

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 ROLL CALL HEARING

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IN THE MATTER OF:           :
                             :
Kirby Club DC, LLC         :
t/a Tawle                  :
1328 Florida Ave NW       : Roll Call
Retailer CT - ANC 1B      : Hearing
License #122616           :
Case #22-PRO-00115       :
                             :
(New Application)         :
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Monday
 December 5, 2022

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

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

YANIV BARZILAI, Protestant
ERIC BEHNA, ANC 1B
BRIAN PARKER, Protestant
DAVID PRICE, Protestant
MICHELLE RINGUETTE, Protestant
GEORGE SAULT, Applicant
JOSEPH TRUONG, Protestant
SIDON YOHANNES, Applicant's Counsel

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

2 10:39 a.m.

3 MS. FLETCHER: Here on behalf of
4 Tawle?

5 MR. SAULT: That's correct.

6 MS. FLETCHER: Is that the correct
7 pronunciation? Is it Tawle? Tawle?

8 MR. SAULT: Yes, it's Tawle.

9 MS. FLETCHER: It's Tawle, okay.
10 Thank you very much. Anyone else present from
11 the group of 20?

12 MR. BARZILAI: Ms. Fletcher, this is
13 Yaniv Barzilai. I just wanted to add, if you
14 looked at the chat, that there is an abutting
15 neighbor who has just joined the group protest
16 and has filed a separate protest as abutting
17 neighbor.

18 And, has -- is both present and listed
19 in that chat. I can read the message if that's
20 helpful.

21 MS. RINGUETTE: Hi. I'm so sorry.
22 We're in the middle of a doctor's appointment
23 right now.

24 But, you have Michelle and David
25 Ringuette.

1 MS. FLETCHER: Excuse me. Michelle,
2 can you mute yourself?

3 MS. RINGUETTE: I'm trying to tell you
4 on the abutting neighbor.

5 MS. FLETCHER: Well, that particular
6 --

7 MS. RINGUETTE: And that we're both
8 here.

9 MS. FLETCHER: Okay, just a second.
10 Hold on one minute. You're the abutting neighbor
11 in the matter of Tawle?

12 MS. RINGUETTE: Yes.

13 MS. FLETCHER: So, can you state your
14 name and spell it one more time?

15 MS. RINGUETTE: My name is Michelle
16 Ringuette. I'm here with my husband David Price.
17 You can spell it, M-I-C-H-E-L-L-E, last name R-I-
18 N-G-U-E-T-T-E.

19 MS. FLETCHER: Okay. And your -- your
20 husband's first name is David?

21 MS. RINGUETTE: D-A-V-I-D, last name,
22 P-R-I-C-E. And, we are part of the group
23 protesting.

24 MS. FLETCHER: And Ms. Ringuette, can
25 you spell your husband's la --

1 MS. RINGUETTE: And, we are also the
2 abutting neighbors.

3 MS. FLETCHER: Can you spell your
4 husband's last name one more time?

5 MS. RINGUETTE: P-R-I-C-E.

6 MS. FLETCHER: Oh, okay. Thank you.
7 And you -- okay, you both signed the --

8 MS. RINGUETTE: Yes. We signed the
9 neighborhood protest letter. And, we've also
10 submitted our own because of our experiences
11 living near there.

12 MS. FLETCHER: Okay. And so, you
13 filed as a part of the group and separately as
14 abutting property owners?

15 MS. RINGUETTE: Yes.

16 MS. FLETCHER: Okay. Anyone else from
17 the group?

18 (No response.)

19 MS. FLETCHER: So, we have ANC 1B does
20 have standing as a Protestant. I count eight is
21 present from the group of 20.

22 Which means that at least five members
23 from the group are present today. And the group
24 is granted full standing as a Protestant.

25 We need to set a date for a status

1 hearing, a protest hearing, and a mediation.
2 I'll give you the dates for the status and
3 protest hearing first.

4 The status hearing is set for January
5 11, 2023, at 10:30, January 11. The protest
6 hearing is set for February 1, 2023, at 1:30.

7 We need to set a date for mediation.
8 I'll give you the next day available. Only the
9 designated representatives for the group of 20
10 need appear for the mediation, either both or
11 either one.

12 And, of course, any other members of
13 the group are welcomed to attend as well. I'll
14 give you the next date available for mediation.

15 The next date available is Tuesday,
16 December 20.

17 MR. BARZILAI: Ms. Fletcher, this is
18 Yaniv Barzilai, I'm one of the representatives.
19 I unfortunately, will be out of town that entire
20 week.

21 MS. FLETCHER: Okay.

22 MR. BARZILAI: If we can do it another
23 time, --

24 MS. FLETCHER: We can.

25 MR. BARZILAI: That would be -- yes,

1 thank you.

2 MS. FLETCHER: So, we can do it -- we
3 can do it December 27 or December -- actually
4 December 27 is going to be the only other day in
5 December.

6 MR. BARZILAI: Can we pause maybe?

7 MS. FLETCHER: Otherwise, we --

8 MR. BARZILAI: This is Yaniv again.

9 Let me just pause and make sure that everybody
10 else is okay with that. That works for me.

11 MR. BEHNA: That works for the ANC.

12 MS. FLETCHER: That works for the ANC?
13 That was December 27.

14 MR. BEHNA: At what time?

15 MS. FLETCHER: Any time between 10:00
16 and 1:30. Okay.

17 MR. BEHNA: I would prefer the
18 earliest one, if other folks --

19 MS. FLETCHER: Mr. Behna, is that you
20 speaking?

21 MR. BEHNA: Early morning.

22 MS. FLETCHER: Mr. Behna, is that you
23 speaking for the ANC?

24 MR. BEHNA: Yes. The ANC would prefer
25 the 10:00 a.m. if possible, on the 27th.

1 MS. FLETCHER: Okay.

2 MR. BARZILAI: This is Yaniv. I have
3 no preference on time. That's certainly fine.

4 MS. FLETCHER: Is that okay for Brian
5 Parker as well?

6 MR. PARKER: Ms. Fletcher, I will say
7 I -- I, the Applicant, I am not available on --
8 I'm not available until 11:00 on the 27th.

9 MS. FLETCHER: That's okay on this end
10 if it's okay with everybody else.

11 MR. BEHNA: That's fine.

12 MR. BARZILAI: This is Yaniv. That's
13 fine with me as well.

14 MS. FLETCHER: That's fine with Mr.
15 Behna and ANC, and the ANC. Okay. I'm just
16 trying to help the court reporter to keep
17 everything straight. Thank you.

18 MR. PARKER: This is Brian Parker.
19 That works for me as well.

20 MS. FLETCHER: And Yaniv, does that
21 work for you as well?

22 MR. BARZILAI: It does. Thank you
23 very much.

24 MS. FLETCHER: Okay. So, mediation is
25 set for Tuesday, December 27 at 11:00. Okay.

1 MS. YOHANNES: And that's fine. Can
2 I -- can I get some clarification before we, we
3 conclude this?

4 In terms of the Protestants and --

5 MS. FLETCHER: Excuse me. Ms.
6 Yohannes, I'm just letting the court reporter
7 know who's speaking.

8 Go ahead.

9 MS. YOHANNES: Okay, yes. I just want
10 to confirm, we only have a group of five or more
11 in the ANC as Protestants together.

12 Is that correct?

13 MS. FLETCHER: Yes.

14 MS. YOHANNES: Okay.

15 MS. FLETCHER: Yes, ma'am.

16 MR. BARZILAI: Ms. Fletcher, this is
17 Yaniv. I just want to confirm, there is another
18 Protestant, an abutting neighbor Protestant that
19 is by Michelle.

20 MS. FLETCHER: You mean by -- by
21 Michelle Ringuette?

22 MR. BARZILAI: Correct.

23 MS. FLETCHER: And so, I included Ms.
24 Ringuette as a part of your group. She mentioned
25 she filed as a part of your group and as an

1 abutting property owner?

2 MR. BARZILAI: Correct. She has --
3 she joined our group. But, she has standing as
4 an abutting property owner that is separate and
5 distinct.

6 MS. FLETCHER: Yes. Yes, I just --
7 yeah, I was just letting Ms. Yohannes know that
8 about the group.

9 So, there is the ANC 1B. There is the
10 group of 20, of which Ms. Ringuette is a part of.
11 And, she filed a protest as an abutting property
12 owner as well, which means that she has a
13 stand-alone protest as well.

14 MS. YOHANNES: And, we've not received
15 that protest that was filed.

16 MS. FLETCHER: From Ms. Ringuette?

17 MS. YOHANNES: Correct.

18 MS. FLETCHER: Ms. Ringuette --

19 MS. YOHANNES: Has the Agency received
20 that? I mean, I presume so since she just
21 indicated so.

22 But, we have not received it. And,
23 can we get confirmation on when this was filed?

24 MS. FLETCHER: Well, let me see what
25 I can find out right now. Just give me one

1 second please.

2 MS. YOHANNES: Okay.

3 MS. FLETCHER: So, while I'm looking,
4 Ms. Ringuette, can you tell me if you've received
5 a letter acknowledging receipt of your protest
6 from our Assistant General Counsel?

7 (No response.)

8 MR. TRUONG: She's -- this is Joseph
9 Truong speaking, since she's at the doctor right
10 now.

11 I can just mention that she had sent
12 the email to ABRA Legal on November 13, 2022, at
13 6:08 p.m.

14 MS. FLETCHER: Let me write that down.
15 Thank you. That was November?

16 MR. TRUONG: 13th.

17 MS. FLETCHER: 13.

18 MR. TRUONG: 2022 at 6:08 p.m.

19 MS. FLETCHER: To ABRA Legal?

20 MR. TRUONG: Yes.

21 MS FLETCHER: Thank you.

22 MR. TRUONG: And, she also -- yep.
23 So, she sent it to ABRA Legal. I can't confirm
24 though when she's received her, her confirmation,
25 et cetera.

1 So, she'll have to confirm that with
2 you directly.

3 MS. FLETCHER: That's okay. I will --
4 that's okay. I will -- Ms. Yohannes, I will look
5 into that and get back with you post-roll call.

6 I'm going to check and make sure that
7 the -- that Ms. Ringuette received her letter of
8 receipt for her protest. One second.

9 So, her name is on the list that I
10 have for the group of 20. There were some names
11 on that list that weren't legible.

12 And, I received an email from the
13 designated representative from the group to spell
14 the names of the individuals on the list. And,
15 Ms. Ringuette's name is on that list.

16 So, her name may be one of those that
17 are not legible on the protest letter. But, I'll
18 straighten all that out after roll call, Ms.
19 Yohannes. And I'll get back to you.

20 MS. YOHANNES: Thank you.

21 MS. FLETCHER: Thank you. For the
22 purpose of the roll call hearing, I'm going to
23 count Ms. Ringuette as a part of the group of 20.
24 I will confirm receipt of her protest alleging to
25 be an abutting property owner.

1 But, for the purpose of the roll call
2 hearing, I'm going to grant standing to the group
3 of 20 and to Ms. Ringuette as an abutting
4 property owner. If that turns out not to be the
5 case, then we'll take care of it at a later time.

6 I have mediation scheduled for
7 Tuesday, December 27, at 11:00. And you'll
8 receive the WebEx invitations to attend.

9 Any questions from anybody?

10 (No response.)

11 MS. FLETCHER: Well, thank you for
12 coming. And the roll call hearing in this matter
13 is concluded.

14 (Whereupon, the above-entitled matter
15 went off the record at 10:52 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 6:25 12:15 above-entitled 12:14 ABRA 1:16 10:12,19,23 abutting 2:14,16 3:4,10 4:2,14 8:18 9:1,4,11 11:25 12:3 acknowledging 10:5 add 2:13 Agency 9:19 Agent 1:14,16 ahead 8:8 Alcoholic 1:2,13 alleging 11:24 ANC 1:7,19 4:19 6:11 6:12,23,24 7:15,15 8:11 9:9 anybody 12:9 appear 5:10 Applicant 1:22 7:7 Applicant's 1:24 Application 1:9 appointment 2:22 Assistant 10:6 attend 5:13 12:8 available 5:8,14,15 7:7 7:8 Ave 1:7</p>	<p>11:1,24 confirmation 9:23 10:24 Control 1:2,13 correct 2:5,6 8:12,22 9:2,17 Counsel 1:24 10:6 count 4:20 11:23 course 5:12 court 7:16 8:6 CT 1:7</p>	<p>Florida 1:7 folks 6:18 full 4:24</p> <p style="text-align: center;">G</p> <p>General 10:6 GEORGE 1:22 give 5:2,8,14 9:25 grant 12:2 granted 4:24 group 2:11,15 3:22 4:13 4:17,21,23,23 5:9,13 8:10,24,25 9:3,8,10 11:10,13,23 12:2</p>	<p>ma'am 8:15 matter 1:5 3:11 12:12 12:14 mean 8:20 9:20 means 4:22 9:12 mediation 5:1,7,10,14 7:24 12:6 members 4:22 5:12 mention 10:11 mentioned 8:24 message 2:19 met 1:13 Michelle 1:21 2:24 3:1 3:15 8:19,21 middle 2:22 minute 3:10 Monday 1:11 morning 6:21 mute 3:2</p>
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<p style="text-align: center;">C</p> <p>call 1:3,7 11:5,18,22 12:1,12 care 12:5 case 1:8 12:5 certainly 7:3 cetera 10:25 chat 2:14,19 check 11:6 clarification 8:2 Club 1:6 COLUMBIA 1:1 coming 12:12 conclude 8:3 concluded 12:13 confirm 8:10,17 10:23</p>	<p style="text-align: center;">E</p> <p>earliest 6:18 Early 6:21 eight 4:20 either 5:10,11 email 10:12 11:12 entire 5:19 ERIC 1:19 et 10:25 everybody 6:9 7:10 Excuse 3:1 8:5 experiences 4:10</p>	<p style="text-align: center;">I</p> <p>included 8:23 indicated 9:21 individuals 11:14 invitations 12:8</p>	<p style="text-align: center;">O</p> <p>owner 9:1,4,12 11:25 12:4 owners 4:14</p>
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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: Tawle

Before: DC ABRA

Date: 12-05-22

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.



Court Reporter

NEAL R. GROSS

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