

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

-----=
IN THE MATTER OF: :
 :
Uncaged Mimosas, LLC :
t/a Uncaged Mimosas :
300 Florida Ave NW : Roll Call
Retailer CT - ANC 5E : Hearing
License No. 120889 :
Case #22-PRO-00040 :
 :
(Application for a :
New License) :
-----=

Monday
June 13, 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:

SIDON YOHANNES, Applicant Counsel

KARLA LEWIS, ANC 5E

JEFF KUPFER, Protestant, Hart Wardman, LLC

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

2 10:21 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Uncaged Mimosas. This is Case No.
5 22-PRO-00040, Uncaged Mimosas, LLC, 300 Florida
6 Ave., NW, License No. ABRA-120889. This is a
7 Retailer Class CT new application.

8 The protest issues are adverse impact
9 on peace, order, and quiet, and residential
10 parking, and vehicular traffic. My name is
11 Laverne Fletcher conducting the roll call hearing
12 as the Board's agent.

13 Is anyone present on behalf of Uncaged
14 Mimosas?

15 MS. YOHANNES: Yes. Sidon Yohannes,
16 present on behalf of the applicant. That's S-I-
17 D-O-N Y-O-H-A-N-N-E-S.

18 MS. FLETCHER: Thank you. ANC-5E is
19 a protestant and I have been informed that the
20 representative for ANC-5E actually came to the
21 office --

22 MS. LEWIS: Yes, I'm in a building.
23 Can you hear me?

24 MS. FLETCHER: Ms. Lewis, thank you.
25 I was just about to grant you standing because I

1 know you were here but you're present now. Good
2 morning.

3 MS. LEWIS: Thank you. Yes, I'm
4 sorry. I was out of the country until yesterday
5 and we are unable to get emails from out of the
6 country unless you go through this whole process.
7 I came to the office this morning and found out
8 that it was virtual, but I'm here.

9 MS. FLETCHER: Well, yes you are. I
10 saw you a minute ago --

11 MS. LEWIS: Okay. There is something
12 going --

13 MS. FLETCHER: Thank you. What did
14 you say, Ms. Lewis?

15 MS. LEWIS: No, I was having
16 difficulty with the audio.

17 MS. FLETCHER: Okay. Can you hear me
18 okay now?

19 MS. LEWIS: Yes. I don't know what
20 happened to the video. I had the video but now
21 it's only in audio mode.

22 MS. FLETCHER: That's okay. I can
23 hear you, I can see your name so that's
24 sufficient. Thank you.

25 MS. LEWIS: Okay. Thank you.

1 MS. FLETCHER: We also have -- we also
2 have Mr. Kupfer.

3 Mr. Kupfer, are you present
4 representing the Hart Wardman, LLC?

5 MR. KUPFER: I am. It's Jeff, J-E-F-
6 F, Kupfer, K-U-P-F-E-R. Thank you.

7 MS. FLETCHER: Mr. Kupfer, you
8 represent the Hart Wardman, LLC. I'm going to
9 spell that for the record. Hart is spelled H-A-R
10 T. Wardman is spelled W-A-R-D-M-A-N, LLC. Hart
11 Wardman, LLC is the owner of 302 Florida Avenue
12 and 304 Florida Avenue, NW?

13 MR. KUPFER: That is correct. I'm one
14 of the managing members of that entity.

15 MS. FLETCHER: Thank you. You filed
16 the protest as an abutting property owner?

17 MR. KUPFER: Correct.

18 MS. FLETCHER: I checked the DC
19 Geographic Information System and it does appear
20 that 302 Florida Avenue abuts 300 Florida Avenue,
21 NW, the address of the licensee so standing is
22 granted to the Hart Wardman, LLC as an abutting
23 property owner for that reason.

24 I also checked the location of 304
25 Florida Avenue, NW, and it appears that 304

1 Florida Avenue, NW, actually abuts 302. Is that
2 correct, Mr. Kupfer?

3 MR. KUPFER: That is correct.

4 MS. FLETCHER: Okay. So 304 abuts 302
5 but not 300 Florida and so those two buildings
6 are not abutting. Because 302 abuts 300 Florida,
7 you're granted standing as an abutting property
8 owner, but 304 does not appear to abut. Do you
9 have any comments you would like to make about
10 that?

11 MR. KUPFER: Yeah. I mean, that's
12 correct in terms of the geography or whatever.
13 302 and 304 are neighboring brownstones. They
14 are in the process of being redeveloped into one
15 condo development of which there will be one
16 common entrance and condo units will be in both
17 of those previously-existing properties. It will
18 be one building.

19 MS. FLETCHER: Yes. Okay. Well, the
20 Hart Wardman, LLC has standing as an abutting
21 property owner because 302 abuts 300.

22 MR. KUPFER: Thank you.

23 MS. FLETCHER: You have standing as an
24 abutting property owner. You're welcome. I
25 also, just for the record, confirmed that Hart

1 Wardman is the owner of 302 and 304 Florida
2 Avenue, NW.

3 I confirmed that through the DC Office
4 of Planning website called PropertyQuest.
5 PropertyQuest is spelled Property and the letters
6 Q-U-E-S-T. We have ANC-5E as a protestant and
7 Hart Wardman, LLC as a protestant as an abutting
8 property owner.

9 I'll give you the dates for a status
10 hearing and a protest hearing and then we'll set
11 a date for mediation. The status hearing is
12 scheduled for July 13, 2022, at 10:30 a.m. July
13 13 at 10:30. The protest hearing is set for
14 August 10, 2022, at 1:30. I'll give you the
15 next available date for mediation.

16 MS. LEWIS: I have an issue with --

17 MS. FLETCHER: Who is speaking?

18 MS. LEWIS: This is Karla Lewis on
19 behalf of ANC-5E.

20 MS. FLETCHER: Yes.

21 MS. LEWIS: I have an issue with the
22 protest hearing date.

23 MS. FLETCHER: What you can do, Ms.
24 Lewis, beyond today you may petition the ABC
25 Board through Martha Jenkins, our general counsel

1 to reschedule that with a copy of that request to
2 Sidon Yohannes.

3 MS. LEWIS: Um-hum.

4 MS. FLETCHER: Do you have her contact
5 information?

6 MS. LEWIS: I have Sidon's email
7 address.

8 MS. FLETCHER: Okay.

9 MS. LEWIS: I have Martha Jenkins'
10 information as well.

11 MS. FLETCHER: And if you would copy
12 also Mr. Kupfer.

13 MS. LEWIS: Yes. And I have his
14 information as well.

15 MS. FLETCHER: Okay. That's what you
16 can do, Ms. Lewis, make that request and copy the
17 individuals I just named, send it to Martha
18 Jenkins and she'll review it and get back to you.

19 MS. LEWIS: Okay. I appreciate that.

20 MS. YOHANNES: I'll just say,
21 Commissioner, if you want to contact me, I'm
22 happy to talk to you about that, another date.

23 MS. LEWIS: Okay. I mean, it may not
24 even be necessary. We are already talking, Ms.
25 Fletcher, and we're hoping that we will come to

1 some type of a settlement agreement.

2 MS. FLETCHER: Okay. That's great.
3 That would be the ideal situation. I've made a
4 note that you are going to petition the Board to
5 change the protest hearing date just in case it
6 doesn't work out.

7 MS. LEWIS: Yes.

8 MS. FLETCHER: Thank you very much.
9 Let me give you the next available date for
10 mediation. Let's see. What about --

11 Ms. Yohannes, in a previous case did
12 you say you're not available on June 29th?

13 MS. YOHANNES: I may have. Hold on.
14 I'm sorry. Let me check my calendar. Right, due
15 to a potential protest hearing.

16 MS. FLETCHER: Excuse me one second.
17 One of my co-workers is calling. This may be
18 something I need to know.

19 Sorry. So, Ms. Yohannes, the 29th is
20 a day that you're not available. Right?

21 MS. YOHANNES: As of now, yes.

22 MS. FLETCHER: What about -- what did
23 you say about June 28th, Ms. Yohannes? Were you
24 available June 28th, or did I offer that date?

25 MS. YOHANNES: Yes, I'm available on

1 the 28th.

2 MS. FLETCHER: Okay.

3 Ms. Lewis, are you available on the
4 28th?

5 MS. LEWIS: Yes, it looks like I'm
6 available on the 28th.

7 MS. FLETCHER: Mr. Kupfer, what about
8 you?

9 MR. KUPFER: Looks like I'm available,
10 though maybe not in the morning potentially. I'm
11 not sure what time you're thinking about.

12 MS. FLETCHER: Well, we can do it at
13 1:00 in the afternoon if that would help, or
14 1:30.

15 MR. KUPFER: That would be preferable
16 from my standpoint.

17 MS. FLETCHER: Do you have a
18 preference for 1:00 or 1:30?

19 MR. KUPFER: 1:30 is probably safer if
20 that works for others.

21 MS. LEWIS: Fine with me.

22 MS. YOHANNES: That's fine.

23 MS. FLETCHER: Mediation is set for
24 Tuesday, June 28 at 1:30. Any questions from
25 anyone?

1 MS. YOHANNES: None from the
2 applicant.

3 MS. LEWIS: No.

4 MS. FLETCHER: Well, thank you for
5 coming.

6 MR. KUPFER: Thank you very much.

7 MS. FLETCHER: I'll send out the WebEx
8 invitation. Thank you all. See you soon.

9 MS. YOHANNES: Thank you.

10 MS. LEWIS: Ms. Fletcher.

11 MS. FLETCHER: Yes.

12 MS. LEWIS: I have a question about
13 another case.

14 MS. FLETCHER: Is that you, Ms. Lewis?

15 MS. LEWIS: Yes, it is. Thank you.
16 Sorry.

17 MS. FLETCHER: Okay.

18 MS. LEWIS: It's about ABRA 120698.

19 I believe -- I mean, we have a settlement
20 agreement which is maybe why -- that's the reason
21 why they are not on the roll call for today.

22 MS. FLETCHER: What's the trade name?

23 MS. LEWIS: The trade name is Best One
24 Liquor.

25 MS. FLETCHER: That's not on the

1 calendar for today.

2 MS. LEWIS: Okay.

3 MS. FLETCHER: Maybe that's the
4 reason.

5 MS. LEWIS: Yes. Okay. I wasn't
6 sure.

7 MS. FLETCHER: It didn't make it to
8 the calendar so that could be the reason.

9 MS. LEWIS: Okay. Thank you.

10 MS. FLETCHER: That's it, Ms. Lewis?

11 MS. LEWIS: Yes.

12 MS. FLETCHER: Okay. Well, then I
13 will see you in a couple weeks.

14 MS. LEWIS: Okay. Thank you.

15 MS. FLETCHER: Thank you for coming.
16 The roll call hearing in the matter of Uncaged
17 Mimosas is concluded.

18 (Whereupon, the above-entitled matter went
19 off the record at 10:34 a.m.)

20

21

22

23

24

25

A

a.m 2:2 6:12 11:19
ABC 6:24
above-entitled 11:18
ABRA 1:17 10:18
ABRA-120889 2:6
abut 5:8
abuts 4:20 5:1,4,6,21
abutting 4:16,22 5:6,7
 5:20,24 6:7
address 4:21 7:7
adverse 2:8
afternoon 9:13
agent 1:14,17 2:12
ago 3:10
agreement 8:1 10:20
Alcoholic 1:2,13
ANC 1:7,19
ANC-5E 2:18,20 6:6,19
appear 4:19 5:8
appears 4:25
applicant 1:19 2:16
 10:2
application 1:9 2:7
appreciate 7:19
audio 3:16,21
August 6:14
available 6:15 8:9,12,20
 8:24,25 9:3,6,9
Ave 1:7 2:6
Avenue 4:11,12,20,20
 4:25 5:1 6:2

B

back 7:18
behalf 2:13,16 6:19
believe 10:19
Best 10:23
Beverage 1:2,13
beyond 6:24
Board 1:2,13 6:25 8:4
Board's 1:14,17 2:12
brownstones 5:13
building 2:22 5:18
buildings 5:5

C

calendar 2:4 8:14 11:1
 11:8
call 1:3,7 2:11 10:21
 11:16
called 6:4
calling 8:17
case 1:8 2:3,4 8:5,11
 10:13
change 8:5
check 8:14
checked 4:18,24

Class 2:7
co-workers 8:17
COLUMBIA 1:1
come 7:25
coming 10:5 11:15
comments 5:9
Commissioner 7:21
common 5:16
concluded 11:17
condo 5:15,16
conducting 2:11
confirmed 5:25 6:3
contact 7:4,21
Control 1:2,13
copy 7:1,11,16
correct 4:13,17 5:2,3,12
counsel 1:19 6:25
country 3:4,6
couple 11:13
CT 1:7 2:7

D

D-O-N 2:17
date 6:11,15,22 7:22
 8:5,9,24
dates 6:9
day 8:20
DC 4:18 6:3
development 5:15
difficulty 3:16
DISTRICT 1:1
due 8:14

E

email 7:6
emails 3:5
entity 4:14
entrance 5:16
Excuse 8:16

F

F 4:6
filed 4:15
fine 9:21,22
Fletcher 1:14,17 2:3,11
 2:18,24 3:9,13,17,22
 4:1,7,15,18 5:4,19,23
 6:17,20,23 7:4,8,11
 7:15,25 8:2,8,16,22
 9:2,7,12,17,23 10:4,7
 10:10,11,14,17,22,25
 11:3,7,10,12,15
Florida 1:7 2:5 4:11,12
 4:20,20,25 5:1,5,6 6:1
found 3:7

G

general 6:25

Geographic 4:19
geography 5:12
give 6:9,14 8:9
grant 2:25
granted 4:22 5:7

H

H-A-R 4:9
happened 3:20
happy 7:22
Hart 1:20 4:4,8,9,10,22
 5:20,25 6:7
hear 2:23 3:17,23
hearing 1:3,7 2:11 6:10
 6:10,11,13,22 8:5,15
 11:16
help 9:13
Hold 8:13
hoping 7:25

I

ideal 8:3
impact 2:8
individuals 7:17
information 4:19 7:5,10
 7:14
informed 2:19
invitation 10:8
issue 6:16,21
issues 2:8

J

J-E-F- 4:5
Jeff 1:20 4:5
Jenkins 6:25 7:18
Jenkins' 7:9
July 6:12,12
June 1:12 8:12,23,24
 9:24

K

K-U-P-F-E-R 4:6
Karla 1:19 6:18
Kupfer 1:20 4:2,3,5,6,7
 4:13,17 5:2,3,11,22
 7:12 9:7,9,15,19 10:6

L

LaVerne 1:14,17 2:11
Let's 8:10
letters 6:5
Lewis 1:19 2:22,24 3:3
 3:11,14,15,19,25 6:16
 6:18,18,21,24 7:3,6,9
 7:13,16,19,23 8:7 9:3
 9:5,21 10:3,10,12,14
 10:15,18,23 11:2,5,9
 11:10,11,14

License 1:8,10 2:6
licensee 4:21
Liquor 10:24
LLC 1:6,20 2:5 4:4,8,10
 4:11,22 5:20 6:7
location 4:24
looks 9:5,9

M

managing 4:14
Martha 6:25 7:9,17
matter 1:5 11:16,18
mean 5:11 7:23 10:19
mediation 6:11,15 8:10
 9:23
members 4:14
met 1:14
Mimosas 1:6,6 2:4,5,14
 11:17
minute 3:10
mode 3:21
Monday 1:11
morning 3:2,7 9:10

N

name 2:10 3:23 10:22
 10:23
named 7:17
necessary 7:24
need 8:18
neighboring 5:13
new 1:10 2:7
note 8:4
NW 1:7 2:6 4:12,21,25
 5:1 6:2

O

offer 8:24
office 2:21 3:7 6:3
order 2:9
owner 4:11,16,23 5:8
 5:21,24 6:1,8

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
parking 2:10
peace 2:9
petition 6:24 8:4
Planning 6:4
potential 8:15
potentially 9:10
preferable 9:15
preference 9:18
present 1:16,18 2:13,16
 3:1 4:3
presiding 1:14
previous 8:11

previously-existing 5:17	System 4:19	1
probably 9:19	T	1:00 9:13,18
process 3:6 5:14	T 4:10	1:30 6:14 9:14,18,19,24
properties 5:17	t/a 1:6	10 6:14
property 4:16,23 5:7,21 5:24 6:5,8	talk 7:22	10:21 2:2
PropertyQuest 6:4,5	talking 7:24	10:30 6:12,13
protest 2:8 4:16 6:10,13 6:22 8:5,15	terms 5:12	10:34 11:19
protestant 1:20 2:19 6:6,7	thank 2:18,24 3:3,13,24 3:25 4:6,15 5:22 8:8 10:4,6,8,9,15 11:9,14 11:15	120698 10:18
Q	today 6:24 10:21 11:1	120889 1:8
Q-U-E-S-T 6:6	trade 10:22,23	13 1:12 6:12,13
question 10:12	traffic 2:10	2
questions 9:24	Tuesday 9:24	2022 1:12 6:12,14
quiet 2:9	two 5:5	22-PRO-00040 1:8 2:5
R	type 8:1	28 9:24
reason 4:23 10:20 11:4 11:8	U	28th 8:23,24 9:1,4,6
record 4:9 5:25 11:19	Um-hum 7:3	29th 8:12,19
redeveloped 5:14	unable 3:5	3
represent 4:8	Uncaged 1:6,6 2:4,5,13 11:16	300 1:7 2:5 4:20 5:5,6 5:21
representative 2:20	units 5:16	302 4:11,20 5:1,4,6,13 5:21 6:1
representing 4:4	V	304 4:12,24,25 5:4,8,13 6:1
request 7:1,16	vehicular 2:10	4
reschedule 7:1	video 3:20,20	5
residential 2:9	videoconference 1:14	5E 1:7,19
Retailer 1:7 2:7	virtual 3:8	
review 7:18	W	
roll 1:3,7 2:11 10:21 11:16	W-A-R-D-M-A-N 4:10	
S	Wardman 1:20 4:4,8,10 4:11,22 5:20 6:1,7	
S-I 2:16	wasn't 11:5	
safer 9:19	WebEx 1:14 10:7	
saw 3:10	website 6:4	
scheduled 6:12	weeks 11:13	
second 8:16	welcome 5:24	
send 7:17 10:7	went 11:18	
set 6:10,13 9:23	work 8:6	
settlement 8:1 10:19	works 9:20	
she'll 7:18	X	
Sidon 1:19 2:15 7:2	Y	
Sidon's 7:6	Y-O-H-A-N-N-E-S 2:17	
situation 8:3	yesterday 3:4	
soon 10:8	Yohannes 1:19 2:15,15 7:2,20 8:11,13,19,21 8:23,25 9:22 10:1,9	
sorry 3:4 8:14,19 10:16	Z	
speaking 6:17	0	
spell 4:9		
spelled 4:9,10 6:5		
standing 2:25 4:21 5:7 5:20,23		
standpoint 9:16		
status 6:9,11		
sufficient 3:24		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Uncaged Mimosas

Before: DC ABRA

Date: 06-13-22

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

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

WASHINGTON, D.C. 20009-7831