

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

2 10:08 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Bar Japonois. And someone can
5 correct my pronunciation of that if necessary.

6 The Case No. is 23-PRO-00056, Rhythm
7 & Eats Bar, Japonois, LLC, 1520 14th St.
8 Northwest, License No. ABR-A-124706. This is a
9 Retailer Class C, new application. The protest
10 issues are adverse issues on peace, order and
11 quiet.

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

15 MR. MINORA: Yes, Ms. Fletcher. My
16 name is Matt Minora; I'm with the law firm of
17 Mallios, O'Brien and Sandground and we're ABC
18 licensed counsel for the applicant. My name is
19 spelled Matt, M-A-T-T, Minora, M-I-N-O-R-A.

20 MS. FLETCHER: Thank you, Mr. Minora.
21 Was I pronouncing the name of the establishment
22 correctly?

23 MR. MINORA: Bar Japonois, yeah that
24 sounds -

25 MS. FLETCHER: Is that good?

1 MR. MINORA: I think, yeah.

2 MS. FLETCHER: Okay, thank you.

3 Is anyone present on behalf of ANC 2F?

4 COMMISSIONER FLORIO: Hi, good morning.

5 My name is Joe Florio; I am a commissioner
6 representing ANC 2F03. J-O-S-E-P-H, Florio, F-L-
7 O-R-I-O.

8 MS. FLETCHER: Thank you very much.

9 Mr. Florio, ANC 2F, does have standing as a
10 protestant. Is anyone present on behalf of the
11 14th Street Church Condominium Unit Owners
12 Association and Group of 6?

13 MR. SINKINS: Yes, my name is Todd
14 Sinkins with the law firm of Rees Broome. I
15 represent those protestors. My name is spelled
16 T-O-D-D, S as in Sam, I-N-K-I-N-S.

17 MS. FLETCHER: Thank you very much, Mr.
18 Sinkins. You're representing two protestants in
19 this matter. A stand-in is granted to the Group
20 of 6 that you're representing. The protest filed
21 by the 14th Street Condominium Unit Owners
22 Association is dismissed because associations do
23 not have standing as protestants, but I see
24 you're also representing the individual units
25 that reside in the condominium.

1 MR. SINKINS: Yes.

2 MS. FLETCHER: Okay, let's see here.

3 Okay, so we have protestants ANC 2F
4 and a Group of 6. We need to set a date for a
5 mediation, a status hearing and a protest
6 hearing. I'll give you the date for the status
7 and protest hearing.

8 MR. MINORA: I believe there was also
9 a protest filed by abutting property owners.

10 MS. FLETCHER: Oh, let me see. Thank
11 you, let me see.

12 Let's see here. Those individuals
13 will be separate from the ones -

14 MR. MINORA: I believe they're included
15 on the back part of the protest packet, the last
16 couple of pages.

17 MS. FLETCHER: Okay, let me see here.
18 I could be missing something.

19 So Mr. Minora, did you receive copies
20 of their protests?

21 MR. MINORA: Yes, they were included in
22 the attachments in the same letter that Mr.
23 Sinkins sent the applicant.

24 MS. FLETCHER: Mr. Sinkins?

25 MR. MINORA: Yes, correct.

1 MS. FLETCHER: And Mr. Minora, those
2 are individual letters?

3 MR. MINORA: Yes, in the attachments.
4 That's what it appeared to us.

5 MS. FLETCHER: Okay.

6 MR. SINKINS: They're both parties that
7 I'm representing.

8 MS. FLETCHER: Thank you. I mean,
9 there's a possibility that all of the documents
10 aren't in the folder. I'm just taking a look
11 here to see if I missed anything.

12 If that's the case, it's not a
13 problem, I'll address that.

14 MR. SINKINS: There are two parties
15 that are included within the six, just to be
16 clear, Ms. Fletcher. I think it's a letter from
17 Mr. Isbitz and Mr. Enri's I think that Mr. Minora
18 is referring to.

19 MR. MINORA: Correct.

20 MR. SINKINS: But from a scheduling
21 standpoint I don't think it's materially
22 sensitive.

23 MS. FLETCHER: Well, they're claiming
24 to be abutting - I have to check the D.C.
25 Geographic Information System to confirm that,

1 but I'll ask you this; do you know whether or not
2 the person claiming to be abutting actually abuts
3 on their properties touching that of the
4 establishment?

5 MR. SINKINS: They're included within
6 the same building.

7 MS. FLETCHER: Do their properties
8 touch - so the six people -

9 MR. SINKINS: I don't have a copy of
10 the site plan to advise. I'm pretty sure 201
11 does, but I -

12 MS. FLETCHER: Mr. Sinkins, the people
13 that you say are claiming to be abutting are the
14 same people that are part of that Group of 6?

15 MR. SINKINS: Yes, they are -

16

17 MS. FLETCHER: I missed that, I didn't
18 see that.

19 MR. SINKINS: Yes, they're the same
20 group of people. And I actually think that both
21 those letters are not suggesting that their
22 standing is based solely upon abutting.

23 MS. FLETCHER: So need to dispense of
24 the abutting property over claims one way or the
25 other. Can you do me a favor - if you have the

1 protest letter in front of you, can you direct me
2 to their claims that they're abutting?

3 MR. MINORA: It's the last two pages of
4 Exhibit B in the letter.

5 MS. FLETCHER: Exhibit D?

6 MR. SINKINS: They don't state that the
7 units themselves are abutting and that's the
8 basis. They think like Mr. Minora is suggesting
9 in his language, it says the applicant is
10 proposing to include tables at Church Street for
11 its patrons which will be served into the late
12 hours of the night - it will create street noise
13 that will be intolerable for the occupants of the
14 residential units located directly above the
15 restaurant, will disrupt the peaceful state that
16 are required for good health.

17 So I think that is the language he's
18 referring to.

19 MR. MINORA: Oh, yeah. I thought these
20 were additional claims of being abutting property
21 owners.

22 MR. SINKINS: They are part and parcel
23 of the six.

24 MR. MINORA: Thank you for clarifying.
25 That's what I just wanted to confirm. I thought

1 it was -

2 MR. SINKINS: They're not separate.

3 MR. MINORA: Thank you for clarifying.

4 That's what we were not sure about. Thank you.

5 MS. FLETCHER: Thank you. I have
6 Exhibit D but I'm gonna need to take another look
7 at it. I didn't see -

8 MR. SINKINS: Exhibit C and D are not
9 for that purpose. Yeah, they are simply letters
10 submitted by two of the six individuals that have
11 filed protest.

12 MS. FLETCHER: But they're not claiming
13 to be abutted?

14 MR. SINKINS: Correct.

15 MS. FLETCHER: Okay, I don't see that
16 in their protest letter.

17 MR. SINKINS: It's not there because
18 that's not what they're doing.

19 MS. FLETCHER: Oh, okay. I just wanted
20 to make sure I didn't miss something.

21 Okay, so we're good.

22 MR. SINKINS: We're perfectly fine.

23 MS. FLETCHER: Okay. So we have ANC 2F
24 and the Group of 6.

25 Mr. Sinkins, you're representing a

1 Group of 6. Are there any of those individuals
2 present today?

3 MR. SINKINS: Yes, Mr. Isbitz is
4 present.

5 MS. FLETCHER: Okay, if they would
6 state their name and spell it for the record.

7 MR. ISBITZ: My name is Allan Isbitz
8 and I live in Unit 201 at 1400 Church Street
9 Condominium and - the last name is spelled I-S-
10 B-I-T-Z, first name A-L-L-A-N.

11 MS. FLETCHER: Thank you. Anyone else?

12 MR. SINKINS: No, none of the others
13 are present.

14 MS. FLETCHER: Okay. The Board needs
15 to see at least five people in person.

16 Mr. Isbitz, your presence today which
17 means that the Board will need to see an
18 additional four people that are not present today
19 at the upcoming status hearing. So for the
20 purpose of the roll call hearing, conditional
21 standing is granted to the Group of 6. The Board
22 will grant full standing to the group if those
23 four individuals appear at the upcoming status
24 hearing. Otherwise, the Board may dismiss.

25 MR. SINKINS: When are you going to

1 schedule the status hearing for?

2 MS. FLETCHER: I'm sorry; what was
3 that, Mr. Sinkins?

4 MR. SINKINS: The date of the status
5 hearing?

6 MS. FLETCHER: Oh, yeah. I'm gonna
7 give you that. Give me one minute.

8 The status hearing is set for August
9 16th.

10 MR. SINKINS: I am out of the country
11 from the 9th through the 20th.

12 MS. FLETCHER: If you - so the dates
13 that I'm providing today are the dates that are
14 next available on the Board's calendar, so I'm
15 not able to change those. But I can tell you,
16 you can petition the Board to change the date of
17 the status hearing. But I can tell you this, Mr.
18 Sinkins, just so you know; at the status hearing
19 if those four individuals appear, the Board would
20 grant them standing. But if you want to be
21 present, then you would need to petition the
22 Board to change the date. But at the status
23 hearing the only thing that happens is the Board
24 wants to know the status of the case, you will
25 have participated in mediation.

1 MR. SINKINS: Mm-hmm.

2 MS. FLETCHER: If the matter is not
3 resolved by then, then you would tell the Board
4 what's happening. Maybe it's not gonna be
5 resolved.

6 In this case -

7 MR. SINKINS: When is the status
8 hearing gonna be? I'm sorry.

9 MS. FLETCHER: The status hearing is
10 gonna be on August the 16th.

11 MR. SINKINS: Okay, at what time?

12 MS. FLETCHER: At 10:30 a.m.

13 MR. SINKINS: 10:30, thank you.

14 MS. FLETCHER: And I'll give you the
15 date for the protest hearing.

16 MR. SINKINS: That's on the 13th, I know
17 that.

18 MS. FLETCHER: I'm sorry; what did you
19 say, Mr. Sinkins?

20 MR. SINKINS: September 13th.

21 MS. FLETCHER: Yes, September 13th for
22 the protest hearing. That's at 1:30.

23 MR. SINKINS: Yes.

24 MS. FLETCHER: And so, Mr. Sinkins, as
25 I said, you may petition the Board to change the

1 date of the status hearing, and if that's okay
2 with Mr. Minora, it can be a joint request. But
3 you know, that's what you can do if you would
4 like to. And if you decide to do that, you will
5 send your request to Martha Jenkins.

6 Do you by chance have Martha Jenkins'
7 email address? She's general counsel.

8 MR. SINKINS: Not off-hand.

9 MS. FLETCHER: I'll just tell you what
10 it is. Her name is Martha, M-A-R-T-H-A, and her
11 last name is Jenkins, J-E-N-K-I-N-S. Her email
12 address is martha.jenkins@dc.gov.

13 MR. SINKINS: Thank you.

14 MS. FLETCHER: I will give you the next
15 available dates for mediation.

16 The next available day for mediation
17 is - actually, we could do it on Monday July 31st
18 at 1:30 or Wednesday, August 2nd.

19 But Mr. Minora, I just thought about
20 something - there may be a Board hearing date
21 for you on the 2nd. Do you know if you have
22 anything on your calendar that day?

23 MR. MINORA: I don't think we do, so
24 either time would work for us.

25 MS. FLETCHER: Okay. Well, in that

1 case we can do it either Monday, July 31st at 1:30
2 or Wednesday, August 2nd, anytime between 10:30
3 and 1:30.

4 Mr. Florio, do you have a preference?

5 COMMISSIONER FLORIO: I can do Monday.

6 MS. FLETCHER: Thanks.

7 MR. SINKINS: Does that work for you?

8 COMMISSIONER FLORIO: I think it does,
9 yes.

10 MR. SINKINS: It works for me.

11 MS. FLETCHER: Mediation is set for
12 Monday, July 31st at 1:30.

13 MR. MINORA: Thank you, Ms. Fletcher.
14 To clarify, between now and the hearings, you
15 know, we could always challenge standing at any
16 point, correct?

17 MS. FLETCHER: Yes, Mr. Minora. That
18 is correct.

19 MR. MINORA: Thank you.

20 MS. FLETCHER: You're welcome.

21 Okay, any other questions?

22 Well, thank you for coming and I will
23 see you on July 31.

24 MR. MINORA: Thanks so much.

25 MS. FLETCHER: Thank you very much.

1 The roll call hearing in this matter is
2 completed.

3 (Whereupon, the above-entitled matter
4 went off the record at 10:24 a.m.)

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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: Bar Japonais

Before: DC ABCA

Date: 07-24-23

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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