



**ALSO PRESENT:**

**MATTHEW MINORA, Applicant's Counsel**

**BERT LE ROUX, Protestant**

**KAREN THOMAS, Protestant**

**RICHARD PRIEST, Group of Five**

**TIMOTHY SPIES, Group of Five**

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

2 10:07 a.m.

3 MS. FLETCHER: Would the parties in  
4 the matter of Eaton DC please come forward,  
5 parties in the matter of Eaton DC. This is Case  
6 No. 19-PRO-00094, Pacific District Lessee  
7 Corporation, 1201 K Street, Northwest, License  
8 No. ABRA-095442. This is a Retailer Class CH  
9 substantial change, entertainment endorsement  
10 with dancing and cover charge. Present on behalf  
11 of the Applicant, please?

12 MR. MINORA: Matthew Minora from the  
13 Law Firm of Mallios & O'Brien, License -- excuse  
14 me, ABC Counsel for the Licensee.

15 MS. FLETCHER: Thank you. Mr. Minora,  
16 did you already give the court reporter your  
17 card?

18 MR. MINORA: No, but I will.

19 MS. FLETCHER: Okay, thank you. Your  
20 name, sir, if you would state it and spell it.

21 MR. LE ROUX: Yes, I'm Bert Le Roux,  
22 B-E-R-T, and my name is L-E, then a space, R-O-U

1 --

2 MS. FLETCHER: I'm sorry, Bert, L-E  
3 what?

4 MR. LE ROUX: It's L-E, then a space

5 --

6 MS. FLETCHER: Oh, space.

7 MR. LE ROUX: Yes, R-O-U-X.

8 MS. FLETCHER: Thank you very much.

9 MS. THOMAS: Karen Thomas,  
10 T-H-O-M-A-S.

11 MS. FLETCHER: Karen, with a K?

12 MS. THOMAS: Yes.

13 MS. FLETCHER: Who's present on behalf  
14 of the group of five?

15 MR. PRIEST: Richard Priest,  
16 P-R-I-E-S-T.

17 MS. FLETCHER: Thank you. Your name,  
18 sir?

19 MR. SPIES: Timothy Spies, spelled  
20 like spies, S-P-I-E-S.

21 MS. FLETCHER: You're both designated  
22 representatives.

1 MR. SPIES: Yes, ma'am.

2 MS. FLETCHER: Are any other  
3 individuals from your group present today?

4 PARTICIPANT: No, just us two.

5 MS. FLETCHER: Okay, thank you. Just  
6 for the record, there's a group of five. I'm  
7 granting conditional standing to the group of  
8 five residents. At the upcoming status hearing,  
9 we need to see the other three individuals  
10 present. The Board needs to see five faces by  
11 the point of the status hearing.

12 MR. MINORA: Ms. Fletcher, sorry to  
13 interrupt, but we have issues with granting  
14 standing to the group. First of all, Mr. Spies  
15 is not on the list of the condo association that  
16 protested. Also, they protested as a group of  
17 the board of directors of the condo association,  
18 which does not own any property in the District  
19 of Columbia.

20 MS. FLETCHER: Yes, I'm going to  
21 address that in a moment.

22 MR. MINORA: Okay, sorry.

1 MS. FLETCHER: Thank you, Mr. Minora.  
2 Two of you are present today. The other three  
3 have to appear in person at the upcoming status  
4 hearing in order to be granted full standing or  
5 the Board may dismiss the protest. What Mr.  
6 Minora is referring to is that in your protest  
7 letter, you mentioned that you were filing a  
8 protest on behalf of the board of directors. The  
9 board of directors does not have standing to file  
10 a protest. The reason that I'm granting standing  
11 to the group of residents is because you  
12 mentioned the board of directors and the condo  
13 association. Neither one of them have standing  
14 to file a protest, but you did -- then went on to  
15 mention -- refer to yourselves as residents.

16 I don't know if you -- we're a little  
17 lenient if you've never filed a protest and you  
18 don't know how the process goes, but the condo  
19 association board of directors cannot file a  
20 protest. You mentioned that the board has  
21 standing because each of the five board members  
22 is a resident of the board.

1 I'm going to go with that, the fact  
2 that you refer to yourself as residents. Of  
3 course, Mr. Minora can object to that along the  
4 way. I'm granting conditional standing to a  
5 group of five, but three more must appear at the  
6 upcoming status hearing.

7 MR. MINORA: Ms. Fletcher, Mr. Spies'  
8 name is not on the list of the protestors.

9 MS. FLETCHER: Mr. Spies' name -- just  
10 a second. Mr. Spies is listed as a designated  
11 representative, but you're correct that Mr. Spies  
12 did not sign the protest letter.

13 MR. MINORA: Also, unless there was a  
14 separate letter, we only have Erica Crocker  
15 listed as a representative of the group on the  
16 letter that we received from ABRA.

17 MR. PRIEST: We mailed you guys --

18 MS. FLETCHER: So he's -- go ahead.

19 MR. PRIEST: Yes, sorry.

20 MS. FLETCHER: Who's speaking? I'm  
21 sorry.

22 MR. PRIEST: Richard --

1 MS. FLETCHER: I'm sorry; your name.

2 MR. PRIEST: Richard Priest.

3 MS. FLETCHER: Okay, what were you  
4 saying?

5 MR. PRIEST: We emailed you a letter,  
6 power of attorney from Erica to you guys.  
7 Apparently you received it this morning, and you  
8 confirmed the recipient of the letter.

9 MS. FLETCHER: We received, on the  
10 24th -- Mr. Minora, I don't even know if you  
11 received this. We received it on the 24th. It's  
12 a letter designating Mr. -- let me find it. It's  
13 a letter designating Tim Spies as a designated  
14 representative, as an alternative to Mr. Priest.  
15 Is that the letter you're referring to?

16 PARTICIPANT: Yes, that's right.

17 MS. FLETCHER: Mr. Minora, I don't  
18 even know if you received that. I just saw it  
19 this morning. It came in on the 24th. Mr.  
20 Spies.

21 MR. SPIES: The letter stated that  
22 Erica Crocker, who was the designated

1 representative, could not be here this morning.  
2 She's on travel. It designated Richard Priest,  
3 who is on the condo board, and me. I'm not on  
4 the condo board; I'm just a resident.

5 MS. FLETCHER: The board is a  
6 non-issue. A board doesn't have standing to file  
7 a protest in the first place. Mr. Minora has not  
8 seen the letter that I'm referring to that  
9 designates you as a designated representative.  
10 You did not sign the protest letter, so thanks  
11 for pointing that out.

12 Mr. Minora, what that means, Mr.  
13 Priest, is that at the upcoming status hearing,  
14 the other four people have to appear in person in  
15 order for the Board to have seen five faces.  
16 Now, I want to make sure that each of those five  
17 signed the protest letter. Just give me one  
18 minute. Okay, there are five signatures. I just  
19 wanted to make sure. Mr. Priest, any questions  
20 at all about the fact that at least four other  
21 people need to come to the upcoming --

22 MR. PRIEST: No, they'll be here.

1 MS. FLETCHER: Okay, thank you. Mr.  
2 Minora, I'll get a copy of that letter that you  
3 didn't see yet.

4 MR. MINORA: Thank you.

5 MS. FLETCHER: You're welcome. We  
6 need to set a date for mediation, a status  
7 hearing, and a protest hearing. I will give you  
8 the date for the status and protest hearing  
9 first.

10 The status hearing is set for  
11 September 25, at 9:30 a.m. The protest hearing  
12 is set for October 30, at 4:30 p.m. Mr. Priest,  
13 you'll receive an official hearing notice of  
14 these dates. I'm just letting you know --

15 MR. PRIEST: That was my next question  
16 (Simultaneous Speaking).

17 MS. FLETCHER: This is the first time  
18 we've met. You're going to get an official  
19 hearing notice sent to that email address that  
20 you put on that contact sheet. We need to set a  
21 date for mediation. I'll give you the next  
22 available day. The next available day for

1 mediation is Thursday, September 12th. That's  
2 Thursday, September 12, at 10:00 or 10:30 or  
3 11:00.

4 MR. PRIEST: Our pick or I just show up  
5 at 10:00?

6 MR. MINORA: Could we actually do  
7 11:00 a.m.? That would be better --

8 (Simultaneous Speaking)

9 MS. FLETCHER: Yes. Is that good, Mr.  
10 Priest?

11 MR. PRIEST: That's fine, yes.

12 MS. FLETCHER: Okay, so mediation is  
13 set for 11:00 on Thursday, September 12th. Mr.  
14 Priest, any questions at all?

15 MR. PRIEST: I think Timothy has a  
16 question.

17 MR. SPIES: Who should show up for the  
18 mediation? Is it just one of the --

19 MS. FLETCHER: Designated  
20 representatives.

21 MR. SPIES: Just one or all five, at  
22 least one?

1 MS. FLETCHER: Yes, we just need to  
2 see the designated representatives. It can be  
3 you, one of you, both of you. Everybody who  
4 signed the protest letter has the right to  
5 appear, but generally, the designated  
6 representatives appear on behalf of --

7 MR. PRIEST: Status, everyone shows  
8 up.

9 MS. FLETCHER: Hm?

10 MR. PRIEST: At the status meeting,  
11 everybody shows up.

12 MS. FLETCHER: They must. Yes, that's  
13 a requirement; otherwise, the group would be  
14 dismissed. That status hearing is on September  
15 25. At that time, everybody has to show up.

16 MR. PRIEST: Is it weird that the  
17 mediation is a couple weeks beforehand, before  
18 the status?

19 MS. FLETCHER: Yes.

20 MR. PRIEST: Is that usual?

21 MS. FLETCHER: That's normal. If the  
22 matter is resolved prior to the status hearing,

1 then it's resolved. If it's not and the status  
2 hearing is held, the people need to show up. Any  
3 other questions, Mr. Priest or Mr. Spies?

4 MR. PRIEST: (Simultaneous Speaking)  
5 learning experience.

6 MS. FLETCHER: Huh?

7 MR. PRIEST: Thanks for the learning  
8 experience.

9 MS. FLETCHER: You're very welcome.  
10 Think of anything else, my card's right there on  
11 the table. Mr. Minora, I know you don't have  
12 any.

13 MR. MINORA: No, we're all set, thank  
14 you.

15 MS. FLETCHER: Okay, thank you for  
16 coming. The roll call hearing is concluded.

17 (Whereupon, the above-entitled matter  
18 went off the record at 10:19 a.m.)

19  
20  
21  
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Eaton DC

Before: DCABRA

Date: 08-26-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

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