an establishment
18 we always accept that but the protestants have to
19 be in agreement as well.

20 MR. BOSAK-BARANI: So, we could just come
21 to a settlement agreement between just Showtime
22 and the protestants without the ANC.

1 CHAIRPERSON FLETCHER: Yes.

2 MR. BOSAK-BARANI: But that's just
3 another option.

4 CHAIRPERSON FLETCHER: Yeah because
5 that's what would normally happen. The only
6 reason we are doing it this way is because the
7 protestants have said that they will agree with
8 whatever the ANC comes up with because the ANC is
9 addressing their concerns.

10 MR. BOSAK-BARANI: Okay.

11 CHAIRPERSON FLETCHER: If the group said
12 we don't care if the ANC enters into a settlement
13 agreement, we want one of our own, then we would
14 have to disregard, the one with the -- we won't
15 disregard it -- I mean the Board won't, we wont,
16 I mean the Board will still look at it and
17 approve it but we will move forward with the
18 protestants separately.

19 MR. BOSAK-BARANI: Okay.

20 CHAIRPERSON FLETCHER: So, I'm going to
21 set a date for mediation because I have to
22 because the matter has not been settled, and I

1 made a note here to -- that what we're watching
2 for is -- now, who is going to let me know if the
3 ANC enters into a settlement agreement? The ANC?
4 Somebody will have to let us know.

5 MR. BOSAK-BARANI: I'll be -- we're in
6 contact with Dr. Holiday.

7 CHAIRPERSON FLETCHER: Okay.

8 MR. BOSAK-BARANI: We're all working
9 through the settlement and the terms and the
10 biggest one is the signatories of the protests
11 are satisfied?

12 CHAIRPERSON FLETCHER: That's right.

13 MR. BOSAK-BARANI: The settlement --

14 CHAIRPERSON FLETCHER: We're good with
15 that.

16 MR. BOSAK-BARANI: We're going to
17 withdraw our protest.

18 CHAIRPERSON FLETCHER: Okay. And if on
19 the ANC settlement agreement if you were to sign,
20 just you, on behalf of the entire group we would
21 accept that because you're the -- according to
22 the protest letter, Mr. Bosak-Barani, you're the

1 designated representative for all the protestants
2 although there are three abutting property owners
3 that have standing alone, your protest letter,
4 the original one says that you can speak on
5 behalf of all of the protestants. So, if the ANC
6 were to sign the protest letter and you signed on
7 behalf of all of the protestants we would accept
8 that as well.

9 MR. BOSAK-BARANI: Okay.

10 CHAIRPERSON FLETCHER: Just so you know.

11 DR. COLLINS: All right, a question.

12 CHAIRPERSON FLETCHER: Yes, Dr. Collins?

13 DR. COLLINS: Since there is a voluntary
14 agreement already in effect, which probably has
15 broken several times, and as a result of a
16 hearing that was held back in March, he was -- he
17 was given several things that he had to do in
18 order to -- which included items on this protest.
19 So, what happens -- what happens to the original
20 agreement and the -- the decisions of the Board.

21 CHAIRPERSON FLETCHER: The original
22 voluntary agreement was with?

1 DR. COLLINS: With me.

2 CHAIRPERSON FLETCHER: With you, Dr.
3 Collins, as an abutting property owner.

4 DR. COLLINS: Yes.

5 CHAIRPERSON FLETCHER: Well, we treat
6 everything separately. What you just described
7 is one issue. That's separate. So, if there is
8 a case pending where there's a violation of a
9 settlement agreement with you, that's going to be
10 treated separate. This -- this case is related
11 to the application for substantial change only.
12 That's it.

13 So, there could be some other pending
14 issues. They'll be handled separately. And I
15 understand what you mean, so if the ANC enters
16 into a settlement agreement with Showtime based
17 on what I'm hearing today, it should address your
18 concerns as well. Let's just say it doesn't, as
19 an abutting property owner you have a right to
20 say 'I'm not going to sign that I'm going to go
21 it alone.' You never lose that right as an
22 abutting property owner.

1 DR. COLLINS: Thank you.

2 CHAIRPERSON FLETCHER: Mm hmm. So, I'll
3 give you these dates knowing that we may not need
4 them but you can let me know if the case settles.
5 The status hearing is on July 13th, so if this
6 matter is settled before July 13, and you send
7 the settlement agreement before then, you won't
8 need to come to the status hearing. If we don't
9 have a settlement agreement by the 13th then you
10 need to come. You need to come, Mr. Bosak-
11 Barani, you would need to come. The abutting
12 property owners don't have to come because you're
13 representing everybody, including the abutting
14 property owners. So, that status hearing is set
15 for July 13, at 9:30 a.m. The protest hearing is
16 set for August the 10th at 4:30 p.m. Yes, August
17 10th.

18 MR. BOSAK-BARANI: And the purpose of
19 that meeting? One more time, ma'am.

20 CHAIRPERSON FLETCHER: The protest
21 hearing?

22 MR. BOSAK-BARANI: The protest hearing.

1 CHAIRPERSON FLETCHER: The protest
2 hearing is where you have a hearing like a court
3 hearing where you come and provide your -- put
4 your witnesses on the stand, provide any
5 documentation you have to show why the Board
6 should not grant the substantial change
7 application of Showtime, so that's where you
8 would put on your witnesses, any testimony that
9 you have, any documents you want to submit to
10 make your case for that. The purpose of the
11 status hearing is for the Board to know the
12 status of the case at that point.

13 Mediation is supposed to occur before a
14 status hearing. At the status hearing the Board
15 likes to know that the mediation occurred because
16 it's required and what the status of the
17 mediation is. But if the matter is settled
18 before the 13th then you won't need to come for a
19 status hearing. I'll tell you the next available
20 date for a mediation. Would it help to move it
21 out to June 30, trying to move it out as far as
22 possible?

1 MR. VIVARI: Yeah that would be --

2 CHAIRPERSON FLETCHER: Would that be
3 helpful? So, I can set the mediation for June
4 30, that's a Thursday, at 9:00, 10:00 or 11:00.
5 Just to have it on the books. If you don't need
6 it I can cancel it.

7 MR. BOSAK-BARANI: 9:00 is fine.

8 CHAIRPERSON FLETCHER: 9:00 is good for
9 you too?

10 MR. VIVARI: 9:00 is fine.

11 CHAIRPERSON FLETCHER: Thank you. So, I
12 have mediation set for Thursday, June 30, at
13 9:00. If the matter is settled before then I'll
14 take it off the book. Are the e-mail addresses
15 written clearly? I'm only asking because beyond
16 this point all communication will be by e-mail.
17 And I'll have your telephone numbers if it
18 bounces back, but it's helpful to keep moving
19 along. Any questions at all? Okay, well thank
20 you for coming, the Roll Call Hearing is
21 concluded.

22 MR. BOSAK-BARANI: Thank you.

1 MR. VIVARI: Thank you.

2 [Off the record 11:00 a.m.]

3

4 (Whereupon, the above-entitled matter was

5 concluded.)

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