

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Johnny Rockets Group, Inc.
t/a Johnny Rockets
3131 M Street, NW
Retailer CR - ANC-2E
License No. 81606

Fact-
Finding
Hearing

(Request to Extend Safekeeping)

July 15, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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

2 11:43 p.m.

3 CHAIRPERSON MILLER: All right. Okay.

4 We have one more case this morning, it's a Fact-
5 Finding Hearing. All right. It's Johnny
6 Rockets, 3131 M Street, N.W., License No. 81606,
7 in ANC-2E. And it is with respect to a request
8 to extend safekeeping.

9 MS. WILLIAMS: Good morning.

10 CHAIRPERSON MILLER: Hi. Could you
11 introduce yourself for the record?

12 MS. WILLIAMS: Yes. I'm Ingrid
13 Williams, Regional Manager for New York/New
14 Jersey.

15 CHAIRPERSON MILLER: Okay. Is this
16 your first time here?

17 MS. WILLIAMS: Yes.

18 CHAIRPERSON MILLER: Okay. Sorry that
19 you had to wait a little bit.

20 MS. WILLIAMS: Oh, no, that's fine.
21 It was interesting, you know, applying for a
22 liquor license and I learned a lot.

1 CHAIRPERSON MILLER: Oh, good.

2 MS. WILLIAMS: So that was good.

3 CHAIRPERSON MILLER: Okay. Well, this
4 is a different kind of hearing. You are not
5 under oath.

6 MS. WILLIAMS: Okay.

7 CHAIRPERSON MILLER: You don't have an
8 adversary party here. We just want to get some
9 more information from you and maybe give you some
10 information that might be helpful with your
11 request to -- with respect to this request for
12 safekeeping.

13 So first of all, I would want to ask
14 you, you know, what is the status of your plans
15 with respect to keeping this in safekeeping. You
16 have asked for an extension. Six months?

17 MS. WILLIAMS: Right now, we were
18 under, you know, negotiations with the lease, so
19 that's what the delay has been the negotiation
20 has been completed and we have extended, so now
21 we are in the process of doing an extensive
22 remodel and remodeling the location. So I would

1 say about six months to a year.

2 CHAIRPERSON MILLER: Okay. So your
3 projection is six months to a year when the
4 renovations will be finished?

5 MS. WILLIAMS: I would say about --
6 you know, because based on the company in the
7 next 60 days, we will be sending the managers to
8 -- you know, into training.

9 CHAIRPERSON MILLER: Oh.

10 MS. WILLIAMS: So I would say six
11 months is a reasonable time.

12 CHAIRPERSON MILLER: Oh, good. Okay.
13 You are sending managers in 60 days to training
14 here at ABRA?

15 MS. WILLIAMS: Yes. As far as I know,
16 I mean, in D.C. here.

17 CHAIRPERSON MILLER: Right.

18 MS. WILLIAMS: Yes.

19 CHAIRPERSON MILLER: This is at M
20 Street, right?

21 MS. WILLIAMS: Yes, correct.

22 CHAIRPERSON MILLER: Yes. What's the

1 status of it now? So you are not -- you don't
2 have -- it's not open even without an alcohol--

3 MS. WILLIAMS: We are open currently.
4 Yes, we are currently operating, but the lease
5 was, you know, about to be expired, so we weren't
6 sure which way we were going. So now that the
7 lease has been renewed, we are going to do the
8 remodel, but we are open, just not selling any
9 alcoholic --

10 CHAIRPERSON MILLER: Oh, okay.

11 MS. WILLIAMS: -- beverages yet.

12 CHAIRPERSON MILLER: So when you do
13 your remodeling, are you still going to be open
14 or are you going to close?

15 MS. WILLIAMS: It probably will be
16 closed for a very limited time for the
17 remodeling.

18 CHAIRPERSON MILLER: Okay. So it will
19 be closed for a limited time within this six
20 month period?

21 MS. WILLIAMS: Yes.

22 CHAIRPERSON MILLER: But you expect to

1 be able to start selling alcohol within?

2 MS. WILLIAMS: Within six months.

3 CHAIRPERSON MILLER: From now?

4 MS. WILLIAMS: Yes.

5 CHAIRPERSON MILLER: Okay. All right.

6 Other questions? Yes, Mr. Alberti?

7 MEMBER ALBERTI: Hi. Let's just cut
8 to the chase.

9 MS. WILLIAMS: Okay.

10 MEMBER ALBERTI: You have a license.
11 You are open. You are operating, so the obvious
12 question to all of us is why aren't you using the
13 license? Okay. So that's why you are here.

14 MS. WILLIAMS: Correct.

15 MEMBER ALBERTI: All right. I mean --

16 MS. WILLIAMS: Because we want to --

17 MEMBER ALBERTI: Yes, because you want
18 to. All right. All right. So I'm just trying
19 to understand a little bit more. I don't -- I'm
20 not familiar with your business. What --

21 MS. WILLIAMS: It's a '50s diner.

22 MEMBER ALBERTI: Pardon?

1 MS. WILLIAMS: It's a '50s diner.

2 MEMBER ALBERTI: '50s diner.

3 MS. WILLIAMS: Yes. So hamburgers,
4 milkshakes, you know, fries.

5 MEMBER ALBERTI: So you're right in
6 the middle of Georgetown. You are serving
7 evening/late night crowds?

8 MS. WILLIAMS: Correct.

9 MEMBER ALBERTI: I would guess, right?

10 MS. WILLIAMS: Yes. We close at 2:00
11 in the morning on the weekends.

12 MEMBER ALBERTI: Okay.

13 MS. WILLIAMS: So we do have that late
14 night crowd that comes in after traditional
15 families.

16 MEMBER ALBERTI: Okay. Again, I
17 remain curious as to why you are not using the
18 license, but obviously --

19 MS. WILLIAMS: Yes, the --

20 MEMBER ALBERTI: -- I'll just have
21 to --

22 MS. WILLIAMS: -- and that's why we

1 are here, because, yes, we -- you know, with the
2 intention that we are going to use it. We are
3 not just going to let it expire. We want it. So
4 moving forward, move more aggressively, you know,
5 not forced to get the license, to get the license
6 in use.

7 MEMBER ALBERTI: And you should know
8 that you have a license in a Moratorium Zone. So
9 that makes it kind of special.

10 MS. WILLIAMS: Yes.

11 MEMBER ALBERTI: One of the things,
12 the advantage is that the law says that we can't
13 cancel your license.

14 MS. WILLIAMS: Exactly.

15 MEMBER ALBERTI: We have for some
16 other licensees who have not used their license
17 moved more aggressively to encourage them to use
18 their license or cancel it.

19 MS. WILLIAMS: Okay.

20 MEMBER ALBERTI: But you have a
21 privilege that we can't do that. I mean, we
22 can't tell you you need to move forward, because

1 in a Moratorium Zone, the Board is precluded from
2 canceling the license.

3 MS. WILLIAMS: Yes.

4 MEMBER ALBERTI: All right. For these
5 reasons. All right. So just be mindful of that.

6 MS. WILLIAMS: Okay.

7 MEMBER ALBERTI: There are laws that
8 may change, so you need to be mindful of what is
9 happening on that front.

10 MS. WILLIAMS: Okay.

11 MEMBER ALBERTI: And I will just tell
12 you to keep your eyes open and stay tuned.

13 MS. WILLIAMS: Okay.

14 MEMBER ALBERTI: Thank you.

15 MS. WILLIAMS: Thank you.

16 CHAIRPERSON MILLER: Yes, Mr. Brooks?

17 MEMBER BROOKS: Thank you, Madam
18 Chair. How long has this license been in
19 safekeeping?

20 MS. WILLIAMS: You know what I'm not--
21 I don't want to guess. I'm not 100 percent
22 positively sure of that answer.

1 MEMBER BROOKS: Okay.

2 MS. WILLIAMS: There was a regional
3 manager that was renewing it before I started and
4 he is no longer with the company, so I should
5 have asked for that information.

6 MEMBER BROOKS: Okay. And so do you
7 have plans or architectural drawings as to the
8 renovations you are going to be doing?

9 MS. WILLIAMS: I'm sure that, yes, the
10 company does have. I don't have it here with me,
11 but Johnny Rockets does have, you know, the
12 drawings and the plans to move forward with the
13 renovations.

14 MEMBER BROOKS: Okay. And have they
15 been approved by the District of Columbia Agency
16 that oversees that?

17 MS. WILLIAMS: You know what, I do not
18 want to guess and say yes. I have seen the
19 drawings. I have seen the plans. You know, it's
20 a newer model of our concept. And so they are
21 redoing the floors. They are redoing the
22 lighting. It's going to be an extensive remodel,

1 so I have seen the drawings. So I am not 100
2 percent sure if it has been approved, but I would
3 say more than likely because there is -- I think
4 the remodeler said it's set up to begin in the
5 fall.

6 MEMBER BROOKS: So in the fall, are we
7 talking about September, October?

8 MS. WILLIAMS: Right about there.

9 MEMBER BROOKS: Okay. So now we are
10 in July. So we're talking about three or four
11 months to begin?

12 MS. WILLIAMS: It's -- the renovations
13 are usually about, I would say, four weeks. You
14 know, if we close completely, we get someone who
15 is very familiar with our projects.

16 MEMBER BROOKS: Okay.

17 MS. WILLIAMS: It could take us about
18 four weeks sometimes shorter.

19 MEMBER BROOKS: Okay. So given that
20 time frame that you're presenting, so six months
21 it should be completed?

22 MS. WILLIAMS: Six months would be a

1 fair time.

2 MEMBER BROOKS: To be finished.

3 MS. WILLIAMS: Yes, yes, sir.

4 MEMBER BROOKS: Okay. Thank you,
5 Madam Chair.

6 MEMBER SHORT: Madam Chair?

7 CHAIRPERSON MILLER: Yes, Mr. Short?

8 MEMBER SHORT: Good morning.

9 MS. WILLIAMS: Hi, Mr. Short.

10 MEMBER SHORT: Could you provide those
11 drawings for us to the Board, the proposed that
12 you are going to be making? You say you have
13 plans, but they have not been approved?

14 MS. WILLIAMS: I'm not -- like I said,
15 I would not be able to speak as to if they are
16 approved or not.

17 MEMBER SHORT: Okay.

18 MS. WILLIAMS: I'm not sure.

19 MEMBER SHORT: Are you sure do they
20 have the plans?

21 MS. WILLIAMS: I --

22 MEMBER SHORT: You have drawings,

1 renderings?

2 MS. WILLIAMS: -- could safe enough
3 say they have the drawings. I would have to
4 speak with the construction department, but I
5 could safely say they should. They have -- no
6 one has asked me that. I'm not sure if they are
7 approved though.

8 MEMBER SHORT: I was thinking if you
9 are starting in September, then they should --

10 MS. WILLIAMS: They should be there.

11 MEMBER SHORT: Yes.

12 MEMBER RODRIGUEZ: Yes.

13 MS. WILLIAMS: Okay.

14 MEMBER SHORT: I would think if you
15 are that far down -- but I guess what all the
16 questions are getting to, is there a date? And
17 the plans, if you were to submit them to us,
18 would give us a greater idea about the use of
19 your ABC license. If you have plans and drawings
20 and a starting date, if you can provide those,
21 that documentation to us, it would go a lot
22 further with myself as a Board Member anyway in

1 my determination on Johnny Rockets.

2 MS. WILLIAMS: Okay.

3 CHAIRPERSON MILLER: I just would like
4 to disagree at this point a little bit, because I
5 think that I have heard her say that in 60 days
6 her managers are going to do training. And I
7 think that is real evidence that she plans to go
8 forward.

9 So and I think that they could even
10 operate with the liquor license without the
11 renovations, because they have a place.

12 MS. WILLIAMS: Yes.

13 CHAIRPERSON MILLER: Am I right?

14 MS. WILLIAMS: Correct. We are open
15 and we are in operation right now, so we could
16 operate.

17 MEMBER SHORT: Well, great. That
18 leads me to another question.

19 CHAIRPERSON MILLER: Yes.

20 MEMBER SHORT: Back to segue if they
21 are not using it now and they are paying the
22 renovation in September as she said to us, then

1 if -- there is standing the reason why the own it
2 is because they have these plans on doing
3 renovations. What would be the harm in us seeing
4 this plan?

5 CHAIRPERSON MILLER: I just think it
6 sounds a little burdensome. To me, it's nothing
7 that I --

8 MEMBER SHORT: I'm not asking to make
9 or draw plans.

10 CHAIRPERSON MILLER: Fine.

11 MEMBER SHORT: They said they have
12 plans. I would just like to see a copy of them.
13 And I note as a Board we have asked that question
14 before of others.

15 CHAIRPERSON MILLER: Yes, we have.

16 MEMBER SHORT: And they provided them
17 for us.

18 CHAIRPERSON MILLER: Yes.

19 MEMBER SHORT: If she had a problem
20 with that, then I think she could speak to it,
21 but she testified that they do have the plans and
22 that they are going to start in September. If

1 they are going to start in September, that means
2 they are farther along than what we --

3 MS. WILLIAMS: Well, I would have to--
4 you know, like I said, the construction
5 department, I did not know I would have to come
6 in and speak to that. I know they -- you know,
7 we do have plans with the renovations. It has
8 been in talks for a while to complete that
9 facility. So I would have to get back -- I would
10 have to have the construction department get back
11 do you and, you know, if you give me a point of
12 contact, the construction department will
13 definitely get back to you and they could speak
14 to the terms of the renovation and the full
15 details of that, as I was not prepared to answer
16 on the --

17 MEMBER SHORT: Okay.

18 MS. WILLIAMS: -- architectural part.

19 MEMBER SHORT: That's quite
20 understandable. So, Madam Chair, do you have a
21 problem with that?

22 CHAIRPERSON MILLER: Well, you know,

1 a little bit, but, you know, if she is agreeable
2 to it and it would help you, I think it might be
3 something like six months from now if we heard
4 like they weren't open, why not?

5 MS. WILLIAMS: Right.

6 CHAIRPERSON MILLER: Then I would say
7 okay, well, let's see the plans. Right now, I
8 wouldn't do anything with the plans, but if --
9 you know, I think that parties should submit
10 documents if the Board Members are actually going
11 to use them for a purpose in making their
12 decision.

13 MEMBER SHORT: That's the reason why
14 I'm asking for them. I think that's the reason
15 why I'm asking for them.

16 MEMBER ALBERTI: I need to remind my
17 fellow Board Members, there is no decision to be
18 made.

19 MEMBER SHORT: Okay. I understand,
20 but I mean --

21 MEMBER ALBERTI: There absolutely is
22 no decision to be made.

1 CHAIRPERSON MILLER: But we are going
2 to extend their --

3 MEMBER ALBERTI: They have a license.

4 CHAIRPERSON MILLER: -- safekeeping.

5 MEMBER ALBERTI: They have a license
6 and without good cause, we can't cancel that
7 license.

8 MEMBER SHORT: Okay.

9 CHAIRPERSON MILLER: Right.

10 MEMBER ALBERTI: And this is not about
11 good cause.

12 CHAIRPERSON MILLER: Right, right.

13 MEMBER ALBERTI: There is no cause
14 being discussed here. So there is no decision to
15 be made.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: I just wanted to make
18 sure everybody understands that.

19 MEMBER SHORT: Well, Board Member
20 Alberti, I appreciate that and I wasn't speaking
21 of any cancellations or anything other than
22 trying to find out exactly where the applicant is

1 in using their license and if they still are
2 going to do renovations.

3 MEMBER ALBERTI: Yes, Mr. Short, I
4 understand this is important to you and that's
5 fine. So what I would --

6 MEMBER SHORT: Okay.

7 MEMBER ALBERTI: -- suggest, and I
8 think we are beating around the bush here, is
9 that -- and I'm sorry, I forgot your name.

10 MS. WILLIAMS: Ingrid.

11 MEMBER ALBERTI: Ingrid?

12 MS. WILLIAMS: Ingrid Williams.

13 MEMBER ALBERTI: Ms. Williams. We
14 asked Ms. Williams to give us an update on where
15 the plans are, if they are available, when they
16 might be available and when they do become
17 available to provide a copy for us.

18 But give us an update soon as to what
19 is available for us.

20 MEMBER SHORT: Ms. Williams?

21 MEMBER ALBERTI: I'm sure she will be
22 willing to do that.

1 MEMBER SHORT: Thank you, Ms.
2 Williams. I'm glad to see you smiling, because
3 that's exactly -- my sentiment exactly that
4 basically there is no decision to be made as the
5 Board Member said. And there is no reason to
6 really try to force anything out of you.

7 MS. WILLIAMS: Yes.

8 MEMBER SHORT: But having a license
9 that is not being used in that valuable area
10 means something to myself, as a Board Member.

11 MS. WILLIAMS: That's understandable.

12 MEMBER SHORT: Okay.

13 MS. WILLIAMS: I guess, you know, this
14 is my first time here, so I will definitely
15 follow-up, you know, and be more aggressive with
16 the company to make sure that we are moving
17 forward.

18 MEMBER ALBERTI: Excuse me. So, Ms.
19 Williams, if you could contact our general
20 counsel, Ms. --

21 CHAIRPERSON MILLER: I'm sorry, what
22 is she being asked to do?

1 MEMBER ALBERTI: -- Jenkins at --
2 okay. She is being asked to give us an update as
3 to, you know, what is the status of the plan? Do
4 they have plans that they could provide us? If
5 not, when they might provide it, be able to
6 provide them to us. And of course, if they are
7 there, you know, what can be provided to us.

8 MS. WILLIAMS: Okay.

9 MEMBER ALBERTI: So --

10 CHAIRPERSON MILLER: It's just that
11 she has the right to have this application, this
12 license in safekeeping.

13 MEMBER ALBERTI: But I don't hear her
14 objecting.

15 CHAIRPERSON MILLER: Yes.

16 MEMBER ALBERTI: I don't hear her
17 objecting --

18 (SIMULTANEOUS SPEAKING.)

19 MS. WILLIAMS: I can say, you know --

20 MEMBER ALBERTI: -- to providing this
21 information.

22 MS. WILLIAMS: -- it's not a big

1 thing.

2 CHAIRPERSON MILLER: Wait. The court
3 reporter can only capture one person at a time.

4 MS. WILLIAMS: We do have a
5 construction department. We are in the plans of
6 renovating the location. So you know, I could
7 have the construction department reach out if it
8 satisfies the Board and, you know, we could get
9 those documents over to you, you know, if that's
10 what the Board needs to see.

11 CHAIRPERSON MILLER: Okay. So I think
12 what most of us have said is that the Board
13 doesn't need to see it --

14 MS. WILLIAMS: Okay.

15 CHAIRPERSON MILLER: -- to allow you
16 to keep your license in safekeeping.

17 MS. WILLIAMS: Okay.

18 CHAIRPERSON MILLER: Some Board
19 Members would like to see it, so if you would
20 like to --

21 MS. WILLIAMS: Okay.

22 CHAIRPERSON MILLER: -- you can or you

1 can give an update or whatever directions people
2 were giving you to informally let the Board know.
3 But I think that the question is, you know, can
4 your license in safekeeping be extended and the
5 answer is yes.

6 MEMBER SHORT: I make a recommendation
7 that we set it for six months, Madam Chair.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER SHORT: Is that fine? Is that
10 okay? I would like to make a recommendation that
11 we extend it for six months.

12 MEMBER RODRIGUEZ: Do you second that?

13 MEMBER ALBERTI: I'll second that
14 motion, because that's our standard.

15 CHAIRPERSON MILLER: Right.

16 MEMBER ALBERTI: I mean, we --

17 MEMBER RODRIGUEZ: Yes.

18 MEMBER ALBERTI: -- have a policy
19 reviewing all licenses in safekeeping every six
20 months.

21 MEMBER RODRIGUEZ: I'll go with that,
22 Madam Chair. I'll vote on that.

1 CHAIRPERSON MILLER: Okay.

2 MS. WILLIAMS: Okay.

3 CHAIRPERSON MILLER: So there has been
4 a motion to extend the safekeeping for six months
5 that has been seconded.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? Okay. The
10 motion passes 6-0-0.

11 MEMBER ALBERTI: Thank you.

12 MEMBER SHORT: Thank you, Ms.
13 Williams.

14 MS. WILLIAMS: Thank you again.

15 CHAIRPERSON MILLER: Thank you.

16 MS. WILLIAMS: Am I dismissed?

17 MEMBER ALBERTI: Yes.

18 CHAIRPERSON MILLER: Okay. You can
19 be --

20 MS. WILLIAMS: Okay. Thank you.

21 MEMBER ALBERTI: Thank you so much.

22 CHAIRPERSON MILLER: If you have any

1 questions, feel free to call our General Counsel,
2 Martha Jenkins.

3 MS. WILLIAMS: If there is any
4 updates, then I will just contact --

5 CHAIRPERSON MILLER: Yes, that's fine.
6 Thank you.

7 MEMBER RODRIGUEZ: You are always
8 welcome back.

9 MS. WILLIAMS: What was that?

10 MEMBER RODRIGUEZ: You are always
11 welcome back.

12 MS. WILLIAMS: Oh, thank you. I hope
13 I don't have to be back and it's just to invite
14 you over to dinner.

15 CHAIRPERSON MILLER: Okay.

16 (Whereupon, the Fact-Finding Hearing
17 in the above-entitled matter was concluded at
18 11:59 a.m.)

A

a.m 25:18
ABC 13:19
able 6:1 12:15 21:5
above-entitled 25:17
ABRA 4:14
absolutely 17:21
abstaining 24:9
advantage 8:12
adversary 3:8
Agency 10:15
aggressive 20:15
aggressively 8:4,17
agreeable 17:1
Alberti 1:16 6:6,7,10,15
 6:17,22 7:2,5,9,12,16
 7:20 8:7,11,15,20 9:4
 9:7,11,14 17:16,21
 18:3,5,10,13,17,20
 19:3,7,11,13,21 20:18
 21:1,9,13,16,20 23:13
 23:16,18 24:11,17,21
alcohol 5:2 6:1
alcoholic 1:2,11,12 5:9
allow 22:15
ANC-2E 1:7 2:7
answer 9:22 16:15 23:5
anyway 13:22
applicant 18:22
application 21:11
applying 2:21
appreciate 18:20
approved 10:15 11:2
 12:13,16 13:7
architectural 10:7
 16:18
area 20:9
asked 3:16 10:5 13:6
 15:13 19:14 20:22
 21:2
asking 15:8 17:14,15
available 19:15,16,17
 19:19
aye 24:6,7

B

back 14:20 16:9,10,13
 25:8,11,13
based 4:6
basically 20:4
beating 19:8
Beverage 1:2,11,12
beverages 5:11
big 21:22
bit 2:19 6:19 14:4 17:1
Board 1:2,11 9:1 12:11
 13:22 15:13 17:10,17
 18:19 20:5,10 22:8,10

22:12,18 23:2
Brooks 1:16 9:16,17
 10:1,6,14 11:6,9,16
 11:19 12:2,4
Building 1:12
burdensome 15:6
bush 19:8
business 6:20

C

call 25:1
cancel 8:13,18 18:6
canceled 9:2
cancellations 18:21
capture 22:3
case 2:4
cause 18:6,11,13
Chair 9:18 12:5,6 16:20
 23:7,22
Chairperson 1:13,15
 2:3,10,15,18 3:1,3,7
 4:2,9,12,17,19,22
 5:10,12,18,22 6:3,5
 9:16 12:7 14:3,13,19
 15:5,10,15,18 16:22
 17:6 18:1,4,9,12,16
 20:21 21:10,15 22:2
 22:11,15,18,22 23:8
 23:15 24:1,3,8,15,18
 24:22 25:5,15
change 9:8
chase 6:8
close 5:14 7:10 11:14
closed 5:16,19
Columbia 1:1 10:15
come 16:5
comes 7:14
company 4:6 10:4,10
 20:16
complete 16:8
completed 3:20 11:21
completely 11:14
concept 10:20
concluded 25:17
construction 13:4 16:4
 16:10,12 22:5,7
contact 16:12 20:19
 25:4
Control 1:2,11,12
copy 15:12 19:17
correct 4:21 6:14 7:8
 14:14
counsel 20:20 25:1
course 21:6
court 22:2
CR 1:7
crowd 7:14
crowds 7:7

curious 7:17
currently 5:3,4
cut 6:7

D

D.C 1:13 4:16
date 13:16,20
days 4:7,13 14:5
decision 17:12,17,22
 18:14 20:4
definitely 16:13 20:14
delay 3:19
department 13:4 16:5
 16:10,12 22:5,7
details 16:15
determination 14:1
different 3:4
diner 6:21 7:1,2
dinner 25:14
directions 23:1
disagree 14:4
discussed 18:14
dismissed 24:16
District 1:1 10:15
documentation 13:21
documents 17:10 22:9
doing 3:21 10:8 15:2
DONALD 1:16
draw 15:9
drawings 10:7,12,19
 11:1 12:11,22 13:3,19

E

encourage 8:17
evening/late 7:7
everybody 18:18
evidence 14:7
exactly 8:14 18:22 20:3
 20:3
Excuse 20:18
expect 5:22
expire 8:3
expired 5:5
extend 1:9 2:8 18:2
 23:11 24:4
extended 3:20 23:4
extension 3:16
extensive 3:21 10:22
eyes 9:12

F

facility 16:9
Fact 1:6 2:4
Fact-Finding 25:16
fair 12:1
fall 11:5,6
familiar 6:20 11:15
families 7:15

far 4:15 13:15
farther 16:2
favor 24:6
feel 25:1
fellow 17:17
find 18:22
Finding 1:7 2:5
fine 2:20 15:10 19:5
 23:9 25:5
finished 4:4 12:2
first 2:16 3:13 20:14
floors 10:21
follow-up 20:15
force 20:6
forced 8:5
forgot 19:9
forward 8:4,22 10:12
 14:8 20:17
four 11:10,13,18
frame 11:20
free 25:1
fries 7:4
front 9:9
full 16:14
further 13:22

G

general 20:19 25:1
Georgetown 7:6
getting 13:16
give 3:9 13:18 16:11
 19:14,18 21:2 23:1
given 11:19
giving 23:2
glad 20:2
go 13:21 14:7 23:21
going 5:6,7,13,14 8:2,3
 10:8,22 12:12 14:6
 15:22 16:1 17:10 18:1
 19:2
good 2:9 3:1,2 4:12
 12:8 18:6,11
great 14:17
greater 13:18
Group 1:6
guess 7:9 9:21 10:18
 13:15 20:13

H

hamburgers 7:3
happening 9:9
harm 15:3
hear 21:13,16
heard 14:5 17:3
hearing 1:7,12 2:5 3:4
 25:16
HECTOR 1:17
help 17:2

helpful 3:10
Hi 2:10 6:7 12:9
hope 25:12

I

idea 13:18
important 19:4
informally 23:2
information 3:9,10 10:5
 21:21
Ingrid 2:12 19:10,11,12
intention 8:2
interesting 2:21
introduce 2:11
invite 25:13

J

JAMES 1:18
Jenkins 21:1 25:2
Jersey 2:14
Johnny 1:6,6 2:5 10:11
 14:1
July 1:10 11:10

K

keep 9:12 22:16
keeping 3:15
kind 3:4 8:9
know 2:21 3:14,18 4:6,8
 4:15 5:5 7:4 8:1,4,7
 9:20 10:11,17,19
 11:14 16:4,5,6,6,11
 16:22 17:1,9 20:13,15
 21:3,7,19 22:6,8,9
 23:2,3

L

late 7:13
law 8:12
laws 9:7
leads 14:18
learned 2:22
lease 3:18 5:4,7
let's 6:7 17:7
license 1:8 2:6,22 6:10
 6:13 7:18 8:5,5,8,13
 8:16,18 9:2,18 13:19
 14:10 18:3,5,7 19:1
 20:8 21:12 22:16 23:4
licensees 8:16
licenses 23:19
lighting 10:22
limited 5:16,19
liquor 2:22 14:10
little 2:19 6:19 14:4
 15:6 17:1
location 3:22 22:6
long 9:18

longer 10:4
lot 2:22 13:21

M

M 1:7 2:6 4:19
Madam 9:17 12:5,6
 16:20 23:7,22
making 12:12 17:11
manager 2:13 10:3
managers 4:7,13 14:6
Martha 25:2
matter 1:5 25:17
mean 4:16 6:15 8:21
 17:20 23:16
means 16:1 20:10
MEETING 1:3
Member 1:16,16,17,17
 1:18 6:7,10,15,17,22
 7:2,5,9,12,16,20 8:7
 8:11,15,20 9:4,7,11
 9:14,17 10:1,6,14
 11:6,9,16,19 12:2,4,6
 12:8,10,17,19,22 13:8
 13:11,12,14,22 14:17
 14:20 15:8,11,16,19
 16:17,19 17:13,16,19
 17:21 18:3,5,8,10,13
 18:17,19,19 19:3,6,7
 19:11,13,20,21 20:1,5
 20:8,10,12,18 21:1,9
 21:13,16,20 23:6,9,12
 23:13,16,17,18,21
 24:11,12,17,21 25:7
 25:10
Members 17:10,17
 22:19
met 1:12
middle 7:6
MIKE 1:17
milkshakes 7:4
Miller 1:13,15 2:3,10,15
 2:18 3:1,3,7 4:2,9,12
 4:17,19,22 5:10,12,18
 5:22 6:3,5 9:16 12:7
 14:3,13,19 15:5,10,15
 15:18 16:22 17:6 18:1
 18:4,9,12,16 20:21
 21:10,15 22:2,11,15
 22:18,22 23:8,15 24:1
 24:3,8,15,18,22 25:5
 25:15
mindful 9:5,8
model 10:20
month 5:20
months 3:16 4:1,3,11
 6:2 11:11,20,22 17:3
 23:7,11,20 24:4
Moratorium 8:8 9:1

morning 2:4,9 7:11
 12:8
motion 23:14 24:4,10
move 8:4,22 10:12
moved 8:17
moving 8:4 20:16

N

N.W 1:12 2:6
name 19:9
need 8:22 9:8 17:16
 22:13
needs 22:10
negotiation 3:19
negotiations 3:18
New 2:13
newer 10:20
NICK 1:16
night 7:7,14
note 15:13
NW 1:7

O

oath 3:5
objecting 21:14,17
obvious 6:11
obviously 7:18
October 11:7
Oh 2:20 3:1 4:9,12 5:10
 25:12
okay 2:3,15,18 3:3,6 4:2
 4:12 5:10,18 6:5,9,13
 7:12,16 8:19 9:6,10
 9:13 10:1,6,14 11:9
 11:16,19 12:4,17
 13:13 14:2 16:17 17:7
 17:19 18:8 19:6 20:12
 21:2,8 22:11,14,17,21
 23:8,10 24:1,2,9,18
 24:20 25:15
open 5:2,3,8,13 6:11
 9:12 14:14 17:4
operate 14:10,16
operating 5:4 6:11
operation 14:15
opposed 24:9
oversees 10:16

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 2:2
Pardon 6:22
part 16:18
parties 17:9
party 3:8
passes 24:10
paying 14:21

people 23:1
percent 9:21 11:2
period 5:20
person 22:3
place 14:11
plan 15:4 21:3
plans 3:14 10:7,12,19
 12:13,20 13:17,19
 14:7 15:2,9,12,21
 16:7 17:7,8 19:15
 21:4 22:5
point 14:4 16:11
policy 23:18
positively 9:22
precluded 9:1
prepared 16:15
PRESENT 1:14
presenting 11:20
presiding 1:13
privilege 8:21
probably 5:15
problem 15:19 16:21
process 3:21
projection 4:3
projects 11:15
proposed 12:11
provide 12:10 13:20
 19:17 21:4,5,6
provided 15:16 21:7
providing 21:20
purpose 17:11

Q

question 6:12 14:18
 15:13 23:3
questions 6:6 13:16
 25:1
quite 16:19

R

reach 22:7
real 14:7
really 20:6
reason 15:1 17:13,14
 20:5
reasonable 4:11
reasons 9:5
recommendation 23:6
 23:10
redo 2:11
redoing 10:21,21
Reeves 1:12
regional 2:13 10:2
remain 7:17
remind 17:16
remodel 3:22 5:8 10:22
remodeler 11:4
remodeling 3:22 5:13

5:17
renderings 13:1
renewed 5:7
renewing 10:3
renovating 22:6
renovation 14:22 16:14
renovations 4:4 10:8
 10:13 11:12 14:11
 15:3 16:7 19:2
reporter 22:3
request 1:9 2:7 3:11,11
respect 2:7 3:11,15
Retailer 1:7
reviewing 23:19
right 2:3,5 3:17 4:17,20
 6:5,15,18,18 7:5,9 9:4
 9:5 11:8 14:13,15
 17:5,7 18:9,12,12
 21:11 23:15
Rockets 1:6,6 2:6 10:11
 14:1
RODRIGUEZ 1:17
 13:12 23:12,17,21
 25:7,10
Room 1:12
Ruthanne 1:13,15

S

safe 13:2
safekeeping 1:9 2:8
 3:12,15 9:19 18:4
 21:12 22:16 23:4,19
 24:4
safely 13:5
satisfies 22:8
says 8:12
second 23:12,13
seconded 24:5
see 15:12 17:7 20:2
 22:10,13,19
seeing 15:3
seen 10:18,19 11:1
segue 14:20
selling 5:8 6:1
sending 4:7,13
sentiment 20:3
September 11:7 13:9
 14:22 15:22 16:1
servicing 7:6
set 11:4 23:7
Short 1:18 12:6,7,8,9
 12:10,17,19,22 13:8
 13:11,14 14:17,20
 15:8,11,16,19 16:17
 16:19 17:13,19 18:8
 18:19 19:3,6,20 20:1
 20:8,12 23:6,9 24:12
shorter 11:18

SILVERSTEIN 1:17
SIMULTANEOUS 21:18
sir 12:3
six 3:16 4:1,3,10 5:19
 6:2 11:20,22 17:3
 23:7,11,19 24:4
smiling 20:2
soon 19:18
sorry 2:18 19:9 20:21
sounds 15:6
speak 12:15 13:4 15:20
 16:6,13
speaking 18:20 21:18
special 8:9
standard 23:14
standing 15:1
start 6:1 15:22 16:1
started 10:3
starting 13:9,20
status 3:14 5:1 21:3
stay 9:12
Street 1:7,12 2:6 4:20
submit 13:17 17:9
suggest 19:7
Suite 1:13
sure 5:6 9:22 10:9 11:2
 12:18,19 13:6 18:18
 19:21 20:16

T

t/a 1:6
take 11:17
talking 11:7,10
talks 16:8
tell 8:22 9:11
terms 16:14
testified 15:21
thank 9:14,15,17 12:4
 20:1 24:11,12,14,15
 24:20,21 25:6,12
thing 22:1
things 8:11
think 11:3 13:14 14:5,7
 14:9 15:5,20 17:2,9
 17:14 19:8 22:11 23:3
thinking 13:8
three 11:10
time 2:16 4:11 5:16,19
 11:20 12:1 20:14 22:3
traditional 7:14
training 4:8,13 14:6
try 20:6
trying 6:18 18:22
tuned 9:12

U

understand 6:19 17:19
 19:4

understandable 16:20
 20:11
understands 18:18
update 19:14,18 21:2
 23:1
updates 25:4
use 8:2,6,17 13:18
 17:11
usually 11:13

V

valuable 20:9
vote 23:22

W

wait 2:19 22:2
want 3:8,13 6:16,17 8:3
 9:21 10:18
wanted 18:17
Washington 1:13
wasn't 18:20
way 5:6
we're 11:10
weekends 7:11
weeks 11:13,18
welcome 25:8,11
weren't 5:5 17:4
Williams 2:9,12,13,17
 2:20 3:2,6,17 4:5,10
 4:15,18,21 5:3,11,15
 5:21 6:2,4,9,14,16,21
 7:1,3,8,10,13,19,22
 8:10,14,19 9:3,6,10
 9:13,15,20 10:2,9,17
 11:8,12,17,22 12:3,9
 12:14,18,21 13:2,10
 13:13 14:2,12,14 16:3
 16:18 17:5 19:10,12
 19:12,13,14,20 20:2,7
 20:11,13,19 21:8,19
 21:22 22:4,14,17,21
 24:2,13,14,16,20 25:3
 25:9,12
willing 19:22
wouldn't 17:8

X

Y

year 4:1,3
York/New 2:13

Z

Zone 8:8 9:1

0

1

100 9:21 11:1
11:43 2:2
11:59 25:18
14th 1:12
15 1:10

2

2:00 7:10
2000 1:12
20009 1:13
2015 1:10

3

3131 1:7 2:6

4

400S 1:13

5

50s 6:21 7:1,2

6

6-0-0 24:10
60 4:7,13 14:5

7

8

81606 1:8 2:6