



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

2 10:39 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 23-PRO-00061, Rush,  
5 License No. 125250.

6 Good morning, Mr. Orellana.

7 Can you please elevate the rights of  
8 the Licensee and the Protestant in this case?

9 MR. ORELLANA: Ms. Zoe Cordelia Lu,  
10 your access has been elevated.

11 That is all, Chairman Anderson.

12 MS. LU: Good morning.

13 CHAIRPERSON ANDERSON: Good morning,  
14 ma'am.

15 Let me apologize to you for the  
16 confusion that I brought this morning.

17 Can you please spell and state your  
18 name for the record and your affiliation?

19 MS. LU: Yes. Zoe Lu, Z-O-E, and then,  
20 the last name is Lu, L-U. And then, I'm leading  
21 the group of nine protestors, the representatives  
22 of nine.

23 CHAIRPERSON ANDERSON: All right. The  
24 Licensee for this case, I don't see. Is there  
25 someone, is there anyone online who is

1 representing this establishment?

2 (No response.)

3 MR. ORELLANA: I'll send a message.

4 (Pause.)

5 I'm not getting a response, Chairman.

6 CHAIRPERSON ANDERSON: All right. All  
7 right. All right. This is an application for a  
8 new license for this establishment, Rush.

9 This matter was scheduled for a  
10 protest hearing at 10:30 this morning. It is  
11 10:41. I called the case, and the only  
12 representative of the Licensee or the Applicant  
13 is not here today. The Protestant has been, is  
14 represented.

15 Once a licensee applies for a license,  
16 they are told at the roll call hearing that they  
17 have to appear at a roll call hearing; that they  
18 also have to appear at the protest status hearing  
19 -- and they also have to appear at the protest  
20 hearing.

21 As I stated before, this matter was  
22 scheduled for 10:30. It's 10:42. The Applicant  
23 is not here. So, I'm going to make a motion that  
24 their application be dismissed.

25 What this means, Ms. Lu, is that the

1 Board -- I'm making a motion, and if the Board  
2 agrees to dismiss the application, once the order  
3 is issued, the Licensee will have 10 days to give  
4 the Board reasonable notice why they failed to  
5 appear this morning.

6 If they fail to respond within 10  
7 days, or if we do not believe that it's  
8 reasonable cause why they failed to appear, then  
9 their license application will be dismissed, and  
10 if they're still interested in opening this  
11 establishment, then they have to reapply and it  
12 has to be placarded again.

13 If that happens, and if your group  
14 still decides that you want to protest this new  
15 license, you can send a letter to Legal and ask  
16 that your protest be grandfathered into the new  
17 application. Okay?

18 So, since the Licensee is not -- I'm  
19 sorry -- since the Applicant is not here, I,  
20 therefore, make a motion that their application  
21 be dismissed. Is there a second?

22 MEMBER SHORT: Mr. Short. I second it.

23 CHAIRPERSON ANDERSON: Mr. Short has  
24 seconded the motion.

25 We'll now have a roll call vote.

1 Mr. Short?

2 MEMBER SHORT: Mr. Short. I agree.

3 CHAIRPERSON ANDERSON: Mr. Cato?

4 MEMBER CATO: Cato. I agree.

5 CHAIRPERSON ANDERSON: Ms. Hansen?

6 MEMBER HANSEN: Jeni Hansen. I agree.

7 CHAIRPERSON ANDERSON: Mr. Grandis?

8 MEMBER GRANDIS: Grandis. I agree.

9 CHAIRPERSON ANDERSON: And I agree.

10 The matter passed 5-0-0.

11 As I stated, the Board has voted to  
12 dismiss the application. An order will be  
13 written. The Applicant will have 10 days to  
14 respond to give us reasonable notice why they  
15 failed to appear today.

16 And if they fail to respond, or if the  
17 Board determines that reasonable notice was not  
18 -- reasonable and sufficient cause has not been  
19 shown, the application will be dismissed, and  
20 then, they will have to start over by reapplying.

21 And as I stated before, ma'am, if they  
22 reapply, and if the ANC still wishes to protest,  
23 all you have to do is send a letter to our Legal  
24 Office to state that you're asking that your  
25 original protest application be grandfathered

1 into the new application.

2 Any questions, ma'am?

3 MS. LU: No. Understood. Thank you  
4 for clarifying the process.

5 So, I guess, not to confuse things,  
6 but I had responded to the Request for Mediation,  
7 but it sounds like it's moot now because you've  
8 already dismissed the application?

9 CHAIRPERSON ANDERSON: It is.

10 I don't know what the Applicant is  
11 going to do.

12 MS. LU: Uh-hum. Understood.

13 CHAIRPERSON ANDERSON: The next step  
14 is for the Applicant. You can continue to talk  
15 to them, and if you -- the next move is for the  
16 Applicant. They need to let us know why they  
17 failed to appear this morning. Okay?

18 MS. LU: Okay. Understood. Perfect.

19 CHAIRPERSON ANDERSON: Thank you very  
20 much.

21 MS. LU: Thank you, and have a great  
22 morning.

23 CHAIRPERSON ANDERSON: Thanks. Bye-bye.

24 (Whereupon, at 10:45 a.m., the hearing  
25 was concluded.)

<b>A</b>	<b>determines</b> 5:17 <b>dismiss</b> 4:2 5:12 <b>dismissed</b> 3:24 4:9,21 5:19 6:8 <b>DISTRICT</b> 1:1 <b>Donovan</b> 1:14,17	<b>LLC</b> 1:6 <b>Lu</b> 1:21 2:9,12,19,19,20 3:25 6:3,12,18,21	<b>Q</b>
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<b>B</b>	<b>F</b>	<b>ma'am</b> 2:14 5:21 6:2 <b>making</b> 4:1 <b>matter</b> 1:5 3:9,21 5:10 <b>means</b> 3:25 <b>Mediation</b> 6:6 <b>MEETING</b> 1:3 <b>Member</b> 1:17,18,18,19 4:22 5:2,4,6,8 <b>message</b> 3:3 <b>met</b> 1:14 <b>Momentux</b> 1:6 <b>moot</b> 6:7 <b>morning</b> 2:6,12,13,16 3:10 4:5 6:17,22 <b>motion</b> 3:23 4:1,20,24 <b>move</b> 6:15	<b>protestors</b> 2:21
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<b>D</b>	<b>I</b>	<b>October</b> 1:12 <b>Office</b> 5:24 <b>Okay</b> 4:17 6:17,18 <b>once</b> 3:15 4:2 <b>online</b> 2:25 <b>opening</b> 4:10 <b>order</b> 4:2 5:12 <b>Orellana</b> 1:21 2:6,9 3:3 <b>original</b> 5:25	<b>t/a</b> 1:6 <b>talk</b> 6:14 <b>Thank</b> 6:3,19,21 <b>Thanks</b> 6:23 <b>things</b> 6:5 <b>today</b> 3:13 5:15 <b>told</b> 3:16
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**vote** 4:25

**voted** 5:11

**W**

**W** 1:14,17

**want** 4:14

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**written** 5:13

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**Z-O-E** 2:19

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**125250** 1:8 2:5

**1923** 1:7

**1B** 1:7

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**2023** 1:12

**23-PRO-00061** 1:8 2:4

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**9th** 1:7



C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Rush

Before: DC ABCA

Date: 10-04-23

Place: teleconference

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

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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