

DISTRICT OF COLUMBIA
 + + + + +
 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 ROLL CALL HEARING

 IN THE MATTER OF :
 :
 Kittrell, Edith Mae :
 & Jessie L :
 t/a Vegas Lounge :
 1415 P Street NW : Roll Call
 Retailer CN - ANC 2F : Hearing
 License No. 001273 :
 Case #23-PRO-00003 :
 :
 (License Renewal) :

Tuesday
 January 17th, 2023

The Alcoholic Beverage Control Board
 met via WebEx videoconference, LaVerne Fletcher,
 Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

JEREMY KITTRELL, Applicant
THOMAS VASSAR, Applicant Counsel
NEIL ROCKLIN, ANC 2F
TED BROWNFIELD, SJG Properties
LYLE BLANCHARD, SJG Properties Counsel
JONATHAN GIFFORD, Metro Condominium Residents
Association (MCRA)
JENNIFER TOTH, MCRA
JOY MELBOURNE, MCRA
HERBERT HRIBAR, MCRA
LOUISE CRAIGEN, MCRA
MARTHA MOUNTAIN, MCRA
MARCIA NEWELL, MCRA
PAUL HUNTER, MCRA
CHRISTINA RUTAN, MCRA
THOMAS CASTAGNOLA, MCRA
THERESA SHANAHAN, MCRA

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

2 10:01 a.m.

3 MS. FLETCHER: Good morning, everyone.

4 We're livestreamed to YouTube now and so we'll
5 get started. My name is Laverne Fletcher. I'll
6 be conducting the roll call hearing as the
7 Board's agent. There's one hearing on the
8 calendar for today. This is the matter of Vegas
9 Lounge, Case Number 23-PRO-00003.

10 Before we get started, if you're going
11 to have any sound in your background, if you
12 could place yourself on mute. Thank you.

13 This is Kittrell, Edith Mae and Jessie
14 L, 1415 P Street NW, License Number AVR-AZ001273.
15 This is a Retailer Class C and license renewal.
16 My name is LaVerne Fletcher conducting the roll
17 call hearing as the Board's agent. The protest
18 issues in this matter are adverse impact on
19 peace, order, and quiet.

20 Is anyone present on behalf of Vegas
21 Lounge?

22 MR. VASSAR: Yes. Thomas W. Vassar,
23 attorney, on behalf of Vegas Lounge, and I also
24 have Mr. Jeremy Kittrell, the manager of Vegas
25 Lounge.

1 MS. FLETCHER: Mr. Vassar, would you
2 spell your name for the record, please?

3 MR. VASSAR: Of course. V-A-S-S-A-R,
4 just like the college.

5 MS. FLETCHER: Thank you. And the
6 same for the representative from Vegas Lounge, if
7 you could state your name and spell it for the
8 record, please?

9 MR. KITTRELL: Jeremy Kittrel, J-E-R-
10 E-M-Y, K-I-T-T-R-E-L-L.

11 MS. FLETCHER: Thank you, Mr.
12 Kittrell. Anyone present on behalf of ANC 2F?

13 (No response.)

14 MS. FLETCHER: Is anyone present on
15 behalf of ANC 2F?

16 (No response.)

17 MS. FLETCHER: Is anyone present on
18 behalf of SJG PROPERTIES?

19 MR. BROWNFIELD: Yes. Good morning.

20 MS. FLETCHER: If you could state your
21 name and spell it for the court reporter, please?

22 MR. BROWNFIELD: Sure. Ted
23 Brownfield, B-R-O-W-N-F-I-E-L-D.

24 MS. FLETCHER: Anyone else?

25 MR. BLANCHARD: And Lyle Blanchard, L-

1 Y-L-E, B-L-A-N-C-H-A-R-D.

2 MS. FLETCHER: Anyone else, Mr.
3 Blanchard?

4 MR. BLANCHARD: No. That's it. Mr.
5 Brownfield represents the LLC, and I'm their
6 counsel.

7 MS. FLETCHER: Thank you. Has anyone
8 appeared yet on behalf of ANC 2F? Is anyone
9 present on behalf of the Metro Condominium
10 Residents Association?

11 MS. MOUNTAIN: Yes, several of us.

12 MS. FLETCHER: Okay. If you would --
13 one second -- if you would each state your name
14 and spell it for the court reporter, please?

15 MR. MEYER: Well, I started talking
16 first so I'll go first. Martha Mountain, M-A-R-
17 T-H-A, last name M-O-U-N-T-A-I-N.

18 MS. FLETCHER: Thank you.

19 MR. HUNTER: I'll go second. It's
20 Paul Hunter, P-A-U-L, Hunter, H-U-N-T-E-R.

21 MS. FLETCHER: Thank you.

22 MS. NEWELL: I'll jump in as third.
23 It's Marcia, M-A-R-C-I-A, Newell, N-E-W-E-L-L.

24 MS. FLETCHER: Thank you, Ms. Newell.

25 MS. CRAIGEN: I'm next, me. I am

1 Louise Craigen, L-O-U-I-S-E, Craigen is C-R-A-I-
2 G-E-N.

3 MS. FLETCHER: Thank you.

4 MR. HRIBAR: I'll go next. My name is
5 Herbert Hribar. It's spelled H-E-R-B-E-R-T,
6 Hribar is spelled H-R-I-B-A-R.

7 MS. FLETCHER: Could you spell the
8 last name again?

9 MR. HRIBAR: Sure. It's a hard one.
10 It's H-R-I-B-A-R.

11 MS. FLETCHER: Oh. That's what I've
12 got. How do you pronounce it?

13 MR. HRIBAR: Hribar [pronouncing REE-
14 BAR].

15 MS. FLETCHER: Okay. Thank you.

16 MR. HRIBAR: You're welcome.

17 MS. SHANAHAN: I'll go next. Theresa
18 Shanahan. Theresa spelled T-H-E-R-E-S-A,
19 Shanahan, S-H-A-N-A-H-A-N.

20 MS. RUTAN: I'll go. My name is
21 Christina Rutan, C-H-R-I --

22 MS. FLETCHER: Excuse me. Ms. Rutan,
23 you have an echo in your background. Maybe you
24 signed on twice.

25 MS. RUTAN: Yes. I --

1 MS. FLETCHER: So let me --

2 MS. RUTAN: Let me turn that off. One
3 second, your honor.

4 MS. FLETCHER: Let me spell your name,
5 and if I'm correct, just say yes. Your name is
6 Christina Rutan and it's spelled C-H-R-I-S-T-I-N-
7 A, R-U-T-A-N, is that correct?

8 MS. RUTAN: Correct.

9 MS. FLETCHER: Anyone else

10 MR. GIFFORD: Yes. I'll go next.

11 Jonathan Gifford, J-O-N-A-T-H-A-N, last name is
12 Gifford, G-I-F-F-O-R-D.

13 MS. MALBON: Hi, there. I'll go next
14 if you got Mr. Gifford's name already.

15 MS. FLETCHER: Yes.

16 MS. MALBON: My name is Joy, J-O-Y,
17 last name Melbourne, M-A-L-B-O-N.

18 MS. FLETCHER: Thank you, Ms. Malbon.
19 Anyone else?

20 MR. CASTAGNOLA: Thomas Castagnola.
21 My name is at the top left I think. It's kind of
22 a hard one to spell but I can spell it out for
23 you.

24 MS. FLETCHER: It's on the bottom of
25 my screen. Names are all over the place but I

1 see your name though.

2 MR. CASTAGNOLA: Yes. T-H-O-M-A-S,
3 Castagnola, C-A-S-T-A-G-N-O-L-A.

4 MS. FLETCHER: Thank you very much.
5 Anyone else? I count 10 individuals. Who is the
6 designated representative?

7 MR. ROCKLIN: ANC 2F02, Neil Rocklin.

8 MS. FLETCHER: Who is the designated
9 representative for this group, for the Metro
10 Condominium Residents Association; who's the
11 designated representative for this group?

12 MS. MOUNTAIN: Jonathan, I think that
13 would be you since you're on the board.

14 MS. FLETCHER: Oh, I'm sorry. The
15 other thing I should tell you, if you say
16 anything, state your name first so that the court
17 reporter knows who's speaking. So can you repeat
18 that?

19 MS. MOUNTAIN: Yes. Martha Mountain.
20 I was suggesting that Jonathan should probably be
21 the designated person since he is on the board.

22 MR. GIFFORD: Yes.

23 MS. FLETCHER: That would be Jonathan
24 Gifford.

25 MR. GIFFORD: Gifford, right.

1 MS. FLETCHER: Mr. Gifford, you're
2 going to be designated representative for this
3 group?

4 MR. GIFFORD: I am, yes.

5 MS. FLETCHER: And just to clarify for
6 the record, when the protest was filed, Jennifer
7 Toth, J-E-N-N-I-F-E-R, Toth, T-O-T-H, listed
8 herself as a designated representative so Mr.
9 Gifford, is it going to be the both of you or
10 just you?

11 MR. GIFFORD: It would be both of us
12 if that's -- if that is possible. Thank you.

13 MS. FLETCHER: That'll be fine. What
14 I'm going to need is your email address. You can
15 put that in the chat if you like or --

16 MR. GIFFORD: Sure, yes I did do
17 that.(Off mic.)

18 MS. FLETCHER: -- if you don't want to
19 state it publicly, I'll just need to have your
20 email address so that future communication come
21 to you.

22 MR. GIFFORD: Okay. I'll send a
23 private chat to you so.

24 MS. FLETCHER: Okay. Thank you. So
25 this -- regarding this protest, this protest,

1 according to the protest letter, was filed by the
2 association; is that your understanding as well -
3 - filed by the condo association; is that your
4 understanding as well?

5 MR. GIFFORD: Yes. That is correct.

6 MS. FLETCHER: That's what's on the
7 line?

8 MR. GIFFORD: Jonathan Gifford
9 responding. Yes, that's correct.

10 MS. FLETCHER: Well, Mr. Gifford,
11 condominium associations do not have standing to
12 file a protest under our regulations, and that's
13 going to be pursuant to D.C. Official Code 25601.
14 There you will find a list of entities that have
15 standing to file a protest. A condominium
16 association does not have standing to file a
17 protest. There are -- so as a condominium
18 association, the protest would have to be
19 dismissed.

20 I have a question for you, though. So
21 10 of you appear today. Were you thinking that
22 you were filing as a group of individuals?

23 MR. GIFFORD: Yes, I think so.

24 MS. FLETCHER: I tell you why I'm
25 asking. The condominium association has to be

1 dismissed as a protestant, because condominiums
2 do not have standing as protestants. So what
3 that means is that a board order will be issued
4 to dismiss the condominium association as a
5 protestant. The protest letter says that the
6 condominium association is filing the protest,
7 not individuals that reside in the condominium.
8 If you had filed your protest as a group of 10
9 individuals, then you would be granted standing
10 as 10 individuals.

11 And so what's going to happen, the
12 condominium association is going to be dismissed
13 as a protestant. The condominium association is
14 going to receive an order dismissing the protest.
15 That dismissal order is going to go to the
16 condominium association, not to you as
17 individuals.

18 Upon receipt of that order dismissing
19 the condominium association, you'll have 10 days
20 upon receipt of that order to ask the Board to
21 reinstate your protest. The Board has the
22 authority to do that, of course. The Board's
23 agent, that's me, I don't have the authority to
24 grant standing to a group of individuals in a
25 case where the protest was filed by an

1 association. But you may ask the Board to
2 reconsider this finding today if your
3 understanding was that you were filing a protest
4 as a group of individuals and not as an
5 association. You can inform the ABC Board that
6 that was your intention or your understanding,
7 and the Board can decide to grant standing to you
8 as a group of 10. Any questions about that from
9 anybody?

10 MR. CASTAGNOLA: What about the -- I
11 think we had close to 40 or 50 people that were
12 part of the condo protest in writing. Those
13 people aren't considered if they're not on this
14 meeting?

15 MS. FLETCHER: So none of the people
16 are considered, not even you because the protest
17 was filed by the association, not by a group of
18 individuals. If upon receipt of the order
19 dismissing the association, the association
20 decides to ask the Board to grant standing to the
21 residents in the condominium association that
22 signed the protest letter, if the Board decides
23 to do that, then standing would be granted to the
24 entire group. So even today if standing had been
25 granted to the 10 of you that are present today,

1 that would include the additional 30 people. We
2 only need to see five people in person in order
3 to grant standing to a group no matter how large
4 the group is.

5 Mr. Gifford, do you or any of the
6 other members of the condominium association have
7 any questions?

8 MR. GIFFORD: Let me just repeat to
9 make sure that I understand. So this -- is the
10 term petition or --

11 MS. FLETCHER: Yes.

12 MR. GIFFORD: -- our petition as a
13 condo association will be dismissed because
14 condominium associations do not have standing?

15 MS. FLETCHER: Yes.

16 MR. GIFFORD: Within 10 day -- and
17 that will be emailed to us, mailed to us?

18 MS. FLETCHER: Yes. That'll be
19 emailed to -- well, right now we have Jennifer
20 Toth as the designated representative, but it
21 would be emailed to both of you.

22 MR. GIFFORD: Okay. Thank you.

23 MS. FLETCHER: I'm sorry. Go ahead,
24 Mr. Gifford. Okay. So once we receive that,
25 then we have 10 calendar days, 10 business days?

1 MS. FLETCHER: Ten calendar days.

2 MR. GIFFORD: Ten calendar days to
3 file an appeal to the Board requesting that they
4 recognize the 40 individuals who --

5 MS. FLETCHER: Yes.

6 MR. GIFFORD: -- signed our petition
7 as a group of individuals and to grant them
8 standing on this matter going forward?

9 MS. FLETCHER: that's exactly right.
10 And so you'll be filing a request for
11 reinstatement. It's not an appeal. So what
12 happens when you receive the Board order, it'll
13 tell you that if you wish to seek standing as a
14 protestant -- that's the language, but the
15 language is right there and you email the -- our
16 general counsel, I'll give you her name, and
17 she'll put your request on the Board's agenda for
18 review. Our general counsel's name is Martha
19 Jenkins, and her name is spelled
20 Martha.Jenkins@dc.gov. It's Martha Jenkins. So
21 you would write your request to the Board for
22 consideration, but send it to Martha and she'll
23 place it on the Board's agenda for review. And
24 also, Mr. Gifford, you can include in your
25 request the 10 individuals from your group who

1 are present today, and so maybe you were under
2 the impression that you filed as a group. But
3 the protest letter indicates that a protest was
4 being filed by the association.

5 MR. GIFFORD: Okay. And so may I
6 clarify one more thing? So the request for
7 reinstatement should be coming from the
8 condominium association?

9 MS. FLETCHER: It should be coming
10 from the condominium association, because that's
11 who filed the protest.

12 MR. GIFFORD: Right.

13 MS. FLETCHER: And so the condominium
14 association would be asking the Board to
15 reconsider the dismissal of the protest because
16 the intention was to file a protest on behalf of
17 the individuals, the individuals intended to file
18 a protest. I'm assuming, Mr. Gifford, that you
19 thought that you had filed the protest?

20 MR. GIFFORD: Yes.

21 MS. FLETCHER: So you and everyone
22 here thought that you had fled the protest, and
23 so that's why the 10 of you appeared. You didn't
24 know that the association filed the protest.
25 They didn't file it on behalf of a group of

1 individuals. They filed it as an association.
2 Just so that you know, the protest letter
3 actually says, "The association protests the
4 application."

5 MR. GIFFORD: Okay.

6 MS. FLETCHER: And so, you know, maybe
7 -- you know, I'm assuming they didn't -- weren't
8 aware that an association doesn't have standing
9 to file a protest.

10 MR. GIFFORD: Thank you. I think I
11 understand. So that request for reinstatement
12 should ask the Board to reinstate the complaint
13 on behalf of the 40 individuals who together --
14 you know, who have joined together to oppose --
15 or, you know, to participate in this hearing or
16 in this --

17 MS. FLETCHER: Exactly.

18 MR. GIFFORD: -- or in this
19 proceeding.

20 MS. FLETCHER: Exactly.

21 MR. GIFFORD: And that -- right -- and
22 that we would -- and then we'll -- we can
23 provide, again, the names of those individuals
24 who signed.

25 MS. FLETCHER: Well, you won't need to

1 because we already have those right here.

2 MR. GIFFORD: Okay.

3 MS. FLETCHER: I have all the names.

4 MR. GIFFORD: Okay.

5 MS. FLETCHER: And so you'll be -- the
6 association will be asking the Board to recognize
7 a group of five or more --

8 MR. GIFFORD: Okay.

9 MS. FLETCHER: -- recognize a group of
10 five or more because based on what you're saying,
11 it sounds like the intention was for the
12 individuals, the residents to file a protest.
13 That was -- that's why you're all here today.

14 MR. GIFFORD: Okay. Thank you. I
15 think I understand.

16 MS. FLETCHER: You're welcome.

17 MR. GIFFORD: I appreciate your
18 explanation.

19 MS. FLETCHER: You're very welcome.

20 And so our record will reflect all of the
21 individuals that were present today. If the
22 Board grants standing to you as a group of five,
23 you won't need to reappear for a hearing today.
24 If they do that, I'll contact you -- I'll know as
25 well -- contact you and get this -- get you back

1 on track.

2 MR. GIFFORD: All right. I appreciate
3 your help. Thank you.

4 MR. ROCKLIN: Ms. Fletcher?

5 MR. GIFFORD: Thank you very much.

6 MS. FLETCHER: You're welcome, Mr.
7 Gifford. So what we're going to do in a minute -
8 -

9 (Audio interference.)

10 MS. GIBSON: I can't tell who's
11 speaking right now. Give me a moment. I need to
12 ask if they can put themselves on mute.

13 And also, one last thing, Mr. Gifford.
14 If you have any other questions beyond today,
15 you've got my email address. You received the
16 roll call hearing notice from me, Laverne
17 Fletcher, and so --

18 MR. GIFFORD: Yes.

19 MS. FLETCHER: -- you got my contact
20 information on that notice. So feel free to
21 contact me if you have any questions beyond
22 today.

23 MR. GIFFORD: All right. Thank you
24 very much.

25 MS. FLETCHER: You are very welcome.

1 MR. ROCKLIN: Ms. Fletcher?

2 MS. FLETCHER: Who's speaking?

3 MR. ROCKLIN: This is Neil Rocklin
4 from --

5 MS. FLETCHER: Yes, Mr. Rocklin.

6 MR. ROCKLIN: -- from ANC 2F02.
7 Apologies for not being able to get on when you
8 were recognizing me.

9 MS. FLETCHER: I see you.

10 MR. ROCKLIN: Okay. Great. So I'm
11 representing ANC 2F and we filed a protest.
12 Commissioner Joe Florio, 2F03 is representing the
13 ANC 2F but is onto on today, but I am. And so
14 I'm representing NAC 2F.

15 MS. FLETCHER: Thank you. I was just
16 getting ready to discuss that with you, Mr.
17 Rocklin. First of all, could you spell your name
18 for the record?

19 MR. ROCKLIN: Certain. Neil, N-E-I-L,
20 last name Rocklin, R-O-C-K-L-I-N.

21 MS. FLETCHER: And I'm going to spell
22 Mr. Florio's name, is Joe Florio.

23 MR. ROCKLIN: Joe, J-O-E, Florio, F-L-
24 O-R-I-O.

25 MS. FLETCHER: Exactly. And just to

1 be clear on the record, initially, Mr. Florio was
2 going to appear today as the representative on
3 behalf of ANC 2F. Mr. Rocklin, I knew that you
4 were going to be present today as well, and so
5 because you are present today, ANC 2F is granted
6 standing as a protestant. Beyond today, are we
7 going to contact Mr. Florio, Mr. Rocklin, or you?

8 MR. ROCKLIN: Yes, Mr. Florio.

9 MS. FLETCHER: Okay. Thank you. And
10 so we have ANC 2F as a protestant and SJG
11 Properties does have standing as an abutting
12 property owner. Per the D.C. Geographic
13 Information System, those properties are
14 abutting.

15 MR. VASSAR: Which properties are the
16 -- I'm sorry -- Thomas Vassar.

17 MS. FLETCHER: Oh, hi, Mr. Vassar.

18 MR. VASSAR: Which properties are
19 those?

20 MS. FLETCHER: The properties that are
21 abutting are the property of Vegas Lounge, which
22 is located at 1415 P Street NW, and the property
23 of 1425 P Street NW. Those two properties are
24 abutting. That apartment building abuts the
25 establishment.

1 MR. VASSAR: So 14 -- Tom Vassar again
2 -- so SJG Properties is representing 1425 P
3 Street?

4 MS. FLETCHER: Yes. SJG Properties is
5 the protestant. They filed a protest as an
6 abutting property owner against the license
7 renewal, and SJG Properties is granted standing
8 as a protestant because, according to the D.C.
9 Geographic Information System, the properties are
10 abutting.

11 MR. VASSAR: Thank you. Ms. Fletcher,
12 Mr. Vassar again. Just for the record, I have
13 not or I don't believe Vegas Lounge has not
14 received a copy of the SJG protest or the ANC
15 protest.

16 MS. FLETCHER: Well, we sent them but
17 I'll send them to you.

18 MR. VASSAR: I appreciate it.

19 MS. FLETCHER: Okay. So I will send
20 the protest letters to you, Mr. Vassar.

21 MR. VASSAR: Please, I appreciate
22 that.

23 MS. FLETCHER: And if you have any
24 questions or concerns beyond that, you can let me
25 know.

1 MR. VASSAR: Of course.

2 MS. FLETCHER: Okay. So let -- I'm
3 making a note now to send those to you. Anything
4 else, Mr. Vassar?

5 MR. VASSAR: No. I reserve the right,
6 after receiving the letters and reviewing the
7 letters, reserve the right to protest -- object
8 to the standing of the entities involved.

9 MS. FLETCHER: Exactly. And if you
10 decide to do that, you would just make that
11 petition to the ABC Board through Martha Jenkins,
12 Martha.Jenkins@dc.gov.

13 MR. VASSAR: All right.

14 MS. FLETCHER: And she will place that
15 request on the Board's review for -- on the
16 Board's agenda for review.

17 MR. VASSAR: And then --

18 MS. FLETCHER: I'm going -- yes?

19 MR. VASSAR: My apologies. Mr. Vassar
20 again. And in the event there is a request for
21 reinstatement, I assume I'm allowed to respond to
22 that as well?

23 MS. FLETCHER: I'm sorry. What was
24 the last part of that question, Mr. Vassar?

25 MR. VASSAR: My apologies. In the

1 event there is a request for reinstatement, I
2 assume that, on behalf of Vegas Lounge, I'm
3 entitled to respond to that as well?

4 MS. FLETCHER: Yes. I'm glad you
5 mentioned that. Mr. Gifford?

6 MR. GIFFORD: Yes.

7 MS. FLETCHER: When the association
8 files a request for the Board to grant standing
9 to the group, you would need to send a copy of
10 that request to Mr. Vassar. Mr. Vassar is the
11 establishment's attorney, and so you would need
12 to -- the association would need to send a copy
13 of your request to Vegas Lounge as well to give
14 them an opportunity to respond to your request.

15 MR. GIFFORD: Okay. And how will I
16 reach Mr. Vassar? Jonathan Gifford asking.

17 MS. FLETCHER: Mr. Vassar, did you
18 want to provide your contact information now?

19 MR. VASSAR: When you send the order
20 of dismissal, can you copy me on that email, and
21 that way he can capture my email?

22 MS. FLETCHER: Well, you will be
23 included on that order of dismissal.

24 MR. VASSAR: And he will be able to
25 see my email address there?

1 MS. FLETCHER: Yes.

2 MR. VASSAR: Thank you.

3 MS. FLETCHER: You're welcome. I'm
4 going to -- and vice versa, Mr. Gifford. If Mr.
5 Vassar petitions the ABC Board regarding the
6 protest filed by SJG Properties, you would be
7 copied on it as well. Everybody has to be copied
8 on everything that comes before the Board so that
9 everybody knows what's going on and everybody has
10 an opportunity to respond to everything.

11 We need to set a date for a mediation,
12 a status hearing and a protest hearing. And Mr.
13 Gifford, you can also write these dates down. If
14 the Board grants standing to your group prior to
15 any of these dates, you'll just become a part of
16 -- you'll be put back on track. So I'm going to
17 set a date for mediation in a minute. You can
18 write that date down, too, so you can get back on
19 track. These are the dates. I'm going to give
20 you the date for the status and protest hearing
21 first.

22 The status hearing is set for February
23 15, 2023 at 10:30 a.m. The protest hearing is
24 set for March 22, 2023 at 1:30 p.m.

25 We need to set a date for mediation to

1 occur prior to February 15th. Just I'm going to
2 acknowledge the fact that Ms. Toth, you are
3 present now? Ms. Toth?

4 MS. TOTH: Yes. I'm sorry. Yes, I'm
5 here.

6 MS. FLETCHER: So Ms. Toth?

7 MS. TOTH: Yes.

8 MS. FLETCHER: Would you please state
9 your name and spell it for the record, please?

10 MS. TOTH: My name is Jennifer Toth,
11 J-E-N-N-I-F-E-R, T-O-T-H.

12 MS. FLETCHER: So Ms. Toth, you signed
13 the protest letter as the president of the Metro
14 Condominium Residents Association?

15 MS. TOTH: Yes.

16 MS. FLETCHER: I'm assuming you're
17 just joining us now?

18 MS. TOTH: Yes.

19 MS. FLETCHER: Okay. So I'm going to
20 bring you up to day on what transpired before you
21 joined. The condominium association was
22 dismissed as a protestant because condominium
23 associations do not have standing as protestants.
24 What I explained is that condominium associations
25 do not have standing as protestants, but there

1 are 10 individuals present today that reside in
2 the condominium, and they were under the
3 impression that their group of 40 had filed a
4 protest and that you had filed a protest on
5 behalf of the group of 40. Was that your
6 understanding as well?

7 MS. TOTH: Yes.

8 MS. FLETCHER: And so the protest
9 letter, because the protest letter says that the
10 association filed the protest, the protest filed
11 by the association has to be dismissed. What
12 that means is that upon receipt of the Board
13 order dismissing the association as a protestant,
14 you'll have an opportunity to ask the Board to
15 grant standing to this group of 40. It sounds
16 like that may have been your intention but that's
17 not what happened. So we have to go by what the
18 protest letter says.

19 MS. TOTH: I understand.

20 MS. FLETCHER: And so, Ms. Toth, once
21 you receive the Board order dismissing the
22 protest, if you decide to ask the Board to grant
23 standing to the group of 40 individuals, you'll
24 need to copy Mr. Vassar. Mr. Vassar is the
25 attorney representing Vegas Lounge. He's present

1 on the line today. If you request standing as a
2 protestant, you'll need to copy him on your
3 request to the Board. You'll find his contact
4 information on the order dismissing the protest.
5 Everybody's contact information will be there,
6 all of the designated representatives' contact
7 information will be there.

8 Also, Mr. Gifford -- before you
9 appeared, Mr. Gifford agreed to be a designated
10 representative for the group because you had not
11 yet appeared and we need a designated
12 representative for any group. So my question to
13 you is, will the designated representatives now
14 be you and Mr. Gifford?

15 MS. TOTH: Yes.

16 MS. FLETCHER: Thank you.

17 MR. VASSAR: Ms. Fletcher, Mr. Vassar
18 here.

19 MS. FLETCHER: Yes.

20 MR. VASSAR: I have a conflict with
21 the mediation date of February 15th -- I'm sorry
22 -- the status of February 15th. Can we possibly
23 have another date?

24 MS. FLETCHER: So the dates that I'm
25 giving you today are the dates provided to me

1 based on the Board's calendar. So I don't manage
2 the Board's calendar but -- so that's the date
3 that I have to give to you, Mr. Vassar, but if
4 you would want to change that date, also, that
5 request would go to Martha Jenkins, and the
6 designated representatives in this group. If
7 it's a joint request -- can make it a joint
8 request if everybody would be in agreement to it.
9 Otherwise, you can just request it. And I'll
10 just say one other thing, Mr. Vassar. You may
11 know this already but at the status hearing, the
12 Board will ask -- basically just be asking the
13 status of the case. You will have had mediation
14 by then. They'll want to know if mediation
15 resulted in a resolution of the matter or not.
16 So there are no decisions made at the status
17 hearing, and so -- unless there's a -- unless the
18 Board decides to address the motion for
19 reconsideration at the status hearing. You can
20 have Mr. Kittrell to appear for the status
21 hearing if you want, but if you prefer to
22 reschedule it to a day that you can come, Mr.
23 Vassar, then you can just inform Martha Jenkins,
24 and she'll get back to you about changing the
25 date.

1 MR. VASSAR: Okay. I appreciate that.

2 MS. FLETCHER: But I'll let her know.
3 But you are going to be requesting to change the
4 date, right, Mr. Vassar?

5 MR. VASSAR: I need to confer with my
6 client before I respond to that, so I will let
7 Ms. Jenkins know.

8 MS. FLETCHER: Okay. All right. So
9 Ms. Toth, how do you pronounce your last name
10 again? I think we're saying it wrong again.

11 MS. TOTH: It has a "long o," Toth,
12 but either way is fine.

13 MS. FLETCHER: Okay. So Ms. Toth,
14 what we're in the process of doing is scheduling
15 dates for upcoming proceedings. And if the Board
16 grants standing to the group of individuals prior
17 to any of these dates, then your protest will be
18 back on track, and these dates would also apply
19 to you.

20 So we have a status hearing scheduled
21 for February 15, 2023 at 10:30 a.m. That's a
22 status hearing. And there is a protest hearing
23 scheduled for March the 22nd, 2023 at 1:30 p.m.

24 And we were in the process of
25 scheduling a date for mediation. I am going to

1 give you the next available day.

2 MR. VASSAR: Ms. Fletcher, this is Mr.
3 Vassar. Are these in-person hearings? I
4 obviously --

5 MS. FLETCHER: No. Everything is
6 still virtual for now.

7 MR. VASSAR: Including the protest?

8 MS. FLETCHER: Including the protest.

9 MR. VASSAR: Okay.

10 MS. FLETCHER: So once we set a date
11 for mediation, I'll send you the Webex invitation
12 for mediation. Someone else on the staff sends
13 out Webex links for the status and protest
14 hearing, but you'll get the Webex invite from me.
15 Let's see here. So let's look at the next
16 available day. Trying to see if I can squeeze
17 you in in January. We could do it on January the
18 30th at 11:30 in the morning. Anybody's
19 available January 30, that's a Monday. That's
20 not good for everyone, then we can move to
21 February.

22 MR. VASSAR: 30th is -- sorry -- this
23 is Mr. Vassar -- 30th at 11:30 is okay.

24 MS. FLETCHER: Ms. Fletcher, Jonathan
25 Gifford here. Question, in terms of our request

1 for reinstatement, is it likely that the Board
2 will have been able to decide on that prior to
3 January 30th?

4 MS. FLETCHER: The Board meets every
5 Wednesday and by then, they will have met on the
6 18th and the 25th. If you were to get your
7 request in today, there's a possibility they
8 would see it tomorrow. If not, it would be on
9 the 25th.

10 MR. GIFFORD: Okay. And are we likely
11 to get our notice today?

12 MS. FLETCHER: So I -- actually, I'm
13 not involved in sending out notices and Board
14 orders, etcetera, but they go out pretty quickly.
15 I don't know, actually. I doubt that it's going
16 to go out today. I imagine it will go out by the
17 end of the week. That's a good question because
18 we're on a tight timeframe here in terms of the
19 status hearing, but I imagine you would have it
20 before the 25th.

21 MR. GIFFORD: If we were to go ahead
22 with the mediation on January 30th at 11:30 and
23 the Board had not yet been able to consider our
24 request for reinstatement, would we be able to
25 participate in the mediation or not?

1 MS. FLETCHER: Not as -- not -- you
2 would not be able to participate in the
3 mediation, because mediation is confidential and
4 for the parties only. And at that point, you
5 would not be a party. Let's say the Board
6 granted you standing as a group after the 30th,
7 then I would contact you and we would talk about
8 setting another mediation.

9 I should also tell you this. The ANC
10 is a protestant in this case, and if an ANC
11 enters into a settlement agreement with an
12 establishment, if there is a group of individuals
13 that have been granted standing as a protestant,
14 the group of individuals is dismissed. That may
15 not happen in this case. The NAC may not enter
16 into an agreement. We don't know yet but that's
17 just something -- I'm just telling you FYI.

18 MR. GIFFORD: So the ANC's agreement
19 would then foreclose any continued protest by the
20 owners or by SJG, is that correct?

21 MS. FLETCHER: It would be -- this
22 would be related to the group of individuals
23 only.

24 MR. GIFFORD: Oh.

25 MS. FLETCHER: Related to the group of

1 individuals only but, you know, ANCs represent
2 the entire community so ideally, your concerns
3 would be addressed in any agreement that the ANC
4 would enter into. So I don't know if you all
5 have attended ANC meetings at this point, or if
6 the ANC is aware of your group's concerns related
7 to the establishment, but you would have time to
8 share your concerns with the ANC.

9 MS. MOUNTAIN: Ms. Fletcher, I have a
10 question for you. This is Martha Mountain.

11 MS. FLETCHER: Yes.

12 MS. MOUNTAIN: Is there any -- since
13 we know that we are going to -- that the
14 association is going to be dismissed, is there
15 any reason for Jonathan and Jennifer to not send
16 the reinstatement request right away? Do they
17 have to wait to be informed, or can they just do
18 that?

19 MS. FLETCHER: Well, yes, because the
20 action has -- there's nothing -- the action
21 hasn't happened yet.

22 MS. MOUNTAIN: Thank you.

23 MS. FLETCHER: You're welcome.

24 MR. ROCKLIN: Ms. Fletcher?

25 MS. FLETCHER: Yes.

1 MR. ROCKLIN: This is Neil Rocklin
2 from ANC 2F. The date for mediation, January the
3 30th is prior to our next meeting, ANC meeting in
4 February, so I would like to delay the meeting
5 until after our ANC to give the residents an
6 opportunity to come before the ANC in February.

7 MS. FLETCHER: Okay. And when is the
8 next ANC meeting?

9 MR. ROCKLIN: It's the first Wednesday
10 in February.

11 MS. FLETCHER: That would be February
12 1?

13 MR. ROCKLIN: Yes.

14 MS. FLETCHER: Well, what about --
15 well, we could do mediation on Friday, February
16 3rd or Wednesday, February 8th anytime between
17 10:00 and 1:30.

18 MR. ROCKLIN: Either date. I have no
19 preference for either date. Does --

20 MR. VASSAR: This is the -- sorry, my
21 apologies.

22 MR. ROCKLIN: Do the other protest --
23 the other people with potential standing have any
24 preference for a date?

25 MS. FLETCHER: Well, what about --

1 okay, so Mr. Rocklin, you're okay with the 3rd or
2 the 8th. What about -- Mr. Blanchard, what about
3 SJG Properties?

4 MR. BLANCHARD: I'll let Mr.
5 Brownfield talk about his availability first.

6 MR. BROWNFIELD: Ted Brownfield, SJG
7 Properties. I can do either the 3rd or the 8th.
8 I have no preference.

9 MS. FLETCHER: Looking at the 8th.

10 MR. BLANCHARD: And my arrangements
11 counsel, I'm available either of those days as
12 well, the 3rd or the 8th of February.

13 MR. VASSAR: Ms. Fletcher, this is Mr.
14 Vassar. I'll go ahead and chime in. I'm not
15 available on February 8th.

16 MS. FLETCHER: Okay. And everybody's
17 available on February 3rd?

18 Mr. Rocklin: Yes.

19 Mr. Brownfield: Yes.

20 MR. GIFFORD: I am -- Mr. Gifford
21 here. I am not available on February 3rd.

22 MS. FLETCHER: Ms. Toth, are you
23 available on February 3rd --

24 MS. TOTH: Yes.

25 MS. FLETCHER: -- at 10 -- okay. So

1 Mr. Vassar, you're available?

2 MR. VASSAR: Yes, ma'am, on the 3rd.

3 MS. FLETCHER: On the 3rd at 10:00.

4 Mr. Rocklin, you're available on the 3rd at
5 10:00. Mr. Blanchard and Mr. Brownfield are
6 available on the 3rd at 10:00. Ms. Toth?

7 MS. TOTH: Yes.

8 MS. FLETCHER: If your group is
9 granted standing prior to that, that will be the
10 date of the mediation, and you would receive an
11 invitation to appear as well.

12 MS. TOTH: Thank you.

13 MS. FLETCHER: If your group is
14 granted standing and for some reason you don't
15 hear from me, contact me and let me know.

16 MS. TOTH: Okay.

17 MR. GIFFORD: And what was the time on
18 the 3rd?

19 MS. FLETCHER: It's 10:00 a.m. So it
20 can be anytime between 10:00 a.m. and 1:30. I
21 just chose 10:00 but if that doesn't work, then
22 we can change it. And --

23 MR. VASSAR: Ms. Fletcher, this is Mr.
24 Vassar. The protest letters that I have seen are
25 somewhat vague and simply reference peace, order,

1 and quiet. I'm wondering if the new protest can
2 be requested -- can be a little more specific
3 about what the problem is, cause we have no idea.

4 MS. FLETCHER: We'll actually have to
5 discuss that during mediation. That's all that
6 needs to be said in a protest letter. And so
7 when that's all --

8 MR. VASSAR: Okay.

9 MS. FLETCHER: -- just said, we get
10 particulars during mediation, so none of us --

11 MR. VASSAR: I guess I'm just --

12 MS. FLETCHER: -- that's all I know,
13 too, at this stage.

14 MR. VASSAR: Yes. I'm just trying to
15 find out to resolve, that's all.

16 MS. FLETCHER: I know. Sometimes we
17 get more information, sometimes we don't.

18 MR. VASSAR: Okay.

19 MS. FLETCHER: Any other --

20 MR. CASTAGNOLA: Ms. Fletcher, Thomas
21 Castagnola from the group of individuals, the 10
22 here.

23 MS. FLETCHER: Yes.

24 MR. CASTAGNOLA: I was just wondering,
25 because the signed forms were due on December

1 22nd -- or 27th, and we had -- we don't feel like
2 we had enough people that participated or we --
3 when we resubmit our paperwork, can we have more
4 individuals to group or protest that as well?

5 MS. FLETCHER: No. The petition
6 deadline to file a protest was December 27th.

7 MR. CASTAGNOLA: Yes. So we can't add
8 people to that.

9 MS. FLETCHER: You can't -- exactly.
10 But you said you have a group of 40 now?

11 MR. CASTAGNOLA: Yes, well, I think
12 so.

13 MS. FLETCHER: For us, we just need a
14 group of five, so that other 35 that you have
15 doesn't change anything on our end.

16 MR. CASTAGNOLA: Okay.

17 MS. FLETCHER: So the more you have
18 does not increase the validity of the protest.

19 MR. CASTAGNOLA: And in terms of the
20 ANC meeting, if more individuals go to that
21 meeting and express their concerns, is that like
22 documented somehow that there's like a huge
23 showing in the neighborhood, or it isn't? The
24 ANC's just going to say no one wants it or
25 something?

1 MS. FLETCHER: You know, the ANC --
2 well, the ANC can tell you what happens at those
3 community meetings. They'll hear your concerns
4 and I suppose take them into consideration. They
5 may be the same concerns that the ANC has. I
6 don't know. That's something that happens
7 outside of ABRA.

8 MR. CASTAGNOLA: So there's no value
9 of an overwhelming showing?

10 MS. FLETCHER: No, not at the -- we're
11 not involved in any community meeting at all.
12 You will just have an opportunity to inform the
13 ANC about what your concerns, which is something
14 that Mr. Rocklin requested an opportunity for
15 that to happen. That wasn't a requirement.
16 That's just something that he offered to the
17 community. It's not a requirement that he do
18 that.

19 MR. CASTAGNOLA: Thank you.

20 MS. FLETCHER: You're welcome.
21 Anything else before we close? Well, if you
22 think of anything else, everybody has my email
23 address and feel free to contact me at any time.
24 I've got mediation scheduled for Friday, February
25 3 at 10:00 a.m. I'll send out the Webex

1 invitations. And I'd like to thank everyone for
2 coming.

3 (Chorus of thank you's.)

4 MS. FLETCHER: You're welcome. I'll
5 see you on the 3rd.

6 PARTICIPANT: Thank you very much.

7 MS. FLETCHER: Okay. Thank you. The
8 roll call hearing in this matter is now
9 concluded.

10 (Whereupon, the above-entitled matter
11 went off the record at 10:50 a.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A

a.m 3:2 24:23 29:21
36:19,20 39:25 40:11
ABC 12:5 22:11 24:5
able 19:7 23:24 31:2,23
31:24 32:2
above-entitled 40:10
ABRA 1:17 39:7
abuts 20:24
abutting 20:11,14,21,24
21:6,10
acknowledge 25:2
action 33:20,20
add 38:7
additional 13:1
address 9:14,20 18:15
23:25 28:18 39:23
addressed 33:3
adverse 3:18
agenda 14:17,23 22:16
agent 1:14,17 3:7,17
11:23
agreed 27:9
agreement 28:8 32:11
32:16,18 33:3
ahead 13:23 31:21
35:14
Alcoholic 1:2,13
allowed 22:21
ANC 1:8 2:3 4:12,15 5:8
8:7 19:6,11,13 20:3,5
20:10 21:14 32:9,10
33:3,5,6,8 34:2,3,5,6
34:8 38:20 39:1,2,5
39:13
ANC's 32:18 38:24
ANCs 33:1
anybody 12:9
Anybody's 30:18
anytime 34:16 36:20
apartment 20:24
apologies 19:7 22:19
22:25 34:21
appeal 14:3,11
appear 10:21 20:2
28:20 36:11
appeared 5:8 15:23
27:9,11
Applicant 2:2,2
application 16:4
apply 29:18
appreciate 17:17 18:2
21:18,21 29:1
arrangements 35:10
asking 10:25 15:14
17:6 23:16 28:12
association 2:5 5:10
8:10 10:2,3,16,18,25

11:4,6,12,13,16,19
12:1,5,17,19,19,21
13:6,13 15:4,8,10,14
15:24 16:1,3,8 17:6
23:7,12 25:14,21
26:10,11,13 33:14
associations 10:11
13:14 25:23,24
assume 22:21 23:2
assuming 15:18 16:7
25:16
attended 33:5
attorney 3:23 23:11
26:25
Audio 18:9
authority 11:22,23
availability 35:5
available 30:1,16,19
35:11,15,17,21,23
36:1,4,6
AVR-AZ001273 3:14
aware 16:8 33:6

B

B-L-A-N-C-H-A-R-D 5:1
B-R-O-W-N-F-I-E-L-D
4:23
back 17:25 24:16,18
28:24 29:18
background 3:11 6:23
BAR 6:14
based 17:10 28:1
basically 28:12
behalf 3:20,23 4:12,15
4:18 5:8,9 15:16,25
16:13 20:3 23:2 26:5
believe 21:13
Beverage 1:2,13
beyond 18:14,21 20:6
21:24
Blanchard 2:4 4:25,25
5:3,4 35:2,4,10 36:5
board 1:2,13 8:13,21
11:3,20,21 12:1,5,7
12:20,22 14:3,12,21
15:14 16:12 17:6,22
22:11 23:8 24:5,8,14
26:12,14,21,22 27:3
28:12,18 29:15 31:1,4
31:13,23 32:5
Board's 1:14,17 3:7,17
11:22 14:17,23 22:15
22:16 28:1,2
bottom 7:24
bring 25:20
Brownfield 2:3 4:19,22
4:23 5:5 35:5,6,6,19
36:5

building 20:24
business 13:25

C

C 3:15
C-A-S-T-A-G-N-O-L-A
8:3
C-H-R-I 6:21
C-H-R-I-S-T-I-N- 7:6
C-R-A-I- 6:1
calendar 3:8 13:25 14:1
14:2 28:1,2
call 1:3,7 3:6,17 18:16
40:8
capture 23:21
case 1:9 3:9 11:25
28:13 32:10,15
Castagnola 2:9 7:20,20
8:2,3 12:10 37:20,21
37:24 38:7,11,16,19
39:8,19
cause 37:3
Certain 19:19
change 28:4 29:3 36:22
38:15
changing 28:24
chat 9:15,23
chime 35:14
Chorus 40:3
chose 36:21
Christina 2:9 6:21 7:6
clarify 9:5 15:6
Class 3:15
clear 20:1
client 29:6
close 12:11 39:21
CN 1:8
Code 10:13
college 4:4
COLUMBIA 1:1
come 9:20 28:22 34:6
comes 24:8
coming 15:7,9 40:2
Commissioner 19:12
communication 9:20
community 33:2 39:3
39:11,17
complaint 16:12
concerns 21:24 33:2,6
33:8 38:21 39:3,5,13
concluded 40:9
condo 10:3 12:12 13:13
condominium 2:4 5:9
8:10 10:11,15,17,25
11:4,6,7,12,13,16,19
12:21 13:6,14 15:8,10
15:13 25:14,21,22,24
26:2

condominiums 11:1
conducting 3:6,16
confer 29:5
confidential 32:3
conflict 27:20
consider 31:23
consideration 14:22
39:4
considered 12:13,16
contact 17:24,25 18:19
18:21 20:7 23:18 27:3
27:5,6 32:7 36:15
39:23
continued 32:19
Control 1:2,13
copied 24:7,7
copy 21:14 23:9,12,20
26:24 27:2
correct 7:5,7,8 10:5,9
32:20
counsel 2:2,4 5:6 14:16
35:11
counsel's 14:18
count 8:5
course 4:3 11:22 22:1
court 4:21 5:14 8:16
Craig 2:7 5:25 6:1,1

D

D.C 10:13 20:12 21:8
date 24:11,17,18,20,25
27:21,23 28:2,4,25
29:4,25 30:10 34:2,18
34:19,24 36:10
dates 24:13,15,19
27:24,25 29:15,17,18
day 13:16 25:20 28:22
30:1,16
days 11:19 13:25,25
14:1,2 35:11
deadline 38:6
December 37:25 38:6
decide 12:7 22:10
26:22 31:2
decides 12:20,22 28:18
decisions 28:16
delay 34:4
designated 8:6,8,11,21
9:2,8 13:20 27:6,9,11
27:13 28:6
discuss 19:16 37:5
dismiss 11:4
dismissal 11:15 15:15
23:20,23
dismissed 10:19 11:1
11:12 13:13 25:22
26:11 32:14 33:14
dismissing 11:14,18

12:19 26:13,21 27:4
DISTRICT 1:1
documented 38:22
doing 29:14
doubt 31:15
due 37:25

E

E-M-Y 4:10
echo 6:23
Edith 1:6 3:13
either 29:12 34:18,19
 35:7,11
email 9:14,20 14:15
 18:15 23:20,21,25
 39:22
emailed 13:17,19,21
enter 32:15 33:4
enters 32:11
entire 12:24 33:2
entities 10:14 22:8
entitled 23:3
establishment 20:25
 32:12 33:7
establishment's 23:11
etcetera 31:14
event 22:20 23:1
everybody 24:7,9,9
 28:8 39:22
everybody's 27:5 35:16
exactly 14:9 16:17,20
 19:25 22:9 38:9
Excuse 6:22
explained 25:24
explanation 17:18
express 38:21

F

F-L- 19:23
fact 25:2
February 24:22 25:1
 27:21,22 29:21 30:21
 34:4,6,10,11,15,16
 35:12,15,17,21,23
 39:24
feel 18:20 38:1 39:23
file 10:12,15,16 14:3
 15:16,17,25 16:9
 17:12 38:6
filed 9:6 10:1,3 11:8,25
 12:17 15:2,4,11,19,24
 16:1 19:11 21:5 24:6
 26:3,4,10,10
files 23:8
filing 10:22 11:6 12:3
 14:10
find 10:14 27:3 37:15
finding 12:2

fine 9:13 29:12
first 5:16,16 8:16 19:17
 24:21 34:9 35:5
five 13:2 17:7,10,22
 38:14
fled 15:22
Fletcher 1:14,17 3:3,5
 3:16 4:1,5,11,14,17
 4:20,24 5:2,7,12,18
 5:21,24 6:3,7,11,15
 6:22 7:1,4,9,15,18,24
 8:4,8,14,23 9:1,5,13
 9:18,24 10:6,10,24
 12:15 13:11,15,18,23
 14:1,5,9 15:9,13,21
 16:6,17,20,25 17:3,5
 17:9,16,19 18:4,6,17
 18:19,25 19:1,2,5,9
 19:15,21,25 20:9,17
 20:20 21:4,11,16,19
 21:23 22:2,9,14,18,23
 23:4,7,17,22 24:1,3
 25:6,8,12,16,19 26:8
 26:20 27:16,17,19,24
 29:2,8,13 30:2,5,8,10
 30:24,24 31:4,12 32:1
 32:21,25 33:9,11,19
 33:23,24,25 34:7,11
 34:14,25 35:9,13,16
 35:22,25 36:3,8,13,19
 36:23 37:4,9,12,16,19
 37:20,23 38:5,9,13,17
 39:1,10,20 40:4,7
Florio 19:12,22,23 20:1
 20:7,8
Florio's 19:22
foreclose 32:19
forms 37:25
forward 14:8
free 18:20 39:23
Friday 34:15 39:24
future 9:20
FYI 32:17

G

G-E-N 6:2
G-I-F-F-O-R-D 7:12
general 14:16,18
Geographic 20:12 21:9
getting 19:16
GIBSON 18:10
Gifford 2:4 7:10,11,12
 8:22,24,25,25 9:1,4,9
 9:11,16,22 10:5,8,8
 10:10,23 13:5,8,12,16
 13:22,24 14:2,6,24
 15:5,12,18,20 16:5,10
 16:18,21 17:2,4,8,14

17:17 18:2,5,7,13,18
 18:23 23:5,6,15,16
 24:4,13 27:8,9,14
 30:25 31:10,21 32:18
 32:24 35:20,20 36:17
Gifford's 7:14
give 14:16 18:11 23:13
 24:19 28:3 30:1 34:5
giving 27:25
glad 23:4
go 5:16,19 6:4,17,20
 7:10,13 11:15 13:23
 26:17 28:5 31:14,16
 31:16,21 35:14 38:20
going 3:10 9:2,9,14
 10:13 11:11,12,14,15
 14:8 18:7 19:21 20:2
 20:4,7 22:18 24:4,9
 24:16,19 25:1,19 29:3
 29:25 31:15 33:13,14
 38:24
good 3:3 4:19 30:20
 31:17
grant 11:24 12:7,20
 13:3 14:7 23:8 26:15
 26:22
granted 11:9 12:23,25
 20:5 21:7 32:6,13
 36:9,14
grants 17:22 24:14
 29:16
Great 19:10
group 8:9,11 9:3 10:22
 11:8,24 12:4,8,17,24
 13:3,4 14:7,25 15:2
 15:25 17:7,9,22 23:9
 24:14 26:3,5,15,23
 27:10,12 28:6 29:16
 32:6,12,14,22,25 36:8
 36:13 37:21 38:4,10
 38:14
group's 33:6
guess 37:11

H

H-E-R-B-E-R-T 6:5
H-R-I-B-A-R 6:6,10
H-U-N-T-E-R 5:20
happen 11:11 32:15
 39:15
happened 26:17 33:21
happens 14:12 39:2,6
hard 6:9 7:22
hear 36:15 39:3
hearing 1:3,8 3:6,7,17
 16:15 17:23 18:16
 24:12,12,20,22,23
 28:11,17,19,21 29:20

29:22,22 30:14 31:19
 40:8
hearings 30:3
help 18:3
Herbert 2:6 6:5
hi 7:13 20:17
honor 7:3
Hribar 2:6 6:4,5,6,9,13
 6:13,16
huge 38:22
Hunter 2:8 5:19,20,20

I

idea 37:3
ideally 33:2
imagine 31:16,19
impact 3:18
impression 15:2 26:3
in-person 30:3
include 13:1 14:24
included 23:23
Including 30:7,8
increase 38:18
indicates 15:3
individuals 8:5 10:22
 11:7,9,10,17,24 12:4
 12:18 14:4,7,25 15:17
 15:17 16:1,13,23
 17:12,21 26:1,23
 29:16 32:12,14,22
 33:1 37:21 38:4,20
inform 12:5 28:23 39:12
information 18:20
 20:13 21:9 23:18 27:4
 27:5,7 37:17
informed 33:17
initially 20:1
intended 15:17
intention 12:6 15:16
 17:11 26:16
interference 18:9
invitation 30:11 36:11
invitations 40:1
invite 30:14
involved 22:8 31:13
 39:11
issued 11:3
issues 3:18
it'll 14:12

J

J-E-N-N-I-F-E-R 9:7
 25:11
J-E-R- 4:9
J-O-E 19:23
J-O-N-A-T-H-A-N 7:11
J-O-Y 7:16
January 1:12 30:17,17

30:19 31:3,22 34:2
Jenkins 14:19,20 22:11
 28:5,23 29:7
Jennifer 2:5 9:6 13:19
 25:10 33:15
Jeremy 2:2 3:24 4:9
Jessie 1:6 3:13
Joe 19:12,22,23
joined 16:14 25:21
joining 25:17
joint 28:7,7
Jonathan 2:4 7:11 8:12
 8:20,23 10:8 23:16
 30:24 33:15
Joy 2:6 7:16
jump 5:22

K

K-I-T-T-R-E-L-L 4:10
kind 7:21
Kittrel 4:9
Kittrell 1:6 2:2 3:13,24
 4:9,12 28:20
knew 20:3
know 15:24 16:2,6,7,14
 16:15 17:24 21:25
 28:11,14 29:2,7 31:15
 32:16 33:1,4,13 36:15
 37:12,16 39:1,6
knows 8:17 24:9

L

L 1:6 3:14
L- 4:25
L-O-U-I-S-E 6:1
language 14:14,15
large 13:3
LaVerne 1:14,17 3:5,16
 18:16
left 7:21
let's 30:15,15 32:5
letter 10:1 11:5 12:22
 15:3 16:2 25:13 26:9
 26:9,18 37:6
letters 21:20 22:6,7
 36:24
license 1:8,10 3:14,15
 21:6
line 10:7 27:1
links 30:13
list 10:14
listed 9:7
little 37:2
livestreamed 3:4
LLC 5:5
located 20:22
long 29:11
look 30:15

Looking 35:9
Louise 2:7 6:1
Lounge 1:7 3:9,21,23
 3:25 4:6 20:21 21:13
 23:2,13 26:25
Lyle 2:4 4:25

M

M-A-L-B-O-N 7:17
M-A-R- 5:16
M-A-R-C-I-A 5:23
M-O-U-N-T-A-I-N 5:17
ma'am 36:2
Mae 1:6 3:13
mailed 13:17
making 22:3
Malbon 7:13,16,18
manage 28:1
manager 3:24
March 24:24 29:23
Marcia 2:8 5:23
Martha 2:7 5:16 8:19
 14:18,20,22 22:11
 28:5,23 33:10
Martha.Jenkins@dc....
 14:20 22:12
matter 1:5 3:8,18 13:3
 14:8 28:15 40:8,10
MCRA 2:5,5,6,6,7,7,8,8
 2:9,9,10
means 11:3 26:12
mediation 24:11,17,25
 27:21 28:13,14 29:25
 30:11,12 31:22,25
 32:3,3,8 34:2,15
 36:10 37:5,10 39:24
meeting 12:14 34:3,3,4
 34:8 38:20,21 39:11
meetings 33:5 39:3
meets 31:4
Melbourne 2:6 7:17
members 13:6
mentioned 23:5
met 1:14 31:5
Metro 2:4 5:9 8:9 25:13
MEYER 5:15
mic 9:17
minute 18:7 24:17
moment 18:11
Monday 30:19
morning 3:3 4:19 30:18
motion 28:18
Mountain 2:7 5:11,16
 8:12,19,19 33:9,10,12
 33:22
move 30:20
mute 3:12 18:12

N

N-E-I-L 19:19
N-E-W-E-L-L 5:23
NAC 19:14 32:15
name 3:5,16 4:2,7,21
 5:13,17 6:4,8,20 7:4,5
 7:11,14,16,17,21 8:1
 8:16 14:16,18,19
 19:17,20,22 25:9,10
 29:9
names 7:25 16:23 17:3
need 9:14,19 13:2
 16:25 17:23 18:11
 23:9,11,12 24:11,25
 26:24 27:2,11 29:5
 38:13
needs 37:6
neighborhood 38:23
Neil 2:3 8:7 19:3,19
 34:1
new 37:1
Newell 2:8 5:22,23,24
note 22:3
notice 18:16,20 31:11
notices 31:13
Number 3:9,14
NW 1:7 3:14 20:22,23

O

o 29:11
O-R-I-O 19:24
object 22:7
obviously 30:4
occur 25:1
offered 39:16
Official 10:13
Oh 6:11 8:14 20:17
 32:24
okay 5:12 6:15 9:22,24
 13:22,24 15:5 16:5
 17:2,4,8,14 19:10
 20:9 21:19 22:2 23:15
 25:19 29:1,8,13 30:9
 30:23 31:10 34:7 35:1
 35:1,16,25 36:16 37:8
 37:18 38:16 40:7
once 13:24 26:20 30:10
opportunity 23:14
 24:10 26:14 34:6
 39:12,14
oppose 16:14
order 3:19 11:3,14,15
 11:18,20 12:18 13:2
 14:12 23:19,23 26:13
 26:21 27:4 36:25
orders 31:14
outside 39:7
overwhelming 39:9

owner 20:12 21:6
owners 32:20

P

P 1:7 3:14 20:22,23
 21:2
P-A-U-L 5:20
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 24:24 29:23
paperwork 38:3
part 12:12 22:24 24:15
PARTICIPANT 40:6
participate 16:15 31:25
 32:2
participated 38:2
particulars 37:10
parties 32:4
party 32:5
Paul 2:8 5:20
peace 3:19 36:25
people 12:11,13,15
 13:1,2 34:23 38:2,8
person 8:21 13:2
petition 13:10,12 14:6
 22:11 38:5
petitions 24:5
place 3:12 7:25 14:23
 22:14
please 4:2,8,21 5:14
 21:21 25:8,9
point 32:4 33:5
possibility 31:7
possible 9:12
possibly 27:22
potential 34:23
prefer 28:21
preference 34:19,24
 35:8
present 1:16 2:1 3:20
 4:12,14,17 5:9 12:25
 15:1 17:21 20:4,5
 25:3 26:1,25
president 25:13
presiding 1:14
pretty 31:14
prior 24:14 25:1 29:16
 31:2 34:3 36:9
private 9:23
probably 8:20
problem 37:3
proceeding 16:19
proceedings 29:15
process 29:14,24
pronounce 6:12 29:9
pronouncing 6:13
properties 2:3,4 4:18
 20:11,13,15,18,20,23

21:2,4,7,9 24:6 35:3,7
property 20:12,21,22
 21:6
protest 3:17 9:6,25,25
 10:1,12,15,17,18 11:5
 11:6,8,14,21,25 12:3
 12:12,16,22 15:3,3,11
 15:15,16,18,19,22,24
 16:2,9 17:12 19:11
 21:5,14,15,20 22:7
 24:6,12,20,23 25:13
 26:4,4,8,9,10,10,18
 26:22 27:4 29:17,22
 30:7,8,13 32:19 34:22
 36:24 37:1,6 38:4,6
 38:18
protestant 11:1,5,13
 14:14 20:6,10 21:5,8
 25:22 26:13 27:2
 32:10,13
protestants 11:2 25:23
 25:25
protests 16:3
provide 16:23 23:18
provided 27:25
publicly 9:19
pursuant 10:13
put 9:15 14:17 18:12
 24:16

Q

question 10:20 22:24
 27:12 30:25 31:17
 33:10
questions 12:8 13:7
 18:14,21 21:24
quickly 31:14
quiet 3:19 37:1

R

R-O-C-K-L-I-N 19:20
R-U-T-A-N 7:7
reach 23:16
ready 19:16
reappear 17:23
reason 33:15 36:14
receipt 11:18,20 12:18
 26:12
receive 11:14 13:24
 14:12 26:21 36:10
received 18:15 21:14
receiving 22:6
recognize 14:4 17:6,9
recognizing 19:8
reconsider 12:2 15:15
reconsideration 28:19
record 4:2,8 9:6 17:20
 19:18 20:1 21:12 25:9

40:11
REE- 6:13
reference 36:25
reflect 17:20
regarding 9:25 24:5
regulations 10:12
reinstate 11:21 16:12
reinstatement 14:11
 15:7 16:11 22:21 23:1
 31:1,24 33:16
related 32:22,25 33:6
renewal 1:10 3:15 21:7
repeat 8:17 13:8
reporter 4:21 5:14 8:17
represent 33:1
representative 4:6 8:6
 8:9,11 9:2,8 13:20
 20:2 27:10,12
representatives 27:13
 28:6
representatives' 27:6
representing 19:11,12
 19:14 21:2 26:25
represents 5:5
request 14:10,17,21,25
 15:6 16:11 22:15,20
 23:1,8,10,13,14 27:1
 27:3 28:5,7,8,9 30:25
 31:7,24 33:16
requested 37:2 39:14
requesting 14:3 29:3
requirement 39:15,17
reschedule 28:22
reserve 22:5,7
reside 11:7 26:1
residents 2:4 5:10 8:10
 12:21 17:12 25:14
 34:5
resolution 28:15
resolve 37:15
respond 22:21 23:3,14
 24:10 29:6
responding 10:9
response 4:13,16
resubmit 38:3
resulted 28:15
Retailer 1:8 3:15
review 14:18,23 22:15
 22:16
reviewing 22:6
right 8:25 13:19 14:9,15
 15:12 16:21 17:1 18:2
 18:11,23 22:5,7,13
 29:4,8 33:16
Rocklin 2:3 8:7,7 18:4
 19:1,3,3,5,6,10,17,19
 19:20,23 20:3,7,8
 33:24 34:1,1,9,13,18

34:22 35:1,18 36:4
 39:14
roll 1:3,7 3:6,16 18:16
 40:8
Rutan 2:9 6:20,21,22,25
 7:2,6,8

S

S-H-A-N-A-H-A-N 6:19
saying 17:10 29:10
says 11:5 16:3 26:9,18
scheduled 29:20,23
 39:24
scheduling 29:14,25
screen 7:25
second 5:13,19 7:3
see 8:1 13:2 19:9 23:25
 30:15,16 31:8 40:5
seek 14:13
seen 36:24
send 9:22 14:22 21:17
 21:19 22:3 23:9,12,19
 30:11 33:15 39:25
sending 31:13
sends 30:12
sent 21:16
set 24:11,17,22,24,25
 30:10
setting 32:8
settlement 32:11
Shanahan 2:10 6:17,18
 6:19
share 33:8
she'll 14:17,22 28:24
showing 38:23 39:9
signed 6:24 12:22 14:6
 16:24 25:12 37:25
simply 36:25
SJG 2:3,4 4:18 20:10
 21:2,4,7,14 24:6
 32:20 35:3,6
somewhat 36:25
sorry 8:14 13:23 20:16
 22:23 25:4 27:21
 30:22 34:20
sound 3:11
sounds 17:11 26:15
speaking 8:17 18:11
 19:2
specific 37:2
spell 4:2,7,21 5:14 6:7
 7:4,22,22 19:17,21
 25:9
spelled 6:5,6,18 7:6
 14:19
squeeze 30:16
staff 30:12
stage 37:13

standing 10:11,15,16
 11:2,9,24 12:7,20,23
 12:24 13:3,14 14:8,13
 16:8 17:22 20:6,11
 21:7 22:8 23:8 24:14
 25:23,25 26:15,23
 27:1 29:16 32:6,13
 34:23 36:9,14
started 3:5,10 5:15
state 4:7,20 5:13 8:16
 9:19 25:8
status 24:12,20,22
 27:22 28:11,13,16,19
 28:20 29:20,22 30:13
 31:19
Street 1:7 3:14 20:22,23
 21:3
suggesting 8:20
suppose 39:4
sure 4:22 6:9 9:16 13:9
System 20:13 21:9

T

T-H-A 5:17
T-H-E-R-E-S-A 6:18
T-H-O-M-A-S 8:2
T-O-T-H 9:7 25:11
t/a 1:7
take 39:4
talk 32:7 35:5
talking 5:15
Ted 2:3 4:22 35:6
tell 8:15 10:24 14:13
 18:10 32:9 39:2
telling 32:17
Ten 14:1,2
term 13:10
terms 30:25 31:18
 38:19
thank 3:12 4:5,11 5:7
 5:18,21,24 6:3,15
 7:18 8:4 9:12,24
 13:22 16:10 17:14
 18:3,5,23 19:15 20:9
 21:11 24:2 27:16
 33:22 36:12 39:19
 40:1,3,6,7
Theresa 2:10 6:17,18
thing 8:15 15:6 18:13
 28:10
think 7:21 8:12 10:23
 12:11 16:10 17:15
 29:10 38:11 39:22
thinking 10:21
third 5:22
Thomas 2:2,9 3:22 7:20
 20:16 37:20
thought 15:19,22

tight 31:18
time 33:7 36:17 39:23
timeframe 31:18
today 3:8 10:21 12:2,24
 12:25 15:1 17:13,21
 17:23 18:14,22 19:13
 20:2,4,5,6 26:1 27:1
 27:25 31:7,11,16
Tom 21:1
tomorrow 31:8
top 7:21
Toth 2:5 9:7,7 13:20
 25:2,3,4,6,7,10,10,12
 25:15,18 26:7,19,20
 27:15 29:9,11,11,13
 35:22,24 36:6,7,12,16
track 18:1 24:16,19
 29:18
transpired 25:20
trying 30:16 37:14
Tuesday 1:11
turn 7:2
twice 6:24
two 20:23

U

understand 13:9 16:11
 17:15 26:19
understanding 10:2,4
 12:3,6 26:6
upcoming 29:15

V

V-A-S-S-A-R 4:3
vague 36:25
validity 38:18
value 39:8
Vassar 2:2 3:22,22 4:1
 4:3 20:15,16,17,18
 21:1,1,11,12,18,20,21
 22:1,4,5,13,17,19,19
 22:24,25 23:10,10,16
 23:17,19,24 24:2,5
 26:24,24 27:17,17,20
 28:3,10,23 29:1,4,5
 30:2,3,7,9,22,23
 34:20 35:13,14 36:1,2
 36:23,24 37:8,11,14
 37:18
Vegas 1:7 3:8,20,23,24
 4:6 20:21 21:13 23:2
 23:13 26:25
versa 24:4
vice 24:4
videoconference 1:14
virtual 30:6

W

W 3:22
wait 33:17
want 9:18 23:18 28:4,14
 28:21
wants 38:24
wasn't 39:15
way 23:21 29:12
we'll 3:4 16:22 37:4
we're 3:4 18:7 29:10,14
 31:18 39:10
WebEx 1:14 30:11,13
 30:14 39:25
Wednesday 31:5 34:9
 34:16
week 31:17
welcome 6:16 17:16,19
 18:6,25 24:3 33:23
 39:20 40:4
went 40:11
weren't 16:7
wish 14:13
wondering 37:1,24
work 36:21
write 14:21 24:13,18
writing 12:12
wrong 29:10

X

Y

Y-L-E 5:1
you's 40:3
YouTube 3:4

Z

0

001273 1:8

1

1 34:12
1:30 24:24 29:23 34:17
 36:20
10 8:5 10:21 11:8,10,19
 12:8,25 13:16,25,25
 14:25 15:23 26:1
 35:25 37:21
10:00 34:17 36:3,5,6,19
 36:20,21 39:25
10:01 3:2
10:30 24:23 29:21
10:50 40:11
11:30 30:18,23 31:22
14 21:1
1415 1:7 3:14 20:22
1425 20:23 21:2
15 24:23 29:21
15th 25:1 27:21,22

17th 1:12
18th 31:6

2

2023 1:12 24:23,24
 29:21,23
22 24:24
22nd 29:23 38:1
23-PRO-00003 1:9 3:9
25601 10:13
25th 31:6,9,20
27th 38:1,6
2F 1:8 2:3 4:12,15 5:8
 19:11,13,14 20:3,5,10
 34:2
2F02 8:7 19:6
2F03 19:12

3

3 39:25
30 13:1 30:19
30th 30:18,22,23 31:3
 31:22 32:6 34:3
35 38:14
3rd 34:16 35:1,7,12,17
 35:21,23 36:2,3,4,6
 36:18 40:5

4

40 12:11 14:4 16:13
 26:3,5,15,23 38:10

5

50 12:11

6

7

8

8th 34:16 35:2,7,9,12
 35:15

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Roll Call Hearing

Before: ABCB

Date: 01-17-23

Place: Videoteleconference

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

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831