



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

2 9:33 a.m.

3 MS. FLETCHER: Okay. Good morning.

4 Thank you for joining ABRA's public roll call  
5 hearings. I'm LaVerne Fletcher. I'll be  
6 conducting the roll call hearings this morning as  
7 the Board's agent. Today's hearings are being  
8 conducted via WebEx provided by the DC Office of  
9 Open Government.

10 There are five cases scheduled for  
11 today. Once your case is called, I will elevate  
12 the rights for each party to enable their camera  
13 and microphone. Then, and only then, will you  
14 have the ability to enable your equipment. If  
15 your case is not being heard then, excuse me, if  
16 your case is not being heard, you will remain  
17 mute, and your camera will be disabled.

18 At the conclusion of each case, the  
19 parties will have the option to leave. If the  
20 parties choose to stay, all cameras and  
21 microphones for the concluded case will be  
22 disabled. Should you have any questions or  
23 require technical assistance during the hearing,  
24 please submit them using the Q&A feature or email  
25 [simone.andrews2@dc.gov](mailto:simone.andrews2@dc.gov).

1                   The first case I will call is Case  
2                   Number 20-PRO-00027, 2411 18th Hospitality, LLC,  
3                   trading as The Game Sports Pub/Tiki on 18th, 2411  
4                   18th Street, NW, License Number ABRA-112308.  
5                   This is a Retailer Class CR, Substantial Change  
6                   (Entertainment Endorsement with Cover Charge).  
7                   The process issues are adverse impact on peace,  
8                   order, and quiet.

9                   I'm now checking to see if any of the  
10                  parties are present for this particular case.  
11                  Just a moment, please.

12                  Neither of the parties are available  
13                  for this case.

14                  (Whereupon, the above-entitled matter  
15                  went off the record at 9:35 a.m. and resumed at  
16                  9:40 a.m.)

17                  MS. FLETCHER: Good morning, Ted. I  
18                  am elevating you to have the ability to speak and  
19                  be seen. The other parties too, again, are not  
20                  present at that time, but I wanted to acknowledge  
21                  you and elevate you to be able to speak and to be  
22                  heard.

23                  MR. GUTHRIE: Okay, thank you.

24                  MS. FLETCHER: You're welcome.

25                  MR. GUTHRIE: I know Mr. James is

1 trying to get in sort of the other way, not  
2 through WebEx, but I'm not sure how he's --

3 MS. FLETCHER: Okay. Thank you, Ted.

4 MR. GUTHRIE: Thank you.

5 (Whereupon, the above-entitled matter  
6 went off the record at 9:43 a.m. and resumed at  
7 10:07 a.m.)

8 MS. FLETCHER: Okay, good morning to  
9 everyone. I'm calling this case of Case Number  
10 20-PRO-00027, 2411 18th Hospitality, LLC, trading  
11 as The Game Sports Pub/Tiki on 18th, 2411 18th  
12 Street, NW, License Number ABRA-112308. This is  
13 a Retailer Class CR (Substantial Change  
14 Entertainment Endorsement with Cover Charge).  
15 The protest issues are adverse impact on peace,  
16 order, and quiet.

17 Who's present on behalf of ANC 1C, Mr.  
18 Guthrie?

19 MR. GUTHRIE: Yes, Ted Guthrie, ANC  
20 1C.

21 MS. FLETCHER: Thank you very much.  
22 And present on behalf of the Kalorama Citizens  
23 Association?

24 MR. JAMES: Good morning, Dennis  
25 James, president of the Kalorama Citizen.

1 MS. FLETCHER: Thank you, Mr. James.  
2 Mr. James or Mr. Guthrie, if either one of you  
3 heard from the Applicant? The Applicant is not  
4 present.

5 MR. JAMES: This is Denis James  
6 speaking. I have not. One of the person's names  
7 which appeared on the placard is Oscar Guardado,  
8 looks like the word.

9 MR. GUTHRIE: Yes, it was.

10 MR. JAMES: Guard, and then O and  
11 then, Guardado?

12 MR. GUTHRIE: Yes,

13 MS. FLETCHER: Exactly.

14 MR. JAMES: Would it be helpful to  
15 have his, to know his phone number so he could  
16 look at a roster that you might be seeing in case  
17 he is dialing in? Because I could probably find  
18 that.

19 MS. FLETCHER: So I don't see any  
20 other call-in, Mr. James, except for the court  
21 reporter.

22 MR. JAMES: I see.

23 MS. FLETCHER: Okay. So let me just  
24 wait a second and see if he will call in. And  
25 I'll spell his name for the court reporter.

1 Oscar Guardado's name is spelled O-S-C-A-R G,  
2 like good, U-A-R-D-A-D-O, Oscar Guardado.

3 MR. JAMES: His cell phone is 202-258-  
4 1567, in case he should call in.

5 MS. FLETCHER: That's 202-258-1567?

6 MR. JAMES: Correct.

7 MS. FLETCHER: Thank you.

8 The time is approximately 10:10. The  
9 Applicant is not present. The application with  
10 substantial change, excuse me, I'm getting a  
11 message here. Just a second. Trying to give Mr.  
12 Guardado an opportunity to appear.

13 MS. FLETCHER: Mr. Guardado?

14 MR. GUARDADO: Can you hear me?

15 MS. FLETCHER: Yes, I can hear you  
16 now, thank you.

17 MR. GUARDADO: Yes, I've been on the  
18 line for quite some time now.

19 MS. FLETCHER: Well, you just appeared  
20 for us, but I was waiting for you.

21 MR. GUARDADO: Correct, yes.

22 MS. FLETCHER: Thank you.

23 So Mr. Guthrie, from ANC 1C is  
24 present. Denis James from the Kalorama Citizens  
25 Association is present. ANC 1C has standing as a

1 protestant. And for the Kalorama Citizens  
2 Association, Mr. James, did you inform the  
3 Applicant seven days before your hearing  
4 regarding the protest, regarding the meeting?

5 MR. JAMES: Yes, we did.

6 MS. FLETCHER: Thank you very much.  
7 The Kalorama Citizens Association has standing as  
8 a protestant. Normally, we would schedule a  
9 status and a protest hearing, but we're not able  
10 to schedule a status and a protest hearing at  
11 this time. And so we're going to move forward  
12 with the date for mediation. I'm going to put  
13 you on mute for one second. I actually have to  
14 bring up my calendar, and I'll be back in just a  
15 moment.

16 MS. FLETCHER: Mr. James, Mr. Guthrie,  
17 and Mr. Guardado, are you still there?

18 MR. JAMES: Yes.

19 MS. FLETCHER: I'm going to give you  
20 the next available date for mediation.

21 MR. GUARDADO: A question, I'm sorry  
22 to interrupt you.

23 MS. FLETCHER: Yes?

24 MR. GUARDADO: I just got a notice,  
25 and I wondered when did you guys send that

1 notice?

2 MS. FLETCHER: Who's speaking?

3 MR. GUARDADO: Mr. Guardado is.

4 MS. FLETCHER: Oh, and you never  
5 received which notice?

6 MR. GUARDADO: The seven-day notice  
7 prior to the roll call hearing.

8 MS. FLETCHER: Okay. Mr. James?

9 MR. JAMES: I'm not sure what he's  
10 referring to. Is he referring to an email from  
11 ABRA alerting him to this meeting, or something  
12 else?

13 MS. FLETCHER: He's referring to the  
14 Kalorama Citizens Association request to inform  
15 him seven-days prior to the KCAB regarding the  
16 protest.

17 MR. JAMES: Let me check. Is that  
18 correct, Mr. Guardado?

19 MR. GUARDADO: Correct.

20 MR. JAMES: Well, I don't see how we  
21 can prove that here. But I did a very unusual  
22 thing there, because of the pandemic. And I can  
23 search back through my emails that I copied ABRA  
24 General Counsel Martha Jenkins in that email to  
25 have a totally open process. And I'm pretty sure



1 that not only did I copy you, Mr. Guardado -

2 MR. GUARDADO: Yes, I know. Because  
3 that's the one, is that the one you're talking  
4 about? Yes, I did get that.

5 MR. JAMES: Yes, okay, very good.  
6 Thank you.

7 MR. GUARDADO: Yes.

8 MS. FLETCHER: So was that, was that  
9 document the seven-day notice of the meeting held  
10 by the KCA regarding the protest?

11 MR. JAMES: Yes.

12 MR. GUARDADO: Yes.

13 MS. FLETCHER: Is that correct, Mr.  
14 Guardado?

15 MR. GUARDADO: Yes.

16 MS. FLETCHER: So you did receive  
17 notice, at least the seven-day notice of the KCA  
18 hearing regarding the protest?

19 MR. GUARDADO: I did receive that one.  
20 I'm sorry. I thought that was referring to this  
21 meeting, to this hearing.

22 MS. FLETCHER: Oh, okay. Then the  
23 Kalorama Citizens Association, that has standing  
24 as a protestant. We'll go ahead now and set a  
25 date for mediation.

1 MR. GUTHRIE: May I ask a question  
2 here. How will mediation occur?

3 MS. FLETCHER: The same process. We  
4 just have to get the notice out to you. It's  
5 going to occur the same way that the roll call  
6 hearing is occurring.

7 MR. GUTHRIE: Well, I believe Mr.  
8 Guardado was saying that he didn't get notice of  
9 this hearing.

10 MS. FLETCHER: Well, he didn't get a  
11 notice of this hearing. I can't explain why. I  
12 don't send out hearing notices, but I'll confirm  
13 that he receives a notice for the date of the  
14 mediation.

15 MR. GUTHRIE: Great. May I ask you to  
16 send by US mail as well as perhaps by email?

17 MS. FLETCHER: Well, I'm not the  
18 person that sends out the notices, but you know I  
19 always send out an email confirmation ahead of  
20 time. So I can send out a confirmation, me. I  
21 can. In terms of receiving any communication,  
22 other communication, that's not something I'm  
23 responsible for. But I can look into to that,  
24 Denis.

25 MR. GUTHRIE: Can you confirm

1 MR. JAMES: This is rather a --

2 MR. GUTHRIE: Could you confirm --

3 MR. JAMES: I'm sorry.

4 MR. GUTHRIE: -- that you had an  
5 accurate email address for the Applicant?

6 MS. FLETCHER: For the Applicant?

7 MR. GUTHRIE: Yes, he said he didn't  
8 get notice of this meeting.

9 MS. FLETCHER: Yes. Just a second.  
10 The email address we have for Mr. Guardado is his  
11 name, oscarguardado, guardado@gmail.com.

12 MR. GUARDADO: That's incorrect,  
13 ma'am.

14 MS. FLETCHER: Okay. Well, what's,  
15 just a second please.

16 MR. GUARDADO: It's --

17 MS. FLETCHER: Listen, just a second,  
18 please. Just a minute.

19 Okay, what's the correct one?

20 MR. GUARDADO: It's oscarguar -

21 MS. FLETCHER: Mr. Guardado, slow down  
22 please. Oscar?

23 MR. GUARDADO: Yes, it's my first and  
24 last name, number 7.

25 MS. FLETCHER: Okay, spell your last

1 name, spell your last name, please.

2 MR. GUARDADO: Yes. G-U-A-R-D-A-D-O.

3 MS. FLETCHER: G-U-A-R-D-A-D-O, yes.

4 MR. GUARDADO: Number 6, number 6.

5 MS. FLETCHER: Number 7 -

6 MR. GUARDADO: Number 6. Yes, at

7 gmail.com.

8 MS. FLETCHER: Okay. That explains

9 it. Okay, so it's your name, the number 76, at

10 gmail.com?

11 MR. GUARDADO: Correct.

12 MS. FLETCHER: Okay, thank you very

13 much. So that'll take care of you receiving the

14 next emails. So let's set a date for mediation,

15 I'll give you the first available day. The next

16 available day for me is Thursday, October 8th.

17 That's Thursday, October 8th at 9:00, 10:00,

18 11:00, 1:00, or 2:00, or pretty much anytime in

19 between 9:00 and 2:00.

20 MR. JAMES: I would prefer to do it at

21 the earliest at 11:00 a.m. on that day if that

22 day and time is okay with everyone else.

23 MS. FLETCHER: That works for you, Mr.

24 Guthrie?

25 MR. GUTHRIE: Yes, 11:00 is fine.

1 MS. FLETCHER: Mr. Guardado, does that  
2 work for you?

3 MR. GUARDADO: Yes, that works fine.

4 MS. FLETCHER: Mediation is set for  
5 Thursday, October 8th, at 11:00. Any questions?

6 MR. JAMES: Yes, Laverne, I do have a  
7 question as far as my -- would it be possible  
8 just to, or is it a legal requirement to do it  
9 through WebEx? Because this is quite a difficult  
10 series of connections and knowledge that you're  
11 actually being heard. And it's not very clear. I  
12 wonder just about a conference call. Might that  
13 work?

14 MS. FLETCHER: No. Actually, that is,  
15 this is the way that we're required to conduct  
16 our hearings and mediation.

17 MR. JAMES: Okay. Because it's the  
18 record care, is that the idea?

19 MS. FLETCHER: What was that, Denis?

20 MR. JAMES: Is it a recording made of  
21 the proceeding this way?

22 MS. FLETCHER: There won't be a  
23 recording for mediation, because it's  
24 confidential. But there's a recording for the  
25 roll call hearing.

1 MR. JAMES: Okay. Alrighty, I'm just  
2 trying to learn more about it -

3 (Simultaneous speaking.)

4 MS. FLETCHER: Yes. Well, you know,  
5 me too. Yes, I'm still trying to learn as well.  
6 And when we have mediation, you and I will be  
7 communicating this way. If --

8 MR. JAMES: So, I mean, how about  
9 ground rules for mediation? I mean, we did, in  
10 the past we proffered a draft settlement  
11 agreement to the Applicant. And at least I had a  
12 conversation. I believe both of the partners  
13 were on the line, Oscar and, sorry, I can't think  
14 of your partner's name at the moment.

15 MR. GUARDADO: Mr. Franco.

16 MR. JAMES: Right, right. I believe  
17 we were on a conference call together.

18 MR. GUARDADO: Yes, we were.

19 MR. JAMES: We never came up to --

20 MR. GUARDADO: We didn't reach a  
21 conclusion but we --

22 MR. JAMES: Correct.

23 MR. GUARDADO: So, you know, our  
24 starting point would be the same, so we would  
25 support, I think it would, anyway, I have to

1 confer with the ANC. So we would send you, we  
2 would send, you know, to everybody involved with  
3 the draft agreement that we're considering.

4 MS. FLETCHER: Yes, same as before.

5 MR. JAMES: Okay.

6 MS. FLETCHER: And, well, you know if  
7 the case is settled prior to October 8th, then  
8 the mediation is cancelled. If not, we'll  
9 basically do the same online that we would do in  
10 the hearing room. I would just need a copy of  
11 the draft settlement agreement. But we'll get  
12 through it. I understand your concerns.

13 MR. GUARDADO: So the reason that we  
14 had come to a resolution is because the pandemic  
15 hit. So, I mean, what I'm actually applying for,  
16 I mean, the government can't even do none of  
17 those endorsements as of now because of Phase 2,  
18 and being 50 percent, et cetera, et cetera. So,  
19 I mean, I guess we could, I don't know where to  
20 take that from there, Mr. Guthrie and Mr. James.

21 MS. FLETCHER: So let me interrupt for  
22 a moment. That communication can take place  
23 outside of this Webex hearing simply because I  
24 have to move to the next case. And I understand  
25 your concerns, and if you're going to have any

1 email communication, Mr. James and Mr. Guthrie,  
2 with Mr. Guardado, you can copy me on it if it's  
3 something I need to know, or somewhere I can  
4 assist, and I'll respond.

5 MR. JAMES: Okay. But in case we  
6 should settle the matter before the mediation, we  
7 can communicate among ourselves without copying  
8 you. But if there's something relevant to you,  
9 then we should obviously copy it, correct?

10 MS. FLETCHER: Yes. If you resolve it  
11 prior to the mediation date, you can just let us  
12 know and both follow the same procedure and  
13 cancel the mediation.

14 MR. JAMES: Okay, very good.

15 MR. GUTHRIE: Ms. Fletcher?

16 MS. FLETCHER: Yes?

17 MR. GUTHRIE: I just want to, the  
18 prime and key person on this will be Amir Irani.  
19 I'm just filling in for him, because he couldn't  
20 be here today.

21 MS. FLETCHER: Okay, Mr. Guthrie. So  
22 it is going to be Amir Irani?

23 MR. GUTHRIE: Right.

24 MS. FLETCHER: Okay. And, Mr.  
25 Guthrie, spell your name please?



1 MR. GUTHRIE: My name?

2 MS. FLETCHER: Yes.

3 MR. GUTHRIE: TED

4 MS. FLETCHER: Yes.

5 MR. GUTHRIE: GUTHRIE.

6 MS. FLETCHER: Okay. And I'll spell

7 Amir's name. That's AMIR IRANI, Amir Irani.

8 MR. GUTHRIE: Okay, yes.

9 MS. FLETCHER: So noted.

10 MR. GUTHRIE: And it's good to see you  
11 again, Ms. Fletcher.

12 MS. FLETCHER: It's good to see you  
13 too.

14 (Whereupon, the above-entitled matter  
15 went off the record at 10:26 a.m.)

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This is to certify that the foregoing transcript

In the matter of: The Game

Before: DCABRA

Date: 09-21-20

Place: teleconference

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

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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