

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 ROLL CALL HEARING

IN THE MATTER OF: :
 :
 Brothers Burger, LLC, :
 t/a Felicity Lounge :
 707 H Street, NE :
 : Roll Call
 Retailer CR - ANC 6C :
 : Hearing
 License No. ABRA-112502 :
 Case #20-PRO-00006 :
 :
 (Substantial Change :
 [Class CR Restaurant to :
 Class CT Tavern]) :

Monday
 February 3, 2020

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, LaVerne
 Fletcher, Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board's Agent

ALSO PRESENT:

JEFFEARY MISKIRI, APPLICANT
 JOEL KELTY, ANC 6C
 ANGELLE SMITH BAUGH, PROTESTANT
 ANDREW LUND, PROTESTANT
 DAVID BAILLAT, PROTESTANT
 JACLYN KLINE, PROTESTANT
 PETER MEDLEY, PROTESTANT
 JORDAN BAUGH, PROTESTANT
 CARLYN MADDEN, PROTESTANT
 JOHN GEISE, PROTESTANT
 ALEX ACKEMANN, PROTESTANT

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

2 10:09 a.m.

3 MS. FLETCHER: Would the parties in
4 the matter of Felicity Lounge please come
5 forward, the parties in the matter of Felicity
6 Lounge?

7 This is Case No. 20-PRO-0006, Brothers
8 Burger, LLC, 707 H Street, Northeast, License No.
9 ABRA-112502. This is a Retailer Class CR,
10 Substantial Change, Class CR Restaurant to Class
11 CT Tavern. The protest issues are adverse impact
12 on peace, order and quiet, residential parking
13 and vehicular and pedestrian safety, and real
14 property values.

15 My name is LaVerne Fletcher,
16 conducting the roll call hearing as the Board's
17 agent. Introductions beginning with the
18 applicant, please.

19 MR. MISKIRI: Good morning, Ms.
20 Fletcher. Jeffeary Miskiri, J-E-F-F-E-A-R-Y,
21 last name M-I-S-K-I-R-I.

22 MS. FLETCHER: Jeffeary, what's your
23 last name again?

24 MR. MISKIRI: Miskiri, M-I-S-K-I-R --
25 R-I, excuse me.

1 MS. FLETCHER: M-I-S-K-I?

2 MR. MISKIRI: K-I-R-I.

3 MS. FLETCHER: Oh, thank you. Thank
4 you. Person on behalf of ANC 6C?

5 MR. KELTY: Good morning. My name is
6 Commissioner Joel Kelty, J-O-E-L K-E-L-T-Y. I'm
7 here on behalf of ANC 6C.

8 MS. FLETCHER: Thank you, Mr. Kelty.
9 There's a group of 24. Is there anyone present
10 on behalf of the group of 24?

11 MS. BAUGH: Yes, ma'am. My name is
12 Angelle Smith Baugh, A-N-G-E-L-L-E S-M-I-T-H B-A-
13 U-G-H.

14 MS. FLETCHER: Thank you, Ms. Baugh.
15 Are any individuals present from your group
16 today?

17 MS. BAUGH: Yes, ma'am.

18 MS. FLETCHER: Thank you. If you
19 would just stand right beside Ms. Baugh, there's
20 a microphone on the table and just state your
21 name and spell it for the record. Don't move the
22 microphone.

23 MR. LUND: Andrew Lund, A-N-D-R-E-W L-
24 U-N-D.

25 MS. FLETCHER: Thank you.

1 MR. BAILLAT: David Baillat, D-A-V-I-D
2 B-A-I-L-L-A-T.

3 MS. FLETCHER: What's the last name?
4 I'm sorry.

5 MR. BAILLAT: Baillat.

6 MS. FLETCHER: Oh, could you spell it
7 one more time?

8 MR. BAILLAT: B-A-I-L-L-A-T.

9 MS. FLETCHER: Thank you.

10 MS. KLINE: Jaclyn Kline. It's J-A-C-
11 L-Y-N and last name is K-L-I-N-E.

12 MS. FLETCHER: Thank you.

13 MR. MEDLEY: Peter Medley, P-E-T-E-R
14 M-E-D-L-E-Y.

15 MR. BAUGH: Jordan Baugh, J-O-R-D-A-N
16 B-A-U-G-H.

17 MS. MADDEN: Carlyn Madden, C-A-R-L-Y-
18 N --

19 MS. FLETCHER: I'm sorry. What was
20 the first name?

21 MS. MADDEN: Carlyn.

22 MS. FLETCHER: Carlyn?

23 MS. MADDEN: C-A-R-L-Y-N. Last name
24 Madden, M-A-D-D-E-N.

25 MR. GEISE: John Geise, J-O-H-N G-E-I-

1 S-E.

2 MR. ACKEMANN: Alex Ackemann. It's A-
3 L-E-X A-C-K-E-M-A-N-N.

4 MS. FLETCHER: Thank you, Mr.
5 Ackemann. And Angelle Baugh, you're also a
6 protestant? You also signed the protest letter,
7 Mr. Baugh?

8 MS. BAUGH: Yes, ma'am.

9 MS. FLETCHER: Thank you.

10 MR. KELTY: Ms. Fletcher, I have a
11 procedural question --

12 MS. FLETCHER: Yeah.

13 MR. KELTY: -- or request. I'd like
14 this matter to be dismissed on the basis that the
15 owner of the applicant is not present.

16 MS. FLETCHER: Okay.

17 MR. MISKIRI: That's not true.

18 MS. FLETCHER: Just a second. I can
19 just respond to that. Mr. Kelty, for the roll
20 call hearing, we'll accept whichever
21 representative you send and including the
22 applicant, including the protestant for the
23 purpose of the roll call hearing.

24 At the upcoming status hearing. The
25 Board will want to see the owner.

1 MR. KELTY: Okay. And you have an
2 authorized agent -- an agent authorization for
3 Mr. Miskiri?

4 MS. FLETCHER: For the purpose of the
5 roll call, it's okay. Whoever shows up, it's
6 okay.

7 MR. KELTY: Thank you.

8 MS. FLETCHER: A designated
9 representative does not have to be officially
10 established until the status hearing.

11 MR. KELTY: Thank you.

12 MS. FLETCHER: You were going to
13 respond to that --

14 MR. MISKIRI: Yes.

15 MS. FLETCHER: -- Mr. Miskiri?

16 MR. MISKIRI: If you can talk to your
17 colleague, I was added to the -- as an owner on
18 the license. So maybe he wasn't aware of that,
19 but I am an owner of the establishment.

20 MS. FLETCHER: Okay.

21 MR. KELTY: Mr. Fletcher, the ANC is
22 required to receive notification of any change of
23 application to the ownership of the
24 establishment. We did not receive such
25 notification.

1 MS. FLETCHER: Okay.

2 MR. KELTY: This will be a contested
3 matter, but I'm willing to set it aside until we
4 get to the actual hearing.

5 MS. FLETCHER: Okay.

6 MR. KELTY: Thank you.

7 MS. FLETCHER: Thank you. So Mr.
8 Kelty, I'm making a note of the fact that the ANC
9 did not receive notice of the change in
10 ownership.

11 MR. KELTY: That's correct. And in
12 addition, I have three times requested a copy of
13 the application for the substantial change from a
14 restaurant to a tavern and I have yet to receive
15 that information. We will require that in order
16 to mount an argument against approval of that
17 application.

18 MS. FLETCHER: Thank you. There is
19 also a group of 10. Is there anyone present from
20 the group of 10? Mr. Kelty, are you representing
21 the group of 10 as well?

22 MR. KELTY: I'm available to represent
23 the group of 10. I've been authorized to do so.
24 I believe there may be some overlap between the
25 two groups.

1 MS. FLETCHER: Yes.

2 MR. KELTY: But I'm happy to represent
3 for the purposes of this meeting.

4 MS. FLETCHER: Okay. Well, thank you.
5 And would any members from that group of 10
6 please line up between Mr. Baugh and Mr. Kelty?
7 And if you could state your name and spell it for
8 the record.

9 MS. BAUGH: I'm also a signatory of
10 that letter.

11 MR. LUND: Andrew Lund, A-N-D-R-E-W L-
12 U-N-D.

13 MR. BAILLAT: David Baillat, D-A-V-I-D
14 B-A-I-L-L-A-T.

15 MS. FLETCHER: Thank you.

16 MR. BAUGH: Jordan Baugh, J-O-R-D-A-N
17 B-A-U-G-H.

18 MS. MADDEN: Carlyn Madden, C-A-R-L-Y-
19 N M-A-D-D-E-N.

20 MR. ACKEMANN: Alex Ackemann, A-L-E-X
21 A-C-K-E-M-A-N-N.

22 MR. KELTY: She's unsure whether she
23 signed both letters or not.

24 MS. FLETCHER: Oh, I can let you know.

25 MR. KELTY: Should we have her name

1 anyway?

2 MS. FLETCHER: Yeah, I'll check for
3 you.

4 MS. KLINE: Okay.

5 MS. FLETCHER: Give me one second and
6 I'll tell you. Let me get your name again.

7 MS. KLINE: Yeah, it's Jaclyn Kline.
8 The last name is K-L-I-N-E.

9 MS. FLETCHER: One second. Okay. Ms.
10 Kline, you didn't sign that one.

11 MS. KLINE: Okay. Thank you.

12 MS. FLETCHER: Okay. With respect to
13 the group of 24, that group has standing as
14 protestants and these nine members from that
15 group are present today. With respect to the
16 group of 10, the group of 10 is granted full
17 standing today because at least five members from
18 that group are present today.

19 And present on behalf of ANC 6C, that
20 would be you, Mr. --

21 MR. KELTY: Yes.

22 MS. FLETCHER: -- Kelty? Thank you.
23 ANC 6C has standing as a protestant. I have a
24 question regarding the group of 24, Ms. Baugh.

25 MS. BAUGH: Mm-hmm.

1 MS. FLETCHER: In your protest letter,
2 you mentioned that the group of 24 included an
3 abutting property owner. Is that abutting
4 property owner also filing a protest as an
5 abutting property owner or only as a part of the
6 group of 24?

7 MS. BAUGH: So they're part of both
8 the group of 24 and the group of 10.

9 MS. FLETCHER: This is only related to
10 the abutting property owner.

11 MS. BAUGH: Correct. I'm saying the
12 abutting property owner has signed both letters.

13 MS. FLETCHER: Right. Okay. And so
14 I've actually got that part. In the protest
15 letter, it also mentions that the group of 24
16 includes one abutting property owner.

17 MS. BAUGH: That's correct.

18 MS. FLETCHER: So that abutting
19 property owner is filing a separate protest?

20 MS. BAUGH: No, ma'am.

21 MS. FLETCHER: Just part of the group?

22 MS. BAUGH: Correct.

23 MS. FLETCHER: Okay. I just wanted to
24 clarify that. Thank you very much. Okay. We
25 need to set a date for a mediation status hearing

1 the protest hearing. And I'll give you the dates
2 for the status and protest hearing first. The
3 date for the status hearing is March 25 at 9:30.

4 MR. MISKIRI: 9:30?

5 MS. FLETCHER: 9:30, March 25 at 9:30
6 for the status hearing. The protest hearing is
7 set for March 29 at 4:30. The protest hearing is
8 -- sorry, April 29 at 4:30 for the protest
9 hearing. And the status hearing is March 25 at
10 9:30.

11 MR. KELTY: Okay. So I have
12 Wednesday, March 25th at 9:30 for the status
13 hearing, and I have Wednesday, April 29th at 4:30
14 for the protest hearing?

15 MS. FLETCHER: Yes.

16 MR. KELTY: Thank you.

17 MS. FLETCHER: You're welcome. I will
18 give you the next available day for mediation.
19 The next available day is March 12 at pretty much
20 anytime that day between 9:00 and 2:00 in the
21 afternoon. 9:00, 9:30, 10:00, 10:30, whatever
22 time works.

23 MR. MISKIRI: 12?

24 MS. FLETCHER: On the 12th.

25 MR. MISKIRI: The earlier, the better

1 for me.

2 MS. FLETCHER: So whatever time is --

3 MR. KELTY: We can do earlier than
4 that if you'd like. Should we do 10:30, 10:00?

5 MR. MISKIRI: 10:00 is fine.

6 MR. KELTY: Did you say 10:00 was
7 available?

8 MS. FLETCHER: Mm-ma'am.

9 MR. KELTY: 10:00 o'clock?

10 MS. FLETCHER: 10:00 o'clock.

11 MR. MISKIRI: 10:00 is fine with me.

12 MR. KELTY: On March 12th at 10:00
13 o'clock for the mediation, right?

14 MS. FLETCHER: Yes.

15 MR. KELTY: Thank you.

16 MS. FLETCHER: So mediation is set for
17 Thursday, March 12, 10:00 o'clock a.m. Questions
18 at all?

19 (No audible response.)

20 MS. FLETCHER: Thank you for coming.
21 See you then.

22 MR. KELTY: Thank you.

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

25

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Felicity Lounge

Before: DCABRA

Date: 02-03-20

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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