

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff
SIDON YOHANNES, Applicant Counsel
MEG ROGGENSACK, ANC 2B
GLENN ENGELMAN, Dupont Circle Citizens
Association
DOUGLAS MELCHER, Protestant Counsel
ANN NAVARO, Protestant
NOLAN GUAGENTI, Protestant

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

2 11:06 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case No. 22-PRO-00138 and Case
5 No. 22-PRO-00142, Rosemarino D'Italia, License
6 No. 109613.

7 Mr. Orellana, can you please elevate
8 the rights of the parties in this case, please?

9 MR. ORELLANA: Your access has been
10 elevated.

11 Ann Navaro, your access has been
12 elevated.

13 Glenn Engleman, your access has been
14 elevated.

15 Nolan Wagenty, your access has been
16 elevated.

17 Douglas Melcher, your access has been
18 elevated.

19 Meg Roggensack, your access has been
20 elevated.

21 That appears to be all, Chairman.

22 CHAIRPERSON ANDERSON: Thank you.
23 All right. Good morning, everyone. I would like
24 everyone to introduce themselves for the record
25 by spelling and stating your name.

1 Let's start with the Licensee.

2 MS. YOHANNES: Hi, good morning.

3 Sidon Yohannes here on behalf of the Licensee.

4 That is S-I-D-O-N, Y-O-H-A-N-N-E-S.

5 CHAIRPERSON ANDERSON: Ms. Yohannes,
6 is the Licensee on the line?

7 MS. YOHANNES: No, she's not.

8 CHAIRPERSON ANDERSON: Okay, fine.
9 All right, let's have the ANC, Ms. Roggensack.

10 MS. ROGGENSACK: Meg Roggensack, chair
11 of ANC 2B. M-E-G, R-O-G-G-E-N-S-A-C-K.

12 CHAIRPERSON ANDERSON: Good morning,
13 ma'am.

14 Mr. Engleman, please.

15 MR. ENGELMAN: Good morning. My name
16 is Glenn Engleman spelled G-L-E-N-N, last name E-
17 N-G-L-E-M-A-N. We're representing the Dupont
18 Citizens Association.

19 CHAIRPERSON ANDERSON: Good morning,
20 Mr. Melcher.

21 MR. MELCHER: I'm an attorney for the
22 group of 70-plus individuals. My name is spelled
23 D-O-U-G-L-A-S, last name M-E-L-C-H-E-R. That's
24 Douglas Melcher. Good morning.

25 CHAIRPERSON ANDERSON: Good morning.

1 I see Ms. Navaro. Can you please
2 identify yourself for the record, please?

3 MS. NAVARO: I'm Ann Navaro here on
4 behalf of the group of 70-plus individuals. Mr.
5 Melcher will be speaking for us. My name is A-N-
6 N, last name N-A-V-A-R-O.

7 CHAIRPERSON ANDERSON: Thank you.
8 Good morning.

9 Are there any preliminary matters in
10 this case? Let's start with the Licensee.

11 MR. MELCHER: Mr. Chairman --
12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Mr. Melcher,
14 I'm speaking to the Licensee, sir.

15 MR. MELCHER: I'm sorry.

16 CHAIRPERSON ANDERSON: Go ahead.

17 MS. YOHANNES: None for the Licensee.

18 CHAIRPERSON ANDERSON: Mr. Melcher?

19 MR. MELCHER: There is a pending
20 request for additional time and witnesses, which
21 was filed February 1. No opposition has been
22 filed, to my knowledge, so I believe at this
23 point it is unopposed.

24 CHAIRPERSON ANDERSON: It is on our
25 legal agenda for today, and so let me see.

1 (Pause.)

2 CHAIRPERSON ANDERSON: We will
3 disclose of that issue later on this morning,
4 sir, on our legal agenda. I know that there was
5 a -- a motion was filed. And so, prior to the
6 adjournment of this morning, the Board will vote
7 on the record to -- while the Board, since we're
8 here, that's an issue. Let me make sure it's on
9 our legal agenda.

10 (Pause.)

11 CHAIRPERSON ANDERSON: It's on our
12 legal agenda, but since the parties are here, so
13 we can vote on it. What was the motion, sir?

14 MR. MELCHER: The motion is for
15 additional time and witnesses taken into
16 consideration the fact that there are two
17 protests that have been consolidated.

18 We actually went through this process
19 in the spring the last time there was an
20 application for a substantial change by this
21 licensee, which was subsequently withdrawn. And
22 we carefully analyzed a number of witnesses we
23 would need and the amount of time.

24 We did plan on having approximately
25 the same number of witnesses. Of course, we will

1 try and shorten the presentation as much as
2 possible while keeping it effective. I certainly
3 understand that you want to keep things moving
4 along, but we wanted you to be aware ahead of
5 time that we do perceive a need for some
6 additional time and witnesses.

7 And that has to do with, in part, the
8 fact that we're representing a group of 70-plus
9 individuals, which is I think a little bit
10 unique. We also have the ANC and the DCCA,
11 possibly a representative of the MPD, and someone
12 for the business community as well as a private
13 investigator.

14 So there are a number of witnesses.
15 We have non-duplicative testimony that we would
16 like to present we think would be helpful for the
17 Board to consider.

18 CHAIRPERSON ANDERSON: Ms. Yohannes,
19 it's my understanding that this is unopposed?

20 MS. YOHANNES: Yes, that's correct.

21 CHAIRPERSON ANDERSON: It's on our
22 legal agenda to vote, but since the parties are
23 here and they're asking a question. So I make a
24 motion that the request be granted. Is there a
25 second?

1 MEMBER SHORT: Mr. Short. I second.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 seconded the motion. We will now have a roll
4 call vote.

5 Mr. Short?

6 MEMBER SHORT: Mr. Short. I agree.

7 CHAIRPERSON ANDERSON: Mr. Cato?

8 MEMBER CATO: Bobby Cato. I agree.

9 CHAIRPERSON ANDERSON: Mr. Hansen?

10 MEMBER HANSEN: Jeni Hansen. I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis?

12 (No audible response.)

13 CHAIRPERSON ANDERSON: And Mr.

14 Anderson, I agree. The matter passed 5 to 0, so
15 the Board has the motion to grant your motion.

16 All right, any other preliminary
17 matters that needs to be addressed at this
18 juncture by any party?

19 MR. MELCHER: Nothing else. Thank
20 you, Mr. Chair.

21 CHAIRPERSON ANDERSON: I'm sorry. Mr.
22 Nolan Guagenti. I apologize, sir. Can you
23 please identify yourself for the record and spell
24 and state your name, sir?

25 MR. GUAGENTI: Yes. Nolan Guagenti,

1 N-O-L-A-N, G-U-A-G-E-N-T-I. I represent the
2 group of 70 as well.

3 CHAIRPERSON ANDERSON: All right.
4 Thank you, sir. I just want to make sure that
5 the record reflects that you are present today.
6 It's not required, but since you're here, I
7 wanted the record to reflect that you're here.
8 All right, thank you.

9 All right, this matter has been
10 scheduled for a protest hearing on March 15th,
11 2023, at 1:30 p.m. Any other questions by
12 anyone? MS. YOHANNES: No, none by
13 the Licensee.

14 CHAIRPERSON ANDERSON: I just want to
15 remind all the parties that PIP are due if this
16 matter goes to a hearing that your PIP is due
17 seven days before the hearing. Failure by either
18 side, either the Protestant or the Licensee, to
19 provide documents and witnesses seven days prior
20 to the hearing, the Board is empowered to prevent
21 that side from relying on documents and witnesses
22 that have not been disclosed seven days prior to
23 the hearing. I just want to make sure that
24 everyone's aware of that.

25 The Board has granted an extension in

1 the sense that, yes, you can have more time to
2 present your case and have more witnesses. So we
3 have granted that. We don't have say it's only
4 limited to an hour.

5 But I will remind the parties that if
6 this matter goes to a hearing, because there are
7 three protestants and it appears that there might
8 be a lot of witnesses, I would ask that you
9 streamline the testimony by witnesses and we
10 enforce that to have redundant testimony.

11 I don't need a witness to say that
12 it's noisy. We all know that if that's the
13 issue. One or two person says that, but I don't
14 need ten people to come in and give the same
15 testimony.

16 So just want to remind all the
17 parties, yes, you're going to have more
18 witnesses, but make sure that each witness who
19 testify that they are not repeating the testimony
20 that was provided by the previous witness. Is
21 that clear to everyone?

22 (Pause.)

23 CHAIRPERSON ANDERSON: Okay. Good
24 luck in your mediation. If not, I will see you
25 on March 15th for this hearing. Have a great

1 day. Thank you very much.

2 MS. YOHANNES: Thank you.

3 (Whereupon, the above-entitled matter
4 went off the record at 11:16 a.m.)

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<p style="text-align: center;">A</p> <p>A-N- 5:5 a.m 3:2 11:4 above-entitled 11:3 ABRA 2:2 access 3:9,11,13,15,17 3:19 additional 5:20 6:15 7:6 addressed 8:17 adjournment 6:6 agenda 5:25 6:4,9,12 7:22 agree 8:6,8,10,14 ahead 5:16 7:4 Alcoholic 1:2,15 amount 6:23 analyzed 6:22 ANC 1:7 2:3 4:9,11 7:10 Anderson 1:16,19 3:3 3:22 4:5,8,12,19,25 5:7,13,16,18,24 6:2 6:11 7:18,21 8:2,7,9 8:11,13,14,21 9:3,14 10:23 Ann 2:5 3:11 5:3 apologize 8:22 appears 3:21 10:7 Applicant 2:2 application 1:10 6:20 approximately 6:24 asking 7:23 Association 2:4 4:18 attorney 4:21 audible 8:12 Ave 1:7 aware 7:4 9:24</p>	<p>Chairperson 1:16,19 3:3,22 4:5,8,12,19,25 5:7,13,16,18,24 6:2 6:11 7:18,21 8:2,7,9 8:11,13,21 9:3,14 10:23 change 1:11 6:20 Charge 1:12 Circle 2:3 Citizens 2:3 4:18 clear 10:21 COLUMBIA 1:1 come 10:14 community 7:12 Connecticut 1:7 consider 7:17 consideration 6:16 consolidated 6:17 Control 1:2,15 correct 7:20 Counsel 2:2,4 course 6:25 Cover 1:12 CT 1:7</p>	<p style="text-align: center;">F</p> <p>fact 6:16 7:8 Failure 9:17 February 1:14 5:21 filed 5:21,22 6:5 fine 4:8</p> <p style="text-align: center;">G</p> <p>G-L-E-N-N 4:16 G-U-A-G-E-N-T-I 9:1 give 10:14 Glenn 2:3 3:13 4:16 Go 5:16 goes 9:16 10:6 going 10:17 good 3:23 4:2,12,15,19 4:24,25 5:8 10:23 Grandis 1:20 8:11 grant 8:15 granted 7:24 9:25 10:3 great 10:25 group 4:22 5:4 7:8 9:2 Guagenti 2:5 8:22,25 8:25</p>	<p>licensee 4:1,3,6 5:10,14 5:17 6:21 9:13,18 limited 10:4 line 4:6 little 7:9 LLC 1:6 lot 10:8 luck 10:24</p>
<p style="text-align: center;">B</p> <p>behalf 4:3 5:4 believe 5:22 Beverage 1:2,15 bit 7:9 Board 1:2,15 6:6,7 7:17 8:15 9:20,25 Bobby 1:19 8:8 business 7:12</p>	<p style="text-align: center;">D</p> <p>D'Italia 1:6 3:5 D-O-U-G-L-A-S 4:23 day 11:1 days 9:17,19,22 DC 2:2 DCCA 7:10 disclose 6:3 disclosed 9:22 DISTRICT 1:1 documents 9:19,21 Donovan 1:16,19 Douglas 2:4 3:17 4:24 due 9:15,16 Dupont 2:3 4:17</p>	<p style="text-align: center;">H</p> <p>Hansen 1:20 8:9,10,10 hearing 1:7 9:10,16,17 9:20,23 10:6,25 helpful 7:16 Hi 4:2 hour 10:4</p>	<p style="text-align: center;">M</p> <p>M-E-G 4:11 M-E-L-C-H-E-R 4:23 ma'am 4:13 March 9:10 10:25 matter 1:5 8:14 9:9,16 10:6 11:3 matters 5:9 8:17 mediation 10:24 MEETING 1:3 Meg 2:3 3:19 4:10 Melcher 2:4 3:17 4:20 4:21,24 5:5,11,13,15 5:18,19 6:14 8:19 Member 1:19,20,20,21 8:1,6,8,10 met 1:16 morning 3:23 4:2,12,15 4:19,24,25 5:8 6:3,6 motion 6:5,13,14 7:24 8:3,15,15 moving 7:3 MPD 7:11</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: Rosemarino D'Italia

Before: DCABRA

Date: 02-15-23

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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