

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

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IN THE MATTER OF: :
 :
Emilie's, LLC :
t/a Paraiso :
1101 Pennsylvania : Roll Call
Avenue SE : Hearing
Retailer CR - ANC 6B :
License No. 111597 :
Case #22-PRO-00059 :
 :
(License Renewal) :
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Monday
August 1, 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:

BRIAN READY, ANC 6B
KIRSTEN OLDENBURG, ANC 6B
ANN MOSER, Protestant)
SUZANNE PARRY, Protestant
PAUL BROOKS, Protestant

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 10:01 a.m.

3 MS. FLETCHER: Good morning, everyone.
4 I'd like to thank you for joining ABRA's roll
5 call hearings to be conducted via the WebEx
6 platform provided by the DC Office of Open
7 Government. There are four cases on the calendar
8 today.

9 The first case on the calendar is
10 Paraiso, Case No. 22-PRO-00059, Emilie's, LLC,
11 1101 Pennsylvania Avenue Southeast, License No.
12 ABRA-111597. This is a Retailer Class CR license
13 renewal. The protest issues are adverse impact
14 on peace, order, and quiet, and violation of
15 settlement agreement.

16 My name is LaVerne Fletcher conducting
17 the roll call hearing as the Board's agent.

18 Is anyone present on behalf of
19 Paraiso?

20 Is anyone present on behalf of ANC 6B?
21 Thank you. If you could please state your name
22 and spell it for the record.

23 MR. READY: My name is Commissioner
24 Brian Ready, Brian, B-R-I-A-N, last name is
25 Ready, R-E-A-D-Y.

1 MS. FLETCHER: Thank you, Mr. Ready.

2 Is anyone present on behalf of the
3 group of five or more?

4 MR. READY: One second. We're missing
5 a commissioner though. We have another
6 commissioner who was here, Commissioner
7 Oldenburg.

8 MS. FLETCHER: Is Commissioner
9 Oldenburg still present?

10 MR. READY: Yes. She didn't get a
11 chance to spell her name for the record.

12 MS. FLETCHER: Commissioner Oldenburg,
13 where are you?

14 MS. OLDENBURG: I don't know where you
15 see me. I see me on the video with my hand up.
16 Commissioner Oldenburg, Kirsten Oldenburg.

17 MS. FLETCHER: I see you.

18 MS. OLDENBURG: I represent 6B04,
19 which is the single-member district where the
20 establishment is in. My name is Kirsten
21 Oldenburg, K-I-R-S-T-E-N O-L-D-E-N-B-U-R-G.
22 Thank you.

23 MS. FLETCHER: ANC 6B does have
24 standing as a protestant.

25 Is anyone present from the group of

1 five?

2 MS. MOSER: I am.

3 MS. FLETCHER: I'm going to start with
4 the person whose hand is raised right here. I
5 think this -- just a second -- Suzanne Parry.

6 MS. PARRY: Yes. Hi.

7 MS. FLETCHER: Hi, Ms. Parry. If you
8 could just spell your name for the record,
9 please.

10 MS. PARRY: Yes. Suzanne Parry, S-U-
11 Z-A-N-N-E P-A-R-R-Y. And I reside in Unit 209,
12 directly above the establishment.

13 MS. FLETCHER: Thank you.

14 And the next person is -- Mr. Brooks,
15 was that you? You're on mute, Mr. Brooks.

16 MS. MOSER: Sorry. Paul Brooks, P-A-
17 U-L B-R-O-O-K-S. I am Unit 210, also directly
18 above the establishment.

19 MS. FLETCHER: Unit 210 is directly
20 above.

21 Anyone else from the group?

22 MS. MOSER: Ann Moser. I live in Unit
23 211, directly above the restaurant. A-N-N M-O-S-
24 E-R.

25 MS. FLETCHER: Thank you.

1 Anyone else?

2 MS. SANCHEZ: I'm sorry. Is this for
3 everyone, whether you're on ANC or not, to check
4 in?

5 MS. FLETCHER: This is for everyone
6 who's a member of the group of five that filed
7 the protest against Paraiso. This is the matter
8 of Paraiso. Are you a party on it?

9 Okay. Ms. Sanchez, you're in the next
10 case.

11 MS. SANCHEZ: Okay. Thank you.

12 MS. FLETCHER: You're welcome. I'm
13 going to spell your name because once I say it
14 I've got to spell it. It's S-A-N-C-H-E-Z,
15 Sanchez, yes?

16 MS. SANCHEZ: Correct.

17 MS. FLETCHER: Thank you. Okay.
18 You're in the next case.

19 MS. SANCHEZ: Okay. Thank you.

20 MS. FLETCHER: Is anyone else present
21 from the group of five or more in the Paraiso
22 matter?

23 I have a question. Who is the
24 designated representative for the group of five
25 or more?

1 MS. MOSER: I am. Ann Moser.

2 MS. FLETCHER: Okay. Ms. Moser, thank
3 you.

4 The other question that I have is
5 this. In your protest letter you refer to
6 yourself as a group and as abutting property
7 owners, and so you do have conditional standing
8 as a group of five.

9 Is there anyone in your group that
10 intended to file a protest as an abutting
11 property owner? And if so, we need to determine
12 whether or not your units actually abut. So are
13 you going to be a group of five or --

14 MS. MOSER: I guess abutting. I've
15 never been through this so I don't really
16 understand the process.

17 MS. FLETCHER: That's okay. What
18 happens -- you can file a protest as a group of
19 five, which you are because there are at least
20 five members in your group. That's one option.
21 So you meet the criteria for that because --

22 MS. MOSER: Okay.

23 MS. FLETCHER: -- it's a group of more
24 than five of you and at least three of you are
25 present today. So you meet the criteria for a

1 group of five for sure.

2 MS. MOSER: Okay, okay.

3 MS. FLETCHER: If you want to claim to
4 be abutting property owners then we need to
5 determine whether or not your Units 209, 210, and
6 211 actually touch the property of Paraiso.

7 MS. MOSER: Okay. They do. I don't
8 know what the step is to prove it.

9 MS. FLETCHER: Well, I can just ask
10 you a question. I think Ms. Parry mentioned that
11 she lives directly above the establishment.

12 MS. PARRY: That's correct.

13 MS. MOSER: All three of us do.

14 MS. FLETCHER: So living directly
15 above the establishment, your floor touches their
16 ceiling?

17 MS. PARRY: Exactly.

18 MS. FLETCHER: Okay. Well, that makes
19 you abutting. That makes you abutting property
20 owners.

21 The same applies to Ms. Parry, Mr.
22 Brooks, and Ms. Moser, that your floor touches
23 the ceiling of the establishment?

24 MS. MOSER: Yes.

25 MR. BROOKS: Correct.

1 MS. FLETCHER: Okay. So you are all
2 abutting property owners. I checked the DC
3 Geographic Information System so I could see that
4 you are all located in the same lot, so you're
5 all right there together. The only question was
6 whether or not your units touched the
7 establishment.

8 So let me ask you this. Do you want
9 to reconsider the group of five or more, or do
10 you want to be considered -- I'm talking to just
11 the three of you who are here today -- or do you
12 want to be considered a group of five or more and
13 as abutting property owners?

14 MS. MOSER: Let's do both.

15 MS. FLETCHER: Okay. All right. So
16 what I'm going to do is this. Ms. Moser, you're
17 the designated representative for the
18 protestants.

19 MS. MOSER: Correct.

20 MS. FLETCHER: So I am going to take
21 it that you're also the designated representative
22 for all of the other protestants who are not
23 present today.

24 MS. MOSER: Correct.

25 MS. FLETCHER: And they intended also

1 to be considered abutting property owners?

2 MS. MOSER: Correct.

3 MS. FLETCHER: So this is what I'm
4 going to do. Everyone who is present today from
5 your group, they're going to be granted standing
6 as abutting property owners.

7 For the individuals who are not
8 present today, they're going to be granted --
9 their properties also abut Paraiso?

10 MS. MOSER: Correct.

11 MS. FLETCHER: Okay.

12 MS. MOSER: One of the members not
13 present is my husband.

14 MS. FLETCHER: Um-hum.

15 MS. MOSER: He works via video.

16 MS. FLETCHER: Right.

17 MS. MOSER: So he could be here. And
18 the other two have been trying to sell their
19 unit. They're out in California.

20 MS. FLETCHER: Okay. Well, for the
21 ones that are not present, they will be granted
22 conditional standing as protestants, which means
23 that at the upcoming status hearing they'll need
24 to appear in person. But for today, they're
25 granted conditional standing because, Ms. Moser,

1 you're here on their behalf.

2 MS. MOSER: So the couple out in
3 California, I don't think they'd be able to be
4 here in person. So should we --

5 MS. FLETCHER: For some reason, Ms.
6 Moser, your volume went down. I don't know why.
7 I could hear you very well a minute ago. But say
8 that again?

9 MS. MOSER: Maya and Ashray who are on
10 the letter, they live in California and I don't
11 think they can physically be present for the
12 meeting.

13 MS. FLETCHER: So they own the
14 property and they just don't live there?

15 MS. MOSER: Correct. They've been
16 trying to sell it for a year.

17 MS. FLETCHER: Um-hum.

18 MS. MOSER: And now they're going to
19 start renting it out.

20 MS. FLETCHER: Which property owners
21 are they again?

22 MS. MOSER: 212.

23 MS. FLETCHER: What's the name?

24 MS. MOSER: Maya Reddy and Ashray.

25 MS. FLETCHER: I don't know why your

1 volume keeps going in and out, Ms. Moser. Did
2 you say Maya?

3 MS. MOSER: Yes.

4 MS. FLETCHER: And what's Maya's last
5 name?

6 MS. MOSER: Reddy.

7 MS. FLETCHER: And Ashley is the first
8 name of someone?

9 MS. MOSER: A-S-H-R-A-Y.

10 MS. FLETCHER: Okay. So they're
11 abutting property owners but they don't live in
12 the area, and so they will not be present.

13 MS. MOSER: Correct.

14 MS. FLETCHER: You'll be representing
15 them?

16 MS. MOSER: Correct.

17 MS. FLETCHER: I'm also going to grant
18 standing to your group as a group of five or
19 more, so you have two categories. I'm granting
20 conditional standing to the group of five.

21 There are three of you present today.
22 The Board needs to see five people in person.
23 You're granted conditional standing for a group
24 of five, which means that an additional two
25 people will need to show up for the upcoming

1 status hearing. That will make five.

2 MS. MOSER: Okay.

3 MS. FLETCHER: So today you're granted
4 conditional standing because three of you were
5 here. When the additional two people come to the
6 upcoming status hearing, the Board will grant you
7 full standing.

8 MS. MOSER: Would it be --

9 MS. FLETCHER: If those additional
10 people do not show up for the status hearing, the
11 Board may dismiss the group of five.

12 MS. MOSER: Would it be better if we
13 just did the three abutting members and not do
14 the group of five since the other -- I know Unit
15 212 will not be present.

16 MS. FLETCHER: Well, what might be
17 better is if you are -- let's just say at the
18 upcoming status hearing two more people don't
19 appear. The individuals who have been granted
20 standing as abutting property owners, their
21 protest will stand as opposed to being dismissed.

22 MS. MOSER: Okay.

23 MS. FLETCHER: So you will maintain
24 your standing as an abutting property owner even
25 if for some reason the group of five goes away.

1 MS. MOSER: Okay, okay. Sounds good.

2 MS. FLETCHER: Okay.

3 MS. MOSER: Thank you for explaining.

4 MS. FLETCHER: You're very welcome.

5 Is anyone present from Paraiso?

6 We allow at least ten minutes for
7 parties to appear for WebEx hearings. The
8 applicant is not present. The time is
9 approximately 10:14. The application is
10 therefore dismissed.

11 Ms. Moser, what that means is that a
12 Board order would be issued dismissing the
13 application because the applicant is not present
14 today. You will receive a copy of the Board
15 order. And if the applicant seeks reinstatement
16 of the application, you will receive a copy of
17 that request, and you'll have an opportunity to
18 be opposed to it or okay with it.

19 MS. MOSER: Okay. Just to make sure
20 I understand, the application for the renewal is
21 dismissed?

22 MS. FLETCHER: Yes.

23 MS. MOSER: Okay.

24 MS. FLETCHER: As of today it is
25 dismissed because the applicant is not present.

1 MS. MOSER: Okay.

2 MS. FLETCHER: So the application for
3 the license renewal is dismissed.

4 MS. MOSER: Okay.

5 MS. FLETCHER: You'll receive a copy
6 of the Board order dismissing the license renewal
7 application. The applicant will have ten days to
8 seek reinstatement of the application, explaining
9 to the Board why he or she is not present.

10 If they do that, you will receive a
11 copy of their explanation. You may respond to
12 that. You may be okay with their explanation or
13 you may not be, but you get a chance to weigh in.

14 MS. MOSER: Okay.

15 MS. FLETCHER: And then the Board will
16 decide whether or not to grant the reinstatement
17 of the application.

18 MS. MOSER: Okay. Thank you.

19 MS. FLETCHER: Any questions, Ms.
20 Parry or Mr. Brooks?

21 MS. PARRY: Yes. I do have a
22 question. So I assume that this is a glitch that
23 the representative has not appeared and that they
24 will in fact reapply.

25 So then are we in the same situation

1 we are right now? Do we have to reappear at
2 another meeting such as this? What is the
3 process then going forward?

4 MS. FLETCHER: If the applicant seeks
5 reinstatement of the application and the Board
6 grants reinstatement, then the case will just get
7 back on track. You won't need to appear for
8 another roll call hearing.

9 If the Board grants reinstatement to
10 the application, I will know that. I will
11 contact you because we'll need to schedule a date
12 for a mediation, a status hearing, and a protest
13 hearing, Ms. Parry. But you will not need to go
14 through this exercise again, the roll call
15 hearing.

16 MS. PARRY: Thank you.

17 MS. FLETCHER: Any other questions,
18 Ms. Parry?

19 Mr. Brooks?

20 MR. BROOKS: Just one question. Is
21 everything virtual or are these meetings going
22 forward in person?

23 MS. FLETCHER: They're all virtual for
24 now.

25 MR. BROOKS: Okay. Thank you.

1 MS. FLETCHER: You're welcome.

2 And so what happens next is what I
3 just explained. If they apply for reinstatement
4 and the Board grants it, you will hear from me
5 because then we'll get the case back on track.
6 But for now, the application is dismissed.

7 MS. MOSER: Thank you.

8 MS. FLETCHER: Any other questions?

9 MR. READY: Yes. I'm sorry. I have
10 a question.

11 MS. FLETCHER: Mr. Ready, you can ask
12 your question when your hearing is called.

13 MR. READY: Oh, okay.

14 MS. FLETCHER: No. You are part of
15 this hearing.

16 MR. READY: Right. That's what I was
17 thinking but I'm like, maybe I just --

18 MS. FLETCHER: No, no.

19 MR. READY: I just thought I'd get a
20 full explanation because I know we're saying that
21 the application is dismissed. Just for clarity,
22 when you say application, the application for the
23 renewal of the liquor license is dismissed, which
24 means that they won't be able to sell liquor in
25 the near future unless they apply for

1 reinstatement? Is that what we're saying?

2 MS. FLETCHER: So what happens with
3 the license renewal, the applicant continues to
4 operate until this matter is resolved. They
5 don't have to do anything right now. They have
6 to await a Board decision.

7 MR. READY: Okay.

8 MS. FLETCHER: For now, the license is
9 in the renewal phase. They can continue to
10 operate until the Board makes a decision.

11 MR. READY: Okay. I'm just trying to
12 understand when we say that, what does that
13 exactly mean because --

14 MS. FLETCHER: What that means is --

15 MR. READY: -- some person said that
16 means they can't sell liquor. I'm like --

17 MS. FLETCHER: No. It's not a
18 cancellation.

19 MR. READY: -- it doesn't mean that
20 but let me make sure it's clear.

21 MS. FLETCHER: No. The cancellation
22 is something different. The cancellation of a
23 license is the cancellation. Once the license is
24 canceled, you cannot sell alcoholic beverages.
25 It's canceled.

1 This is a license renewal. I
2 understand what you're saying, Mr. Ready. This
3 is a license renewal application. It's not a
4 cancellation of a license.

5 MR. READY: All right. It's just for
6 clarity because I actually had someone that asked
7 that question, and that's what they thought. And
8 I said --

9 MS. FLETCHER: That's a good question.

10 MR. READY: -- I don't think it means
11 that. So I said I would make sure I get the
12 clarification at this meeting to make sure. So
13 that's it. Thank you.

14 MS. FLETCHER: You're welcome. So
15 they can continue to operate.

16 Any other question, Ms. Oldenburg?

17 MS. OLDENBURG: No, not at this time.
18 Thank you.

19 MS. FLETCHER: You're welcome.

20 Okay. Ms. Parry?

21 MS. PARRY: Yes. I'm sorry to
22 interrupt and to speak but I'm a bit confused.
23 And what I'm confused about is because we
24 actually, or at least I did, last month met with
25 the restaurant, met with the owner. And they are

1 intent upon taking some steps and I do not
2 understand why they're not here.

3 Is it just that they -- I guess
4 there's nothing to be done. They're not here,
5 but okay.

6 MS. FLETCHER: Well, Ms. Parry, I can
7 tell you that the WebEx invitation to appear
8 today was sent to the person whose contact
9 information we have on file. So they received an
10 invitation to appear just like you did today.
11 They will explain why they weren't here upon
12 receipt of the Board order dismissing the
13 application.

14 MS. PARRY: Okay, great.

15 MS. FLETCHER: They'll have a chance
16 to explain. So that's what we'll find out.

17 MS. PARRY: Okay. Thank you.

18 MS. FLETCHER: You're welcome, Ms.
19 Parry.

20 Okay. Well, thank you for coming.
21 I'm going to conclude the roll call hearing now
22 unless there are any other questions.

23 I'm going to conclude the matter of
24 Paraiso. Thank you again for coming. We'll be
25 in touch.

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Before: DC ABRA

Date: 08-01-22

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Court Reporter

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