

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: :

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Case #13-PRO-00154 :

Mimi & D, LLC t/a Vita

Restaurant & Lounge Penthouse

Nine :

1318 9th Street NW :

License #ABRA-086037 :

Retailer CT :

License Renewal :

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December 2, 2013

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The Alcoholic Beverage Control

Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Ms. La Verne
Fletcher, Agent, presiding.

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

12:10 p.m.

AGENT FLETCHER: I'm going to call the next case, which is Vita Restaurant and Lounge/Penthouse Nine.

The ANC in this case is the ANC 2F. Mr. Feldstein, I think --

MR. FELDSTEIN: I'm done. I'm glad to get up.

AGENT FLETCHER: This is Case No. 13-PRO-00154, Mimi & D, LLC, trading as Vita Restaurant and Lounge/Penthouse Nine, 1318 9th Street, Northwest. License No. ABRA-086037. This is a Retailer CT License Renewal.

The protest issues are adverse impact on peace, order and quiet, and real property values.

My name is LaVerne Fletcher and I'm conducting the Roll Call Hearing as the Board's Agent, pursuant to D.C. Official Code 1601.2.

Introductions, please, beginning

1 with the Applicant.

2 MS. BEYENE: Abeba Beyene, first
3 name A-B-E-B-A.

4 AGENT FLETCHER: Okay, excuse me
5 one second. A-B what?

6 MS. BEYENE: A-B-E-B-A.

7 AGENT FLETCHER: Okay, thank you,
8 and what is the last name?

9 MS. BEYENE: B-E-Y-E-N-E.

10 AGENT FLETCHER: Thank you very
11 much. Present on behalf of ANC 2F?

12 MR. SMITH: My name is Martin
13 Smith, and I'm not sure if I'm actually here
14 representing the ANC. I am the Single Member
15 District Representative on the Alcohol Policy
16 Committee for ANC 2F. So, I'm not sure if
17 they expected for me to also represent their
18 interest, but I am happy to do so.

19 AGENT FLETCHER: I'll take a look
20 and see what they say in their protest letter.

21 The protest letter was filed by
22 Matt Brahman, who is the Chair of ANC 2F.

1 MR. SMITH: That's correct.

2 AGENT FLETCHER: And the protest
3 letter does not indicate who is going to be a
4 designated representative, but who did you say
5 you're here representing?

6 MR. SMITH: I represent the Single
7 Member District that this establishment is
8 located in, on the Alcohol Policy Committee
9 for ANC 2F.

10 AGENT FLETCHER: And did you file
11 a protest, as well?

12 MR. SMITH: Yes, I am here. I was
13 here to represent the group of five or more.

14 AGENT FLETCHER: Okay, thank you.
15 That clears it up. Thank you very much. I
16 see that, you're Martin Smith.

17 MR. SMITH: Yes.

18 AGENT FLETCHER: And you signed a
19 protest letter as a -- I understand, you're a
20 member of the group.

21 ANC 2F is not present. ANC 2F is
22 not present today. Therefore, ANC 2F is

1 dismissed as a Protestant in this matter.

2 So, we're left with a group of, I
3 counted 13.

4 MR. SMITH: Correct.

5 AGENT FLETCHER: We're left with a
6 group of 13, and Mr. Martin, I know that
7 you're a member of that group. I'm assuming
8 that everyone else is a member of that same
9 protest group?

10 MR. SMITH: Yes.

11 AGENT FLETCHER: Okay, then if you
12 would just state your name and read it and
13 spell it for the Court Reporter.

14 MR. SMITH: Sure, my name is
15 Martin Smith, M-A-R-T-I-N, Smith, S-M-I-T-H.

16 AGENT FLETCHER: Thank you.

17 MS. GARSIDE: Elizabeth Garside,
18 Elizabeth with a `z' and Garside, G-A-R-S-I-D-
19 E.

20 AGENT FLETCHER: Thank you, Ms.
21 Garside.

22 MS. GUGLIELMINO: Carla

1 Guglielmino, Carla with a `c', C-A-R-L-A, and
2 my last name is G-U-G-L-I-E-L-M-I-N-O.

3 MR. DANILOVICS: George --

4 AGENT FLETCHER: Wait a minute.
5 Carla?

6 MS. GUGLIELMINO: Yes.

7 AGENT FLETCHER: Excuse me one
8 second. Pronounce the last name.

9 MS. GUGLIELMINO: Guglielmino.

10 AGENT FLETCHER: So, that is G-U-
11 G-I?

12 MS. GUGLIELMINO: No, G-U --

13 AGENT FLETCHER: Did you say `g'
14 as in good?

15 MS. GUGLIELMINO: Yes.

16 AGENT FLETCHER: Okay, I'm sorry.
17 Now, G-U?

18 MS. GUGLIELMINO: G-L-I-E-L-M-I-N-
19 O.

20 AGENT FLETCHER: And I hate to do
21 this, but I'm missing a letter. I'm just a
22 little slow.

1 MS. GUGLIELMINO: Okay.

2 AGENT FLETCHER: What comes after
3 the G?

4 MS. GUGLIELMINO: After the `g'?

5 AGENT FLETCHER: The `g' as in
6 good.

7 MS. GUGLIELMINO: Yes, and `u',
8 like universe.

9 AGENT FLETCHER: Okay, that's the
10 letter I missed. I'm sorry, G-U?

11 MS. GUGLIELMINO: G like George, L
12 like lake, I like Italy, E like Ebro, L like
13 lake, M like mother, I, like Italy, N like
14 nine, O.

15 AGENT FLETCHER: Thank you.

16 MS. GUGLIELMINO: You're welcome.

17 AGENT FLETCHER: And your name,
18 sir?

19 MR. DANILOVICS: This is
20 difficult. George Danilovics, G-E-O-R-G-E, D-
21 A-N-I-L-O-V-I-C-S.

22 AGENT FLETCHER: Okay.

1 MR. SMITH: And I also have some
2 letters here designating --

3 AGENT FLETCHER: I'll take those,
4 thank you. Thank you very much.

5 I'm just checking to verify who
6 signed the protest letter. I see Ms. Garside.

7
8 MS. GARSIDE: Ms. Fletcher?

9 AGENT FLETCHER: Yes.

10 MS. GARSIDE: May I ask a
11 question?

12 AGENT FLETCHER: Yes.

13 MS. GARSIDE: My husband also
14 signed the protest letter. I didn't actually
15 get him to sign a letter naming me as proxy.

16 AGENT FLETCHER: Right.

17 MS. GARSIDE: Does he need to,
18 even though we're married?

19 AGENT FLETCHER: Yes, he would
20 have needed to designate someone to represent
21 him, but you're here, he's not. I'm sure you
22 will represent his interest, even though he's

1 not here.

2 MS. GARSIDE: I will.

3 AGENT FLETCHER: Mr. Martin, I
4 have two -- I have a couple of letters here
5 that you've given me, that are just the
6 hearing notices and the --

7 MR. SMITH: Yes, those were with
8 each one.

9 AGENT FLETCHER: Yes, okay.

10 MR. SMITH: I didn't know if you
11 needed any of the numbers off of the notices
12 for the proxy.

13 AGENT FLETCHER: Exactly, thank
14 you. So, James Matthew, okay, he isn't --
15 here he is, thank you.

16 So, Mr. Martin?

17 MR. SMITH: Yes, ma'am.

18 AGENT FLETCHER: You're going to
19 be the designated representative for your
20 group?

21 MR. SMITH: I believe so.

22 AGENT FLETCHER: Is everybody here

1 in agreement with that?

2 Okay, so, what we have here is
3 today, a group of four. So, for the status
4 hearing, we need to see one more person from
5 your group, who is not present today.

6 So, today you're going to be
7 granted conditional standing, and just bring
8 that one other person with you and --

9 MR. SMITH: Any one of the 13 that
10 is not here?

11 AGENT FLETCHER: Exactly, exactly,
12 any one of the 13 that is not present today.

13 So, your group of 13 is now a
14 group of seven, and you can represent the
15 interest of the others.

16 Standing is granted to whomever
17 appears and who designated a representative.

18 So, you're here and I have three
19 letters of designation from people from your
20 group. So, I'm granting standing to seven,
21 but I'm sure you'll represent the interest of
22 the entire group.

1 MR. SMITH: Of course, and at the
2 status hearing, even the ones who we don't
3 have letters from, can still appear and then
4 it becomes a group of eight or nine?

5 AGENT FLETCHER: No, only today,
6 it's established as a group of seven. That
7 number -- I don't expect that number to
8 change, because at the point of Roll Call, the
9 groups are established today.

10 MR. SMITH: Okay.

11 AGENT FLETCHER: So, the -- you
12 will be -- you're granted standing of --
13 conditional standing, as a group of seven.

14 MR. SMITH: Okay.

15 AGENT FLETCHER: That number won't
16 change.

17 MR. SMITH: Okay.

18 AGENT FLETCHER: But when that one
19 other person -- and when that -- for the
20 status hearing, even if ten other people came,
21 it's still going to be one more person we need
22 and it's still going to be a group of seven.

1 MR. SMITH: Okay.

2 AGENT FLETCHER: Yes, so, what
3 happens today is the way it remains.

4 The other people are always
5 welcome to come to a status hearing because
6 it's a public hearing. So, anybody can come.

7 MR. SMITH: Okay.

8 AGENT FLETCHER: But the purpose
9 of the status hearing is just to inform the
10 Board about what happened at mediation.

11 MR. SMITH: Okay.

12 AGENT FLETCHER: But it's the
13 group of seven that we have granted standing
14 to.

15 MR. SMITH: Okay.

16 AGENT FLETCHER: Conditional
17 standing to.

18 MR. SMITH: Okay.

19 AGENT FLETCHER: So, what we need
20 to do now is set some dates.

21 The date for the status hearing is
22 February the 5th at 9:30 a.m. February 5th at

1 9:30 a.m. for the status hearing.

2 MR. SMITH: Actually, is it
3 possible to do something later in the day? I
4 have a meeting that is at 8:30 a.m., that I
5 don't know if --

6 AGENT FLETCHER: All status
7 hearings at 9:30 a.m, that time doesn't
8 change, but what you can do, Mr. Smith, you
9 can designate anybody else from your group,
10 even someone who is present here today, to
11 appear on your behalf.

12 MR. SMITH: Okay.

13 AGENT FLETCHER: Because what
14 actually happens at the status hearing, you
15 were here today.

16 So, if you don't come back on the
17 -- for the status hearing, that's fine. Even
18 if only -- if that one other person showed up
19 and you all designate that one other person as
20 the representative, just that person can come,
21 since one person has to come, you can
22 designate that person to -- you, Mr. Smith,

1 would designate that person to represent the
2 group of seven.

3 So, two things would happen. The
4 requirement would have been met that one more
5 person appear --

6 MR. SMITH: Okay.

7 AGENT FLETCHER: -- and that
8 person would be representing your entire
9 group. So, then no one else would need to
10 show up, except that one person.

11 MR. SMITH: Okay.

12 AGENT FLETCHER: If that makes any
13 sense.

14 MR. SMITH: It does.

15 AGENT FLETCHER: Yes, and so, you
16 can always designate anybody that you want to
17 appear on your behalf, because you were here
18 already. So, you never need to come back.
19 Well, for a status hearing, you won't need to
20 come back.

21 MR. SMITH: I wish it was that
22 simple, that I never needed to come back. But

1 I don't think that is quite true.

2 AGENT FLETCHER: Exactly, you
3 would not need to re-appear for --

4 MR. SMITH: For the status --

5 AGENT FLETCHER: -- for the
6 status.

7 MR. SMITH: Okay.

8 AGENT FLETCHER: So, and so, if
9 the person -- if you do designate someone else
10 to appear on your behalf, just give it -- give
11 the notice in writing, like you did today.

12 MR. SMITH: Okay.

13 AGENT FLETCHER: Then the Board
14 will accept it.

15 MR. SMITH: And would we need to
16 also modify the other written notices that you
17 have, designating me as people's
18 representative, to designate the new person,
19 or can I --

20 AGENT FLETCHER: Yes, you won't
21 need to do anything, but when this -- at the
22 point of the status hearing, the Board will

1 already know, I will have established
2 everything for today.

3 So, they will know that we just
4 need one more person --

5 MR. SMITH: Got it.

6 AGENT FLETCHER: -- and if you
7 indicate that that person is a designated
8 representative, when they come to the table,
9 they'll say, "I'm the person and I'm the
10 designated representative from the group,"
11 because they'll have a letter from you.

12 MR. SMITH: Got it, okay.

13 AGENT FLETCHER: Did I give you
14 the date for the status hearing?

15 MS. GARSIDE: Yes.

16 AGENT FLETCHER: February 5th, and
17 yes, that's how we started talking about
18 representation. Yes, the status hearings are
19 all at 9:30 a.m.

20 The date for the protest hearing
21 is set for April 2nd, April 2nd at 1:30 p.m.,
22 and you'll receive notices of these dates. We

1 just give them to you today, as well. April
2 2nd at 1:30 p.m. for the protest hearing.

3 We need to set a date for
4 mediation to occur to prior to February 5th.

5 The next available date is
6 actually January the 29th, which is -- no,
7 January 28th, which is a Tuesday, if that's
8 good. Is that good on each side?

9 MS. GARSIDE: Do we all have to be
10 here for that, as well?

11 AGENT FLETCHER: Just a designated
12 representative.

13 MS. GARSIDE: Okay.

14 AGENT FLETCHER: It can be at
15 nine, ten, eleven or one. It can be nine.
16 Either time is good. What time would you
17 prefer?

18 MS. GARSIDE: One.

19 MR. SMITH: What was the date?

20 AGENT FLETCHER: Tuesday, February
21 -- Tuesday, January 28th.

22 MR. SMITH: One o'clock?

1 MS. BEYENE: Whatever works for
2 you.

3 MR. SMITH: One o'clock would be
4 fine for me.

5 MS. BEYENE: One is fine.

6 AGENT FLETCHER: One o'clock is
7 good?

8 MS. GARSIDE: Yes.

9 AGENT FLETCHER: So, then that's
10 one o'clock on Tuesday, January 28th, and if
11 you have any questions or anything prior to
12 that, you can -- I believe there is a -- I
13 have cards on the table. There may be more.
14 You can just call me and let me know.

15 MR. SMITH: All those meetings are
16 here in this room?

17 AGENT FLETCHER: Exactly.
18 Generally, the mediations are in this room
19 also. When you come, you can just check in
20 with the receptionist and she'll let me know,
21 and I'll come out. If it's not going to be in
22 this room, we'll just go somewhere else.

1 But 99 percent of the time,
2 they're in this room.

3 MS. GARSIDE: And is mediation an
4 open meeting?

5 AGENT FLETCHER: No, it's closed.
6 It's confidential. Only the parties to the
7 protest can be present.

8 MS. GARSIDE: Okay.

9 MR. SMITH: So, it is open in that
10 anyone else who is in the group of 13 could be
11 here?

12 AGENT FLETCHER: The group of
13 seven.

14 MR. SMITH: The group of seven,
15 okay.

16 AGENT FLETCHER: Yes, anyone else
17 from the group of seven can be present.

18 MS. GARSIDE: Okay, and then the
19 status hearing is a public meeting?

20 AGENT FLETCHER: The status
21 hearing is a public meeting.

22 MS. GARSIDE: Great.

1 AGENT FLETCHER: And so, anybody
2 can come for a status hearing just -- anybody
3 off the street.

4 MS. GARSIDE: Thank you.

5 AGENT FLETCHER: You're welcome.
6 Anything else?

7 Okay, then the Roll Call Hearing
8 is concluded. If you think of anything else,
9 just give me a call.

10 Okay, thank you very much.

11 (Whereupon, the Roll Call Hearing
12 was concluded at 12:25 p.m.)

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B	C	D	H	
A-B 3:5 A-B-E-B-A 3:3,6 A-N-I-L-O-V-I-... 7:21 a.m 12:22 13:1,4,7 16:19 Abeba 3:2 ABRA-086037 1:13 2:13 accept 15:14 adverse 2:15 Agent 1:22 2:3,10 2:20 3:4,7,10,19 4:2,10,14,18 5:5 5:11,16,20 6:4,7 6:10,13,16,20 7:2 7:5,9,15,17,22 8:3 8:9,12,16,19 9:3,9 9:13,18,22 10:11 11:5,11,15,18 12:2,8,12,16,19 13:6,13 14:7,12 14:15 15:2,5,8,13 15:20 16:6,13,16 17:11,14,20 18:6 18:9,17 19:5,12 19:16,20 20:1,5 agreement 10:1 Alcohol 3:15 4:8 Alcoholic 1:3,19,20 ANC 2:6,6 3:11,14 3:16,22 4:9,21,21 4:22 anybody 12:6 13:9 14:16 20:1,2 appear 11:3 13:11 14:5,17 15:10 appears 10:17 Applicant 3:1 April 16:21,21 17:1 assuming 5:7 available 17:5	c 6:1 C-A-R-L-A 6:1 call 1:5 2:3,19 11:8 18:14 20:7,9,11 cards 18:13 Carla 5:22 6:1,5 case 1:10 2:4,6,10 Chair 3:22 change 11:8,16 13:8 check 18:19 checking 8:5 clears 4:15 closed 19:5 Code 2:20 COLUMBIA 1:1 come 12:5,6 13:16 13:20,21 14:18,20 14:22 16:8 18:19 18:21 20:2 comes 7:2 Committee 3:16 4:8 concluded 20:8,12 conditional 10:7 11:13 12:16 conducting 2:19 confidential 19:6 Control 1:3,19,20 correct 4:1 5:4 counted 5:3	D D 1:10 2:11 7:20 D.C 1:21 2:20 Danilovics 6:3 7:19 7:20 date 12:21 16:14,20 17:3,5,19 dates 12:20 16:22 day 13:3 December 1:16 designate 8:20 13:9 13:19,22 14:1,16 15:9,18 designated 4:4 9:19 10:17 16:7,10 17:11 designating 8:2 15:17 designation 10:19 difficult 7:20 dismissed 5:1 District 1:1 3:15 4:7	happen 14:3 happened 12:10 happens 12:3 13:14 happy 3:18 hate 6:20 hearing 1:5,21 2:19 9:6 10:4 11:2,20 12:5,6,9,21 13:1 13:14,17 14:19 15:22 16:14,20 17:2 19:19,21 20:2,7,11 hearings 13:7 16:18 husband 8:13	
B	C	E	I	
B-E-Y-E-N-E 3:9 back 13:16 14:18		E 5:19 7:12 Ebro 7:12 eight 11:4 Either 17:16 eleven 17:15 Elizabeth 5:17,18 entire 10:22 14:8 established 11:6,9 16:1 establishment 4:7 everybody 9:22 exactly 9:13 10:11 10:11 15:2 18:17 excuse 3:4 6:7 expect 11:7 expected 3:17	impact 2:16 indicate 4:3 16:7 inform 12:9 interest 3:18 8:22 10:15,21 Introductions 2:22	
		F		

issues 2:15 Italy 7:12,13	meetings 18:15 member 3:14 4:7 4:20 5:7,8 met 1:20 14:4 Mimi 1:10 2:11 minute 6:4 missed 7:10 missing 6:21 modify 15:16 mother 7:13	16:12 17:13 19:8 19:15,18 20:7,10 ones 11:2 open 19:4,9 order 2:16	questions 18:11 quiet 2:16 quite 15:1	showed 13:18 side 17:8 sign 8:15 signed 4:18 8:6,14 simple 14:22 Single 3:14 4:6 sir 7:18 slow 6:22 Smith 3:12,13 4:1,6 4:12,16,17 5:4,10 5:14,15,15 8:1 9:7 9:10,17,21 10:9 11:1,10,14,17 12:1,7,11,15,18 13:2,8,12,22 14:6 14:11,14,21 15:4 15:7,12,15 16:5 16:12 17:19,22 18:3,15 19:9,14 sorry 6:16 7:10 spell 5:13 standing 10:7,16,20 11:12,13 12:13,17 started 16:17 state 5:12 status 10:3 11:2,20 12:5,9,21 13:1,6 13:14,17 14:19 15:4,6,22 16:14 16:18 19:19,20 20:2 street 1:12,21 2:13 20:3 sure 3:13,16 5:14 8:21 10:21	
J	N	P	R	T	
James 9:14 January 17:6,7,21 18:10	N 7:13 N.W 1:21 name 2:18 3:3,8,12 5:12,14 6:2,8 7:17 naming 8:15 need 8:17 10:4 11:21 12:19 14:9 14:18,19 15:3,15 15:21 16:4 17:3 needed 8:20 9:11 14:22 never 14:18,22 new 15:18 nine 1:12 2:5,12 7:14 11:4 17:15 17:15 Northwest 2:13 notice 15:11 notices 9:6,11 15:16 16:22 number 11:7,7,15 numbers 9:11 NW 1:12	P-R-O-C-E-E-D-... 2:1 p.m 2:2 16:21 17:2 20:12 parties 19:6 peace 2:16 Penthouse 1:11 people 10:19 11:20 12:4 people's 15:17 percent 19:1 person 10:4,8 11:19 11:21 13:18,19,20 13:21,22 14:1,5,8 14:10 15:9,18 16:4,7,9 please 2:22 point 11:8 15:22 Policy 3:15 4:8 possible 13:3 prefer 17:17 present 3:11 4:21 4:22 10:5,12 13:10 19:7,17 presiding 1:22 prior 17:4 18:11 Pronounce 6:8 property 2:17 protest 2:15 3:20 3:21 4:2,11,19 5:9 8:6,14 16:20 17:2 19:7 Protestant 5:1 proxy 8:15 9:12 public 12:6 19:19 19:21 purpose 12:8 pursuant 2:20	re-appear 15:3 read 5:12 real 2:16 receive 16:22 receptionist 18:20 Reeves 1:21 remains 12:3 Renewal 1:14 2:14 Reporter 5:13 represent 3:17 4:6 4:13 8:20,22 10:14,21 14:1 representation 16:18 representative 3:15 4:4 9:19 10:17 13:20 15:18 16:8 16:10 17:12 representing 3:14 4:5 14:8 requirement 14:4 Restaurant 1:11 2:4,12 Retailer 1:13 2:14 Right 8:16 Roll 1:5 2:19 11:8 20:7,11 room 1:21 18:16,18 18:22 19:2	re-appear 15:3 read 5:12 real 2:16 receive 16:22 receptionist 18:20 Reeves 1:21 remains 12:3 Renewal 1:14 2:14 Reporter 5:13 represent 3:17 4:6 4:13 8:20,22 10:14,21 14:1 representation 16:18 representative 3:15 4:4 9:19 10:17 13:20 15:18 16:8 16:10 17:12 representing 3:14 4:5 14:8 requirement 14:4 Restaurant 1:11 2:4,12 Retailer 1:13 2:14 Right 8:16 Roll 1:5 2:19 11:8 20:7,11 room 1:21 18:16,18 18:22 19:2	t/a 1:10 table 16:8 18:13 take 3:19 8:3 talking 16:17 ten 11:20 17:15 p 1:8,14 thank 3:7,10 4:14 4:15 5:16,20 7:15 8:4,4 9:13,15 20:4 20:10
K	O	Q	S		
know 5:6 9:10 13:5 16:1,3 18:14,20	O 6:19 7:14 o'clock 17:22 18:3 18:6,10 occur 17:4 Official 2:20 okay 3:4,7 4:14 5:11 6:16 7:1,9,22 9:9,14 10:2 11:10 11:14,17 12:1,7 12:11,15,18 13:12 14:6,11 15:7,12	question 8:11	S-M-I-T-H 5:15 second 3:5 6:8 see 3:20 4:16 8:6 10:4 sense 14:13 set 12:20 16:21 17:3 seven 10:14,20 11:6 11:13,22 12:13 14:2 19:13,14,17 she'll 18:20 show 14:10		
L					
L 7:11,12 La 1:21 lake 7:12,13 LaVerne 2:18 left 5:2,5 letter 3:20,21 4:3 4:19 6:21 7:10 8:6 8:14,15 16:11 letters 8:2 9:4 10:19 11:3 License 1:13,14 2:13,14 little 6:22 LLC 1:10 2:11 located 4:8 look 3:19 Lounge 1:11 Lounge/Penthouse 2:5,12					
M					
M 7:13 M-A-R-T-I-N 5:15 ma'am 9:17 married 8:18 Martin 3:12 4:16 5:6,15 9:3,16 Matt 3:22 matter 1:9 5:1 Matthew 9:14 mediation 12:10 17:4 19:3 mediations 18:18 meeting 13:4 19:4 19:19,21					

things 14:3	<hr/> 1 <hr/>			
think 2:7 15:1 20:8	1:30 16:21 17:2			
three 10:18	12:10 2:2			
time 13:7 17:16,16	12:25 20:12			
19:1	13 5:3,6 10:9,12,13			
today 4:22 10:3,5,6	19:10			
10:12 11:5,9 12:3	13-PRO-00154			
13:10,15 15:11	1:10 2:11			
16:2 17:1	1318 1:12 2:12			
trading 2:11	14th 1:21			
true 15:1	1601.2 2:21			
Tuesday 17:7,20,21	<hr/> 2 <hr/>			
18:10	2 1:16			
two 9:4 14:3	2000 1:21			
<hr/> U <hr/>	2013 1:16			
u 7:7	28th 17:7,21 18:10			
understand 4:19	29th 17:6			
universe 7:8	2F 2:7 3:11,16,22			
<hr/> V <hr/>	4:9,21,21,22			
values 2:17	2nd 16:21,21 17:2			
verify 8:5	<hr/> 3 <hr/>			
Verne 1:21	<hr/> 4 <hr/>			
Vita 1:10 2:4,11	<hr/> 5 <hr/>			
<hr/> W <hr/>	5th 12:22,22 16:16			
Wait 6:4	17:4			
want 14:16	<hr/> 6 <hr/>			
Washington 1:21	<hr/> 7 <hr/>			
way 12:3	<hr/> 8 <hr/>			
we'll 18:22	8:30 13:4			
we're 5:2,5 8:18	<hr/> 9 <hr/>			
welcome 7:16 12:5				
20:5				
wish 14:21				
works 18:1				
writing 15:11				
written 15:16				
<hr/> X <hr/>				
<hr/> Y <hr/>				
<hr/> Z <hr/>				
z 5:18				
<hr/> 0 <hr/>				