



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

2 10:02 a.m.

3 AGENT FLETCHER: Okay. Would the  
4 parties in the matter of Cloakroom come forward,  
5 please? This is Case No. 18-PRO-00058, 476 K,  
6 LLC t/a Cloakroom.

7 MR. WOODSON: Good morning, Ms.  
8 Fletcher.

9 AGENT FLETCHER: Good morning, Mr.  
10 Woodson. This is License No. ABRA-087875,  
11 Retailer Class CN License renewal.

12 The protest issues are adverse impact  
13 on peace, order and quiet; residential parking  
14 and vehicular and pedestrian safety, and real  
15 property values.

16 My name is LaVerne Fletcher. I'm  
17 conducting the Roll Call Hearing as the Board's  
18 Agent.

19 Introductions beginning with the  
20 applicant, please.

21 MR. WOODSON: Good morning, Ms.  
22 Fletcher. My name is Roderic Woodson. I'm a

1 partner at Holland & Knight. I'm counsel to 476  
2 K, LLC. At the table with me is Andre DeMoya, a  
3 principal with the applicant.

4 AGENT FLETCHER: Thank you, Mr.  
5 Woodson. Mr. DeMoya, could you spell your name,  
6 please?

7 MR. DeMOYA: A-N-D-R-E D-E-M-O-Y-A.

8 AGENT FLETCHER: Thank you. And  
9 present on behalf of the protestant?

10 MS. ROGET: Yes. I am Gisele Roget.  
11 I am here on behalf of myself and a selection of  
12 the community that has filed this petition and  
13 I'm free to review this as needed.

14 AGENT FLETCHER: And would you spell  
15 your name for the record, please?

16 MS. ROGET: Yes.

17 AGENT FLETCHER: Thank you.

18 MS. ROGET: The last name is R-O-G-E-T  
19 and the first name is G-I-S-E-L-E.

20 AGENT FLETCHER: Okay. Thank you.

21 MS. ROGET: Thank you.

22 AGENT FLETCHER: And, Mr. Woodson, did

1 you say something?

2 MR. WOODSON: I'll have something to  
3 say later on.

4 AGENT FLETCHER: Oh, okay. Ms. Roget?

5 MS. ROGET: Yes.

6 AGENT FLETCHER: You are representing  
7 a Group of 5?

8 MS. ROGET: Yes.

9 AGENT FLETCHER: Okay. Just so you  
10 know, Ms. Roget, for the purpose of the Roll Call  
11 Hearing it's fine that you appeared on behalf of  
12 the five.

13 MS. ROGET: Yes.

14 AGENT FLETCHER: So the Board will  
15 grant conditional standing to your group, but at  
16 the upcoming Status Hearing, the other four  
17 individuals not present today must appear in  
18 order to be granted full standing or the group  
19 will be dismissed.

20 MS. ROGET: Okay. Thank you.

21 AGENT FLETCHER: Mr. Woodson?

22 MR. WOODSON: Yes. I do have a couple

1 of initial remarks, Ms. Fletcher.

2 The first is while I appreciate your  
3 deference to opposing counsel on this, I must  
4 object because opposing counsel merely makes oral  
5 representation, but brings no documented evidence  
6 that she is authorized to speak for any of them.

7 AGENT FLETCHER: Um-hum.

8 MR. WOODSON: Other than herself. So  
9 I would just like to pose my objection to that.

10 AGENT FLETCHER: Okay.

11 MR. WOODSON: The second is, and more  
12 to the point, I want to move a dismissal of the  
13 petition as contrary to law. The -- while the  
14 protestants, as a Group of 5, do have the avenue  
15 to present a petition as a Group of 5, I would  
16 also -- I would add, however, that in this  
17 circumstance, the ANC, the affected ANC has  
18 submitted a letter of support for the renewal of  
19 the application and has specifically made mention  
20 that its renewal of support is consistent with  
21 the applicant's settlement agreement that is  
22 currently on file with the Agency.

1 All right. That being the case, I  
2 move pursuant to 25-609(b) that in this kind of  
3 circumstance where the ANC has submitted its  
4 support of the organization through a settlement  
5 agreement on file, that according to paragraph  
6 (b), the Board shall dismiss any protest of a  
7 group of no fewer than five residents or property  
8 owners meeting the requirements of 25-601, which  
9 is the section, of course, dealing with standing  
10 for a Group of 5.

11 I do not believe this protest properly  
12 lies in accordance with the statute and I move  
13 its dismissal.

14 I would note -- may I approach --

15 AGENT FLETCHER: Yes.

16 MR. WOODSON: -- counsel?

17 MS. ROGET: Can I have a  
18 clarification? I am not a lawyer. I am not --

19 AGENT FLETCHER: Oh, that's okay, Ms.  
20 Roget.

21 MS. ROGET: Yes.

22 AGENT FLETCHER: Yes, just --

1 MS. ROGET: Yeah.

2 AGENT FLETCHER: That's okay.

3 MS. ROGET: But I am aware of this ANC  
4 letter.

5 AGENT FLETCHER: Excuse me one second,  
6 Mr. Roget. Any -- did you want to comment on  
7 this document, Mr. Woodson?

8 MR. WOODSON: Beyond the fact of its  
9 existence and its submission to the Board and its  
10 specific reference to the settlement agreement  
11 associated with 476 K, I don't have anything  
12 further to say other than, at least on this  
13 point, noting that this ANC letter is dated June  
14 20th of this year.

15 AGENT FLETCHER: Um-hum.

16 MS. ROGET: Hi.

17 AGENT FLETCHER: Okay. You were going  
18 to make some comments, Ms. --

19 MS. ROGET: Yes, I would.

20 AGENT FLETCHER: -- Roget?

21 MS. ROGET: And first of all, thank  
22 you, it's very nice to meet my neighbor who is

1 operating this business. I live at --

2 MR. DeMOYA: Hello, Gisele.

3 MS. ROGET: -- 440 Elm. First off,  
4 just to lay out this initial work on the ANC. So  
5 I purchased my condominium in 2016. I was not  
6 aware of the ANC agreement and I was not part of  
7 those discussions that the ANC made in terms of  
8 their petition.

9 I attended this ANC meeting that is  
10 referenced here and I shared my extreme concerns  
11 about the business, about the impact that it  
12 would have on my property and the value of my  
13 property.

14 The other petitioners are homeowners  
15 as well and they are also concerned about the  
16 impact that a business, which is let's be very  
17 clear a strip club where women are taking off  
18 their clothes for money.

19 MR. WOODSON: Ms. Fletcher, I object  
20 to all of this. The grounds for petition are  
21 stated in the statute.

22 MS. ROGET: Yes.



1 MR. WOODSON: They are -- this is  
2 totally irrelevant.

3 AGENT FLETCHER: Um-hum.

4 MR. WOODSON: If counsel wants to make  
5 a showing on the merits at the time of the  
6 hearing, she is free to do so.

7 AGENT FLETCHER: Um-hum.

8 MR. WOODSON: But this is extraneously  
9 the record and I object.

10 MS. ROGET: Excuse me, I --

11 AGENT FLETCHER: So Ms. --

12 MS. ROGET: -- Ms. Fletcher, I'm  
13 laying out my concerns about the impact that the  
14 business will have on the property values.

15 AGENT FLETCHER: -- Roget, the Roll  
16 Call Hearing is not where you do that, but what  
17 you can do today is respond to whatever Mr.  
18 Woodson has said so far. I mean, you may respond  
19 to those things --

20 MS. ROGET: Yes.

21 AGENT FLETCHER: -- for the record.

22 MS. ROGET: Okay. So I laid out in

1 the ANC --

2 AGENT FLETCHER: Oh --

3 MS. ROGET: -- on June 5th my concerns.

4 I was informed that there had been an agreement  
5 that was struck with various ANC members and this  
6 business. I was not part of those discussions. I  
7 had only recently purchased into the neighborhood  
8 and I was not aware of that and had I been aware  
9 of it, I would not have supported it.

10 MR. WOODSON: You are -- Ms. Fletcher,  
11 wait a minute.

12 MS. ROGET: I indicated that.

13 MR. WOODSON: Ms. Fletcher, all right.

14 AGENT FLETCHER: Mr. Woodson, let me  
15 do one thing. Ms. Roget --

16 MS. ROGET: Yes.

17 AGENT FLETCHER: -- this is not the  
18 hearing where you make your case.

19 MS. ROGET: Okay.

20 AGENT FLETCHER: This is the hearing  
21 where the determination is made as to who has  
22 standing to file the protest.

1 MS. ROGET: Understood, understood.

2 AGENT FLETCHER: Mr. Woodson discussed  
3 the reasons that he thinks that the protest  
4 should not be granted.

5 MS. ROGET: Okay.

6 AGENT FLETCHER: So that is the purpose  
7 of --

8 MS. ROGET: Okay.

9 AGENT FLETCHER: -- the hearing.

10 MS. ROGET: So let me begin again. So  
11 Mr. Woodson has brought this document indicating  
12 that there was a June 5th meeting. He has also  
13 referenced an ANC -- the local ANC's petition. I  
14 am sharing that I did not agree with that.

15 AGENT FLETCHER: And so, Ms. Roget,  
16 that also is not the -- what we talk about during  
17 Roll Call.

18 MS. ROGET: Okay.

19 AGENT FLETCHER: So your protest group

20 --

21 MS. ROGET: My specific concern --

22 AGENT FLETCHER: -- was granted --

1 initially it was granted conditional standing.

2 MS. ROGET: Yes.

3 AGENT FLETCHER: Because we accepted  
4 you as the designated representative on behalf of  
5 our group. Although, the Protest Letter did not  
6 say that. Your Protest Letter referred to you as  
7 the contact person.

8 MS. ROGET: Yes.

9 AGENT FLETCHER: Not the designated  
10 representative.

11 MS. ROGET: Okay.

12 AGENT FLETCHER: And so that -- Mr.  
13 Woodson made reference to that that there is no  
14 designated representative.

15 MS. ROGET: Okay.

16 AGENT FLETCHER: But you are --

17 MS. ROGET: Yes.

18 AGENT FLETCHER: -- I'm just -- so we  
19 accepted that you are the designated  
20 representative; although, the letter says you are  
21 a contact person. That's something that Mr.  
22 Woodson took issue with.

1           He also took issue with the fact that  
2           the -- he also made the point that the ANC has a  
3           settlement agreement with the Cloakroom from --  
4           entered into on July 18, 2017. The issues raised  
5           by Mr. Woodson are actually going to have to be  
6           addressed by the full Board and they cannot be  
7           addressed today.

8           MS. ROGET: Okay.

9           AGENT FLETCHER: For example, the ANC  
10          has a settlement agreement with the Cloakroom,  
11          but it was not in connection with this protest.  
12          So the ABC Board has to rule. They have to  
13          decide whether or not they are going to allow  
14          that settlement agreement to impact this case.  
15          So that's a full Board decision. That decision  
16          can't be made today.

17          So we know that Mr. Woodson is filing  
18          a Motion to Dismiss the protest for all the  
19          reasons he stated today.

20          MS. ROGET: Yes.

21          AGENT FLETCHER: But if you had any  
22          comment related to those issues, you are free to

1 address those.

2 MS. ROGET: Thank you. My apologies  
3 of the interruption on -- I'm just a concerned  
4 citizen concerned about the value of my property.  
5 But going back to whether or not I'm the contact  
6 person or the designated representative, that was  
7 -- I thought that they were one in the same. I  
8 did not know that they were separate.

9 AGENT FLETCHER: Um-hum.

10 MS. ROGET: In terms of --

11 AGENT FLETCHER: So you thought that  
12 designating you as the contact person was  
13 sufficient?

14 MS. ROGET: Yes.

15 AGENT FLETCHER: Okay. So that's your  
16 response to that.

17 MS. ROGET: Yes.

18 AGENT FLETCHER: Okay.

19 MS. ROGET: And in terms of his  
20 comments on the existing petition --

21 AGENT FLETCHER: The existing  
22 settlement agreement?

1 MS. ROGET: -- the existing settlement  
2 agreement.

3 AGENT FLETCHER: Um-hum.

4 MS. ROGET: The people that signed  
5 this petition are not in support of that.

6 AGENT FLETCHER: Oh, well, the --  
7 okay. When you are talk -- you are saying that  
8 the people that signed your protest are not in  
9 support of the ANC settlement agreement?

10 MS. ROGET: That's correct.

11 AGENT FLETCHER: But they don't have  
12 to be, just so that you know.

13 MS. ROGET: Okay.

14 AGENT FLETCHER: Okay. So but that's  
15 okay. So we know that you are not in support of  
16 that.

17 MS. ROGET: Yes. And Mr. Woodson  
18 referenced this June 5th meeting of the ANC. I  
19 attended this meeting and I shared my concerns  
20 about the business from a --

21 AGENT FLETCHER: Okay.

22 MS. ROGET: Yes.

1 AGENT FLETCHER: Okay. Anything else?

2 MS. ROGET: Not at this time.

3 AGENT FLETCHER: Okay. Thank you

4 MS. ROGET: Thank you.

5 AGENT FLETCHER: Okay. But you know,

6 you needed to have an opportunity to respond.

7 MR. WOODSON: Ms. Fletcher?

8 AGENT FLETCHER: Yes?

9 MR. WOODSON: I have made a  
10 dispositive motion to dismiss the proceeding  
11 under the statute.

12 AGENT FLETCHER: Um-hum.

13 MR. WOODSON: My question to you is do  
14 you believe that the Board would like me to  
15 reiterate my oral objection --

16 AGENT FLETCHER: Um-hum.

17 MR. WOODSON: -- in writing?

18 AGENT FLETCHER: Yes.

19 MR. WOODSON: As a formal motion?

20 AGENT FLETCHER: Yes.

21 MR. WOODSON: Okay. I would ask that  
22 pending Board action --



1                   AGENT FLETCHER: Um-hum.

2                   MR. WOODSON: -- on the Motion to  
3 Dismiss, that the protest not be set down for an  
4 actual hearing date, but that the Board have an  
5 opportunity to consider the merits of my  
6 proposition to them and make a decision.

7                   MS. ROGET: I would object to that  
8 very strongly.

9                   AGENT FLETCHER: Um-hum.

10                  MS. ROGET: I believe that the  
11 community has an opportunity to share their  
12 concerns and I do not want to lose that  
13 opportunity. The community has concerns and we  
14 have a right to be heard.

15                  AGENT FLETCHER: Well, the -- so here  
16 is what I'm going to do. The -- I will go ahead  
17 and grant conditional standing to your group, but  
18 I'm not going to set any dates. I'm not going to  
19 set any dates for any mediation or any hearings  
20 until the Board rules on the Motion to Dismiss.

21                                 And then if the Board grants the  
22 applicant's Motion to Dismiss, they will dismiss

1 the protest group at the same time.

2 If they don't, they will instruct us  
3 what to do beyond that point. So I'm not going  
4 to set any dates for mediation, Status Hearing or  
5 Protest Hearings, which is what we would normally  
6 do today.

7 Today I'm just going to grant  
8 conditional standing to your group and the Board  
9 can dismiss the group if they decide to upon  
10 receipt of Mr. Woodson's Motion to Dismiss.

11 MS. ROGET: Understood.

12 MR. WOODSON: One more point of  
13 information, Ms. Fletcher.

14 If -- I don't want to misstate her  
15 name, could you state your name again, please? I  
16 know I heard Gisele, which is a very pretty name.

17 MS. ROGET: It's Ms. Roget.

18 MR. WOODSON: Roget. Okay. Is -- Ms.  
19 Roget, are you stating that you are the  
20 authorized individual to receive service of my  
21 filing to the Board?

22 MS. ROGET: Yes.

1 MR. WOODSON: Okay. At the address  
2 stated in the Protest Letter?

3 MS. ROGET: Yes.

4 MR. WOODSON: All right. Thank you.

5 AGENT FLETCHER: Okay. Ms. Roget,  
6 your group is granted conditional standing.

7 Mr. Woodson is going to motion the  
8 Board to dismiss the protest. Upon receipt of  
9 that motion, the Board will instruct us all what  
10 happens next.

11 Ms. Roget, is your contact information  
12 on that sheet?

13 MS. ROGET: I can put it down.

14 AGENT FLETCHER: Thank you. Any  
15 questions at all? The Roll Call Hearing is  
16 concluded.

17 MR. WOODSON: Thank you, Ms. Fletcher.

18 MS. ROGET: Thank you.

19 AGENT FLETCHER: Thank you. You're  
20 welcome.

21 (Whereupon, the Roll Call Hearing was  
22 concluded at 10:17 a.m.)

A	17:10	D	
<b>A-N-D-R-E</b> 3:7 <b>a.m</b> 2:2 19:22 <b>ABC</b> 13:12 <b>ABRA-087875</b> 1:10 2:10 <b>accepted</b> 12:3,19 <b>action</b> 16:22 <b>actual</b> 17:4 <b>add</b> 5:16 <b>address</b> 14:1 19:1 <b>addressed</b> 13:6,7 <b>adverse</b> 2:12 <b>Agency</b> 5:22 <b>Agent</b> 1:18 2:3,9,18 3:4 3:8,14,17,20,22 4:4,6 4:9,14,21 5:7,10 6:15 6:19,22 7:2,5,15,17 7:20 9:3,7,11,15,21 10:2,14,17,20 11:2,6 11:9,15,19,22 12:3,9 12:12,16,18 13:9,21 14:9,11,15,18,21 15:3 15:6,11,14,21 16:1,3 16:5,8,12,16,18,20 17:1,9,15 19:5,14,19 <b>agree</b> 11:14 <b>agreement</b> 5:21 6:5 7:10 8:6 10:4 13:3,10 13:14 14:22 15:2,9 <b>ahead</b> 17:16 <b>Alcoholic</b> 1:3,17,17 <b>allow</b> 13:13 <b>ANC</b> 5:17,17 6:3 7:3,13 8:4,6,7,9 10:1,5 11:13 13:2,9 15:9,18 <b>ANC's</b> 11:13 <b>Andre</b> 3:2 <b>apologies</b> 14:2 <b>appear</b> 4:17 <b>appeared</b> 4:11 <b>applicant</b> 2:20 3:3 <b>applicant's</b> 5:21 17:22 <b>application</b> 5:19 <b>appreciate</b> 5:2 <b>approach</b> 6:14 <b>associated</b> 7:11 <b>attended</b> 8:9 15:19 <b>authorized</b> 5:6 18:20 <b>avenue</b> 5:14 <b>aware</b> 7:3 8:6 10:8,8	<b>Beverage</b> 1:3,17,17 <b>beyond</b> 7:8 18:3 <b>Board</b> 1:3,17 4:14 6:6 7:9 13:6,12,15 16:14 16:22 17:4,20,21 18:8 18:21 19:8,9 <b>Board's</b> 2:17 <b>brings</b> 5:5 <b>brought</b> 11:11 <b>Building</b> 1:18 <b>business</b> 8:1,11,16 9:14 10:6 15:20	<b>D-E-M-O-Y-A</b> 3:7 <b>D.C</b> 1:18 <b>date</b> 17:4 <b>dated</b> 7:13 <b>dates</b> 17:18,19 18:4 <b>dealing</b> 6:9 <b>decide</b> 13:13 18:9 <b>decision</b> 13:15,15 17:6 <b>deference</b> 5:3 <b>DeMoya</b> 3:2,5,7 8:2 <b>designated</b> 12:4,9,14 12:19 14:6 <b>designating</b> 14:12 <b>determination</b> 10:21 <b>discussed</b> 11:2 <b>discussions</b> 8:7 10:6 <b>dismiss</b> 6:6 13:18 16:10 17:3,20,22,22 18:9,10 19:8 <b>dismissal</b> 5:12 6:13 <b>dismissed</b> 4:19 <b>dispositive</b> 16:10 <b>DISTRICT</b> 1:1 <b>document</b> 7:7 11:11 <b>documented</b> 5:5	14:21 15:3,6,11,14,21 16:1,3,5,7,8,12,16,18 16:20 17:1,9,15 18:13 19:5,14,17,19 <b>formal</b> 16:19 <b>forward</b> 2:4 <b>four</b> 4:16 <b>free</b> 3:13 9:6 13:22 <b>full</b> 4:18 13:6,15 <b>further</b> 7:12
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Before: DC ABRA

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