

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 ROLL CALL HEARING

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 IN THE MATTER OF: :
 :
 ZMBE, LLC :
 t/a AXUM Restaurant :
 1934 9th Street NW : Roll Call
 License #119716 : Hearing
 Retailer CR - ANC 1B :
 Case #22-PRO-00006 :
 :
 (New Application) :
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Monday
 February 7, 2022

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

BERHANE ALIGAZ, Applicant
ADANECH DEBEREMESKEL, Applicant
MULUGETA MICHAEL, Applicant
EVAN SCHLOM, Protestant

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

2 (10:12 a.m.)

3 MS. FLETCHER: There is one more case
4 on the calendar that is AXUM Restaurant, ZMBE
5 LLC, Case No. 22-PRO-0006. 1934 9th Street NW,
6 License No. ABRA-119716. This is a Retailer
7 Class CR New Application. The protest issues are
8 adverse impact on peace, order, and quiet,
9 residential parking, and vehicular and pedestrian
10 safety, and real property values.

11 My name is Laverne Fletcher conducting
12 the roll call hearing as the Board's agent. Is
13 anyone present on behalf of AXUM? Is anyone
14 present on behalf of AXUM Restaurant?

15 MS. ALIGAZ: Hello?

16 MS. FLETCHER: Hello. Are you present
17 on behalf of AXUM Restaurant?

18 MS. ALIGAZ: Yes.

19 MS. FLETCHER: And your name please?

20 MS. DEBEREMESKEL: My name is Adanech,
21 A-D-A-N-E-C-H.

22 MS. FLETCHER: Uh huh.

23 MS. DEBEREMESKEL: And my last name D-
24 E-B-E-R-E-M-E-S-K-E-L. And there is also another
25 person on another line online to attend this

1 meeting.

2 MS. FLETCHER: Can you repeat that?

3 MS. DEBEREMESKEL: The owner is on
4 this meeting. He will introduce himself after
5 me.

6 MS. FLETCHER: Okay. I still didn't
7 understand what you said, but is someone else --
8 Are you saying that someone else is on the line
9 from the establishment as well?

10 MS. DEBEREMESKEL: Yes. Yes.

11 MS. ALIGAZ: Good morning. Mr.
12 Michael is here. The owner of the restaurant
13 also.

14 MS. FLETCHER: Okay. Is Mr. Michael
15 -- Is he present?

16 MR. MICHAEL: Yes.

17 MS. FLETCHER: Would you please spell
18 your name for the record?

19 MR. MICHAEL: M-U-L-U-G-E-T-A --

20 MS. FLETCHER: Uh huh.

21 MR. MICHAEL: -- and my last name is
22 M-I-C-H-A-E-L.

23 MS. FLETCHER: Thank you very much.

24 Is anyone present on behalf of ANC 1B? Okay.

25 Mr. Schlom, I see that you're present --

1 MR. SCHLOM: Yes.

2 MS. FLETCHER: -- as the abutting
3 property owner.

4 MR. SCHLOM: Yes. Evan Schlom --

5 MS. FLETCHER: Can you just state your
6 name and spell it for the record please?

7 MR. SCHLOM: Absolutely. Evan, E-V-A-
8 N. Last name is Schlom, S-C-L-O-M on my own
9 behalf.

10 MS. FLETCHER: Thank you, Mr. Schlom.
11 I just have one question. You filed as an
12 abutting property owner. And my GIS system is
13 not up this morning, but from the addresses, it
14 does appear that the building abuts because the
15 Applicant is at 1934 9th Street NW. You're at
16 1932 9th Street NW. So the only question is
17 whether or not unit 302 abuts the establishment.

18 MR. SCHLOM: It does. And in fact,
19 the Board has held as much in a previous protest
20 for a different establishment at this exact same
21 location. And the buildings have not changed
22 since then. So yes, my unit does abut.

23 MS. FLETCHER: Okay. Let me ask, is
24 the Applicant in agreement with that? Is that
25 your understanding as well?

1 MS. DEBEREMESKEL: Can you repeat that
2 again please?

3 MS. FLETCHER: Mr. Schlom -- My
4 question was whether or not Mr. Schlom's unit,
5 Number 302 abuts your establishment. And Mr.
6 Schlom has said that it has been previously
7 determined that Unit 302 does abut the location
8 of your establishment.

9 MS. DEBEREMESKEL: If I understand
10 properly, you're saying that the address is -- I
11 mean the buildings are closer?

12 MS. FLETCHER: That they touch.

13 MS. DEBEREMESKEL: I believe so, yes.

14 MS. FLETCHER: Okay. Okay, so then
15 I'm going to go ahead and grant standing to Mr.
16 Schlom as a Protestant. Is anyone present on
17 behalf of ANC 1B? ANC 1B is not present.

18 MR. SCHLOM: Ms. Fletcher, just for
19 the record to make sure I preserve any issues. I
20 am a member of the ABR Committee. I am an
21 elected member of the ABR Committee of ANC 1B.
22 So I'm happy to put myself forward as appearing
23 on behalf of ANC 1B just to preserve any
24 potential issues going forward.

25 MS. FLETCHER: Okay. Mr. Schlom, I'll

1 accept that.

2 MR. SCHLOM: Okay, thank you.

3 MS. FLETCHER: And you said you're a
4 member of the ABC Committee?

5 MR. SCHLOM: Yes, it's called the ABR
6 Committee. I know different ANCs call it
7 different things.

8 MS. FLETCHER: Yes.

9 MR. SCHLOM: So I am not a
10 Commissioner, but I am a committee member -- a
11 public committee member of the ABR Committee.

12 MS. FLETCHER: And so you're an
13 elected official as well?

14 MR. SCHLOM: No, no, no. I've been
15 elected or appointed to that position on the
16 committee. I'm an official member of the
17 committee.

18 MS. FLETCHER: Okay. So you're an
19 official member of the committee. Not an elected
20 member, but you're an official member of the
21 committee.

22 MR. SCHLOM: Correct. And I am not --
23 I am not an elected ANC Commissioner. I am not a
24 member of the ANC 1B Commission if that makes
25 sense.

1 MS. FLETCHER: Well in that case, Mr.
2 Schlom, I will not accept you as a representative
3 for ANC 1B. If you had been an elected official,
4 I would have. I'm going to dismiss ANC 1B as a
5 Protestant because they're not here. But when
6 they file their petition for reinstatement if
7 they decided to, they can mention the fact that
8 you were present in your capacity and the Board
9 can take that into consideration.

10 MR. SCHLOM: Okay. As long as it's on
11 the record that I was -- that I have appeared --
12 (simultaneous speaking)

13 MS. FLETCHER: Yes, it's on the
14 record. It's in the transcript. It's in my
15 record. It's recorded every place.

16 MR. SCHLOM: Very good. Thank you.

17 MS. ALIGAZ: Can I say something?

18 MS. FLETCHER: Yes.

19 MS. ALIGAZ: This is me and my husband
20 who are trying to start this restaurant. We're
21 not familiar with the rules and regulations, but
22 we would like to obey all the rules and
23 regulations. But some of the questions, what
24 they're asking, we might not be familiar because
25 we're new to the place.

1 MS. FLETCHER: So is there a question
2 that's been asked so far that you don't
3 understand?

4 MS. ALIGAZ: The question that -- when
5 they say the two addresses touch each other, when
6 we went to the back side, when I did see it, it
7 looks like it touched each other. I think there
8 was a misunderstanding from the previous owner
9 with the gentleman. And we're not the same
10 people. We're not related to them. It's a
11 different -- The restaurant was closed for two
12 years and we rented it. We're still renovating,
13 you know, and cleaning out and things like that
14 to start working.

15 MR. MICHAEL: May I say something
16 please?

17 MS. FLETCHER: Yes.

18 MR. MICHAEL: Okay. Last night, we
19 are in agreement with the (indiscernible due to
20 accent) agreement between us and the ANC. And we
21 signed every detail and summary. So the
22 questions that are asking now, like property
23 values, peace, order, and quiet and parking
24 stuff, we already signed every single stuff on
25 it. So if there's any questions that I'm

1 supposed to answer, that's fine. But otherwise,
2 we give all the details last time. Thank you.

3 MS. FLETCHER: Okay, thank you. This
4 is a separate matter based on the existing
5 application and so we'll proceed with this
6 application. And to answer and respond to your
7 comment -- is it Ms. Mulugeta?

8 MS. ALIGAZ: Yes.

9 MR. MICHAEL: Yes.

10 MS. FLETCHER: Okay. To respond to
11 your comment, you were saying that you don't
12 really understand what we're talking about right
13 now with regards to the abutting property owner.
14 Is that what you were saying?

15 MS. ALIGAZ: That was me who asked
16 that question.

17 MR. MICHAEL: And I can answer the
18 questions.

19 (audio interference)

20 MS. ALIGAZ: How can you -- How can
21 you double check on that? It looks like it's
22 further away. You know?

23 MS. FLETCHER: So what do you mean?

24 MS. ALIGAZ: There is restaurants next
25 to each other and I'm not sure if the buildings

1 touch Mr. -- I'm not sure if I say your name
2 right --

3 MR. SCHLOM: Evan.

4 MS. ALIGAZ: -- Mr. Evan's building.

5 MS. FLETCHER: So your address is 1934
6 9th Street NW?

7 MS. ALIGAZ: Yes, ma'am.

8 MS. FLETCHER: Mr. Scлом's address is
9 1932 9th Street NW. So it appears that the
10 buildings touch.

11 MS. ALIGAZ: Okay.

12 MS. FLETCHER: What I was saying
13 before is normally I would have checked --
14 verified that via the DC Geographic Information
15 System, but it's not operating right now.

16 MS. ALIGAZ: Okay.

17 MS. FLETCHER: So I'm just going to --
18 I'm just assuming right now that 1934 and 1932
19 touch -- those two buildings touch -- that the
20 buildings touch each other.

21 MR. MICHAEL: Okay.

22 MS. FLETCHER: Do you understand that
23 part?

24 MR. MICHAEL: Yes.

25 MS. ALIGAZ: Yes. Thank you for

1 clarifying that.

2 MS. FLETCHER: So the other question
3 was whether or not Unit 302, the unit that Mr.
4 Schlom lives in or owns touches your
5 establishment. That was the question.

6 MS. ALIGAZ: Oh.

7 MS. FLETCHER: And Mr. Schlom said
8 that in a previous case, the Board had already
9 determined that his unit abuts your address. Am
10 I right, Mr. Schlom?

11 MR. SCHLOM: Yes, that is correct.
12 ABRA Board Order 2019-544 -- that's from July 10,
13 2019 -- did establish that.

14 MS. FLETCHER: And that was Board
15 Order 2019. What's the number again, Mr. Schlom?

16 MR. SCHLOM: 2019-544 if I have it
17 correctly. And the date of that is July 10,
18 2019. I understand just for the record, that was
19 a different establishment, but at the same
20 location and in the same building as far as I'm
21 aware. Certainly no changes have been made to
22 the location of my unit. And my understanding is
23 no changes have been made that would change the
24 abutting nature of the building located at 1934
25 9th Street NW.

1 MS. FLETCHER: Does that answer your
2 question, Mr. Mulugeta?

3 MR. MICHAEL: Mmm hmm.

4 MS. FLETCHER: And so you have the
5 Board order number. You may request a copy of
6 that board order from our office if you would
7 like to. If that's something you would like to
8 do, I can email you the contact information of
9 the person you need to speak with about that.
10 Would you like me for me to do that?

11 MS. ALIGAZ: Yes.

12 MR. MICHAEL: Okay.

13 MS. ALIGAZ: Yes, please.

14 MS. FLETCHER: Okay. But for the
15 purpose of the roll call hearing today, I'm going
16 to grant standing to Mr. Schlom as an abutting
17 property owner. If after reviewing that order,
18 you disagree with that, you may always petition
19 the Board to reconsider granting standing to Mr.
20 Schlom.

21 MS. ALIGAZ: Okay. So when you say
22 that, what is exactly mean for us?

23 MS. FLETCHER: For you, what that
24 means is that Mr. Schlom, at this point is a
25 Protestant.

1 MS. ALIGAZ: Okay.

2 MS. FLETCHER: There were two
3 Protestants, ANC 1B was also a Protestant, but
4 they are not present today, so their protest is
5 dismissed. And what that means is that the Board
6 will issue an order dismissing that protest
7 because ANC 1B is not present. You will receive
8 a copy of that order. And if ANC 1B seeks
9 reinstatement as a Protestant, you'll have an
10 opportunity to respond to their request for
11 reinstatement. You can be opposed to it or say
12 it's okay.

13 MS. ALIGAZ: You mean like --

14 MS. FLETCHER: Hmm?

15 MS. ALIGAZ: It means like the things
16 that they want us to require, whether we agree or
17 not, that's what it means?

18 MS. FLETCHER: No. We haven't gotten
19 to that yet.

20 MS. ALIGAZ: Okay.

21 MS. FLETCHER: That happens during
22 mediation.

23 MS. ALIGAZ: Okay. Okay.

24 MS. FLETCHER: So we haven't gotten to
25 that point yet. Today we're just determining who

1 is a Protestant in this matter.

2 MS. ALIGAZ: Okay. Okay.

3 MS. FLETCHER: In terms of what you'll
4 agree to or not agree to, that happens during
5 mediation which we're going to schedule in just a
6 minute.

7 MS. ALIGAZ: Okay. You know, I really
8 appreciate the way you explain things because
9 this is completely a new setting for us. I work
10 in the medical field. I don't have any
11 experience in the legal part of it or the
12 restaurant part of it. We'll do anything that we
13 are told, you know, legally, but we don't want
14 anything that delays the process. We invested a
15 lot of money and a lot of time in the restaurant
16 already, so we would like to start working.

17 MS. FLETCHER: Yeah. And so there
18 won't be any delay. We're going to move forward
19 with Mr. Schlom. And if the Board decides that
20 ANC 1B is a Protestant, then we'll just include
21 him as we go along, but we won't go back.

22 MS. ALIGAZ: Okay, thank you.

23 MS. FLETCHER: We're going to keep
24 moving forward. Any other questions, Mr.
25 Mulugeta?

1 MR. MICHAEL: No.

2 MS. FLETCHER: Okay. Then we need to
3 set a date for a status hearing, a protest
4 hearing, and a date for mediation. And Mr.
5 Mulugeta, I'll explain what that means to you in
6 a moment. But for now, you can just dot down the
7 date of the next hearing, which is a status
8 hearing.

9 MS. ALIGAZ: Okay, status hearing.

10 MS. FLETCHER: There's a status
11 hearing scheduled for March the 9th. March the
12 9th at 10:30 a.m.

13 MR. MICHAEL: Okay.

14 MS. FLETCHER: There is a protest
15 hearing scheduled for April 6th -- April 6, 2022
16 at 1:30.

17 MR. MICHAEL: Okay.

18 MS. FLETCHER: Before I explain what
19 those hearings are for, I'm going to give you the
20 next available date for mediation. Mediation,
21 Ms. Mulugeta is where we talk about what you're
22 willing to agree to and what you're not willing
23 to agree to.

24 MS. ALIGAZ: Okay.

25 MS. FLETCHER: So I'm going to give

1 you the next available date for mediation. The
2 mediation is between you, the Protestant, and the
3 Board's mediator.

4 MS. ALIGAZ: Okay.

5 MS. FLETCHER: I'm the Board's
6 mediator just so that you know.

7 MS. ALIGAZ: Thank you.

8 MS. FLETCHER: So the next available
9 date for mediation is Friday, February 18, pretty
10 much any time during the day -- during that day
11 between 9:00 and 2:00 if that's a good day. Does
12 that work for you, Mr. Schlom?

13 MR. SCHLOM: Yes, it does. Preferably
14 prior to 11:00 a.m. So I'd be willing to do 9:00
15 or 9:30 on that day would be fine on Friday --
16 You're saying Friday, February 18th?

17 MS. FLETCHER: Yes. That works on
18 this end, 9 o'clock is good on the 18th if that
19 works for (audio interference)

20 MS. ALIGAZ: Yes, it works for us as
21 well.

22 MR. MICHAEL: Yes.

23 MS. FLETCHER: So that's 9:00 -- So
24 mediation is set for 9 o'clock on Friday,
25 February 18. I have a question, although I can't

1 pronounce this name. I'm sorry. Ms.

2 Deberemeskel, are you still on the line?

3 MS. DEBEREMESKEL: Yes.

4 MS. FLETCHER: So will you be
5 participating in mediation as well?

6 MS. DEBEREMESKEL: Yes.

7 MS. FLETCHER: So is February 18 at 9
8 o'clock a.m. good for you as well?

9 MS. DEBEREMESKEL: Yes, that's good
10 for me. 9:00 a.m., yes.

11 MR. SCHLOM: And Ms. Fletcher, just to
12 confirm, at least as of now, these mediations are
13 still taking place virtually?

14 MS. FLETCHER: Yes. Thanks for asking
15 that.

16 MR. SCHLOM: Okay, understood.

17 MS. FLETCHER: So the mediation will
18 take place virtually just like today. And you
19 will receive a Webex invitation from me to attend
20 the mediation the same as you received to attend
21 the roll call today.

22 MR. MICHAEL: Okay.

23 MS. DEBEREMESKEL: Okay.

24 MS. FLETCHER: And this is for the
25 Applicant's understanding. The mediation comes

1 first, then there's a status hearing where you
2 have to attend for a Board hearing to inform the
3 Board regarding the status of this case. You
4 would let them know that mediation has taken
5 place and whether or not the matter is being
6 settled.

7 MS. DEBEREMESKEL: Okay.

8 MR. MICHAEL: Okay.

9 MS. FLETCHER: If this matter is
10 resolved by way of a negotiated settlement prior
11 to February 18 and submitted to the Board for
12 review, then the status hearing will be
13 cancelled. And if the Board approves the
14 settlement agreement, the protest hearing would
15 also be cancelled. If the matter is not resolved
16 and there's a protest hearing, the Board has 90
17 days to issue its decision. So from the protest
18 hearing, there would be an additional 90 days for
19 the Board to issue a decision as to whether or
20 not the license would be issued. If you enter
21 into a settlement agreement and the Board
22 approves it, then the license would be issued
23 sooner.

24 MS. DEBEREMESKEL: Okay.

25 MS. FLETCHER: Any questions about

1 that?

2 MS. ALIGAZ: No.

3 MS. FLETCHER: Okay. All right, then
4 I'm going to conclude the roll call hearing.
5 Thank you for coming.

6 MS. ALIGAZ: Thank you.

7 MR. MICHAEL: Thank you.

8 MS. ALIGAZ: Have a nice day.

9 MS. FLETCHER: Oh, yes. Yeah, your
10 first name.

11 MR. MICHAEL: Okay, let me -- My first
12 name is M-U-L-U-G-E-T-A and my last name is
13 Michael, M-I-C-H-A-E-L. And in case you need my
14 number 301-526-3869. And next to me is my wife,
15 so we both own the restaurant.

16 MS. FLETCHER: And what's the wife's
17 name -- full name please?

18 MS. ALIGAZ: It's B-E-R-H-A-N-E.

19 MS. FLETCHER: Can you spell that
20 again?

21 MS. ALIGAZ: B-E-R-H-A-N-E.

22 MS. FLETCHER: Okay.

23 MS. ALIGAZ: Last name is Aligaz, A-L-
24 I-G-A-Z.

25 MS. FLETCHER: Thank you for that. I

1 was thinking that, that person was not present
2 and that's you. So thank you.

3 MS. ALIGAZ: That's me.

4 MS. FLETCHER: Okay. Well thank you
5 very much and any other questions from the
6 Applicant?

7 MS. ALIGAZ: No. Just you know, tell
8 us what to do and we want to start the
9 restaurant. We have a lot of -- we invested a
10 lot of money on it.

11 MS. FLETCHER: Well if you show -- if
12 you show up for mediation on February 18 at 9:00,
13 that's a good start.

14 MS. ALIGAZ: Definitely.

15 MS. FLETCHER: Okay. We'll see you
16 then.

17 MS. ALIGAZ: Thank you very much.
18 Have a nice day.

19 MR. MICHAEL: Thank you.

20 MS. FLETCHER:

21 (Whereupon, the above-entitled matter
22 went off the record at 10:34 a.m.)
23
24
25

A			
A-D-A-N-E-C-H 2:21	asking 7:24 8:22 17:14	6:21	Evan's 10:4
A-L- 19:23	assuming 10:18	completely 14:9	exact 4:20
a.m 2:2 15:12 16:14 17:8,10 20:22	attend 2:25 17:19,20 18:2	conclude 19:4	exactly 12:22
ABC 6:4	audio 9:19 16:19	conducting 2:11	existing 9:4
above-entitled 20:21	available 15:20 16:1,8	confirm 17:12	experience 14:11
ABR 5:20,21 6:5,11	aware 11:21	consideration 7:9	explain 14:8 15:5,18
ABRA 1:16 11:12	AXUM 1:6 2:4,13,14,17	control 12:8	
ABRA-119716 2:6		Control 1:2,13	F
Absolutely 4:7	B	copy 12:5 13:8	fact 4:18 7:7
abut 4:22 5:7	B-E-R-H-A-N-E 19:18 19:21	correct 6:22 11:11	familiar 7:21,24
abuts 4:14,17 5:5 11:9	back 8:6 14:21	correctly 11:17	far 8:2 11:20
abutting 4:2,12 9:13 11:24 12:16	based 9:4	CR 1:8 2:7	February 1:11 16:9,16 16:25 17:7 18:11 20:12
accent 8:20	behalf 2:13,14,17 3:24 4:9 5:17,23	D	field 14:10
accept 6:1 7:2	believe 5:13	D- 2:23	file 7:6
Adanech 1:19 2:20	BERHANE 1:18	date 11:17 15:3,4,7,20 16:1,9	filed 4:11
additional 18:18	Beverage 1:2,13	day 16:10,10,11,15 19:8 20:18	fine 9:1 16:15
address 5:10 10:5,8 11:9	board 1:2,13 4:19 7:8 11:8,12,14 12:5,6,19 13:5 14:19 18:2,3,11 18:13,16,19,21	days 18:17,18	first 18:1 19:10,11
addresses 4:13 8:5	Board's 1:14,16 2:12 16:3,5	DC 10:14	Fletcher 1:13,16 2:3,11 2:16,19,22 3:2,6,14 3:17,20,23 4:2,5,10 4:23 5:3,12,14,18,25 6:3,8,12,18 7:1,13,18 8:1,17 9:3,10,23 10:5 10:8,12,17,22 11:2,7 11:14 12:1,4,14,23 13:2,14,18,21,24 14:3 14:17,23 15:2,10,14 15:18,25 16:5,8,17,23 17:4,7,11,14,17,24 18:9,25 19:3,9,16,19 19:22,25 20:4,11,15 20:20
adverse 2:8	building 4:14 10:4 11:20,24	Deberemeskel 1:19 2:20,23 3:3,10 5:1,9 5:13 17:2,3,6,9,23 18:7,24	forward 5:22,24 14:18 14:24
agent 1:14,16 2:12	buildings 4:21 5:11 9:25 10:10,19,20	decided 7:7	Friday 16:9,15,16,24
agree 13:16 14:4,4 15:22,23		decides 14:19	full 19:17
agreement 4:24 8:19,20 18:14,21	C	decision 18:17,19	further 9:22
ahead 5:15	calendar 2:4	Definitely 20:14	
Alcoholic 1:2,13	call 1:3,7 2:12 6:6 12:15 17:21 19:4	delay 14:18	G
Aligaz 1:18 2:15,18 3:11 7:17,19 8:4 9:8 9:15,20,24 10:4,7,11 10:16,25 11:6 12:11 12:13,21 13:1,13,15 13:20,23 14:2,7,22 15:9,24 16:4,7,20 19:2,6,8,18,21,23,23 20:3,7,14,17	called 6:5	delays 14:14	gentleman 8:9
ANC 1:8 3:24 5:17,17 5:21,23 6:23,24 7:3,4 8:20 13:3,7,8 14:20	cancelled 18:13,15	detail 8:21	Geographic 10:14
ANCs 6:6	capacity 7:8	details 9:2	GIS 4:12
answer 9:1,6,17 12:1	case 1:8 2:3,5 7:1 11:8 18:3 19:13	determined 5:7 11:9	give 9:2 15:19,25
appear 4:14	case 1:8 2:3,5 7:1 11:8 18:3 19:13	determining 13:25	gotten 13:18,24
appeared 7:11	Certainly 11:21	different 4:20 6:6,7 8:11 11:19	grant 5:15 12:16
appearing 5:22	change 11:23	disagree 12:18	granting 12:19
appears 10:9	changed 4:21	dismiss 7:4	
Applicant 1:18,19,19 4:15,24 20:6	changes 11:21,23	dismissed 13:5	H
Applicant's 17:25	check 9:21	dismissing 13:6	happens 13:21 14:4
application 1:9 2:7 9:5 9:6	checked 10:13	DISTRICT 1:1	happy 5:22
appointed 6:15	clarifying 11:1	dot 15:6	hearing 1:3,7 2:12 12:15 15:3,4,7,8,9,11 15:15 18:1,2,12,14,16 18:18 19:4
appreciate 14:8	Class 2:7	double 9:21	hearings 15:19
approves 18:13,22	cleaning 8:13	due 8:19	held 4:19
April 15:15,15	closed 8:11		
asked 8:2 9:15	closer 5:11	E	
	COLUMBIA 1:1	E-B-E-R-E-M-E-S-K-E... 2:24	
	comes 17:25	E-V-A- 4:7	
	coming 19:5	elected 5:21 6:13,15,19 6:23 7:3	
	comment 9:7,11	email 12:8	
	Commission 6:24	enter 18:20	
	Commissioner 6:10,23	establish 11:13	
	committee 5:20,21 6:4 6:6,10,11,11,16,17,19	establishment 3:9 4:17 4:20 5:5,8 11:5,19	
		Evan 1:20 4:4,7 10:3	

Hello 2:15,16
hmm 12:3 13:14
huh 2:22 3:20
husband 7:19

I

I-G-A-Z 19:24
impact 2:8
include 14:20
indiscernible 8:19
inform 18:2
information 10:14 12:8
interference 9:19 16:19
introduce 3:4
invested 14:14 20:9
invitation 17:19
issue 13:6 18:17,19
issued 18:20,22
issues 2:7 5:19,24

J

July 11:12,17

K

keep 14:23

L

LaVerne 1:13,16 2:11
legal 14:11
legally 14:13
license 1:7 2:6 18:20,22
line 2:25 3:8 17:2
lives 11:4
LLC 1:6 2:5
located 11:24
location 4:21 5:7 11:20
 11:22
long 7:10
looks 8:7 9:21
lot 14:15,15 20:9,10

M

M-I-C-H-A-E-L 3:22
 19:13
M-U-L-U-G-E-T-A 3:19
 19:12
ma'am 10:7
March 15:11,11
matter 1:5 9:4 14:1 18:5
 18:9,15 20:21
mean 5:11 9:23 12:22
 13:13
means 12:24 13:5,15
 13:17 15:5
mediation 13:22 14:5
 15:4,20,20 16:1,2,9
 16:24 17:5,17,20,25
 18:4 20:12

mediations 17:12
mediator 16:3,6
medical 14:10
meeting 3:1,4
member 5:20,21 6:4,10
 6:11,16,19,20,20,24
mention 7:7
met 1:13
Michael 1:19 3:12,14,16
 3:19,21 8:15,18 9:9
 9:17 10:21,24 12:3,12
 15:1,13,17 16:22
 17:22 18:8 19:7,11,13
 20:19

minute 14:6
misunderstanding 8:8
Mmm 12:3
moment 15:6
Monday 1:11
money 14:15 20:10
morning 3:11 4:13
move 14:18
moving 14:24
Mulugeta 1:19 9:7 12:2
 14:25 15:5,21

N

N 4:8
name 2:11,19,20,23
 3:18,21 4:6,8 10:1
 17:1 19:10,12,12,17
 19:17,23
nature 11:24
need 12:9 15:2 19:13
negotiated 18:10
new 1:9 2:7 7:25 14:9
nice 19:8 20:18
night 8:18
normally 10:13
number 5:5 11:15 12:5
 19:14
NW 1:7 2:5 4:15,16 10:6
 10:9 11:25

O

o'clock 16:18,24 17:8
obey 7:22
office 12:6
official 6:13,16,19,20
 7:3
online 2:25
operating 10:15
opportunity 13:10
opposed 13:11
order 2:8 8:23 11:12,15
 12:5,6,17 13:6,8
owner 3:3,12 4:3,12 8:8
 9:13 12:17

owns 11:4

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
parking 2:9 8:23
part 10:23 14:11,12
participating 17:5
peace 2:8 8:23
pedestrian 2:9
people 8:10
person 2:25 12:9 20:1
petition 7:6 12:18
place 7:15,25 17:13,18
 18:5
please 2:19 3:17 4:6 5:2
 8:16 12:13 19:17
point 12:24 13:25
position 6:15
potential 5:24
Preferably 16:13
present 1:15,17 2:13,14
 2:16 3:15,24,25 5:16
 5:17 7:8 13:4,7 20:1
preserve 5:19,23
presiding 1:14
pretty 16:9
previous 4:19 8:8 11:8
previously 5:6
prior 16:14 18:10
proceed 9:5
process 14:14
pronounce 17:1
properly 5:10
property 2:10 4:3,12
 8:22 9:13 12:17
protest 2:7 4:19 13:4,6
 15:3,14 18:14,16,17
Protestant 1:20 5:16
 7:5 12:25 13:3,9 14:1
 14:20 16:2
Protestants 13:3
public 6:11
purpose 12:15
put 5:22

Q

question 4:11,16 5:4
 8:1,4 9:16 11:2,5 12:2
 16:25
questions 7:23 8:22,25
 9:18 14:24 18:25 20:5
quiet 2:8 8:23

R

real 2:10
receive 13:7 17:19
received 17:20

reconsider 12:19
record 3:18 4:6 5:19
 7:11,14,15 11:18
 20:22
recorded 7:15
regarding 18:3
regards 9:13
regulations 7:21,23
reinstatement 7:6 13:9
 13:11
related 8:10
renovating 8:12
rented 8:12
repeat 3:2 5:1
representative 7:2
request 12:5 13:10
require 13:16
residential 2:9
resolved 18:10,15
respond 9:6,10 13:10
restaurant 1:6 2:4,14
 2:17 3:12 7:20 8:11
 14:12,15 19:15 20:9
restaurants 9:24
Retailer 1:8 2:6
review 18:12
reviewing 12:17
roll 1:3,7 2:12 12:15
 17:21 19:4
rules 7:21,22

S

S-C-L-O-M 4:8
safety 2:10
saying 3:8 5:10 9:11,14
 10:12 16:16
schedule 14:5
scheduled 15:11,15
Schlom 1:20 3:25 4:1,4
 4:4,7,8,10,18 5:3,6,16
 5:18,25 6:2,5,9,14,22
 7:2,10,16 10:3 11:4,7
 11:10,11,15,16 12:16
 12:20,24 14:19 16:12
 16:13 17:11,16
Schlom's 5:4
Sclom's 10:8
seeks 13:8
sense 6:25
separate 9:4
set 15:3 16:24
setting 14:9
settled 18:6
settlement 18:10,14,21
show 20:11,12
side 8:6
signed 8:21,24
simultaneous 7:12

<p>single 8:24 sooner 18:23 sorry 17:1 speak 12:9 speaking 7:12 spell 3:17 4:6 19:19 standing 5:15 12:16,19 start 7:20 8:14 14:16 20:8,13 state 4:5 status 15:3,7,9,10 18:1 18:3,12 Street 1:7 2:5 4:15,16 10:6,9 11:25 stuff 8:24,24 submitted 18:11 summary 8:21 supposed 9:1 system 4:12 10:15</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 taken 18:4 talk 15:21 talking 9:12 tell 20:7 terms 14:3 thank 3:23 4:10 6:2 7:16 9:2,3 10:25 14:22 16:7 19:5,6,7 19:25 20:2,4,17,19 Thanks 17:14 things 6:7 8:13 13:15 14:8 today 12:15 13:4,25 17:18,21 told 14:13 touch 5:12 8:5 10:1,10 10:19,19,20 touched 8:7 touches 11:4 transcript 7:14 trying 7:20 two 8:5,11 10:19 13:2</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 3:7 5:9 8:3 9:12 10:22 11:18 understanding 4:25 11:22 17:25 understood 17:16 unit 4:17,22 5:4,7 11:3 11:3,9,22</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>values 2:10 8:23 vehicular 2:9 verified 10:14</p>	<p>videoconference 1:13 virtually 17:13,18</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>way 14:8 18:10 WebEx 1:13 17:19 went 8:6 20:22 wife 19:14 wife's 19:16 willing 15:22,22 16:14 work 14:9 16:12 working 8:14 14:16 works 16:17,19,20</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>years 8:12</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>ZMBE 1:6 2:4</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:30 15:16 10 11:12,17 10:12 2:2 10:30 15:12 10:34 20:22 11:00 16:14 119716 1:7 18 16:9,25 17:7 18:11 20:12 18th 16:16,18 1932 4:16 10:9,18 1934 1:7 2:5 4:15 10:5 10:18 11:24 1B 1:8 3:24 5:17,17,21 5:23 6:24 7:3,4 13:3,7 13:8 14:20</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 16:11 2019 11:13,15,18 2019-544 11:12,16 2022 1:11 15:15 22-PRO-00006 1:8 22-PRO-0006 2:5</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>301-526-3869 19:14 302 4:17 5:5,7 11:3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 15:15 6th 15:15</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 1:11</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 16:18,24 17:7 9:00 16:11,14,23 17:10 20:12 9:30 16:15 90 18:16,18 9th 1:7 2:5 4:15,16 10:6 10:9 11:25 15:11,12</p>
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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: AXUM Restaurant

Before: DCABRA

Date: 02-07-22

Place: teleconference

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