



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

2 (12:18 a.m.)

3 MS. FLETCHER: Would the parties  
4 in the matter of Bandolero please come  
5 forward.

6 This is Case No. 13-PRO-00066,  
7 Pure Hospitality, LLC, trading as Bandolero,  
8 3241 M Street, N.W., License No. ABRA-075631.  
9 This is a Retailer CR New Application.

10 The protest issues are adverse  
11 impact on peace, order and quiet.

12 My name is La Verne Fletcher and  
13 I'm conducting the Roll Call Hearing as the  
14 Board's agent, pursuant to D.C. Official Code  
15 1601.2.

16 Introductions beginning with the  
17 applicant, please.

18 MR. KLINE: Good afternoon.  
19 Andrew Kline on behalf of the applicant. And  
20 seated to my left is Jonathan Umbel, principal  
21 of the applicant. Last name spelled U-m-b-e-  
22 l.

1 MS. FLETCHER: Thank you, Mr.  
2 Kline.

3 And for the protestants.

4 MS. WILLIFORD: Hi. Good  
5 afternoon, Ms. Fletcher. Kwamina Williford  
6 with Holland & Knight. I am counsel to 2441  
7 Bond Street Equities, which is the owner of  
8 3245 M Street, N.W., which abuts the property  
9 of Bandolero.

10 To my right is Matthew Wexler, W-  
11 e-x-l-e-r, who is the authorized agent of 2441  
12 Bond Street Equities.

13 MS. FLETCHER: Thank you.

14 MR. PRICE: Are we ready? Because  
15 I'm also on --

16 MS. FLETCHER: Yes.

17 MR. PRICE: Richard Price,  
18 representing the interest of 3249 M Street.  
19 That's F&M Enterprises. We also are, in fact,  
20 abutting on that property.

21 By way of explanation, a portion  
22 of that property in the rear is utilized by

1 both -- both restaurants, and Bandolero has --  
2 has had a portion of the property which does  
3 abut us physically in their lease, and they  
4 lease that property for trash and grease and  
5 storage.

6 And, in fact, the kitchens,  
7 although -- are -- share the same space --  
8 it's not the same kitchen, but it's in the  
9 same space for both restaurants.

10 MS. FLETCHER: So you're saying  
11 that 3249 M Street, N.W. abuts 3241 --

12 MR. PRICE: Yes, in the rear.

13 MS. FLETCHER: -- M Street, N.W.?

14 MR. PRICE: But it share -- that  
15 property is leased to the Bandolero Restaurant  
16 as part of their lease.

17 MS. FLETCHER: Explain that again,  
18 please, because I don't see it as an abutting  
19 property. Can you explain it again.

20 MR. PRICE: Yes. What happens is,  
21 in the rear of the Tackle Box is a large  
22 concrete platform and that platform is also

1 leased to Bandolero. So they have a property  
2 interest in that --

3 MS. FLETCHER: But it's not a  
4 wall?

5 MR. PRICE: What?

6 MS. FLETCHER: It's not a wall?  
7 It's not -- you're not -- it's not sharing a  
8 common wall, it's a platform, not a wall?

9 MR. PRICE: I don't understand the  
10 distinction.

11 MS. FLETCHER: The way the ABC  
12 Board defines an abutting property --

13 MR. PRICE: Well, we built a wall.

14 MS. FLETCHER: That they share a  
15 wall. So, do you share --

16 MR. PRICE: We share a fence.

17 MS. FLETCHER: Yes. I don't see  
18 from the geographic information that you share  
19 a common wall. I understand that you share  
20 some space, but I don't see that you share a  
21 common wall. Are you saying that you do?

22 MR. PRICE: Well, as far as the

1 kitchen is concerned, yes, because they are in  
2 the same -- same room, which does abut our  
3 building.

4 So, in -- it's distinct from the  
5 platform. The kitchen abuts our building and  
6 has an adjoining wall. Both kitchens are in  
7 the same room with a divider.

8 MS. FLETCHER: So you are saying  
9 that in the rear of 3249 --

10 MR. PRICE: Right.

11 MS. FLETCHER: And the rear of  
12 3241, you share a common wall?

13 MR. PRICE: Yes. At least as far  
14 as the kitchen and we built a wall in the rear  
15 where that platform is which was destroyed in  
16 the fire, but we had to rebuild that wall. We  
17 did -- we erected a wall on our -- between the  
18 properties at that platform.

19 MS. FLETCHER: So what I'm going  
20 to do, because from what -- from what I'm  
21 looking at, I can't see that. I'm looking at  
22 the District of Columbia geographic

1 information system which doesn't make any  
2 distinction between your kitchens and --

3 I understand what you are saying,  
4 but what I'm going to do with respect to --

5 MR. PRICE: But it's in the lease  
6 that they specifically lease that -- that  
7 portion is shown in their lease that they  
8 lease that -- that land.

9 MS. FLETCHER: Yes. I don't -- I  
10 don't have that in -- in the record that I'm  
11 looking at. So, what I'm going to do -- what  
12 I'm going to do, I am going to -- I am going  
13 to dismiss F&M Enterprises as a protestant in  
14 this matter and what you can do, Mr. Price, is  
15 petition the ABC Board for standing as a  
16 protestant and provide them with the  
17 information that you have so that they can  
18 review it and make a decision.

19 And then we have 2441 Bond Street  
20 Equities as the property located -- as the  
21 owner of the property located at 3245 M  
22 Street.

1 MS. WILLIFORD: That's correct.

2 MS. FLETCHER: In which Tackle Box  
3 is located, but you own the property.

4 MS. WILLIFORD: Correct.

5 MS. FLETCHER: And you're claiming  
6 to abut 3241 M Street, N.W., and those two  
7 properties do abut 3245 M Street and 3241 M  
8 Street do abut, according to the geographic  
9 information system.

10 And so I am granting standing as a  
11 protestant to Bond Street -- 2441 Bond Street  
12 Equities.

13 And, Ms. Williford, you are  
14 representing 2441 Bond Street Equities in this  
15 matter?

16 MS. WILLIFORD: Yes.

17 MS. FLETCHER: All right. We need  
18 to set a date for mediation. Do you want to  
19 do it on the same day as the other one, Mr.  
20 Kline?

21 MR. KLINE: That is fine.

22 MS. WILLIFORD: Yes.

1 MS. FLETCHER: Ms. Williford?

2 MS. WILLIFORD: Yes.

3 MS. FLETCHER: Okay. So, do you  
4 want to do it at eleven o'clock on the 25th?

5 MR. KLINE: Probably will give us  
6 plenty of time.

7 MS. FLETCHER: So, mediation is  
8 set for eleven o'clock on Thursday, July 25  
9 for Bandolero.

10 Any questions at all?

11 MR. KLINE: No, we don't have any.

12 MS. FLETCHER: Then the Roll Call  
13 Hearing is concluded, and we are off the  
14 record, but I'll bring you the maps that I  
15 use, if you want to --

16 MR. KLINE: Right. Thank you.

17 (Whereupon, the Roll Call Hearing  
18 was concluded at 12:28 p.m.)

19

20

21

22

<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 5:11 7:15  <b>ABRA-075631</b>  1:12 2:8  <b>abut</b> 4:3 6:2 8:6,7,8  <b>abuts</b> 3:8 4:11 6:5  <b>abutting</b> 3:20 4:18  5:12  <b>adjoining</b> 6:6  <b>adverse</b> 2:10  <b>afternoon</b> 2:18 3:5  <b>agent</b> 1:22 2:14  3:11  <b>Alcoholic</b> 1:3,18,18  <b>Andrew</b> 2:19  <b>applicant</b> 2:17,19  2:21  <b>Application</b> 2:9  <b>authorized</b> 3:11  <b>a.m</b> 2:2</p>	<p>6:12  <b>concerned</b> 6:1  <b>concluded</b> 9:13,18  <b>concrete</b> 4:22  <b>conducting</b> 2:13  <b>Control</b> 1:3,18,18  <b>correct</b> 8:1,4  <b>counsel</b> 3:6  <b>CR</b> 1:12 2:9</p> <p style="text-align: center;"><b>D</b></p> <p><b>date</b> 8:18  <b>day</b> 8:19  <b>decision</b> 7:18  <b>defines</b> 5:12  <b>destroyed</b> 6:15  <b>dismiss</b> 7:13  <b>distinct</b> 6:4  <b>distinction</b> 5:10 7:2  <b>District</b> 1:1 6:22  <b>divider</b> 6:7  <b>D.C</b> 1:20 2:14</p>	<p style="text-align: center;"><b>G</b></p> <p><b>geographic</b> 5:18  6:22 8:8  <b>give</b> 9:5  <b>going</b> 6:19 7:4,11  7:12,12,12  <b>Good</b> 2:18 3:4  <b>granting</b> 8:10  <b>grease</b> 4:4</p> <p style="text-align: center;"><b>H</b></p> <p><b>happens</b> 4:20  <b>Hearing</b> 1:5,19  2:13 9:13,17  <b>Hi</b> 3:4  <b>Holland</b> 3:6  <b>Hospitality</b> 1:10  2:7</p> <p style="text-align: center;"><b>I</b></p> <p><b>impact</b> 2:11  <b>information</b> 5:18  7:1,17 8:9  <b>interest</b> 3:18 5:2  <b>Introductions</b> 2:16  <b>issues</b> 2:10</p>	<p><b>leased</b> 4:15 5:1  <b>left</b> 2:20  <b>License</b> 1:12,12 2:8  <b>LLC</b> 1:10 2:7  <b>located</b> 7:20,21 8:3  <b>looking</b> 6:21,21  7:11</p> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 1:11 2:8 3:8,18  4:11,13 7:21 8:6,7  8:7  <b>maps</b> 9:14  <b>matter</b> 1:9 2:4 7:14  8:15  <b>Matthew</b> 3:10  <b>mediation</b> 8:18 9:7  <b>met</b> 1:18  <b>MONDAY</b> 1:15</p> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:12,21  <b>need</b> 8:17  <b>New</b> 2:9  <b>N.W</b> 1:11,20 2:8  3:8 4:11,13 8:6</p>	<p>4:12,14,20 5:5,9  5:13,16,22 6:10  6:13 7:5,14  <b>principal</b> 2:20  <b>Probably</b> 9:5  <b>properties</b> 6:18 8:7  <b>property</b> 3:8,20,22  4:2,4,15,19 5:1,12  7:20,21 8:3  <b>protest</b> 2:10  <b>protestant</b> 7:13,16  8:11  <b>protestants</b> 3:3  <b>provide</b> 7:16  <b>Pure</b> 1:10 2:7  <b>pursuant</b> 2:14  <b>P-R-O-C-E-E-D-...</b>  2:1  <b>p.m</b> 9:18</p> <p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 9:10  <b>quiet</b> 2:11</p>
<p style="text-align: center;"><b>B</b></p> <p><b>Bandolero</b> 1:10 2:4  2:7 3:9 4:1,15 5:1  9:9  <b>beginning</b> 2:16  <b>behalf</b> 2:19  <b>Beverage</b> 1:3,18,18  <b>Board</b> 1:3,18 5:12  7:15  <b>Board's</b> 2:14  <b>Bond</b> 3:7,12 7:19  8:11,11,14  <b>Box</b> 4:21 8:2  <b>bring</b> 9:14  <b>building</b> 1:19 6:3,5  <b>built</b> 5:13 6:14</p>	<p style="text-align: center;"><b>E</b></p> <p><b>eleven</b> 9:4,8  <b>Enterprises</b> 3:19  7:13  <b>Equities</b> 3:7,12  7:20 8:12,14  <b>erected</b> 6:17  <b>explain</b> 4:17,19  <b>explanation</b> 3:21  <b>e-x-l-e-r</b> 3:11</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 3:19 4:6  <b>far</b> 5:22 6:13  <b>fence</b> 5:16  <b>fine</b> 8:21  <b>fire</b> 6:16  <b>Fletcher</b> 1:22 2:3  2:12 3:1,5,13,16  4:10,13,17 5:3,6  5:11,14,17 6:8,11  6:19 7:9 8:2,5,17  9:1,3,7,12  <b>forward</b> 2:5  <b>F&amp;M</b> 3:19 7:13</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Jonathan</b> 2:20  <b>July</b> 9:8  <b>JUNE</b> 1:15</p> <p style="text-align: center;"><b>K</b></p> <p><b>kitchen</b> 4:8 6:1,5  6:14  <b>kitchens</b> 4:6 6:6 7:2  <b>Kline</b> 2:18,19 3:2  8:20,21 9:5,11,16  <b>Knight</b> 3:6  <b>Kwamina</b> 3:5</p> <p style="text-align: center;"><b>L</b></p> <p><b>l</b> 2:22  <b>La</b> 1:20 2:12  <b>land</b> 7:8  <b>large</b> 4:21  <b>lease</b> 4:3,4,16 7:5,6  7:7,8</p>	<p style="text-align: center;"><b>O</b></p> <p><b>Official</b> 2:14  <b>Okay</b> 9:3  <b>order</b> 2:11  <b>owner</b> 3:7 7:21  <b>o'clock</b> 9:4,8</p> <p style="text-align: center;"><b>P</b></p> <p><b>part</b> 4:16  <b>parties</b> 2:3  <b>peace</b> 2:11  <b>petition</b> 7:15  <b>physically</b> 4:3  <b>platform</b> 4:22,22  5:8 6:5,15,18  <b>please</b> 2:4,17 4:18  <b>plenty</b> 9:6  <b>portion</b> 3:21 4:2  7:7  <b>presiding</b> 1:22  <b>Price</b> 3:14,17,17</p>	<p style="text-align: center;"><b>R</b></p> <p><b>ready</b> 3:14  <b>rear</b> 3:22 4:12,21  6:9,11,14  <b>rebuild</b> 6:16  <b>record</b> 7:10 9:14  <b>Reeves</b> 1:19  <b>Renewal</b> 1:13  <b>representing</b> 3:18  8:14  <b>respect</b> 7:4  <b>Restaurant</b> 4:15  <b>restaurants</b> 4:1,9  <b>Retailer</b> 1:12 2:9  <b>review</b> 7:18  <b>Richard</b> 3:17  <b>right</b> 3:10 6:10  8:17 9:16  <b>Roll</b> 1:5 2:13 9:12  9:17  <b>room</b> 1:19 6:2,7</p>
<p style="text-align: center;"><b>C</b></p> <p><b>Call</b> 1:5 2:13 9:12  9:17  <b>Case</b> 1:13 2:6  <b>claiming</b> 8:5  <b>Code</b> 2:14  <b>Columbia</b> 1:1 6:22  <b>come</b> 2:4  <b>common</b> 5:8,19,21</p>				<p style="text-align: center;"><b>S</b></p> <p><b>saying</b> 4:10 5:21</p>

<p>6:8 7:3  <b>seated</b> 2:20  <b>see</b> 4:18 5:17,20  6:21  <b>set</b> 8:18 9:8  <b>share</b> 4:7,14 5:14  5:15,16,18,19,20  6:12  <b>sharing</b> 5:7  <b>shown</b> 7:7  <b>space</b> 4:7,9 5:20  <b>specifically</b> 7:6  <b>spelled</b> 2:21  <b>standing</b> 7:15 8:10  <b>storage</b> 4:5  <b>Street</b> 1:11,20 2:8  3:7,8,12,18 4:11  4:13 7:19,22 8:6,7  8:8,11,11,14  <b>system</b> 7:1 8:9</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>Tackle</b> 4:21 8:2  <b>Thank</b> 3:1,13 9:16  <b>Thursday</b> 9:8  <b>time</b> 9:6  <b>trading</b> 2:7  <b>trash</b> 4:4  <b>two</b> 8:6  <b>t/a</b> 1:10</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>Umbel</b> 2:20  <b>understand</b> 5:9,19  7:3  <b>use</b> 9:15  <b>utilized</b> 3:22  <b>U-m-b-e</b> 2:21</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>Verne</b> 1:20 2:12</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>W</b> 3:10  <b>wall</b> 5:4,6,8,8,13,15  5:19,21 6:6,12,14  6:16,17  <b>want</b> 8:18 9:4,15</p>	<p><b>Washington</b> 1:20  <b>way</b> 3:21 5:11  <b>Wexler</b> 3:10  <b>Williford</b> 3:4,5 8:1  8:4,13,16,22 9:1,2</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p</b> 1:8,14</p> <hr/> <p style="text-align: center;"><b>#</b></p> <hr/> <p><b>#13-PRO-00066</b>  1:13</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>12:18</b> 2:2  <b>12:28</b> 9:18  <b>13-PRO-00066</b> 2:6  <b>14th</b> 1:19  <b>1601.2</b> 2:15</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2000</b> 1:19  <b>2013</b> 1:15  <b>2441</b> 3:6,11 7:19  8:11,14  <b>25</b> 9:8  <b>25th</b> 9:4</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 1:15  <b>3241</b> 1:11 2:8 4:11  6:12 8:6,7  <b>3245</b> 3:8 7:21 8:7  <b>3249</b> 3:18 4:11 6:9</p>			
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