

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

2 11:20 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 is Case Number 24-PRO-00111, Club Volo, License
5 Number 129890.

6 Mr. Orellana, can you please elevate
7 the parties in this case?

8 MR. ORELLANA: Cameron Mixon, your
9 access has been elevated.

10 That is all, Chairman.

11 CHAIRPERSON ANDERSON: All right,
12 thank you.

13 Good morning, Mr. Mixon, can you
14 please identify yourself for the record?

15 MR. MIXON: Good morning, Mr. Chair
16 and members of the Board.

17 Cameron Mixon with the Veritas Law
18 Firm, counsel for the applicant.

19 That's C-A-M-E-R-O-N M-I-X-O-N.

20 CHAIRPERSON ANDERSON: Good morning.

21 Ms. Kramer, can you please identify
22 yourself for the record again, ma'am?

23 MS. KRAMER: Yes, sir.

24 My name is Fredrica Kramer. First
25 name, F-R-E-D-R-I-C-A, last name, K-R-A-M-E-R.

1 I am the Chair of ANC 6D.

2 CHAIRPERSON ANDERSON: Good morning,
3 ma'am.

4 Now, I see that -- are there any
5 preliminary matters in this case?

6 Because I think I see that this matter
7 is scheduled for a protest hearing on January
8 15th which is next week.

9 MR. MIXON: Yes, Mr. Chair.

10 MS. KRAMER: No, I --

11 MR. MIXON: One preliminary issue.

12 CHAIRPERSON ANDERSON: Yes, what is --
13 what's the preliminary issue, Mr. Mixon?

14 MR. MIXON: Yes, so, as you just
15 stated and as was established in roll call and on
16 the protest notice, the protest hearing is
17 scheduled for January 15th.

18 However, we received a hearing notice
19 from Ms. Goodwin last night that states that the
20 protest hearing is set for February 5th and we
21 just wanted to clarify that.

22 And provided that the January 15th
23 date is consistent with the 75-day requirement,
24 75 days after the end of the protest petition
25 deadline requirement set by 25-432.

1 And we wanted to ensure that we had a
2 compliance date that is the January 15th date.

3 CHAIRPERSON ANDERSON: All right.

4 So, all right --

5 Yes, Ms. Kramer, go ahead.

6 MS. KRAMER: I'm sorry, I believe --
7 I'm trying -- looking for my notes on this.

8 I believe as Mr. Mixon just said that
9 this was the one which confused me in the prior
10 case.

11 But we did get a notice that this also
12 has been moved to February 15th -- I'm sorry,
13 February 5th, not next Wednesday.

14 Our situation is going to be the same
15 as what I've just discussed earlier. It was a
16 different case, so I'll reintroduce the issues.

17 But we also will have -- not be able
18 to vote on it until our February meeting.

19 We don't -- we are in the process of
20 negotiation of a mediation and we will not,
21 again, not be able to vote until the ANC meets in
22 February which is likely to be, although we
23 haven't set the calendar yet, is likely to be
24 February 10th.

25 CHAIRPERSON ANDERSON: So, Mr. Mixon,

1 all right, so, tell me, I mean, from your
2 perspective, the date -- this hearing was
3 scheduled for January 15th, is that correct?

4 MR. MIXON: That is correct and it's
5 reflected in the transcript of the roll call
6 hearing and on the placard for the establishment.

7 CHAIRPERSON ANDERSON: All right.
8 So, you're -- and --

9 MR. MIXON: And no agreement -- no
10 continuance has been requested or consented to by
11 the applicant.

12 CHAIRPERSON ANDERSON: All right.
13 And I believe that -- so, it's my
14 understand that the Agency, based on the
15 unavailability of its investigators to do a
16 report, the Agency rescheduled this matter to
17 February the 5th.

18 MR. MIXON: Prior to this notice, the
19 applicant was unaware of that, has prepared for,
20 and anticipating the originally scheduled date
21 which February 5th would exceed the 75-day
22 requirement at 25-432(b)(1).

23 Mr. Chair, we're ready to file today
24 and proceed to hearing next week.

25 CHAIRPERSON ANDERSON: Well, hold on

1 Ms. Kramer.

2 I -- well, this is an issue that has
3 to -- you can address with -- at the later date
4 with the Board.

5 But the Agency, and I guess we will
6 figure out the legal consequences of moving this
7 matter to February 5th at 1:30 p.m. Okay?

8 So, this matter is scheduled for --
9 Yes, Ms. Kramer?

10 MS. KRAMER: I'm sorry, I'm trying to
11 get this.

12 I have in front of me the email from
13 ABRA from Kendra Goodwin, your Legal
14 Administrative Specialist, that did meet -- that
15 did move this to February 5th at 1:30.

16 CHAIRPERSON ANDERSON: I am --

17 MS. KRAMER: So, I am notified.

18 CHAIRPERSON ANDERSON: Yes, I think
19 that what they're --

20 I hear what Mr. Mixon is saying, Ms.
21 Kramer.

22 And as I stated in the first case, the
23 licensee has consented to a continuance.

24 And so, therefore, you have requested
25 a continuance and the licensee consented to

1 continuing the case, moving the date.

2 So, therefore, the 75 days that the
3 Board needs to issue a decision would be
4 exceeded.

5 What Mr. Mixon is stating in this
6 particular case, that there was no continuation.

7 The Board will not be able to comply
8 with the statute to issue a decision within 75
9 days Because, for new licenses, we are supposed
10 to issue decisions within 75 days.

11 And so, without the -- without the
12 consent of the applicant, the Board cannot exceed
13 the 75-day time line.

14 I believe what I'm being told is that,
15 because of extenuating circumstances within the
16 Agency, the Agency moved the deadline -- the
17 protest hearing to February 5th.

18 And the licensee does not contest to
19 that -- doesn't -- I'm sorry, does not agree with
20 that -- with us exceeding the 75-day time line to
21 issue an issue -- I'm sorry, to issue a decision.

22 But in this particular case, that's
23 the decision of the Board and Mr. Mixon will, in
24 his representation of his client, will pursue --
25 he has to pursue that issue.

1 But here it is, this matter is going
2 to be scheduled for February 5th, 2025 at 1:30
3 p.m.

4 I know that there are some internal
5 issues with the ANC, so therefore, if this matter
6 is going to be settled, you've stated that the
7 ANC would not meet prior to the hearing date if
8 this matter is going to be settled.

9 So, I -- there's really nothing the
10 Board can do.

11 If this matter is going to be settled
12 and if the licensee agrees to move the time line
13 to accommodate an ANC meeting to accommodate an
14 approval of a settlement agreement, fine, we can
15 do that.

16 But this hearing is going to be --
17 will be held on February 5th at 1:30 p.m. unless
18 the licensee agrees to change the date.

19 MS. KRAMER: I'm so -- I'm not -- I'm
20 sorry, I really need clarification. I'm so
21 sorry.

22 CHAIRPERSON ANDERSON: Tell me what
23 you need clarification on, ma'am.

24 MS. KRAMER: Yes.

25 I -- what I understood you to just say

1 is the applicant does not agree -- or the
2 licensee doesn't agree to the --

3 I didn't understand that. I wrote
4 down licensee, but now I'm -- doesn't agree to
5 moving it.

6 We clearly have to move it. We have
7 many issues that remain. So, we --

8 CHAIRPERSON ANDERSON: Ms. Kramer?

9 MS. KRAMER: Yes?

10 CHAIRPERSON ANDERSON: It is moved.
11 It has been moved.

12 MS. KRAMER: It is moved to February
13 5th.

14 CHAIRPERSON ANDERSON: Right.

15 MS. KRAMER: Okay.

16 CHAIRPERSON ANDERSON: And I'm saying,
17 over the objection of the licensee.

18 Okay.

19 So, the --

20 MS. KRAMER: All right.

21 CHAIRPERSON ANDERSON: The hearing is
22 scheduled for February 5th at 1:30 over the
23 objection of the licensee. Okay.

24 MS. KRAMER: Okay.

25 Now, let me -- before you go -- if you

1 -- if I may, we have the same issue with -- that
2 we had in the last case which is that we will
3 probably not -- the two outstanding hurdles that
4 we have to go through.

5 One of them is to go back with the
6 applicant for mediation on the remaining issues
7 which are several.

8 And the second one is that we, again,
9 will not meet unless we call a special meeting to
10 do this, which we could also do that, I suppose.
11 That's up to my -- the Commission.

12 But we will not -- we will unlikely
13 meet as our business meeting until after February
14 5th, shortly after February 5th.

15 So, I think it's this -- we have to do
16 the same thing that we -- that you described
17 before which is, as I understand it, is inform
18 ABCA where we are and we will believe we be and
19 hope that the applicant, as well, will agree to
20 some -- a slight slippage of the February 5th
21 date so that we can vote on a settlement
22 agreement.

23 We are attempting, as you
24 characterized, we're clearly attempting to create
25 a settlement agreement that -- which is helpful

1 to everybody, including the community.

2 So, we're -- especially the community.

3 CHAIRPERSON ANDERSON: And as I stated
4 before, if the parties truly believe that this
5 matter can be settle and will be settled, then --
6 and if the applicant or the licensee, if they say
7 to us, okay, this matter is going to be settled,
8 and so, therefore, postpone the date past
9 February 5th, we will do that.

10 But I just want to let you know that
11 we cannot postpone the hearing past February 5th
12 unless the licensee agrees to that date.

13 And if the licensee agrees to say that
14 we have a settlement agreement and that the ANC
15 just needs to formally vote on it, and so,
16 therefore, we agree to postpone it, then we will
17 do that.

18 But I just want to let you know, if
19 the licensee does not agree to extending the
20 deadline past February 5th, we have to have this
21 hearing on February 5th.

22 MS. KRAMER: So then, we go to
23 protest, I do understand that. I appreciate
24 that.

25 And for the record, we are hoping that

1 we will, as before, that we will have a --
2 further negotiation session created for the
3 mediation so that we can deal with these very
4 important issues that remain.

5 I can lay -- I don't assume that the
6 hearing -- that this context is where you want to
7 discuss those issues.

8 CHAIRPERSON ANDERSON: No, not in this
9 context, not in this context. This is just --
10 yes.

11 MS. KRAMER: I appreciate that.

12 So, that's where we are. It's the
13 same as the other one and we'll -- I will bring
14 that back to the Commission.

15 We have a new Commission which will
16 set our calendar and we'll know more Monday night
17 which is when we will have our first meeting --
18 or first meeting of the year -- of this -- of
19 2025.

20 CHAIRPERSON ANDERSON: Thank you,
21 ma'am, for that presentation.

22 As I've always stated throughout, I
23 stated before, this is my attest as Chair of the
24 Board, we support -- I support settlement.

25 Because when we have settlements, it

1 says that the community can agree.

2 And so, if this matter can truly be
3 settled, the Board supports it because, at least
4 if there's a settlement, then, the parties, at
5 the end of the day, are happy with the results.

6 If the Board makes a decision either
7 to deny the license or grant the license with or
8 without conditions, then the community might be
9 unhappy.

10 So, I do support settling matters if
11 it can truly be settled.

12 And so, I just -- I -- and I know that
13 Mr. Mixon has to defend, as an attorney, has to
14 defend the rights of his client.

15 And so, whether or not Mr. Mixon
16 agrees or disagrees with moving the date, as an
17 attorney, he has to represent zealously the
18 rights of his client.

19 So, if -- I just want to put that out
20 there that I understand that arguments that he
21 makes on behalf of his client.

22 Because, as an attorney, you have to
23 do what your client says because if your client
24 is not happy with your representation, they're
25 going to find someone else or they can report you

1 to the bar to say that you take positions that is
2 not in my best interest.

3 So, there are other factors that an
4 attorney has to take into consideration.

5 And so, I just want to put that out
6 there to say, although -- the points that he made
7 today, I understand why he's making the points.

8 And so -- and you might not think that
9 he's being flexible, but as an attorney, you have
10 to represent -- you have to do what your client
11 tells you to do.

12 And so -- but I'm hoping that the
13 parties can come to some agreement that works in
14 the best interest of everyone.

15 So, currently, this matter is --

16 MR. MIXON: Excuse me?

17 CHAIRPERSON ANDERSON: Yes, Mr. Mixon.

18 MR. MIXON: If I may, Mr. Chair, I'd
19 like to make a representation for the record.

20 We have been -- and remain -- continue
21 to be completely willing to work with the ANC.

22 However, this matter has dragged on
23 for months. It was first placarded back in
24 September.

25 My client has important financial

1 commitments related to the issuance of this
2 license.

3 They cannot open until such time that
4 the license has been granted.

5 Do delay the hearing as long as has
6 been proposed is putting an extreme financial
7 pressure on them and is, of course, in
8 contradiction of the law, state statutory law.

9 If the Board, for -- or the Agency,
10 rather, for whatever reason, exigent
11 circumstances, needs a date other than January
12 15th, why not just one week later, which would
13 still fall within the 75-day requirement.

14 CHAIRPERSON ANDERSON: I will -- I --
15 you don't need to respond, Ms. Kramer.

16 Based on our calendar, the hearing is
17 February 5th. That's the date and that's the
18 date we're going to work with and your objection,
19 for the record, is a part of the record, Mr.
20 Mixon. Thank you for your representation.

21 Ms. Kramer, he has to -- he did --
22 he's doing what he has to do, ma'am. Okay?

23 And I don't -- as a layperson, I'm
24 letting you know that he's doing, as an attorney,
25 what he has to do, ma'am. Okay?

1 So, you might --

2 Yes? Okay.

3 MS. KRAMER: I appreciate your time
4 and your attempt and I am coming into this in the
5 middle, in a sense.

6 Although I'm the Chair, I have not
7 been handling this case.

8 I am aware of what the issues are that
9 remain.

10 This is not the forum to discuss
11 those. We will have ample time to discuss them
12 and we will expect that everybody will operate in
13 good faith to try to resolve them.

14 And as you well stated, we --
15 different parties will be pleased by different
16 aspects of it, but we will operate in good faith
17 and appreciate your moving it to February 5th and
18 we will do our best to express our situation to
19 the Board so that you can operate from your end
20 appropriately.

21 So, thank you.

22 CHAIRPERSON ANDERSON: Yes, ma'am,
23 thank you very much for that representation.

24 And as I said before, this matter is
25 on the schedule for February 5th at 1:30 and we

1 will see where we are on that date. Okay?

2 MS. KRAMER: Appreciate that, thank
3 you.

4 CHAIRPERSON ANDERSON: Everyone have
5 a great day.

6 All right, thank you.

7 MS. KRAMER: All right, bye-bye.

8 (Whereupon, the above-entitled matter
9 went off the record at 11:37 a.m.)

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Before: DC ABCA

Date: 01-08-25

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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