

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :  
 :  
Howard Theatre :  
Entertainment, LLC :  
t/a Howard Theatre :  
620 T Street N.W. :  
License #ABRA-088646 :  
Retailer CM - ANC 1B :  
License Renewal :  
Case #19-PRO-00090 :  
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MONDAY, AUGUST 12, 2019

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. LaVerne Fletcher, Agent, presiding.

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

2 10:07 a.m.

3 AGENT FLETCHER: Okay. Would the  
4 parties in the matter of Howard Theatre come  
5 forward? The parties in the matter of Howard  
6 Theatre. The applicant is on this side. The  
7 protestants are on this side.

8 This is Case No. 19-PRO-00090, Howard  
9 Theatre Entertainment, LLC, 620 T Street, N.W.,  
10 License No. ABRA-088646. This is a Retailer  
11 Class CM License renewal.

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

15 My name is LaVerne Fletcher conducting  
16 the Roll Call Hearing as the Board's Agent.

17 Who is present on behalf of the Howard  
18 Theatre, if you could state your name and spell  
19 it for the record, please?

20 MR. ELLIS: Roy Ellis.

21 AGENT FLETCHER: Roy, how do you spell  
22 your last name?

1 MR. ELLIS: E-L-L-I-S.

2 AGENT FLETCHER: Thank you. And your  
3 name, ma'am?

4 MS. HENDRICKS: Colleen Hendricks.

5 AGENT FLETCHER: Could you spell that,  
6 please?

7 MS. HENDRICKS: C-O-L-L-E-E-N.

8 AGENT FLETCHER: Uh-huh.

9 MS. HENDRICKS: Hendricks, H-E-N-D-R-  
10 I-C-K-S.

11 AGENT FLETCHER: Thank you very much.  
12 And present on behalf of -- so let's just start  
13 with Ms. Norman. Ms. Norman?

14 MS. NORMAN: Yes.

15 AGENT FLETCHER: You are here  
16 representing a Group of 11?

17 MS. NORMAN: Okay. Let me ask you  
18 this question, because the ANC also protested  
19 this when the applicant was replacarded.

20 AGENT FLETCHER: Yes.

21 MS. NORMAN: So of course, the ANC  
22 would knock out the party of five, so who am I

1 today?

2 AGENT FLETCHER: Today you are a Group  
3 of 11.

4 MS. NORMAN: Okay.

5 AGENT FLETCHER: And I know that the  
6 Board issued an order granting you standing by  
7 Board Order because the establishment was  
8 replacarded and you applied -- I mean protested  
9 originally.

10 MS. NORMAN: Um-hum.

11 AGENT FLETCHER: And then you  
12 protested again.

13 MS. NORMAN: Um-hum.

14 AGENT FLETCHER: And so your group  
15 that you are representing, there are 11, so that  
16 group is granted standing as protestants.

17 At the upcoming Status Hearing -- are  
18 there any individuals from your group present  
19 today, Ms. Norman? Any other individuals from  
20 your group present today?

21 MS. NORMAN: No.

22 AGENT FLETCHER: So at the upcoming

1 Status Hearing, four of them would need to  
2 appear.

3 MS. NORMAN: At the Status Hearing?

4 AGENT FLETCHER: Yes.

5 MS. NORMAN: Okay.

6 AGENT FLETCHER: And there is a second  
7 group represented by -- is Mr. Dickson here? Is  
8 there a Mr. Dickson? Can I get your name, sir?

9 MR. HART: Thomas Hart.

10 AGENT FLETCHER: Mr. Hart, how --  
11 could you spell that, please?

12 MR. HART: H-A-R-T.

13 AGENT FLETCHER: Uh-huh.

14 MR. HART: Thomas Hart.

15 AGENT FLETCHER: And Mr. Hart, who are  
16 you representing?

17 MR. HART: I'm representing the  
18 petitioners that some of them are residents of  
19 D.C., some of them are former employees.

20 AGENT FLETCHER: Oh, I know which  
21 group you represent.

22 MR. HART: Yes, uh-huh. And I'm also

1 the representative of the board of the Howard  
2 Theatre Restoration. They sent, we sent a letter  
3 through Wiley Rein.

4 AGENT FLETCHER: Uh-huh.

5 MR. HART: And so --

6 AGENT FLETCHER: Thank you.

7 MR. HART: -- I'm here.

8 AGENT FLETCHER: So you are referring  
9 to the Howard Theatre Restoration Board?

10 MR. HART: Yes, ma'am.

11 AGENT FLETCHER: You are also the  
12 president of the Howard Theatre Restoration  
13 Board?

14 MR. HART: I'm the co-chair.

15 AGENT FLETCHER: Co-chair?

16 MR. HART: Of that.

17 AGENT FLETCHER: So you may know  
18 already through Wiley Rein that the board did not  
19 grant standing to the Howard Theatre Restoration  
20 Board.

21 MR. HART: I understand that, but --

22 AGENT FLETCHER: Oh, that's okay. I'm

1 just making a note of that for the record.

2 MR. HART: Um-hum.

3 AGENT FLETCHER: I understand that you  
4 are here representing that group of individuals.

5 MR. HART: Yes.

6 AGENT FLETCHER: I was just making  
7 note that you also represent the board.

8 MR. HART: Uh-huh and we did ask for  
9 a review of the board.

10 AGENT FLETCHER: Yes.

11 MR. HART: And so we wanted to make a  
12 hearing on that.

13 AGENT FLETCHER: So with respect to  
14 whether or not the Board will be granting  
15 standing as a protestant you mean, a hearing for  
16 that?

17 MR. HART: Yes.

18 AGENT FLETCHER: So there won't be a  
19 hearing for that. A determination has already  
20 been made that the Howard Theatre Restoration  
21 Board does not have standing as a protestant.

22 But Mr. Hart, I don't know if you

1 received a copy of that order or not. Did you  
2 receive a copy of that Board Order?

3 MR. HART: I didn't see the written  
4 order. I --

5 AGENT FLETCHER: Okay.

6 MR. HART: -- understood that there  
7 was a --

8 AGENT FLETCHER: Well, I'll get you a  
9 copy of that. So it explains everything.

10 MR. HART: Okay. But the petitioners  
11 did get the status, correct?

12 AGENT FLETCHER: Yeah, the group of  
13 individuals. You are also representing a Group  
14 of 14 individuals?

15 MR. HART: That's correct.

16 AGENT FLETCHER: One second. And Mr.  
17 Hart, for that Group of 14 individuals that you  
18 are representing, did you also sign that Protest  
19 Letter?

20 MR. HART: No, I'm here as the  
21 representative.

22 AGENT FLETCHER: Okay. You're just



1 here as their representative?

2 MR. HART: Um-hum.

3 AGENT FLETCHER: Okay. All right. So  
4 they did not -- I didn't see a letter in the file  
5 from them designating you as their  
6 representative, but that's okay, we will get  
7 beyond that. So did they give you a letter to  
8 represent them?

9 MR. HART: I have their -- what their  
10 issues are, that's why I'm here.

11 AGENT FLETCHER: All right.

12 MR. ELLIS: May I ask who those  
13 representatives are? We have a right to know.

14 AGENT FLETCHER: Just a second and  
15 I'll get to you in one minute.

16 MR. ELLIS: Yes.

17 AGENT FLETCHER: I understand your  
18 question though. What were you saying, Mr. Hart?

19 MR. HART: I have their consent to be  
20 their representative.

21 MR. ELLIS: Is there anything in  
22 writing?

1                   AGENT FLETCHER: Let me get that.  
2                   That's what I'm working on, just a second.

3                   MR. ELLIS: Okay. I was present to  
4                   every signature on that petition and I am an  
5                   attorney in the board and bar here in D.C.

6                   AGENT FLETCHER: Are there any other  
7                   individuals present from that group today that  
8                   you are representing? Any other individuals  
9                   present from that group today?

10                  MR. HART: I don't see them here --

11                  AGENT FLETCHER: Okay.

12                  MR. HART: -- today. They will be  
13                  back if there is a Status Hearing.

14                  AGENT FLETCHER: Um-hum, okay. Okay.  
15                  And so, Mr. Hart, what you are saying is that you  
16                  were designated verbally by the group?

17                  MR. HART: Yes.

18                  AGENT FLETCHER: Is anyone present on  
19                  behalf of ANC-1B? You're representing ANC-1B?

20                  MS. NORMAN: Yes.

21                  AGENT FLETCHER: Oh, thank you, Ms.  
22                  Norman. Ms. Norman, do you know what -- I'm

1 looking -- oh, here it is.

2 I was looking for their Protest  
3 Letter. Ms. Norman, do you have with you today a  
4 letter from ANC-1B designating you as their  
5 representative with you today?

6 MS. NORMAN: No. The procedure is  
7 they send it to you all.

8 AGENT FLETCHER: Thank you. Mr.  
9 Ellis, you had a question?

10 MR. ELLIS: Yeah, I would just like to  
11 know the actual names. I'm not aware of this new  
12 group of people. This was a situation where we  
13 had a settlement agreement with the actual ANC.  
14 I think it has expired and we are just trying to  
15 renew it and make certain that we are trying to  
16 do our best to be a good patron, a good operating  
17 business.

18 We have had a lot of different issues  
19 that, you know, are not our issues, but, you  
20 know, issues that of dumping trash and so forth  
21 around it, you know, the cans and parking.

22 AGENT FLETCHER: Mr. Ellis, let me ask

1 you something. You are saying that the Howard  
2 Theatre has a settlement agreement with the ANC?

3 MR. ELLIS: That's my understanding.

4 AGENT FLETCHER: But not in this  
5 particular case? I mean, not related to this  
6 case, but related to --

7 MR. ELLIS: Well, that's why I think  
8 we are here.

9 AGENT FLETCHER: -- the protest?

10 MR. ELLIS: I believe we are here  
11 because --

12 AGENT FLETCHER: I mean related to  
13 this protest, this one that was filed. This  
14 protest was filed.

15 MR. ELLIS: Right. And I think it was  
16 for the purpose of just making certain that we  
17 get -- we enter into a - the settlement agreement  
18 that we initially --

19 AGENT FLETCHER: Yeah, we are not  
20 aware of a settlement agreement to settle this  
21 protest. Are you, Ms. Norman?

22 MS. NORMAN: No, that's correct. He

1 is saying that there is a settlement agreement in  
2 place that is from 2016.

3 AGENT FLETCHER: Um-hum.

4 MS. NORMAN: And what we are doing is  
5 seeking to update it.

6 AGENT FLETCHER: Okay. I understand.

7 MR. ELLIS: Yeah, maybe I didn't state  
8 it correctly.

9 AGENT FLETCHER: No, I'm just trying  
10 to --

11 MR. ELLIS: Yeah.

12 AGENT FLETCHER: -- so for our  
13 purposes, there is no settlement agreement, at  
14 this time.

15 MR. ELLIS: No, you are exactly  
16 correct.

17 AGENT FLETCHER: So that's okay. I'm  
18 just trying to set the record straight.

19 MS. NORMAN: Yes.

20 MR. ELLIS: Yes.

21 AGENT FLETCHER: That's all. I get  
22 it.

1 MR. ELLIS: Yes.

2 AGENT FLETCHER: So there is an  
3 existing one and you intend to work with the ANC  
4 to update that?

5 MR. ELLIS: Exactly.

6 AGENT FLETCHER: Okay.

7 MR. ELLIS: And so I'm not certain why  
8 Mr. Hart is here, because if he is a part of the  
9 ANC group, I don't understand.

10 AGENT FLETCHER: He didn't say he was  
11 a part of the ANC group.

12 MR. ELLIS: I don't -- okay.

13 AGENT FLETCHER: He said he was  
14 representing a Group of 14.

15 MR. ELLIS: And we are not aware of  
16 any other complaints or anything like that.

17 AGENT FLETCHER: Did you receive --  
18 you didn't receive a copy of the Protest Letters?

19 MR. ELLIS: No.

20 AGENT FLETCHER: You didn't receive a  
21 copy of any Protest Letter?

22 MR. ELLIS: We have not.

1                   AGENT FLETCHER: You should have  
2 received a copy of all the Protest Letters.

3                   MR. ELLIS: We have not.

4                   AGENT FLETCHER: So but you did not?

5                   MR. ELLIS: Yeah.

6                   AGENT FLETCHER: So then if you did  
7 not, you are just finding out today who the  
8 protestants are?

9                   MR. ELLIS: Yes, exactly.

10                  AGENT FLETCHER: Did you receive a  
11 copy --

12                  MR. ELLIS: I mean, I know that Ms.  
13 Ward is here.

14                  AGENT FLETCHER: Uh-huh.

15                  MR. ELLIS: And we have had brief  
16 communication in the past, at the last hearing,  
17 and we have been trying to get together just to  
18 iron out the settlement issues.

19                  AGENT FLETCHER: Okay.

20                  MR. ELLIS: It seems to me it would  
21 be, you know, more organized if this could all be  
22 done under the ANC, you know, the wider community

1 umbrella.

2 AGENT FLETCHER: And so, Mr. Ellis,  
3 you are saying that you did not receive the  
4 Protest Letters filed by anyone at this stage?  
5 There was a group of --

6 MR. ELLIS: Other than -- well, other  
7 than a letter --

8 AGENT FLETCHER: The ANC?

9 MR. ELLIS: -- yes.

10 AGENT FLETCHER: So you received a  
11 letter -- you received a copy of the ANC's  
12 Protest Letter --

13 MR. ELLIS: Yes, yes.

14 AGENT FLETCHER: -- from us?

15 MR. ELLIS: Yes.

16 AGENT FLETCHER: But you didn't  
17 receive a copy of the --

18 MR. ELLIS: No.

19 AGENT FLETCHER: -- Protest Letter  
20 filed by a Group of 14 or a Group of 11?

21 MR. ELLIS: No.

22 AGENT FLETCHER: Okay. They all went



1 out together. So we sent them all out at the  
2 same time. And I just want to tell you where we  
3 mailed them to.

4 MR. ELLIS: Okay.

5 AGENT FLETCHER: We mailed them to 620  
6 Howard Theatre.

7 MR. ELLIS: Okay.

8 AGENT FLETCHER: 620 T Street, N.W.,  
9 Washington, D.C. 20001, that's where we mailed  
10 them to. If you don't have them, we will send  
11 them to you. I'm just --

12 MS. NORMAN: Thank you.

13 MR. ELLIS: Very good.

14 AGENT FLETCHER: So Mr. Hart is here  
15 representing the Group of 14 and Ms. Norman is  
16 here representing the Group of 11.

17 MR. ELLIS: Right.

18 AGENT FLETCHER: And so you just need  
19 copies of their Protest Letters.

20 MR. ELLIS: Right. I mean, I think  
21 what we are prepared to do is work with the ANC,  
22 because we think that is the critical body that

1 is important.

2 AGENT FLETCHER: So what happens here,  
3 you need to work with everybody. So what happens  
4 is --

5 MR. ELLIS: Well, I think Mr. Hart  
6 would then have to work with Ms. Ward and we will  
7 figure it out.

8 AGENT FLETCHER: Okay. So here is  
9 what happens. In a minute I'm going to schedule  
10 a mediation. That mediation will include Mr.  
11 Hart representing his group, Ms. Norman  
12 representing her group and representing the ANC,  
13 all parties need to appear for mediation. All  
14 parties have to work together.

15 If you are able to enter into a  
16 settlement agreement with the ANC, but the other  
17 two groups of individuals are not interested in  
18 signing on to it, if the Board approves the ANC  
19 agreement, the other two groups will be  
20 dismissed. They will be dismissed once you enter  
21 into a settlement agreement with the ANC.

22 But all parties to the protest are

1 required to participate in mediation. You don't  
2 have to agree, the group -- the Group of 14 and  
3 11 may not be willing to sign an agreement, but  
4 if the ANC does, then the Board will dismiss the  
5 group of individuals.

6 But in a minute I'm going to give you  
7 a date for mediation. Mr. Hart, if you -- you  
8 will be here representing your group. Ms. Norman  
9 would be here representing her group and the ANC  
10 and you would be here representing the Howard  
11 Theatre and we go from there.

12 Any questions about that at all? Mr.  
13 Ellis?

14 MR. ELLIS: I'm clear.

15 AGENT FLETCHER: Okay. Thank you. So  
16 what we have then is I'm going to start with your  
17 group, Mr. Hart. The Group of 14 that you  
18 represent, nine of them don't live in close  
19 proximity to the Howard Theatre. I'm going to  
20 give you the addresses.

21 So, Mr. Ellis, there are 14 people in  
22 the group being represented by Mr. Hart, 9 of

1       them don't live anywhere near the Howard Theatre.

2                   When you file a protest, you have to  
3       share common ground with the establishment.  You  
4       have to --

5                   MR. ELLIS:  Well, yes, that's one of  
6       my biggest concerns is that he doesn't represent  
7       nor does he represent the people of the  
8       community.

9                   AGENT FLETCHER:  So I'm going to  
10      accept Mr. Hart --

11                  MR. ELLIS:  I think he is here just to  
12      cause trouble is what he is trying to do.

13                  AGENT FLETCHER:  Well, no.  Every  
14      group has to have a representative.  I'm going to  
15      take your word for the fact that you are the  
16      representative today, but I'm going to need you  
17      to send in a letter from those individuals  
18      designating you as their representative.  That  
19      has to be -- that should be in writing.

20                  Some people in the community know  
21      that, some people don't, so we are a little  
22      lenient sometimes when people in the community

1 don't know our procedure. But Mr. Hart, we are  
2 going to need a written statement from these  
3 people, at least five of the people, designating  
4 you as their representative before the upcoming  
5 Status Hearing or the ABC Board may dismiss the  
6 protest.

7 MR. HART: Very well, Your Honor.

8 AGENT FLETCHER: And so here is what  
9 is going to happen. With your group, Mr. Hart, 9  
10 of the people don't live close enough to Howard  
11 Theatre to be impacted by their operation. I'm  
12 going to state their addresses for the record.  
13 Okay. You have to live close enough to the  
14 establishment to be negatively impacted by how  
15 they operate.

16 MR. HART: May I --

17 AGENT FLETCHER: Um-hum.

18 MR. HART: -- indicate that I am a  
19 property owner right across the street from the  
20 Howard.

21 AGENT FLETCHER: Well, you didn't file  
22 a protest, so it doesn't matter.

1 MR. HART: I know, but the other  
2 people that did sign --

3 AGENT FLETCHER: Yes.

4 MR. HART: -- work or have a business  
5 there --

6 AGENT FLETCHER: Um-hum.

7 MR. HART: -- in the area of the  
8 Howard Theatre. Even though they don't -- some  
9 of them don't live there, but they do work and--

10 AGENT FLETCHER: So these are all  
11 things that should have been included in the  
12 Protest Letter. And just so that you know, if a  
13 business is close by the Howard Theatre, that  
14 business in order to file a protest would have to  
15 be an abutting property owner. They would have  
16 to touch properties. They would have to touch.

17 But it doesn't matter because that,  
18 the protest that you just described, wasn't  
19 filed. What I have here is a group of  
20 individuals.

21 MR. HART: Um-hum.

22 AGENT FLETCHER: And so we are going

1 to go with that. So --

2 MR. HART: And can I just state for  
3 the fact that the Howard Theatre doesn't abut  
4 anyone, because the theatre --

5 AGENT FLETCHER: I know.

6 MR. HART: -- stands alone.

7 AGENT FLETCHER: I know.

8 MR. HART: And these business owners  
9 have never --

10 AGENT FLETCHER: Yes, there --

11 MR. HART: -- come to Howard --

12 AGENT FLETCHER: -- is no protest  
13 filed by businesses, that's the point I'm making.

14 MR. HART: Okay.

15 AGENT FLETCHER: There is no protest.

16 MR. HART: So if they are business  
17 owners, that -- okay. This gentleman is saying,  
18 then --

19 AGENT FLETCHER: There is no protest  
20 filed by a business.

21 MR. HART: Okay.

22 AGENT FLETCHER: There is not one.

1 MR. HART: Okay.

2 AGENT FLETCHER: That's my point.

3 There is not one. So I'm just clearing the  
4 record of that. So if a business wanted to file  
5 a complaint, a business should have filed the  
6 complaint, but these are 14 people and nine of  
7 them don't live near the Howard Theatre. So I'm  
8 going to dismiss them. I'm just going to tell  
9 you who they are.

10 I'm just going to give you the  
11 addresses, not the names or the people. One  
12 person lives at 325 34th Street in Southeast. If  
13 any of you know the city at all, you know that is  
14 nowhere near the Howard Theatre, nowhere near.  
15 So they are dismissed.

16 Someone lives at 151 Q Street, N.E.,  
17 dismissed; 705 Brandywine Street, S.E.,  
18 dismissed; 1676 Montello Avenue, N.E., dismissed;  
19 1389 Congress Street, S.E., dismissed; 431  
20 Kennedy Street, N.W., dismissed; 501 Brandywine  
21 Street, S.E., dismissed; 8109 Driscoll, D-R-I-S-  
22 C-O-L-L, Drive in Bowie, Maryland, dismissed; 94



1 Malcolm X Boulevard, Brooklyn, New York,  
2 dismissed.

3 Okay. So those people may have had  
4 concerns, but we just -- you just have to live  
5 within closer proximity. That doesn't mean they  
6 don't have concerns, but they can't be  
7 protestants. So you still have a Group of 5  
8 remaining, which means that I'm going to grant  
9 conditional standing to your Group of 5.

10 What that means is they are not  
11 granted full standing today, because they are not  
12 here. So in order for the Board to give them  
13 full standing, each one of them has to appear in  
14 person at the upcoming Status Hearing. They have  
15 to appear in person.

16 Between the Roll Call Hearing and the  
17 Status Hearing, the Board has to see at least  
18 five faces, at least five, but your's doesn't  
19 count, because you are not a protestant, but  
20 those five individuals, they must appear in  
21 person or their protest will be dismissed.

22 MR. HART: Very well.

1                   AGENT FLETCHER: But today I'm  
2                   granting conditional standing.

3                   MR. HART: Um-hum.

4                   AGENT FLETCHER: So, Mr. Hart, so you  
5                   need to get a letter from those five individuals  
6                   who don't reside at the addresses I just gave  
7                   you, you need to get a letter from those five  
8                   individuals designating you as their  
9                   representative. I would like for you to do that  
10                  before the mediation.

11                  Are you going to represent that group  
12                  at mediation?

13                  MR. HART: Yes.

14                  AGENT FLETCHER: I need you to have  
15                  that here before then.

16                  MR. HART: Very good.

17                  AGENT FLETCHER: Because right now,  
18                  I'm taking your word for the fact that you are  
19                  the designated representative, but at the point  
20                  of the mediation, if they haven't designated you  
21                  as the representative, then you won't be able to  
22                  participate and the Board will deal with it at

1 the Status Hearing.

2 MR. HART: Yes.

3 AGENT FLETCHER: Okay. So we need to  
4 know that you have been designated as the  
5 representative.

6 MR. HART: I have a question. May I  
7 ask a question?

8 AGENT FLETCHER: Um-hum.

9 MR. HART: Can the petition be  
10 supplemented by other persons that are in that  
11 area? Can it be supplemented?

12 AGENT FLETCHER: It can't be  
13 supplemented. There is a petition deadline for  
14 every protest filed and the petition deadline for  
15 this case was July 29, so anybody wanting to file  
16 a protest in this case would have needed to do it  
17 by July 29. After July 29, there are no more  
18 supplements. There can't be any more protestants  
19 added.

20 So but your Group of 5 is sufficient  
21 to get you standing --

22 MR. HART: Yes.

1                   AGENT FLETCHER:  -- as a protestant.  
2                   You know, once we get the designation from you  
3                   and those five people appear for that Status  
4                   Hearing, the Board will grant full standing to  
5                   them at that time.

6                   MR. HART:  Very well.

7                   AGENT FLETCHER:  So in the case of  
8                   your group, Mr. Hart, your Group of 14 is now a  
9                   Group of 5 and the nine other people are  
10                  dismissed for the reason I just stated, because  
11                  they live too far away.

12                  And Ms. Norman, your Group of 11, they  
13                  were granted standing by Board Order.  They just  
14                  need to -- four more just need to appear at the  
15                  upcoming Status Hearing.

16                  MS. NORMAN:  Okay.

17                  AGENT FLETCHER:  And, Ms. Norman, you  
18                  mentioned that the ANC sent in the letter  
19                  designating you as the representative already?

20                  MS. NORMAN:  Yes, this establishment  
21                  falls within my SMD.

22                  AGENT FLETCHER:  I'm sorry, what did

1 you say, Ms. Norman?

2 MS. NORMAN: This establishment, the  
3 Howard Theatre, falls within my SMD.

4 AGENT FLETCHER: What I'm going to do,  
5 Ms. Norman, I'm going to - I don't see the ANC's  
6 letter in the file designating you as their  
7 representative. That doesn't mean that they  
8 didn't.

9 What I'm going to do, I'm going to  
10 grant conditional standing to ANC-1B. They are  
11 going to need to -- we will check the record  
12 later, but we are going to need to have a  
13 statement in the file designating you as their  
14 representative.

15 I know you have done it in the past,  
16 so, you know, I expect them to send it in or I  
17 expect to find it beyond today, so I'm granting  
18 conditional standing to ANC-1B.

19 What that means, Mr. Ellis, ANC-1B has  
20 to give us a written statement designating Ms.  
21 Norman as their representative or they may be  
22 dismissed. But as of today, we are going to

1 proceed as though everything --

2 MR. ELLIS: No, we are very prepared  
3 to, you know, work with Ms. Norman and, you know,  
4 re-enter --

5 AGENT FLETCHER: So --

6 MR. ELLIS: -- into an agreement.

7 AGENT FLETCHER: -- yes, you need to  
8 be prepared to work with the --

9 MR. ELLIS: Any group that, you know,  
10 we are assigned to work with, we will do that.

11 AGENT FLETCHER: So let me say this,  
12 if you and the ANC-1B enter into a settlement  
13 agreement before the Status Hearing or before the  
14 mediation, then there won't be a mediation, there  
15 won't be a Status Hearing. The Board would  
16 review the settlement agreement between you and  
17 the ANC and if they approve it, they will dismiss  
18 the groups of individuals.

19 MR. ELLIS: Okay. Well, that's our  
20 intention.

21 AGENT FLETCHER: So if you get that  
22 done before mediation, there won't be a

1 mediation. And then if the Board approves it,  
2 they will cancel the Status Hearing and the  
3 Protest Hearing.

4 MR. ELLIS: Okay.

5 AGENT FLETCHER: So we've got a Group  
6 of 5 granted conditional standing, Mr. Hart, for  
7 your group 9 dismissed. ANC-1B is granted  
8 conditional standing pending a written  
9 designation designating Ms. Norman as their  
10 representative. But if they enter into a  
11 settlement agreement, it doesn't matter if they  
12 designated Ms. Norman as their representative or  
13 not, if they enter into a settlement agreement  
14 with you, the individual groups are still  
15 dismissed.

16 MR. ELLIS: Very good.

17 AGENT FLETCHER: And Ms. Norman's  
18 group is granted conditional standing and four  
19 more need to appear at the Status Hearing.

20 Any questions at all? Mr. Ellis,  
21 anything else?

22 MR. ELLIS: No.

1                   AGENT FLETCHER: Mr. Hart, anything  
2 else?

3                   MR. HART: No.

4                   AGENT FLETCHER: I'm going to give you  
5 a date for -- some dates for a mediation, a  
6 Status Hearing and a Protest Hearing. I'll give  
7 you the date for the Status and Protest Hearing  
8 first. The Status Hearing is scheduled for  
9 September 25, September 25 at 9:30 a.m., that's  
10 the Status Hearing.

11                  MR. HART: Pardon me, September 25th?

12                  AGENT FLETCHER: Yes, September 25th.

13                  MR. HART: 10:00 a.m.?

14                  AGENT FLETCHER: At 9:30.

15                  MR. HART: 9:30.

16                  AGENT FLETCHER: Um-hum. The Status  
17 Hearing is before the ABC Board, the full Board  
18 and what happens there is they want to know that  
19 you participated in mediation and what the status  
20 of the mediation is. It really is just a Status  
21 Hearing to see what's going on.

22                  If you sent in a settlement agreement,



1 Mr. Ellis and Ms. Norman, there won't be a Status  
2 Hearing, it will be canceled. Everybody will be  
3 kept informed about that.

4 The date for the Protest Hearing is  
5 October 30, that's October 30, 2019 at 4:30 for  
6 the Protest Hearing.

7 MR. ELLIS: Is that the 3rd or the  
8 30th?

9 AGENT FLETCHER: 3-0.

10 MR. ELLIS: 3-0.

11 AGENT FLETCHER: Uh-huh, September 30.

12 MR. HART: I thought you said October.

13 AGENT FLETCHER: Yeah, I'm sorry,  
14 October. October 30, October 30 at 4:30 p.m.

15 And you are going to get an official  
16 Hearing Notice. Mr. Hart, did you put your  
17 contact information on that sheet? Did you put  
18 your contact information on that sheet? Your  
19 email address. Beyond today, we communicate via  
20 email. There is a contact --

21 MR. HART: Yes, I have got it, yeah.

22 AGENT FLETCHER: Okay. Thank you. If

1 you would just put your telephone number, your  
2 email address? You will receive an official  
3 Hearing Notice of all these dates.

4 So Mr. Ellis, are you or Ms. Hendricks  
5 going to be the person representing the Howard  
6 Theatre?

7 MR. ELLIS: Yes.

8 AGENT FLETCHER: It will be -- is that  
9 going to be you?

10 MR. ELLIS: Myself.

11 AGENT FLETCHER: Is your contact  
12 information on that sheet already? Your email  
13 address and daytime telephone number? Thank you.

14 I'm going to give you the next  
15 available date for mediation. You can let me  
16 know your availability. The next available date  
17 for mediation is Tuesday, August 27 at 9:00,  
18 10:00, 10:30, 11:00, 11:30 or 1:00 in the  
19 afternoon. That's the next available day, if  
20 that's good for --

21 MR. HART: What was the date? I'm  
22 sorry.

1                   AGENT FLETCHER: That's Tuesday,  
2 August 27. You know, basically, at any time  
3 during the morning that is good for you up until  
4 1:00 in the afternoon.

5                   Mr. Ellis, do you have a preference?

6                   MR. ELLIS: 10:00 is fine.

7                   AGENT FLETCHER: Did you say 10:00?

8                   MR. ELLIS: 10:00 a.m.

9                   AGENT FLETCHER: Does that work for  
10 you, Mr. Hall? Ms. Norman? 10:00?

11                   MS. NORMAN: Sure.

12                   AGENT FLETCHER: On --

13                   MR. HART: August?

14                   MS. NORMAN: Yes.

15                   AGENT FLETCHER: August 27.

16                   MR. HART: August 27th at 10:00 a.m.?

17                   AGENT FLETCHER: Yes, at 10:00 a.m.

18                   MR. HART: Yes.

19                   AGENT FLETCHER: Thank you. So  
20 mediation is set for Tuesday, August 27, 10:00  
21 a.m.

22                   Most likely the mediation will be held

1 in this room, but just check in out front.

2 Mr. Hall, you need to have your --

3 MR. HART: Hart.

4 AGENT FLETCHER: -- designation of  
5 representative and you can send that to me. My  
6 card is right there. There is one over there.  
7 Yes, send that in to me before then, so that I  
8 know you are authorized to participate in  
9 mediation.

10 Okay. Any questions from anybody?

11 Oh, Ms. Norman, 10:00 was okay for you, too,  
12 right?

13 MS. NORMAN: Yes.

14 AGENT FLETCHER: Okay. Okay. In that  
15 case, the Roll Call Hearing is concluded. And  
16 I'll see you on the 27th at 10:00, unless the ANC  
17 enters into a settlement agreement with you.

18 MR. ELLIS: Very good. Thank you.

19 AGENT FLETCHER: Okay. Thank you.

20 (Whereupon, the Roll Call Hearing was  
21 concluded at 10:39 a.m.)

22

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This is to certify that the foregoing transcript

In the matter of: Roll Call Hearing

Before: Alcoholic Beverage Control Board

Date: 08-12-19

Place: Washington, DC

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