

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

IN THE MATTER OF: :
 :
 Rumi, LLC, t/a Rumi :
 1217 Connecticut Ave NW :
 License #ABRA-112748 : Roll Call
 Retailer Class CT : Hearing
 ANC 2B :
 Case #20-PRO-00037 :
 :
 (New Application) :

Monday
 September 28, 2020

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

KARI CUNNINGHAM, ANC 2B
MAKAN SHIRAFKAN, Applicant's Counsel

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

2 (10:30 a.m.)

3 MS. FLETCHER: I'm calling Case No.
4 20-PRO-00037, Rumi, LLC, t/a Rumi, 1217
5 Connecticut Avenue NW, License No. ABRA-112748.
6 This is a Retailer Class CT New Application. The
7 protest issues are adverse impact on peace,
8 order, and quiet and residential parking and
9 vehicular and pedestrian safety.

10 I'm now going to elevate the mics of
11 the parties present so that you can unmute
12 yourself and be seen. Ms. Cunningham, are you
13 there? Ms. Cunningham?

14 MS. CUNNINGHAM: Yes. Yes. My
15 apologies.

16 MS. FLETCHER: Okay, thank you. Mr.
17 Shirafkan, are you there?

18 MR. SHIRAFKAN: Hello, I'm here. Good
19 morning.

20 MS. FLETCHER: Hi, good morning.
21 Thank you. I'm waiting for a representative from
22 MPD Second District who has not arrived yet, but
23 we allow participants ten minutes grace. So I'll
24 wait an additional ten minutes. And I'll get
25 back to the case in ten minutes. Okay?

1 MR. SHIRAFKAN: Okay.

2 MS. CUNNINGHAM: Thank you.

3 MS. FLETCHER: Thank you.

4 (Whereupon, the above-entitled matter
5 went off the record at 10:32 a.m. and resumed at
6 10:40 a.m.)

7 MS. FLETCHER: I'm recalling Rumi, LLC
8 t/a Rumi. Mr. Shirafkan, am I pronouncing that
9 correctly? Is it Rumi, Rumi?

10 MR. SHIRAFKAN: Rumi, Rumi. Like Jay-
11 Z and Beyonce, Rumi.

12 MS. FLETCHER: Thank you very much.

13 MR. SHIRAFKAN: Absolutely.

14 MS. FLETCHER: I was trying to give
15 MPD Second District an opportunity to appear
16 because MPD did file the protest against the
17 application. And the representative from MPD is
18 not present at this time, so I'm going to go
19 ahead and dismiss the protest because that's what
20 I'm required to do. But of course MPD can seek
21 reinstatement of his protest if he wants to.

22 The Board will issue an order
23 dismissing the protest. And the MPD will have
24 ten days to seek reinstatement of the protest.
25 And you'll be kept informed. You'll receive a

1 copy of the Board order. And if they seek
2 reinstatement, you'll know. But for the purpose
3 of the roll call hearing in terms of the
4 protestants today, ANC 2B is a protestant and
5 granted standing as a protestant.

6 Ms. Cunningham, let me ask you
7 something. Are you going to continue to
8 represent ANC 2B in this case?

9 MS. CUNNINGHAM: I think this is to be
10 determined. I'm a stand-in today, I believe. So
11 I'm the interim contact, I'd say. But I think
12 the best way to proceed as I told the Applicant
13 was to contact the Chair.

14 MS. FLETCHER: They did?

15 MS. CUNNINGHAM: Yes.

16 (simultaneous speaking)

17 MS. FLETCHER: Ms. Cunningham, can you
18 spell your name for the record please?

19 MS. CUNNINGHAM: Yes. Commissioner
20 Kari Cunningham, K-A-R-I C-U-N-N-I-N-G-H-A-M.

21 MS. FLETCHER: Thank you. And Mr.
22 Shirafkan, could you do the same?

23 MR. SHIRAFKAN: Absolutely. Makan, M-
24 A-K-A-N and last name is Shirafkan, which is S-H-
25 I-R-A-F-K-A-N. I'll also give you my email, Ms.

1 Cunningham. It's Makan like first name, M-A-K-A-
2 N. My last name Shirafkan, S-H-I-R-A-F-K-A-N,
3 Law -- L-A-W. Makan@Shirafkanlaw.com.

4 MS. FLETCHER: Okay, excellent. I'm
5 going to go ahead and set a date for mediation.
6 I don't have a date for a status hearing and
7 protest hearing from the Board yet because they
8 have not set their dates for status and protests.
9 If we can, go ahead and set a date for mediation.
10 So I'll give you the next available days for
11 mediation. And I'll get back to you beyond today
12 to let you know how we're going to proceed with
13 the mediation. If we're going to do it via
14 WebEx, conference call. Right now, I don't know
15 what would be easier or how we're going to
16 proceed. But on whatever the date the mediation
17 is set, it will be held. I'll just get back with
18 you regarding the mechanics of that.

19 MS. CUNNINGHAM: Okay.

20 MR. SHIRAFKAN: Sure.

21 MS. FLETCHER: The next available date
22 for mediation is October the 5th. That's next
23 Monday at 1 o'clock in the afternoon. And is
24 that good for you, Mr. --

25 MR. SHIRAFKAN: May I make a

1 suggestion because I think -- I just want to have
2 enough time so that we could begin the
3 conversation with the Chair or Ms. Cunningham.
4 (audio interference) give it a 30-day time, so
5 that we can go back and forth and come up with a
6 final -- I'm confident we'll come to something,
7 but just given COVID and the fact that we can't
8 get everybody around the table to knock it out,
9 I'm happy to allow like emails, phone calls, and
10 things like that. I'd rather if Ms. Cunningham's
11 okay, do something with 30 day out that gets us
12 everybody to come to a resolution.

13 MS. CUNNINGHAM: Yeah, I mean
14 typically we would prefer to be able to have some
15 draft that we're reviewing in advance and
16 negotiating on it. I think given the
17 circumstances that may make sense from the
18 branded point of 2B as well.

19 MS. FLETCHER: Well Ms. Cunningham,
20 when is your next ANC meeting?

21 MS. CUNNINGHAM: Our next ANC meeting
22 would be October 14th -- Wednesday, October 14th
23 at 7:00 p.m.

24 MS. FLETCHER: And so would you like
25 to try and schedule a mediation before your next

1 hearing or -- I mean your meeting or after?

2 MS. CUNNINGHAM: I would say we would
3 probably want -- I mean we would need probably at
4 least two weeks.

5 MS. FLETCHER: Okay.

6 MS. CUNNINGHAM: So if there is a date
7 -- I mean in all fairness to the Applicant and
8 also to the process quite frankly so as to use
9 everybody's time as efficiently as possible.

10 MR. SHIRAFKAN: If I can ask -- and
11 Ms. Cunningham can help me out with this -- I'm
12 sure the number one issue with this location is
13 going to be noise. That's probably the main
14 thing from my understanding. My client has
15 talked to, I think, Ms. Chairman. And for that,
16 they also are going to bring -- or are bringing
17 sound experts from location, which may even need
18 a vivid -- Maybe Ms. Cunningham or somebody from
19 the ANC who (audio interference), with the sound
20 person, walk through and say this is what we're
21 doing. Does that make sense? Because at the end
22 of the day when it gets to me, I'm just -- I'm a
23 lawyer. I just write the stuff down. I'm not
24 there. I don't know.

25 Ms. Cunningham, (audio interference)

1 when we come to a settlement agreement, do you
2 have to take the settlement agreement to your
3 ward for a vote or no? Because if it does, then
4 perhaps this will have to be done probably after.
5 So I didn't know how the process for you guys
6 worked.

7 MS. CUNNINGHAM: How this process
8 works is that the (audio interference) sign off.
9 It's typically up to the single member District
10 Commissioner to negotiate the settlement
11 agreements for the establishments within their
12 domain and then are signed off by the Chair. So
13 it does not have to go back to the full ANC for a
14 vote.

15 MR. SHIRAFKAN: Got you. (audio
16 interference) October like 26th, 27th, do those
17 dates work like a month out? If that works
18 (audio interference), Ms. Cunningham, would that
19 be something that I think would be realistic for
20 your side as well?

21 MS. CUNNINGHAM: I think that would be
22 realistic because knowing -- I mean just knowing
23 other establishments that I've filled in for in
24 this general vicinity, the residents are very
25 active. And we're likely have commentary and be

1 engaged in the process at some point. So I
2 think, you know, being able to move forward and
3 giving ourselves some time would be helpful, so
4 near the end of October. I think three to four
5 is probably a reasonable timeframe from our
6 perspective.

7 MS. FLETCHER: What about Thursday,
8 October 29th?

9 MS. CUNNINGHAM: Okay. At what time?

10 MS. FLETCHER: It can be at 9:00,
11 10:00, 11:00, pretty much --

12 MR. SHIRAFKAN: Ms. Fletcher, I'm more
13 than sorry -- I'm (audio interference) but I have
14 a trial that morning. I can give you that week.
15 I have the 26th, that Monday available.

16 MS. FLETCHER: That's good.

17 MR. SHIRAFKAN: Does that work? If
18 that works -- because then I have a settlement
19 matter that all the sudden takes a bunch of days
20 out of me. Would that work for Ms. Fletcher and
21 Ms. Cunningham?

22 MS. CUNNINGHAM: What time of the day?

23 MS. FLETCHER: It would be in the
24 afternoon -- If it's going to be on Monday, it
25 would need to be in the afternoon, 1:00 or 2:00.

1 MS. CUNNINGHAM: Okay and then from
2 the Applicant's perspective, mornings are
3 problematic for you?

4 MR. SHIRAFKAN: Not all mornings.
5 That week I just have something that starts on
6 the 27th, 28th, 29th, and then the 30th. So
7 mornings that week, I'm always in court. That's
8 the problem.

9 MS. CUNNINGHAM: Okay.

10 MR. SHIRAFKAN: But we can find a
11 morning if we have to.

12 MS. CUNNINGHAM: The preference usually
13 for us on our end is going to be the morning. So
14 Ms. Fletcher, can we have a morning we can find?

15 MS. FLETCHER: We can have it -- We
16 can do the morning of Tuesday, October 27th or
17 the 28th.

18 MR. SHIRAFKAN: 28th -- 27th would --
19 I can make the 27th work. The 28th, I start in
20 Federal Court. But the 27th, if we do it in the
21 morning, I can make that work and then shoot over
22 to prepare for the 28th.

23 MS. FLETCHER: Okay. Well do you want
24 morning at 9:00 or 10:00, 11:00?

25 MR. SHIRAFKAN: 9:00 or 10:00 --

1 (simultaneous speaking)

2 MS. CUNNINGHAM: 9:00.

3 MR. SHIRAFKAN: 9:00 would be fine for
4 me if Ms. Cunningham is fine with it.

5 MR. SHIRAFKAN: 9:00 would be
6 excellent on our end.

7 MR. SHIRAFKAN: Perfect, perfect. So
8 then --

9 MS. FLETCHER: Well then I have
10 scheduled the mediation for 9 o'clock on Tuesday,
11 October 27th. And then I will see you then.
12 I'll get back with you in terms of how we're
13 going to proceed with the mediation. Are we going
14 to do it this way, WebEx, conference call, I
15 don't know right now.

16 MS. CUNNINGHAM: Okay.

17 MS. FLETCHER: We will do it.

18 (simultaneous speaking)

19 MS. FLETCHER: Huh?

20 MR. SHIRAFKAN: I'm good with it.

21 MS. FLETCHER: Unless you're able to
22 resolve this matter without my mediation, I will
23 see you one way or the other on October 27th at
24 9:00.

25 MS. CUNNINGHAM: Excellent.

1 MR. SHIRAFKAN: Judge, I have one
2 question.

3 MS. FLETCHER: Yes.

4 MR. SHIRAFKAN: When I received MPD's
5 letter -- do you know -- because I don't have a
6 date on this letter. Do you know what date it
7 was submitted to ABRA by any chance? I've got to
8 put it on my notes.

9 MS. FLETCHER: Let me see if I can --

10 MR. SHIRAFKAN: Thank you, ma'am.

11 MS. FLETCHER: We received it on July
12 16.

13 MR. SHIRAFKAN: Got it. Got it. Thank
14 you.

15 MS. FLETCHER: Okay, well thank you
16 for coming. See you soon.

17 MR. SHIRAFKAN: Nice seeing you.

18 MS. FLETCHER: Nice seeing you too.

19 (simultaneous speaking)

20 MS. FLETCHER: Okay.

21 MR. SHIRAFKAN: Bye.

22 MS. FLETCHER: Bye. Roll call hearing
23 concluded.

24 (Whereupon, the above-entitled matter
25 went off the record at 10:51 p.m.)

A	case 1:8 2:3,25 4:8 Chair 4:13 6:3 8:12 Chairman 7:15 chance 12:7 circumstances 6:17 Class 1:7 2:6 client 7:14 COLUMBIA 1:1 come 6:5,6,12 8:1 coming 12:16 commentary 8:25 Commissioner 4:19 8:10 concluded 12:23 conference 5:14 11:14 confident 6:6 Connecticut 1:6 2:5 contact 4:11,13 continue 4:7 Control 1:2,13 conversation 6:3 copy 4:1 correctly 3:9 Counsel 1:19 course 3:20 court 10:7,20 COVID 6:7 CT 1:7 2:6 Cunningham 1:18 2:12 2:13,14 3:2 4:6,9,15 4:17,19,20 5:1,19 6:3 6:13,19,21 7:2,6,11 7:18,25 8:7,18,21 9:9 9:21,22 10:1,9,12 11:2,4,16,25 Cunningham's 6:10	engaged 9:1 establishments 8:11,23 everybody 6:8,12 everybody's 7:9 excellent 5:4 11:6,25 experts 7:17	issues 2:7
A-K-A-N 4:24 a.m 2:2 3:5,6 able 6:14 9:2 11:21 above-entitled 3:4 12:24 ABRA 1:16 12:7 ABRA-112748 1:7 2:5 Absolutely 3:13 4:23 active 8:25 additional 2:24 advance 6:15 adverse 2:7 afternoon 5:23 9:24,25 Agent 1:14,16 agreement 8:1,2 agreements 8:11 ahead 3:19 5:5,9 Alcoholic 1:2,13 allow 2:23 6:9 ANC 1:8,18 4:4,8 6:20 6:21 7:19 8:13 apologies 2:15 appear 3:15 Applicant 4:12 7:7 Applicant's 1:19 10:2 application 1:9 2:6 3:17 arrived 2:22 audio 6:4 7:19,25 8:8 8:15,18 9:13 available 5:10,21 9:15 Ave 1:6 Avenue 2:5	F	J	
B	date 5:5,6,9,16,21 7:6 12:6,6 dates 5:8 8:17 day 6:11 7:22 9:22 days 3:24 5:10 9:19 determined 4:10 dismiss 3:19 dismissing 3:23 District 1:1 2:22 3:15 8:9 doing 7:21 domain 8:12 draft 6:15	fact 6:7 fairness 7:7 Federal 10:20 file 3:16 filled 8:23 final 6:6 find 10:10,14 fine 11:3,4 first 5:1 Fletcher 1:13,16 2:3,16 2:20 3:3,7,12,14 4:14 4:17,21 5:4,21 6:19 6:24 7:5 9:7,10,12,16 9:20,23 10:14,15,23 11:9,17,19,21 12:3,9 12:11,15,18,20,22 forth 6:5 forward 9:2 four 9:4 frankly 7:8 full 8:13	Jay- 3:10 Judge 12:1 July 12:11
back 2:25 5:11,17 6:5 8:13 11:12 believe 4:10 best 4:12 Beverage 1:2,13 Beyonce 3:11 beyond 5:11 Board 1:2,13 3:22 4:1 5:7 Board's 1:14,16 branded 6:18 bring 7:16 bringing 7:16 bunch 9:19 Bye 12:21,22	G	K	
C	general 8:24 give 3:14 4:25 5:10 6:4 9:14 given 6:7,16 giving 9:3 grace 2:23 granted 4:5	K-A-R-I 4:20 Kari 1:18 4:20 kept 3:25 knock 6:8 knowing 8:22,22	
C-U-N-N-I-N-G-H-A-M 4:20 call 1:3,7 4:3 5:14 11:14 12:22 calling 2:3 calls 6:9	H	L	
D	happy 6:9 hearing 1:3,7 4:3 5:6,7 7:1 12:22 held 5:17 Hello 2:18 help 7:11 helpful 9:3 Hi 2:20 Huh 11:19	L-A-W 5:3 LaVerne 1:13,16 Law 5:3 lawyer 7:23 letter 12:5,6 License 1:7 2:5 LLC 1:6 2:4 3:7 location 7:12,17	
E	I	M	
easier 5:15 efficiently 7:9 elevate 2:10 email 4:25 emails 6:9	I-R-A-F-K-A-N 4:25 impact 2:7 informed 3:25 interference 6:4 7:19 7:25 8:8,16,18 9:13 interim 4:11 issue 3:22 7:12	M- 4:23 M-A-K-A- 5:1 ma'am 12:10 main 7:13 Makan 1:19 4:23 5:1 Makan@Shirafkanla... 5:3 matter 1:5 3:4 9:19 11:22 12:24 mean 6:13 7:1,3,7 8:22 mechanics 5:18 mediation 5:5,9,11,13 5:16,22 6:25 11:10,13 11:22 meeting 6:20,21 7:1 member 8:9 met 1:13 mics 2:10 minutes 2:23,24,25 Monday 1:11 5:23 9:15 9:24 month 8:17 morning 2:19,20 9:14 10:11,13,14,16,21,24 mornings 10:2,4,7 move 9:2 MPD 2:22 3:15,16,17,20 3:23 MPD's 12:4	
F	J	N	
case 1:8 2:3,25 4:8 Chair 4:13 6:3 8:12 Chairman 7:15 chance 12:7 circumstances 6:17 Class 1:7 2:6 client 7:14 COLUMBIA 1:1 come 6:5,6,12 8:1 coming 12:16 commentary 8:25 Commissioner 4:19 8:10 concluded 12:23 conference 5:14 11:14 confident 6:6 Connecticut 1:6 2:5 contact 4:11,13 continue 4:7 Control 1:2,13 conversation 6:3 copy 4:1 correctly 3:9 Counsel 1:19 course 3:20 court 10:7,20 COVID 6:7 CT 1:7 2:6 Cunningham 1:18 2:12 2:13,14 3:2 4:6,9,15 4:17,19,20 5:1,19 6:3 6:13,19,21 7:2,6,11 7:18,25 8:7,18,21 9:9 9:21,22 10:1,9,12 11:2,4,16,25 Cunningham's 6:10	N 5:2 name 4:18,24 5:1,2		

near 9:4
need 7:3,17 9:25
negotiate 8:10
negotiating 6:16
New 1:9 2:6
Nice 12:17,18
noise 7:13
notes 12:8
number 7:12
NW 1:6 2:5

O

o'clock 5:23 11:10
October 5:22 6:22,22
 8:16 9:4,8 10:16
 11:11,23
opportunity 3:15
order 2:8 3:22 4:1

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 6:23 12:25
parking 2:8
participants 2:23
parties 2:11
peace 2:7
pedestrian 2:9
perfect 11:7,7
person 7:20
perspective 9:6 10:2
phone 6:9
please 4:18
point 6:18 9:1
possible 7:9
prefer 6:14
preference 10:12
prepare 10:22
present 1:15,17 2:11
 3:18
presiding 1:14
pretty 9:11
probably 7:3,3,13 8:4
 9:5
problem 10:8
problematic 10:3
proceed 4:12 5:12,16
 11:13
process 7:8 8:5,7 9:1
pronouncing 3:8
protest 2:7 3:16,19,21
 3:23,24 5:7
protestant 4:4,5
protestants 4:4
protests 5:8
purpose 4:2
put 12:8

Q

question 12:2
quiet 2:8
quite 7:8

R

realistic 8:19,22
reasonable 9:5
recalling 3:7
receive 3:25
received 12:4,11
record 3:5 4:18 12:25
regarding 5:18
reinstatement 3:21,24
 4:2
represent 4:8
representative 2:21
 3:17
required 3:20
residential 2:8
residents 8:24
resolution 6:12
resolve 11:22
resumed 3:5
Retailer 1:7 2:6
reviewing 6:15
roll 1:3,7 4:3 12:22
Rumi 1:6,6 2:4,4 3:7,8,9
 3:9,10,10,11

S

S-H- 4:24
S-H-I-R-A-F-K-A-N 5:2
safety 2:9
schedule 6:25
scheduled 11:10
Second 2:22 3:15
seeing 12:17,18
seek 3:20,24 4:1
seen 2:12
sense 6:17 7:21
September 1:11
set 5:5,8,9,17
settlement 8:1,2,10
 9:18
Shirafkan 1:19 2:17,18
 3:1,8,10,13 4:22,23
 4:24 5:2,20,25 7:10
 8:15 9:12,17 10:4,10
 10:18,25 11:3,5,7,20
 12:1,4,10,13,17,21
shoot 10:21
side 8:20
sign 8:8
signed 8:12
simultaneous 4:16 11:1
 11:18 12:19
single 8:9

somebody 7:18
soon 12:16
sorry 9:13
sound 7:17,19
speaking 4:16 11:1,18
 12:19
spell 4:18
stand-in 4:10
standing 4:5
start 10:19
starts 10:5
status 5:6,8
stuff 7:23
submitted 12:7
sudden 9:19
suggestion 6:1

T

t/a 1:6 2:4 3:8
table 6:8
takes 9:19
talked 7:15
ten 2:23,24,25 3:24
terms 4:3 11:12
thank 2:16,21 3:2,3,12
 4:21 12:10,13,15
things 6:10
three 9:4
Thursday 9:7
timeframe 9:5
today 4:4,10 5:11
told 4:12
trial 9:14
try 6:25
trying 3:14
Tuesday 10:16 11:10
two 7:4
typically 6:14 8:9

U

understanding 7:14
unmute 2:11
use 7:8
usually 10:12

V

vehicular 2:9
vicinity 8:24
Videoconference 1:13
vivid 7:18
vote 8:3,14

W

wait 2:24
waiting 2:21
walk 7:20
wants 3:21
ward 8:3

way 4:12 11:14,23
WebEx 5:14 11:14
Wednesday 6:22
week 9:14 10:5,7
weeks 7:4
went 3:5 12:25
work 8:17 9:17,20
 10:19,21
worked 8:6
works 8:8,17 9:18
write 7:23

X**Y****Z**

Z 3:11

0**1**

1:00 9:25
10:00 9:11 10:24,25
10:30 2:2
10:32 3:5
10:40 3:6
10:51 12:25
11:00 9:11 10:24
1217 1:6 2:4
14th 6:22,22
16 12:12

2

2:00 9:25
20-PRO-00037 1:8 2:4
2020 1:11
26th 8:16 9:15
27th 8:16 10:6,16,18,19
 10:20 11:11,23
28 1:11
28th 10:6,17,18,19,22
29th 9:8 10:6
2B 1:8,18 4:4,8 6:18

3

30 6:11
30-day 6:4
30th 10:6

4**5**

5th 5:22

6**7**

7:00 6:23

8

9

9 11:10

9:00 9:10 10:24,25 11:2
11:3,5,24

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Rumi

Before: DCABRA

Date: 09-28-20

Place: teleconference

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701