

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

IN THE MATTER OF:

MDM, LLC  
t/a Takoma Station Tavern                      Protest  
6914 4th Street, NW                              Hearing  
Retailer CT - ANC-4B                              (Status)  
License No. 79370  
Case #14-PRO-00050

(Substantial Change -  
Rooftop Summer Garden with  
25 Seats)

September 10, 2014

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

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Discuss Whether TTA is a Valid Party:

Ron Austin, ANC-4B Chair . . . . .	.10
Frank Butler, applicant. . . . .	.13
Susan Butler, TTA. . . . .	.20
Board Questions: . . . . .	.22

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

(11:25 a.m.)

CHAIRPERSON MILLER: On to the Takoma case. All right. I'm going to call Case No. 14-PRO-00050, Takoma Station Tavern located at 6914 4th Street, N.W., License No. 79370, in ANC-4B.

MR. BUTLER: Good morning, Frank Butler on behalf of Takoma Station Tavern.

MR. FLOREZA: Melvin Floreza, co-owner of Takoma Station.

MR. BOYD: David Boyd, co-owner of Takoma Station.

MS. BUTLER: Susan B., also called Dodie, Butler, President of Takoma Triangle Community Association.

MR. GORHAM: Charles Gorham. I'm the Secretary of the Takoma Triangle.

MEMBER SILVERSTEIN: Please speak up a little.

CHAIRPERSON MILLER: Yes.

MR. GORHAM: My name is Charles

1 Gorham. I'm the Secretary of the Takoma  
2 Triangle Community Association.

3 MS. WHEELER: Oh, excuse me, Faith  
4 Wheeler.

5 MEMBER SILVERSTEIN: We can't hear  
6 you.

7 MS. WHEELER: Faith Wheeler,  
8 Commissioner ANC-4B02, the Single Member  
9 District in which Takoma Station Tavern is  
10 located.

11 MR. AUSTIN: Ron Austin, 4B Chair.

12 CHAIRPERSON MILLER: Okay. Just a  
13 minute. Okay. This is a status hearing for  
14 a substantial change application. And I  
15 understand though that what is basically at  
16 issue here is whether Takoma Triangle  
17 Association has standing as a citizen  
18 association under 25-601(3) of the statute.

19 I just want to get straight who  
20 here is representing Takoma Triangle  
21 Association again? Just so I can see.

22 MS. BUTLER: There are two of us

1 from the ANC. My name is Susan Butler.

2 CHAIRPERSON MILLER: Susan Butler,  
3 okay.

4 MS. BUTLER: You will see  
5 references to me as Dodie Butler.

6 CHAIRPERSON MILLER: Okay.

7 MS. BUTLER: Charles Gorham is our  
8 secretary.

9 CHAIRPERSON MILLER: Okay. So  
10 it's your association --

11 MS. BUTLER: I'm the president.

12 CHAIRPERSON MILLER: -- that is  
13 being challenged. And let me see who here is  
14 exactly -- we have motions challenging your  
15 standing from, I believe, Ron Austin, right?

16 MR. AUSTIN: Yes.

17 CHAIRPERSON MILLER: Right. You  
18 are challenging. Are you challenging --

19 MR. AUSTIN: Yes.

20 CHAIRPERSON MILLER: -- their  
21 standing as Chair of ANC-4B?

22 MR. AUSTIN: Yes, yes.

1 CHAIRPERSON MILLER: Okay. Mr.  
2 Butler?

3 MR. BUTLER: Yes.

4 CHAIRPERSON MILLER: You are  
5 challenging, am I correct?

6 MR. BUTLER: Yes, I'm challenging  
7 on behalf of the applicant.

8 CHAIRPERSON MILLER: You are  
9 representing the applicant challenging their  
10 status?

11 MR. BUTLER: Yes, Madam Chair.

12 CHAIRPERSON MILLER: Great. Okay.  
13 Sara Green is not here? Sara Green? I have  
14 a letter dated July 23, 2014 in my records.  
15 Are you involved in this issue?

16 MS. GREEN: I am.

17 CHAIRPERSON MILLER: You have to  
18 come to -- I'm sorry. You need to talk into  
19 a microphone on the record.

20 MS. GREEN: I'm Sara Green and I  
21 am the ANC-4B01. My Single Member District is  
22 affected.

1 CHAIRPERSON MILLER: Okay.

2 MS. GREEN: We are very close.  
3 It's the border of two SMDs. I am here simply  
4 because I think it's important to note that  
5 ANC-4B does not have a position, has never  
6 voted on whether or not the Takoma Triangle  
7 Community Association --

8 CHAIRPERSON MILLER: Okay.

9 MS. GREEN: -- is valid. And that  
10 is why I wrote that letter.

11 CHAIRPERSON MILLER: Okay.

12 MS. GREEN: But speaking only for  
13 myself and not for ANC-4B, I am fully in  
14 support of people in the community  
15 organizing --

16 CHAIRPERSON MILLER: Okay. I  
17 don't want to get into the merits yet.

18 MS. GREEN: Right, right, okay.

19 CHAIRPERSON MILLER: I just want  
20 to get into who are parties here.

21 MS. GREEN: I'm not a party.

22 CHAIRPERSON MILLER: Okay.

1 MS. GREEN: I'm in support of a  
2 party.

3 CHAIRPERSON MILLER: Okay. But  
4 your letter is reflected, too.

5 MS. GREEN: Correct.

6 CHAIRPERSON MILLER: Okay.

7 MS. GREEN: Thank you.

8 CHAIRPERSON MILLER: Thank you.  
9 Okay.

10 MEMBER SILVERSTEIN: Who is the  
11 lady next to Mr. --

12 CHAIRPERSON MILLER: Ms. Wheeler.  
13 Ms. Wheeler, are you a separate party or are  
14 you with somebody?

15 MS. WHEELER: Well, I'm sitting  
16 here as a Commissioner representing the Single  
17 Member District in which the Takoma Station  
18 Tavern is located. And I too am troubled by--  
19 well, I want to make clear that there was, to  
20 my knowledge, no discussion at all in the  
21 ANC --

22 CHAIRPERSON MILLER: Okay.

1 MS. WHEELER: -- to challenge the  
2 validity of the Takoma Triangle Association.  
3 None.

4 CHAIRPERSON MILLER: Okay. I got  
5 that. And I do see that's an issue.

6 MS. WHEELER: I believe I wrote a  
7 letter to that effect as well.

8 CHAIRPERSON MILLER: Right. And  
9 finally, I guess, did I say Susan Butler?

10 MS. BUTLER: As I said --

11 CHAIRPERSON MILLER: That's you.

12 MS. BUTLER: -- formally. I'm  
13 always known as Dodie.

14 CHAIRPERSON MILLER: Okay.

15 MS. BUTLER: And that always has  
16 to be clarified.

17 CHAIRPERSON MILLER: Okay. So the  
18 issue is whether your association -- the sub-  
19 issue here is who can address that issue? And  
20 I know we have a motion by the applicant and  
21 there is no question as far as I know about  
22 your addressing that. You are a party.

1 I think there is an issue about  
2 the ANC, because there is no vote or  
3 authorization reflected to address this issue.  
4 Do you want to speak to that briefly, Mr.  
5 Austin?

6 MR. AUSTIN: Yes, I do.

7 CHAIRPERSON MILLER: Okay.

8 MR. AUSTIN: Okay. The reason we  
9 had to put that letter in writing, we didn't  
10 know if we needed any time constraints on how  
11 much time you had to put that letter in. And  
12 we would not have taken up a vote. Another 30  
13 days would have passed before we did take  
14 another vote.

15 We didn't really realize it was  
16 anything with -- there was any group called  
17 Takoma Triangle, because it never came up in  
18 any of our meetings we had pertaining to the  
19 ABRA license for the Takoma Station. You  
20 know, Ms. Dodie Butler who had come to our  
21 meetings several times --

22 CHAIRPERSON MILLER: Okay. Is

1       there an authorization for the ANC to --

2                   MR. AUSTIN:  No, no.

3                   CHAIRPERSON MILLER:  -- have --

4                   MR. AUSTIN:  We didn't vote on  
5       that.

6                   CHAIRPERSON MILLER:  Okay.  So  
7       okay.  I have a lot of documents that are in  
8       our record, so today, I think, unless Board  
9       Members feel differently or somebody else  
10      raises the issue, it seems like Ms. Butler is  
11      going to be representing the citizens  
12      association and the applicant, I think, is  
13      raising some of the same arguments that maybe  
14      others would raise anyway.

15                   With respect to -- the issue is  
16      whether or not they are going to have standing  
17      as a protestant as a citizens association.  So  
18      I think that we should hear from the applicant  
19      why they shouldn't and then from the -- Ms.  
20      Butler, the citizens association why you meet  
21      the requirements.

22                   And I'm just going to lay out

1 those conditions in the statute before you  
2 start, so that everybody is on the same page.  
3 And if anybody disagrees with me, let me know.

4 But basically there are provisions  
5 in our regulations for standing as a citizen  
6 association. It's under 25-601(3).

7 (A) "Membership must be open to  
8 all residents of the area represented by the  
9 association; and

10 (B) A resolution concerning the  
11 license application has to be duly approved in  
12 accordance with the association's articles of  
13 incorporation or bylaws at a duly called  
14 meeting, with notice of the meeting given to  
15 the voting body and the applicant at least  
16 seven days before the date of the meeting."

17 So you can look at 25-601(3). I  
18 know that you all -- I think you have cited it  
19 in your meetings, in any event, but that's  
20 what I think is the relevant provision. I  
21 don't think the 25-421(a)(5) dealing with the  
22 Board's notice to citizens associations

1 within, you now, 30 days or their notice to  
2 the Board within 30 days is really relevant  
3 here.

4 What is relevant is 25-601(3). So  
5 if you could, you know, steer your arguments  
6 to that provision, that would, I think, assist  
7 the Board in making its decision whether or  
8 not to find this association a valid citizens  
9 association. Okay.

10 Any other questions?

11 MEMBER SHORT: Yes.

12 CHAIRPERSON MILLER: Yes?

13 MEMBER SHORT: Again, Madam Chair,  
14 25?

15 CHAIRPERSON MILLER: 25-601(3).  
16 Okay. So why doesn't the applicant proceed?

17 MR. BUTLER: May I proceed?

18 CHAIRPERSON MILLER: Yes.

19 MR. BUTLER: Okay. Well, first,  
20 we want to say that they don't have standing  
21 under 25-601(3) under either paragraph.

22 First, in paragraph (A), it

1 indicates the membership is -- in the citizens  
2 association is open to all residents. And we  
3 really drill down on that point, because, just  
4 to give a chronology, the citizens association  
5 in this case incorporated on June 24th. And  
6 then from their information, a notice was sent  
7 out on June 25th to inform the applicant about  
8 the meeting that they were going to conduct to  
9 vote on whether they wanted to protest the  
10 application.

11           And that's only -- that was on  
12 July 5th where they had the actual meeting.  
13 So within a 10 day period, this citizens  
14 association, which is responsible to represent  
15 residents in the area, didn't have any  
16 communication with residents in the area to  
17 inform them, one, that they existed, to inform  
18 them of -- that there was a meeting so that  
19 they could participate.

20           And if they are able to  
21 participate, arguably, they would have an  
22 opportunity to vote, because it would be open

1 to all residents. But there was -- and  
2 customarily in this area when they talk, I  
3 guess, or are trying to provide information  
4 regarding community issues, there is an  
5 ongoing Listserv that has been very active to  
6 the issues related to this application.

7 And so they had an opportunity to  
8 do that. They could have sent a mass email.  
9 So those are the issues that illustrate that  
10 while there -- in which I'm sure that they  
11 will argue, there are articles of  
12 incorporation and their bylaws will say we are  
13 open to all residents, but the spirit of what  
14 they are supposed to do could not have been  
15 carried out within a 10 day period.

16 As it relates to 25-601(3)(B),  
17 they are responsible to provide -- you know,  
18 to produce a resolution to establish that this  
19 duly approved -- it was duly approved in  
20 accordance with the articles and bylaws.

21 In their protest, they make  
22 reference in a letter, but they don't provide

1 a copy of the resolution. We don't know how  
2 many people were at the meeting. We don't  
3 know what a quorum would be.

4 To date, based on documents that  
5 have been presented to the Board, there  
6 haven't been any bylaws. There haven't been  
7 copies of the articles incorporation. There  
8 hasn't been a resolution indicating what vote  
9 was needed.

10 So, you know, we would say that  
11 the meeting wasn't duly called. And again,  
12 just like, you know, I have already stated  
13 based on my argument for (3)(A), they weren't  
14 informed. So if you have a citizens  
15 association that is open to all residents and  
16 you give the voting members an opportunity to  
17 come and vote on the meeting, they have got to  
18 be given some type of notice.

19 And there is nothing -- it's  
20 silent on the record of how they did that.  
21 They are really operating as a group of five  
22 or more, but they are trying to use this

1 filing a citizens association 10 days before  
2 a meeting just so that they can comply with  
3 the protest deadline is really what happened.

4 And in fact -- well, okay. I'll  
5 just leave that.

6 And additionally, when they held  
7 the meeting on July 5th, the meeting was held  
8 in a secured condo building. So -- and I know  
9 and I think there is information in the record  
10 to reflect that there were other commissioners  
11 that attempted to attend the meeting and they  
12 couldn't get access to the meeting, because it  
13 was held in someone's condominium unit.

14 The only reason the applicants  
15 were there is because they were able to call.  
16 They had the cell phone numbers or they were  
17 able to call and get access. But if someone  
18 in the community happened to find out about  
19 this meeting, they wouldn't have had an  
20 opportunity to get in there, into the  
21 building, because they -- it was a secured  
22 location.

1                   With other meetings that are held  
2                   in the community, they are held at places  
3                   where it's easily accessible to the community.  
4                   And when you have a citizens association, I  
5                   keep harping on this, that is open to all  
6                   residents, even though they don't have to have  
7                   everyone as a member, but you have to make  
8                   yourself available so that residents can  
9                   participate.

10                   And in closing, I just wanted to  
11                   draw your attention to a Board Order in the  
12                   matter of Shaw Dupont Citizens Alliance and  
13                   Residential Action Coalition and this is Order  
14                   No. 2013-061. And in this order, while it is  
15                   talking about whether there is standing to  
16                   request a moratorium order, it does lay out  
17                   the reasons why a citizens association has  
18                   standing.

19                   First, we are not going to -- we  
20                   concede that they are organized in the  
21                   District of Columbia, but the parts that are  
22                   difficult is they were able to -- the Board

1 was able to review the minutes, the agenda,  
2 the bylaws that -- where it showed and  
3 discussed what happened at those meetings and  
4 recorded the votes.

5 And also, which I think is very  
6 important is that, in this case, there was a  
7 letter, an email that was sent where the  
8 president of the citizens association  
9 indicated that notice of the meeting was  
10 posted on their website at least 10 days  
11 before the meeting.

12 Now, this organization doesn't  
13 have a website, so they should have taken  
14 reasonable effort to make citizens aware. And  
15 I think that's where the strongest part of our  
16 argument is that without that, you are not  
17 really operating as a citizens association.

18 If they want to operate like this  
19 as a group of five or more, that's fine. And  
20 if the Board is inclined to convert their  
21 status to that, we don't object to that. But  
22 if they are going to present themselves as a

1 citizens association, they have to operate  
2 within the spirit of the statute and the  
3 regulations then apply.

4 CHAIRPERSON MILLER: Okay. I  
5 think, in this case, we ought to turn to the  
6 citizens association and let them address  
7 these questions before we ask any questions,  
8 because, basically, you know, the applicant is  
9 making the argument you need to show all these  
10 things. So what's your response?

11 MS. BUTLER: Our response, first  
12 of all, as you know, I wrote a -- I took the  
13 elements from both the challenging letters and  
14 wrote narrative in approval form to make it  
15 easier for you all to review this.

16 The bottom line is every community  
17 association starts somewhere. And many start  
18 because there are things going on that a group  
19 of people who live in that community want to  
20 become involved in.

21 And in this case, Takoma Station  
22 made a decision to apply for -- to build and

1 open rooftop bar and smoking area, that they  
2 were asking to hold open until 2:00 on  
3 weeknights and 3:00 on weekends right next to  
4 a residential area where they have operated  
5 for more than 30 years and within 40 feet of  
6 people's bedrooms in the condominium building,  
7 the long-standing condo building that is right  
8 next door.

9           Many of us -- there was a lot of  
10 talk. Many of us were very concerned. And  
11 when we reviewed what the process was, and it  
12 became clear that the -- to be effective, the  
13 citizens who lived in that area, who were  
14 concerned, we needed to provide the  
15 leadership, put together an organization and  
16 bring neighbors together to work on this  
17 issue.

18           And a group of five would not be  
19 appropriate because from the very beginning,  
20 clear last March, it was clear that what  
21 Takoma Station strategy -- Takoma Station made  
22 a business strategy to go straight to the ANC

1 to seek their support and to go that route  
2 without engaging the community. And with the  
3 ANC clearly endorsing them clear back in  
4 April, then it was obvious that a group of  
5 five could not be effective, because whatever  
6 ANC action, a group of five would not have the  
7 same status as the ANC.

8 CHAIRPERSON MILLER: Okay.

9 MS. BUTLER: So we incorporated.

10 CHAIRPERSON MILLER: Let me --  
11 okay. So let's get to the details though.

12 MS. BUTLER: Right. The --

13 CHAIRPERSON MILLER: You have  
14 articles of incorporation.

15 MS. BUTLER: Right. Your  
16 standard, the standard as outlined and as  
17 written in our protest letter is that we have  
18 to be a citizens association incorporated  
19 under the laws of District of Columbia. We  
20 didn't invent that in 24 hours after the ANC  
21 voted. We were working on it for weeks and  
22 the timing was such that by the time this

1 certificate was issued through their system,  
2 it is dated the day after the ANC vote.

3 But we drafted, we produced our  
4 articles incorporation, we drafted our bylaws  
5 before that time and the 24th date is when the  
6 system kicked it out.

7 So well prior to the July 7th  
8 deadline for a protest, we had organized and  
9 incorporated a nonprofit association. And  
10 that is a citizens association serving the  
11 footprint right around takoma station.

12 CHAIRPERSON MILLER: Excuse me, do  
13 you have articles of incorporation and you  
14 have bylaws?

15 MS. BUTLER: They are right there,  
16 yes.

17 CHAIRPERSON MILLER: Did you ever  
18 provide them to the applicant or the Board?

19 MS. BUTLER: We were not asked to.  
20 The Board didn't -- what the applicant did was  
21 just start making all kinds of allegations --

22 CHAIRPERSON MILLER: Okay.

1 MS. BUTLER: -- about what we  
2 could have done, would have done, whatever.  
3 What we did was demonstrate through our  
4 protest letter that we had done -- met the  
5 requirements that you had.

6 When we went to -- a really  
7 important point is when we went to the Roll  
8 Call Hearing, it was announced there and said  
9 repeatedly by LaVerne Fletcher that both the  
10 ANC and our organization had status before the  
11 Board.

12 And according to your regulations,  
13 it is at that point that legal issues or  
14 concerns are supposed to be raised.

15 CHAIRPERSON MILLER: Okay.

16 MS. BUTLER: And none of those  
17 objections were discussed at all.

18 CHAIRPERSON MILLER: All right.  
19 Let me just say this.

20 MS. BUTLER: Yes.

21 CHAIRPERSON MILLER: Because I  
22 want to cut to the chase a little bit here.

1 MS. BUTLER: Okay.

2 CHAIRPERSON MILLER: Regardless of  
3 that, the issue of standing is always  
4 relevant. It is always something the Board  
5 will consider up until --

6 MS. BUTLER: I actually -- sure.  
7 I -- right.

8 CHAIRPERSON MILLER: -- the day of  
9 the hearing.

10 MS. BUTLER: Right, right.

11 CHAIRPERSON MILLER: Okay.

12 MS. BUTLER: Okay. So we --

13 CHAIRPERSON MILLER: So --

14 MS. BUTLER: -- have --

15 CHAIRPERSON MILLER: -- but we  
16 don't --

17 MS. BUTLER: -- articles  
18 incorporation. We have bylaws. Anyone who  
19 lives within the footprint outlined in our  
20 articles incorporation and bylaws is eligible  
21 to be a member. And we have reached out to --  
22 we have -- I have knocked on every door,

1 private home that is in the footprint.

2 We have been working through the--  
3 contacts through the board of directions of  
4 the condo buildings and some through email.  
5 The email networks for people who refer other  
6 people and we are now up to more than 60  
7 members.

8 But at the outset, we had -- we  
9 started with a group of people who were our  
10 board of -- who were our board that created  
11 and incorporated the association.

12 CHAIRPERSON MILLER: Okay.

13 MS. BUTLER: Together we agreed  
14 and voted that we would schedule the July 5th  
15 meeting, when we would take the protest vote  
16 and we agreed to notify and follow all the  
17 footwork that was required to notify the  
18 applicant of that meeting.

19 They were there before I arrived  
20 at the meeting, so they were clearly at our  
21 meeting --

22 CHAIRPERSON MILLER: Okay. Let

1 me --

2 MS. BUTLER: -- where we put it on  
3 the protest.

4 MEMBER SILVERSTEIN: Please allow  
5 the Chair to have --

6 MS. BUTLER: Oh, okay. I'm sorry.

7 CHAIRPERSON MILLER: I want to  
8 kind of take you through maybe the test, you  
9 know, that is --

10 MS. BUTLER: Yes, sure.

11 CHAIRPERSON MILLER: -- right in  
12 the statute.

13 MS. BUTLER: Absolutely.

14 CHAIRPERSON MILLER: And maybe you  
15 can -- in the meantime, maybe our staff can  
16 make copies of your articles of incorporation  
17 and your bylaws. Do you have that?

18 MR. BUTLER: I need a copy as  
19 well.

20 CHAIRPERSON MILLER: That's what I  
21 mean.

22 MR. BUTLER: Okay.

1 CHAIRPERSON MILLER: Yes. So you  
2 have a copy.

3 MS. BUTLER: Yes.

4 MR. AUSTIN: Yes, I would like to  
5 have a copy also.

6 CHAIRPERSON MILLER: Yes.

7 MS. BUTLER: Sure. Do you want a  
8 copy of the notice?

9 CHAIRPERSON MILLER: Of the  
10 meeting?

11 MS. BUTLER: The notice that they  
12 got also?

13 CHAIRPERSON MILLER: Of the  
14 meeting?

15 MS. BUTLER: Yes.

16 CHAIRPERSON MILLER: Yes, please.

17 MS. BUTLER: We were --

18 CHAIRPERSON MILLER: Do you have a  
19 copy of a resolution concerning the license  
20 application that was passed at your meeting?

21 MS. BUTLER: Yes. Go ahead.

22 MR. GORHAM: I'm sorry. We met on

1 July -- on June 24th when we incorporated and  
2 when we had our meeting on July 5th --

3 CHAIRPERSON MILLER: Right.

4 MR. GORHAM: -- that was --

5 CHAIRPERSON MILLER: That was on  
6 the license --

7 MR. GORHAM: -- the meeting --

8 CHAIRPERSON MILLER: --

9 application, right?

10 MR. GORHAM: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay.

12 MR. GORHAM: So when we set the  
13 meeting on July 5th, we had some members  
14 present. We had a board of directors' meeting  
15 as well to vote on that. So in terms of a  
16 resolution, there was a resolution passed at  
17 the meeting, but I don't have any minutes to  
18 the board meeting right here or a copy of the  
19 resolution. It was just passed at the  
20 meeting.

21 CHAIRPERSON MILLER: What did it  
22 say?

1                   MR. GORHAM: Well, we had Mr. Boyd  
2 and Mr. Floreza at the meeting to meet with  
3 everyone and part of the reason why we had  
4 that was because on June 19th when we had a  
5 meeting at Takoma Community Co-Op Association,  
6 it's on 4th Street, the applicant said that  
7 they refused to discuss with anyone anything  
8 unless we filed a protest.

9                   CHAIRPERSON MILLER: Okay. I  
10 don't -- we don't need to go there.

11                  MS. BUTLER: If I can respond to  
12 that --

13                  MR. GORHAM: But we were trying to  
14 get them to --

15                  MS. BUTLER: -- just for a second?

16                  MR. GORHAM: -- discuss and --

17                  CHAIRPERSON MILLER: We need to  
18 look at the statute to the regs and see if you  
19 meet the criteria.

20                  MS. BUTLER: Okay. The first  
21 paragraph of the letter of our protest  
22 essentially describes. We did not write down

1 a motion prior to this small meeting and hand  
2 it to people to read those exact words.

3 A motion was passed that we would  
4 protest the application. And the statement is  
5 essentially what was in our -- what is in the  
6 first paragraph of our letter, which is that  
7 we voted unanimously to protest the  
8 application of MDM, LLC d/b/a Takoma Station  
9 Tavern to substantially change its license by  
10 extending -- and we just read through what it  
11 was they -- you know, that they requested,  
12 extending all its license privileges,  
13 endorsements, entertainment, dancing cover,  
14 hours of operation, hours of sale of alcoholic  
15 beverages to a new open air summer garden that  
16 TST wants to build on the roof of the one-  
17 story building it occupies at 6914 4th Street.

18 No, we did not write out and copy  
19 something that was handed to --

20 CHAIRPERSON MILLER: No, I didn't  
21 ask you that.

22 MS. BUTLER: -- you know, so it

1 was as we moved to protest their application.

2 CHAIRPERSON MILLER: Okay. So how  
3 many people were at the meeting and what was  
4 the vote?

5 MS. BUTLER: It was unanimous.

6 CHAIRPERSON MILLER: Okay. Right.

7 MS. BUTLER: It was our board of  
8 directors and -- which was five people.

9 CHAIRPERSON MILLER: Okay.

10 MS. BUTLER: And how many other  
11 members were there?

12 MR. GORHAM: There were  
13 approximately 10 other members there.

14 CHAIRPERSON MILLER: What do your  
15 bylaws say with respect to who needs to be  
16 there to have a quorum and pass a resolution?

17 MS. BUTLER: In this case, we only  
18 needed to have the board of directors. We  
19 only needed to have the board of directors to  
20 have a quorum, because of just the way the  
21 bylaws work. You can have -- our minimum  
22 requirement for membership meetings is to have

1 an annual meeting like many do, you know,  
2 where members come together and elect a board  
3 and all that kind of stuff.

4 So there was not a requirement  
5 that it be a member meeting with a certain  
6 minimal number of members in addition to the  
7 board of directors members who were there.

8 CHAIRPERSON MILLER: So you could  
9 have five people vote to represent the  
10 citizens association?

11 MS. BUTLER: At that time, we were  
12 -- every day we were getting bigger. So at  
13 that time, we only had about 15 people.

14 CHAIRPERSON MILLER: Okay.

15 MS. BUTLER: Okay. We really,  
16 really made an effort to study your  
17 regulations, study the law and to try to do  
18 this as carefully and accurately and  
19 effectively as possible, because we feel that  
20 the people who live in the footprint affected  
21 by this, by the -- you know, this potential  
22 new rooftop, other noise and controversial

1 issues that are going on in this area, that we  
2 need to have people working together.

3 And it's ever bit as much an  
4 emphasis on people working together and  
5 building a relationship, pulling people out of  
6 the condo buildings in the community.

7 CHAIRPERSON MILLER: So --

8 MS. BUTLER: Condo buildings,  
9 rentals, houses.

10 CHAIRPERSON MILLER: -- how did  
11 you notice the meeting?

12 MS. BUTLER: Beg your pardon?

13 CHAIRPERSON MILLER: How did you  
14 notice the meeting? And do your bylaws  
15 address how you should notice the meeting?

16 MS. BUTLER: Well, I think one of  
17 the real inappropriate -- the inaccurate and  
18 incorrect description that Mr. Butler keeps  
19 putting forward is that --

20 MEMBER SILVERSTEIN: The question  
21 is how did you notice the meeting.

22 MS. BUTLER: We had -- we notified

1 our existing members and our existing members  
2 were the members of the board and those  
3 additional people who were there that day. We  
4 are not obligated to notify every single  
5 person who lives in the footprint who has not  
6 yet joined.

7 And that is what Mr. Butler is  
8 trying to claim that a community association,  
9 if it's a community association, immediately  
10 everybody is a member. And you know well that  
11 that's not the case. People can choose not to  
12 join among other things and you can't claim  
13 you represent them if they haven't chosen to  
14 join.

15 It says clearly in our articles  
16 and in our bylaws that it is -- like it says  
17 in your regs, it's open to the whole  
18 community.

19 CHAIRPERSON MILLER: Okay. Yes, I  
20 got it.

21 MS. BUTLER: Folks can choose to  
22 join. We can't claim them.

1                   MEMBER SILVERSTEIN: Fine. The  
2 question has been answered.

3                   MS. BUTLER: Excellent. Thank  
4 you.

5                   CHAIRPERSON MILLER: Okay. Now, I  
6 am finished with my questions, I think. I  
7 wanted to get through the statute and I think  
8 I did pretty much the regulations. And you  
9 did notify the applicant, I recall.

10                  MS. BUTLER: Yes.

11                  CHAIRPERSON MILLER: Seven days  
12 ahead of the meeting.

13                  MS. BUTLER: And I personally even  
14 after it was sent by registered mail and all  
15 that, I also personally went and spoke with  
16 David who did tell me that he had received it.  
17 And he even showed me the envelope it had come  
18 in.

19                  CHAIRPERSON MILLER: Okay. All  
20 right. Are there other questions? Yes, Mr.  
21 Alberti?

22                  MEMBER ALBERTI: Hi, Ms. Butler.

1 I have a number of questions --

2 MS. BUTLER: Okay.

3 MEMBER ALBERTI: -- for you.

4 First of all, when was your first meeting of  
5 your association?

6 MS. BUTLER: Our first formal  
7 meeting of the association of the board of  
8 directors was the night of the incorporation  
9 date, because until then we were not doing  
10 anything official, because we weren't  
11 incorporated.

12 MR. GORHAM: June 24th.

13 MS. BUTLER: And that was June  
14 24th. Now, prior to that --

15 MEMBER ALBERTI: Okay.

16 MS. BUTLER: -- a group of us who  
17 were working together got together several  
18 times.

19 MEMBER ALBERTI: Okay.

20 MS. BUTLER: You know, to put  
21 things together.

22 MEMBER ALBERTI: So the bylaws

1 were adopted when?

2 MS. BUTLER: The same day.

3 MEMBER ALBERTI: The same day.

4 And the meeting of the 24th how was it  
5 announced?

6 MS. BUTLER: It was --

7 MR. GORHAM: That was via email.

8 MS. BUTLER: -- it was via email  
9 to the five of us who were -- I think it was  
10 five, wasn't it?

11 MEMBER ALBERTI: So an email to  
12 five people?

13 MS. BUTLER: Yes.

14 MEMBER ALBERTI: Okay. Okay.  
15 Your bylaws say an individual residing -- it  
16 says Article 4, Members V, "Any individual  
17 residing within the area."

18 MS. BUTLER: Yes.

19 MEMBER ALBERTI: I haven't had a  
20 chance to really look at this closely, but I  
21 perused it. Maybe you can help me out here.  
22 Where is area defined?

1 MS. BUTLER: The area is defined  
2 in Article 2 under purposes, under (B).

3 MEMBER ALBERTI: Article 2(B).  
4 Okay. Okay.

5 MR. AUSTIN: I have no copy.

6 CHAIRPERSON MILLER: I'm sorry,  
7 you didn't get a copy, sir?

8 MR. AUSTIN: No.

9 MS. GREEN: I didn't either.

10 MEMBER SILVERSTEIN: Do we have  
11 extra copies? No?

12 CHAIRPERSON MILLER: We will get  
13 you one.

14 MR. AUSTIN: Thank you.

15 MEMBER ALBERTI: Okay. All right.  
16 Very good. Thank you. That's helpful.

17 MS. BUTLER: Okay.

18 MEMBER ALBERTI: Okay. How many  
19 people, by June 5th, were members in good  
20 standing?

21 MS. BUTLER: I'm sorry, June 5th?

22 MEMBER ALBERTI: July 5th.

1 MR. GORHAM: July 5th.

2 MEMBER ALBERTI: By July 5th.

3 MS. BUTLER: You mean July 5th.

4 MEMBER ALBERTI: By July 5th when  
5 you had your meeting, how many residents were  
6 members in good standing?

7 MS. BUTLER: 15 to 20. I mean,  
8 there were 15 at that -- at the meeting.

9 MEMBER ALBERTI: I don't care how  
10 many were at the meeting.

11 MS. BUTLER: Okay. Right.

12 MEMBER ALBERTI: I want to know  
13 how many were members in good standing.

14 MS. BUTLER: As I said, 15 to 20.  
15 I don't have the information.

16 MEMBER ALBERTI: So do you have a  
17 list of members?

18 MS. BUTLER: Yes.

19 MEMBER ALBERTI: Okay. Do you  
20 have -- would you be able to produce -- I  
21 think in here some place you talk about dues  
22 and applicant. What are your dues?

1 MS. BUTLER: We don't have dues,  
2 at this time.

3 MEMBER ALBERTI: Okay.

4 MS. BUTLER: We have the -- the  
5 bylaws --

6 MEMBER ALBERTI: And do you have  
7 an application form?

8 MS. BUTLER: Yes.

9 MR. GORHAM: We do have.

10 MEMBER ALBERTI: Okay. Do you  
11 have copies of the application forms for the  
12 people who were at the meeting?

13 MS. BUTLER: No. Not with me, no.

14 MEMBER ALBERTI: Can you produce  
15 those?

16 MS. BUTLER: I think we can, can't  
17 we?

18 MR. GORHAM: Yes. I don't have  
19 them here though.

20 MS. BUTLER: Right, yes.

21 MEMBER ALBERTI: Can you produce  
22 those?

1 MS. BUTLER: I think so, yes.

2 MEMBER ALBERTI: All right. So  
3 that's something I'm going to want to see,  
4 because before I -- I am having trouble here  
5 understanding who was members of the -- and  
6 whether or not you had a quorum according to  
7 your bylaws at that meeting.

8 How was outreach done for the July  
9 5th meeting?

10 MS. BUTLER: The July 5th meeting  
11 was a meeting of board members and members.  
12 And so those people were -- the board  
13 discussed the meet -- the board set the date  
14 and all agreed to attend. And so that was how  
15 the board members were notified. And the  
16 others were notified individually. Was it  
17 email?

18 MR. GORHAM: It was email and  
19 individually.

20 MS. BUTLER: And individually.

21 MEMBER ALBERTI: Have you ever --  
22 how have you notified members of this area

1 that the association exists and that they may  
2 become a member?

3 MS. BUTLER: We have sent written  
4 material. Sent emails and written material to  
5 the boards of directors and people we know,  
6 but particularly we contacted the boards of  
7 directors of the three, is it three, condo  
8 buildings in the area and told them what we  
9 were trying to do and asked them to share  
10 information with their members.

11 With the rental apartments, we  
12 have asked people. We have just networked.  
13 We even did things like search the Listserv  
14 they were referring to looking for references  
15 to where people lived and so forth. And have  
16 reached to try to have somebody doing --  
17 making contacts and doing outreach within each  
18 of the buildings.

19 I personally have knocked on the  
20 door of every private home in the neighborhood  
21 and left materials more than once for the  
22 people who didn't get back to us immediately.

1 I'm trying to think what --  
2 Charlie had some conversation also with the  
3 rental management company at one of the  
4 buildings, but they then said that they really  
5 didn't feel like they could be the conduit for  
6 that.

7 We pulled -- I got the Voter  
8 Registration information to -- and contacted  
9 people on those lists that I, you know, had  
10 already knew somehow and reached out in that  
11 way.

12 MEMBER ALBERTI: Okay. As of --

13 MS. BUTLER: So what we --

14 MEMBER ALBERTI: -- the 5th --

15 MS. BUTLER: -- tried to do was  
16 get a flyer or a membership flyer-type thing.

17 MEMBER ALBERTI: All right. I  
18 understand. I understand.

19 MS. BUTLER: Through those  
20 networks throughout.

21 MEMBER ALBERTI: I hear you. On  
22 July 5th, do you know how many members you

1 had?

2 MS. BUTLER: That's what we were  
3 just talking about where I said 15 or 20.

4 MEMBER ALBERTI: You only had 15  
5 or 20 members?

6 MS. BUTLER: We were at the  
7 beginning of --

8 MEMBER ALBERTI: And you will know  
9 that from --

10 MS. BUTLER: Yes.

11 MEMBER ALBERTI: -- you have a  
12 member list as of that day and applications  
13 that you can provide for us, right?

14 MR. GORHAM: We do have  
15 applications. The membership list is ongoing,  
16 so I don't know that I have a list as --

17 MEMBER ALBERTI: Well, there will  
18 be a date on the application, right?

19 MR. GORHAM: -- of that date.

20 MS. BUTLER: Probably.

21 MEMBER ALBERTI: I would assume  
22 so.

1 MS. BUTLER: I'm not sure.

2 MR. GORHAM: I don't think they  
3 have --

4 MS. BUTLER: I'm not sure.

5 MR. GORHAM: I don't think there  
6 is.

7 MS. BUTLER: I'm not sure we put  
8 dates on those.

9 MEMBER ALBERTI: Well, I mean,  
10 okay. All right.

11 MR. GORHAM: There is not a date  
12 on that.

13 MS. BUTLER: Sir, I mean, the --  
14 again, an organization has to start somewhere.

15 MEMBER ALBERTI: I --

16 MS. BUTLER: You start --

17 MEMBER ALBERTI: -- got it. I got  
18 it.

19 MS. BUTLER: -- with --

20 MEMBER ALBERTI: I got it. But,  
21 you know, we have --

22 MS. BUTLER: Okay. So you want

1 these --

2 MEMBER ALBERTI: That's fine. I  
3 understand.

4 MS. BUTLER: Okay. Cool.

5 MR. GORHAM: Could I ask a quick  
6 question?

7 MEMBER ALBERTI: Sure. Go ahead.

8 MR. GORHAM: I'm sorry. For the  
9 membership list, which we are happy to  
10 provide, is it possible to at least blackout  
11 names -- not names, but addresses and  
12 telephone numbers and email addresses?

13 MEMBER SILVERSTEIN: No.

14 MR. GORHAM: I mean, they are  
15 all --

16 MEMBER ALBERTI: Well, I would--

17 MR. GORHAM: Since it's open.

18 MS. BUTLER: We have had some --

19 MR. GORHAM: I don't know if this  
20 is something --

21 MS. BUTLER: -- people --

22 MEMBER ALBERTI: Wait. May I

1 speak? May I speak?

2 MS. BUTLER: Sure.

3 MEMBER ALBERTI: My personal  
4 feeling is that you can blackout email  
5 addresses.

6 MS. BUTLER: Um-hum.

7 MEMBER ALBERTI: All right.  
8 Addresses are pretty much public information,  
9 I mean.

10 MEMBER RODRIGUEZ: We need those.

11 MEMBER ALBERTI: I can get that  
12 pretty easily --

13 CHAIRPERSON MILLER: Any phone  
14 numbers --

15 MEMBER ALBERTI: -- for everybody.  
16 I don't see how that is really sensitive  
17 information, but, you know, telephone number  
18 and email, I don't personally need. I don't  
19 know what others feel about that.

20 MEMBER SHORT: Mr. Alberti, if I  
21 could chime in?

22 CHAIRPERSON MILLER: Yes, we don't

1 need that.

2 MEMBER SHORT: If we don't know  
3 the person's addresses, how do we know if they  
4 fall within the footprint.

5 CHAIRPERSON MILLER: Right, right.

6 MEMBER ALBERTI: Right, right,  
7 right.

8 MEMBER SHORT: So that's --

9 MEMBER ALBERTI: Absolutely.

10 MS. BUTLER: I mean, yes, yes,  
11 sure, sure.

12 MEMBER ALBERTI: Thank you, Mr.  
13 Short. Appreciate that.

14 MEMBER SHORT: Okay.

15 MEMBER ALBERTI: Okay.

16 MR. GORHAM: I apologize. I'm  
17 just trying to make sure we get you what you  
18 want.

19 MEMBER ALBERTI: Right, right.  
20 And I understand that you don't want to give  
21 out everybody's personal information, so I  
22 don't --

1 MS. BUTLER: Well, and ironically,  
2 there actually have been some people who said  
3 that they supported what we are doing and they  
4 are concerned about --

5 MEMBER ALBERTI: I don't care. We  
6 are talking about members now.

7 MS. BUTLER: -- but that they  
8 wouldn't join because they didn't want --

9 MEMBER ALBERTI: I shouldn't say I  
10 don't care, but I'm focused on members now and  
11 so that's why --

12 MS. BUTLER: Certainly.

13 MEMBER ALBERTI: -- I have to --

14 MEMBER SILVERSTEIN: Ms. Butler?

15 MEMBER ALBERTI: -- discuss.

16 MEMBER SILVERSTEIN: Ms. Butler?

17 CHAIRPERSON MILLER: Okay.

18 MEMBER SILVERSTEIN: We go very  
19 late into the evening.

20 MS. BUTLER: Yes.

21 MEMBER SILVERSTEIN: I may be  
22 sounding harsh right now. Please, answer the

1 questions and stop with that, because we go  
2 very late. We have been here after midnight  
3 some times.

4 MS. BUTLER: Okay.

5 MEMBER ALBERTI: Okay. So, Ms.  
6 Butler, and the gentleman, I actually forget  
7 your name, I think that that answers all of my  
8 questions. And I appreciate your candor.  
9 Thank you.

10 MR. GORHAM: Thank you.

11 MEMBER SHORT: I would like --

12 CHAIRPERSON MILLER: Yes, Mr.

13 Short?

14 MEMBER SHORT: -- to ask. Yes. I  
15 would like to ask Ms. Butler, is it?

16 MS. BUTLER: Yes.

17 MEMBER SHORT: How long have you  
18 been in the community there?

19 MS. BUTLER: 27 years.

20 MEMBER SHORT: 27 years. And you,  
21 young man?

22 MR. GORHAM: Three years, sir.

1 MEMBER SHORT: You young lady?

2 MS. WHEELER: Since 1978. Sir, I  
3 think that's about 34, 5, 6 years. 35 years.

4 MEMBER SHORT: Okay. And the ANC  
5 Commissioner? ANC Commissioner, can I ask you  
6 how many years have you been in that  
7 community?

8 MR. AUSTIN: 57 years.

9 MEMBER SHORT: Okay. Thank you  
10 very much. Thank you.

11 CHAIRPERSON MILLER: Others? Yes,  
12 Mr. Rodriguez?

13 MEMBER RODRIGUEZ: Yes. Ms.  
14 Butler, did I hear you say that no minutes  
15 were taken of the board meeting?

16 MS. BUTLER: I beg your pardon?

17 MEMBER RODRIGUEZ: Were there  
18 minutes taken of the board meeting?

19 MS. BUTLER: Which meeting are you  
20 referring to? Yes.

21 MR. GORHAM: Yes.

22 MEMBER RODRIGUEZ: And those

1 minutes were made available to the other  
2 party?

3 MS. BUTLER: We didn't see any --  
4 what reason would there be to give minutes of  
5 board meetings to the other party?

6 MEMBER RODRIGUEZ: Well --

7 MS. BUTLER: They were at -- the  
8 particular meeting where the vote was taken,  
9 they were there.

10 MEMBER RODRIGUEZ: Right.

11 MS. BUTLER: So it didn't -- there  
12 wasn't any request about minutes or anything.  
13 They were there.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER RODRIGUEZ: And you have  
16 been there a while. Are you -- you are  
17 familiar with this business in the community?

18 MS. BUTLER: I've lived directly  
19 behind them for 27 years.

20 MEMBER RODRIGUEZ: Right. And  
21 have you ever had any reason to protest any of  
22 their behavior or anything like that before?

1 MS. BUTLER: I believe if we could  
2 find the records, which I -- which ABRA  
3 doesn't seem to have, and I haven't found in  
4 my own files yet, but I was one of the  
5 protesters with -- under the settlement  
6 agreement that is one of the two that  
7 currently are involved in the records. It was  
8 dated 2001, I believe.

9 MEMBER RODRIGUEZ: And but you  
10 have never really organized in any way until  
11 recently then?

12 MS. BUTLER: Me personally? I was  
13 -- someone else was organizing the early one.

14 MEMBER RODRIGUEZ: Okay. So  
15 mainly you really put together this  
16 organization to protest this particular  
17 action?

18 MS. BUTLER: We put together this  
19 organization, so that there would be a group  
20 that could work on these issues from now on  
21 when we discovered that, otherwise, there was  
22 going to be no protest, because the Advisory

1 Neighborhood Commission was, you know, putting  
2 it through.

3 So we needed a group and there was  
4 nothing.

5 MEMBER RODRIGUEZ: So your impact  
6 area or what you call your boot, is that what  
7 you call it?

8 MS. BUTLER: Footprint.

9 MEMBER RODRIGUEZ: Footprint?

10 MS. BUTLER: Yes.

11 MEMBER RODRIGUEZ: How many people  
12 live in that area?

13 MS. BUTLER: There appears to be  
14 about 450, although one chunk of it is that  
15 big new apartment building that's on Blair  
16 Road. So that's a little bit -- those folks  
17 are not as engaged in issues as the people who  
18 own their homes.

19 MEMBER RODRIGUEZ: And were these  
20 people contacted when you announced the  
21 formation of this organization?

22 MS. BUTLER: I just described how

1 we did it in many ways, yes.

2 MEMBER RODRIGUEZ: You would say  
3 that -- give me a percentage of the people  
4 that were contacted from those 450.

5 MS. BUTLER: Well, I guess you've  
6 got to drop about 150 out for the one big  
7 apartment building that was hard to access,  
8 because the manager said, you know, that we  
9 couldn't use -- go through their email.

10 But we have -- I mean, I'm not  
11 sure, sir. What we tried to do was figure out  
12 the points of entry to reach the networks in  
13 those different buildings and we have been  
14 steadily growing and will continue to.

15 So we have communicated through  
16 the boards of directors. We have communicated  
17 through people who live in the buildings. So  
18 it's a networking kind of keep building kind  
19 of thing.

20 MEMBER RODRIGUEZ: Yes.

21 MS. BUTLER: We have passed out  
22 flyers to the private homes. So it's just

1 like you do community organizing. You just  
2 keep at it, you keep networking and you build  
3 strong relationships among the people who know  
4 each other and the people who meet each other.

5 MEMBER RODRIGUEZ: Would you say  
6 that your views represent those of those 450  
7 residents, that your views are pretty  
8 consistent with the views of those residents?

9 MS. BUTLER: I think that I can  
10 say yes, they are consistent with our views.

11 MEMBER RODRIGUEZ: And how do you  
12 determine that?

13 MS. BUTLER: One way I determine  
14 that is that the objections to -- I mean, the  
15 people who are coming forward to support  
16 Takoma Station or the people who are, quite  
17 frankly, you know, being pretty -- real  
18 hostile to us, don't live in that footprint.

19 The opposition to our activities  
20 and our efforts to bring people together are  
21 not people who live within two blocks of  
22 Takoma Station.

1                   MEMBER RODRIGUEZ: So you're  
2 saying those people aren't impacted?

3                   MS. BUTLER: No, sir, I'm saying  
4 that the people living close by are not coming  
5 forward supporting Takoma Station. The people  
6 who live close by are either working with us  
7 or saying well, you know, I don't want to put  
8 my name on anything, that kind of thing. But  
9 the, you know, agitation that is coming in  
10 opposition to any of our activities, none of  
11 those folks live within two blocks of Takoma  
12 Station.

13                  MEMBER RODRIGUEZ: Thank you,  
14 Madam Chair. I would like to reserve some of  
15 my time for later questioning.

16                  CHAIRPERSON MILLER: Okay. I hope  
17 we don't have too much more of later  
18 questioning though. Mr. Alberti?

19                  MEMBER ALBERTI: I'm going to be  
20 quick, I promise.

21                  CHAIRPERSON MILLER: Yes.

22                  MEMBER ALBERTI: And this is for

1 the applicant. So you were at the meeting,  
2 right?

3 MR. BUTLER: The two owners were  
4 at the meeting.

5 MEMBER ALBERTI: The two owners.  
6 Okay. So whoever needs to speak, speak. Do  
7 you -- they represent there were 10 to 15  
8 people at the meeting. Is that consistent  
9 with what your observation was?

10 MR. BUTLER: When? When we --

11 MEMBER ALBERTI: The July 5th  
12 meeting.

13 MR. BUTLER: July 5th meeting?

14 MEMBER ALBERTI: First of all, you  
15 were at the July 5th meeting?

16 MR. BUTLER: I was at the July 5th  
17 meeting.

18 MEMBER ALBERTI: Okay. So what  
19 was your recollection of the number of people  
20 there?

21 MR. BUTLER: We came in and  
22 everybody introduced themselves and then they

1 took a vote to protest Takoma Station.

2 MEMBER ALBERTI: How many people  
3 were there?

4 MR. BUTLER: 10.

5 MEMBER ALBERTI: 10 people?  
6 That's your recollection? Okay.

7 MR. BUTLER: I mean, I actually  
8 counted everybody.

9 MS. BUTLER: 10 in the room, yes.

10 MR. BUTLER: There was 10 people  
11 there.

12 MEMBER ALBERTI: Okay.

13 MR. BUTLER: Including -- oh, 10  
14 and then --

15 MEMBER ALBERTI: Well, then you  
16 left. Yes, I think you have answered my  
17 question. There were 10 members there. All  
18 right. And there was a vote on the  
19 resolution?

20 MR. BUTLER: No, they just voted  
21 to protest Takoma Station. They took a vote  
22 to protest Takoma Station.

1                   MEMBER ALBERTI: Did they discuss  
2 the basis for the protest? Was there any  
3 discussion about a reason for a protest?

4                   MR. BUTLER: I just -- all I  
5 remember is that we came in and we gave our --  
6 we talked about who we were and then they --  
7 and then I guess I said a little bit about  
8 Takoma Station and how I have been in the  
9 neighborhood a long time, that I would like to  
10 work with the neighborhood and I said a couple  
11 more things.

12                   And I think Dodie happened to say  
13 why she was coming together, bringing the  
14 folks together and then they took a vote. And  
15 then they voted to protest Takoma Station and  
16 everybody raised their hand to protest Takoma  
17 Station.

18                   And then after that, we were  
19 dismissed. We left.

20                   MEMBER ALBERTI: You left. Right.  
21 I got it, right.

22                   MS. BUTLER: So actually --

1                   MEMBER ALBERTI:  So wait, wait.  
2                   Ms. Butler?

3                   MS. BUTLER:  Okay.

4                   MEMBER ALBERTI:  I will get to  
5                   you.  Please.  All right.  Thank you.  I  
6                   appreciate that.  So, Ms. Butler, a quick  
7                   question for you.  Do you have a list of the  
8                   people who were at that meeting?

9                   MS. BUTLER:  Yes.

10                  MR. GORHAM:  I can get it.  I  
11                  don't have it right now.

12                  MEMBER ALBERTI:  And you can  
13                  produce that?  Can you produce that for us?

14                  MS. BUTLER:  Yes.

15                  MEMBER ALBERTI:  All right.  Thank  
16                  you.

17                  CHAIRPERSON MILLER:  Yes, Mr.  
18                  Silverstein?

19                  MEMBER SILVERSTEIN:  One quick  
20                  question for the applicant.  Where was the  
21                  meeting held?

22                  MR. BOYD:  It was held in an

1 apartment building. And when we came to --  
2 when Melvin and I came to the front door, it  
3 was locked. The door was locked. The only  
4 way we got in was somebody was walking in and  
5 we walked in with that person saying we had a  
6 meeting.

7 The person looked at us like what  
8 were we doing out there. Then we said we was  
9 supposed to go to a meeting.

10 MEMBER SILVERSTEIN: I think Ms.  
11 Butler should have the opportunity to respond  
12 to that.

13 MS. BUTLER: I --

14 MEMBER SILVERSTEIN: Was the  
15 meeting open to the public?

16 MS. BUTLER: The meeting was not  
17 open to the general public. The meeting was  
18 a meeting of our organization. I mean, the --  
19 what I mean by not open, I don't mean the --  
20 I don't mean it -- wait. I don't mean the  
21 public was not permitted to come.

22 I mean that we didn't send a flyer

1 to every house in the entire footprint. It  
2 was a meeting of the association to -- and  
3 included Takoma Station to discuss whether or  
4 not we were going to protest and we voted to  
5 protest.

6 There was a -- they were given the  
7 -- they had the information on what apartment  
8 it was in and all you had to do was, you know,  
9 punch the little -- punch the thing and -- up  
10 and that's, you know, how you get access to  
11 the building.

12 MEMBER SILVERSTEIN: So the  
13 meeting was open to members of the  
14 organization, but it was not noticed to the  
15 general public and was not open to the general  
16 public or available? If someone decided they  
17 wanted to go to that meeting, how would they  
18 go to that meeting?

19 MS. BUTLER: They would go to the  
20 front door and enter in the apartment number  
21 and be buzzed in.

22 MEMBER SILVERSTEIN: Okay. Thank

1       you.

2                   CHAIRPERSON MILLER:   Yes, Mr.  
3       Short?

4                   MEMBER SHORT:   This is for the  
5       applicant.  Do you owners or any of your  
6       employees live anywhere within that footprint  
7       or in the D.C. area?

8                   MR. BOYD:   We used to have a lot  
9       of employees that lived in the neighborhood,  
10      but at this moment, I don't think so.  Not at  
11      this moment.  We had one that had just passed  
12      away.

13                  MEMBER SHORT:   Okay.  I thank you.  
14      That's all I have, Madam Chair.

15                  CHAIRPERSON MILLER:  All right.  
16      Let's try to streamline our questions if we  
17      can.

18                  MEMBER RODRIGUEZ:  One more  
19      question, Madam Chair.

20                  CHAIRPERSON MILLER:  Yes, okay.  
21      Okay.

22                  MEMBER RODRIGUEZ:  So, Ms. Butler,

1       you had told me that you estimated about 450  
2       people live in the impact area, right?

3                   MS. BUTLER:   Yes.

4                   MEMBER RODRIGUEZ:   And but you are  
5       saying that only 10 people of those 450 people  
6       participated in that meeting?

7                   MS. BUTLER:   Yes.

8                   MEMBER RODRIGUEZ:   Thank you.

9                   CHAIRPERSON MILLER:   Ms. Wheeler,  
10      did you -- I have to give you a little leeway.

11                   MS. WHEELER:   I'm sorry?

12                   CHAIRPERSON MILLER:   I'm going to  
13      give you a little leeway, since you are not --

14                   MS. BUTLER:   Charlie has to leave  
15      to get back to work.

16                   CHAIRPERSON MILLER:   Okay.  We are  
17      almost over anyway.

18                   MS. WHEELER:   I just wanted to  
19      speak to that point.

20                   MEMBER SILVERSTEIN:   Please speak  
21      louder and into the mike.  I'm sorry.

22                   MS. WHEELER:   I think as an

1 example, the feeling in the neighborhood and  
2 within that footprint is a conversation that  
3 I happened to have with a neighbor who lives  
4 around the corner in an apartment building.  
5 And he said I'll just move. I said why would  
6 you move? Why don't you participate and work  
7 it out? He said no, I don't want to get into  
8 this back and forth. I don't want to get into  
9 adversarial stuff.

10 And that's very common among the  
11 folks in our neighborhood. We want to get  
12 along, basically. We are a purposely  
13 integrated group every which way you can  
14 imagine, community. I don't know how well you  
15 know Takoma.

16 CHAIRPERSON MILLER: Okay.

17 MS. WHEELER: But people really  
18 want to get along. We don't want to be  
19 butting heads.

20 CHAIRPERSON MILLER: Okay. All  
21 right. But we have to make --

22 MR. AUSTIN: May I just point one

1 thing out quick?

2 CHAIRPERSON MILLER: Really quick  
3 because we have to make -- this is limited  
4 finding.

5 MR. AUSTIN: First of all, I was  
6 one of the people that came to the meeting and  
7 couldn't get into the meeting.

8 CHAIRPERSON MILLER: Okay.

9 MR. AUSTIN: Because it was a  
10 locked door. And then I'm noticing on these  
11 bylaws here they are saying they started on  
12 the 24th, but here the signatures are here  
13 from the 23rd.

14 MEMBER SILVERSTEIN: I'm sorry,  
15 sir?

16 MR. AUSTIN: On the bylaws right  
17 here, the signature is from three people who  
18 signed the bylaws just to make -- you know,  
19 they were there when they did it. They say  
20 the -- they thought it -- she noted and said  
21 they put this stuff on the 24th, but you can  
22 see it say the 23rd.

1 MS. BUTLER: Wait. Are you  
2 talking about the articles?

3 MR. AUSTIN: Yes, the articles.

4 MS. BUTLER: Yes. We had to sign  
5 them --

6 MR. AUSTIN: And I don't know if  
7 they, you know --

8 CHAIRPERSON MILLER: Okay.

9 MR. AUSTIN: -- I just -- the two  
10 buildings were -- there are two buildings --

11 MS. BUTLER: We had to sign them.

12 MR. AUSTIN: -- where they have  
13 these meetings at is buildings that they  
14 always go to when they want the community to  
15 come on their side. People that they can  
16 influence. And one of the buildings is in the  
17 Takoma -- which is -- it's the Takoma Co-Op.  
18 The meeting room is way off to the -- off the  
19 street, so you don't -- no sign and then the  
20 elevator went ahead on the fifth --

21 CHAIRPERSON MILLER: So let me ask  
22 you briefly. You got to the building, but you

1       couldn't get in?

2                   MR. AUSTIN:   I couldn't get in.  
3       The building was locked.

4                   CHAIRPERSON MILLER:   Because you  
5       didn't know the apartment number or how --

6                   MR. AUSTIN:   No.   I didn't have  
7       the apartment number.   And it was another  
8       Commissioner that was with me.

9                   CHAIRPERSON MILLER:   How did you  
10      hear about the meeting?

11                  MR. AUSTIN:   I found out about the  
12      meeting through David.   He called me up and  
13      asked me did I know about the meeting they was  
14      having and I said I didn't know, but I'll be  
15      there.

16                  CHAIRPERSON MILLER:   Okay.   Okay.  
17      I'm sorry, we kind of have to wrap this up  
18      pretty soon.

19                  MEMBER SILVERSTEIN:   One question.  
20      He got in, but you didn't?

21                  MR. AUSTIN:   Right.

22                  MEMBER SILVERSTEIN:   How could

1 that work? I mean, didn't you have cell  
2 phones?

3 MR. AUSTIN: I couldn't get into  
4 the building and there was nobody walked by at  
5 the time.

6 MR. FLOREZA: No code was given.

7 MR. AUSTIN: No, no code.

8 MR. FLOREZA: And the apartment  
9 building, they only gave the address to the  
10 apartment building, but no condo number. We  
11 had to look for the condo.

12 MR. AUSTIN: Again, I just wanted  
13 to point out that --

14 MEMBER SILVERSTEIN: You did  
15 invite them, did you not?

16 MS. BUTLER: I beg your pardon?

17 MEMBER SILVERSTEIN: You did  
18 invite them to the meeting, correct?

19 MS. BUTLER: The apartment number  
20 was 302. It's right here in the notice of the  
21 meeting that they were given.

22 MR. AUSTIN: I didn't receive one.

1 MS. BUTLER: And you didn't -- you  
2 were not a person who would receive such  
3 notice.

4 MR. AUSTIN: Okay.

5 MS. BUTLER: We aren't required  
6 to.

7 MR. AUSTIN: Okay.

8 MS. BUTLER: So they could have  
9 given him the apartment number. They could  
10 have gone with a cell. Certainly, my cell  
11 phone number is all over the Internet for  
12 anybody who wanted to reach me. There were a  
13 variety of ways that anybody who wanted more  
14 information about the meeting, could have  
15 gotten in two minutes before this meeting.

16 Particularly, that number --

17 CHAIRPERSON MILLER: If you got  
18 this notice.

19 MS. BUTLER: What?

20 CHAIRPERSON MILLER: If you got  
21 this notice you had that information.

22 MS. BUTLER: Exactly.

1                   CHAIRPERSON MILLER: So that  
2 notice was sent to specific people, such as  
3 the applicant and your members?

4                   MS. BUTLER: No. This is the  
5 notice to the applicant.

6                   CHAIRPERSON MILLER: To the  
7 applicant period.

8                   MS. BUTLER: So what I'm saying is  
9 they said they didn't have the number. They  
10 got it and --

11                  CHAIRPERSON MILLER: Okay.

12                  MS. BUTLER: -- Ron knew that and  
13 didn't ask for it, so --

14                  MR. AUSTIN: Well, to all  
15 fairness, I mean, I was -- we were sitting  
16 there punching the numbers trying to get it to  
17 work and we kept punching it and nothing was  
18 happening. So we sat there and we were  
19 looking around and a lady came out and said  
20 what are we doing here.

21                  CHAIRPERSON MILLER: Okay.

22                  MR. AUSTIN: Like -- you know,

1 like maybe we were going to break in or  
2 something. I said no, we are here supposed --  
3 we are supposed to be in some type of meeting.

4 CHAIRPERSON MILLER: Okay. Can I  
5 ask you, Ms. Butler, --

6 MS. BUTLER: Sure.

7 CHAIRPERSON MILLER: -- what -- I  
8 think the applicant has said that you didn't  
9 advertise on the Listserv about your citizen  
10 association.

11 MS. BUTLER: Yes.

12 CHAIRPERSON MILLER: Why is that?

13 MS. BUTLER: The reason we didn't  
14 is that we are targeting a small footprint.  
15 The Listserv covers a much larger area. We  
16 are covering a smaller footprint. And quite  
17 frankly, if you go to -- well, first of all,  
18 these folks don't use the Listserv at all.

19 But if you go and review the  
20 Listserv and the dialogue on this stuff, it  
21 gets really nasty really fast and painful.

22 CHAIRPERSON MILLER: Okay.

1 MS. BUTLER: And disruptive.

2 CHAIRPERSON MILLER: Okay.

3 MS. BUTLER: So we did on-the-  
4 ground people networking.

5 CHAIRPERSON MILLER: Okay. I got  
6 it. All right. And I want to ask about your  
7 -- you have a mission. Your mission is pretty  
8 broad, I guess, your purposes in here?

9 MS. BUTLER: Correct.

10 CHAIRPERSON MILLER: Are you doing  
11 any other purposes, you know, such as carrying  
12 out charitable and educational activities,  
13 working for civil and social improvement,  
14 etcetera?

15 MS. BUTLER: Those are the broad  
16 goals.

17 CHAIRPERSON MILLER: Right.

18 MS. BUTLER: We are going to be  
19 having a potluck get together in October. We  
20 are going to be doing a meeting. We are  
21 networked through the Friends of the Library  
22 and the other community-based organizations to

1 be able to support them.

2 Most of us have been active in a  
3 variety of ways. And so we are able to, you  
4 know --

5 CHAIRPERSON MILLER: What  
6 community? I don't want to --

7 MS. BUTLER: Yes.

8 CHAIRPERSON MILLER: -- prolong  
9 this, but I just want to see, you know, who  
10 you are reaching. Are you -- what community-  
11 based organizations are you dealing with?

12 MS. BUTLER: Right. We have not  
13 done a whole lot yet, because this has been  
14 what we have been focused on, but --

15 CHAIRPERSON MILLER: Okay.

16 MS. BUTLER: -- I'm a former  
17 president of the much larger neighborhood  
18 association from several years ago. I have  
19 been a president of the Friends of the Library  
20 across the street from me and active there.  
21 I have done lots of potlucks, lots of  
22 networking things, lots of information sharing

1 things, that's --

2 CHAIRPERSON MILLER: Why don't you  
3 hold your meetings in a more publicly  
4 acceptable place?

5 MS. BUTLER: Well, I'm very sorry  
6 that this turned out to be an issue. That was  
7 not -- that really was not the intention. Our  
8 understanding was that we needed to bring  
9 together the members we had, at that time, to  
10 vote to protest and we needed to make sure  
11 that these folks would come.

12 You know, if Ron had said -- had  
13 given me a call, I would have gone down and  
14 let him in. This was -- it -- obviously, the  
15 library would have been a better choice.

16 MR. AUSTIN: In a moment.

17 MS. BUTLER: It's all on-line.

18 CHAIRPERSON MILLER: Okay.

19 MS. BUTLER: So you know, I'm  
20 sorry that that became an issue. It was not  
21 an effort to keep people out.

22 CHAIRPERSON MILLER: Okay. I

1 wanted you to have a chance to explain that.

2 MS. BUTLER: Yes.

3 CHAIRPERSON MILLER: All right.

4 MS. BUTLER: I miss open access.

5 CHAIRPERSON MILLER: Okay. Mr.

6 Rodriguez?

7 MEMBER RODRIGUEZ: Yes. Mr.

8 Austin, I heard from -- you know, in terms of

9 the ears that people have lived in that

10 community, did I hear you say you have lived

11 there some 50-some years?

12 MR. AUSTIN: 57. I moved there

13 when I was 1. I was born here.

14 MEMBER RODRIGUEZ: You were born

15 here, right?

16 MR. AUSTIN: Yes. I have been

17 here 57 years. I have been active in the

18 community since I was age 14.

19 MEMBER RODRIGUEZ: Would you say

20 that this board reflects the community that we

21 are talking about?

22 MR. AUSTIN: No. No, it don't.

1 MEMBER RODRIGUEZ: No?

2 MR. AUSTIN: Are you talking about  
3 the Takoma Triangle?

4 MEMBER RODRIGUEZ: Yes.

5 MR. AUSTIN: No.

6 CHAIRPERSON MILLER: Okay.

7 MR. AUSTIN: I don't think it  
8 reflects the community. I think it is a  
9 voters voice setup only to protest Takoma  
10 Station. And I also would like to point out  
11 the gentleman that was sitting here is the  
12 president of the Senior Crossing Development.  
13 And on this group, he is the resident agent on  
14 the board. We found that out the next day,  
15 you know.

16 MS. BUTLER: Just a point of  
17 clarification. Mr. Austin does not live  
18 anywhere near Takoma Station. He lives in the  
19 broader community that is covered by the ANC.  
20 But he lives out past Coolidge High School.  
21 So the area we are talking about is not his  
22 home-base.

1 MR. AUSTIN: But our ANC covers  
2 that area, 4B.

3 MS. BUTLER: This is our ANC,  
4 right.

5 MR. AUSTIN: Our ANC covers that  
6 whole place.

7 CHAIRPERSON MILLER: Okay. All  
8 right. I think --

9 MEMBER RODRIGUEZ: Thank you, Mr.  
10 Austin.

11 MR. AUSTIN: Thank you very much.

12 CHAIRPERSON MILLER: Are there any  
13 other questions?

14 MR. BOYD: May I make just one  
15 quick comment?

16 CHAIRPERSON MILLER: Okay.

17 MR. BOYD: Just I understand that  
18 they are going to be submitting documentation.  
19 I just wanted to make sure that the focus is  
20 what was available to send out on the 25th and  
21 what was -- who was a member and how did they  
22 qualify members on the July 5th meeting? You

1 know if it's ongoing, obviously, over time  
2 they are going to have meetings and they said  
3 they may not have dates on their applications  
4 for members, but there has got to be some  
5 uniformity as to what was -- who had an  
6 opportunity to vote, who was determined to be  
7 in good standing.

8           It doesn't sound like any of that  
9 is available. So having minutes and agendas  
10 and resolutions really would speak to that and  
11 I just want to make sure that, you know, we  
12 are focusing on those particular issues,  
13 because you may get information for things  
14 that they have done after July 5th.

15           CHAIRPERSON MILLER: Okay.

16           MS. BUTLER: May I describe --

17           MEMBER SILVERSTEIN: Madam Chair?  
18 No. Madam Chair?

19           CHAIRPERSON MILLER: Wait. Okay.  
20 It seems like you are getting a little antsy,  
21 because we have people waiting for two hours,  
22 so is there something -- but he did make

1 somewhat of a request for certain information.

2 Were you going to respond to that?

3 MS. BUTLER: Well, there were  
4 comments about our membership. And our  
5 membership is multi-racial immigrants and  
6 long-term resident people who --

7 CHAIRPERSON MILLER: Okay. I'm  
8 not sure that we are going to dig that deep--

9 MS. BUTLER: Okay.

10 CHAIRPERSON MILLER: -- right now.  
11 I think that when you took the vote, you know,  
12 how many members were there, you know, how  
13 many members came, so we can like assess on  
14 July 5th whether or not that meeting was in  
15 accordance with our regulations in order to  
16 recognize you as a citizen association under  
17 our regulations.

18 So I think his point, if I'm not  
19 mistaken, is we need to measure it as of that  
20 day. I mean, it's okay for us to see, you  
21 know, how many members you have now, that may  
22 add to your validity, but from that day that

1 you, you know, approved the motion or  
2 whatever, how many members did you have. And  
3 how did you comply with their bylaws, you  
4 know, and have a certain number there in  
5 voting.

6 MS. BUTLER: Okay.

7 CHAIRPERSON MILLER: Does that  
8 cover it?

9 MR. BOYD: And how did it  
10 establish that they were members? How did  
11 they -- did they vote on whether these people  
12 were members? How did they determine that  
13 they were members that were eligible to vote?

14 CHAIRPERSON MILLER: Is that in  
15 the bylaws, how you become a member?

16 MS. BUTLER: You are eligible to  
17 become a member if you live in that footprint  
18 and then you --

19 CHAIRPERSON MILLER: You have an  
20 application?

21 MS. BUTLER: Yes, correct.

22 CHAIRPERSON MILLER: And then if

1 you could submit --

2 MS. BUTLER: We don't evaluate  
3 any --

4 CHAIRPERSON MILLER: -- that?  
5 Right.

6 MS. BUTLER: -- characteristics.

7 CHAIRPERSON MILLER: Do you have  
8 to pay to be a member?

9 MS. BUTLER: You just have to be  
10 living in the footprint.

11 CHAIRPERSON MILLER: Do you have  
12 to pay to be a member?

13 MS. BUTLER: I beg your pardon?

14 CHAIRPERSON MILLER: Do they pay  
15 to be a member?

16 MS. BUTLER: No.

17 CHAIRPERSON MILLER: No. So they  
18 apply, then you accept.

19 MS. BUTLER: They fill out a form  
20 that says I'm so and so.

21 CHAIRPERSON MILLER: Okay.

22 MS. BUTLER: And I live here.

1 CHAIRPERSON MILLER: Okay.

2 MS. BUTLER: And here is my  
3 contact information.

4 MEMBER SHORT: Madam Chair?

5 CHAIRPERSON MILLER: So that's  
6 proof. I think he's just saying proof of the  
7 members as of that day. Okay. Yes.

8 MEMBER SHORT: Madam Chair, if I  
9 could interject? I have recently got a lot of  
10 information to go over right now and I don't  
11 think -- you know, we keep hearing the same  
12 thing over and over again the last half an  
13 hour.

14 CHAIRPERSON MILLER: Okay. I  
15 think we are finishing up right now.

16 MEMBER SHORT: Yes.

17 CHAIRPERSON MILLER: And I just  
18 want to make sure that as we finish up that we  
19 -- there is an understanding as to what  
20 information the organization is going to be  
21 providing to the applicant and to the Board.

22 Mr. Alberti, I think you asked for

1 something.

2 MEMBER ALBERTI: Actually, I think  
3 what I asked for was a membership list as  
4 accurately as you can provide it as of July  
5 5th. The members who were there on July 5th,  
6 the sign-in sheet or something to show me who  
7 was there July 5th. And the actual  
8 applications for the members that were a  
9 member as of July 5th.

10 MS. BUTLER: We actually have done  
11 it in two ways. We have a form that many  
12 people that we saw face-to-face filled out.  
13 We have also some people we have spoken to on  
14 the phone have said you can send an email if  
15 you want to and email us, you know, your  
16 interest in the organization.

17 MEMBER ALBERTI: Okay. Well, I  
18 know you have got an application, but so if  
19 you have the email, then we would like to see  
20 that. That's my desire.

21 CHAIRPERSON MILLER: Okay. Okay.  
22 I think that's similar to the applicants. Was

1       there anything different?  Okay.

2                   MR. BOYD:  Well, just that they  
3       have a process, a board process for qualifying  
4       members, you know.

5                   MS. BUTLER:  We have the list, we  
6       have the --

7                   CHAIRPERSON MILLER:  Okay.

8                   MS. BUTLER:  -- ability to check  
9       where people live.

10                  CHAIRPERSON MILLER:  What you  
11       voted on that night, however you worded it  
12       somewhere that whatever the -- you know, to  
13       authorize the protest.

14                  MEMBER ALBERTI:  Ms. Miller?

15                  CHAIRPERSON MILLER:  Okay.

16                  MEMBER ALBERTI:  Could we set a  
17       deadline for the submission?

18                  CHAIRPERSON MILLER:  Yes.

19                  MEMBER ALBERTI:  Thank you.

20                  CHAIRPERSON MILLER:  Well, I think  
21       that this should be -- I'm sure of the  
22       schedule of this protest.  Is a week okay?

1 MS. BUTLER: What?

2 CHAIRPERSON MILLER: Is a week  
3 okay?

4 MS. BUTLER: Yes.

5 MEMBER ALBERTI: I would like --  
6 well, I would like it --

7 CHAIRPERSON MILLER: The end of  
8 the week?

9 MEMBER ALBERTI: -- by the end of  
10 the week. I don't see why not.

11 CHAIRPERSON MILLER: Okay. Can  
12 you provide this by the end of the week, close  
13 of business?

14 MS. BUTLER: To?

15 CHAIRPERSON MILLER: To both  
16 applicant and the Board.

17 The ANC is a party to the protest  
18 though, correct or no?

19 MS. BUTLER: Well, that's  
20 separate.

21 CHAIRPERSON MILLER: Oh, no, okay.

22 MS. BUTLER: Yes. And again,

1 there is the question of Mr. Austin wrote his  
2 letter on his own to support.

3 CHAIRPERSON MILLER: Okay. I  
4 think --

5 MS. BUTLER: He is not  
6 representing the ANC.

7 MR. AUSTIN: All it is that you  
8 have received it, you read it on your own.

9 MS. GREEN: Exactly.

10 CHAIRPERSON MILLER: Okay.

11 MR. AUSTIN: I mean, you know.

12 MEMBER ALBERTI: Well, the ANC  
13 should be served as a party. They are an  
14 official party to the protest.

15 (Simultaneous speaking.)

16 MS. BUTLER: There's no motion to  
17 the ANC's position.

18 MR. AUSTIN: Well, we didn't need.  
19 We do work with the ANC.

20 MEMBER ALBERTI: Did they protest?

21 MEMBER RODRIGUEZ: No.

22 MR. AUSTIN: Yes, we did protest.

1                   MEMBER ALBERTI: They did protest  
2 and we have not voted on the settlement  
3 agreement, so they are a party to the ANC to  
4 be served.

5                   CHAIRPERSON MILLER: Okay. Okay.

6                   MR. BOYD: Just one other. I want  
7 to make sure, are they going to be providing  
8 the resolutions and the minutes as well?

9                   CHAIRPERSON MILLER: The minutes.  
10 Do you need the minutes?

11                  MR. BOYD: Well, if they exist.

12                  CHAIRPERSON MILLER: All right.  
13 The resolution and the minutes as well. And  
14 we were just discussing that you may as well  
15 serve this on the ANC, too.

16                  MS. WHEELER: May I just point out  
17 something that might be obvious, but might not  
18 be obvious. The ANC resolution, the two  
19 Commissioners who did not approve the ANC  
20 resolution are the two Commissioners who, one,  
21 represent the SMD, the other represents an  
22 area half a block away from.

1 CHAIRPERSON MILLER: Okay. So  
2 it's your SMD, correct?

3 MS. WHEELER: My SMD.

4 CHAIRPERSON MILLER: Are you  
5 requesting a copy of this material as well?

6 MS. WHEELER: I'm sorry?

7 CHAIRPERSON MILLER: Are you  
8 requesting a copy of the documents that we are  
9 talking about now?

10 MS. WHEELER: Just now when I said  
11 that?

12 CHAIRPERSON MILLER: Yes.

13 MR. AUSTIN: Are you --

14 MS. WHEELER: No, no, no.

15 CHAIRPERSON MILLER: No?

16 MS. WHEELER: I'm pointing out  
17 that on the resolution of the ANC, on the  
18 protest of the ANC, which is separate from  
19 Takoma Triangle Association, two Commissioner  
20 who did not approve that resolution, did not  
21 vote to approve that ANC resolution are the  
22 Commissioners, one, who represents the SMD in

1 which the Takoma Station Tavern is located.

2 CHAIRPERSON MILLER: Ms. Wheeler,  
3 okay, we are trying to wrap this up. And we  
4 are at the point where we have asked Ms.  
5 Butler to provide documents which go to  
6 support their being a citizen association.  
7 And they are going to be serving them on the  
8 applicant and the Chair of the ANC and the  
9 Board.

10 MS. WHEELER: I understand that.

11 CHAIRPERSON MILLER: Okay.

12 MS. WHEELER: Since the ANC was  
13 mentioned and the ANC settlement agreement was  
14 mentioned, I wanted to make that  
15 clarification.

16 CHAIRPERSON MILLER: Okay.

17 MS. WHEELER: Or point that out.

18 CHAIRPERSON MILLER: Okay. Okay.  
19 Okay. All right.

20 MR. BOYD: A procedural issue, the  
21 vote on the voluntary agreement of the ANC, is  
22 that happening? I thought it was scheduled

1 for today. Is that happening later on in the  
2 agenda?

3 I didn't anticipate it happening  
4 now. I just wanted to --

5 CHAIRPERSON MILLER: No. I would  
6 have to check the Legal Agenda. It's not  
7 happening now.

8 MR. BOYD: Okay. That's fine.  
9 That's fine. If it's not happening now, don't  
10 take the trouble. I was just wondering.

11 CHAIRPERSON MILLER: I'm just --

12 MR. BOYD: Yes, that's fine.

13 CHAIRPERSON MILLER: I was just  
14 looking, I have the agenda, to see if its on  
15 it. We are aware it's before the Board for a  
16 vote.

17 MR. BOYD: Okay.

18 CHAIRPERSON MILLER: Okay. I  
19 think we will have to get back to you on that.  
20 I'm not sure.

21 MR. BOYD: Okay. Very well.

22 CHAIRPERSON MILLER: Okay. But in

1 the meantime --

2 MS. BUTLER: Can you tell me what  
3 happens after you receive the -- you get this  
4 material?

5 CHAIRPERSON MILLER: What happens?  
6 Is we are going to make a decision on your  
7 standing.

8 MS. BUTLER: No, I understand  
9 that.

10 CHAIRPERSON MILLER: Oh.

11 MS. BUTLER: I just -- the timing  
12 just in terms of -- generally in terms of  
13 timing. When do you usually send it?

14 CHAIRPERSON MILLER: The next time  
15 we meet is next Wednesday. If you get this to  
16 us on Friday, I guess there is time to be  
17 circulated to the Board. It will either be  
18 that Wednesday or the following Wednesday, I  
19 assume.

20 MS. BUTLER: Will we need to be in  
21 attendance?

22 CHAIRPERSON MILLER: No, no. We

1 will discuss it on what's called our agenda,  
2 which is later in the afternoon and there is  
3 also a transcript for that, if you don't  
4 attend. And most often people don't attend,  
5 because there is not a set time that we  
6 actually can say we are going to do it.

7 All right. I think that we have  
8 exhausted the subject. So thank you.

9 MR. AUSTIN: Thank you. Thank  
10 you.

11 MEMBER RODRIGUEZ: I beg your  
12 indulgence. I have one last question and I  
13 would not sleep tonight if I didn't ask it.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER RODRIGUEZ: And that is how  
16 did you select your officers, Ms. Butler?  
17 That's a question that I have.

18 MS. BUTLER: How did we select the  
19 officers?

20 MEMBER RODRIGUEZ: Yes.

21 MS. BUTLER: Of?

22 MEMBER RODRIGUEZ: For your board

1 of directors.

2 MS. BUTLER: This is the -- based  
3 on the initial group of people who started  
4 working together on this.

5 MEMBER RODRIGUEZ: Yes, ma'am.

6 MS. BUTLER: We -- this was in  
7 early June. We created, we drafted articles  
8 and bylaws that called for an annual meeting  
9 to be scheduled every October. So we did  
10 that, so this is essentially a preliminary  
11 group working together, getting things done,  
12 so our officers are, you know, the core  
13 people.

14 Our board and our officers are the  
15 core people who started out working together  
16 to build this organization. We then will hold  
17 this annual meeting in October where the  
18 expanded membership then, you know, vote on  
19 officers for the following year. That's what  
20 you generally do.

21 MEMBER RODRIGUEZ: Okay. Thank  
22 you. I won't delay again.

1 MS. BUTLER: Yes.

2 MR. AUSTIN: And --

3 MS. BUTLER: We have no interest  
4 in keeping the same people.

5 MEMBER RODRIGUEZ: All right.

6 MR. AUSTIN: So assuming -- I just  
7 want to say two meetings that we had, Takoma  
8 Triangle was never mentioned. Two of our ANC  
9 meetings when she came up to talk about this,  
10 she did not ever mention it.

11 CHAIRPERSON MILLER: Yes. Okay.  
12 We have really had a very, --

13 MEMBER RODRIGUEZ: Thank you.

14 CHAIRPERSON MILLER: -- very long  
15 hearing.

16 MR. AUSTIN: Thank you.

17 CHAIRPERSON MILLER: We have got  
18 to bring this to a close. So thank you very  
19 much.

20 MR. BOYD: Thank you.

21 CHAIRPERSON MILLER: Thank you.  
22 All right.



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