



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

2 11:02 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case number 24-PRO-00116, the  
5 Cove, License number 120433. Mr. Orellana, can  
6 you please elevate the rights of the parties in  
7 this case?

8 MR. ORELLANA: Sure thing. Cameron  
9 Mixon, your access has been elevated. Leacy  
10 Burke, your access has been elevated. And Edward  
11 Daniels, your access has been elevated. That is  
12 all, Chairman.

13 CHAIRPERSON ANDERSON: Thank you.  
14 Good morning, everyone. Good morning, Mr. Mixon.  
15 Can you please identify yourself for the record,  
16 please?

17 MR. MIXON: Good morning to the Board.  
18 Cameron Mixon with the Veritas Law Firm, Counsel  
19 for the applicant, C-A-M-E-R-O-N, M-I-X-O-N.

20 CHAIRPERSON ANDERSON: Good morning,  
21 Mr. Mixon. Mr. Daniels, can you please identify  
22 yourself for the record by spell, state and spell  
23 your name for the record?

24 MR. DANIELS: Sure. Good morning, Mr.  
25 Chair, and Happy New Year. I'm Edward Daniels,

1 Chair of ANC 68F. Edward, E-D-W-A-R-D, Daniels,  
2 D-A-N-I-E-L-S.

3 CHAIRPERSON ANDERSON: Good morning,  
4 Mr. Daniels. And Happy New Year to you also. It  
5 appears that Ms. Burke stated that she lost  
6 audio. So can you, who is Ms. Burke, Mr.  
7 Daniels?

8 MR. DANIELS: Sure. Ms. Burke is one  
9 of the tenants of the nearest property to The  
10 Cove, and one of our constituents here in ANC  
11 68F.

12 CHAIRPERSON ANDERSON: Now is she, let  
13 me see something.

14 MR. DANIELS: And I believe that her  
15 group has standing, in addition to the ANC.

16 CHAIRPERSON ANDERSON: All right.  
17 Okay. Thank you. So Ms. Burke is a  
18 representative as a, is it a group of five or  
19 more, Mr. Mixon?

20 MR. MIXON: That's correct.

21 CHAIRPERSON ANDERSON: All right. So,  
22 Ms. Burke is here also. She is unable to speak.  
23 So, Leacy Burke, the representative for the group  
24 of five or more is current, is also here too.

25 Mr. Mixon, are there any preliminary

1 matters in this case?

2 MR. MIXON: None at this time.

3 CHAIRPERSON ANDERSON: Mr. Daniels, do  
4 you have any preliminary matters you need to  
5 bring to the attention of the Board?

6 MR. DANIELS: No.

7 CHAIRPERSON ANDERSON: And, Ms. Burke,  
8 I guess you can put something in the chat if you  
9 have any preliminary matters you need to bring to  
10 the attention of the Board.

11 MR. DANIELS: I can hear her typing.

12 MS. BURKE: And I'm back now. Sorry.  
13 I don't know what happened there. I missed  
14 everything once I got elevated. I lost my audio.

15 CHAIRPERSON ANDERSON: All right.  
16 Okay. So where we are, Ms. Burke, you are the  
17 representative for the group of five or more.  
18 And I was just asking, do you have any  
19 preliminary matters you need to bring to the  
20 attention of the Board?

21 MS. BURKE: None that I'm aware of.  
22 I just wanted to confirm that The Cove still has  
23 the space at 25 Potomac Avenue. And if they  
24 intend to proceed with their license.

25 CHAIRPERSON ANDERSON: Well, we're

1 here at a protest hearing. So Mr. Mixon is here  
2 representing the applicant. So it's, based on  
3 his representation and his appearance here today  
4 it appears that we're moving forward with having,  
5 securing a license for this location. Am I  
6 correct, Mr. Mixon? Or is there, am I missing  
7 something, sir?

8 MR. MIXON: No. That's correct, Mr.  
9 Chair.

10 CHAIRPERSON ANDERSON: All right.  
11 Thank you. Any other questions, Ms. Burke?

12 MS. BURKE: No other questions.

13 CHAIRPERSON ANDERSON: This matter is  
14 then, if this matter goes to a hearing, it's  
15 scheduled for a protest hearing on February 12th  
16 at 1:30 p.m., February 12th, 2025 at 1:30 p.m.

17 And just as an FYI, Ms. Burke, I just  
18 want to bring this to your attention. If a  
19 settlement agreement is reached between the  
20 Licensee and the ANC then your protest falls.  
21 You cannot move forward with a protest if the ANC  
22 participates in, agrees to a settlement agreement  
23 with the Licensee.

24 So just want to let you know that if  
25 that's so it behooves you to sign on to the

1 settlement agreement. Because your protest would  
2 fall. And the Board does not have the authority  
3 to move forward with a protest just with a group  
4 of five or more, if a settlement agreement has  
5 been reached with the ANC.

6 So it's just an FYI. I'm not, I'm  
7 just, as an FYI. Because I've had cases where a  
8 group of five or more, they're imploring the  
9 Board to move forward with a settlement, with a  
10 hearing, or to implore the Board to force the  
11 parties to allow them to participate in a  
12 settlement.

13 And I just want to let you know that  
14 the Board doesn't have the authority to do that,  
15 as an FYI. Okay?

16 MS. BURKE: I understand. And I hope  
17 we're helping, I hope we can reschedule our  
18 mediation to work on a settlement agreement.

19 CHAIRPERSON ANDERSON: That's fine.  
20 All right. So as I stated before, this matter is  
21 now settled. This is scheduled for a protest  
22 hearing on February 12th at 1:30 p.m.

23 Just want to remind the parties that  
24 seven days prior to the hearing you are, a PIF is  
25 required. Failure by either side to provide a

1 PIF, and disclose documents and witnesses that  
2 you'll be relying on at the hearing, the Board is  
3 empowered to provide, prevent that side from  
4 relying on documents and witnesses that have not  
5 been previously disclosed.

6 As you are aware this is a virtual  
7 hearing. All our hearings are virtual. You will  
8 have one hour to present your case. And I've  
9 been telling folks one hour to present your case.  
10 But I saw some directions that have been going  
11 out to the parties that said you have 90 minutes.

12 So I need to confirm with legal that.  
13 Because I've been telling the parties that they  
14 have one hour. But I saw a memo that goes out to  
15 the parties that says that they have 90 minutes  
16 to present their cases.

17 But one thing that is sure, you only  
18 have the opportunity to have, present five  
19 witnesses.

20 Because if this matter goes forward to  
21 a protest hearing I just want to remind the  
22 parties that only one representative can, so  
23 we're not going to have two separate cases, in  
24 the sense that we're not going to have the ANC  
25 present its case, and the protestant present its

1 case.

2 The parties need to work together,  
3 both the protestant, I'm sorry, the ANC and the  
4 group of five or more, they, you need to work  
5 together and identify one representative who will  
6 represent the parties at the protest hearing.

7 You can agree to share responsibility.  
8 However, we're not going to have two separate  
9 cases. We're just, we're going to have one case.  
10 But the parties can work out how they intend to  
11 present evidence, and documents, and witnesses if  
12 this matter moves forward to a hearing.

13 Any questions by anyone?

14 MR. MIXON: No, Mr. Chair.

15 MS. BURKE: No, Mr Chair.

16 CHAIRPERSON ANDERSON: All right.

17 Thank you very much. Well, good luck with the  
18 mediation.

19 MS. BURKE: Thank you.

20 CHAIRPERSON ANDERSON: And I hope that  
21 the parties are able to settle this matter. The  
22 Board supports settlement, because at the end of  
23 the day this is your neighborhood. And if you  
24 are able to coexist that works well.

25 If the parties are unable to settle



1 this matter then we'll see you at our hearing.

2 And give me one minute, please. All right.

3 Okay. Thank you very much. Have a great day.

4 All right. Bye.

5 MS. BURKE: Thank you.

6 MR. MIXON: Thank you.

7 (Whereupon, the above-entitled matter  
8 went off the record at 11:11 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: The Cove

Before: DC ABCA

Date: January 15, 2025

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.



-----  
Court Reporter

**NEAL R. GROSS**

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