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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :  
Via Umbria, LLC. t/a :  
Via Umbria :  
1525 Wisconsin Avenue N.W. : Case #15-PRO-00104  
License #ABRA-100387 :  
Retailer Class CR :  
New Application :

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Monday, November 23, 2015

Whereupon, the above-referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, 2000 14th Street NW, Suite 400  
South, Washington, D.C. 20009.

1 AGENT FOR THE BOARD:

2 LAVERN FLETCHER, Presiding

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4

5 ALSO PRESENT:

6 MATTHEW T. MINORA, ESQ.

7 On behalf of the Applicant

8 BILL MENARD,

9 Applicant

10 SUSAN RUTLEDGE,

11 Protestant Abutting Property Owner

12 MARY CONNELL,

13 On Behalf of the Group of 43

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

2 [10:12 a.m.]

3 MS. FLETCHER: Would the parties in the  
4 matter of Via Umbria please come forward? The  
5 parties in the matter of Via Umbria. This is  
6 Case No. 15-PRO-00104, Via Umbria, LLC., trading  
7 as Via Umbria, 1525 Wisconsin Avenue Northwest,  
8 License No. ABRA-100387. This is a Retailer  
9 Class CR new application.

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

12 My name is Laverne Fletcher. I'm  
13 conducting the roll call hearing as the Board's  
14 agent pursuant to D.C. Official Code 1601.2.

15 Introductions, beginning with the  
16 applicant, please.

17 MR. MINORA: Matthew Minora from the firm  
18 Mallios and O'Brien, here on behalf of the  
19 applicant, as well as --

20 MR. MENARD: Bill Menard from Via Umbria.

21 MS. FLETCHER: And, Bill, could you spell  
22 your last name?

1 MR. MENARD: Yes. It's M-E-N-A-R-D.

2 MS. FLETCHER: Oh, okay. And from  
3 Mallios O'Brien, can you state your name and  
4 spell it one more time for me?

5 MR. MINORA: Sure. Matthew Minora. Last  
6 name is M-I-N-O-R-A.

7 MS. FLETCHER: Like it sounds. Thank  
8 you. And is there anyone present on behalf of  
9 the Group of 43?

10 [Someone comes forward.]

11 MS. FLETCHER: Okay. And so present on  
12 behalf of the abutting property owners is --

13 MS. CONNELL: Mary Ellen Connell, C-O-N-  
14 N-E-L-L.

15 MS. FLETCHER: Mary Ellen. What's the  
16 last name?

17 MS. CONNELL: Connell, C-O-N-N-E-L-L.

18 MS. FLETCHER: And, Ms. Connell, which  
19 group are you present on behalf of?

20 MS. CONNELL: The neighbors.

21 MS. RUTLEDGE: Group of 43.

22 MS. CONNELL: Group of 43, yes. Thank

1 you.

2 MS. FLETCHER: Did you sign the protest  
3 letter?

4 MS. CONNELL: Yes, I did, and I received  
5 a notification.

6 MS. FLETCHER: Thank you. And, Ms.  
7 Connell, do you have a letter from any of the  
8 protestants in your group designating you as  
9 their representative?

10 MS. CONNELL: I do not.

11 MS. FLETCHER: Do you know why none of  
12 them appeared today? None of the others appeared  
13 today.

14 MS. CONNELL: I know why.

15 MS. RUTLEDGE: Could I --

16 MS. FLETCHER: Yes. Can you state your  
17 name for the record while we're at it?

18 MS. RUTLEDGE: Thank you very much, Ms.  
19 Fletcher. My name is Susan Rutledge. It's  
20 spelled, R-U-T-L-E-D-G-E, and I am in the other  
21 category, say the category of abutting property  
22 owners.

1 MS. FLETCHER: Yes.

2 MS. RUTLEDGE: And we were informed on  
3 Friday that the ANC had signed a settlement  
4 agreement.

5 MS. FLETCHER: Uh-huh.

6 MS. RUTLEDGE: With Via Umbria, LLC.

7 MS. FLETCHER: Uh-huh.

8 MS. RUTLEDGE: Thereby dismissing the  
9 protest of the 43 neighbors.

10 MS. FLETCHER: Uh-huh.

11 MS. RUTLEDGE: And, Ms. Connell kindly  
12 came to represent us and to support us,  
13 recognizing that that protest would be dismissed.

14 MS. CONNELL: Expressing my dismay that  
15 they had done this.

16 MS. FLETCHER: Well, let me -- we can do  
17 a couple of things. I'm not aware that the Board  
18 has yet approved the settlement agreement of the  
19 ANC. A settlement agreement becomes effective  
20 upon approval by the ABC Board.

21 So as of today there is no settlement  
22 agreement that has been approved by the Board.

1 So, Ms. Connell, I'll leave this up to you. It  
2 is true that if the Board approves the settlement  
3 agreement with the ANC that the group of 43 would  
4 be dismissed. But the Board has not approved the  
5 settlement agreement as of today. So we can do  
6 one of two things. I understand that no one else  
7 appeared but you because of that information that  
8 you were given, and that that's why you're here,  
9 to support Ms. Rutledge.

10 MS. CONNELL: That's correct, yes.

11 MS. FLETCHER: As an abutting property  
12 owner. But because the Board has not yet  
13 approved the settlement agreement, if you would  
14 like, I will grant standing to the Group of 43.

15 MS. CONNELL: Thank you.

16 MS. FLETCHER: Today. So what I'll need  
17 you to do is to put your contact information on  
18 that sheet.

19 MS. CONNELL: Right.

20 MS. FLETCHER: And I am going to grant  
21 standing to your group today, of 43, because  
22 you're present. I'm assuming that you would have

1 had the information that you needed. You would  
2 have been designated as the representative to  
3 appear on their behalf had you not been given the  
4 information that you were dismissed.

5 MS. CONNELL: That's correct, yes.

6 MS. FLETCHER: I'm going to make that  
7 assumption.

8 MS. CONNELL: Yes.

9 MS. FLETCHER: And if the Board does  
10 approve the settlement agreement then you would  
11 receive notification that you've been dismissed.  
12 But in the meantime you have not been.

13 MS. CONNELL: Thank you.

14 MS. FLETCHER: Okay? So I'll make that  
15 clear in the record.

16 Do you by chance know who you spoke with  
17 on Friday? It's not going to change what I just  
18 said, it would just be for the record.

19 MS. CRUSE: May I be part of this  
20 conversation?

21 MS. FLETCHER: This is Ms. Karen Cruse  
22 who wants to join this conversation.

1 MS. CRUSE: Because the ANC and CAG had  
2 signed the settlement agreement, we assumed that  
3 the other neighbors were going to be subsumed.  
4 But I spoke to Fred Moosally, who contacted  
5 Martha Jenkins, and received an e-mail from  
6 Martha Jenkins that indicated that the Board had  
7 looked at the voluntary agreement and they were  
8 making a small change, I believe. But then they  
9 indicated that the group -- it wasn't necessary  
10 for the group to show up.

11 MS. FLETCHER: Okay. Thank you, Ms.  
12 Cruse.

13 MS. CRUSE: That's what I can --

14 MS. FLETCHER: And, Ms. Cruse is  
15 representing the -- is a part of the ANC in this  
16 matter.

17 MS. CRUSE: The Citizen's Association.

18 MS. FLETCHER: Of the Association; the  
19 Citizen's Association of Georgetown and ANC 2E's  
20 signed settlement agreements in this matter.  
21 Right? I did receive that e-mail, Ms. Cruse,  
22 just so that you know. So I know that the

1 Citizen's Association of Georgetown and ANC 2E  
2 entered into a settlement agreement. I am aware  
3 of that.

4 I'm not aware of the e-mail that you just  
5 talked about. I don't know about that one. But  
6 it is correct that the Board approves the  
7 settlement agreement and the group will be  
8 dismissed and I understand what you're saying,  
9 Ms. Cruse, that the Board is making modifications  
10 to it and they're going to send the modifications  
11 to CAG and ANC 2E, and if you accept the  
12 modifications then the Board is going to approve  
13 the settlement agreement and then the Group of 43  
14 will be dismissed.

15 MS. CRUSE: Right.

16 MS. FLETCHER: So procedurally we haven't  
17 reached that point yet.

18 MS. CRUSE: Okay.

19 MS. FLETCHER: So if you want to proceed  
20 as a group of 43, we can.

21 MS. CONNELL: Yes, we do. We would like  
22 our views known. Thank you.

1 MS. FLETCHER: So we're going to set a  
2 date for a mediation. If the Board approves the  
3 settlement agreement prior to the mediation then  
4 the Group of 43 would not be able to participate.

5 MS. CONNELL: Yes, I understand. Thank  
6 you.

7 MS. FLETCHER: You understand? Okay. So  
8 then, thanks, Ms. Cruse. So you understand the  
9 process now.

10 MS. CONNELL: Yes, I do.

11 MS. FLETCHER: I guess that's the most  
12 important thing.

13 MS. CONNELL: Yes. Thank you.

14 MS. FLETCHER: And so the -- let me give  
15 you the date for the status and the protest  
16 hearing. And, Ms. Connell, I should also mention  
17 too, that if you have an opportunity to  
18 participate in mediation before the Board issues  
19 the order, at any point, even if you participated  
20 in medication, after the Board order is issued,  
21 then the group will be dismissed. But let's just  
22 proceed right now as if you do exist.

1 MS. CONNELL: Thank you.

2 MS. FLETCHER: Okay? So let me give you  
3 the date for the status and the protest hearing.  
4 The status hearing is scheduled for December the  
5 9th, at 9:30 a.m.

6 And the protest hearing is set for  
7 January 20, 2016, at 1:30. We need to set a date  
8 for a mediation. I'll give you the next  
9 available date.

10 Before I do that, Ms. Rutledge, Laurence  
11 Hausman is also an abutting property owner who  
12 filed a protest. Do you have any knowledge of  
13 his whereabouts today?

14 MS. RUTLEDGE: My understanding is that  
15 he has decided not to pursue.

16 MS. FLETCHER: Okay. I am dismissing the  
17 protest of Mr. Hausman because he is not here  
18 today. And if he's not here today for that  
19 reason, then just for the record, officially Mr.  
20 Hausman is dismissed as a protestant and he'll  
21 receive a Board order to that effect.

22 Okay. So now, let me give you the next

1 available date for mediation. The next available  
2 date for mediation is Tuesday, December the 1st,  
3 at 9:00, 10:00 or 11:00.

4 MS. RUTLEDGE: Ms. Fletcher, I would like  
5 to ask Ms. Cruse to be advisor to myself on this.  
6 And I think the date would be most convenient if  
7 we could do it on the 3rd of December. Maybe at  
8 11:00. I overheard you say in the previous  
9 discussions that you had set a mediation hearing  
10 at 10:00 on December 3rd.

11 MS. FLETCHER: 11:00 is -- the mediations  
12 last more than an hour, so you're proposing 11:00  
13 on --

14 MS. RUTLEDGE: On the 3rd?

15 MS. FLETCHER: On the 3rd?

16 MS. RUTLEDGE: Yeah. Or sometime  
17 thereafter if more convenient for your schedule.

18 MS. FLETCHER: So you want this  
19 medication to come after the other one?

20 MS. RUTLEDGE: Well, I was just thinking  
21 that since Ms. Cruse would be here anyway it  
22 would be more efficient to do it on the same day,

1 and it's only two day's difference from the first  
2 day that you proposed.

3 MS. FLETCHER: Now there are a couple of  
4 things. Ms. Cruse, can you come back to the  
5 table for a minute, please?

6 So the ANC is not a protestant in this  
7 case. They're not a protestant. Mediation is  
8 confidential and includes only the parties that  
9 have been granted standing as a protestant. If  
10 you're asking Ms. Cruse to appear as your  
11 representative or your consultant, if you ask her  
12 to do that and she says yes, we can accommodate  
13 that. Otherwise medication only involves the  
14 parties to a protest.

15 MS. RUTLEDGE: Ms. Fletcher, thank you  
16 for that clarification. Ms. Cruse and I had  
17 discussed this in advance and I see Ms. Cruse's  
18 role as being an advisor, a personal advisor to  
19 myself.

20 MS. FLETCHER: If, Ms. Cruse, you're okay  
21 with that?

22 MS. CRUSE: Yes. Yes.

1 MS. FLETCHER: And that's fine. I'm just  
2 going to make a note of it. Just give me one  
3 second.

4 MS. RUTLEDGE: Just to explain, I'm not  
5 an attorney. I don't -- I'm not planning to hire  
6 a lawyer to represent me, and I think Ms. Cruse's  
7 experience is very helpful to me and much  
8 appreciated by myself.

9 MS. FLETCHER: Thank you. Ms. Cruse,  
10 with your permission I've just added you as the  
11 advisor to Ms. Rutledge. Okay.

12 And Ms. Rutledge, the only thing that I  
13 need you to do is to send me -- my e-mail address  
14 is on that table right there. If you send me an  
15 e-mail to that effect, that Ms. Cruse is --  
16 you're designating Ms. Cruse as however you want  
17 to word it just for the record, so that  
18 authorizes her to be present, and Ms. Connell,  
19 you're going to be present on behalf of your  
20 Group of 43.

21 MS. CONNELL: I can be there, yes.

22 MS. FLETCHER: You will need to be there.

1     Yep.    You'll definitely need to be there.

2             MS. CONNELL:    Okay.

3             MS. FLETCHER:   So that was December.

4     Okay.   So then, we're back to December 3rd.

5     Let's see here.   It's fine for me if we have  
6     mediation on the 3rd, following Kouzina.   It  
7     would be a matter of whether or not the applicant  
8     is available on December the 3rd.

9             MR. MINORA:    We're available after 1:00.

10            MS. FLETCHER:   After 1:00?

11            MR. MINORA:    Yes.

12            MS. FLETCHER:   Would that be okay.   We  
13     can do it at 1:30.

14            MR. MINORA:    Perfect.

15            MS. FLETCHER:   So we'll do the mediation  
16     for Via Umbria at 1:30 on December 3rd.

17            MS. RUTLEDGE:   Well, I think -- excuse  
18     me, Ms. Fletcher.   I think among the three of us,  
19     1:30 on December 3rd --

20            MS. FLETCHER:   Uh-huh.

21            MS. RUTLEDGE:   -- would be convenient for  
22     us.    So, thank you.

1 MS. FLETCHER: Okay. So 10:00 for  
2 Kouzina, and 1:30 for Via Umbria on December 3rd.  
3 Okay.

4 So, Ms. Connell, for your Group of 43  
5 you'll be kept informed about the approval of the  
6 settlement agreement with the ANC, and so we'll  
7 just keep you posted along the way. If the Board  
8 approves the settlement agreement before December  
9 3rd, then I'll let you know that you would not be  
10 able to appear for mediation. And if they don't  
11 then just still are protesting until they issue  
12 the Board order.

13 MS. CONNELL: Thank you.

14 MS. FLETCHER: Which would dismiss the  
15 Group of 43. Okay. Any questions at all?

16 MR. MINORA: Mediation for abutting  
17 property owner?

18 MS. FLETCHER: Oh, uh-huh. What time?

19 MR. MINORA: No, I'm asking, are there  
20 going to be a separate mediation date with the  
21 abutting property owner, or is it going to be  
22 with the Group of 43 and Ms. Rutledge?

1 MS. FLETCHER: Oh, it's all going to be  
2 at the same time.

3 MR. MINORA: Okay.

4 MS. FLETCHER: Yes. Thank you for asking  
5 that.

6 MR. MINORA: I'm sorry. I was --

7 MS. FLETCHER: It will be Ms. Rutledge,  
8 Ms. Connell, and Ms. Cruse on December 3rd.

9 MS. RUTLEDGE: If I could just say, Ms.  
10 Fletcher, I'd like to thank you for having a very  
11 clear and transparent procedure. We appreciate  
12 it very much.

13 MS. FLETCHER: Well, you're welcome.  
14 Thank you.

15 Any questions at all? Thank you for  
16 coming.

17 MR. MINORA: Thank you.

18 [Whereupon, the above-entitled matter  
19 concluded at 10:27 a.m.]

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