

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

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IN THE MATTER OF: :
 :
BMU 14, LLC, :
t/a Butter Me Up :
1409 T Street NW :
Retailer CR - ANC 2B :
License #118304 :
Case #21-PRO-00065 :
 :
(New Application) :
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Tuesday
September 14, 2021

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

DWIGHT BARBOUR, Protestant, Abutting Owner

ELIZABETH BEZILLA, Protestant, Abutting Owner

RICHARD BIANCO, Applicant's Counsel

RAMON ESTRADA, Protestant

ELWYN FERRIS, Protestant, Shaw-Dupont Citizens Alliance

AILEEN JOHNSON, Protestant

JOANNE KENT, Protestant, Abutting Owner

PHYLLIS KLEIN, Protestant

SAJITH KUMAR CHANDRAHASAN, Protestant

VARUN LEELA, Protestant

JUAN MEYER, Protestant

KYLE MULHALL, ANC 2B

VARUN PAIS, Protestant

GUY PODGORNIK, Protestant

KENLEE RAY, Protestant, Dupont Circle Citizens
Association

JULIAN SANNES, Protestant, Abutting Owner

CHARLES YOUNG, Protestant

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

2 10:25 a.m.

3 MS. FLETCHER: I'm going to call
4 Butter Me Up. It's Case Number 21-PRO-00065, BMU
5 14, LLC, 1409 T Street NW, License Number ABRA-
6 118304. This is a Retailer Class CR new
7 application. The protest issues are adverse
8 impact on peace, order, and quiet, real property
9 values, residential parking, and vehicular and
10 pedestrian safety, over-concentration, and the
11 licensee's record of compliance with the DC
12 Official Code. Who is present on behalf of the
13 applicant?

14 MR. BIANCO: Good morning, Ms.
15 Fletcher. Richard Bianco for the applicant.

16 MS. FLETCHER: Good morning, Mr.
17 Bianco. Is anyone with you today?

18 MR. BIANCO: No.

19 MS. FLETCHER: Okay. Thank you.
20 Present on behalf of the Shaw-Dupont Citizens
21 Alliance?

22 MR. FERRIS: Yes, Ms. Fletcher, that
23 would be Elwyn Ferris.

24 MS. FLETCHER: Thank you very much.
25 And there's also a Group of 43. Who is present

1 on behalf of the Group of 43?

2 MR. FERRIS: Once again, Ms. Fletcher,
3 I would be one of the two designated
4 representatives.

5 MR. BARBOUR: And this is Dwight
6 Barbour. I'm the other one.

7 MS. FLETCHER: Thank you, Mr. Barbour.
8 So Mr. Ferris, you and Mr. Barbour at the
9 designated representatives for the Group of 43?

10 MR. FERRIS: That is correct.

11 MS. FLETCHER: Thank you. Anyone else
12 present from that Group today?

13 MR. FERRIS: I guess will go through
14 the names, Ms. Fletcher, of the people that I
15 see.

16 MS. FLETCHER: Okay.

17 MR. FERRIS: Okay. Well, of course,
18 Mr. Estrada, Ramon Estrada is here with me.

19 MR. ESTRADA: Good morning.

20 MS. FLETCHER: Good morning.

21 MR. FERRIS: Then I see Ms. Phyllis
22 Klein and Ms. --

23 MS. FLETCHER: Which -- Mr. Ferris,
24 did you say Klein?

25 MR. FERRIS: Yes.

1 MS. KLEIN: Hi, Ms. Fletcher. Good
2 morning.

3 MS. FLETCHER: Hi. Oh, hi. Oh, good
4 morning.

5 (Simultaneous speaking)

6 MS. KLEIN: -- and Juan Meyer.

7 MS. FLETCHER: Yes, thank you.

8 MR. FERRIS: Continuing, I see Guy
9 Podgornik.

10 MS. FLETCHER: Thank you

11 MR. PODGORNIK: Present.

12 MR. FERRIS: Aileen Johnson.

13 MS. JOHNSON: Present.

14 MR. FERRIS: Chuck Young. On the
15 petition, he's Charles Young.

16 MS. FLETCHER: Did you say Charles
17 Young?

18 MR. FERRIS: Yes.

19 MR. YOUNG: Yes, present. Thank you.

20 MS. FLETCHER: Charles Young. Mr.
21 Young, can you spell your name for the record,
22 please?

23 MR. YOUNG: Sure. The last name is
24 Young, Y-O-U-N-G, Charles, C-H-A-R-L-E-S.

25 MS. FLETCHER: Okay. Thank you.

1 MR. YOUNG: Thank you. There are
2 couple of telephone numbers. I'm not sure who
3 those individuals are. If they could identify
4 themselves if they are signatories on the Butter
5 Me Up.

6 MS. FLETCHER: So I see two telephone
7 numbers and then -- actually, I see three
8 telephone numbers ending in 44.

9 MR. FERRIS: Oh.

10 MS. BEZILLA: One of those is mine.
11 Thank you.

12 MR. BARBOUR: And the other one is
13 Dwight Barbour.

14 MS. BEZILLA: Yes. I am Elizabeth
15 Bezilla.

16 MR. FERRIS: Elizabeth Bezilla (audio
17 interference) on the Butter Me Up petition.

18 MS. FLETCHER: Somebody needs to mute
19 their phone. I just don't know who it is. I'm
20 hearing some background noise somewhere.
21 Elizabeth, what's your last name again?

22 MS. BEZILLA: Is Bezilla, B as in boy-
23 E-Z-I-L-L-A.

24 MS. FLETCHER: Oh, yes. I've got your
25 name. Thank you. And there was some --

1 MS. BEZILLA: Thank you.

2 MS. FLETCHER: - there was another
3 person, Charles Young, Elizabeth Bezilla, and
4 there's one other person whose number ends in 44.

5 MS. BEZILLA: That might be Dwight
6 Barbour.

7 MS. FLETCHER: I got Mr. Barbour. Mr.
8 Barbour, are you a part of Butter Me Up? Oh,
9 yes, you're the designated representative. Never
10 mind.

11 MR. BARBOUR: I am and I also have an
12 abutting property as well.

13 MS. BEZILLA: Same --

14 MS. FLETCHER: Yes. I'm going to --

15 MS. BEZILLA: -- same with Elizabeth.

16 MS. FLETCHER: -- get down to that
17 just in a minute. Thank you. Is that everyone
18 from the Group of 43?

19 MR. FERRIS: I'm sorry. Can you hear
20 me, Ms. Fletcher?

21 MS. FLETCHER: Yes.

22 MR. FERRIS: Okay. I'm sorry (audio
23 interference) is Brian Racilla who is also a
24 signatory on the Butter Me Up.

25 MR. RACILLA: And I'm --

1 MS. FLETCHER: Okay. I just
2 (simultaneously speaking) --

3 MR. RACILLA: -- still present.

4 MS. FLETCHER: -- him. Okay. All
5 right.

6 MR. FERRIS: And as far as I can tell,
7 that would be my guess as to who was present on
8 the Butter Me Up.

9 MS. FLETCHER: Okay. Thank you. I
10 counted 10 people present on behalf of Butter Me
11 Up.

12 MR. LEELA: Good morning, madam. My
13 name is Varun S. -- the Butter Me Up -- Varun S.
14 Leela.

15 MS. FLETCHER: Oh, thank you.

16 MR. LEELA: 1413 T Street, 205 is my
17 apartment number.

18 MS. FLETCHER: Okay. Thank you.

19 MR. PAIS: I am also here on behalf of
20 -- I'm also here for that. I'm from 1413 T
21 Street, 205 as well.

22 MS. FLETCHER: Oh, you -- yes, you are
23 --

24 MR. PAIS: Varun Pais.

25 MS. FLETCHER: -- part of another

1 group. You're part of a separate group. You're
2 part of a Group of 3, which I'm going to get to
3 in a moment. Right now I'm just --

4 MR. PAIS: Oh --

5 MS. FLETCHER: -- looking at the Group
6 of 43.

7 MR. PAIS: -- okay -- okay, ma'am,
8 okay.

9 MS. FLETCHER: But thank you. I'm
10 aware that, you know, that you're a part of the
11 protest though.

12 MR. FERRIS: Ms. Fletcher?

13 MS. FLETCHER: Did somebody say
14 something?

15 MR. FERRIS: Ms. Fletcher?

16 MS. FLETCHER: Yes.

17 MR. FERRIS: I'm sorry, but I believe
18 you said you had 10. I don't seem to have 10
19 names. Could you go over those 10 names with me?

20 MS. FLETCHER: Yes. I have -- this is
21 for Better Me Up -- I have Ramon Estrada. I have
22 Ms. Klein and Mr. Juan Meyer. I have Guy, Aileen
23 Johnson, Charles Young, Elizabeth Bezilla, Dwight
24 Barbour, Elwyn Ferris, Brian Racilla. And I'm
25 actually excluding Mr. Leela from that list

1 because he's a part of a separate group so I may
2 have nine instead of ten.

3 MR. FERRIS: Actually --

4 (Simultaneous speaking)

5 MR. FERRIS: -- yes, I have the 10 as
6 well. Thank you.

7 MS. FLETCHER: Okay. You're welcome,
8 which means that the Group of 43 has full
9 standing as protestants. We have some other
10 protestants in this matter.

11 MR. FERRIS: Excuse me once again, Ms.
12 Fletcher.

13 MS. FLETCHER: Yes.

14 MR. FERRIS: Did we do SDCA as a
15 protestant on Butter Me Up?

16 MS. FLETCHER: Yes, the Shaw-Dupont,
17 yes.

18 MR. FERRIS: Okay. Thank you very
19 much.

20 MS. FLETCHER: You're welcome. And we
21 also have the Dupont Circle Citizens Association.
22 Who's present on behalf of the Association, of
23 the Dupont Circle Citizens Association?

24 MS. KLEIN: I see Kenlee Ray, but I
25 see there's a little triangle in the corner of

1 her name that suggests there's low bandwidth. So
2 I don't know if she can speak, but you'll see
3 her name, Kenlee Ray.

4 MS. FLETCHER: So that was Ms. Klein
5 speaking, yes?

6 MS. KLEIN: Yes. I recognize Kenlee
7 Ray. She's the rep. I wonder if I can -- I can
8 try to reach her and let her know that her voice
9 isn't coming through, and maybe she can call in.

10 MS. FLETCHER: Where do you see her on
11 the screen?

12 MS. KLEIN: I see a square with just
13 her name, Kenlee Ray.

14 MS. FLETCHER: Oh, I see it.

15 MS. KLEIN: Yes.

16 MS. FLETCHER: That's sufficient.

17 MS. KLEIN: Okay. Thank you.

18 MS. FLETCHER: I'll take that. So Ms.
19 Ray -- Kenlee Ray is present but maybe she's
20 having some technical difficulties. But I do see
21 her present. Thank you.

22 And present on behalf of ANC 2B?

23 COMMISSIONER MULHALL: This is
24 Commissioner Kyle Mulhall for ANC 2B.

25 MS. FLETCHER: Okay. Now we move --

1 I'm going to go to the Group of 3 next. So for
2 the Group of 3, Mr. Leela, if you would state
3 your name again. You signed your protest as a
4 part of a Group of 3. If you would state your
5 name again?

6 MR. LEELA: Yes, ma'am.

7 MS. FLETCHER: Would you just state it
8 one more time?

9 MR. LEELA: My name is Varun Leela,
10 madam. And --

11 MS. FLETCHER: Thank you.

12 MR. LEELA: -- I am the same, T 1413
13 and 205 apartment number.

14 MS. FLETCHER: Thank you very much.
15 Is anyone else present from your group today?

16 MR. PAIS: I am, Varun Pais.

17 MS. FLETCHER: Okay. And if you could
18 state your name for the record, please?

19 MR. PAIS: Varun Pais.

20 MS. FLETCHER: Okay. Thank you. Is
21 anyone else present from the Group of 3? Thank
22 you. Mr. Leela and Mr. Pais, you filed your
23 protest as a part of a --

24 MR. KUMAR: This is Sajith Kumar. I'm
25 sorry. I was talking. I was on mute. My video

1 was on. Sorry.

2 MS. FLETCHER: Oh, that's okay.

3 MR. KUMAR: Thank you.

4 MS. FLETCHER: You're a part of the
5 Group of 3?

6 MR. KUMAR: That's right, madam.

7 MS. FLETCHER: Could you spell your
8 name for the record, please?

9 MR. KUMAR: S-A-J-I-T-H, last name is
10 Kumar, K-U-M-A-R. And actually last name is
11 Chandrahasan Sajith Kumar Chandrahasen.

12 MS. FLETCHER: Okay. Kumar is
13 separate. Okay. I have it spelled. Okay.
14 Thank you.

15 MR. KUMAR: Yes, ma'am. It's Sajith
16 Kumar Chandrahasan. That's right.

17 MS. FLETCHER: Thank you very much.
18 So you three gentlemen filed your protest as a
19 Group of 3.

20 MR. KUMAR: That's right.

21 MS. FLETCHER: In order to have
22 standing as a protestant as a Group of 3, you
23 would have to reside in a moratorium zone. The
24 establishment is not located in a moratorium
25 zone. The establishment is located at 1409 T

1 Street NW, which is not a moratorium zone. The
2 only other way that you be -- could be considered
3 protestants is if you filed as abutting property
4 owners. So you're at 1413 T Street NW, yes?

5 MR. KUMAR: Yes. It is next door to
6 this Butter Me Up restaurant. It will be the
7 most, you know, difficult for us, because this is
8 -- my bedroom is right there.

9 MS. FLETCHER: In order to be
10 considered as abutting property owners, you would
11 have to state that claim in your protest letter.
12 You didn't state in your protest letter that you
13 were claiming to be abutting. I just happen to
14 be aware that the building that you live in abuts
15 but you didn't claim to be abutting. Therefore,
16 I can't consider you as abutting property owners,
17 because you didn't claim it prior to today. So
18 the protest filed by Mr. Leela, Mr. Pais, and Mr.
19 Chandrahasan is dismissed for those reasons. But
20 you will have an opportunity to ask the Board to
21 reconsider that decision and to grant you
22 standing as a protestant. But you're not granted
23 standing as a protestant today, because you're
24 not part of a Group of 5, and you did not claim
25 to be abutting property owners in your protest

1 letter.

2 What that means is that you'll receive
3 a Board order dismissing your protest, and in
4 that Board order, the Board gives you 10 days to
5 seek reinstatement, to seek standing as a
6 protestant. Just you'll have a chance to explain
7 to the Board why you should be considered
8 protestants in this matter.

9 MR. KUMAR: Okay. Thank you, ma'am.

10 MS. FLETCHER: We -- you're welcome.
11 We have a few other protestants claiming to be
12 abutting. I'm going to start with Dwight
13 Barbour. Mr. Barbour, you reside in 1413 T
14 Street NW, yes?

15 MR. BARBOUR: Correct.

16 MS. FLETCHER: And I can tell from the
17 DC geographic information system that your
18 building abuts the establishment, your building
19 does. We have to determine whether or not your
20 --

21 MR. BARBOUR: And I a wall that I
22 share with them.

23 MS. FLETCHER: Okay. Who's speaking?

24 MR. BARBOUR: This is Dwight Barbour.

25 MS. FLETCHER: Okay. So Mr. Barbour,

1 so I know that your building abuts. We have to
2 determine if your unit abuts.

3 MR. BARBOUR: Yes.

4 MS. FLETCHER: Does your unit --

5 MR. BARBOUR: My unit is C4.

6 MS. FLETCHER: Yes.

7 MR. BARBOUR: And I share a wall with
8 the property.

9 MS. FLETCHER: Okay. So you share a
10 wall.

11 MR. BARBOUR: Yes. And I also
12 represent Joanne Kent today as well, and she also
13 shares a wall.

14 MS. FLETCHER: You represent who, Mr.
15 Barbour?

16 MR. BARBOUR: Joanne Kent.

17 MS. FLETCHER: You're representing
18 Joanne Kent today?

19 MR. BARBOUR: That is correct and she
20 also shares a wall with them --

21 MS. FLETCHER: So what's her unit
22 number.

23 MR. BARBOUR: -- so she's involved.

24 MS. FLETCHER: What's her unit number?

25 MS. FLETCHER: Oh, I don't know that

1 off hand.

2 MS. BEZILLA: Unit 104.

3 MR. BARBOUR: Okay, it's 104.

4 MS. FLETCHER: So let me just a
5 second. So only one person can speak at a time,
6 and you've got to identify yourself for the court
7 reporter, especially where there's only a
8 telephone number because he can't see your name.
9 So Mr. Barbour, I know you were speaking. Just a
10 second. But somebody said something. I just
11 don't know who it was. But any --

12 MS. BEZILLA: My apologies, Elizabeth
13 Bezilla.

14 MS. FLETCHER: Okay. Ms. Bezilla,
15 what did you say?

16 MS. BEZILLA: It's Unit Number 104.

17 MS. FLETCHER: Oh, you're saying that
18 --

19 MS. BEZILLA: Joanne --

20 MS. FLETCHER: -- Joanne Kent's --
21 you're saying that Joanne Kent's Unit Number is
22 104?

23 MS. BEZILLA: Yes.

24 MS. FLETCHER: Okay. Just a second.

25 Mr. Barbour, in terms of your unit, C4, what wall

1 will you share with the establishment?

2 MR. BARBOUR: The wall on the west
3 side of their building.

4 MS. FLETCHER: But your --

5 MR. BARBOUR: I'm on the north -- I'm
6 on the south end of the building. Elizabeth is
7 in the middle, and on the north is Joanne at 104.

8 MS. FLETCHER: Okay. So you share a
9 wall -- just where is your -- you share a wall on
10 which side?

11 MR. BARBOUR: I'm on the front of the
12 building, so I'm on the south side.

13 MS. FLETCHER: Okay, one second.

14 MR. BARBOUR: Okay.

15 MS. FLETCHER: You're representing Ms.
16 Kent today. Ms. Kent is not present today?

17 MR. BARBOUR: That is correct.

18 MS. FLETCHER: Okay. You're --

19 MR. BARBOUR: She sent in her
20 paperwork last week.

21 MS. FLETCHER: -- you're representing
22 Ms. Kent today, and you said that --

23 MR. BARBOUR: Correct.

24 MS. FLETCHER: -- her unit -- you said
25 that her unit, 104, also abuts?

1 MR. BARBOUR: Yes. She's on the north
2 end. She's on the north side, north end of the
3 wall that we share.

4 MS. FLETCHER: Mr. Barbour, are you --

5 MR. BARBOUR: Yes, ma'am.

6 MS. FLETCHER: -- also representing
7 Julian Sannes today?

8 MR. BARBOUR: No. I don't recognize
9 that name. Oh, wait, yes, I am. I'm sorry.
10 That's her business partner. Yes. I'm sorry.
11 Yes.

12 MS. FLETCHER: Do you have -- just a
13 second --

14 MR. BARBOUR: They submitted the
15 proper paperwork well before the 48 hours.

16 MS. FLETCHER: I know.

17 MR. BARBOUR: And I got (audio
18 interference). Okay.

19 MS. FLETCHER: Okay. So you're also
20 representing Julian Sannes. I'm just going to
21 spell that, S-A-N-N-E-S. We had that on the
22 record, but I just wanted to spell it because
23 it's spelled in an unusual way. And so Ms.
24 Bezilla, Ms. Kent, and Sannes have a wall that
25 they share with the establishment on the north

1 side?

2 MR. BARBOUR: Yes. Bezilla is in
3 between us, so I'm on the south side. Then it's
4 Elizabeth, and then on the north side is Joanne
5 Kent's unit.

6 MS. FLETCHER: Let me just to back to
7 clarify something here. Mr. Barbour, you said
8 that your C4 shares a wall on the front south
9 side?

10 MR. BARBOUR: Correct, southeast.

11 MS. KLEIN: Their -- Ms. LaVerne,
12 their east wall --

13 MS. FLETCHER: Ms. Klein, what did you
14 say?

15 MS. KLEIN: -- their east wall shares
16 the west wall of the establishment.

17 MS. FLETCHER: And whose wall is that?

18 MS. KLEIN: The 1413 T Street wall,
19 all the units just mentioned share -- their east
20 wall shares the west wall of the Butter Me Up
21 establishment.

22 MR. BARBOUR: That's right.

23 MS. FLETCHER: And Ms. Bezilla, you
24 mentioned that you're in Unit 101 and you share a
25 wall as well?

1 MS. BEZILLA: Yes. My bedroom -- my
2 bed actually -- my headboard is the party wall
3 separating our building and Butter Me Up.

4 MR. BARBOUR: This is Dwight Barbour.
5 And my bedroom wall also touches their wall, that
6 same wall.

7 MS. FLETCHER: Mr. Bianco?

8 MR. BIANCO: Yes, Ms. Fletcher.

9 MS. FLETCHER: Do you have any
10 objection or comments to the explanation provided
11 by the protestants in terms of how -- where their
12 properties abut --

13 MR. BIANCO: I would like to move to
14 dismiss based on our condo class, but I'm not
15 going to address the issue here. I think it's
16 more appropriate for a written motion. As to the
17 Kent and Sannes protest, neither are here. I
18 don't have a designation of representative either
19 in the protest letter; or if one was subsequently
20 filed, I don't have it. Since it's not a group
21 of five or more, they shouldn't have standing if
22 they didn't show up.

23 MR. BARBOUR: Well --

24 MS. FLETCHER: So Mr. Bianco, we've
25 been accepting protests when a designated

1 representative shows up for another party event
2 when that person is not present as long as
3 somebody shows up. Well, we're right about what
4 you're saying.

5 MR. BIANCO: Where's the designation
6 is my question I suppose.

7 MS. FLETCHER: There -- we got it
8 today.

9 MR. BIANCO: Okay. That's --

10 MS. FLETCHER: We didn't need one
11 before today.

12 MR. BIANCO: No. That's perfectly
13 fine. I just haven't seen it which is the reason
14 for my objection. So I take -- certainly take
15 your representation but again, reserve rights to
16 move to dismiss.

17 MS. FLETCHER: I'm sorry, what did you
18 say, Mr. Bianco.

19 MR. BIANCO: I certainly accept your
20 representation, but I reserve my rights to file a
21 subsequent motion to dismiss.

22 MS. FLETCHER: Okay. Thank you. Ms.
23 Bezilla, did you hear that?

24 MS. BEZILLA: No. I'm not sure what
25 he was talking about.

1 MS. FLETCHER: I'll explain. You're
2 representing Ms. Kent and Ms. Sannes?

3 MR. BARBOUR: No.

4 MS. BEZILLA: I am not.

5 MR. BARBOUR: It's Dwight Barbour.

6 MS. FLETCHER: I'm sorry, Mr. Barbour.
7 I'm very sorry. Excuse me. I'm sorry.

8 MR. BARBOUR: Yes.

9 MS. FLETCHER: Just a second.

10 MS. BEZILLA: No worry.

11 MS. FLETCHER: One second. Give me
12 one minute. One second.

13 (Pause.)

14 MS. FLETCHER: Mr. Barbour, you're
15 representing --

16 MR. BARBOUR: Yes.

17 MS. FLETCHER: -- Ms. Kent and Ms.
18 Sannes?

19 MR. BARBOUR: That is correct.

20 MS. FLETCHER: What -- so did you have
21 any question about what Mr. Bianco said?

22 MR. BARBOUR: Well, I think -- well,
23 he didn't receive the letter that we did inviting
24 us to this that said that you could designate a
25 representative on a -- a designee I think was the

1 phrase they used as long as the paperwork was
2 submitted 24 hours in advance. And so Joanne and
3 her business partner sent that in, and we got --
4 I got another invitation to attend this Webex
5 event from somebody at ABRA there. So we just
6 followed the rules and that's what they said we
7 could do.

8 MS. FLETCHER: Okay. So just Mr.
9 Bianco was saying that he did not see a letter
10 from Joanne Kent or Julian Sannes designating you
11 as their representative, but he's willing to
12 accept that today but reserving his right to
13 object to it later. Am I right, Mr. Bianco?

14 MR. BIANCO: That's correct.

15 MS. FLETCHER: Okay. So we'll just
16 kind of --

17 MR. BARBOUR: Okay.

18 MS. FLETCHER: -- move forward with
19 you as the designated representative for now for
20 Ms. Kent and Ms. Sannes.

21 MR. BARBOUR: Thank you.

22 MS. FLETCHER: Welcome. So let me
23 recap her. So in the matter of Butter Me Up, we
24 have as protestants the Shaw-Dupont Citizens
25 Alliance represented by Elwyn Ferris; the Group

1 of 43 represented by Elwyn Ferris and Dwight
2 Barbour; the Dupont Circle Citizens Association
3 represented by Kenlee Ray; ANC 2B represented by
4 Kyle Mulhall; as abutting property owners, we
5 have Dwight Barbour, Elizabeth Bezilla, Joanne
6 Kent, and Julian Sannes; and we've dismissed, or
7 I've dismissed the Group of 3 for the reasons
8 already stated.

9 We need to set a date for mediation,
10 a status hearing, and a protest hearing. I'll
11 give you the date for the status and protest
12 hearing. The status hearing is set for October
13 6, 2021 at 10:30. The protest hearing is set for
14 November 3rd. I don't have a time to give to you
15 today for the protest hearing, but it is set for
16 November 3rd, and I'll provide you with the time
17 following the roll call hearing.

18 We need to set a date for mediation.
19 I'll give you the next available day. The next
20 available day is Wednesday, September 22, or we
21 could do Tuesday, the 21st, actually any time
22 after 11:30. So do you want to take a look at
23 September 21st first, or does anybody -- well,
24 no, none of you have hearings here on the 21st as
25 far as I know.

1 MS. KLEIN: Ms. --

2 MR. BARBOUR: LaVerne, what time on
3 the 22nd, please?

4 MS. FLETCHER: The 22nd would be
5 anytime between 9:00 a.m. and 2:00 p.m.

6 MS. KLEIN: And would remind us, is
7 that a -- what type of hearing is that?

8 MS. FLETCHER: That would be -- I'm
9 setting up the mediation now.

10 MS. KLEIN: Thank you.

11 MS. FLETCHER: Yes. So Mr. Bianco,
12 would the 22nd work for you, Wednesday?

13 MR. BIANCO: Given the cast of
14 hundreds that we're dealing with scheduling on, I
15 can make either day at any time work, and
16 everyone else can sort of work it out.

17 MS. FLETCHER: Okay. Well, then in
18 that case, let me start with Mr. Ferris. Mr.
19 Ferris?

20 MR. FERRIS: Yes, Ms. Fletcher.

21 MS. FLETCHER: Are you available on
22 the 21st or the 22nd?

23 MR. FERRIS: I would be available both
24 days but do you have a specific time in mind?

25 MS. FLETCHER: Well, for the 21st, we

1 could do it at 11:30. On the 22nd, we can do it
2 anytime between 9:00 a.m. and 2:00.

3 MR. FERRIS: All right. On the 22nd,
4 like noon or 1:00 would be preferred.

5 MS. FLETCHER: Okay.

6 MR. FERRIS: And -- but I would also
7 be available on the 21st. I believe you said
8 11:30?

9 MS. FLETCHER: Yes.

10 MR. FERRIS: Yes. I'm available for
11 either one of those, whichever is most convenient
12 for the other parties, the other groups.

13 MS. FLETCHER: Okay. Well, okay, Mr.
14 Ferris, that takes care of the Group of 43 as
15 well.

16 MR. FERRIS: Correct. What about the
17 -- did somebody say something? What about --

18 MS. KLEIN: DCCA, because Kenlee's
19 voice can't be heard, she's put into the chat
20 that she's available on the 21st after 1:30 and
21 also available on the 22nd.

22 MS. FLETCHER: Okay. Let's move to
23 the 22nd then. So we're going to move to the
24 22nd. So Ms. Ray is available on the 22n at
25 1:00?

1 MS. RAY: Yes. Can you hear me?

2 MS. FLETCHER: What about Kyle
3 Mulhall, are you still there?

4 COMMISSIONER MULHALL: I am.

5 MS. FLETCHER: Oh, there you are.

6 COMMISSIONER MULHALL: I can do
7 anytime on the 21st. I can do the 22nd but it
8 would -- preferably in the morning but at least
9 before 1:00.

10 MR. FERRIS: Mr. Ferris, would 11:00
11 work for you on the 22nd? If not, we can move to
12 another day. I'm just trying to see what could
13 happen on the 22nd.

14 MR. FERRIS: I could. Can you hear
15 me?

16 MS. FLETCHER: Yes.

17 MR. FERRIS: Okay.

18 MS. FLETCHER: You want to move to the
19 23rd?

20 MR. FERRIS: Yes. That would -- if
21 that's convenient for everybody, the -- let's
22 move to the 23rd.

23 MS. FLETCHER: At 1:00?

24 MR. FERRIS: Sounds great.

25 COMMISSIONER MULHALL: This is Kyle

1 Mulhall. Unfortunately, I can't do the 23rd. I
2 could do the 24th?

3 MS. FLETCHER: I can do the 24th. Can
4 -- I'm still starting at the top of the list.
5 Mr. Ferris, can you do the 24th at 1:00?

6 MR. FERRIS: I certainly can.

7 MS. KLEIN: It looks like that works
8 for Kenlee Ray as well for DCCA.

9 MS. FLETCHER: Okay. So 1:00 works
10 for -- on the 24th, Friday, works for Shaw Dupont
11 Citizens Alliance. It works for the Group of 43.
12 It works for Kenlee Ray?

13 MS. KLEIN: That's DCCA, the Dupont
14 Circle Citizens Association.

15 MS. FLETCHER: Dupont Citizens
16 Association. It works for Mr. Mulhall. Does it
17 work for Mr. Barbour?

18 MR. BARBOUR: Yes, it certainly does.
19 Thank you very much, LaVerne.

20 MS. FLETCHER: You're welcome. What
21 about Ms. Bezilla, does it work for you?

22 MS. BEZILLA: Yes, it does.

23 MS. FLETCHER: And so Ms. Bezilla, can
24 you inform -- well, I'll inform Ms. Kent and Ms.
25 Sannes of the mediation. I'm going to send them

1 an invitation for the same time.

2 MS. BEZILLA: Okay, yes.

3 MS. FLETCHER: And Ms. Bezilla, may I
4 -- if by some chance, you're going to represent
5 them in mediation, you'll need to -- you'll need
6 that designated representative form.

7 MS. BEZILLA: Okay. Dwight Barbour is
8 representing them.

9 MS. FLETCHER: I mean they should
10 submit --

11 MR. BARBOUR: This is Dwight Barbour --

12 MS. FLETCHER: -- they should submit
13 that anyway. It is not in the record.

14 MR. BARBOUR: LaVerne, they have
15 already submitted --

16 MS. FLETCHER: They should submit --

17 MR. BARBOUR: -- that and we've
18 received confirmation of that already, so I think
19 we're ready to go. But if there's anything --

20 MS. FLETCHER: Okay. Thank you.

21 MR. BARBOUR: -- else, let me know.
22 Thank you so much.

23 MS. FLETCHER: Okay. Thank you.
24 Perfect. You're welcome. That's everybody. Did
25 I miss anybody? That's all the groups that are

1 available at 1:00 on Friday, September 24th. I
2 think that's everybody. So --

3 MR. BARBOUR: Perfect.

4 MS. FLETCHER: Mr. Bianco, that's good
5 for you, right?

6 MR. BIANCO: Yes. That's perfectly
7 fine. I can make that work. I would have one --
8 I suppose we can call it a request. Since we
9 have a large number of protestants, I would ask
10 for the Group of 43 to send its -- of course send
11 its designated representatives, but I just don't
12 want to have an unworkable number of individuals
13 in the mediation, like even if only 10 show up, I
14 think it would be potentially problematic. So I
15 suppose that's an ask of the Group and not
16 something that I would -- that I could have
17 required. But I would just like to keep it as
18 focused as possible and not have to deal with 40
19 or 50 people.

20 MS. FLETCHER: Well, mediation
21 definitely works best when there's just the
22 designated representative or, you know, just --
23 you know, or a couple people. A Group of 43 or
24 anywhere near that number would make it pretty
25 difficult logistically. But -- so Mr. Ferris

1 heard your request.

2 MR. FERRIS: Yes. Again, I'm not
3 sure, can you hear me?

4 MS. FLETCHER: Yes.

5 MR. FERRIS: I notice you're (audio
6 interference) with -- yes, Mr. Bianco and Ms.
7 Fletcher. Yes. We understand that it can be
8 cumbersome having too many people at any of these
9 mediation sessions, so I think the Group has
10 decided that, you know, just Mr. Barbour and
11 myself representing their interest is the best
12 way to go. We fully concur with what Mr. Bianco
13 has said and it'll just likely be Mr. Barbour and
14 myself.

15 MS. FLETCHER: That would be perfect,
16 Mr. Ferris. Well, I'd like to thank everybody
17 for coming. I look forward to seeing everybody
18 on the 24th at 1:00, and I'll send out the
19 invitations sometime today.

20 MS. KLEIN: Thank you, Ms. Fletcher.

21 MS. FLETCHER: You're very welcome.
22 Your welcome. Nice to see everybody.

23 (Whereupon, at 11:01 a.m., the roll
24 call hearing in the above-entitled matter was
25 concluded.)

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This is to certify that the foregoing transcript

In the matter of: Butter Me Up

Before: DCABRA

Date: 09-14-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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