

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

2 3:43 p.m.

3 CHAIRPERSON ANDERSON: Our final case
4 for the afternoon is Case No. 20-PRO-00047,
5 Handle 19, License No. 117027. Ms. Andrews, can
6 you please elevate the rights of the parties in
7 this case, please?

8 MS. ANDREWS: Sure, stand by. Mr.
9 Thomas, your rights have been elevated. Mr.
10 August, your line has been unmuted. Mr. Shane
11 August, your rights have been elevated.

12 MR. AUGUST: Thank you. Thank you
13 guys.

14 MS. ANDREWS: Mr. Wise, your rights
15 have been elevated. Ms. Morin-Burns, your rights
16 have been elevated.

17 MS. MORIN-BURNS: Thank you.

18 MS. ANDREWS: Mr. Dansby, your rights
19 have been elevated. Mr. Jayaraman, I'm not sure
20 if I pronounced it right, please forgive me, your
21 rights have been elevated. Mr. Bhadelia, your
22 rights have been elevated. And Ms. Kaufman, your
23 rights have been elevated. That's all, Mr.
24 Chair.

25 CHAIRPERSON ANDERSON: Thank you. I'll

1 have the parties identify themselves for the
2 record. Let's start with the Licensee.

3 MR. THOMAS: Good morning. Ian Thomas,
4 attorney for the Applicant.

5 CHAIRPERSON ANDERSON: Is the Licensee
6 here with you, Mr. Thomas?

7 MR. THOMAS: He should be on the line.
8 Mr. Shane August and Mr. Rudy August.

9 CHAIRPERSON ANDERSON: Can they
10 identify themselves for the record, please?

11 MR. AUGUST: Yes. Good afternoon.
12 Shane August, President of Handle 19. S-H-A-N-E
13 last name August like the month, A-U-G-U-S-T.

14 CHAIRPERSON ANDERSON: Who else?

15 MR. AUGUST: No one else at the moment.

16 CHAIRPERSON ANDERSON: So let's start
17 with the ANC. They're one of the Protestants,
18 the ANC, is that correct? You need to turn your,
19 I'm sorry. We can't hear you. Yes, go ahead,
20 sir. I can't hear you, sir. Still can't hear
21 you.

22 MR. JAYARAMAN: I'm having difficulties
23 on my computer so I'm calling in, so I'd ask for
24 a number starting with --

25 MS. ANDREWS: We can hear you.

1 CHAIRPERSON ANDERSON: I can hear you.
2 I can hear you. Spell your first and last name,
3 sir.

4 MR. JAYARAMAN: Sure. First name is
5 Chandler, C-H-A-N-D-E-R, last name is Jayaraman,
6 J-A-Y-A-R-A-M-A-N. I am representing Advisory
7 Neighborhood Commission 6B.

8 CHAIRPERSON ANDERSON: Can we have the
9 group? I think it's the Wise group? Can you
10 introduce the group, sir?

11 MR. WISE: I'm here, Brian Wise, but
12 the designee is now Liz Burns, who I believe is
13 also on the line. Can you hear me?

14 CHAIRPERSON ANDERSON: Okay.

15 MR. WISE: Okay.

16 CHAIRPERSON ANDERSON: I'm sorry. Who
17 is with you, Mr. Wise?

18 MR. WISE: So I'm here. Liz Burns is
19 the designee for the group of 15, and I believe
20 she is on the line, as well.

21 CHAIRPERSON ANDERSON: Ms. Burns, can
22 you please identify yourself for the record,
23 please?

24 MS. MORIN-BURNS: Yes, I can. Just for
25 clarification, my legal last name is Morin, M-O-

1 R-I-N, but I go by my married name of Burns
2 socially. This is Elizabaeth Morin.

3 CHAIRPERSON ANDERSON: I'm sorry, Ms.
4 Morin-Burns. I apologize, tell me the name --

5 MS. MORIN-BURNS: It's a legal hearing,
6 sir. I just want to make sure there's no issues
7 that would cause us to get tripped up later on
8 because the name is wrong or hyphenated and it's
9 not the right legal name. My legal name is
10 Elizabaeth Morin, but you can call me Elizabaeth
11 Morin-Burns socially.

12 CHAIRPERSON ANDERSON: Okay, thanks.
13 Who else is here for the group?

14 MS. MORIN-BURNS: We have several from
15 the group of 14. Wuhan Dansby should be on the
16 line. We have Mark Burns, who is sitting right
17 here next to me.

18 CHAIRPERSON ANDERSON: Well, I need
19 them to identify themselves.

20 MR. BURNS: Hello. My name is Mark
21 Burns, M-A-R-K B-U-R-N-S.

22 CHAIRPERSON ANDERSON: Who else?

23 MS. MORIN-BURNS: They are not with me,
24 but they have called in separately.

25 MR. DANSBY: This is Wuhan Dansby.

1 CHAIRPERSON ANDERSON: Hold on. You
2 said Mr. Wuhan Dansby? Go ahead.

3 MS. MORIN-BURNS: Wuhan, yes. I'll let
4 all of the others identify themselves.

5 CHAIRPERSON ANDERSON: Go ahead, Mr.
6 Dansby.

7 MS. WISE: This is Carolyn Wise.

8 CHAIRPERSON ANDERSON: I'm sorry, hold
9 on. Let's back up. Mr. Dansby, can you please
10 identify yourself for the record and please spell
11 your name?

12 MR. DANSBY: Sure, it's Wuhan, W-U-H-A-
13 N D-A-N-S-B-Y.

14 CHAIRPERSON ANDERSON: Who else do we
15 have?

16 MS. WISE: This is Carolyn Wise, C-A-R-
17 O-L-Y-N W-I-S-E.

18 CHAIRPERSON ANDERSON: Who else do we
19 have?

20 DUNNIELA KAUFMAN: Dunniela Kaufman, D-
21 U-N-N-I-E-L-A K-A-U-F-M-A-N.

22 CHAIRPERSON ANDERSON: Who else do we
23 have? Ms. Morin-Burns, were there other folks
24 who identified themselves in the chat who had to
25 leave?

1 MS. MORIN-BURNS: Yeah, I believe there
2 were some other that identified themselves on the
3 chat that may have had to leave. Thomas Palmerly
4 may have been one of them.

5 CHAIRPERSON ANDERSON: Can you spell,
6 if you know, let me see. Hold on. I'm trying to
7 see if I can read the chat.

8 MS. MORIN-BURNS: But if not, I believe
9 we have a couple of extras just as security in
10 the event the other five did not show. I think
11 we've actually hit our legal five requirement.

12 CHAIRPERSON ANDERSON: We only need
13 four members -- you only had to have four members
14 today, and you have identified Mark Burns, Wuhan
15 Dansby, Carolyn Wise and Kaufman. You have now
16 provided the requisite group, so I make a motion
17 that standing be granted to the Morin group. I
18 make a motion that we officially grant full
19 standing to the Morin group. Is there a second?

20 MEMBER SHORT: Mr. Short, I second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 second the motion. We will now have a roll call
23 vote on the motion that has been properly second
24 by Mr. Short. Mr. Short?

25 MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Cato?

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Crockett?

4 MEMBER CROCKETT: Rafi Crockett, I

5 agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen?

7 MEMBER SHORT: Jeni Hansen, I agree.

8 CHAIRPERSON ANDERSON: Mr. Grandis?

9 MEMBER GRANDIS: Ed Grandis, I agree.

10 CHAIRPERSON ANDERSON: Mr. Anderson, I

11 agree. The matter passes 6-0-0 so standing has

12 now been granted to that group of five or more.

13 Ms. Morin is the designated representative for

14 this group. Are there any preliminary matters

15 that needs to be brought to the Board's

16 attention?

17 MS. MORIN-BURNS: No.

18 CHAIRPERSON ANDERSON: Mr. Thomas?

19 MR. JAYARAMAN: Mr. Anderson, this is

20 Commissioner Chander Jayaraman.

21 CHAIRPERSON ANDERSON: Oh I'm sorry,

22 Mr. Jayaraman. I'm sorry, go ahead, I apologize.

23 MR. JAYARAMAN: No need to apologize.

24 We do want to note that there are also abutting

25 neighbors who are also Protestants on the case

1 that are on the line. I'm not sure if you want
2 to recognize them first before I speak to our
3 request that we filed today for a motion for
4 continuance.

5 CHAIRPERSON ANDERSON: Hold on a
6 minute. Mr. Thomas, from your perspective, who
7 was protesting this license?

8 MR. THOMAS: It's my understanding that
9 the Protestants for this license are ANC 6B, the
10 group of five that the administration just
11 recognized, and then two abutting neighbors. One
12 Mr. Bhadelia, who I see on the line, and another,
13 Mr. Moynahan who I do not see on the line,
14 although he operates through a power of attorney.
15 The power of attorney may be on the line.

16 To the extent that the abutting
17 neighbor that Mr. Moynahan or the person who he
18 represents isn't on the line, though, we would
19 request dismissal of this matter for failure to
20 appear at a status hearing.

21 CHAIRPERSON ANDERSON: Is Mr. Moynahan
22 represented? Did Mr. Moynahan appear today?

23 MS. MORIN-BURNS: He may have left
24 early and left a message in the chat. Can you
25 check the chat?

1 CHAIRPERSON ANDERSON: I'm trying to --

2 MR. THOMAS: He may have referenced
3 that he is the power of attorney for Mr. Quetsch.

4 CHAIRPERSON ANDERSON: I'm not being as
5 successful as I need to be in reading the chats.
6 If someone can look at the chat to see what is it
7 that Mr. Moynahan has stated?

8 MS. MORIN-BURNS: If he's not in the
9 chat room, he lives right next door to us so
10 we're going to have my husband run down and grab
11 him on the phone.

12 MEMBER CROCKETT: Mr. Chairman, this is
13 Rafi. I do not see that name in the chat.

14 CHAIRPERSON ANDERSON: So his name is
15 not in the chat, so therefore unless -- where is
16 Mr. Bhadelia?

17 MR. BHADELIA: Good afternoon. I'm
18 here.

19 CHAIRPERSON ANDERSON: Can you state
20 and spell your name for the record, please?

21 MR. BHADELIA: Yes, absolutely. I'm an
22 abutting property owner and my name is Ahmed A-H-
23 M-E-D last name Bhadelia, B-H-A-D-E-L-I-A.

24 CHAIRPERSON ANDERSON: This is being
25 protested by the ANC, the group of five or more,

1 Mr. Bhadelia. Unless we hear from Mr. Moynahan
2 within the next two to three minutes, I'm going
3 to dismiss Mr. Moynahan.

4 MR. JAYARAMAN: Mr. Chairman, we would
5 object --

6 MR. BHADELIA: I would just ask for --

7 MR. JAYARAMAN: -- to the dismissal of
8 an abutting neighbor who is situated directly
9 behind this establishment.

10 CHAIRPERSON ANDERSON: Mr. Jayaraman --
11 I should know how to pronounce your name, so I
12 don't know why I'm having a problem today.

13 MR. JAYARAMAN: Three syllables, Jay-
14 ra-man.

15 CHAIRPERSON ANDERSON: Jay-ra-man. Mr.
16 Jayaraman, as you know this matter was scheduled
17 for a hearing at 1:30. I have been very
18 accommodating. I've made it known to parties
19 that if for some reason you are unable to
20 participate, you can't stay on the line, identify
21 yourself in the chat to say I was here and I had
22 an emergency, I had to leave. You can't do that
23 in court.

24 MS. MORIN-BURNS: I apologize. I have
25 an email from Mr. Moynahan. I think it may have

1 been an error on my part. He details me some
2 language that he thought could be inserted into
3 this meeting. I think he thought that if he just
4 sent that to me that he was going to be okay and
5 didn't have to attend. He's an older gentleman.
6 He's in his 90s, so I apologize. There may just
7 be a little bit of a hangup, but again, he lives
8 right next door.

9 My husband is on the call and he's
10 going to try and knock on the door and get him to
11 at least wave his hand and say hello. I know
12 that you gave the party from Georgetown nearly 45
13 minutes to be able to get their people squared
14 away, so would appreciate about a five-minute
15 pause just to ensure that we can have all parties
16 taken care of.

17 CHAIRPERSON ANDERSON: I gave the
18 people from Georgetown almost 45 minutes because
19 they were having technical issues in getting
20 online. No one had to go search for someone.
21 That's why I said, so I don't have -- it's not a
22 matter -- they were having technical difficulties
23 and what I was doing was working with the people
24 who were having technical difficulties. I think
25 it's unfair for me to wait here for you to go

1 knock on someone's door to say oh by the way. I
2 apologize that he's 90 years old, but that's not
3 -- so unless --

4 MR. WISE: To be fair, we've been
5 waiting for two and a half hours.

6 MR. THOMAS: Can I chime in, please,
7 because --

8 CHAIRPERSON ANDERSON: Hold on, hold
9 on, hold on --

10 MR. THOMAS: -- because --

11 CHAIRPERSON ANDERSON: Hold on, hold
12 on. I'm sorry to cut you off. I'm sorry to come
13 off this way. This is very trying for all of us.
14 I have been sitting in front of this screen since
15 9:30 this morning, okay? I have been doing that.
16 So don't tell me that you're doing it for two and
17 a half hours. I've been flexible by saying if
18 you can't wait online, just put on the chat that
19 you were online and that you had to go.

20 If this was not in a person and if you
21 were not there, I would dismiss your case, but I
22 gave options. So if you guys knew that this
23 person wasn't going to be there, you could have
24 had him sign in and say to him that just sign in
25 and then you can go on with your happy life. If

1 he's not here, and I'm going to make the motion,
2 and if he appears before we vote, yes, he'll
3 still have standing. But I'm going to make a
4 motion to the Board that Mr. Moynahan be
5 dismissed from this proceeding. Is there a --

6 MS. MORIN-BURNS: Can you please have
7 your IT support ensure that -- my husband was
8 calling in --

9 CHAIRPERSON ANDERSON: I'm sorry, do
10 what?

11 MS. MORIN-BURNS: My husband should be
12 trying to call in from his phone from the
13 neighbor's. Can you check with your IT support
14 to ensure that Mark Burns' call is not being
15 ignored?

16 MS. ANDREWS: There's the one call-in
17 number and that is Mr. Chander.

18 MS. MORIN-BURNS: It would probably be
19 a WebEx.

20 MEMBER CROCKETT: I second the motion.

21 MR. WISE: I think a lot of the
22 assumptions here are because we're assuming that
23 everyone is tech savvy. Mr. Moynahan is
24 representing the abutting neighbor. He has the
25 power of attorney.

1 MR. THOMAS: I fail to see why any of
2 the party of five has standing to make any
3 argument on behalf of Mr. Moynahan. They are not
4 his representatives. It's actually not legal for
5 them to make representations for him. Their
6 motion has been made by the Board. It has been
7 seconded. It should be voted on. This is now
8 outrageous. We are now three hours into this.

9 CHAIRPERSON ANDERSON: So I made a
10 motion. I think Ms. Crockett had second the
11 motion. I'm going to have a roll call vote --

12 MR. WISE: It's discriminatory against
13 people that are elderly that don't know how to
14 use the technology. That's the problem. We're
15 asking for a little bit of recognition that --
16 if we have to cite ADA --

17 CHAIRPERSON ANDERSON: Who's speaking?

18 MR. WISE: It's Brian Wise.

19 CHAIRPERSON ANDERSON: Mr. Wise --

20 MR. WISE: A little bit of
21 accommodation due to ADA for people who don't
22 know how to use technology.

23 CHAIRPERSON ANDERSON: Mr. Wise --

24 MS. MORIN-BURNS: I have Mr. Quetsch,
25 who is online.

1 CHAIRPERSON ANDERSON: I'm sorry, I'm
2 sorry. Mr. Wise? Mr. Wise.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Ms. Morin, hold
5 on please. The representation that was made
6 before was not that Mr. Moynahan had issues with
7 technology, not that Mr. Moynahan was 90 years
8 old. The representation that was made by Ms.
9 Morin was that he thought he could put in a
10 statement and by putting that statement that
11 would be sufficient. That was her
12 representation.

13 I do not want anyone to state that the
14 ABC Board is not being accommodating to someone
15 who is not tech savvy or for someone who has ADA.
16 That's not the representation.

17 MR. WISE: May I respond to that?

18 CHAIRPERSON ANDERSON: Yes, sir.

19 MR. WISE: Your remedy for not being
20 present was to enter something into the chat log.
21 If someone doesn't know how to use the chat log,
22 that is due to age or due to any protected class,
23 that would be a reason for giving them an
24 accommodation.

25 CHAIRPERSON ANDERSON: I have been very

1 accommodating for this entire hearing, but I was
2 never told he was on the line. What I was told,
3 he thought he could put in a statement and that
4 was sufficient. When it was told that was not
5 sufficient, it's like let me run next door to go
6 get him. I don't want to hear that we're being
7 discriminatory. That is not the case.

8 Even if he doesn't have his own
9 standing, he can join in with the group. His
10 rights can be covered by any of the parties. Is
11 Mr. Moynahan on the line? Is he there? Is he
12 there?

13 MS. MORIN-BURNS: This is a reminder.
14 I have the abutting neighbor on my phone right
15 here on video.

16 CHAIRPERSON ANDERSON: The question I'm
17 asking, is Mr. Moynahan there? If Mr. Moynahan
18 is there, can he identify himself for the record?

19 MS. MORIN-BURNS: Mr. Moynahan is the
20 power of attorney for Mr. Quetsch. Mr. Quetsch
21 is on the phone right here.

22 CHAIRPERSON ANDERSON: Hold on, I'm
23 sorry. Hold on, Ms. Morin. Have you -- hold on,
24 hold on, hold on. Has Mr. Moynahan prior to this
25 hearing provided this power of attorney to the

1 ABC Board to say someone else is representing
2 him? Has that been done?

3 MR. THOMAS: It has not.

4 MS. MORIN-BURNS: Mr. Moynahan is the
5 power of attorney for Mr. Quetsch, who is the
6 abutting neighbor. Mr. Moynahan is not here.
7 Mr. Quetsch is. He is the abutting neighbor.

8 CHAIRPERSON ANDERSON: I'm sorry, I'm
9 sorry. Mr. Thomas, I was not at the roll call
10 hearing. Who is Mr. Moynahan from your
11 perspective, sir?

12 MR. THOMAS: My understanding is that
13 Mr. Moynahan is a power of attorney for whoever
14 the resident is. I have never seen a power of
15 attorney. I do not believe one was provided with
16 his protest letter. I also for that matter do
17 not believe that any of the group of five is
18 permitted legally to represent him or to bring
19 him on through a cell phone. I agree with the
20 Board's perspective that his rights are
21 represented by the ANC, which is here protesting.
22 There is a group of five that is protesting, as
23 well, as well as another abutting neighbor. We
24 have been here a long time and if he doesn't
25 show, he doesn't show.

1 MS. MORIN-BURNS: I have the actual
2 neighbor on video available to speak.

3 CHAIRPERSON ANDERSON: Who is the
4 neighbor? Who's that?

5 MS. MORIN-BURNS: His name is Walter
6 Quetsch. He is the owner of the abutting
7 property.

8 CHAIRPERSON ANDERSON: And who was at
9 the roll call hearing?

10 MS. MORIN-BURNS: Mr. Moynahan, who was
11 his representative.

12 MR. WISE: His power of attorney was
13 registered with --

14 CHAIRPERSON ANDERSON: Mr. Thomas, are
15 you an attorney, sir?

16 MR. THOMAS: I am.

17 CHAIRPERSON ANDERSON: Mr. Thomas, was
18 Mr. Moynahan as the representative of Mr.
19 Quetsch, was he provided -- did the Board's agent
20 grant him status as an abutting property owner at
21 the roll call hearing?

22 MR. THOMAS: It was some status. I
23 don't remember if it was conditional or not.

24 MR. BHADELIA: Excuse me, Mr. Chairman.
25 I was at the hearing.

1 CHAIRPERSON ANDERSON: Who's speaking?
2 Who is speaking?

3 MR. BHADELIA: This is Ahmed Bhadelia.
4 I am the other abutting property owner. I live
5 next to Mr. Quetsch. I was at the roll call
6 hearing and I'm happy to sign under penalty of
7 perjury that I was at the hearing and Mr. Quetsch
8 was provided status as an abutting property
9 owner, not conditionally.

10 CHAIRPERSON ANDERSON: But I'm saying
11 Mr. Quetsch was, but was Mr. Quetsch at the
12 hearing or was Mr. Moynahan at the hearing?

13 MR. BHADELIA: Mr. Moynahan was
14 representing Mr. Quetsch as the power of
15 attorney.

16 MR. WISE: And that was registered in
17 the protest letter that was originally filed with
18 the ABRA Board.

19 MR. THOMAS: With all due respect, I
20 object to every single one of these other
21 Protestants representing the rights of another
22 Protestant. They're not permitted to represent
23 the right of an abutting property owner. The
24 complaining property owner has to represent
25 themselves. So with all due respect, I

1 understand what they're doing. I don't fault
2 them for it, but they can't represent his rights
3 here. They can't vitiate his rights here. I
4 don't --

5 MS. MORIN-BURNS: No issues with our
6 representation. He's right here to represent
7 himself.

8 MR. THOMAS: Excuse me, I'm speaking.

9 MR. WISE: He's on the phone.

10 MR. THOMAS: Again, I'm speaking. I'm
11 lodging my objection for the record. There's a
12 court reporter here. I'd like to have the
13 opportunity to speak. Thank you very much. I do
14 not believe that any of these other people have
15 the ability to represent his rights. This
16 hearing was called almost 20 minutes ago and the
17 abutting property owner was not here. Under the
18 DC Municipal regulations he should be dismissed
19 for failing to appear.

20 MR. BHADELIA: Mr. Chairman, with all
21 due respect, I live next to Mr. Quetsch. He is
22 significantly -- he is an older gentleman. I
23 have to help him many, many times here as one of
24 his neighbors. You yourself said if he appears,
25 which he has, before ABRA is to vote, then you

1 would count him. He has appeared. I think it
2 would be a miscarriage of justice, frankly, if
3 you were not to include him. His representative
4 showed up at the status hearing as well as at the
5 mediation. We have him right here for you to
6 consider for his status.

7 CHAIRPERSON ANDERSON: So we're saying
8 that Mr. Quetsch is there?

9 MR. BHADELIA: That is correct, as the
10 video is showing. I apologize for cutting you
11 off.

12 CHAIRPERSON ANDERSON: So can Mr.
13 Quetsch identify himself for the record, please?

14 MS. MORIN-BURNS: Honey, can you put
15 Mr. Quetsch on the phone and let him identify
16 himself for the record?

17 MR. QUETSCH: Hello.

18 MS. MORIN-BURNS: Hold on one second.

19 CHAIRPERSON ANDERSON: Can you identify
20 yourself, sir?

21 MR. QUETSCH: Do you have a question?

22 CHAIRPERSON ANDERSON: Can you identify
23 yourself for the record, sir, please?

24 MR. BURNS: Yes, sir. You just need to
25 give your first and last name.

1 MR. QUETSCH: My first and last name.
2 I'm Walter Quetsch Q-U-E-T-S-C-H, 310 C Street
3 Southeast.

4 CHAIRPERSON ANDERSON: I'm trying to
5 get some clarification. The information I was
6 provided was that Walter B. Quetsch was granted
7 standing and that Mr. Eric Moynahan has the power
8 of attorney for this person. Because Mr. Quetsch
9 is here and Mr. Moynahan -- I will move forward
10 with standing.

11 MS. MORIN-BURNS: Thank you.

12 CHAIRPERSON ANDERSON: So standing is
13 provided to ANC, the group of five, Mr. Bhadelia,
14 and Mr. Quetsch. All right?

15 MR. THOMAS: Just for the record, I
16 just want to note my objection that the failure
17 to appear should have resulted in dismissal and
18 that Mr. Quetsch cannot be represented by these
19 other Protestants. I understand their position,
20 but I just want to note my objection for the
21 record.

22 CHAIRPERSON ANDERSON: That's alright
23 if you want to put something on the record, Mr.
24 Thomas, but what I've had now, it was confirmed
25 that at the roll call hearing Mr. Quetsch was

1 provided standing as an abutting property owner
2 and that a power of attorney was issued to the
3 Agency by Mr. Moynahan. That was confirmed by
4 the Agency that that was presented at the roll
5 call hearing.

6 I know that I was making a motion and
7 there was some confusion, but we didn't vote on
8 the motion because of all the confusion and based
9 on the time, Mr. Quetsch appeared personally for
10 this hearing.

11 MR. THOMAS: I understand that. My
12 concern is this. I have never seen Mr. Quetsch
13 personally and what we have had is another
14 Protestant holding up a cell phone with a video
15 fo someone else. I do not know who that person
16 is. I cannot confirm who that person is. While
17 I don't try to ascribe ulterior motives to any of
18 the other Protestants, I do think that the rules
19 are clear that you need to be physically present.

20 I understand we live in a time where
21 being physically present with one another is not
22 actually possible. I understand that we have to
23 appear virtually, but what we now have is not
24 just virtual appearance but it's virtual
25 appearance through another virtual appearance by

1 doing some sort of video on an iPhone. The
2 decision is going to be the decision, but because
3 I don't know where this is going to go, I just
4 want to note my objection for the record, our
5 objection for the record, that the non-appearance
6 did not result in a dismissal.

7 CHAIRPERSON ANDERSON: I'm sorry.
8 Thank you for that, Mr. Thomas. I appreciate it.
9 As an attorney, we all have to zealously
10 represent the rights of our clients, and I
11 appreciate that. The record is noted.

12 MR. JAYARAMAN: Mr. Donovan, this is
13 Chander Jayaraman. I appreciate your
14 consideration of the technical and the conditions
15 that we are operating under, which are definitely
16 unorthodox. So I appreciate your leadership and
17 your willingness to ensure that nobody is
18 disenfranchised in this case. So I'm grateful to
19 you, sir.

20 CHAIRPERSON ANDERSON: Thank you, Mr.
21 Jayaraman. I do take what you say seriously, Mr.
22 Thomas, and I appreciate that. I think, Mr.
23 Jayaraman, you said you had a preliminary matter
24 that you want the Board to address.

25 MR. JAYARAMAN: Yeah. ANC 6B filed a

1 motion for a continuance in the form of a letter
2 today with ABRA Legal, as well as served all the
3 parties, particularly Mr. Thomas was served with
4 those papers via electronic mail. If that is a
5 preliminary matter, we would ask that the ABC
6 Board grant the motion for continuance.

7 CHAIRPERSON ANDERSON: Mr. Jayaraman,
8 your motion is premature. The reason your motion
9 is premature is because we have not scheduled
10 this matter for a hearing. I do not have a date
11 for the hearing. Maybe on the original protest
12 status information that there is a hearing, but
13 there is no hearing scheduled for this case.

14 MR. JAYARAMAN: Yeah, in the original
15 notice the protest hearing was scheduled for
16 January 6th, and that is the assumption under
17 which I was working off of and it is based on
18 that information that we submitted this motion
19 for continuance.

20 CHAIRPERSON ANDERSON: Yes, sir. As I
21 stated, your motion is premature because the
22 hearing has not been scheduled. I am not able to
23 provide a date for hearing today. We will reach
24 out to the parties and advise them when this
25 matter will be scheduled for a protest hearing.

1 There is no reason for us to address your motion
2 because there is no hearing scheduled currently.

3 As I stated before, the Board is
4 unable to provide a date today when the hearing
5 is. However, we will reach out to the parties
6 shortly to provide them with a date for the
7 protest hearing, okay? Are there any other
8 preliminary matters --

9 MR. JAYARAMAN: Mr. Chairman, point of
10 clarification. Do we need to withdraw that
11 letter?

12 CHAIRPERSON ANDERSON: You can withdraw
13 it. Why don't you just send in an email? Let me
14 say it this way. You can make a motion to
15 withdraw the letter so that we don't have to
16 respond to it. We normally respond to everything
17 that we get, so if you are making an oral motion
18 to withdraw your letter, it will be withdrawn.

19 MR. JAYARAMAN: Well I certainly would
20 like the contents of the letter to be considered
21 in terms of the scheduling, so I'm not sure
22 whether I should withdraw it or not.

23 CHAIRPERSON ANDERSON: Your letter
24 stated that the hearing was going to be January
25 6th and it's not scheduled for January 6th.

1 MR. JAYARAMAN: It further states that
2 we would request that it be scheduled for no
3 earlier than February 1 of 2021. That's the key
4 point there.

5 CHAIRPERSON ANDERSON: That's something
6 that -- the ABC Board/Agency will provide some
7 dates for the hearing. If the parties want us to
8 move it to a different date by mutual consent we
9 will move it. What I would ask you to do, I'll
10 ask that you withdraw your motion. Once we issue
11 a notice, if that date does not work then we will
12 change it. I know the parties will jointly work
13 towards scheduling.

14 MR. JAYARAMAN: Yeah, there is a
15 logistical problem with that because that was the
16 vote of ANC 6B. I would have to take a vote of
17 the commission in order to retract that, and we
18 don't meet for another month. I will do my best
19 by next week when we have our executive committee
20 meeting to bring this up so that we can formally
21 withdraw that, because I can't do it unilaterally
22 and would have to get permission from the
23 commission as a whole.

24 CHAIRPERSON ANDERSON: So you're saying
25 that you can't withdraw it. If you can't --

1 MR. JAYARAMAN: Not until next week,
2 sir. That's all.

3 CHAIRPERSON ANDERSON: Fine. This is
4 actually the last meeting. I doubt it, but this
5 is actually the last meeting that we're supposed
6 to have for the year. Maybe this is why this has
7 been such a trying day because we're not supposed
8 to -- as everyone knows, 2020 has been a trying
9 year for all of us in the world. I understand
10 why tempers are short. We are looking forward to
11 the end of 2020 and looking forward to 2021 where
12 we're hoping that things will get better. So
13 that's why --

14 MR. THOMAS: Can I make a point --

15 CHAIRPERSON ANDERSON: Mr. Thomas, yes,
16 Mr. Thomas. I'm coming to you, Mr. Thomas. I
17 just realized this is actually our last scheduled
18 meeting for the year, so maybe this is why it has
19 been so trying today. Yes, Mr. Thomas?

20 MR. THOMAS: In the interest of just
21 trying to find a resolution that doesn't waste
22 the people's time, I would suggest that the
23 motion be denied as moot and that the ANC, should
24 they wish to refile it, they can refile it at a
25 later date once the actual date is determined.

1 That would at least prevent the ANC from going
2 back and having to do their whole administrative
3 process, but it would preserve their right to
4 seek the extension should they desire one once
5 the actual protest date is set. To me it seems
6 to make the most sense.

7 MR. JAYARAMAN: Mr. Anderson, we would
8 prefer to withdraw it than having it be decided
9 to be -- that a vote be cast and we oppose that.

10 CHAIRPERSON ANDERSON: Will you
11 withdraw your motion then, sir?

12 MR. JAYARAMAN: I will be glad to do
13 that once I get approval next Thursday at the
14 executive committee meeting, at which time I will
15 be able to bring it up with a quorum present and
16 I will be glad to do that, sir.

17 CHAIRPERSON ANDERSON: Mr. Thomas, I
18 know that you have argued today. Are you -- I'm
19 trying to figure out the best way to do this to
20 see whether or not the Board should --

21 MR. THOMAS: Here's my concern. Here's
22 really what my concern is. My concern is that if
23 there is a motion pending before the Board, I am
24 going to be inclined to protect my client's
25 rights to support some sort of opposition, which

1 is going to prejudice my client because my client
2 is going to have to use the resources to oppose a
3 motion which will likely end up being withdrawn.

4 So what I'm saying is that in order to
5 not prejudice us because of a premature motion,
6 it makes in my mind the most sense to everybody
7 to just deny it without prejudice as moot, and if
8 the ANC wants to file it again you have me on
9 record saying they can file it again and we'll
10 deal with it in the normal course. But I do not
11 see why we have to wait a week to find out if it
12 will, in fact, be withdrawn.

13 While Commissioner Jayaraman
14 represents that they intend to withdraw it, he
15 still needs to get the votes of his remaining ANC
16 counterparts. If they don't provide those votes
17 then I'm sitting here and I don't know whether to
18 oppose it. I may have to oppose it. It doesn't
19 seem to make a lot of sense. I know 2020 is not
20 the year where a lot of things make sense, so I'm
21 hoping maybe we can go out on a positive note?
22 But I just don't see a reason why this needs to
23 languish for a week.

24 MR. JAYARAMAN: It's not something that
25 the ABRA Board, since today is the last date of

1 the meeting, it would not be something the Board
2 would even address until they return to session.
3 Is that correct, sir?

4 CHAIRPERSON ANDERSON: We have a
5 hearing and you have raised the motion. Mr.
6 Thomas, you have orally responded to the motion.
7 I'll say this to you, Mr. Thomas. You have
8 orally responded to the motion. Is that your
9 answer or do you want to write something? And
10 then I'll make a ruling.

11 MR. THOMAS: I got the motion 15
12 minutes before I logged onto this, which seems
13 like an eternity ago but it was only 15 minutes
14 before I logged on. Honestly, I don't
15 necessarily know that I need to write something,
16 but I also haven't had a chance because I've been
17 on this call, to have a conversation with my
18 client about whether he would want a more formal
19 response. I do not believe that their relief
20 sought is warranted right now for exactly the
21 reasons what were articulated previously about
22 there not being a date set anyway in the first
23 place.

24 I leave that on the record, but I
25 don't want to waive a right to file a written

1 response because legally I don't have the
2 authority to do that on behalf of my client, and
3 I wouldn't want to deprive him of my counsel
4 separate and apart from today's meeting.

5 CHAIRPERSON ANDERSON: Mr. Thomas --

6 MR. JAYARAMAN: Mr. Anderson, likewise,
7 I don't have the authority unilaterally to
8 withdraw because --

9 MR. THOMAS: Here's what I will do. We
10 will stand on the arguments that have been raised
11 here today by me in opposition to their request,
12 that it's premature, that a hearing hasn't been
13 set and that it should be denied.

14 CHAIRPERSON ANDERSON: With that said,
15 I make a motion that we deny the motion as it
16 being premature because a hearing has not been
17 scheduled as yet.

18 MEMBER CROCKETT: Ms. Crockett seconds.

19 CHAIRPERSON ANDERSON: Ms. Crockett has
20 second the motion. We'll have a roll call vote
21 on the motion that has been properly second by
22 Ms. Crockett. Mr. Short?

23 MEMBER SHORT: Mr. Short, I agree.

24 CHAIRPERSON ANDERSON: Mr. Cato?

25 MEMBER CATO: Bobby Cato, I agree.

1 CHAIRPERSON ANDERSON: Ms. Crockett?

2 MEMBER CROCKETT: Rafi Crockett, I

3 agree.

4 CHAIRPERSON ANDERSON: Ms. Hansen?

5 MEMBER HANSEN: Jeni Hansen, I agree.

6 CHAIRPERSON ANDERSON: Mr. Grandis?

7 MEMBER GRANDIS: Ed Grandis, I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson, I

9 agree. The motion passed 6-0-0. The motion was
10 denied because it's moot, because a hearing has
11 not been scheduled. It can be refiled once the
12 hearing is scheduled. It's moot because there is
13 no legal issue for you to request it, okay, sir?

14 MR. JAYARAMAN: Thank you.

15 MR. THOMAS: Thank you, Mr. Chair.

16 CHAIRPERSON ANDERSON: Are there any
17 other preliminary matters that anyone wants to
18 address?

19 MR. THOMAS: Not at this time from the
20 Applicant.

21 CHAIRPERSON ANDERSON: From you, the
22 ANC, Mr. Jayaraman?

23 MR. JAYARAMAN: Not at this time, Mr.
24 Chair.

25 CHAIRPERSON ANDERSON: From the

1 abutting property owners?

2 MR. BHADLIA: Not at this time. Thank
3 you for your time.

4 CHAIRPERSON ANDERSON: From the group?
5 From the group?

6 MS. MORIN-BURNS: Not at this time.

7 CHAIRPERSON ANDERSON: Thank you.
8 Since everybody has been online, I don't need to
9 read the instructions anymore about how to do a
10 protest hearing, is that correct? Is that
11 correct?

12 MS. MORIN-BURNS: Correct.

13 MR. JAYARAMAN: That is correct.

14 CHAIRPERSON ANDERSON: Okay thank you.
15 Before I close this here and I'm taking a
16 personal (phone ringing) who's phone? I know
17 it's not my phone ringing. Everyone mute your
18 lines, please. I can tell whose line it is. If
19 I go on the second screen I can tell who is -- I
20 don't want to embarrass anyone by saying whose
21 phone is ringing because I can see whose
22 microphone is open. This is unrelated. Mr.
23 Jayaraman, are you no longer an ANC Commissioner?

24 MR. JAYARAMAN: I will not be an ANC
25 Commissioner as of December 31st.

1 CHAIRPERSON ANDERSON: I just want to
2 thank you for your service to the residents of
3 the District of Columbia, sir. That is all I was
4 saying since I think I read that you're no longer
5 an ANC Commissioner. I want to thank everybody
6 for -- this has been a long day and I would like
7 to thank everyone for their time and their
8 energy.

9 If the parties are able to settle this
10 matter, the Board supports settling the matter.
11 If the parties want to litigate this matter I
12 will see you in the new year when this matter
13 will be litigated. Thank you very much for your
14 participation today. Happy holidays. Have a
15 happy and safe holiday. On behalf of the Board,
16 I hope that 2021 is much better for all of us
17 than 2020 was. Have a great day. Thank you.

18 MR. JAYARAMAN: Thank you for your kind
19 words, Mr. Chair, and happy holidays to the
20 entire Board, as well.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Jayaraman. Thank you.

23 (Whereupon, the above-entitled matter
24 went off the record at 4:28 p.m.)
25

A

A-H- 10:22
A-U-G-U-S-T 3:13
ABC 16:14 18:1 26:5
 28:6
ability 21:15
able 12:13 26:22 30:15
 36:9
above-entitled 36:23
ABRA 1:20 20:18 21:25
 26:2 31:25
absolutely 10:21
abutting 8:24 9:11,16
 10:22 11:8 14:24
 17:14 18:6,7,23 19:6
 19:20 20:4,8,23 21:17
 24:1 35:1
accommodating 11:18
 16:14 17:1
accommodation 15:21
 16:24
actual 19:1 29:25 30:5
ADA 15:16,21 16:15
address 25:24 27:1
 32:2 34:18
administration 9:10
administrative 30:2
advise 26:24
Advisory 4:6
afternoon 2:4 3:11
 10:17
age 16:22
Agency 24:3,4
agent 19:19
ago 21:16 32:13
agree 7:25 8:2,5,7,9,11
 18:19 33:23,25 34:3,5
 34:7,9
ahead 3:19 6:2,5 8:22
Ahmed 10:22 20:3
Alcoholic 1:2,13
ALIYA 1:17
alright 23:22
ANC 1:8,22 3:17,18 9:9
 10:25 18:21 23:13
 25:25 28:16 29:23
 30:1 31:8,15 34:22
 35:23,24 36:5
Andrews 1:20 2:5,8,14
 2:18 3:25 14:16
answer 32:9
anymore 35:9
anyway 32:22
apart 33:4
apologize 5:4 8:22,23
 11:24 12:6 13:2 22:10
appear 9:20,22 21:19
 23:17 24:23

appearance 24:24,25
 24:25
appeared 22:1 24:9
appears 14:2 21:24
Applicant 3:4 34:20
Applicant's 1:24
Application 1:9
appreciate 12:14 25:8
 25:11,13,16,22
approval 30:13
argued 30:18
argument 15:3
arguments 33:10
articulated 32:21
ascribe 24:17
asking 15:15 17:17
assuming 14:22
assumption 26:16
assumptions 14:22
attend 12:5
attention 8:16
attorney 3:4 9:14,15
 10:3 14:25 17:20,25
 18:5,13,15 19:12,15
 20:15 23:8 24:2 25:9
August 2:10,11,12 3:8
 3:8,11,12,13,15
authority 33:2,7
available 19:2
Ave 1:7

B

B 23:6
B-H-A-D-E-L-I-A 10:23
B-U-R-N-S 5:21
back 6:9 30:2
based 24:8 26:17
behalf 15:3 33:2 36:15
believe 4:12,19 7:1,8
 18:15,17 21:14 32:19
best 28:18 30:19
better 29:12 36:16
Beverage 1:2,13
Bhadelia 2:21 9:12
 10:16,17,21,23 11:1,6
 19:24 20:3,3,13 21:20
 22:9 23:13 35:2
bit 12:7 15:15,20
Board 1:2,13 14:4 15:6
 16:14 18:1 20:18
 25:24 26:6 27:3 30:20
 30:23 31:25 32:1
 36:10,15,20
Board's 8:15 18:20
 19:19
Board/Agency 28:6
Bobby 1:16 8:2 33:25
Brian 1:24 4:11 15:18

bring 18:18 28:20 30:15
brought 8:15
Burns 1:21,21 4:12,18
 4:21 5:1,16,20,21
 7:14 22:24
Burns' 14:14

C

C 23:2
C-A-R- 6:16
C-H-A-N-D-E-R 4:5
call 5:10 7:22 12:9
 14:12,14 15:11 18:9
 19:9,21 20:5 23:25
 24:5 32:17 33:20
call-in 14:16
called 5:24 21:16
calling 3:23 14:8
care 12:16
Carolyn 1:25 6:7,16
 7:15
case 1:8 2:3,4,7 8:25
 13:21 17:7 25:18
 26:13
cast 30:9
Cato 1:16 8:1,2,2 33:24
 33:25,25
cause 5:7
cell 18:19 24:14
certainly 27:19
Chair 2:24 34:15,24
 36:19
Chairman 10:12 11:4
 19:24 21:20 27:9
Chairperson 1:13,16
 2:3,25 3:5,9,14,16 4:1
 4:8,14,16,21 5:3,12
 5:18,22 6:1,5,8,14,18
 6:22 7:5,12,21 8:1,3,6
 8:8,10,18,21 9:5,21
 10:1,4,14,19,24 11:10
 11:15 12:17 13:8,11
 14:9 15:9,17,19,23
 16:1,4,18,25 17:16,22
 18:8 19:3,8,14,17
 20:1,10 22:7,12,19,22
 23:4,12,22 25:7,20
 26:7,20 27:12,23 28:5
 28:24 29:3,15 30:10
 30:17 32:4 33:5,14,19
 33:24 34:1,4,6,8,16
 34:21,25 35:4,7,14
 36:1,21
chance 32:16
Chander 1:22 8:20
 14:17 25:13
Chandler 4:5
change 28:12
chat 6:24 7:3,7 9:24,25
 10:6,9,13,15 11:21
 13:18 16:20,21
chats 10:5
check 9:25 14:13
chime 13:6
cite 15:16
clarification 4:25 23:5
 27:10
class 16:22
clear 24:19
client 31:1,1 32:18 33:2
client's 30:24
clients 25:10
close 35:15
Columbia 1:1 36:3
come 13:12
coming 29:16
commission 4:7 28:17
 28:23
Commissioner 8:20
 31:13 35:23,25 36:5
committee 28:19 30:14
complaining 20:24
computer 3:23
concern 24:12 30:21,22
 30:22
conditional 19:23
conditionally 20:9
conditions 25:14
confirm 24:16
confirmed 23:24 24:3
confusion 24:7,8
consent 28:8
consider 22:6
consideration 25:14
considered 27:20
contents 27:20
continuance 9:4 26:1,6
 26:19
Control 1:2,13
conversation 32:17
correct 3:18 22:9 32:3
 35:10,11,12,13
counsel 1:24 33:3
count 22:1
counterparts 31:16
couple 7:9
course 31:10
court 11:23 21:12
covered 17:10
CR 1:8
Crockett 1:17 8:3,4,4
 10:12 14:20 15:10
 33:18,18,19,22 34:1,2
 34:2
currently 27:2
cut 13:12

cutting 22:10

D

D- 6:20
D-A-N-S-B-Y 6:13
Dansby 1:22 2:18 5:15
 5:25,25 6:2,6,9,12
 7:15
date 26:10,23 27:4,6
 28:8,11 29:25,25 30:5
 31:25 32:22
dates 28:7
day 29:7 36:6,17
DC 1:20 21:18
deal 31:10
December 1:12 35:25
decided 30:8
decision 25:2,2
definitely 25:15
denied 29:23 33:13
 34:10
deny 31:7 33:15
deprive 33:3
designated 8:13
designee 4:12,19
desire 30:4
details 12:1
determined 29:25
different 28:8
difficulties 3:22 12:22
 12:24
directly 11:8
discriminatory 15:12
 17:7
disenfranchised 25:18
dismiss 11:3 13:21
dismissal 9:19 11:7
 23:17 25:6
dismissed 14:5 21:18
District 1:1 36:3
doing 12:23 13:15,16
 21:1 25:1
Donovan 1:14,16 25:12
door 10:9 12:8,10 13:1
 17:5
doubt 29:4
due 15:21 16:22,22
 20:19,25 21:21
Dunniela 1:23 6:20,20

E

earlier 28:3
early 9:24
Ed 8:9 34:7
EDWARD 1:17
elderly 15:13
electronic 26:4
elevate 2:6

elevated 2:9,11,15,16
 2:19,21,22,23
Elizabethaeth 5:2,10,10
ELIZABETH 1:21
email 11:25 27:13
embarrass 35:20
emergency 11:22
energy 36:8
ensure 12:15 14:7,14
 25:17
enter 16:20
entire 17:1 36:20
Eric 23:7
error 12:1
establishment 11:9
eternity 32:13
event 7:10
everybody 31:6 35:8
 36:5
exactly 32:20
Excuse 19:24 21:8
executive 28:19 30:14
extension 30:4
extent 9:16
extras 7:9

F

fact 31:12
fail 15:1
failing 21:19
failure 9:19 23:16
fair 13:4
fault 21:1
February 28:3
figure 30:19
file 31:8,9 32:25
filed 9:3 20:17 25:25
final 2:3
find 29:21 31:11
Fine 29:3
first 4:2,4 9:2 22:25
 23:1 32:22
five 7:10,11 8:12 9:10
 10:25 15:2 18:17,22
 23:13
five-minute 12:14
flexible 13:17
fo 24:15
folks 6:23
forgive 2:20
form 26:1
formal 32:18
formally 28:20
forward 23:9 29:10,11
four 7:13,13
frankly 22:2
front 13:14
full 7:18

further 28:1

G

gentleman 12:5 21:22
Georgetown 12:12,18
getting 12:19
give 22:25
giving 16:23
glad 30:12,16
grab 10:10
Grandis 1:17 8:8,9,9
 34:6,7,7
grant 7:18 19:20 26:6
granted 7:17 8:12 23:6
grateful 25:18
group 4:9,9,10,19 5:13
 5:15 7:16,17,19 8:12
 8:14 9:10 10:25 17:9
 18:17,22 23:13 35:4,5

H

half 13:5,17
hand 12:11
Handle 1:6,6 2:5 3:12
hangup 12:7
Hansen 1:18 8:6,7 34:4
 34:5,5
happy 13:25 20:6 36:14
 36:15,19
he'll 14:2
hear 3:19,20,20,25 4:1
 4:2,13 11:1 17:6
hearing 1:7 5:5 9:20
 11:17 17:1,25 18:10
 19:9,21,25 20:6,7,12
 20:12 21:16 22:4
 23:25 24:5,10 26:10
 26:11,12,13,15,22,23
 26:25 27:2,4,7,24
 28:7 32:5 33:12,16
 34:10,12 35:10
hello 5:20 12:11 22:17
help 21:23
hit 7:11
hold 6:1,8 7:6 9:5 13:8
 13:8,9,11,11 16:4
 17:22,23,23,24,24
 22:18
holding 24:14
holiday 36:15
holidays 36:14,19
Honestly 32:14
Honey 22:14
hope 36:16
hoping 29:12 31:21
hours 13:5,17 15:8
husband 10:10 12:9
 14:7,11

hyphenated 5:8

I

Ian 1:24 3:3
identified 6:24 7:2,14
identify 3:1,10 4:22
 5:19 6:4,10 11:20
 17:18 22:13,15,19,22
ignored 14:15
inclined 30:24
include 22:3
information 23:5 26:12
 26:18
inserted 12:2
instructions 35:9
intend 31:14
interest 29:20
introduce 4:10
iPhone 25:1
issue 28:10 34:13
issued 24:2
issues 5:6 12:19 16:6
 21:5

J

J-A-Y-A-R-A-M-A-N 4:6
JAMES 1:18
January 26:16 27:24,25
Jay- 11:13
Jay-ra-man 11:15
Jayaraman 1:22 2:19
 3:22 4:4,5 8:19,20,22
 8:23 11:4,7,10,13,16
 25:12,13,21,23,25
 26:7,14 27:9,19 28:1
 28:14 29:1 30:7,12
 31:13,24 33:6 34:14
 34:22,23 35:13,23,24
 36:18,22
Jeni 1:18 8:7 34:5
join 17:9
jointly 28:12
JR 1:16,18
justice 22:2

K

K-A-U-F-M-A-N 6:21
Kaufman 1:23 2:22
 6:20,20 7:15
key 28:3
knew 13:22
knock 12:10 13:1
known 11:18
knows 29:8

L

language 12:2
languish 31:23

leadership 25:16
leave 6:25 7:3 11:22
 32:24
left 9:23,24
legal 4:25 5:5,9,9 7:11
 15:4 26:2 34:13
legally 18:18 33:1
let's 3:2,16 6:9
letter 18:16 20:17 26:1
 27:11,15,18,20,23
license 1:7,10 2:5 9:7,9
Licensee 3:2,5
life 13:25
likewise 33:6
line 2:10 3:7 4:13,20
 5:16 9:1,12,13,15,18
 11:20 17:2,11 35:18
lines 35:18
litigate 36:11
litigated 36:13
little 12:7 15:15,20
live 20:4 21:21 24:20
lives 10:9 12:7
Liz 4:12,18
lodging 21:11
log 16:20,21
logged 32:12,14
logistical 28:15
long 18:24 36:6
longer 35:23 36:4
look 10:6
looking 29:10,11
lot 14:21 31:19,20

M

M-A-R-K 5:21
M-E-D 10:23
M-O- 4:25
mail 26:4
making 24:6 27:17
Mark 1:21 5:16,20 7:14
 14:14
married 5:1
matter 1:5 8:11 9:19
 11:16 12:22 18:16
 25:23 26:5,10,25
 36:10,10,11,12,23
matters 8:14 27:8 34:17
mediation 22:5
meet 28:18
meeting 1:3 12:3 28:20
 29:4,5,18 30:14 32:1
 33:4
Member 1:16,17,17,18
 1:18 7:20,25 8:2,4,7,9
 10:12 14:20 33:18,23
 33:25 34:2,5,7
members 7:13,13

message 9:24
met 1:13
microphone 35:22
mind 31:6
minute 9:6
minutes 11:2 12:13,18
 21:16 32:12,13
miscarriage 22:2
moment 3:15
month 3:13 28:18
moot 29:23 31:7 34:10
 34:12
Morin 1:21 4:25 5:2,10
 7:17,19 8:13 16:4,9
 17:23
Morin-Burns 2:15,17
 4:24 5:4,5,11,14,23
 6:3,23 7:1,8 8:17 9:23
 10:8 11:24 14:6,11,18
 15:24 17:13,19 18:4
 19:1,5,10 21:5 22:14
 22:18 23:11 35:6,12
morning 3:3 13:15
motion 7:16,18,22,23
 9:3 14:1,4,20 15:6,10
 15:11 24:6,8 26:1,6,8
 26:8,18,21 27:1,14,17
 28:10 29:23 30:11,23
 31:3,5 32:5,6,8,11
 33:15,15,20,21 34:9,9
motives 24:17
move 23:9 28:8,9
Moynahan 9:13,17,21
 9:22 10:7 11:1,3,25
 14:4,23 15:3 16:6,7
 17:11,17,17,19,24
 18:4,6,10,13 19:10,18
 20:12,13 23:7,9 24:3
Municipal 21:18
mute 35:17
mutual 28:8

N

N 6:13
name 3:13 4:2,4,5,25
 5:1,4,8,9,9,20 6:11
 10:13,14,20,22,23
 11:11 19:5 22:25 23:1
nearly 12:12
necessarily 32:15
need 3:18 5:18 7:12
 8:23 10:5 22:24 24:19
 27:10 32:15 35:8
needs 8:15 31:15,22
neighbor 9:17 11:8
 14:24 17:14 18:6,7,23
 19:2,4
neighbor's 14:13

Neighborhood 4:7
neighbors 8:25 9:11
 21:24
never 17:2 18:14 24:12
new 1:10 36:12
non-appearance 25:5
normal 31:10
normally 27:16
note 8:24 23:16,20 25:4
 31:21
noted 25:11
notice 26:15 28:11
number 3:24 14:17

O

O-L-Y-N 6:17
object 11:5 20:20
objection 21:11 23:16
 23:20 25:4,5
officially 7:18
old 13:2 16:8
older 12:5 21:22
once 28:10 29:25 30:4
 30:13 34:11
online 12:20 13:18,19
 15:25 35:8
open 35:22
operates 9:14
operating 25:15
opportunity 21:13
oppose 30:9 31:2,18,18
opposition 30:25 33:11
options 13:22
oral 27:17
orally 32:6,8
order 28:17 31:4
original 26:11,14
originally 20:17
outrageous 15:8
owner 10:22 19:6,20
 20:4,9,23,24 21:17
 24:1
owners 35:1

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 2:2 36:24
Palmerly 7:3
papers 26:4
part 12:1
participate 11:20
participation 36:14
particularly 26:3
parties 2:6 3:1 11:18
 12:15 17:10 26:3,24
 27:5 28:7,12 36:9,11
party 12:12 15:2

passed 34:9
passes 8:11
pause 12:15
penalty 20:6
pending 30:23
Pennsylvania 1:7
people 12:13,18,23
 15:13,21 21:14
people's 29:22
perjury 20:7
permission 28:22
permitted 18:18 20:22
person 9:17 13:20,23
 23:8 24:15,16
personal 35:16
personally 24:9,13
perspective 9:6 18:11
 18:20
phone 10:11 14:12
 17:14,21 18:19 21:9
 22:15 24:14 35:16,16
 35:17,21
physically 24:19,21
place 32:23
please 2:6,7,20 3:10
 4:22,23 6:9,10 10:20
 13:6 14:6 16:5 22:13
 22:23 35:18
point 27:9 28:4 29:14
position 23:19
positive 31:21
possible 24:22
power 9:14,15 10:3
 14:25 17:20,25 18:5
 18:13,14 19:12 20:14
 23:7 24:2
prefer 30:8
prejudice 31:1,5,7
preliminary 8:14 25:23
 26:5 27:8 34:17
premature 26:8,9,21
 31:5 33:12,16
present 1:15,19 16:20
 24:19,21 30:15
presented 24:4
preserve 30:3
President 3:12
presiding 1:14
prevent 30:1
previously 32:21
prior 17:24
probably 14:18
problem 11:12 15:14
 28:15
proceeding 14:5
process 30:3
pronounce 11:11
pronounced 2:20

properly 7:23 33:21
property 10:22 19:7,20
 20:4,8,23,24 21:17
 24:1 35:1
protect 30:24
protected 16:22
protest 1:7 18:16 20:17
 26:11,15,25 27:7 30:5
 35:10
Protestant 1:21,21,22
 1:23,23,24,25 20:22
 24:14
Protestants 3:17 8:25
 9:9 20:21 23:19 24:18
protested 10:25
protesting 9:7 18:21,22
provide 26:23 27:4,6
 28:6 31:16
provided 7:16 17:25
 18:15 19:19 20:8 23:6
 23:13 24:1
put 13:18 16:9 17:3
 22:14 23:23
putting 16:10

Q

Q-U-E-T-S-C-H 23:2
question 17:16 22:21
Quetsch 1:23 10:3
 15:24 17:20,20 18:5,7
 19:6,19 20:5,7,11,11
 20:14 21:21 22:8,13
 22:15,17,21 23:1,2,6
 23:8,14,18,25 24:9,12
quorum 30:15

R

R-I-N 5:1
ra-man 11:14
Rafi 1:17 8:4 10:13 34:2
raised 32:5 33:10
reach 26:23 27:5
read 7:7 35:9 36:4
reading 10:5
realized 29:17
reason 11:19 16:23
 26:8 27:1 31:22
reasons 32:21
recognition 15:15
recognize 9:2
recognized 9:11
record 3:2,10 4:22 6:10
 10:20 17:18 21:11
 22:13,16,23 23:15,21
 23:23 25:4,5,11 31:9
 32:24 36:24
referenced 10:2
refile 29:24,24

refiled 34:11
registered 19:13 20:16
regulations 21:18
relief 32:19
remaining 31:15
remedy 16:19
remember 19:23
reminder 17:13
reporter 21:12
represent 18:18 20:22
 20:24 21:2,6,15 25:10
representation 16:5,8
 16:12,16 21:6
representations 15:5
representative 8:13
 19:11,18 22:3
representatives 15:4
represented 9:22 18:21
 23:18
representing 4:6 14:24
 18:1 20:14,21
represents 9:18 31:14
request 9:3,19 28:2
 33:11 34:13
requirement 7:11
requisite 7:16
resident 18:14
residents 36:2
resolution 29:21
resources 31:2
respect 20:19,25 21:21
respond 16:17 27:16,16
responded 32:6,8
response 32:19 33:1
result 25:6
resulted 23:17
Retailer 1:8
retract 28:17
return 32:2
rights 2:6,9,11,14,15,18
 2:21,22,23 17:10
 18:20 20:21 21:2,3,15
 25:10 30:25
ringing 35:16,17,21
roll 7:22 15:11 18:9
 19:9,21 20:5 23:25
 24:4 33:20
room 10:9
Rudy 3:8
rules 24:18
ruling 32:10
run 10:10 17:5

S

S 1:17
S-H-A-N-E 3:12
safe 36:15
savvy 14:23 16:15

saying 13:17 20:10
 22:7 28:24 31:4,9
 35:20 36:4
scheduled 11:16 26:9
 26:13,15,22,25 27:2
 27:25 28:2 29:17
 33:17 34:11,12
scheduling 27:21 28:13
screen 13:14 35:19
search 12:20
second 7:19,20,22,23
 14:20 15:10 22:18
 33:20,21 35:19
seconded 15:7
seconds 33:18
security 7:9
seek 30:4
seen 18:14 24:12
send 27:13
sense 30:6 31:6,19,20
sent 12:4
separate 33:4
separately 5:24
seriously 25:21
served 26:2,3
service 36:2
session 32:2
set 30:5 32:22 33:13
settle 36:9
settling 36:10
Shane 2:10 3:8,12
short 1:18 7:20,20,21
 7:24,24,25,25 8:7
 29:10 33:22,23,23
shortly 27:6
show 7:10 18:25,25
showed 22:4
showing 22:10
sign 13:24,24 20:6
significantly 21:22
SIMONE 1:20
Simultaneous 16:3
single 20:20
sir 3:20,20 4:3,10 5:6
 16:18 18:11 19:15
 22:20,23,24 25:19
 26:20 29:2 30:11,16
 32:3 34:13 36:3
sitting 5:16 13:14 31:17
situated 11:8
socially 5:2,11
someone's 13:1
sorry 3:19 4:16 5:3 6:8
 8:21,22 13:12,12 14:9
 16:1,2 17:23 18:8,9
 25:7
sort 25:1 30:25
sought 32:20

Southeast 23:3
speak 9:2 19:2 21:13
speaking 15:17 16:3
 20:1,2 21:8,10
spell 4:2 6:10 7:5 10:20
squared 12:13
Staff 1:20
stand 2:8 33:10
standing 7:17,19 8:11
 14:3 15:2 17:9 23:7
 23:10,12 24:1
start 3:2,16
starting 3:24
state 10:19 16:13
stated 10:7 26:21 27:3
 27:24
statement 16:10,10
 17:3
states 28:1
status 1:7 9:20 19:20
 19:22 20:8 22:4,6
 26:12
stay 11:20
Street 23:2
submitted 26:18
successful 10:5
sufficient 16:11 17:4,5
suggest 29:22
support 14:7,13 30:25
supports 36:10
supposed 29:5,7
syllables 11:13

T

t/a 1:6
taken 12:16
tech 14:23 16:15
technical 12:19,22,24
 25:14
technology 15:14,22
 16:7
tell 5:4 13:16 35:18,19
temper 29:10
terms 27:21
thank 2:12,12,17,25
 21:13 23:11 25:8,20
 34:14,15 35:2,7,14
 36:2,5,7,13,17,18,21
 36:22
thanks 5:12
things 29:12 31:20
Thomas 1:24 2:9 3:3,3
 3:6,7 7:3 8:18 9:6,8
 10:2 13:6,10 15:1
 18:3,9,12 19:14,16,10
 19:22 20:19 21:8,10
 23:15,24 24:11 25:8
 25:22 26:3 29:14,15

29:16,16,19,20 30:17
 30:21 32:6,7,11 33:5
 33:9 34:15,19
thought 12:2,3 16:9
 17:3
three 11:2,13 15:8
Thursday 1:11 30:13
times 21:23
today 7:14 9:3,22 11:12
 26:2,23 27:4 29:19
 30:18 31:25 33:11
 36:14
today's 33:4
told 17:2,2,4
tripped 5:7
try 12:10 24:17
trying 7:6 10:1 13:13
 14:12 23:4 29:7,8,19
 29:21 30:19
turn 3:18
two 9:11 11:2 13:5,16

U

U-N-N-I-E-L-A 6:21
ulterior 24:17
unable 11:19 27:4
understand 21:1 23:19
 24:11,20,22 29:9
understanding 9:8
 18:12
unfair 12:25
unilaterally 28:21 33:7
unmuted 2:10
unorthodox 25:16
unrelated 35:22
use 15:14,22 16:21 31:2

V

video 17:15 19:2 22:10
 24:14 25:1
videoconference 1:13
virtual 24:24,24,25
virtually 24:23
vitiate 21:3
vote 7:23 14:2 15:11
 21:25 24:7 28:16,16
 30:9 33:20
voted 15:7
votes 31:15,16

W

W 1:14,16
W-I-S-E 6:17
W-U-H-A 6:12
wait 12:25 13:18 31:11
waiting 13:5
waive 32:25
Walter 1:23 19:5 23:2,6

wants 31:8 34:17
warranted 32:20
wasn't 13:23
waste 29:21
wave 12:11
way 13:1,13 27:14
 30:19
Webex 1:13 14:19
week 28:19 29:1 31:11
 31:23
went 36:24
willingness 25:17
Wise 1:24,25 2:14 4:9
 4:11,11,15,17,18 6:7
 6:7,16,16 7:15 13:4
 14:21 15:12,18,18,19
 15:20,23 16:2,2,17,19
 19:12 20:16 21:9
wish 29:24
withdraw 27:10,12,15
 27:18,22 28:10,21,25
 30:8,11 31:14 33:8
withdrawn 27:18 31:3
 31:12
words 36:19
work 28:11,12
working 12:23 26:17
world 29:9
wouldn't 33:3
write 32:9,15
written 32:25
wrong 5:8
Wuhan 1:22 5:15,25 6:2
 6:3,12 7:14

X

Y

year 29:6,9,18 31:20
 36:12
years 13:2 16:7

Z

zealously 25:9

0

1

1:30 11:17
10 1:12
117027 1:7 2:5
14 5:15
15 4:19 32:11,13
19 1:6,6 2:5 3:12

2

20 21:16
20-PRO-00047 1:8 2:4

2020 1:12 29:8,11 31:19
 36:17
2021 28:3 29:11 36:16

3

3:43 2:2
310 23:2
319 1:7
31st 35:25

4

4:28 36:24
45 12:12,18

5

6

6-0-0 8:11 34:9
6B 1:22 4:7 9:9 25:25
 28:16
6D 1:8
6th 26:16 27:25,25

7

8

9

9:30 13:15
90 13:2 16:7
90s 12:6

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Before: DCABRA

Date: 12-10-20

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