# DISTRICT OF COLUMBIA <br> + + + + + <br> ALCOHOLIC BEVERAGE CONTROL BOARD <br> + + + + + <br> ROLL CALL HEARING 

| IN THE MATTER OF: |
| :---: |
| VYB Enterprises, LLC |
| t/a Vybrations |
| Restaurant \& Lounge |
| 1123 H Street NE |
| Retailer CR - ANC 6A |
| License No. 123389 |
| Case \#23-PRO-00018 |
| (New License Applica |

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

PRESENT:
LAVERNE FLETCHER, ABRA Board's Agent

## ALSO PRESENT:

SEAN MORRIS, Applicant Counsel
ERIN SULLIVAN, ANC 6A ROBYN DORSEY WILLIS, Condominium Association
DAG ANDARGATCHEW, Condominium Association
SIMA JAFFARI, Condominium Association

MEGAN KOLODGY, Protestant MATTHEW BROOKS, Protestant MICHAEL MASON, Protestant SCOTT RUDOLPH, Protestant<br>TRISTAM PERRY, Protestant<br>MARIA HOVDEN PERRY, Protestant<br>DEVIN FISH, Protestant<br>FRANK NICKERSON, Protestant<br>EVAN NORTHUP, Protestant<br>MEGAN UZZELL, Protestant<br>KATHERINE LITTLE-RICHARDSON, Protestant<br>MALCOLM RICHARDSON, Protestant<br>DAN VLADIMER, Protestant<br>RACHEL VLADIMER, Protestant<br>WILLIAM BELCHER, Protestant<br>MARGARET BELCHER, Protestant<br>EUGENIA KIM, Protestant JOSHUA KOSTER, Protestant<br>BRIAN SULLIVAN, Protestant

P-R-O-C-E-E-D-I-N-G-S
10:06 a.m.

MS. FLETCHER: So good morning, everyone. Thank you for joining ABRA's roll call hearings via the WebEx platform.

So I'm hearing somebody in the background. I don't know who, I can't tell who it is. But please mute yourself if there's any noise, talking, any sound in the background. Please place yourself on mute. Thank you.

My name is Laverne Fletcher. I'll be conducting the roll call hearings as the Board's agent. There are two cases on the calendar today. The first one is Vybrations Restaurant and Lounge, Case Number 23-PRO-00018, VYB Enterprises, LLC, 1123 H St., NE, License Number ABRA 123389.

This is a retailer Class CR new license application. The protest issues are adverse impact on peace, order, and quiet, residential parking, and vehicular and pedestrian safety, and real property values.

My name is Laverne Fletcher, conducting the roll call hearing on behalf of -as the Board's Agent. Is anyone present on
behalf of Vybrations?
MR. MORRIS: Good morning, Ms. Fletcher, this is Sean Morris appearing on behalf of the Applicants.

MS. FLETCHER: Thank you, Mr. Morris. Is anyone present -- so we have four groups of five. So I'm just going to go down the list and name the designated representative that we have and ask you if you're present. Is Megan Kolodgy present?

MS. KOLODGY: Yes, I am present.
MS. FLETCHER: Okay. Could you state your name and spell it for the record, please?

MS. KOLODGY: Sure. My name is Megan M-E-G-A-N, Kolodgy, which is K-O-L-O-D, as in David, G as in George, Y.

MS. FLETCHER: Ms. Kolodgy, is anyone else present from your group today?

MS. KOLODGY: Yes. I have Scott Rudolph, I have Matt Brooks, and I have Michael, Mike Mason.

MS. FLETCHER: If each one of those individuals would state their names and spell their them for the record, please.

MR. RUDOLPH: My name Scott Rudolph,
it's S-C-O-T-T R-U-D-O-L-O-P-H.
MS. FLETCHER: Thank you.
MR. BROOKS: My name is Matt Brooks, or Matthew Brooks, it's M-A-T-T-H-E-W, Brooks is B-R-O-O-K-S. Thank you.

MS. FLETCHER: Thank you.
MR. MASON: Hello, my name is Michael Mason, M-I-C-H-A-E-L, last name Mason, M-A-S-O-N.

MS. FLETCHER: And I'm assuming that everyone signed the protest letter?

MR. MASON: Yes, ma'am.
MS. FLETCHER: Thank you. There are four members from your group present today. What that means is that your group is granted conditional standing today. And at least one additional person will need to appear at the upcoming status hearing, which I'll give you the date for. But the group is granted conditional standing.

MS. KOLODGY: Thank you. Yeah, we're tracking that, appreciate it.

MS. FLETCHER: You're very welcome.
There is a second group of five or more. Is Tristram Perry here?

MR. PERRY: Yes, I am. This is

Tristram Perry.
(Audio interferrence.)
MR. PERRY: I'm here.
MS. FLETCHER: Okay. Mr. Perry, would you spell your name for the record, please?

MR. PERRY: $T$ as in Tango, $R$ as in Romeo, $I$ as in India, $S$ as in Sam, $T$ again, $R$ again, $A$ as in Alpha, $M$ as in Mike, Perry, $P$ as in Peter, $E$, double $R, Y$.

MS. FLETCHER: Any other members from your group present today?

MR. PERRY: Yes, I do. I have Evan Northrup, Devin Fish, Maria Hovden Perry, and Frank Nickerson.

MS. FLETCHER: Thank you very much. If those individuals would state their names and spell them for the record, please.

MS. NORTHUP: This is Evan Northurp, E-V-A-N, last name, N-O-R-T-H-U-P.

MS. FLETCHER: Next person?
MR. NICKERSON: This is Frank Nickerson, F-R-A-N-K, last name, N-I-C-K-E-R-S-O$N$.

MS. PERRY: Maria Hovden Perry, M-A-R-I-A H-O-V-D-E-N P-E-R-R-Y.

MS. FLETCHER: How did you spell your middle name, Ms. Perry?

MS. PERRY: H-O-V-D-E-N.
MS. FLETCHER: Oh, okay. I got it. Anyone else?

MR. FISH: Devin Fish, D-E-V-I-N F-I-S-H.

MS. FLETCHER: Anyone else?
Okay, I count five members of your group present today which means that your group is granted standing as a protestant.

There is another group of five. Is Megan Uzzell here?

MS. UZZELL: Yes, I am here.
MS. FLETCHER: Would you spell your name for the record, please?

MS. UZZELL: Sure. My first name is Megan, M like Mary, E, G like Goat, A, N like Nancy, Uzzell, U like Umbrella, Z like Zebra, Z like Zebra, E, L like Lamp, L like Lamp.

MS. FLETCHER: Thank you, Ms. Uzzell. Any other members from your group present today.

MS. UZZELL: Yes. I see Malcolm Richardson, Dan Vladimer, and John Myers. I may have missed others as I was trying to scroll on
the side. But I'll defer to them to introduce themselves, if that's okay with you.

MS. FLETCHER: Yes, perfect, thank you. You can just state your name and spell it for the record.

MR. RICHARDSON: Hi, I'm Malcolm Richardson. It's M-A-L-C-O-L-M R-I-C-H-A-R-D-S-$\mathrm{O}-\mathrm{N}$.

MS. FLETCHER: Thank you. Anyone else?

MS. VLADIMER: Rachel Vladimer, R-A-C-H-E-L V-L-A-D-I-M-E-R.

MS. FLETCHER: Rachel, state your last name again.

MS. VLADIMER: Vladimer.
MS. FLETCHER: Okay.
MS. VLADIMER: V as in Victor, L-A-D-I-M-E-R.

MS. FLETCHER: Okay. Thank you.
MS. VLADIMER: Thank you.
MS. FLETCHER: Uh-huh, you're welcome. The next person?

Okay, so --
MS. LITTLE-RICHARDSON: I'm actually here. I'm on a cell phone. Yeah, my name should
be on the list, Katherine Little-Richardson. MS. FLETCHER: Spell that, Ms.

Richardson.
MS. LITTLE-RICHARDSON: Yes. It's Katherine, K-A-T-H-E-R-I-N-E, the last name is Little, L-I-T-T-L-E, space, R-I-C-H-A-R-D-S-O-N.

MS. FLETCHER: Thank you. Anyone else?

MR. VLADIMER: Yes, Dan Vladimer, first name Dan, D-A-N, last name V as in Victor, L-A-D as in David, I - M as in Mike, E-R.

MS. FLETCHER: Thank you, Mr.
Vladimer. Anyone else?
I count five. That means that your group is granted standing as a protestant. We have one more group of five. Is William Belcher here?

MR. BELCHER: Yes, ma'am, I am.
MS. FLETCHER: Mr. Belcher, would you spell your name for the record, please?

MR. BELCHER: Yes. It's W-I-L-L-I-AM, last name is Belcher, B-E-L-C-H-E-R.

MS. FLETCHER: Anyone else from your group present today?

MR. BELCHER: Yes, ma'am. I have

Margaret Belcher, Brian Sullivan, Eugenia Kim, and Josh Koster.

MS. FLETCHER: Thank you. If each of you would state your name and spell it for the record, please?

MS. BELCHER: All right. This is Margaret Belcher. It's Margaret, M-A-R-G-A-R-ET, last name Belcher, B-E-L-C-H-E-R.

MS. FLETCHER: Belcher. The next person?

MS. KIM: Eugenia Kim, E-U-G-E-N-I-A K-I-M.

MS. FLETCHER: Oh, K-I-N?
MS. KIM: M like Mary.
MS. FLETCHER: Okay, thank you.
MS. KIM: Thank you.
MS. FLETCHER: The next person?
MR. SULLIVAN: Brian Sullivan, B-R-I-A-N S-U-L-L-I-V-A-N.

MS. FLETCHER: Mr. Sullivan. Anyone else?

MR. KOSTER: Yes, Joshua Koster, J-O-S-H-U-A, Koster, K-O-S-T-E-R.

MS. FLETCHER: Thank you, sir. Anyone else?

I count five. That means that your group is granted standing as protestants. And so we have four groups of five or more.

Megan Kolodgy, your group is granted conditional standing with one more person needing to appear at the upcoming status hearing. And the other three groups are granted full standing.

We also have what appears to be a condo association. Is Mr. C-O-I-T, is that Coit, Christopher Coit, present?

MR. ANDARGATCHEW: Hi, Ms. Fletcher, Chris is not available today, but there is few of us online from the condo.

MS. FLETCHER: So we can start with you then.

MR. ANDARGATCHEW: My name is Dag Andargatchew. And on the line with me, I believe, Robyn Dorsey and Sarah Valero are there. MS. FLETCHER: And if you could spell your name, please.

MR. ANDARGATCHEW: Sure. It's D-A-G, first name, last name, Andargatchew, it's A-N-D-A-R-G-A-T-C-H-E-W.

MS. FLETCHER: Thank you. And the next person?

MS. VALERO: Hi, good morning, this is Sarah Valero, S-A-R-A-H V-A-L-E-R-O.

MS. FLETCHER: Did you say V like
Victor?
MS. VALERO: V as in Victor, A - L, as in Lewis, E-R-O.

MS. FLETCHER: Okay, thank you.
MS. VALERO: Yes, thank you.
MS. FLETCHER: Anybody else?
MR. ANDARGATCHEW: Robyn, you're on mute if you're speaking.

MS. DORSEY WILLIS: Yes, can you hear me now?

MS. FLETCHER: Yes.
MS. DORSEY WILLIS: Okay, sorry.
Okay, I was having a problem on the computer and the phone.

It's Robyn Dorsey Willis, R-O-B-Y-N, Dorsey, D-O-R-S-E-Y, Willis, W-I-L-L-I-S.

MS. FLETCHER: Thank you very much. Anybody else from this group?

And so who's representing this group today, or is there a designated representative for this group today? So according to our record -- and it doesn't matter, I'm just asking just
for clarity.
MS. DORSEY WILLIS: Yes, this is Robyn here. I'm representing on behalf of Chris today.

MS. FLETCHER: Okay. Is that Sarah?
MS. DORSEY WILLIS: Robyn.
MS. FLETCHER: Robyn, okay, you're here for Chris today. Okay. I have a question for you.

MS. DORSEY WILLIS: Sure.
MS. FLETCHER: I read your protest letters. I just need to clarify your intent. So there are two things going on in your protest letter. One thing is that you start out mentioning that you're filing the protest as a condominium association.

But then as you go on, it gets to the point where it appears that you are filing your protest as a group of five or more. So do you know what your intention was in filing the protest? Are you trying to file it as both a condo association and as a group of five?

MS. DORSEY WILLIS: That's a great question. I guess whichever works --

MS. VALERO: Robyn, sorry, maybe I can chime in. Because I was in --
(Simultaneous Speaking.)
MS. FLETCHER: Excuse me. The other thing, before you speak, let the court reporter know who's speaking. So, Robyn, you were just speaking.

MS. VALERO: Yes, this Sarah.
MS. FLETCHER: Somebody else is going to speak now?

MS. VALERO: Yes, this is Sarah
Valero.
MS. FLETCHER: Okay.
MS. VALERO: I was trying to chime in, because I was part of the conversation with Chris Coit and the Council member for the 6 ANC. We were trying to get some guidance as to what would be the best format for us to file the protest.

And the last piece of advice that we received is that, because we are an abutting property, so we're right next to the space where the Applicant intends to open the business, that it was better for us to submit the letter as a condo association.

However, because we are comprised of individual owners, we did have some of our owners that wanted to sign the protest letter also
individually. I hope that helps.
MS. FLETCHER: Yeah, it's helpful. And so your -- so condominium associations do not have standing to file a protest. If you were filing as a condominium association, that protest is dismissed, because condominium associations do not have standing as protestants.

And so now we are left with, it appears that we're left with the group. Because I have the signatures of numerous people that signed the protest letter. Normally if it's a condominium association, one person signs. But in this case there is a list of signatures.

And so that's why I was trying to get some clarity if your intention was to file as a group or as a condominium association. The condominium association, that's dismissed, so we're left with the group. So is your intention to proceed as a group?

MS. VALERO: Yes.
MS. FLETCHER: So what I'm going to do is this. The condominium association is dismissed, because your protest letter did start out saying that you were filing the protest as a condominium association.

But because you went on to say something more and appeared to have signed as a group, I'm going to grant conditional standing to a group of five or more. Let me give you a present today, which means that two additional people who were not present today will need to appear at the upcoming status hearing.

MS. VALERO: Thank you.
MS. FLETCHER: Okay, thank you. So, Ms. Willis, you're representing, how do you pronounce his last name, Christopher Coit?

MS. DORSEY WILLIS: Yes, Christopher Coit.

MS. FLETCHER: I'm going to spell that for the record. Christopher is spelled C-H-R-I-S-T-O-P-H-E-R, the last name is spelled C-O-I-T.

MS. DORSEY WILLIS: Correct.
MS. FLETCHER: And also for the court reporter, Mr. Morris, I'm going to spell your name, because I forgot to ask you to do it. It's spelled S-E-A-N, Sean Morris, M-O-R-R-I-S. Mr. Morris is the attorney for Vybrations Restaurant. So, Ms. Willis, do you have any questions about what just happened?

MS. DORSEY WILLIS: No ma'am, I'm all
set.
MS. FLETCHER: Going forward we'll still continue to list Christopher Coit as the designated representative unless --

MS. DORSEY WILLIS: Yes.
MS. FLETCHER: -- unless you tell us that you --
(Simultaneous Speaking.)
MS. DORSEY WILLIS: And Chris is perfect, thank you.

MS. FLETCHER: Okay, thank you.
Then we have the ANC. ANC 6A filed a protest --

MS. MAI: Hi, we're also here for the Buho's Restaurant roll call meeting. Where on the agenda is that?

MS. FLETCHER: We haven't called that case yet. That case hasn't been called yet.

MS. MAI: But it is happening during this meeting today?

MS. FLETCHER: That case is on the calendar for today, but it hasn't been called yet.

MS. MAI: So should we remain on the call then?

MS. FLETCHER: Yes, because -- well yes, because the case has to be called.

MS. MAI: Perfect, okay. We will go ahead and stand by. Thank you.

MS. FLETCHER: Okay. So I don't know if the court reporter needs to know who you are since the case hasn't been called. But would you state your name?

MS. MAI: This is Jessica Mai, M-A-I.
MS. FLETCHER: Okay, Ms. Mai, and you're here for Buho's, B-U-H-O'S, Restaurant?

MS. MAI: BUHO'S, yes, thank you.
MS. FLETCHER: Okay, thank you.
ANC 6A is also a protestant. Is anyone present on behalf of ANC 6A?

MS. SULLIVAN: Yes, this is Erin Sulllivan. I'm a chair of the Alcoholic Beverage Licensing Committee for ANC 6A appearing on behalf of ANC 6A. And my name is spelled Erin, E-R-I-N, last name Sullivan, S-U-L-L-I-V-A-N.

MS. FLETCHER: Thank you. Anyone else from ANC 6A today?

MS. SULLIVAN: I don't believe so.
MS. FLETCHER: Ms. Sullivan, ANC 6A does have standing as a protestant. I have a
question for you though.
MS. SULLIVAN: Yes.
MS. FLETCHER: We have listed the names of four people from ANC 6 A as representatives. Can you pick one for us, please?

MS. SULLIVAN: Yes, I think
Commissioner Mike Velasquez is going to be the designated representative going forward.

MS. FLETCHER: Do you know the spelling of his name?

MS. SULLIVAN: Yes. Bear with me one second to make sure I get it correct.

MS. FLETCHER: Okay.
MS. SULLIVAN: Okay, so his first name is Mike, M-I-K-E.

MS. FLETCHER: Yes.
MS. SULLIVAN: And his last name is Velasquez, V as in Victor, E, L as in Lima, A-S-Q-U-E-Z.

MS. FLETCHER: Thank you very much. We need to set a date for mediation, a status hearing, and a protest hearing. I'm going to give you the date for the status and protest hearing first. The status hearing is scheduled
for April the 5th, April the 5th at 10:30 a.m. for the status hearing. The protest hearing is set for May the 3rd, May the 3rd at 1:30 p.m. for the protest hearing.

I will give you the next available day for mediation. The next available day for mediation is Wednesday, March 15. Wednesday is a Board hearing day, so if anyone believes they will have a hearing before the Board on Wednesday the 15th, then that's not going to be a good day. But it is available. And that would be any time between 10:00 and 1:30.

So I'll start with you, Mr. Morris. Is that a good day for you?

MR. MORRIS: I was just checking. I believe it is. If you give me just one more minute. I apologize.

MS. FLETCHER: Yeah, because I know you may have something else on the Board's calendar.

MR. MORRIS: Yeah. Thank you for your indulgence. I just need one more minute.

MS. FLETCHER: You're welcome.
MS. JAFFARI: Ms. Fletcher, while he's looking, I came in a little late to the meeting.

MS. FLETCHER: That's okay. Who's speaking?

MS. JAFFARI: My name is Sima, it's spelled S like Sam, I, M like Mary, A, last name is Jaffari. It's spelled J-A-F-F, like Frank, A-R-I. I'm with Megan Kolodgy's group. We're in protest of the club, the Vybrations club. I don't know if you already called our group, but I need to leave here in about five minutes. I just wanted to announce myself.

MS. FLETCHER: Well, yeah, that's the one that we're still in right now.

MS. JAFFARI: Okay.
MS. FLETCHER: So which group are you a part of?

MS. JAFFARI: Megan Kolodgy's group.
MS. FLETCHER: Okay.
MS. JAFFARI: Yeah.
MS. FLETCHER: Okay, I'll record that you were here.

MS. JAFFARI: Okay, thank you. I didn't want to interrupt later. Thank you.

MS. FLETCHER: No, that's fine. You can go ahead. I won't hold you.

Ms. Kolodgy?

MS. KOLODGY: Yes.
MS. FLETCHER: That means that there are five people present from your group today, not four.

MS. KOLODGY: Perfect.
MS. FLETCHER: So that means that, rather than your being granted conditional standing today, your group is granted full standing.

MS. KOLODGY: Amazing. Thank you.
MS. FLETCHER: Thank you, Ms. Jaffari.
MS. JAFFARI: Thank you.
MS. FLETCHER: You're very welcome.
MR. MORRIS: And, Ms. Fletcher, this is Sean Morris again. March 15th is a fine day for me.

MS. FLETCHER: Okay. Well, then what about -- I'm going to start with Ms. Kolodgy. Is the 15th a good day for you, Wednesday, the 15th, anytime between 10:00 and 1:30?

MS. KOLODGY: Yeah, it's fine for me personally. So just for my own edification, would I be the only one from my group who needs to attend, or do we have to --

MS. FLETCHER: You're the only one
that needs to attend.
MS. KOLODGY: Okay, then yeah, I can do that.

MS. FLETCHER: What about Tristram Perry?

MR. PERRY: Tristram, and I'm okay between 10:00 and 1:00 p.m.

MS. FLETCHER: And what about Ms. Uzzell?

MS. UZZELL: I should be able to make that work as long as I can participate virtually that day.

MS. FLETCHER: As long as you can do what?

MS. UZZELL: Participate virtually, if that's possible.

MS. FLETCHER: Yeah, all of our proceedings are virtual right now so --

MS. UZZELL: Awesome.
MS. FLETCHER: -- you're good. Yes.
MS. UZZELL: Okay, thank you.
MS. FLETCHER: You're welcome.
Mr. Belcher, what about you?
MR. BELCHER: Yes, ma'am, we can make that work.

MS. FLETCHER: Okay. So we are left with Ms. Sullivan. Actually, no, not Ms. Sullivan, Robyn, Ms. Willis. Are you going to be appearing on behalf of the group, or was Mr. Coit, C-O-I-T?

Ms. Willis?
MS. DORSEY WILLIS: Sorry, to be determined. It will be either one of us.

MS. FLETCHER: So would that day be good, the 15th?

MS. DORSEY WILLIS: Yes.
MS. FLETCHER: Thank you.
Ms. Sullivan?
MS. DORSEY WILLIS: Thank you.
MS. FLETCHER: You're very welcome. Ms. Sullivan, will that work for you?

MS. SULLIVAN: Yes, this is Erin Sullivan. That will work for us, and it will be either me or Mr. Velasquez who will pickup.

MS. FLETCHER: Okay. One second.
Okay, Mr. Perry, you are available anytime between 10:00 and 1:00, so how about if we just make it for 10:30?

MR. PERRY: Yes, ma'am, can do.
MS. FLETCHER: We'll begin at 10:30,
okay. Well then, guess what, that's what it'll be. Let me add that to the calendar. Give me one second.

We have mediation scheduled for March 15 at 10:30 a.m. Does anybody have any questions at all?

You'll receive a WebEx invitation from me to attend the mediation. And the status and protest hearings, those invitations come from someone else. But I will be sending you the invitation for mediation. And if you have any questions, you can call me. I mean, well, you can call me, but you can send me an email as well. Any questions anybody?

Well, I should thank everyone for coming. The matter of Vybrations Restaurant and Lounge is concluded.

MR. RICHARDSON: Thank you, Ms. Fletcher.
(Whereupon, the above-entitled matter went off the record at 10:34 a.m.)


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Neal R. Gross and Co., Inc. Washington DC

This is to certify that the foregoing transcript

In the matter of: Vybrations Restaurant

Before: DC ABRA

Date: 03-06-23

Place: teleconference
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