

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Historic Restaurants, Inc. .  
t/a Washington Firehouse .  
Restaurant/Washington .  
Smokehouse .  
1626 North Capitol Street, N.W. .  
License #ABRA-092685 .  
Retailer CT .  
Case #13-PRO-00131 .  
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October 15, 2013

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The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Board Hearing Room, Reeves Building, Suite 400S, 2000 14th Street, N.W., Washington, D.C., at 10:32 a.m., La VERNE FLETCHER, Agent, presiding.

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

(10:32 a.m.)

AGENT FLETCHER: Can the parties in the matter of Washington Firehouse Restaurant/Washington Smokehouse please come forward, the parties in the matter of Washington Firehouse Restaurant?

The protestants are on this side.

This is case number 13-PRO-00131, Historic Restaurants, Inc., trading as Washington Firehouse Restaurant/Washington Smokehouse, 1626 North Capitol Street, Northwest, license number ABRA-092685.

This is a retailer CT new application. Protest issues are adverse impact on peace, order, and quiet; residential parking, and safety, and real property values.

My name is La Verne Fletcher. I am conducting the roll call hearing as the Board's agent pursuant to D.C. Official Code 1601.2.

1                   Introductions, beginning with the  
2                   applicant, please?

3                   MR. SHIRAFKAN:   Good morning, Ms.  
4                   Fletcher.   Makan Shirafkan, S-h-i-r-a-f-k-  
5                   a-n, on behalf of the applicant.   I also have  
6                   along with me to my left, beginning furthest  
7                   left, Abdol Ostadhosseini.   I'll spell it out  
8                   for you.   The first name is A-b-d-o-l.   Last  
9                   name is O-s-t-a-d-h-o-s-s-e-i-n-i.   And he's  
10                  the owner of the company.

11                  I also have to my immediate left  
12                  Vincent Baylor, who is the general manager  
13                  for the applicant, Vincent.   Last name is  
14                  Baylor, B-a-y-l-o-r.

15                  AGENT FLETCHER:   Thank you very  
16                  much.

17                  MR. SHIRAFKAN:   Is your last name  
18                  pronounced Shirafkan?   How is your last name  
19                  --

20                  MR. SHIRAFKAN:   Shirafkan.

21                  AGENT FLETCHER:   And can you --  
22                  and what is the first name again?

1 MR. SHIRAFKAN: Makan, like  
2 Macon, Georgia.

3 AGENT FLETCHER: Like Macon,  
4 Georgia?

5 MR. SHIRAFKAN: Just like Macon,  
6 Georgia.

7 AGENT FLETCHER: Thank you.  
8 Okay. And would you spell your last name for  
9 me one more time?

10 MR. SHIRAFKAN: S-h.

11 AGENT FLETCHER: Oh, one second.  
12 I had -- S-h?

13 MR. SHIRAFKAN: I-r-a-f, as in  
14 Frank, k-a-n, as Nancy.

15 AGENT FLETCHER: Thank you.

16 MR. SHIRAFKAN: Sure.

17 AGENT FLETCHER: And you are  
18 representing the applicant?

19 MR. SHIRAFKAN: Yes.

20 AGENT FLETCHER: As their  
21 attorney?

22 MR. SHIRAFKAN: Yes.

1                   AGENT FLETCHER:  What I am going  
2                   to need you to do -- and you can contact  
3                   Tesha Anderson, the person that signed that  
4                   roll call hearing notice, and send her an  
5                   entry of appearance --

6                   MR. SHIRAFKAN:  Okay.

7                   AGENT FLETCHER:  -- so just for  
8                   the record.  It's on record now that you --

9                   MR. SHIRAFKAN:  Okay.  Okay.

10                  AGENT FLETCHER:  But just -- we  
11                  have an entry of appearance form.

12                  MR. SHIRAFKAN:  Yes.

13                  AGENT FLETCHER:  And she'll get  
14                  that to you.  And then we'll put it in the  
15                  record.  Thank you very much.

16                  MR. SHIRAFKAN:  I sure will.

17                  AGENT FLETCHER:  And would you  
18                  also fill out that contact information sheet?

19                  MR. SHIRAFKAN:  Yes.

20                  AGENT FLETCHER:  Thank you very  
21                  much.

22                  MR. SHIRAFKAN:  Sure.  And I

1 provided the Board with my card as well.

2 AGENT FLETCHER: Perfect. Thank  
3 you very much.

4 Who is present on behalf of  
5 Bloomingdale Civic Association?

6 MS. QUINN: I am.

7 AGENT FLETCHER: Thank you. Your  
8 name, please?

9 MS. QUINN: It's Teri Janine  
10 Quinn. It's spelled T-e-r-i J-a-n-i-n-e.  
11 And the last name is Quinn, Q-u-i-n-n.

12 AGENT FLETCHER: Thank you very  
13 much.

14 And, Ms. Quinn, I know that in  
15 your protest letter, that you did give the  
16 applicant at least seven-day notice that you  
17 were holding a meeting?

18 MS. QUINN: Yes, I did.

19 AGENT FLETCHER: Thank you very  
20 much.

21 The Bloomingdale Civic  
22 Association is granted standing as a

1 protestant.

2 Is anyone present on behalf of  
3 ANC 5E?

4 MS. QUINN: I am.

5 AGENT FLETCHER: You are? So you  
6 have a letter?

7 MS. QUINN: I'm the Vice Chair  
8 of ANC 5E.

9 AGENT FLETCHER: Say that again.

10 MS. QUINN: I'm the Vice Chair  
11 of ANC 5E and the commissioner for the area  
12 in which the restaurant sits. And I signed  
13 the letter.

14 AGENT FLETCHER: You did sign the  
15 protest letter by ANC 5E. And ANC 5E has  
16 standing as a protestant as well.

17 Is Cheryl Robinson here? Ms.  
18 Robinson, you are representing a group of 11  
19 individuals? I have a protest letter  
20 designating you as a representative for a  
21 group. You need to come to the microphone,  
22 Ms. Robinson, and state your name for the

1 record.

2 MR. SHIRAFKAN: I'm sorry, Ms.  
3 Fletcher. Which one is the group of 11? I  
4 don't --

5 AGENT FLETCHER: This is Ms.  
6 Robinson. Right. We don't know. We're  
7 dealing with that group right now.

8 MS. ROBINSON: My name is Cheryl  
9 Robinson, C-h-e-r-y-l Robinson,  
10 R-o-b-i-n-s-o-n. And I believe I am the  
11 backup to the group of 11. I back up Felicia  
12 Lynch.

13 AGENT FLETCHER: The protest  
14 letter -- and it's fine that you're here on  
15 behalf of the group, but the protest letter  
16 that I have is signed by each person in this  
17 group, in the group of 11. It says, "In the  
18 event that I cannot attend the hearing or  
19 other proceedings where my presence is  
20 required, I designate Cheryl D. Robinson as  
21 my representative in this matter." So we  
22 recognize you today as the representative for

1 that group.

2 MS. ROBINSON: Okay.

3 AGENT FLETCHER: Are there any  
4 other members from that group present today?  
5 Okay. If there are any other members from  
6 that group present today, you need to come  
7 forward, read your name into the microphone,  
8 and spell your name.

9 MS. LYNCH: Felicia Lynch,  
10 F-e-l-i-c-i-a L-y-n-c-h.

11 AGENT FLETCHER: Okay. Is there  
12 anyone else from Ms. Robinson's group present  
13 today?

14 MS. JAMIESON: Jean Jamieson,  
15 J-e-a-n Jamieson, J-a-m, as in money,  
16 i-e-s-o-n.

17 AGENT FLETCHER: Thank you, Ms.  
18 Jamieson. Anyone else?

19 (No response.)

20 AGENT FLETCHER: Okay. Okay.  
21 Ms. Robinson, there are three individuals  
22 present. And can you just come back to the

1 microphone for a minute? There are three  
2 people present from the group that you are  
3 representing. I am going to grant  
4 conditional standing to the group that you  
5 are representing. There are three of you  
6 from that group present today, which means  
7 that at the status hearing, two more will  
8 need to appear who are not present today who  
9 signed the protest letter in order for your  
10 group to continue to be a protestant.  
11 Otherwise the Board will dismiss the protest  
12 at the status hearing. But for the purpose  
13 of roll call, the group of 11 that you  
14 represent is granted conditional standing.  
15 Thank you.

16 MR. SHIRAFKAN: Ms. Fletcher?

17 AGENT FLETCHER: Yes?

18 MR. SHIRAFKAN: I just want to be  
19 clear. I still don't know which protest  
20 we're talking about because I don't have a  
21 group of 11 on my protests.

22 AGENT FLETCHER: There is a

1 member of our staff responsible for sending  
2 you copies of all of the protests that are  
3 filed.

4 MR. SHIRAFKAN: Right.

5 AGENT FLETCHER: So I don't know  
6 what they sent to you, but let me see if you  
7 have the cover page for what I am looking at.

8 MR. SHIRAFKAN: Sure. Sure.  
9 Maybe that's the -- one doesn't have  
10 anything. So I didn't know who it was from  
11 at all.

12 AGENT FLETCHER: Exactly. Yeah.  
13 And the letter that I'm looking at is dated  
14 September 25, 2013.

15 MR. SHIRAFKAN: Okay. It looks  
16 like I don't have it, actually, based on what  
17 they've looked at.

18 AGENT FLETCHER: Okay. Because  
19 the letter that I have is dated September 25.  
20 This is for Cheryl Robinson's group.

21 MR. SHIRAFKAN: I have Karla  
22 Lewis from September 25.

1                   AGENT FLETCHER: No. This is  
2 going to be -- I'm just looking at the front  
3 page of a September 25, 2013 letter. And  
4 toward the end, there's a statement  
5 designating Cheryl Robinson as the  
6 representative. So you may not -- it sounds  
7 like you don't have that protest.

8                   MR. SHIRAFKAN: No, I don't have  
9 that protest.

10                   AGENT FLETCHER: So Tesha  
11 Anderson, the person that sent the roll call  
12 hearing notice, you can ask her for that.  
13 You should have received a copy of the  
14 protest so that you know who the protestants  
15 are.

16                   MR. SHIRAFKAN: Yes. No problem.  
17 I'll get a copy.

18                   AGENT FLETCHER: And you can  
19 specify for her that it's the protest letter  
20 where Cheryl Robinson is representing the  
21 group.

22                   MR. SHIRAFKAN: How do you --

1                   AGENT FLETCHER:  It's  
2                   C-h-e-r-y-l.  The last name is Robinson.  And  
3                   the significance of that is that there are  
4                   several other groups represented by other  
5                   people.  So you will -- which we are going to  
6                   identify in a moment.

7                   MR. SHIRAFKAN:  Okay.

8                   AGENT FLETCHER:  So you need the  
9                   group letter represented by --

10                  MR. SHIRAFKAN:  Thank you.  Thank  
11                  you.

12                  AGENT FLETCHER:  Yes.  Is there  
13                  anyone present -- well, is Connie Martin  
14                  present?  Is Connie Martin present, Connie  
15                  Martin?

16                  (No response.)

17                  AGENT FLETCHER:  Is there anyone  
18                  present aware that they signed a letter  
19                  designating Connie Martin to represent them?  
20                  Okay.  One second.  Okay.  Your name?

21                  MS. PINKNEY:  I am Sylvia M.  
22                  Pinkney, the advisory neighborhood

1 commissioner of 5E-04. And Connie Martin is  
2 my designated rep. She is not here today. I  
3 am.

4 AGENT FLETCHER: Okay. Thank  
5 you. And I see, Ms. Pinkney, that you did  
6 sign the protest letter.

7 MS. PINKNEY: Yes, I did.

8 AGENT FLETCHER: Is there anyone  
9 else here from your group that you know of?  
10 Is there any --

11 MS. PINKNEY: I have four other  
12 persons from my group here.

13 AGENT FLETCHER: If you would  
14 just stand right in front of the microphone  
15 and state your name and spell it for the  
16 court reporter?

17 MS. BAYNHAM: Holly Baynham,  
18 H-o-l-l-y Baynham, B-a-y-n-h-a-m.

19 AGENT FLETCHER: Thank you, Ms.  
20 Baynham. And you signed the protest letter.  
21 I see that you did. Thank you.

22 MS. TAYLOR: Geraldine Taylor,

1 G-e-r-a-l-d-i-n-e T-a-y-l-o-r.

2 AGENT FLETCHER: Thank you, Ms.  
3 Taylor. And you did sign the protest letter.

4 MR. DUNAWAY: Marvin Dunaway.

5 AGENT FLETCHER: And how do you  
6 spell that, please?

7 MR. DUNAWAY: M-a-r-v-i-n  
8 Dunaway, D-u-n-a-w-a-y.

9 AGENT FLETCHER: Thank you, Mr.  
10 Dunaway.

11 MR. MILNER: Lorenzo,  
12 L-o-r-e-n-z-o, Milner, M-i-l-n-e-r.

13 AGENT FLETCHER: Thank you, Mr.  
14 Milner.

15 Anyone else?

16 (No response.)

17 AGENT FLETCHER: Okay. And, Mr.  
18 Milner, you also signed the protest letter?

19 MR. MILNER: Yes.

20 AGENT FLETCHER: Because there  
21 are five individuals present from your group,  
22 your group has standing as protestants. The

1 individuals present today have standing as a  
2 group of five. Standing is being granted to  
3 the five of you because you are here today.

4 So there is now a group of five,  
5 which includes the five individuals just  
6 stepped forward. What I need to know from  
7 your group is who is going to be your  
8 designated representative. Did you still  
9 want that to be Connie Martin or is someone  
10 here going to represent your group? She is  
11 not here. So she is not acknowledged as a  
12 protestant.

13 MS. PINKNEY: I am going to  
14 represent the group --

15 AGENT FLETCHER: Okay. Thank  
16 you.

17 MS. PINKNEY: -- at any further  
18 --

19 AGENT FLETCHER: Is that fine  
20 with everyone?

21 (No response.)

22 AGENT FLETCHER: So Sylvia

1 Pinkney is the designated representative for  
2 the group. And, Ms. Pinkney, your group is a  
3 group of five?

4 MS. PINKNEY: Yes.

5 AGENT FLETCHER: Is Karla Lewis  
6 present?

7 MS. LEWIS: Yes.

8 AGENT FLETCHER: Hello, Ms.  
9 Lewis. Would you state your name for the  
10 record, please?

11 MS. LEWIS: My name is Karla  
12 Lewis, K-a-r-l-a L-e-w-i-s.

13 AGENT FLETCHER: Okay. And, Ms.  
14 Lewis, are there any other members from your  
15 group present today?

16 MS. LEWIS: Yes.

17 AGENT FLETCHER: So are there  
18 members from Ms. Lewis' group that also are a  
19 member of the other group?

20 MS. LEWIS: No.

21 AGENT FLETCHER: Okay. Just  
22 checking. It would be fine. I'm just trying

1 to keep track.

2 And your name, please?

3 MS. SHAHAN: Kathleen Shahan,  
4 K-a-t-h-l-e-e-n Shahan, S-h-a-h-a-n. And I'm  
5 Karla's designated second.

6 AGENT FLETCHER: Yes. You're a  
7 designated representative for the group as  
8 well. Thank you very much.

9 MS. DILLARD: Selma Dillard,  
10 S-e-l-m-a D-i-l-l-a-r-d.

11 AGENT FLETCHER: Thank you, Ms.  
12 Dillard. And did you sign the protest  
13 letter?

14 MS. DILLARD: Yes.

15 AGENT FLETCHER: Okay. Thank  
16 you.

17 MS. JOYCE JOHNSON: Joyce  
18 Johnson, J-o-y-c-e J-o-h-n-s-o-n.

19 AGENT FLETCHER: Thank you.

20 MS. PATRICIA JOHNSON: Patricia  
21 Johnson representing Brittany Johnson.

22 AGENT FLETCHER: Patricia

1 Johnson? Are you a protestant? You are  
2 representing? You are just representing  
3 someone else?

4 MS. PATRICIA JOHNSON: I am  
5 representing someone else.

6 AGENT FLETCHER: Okay. But is  
7 that someone else a member of Ms. Lewis'  
8 protest group?

9 MS. PATRICIA JOHNSON: Yes.

10 AGENT FLETCHER: Okay. So you  
11 are going to represent that person, instead  
12 of Ms. Lewis?

13 MS. PATRICIA JOHNSON: She had to  
14 take her daughter to the doctor. So I am  
15 just here this one time.

16 AGENT FLETCHER: Oh, I see, but  
17 she did sign your protest letter, Ms. --

18 MS. LEWIS: Yes.

19 AGENT FLETCHER: Okay. That's  
20 fine. I'll take that letter that you have  
21 there.

22 MS. LEWIS: Yes.

1 AGENT FLETCHER: Thank you.

2 You just came here today on her  
3 behalf?

4 MS. PATRICIA JOHNSON: Yes.

5 AGENT FLETCHER: I'll take that.

6 But, Ms. Lewis, you're still  
7 representing because she did sign -- thanks  
8 for coming. She did sign the protest letter  
9 designating --

10 MS. LEWIS: Yes. She's number 49  
11 on there.

12 AGENT FLETCHER: Okay. Thank  
13 you. Thank you very much.

14 MR. BANKS: Bernard Banks,  
15 B-e-r-n-a-r-d Banks, B-a-n-k-s.

16 AGENT FLETCHER: Thank you, Mr.  
17 Banks. Thank you.

18 MR. BANKS: All right.

19 MR. HARRISON: Michael Harrison,  
20 M-i-c-h-a-e-l H-a-r-r-i-s-o-n.

21 AGENT FLETCHER: Thank you.

22 MS. OTTS: Angela Otts,

1 A-n-g-e-l-a O-t-t-s.

2 AGENT FLETCHER: Thank you.

3 MS. McDANIEL: Mary McDaniel,  
4 M-a-r-y M-c-D-a-n-i-e-l.

5 AGENT FLETCHER: Thank you.

6 Ms. Lewis, each of the  
7 individuals present signed the protest  
8 letter?

9 MS. LEWIS: Yes.

10 They are number 1, number 2,  
11 number 6, number 8, number 23, number 29,  
12 number 49, number 51, and number 57.

13 AGENT FLETCHER: Yes. Thank you  
14 very much.

15 Ms. Lewis, the group that you are  
16 representing does have standing as a  
17 protestant. My count is 43. I counted 43 in  
18 your total group. There may have been more,  
19 but there were 14 signatures we couldn't  
20 read.

21 MS. LEWIS: Okay.

22 AGENT FLETCHER: But you can --

1 MS. LEWIS: There were actually  
2 57.

3 AGENT FLETCHER: Yes. And the  
4 other ones we just couldn't read their  
5 writing. You can still represent them. It's  
6 just that we don't know who they are. So  
7 those names were eliminated because we don't  
8 know who they are. But I just wanted to tell  
9 you how the number got reduced.

10 MS. LEWIS: To 43?

11 AGENT FLETCHER: Forty-three.  
12 Hi. Your name?

13 MS. ROBINSON: Yes. I'm Cheryl  
14 Robinson.

15 AGENT FLETCHER: Oh. Ms.  
16 Robinson, you've got to come back up front  
17 again.

18 MS. ROBINSON: I have a question.

19 AGENT FLETCHER: Okay.

20 MS. ROBINSON: Cheryl Robison,  
21 group of 11. My question is, may I designate  
22 someone else as representative for our group?

1                   AGENT FLETCHER: Yes. You just  
2 need to do it in writing.

3                   MS. ROBINSON: Do I need to do it  
4 in writing?

5                   AGENT FLETCHER: You just need to  
6 do it in writing. And you can send that  
7 letter of designation to Tesha Anderson.  
8 She's the person that takes care of notices  
9 and updating the records, et cetera. So if  
10 your group designates -- if you decide to  
11 designate a representative --

12                   MS. ROBINSON: Right.

13                   AGENT FLETCHER: -- to represent  
14 the group, as long as they're fine with it,  
15 it's fine with us. We just need to --

16                   MS. ROBINSON: There is someone  
17 here today. It's just that I need to --

18                   AGENT FLETCHER: Okay. Well, you  
19 can -- who is that person?

20                   MS. ROBINSON: Felicia Lynch.

21                   AGENT FLETCHER: Ms. Lynch, are  
22 you in agreement with being the designated

1 representative for the group?

2 MS. LYNCH: Yes.

3 AGENT FLETCHER: So what I'm  
4 going to do, I am going to indicate that  
5 there are two designated representatives:  
6 Felicia Lynch and Cheryl Robinson. Okay.  
7 And if you would just -- it's on the record.

8 MS. ROBINSON: Okay.

9 AGENT FLETCHER: But if you could  
10 just provide something in writing --

11 MS. ROBINSON: Right.

12 AGENT FLETCHER: Yes. That would  
13 be helpful.

14 MS. ROBINSON: Thank you.

15 AGENT FLETCHER: Ms. Lewis?

16 MS. LEWIS: Yes?

17 AGENT FLETCHER: Your group is  
18 granted standing today. At least five people  
19 appeared today. So your group is granted  
20 standing, which means that at the upcoming  
21 status hearing, only you need to show up or  
22 you or Ms. Shahan.

1 MS. LEWIS: Shahan.

2 AGENT FLETCHER: Shahan.

3 S-h-a-n-a-n. If either one of you appear,  
4 that will be fine.

5 MR. SHIRAFKAN: Ms. Fletcher, I  
6 do have some technicality questions --

7 AGENT FLETCHER: Yes.

8 MR. SHIRAFKAN: -- that I just  
9 want to get an understanding of.

10 AGENT FLETCHER: Sure.

11 MR. SHIRAFKAN: I guess I'll  
12 start with this group of five or more since  
13 we're on the topic of it.

14 AGENT FLETCHER: Yes?

15 MR. SHIRAFKAN: Doesn't it have  
16 to state on the letter what the license  
17 specifically is that is being applied for?

18 AGENT FLETCHER: Does it have to  
19 state on the protest letter itself?

20 MR. SHIRAFKAN: Right. Does it  
21 have to say that CT is being requested?

22 AGENT FLETCHER: No, it does not.

1 It does not have to state on the protest  
2 letter --

3 MR. SHIRAFKAN: I thought 1801  
4 said that -- well, that's fine. If you say  
5 it doesn't, then I can go for it. But I  
6 thought 1801-1 says one of the requirements  
7 is that it specifically has to state --

8 AGENT FLETCHER: The basis.

9 MR. SHIRAFKAN: Right.

10 AGENT FLETCHER: The basis upon  
11 which a protest is being filed. And which  
12 protest are you referring to?

13 MR. SHIRAFKAN: Group of five or  
14 more.

15 AGENT FLETCHER: Which one?

16 MR. SHIRAFKAN: It's I think the  
17 one with Ms. Kala Lewis.

18 AGENT FLETCHER: Ms. Karla Lewis.

19 MR. SHIRAFKAN: Karla Lewis. I'm  
20 sorry.

21 AGENT FLETCHER: Okay. That's  
22 the group of 43.

1                   MR. SHIRAFKAN: Yes. And my  
2 understanding of it is, just for  
3 clarification, it says, "Name of applicant,  
4 address, the class which is being requested,  
5 application number, and the reason for why  
6 the protest is being done shall be each  
7 stated."

8                   AGENT FLETCHER: Well, just so  
9 that you know, that actually is in this  
10 letter. We would --

11                   MR. SHIRAFKAN: Oh, okay.

12                   AGENT FLETCHER: We would accept  
13 it without that because we know which protest  
14 it is, but the license number is here on Ms.  
15 Lewis' protest letter. There is the name of  
16 the applicant on the first page. The license  
17 number is on the first page. The address is  
18 on the first page. And in her protest  
19 letter, she states the bases upon which she  
20 can file a protest.

21                   MR. SHIRAFKAN: Right. I just  
22 didn't see where the class of the application

1       --

2                   AGENT FLETCHER:  It doesn't  
3 matter.  We know.

4                   MR. SHIRAFKAN:  Okay.  Got you.

5                   AGENT FLETCHER:  Yes.

6                   MR. SHIRAFKAN:  Yes.

7                   AGENT FLETCHER:  But I  
8 understand.  It's a legitimate question.  We  
9 know it's in connection with the placards  
10 that were posted.

11                   MR. SHIRAFKAN:  Right.

12                   AGENT FLETCHER:  So we know.

13                   MR. SHIRAFKAN:  The other  
14 question that I have -- let me see.  I saw --  
15 these are just -- I hope no one takes any  
16 offense.

17                   AGENT FLETCHER:  No.  Yes.

18                   MR. SHIRAFKAN:  But I am just  
19 trying to understand so I can explain to my  
20 client --

21                   AGENT FLETCHER:  Exactly.

22                   MR. SHIRAFKAN:  -- what is going

1 on. I noticed on the application with -- let  
2 me see -- I think it was Ms. Connie Martin  
3 and Sylvia Pinkney that we were looking at.  
4 Now, this was faxed. Is this the only one  
5 that was faxed or were the other ones all  
6 faxed in as well?

7 AGENT FLETCHER: I'm going to ask  
8 you to check with Tesha Anderson. I can tell  
9 you what I have, but anything related to  
10 records -- I just conduct the hearings. I  
11 don't know --

12 MS. LEWIS: Just for the record,  
13 I emailed and faxed.

14 AGENT FLETCHER: Yes.

15 MR. SHIRAFKAN: Okay.

16 AGENT FLETCHER: It's fine for --  
17 in the file that I am looking at right now,  
18 it appears that the -- I am looking at  
19 probably faxes. The original's most likely  
20 with Ms. Anderson, Tesha Anderson. But yes,  
21 I will accept these faxes as protests.

22 MR. SHIRAFKAN: Fair enough.

1                   AGENT FLETCHER: Yes.

2                   MR. SHIRAFKAN: That's all. I  
3 just had questions about --

4                   AGENT FLETCHER: But those are  
5 legitimate questions. But the most important  
6 thing is that they are all signed.

7                   MR. SHIRAFKAN: Right.

8                   AGENT FLETCHER: If these were  
9 faxes that were unsigned, I would dismiss the  
10 protestor because there are no signatures.  
11 But if you want to know about the originals,  
12 you can check with Tesha Anderson. And she  
13 can let you know that she received those.

14                   MR. SHIRAFKAN: Got you.

15                   AGENT FLETCHER: Anything else?

16                   MR. SHIRAFKAN: That's all.

17                   AGENT FLETCHER: Okay. So in  
18 this matter, the Bloomingdale Civic  
19 Association is a protestant. ANC 5E is a  
20 protestant.

21                   The group of 11 is granted  
22 conditional standing as a protestant and 2

1 more from that group. That's the group of 11  
2 represented by Cheryl Robinson and Felicia  
3 Lynch. From that group, two more people need  
4 to appear for the status hearing who were not  
5 here today in order to maintain standing. If  
6 two more from the group who were not present  
7 today do not appear for the status hearing,  
8 that protest will most likely be dismissed by  
9 the ABC Board.

10 We've got the group represented  
11 by Sylvia Pinkney -- not represented by  
12 Sylvia Pinkney. I'm sorry. She was  
13 originally the representative, but -- no.  
14 Ms. Pinkney is now the representative of the  
15 group, is now the representative of the group  
16 of five. Originally it was Connie Martin,  
17 who did not appear today. And so she is not  
18 a protestant.

19 So we have got the group of five  
20 represented by Sylvia Pinkney that has  
21 standing as a protestant today. And we have  
22 Karla Lewis and Kathleen Shahan as

1 representatives of the group of 43. And that  
2 group also has standing as protestants.

3 Any questions?

4 (No response.)

5 AGENT FLETCHER: So the  
6 designated representatives for the individual  
7 groups, you put your contact information on  
8 that sheet. Ms. Lewis, Ms. Pinkney.

9 MS. PINKNEY: Yes?

10 AGENT FLETCHER: Your contact  
11 information is on that sheet?

12 MS. PINKNEY: Yes.

13 AGENT FLETCHER: Cheryl Robinson,  
14 contact information. And, Ms. Lynch, your  
15 contact information. Ms. Quinn, I have your  
16 contact information from both ANC 5E and for  
17 Bloomingdale Civic Association.

18 MS. QUINN: Yes.

19 AGENT FLETCHER: Okay. Then I'll  
20 give you the dates for a status hearing, a  
21 protest hearing, and mediation. I'll give  
22 you the status hearing and protest hearing

1 date first. The status hearing is scheduled  
2 for November the 20th.

3 MR. SHIRAFKAN: I'm sorry, Ms.  
4 Fletcher. I have a trial on November 20th in  
5 Fairfax, Virginia. Is there any way we can  
6 do it another day?

7 AGENT FLETCHER: What we would  
8 like you to do is for the -- the only thing  
9 that happens at the status hearing is that  
10 you report the outcome of mediation. And so  
11 you can come, of course, because you are the  
12 representative. But if you want just your  
13 clients to come and just say what the status  
14 of the mediation is, that's it. Nothing else  
15 happens at the status hearing at all.

16 MR. SHIRAFKAN: Thank you.

17 AGENT FLETCHER: And if the  
18 matter is resolved in mediation in some way,  
19 we cancel the status hearing.

20 MR. SHIRAFKAN: Okay.

21 AGENT FLETCHER: That's the only  
22 thing that happens at the status hearing is

1 what was the outcome of mediation. That's  
2 it.

3 MR. SHIRAFKAN: Okay.

4 AGENT FLETCHER: So you're in and  
5 out in, once your case is called, one minute  
6 or two.

7 MR. SHIRAFKAN: Thank you.

8 AGENT FLETCHER: Yes. There's no  
9 discussion about the merits of the case.

10 The protest hearing is set for  
11 December 4, December 4 at 1:30 p.m. It's the  
12 date of the protest hearing.

13 MS. LEWIS: What time was the  
14 status hearing?

15 AGENT FLETCHER: The status  
16 hearing is at 9:30.

17 MS. LEWIS: Is it in this  
18 building, too?

19 AGENT FLETCHER: Yes. The status  
20 hearing is going to be held right here. At  
21 the status hearing, the full Board is  
22 present. Some of you know that there is a

1 five-member Board. So the status hearing is  
2 before the full Board, but it takes place  
3 right here in this room.

4 We need to set mediation to occur  
5 prior to November 20. And I'll give you the  
6 next available date for mediation. The next  
7 available date is -- okay. Just one second  
8 here. We can do Friday, November 1 at 9:00,  
9 10:00, 11:00, or 1:00 if that's good for  
10 everyone. That's Friday, November 1.

11 MR. SHIRAFKAN: Would 11:00 work  
12 for --

13 MS. QUINN: What time?

14 AGENT FLETCHER: 9:00, 10:00,  
15 11:00, or 1:00.

16 MS. QUINN: 11:00 or 1:00?

17 MR. SHIRAFKAN: 11:00 or 1:00 is  
18 fine.

19 MS. QUINN: Would 11:00 or 1:00  
20 work for --

21 MS. PINKNEY: 11:00 is better.

22 MS. QUINN: 11:00.

1 MR. SHIRAFKAN: 11:00 is fine.

2 AGENT FLETCHER: 11:00?

3 MR. SHIRAFKAN: 11:00 is fine.

4 AGENT FLETCHER: So, then,  
5 mediation is scheduled for Friday, November 1  
6 at 11:00.

7 MS. PINKNEY: Here in this room?

8 AGENT FLETCHER: Yes. It will  
9 actually be in this room if this room is  
10 available. And you can just check in with  
11 the receptionist, and I'll come out. And  
12 you've got my card if there are any  
13 questions.

14 MS. PINKNEY: I have a question,  
15 yes. To be perfectly --

16 AGENT FLETCHER: Ms. Pinkney,  
17 right?

18 MS. PINKNEY: Yes, Pinkney.

19 AGENT FLETCHER: Yes.

20 MS. PINKNEY: For any additional  
21 hearings, is it allowed for me only to come  
22 to represent the group, rather than bring

1 more people?

2 AGENT FLETCHER: Yes. Yes.

3 MS. PINKNEY: Yes. I can  
4 represent everybody?

5 AGENT FLETCHER: For the  
6 mediation?

7 MS. PINKNEY: Yes.

8 AGENT FLETCHER: Because you are  
9 recognized as the representative for the  
10 group, only you need to appear for the  
11 mediation on --

12 MS. PINKNEY: Okay. Okay.

13 AGENT FLETCHER: -- whatever day  
14 we set it for.

15 MR. SHIRAFKAN: I just have a  
16 question for you, too.

17 AGENT FLETCHER: Yes?

18 MR. SHIRAFKAN: If there is  
19 anything that we can do as far as -- because  
20 I know you have said earlier in another group  
21 like two or three had to come. If there is  
22 something that can be waived by us, we waive

1 it. We don't want to --

2 AGENT FLETCHER: Yes.

3 MR. SHIRAFKAN: -- make more  
4 burden on everybody --

5 AGENT FLETCHER: Right.

6 MR. SHIRAFKAN: -- having to come  
7 back here.

8 AGENT FLETCHER: It's statutory.

9 MR. SHIRAFKAN: Okay.

10 AGENT FLETCHER: Yes. Thank you  
11 for that, though.

12 MR. SHIRAFKAN: Sure. I mean, I  
13 figure we all --

14 AGENT FLETCHER: Yes because  
15 sometimes there's a waiver on your side and  
16 we grant it. For the standing, it's  
17 statutory.

18 But Ms. Pinkney?

19 MS. PINKNEY: Yes?

20 AGENT FLETCHER: Yes. For the  
21 mediation, you only need to appear.

22 MS. PINKNEY: Okay.

1                   AGENT FLETCHER: That's it on  
2 behalf of the group because your group has  
3 already been granted standing. So any  
4 communication from us will be with you only.

5                   MS. PINKNEY: Okay.

6                   AGENT FLETCHER: Anything else?  
7 Anybody, anything else?

8                   (No response.)

9                   AGENT FLETCHER: Okay. The roll  
10 call hearing is concluded.

11                   Oh, one more. Can you come to  
12 the microphone for the court reporter,  
13 please?

14                   MS. LYNCH: Since the group of 11  
15 --

16                   AGENT FLETCHER: And state your  
17 name.

18                   MS. LYNCH: Felicia Lynch,  
19 designated representative for the group of  
20 11.

21                   AGENT FLETCHER: Yes?

22                   MS. LYNCH: To the mediation, how

1 many people have to come?

2 AGENT FLETCHER: Only a  
3 designated representative.

4 MS. LYNCH: Even though we only  
5 have here conditional standing?

6 AGENT FLETCHER: That's right.

7 MS. LYNCH: Okay. Fine.

8 AGENT FLETCHER: Exactly.

9 MS. LYNCH: It's only to the  
10 protest hearing that we have to show up.

11 AGENT FLETCHER: At the status.

12 MS. LYNCH: That's the status  
13 because the two other --

14 AGENT FLETCHER: Yes because what  
15 happens is the mediation comes first. It's  
16 before the status hearing.

17 MS. LYNCH: Okay. Right. And  
18 only you or Cheryl Robinson need to appear  
19 for the mediation, even though you are  
20 granted conditional standing.

21 MS. LYNCH: Okay.

22 AGENT FLETCHER: If you are

1 resolved, if you resolve the matter during  
2 mediation, all of the standing issues go away  
3 if you submit a settlement agreement prior to  
4 the status hearing.

5 MS. LYNCH: Right. Okay. Thank  
6 you.

7 AGENT FLETCHER: Okay. You're  
8 welcome.

9 Any other questions?

10 MR. SHIRAFKAN: Thank you very  
11 much.

12 AGENT FLETCHER: Okay. Roll call  
13 hearing concluded. Thank you.

14 (Whereupon, the roll call hearing  
15 was concluded at 11:07 a.m.)

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