



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

2 10:08 a.m.

3 MS. FLETCHER: The next case on the  
4 calendar is Power Night Club/Lounge/Restaurant,  
5 case number 25-PRO-00131, 2335, LLC, trading as  
6 Power Night Club/Lounge/Restaurant, 2335  
7 Bladensburg Road NE, license number ABRA-104228.

8 This is a retailer Class C tavern for a  
9 license renewal. The protest issues are adverse  
10 impact on peace, order, and quiet, real property  
11 values, residential parking needs, and vehicular  
12 and pedestrian safety, and public safety.

13 My name is Laverne Fletcher, conducting  
14 the roll call hearing as the board's agent. Is  
15 anyone present on behalf of Power Night Club?

16 MS. BEYENE: Yes.

17 MS. FLETCHER: Good morning. If you  
18 could state your name and spell it for the record,  
19 please?

20 MS. BEYENE: My name is Abeba Beyene,  
21 first name A-B-E-B-A, last name B-E-Y-E-N-E.

22 MS. FLETCHER: Thank you very much. Is  
23 anyone present on behalf of 5D Court Watch?

24 (No audible response.)

25 MS. FLETCHER: Is anyone present on behalf

1 of ANC 5C?

2 MR. NELSON: Yes, this is Commissioner  
3 Shawn Nelson. That's S-H-A-W-N N-E-L-S-O-N.

4 MS. FLETCHER: Thank you, Commissioner  
5 Nelson. ANC 5C does have standing as a protestant.  
6 Is Erin Davis present?

7 MS. DAVIS: Hi, yes, I'm present, sorry.

8 MS. FLETCHER: Okay, hi. Ms. Davis,  
9 would you spell your name for the record, please?

10 MS. DAVIS: It's Erin Davis, E-R-I-N  
11 D-A-V-I-S. My property is still under Davis, but  
12 I've gotten married, so I'm not sure if you need  
13 that name as well or just the name that's listed  
14 on the property. I got married after I purchased  
15 the home.

16 MS. FLETCHER: Okay.

17 MS. DAVIS: I don't know if that's  
18 important.

19 MS. FLETCHER: Someone whose telephone  
20 number ends in 2-3 needs to place themselves on mute.  
21 Thank you.

22 PARTICIPANT: How do you do that?

23 MS. FLETCHER: Pardon?

24 PARTICIPANT: How do you do that? I'm not

25 --

1 MS. FLETCHER: I'm sorry. I can't -- I  
2 don't know what your screen --

3 (Simultaneous speaking.)

4 MS. FLETCHER: I don't know what your  
5 screen looks like. You'll see a microphone.

6 PARTICIPANT: No, I don't see any of that.  
7 I just see the number.

8 MS. FLETCHER: Well, I'm sorry then. If  
9 there's anything you can do to minimize the noise  
10 in the background, that would be helpful.

11 PARTICIPANT: There is no noise.

12 MS. FLETCHER: Pardon me?

13 PARTICIPANT: There is no noise.

14 MS. FLETCHER: Okay, well, I hear  
15 something in your background, but we're not going  
16 to make it an issue, but there is some sound  
17 happening in your background, but it's okay. We'll  
18 move on. Ms. Davis?

19 MS. DAVIS: Yes.

20 MS. FLETCHER: You filed your protest as  
21 an abutting property owner?

22 MS. DAVIS: Yes.

23 MS. FLETCHER: According to the D.C.  
24 Geographic Information System, your property  
25 actually does not abut Power, excuse me, Power Night

1 Club. You're actually located across the street.

2 Is that correct?

3 MS. DAVIS: It's on the corner of  
4 Channing.

5 MS. FLETCHER: You're across the street  
6 on the corner of Channing and Bladensburg?

7 MS. DAVIS: I'm not across the street.  
8 I'm on the same street. Well --

9 MS. FLETCHER: According to the D.C.  
10 Geographic Information System, your property is not  
11 abutting. Your property appears in the GIS system  
12 to be located across the street, on the other side  
13 of the street, and I actually --

14 MS. DAVIS: On the other side of  
15 Bladensburg?

16 MS. FLETCHER: So, are you across the  
17 street?

18 MS. DAVIS: No, I'm on the same street.  
19 I'm just on the corner.

20 MS. FLETCHER: Yeah, but your property is  
21 not in any way touching Power Night Club, is that  
22 right?

23 MS. DAVIS: It doesn't touch it, no.

24 MS. FLETCHER: According to the GIS  
25 information system, Ms. Davis, your property is

1 actually on the other side of the street and the  
2 properties are not in any way touching, which means  
3 that you cannot be considered to be an abutting  
4 property owner. For that reason, your protest  
5 actually has to be dismissed.

6 MS. DAVIS: Why was I asked to come?

7 MS. FLETCHER: You'll receive a board  
8 order from the board dismissing the protest, Ms.  
9 Davis, for the reason that I just stated. You have  
10 the option to ask the board to reconsider the  
11 decision made today. Upon receipt of the board  
12 order, you can do that. If you believe that your  
13 property is abutting --

14 MS. DAVIS: Okay.

15 MS. FLETCHER: -- you can ask the board  
16 to reconsider.

17 MS. DAVIS: Well, maybe I need to ask this  
18 offline, but what would be my other options?

19 MS. FLETCHER: I'm sorry? What did you  
20 say, Ms. Davis?

21 MS. DAVIS: That lady's phone is really  
22 distracting.

23 MS. FLETCHER: I know, I know, she can't  
24 hear it apparently.

25 MS. DAVIS: Okay.

1 MS. FLETCHER: I'm sorry.

2 MS. DAVIS: So, what would be my other  
3 options? This is not something I'm familiar with,  
4 so I assumed this was the way to do it. Apparently,  
5 I need to do it a different way. Do I need to speak  
6 with you offline so I don't interrupt the rest of  
7 the proceeding or --

8 MS. FLETCHER: No, you won't need to speak  
9 with me offline. I mean, you always can, but  
10 there's actually nothing you need to do at this  
11 stage, Ms. Davis, except to wait to receive the board  
12 order, and if you believe you are an abutting  
13 property owner, if your properties touch in some  
14 way, you can ask the board to reconsider the decision  
15 that was made today, but there is nothing you --

16 MS. DAVIS: Our properties don't touch at  
17 all. I'm just -- I get, you know.

18 MS. FLETCHER: I understand you're  
19 impacted.

20 MS. DAVIS: Okay.

21 MS. FLETCHER: Yeah, I read your protest  
22 letter.

23 MS. DAVIS: Okay, okay.

24 MS. FLETCHER: So, I can see where you are  
25 impacted and there are a lot of other protestants

1 in this case, and so your concerns may be addressed  
2 through others.

3 MS. DAVIS: Okay.

4 MS. FLETCHER: But just FYI for the  
5 future, Ms. Davis, in order to be granted standing,  
6 you would need to be a part of a group of five, a  
7 part of at least a group of five, and so there are  
8 a couple of other groups here today.

9 MS. DAVIS: Okay.

10 MS. FLETCHER: But you would just need to  
11 be a member of a group of give if you're not abutting.

12 MS. DAVIS: Okay, so hopefully they'll  
13 speak on my behalf.

14 MS. FLETCHER: Yes.

15 MS. DAVIS: Am I okay to sit and listen  
16 or no?

17 MS. FLETCHER: Yeah, please.

18 MS. DAVIS: Okay.

19 MS. FLETCHER: Feel free.

20 MS. DAVIS: I'll just sit and listen and  
21 try to see, and just learn and see if I can join  
22 another group of five at some point.

23 MS. FLETCHER: Okay.

24 MS. DAVIS: All right, appreciate it.

25 MS. FLETCHER: Well, thank you for coming.

1 MS. DAVIS: All right.

2 MS. FLETCHER: The next group is the,  
3 well, the next protestant is the Gateway Community  
4 Association. Is anyone present on behalf of  
5 Gateway?

6 MS. BOURNES: Good morning. My name is  
7 Leslie Bournes. I'm the president of Gateway  
8 Community Association.

9 MS. FLETCHER: Good morning, Ms. Bournes.

10 MS. BOURNES: Good morning.

11 MS. FLETCHER: I have a question for you.

12 MS. BOURNES: Yes?

13 MS. FLETCHER: Did the association hold  
14 a meeting concerning this application?

15 MS. BOURNES: Yes.

16 MS. FLETCHER: And was the applicant given  
17 at least a seven-day notice of this meeting and given  
18 an opportunity to attend?

19 MS. BOURNES: I will have to go back and  
20 look at our notes to confirm that. I don't think  
21 so.

22 MS. FLETCHER: Well, let me ask the  
23 applicant. Did you receive a notice from the  
24 association regarding the meeting?

25 MS. BEYENE: No, ma'am.

1 MS. FLETCHER: Ms. Bournes, that would be  
2 a requirement in order for an association to have  
3 standing as a protestant. There would need to be  
4 a meeting held in accordance with your bylaws, and  
5 it sounds like that may have happened.

6 The next thing would be for the applicant  
7 to be given at least a seven-day notice of the, of  
8 that meeting. When that doesn't happen, the  
9 protest actually has to be dismissed, which is what  
10 I'm going to do this morning. I'm going to dismiss  
11 the protest.

12 Upon receipt of a board order dismissing  
13 the protest, if you find that the applicant was given  
14 at least a seven-day notice, you can ask the board  
15 to reconsider the decision made today.

16 MS. BOURNES: Okay, thank you.

17 MS. FLETCHER: We have a couple of groups.  
18 Is there a Gilbert Smith here today?

19 MR. SMITH: Yes, present.

20 MS. HENDERSON: And also at some point,  
21 I do need --

22 MS. FLETCHER: Excuse me, excuse me for  
23 one second. Just so the court reporter knows who  
24 is speaking, who is speaking right now?

25 MS. HENDERSON: Yes, this is Kathy

1 Henderson, the coordinator for 5D Court Watch,  
2 immediate past commissioner for 5D-06.

3 MS. FLETCHER: Hi.

4 MS. HENDERSON: I had difficulty logging  
5 in. I was actually first on the roll call list,  
6 so I called in. I'm just letting you know.

7 MS. FLETCHER: You sure did and actually  
8 called me first. I didn't make any decision. I  
9 knew you had tried to call in and may have been trying  
10 to get in, but I'm going to --

11 MS. HENDERSON: Yes, ma'am.

12 MS. FLETCHER: -- come back to you in a  
13 minute. Thank you.

14 MS. HENDERSON: Okay, thank you.

15 MS. FLETCHER: Mr. Smith?

16 MR. SMITH: Yes?

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

19 MR. SMITH: First name is Gilbert,  
20 G-I-L-B-E-R-T, last name is Smith, S-M-I-T-H.

21 MS. FLETCHER: Are there any other members  
22 present from your group today, Mr. Smith?

23 MR. SMITH: Yes.

24 MS. FLETCHER: If they would each state  
25 their names and spell them for the record, please?

1 MR. HENDRIX: Hello, my name is Maurice  
2 Hendrix, M-A-U-R-I-C-E H-E-N-D-R-I-X.

3 MS. FLETCHER: Thank you, Mr. Hendrix.

4 MR. SMITH: Ms. Fletcher, can I clarify  
5 something just for a second?

6 MS. FLETCHER: Is that Mr. Smith speaking?

7 MR. SMITH: I'm sorry, yes, this is  
8 Gilbert Smith.

9 MS. FLETCHER: Okay.

10 MR. SMITH: Mr. Hendrix, just for  
11 clarification, you're on the second protestant  
12 group.

13 (Simultaneous speaking.)

14 MR. HENDRIX: I'm sorry.

15 MR. SMITH: No worries, just to clarify.

16 MS. FLETCHER: Thank you for that, Mr.  
17 Smith. I'll be calling that next group next.

18 MR. SMITH: Right, so Dede Carter is on.  
19 She is trying to speak because I can see her. I  
20 can't see all of the protestants right now, but Dede,  
21 if you're able to go off mute so that we can hear  
22 --

23 (Simultaneous speaking.)

24 MS. FLETCHER: So, in order for the  
25 protestants to be considered a part of the group

1 today, they would have to state their names and spell  
2 them for the record. If there is anyone present  
3 from Mr. Smith's group that can do that? Mr. Smith,  
4 if not, that's not --

5 MS. HUNTER: This is --

6 MS. FLETCHER: I'm sorry?

7 MS. HUNTER: This is Karlyn Hunter,  
8 K-A-R-L-Y-N H-U-N-T-E-R.

9 MS. FLETCHER: Thank you. Anyone else  
10 from Mr. Smith's group?

11 MR. SMITH: Dede Carter is on. I just  
12 wanted to clarify. She is desperately trying to  
13 speak because I can see her mouth moving, and she  
14 is part of our group.

15 MS. FLETCHER: I can't see her name. How  
16 can you tell?

17 MR. SMITH: Well, first of all, I know her.  
18 Secondly, her name shows up as Althea Carter on  
19 the screen.

20 MS. FLETCHER: I saw her on the protest  
21 letter, but I don't -- actually, I don't see her  
22 name at all.

23 MR. SMITH: Well, I see her face and I see  
24 her name.

25 PARTICIPANT: She's on video.

1 MS. FLETCHER: Oh, I see her. I see you.  
2 I see you. Ms. Carter, would you spell your name  
3 for the record?

4 (No audible response.)

5 PARTICIPANT: Dede, you must be on mute.

6 MS. FLETCHER: Ms. Carter, are you on mute  
7 right now?

8 (No audible response.)

9 MS. FLETCHER: I've got Ms. Carter.  
10 Anyone else?

11 MR. SMITH: Morinia Scott is on as well  
12 that I can see. Ms. Scott, if you're able to come  
13 off mute, we would appreciate it.

14 MS. FLETCHER: And that's Mr. Smith  
15 speaking for the court reporter.

16 MR. SMITH: Sorry --  
17 (Simultaneous speaking.)

18 MS. FLETCHER: And what's the name again,  
19 Mr. Smith?

20 MR. SMITH: Morinia, M-O-R-I-N-I-A, Scott  
21 --

22 MS. FLETCHER: Oh, I see her name. She's  
23 a part of your group?

24 MR. SMITH: She is, yes.

25 MS. FLETCHER: Okay, anybody else that you

1 see?

2 MR. SMITH: Those are the only ones I can  
3 see.

4 MS. FLETCHER: Okay, so there are four  
5 members present from your group today, Mr. Smith,  
6 which means that your group is granted conditional  
7 standing, and at the upcoming status hearing, one  
8 more person who is not present today will need to  
9 appear. At that time, the board will grant full  
10 standing to the group.

11 MR. SMITH: Okay, thank you.

12 MS. FLETCHER: You're welcome. We have  
13 another protest group. Is Victor Burrola here?

14 MR. BURROLA: Yes, I am. Good morning.

15 MS. FLETCHER: Good morning, Mr. Burrola.  
16 Would you spell your name for the record, please?

17 MR. BURROLA: V-I-C-T-O-R B-U-R-R-O-L-A.

18 MS. FLETCHER: And Maurice Hendrix is a  
19 member of your protest group?

20 MR. BURROLA: Yes, he is.

21 MS. FLETCHER: Mr. Hendrix?

22 MR. HENDRIX: Yes, ma'am?

23 MS. FLETCHER: Would you spell your name  
24 one more time for the record?

25 MR. HENDRIX: M-A-U-R-I-C-E

1 H-E-N-D-R-I-X.

2 MS. FLETCHER: Thank you. Is anyone else  
3 present from Mr. Burrola's group?

4 MS. HENDRIX: Yes, Kemba Hendrix,  
5 K-E-M-B-A, Hendrix H-E-N-D-R-I-X.

6 MS. FLETCHER: Ms. Hendrix, what's your  
7 first name again?

8 MS. HENDRIX: Kemba, K-E-M-B-A.

9 MS. FLETCHER: Okay, thank you. Anyone  
10 else?

11 MS. BURROLA: Yes, Cynthia Burrola,  
12 C-Y-N-T-H-I-A B-U-R-R-O-L-A.

13 MS. FLETCHER: Thank you. Anyone else?

14 MS. BURROLA: We have a fifth person of  
15 our group who has currently a medical appointment  
16 and cannot join.

17 MS. FLETCHER: Okay, anybody else?

18 (No audible response.)

19 MS. FLETCHER: I count four members from  
20 your group present today, Mr. Burrola, which means  
21 that your group is granted conditional standing as  
22 a protestant today, and at least one more person  
23 who is not present today will need to appear at the  
24 upcoming status hearing.

25 MR. BURROLA: Yes, ma'am.

1 MS. FLETCHER: At which time the board  
2 would grant full standing to the group. Ms.  
3 Henderson?

4 (Simultaneous speaking.)

5 MS. HENDERSON: I'm sorry, can you repeat  
6 that?

7 MS. FLETCHER: I'm sorry, who is speaking?

8 MS. HENDERSON: Yes, this is Kathy  
9 Henderson.

10 MS. FLETCHER: Ms. Henderson, give me one  
11 moment. I see somebody's hand raised. Ms. Hunter?

12 MS. HUNTER: Yes, I have a question. So  
13 --

14 MS. FLETCHER: Are you -- Ms. Hunter, what  
15 part of -- which group are you with?

16 MS. HUNTER: Gilbert Smith's group.

17 MS. FLETCHER: I'm sorry?

18 MS. HUNTER: Gilbert Smith's group of  
19 five.

20 MS. FLETCHER: Okay, just one second.  
21 Okay, go ahead.

22 MS. HUNTER: Just for clarification, at  
23 the next hearing, do all five people need to appear  
24 or just one additional person?

25 MS. FLETCHER: Just one additional person

1 that's not here today along with Mr. Smith.

2 MS. HUNTER: Okay, and the other point is  
3 that in general, for these alcohol license renewal  
4 requests, whenever there's a group of five, all five  
5 people need to appear in order to receive full  
6 standing. Is that correct?

7 MS. FLETCHER: At least five need to  
8 appear in person. Even if there are 20, we only  
9 need to see five people.

10 MS. HUNTER: Okay, great. Thank you.

11 MS. FLETCHER: You're welcome.

12 MS. BOURNES: Okay, Ms. Fletcher, this is  
13 Leslie Bournes. I had a question before you went  
14 on.

15 MS. FLETCHER: Yes?

16 MS. BOURNES: Our notifications to the  
17 owner of the club, does that have to be seven days?  
18 If we have invited that owner multiple times, what  
19 do we need to show proof of for that prior to the  
20 protest?

21 MS. FLETCHER: So, what you would need to  
22 show is that, concerning the protest, the  
23 association -- I'm assuming you held a meeting  
24 concerning filing this protest. Is that correct?

25 MS. BOURNES: Correct.

1 MS. FLETCHER: It is for that meeting that  
2 the applicant needed to be given at least seven days'  
3 notice.

4 MS. BOURNES: Okay, so if I can  
5 demonstrate that we did give notice and provide  
6 that, would that be reconsidered for this --

7 (Simultaneous speaking.)

8 MS. FLETCHER: If you have proof that you  
9 provided at least a seven-day notice to the  
10 applicant concerning your meeting, yeah, the board  
11 would take that into consideration.

12 MS. BOURNES: Okay, thank you for that  
13 clarification.

14 MS. FLETCHER: You're welcome. Okay, I  
15 see one more hand before I speak with Ms. Henderson.  
16 Ms. Carter?

17 (No audible response.)

18 MS. FLETCHER: Ms. Carter, you're on mute.  
19 Did you have a question?

20 (No audible response.)

21 MS. FLETCHER: Ms. Carter, you're still  
22 on mute. Can you hear me though?

23 (No audible response.)

24 MS. FLETCHER: Mr. Smith?

25 MR. SMITH: I just wanted to ask for two

1 points of clarification, one for Ms. Carter. Is  
2 she included in the, in my group --

3 MS. FLETCHER: Yes.

4 MR. SMITH: -- that's being represented?

5 MS. FLETCHER: Yes, she is.

6 MR. SMITH: All right, thank you.

7 MS. FLETCHER: You're welcome.

8 (Simultaneous speaking.)

9 MR. SMITH: And she is aware. She can  
10 hear us. She's just having technical difficulties.

11 MS. FLETCHER: Okay, but I've given her  
12 credit for being present.

13 MR. SMITH: Thank you.

14 MS. FLETCHER: Ms. Carter, if you have any  
15 question that you want to ask me, you can email me.

16 You can get my contact information from Mr. Smith.  
17 He has my contact information in the roll call  
18 hearing notice that he received. Mr. Burrola?

19 MR. SMITH: My second -- well, I'm sorry.

20 MS. FLETCHER: Mr. Smith?

21 MR. SMITH: I did have a second point.

22 Yeah, my second point -- I think Mr. Burrola is going  
23 to address Ms. Harvey, who is on from his group,  
24 but my second point, and I do appreciate you  
25 clarifying the procedure. Sorry, I've taken myself

1 off mute, off video.

2 I appreciate you clarifying the procedure,  
3 but those procedures in terms of attendance for this  
4 roll call hearing was not clear.

5 I responded back and I acknowledged  
6 receipt of the email when it came out. I asked,  
7 I specifically asked whether anyone else needed to  
8 be on this roll call hearing and I never got a  
9 response.

10 I do -- I am clear on the next step, but  
11 I just wanted to put on the record that the  
12 procedures are not very clear, and given the  
13 holidays, the short time frame, we just got the roll  
14 call notice on the 24th, and being asked to attend  
15 in the middle of the holidays is just not  
16 procedurally proper, just for the record. Thank  
17 you.

18 MS. FLETCHER: You received the notice on  
19 November 24, you said?

20 MR. SMITH: About the roll call hearing.

21 There was never --

22 (Simultaneous speaking.)

23 MR. SMITH: -- any notice of -- I'm sorry.

24 (Simultaneous speaking.)

25 MR. SMITH: Did you want me to clarify

1 further?

2 MS. FLETCHER: You received the roll call  
3 hearing notice on 12/24?

4 MR. SMITH: That was the first time, yes.  
5 When I received that notice, I acknowledged  
6 receipt. I also asked a question, whether anyone  
7 else on that email, as far as the protestants, needed  
8 to participate, and I never got a response.

9 And even to this day, I still don't have  
10 a response that I'm aware of. I haven't checked  
11 my email recently. So, I was under the impression  
12 just the designees needed to be on this call, that  
13 were on the email.

14 We have eight members in our group. We  
15 just don't have five now. And you've clarified  
16 procedurally what we need to do. Hopefully a fifth  
17 member will come forth whenever the date is set,  
18 but again, I appreciate --

19 MS. FLETCHER: Well, I'm going to --

20 MR. SMITH: -- your response.

21 MS. FLETCHER: And I'm going to give you  
22 the date for the status hearing in just a minute,  
23 and so just that one additional person, if they can  
24 appear on that day, that will --

25 MR. SMITH: Again, I understand that.

1 I'm clear, but leading up to this point, until you  
2 said that, the procedures were flawed for this roll  
3 call hearing in terms of standing. Thank you.

4 MS. FLETCHER: You're welcome. Mr.  
5 Burrola?

6 MR. BURROLA: We do have our additional  
7 person online, Ms. Hardy.

8 MS. FLETCHER: You said there's an  
9 additional person online from your group?

10 MR. BURROLA: Correct.

11 MS. HARDY: I'm here, Chanelle Hardy.

12 MS. FLETCHER: Oh, okay, Ms. Hardy, would  
13 you spell your name for the record?

14 MS. HARDY: Yes, it's C-H-A-N-E-L-L-E,  
15 and my last name is H-A-R-D-Y.

16 MS. FLETCHER: Thank you. Mr. Burrola,  
17 your group is granted full standing as a protestant  
18 because that one additional person has appeared  
19 today. Any other questions, Mr. Burrola?

20 MR. BURROLA: No, I'm waiting for the  
21 process.

22 MS. FLETCHER: Okay.

23 MR. BURROLA: I just wanted to make you  
24 aware, so --

25 (Simultaneous speaking.)

1 MS. FLETCHER: Thank you. I appreciate  
2 that. That changed your --

3 MR. BURROLA: Yeah, I'm trying to bring  
4 my hand down. I can't figure that out, so --

5 MS. FLETCHER: No problem.

6 MR. BURROLA: -- eventually we'll get  
7 there.

8 MS. FLETCHER: Ms. Hunter, your hand is  
9 still up. Do you have any other questions?

10 MS. HUNTER: No, let me try to get mine  
11 down as well.

12 MS. FLETCHER: Well, I know Ms. Carter's  
13 is up, but I've already acknowledged that she's  
14 here. Okay, well, now --

15 MS. HUNTER: I also will add that maybe  
16 --

17 MS. FLETCHER: I'm sorry?

18 MS. HUNTER: -- Dede -- Dede, there is a  
19 chat feature if you want to say something --

20 (Simultaneous speaking.)

21 MS. FLETCHER: So, whoever is speaking  
22 needs to let the court reporter know.

23 MS. HUNTER: Oh, I'm sorry about that.  
24 This is Karlyn Hunter. I was just advising Althea  
25 Carter that since her audio, she can hear, but her

1 audio isn't working, there is a chat feature. If  
2 she's on a computer, it should be all the way to  
3 the right. Maybe she can type her message.

4 MS. FLETCHER: Well, thank you for that,  
5 Ms. Hunter. There is nothing she needs to do  
6 related to the roll call hearing, but if she has  
7 any other questions, she can put them in the chat  
8 or go through Mr. Smith because he has my contact  
9 information and let me know, but for the purpose  
10 of the roll call hearing, I've already acknowledged  
11 her presence, so for the roll call, we're okay.  
12 Ms. Henderson, are you still there?

13 MS. HENDERSON: I am.

14 MS. FLETCHER: Good morning.

15 MS. HENDERSON: Good morning.

16 MS. FLETCHER: Ms. Henderson, would you  
17 spell your name for the record, please?

18 MS. HENDERSON: K-A-T-H-Y

19 H-E-N-D-E-R-S-O-N.

20 MS. FLETCHER: Ms. Henderson, I have a  
21 question for you. I know that you represent 5D  
22 Court Watch?

23 MS. HENDERSON: Yes.

24 MS. FLETCHER: And I know that you were  
25 a former chair of the ANC as well. For the letter

1 that you submitted, it sounds like you submitted  
2 a letter of opposition as opposed to a protest  
3 letter.

4 And I'm making that distinction because  
5 5D Court Watch doesn't have standing as a  
6 protestant, so there may be no protest to dismiss,  
7 and your letter of opposition has been included as  
8 a part of the record. Is that what you intended  
9 to do, to include your opposition --

10 (Simultaneous speaking.)

11 MS. HENDERSON: 5D Court Watch does have  
12 standing. 5D Court Watch covers all of Ward 5, and  
13 our members are located throughout Ward 5, and we  
14 are open to anyone residing and working in Ward 5  
15 and visiting Ward 5. So, anyone that is affected  
16 by any type of public safety breach in Ward 5 has  
17 the opportunity to be heard through 5D Court Watch.

18 And our organization is unique in that we  
19 are governed by the council legislation that was  
20 passed in 2012 allowing individuals to submit  
21 community impact statements to the court  
22 anonymously so long as the group is actually  
23 recognized by the U.S. Attorney's Office.

24 So, the U.S. Attorney's Office has  
25 recognized 5D Court Watch as an organization. As

1 a matter of fact, we just had a meeting on October  
2 28 with the new U.S. Attorney, Judge Jeanine Pirro.

3 So, we are an organization that covers all  
4 of Ward 5, so we do have standing, and we certainly  
5 protest this applicant for the reasons stated in  
6 that letter.

7 MS. FLETCHER: According to our  
8 regulations, Ms. Henderson, which I'll send you  
9 following roll call, 5D Court Watch does not have  
10 standing as a protestant, but you can contact the  
11 board upon receipt of the dismissal order to explain  
12 to the board why 5D Court Watch should be considered  
13 a protestant and the board will respond to that.

14 MS. HENDERSON: Would you please explain  
15 why you believe 5D Court Watch does not have  
16 standing?

17 MS. FLETCHER: Yeah, because it's not,  
18 according to D.C. Official Code 25-601, there is  
19 a list of entities that have standing as  
20 protestants, and 5D Court Watch, organizations like  
21 5D Court Watch are not on there, but I'll send that  
22 to you following roll call so you can take a look  
23 at it. But if you believe that 5D Court Watch does  
24 have standing as a protestant, you can explain to  
25 the board why --

1 MS. HENDERSON: Yes, I do.

2 MS. FLETCHER: -- but the board's agent  
3 can only -- yeah, I can only make a decision based  
4 on the regulations today. And so, Ms. Henderson,  
5 upon receipt of the order dismissing the protest,  
6 you have ten days to explain to the board why 5D  
7 Court Watch should be considered a protestant.

8 MS. HENDERSON: Okay.

9 MS. FLETCHER: Thank you very much. So,  
10 right now, we have as protestants ANC 5C, a group  
11 represented by Gilbert Smith, a group represented  
12 by Victor Burrola. Okay, we need to set some dates  
13 now.

14 You need to get a date for a status hearing  
15 and a protest hearing, and we also need to set a  
16 date for mediation. The date for the status hearing  
17 is March 4. March 4, 2026 at 10:30 a.m. is the date  
18 for the status hearing. The protest hearing is set  
19 for March 25 at 1:30 p.m.

20 I will give you the next available day for  
21 mediation. The next available day for mediation  
22 is Thursday, February 5. That's Thursday, February  
23 5, any time between 10:30 and 1:30 for mediation.

24 Is the applicant available on Thursday --

25 MS. BEYENE: No, ma'am.

1 MS. FLETCHER: -- at that time?

2 MS. BEYENE: No ma'am. I will be out of  
3 the country.

4 MS. FLETCHER: Okay, what's your next date  
5 of availability? Are you available on the 6th?

6 MS. BEYENE: Ma'am, I will be back in  
7 mid-March, I mean, my apologies, mid-February.

8 MS. FLETCHER: Okay, so when will you be  
9 returning?

10 MS. BEYENE: I will be back by the 13th,  
11 February 13.

12 MS. FLETCHER: By February 15?

13 MS. BEYENE: Thirteen, excuse me.

14 MS. FLETCHER: Thirteen?

15 MS. BEYENE: Yes, ma'am.

16 MS. FLETCHER: Well, what about February  
17 19?

18 MS. BEYENE: Yes, ma'am, I will be -- I'm  
19 here. Yes, I'm available.

20 MS. FLETCHER: Any time between 10:30 and  
21 1:30?

22 MS. BEYENE: Yes, ma'am.

23 MS. FLETCHER: Mr. Nelson, what about the  
24 ANC?

25 MR. NELSON: That does not work for me.

1 I will be out of the country.

2 MS. FLETCHER: Mr. Nelson, you'll be out  
3 of the country? I'm asking Mr. Nelson?

4 MR. NELSON: Yes, this is Commissioner  
5 Nelson. Yes, I will be out of the country on that  
6 date.

7 MS. FLETCHER: Okay, so when will you  
8 return?

9 MR. NELSON: I'll be back the following  
10 Wednesday.

11 MS. FLETCHER: So, you return on the 25th?

12 MR. NELSON: Yes, ma'am.

13 MS. FLETCHER: Okay, what about the 26th?

14 MR. NELSON: That works for me.

15 MS. FLETCHER: Does that work for the  
16 applicant as well, the 26th?

17 MS. BEYENE: Yes, ma'am.

18 MS. FLETCHER: Thank you. Does that work  
19 for you, Mr. Smith?

20 (No audible response.)

21 MS. FLETCHER: Mr. Smith, does February  
22 26 work for you for mediation?

23 (No audible response.)

24 MS. FLETCHER: You're on mute, Mr. Smith.

25 MR. SMITH: Sorry, I didn't realize I was

1 part of the process for mediation. We'll make the  
2 26th work.

3 (Simultaneous speaking.)

4 MR. SMITH: Sorry, go ahead. Go ahead,  
5 please.

6 MS. FLETCHER: What about Mr. Burrola?  
7 Are you available for mediation on February 26?

8 MR. BURROLA: Yes, I am.

9 MS. FLETCHER: So, a mediation can be  
10 scheduled any time between 10:30 and 1:30. Let's  
11 see, does the ANC have a preference for time?

12 MR. NELSON: The afternoon is more ideal,  
13 but I'm flexible depending on what the other  
14 participants are willing to do.

15 MS. FLETCHER: Okay, what about the  
16 applicant? Do you have a preference for time?

17 MS. BEYENE: Afternoon is fine, yes,  
18 ma'am.

19 MS. FLETCHER: So, we have 1:30 in the  
20 afternoon. Mr. Smith, would you be available at  
21 1:30 in the afternoon for mediation?

22 MR. SMITH: I should be able to make it  
23 work. I do have a follow-on question when you have  
24 a moment.

25 MS. FLETCHER: Okay, Mr. Burrola, would

1 you be available at 1:30 on February 26?

2 MR. BURROLA: Ms. Fletcher, is this in  
3 person or virtual as well?

4 MS. FLETCHER: Virtual.

5 MR. BURROLA: I'll be available.

6 MS. FLETCHER: Mr. Smith, what's your  
7 question?

8 MR. SMITH: Previously, you had mentioned  
9 about other protestants participating. Are they  
10 required to participate -- which hearings are they  
11 required to participate in?

12 MS. FLETCHER: So, at the upcoming status  
13 hearing, one more person needs to appear. For the  
14 mediation, generally only the designated  
15 representatives appear for mediation, not every  
16 member of the group, but you can decide who you want  
17 to appear, but generally we're dealing with the  
18 designated representatives only.

19 MR. SMITH: Okay, so only at this status  
20 hearing does one additional person need to attend  
21 from my group?

22 MS. FLETCHER: That's right, yes.

23 MR. SMITH: Okay, thanks for the  
24 clarification. And now at the meeting, are they  
25 required to participate?

1 MS. FLETCHER: Well, after the status  
2 hearing, there's going to be a protest hearing.  
3 If this matter is not resolved in mediation to the  
4 mutual satisfaction of the parties, then there's  
5 going to be a protest hearing where the board hears  
6 the testimony and any documentary evidence  
7 submitted, and then the board will decide whether  
8 or not to renew the license. At that point, you,  
9 as the designated representative, you can decide  
10 who your witnesses will be.

11 MR. SMITH: Let me repeat my question.  
12 Are any of the other protestants as part of my group  
13 required to attend any other meetings? It's a yes  
14 or no.

15 MS. FLETCHER: Well, I said yes, the  
16 status hearing. You have one additional person  
17 that needs to appear. For the mediation, only you  
18 need to appear. For the protest hearing, you decide  
19 who is going to be a witness at the protest hearing.

20 MR. SMITH: So, that I am clear --

21 MS. FLETCHER: Yes?

22 MR. SMITH: -- for the protest hearing,  
23 I do not need to have any other protestant. It's  
24 not required to --

25 MS. FLETCHER: Well, well --

1 MR. SMITH: -- have any other protestant.

2 MS. FLETCHER: Well, no, because once your  
3 group has been granted full standing as a result  
4 of that one other person appearing for the status  
5 hearing, standing has been granted. The only thing  
6 that happens next is the status hearing, I mean,  
7 after the status hearing is the protest hearing,  
8 at which time you decide who your witnesses are going  
9 to be.

10 MR. SMITH: Okay, all right, you've  
11 answered my question. Thank you.

12 MS. FLETCHER: You're welcome. Mr.  
13 Burrola?

14 MR. SMITH: And -- sorry.

15 MS. FLETCHER: Mr. Burrola, do you have  
16 a question?

17 MR. BURROLA: Yes, I have two questions.

18 MS. FLETCHER: Okay.

19 MR. BURROLA: The process that you're  
20 laying out for us here today, where do we obtain  
21 that process so we're clear going forward? And then  
22 I'll ask the second question after you respond,  
23 please.

24 MS. FLETCHER: Where do you -- what's your  
25 question again? Where do you obtain --

1 MR. BURROLA: These processes that you're  
2 going through in terms of -- where do we obtain that  
3 documentation so that we are also --

4 MS. FLETCHER: Okay.

5 MR. BURROLA: -- on the same page as you?

6 MS. FLETCHER: I will send you regulations  
7 related to the protest hearing. Just a second.  
8 I can make a note to myself to send you --

9 MR. BURROLA: These are not available on  
10 the website?

11 MS. FLETCHER: Well, they are.

12 MR. BURROLA: They are?

13 MS. FLETCHER: The regulations are  
14 available on the website. So, yes, they're  
15 available on the website. If you would prefer to  
16 check the website, that's fine, or I'm willing to  
17 send you regulations.

18 MR. BURROLA: Yes, please, if you could  
19 send those, that would be wonderful, and I'll do  
20 my due diligence as well and review the website.

21 MS. FLETCHER: Okay.

22 MR. BURROLA: And my second question is  
23 in the event activity occurs that we believe is  
24 associated with Power Night Club that is illegal  
25 or a cause to our public safety, does that expedite

1 the hearing or what rights do we have as a community  
2 as we wait for mediation and for --

3 MS. FLETCHER: Well, you --

4 MR. BURROLA: -- the hearing to occur?

5 MS. FLETCHER: Well, you may contact the  
6 enforcement division to make a complaint about any  
7 other problems that occur. Those situations will  
8 not impact any of the process we have discussed  
9 already, but you would contact the enforcement  
10 division if you have any complaints regarding the  
11 way the establishment is operating.

12 MR. BURROLA: Thank you.

13 MS. FLETCHER: You're welcome.

14 MR. NELSON: Ms. Fletcher, this is  
15 Commissioner Nelson. Can I ask you two questions?

16 MS. FLETCHER: Yes.

17 MR. NELSON: Okay, in regards to the Fifth  
18 District Police Department, would it be possible  
19 to have them, or is it unprecedented to have them  
20 take part in mediation, or is that something that's  
21 not typically done, or can I invite them to the  
22 protest after mediation?

23 And then the second thing to that is there  
24 is another business that is adjacent to Power Night  
25 Club that is also in opposition to the renewal of

1 this liquor license.

2 Now, they haven't submitted anything in  
3 writing as of yet, but from my meetings with this  
4 business owner, they have been impacted. So, I know  
5 they can't take part in mediation, but when it comes  
6 to the protest, can I or can we have them be included?

7 MS. FLETCHER: No, Commissioner Nelson,  
8 mediation is strictly confidential and only the  
9 parties that have been granted standing during roll  
10 call can participate. What was your first  
11 question?

12 MR. NELSON: Regarding the Fifth District  
13 Police Headquarters and their investigations over  
14 the last few years and having them be invited to  
15 the protest versus the mediation.

16 MS. FLETCHER: Well, for the protest  
17 hearing, you can decide who you want to be your  
18 witness at the protest hearing.

19 MR. NELSON: Okay, so I can include the  
20 business owners and a representative from the Fifth  
21 District?

22 MS. FLETCHER: Yeah, that's strictly up  
23 to you.

24 MR. NELSON: Okay, sounds very good.  
25 Thank you greatly.

1 MS. FLETCHER: You're welcome. So, we've  
2 got the status hearing scheduled for March 4, 2026  
3 at 10:30 a.m. That's the status hearing.

4 If this matter is not resolved during  
5 mediation, the designated representatives need to  
6 appear for the status hearing to let the board know  
7 the status of the case, and Mr. Smith, that is where  
8 the one additional person from your group would  
9 appear, at which time the board would grant full  
10 standing to your group.

11 The protest hearing is set for March 25,  
12 2026 at 1:30 p.m. If the matter is not resolved  
13 during mediation, that's when the protest hearing  
14 will be held. Any other questions -- oh, Ms.  
15 Hunter?

16 MS. HUNTER: Yes, I just wanted to confirm  
17 that all of these hearings are virtual?

18 MS. FLETCHER: Yes.

19 MS. HUNTER: Okay, thank you.

20 MS. FLETCHER: You're welcome. Mr.  
21 Burrola?

22 MR. BURROLA: Thank you, Ms. Fletcher.  
23 Are any -- are we allowed to have additional protest  
24 letters submitted on behalf of the Gateway  
25 Community?

1 MS. FLETCHER: No, protest letters needed  
2 to be filed by the petition deadline, so you won't  
3 be able to add any protest letters.

4 MR. BURROLA: Thank you.

5 MS. FLETCHER: You're welcome. Mr.  
6 Smith?

7 MR. SMITH: Two questions, on these dates  
8 that you've provided that we have, will they be sent  
9 out via email?

10 MS. FLETCHER: Yeah, the Webex invitation  
11 for the mediation comes from me. I'm the board's  
12 mediator, so those invitations come from me. The  
13 Webex invitations for the status and protest  
14 hearings are sent out by another member of our staff.

15 The person that sent the roll call hearing  
16 notice also sends out the Webex invitations for the  
17 status and protest hearing, and those Webex  
18 invitations go out the day before the hearing. For  
19 the status and protest hearing, they go out the day  
20 before the hearing. For the mediation, you'll get  
21 the Webex invitation from me within a couple of days.

22 MR. SMITH: Okay, and just for the record,  
23 I did forward you the email notice of the 24th, along  
24 with my response and the lack of response from the  
25 committee.

1 MS. FLETCHER: Okay.

2 MR. SMITH: My second -- sorry, did you  
3 have anything else on that?

4 MS. FLETCHER: Oh, no.

5 MR. SMITH: My second question, you made  
6 reference earlier to Ms. Davis, Erin Davis.  
7 Hopefully she's still on. Maybe she's not. At any  
8 rate, what is the process by which Ms. Davis can  
9 participate in these proceedings?

10 MS. FLETCHER: Well, she can't  
11 participate in the mediation unless the board grants  
12 her standing as a protestant due to confidentiality.

13 If the board does not grant her standing as a  
14 protestant, she can be a witness at the protest  
15 hearing if the protest hearing goes forward, if you  
16 want to call her as a witness.

17 MR. SMITH: Okay, thank you.

18 MS. FLETCHER: You're welcome. Ms.  
19 Bournes?

20 MS. BOURNES: Thank you. I just wanted  
21 to ask if you could repeat when the mediation hearing  
22 is so everyone has that? Because you repeated all  
23 of the other ones, if you could repeat that, please?  
24 Thank you.

25 MS. FLETCHER: Okay, the mediation is set

1 for -- thank you, the mediation is set for February  
2 26 at 1:30 p.m., February 26 at 1:30 p.m. for  
3 mediation.

4 MS. BOURNES: Thank you.

5 MS. FLETCHER: You're welcome. Ms.  
6 Hunter?

7 MS. HUNTER: Yes, I wanted to follow up  
8 on Mr. Burrola's question regarding additional  
9 protest letters. You indicated that no additional  
10 protest letters could be submitted, but could he  
11 read a protest letter into the record as a part of  
12 his testimony?

13 MS. FLETCHER: No, no additional protest  
14 letters, read, written, or otherwise.

15 MS. HUNTER: But the person could appear  
16 as a witness?

17 MS. FLETCHER: If you decide -- if the  
18 designated representative decides to present that  
19 person as a witness, yes.

20 MS. HUNTER: And do the witness lists have  
21 to be provided in advance of the hearing?

22 MS. FLETCHER: I'm sorry, what was that,  
23 Ms. Hunter?

24 MS. HUNTER: Do the witness lists have to  
25 be provided in advance of the hearing?

1 MS. FLETCHER: Yeah, if this case goes  
2 forward for a protest, you're going to get some  
3 additional information related to the protest, and  
4 so, yes, you would need to submit a witness list  
5 and what they're going to testify about.

6 MS. HUNTER: Okay, thank you.

7 MS. FLETCHER: Mr. Smith?

8 MR. SMITH: In terms of the response to  
9 Ms. Hunter, at the protest, as a designated  
10 representative, am I allowed to read anything?

11 MS. FLETCHER: I'm sorry, Mr. Smith, are  
12 you --

13 MR. SMITH: Can I read my testimony during  
14 the protest hearing?

15 MS. FLETCHER: Can you read your  
16 testimony? Is that what you said?

17 MR. SMITH: Yes, that's my question, yes.

18 MS. FLETCHER: As opposed to? I would say  
19 yes. I mean, whatever your testimony is --

20 MR. SMITH: Okay, I mean, my basic --  
21 correct, so do I have to submit my testimony in  
22 advance --

23 MS. FLETCHER: No.

24 MR. SMITH: -- of the protest hearing?

25 MS. FLETCHER: No.

1 MR. SMITH: So, in essence, I could read  
2 someone else's protest?

3 MS. FLETCHER: You can do -- you can  
4 present the board with whatever testimony you have  
5 and the board will make a decision related to  
6 whatever testimony you submit. We have your --

7 MR. SMITH: It includes the -- okay.

8 MS. FLETCHER: -- protest letter, and so  
9 the protest hearing will be based on the protest  
10 letter that's been submitted.

11 MR. SMITH: Right, but I don't have to give  
12 my testimony verbatim from my letter that has been  
13 submitted, is that correct?

14 MS. FLETCHER: I'm sorry, what was that?

15 MR. SMITH: I do not have to read my  
16 protest letter verbatim during the protest --

17 MS. FLETCHER: No.

18 MR. SMITH: -- is that correct?

19 MS. FLETCHER: No.

20 MR. SMITH: Okay, thank you.

21 MS. FLETCHER: We have the protest letter.

22 MR. SMITH: I understand. I'm not asking  
23 -- I know you have the letter.

24 MS. FLETCHER: Okay, yeah.

25 MR. SMITH: I am trying to understand

1 procedurally --

2 MS. FLETCHER: I understand.

3 MR. SMITH: -- what we can do at a protest  
4 hearing.

5 MS. FLETCHER: Okay.

6 MR. SMITH: Ms. Hunter asked a question  
7 and you responded. I wanted further clarification  
8 and you clarified it.

9 MS. FLETCHER: Okay.

10 MR. SMITH: Thank you.

11 MS. FLETCHER: Okay, you're welcome. Any  
12 other questions before I conclude the case of Power  
13 Night Club? The roll call hearing in this matter  
14 is concluded. Thank you for coming.

15 (Whereupon, the above-entitled matter  
16 went off the record at 10:58 a.m.)

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## 1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript  
3 was duly recorded and accurately transcribed under  
4 my direction; further, that said transcript is a  
5 true and accurate record of the proceedings; and  
6 that I am neither counsel for, related to, nor  
7 employed by any of the parties to this action in  
8 which this matter was taken; and further that I am  
9 not a relative nor an employee of any of the parties  
10 nor counsel employed by the parties, and I am not  
11 financially or otherwise interested in the outcome  
12 of the action.

13

14

15

16 *Michael Morris*

17

18

19 Michael Morris

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21

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23

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25

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