

Capital Reporting Company  
In the Matter of 750Biere, LLC t/a Duchess and the Queen 08-23-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
750Biere, LLC :  
t/a Duchess and the Queen :  
2102 18th Street, NW : Roll Call  
Retailer CR : Hearing  
License No. ABRA-089545 :  
ANC 1C :  
Case No. 12-PRO-00064 :  
Transfer of License :  
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July 23, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Washington, D.C., Ruthanne Miller, Chairperson,  
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
CALVIN NOPHLIN, Member  
MIKE SILVERSTEIN, Member  
ALSO PRESENT  
LAVERNE FLETCHER, ABRA

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<p style="text-align: right;">2</p> <p>1           P R O C E E D I N G S</p> <p>2                                   10:02 a.m.</p> <p>3           MS. FLETCHER: Could the parties in the</p> <p>4 matter of Duchess and the Queen please come forward?</p> <p>5 This is Case No. 12-PRO-00064, 750Biere, LLC, trading</p> <p>6 as Duchess and the Queen, 2102 18th Street, N.W.,</p> <p>7 License No. ABRA- 089545, Retailer CR. This is to</p> <p>8 transfer of the license. The protest issues are adverse</p> <p>9 impact on peace, order, and quiet; residential parking;</p> <p>10 and vehicular and pedestrian safety; rental property</p> <p>11 values; and overconcentration.</p> <p>12           My name is LaVerne Fletcher and I'll be</p> <p>13 conducting the roll call hearing -- this Board's agent,</p> <p>14 pursuant to DC Official Code 1601.2.</p> <p>15           Introductions beginning with the applicant,</p> <p>16 please?</p> <p>17           MR. AGUILAR: Good morning. George Aguilar.</p> <p>18           MS. FLETCHER: And would you please spell</p> <p>19 your name for the court reporter?</p> <p>20           MR. AGUILAR: Sure. A-G-U-I-L-A-R.</p> <p>21           MS. FLETCHER: A-G --</p> <p>22           MR. AGUILAR: U-I --</p>	<p style="text-align: right;">4</p> <p>1           MR. ELKO: John Elko, E-L-K-O. John, J-O-H-</p> <p>2 N.</p> <p>3           MS. FLETCHER: Kalorama Citizens Association</p> <p>4 has standing as a protestant. ANC 1C has standing as a</p> <p>5 protestant. And Mr. Elko related to the group of</p> <p>6 individuals that represent, I have just a couple of</p> <p>7 questions first.</p> <p>8           MR. ELKO: Uh-huh.</p> <p>9           MS. FLETCHER: Each of these individuals</p> <p>10 reside at the Winchester?</p> <p>11           MR. ELKO: That's correct.</p> <p>12           MS. FLETCHER: At 1807 California Street,</p> <p>13 N.W.?</p> <p>14           MR. ELKO: Right.</p> <p>15           MS. FLETCHER: And you're representing each</p> <p>16 of them?</p> <p>17           MR. ELKO: Yes, I am.</p> <p>18           MS. FLETCHER: We've received letters</p> <p>19 designating you to represent each of those individuals.</p> <p>20 Do you know if it was the intention of those</p> <p>21 individuals to file as a group?</p> <p>22           MR. ELKO: There were --</p>
<p style="text-align: right;">3</p> <p>1           MS. FLETCHER: -- U-I --</p> <p>2           MR. AGUILAR: -- L-A-R.</p> <p>3           MS. FLETCHER: Okay. Thank you. Thank you</p> <p>4 very much, Mr. Aguilar.</p> <p>5           MR. PASCAL: Good morning. Paul L. Pascal of</p> <p>6 Pascal and Weiss, attorney for the applicant, please.</p> <p>7           MS. FLETCHER: Thank you, Mr. Pascal. And</p> <p>8 Mr. Pascal, you gave your card to the court reporter?</p> <p>9           MR. PASCAL: I did.</p> <p>10           MS. FLETCHER: Okay. Thank you. And for the</p> <p>11 Kalorama Citizens Association?</p> <p>12           MR. JAMES: Yes. Denis James, representative</p> <p>13 of Kalorama Citizens Association. Denis, D-E-N-I-S, J-</p> <p>14 A-M-</p> <p>15           E-S.</p> <p>16           MS. FLETCHER: Thank you, Mr. James. And for</p> <p>17 ANC 1C?</p> <p>18           MR. KAMANDA: Olivier Kamanda, O-L-I-V-I-E-R,</p> <p>19 K-</p> <p>20           A-M-A-N-D-A.</p> <p>21           MS. FLETCHER: And for the group of</p> <p>22 individuals?</p>	<p style="text-align: right;">5</p> <p>1           MS. FLETCHER: Of individuals --</p> <p>2           MR. ELKO: -- there of us who did.</p> <p>3           MS. FLETCHER: Uh-huh.</p> <p>4           MR. ELKO: And the others filed individually.</p> <p>5           MS. FLETCHER: Uh-huh.</p> <p>6           MR. ELKO: And --</p> <p>7           MS. FLETCHER: Uh-huh.</p> <p>8           MR. ELKO: And they asked me to represent.</p> <p>9           MS. FLETCHER: One thing I didn't check --</p> <p>10 Mr. James, do you know if this is a moratorium zone?</p> <p>11           MR. JAMES: Yes, it is. It's a -- the</p> <p>12 moratorium zone extends 1400 feet in all directions</p> <p>13 from 18th and Belmont. And it includes all of 18th</p> <p>14 street from Florida Avenue to 18th and Columbia Road,</p> <p>15 which I think is this area.</p> <p>16           MS. FLETCHER: Okay. So Mr. Elko, the -- you</p> <p>17 and two other individuals filed together?</p> <p>18           MR. ELKO: Uh-huh.</p> <p>19           MS. FLETCHER: Okay. So that constitutes a</p> <p>20 group of three.</p> <p>21           MR. ELKO: Uh-huh.</p> <p>22           MS. FLETCHER: Which of --</p>

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6	<p>1 MR. PASCAL: Ms. Fletcher, I'm looking 2 through the protest. I do not see that three or five 3 or six or seven identified themselves as a group. 4 MS. FLETCHER: Yes. 5 MR. PASCAL: I think the record also needs to 6 reflect that their property is not abutting by their 7 own language of their protest. They note that they're 8 across the alley. 9 MS. FLETCHER: Yes. 10 MR. PASCAL: So I don't see anything in the 11 record that three filed as a -- as a group of five. 12 That is not to say -- just so the people will know, 13 that my client's willing to work with everybody. But I 14 have to make the position that I object to their 15 standing as protestants. 16 MS. FLETCHER: Okay. Thank you, Mr. Pascal. 17 Mr. Elko, who are the individuals that filed as a group 18 based on what you just said a moment ago, that at least 19 three of you filed as a group? 20 MR. ELKO: I was one and Judy Mills and 21 Jennifer Saulino. 22 MS. FLETCHER: Now, I don't have -- Julie</p>	8	<p>1 let me -- let me ask you this. And I'll take that too. 2 But let me tell you what I have signed by Julie Mills 3 [sic]. It says, "We the undersigned authorize John L. 4 Elko to speak on our behalf at any and all ABRA 5 hearings or any other related meeting regarding the 6 application of 750Biere, LLC, trading as The Duchess 7 and the Queen, for the issues of ABRA License No. 8 089545, a CR license from ABC safekeeping." 9 But she didn't file a protest. She did 10 designate you as her representative. But she didn't 11 file a protest. Like, do you have something there? 12 MR. ELKO: She signed this letter, where we, 13 in fact, did -- 14 MS. FLETCHER: See the -- yeah, I don't see a 15 protest. If you have something, then I'll take a look 16 at it but I don't see that she filed a protest prior to 17 the petition deadline. She didn't file a protest. 18 This is from -- this is a letter signed by you. 19 MR. ELKO: And Jennifer and Judy. 20 MS. FLETCHER: Now, what I have here is -- 21 okay. I understand what you're saying here. Just a 22 second.</p>
7	<p>1 Mills [sic] is not a protestant. Julie Mills [sic] 2 designated you as a representative. But she did not 3 call a protest, just so that you know. 4 MR. ELKO: But it was in -- she signed the 5 letter. 6 MS. FLETCHER: Yeah. I didn't -- what I have 7 related to Julie Mills [sic] is a statement designating 8 you as her representative, along with one other person 9 who did file a protest. But it was no protest filed by 10 Julie Mills [sic]. 11 MR. ELKO: As an individual? 12 MS. FLETCHER: Not as an individual. The 13 only thing I have from her is a letter designating you 14 as her representative. I'm just telling you what I 15 have. 16 MR. ELKO: Okay. Ms. Fletcher, could -- I've 17 authorized that as changed to speak on our behalf -- 18 MS. FLETCHER: Let me see. 19 MR. ELKO: -- in regard to legal issues. 20 MS. FLETCHER: Do you have a letter there -- 21 MR. ELKO: Yes, I do. 22 MS. FLETCHER: -- with you, Mr. James? Well,</p>	9	<p>1 MR. ELKO: Because that was sent together in 2 an email. 3 MS. FLETCHER: Yeah. In our file it doesn't 4 -- it doesn't appear to be that way. But -- and I 5 thank you. 6 MR. ELKO: Okay. 7 MS. FLETCHER: I understand that these two go 8 together. 9 MR. ELKO: Right. 10 MS. FLETCHER: In files they're separate. So 11 it appears that this is it. 12 MR. ELKO: Oh, I'm sorry. It should've -- 13 MS. FLETCHER: But that's okay. I 14 understand. I understand. Thank you for showing me 15 this. So Judy Mills is a protestant? 16 MR. ELKO: Uh-huh. 17 MS. FLETCHER: In our files, this is all like 18 one. 19 MR. ELKO: Oh, I see. Okay. 20 MS. FLETCHER: And so Judy Mills is a 21 protestant? 22 MR. ELKO: Yes, she is.</p>

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<p style="text-align: right;">10</p> <p>1 MS. FLETCHER: Okay.</p> <p>2 MR. PASCAL: I obviously would object to that</p> <p>3 because the letter that that's attached to is just on</p> <p>4 the basis of Mr. Elko himself filing his own protest.</p> <p>5 Neither of these two other people identified themselves</p> <p>6 as protestants.</p> <p>7 MR. JAMES: Ms. Fletcher, I think we need to</p> <p>8 roll back just a moment --</p> <p>9 MS. FLETCHER: Yes.</p> <p>10 MR. JAMES: -- to the question of group. 25-</p> <p>11 601 says that a group of new fewer than five residents</p> <p>12 or property owners sharing common grounds in a protest.</p> <p>13 So there's nothing to say when a group is formed.</p> <p>14 MS. FLETCHER: Uh-huh.</p> <p>15 MR. JAMES: A group may be of numerous,</p> <p>16 different folks who don't even know each other and they</p> <p>17 only find out that they protested when they show up</p> <p>18 today. Now, it happens that in this case, the folks</p> <p>19 concerned live in an apartment building direct -- a</p> <p>20 condominium building directly behind.</p> <p>21 MS. FLETCHER: Uh-huh.</p> <p>22 MR. JAMES: So they were aware of it.</p>	<p style="text-align: right;">12</p> <p>1 ability, short of being -- hiring an ABC attorney. So</p> <p>2 I would just say that there's nothing in the code to</p> <p>3 base an argument that any of them should be disallowed.</p> <p>4 They -- a group can form at any time, I would say --</p> <p>5 probably before -- I think it would have to just form</p> <p>6 by the time a protest hearing rolled around.</p> <p>7 MS. FLETCHER: Uh-huh. Well --</p> <p>8 MR. PASCAL: Obviously, I view this</p> <p>9 differently. I think people have to file a protest.</p> <p>10 They have to identify themselves as a group, which they</p> <p>11 didn't. Furthermore, all of them identify themselves as</p> <p>12 residents in the condo building.</p> <p>13 MS. FLETCHER: Uh-huh.</p> <p>14 MR. PASCAL: And the law is clear that condo</p> <p>15 buildings have no standing to be a group -- a</p> <p>16 protestant in and of itself because it doesn't fit the</p> <p>17 pattern of being a -- being a citizens association.</p> <p>18 MR. JAMES: But they didn't -- they didn't</p> <p>19 provide their protest as a condo. And I was in the</p> <p>20 hearing room the day the Board decided that question in</p> <p>21 2002. And it was a question of whether or not it was</p> <p>22 an economic or a social-based organization. So that is</p>
<p style="text-align: right;">11</p> <p>1 MS. FLETCHER: Uh-huh.</p> <p>2 MR. JAMES: But there's nothing in the code</p> <p>3 that says they must have a preformed group, you know.</p> <p>4 So I just think that, you know, the argument that there</p> <p>5 -- any -- everyone who wrote a protest letter that was</p> <p>6 timely received --</p> <p>7 MS. FLETCHER: Uh-huh.</p> <p>8 MR. JAMES: -- is a protestant here. There</p> <p>9 can be no question.</p> <p>10 MS. FLETCHER: Yes.</p> <p>11 MR. JAMES: Sharing the common grounds. And</p> <p>12 my understanding is that they all -- all these</p> <p>13 individuals listed all four grounds that are possible</p> <p>14 for protest, you know, peace, order and quiet; parking</p> <p>15 and vehicular and pedestrian safety --</p> <p>16 MS. FLETCHER: Uh-huh.</p> <p>17 MR. JAMES: -- the property value issue; and</p> <p>18 overconcentration. Now, they are all very new to this</p> <p>19 process.</p> <p>20 MS. FLETCHER: Uh-huh.</p> <p>21 MR. JAMES: And they went to great lengths to</p> <p>22 make sure that they understood it to the best of their</p>	<p style="text-align: right;">13</p> <p>1 precisely why all these individuals filed separately</p> <p>2 and not as an active condominium board.</p> <p>3 MS. FLETCHER: Uh-huh.</p> <p>4 MR. KAMANDA: If I -- for the Board's</p> <p>5 indulgence, 25-601 lists seven different categories of</p> <p>6 which -- that can be -- that have standing to file a</p> <p>7 protest. And the second one only identifies a group of</p> <p>8 residents sharing common grounds. There's no abutting</p> <p>9 property requirement. There's no --</p> <p>10 MS. FLETCHER: Uh-huh.</p> <p>11 MR. KAMANDA: -- condominium exception or</p> <p>12 reference to condominium. Clearly the five property</p> <p>13 owners who -- is it five or six?</p> <p>14 MR. JAMES: Six.</p> <p>15 MR. KAMANDA: Well, the property owners who</p> <p>16 filed --</p> <p>17 MR. ELKO: Seven.</p> <p>18 MR. KAMANDA: -- the seven who filed protest</p> <p>19 letters did so, obviously sharing common grounds.</p> <p>20 MS. FLETCHER: Uh-huh.</p> <p>21 MR. KAMANDA: They've designed someone to act</p> <p>22 as their spokesperson. They live in proximity. And so</p>

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14	<p>1 with the Board's indulgence -- 2 MS. FLETCHER: Uh-huh. 3 MR. KAMANDA: -- I don't think that there's 4 anything untoward in asking that they be considered for 5 the purposes of this hearing, particularly because 6 they've made the effort to consolidate their 7 representations -- or their interests by asking Mr. 8 Elko to represent them. 9 So in the interest of sort of moving things 10 along, I think they've identified all the requirements, 11 the blue code as put before them. And I think it's -- 12 it would not be in the interest of, I think, the Board 13 or the community or any of the parties here today to 14 disallow them -- or to dismiss them on what would be a 15 technicality if that. 16 MR. PASCAL: But Ms. Fletcher, Your Honor, 17 first of all their rights wouldn't be harmed because 18 they have very capable representation by the ANC, the 19 gentleman sitting here, and Mr. James, both of whom 20 have ABRA experience down here. And they have not 21 enunciated nor articulated their position. And in 22 particular, Ms. Mills and Saulino really didn't</p>	16	<p>1 name is spelled B-O-T-T-O -- Jennifer Saulino -- her 2 last name is spelled S-A-U-L-I-N-O -- Annabel Hertz -- 3 Annabel is spelled A-N-N-A-B-E-L; her last name is H-E- 4 R-T-Z -- Cliff Mauton -- first name, C-L-I-F-F; last 5 name, M-A-U- T-O-N -- and John Elko, E-L-K-O. 6 I'm going to grant standing to this group of 7 six based on the fact that they each live at the 8 Winchester at 1807 Northwest [sic] and they each 9 designated John Elko as their representative. I'm 10 going to not grant standing to Judy Mills based on Mr. 11 Pascal's argument that the page signed by Judy Mills is 12 a separate page. It is a -- I understand what you're 13 saying, Mr. Elko, that it is a part of the letter that 14 you submitted. 15 However, there's nothing -- I'm looking at 16 your letter, on the first page. There's nothing in 17 your letter that says -- that refers to it. So it 18 appears to be separate. There's nothing in your letter 19 signed by you that would suggest that Ms. Mills is a 20 protestant. And every other person in this case filed a 21 protest letter of his or her own separate with their 22 own signature.</p>
15	<p>1 identify themselves as being protestants. 2 It's just attached in a letter. And Mr. Elko 3 defined himself as a protestant. So I would 4 respectfully request that they not receive -- it's not 5 to say that my client's, you know, experienced. And 6 he's already spent a lot of time working with them, 7 come up with a voluntary agreement, and hopefully move 8 this thing along here. I think all the issues that any 9 protestant -- anyone seeking to be a protestant in that 10 neighborhood can be protected by the ANC, perhaps Mr. 11 James. 12 MR. JAMES: Ms. Fletcher, this is a political 13 argument that Mr. Pascal is making. It's not based 14 upon the law. The law is very clear. Mr. Kamanda just 15 laid it out as clearly as you can be laid out. And I 16 hope that you can make this decision. But if you 17 don't, then it clearly has to go to the Board for a 18 roll call hearing. 19 MS. FLETCHER: What I'm going to do, I'm 20 going to grant standing to a group of six -- it is 21 group -- a group of six as protestants. And that'll be 22 James Bullen, B-U-L-L-E-N, Angela Botto -- her last</p>	17	<p>1 MR. ELKO: So just for a point of 2 clarification, if these two signatures that appeared on 3 the letter -- would that have been sufficient? 4 MS. FLETCHER: Either if Judy -- if Judy 5 Mills had filed a protest letter the same as each of 6 the other individuals that you represent -- each one of 7 them filed a protest letter individually, designating 8 you as their representative -- each one. Each person 9 filed a protest letter that they signed, designating 10 you as a representative but Judy Mills did not do that. 11 She did not file a protest letter. She did sign that 12 statement designating you as her representative. 13 You can still represent her interest though 14 but she -- I'm not convinced that she filed a protest 15 letter of her own. 16 MR. JAMES: Ms. Fletcher, actually, I mean, 17 this is just based upon no room at the bottom of the 18 page when you -- when you a write a letter. So it 19 continued onto the next -- 20 MS. FLETCHER: What happened -- okay. 21 MR. PASCAL: -- issue. But she could have 22 put, "We." She could have put, "We." Ms. Saulino</p>

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18	<p>1 actually filed a letter. 2 MS. FLETCHER: Yeah. 3 MR. JAMES: Well, this -- I could explain 4 that with ease. The case is simply this; as the 5 protestants were all individually deciding whether or 6 not to protest and reading the law and understanding 7 that they were within a moratorium zone, three of them 8 got it together and said, "We know we're protesting. 9 So let's file this letter." 10 Well, later they got advice from me that to 11 absolutely protect their rights as individuals, they 12 should all file individual protest letters. So there 13 was an initial filing of three by these three folks and 14 then, subsequently, all the other filed their own 15 separate letters. 16 MS. FLETCHER: Except Ms. Mills. 17 MR. JAMES: But she was already covered under 18 this. This letter's perfectly valid unto itself. I 19 mean, I guess -- 20 MR. PASCAL: Well, the letter -- 21 MS. FLETCHER: I don't -- 22 MR. PASCAL: -- attached to it says, "I am</p>	20	<p>1 [sic] file a letter? 2 MS. FLETCHER: If that goes to her case -- 3 MR. JAMES: But the way that she heard that 4 it was -- to absolutely -- but just for causes -- just 5 for reasons like this. That's why she filed her 6 protest. 7 MS. FLETCHER: What I -- 8 MR. JAMES: Because we know that the 9 attorneys are going to try by whatever means necessary 10 to get rid of individual protestants -- totally 11 unfairly and, you know, abrogating their rights too. 12 MS. FLETCHER: What I would -- what I would 13 have expected if each of these individuals were signing 14 on the same protest letter as Mr. Elko, that the first 15 paragraph -- I mean, it could have said, "We." But 16 even if -- though it says, "I am writing a protest 17 letter," if those two signatures were even on the page 18 alone, I could have assumed that they were all part of 19 the same protest letter. 20 But I'm treating this document as a separate 21 document. "We the undersigned authorize John Elko" -- 22 they are authorizing him to represent them. Ms.</p>
19	<p>1 writing to protest the application." It doesn't say, 2 "We." And Ms. Saulera [sic], listen, it's academic. 3 You have six people standing. You have the ANC and 4 perhaps you have your own group. So whether Ms. Mills 5 -- 6 MS. FLETCHER: Yeah. 7 MR. PASCAL: -- is in there or not, I think 8 it's academic at this point. 9 MS. FLETCHER: Yeah. I -- exactly. I treat 10 this statement signed by Ms. Mills that begins, "We the 11 undersigned" -- I view that as a separate statement, 12 not a protest letter. 13 MR. JAMES: The Board's indulgence? This was 14 received by ABRA as a PDF. 15 MS. FLETCHER: I know. 16 MR. JAMES: So it's just three signatures on 17 the page. It happens that two of them are on the back 18 side. There's no reason for Mr. Elko to appoint himself 19 as his representative. That's the difference between 20 his signature and the other two signatures. 21 MS. FLETCHER: I think if that -- 22 MR. PASCAL: Then why didn't Ms. Saulera</p>	21	<p>1 Saulino had already filed a protest of her own. So 2 I'll accept her as a protestant but Judy Mills does not 3 have a protest letter. When she states, "I, Judy 4 Mills, protest the application" -- so I'm not going to 5 recognize Judy Mills as a protestant. 6 But of course, she has a right to seek -- to 7 seek standing as a protestant. She has a right to do 8 that, if she chooses to do that. But the group of six 9 will stand and -- but not Judy Mills. 10 MR. ELKO: Hey, Ms. Fletcher, I don't know if 11 this is relevant but Judy Mills did receive an 12 acknowledgement receipt letter -- 13 MS. FLETCHER: Yes. 14 MR. ELKO: -- from the ABRA -- 15 MS. FLETCHER: I understand. 16 MR. ELKO: -- recognizing this letter. 17 MS. FLETCHER: I understand. And she 18 received a letter because she signed -- in our process, 19 if you sign -- if you sign anything, you're going to 20 receive a letter. It is my responsibility, once you 21 get here, to determine who is a protestant and who is 22 not. And so I'm aware that she received a letter. I'm</p>

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22	<p>1 aware that she did. 2       And so I checked the files to see if she 3 actually filed a protest and she didn't. Although, she 4 did designate you as her representative, she did not 5 file a protest herself. And I see her letter here 6 informing her about the roll call hearing. It's 7 addressed to her because she did sign that statement of 8 designation. 9       So she did get a letter informing her of the 10 roll call hearing. The person that sends out the 11 notices doesn't make any determination. They just send 12 out letters. So there is no determination made by the 13 Board for today. So the person that mails out letters, 14 she just mails out letters to everybody. It is at roll 15 call that the Board decides who gets standing and who 16 doesn't. 17       So Ms. Mills can petition the Board for 18 standing. Ms. Mills, in my opinion, is not dismissed 19 as a protestant because she didn't file a protest. So 20 I'm not dismissing her. She's not a protestant at all. 21 But what she can do is send a letter to the Board to 22 say exactly that, that during roll call she was not</p>	24	<p>1 Kalorama Association. And I would request that Mr. 2 James file with the Board for my review copies of their 3 articles of incorporation or bylaws, notice of the 4 meeting, and the minutes of the meeting indicating that 5 they properly complied with 25-601(3). 6       MS. FLETCHER: Okay. Thank you, Mr. Pascal. 7       MR. JAMES: I don't think this is the proper 8 forum in which to request that information. 9       MR. PASCAL: Well, you have to prove that you 10 have standing, Mr. James. 11       MR. JAMES: But not before this hearing. 12       MR. PASCAL: Yes. She's determining today 13 whether you have standing or not. And my view is you'd 14 only have standing if you comply with 25-601(3). And 15 therefore, I'm asking, as part of the requirement to 16 show that you do have standing here today, that I have 17 copies of your association articles and bylaws so that 18 I can see they were complied with and that you gave 19 proper notice of a meeting, at least ten days before 20 the meeting. 21       MR. JAMES: And without having done that, you 22 don't have standing here. So I think it's -- that</p>
23	<p>1 recognized as a protestant at all. So there is not 2 dismissal. She's not a protestant. 3       And if she wants to challenge that decision, 4 then she can write a letter to the ABC Board. And they 5 can make a different decision. 6       MR. KAMANDA: Ms. Fletcher, in interest of 7 clarity, I just want to be clear that it's your belief 8 that if Ms. Mills files an application for 9 reinstatement, her -- an application for her inclusion 10 into this group of six hearing -- I can take a step 11 back. 12       MS. FLETCHER: Yeah. 13       MR. KAMANDA: I guess my question is, do we 14 prejudice any of her rights for inclusion in the group 15 of six by accepting John Elko as representative for the 16 group of six protestants? 17       MS. FLETCHER: No. 18       MR. KAMANDA: Okay. 19       MR. PASCAL: Ms. Fletcher, may I raise 20 another issue? 21       MS. FLETCHER: Yeah. 22       MR. PASCAL: You indicated you recognized the</p>	25	<p>1 would be a decision of the Board, not this hearing but 2 agent -- she's not capable and she's not authorized to 3 make such decisions. 4       MR. PASCAL: Well, I don't know much -- 5       MR. JAMES: There's nothing in the code -- 6       MR. PASCAL: I know I -- because she has 7 authority to determine who has standing. 8       MR. JAMES: Nothing in the code says that the 9 citizens associations articles of incorporation or a 10 constitution are to be handed over to -- even have, 11 very much less a protest. They exist. 12       MR. PASCAL: Well, I'm raising the issue 13 whether you have standing here today and whether you 14 have complied with everything. So if you file the 15 protest, you've opened yourself open to that. 16       MR. JAMES: Well, then I would like to see 17 the documents by the LLC, 750Biere, why -- by which 18 they decided that they would take and file an 19 application. I'd like to see those documents as well. 20       MR. PASCAL: I will go down -- you go down to 21 the corporation office to see all of those. 22       MR. JAMES: Well, then you can go down to the</p>

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26	<p>1 DCRA's corporation's office and view Kalorama's notices 2 -- 3 MR. PASCAL: Oh, that's -- tell me about your 4 notice of the meeting, sir, with all due respect. 5 MS. FLETCHER: The ABC Board has previously 6 recognized the Kalorama Citizens Association as an 7 association with standing. And so I'll stick by that. 8 But Mr. Pascal, if you want to -- if you want to 9 challenge that, you can write a letter to the ABC Board 10 informing them that you challenge the standing of the 11 Kalorama Citizens Association. 12 And they'll rule on that as a separate matter 13 on their agenda. 14 MR. PASCAL: Well, I have -- I -- based on 15 your representation that they've been recognized 16 before, that's fine. I'll abide. 17 MS. FLETCHER: Oh, yes. 18 MR. PASCAL: I'll do that. 19 MS. FLETCHER: Okay. 20 MR. PASCAL: So all I'm requesting now is a 21 copy of the notice that they gave ten days before their 22 meeting and the -- and the minutes of their meeting.</p>	28	<p>1 So we will -- she won't receive a dismissal 2 order from the ABC Board dismissing her as a 3 protestant. 4 And so we move to set a date for a mediation 5 status hearing and a protest hearing. And I'll give 6 you the date for the status hearing and the protest 7 hearing. First, the status hearing is set for September 8 the 12th at 9:30 a.m. And the -- 9 MR. JAMES: September 12th, 9:30 a.m.? 10 MS. FLETCHER: Yes, September 12th at 9:30. 11 And the protest hearing is set for November 7th at 12 1:30. 13 MR. PASCAL: Ma'am, I'm going to be out of 14 the country at that time. 15 MS. FLETCHER: For the protest hearing, Mr. 16 Pascal? 17 MR. PASCAL: Yes. I'm leaving the country on 18 August -- I'm sorry -- October 26th. And I'll be back 19 November 19th. 20 MS. FLETCHER: Okay. 21 MR. PASCAL: So if you wanted to do it the 22 21st?</p>
27	<p>1 MS. FLETCHER: Okay. So I'll leave that to 2 Mr. James to respond to for the purpose of the roll 3 call hearing. Because of previous decision, the 4 Kalorama Citizens Association is accepted as a -- as a 5 protestant. And Mr. James, with respect to the minutes, 6 that's not something that the Board can order. But if 7 it's being challenged and there are no minutes, then 8 that would be a separate Board matter. 9 But for the purpose of roll call, Kalorama 10 Citizens Association has standing with the District. 11 MR. JAMES: Thank you. Well, we'll supply 12 anything that the Board requires at this point, as -- 13 that they have the legal basis upon which to demand. 14 MS. FLETCHER: And so we have three 15 protestants, the Kalorama Citizens Association, the ANC 16 IC, and a group of six, which does not include Judy 17 Mills because she, in my opinion, is not a protestant. 18 And you know, Mr. Elko, she has the right to challenge 19 that. And then the Board will make that decision if 20 she wants to do that. But just to be clear for the 21 record, I'm not dismissing Judy Mills. She's not a 22 protestant.</p>	29	<p>1 MS. FLETCHER: Okay. Well, you know what 2 I'll do then? I won't set the date for the protest 3 hearing. I'll get back to the -- to the staff and 4 they'll give you a date -- 5 MR. PASCAL: Okay. 6 MS. FLETCHER: -- for the protest hearing. 7 MR. PASCAL: Yeah. We were working with the 8 parties here to try to trade them an agreement. So 9 hopefully, that -- 10 MS. FLETCHER: Okay. 11 MR. PASCAL: -- get that done by the status 12 hearing. 13 MS. FLETCHER: Well, then the protest hearing 14 is not -- disregard the date for the protest hearing. 15 That one needed to be changed because Mr. Pascal's -- 16 MR. PASCAL: Okay. 17 MS. FLETCHER: -- going to be out of the 18 country. So the status hearing is September 12th. And - 19 - 20 MR. JAMES: What is the date of Thanksgiving, 21 if I might ask? 22 MS. FLETCHER: The date of Thanksgiving --</p>

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30	<p>1 hold on here. I don't remember the date of 2 Thanksgiving... 3 MR. PASCAL: I can tell you. It's a little 4 early this year. How about -- I think Thanksgiving is 5 the 25th. 6 MS. FLETCHER: 25th. 7 MR. JAMES: I think I see it as -- 8 MR. PASCAL: Yeah. 9 MR. JAMES: -- the 22nd. 10 MR. PASCAL: The 22nd, I'm sorry. The 22nd. 11 MS. FLETCHER: It was -- it was the 22nd? 12 MR. PASCAL: 22nd. It's early this year. 13 MS. FLETCHER: Okay. So then it can't be on 14 the 22nd. When you -- when you get your -- 15 MR. JAMES: Well, the 21st would be a Board 16 day, right -- Wednesday, the 21st? Yeah. So that 17 doesn't seem like a very -- 18 MS. FLETCHER: Actually they may not meet on 19 the 21st because -- 20 MR. PASCAL: Okay. Great. 21 MS. FLETCHER: -- it's just before 22 Thanksgiving.</p>	32	<p>1 MS. FLETCHER: The status hearing? 2 MR. JAMES: Yes, please. Wait, no, no. 3 Mediation. 4 MS. FLETCHER: Oh, the -- 5 MR. JAMES: The mediation. 6 MS. FLETCHER: Oh, yeah. 7 MR. JAMES: Yes. That's what I'm referring 8 to. 9 MS. FLETCHER: Yeah. 10 MR. JAMES: Like, the week of the 27th 11 perhaps but not the 27th itself? 12 MS. FLETCHER: Yep. We can. We can do it on 13 -- yes. We can do it on the 20 -- let me see 14 something, Mr. James. That might actually -- okay. 15 No. We can do it on the Tuesday, the 28th. 16 MR. JAMES: That's fine. Yeah. What time 17 serves you, John, the first thing in the morning? How 18 about 11:00? 19 MR. KAMANDA: First thing means different 20 things to different people. 21 MR. JAMES: I ran a poultry business. I used 22 to get up at 4:00 every morning while I went to law</p>
31	<p>1 MR. PASCAL: Well, let them set it sometime 2 after. Yeah. 3 MS. FLETCHER: Yes. And so when you get your 4 scheduling notice, the protest date will be in there. 5 I just don't know what it is because I don't set the 6 dates. 7 MR. PASCAL: Okay. Right. Thank you. 8 MS. FLETCHER: Uh-huh. But it won't be 9 November 7th. And so we can just set a date for the -- 10 MR. PASCAL: Mediation. 11 MS. FLETCHER: -- mediation prior to the 12 September 12th status hearing. I actually left my 13 calendar. Can you give me one minute? I have to get 14 it. I'll be right back. Go off the record. 15 (WHEREUPON, at 10:38 a.m., the hearing went 16 off record until 10:40 a.m.) 17 MS. FLETCHER: So we need to set a date for 18 the mediation. Let's see. The first date available is 19 -- well, no. Actually that's not right. Friday, 20 August 10, available at 9:00, 10:00, 11:00 or 1:00. 21 MR. JAMES: Ms. Fletcher, can we move to a 22 period later in the month?</p>	33	<p>1 school. So -- 2 MR. KAMANDA: Exactly. 3 MR. JAMES: So I still -- I still like to get 4 up early though. 5 MR. ELKO: And I was raised on a farm so we 6 were up at the same time. 7 MR. JAMES: 11:00 okay? 8 MR. ELKO: That's fine. 9 MR. JAMES: All right. 11:00 would be fine. 10 MS. FLETCHER: 11:00. 11 MR. JAMES: And if there's a better time 12 because of lunch hour and so forth that would help 13 others -- 14 MS. FLETCHER: No, I'm good. I'm fine. 15 MR. JAMES: -- get by, would that help you, 16 Olivier? 17 MR. KAMANDA: Yeah. I could disappear for 18 lunch. 19 MR. JAMES: So 12:00? Would that be all 20 right? Is that better? 21 MS. FLETCHER: I can do 12:00 if anybody else 22 --</p>

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34	1 MR. PASCAL: It's -- well, it doesn't matter 2 to me. You bringing lunch? Bring sandwiches. Yeah, 3 12:00 works. 12:00. All right. That'll work for me. 4 Does that work for John? 5 MR. ELKO: That's fine. That's -- 6 MR. PASCAL: Okay. 7 MR. ELKO: Especially if that's okay with 8 your -- 9 MS. FLETCHER: That's fine for me. 10 MR. PASCAL: 12:00 on the 28th. Okay. Thank 11 you. 12 MS. FLETCHER: Yes. 12:00 on the 28th. 13 Okay. 14 MR. PASCAL: Hopefully, instead of mediation, 15 we'll all go to lunch that day and celebrate. 16 MR. KAMANDA: Indeed. 17 MS. FLETCHER: Well, if there's nothing more 18 -- 19 MR. PASCAL: Thank you for your efforts. 20 MS. FLETCHER: -- the roll call hearing is 21 concluded. Thank you. 22 MR. PASCAL: Okay. Thank you.	36	1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ERICK MCNAIR, the officer before whom the 4 foregoing hearing was taken, do hereby certify that the 5 testimony appearing in the foregoing transcript was 6 recorded by me and thereafter reduced to typewriting 7 under my direction; that said transcription is a true 8 record of the testimony given by said parties; that I 9 am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this was taken; 11 and, further, that I am not a relative or employee of 12 any counsel or attorney employed by the parties hereto, 13 nor financially or otherwise interested in the outcome 14 of this action. 15 16 17 18 19 _____ 20 ERICK MCNAIR 21 Notary Public in and for the 22 DISTRICT OF COLUMBIA
35	1 (WHEREUPON, at 10:43 a.m., the hearing was 2 concluded.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	37	1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the following 5 proceeding and that I have typed the transcript of this 6 proceeding using the Court Reporter's notes and 7 recordings. The foregoing/attached transcript is a 8 true, correct and complete transcription of said 9 proceeding. 10 11 12 13 14 _____ 15 Date MIRANDA PENNACHI 16 Transcriptionist 17 18 19 20 21 22

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<p style="text-align: center;"><u>0</u></p> <p><b>089545</b> 2:7 8:8</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p><b>1:00</b> 31:20  <b>1:30</b> 28:12  <b>10</b> 31:20  <b>10:00</b> 31:20  <b>10:02</b> 2:2  <b>10:38</b> 31:15  <b>10:40</b> 31:16  <b>10:43</b> 35:1  <b>11:00</b> 31:20 32:18              33:7,9,10  <b>12:00</b> 33:19,21              34:3,10,12  <b>12-PRO-00064</b> 1:8              2:5  <b>12th</b> 28:8,9,10              29:18 31:12  <b>1400</b> 5:12  <b>14th</b> 1:13  <b>1601.2</b> 2:14  <b>1807</b> 4:12 16:8  <b>18th</b> 1:6 2:6              5:13,14  <b>19th</b> 28:19  <b>1C</b> 1:8 3:17 4:4              27:16</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>20</b> 32:13  <b>2000</b> 1:13  <b>2002</b> 12:21  <b>2012</b> 1:10  <b>2102</b> 1:6 2:6</p>	<p><b>21st</b> 28:22              30:15,16,19  <b>22nd</b>              30:9,10,11,12,14  <b>23</b> 1:10  <b>25</b> 10:10  <b>25-601</b> 13:5  <b>25-601(3</b> 24:5,14  <b>25th</b> 30:5,6  <b>26th</b> 28:18  <b>27th</b> 32:10,11  <b>28th</b> 32:15              34:10,12</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>4:00</b> 32:22</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>601</b> 10:11</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p><b>750Biere</b> 1:5 2:5              8:6 25:17  <b>7th</b> 28:11 31:9</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p><b>9:00</b> 31:20  <b>9:30</b> 28:8,9,10</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m</b> 2:2 28:8,9              31:15,16 35:1  <b>ABC</b> 8:8 12:1 23:4              26:5,9 28:2  <b>abide</b> 26:16  <b>ability</b> 12:1  <b>ABRA</b> 1:19 2:7              8:4,7 14:20</p>	<p>19:14 21:14  <b>ABRA-089545</b> 1:7  <b>abrogating</b> 20:11  <b>absolutely</b> 18:11              20:4  <b>abutting</b> 6:6 13:8  <b>academic</b> 19:2,8  <b>accept</b> 21:2  <b>accepted</b> 27:4  <b>accepting</b> 23:15  <b>acknowledgement</b>              21:12  <b>across</b> 6:8  <b>act</b> 13:21  <b>action</b> 36:10,14  <b>active</b> 13:2  <b>actually</b> 17:16              18:1 22:3 30:18              31:12,19 32:14  <b>addressed</b> 22:7  <b>adverse</b> 2:8  <b>advice</b> 18:10  <b>A-G</b> 2:21  <b>agenda</b> 26:13  <b>agent</b> 2:13 25:2  <b>ago</b> 6:18  <b>agreement</b> 15:7              29:8  <b>Aguilar</b> 2:17,20,22              3:2,4  <b>A-G-U-I-L-A-R</b>              2:20  <b>ALBERTI</b> 1:16  <b>Alcoholic</b>              1:2,11,12</p>	<p><b>alley</b> 6:8  <b>alone</b> 20:18  <b>already</b> 15:6 18:17              21:1  <b>am</b> 4:17 18:22              20:16 36:9,11              37:3  <b>A-M</b> 3:14  <b>A-M-A-N-D-A</b>              3:20  <b>ANC</b> 1:8 3:17 4:4              14:18 15:10 19:3              27:15  <b>Angela</b> 15:22  <b>Annabel</b> 16:2,3  <b>A-N-N-A-B-E-L</b>              16:3  <b>anybody</b> 33:21  <b>anyone</b> 15:9  <b>anything</b> 6:10 14:4              21:19 27:12  <b>apartment</b> 10:19  <b>appear</b> 9:4  <b>appeared</b> 17:2  <b>appearing</b> 36:5  <b>appears</b> 9:11              16:18  <b>applicant</b> 2:15 3:6  <b>application</b> 8:6              19:1 21:4 23:8,9              25:19  <b>appoint</b> 19:18  <b>area</b> 5:15  <b>argument</b> 11:4              12:3 15:13 16:11  <b>articles</b> 24:3,17</p>
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