



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

2 10:22 a.m.

3 MS. FLETCHER: Next case is Fountain  
4 Inn. FountainInn, LLC, Case Number 20-PRO-00042,  
5 1659 Wisconsin Avenue, Northwest, License Number  
6 ABRA 116996. This is a Retailer Class CR New  
7 Application.

8 The protest issues are adverse impact  
9 on peace, order, and quiet; residential parking;  
10 and vehicular and pedestrian safety.

11 Is anyone present on behalf of the  
12 Applicant?

13 MR. MINORA: Yes, Ms. Fletcher. Matt  
14 Minora here from the law firm Mallios O'Brien.  
15 We are ABC license counsel for the Applicant, as  
16 well as the Applicant's owner, Viyas Sundaram.

17 MS. FLETCHER: Thank you, Mr. Minora.  
18 Mr. Minora, would you please spell your name for  
19 the record?

20 MR. MINORA: Sure. Matt, M-A-T-T, and  
21 Minora, M-I-N-O-R-A.

22 MS. FLETCHER: Thank you very much.

23 And present on behalf of ANC 2E?

24 (No response.)

25 MS. FLETCHER: Is anyone present on

1       behalf of ANC 2E?

2                   MR. MINORA: I see Commissioner  
3 Gibbons in the attendee list. I'm not sure if he  
4 can speak, though.

5                   MS. FLETCHER: Oh, okay. Thank you  
6 very much. I'm going to note that Mr. Gibbons  
7 is here at this moment. If I can figure out why  
8 Mr. Gibbons can't speak, I will fix it.

9                   So, Mr. Gibbons, if you can hear me,  
10 I've noted that you are present on behalf of ANC  
11 2E. Don't know why I can't see you.

12                   MR. KELTY: He needs to be promoted to  
13 a panelist. He is just an attendee right now.

14                   (Pause.)

15                   MS. CRUSE: I spoke with him this  
16 morning and I know he's trying to get on.

17                   MS. FLETCHER: Yes, hi, Ms. Cruse.

18                   MS. CRUSE: Hi, Ms. Fletcher.

19                   MS. FLETCHER: Yes, I am trying to --  
20 yes, I know he registered to be here. I'm just  
21 trying to -- I don't know why I can't -- one  
22 second.

23                   (Pause.)

24                   MS. FLETCHER: Okay, Ms. Cruse, I've  
25 noted that you are here. Ms. Cruse, can you

1 spell your name for the record, please?

2 MS. CRUSE: Yes, it's Karen, K-A-R-E-  
3 N, Cruse, C-R-U-S-E. And I represent the  
4 Citizen's Association of Georgetown.

5 MS. FLETCHER: I'm going to go ahead  
6 and spell Mr. Gibbons name. I know he is here.  
7 It's J-O-E. The last name is Gibbons, G-I-B-B-O-  
8 N-S.

9 Mr. Gibbons, if you can hear me I'm  
10 very sorry I can't see your name right now, but I  
11 don't know why.

12 ANC 2E does have standing as a  
13 protestant, and so does the Citizen's Association  
14 of Georgetown.

15 Ms. Dunn, Jacquelin Dunn, are you  
16 present?

17 MS. DUNN: Yes, I am. Can you hear  
18 me?

19 MS. FLETCHER: Yes, I can hear you.  
20 Thank you.

21 What about -- is it Tove Roberts?

22 (No response.)

23 MS. FLETCHER: Ms. Dunn, do you know  
24 the pronunciation of Ms. Robert's name?

25 MS. DUNN: Yes, it's Tove.

1 MS. FLETCHER: It's Tove. Okay, thank  
2 you.

3 MS. DUNN: Thank you.

4 MS. FLETCHER: Are you there, Mr.  
5 Roberts?

6 (No response.)

7 MR. KELTY: Tove is also an attendee,  
8 but is not able to speak because she -

9 MS. FLETCHER: What was that?

10 (Off-microphone comments.)

11 MS. FLETCHER: Okay, thank you.

12 (Off-microphone comments.)

13 MS. FLETCHER: Who is speaking?

14 (Pause.)

15 MS. FLETCHER: Just a second.

16 (Pause.)

17 MS. FLETCHER: Okay, so if anyone can  
18 see me or hear me but you can't speak or be seen,  
19 I'm aware that you need to be elevated to a  
20 panelist. But at this moment I am not seeing  
21 your name. I don't know why. But I'm noting  
22 that you are here.

23 Ms. Roberts, I have noted that you are  
24 here and I'll spell your name for the record. It  
25 is T-O-V-E, R-O-B-E-R-T-S.

1                   And Ms. Dunn, would you please spell  
2 your name for the record?

3                   MS. DUNN: Yes, it's Jaquelin, J-A-Q-  
4 U-E-L-I-N, last name Dunn, D-U-N-N.

5                   MS. FLETCHER: Okay, thank you. And  
6 I'd like to apologize to anybody that I can't see  
7 or hear. The system is pretty new and I've got a  
8 lot of names here, but I see that some names  
9 didn't show up. And thank you to anyone who is  
10 letting me know that someone is on the line but  
11 can't be heard or seen.

12                   Ms. Dunn, your protest was filed based  
13 on the fact that you are an abutting property  
14 owner, and your property does abut the  
15 establishment. According to the D.C. Geographic  
16 Information System, your property is abutting.

17                   MS. DUNN: Yes.

18                   MS. FLETCHER: So you are granted  
19 standing as an abutting property owner.

20                   Ms. Roberts's property does not appear  
21 to abut the establishment. Her property touches  
22 --

23                   MS. DUNN: Actually -

24                   MS. FLETCHER: Pardon me?

25                   MS. DUNN: No, no, actually, I'm at 16

1 -- she's directly on the other side. I'm at  
2 1657, the Fountain Inn is 1659, and Tove is next  
3 door as abutting on the other side.

4 MS. FLETCHER: That is exactly right,  
5 but so she abuts you, but not the establishment.

6 MS. DUNN: No, no. We both abut the  
7 establishment, not each other. It's in between  
8 us.

9 MS. FLETCHER: Okay, so -

10 MS. DUNN: I'm 1657 - okay, sorry --

11 MS. FLETCHER: I understand. I  
12 understand. You are saying that the  
13 establishment is -- you are on one side of the  
14 establishment and she is on the other?

15 MS. DUNN: Yes.

16 MS. FLETCHER: I'm looking at the map.  
17 Just a second.

18 (Pause.)

19 MS. FLETCHER: Okay, so, Mr. Minora,  
20 do you have any comment at all about the location  
21 of -

22 (Simultaneous speaking.)

23 MR. MINORA: We believe that both Ms.  
24 Dunn's and Ms. Roberts' properties abut the  
25 Applicant's premises.

1 MS. FLETCHER: Okay, thank you.

2 (Pause.)

3 MS. FLETCHER: Thank you. I'm going  
4 to give standing to Ms. Roberts as an abutting  
5 property owner, as well.

6 So we have ANC 2E, the Citizen's  
7 Association of Georgetown, Jaquelin Dunn, and  
8 Tove Roberts as protestants in this matter.

9 Pardon?

10 MS. GILLIS: Sorry. Also, my name is  
11 Abigail Gillis and I filed a protest letter as an  
12 abutting residential neighbor.

13 MS. FLETCHER: And so, Ms. Gillis, I'm  
14 glad -- thank you for saying that and for  
15 speaking up. I actually have you on my list and  
16 I was going to ask you about your protest. So,  
17 you filed a protest as an abutting property  
18 owner?

19 MS. GILLIS: No, as an abutting  
20 neighbor.

21 MS. FLETCHER: So did you file -

22 MS. GILLIS: Residential neighbor.

23 MS. FLETCHER: Did you file as a  
24 member of a group?

25 MS. GILLIS: No. Just on my own.



1 MS. FLETCHER: Just -- you just filed  
2 the protest, but you weren't a part of a group?  
3 I'm just trying to figure out your status. So,  
4 you sent in a protest letter, just on your own,  
5 not as part of a group?

6 MS. GILLIS: Correct. I am a renter.

7 MS. FLETCHER: Did you file as -

8 MS. GILLIS: I filed as myself.

9 MS. FLETCHER: Okay, thank you.

10 MS. GILLIS: Yes. Thank you.

11 MS. FLETCHER: Okay, so just that I'm  
12 clear, Ms. Gillis. You filed as an individual.  
13 Not as a part of a group and not as abutting --  
14 as a resident?

15 MS. GILLIS: I'm an abutting  
16 residential neighbor, so, I'm with -

17 MS. FLETCHER: Your property touches  
18 the property of the establishment as well?

19 MS. GILLIS: Yes. I live -- I'm a  
20 renter, so I live at the property.

21 MS. FLETCHER: What is your address?

22 MS. GILLIS: 1661 Wisconsin Avenue.

23 MS. FLETCHER: And so you are a renter  
24 at that location?

25 MS. GILLIS: Yes.

1 MS. FLETCHER: And you filed a protest  
2 as an individual?

3 MS. GILLIS: Yes.

4 MS. FLETCHER: Okay. Just a second.

5 MS. GILLIS: Thank you.

6 (Pause.)

7 MS. FLETCHER: Ms. Gillis, because  
8 you're not an abutting property owner and you're  
9 not a part of the group of at least five or more  
10 -- or three or more, this is a Georgetown  
11 Moratorium Zone, and that doesn't seem to be an  
12 issue at this stage, but you would have to be  
13 either an abutting property owner or a member of  
14 a group.

15 MS. GILLIS: Okay, then I will talk  
16 with Tove about that.

17 MS. FLETCHER: Okay, and so what I'm

18 -

19 (Simultaneous speaking.)

20 MS. FLETCHER: So, just a second. I  
21 am hearing somebody talk. Are you talking to me?

22 (Off-microphone comments.)

23 MS. GILLIS: I think someone is  
24 listening to the confirmation hearings and  
25 doesn't have themselves muted.

1 MS. FLETCHER: So, all right. Okay.  
2 So I know what I am going to have to do next go  
3 around. I am hearing a lot of people. They are  
4 not talking to me. But, Ms. Gillis -

5 MS. GILLIS: Yes.

6 MS. FLETCHER: I am going to dismiss  
7 your protest because you are not filing as an  
8 abutting property owner and not as a member of a  
9 group. You'll have the opportunity to seek  
10 reinstatement of your protest with the ABC Board.  
11 But for the purpose of the roll call hearing,  
12 I'll need to dismiss the protest for those two  
13 reasons.

14 MS. GILLIS: Okay.

15 MS. FLETCHER: Did someone mention Mr.  
16 Farr is on the line?

17 MR. FARR: Yes, I am.

18 MR. MINORA: Yes, he is.

19 MS. FLETCHER: Well, hi, Mr. Farr.

20 MR. FARR: How are you?

21 MS. FLETCHER: I'm fine, thank you.

22 Mr. Farr?

23 MR. FARR: Yes.

24 MS. FLETCHER: Did you file as an  
25 abutting property owner?

1 MR. FARR: Yes.

2 MS. FLETCHER: And does your property  
3 touch the property of the establishment?

4 MR. FARR: Yes. It is right behind  
5 the establishment.

6 MS. FLETCHER: But the properties do  
7 touch?

8 MR. FARR: Yes. I submitted a protest  
9 with Mr. Loy, Frank Loy, and our two properties  
10 are the properties behind the 1659 property.

11 MS. FLETCHER: And Mr. Loy's property  
12 touches that of the establishment also?

13 MR. FARR: Yes.

14 MS. FLETCHER: Does it actually touch  
15 the building?

16 MR. FARR: No, no. There is a rear  
17 yard and it touches, essentially, the fence in  
18 the back of the rear yard.

19 MS. FLETCHER: And so, based on that  
20 description, Mr. Farr, it does not appear that  
21 your property actually abuts that of the  
22 establishment because the properties themselves  
23 don't actually touch.

24 Do you think otherwise?

25 MR. FARR: Ms. Fletcher, I do think

1 otherwise, yes. I mean, if I walk out and look  
2 over my fence I look at the backyard of the  
3 property that we are talking about.

4 MS. FLETCHER: The same thing applies  
5 to Mr. Loy?

6 MR. FARR: Right.

7 MS. FLETCHER: Is Mr. Loy on the line?

8 (No response.)

9 MS. FLETCHER: I don't see him, but  
10 I'm not seeing everybody, so -

11 MR. FARR: I saw his name earlier, Ms.  
12 Fletcher, so I think he is on the line.

13 MS. FLETCHER: Okay, well, actually,  
14 I did see -- I actually saw it earlier, as well.  
15 I just don't know where it went. But I noted  
16 that he is present.

17 So, Mr. Loy, if you can hear me?

18 (No response.)

19 MS. FLETCHER: Although I can't see or  
20 hear you right now, I've noted the fact that  
21 you're present.

22 MR. FARR: You know, I'm looking at  
23 the list of people on the watcher and it appears  
24 to be that Mr. Loy is one of them, but is muted.

25 MS. FLETCHER: Oh, he's muted. Let me

1 see, I think I can unmute Mr. Loy.

2 Let's see, one second.

3 (Pause.)

4 MS. FLETCHER: Mr. Loy, can you hear  
5 me? Mr. Loy?

6 (No response.)

7 MR. FARR: Yes, I'm showing him  
8 unmuted now, but -

9 MS. FLETCHER: Yes, I see -- yes.  
10 Well, in any event, I see that he is here and  
11 I've noted his presence.

12 Oh, there is Mr. Loy. Hi, Mr. Loy.  
13 Okay.

14 MR. FARR: That is indeed Mr. Loy.  
15 But I've rarely seen him not speaking, so -

16 (Laughter.)

17 MS. FLETCHER: Okay, so, let's see.  
18 Oh, so I've unmuted Mr. Loy on my end. So, Mr.  
19 Loy would need to unmute himself on his end.

20 Mr. Loy, can you hear me?

21 (No response.)

22 MS. FLETCHER: Okay. It looks like  
23 you can hear me, Mr. Loy. What I'm trying to  
24 understand from what Mr. Farr was explaining is  
25 whether or not your property and his property

1 actually about the establishment. And he said  
2 that you can also see the establishment from your  
3 yard. And he said -- is that -- that's correct?

4 (No audible response.)

5 MS. FLETCHER: Okay, thank you.

6 And, Mr. Farr, can you just give me  
7 the number of your building?

8 MR. FARR: Yes, my address is 1602  
9 Caton Place.

10 MS. FLETCHER: 1602 -

11 MR. FARR: Caton, C-A-T-O-N, Place,  
12 Northwest.

13 MS. FLETCHER: C-A-T-O-N?

14 MR. FARR: Yes.

15 MS. FLETCHER: And 1602. Mr. Loy,  
16 what about your address? Or --

17 (No response.)

18 MS. FLETCHER: Mr. Farr, do you know  
19 Mr. Loy's address?

20 MR. FARR: I'm pretty sure, if I'm not  
21 under oath, I'm pretty sure it's --

22 MS. FLETCHER: You are not under oath.

23 MR. FARR: -- it's 3230 Reservoir  
24 Road.

25 MS. FLETCHER: Okay, because -- just

1 a second, please.

2 MR. LOY: Does this work better? This  
3 is -- I switched microphones now.

4 MS. FLETCHER: Okay.

5 MR. LOY: Can you hear me now?

6 MS. FLETCHER: Yes.

7 MR. LOY: All right. My name is Frank  
8 Loy. My mail address is 3230 Reservoir Road. In  
9 fact, however, my house is on Caton Place  
10 immediately next to Mr. Farr's.

11 MS. FLETCHER: And so, Mr. Loy, does  
12 your building touch the building of the  
13 establishment.

14 MR. LOY: It abuts the property of the  
15 establishment at the rear garden.

16 MS. FLETCHER: But the buildings don't  
17 actually touch?

18 MR. LOY: No. The buildings do not  
19 touch. The properties do touch.

20 (Pause.)

21 MS. FLETCHER: What I am going to do  
22 in your case, Mr. Loy, and in your case, Mr.  
23 Farr, I am going to grant conditional standing to  
24 you both, because according to the GIS system  
25 your properties won't actually touch the property



1 -- touch the buildings, but you will have an  
2 opportunity to show the Board that the properties  
3 actually touch.

4           They don't appear to touch. And so I  
5 have to base my determination today on the D.C.  
6 Geographic Information System, which does not  
7 show that the properties actually touch. I'm not  
8 going to dismiss the protest, I'm just going to  
9 grant conditional standing to give you an  
10 opportunity to show that they do.

11           MR. FARR: Okay.

12           MR. LOY: Thank you.

13           MR. FARR: And just to clarify, Ms.  
14 Fletcher, am I right that what we eventually  
15 would have to show, if our protest continues, is  
16 that the buildings actually touch, or is it just  
17 that the properties touch?

18           MS. FLETCHER: The properties touch.

19           MR. FARR: Okay. Thank you.

20           MS. FLETCHER: And we have a new  
21 definition of what an abutting property owner is.  
22 I'll also send you that definition so that you  
23 know what the definition is -- what definition we  
24 use. Thank you.

25           (Pause.)

1 MS. FLETCHER: Mr. or Ms. Sundaram?

2 Are you present?

3 MR. SUNDARAM: Ms. Fletcher, Mr.

4 Sundaram here.

5 (Off-microphone comments.)

6 MS. FLETCHER: Excuse me. Excuse me.

7 Someone is talking right now, and you keep

8 talking to your kids right now.

9 (Off-microphone comments.)

10 MS. FLETCHER: Can you mute your  
11 system so that we can't hear the conversation?

12 Thank you.

13 MR. SUNDARAM: Yes, Ms. Fletcher. Mr.  
14 Sundaram is here.

15 MS. FLETCHER: Thank you very much.

16 Okay, and you are here on behalf of?

17 MR. SUNDARAM: I am the owner of the  
18 Fountain Inn.

19 MS. FLETCHER: You're the owner.

20 Thank you.

21 MR. SUNDARAM: Thank you.

22 MS. FLETCHER: One second.

23 (Pause.)

24 MS. FLETCHER: Is there anyone here in  
25 the matter of Fountain Inn that I have not spoken

1 with, or whose name I didn't call, or hasn't  
2 spoken?

3 (No response.)

4 MS. FLETCHER: So I'm going to go back  
5 over the list of who we have as protestants now.  
6 We have ANC 2E, Citizen's Association of  
7 Georgetown, Jaquelin Dunn, Tove Roberts granted  
8 standing as protestants.

9 We have Mr. Barry Farr and Frank Loy,  
10 granted conditional standing as protestants. I  
11 am going to send you the Board definition of what  
12 an abutting property owner is and then you will  
13 provide the Board with the evidence that you have  
14 that your properties actually do abut, because  
15 the buildings don't appear to touch -- well, they  
16 don't touch, but you are going to provide the  
17 Board with evidence that the properties actually  
18 do abut.

19 Any questions from anybody?

20 (No response.)

21 MS. FLETCHER: We are going to set a  
22 date for mediation now. I'll give you the next  
23 available day.

24 MR. MINORA: Ms. Fletcher?

25 MS. FLETCHER: Yes.

1 MR. MINORA: We are very close to a  
2 settlement agreement. If you could push the  
3 mediation and the status hearing dates out far,  
4 because I think we will have this wrapped up,  
5 hopefully before the end of the week, if not  
6 sooner.

7 MS. FLETCHER: Oh, okay, thank you,  
8 Mr. Minora. I'll push it way out. What about,  
9 let's see, how about -- one second -- what about  
10 November the 17th? Is that out far enough?

11 MR. MINORA: Yes. I think that is  
12 plenty of time. Thank you.

13 MS. FLETCHER: You are very welcome.  
14 I am going to schedule mediation for November 17.  
15 One o'clock in the afternoon? Ten in the  
16 morning?

17 MR. MINORA: I'm okay with either of  
18 those times. I will base it on the needs of the  
19 others.

20 MS. FLETCHER: Okay. Will ten o'clock  
21 be okay for everyone? On November 17?

22 PARTICIPANT: Yes.

23 MS. FLETCHER: Okay.

24 PARTICIPANT: Yes.

25 MS. FLETCHER: Well, then I will

1 schedule mediation for ten o'clock on Tuesday,  
2 November 17.

3 And of course, you know, once you  
4 submit the settlement agreement the mediation  
5 will be cancelled. The Board has not yet set a  
6 status hearing and a protest hearing date for  
7 this case, so you may settle it even before they  
8 give us those dates.

9 Any questions, anybody?

10 (No response.)

11 MS. FLETCHER: Well, I'd like to thank  
12 everyone for participating. Sorry for any  
13 confusion. I think I've noted everybody who is  
14 present whether I can see you or not. So, thank  
15 you.

16 PARTICIPANT: Thank you.

17 MS. FLETCHER: You may sign off  
18 whenever you are ready. I'm going to call the  
19 next case. Thank you.

20 (Whereupon, the above-entitled matter  
21 went off the record at 10:47 a.m.)  
22  
23  
24  
25

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In the matter of: Fountain Inn

Before: DCABRA

Date: 10-13-20

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