

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

2 10:13 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Elements DC -- that's Elements DC
5 LLC, Case Number 21-PRO-00067, 1355 you Street
6 NW, License Number, ABRA-118277. This is a
7 Retailer Class CT new application. The protest
8 issues are adverse impact on peace, order, and
9 quiet, real property values, residential parking,
10 and vehicular and pedestrian safety, and over-
11 concentration. Who is present on behalf of
12 Elements DC?

13 MR. HURWITZ: Good morning, again.
14 This s Ely Hurwitz representing the applicant.

15 MS. FLETCHER: Thank you, Mr. Hurwitz.
16 Is anyone else with you today?

17 MR. HURWITZ: Yes. I'd like to
18 introduce Austin Haag. He's the principal of the
19 applicant.

20 MS. FLETCHER: Thank you, Mr. Haag.
21 You can spell your name for this record, again,
22 please?

23 MR. HAAG: Yes, ma'am. The last name
24 is H-A-A-G.

25 MS. FLETCHER: Okay.

1 MR. HAAG: First name is Austin, A-U-
2 S-T-I-N.

3 MS. FLETCHER: Thank you very much.
4 And present on behalf of the Shaw-Dupont Citizens
5 Alliance?

6 MR. FERRIS: Yes, Ms. Fletcher. That
7 would Elwyn Ferris.

8 MS. FLETCHER: Thank you, Mr. Ferris.
9 And on behalf of ANC 1B?

10 COMMISSIONER HARRIS: Hi. This is
11 Commissioner Sabel Harris.

12 MS. FLETCHER: Ms. Harris. One
13 second. And there is also a Group of 14 in this
14 case. Who's present on behalf of the Group of
15 14?

16 MR. RACILLA: Hi. This is Brian
17 Racilla on behalf of the --

18 MS. FLETCHER: Thank you, Mr. Racilla.
19 Are there any other individuals present from your
20 Group of 14 today?

21 MR. RACILLA: Yes, there are. The
22 first one is Aileen Johnson.

23 MS. FLETCHER: Okay.

24 MS. JOHNSON: Present.

25 MS. FLETCHER: Thank you.

1 MR. RACILLA: And then Craig
2 Brownstein.
3 MS. FLETCHER: Craig Brownstein.
4 MR. BROWNSTEIN: Present.
5 MS. FLETCHER: Thank you.
6 MR. RACILLA: And Dan Wittels.
7 MS. FLETCHER: Okay.
8 MR. WITTELS: Present.
9 MR. RACILLA: Ebony Johnson.
10 MS. JOHNSON: Present.
11 MS. FLETCHER: Thank you.
12 MR. RACILLA: Elwyn Ferris.
13 MS. FLETCHER: Thank you.
14 MR. RACILLA: Ramon Estrada.
15 MS. FLETCHER: Mr. Estrada?
16 MR. ESTRADA: Present.
17 MS. FLETCHER: Hi, Mr. Estrada.
18 MR. ESTRADA: I'm here with Mr.
19 Ferris. Hey, LaVerne.
20 MR. RACILLA: Guy Podgornik.
21 MS. FLETCHER: Thank you.
22 MR. PODGORNIK: Present.
23 MR. RACILLA: Janice Reyes.
24 MS. REYES: Present.
25 MS. FLETCHER: Thank you.

1 MR. RACILLA: And we've got William
2 Isasi.

3 MS. FLETCHER: William --

4 MR. ISASI: Hello again.

5 MS. FLETCHER: Oh, I-S-A-S-I.

6 MR. RACILLA: S-I, that's right.

7 MS. FLETCHER: Okay.

8 MR. RACILLA: And then we've Dwight
9 Barbour.

10 MR. BARBOUR: Hello again. This is
11 Dwight.

12 MS. FLETCHER: Okay. Anybody else,
13 Mr. Racilla?

14 MR. RACILLA: I think that is
15 everyone.

16 MS. FLETCHER: Thank you.

17 MR. HURWITZ: I think I only counted
18 eleven.

19 MS. FLETCHER: That's what I got.
20 Okay. So there are 11 people present from the
21 Group of 14. That means that the Group of 14 has
22 standing as a protestant. I didn't say this in
23 the previous case where a lot of you were parties
24 but Mr. Racilla, this is just so that you know
25 because you're representing multiple groups, at

1 the upcoming status hearing, only you need to
2 appear.

3 MR. RACILLA: Okay.

4 MS. FLETCHER: Only the designated
5 representative will need to appear for the
6 upcoming status hearing, because your standing
7 has already been established.

8 MR. RACILLA: Excellent. Thank you
9 very much for clarifying that.

10 MS. FLETCHER: You're welcome. We
11 need to set a date for mediation, a status
12 hearing and a protest hearing. I will give you
13 the date for the status and protest hearing
14 first. The status hearing is on October 6 at
15 10:30. The protest hearing is going to be on
16 November 17, 2021. I don't have a time for you
17 yet, but I'll send the time for you after the
18 roll call hearings.

19 We need to set a date for the
20 mediation. I have a question for you, because
21 the parties are the same -- pretty much the same
22 in both cases, do you want to have the mediation
23 one to follow the other on the 20th, or do we do
24 it another day?

25 MR. HURWITZ: I would like to have one

1 to follow the other. This is Ely Hurwitz
2 speaking.

3 MS. FLETCHER: Okay. If we're going
4 to have -- excuse me one second -- if we're going
5 to have one to follow the other, 1:00 was a good
6 time for all the parties as well, right?

7 MR. HURWITZ: No, because Mr. Haag has
8 a class at 1:00 he has to --

9 MS. FLETCHER: Mr. Haag, that's right.
10 That's why we scheduled it --

11 MR. HURWITZ: Right.

12 MS. FLETCHER: -- for 11:00. Okay.
13 Well, we could do it earlier. So Mr. Haag, I
14 guess you're not available the rest of that day,
15 right?

16 MR. HAAG: I'm sorry, ma'am. Yes,
17 unfortunately, I'm not.

18 MS. FLETCHER: Oh, that's no problem
19 whatsoever. So we could do it earlier, or we'll
20 move to another day.

21 MR. HURWITZ: If we could do it at
22 10:30 perhaps?

23 MS. FLETCHER: So if enough of these
24 issues are going to overlap, if the parties
25 believe that most of these issues are going to

1 overlap for both places, that would be fine.

2 MR. HURWITZ: I would think they would
3 be similar issues generally speaking.

4 COMMISSIONER HARRIS: I think there --
5 they will be similar issues, but the
6 establishments are of different sizes and across
7 the street from each other. So I think we might
8 need more time for one over the other, so I mean
9 10:00 a.m. works for me. I don't know about the
10 other parties.

11 MS. FLETCHER: well, I -- so Ms.
12 Harris, I'm just making a note that you were
13 speaking. Can the court reporter see that Ms.
14 Harris is speaking?

15 COURT REPORTER: I can.

16 MS. FLETCHER: Okay. Thank you.

17 COMMISSIONER HARRIS: Sorry about
18 that.

19 MS. FLETCHER: Oh, that's okay. I can
20 see everybody but I don't know who can see
21 everybody. Thank you. Well, in that case, we
22 could do 9:00 on the 20th. That would allow more
23 than an hour before the next case begins. I'm
24 going to leave some of this up to you. I'm
25 available anytime and if would be better, we

1 could do it on the next day if you want to, on
2 the 21st at any time after 11:00, or if you want,
3 we can do it at 10:00 on the 20th.

4 MR. HAAG: 10:00 works great, ma'am,
5 for me. This is Austin Haag.

6 MS. FLETCHER: Mr. Haag, 10:00 works
7 okay for you, Mr. Haag?

8 MR. HAAG: Yes, ma'am.

9 MS. FLETCHER: What about you, Mr.
10 Hurwitz?

11 MR. HURWITZ: Yes, Ms. Fletcher, that
12 would be fine.

13 MS. FLETCHER: So Ms. Harris, would
14 10:00 work for you for the Element?

15 COMMISSIONER HARRIS: Yes, it does,
16 and that is on the 20th?

17 MS. FLETCHER: Yes. That's on the
18 20th.

19 COMMISSIONER HARRIS: Thank you. Yes,
20 that works for me.

21 MS. FLETCHER: And Mr. Ferris, what
22 about you?

23 MR. FERRIS: Yes, 10:00 on the 20th is
24 fine.

25 MS. FLETCHER: Okay. Mr. Racilla,

1 what about you?

2 MR. RACILLA: Yes, 10:00 a.m. on the
3 20th works for me as well.

4 MS. FLETCHER: So we have mediation
5 set for Monday, September 20 at 10:00 for the
6 Elements and at 11:00 for The Alchemist. Okay.
7 I'll send out Webex invitations for both cases.
8 Any questions, anyone?

9 MR. HURWITZ: No. I'd just like to
10 thank you for your attention to these matters. I
11 appreciate it.

12 MS. FLETCHER: Well, you're very
13 welcome, Mr. Hurwitz. I will see everybody on
14 the 20th for those two cases. We -- for the
15 upcoming case, we have some of the same parties
16 as well, so if you're a part of the upcoming
17 case, which is Butter Me UP, you can stay on the
18 line. I'm going to conclude Element DC, so the
19 roll call hearing in the matter of Element DC is
20 now concluded.

21 (Whereupon, at 10:25 a.m., the roll
22 call hearing in the above-entitled matter was
23 concluded.)
24
25

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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: Elements DC

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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