

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

2 10:33 a.m.

3 AGENT FLETCHER: Are the parties
4 present in the matter of Las Placitas? Would the
5 parties in the matter of Las Placitas, please,
6 come forward? This is Case No. 18-PRO-00025, Las
7 Placitas Café t/a Las Placitas Restaurant, 4724
8 14th Street, N.W., License No.-ABRA-094559. This
9 is a Retailer Class CR substantial change --
10 sidewalk cafe with 16 seats.

11 The protest issues are adverse impact
12 on peace, order and quiet; residential parking;
13 and vehicular and pedestrian safety; and real
14 property values.

15 My name is LaVerne Fletcher. I'm
16 conducting the Roll Call Hearing as the Board's
17 Agent.

18 Introductions beginning with the
19 applicant, please. If you would just state your
20 name and spell it for the record?

21 MR. AMAYA: Isidoro Amaya, I-S-I-D-O-
22 R-O A-M-A-Y-A.

1 AGENT FLETCHER: Thank you very much.
2 And, Mr. Amaya, you are the owner, yes?

3 MR. AMAYA: Yes. Thank you.

4 AGENT FLETCHER: Thank you very much.
5 And present on behalf of the Group of 6?

6 MS. IRWIN: Elisa, E-L-I-S-A, M.
7 Irwin, I-R-W-I-N.

8 AGENT FLETCHER: Thank you, Ms. Irwin.
9 Are any other individuals from your group present
10 with you today?

11 MS. IRWIN: No.

12 AGENT FLETCHER: Okay. Thank you.
13 Your Group of 6 is granted conditional standing.

14 MS. IRWIN: Thank you.

15 AGENT FLETCHER: Which means that at
16 the upcoming Status Hearing, four individuals
17 that are not present today would need to appear
18 in-person or the Board may dismiss the protest.
19 If those individuals appear in-person, the Board
20 will grant full standing to the group.

21 MS. IRWIN: Thank you.

22 AGENT FLETCHER: You're welcome. We

1 need to set a date for a mediation, a Status
2 Hearing and a Protest Hearing. I'll give you the
3 dates for the Status and Protest Hearing first.

4 The date for the Status Hearing is
5 June 20. It's going to be on June 20 at 9:30
6 a.m., June 20 at 9:30.

7 The Protest Hearing is set for July 18
8 at 1:30 p.m. I will --

9 MS. IRWIN: July 18?

10 AGENT FLETCHER: Yes, July 18 at 1:30,
11 that's for the Protest hearing.

12 I'll give you the next available date
13 for mediation, that is Thursday, May 31st at
14 9:00, 10:00, 11:00, 11:30, 1:00? That's the next
15 available day.

16 MS. IRWIN: So that works for me, for
17 us, on behalf of us. We would prefer 12:00 to
18 1:00. Does that work for you?

19 AGENT FLETCHER: That works for me.

20 MR. AMAYA: Um-hum. Well, first of
21 all, I have a question.

22 AGENT FLETCHER: Yes.

1 MR. AMAYA: I'm entering into a
2 settlement agreement with the ANC.

3 AGENT FLETCHER: So you have a
4 settlement agreement with the ANC?

5 MR. AMAYA: We already have a draft
6 settlement agreement.

7 AGENT FLETCHER: Okay.

8 MR. AMAYA: Which I hope is -- we will
9 take care of, you know, the -- what they were --
10 their protest.

11 MS. IRWIN: So our mediation would
12 begin with -- I believe that the next public ANC
13 meeting isn't until the second week in June.

14 AGENT FLETCHER: Um-hum.

15 MS. IRWIN: Unless they have a special
16 meeting, which I don't think -- when is their --
17 the ANC met last week, no?

18 MR. AMAYA: Um --

19 MS. IRWIN: They had a public meeting.

20 MR. AMAYA: Right. They are going to
21 meet. They haven't told me. They said whether
22 it would be the first week of June or the second

1 week of June. I will have to check on that, but
2 by then, we already working on the settlement
3 agreement.

4 AGENT FLETCHER: Um-hum.

5 MR. AMAYA: Which hopefully will take
6 care of, you know.

7 MS. IRWIN: So from our perspective,
8 we have -- are available to meet May 31st.

9 AGENT FLETCHER: Um-hum.

10 MS. IRWIN: We would like to enter
11 into a settlement agreement with Mr. Amaya.

12 AGENT FLETCHER: Um-hum.

13 MS. IRWIN: And we would be willing to
14 have a settlement agreement that day.

15 AGENT FLETCHER: Um-hum.

16 MS. IRWIN: Depending upon what we can
17 negotiate and that would happen before the
18 regularly scheduled ANC meeting, which I think is
19 not until June.

20 AGENT FLETCHER: Um-hum.

21 MS. IRWIN: The ANC needs to vote on
22 this at a public meeting. So my feeling is we

1 should attempt to do the mediation --

2 AGENT FLETCHER: Um-hum.

3 MS. IRWIN: -- and see where we go.

4 AGENT FLETCHER: Um-hum.

5 MS. IRWIN: And we could enter into,
6 conceivably enter into, a settlement agreement
7 there.

8 AGENT FLETCHER: Um-hum.

9 MS. IRWIN: And I understand how it
10 works with the ANC.

11 AGENT FLETCHER: Um-hum.

12 MS. IRWIN: But if we -- right. So--

13 AGENT FLETCHER: Yeah, I understand
14 what you mean. So procedurally, we will schedule
15 the mediation. If the Board approves the
16 settlement agreement with the ANC, they will
17 dismiss the group. And we don't know at what
18 point any of this is going to happen.

19 I mean, the ANC, as you said, they
20 could hold a special meeting. They may not wait
21 until the second week. We don't know their
22 agenda, so we don't know what they do.

1 For us over here, we set the date for
2 mediation, because that's part of the procedure.
3 If the Board approves the settlement agreement
4 with the ANC, they will dismiss the group of
5 individuals if they are still a part of the
6 process.

7 Your group, Ms. Irwin, has the Status
8 Hearing coming up on June 20. The -- if the ANC
9 submits and the Board approves the settlement
10 agreement, you know, before that, they would
11 dismiss it. They will dismiss the group if they
12 approve a settlement agreement with the ANC.

13 MS. IRWIN: How about if we got our
14 settlement agreement done --

15 AGENT FLETCHER: Uh-huh.

16 MS. IRWIN: -- prior to that?

17 AGENT FLETCHER: Well --

18 MS. IRWIN: So what would the Board do
19 in a case where --

20 AGENT FLETCHER: -- so here is what
21 happens. In terms of a settlement agreement
22 whether or not there is going to be one is

1 between you and the applicant. So the applicant
2 could decide to enter into a settlement agreement
3 with you or the applicant could decide to wait
4 and see if the Board approves the ANC's
5 settlement agreement and have just that one.

6 MS. IRWIN: Okay.

7 AGENT FLETCHER: So that rests with
8 the applicant.

9 MS. IRWIN: Okay.

10 AGENT FLETCHER: Yes, just so you --

11 MS. IRWIN: Okay.

12 AGENT FLETCHER: Yeah.

13 MS. IRWIN: Well, we would like to go
14 forward, because the ANC has a habit of not
15 informing neighbors what is going on and not
16 negotiating in good faith with neighbors and not
17 reaching out to the neighbors who live by you.

18 A point of fact, the last time we met,
19 the ANC voted on a settlement agreement and did
20 not talk to two of the people that are in our
21 group and that were two of the people who were in
22 the group last time, which live on Crittenden

1 Street.

2 AGENT FLETCHER: Um-hum.

3 MS. IRWIN: So from our perspective,
4 we need to go forward with this.

5 AGENT FLETCHER: Um-hum. You know, so
6 hopefully --

7 MS. IRWIN: Yes.

8 AGENT FLETCHER: -- we will see how
9 everything goes.

10 MS. IRWIN: Yes.

11 AGENT FLETCHER: But if the Board
12 approves an ANC agreement, hopefully there will
13 be provisions in there that address the concerns
14 of the group in the event that the group is
15 dismissed because of the timing of the approval
16 of the settlement agreement. But we will go
17 forward, because the Board hasn't approved it at
18 this stage.

19 MS. IRWIN: Okay. Thank you very
20 much.

21 AGENT FLETCHER: So we will still set
22 the date for mediation. You said you are

1 available on May 31st?

2 MS. IRWIN: Yes. And I would say at
3 noon.

4 AGENT FLETCHER: At noon would be fine
5 on this end. Is that --

6 MS. IRWIN: Mr. Amaya, is that good
7 for you?

8 MR. AMAYA: Yes, this is good, yes.

9 MS. IRWIN: Okay.

10 MR. AMAYA: But what about we have a
11 settlement agreement done with the ANC?

12 AGENT FLETCHER: Before then?

13 MR. AMAYA: Before this date.

14 AGENT FLETCHER: Then the mediation
15 wouldn't be held. The Board --

16 MS. IRWIN: What would --

17 MR. AMAYA: It wouldn't?

18 AGENT FLETCHER: -- so what happens,
19 the Board -- as soon as the Board approves a
20 settlement agreement, at the same time, they
21 dismiss a group.

22 MR. AMAYA: Okay.

1 AGENT FLETCHER: So if the Board were
2 to approve the settlement agreement before May
3 31st, they would dismiss the group at the same
4 time.

5 MS. IRWIN: But let me just clarify.
6 And you may not know this --

7 AGENT FLETCHER: Um-hum.

8 MS. IRWIN: -- May an ANC submit a
9 settlement agreement that has not been voted on
10 at a public meeting?

11 AGENT FLETCHER: The ANC -- that --
12 anybody can submit anything.

13 MS. IRWIN: Okay.

14 AGENT FLETCHER: And so if they want
15 to do that, they can do that.

16 MS. IRWIN: So --

17 AGENT FLETCHER: The Board makes a
18 decision --

19 MS. IRWIN: -- if the ANC submits a
20 settlement agreement --

21 AGENT FLETCHER: Uh-huh.

22 MS. IRWIN: -- that has not complied

1 with their legal obligations --

2 AGENT FLETCHER: So the Board does not
3 enforce ANC Regulations. Those are theirs.
4 There is an Executive Director of all of the
5 ANCs, so if there is any conflict or issues
6 within the ANC that have to be resolved, it needs
7 to be resolved by the Office of the ANC.

8 Now, if you -- if the -- it is an ANC
9 Rule that you are talking about.

10 MS. IRWIN: No, I think -- well,
11 actually, I don't know before ABRA.

12 AGENT FLETCHER: Um-hum.

13 MS. IRWIN: But I know before DCRA in
14 order to be given --

15 AGENT FLETCHER: Great weight?

16 MS. IRWIN: -- great weight --

17 AGENT FLETCHER: Um-hum.

18 MS. IRWIN: -- then the vote needs to
19 take place at a properly noticed public meeting
20 with a quorum.

21 AGENT FLETCHER: Well, that's to file
22 a protest. So which to file a protest, that is

1 required.

2 MS. IRWIN: Okay. But to file a
3 settlement agreement, as far as ABRA is
4 concerned, the settlement agreement vote does not
5 need to take place in a public meeting by the
6 ANC?

7 AGENT FLETCHER: I'm not aware that
8 that's -- I am not aware that that's an internal
9 requirement. I have never seen --

10 MS. IRWIN: Okay.

11 AGENT FLETCHER: -- a settlement
12 agreement submitted where they had to meet that
13 criteria.

14 MS. IRWIN: Okay.

15 AGENT FLETCHER: So whatever the
16 internal ANC criteria is, I actually don't know
17 what that is, but if the Board approves the
18 settlement agreement, Ms. Irwin, and you have
19 some issues with it or you believe it should not
20 be approved for whatever reason that you say --

21 MS. IRWIN: Gotcha.

22 AGENT FLETCHER: -- whenever the Board

1 issues an order, even approving a settlement
2 agreement, there is always an opportunity to ask
3 the Board to reconsider its decision.

4 MS. IRWIN: Okay.

5 AGENT FLETCHER: And so we don't know
6 if the ANC will hold a special meeting or not. I
7 mean, I know there is a vote, that's what I know,
8 that they have to vote on the settlement
9 agreement.

10 MS. IRWIN: Correct. And all votes
11 need to happen in a public meeting, so I --

12 AGENT FLETCHER: That I don't know
13 that.

14 MS. IRWIN: Yes. That's --

15 AGENT FLETCHER: Right.

16 MS. IRWIN: -- I got it. Yes.

17 AGENT FLETCHER: Yeah, that part I
18 don't know.

19 MS. IRWIN: Yeah.

20 AGENT FLETCHER: But you can challenge
21 anything you would like.

22 MS. IRWIN: Thanks.

1 AGENT FLETCHER: Any other questions?

2 MS. IRWIN: No.

3 AGENT FLETCHER: Okay.

4 MS. IRWIN: Thank you so much.

5 AGENT FLETCHER: Thank you. Thank you
6 very much.

7 MR. AMAYA: Thank you.

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

10 MS. IRWIN: Have a great day.

11 AGENT FLETCHER: The Roll Call Hearing
12 is concluded. Thank you.

13 MS. IRWIN: Thank you. And we will
14 see you on the 31st.

15 (Whereupon, the Roll Call Hearing was
16 concluded at 10:44 a.m.)

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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: Las Placitas Café, LLC

Before: Alcoholic Beverage Control Board

Date: 05-14-2018

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.



Court Reporter

NEAL R. GROSS

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