

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

IN THE MATTER OF:                   :  
   :  
 1336 U Street LLC,                 :  
 t/a Hawthorne                     :  
 1336 U Street NW                 : Roll Call  
 Retailer CT                       : Hearing  
 License No. ABRA-099603       :  
 Case #20-PRO-00012             :  
   :  
 (Petition to Amend or           :  
 Terminate Settlement           :  
 Agreement)                        :

Monday  
 March 9, 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:

FRANCIS BROAGAN, Counsel for Applicant  
 AILEEN JOHNSON, Protestant  
 BRIAN RACILLA, Protestant  
 HOLLY TWYFORD, Protestant  
 SARAH GOLDFRANK, Protestant  
 DAVID FINKELSTEIN, Protestant  
 DAN WITTELS, Protestant  
 GUY PODGORNIK, Protestant  
 JANICE REYES, Protestant

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

10:04 a.m.

MS. FLETCHER: This is Case Number 20-PRO-00012, 1336 U Street LLC, trading as Hawthorne, excuse me, License Number ABRA 099603. This is a Retailer Class CT Petition to Amend or Terminate Settlement Agreement.

The protest issues are adverse impact on peace, order and quiet, residential parking and vehicular and pedestrian safety and real property values. My name is LaVerne Fletcher conducting the roll call hearing as the Board's agent.

Introductions beginning with the Applicant, please if you could state your name and spell it for the record.

MR. BROAGAN: Sure. Francis Broagan on behalf of the Applicant, F-R-A-N-C-I-S. Broagan, B-R-O-A-G-A-N.

MS. FLETCHER: Thank you, Mr. Broagan. And present on behalf of the group of nine.

MS. JOHNSON: Good morning, Ms. Fletcher. Aileen Johnson, A-I-L-E-E-N, J-O-H-N-S-O-N on behalf of the protesting group of which

1 I'm a member.

2 MS. FLETCHER: Thank you, Ms.  
3 Johnson. And individuals present if you could  
4 just stand right in front of the microphone and  
5 state your name and spell it for the court  
6 reporter, please. Thank you.

7 MR. RACILLA: Brian Racilla, B-R-I-A-  
8 N. Last name Racilla, R-A-C-I-L-L-A.

9 MS. FLETCHER: Thank you.

10 MS. TWYFORD: Holly Twyford. First  
11 name Holly, H-O-L-L-Y. Last name Twyford, T-W-  
12 Y-F-O-R-D.

13 MS. GOLDFRANK: Good morning. Sarah  
14 Goldfrank, S-A-R-A-H, G-O-L-D-F-R-A-N-K at 1344  
15 NW.

16 MS. FLETCHER: Thank you.

17 MR. FINKELSTEIN: Hello. David  
18 Finkelstein, D-A-V-I-D, F-I-N-K-E-L-S-T-E-I-N.

19 MR. WITTELS: Dan Wittels, W-I-T-T-E-  
20 L-S.

21 MR. PODGORNIK: Guy Podgornik.  
22 That's G-U-Y. Last name P-O-D-G-O-R-N-I-K.

23 MS. REYES: Janice Reyes. It's J-A-  
24 N-I-C-E. Reyes, is R-E-Y-E-S.

25 MS. FLETCHER: Thank you very much.

1 And, Ms. Johnson, you are also a protestant?

2 MS. JOHNSON: Yes, I am. Yes, I am a  
3 protestant also.

4 MS. FLETCHER: Okay. So, I count  
5 eight as the number present today which means  
6 that the group has standing as a protestant at  
7 the upcoming status hearing.

8 Ms. Johnson that means that only you  
9 would need to appear for the status hearing  
10 unless everybody else wanted to come.

11 MS. JOHNSON: Thank you.

12 MS. FLETCHER: That standing has been  
13 granted in full and you are the designated  
14 representative.

15 MS. JOHNSON: Thank you.

16 MS. FLETCHER: I'm going to give you  
17 a date for a status hearing and the protest  
18 hearing, then we'll set a date for mediation.  
19 The date for the status hearing is going to be  
20 April the 8th, 2020, at 9:30 a.m., April 8.

21 The protest hearing is set for May  
22 13, at 4:30 p.m., May 13. I will give you the  
23 next available date for mediation. The next  
24 available date for mediation is Tuesday, March  
25 24.

1                   Tuesday March 24 at 9:00, 9:30,  
2                   10:00, 10:30, 11:00, 11:30, pretty much any time  
3                   that date up until 2 o'clock in the afternoon.  
4                   That's Tuesday, March 24th.

5                   MS. JOHNSON: Could I have a moment?

6                   MS. FLETCHER: Yes. You could also  
7                   do that on March 17, same time just so you know.

8                   MS. JOHNSON: March 17th?

9                   MS. FLETCHER: Yes. We could also  
10                  have you on March 17th any time between 9:00 and  
11                  2:00.

12                  MS. JOHNSON: March 17th.

13                  MR. BROAGAN: Sure.

14                  MS. JOHNSON: 10:00 or 10:30?

15                  MR. BROAGAN: Sounds great.

16                  MS. FLETCHER: 10:00, okay.

17                  Mediation is set for Tuesday, March 10, I'm  
18                  sorry, March 17th at 10:00.

19                  MS. JOHNSON: At 10:00, okay.

20                  MS. FLETCHER: March 17th. Any  
21                  questions at all? No questions?

22                  MS. JOHNSON: No.

23                  MS. FLETCHER: Okay. Thank you for  
24                  coming. See you then.

25                  MS. JOHNSON: Okay, thank you.

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MR. BROAGAN: Thank you.

MS. FLETCHER: You're welcome. The  
roll call hearing is completed. Thank you.

(Whereupon, the above-entitled matter  
went off the record at 10:11 a.m.)

<b>A</b>	<b>eight</b> 4:5 <b>everybody</b> 4:10 <b>excuse</b> 2:5	<b>M</b>	<b>R-A-C-I-L-L-A</b> 3:8 <b>R-E-Y-E-S</b> 3:24 <b>Racilla</b> 1:21 3:7,7,8 <b>real</b> 2:10 <b>record</b> 2:16 6:5 <b>Reeves</b> 1:15 <b>reporter</b> 3:6 <b>representative</b> 4:14 <b>residential</b> 2:9 <b>Retailer</b> 1:7 2:6 <b>Reyes</b> 1:24 3:23,23,24 <b>roll</b> 1:3,7 2:12 6:3 <b>Room</b> 1:15
<b>A-I-L-E-E-N</b> 2:24 <b>a.m</b> 2:2 4:20 6:5 <b>above-entitled</b> 6:4 <b>ABRA</b> 1:18 2:5 <b>ABRA-099603</b> 1:8 <b>adverse</b> 2:8 <b>afternoon</b> 5:3 <b>agent</b> 1:16,18 2:13 <b>Agreement</b> 1:10 2:7 <b>Aileen</b> 1:21 2:24 <b>Alcoholic</b> 1:2,14,14 <b>Amend</b> 1:9 2:7 <b>appear</b> 4:9 <b>Applicant</b> 1:20 2:15,18 <b>April</b> 4:20,20 <b>available</b> 4:23,24	<b>F</b>	<b>March</b> 1:12 4:24 5:1,4,7 5:8,10,12,17,18,20 <b>matter</b> 1:5 6:4 <b>means</b> 4:5,8 <b>mediation</b> 4:18,23,24 5:17 <b>member</b> 3:1 <b>met</b> 1:14 <b>microphone</b> 3:4 <b>moment</b> 5:5 <b>Monday</b> 1:12 <b>morning</b> 2:23 3:13	<b>S</b>
<b>B</b>	<b>F-I-N-K-E-L-S-T-E-I-N</b> 3:18 <b>F-R-A-N-C-I-S</b> 2:18 <b>Finkelstein</b> 1:23 3:17 3:18 <b>First</b> 3:10 <b>Fletcher</b> 1:16,18 2:3,11 2:20,24 3:2,9,16,25 4:4,12,16 5:6,9,16,20 5:23 6:2 <b>Francis</b> 1:20 2:17 <b>front</b> 3:4 <b>full</b> 4:13	<b>N</b>	<b>S-A-R-A-H</b> 3:14 <b>S-O-N</b> 2:25 <b>safety</b> 2:10 <b>Sarah</b> 1:22 3:13 <b>set</b> 4:18,21 5:17 <b>Settlement</b> 1:10 2:7 <b>sorry</b> 5:18 <b>Sounds</b> 5:15 <b>spell</b> 2:16 3:5 <b>stand</b> 3:4 <b>standing</b> 4:6,12 <b>state</b> 2:15 3:5 <b>status</b> 4:7,9,17,19 <b>Street</b> 1:6,7,15 2:4 <b>Suite</b> 1:15
<b>B-R-I-A-</b> 3:7 <b>B-R-O-A-G-A-N</b> 2:19 <b>beginning</b> 2:14 <b>behalf</b> 2:18,21,25 <b>Beverage</b> 1:2,14,14 <b>Board</b> 1:2,14 <b>Board's</b> 1:16,18 2:12 <b>Brian</b> 1:21 3:7 <b>Broagan</b> 1:20 2:17,17 2:19,21 5:13,15 6:1 <b>Building</b> 1:15	<b>G</b>	<b>N</b> 3:8 <b>N-I-C-E</b> 3:24 <b>N.W</b> 1:15 <b>name</b> 2:11,15 3:5,8,11 3:11,22 <b>need</b> 4:9 <b>nine</b> 2:22 <b>number</b> 2:3,5 4:5 <b>NW</b> 1:7 3:15	<b>T</b>
<b>C</b>	<b>G-O-L-D-F-R-A-N-K</b> 3:14 <b>G-U-Y</b> 3:22 <b>give</b> 4:16,22 <b>Goldfrank</b> 1:22 3:13,14 <b>granted</b> 4:13 <b>group</b> 2:21,25 4:6	<b>O</b>	<b>T-W-</b> 3:11 <b>t/a</b> 1:6 <b>Terminate</b> 1:10 2:7 <b>thank</b> 2:20 3:2,6,9,16 3:25 4:11,15 5:23,25 6:1,3 <b>today</b> 4:5 <b>trading</b> 2:4 <b>Tuesday</b> 4:24 5:1,4,17 <b>Twyford</b> 1:22 3:10,10 3:11
<b>call</b> 1:3,7 2:12 6:3 <b>Case</b> 1:8 2:3 <b>Class</b> 2:6 <b>COLUMBIA</b> 1:1 <b>come</b> 4:10 <b>coming</b> 5:24 <b>completed</b> 6:3 <b>conducting</b> 2:12 <b>Control</b> 1:2,14,14 <b>Counsel</b> 1:20 <b>count</b> 4:4 <b>court</b> 3:5 <b>CT</b> 1:7 2:6	<b>H</b>	<b>P</b>	<b>U</b>
<b>D</b>	<b>H-O-L-L-Y</b> 3:11 <b>Hawthorne</b> 1:6 2:5 <b>hearing</b> 1:3,7,14 2:12 4:7,9,17,18,19,21 6:3 <b>Hello</b> 3:17 <b>Holly</b> 1:22 3:10,11	<b>P-O-D-G-O-R-N-I-K</b> 3:22 <b>P-R-O-C-E-E-D-I-N-G-S</b> 2:1 <b>p.m</b> 4:22 <b>parking</b> 2:9 <b>peace</b> 2:9 <b>pedestrian</b> 2:10 <b>Petition</b> 1:9 2:6 <b>please</b> 2:15 3:6 <b>Podgornik</b> 1:24 3:21,21 <b>present</b> 1:17,19 2:21 3:3 4:5 <b>presiding</b> 1:16 <b>pretty</b> 5:2 <b>property</b> 2:11 <b>protest</b> 2:8 4:17,21 <b>protestant</b> 1:21,21,22 1:22,23,23,24,24 4:1 4:3,6 <b>protesting</b> 2:25	<b>V</b>
<b>D-A-V-I-D</b> 3:18 <b>D.C</b> 1:15 <b>Dan</b> 1:23 3:19 <b>date</b> 4:17,18,19,23,24 5:3 <b>David</b> 1:23 3:17 <b>designated</b> 4:13 <b>DISTRICT</b> 1:1	<b>I</b>	<b>Q</b>	<b>W</b>
<b>E</b>	<b>impact</b> 2:8 <b>individuals</b> 3:3 <b>Introductions</b> 2:14 <b>issues</b> 2:8	<b>questions</b> 5:21,21 <b>quiet</b> 2:9	<b>W-I-T-T-E-</b> 3:19 <b>wanted</b> 4:10 <b>Washington</b> 1:15 <b>welcome</b> 6:2 <b>went</b> 6:5
	<b>J</b>	<b>R</b>	
	<b>J-A-</b> 3:23 <b>J-O-H-N-</b> 2:24 <b>Janice</b> 1:24 3:23 <b>Johnson</b> 1:21 2:23,24 3:3 4:1,2,8,11,15 5:5 5:8,12,14,19,22,25		
	<b>K</b>		
	<b>L</b>		
	<b>L-S</b> 3:20 <b>LaVerne</b> 1:15,18 2:11 <b>License</b> 1:8 2:5 <b>LLC</b> 1:6 2:4		

**Wittels 1:23 3:19,19**

**X**

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**Y-F-O-R-D 3:12**

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**099603 2:6**

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**10:00 5:2,14,16,18,19**

**10:04 2:2**

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**1336 1:6,7 2:4**

**1344 3:14**

**14th 1:15**

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**17th 5:8,10,12,18,20**

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**20-PRO-00012 1:8 2:4**

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**2020 1:12 4:20**

**24 4:25 5:1**

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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: Hawthorne

Before: DCABRA

Date: 03-09-20

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.

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

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