

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

2 10:09 a.m.

3 MS. FLETCHER: Well, first of all, I'd
4 like to thank everyone for participating in
5 ABRA's roll call hearings via the Webex platform
6 provided by the D.C. Office of Open Government.
7 There are two cases on the calendar today. The
8 first hearing on the calendar is Hillview Market.

9 This is Case No. 22-PRO-00001,
10 Hillview Market, LLC, 2324 North Capitol Street,
11 Northwest, License No. ABRA-119160. This is a
12 Retailer Class B, substantial change. This is a
13 license class change from B market to Class A
14 liquor store.

15 My name is LaVerne Fletcher conducting
16 the role call hearing as the Board's agent. Who
17 is present on behalf of the applicant? Is anyone
18 present on behalf of Hillview Market?

19 MR. TANDON: Yes, I am. My name is
20 Dinesh Tandon. I am representing my wife who is
21 the applicant, Nidhi Tandon.

22 MS. FLETCHER: Thank you very much.
23 Mr. Tandon, would you please spell your name for
24 the record?

25 MR. TANDON: Dinesh Tandon. Dinesh is

1 D as in David, I-N-E-S-H. Last name, Tandon, T
2 as on Tom, A-N-D as in David, O-N.

3 MS. FLETCHER: Thank you very much.
4 And present on behalf of the Stronghold Civic
5 Association?

6 MR. VINING: Kirby Vining representing
7 the Stronghold Civic Association.

8 MS. FLETCHER: Thank you, Mr. Vining.
9 Would you spell your name for the record, please?

10 MR. VINING: First name is Kirby, K as
11 in Kenneth, I-R-B-Y. Last name, Vining, V as in
12 Victor, I-N-I-N-G.

13 MS. FLETCHER: Thank you. Is anyone
14 else from the Association present today?

15 MR. VINING: Not from the Stronghold
16 Civic Association, no.

17 MS. FLETCHER: Okay. Thank you. I
18 just want to make sure. Mr. Vining, I have a
19 question for you. I read in your protest letter
20 where the Association gave notice to the
21 community about the meeting that you held on
22 December 6, 2021. You notified the community of
23 the meeting which is correct. Did you also
24 notify the applicant of that meeting you held?

25 MR. VINING: Applicant, as I recall,

1 joined us at our November Stronghold Civic
2 Association meeting. I can't recall if the
3 applicant joined us at the December one or not.
4 But we've been in constant communication with the
5 applicant.

6 MS. FLETCHER: Well, let me ask Mr.
7 Tandon. Mr. Tandon, did you or your wife attend
8 a meeting of the Association related to this
9 application?

10 MR. TANDON: I recall attending three
11 Zoom meetings. And one of them I was not
12 notified, and I don't know which -- what
13 particular date was it. But I was not notified,
14 neither was my wife notified about it. And
15 Commissioner Barnes called me and told me that
16 why did I -- why am I not there. And at the last
17 minute, like, you know. But I was not notified
18 before.

19 MS. FLETCHER: You wound up going --
20 you're saying that you wound up going but not
21 because the Association informed you but because
22 someone else informed you?

23 MR. TANDON: Yes, Commissioner Barnes
24 called me and told me about this meeting. But I
25 didn't get any notification besides her call.

1 MS. FLETCHER: Well, who's Mr. Barnes?

2 MR. TANDON: Ms. Barnes, the
3 Commissioner Barnes.

4 MS. FLETCHER: Commissioner Barnes?
5 Which Commissioner, from the ANC?

6 MS. BARNES: Yes.

7 MS. FLETCHER: Which ANC?

8 MS. BARNES: ANC 5E.

9 MS. FLETCHER: Okay. So Ms. Barnes
10 from ANC 5E notified you of the meeting. And so
11 you attended the meeting.

12 MR. TANDON: And then I don't
13 particularly remember what meeting was it. But I
14 attended three Zoom meetings. And I was -- I'm
15 not sure about the December 6th. I guess I was
16 not in December 6th meeting, yeah.

17 MS. FLETCHER: Well, you don't know
18 because you don't remember which ones you went
19 to. But the ones that you went to, were they
20 related to the application?

21 MR. TANDON: Well, yes, they were
22 about -- they were discussing --

23 MS. FLETCHER: They were related to
24 the --

25 MR. TANDON: -- about the application.

1 MS. FLETCHER: They were related to
2 the application that you submitted?

3 MR. TANDON: Yes, ma'am.

4 MS. FLETCHER: Okay. Thank you. So
5 what I'm going to do, I'm going to make a note
6 here that -- so Mr. Tandon, you attended a
7 meeting related to the application. You just
8 don't know which one it was. And you didn't
9 receive notice from the Association. But you
10 wound up attending the meeting because Ms. Barnes
11 informed you of the meeting.

12 MR. TANDON: Yes, I remember one was
13 December 21st. I attended that one. One was
14 17th and before that was in November. I am sure
15 that December 6th was I was not there. I'm
16 pretty sure about it. I'm not 100 percent sure,
17 but I'm pretty sure about it.

18 MS. FLETCHER: Okay. Thank you. Just
19 a moment. So what I'm going to do, I'm going to
20 grant standing to the Stronghold Civic
21 Association. Mr. Vining, as far as you know,
22 your Association gave notice to the community
23 regarding the meeting.

24 MR. VINING: Oh, yes. Several times.

25 MS. FLETCHER: There's also a

1 requirement that you give at least seven days
2 notice to the applicant just so that you know.
3 So I don't know who submitted your -- I think
4 your protest letter was submitted by your
5 president of the Association. So you may or may
6 not know what she did or did not do.

7 But just so that you know whenever an
8 Association files a protest against an
9 application, you have to give at least seven days
10 notice to the applicant so that they have an
11 opportunity to attend the meeting concerning the
12 application. So in this case, Mr. Tandon had an
13 opportunity to attend a meeting concerning the
14 application because Ms. Barnes informed of it.
15 But for that, I would have to dismiss the
16 Association. But because Mr. Tandon wound up
17 attending the meeting concerning the application,
18 I'm going to go ahead and grant standing to the
19 Stronghold Civic Association.

20 MR. VINING: We had -- we first
21 learned about the application in October. And
22 our president, India Lockett, immediately
23 contacted the applicant. And the process that we
24 notified all concerned, our community and Mr.
25 Tandon, was that we would put this on the agenda

1 for the November Stronghold Civil Association
2 meeting.

3 Mr. Tandon, as I recall, was given
4 time to talk with the community, make a
5 presentation in November. And we decided at the
6 November meeting that we would survey our
7 community to see what the community wanted to do.
8 The Stronghold Civic Association officers are
9 neutral in this matter. And we decided to survey
10 our community. And we announced that we would
11 present the results of that survey at our
12 December meeting and make a decision about what
13 to do about the protest.

14 MS. FLETCHER: That's sufficient.
15 Thank you. And so the Stronghold Civic
16 Association has standing as a protestant. You
17 mention in your protest letter that you're
18 incorporated in the District of Columbia?

19 MR. VINING: Yes, as a nonprofit.

20 MS. FLETCHER: Thank you. Okay. And
21 so the Stronghold Civic Association has standing
22 as a protestant. I'm going to move to the group
23 of 5. Who's present on behalf of the group of 5?

24 MR. TOMASI: This is Eric Tomasi. I'm
25 one of the five. My name is Eric, spelled E-R-I-

1 C. Last name Tomasi, spelled T-O-M-A-S-I. We
2 also have the other four protestants here with us
3 today.

4 MS. FLETCHER: Oh, okay.

5 MR. TOMASI: David and Emily, if you
6 want to spell your names, if you need them
7 specifically called out.

8 MS. FLETCHER: Yes. So state your
9 name and spell it for the record.

10 MR. TOMASI: Okay.

11 MR. MARTINEZ: Hello, Ms. Fletcher.
12 My name is David Martinez, D-A-V-I-D M-A-R-T-I-N-
13 E-Z.

14 MS. FLETCHER: Thank you.

15 MR. MARTINEZ: Thank you.

16 MS. BARRAGAN: Good morning. My name
17 is Emily Barragan, spelled E-M-I-L-Y B as in boy,
18 A-R-R-A-G-A-N.

19 MS. FLETCHER: Thank you, Ms.
20 Barragan.

21 (Simultaneous speaking.)

22 MS. LEE: And my name is Janet Lee.
23 I'm one of the private citizens. My name is
24 spelled J as Juliet, A as in alpha, N as in
25 November, E as in echo, T as in tango. Last name

1 is Lee. That is L as in lima, E as in echo, E as
2 in echo.

3 MS. FLETCHER: Ms. Lee, you signed the
4 protest letter as well?

5 MS. LEE: Yes, I did.

6 MS. PFAFF: My name is Nora Pfaff.
7 That's Nora, N-O-R-A. Last name, Pfaff, P-F-A-F-
8 F. And I'm one of the protestants here today.

9 MS. FLETCHER: Thank you, Ms. Pfaff.
10 So there were five signatories. So that means
11 all five are here. I counted five. Was that
12 correct?

13 MR. TOMASI: That is correct.

14 MS. FLETCHER: Thank you. The group
15 of 5 has standing as a protestant. What that
16 means, Mr. Tomasi, is that at the upcoming status
17 hearing, only the designated representative will
18 need to appear because the entire group was
19 granted standing today.

20 MR. TOMASI: Okay. Thank you.

21 MS. FLETCHER: Is anyone present on
22 behalf of the Bloomingdale Civic Association?

23 MS. JANINE QUINN: Yes, this is Teri
24 Janine Quinn, President of the Bloomingdale Civic
25 Association. And my name is spelled T-E-R-I J-A-

1 N-I-N-E Q-U-I-N-N.

2 MS. FLETCHER: Thank you, Ms. Janine.
3 Is anyone else present with you today?

4 MS. JANINE QUINN: No, I do have
5 alternative, Evelyn Brown. But I'm the person
6 who signed the letter.

7 MS. FLETCHER: I'll spell her name
8 since we mentioned it for the record. It's E-V-
9 E-L-Y-N. Last name, B-R-O-W-N.

10 MS. JANINE QUINN: That's correct.

11 MS. FLETCHER: So we have -- okay.
12 Thank you. The Bloomingdale Civic Association
13 has standing as a protestant. You indicated in
14 your protest letter that the applicant actually
15 attended and presented at the December 2021
16 meeting.

17 MS. JANINE QUINN: Yes, as well as the
18 November meeting.

19 MS. FLETCHER: Okay. Thank you. Is
20 anyone present on behalf of ANC 5E?

21 MS. BARNES: Yes, my name is Dianne
22 Barnes, Dianne with two Ns, Barnes, B-A-R-N-E-S.

23 MS. FLETCHER: Thank you, Ms. Barnes.

24 MS. BARNES: You're welcome.

25 MS. FLETCHER: Dianne with two Ns.

1 MS. BARNES: Yes.

2 MS. FLETCHER: Okay. Thank you. ANC
3 5E does have standing as a protestant. So just
4 in summary, the Stronghold Civic Association has
5 standing as a protestant. The Group of 5 has
6 standing as a protestant. The Bloomingdale Civic
7 Association has standing as a protestant. And
8 ANC 5E has standing as a protestant.

9 We need to set a date for a status
10 hearing, protest hearing, and a mediation. I'm
11 going to give you the dates for the status and
12 protest hearing first. The status hearing is
13 scheduled for March 2nd, 2022 at 10:30.

14 The protest hearing is scheduled for
15 April 20, 2022 at 1:30 p.m. And you'll receive
16 Webex invitations to attend those hearings as
17 well. We need to set a date for mediation. I'll
18 give you the next available day.

19 MR. TANDON: On what April did you
20 say? Excuse me.

21 MS. FLETCHER: Yeah, for the protest
22 hearing, it's April 20 at 1:30. And the status
23 hearing is March 2nd at 10:30. The next
24 available day for mediation is next Tuesday,
25 January 25, pretty much anytime during that day.

1 Is anybody available on the 25th or is everyone
2 available?

3 MS. JANINE QUINN: I'm available after
4 2:00 p.m.

5 MS. FLETCHER: After which time, Ms.
6 Quinn?

7 MS. JANINE QUINN: 2:00 p.m.

8 MS. FLETCHER: After 2:00 p.m. 2:00
9 p.m. is actually the last time available. What
10 about the applicant. Mr. Tandon --

11 MR. TANDON: I am available.

12 MS. FLETCHER: -- are you available?
13 You're available too?

14 MR. TANDON: Yes.

15 MR. TOMASI: This is Eric Tomasi from
16 the group of 5. I'm also available at that time.
17 I'm not sure whether it's individual meetings at
18 mediation sessions or combined.

19 MS. FLETCHER: We'll all be together.

20 MR. TOMASI: Okay.

21 MS. FLETCHER: Okay. Group of 5, the
22 applicant, Bloomingdale. Okay. What about --

23 MS. BARNES: Yes, I'm available during
24 that time.

25 MS. FLETCHER: Stronghold?

1 MR. VINING: Stronghold, you said
2 Tuesday, January 25th at 2:00?

3 MS. FLETCHER: At 2:00, uh-huh.

4 MR. VINING: Available, yes.

5 MS. FLETCHER: And ANC 5E?

6 MS. BARNES: Yes.

7 MS. FLETCHER: Ms. Barnes, you're
8 available also?

9 MS. BARNES: Yes, I am.

10 MS. FLETCHER: So mediation is set for
11 January 25, 2022 at 2:00 o'clock in the
12 afternoon. I'll sent out web invitations for you
13 to attend that mediation. Any questions from any
14 protestants in this case at all?

15 (No audible response.)

16 MS. FLETCHER: Okay.

17 (Simultaneous speaking.)

18 MS. FLETCHER: Well, thank you for --
19 mm-hmm?

20 MR. TOMASI: Yes, this is Eric Tomasi
21 from the Group of 5. Is there someone I can talk
22 to specifically about the methodology these
23 mediations follow, the practices that are
24 typically done?

25 MS. FLETCHER: For the mediation?

1 MR. TOMASI: Yes.

2 MS. FLETCHER: Oh, I can tell you.

3 MR. TOMASI: I'll talk -- well, I can
4 call you offline separately or we can talk about
5 it here, whichever you prefer.

6 MS. FLETCHER: Well, I can just tell
7 you. It's very informal. It's not adversarial.
8 The whole point of it is for everyone to have an
9 opportunity to speak.

10 The objective is to reach a settlement
11 agreement. If the parties are able to reach a
12 settlement agreement, it's reduced to writing.
13 The purpose of the settlement agreement is to
14 resolve the concerns of the community and any
15 concerns of the applicant as well to your mutual
16 satisfaction, if that can be done. The
17 settlement agreement is submitted to the ABC
18 Board for review.

19 If the ABC Board approves the
20 settlement agreement, then the protest hearing is
21 canceled because mediation is an alternative to
22 going through the protest proceeding. The Board
23 gives the community and the applicant an
24 opportunity to resolve the concerns among
25 themselves. If you're not able to do that, the

1 Board will conduct a protest hearing and the
2 Board will decide the outcome.

3 Mediation is a requirement. So
4 everyone has to attend. And everyone here has
5 already agreed on a date. A mediation is
6 confidential. If the matter is resolved in
7 mediation, then you all go to a protest hearing.
8 You would not be able to use as evidence anything
9 that you learn during the mediation.

10 And it's confidential for me as well.
11 I'm the Board's mediator. It's confidential for
12 me as well. The Board does not discuss with me
13 or ask me anything about what transpired during a
14 mediation. It's just between you and me --

15 (Simultaneous speaking.)

16 MR. TOMASI: Okay. Thank you very
17 much.

18 MS. FLETCHER: You're welcome, Mr.
19 Tomasi. Anybody else have any questions from the
20 Hillview Market matter?

21 MR. TANDON: No, no. We got it.
22 Thank you.

23 MS. FLETCHER: Well, thank you for
24 coming. The matter of Hillview Market is
25 concluded. I'm going to call the next case on

1 the calendar. You're welcome to stay on the
2 line. It's a public hearing. But your case is
3 concluded.

4 MR. TANDON: Thank you. Thank you
5 very much.

6 MS. FLETCHER: You're welcome. You're
7 very welcome.

8 (Whereupon, the above-entitled matter
9 went off the record at 10:29 a.m.)

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In the matter of: Hillview Market

Before: DCABRA

Date: 01-18-22

Place: teleconference

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Court Reporter

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