

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: :
 :
 Pako, LLC :
 t/a Kovaks Liquors :
 1237 Mount Olivet Road, :
 N.E. :
 License #ABRA-106551 :
 Retailer A - Substantial :
 Change (change of hours, :
 sales, and consumption) :
 Case #18-PRO-00053 :

MONDAY, JUNE 25, 2018

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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 10:01 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Kovaks Liquors come forward? The
5 parties in the matter of Kovaks. The -- so who
6 is the owner of Kovaks? Is -- are you here for
7 Kovaks?

8 PARTICIPANT: We had come -- they said
9 to come to the front desk and come to the back.

10 AGENT FLETCHER: I'm sorry? What was
11 that?

12 PARTICIPANT: We -- they said come to
13 the front desk and come to the back with our
14 attorneys in the back.

15 AGENT FLETCHER: Are you here for
16 Kovaks Liquors?

17 PARTICIPANT: No.

18 AGENT FLETCHER: Okay. Are you here
19 for Kovaks Liquors? Are you the owner?

20 MR. JOHNSON: No.

21 AGENT FLETCHER: The protestant?

22 MR. JOHNSON: No, designated

1 representative.

2 AGENT FLETCHER: We're off the record
3 for a moment. Thank you.

4 (Whereupon, off the record for a
5 recess.)

6 AGENT FLETCHER: So, Mr. Johnson,
7 you're the designated representative for Kovaks
8 Liquors?

9 COURT REPORTER: We're back on the
10 record, Ms. Fletcher?

11 AGENT FLETCHER: Yes. Thank you.

12 MR. JOHNSON: Yes, I am.

13 AGENT FLETCHER: No problem. Mr.
14 Johnson, you are the designated representative
15 for Kovaks Liquors?

16 MR. JOHNSON: Yes, I am, ma'am.

17 AGENT FLETCHER: Would you, please,
18 state your name and spell it for the record?

19 MR. JOHNSON: Wayne, W-A-Y-N-E,
20 Johnson, J-O-H-N-S-O-N.

21 AGENT FLETCHER: Okay. Thank you very
22 much. Mr. Johnson, I'm looking at your

1 designation form. Could you, please, add your
2 daytime telephone number to that?

3 MR. JOHNSON: Sure.

4 AGENT FLETCHER: You can just put it
5 on that sign-in sheet.

6 MR. JOHNSON: Okay.

7 AGENT FLETCHER: And I'll add it to
8 this. Is anyone present on behalf of ANC-5D?

9 Mr. Johnson, just so that you know,
10 the -- at this point because ANC-5D is not here,
11 they will be dismissed if they don't show up
12 within the next couple of minutes.

13 So in the meantime, I'm going to just
14 let you know a couple of things. If ANC-5D were
15 here, we would be scheduling a mediation, a
16 Status Hearing and a Protest Hearing. And the
17 owner that you represent would be required to
18 appear for the Status Hearing before the ABC
19 Board.

20 The ABC Board likes to see the owners.

21 MR. JOHNSON: Okay.

22 AGENT FLETCHER: So it is okay that

1 you appeared today as a designated
2 representative, but beyond today, the owner will
3 need to appear with you.

4 MR. JOHNSON: We are partners in the
5 venture.

6 AGENT FLETCHER: I'm sorry?

7 MR. JOHNSON: We are partners in the
8 venture.

9 AGENT FLETCHER: So are you the owner?

10 MR. JOHNSON: I -- well, I'm not
11 listed as the owner, he is.

12 AGENT FLETCHER: Yes, the owner must
13 appear.

14 MR. JOHNSON: Must appear.

15 AGENT FLETCHER: The person that the
16 Board issued the liquor license to --

17 MR. JOHNSON: Okay.

18 AGENT FLETCHER: -- is appear at the
19 Status Hearing. This is the Roll Call Hearing.

20 MR. JOHNSON: Okay.

21 AGENT FLETCHER: So it's fine that
22 they are not here. We know you are representing

1 them.

2 MR. JOHNSON: Thank you.

3 AGENT FLETCHER: But today, I'm going
4 to dismiss the Advisory Neighborhood Commission
5 5D because they are not here. I'm going to
6 dismiss the ANC.

7 The Board is going to issue an order
8 dismissing them and you are going to receive a
9 copy of that order.

10 MR. JOHNSON: Yes.

11 AGENT FLETCHER: The ANC will have
12 five days to seek reinstatement of its protest
13 explaining to the Board why they are not here
14 today.

15 You will be -- you will receive a copy
16 of that as well.

17 MR. JOHNSON: Okay.

18 AGENT FLETCHER: Any questions at all?

19 MR. JOHNSON: I have a few, a couple
20 of questions. We have had a sign in the window
21 that they gave us to indicate the new hours, what
22 the new hours would be. Is it okay if we take

1 that sign down now?

2 AGENT FLETCHER: Yes.

3 MR. JOHNSON: Okay.

4 AGENT FLETCHER: Yes.

5 MR. JOHNSON: So we can take that sign
6 down.

7 AGENT FLETCHER: Yes.

8 MR. JOHNSON: Okay. If they don't
9 respond within the five days, will we get the new
10 hours or?

11 AGENT FLETCHER: If they -- once the
12 Board issues the order dismissing them because
13 they didn't appear today, they have 10 days to
14 seek reinstatement of the protest. If the Board
15 does not -- if they don't seek reinstatement or
16 if the Board denies reinstatement, then Kovaks
17 Liquors would proceed with the substantial change
18 --

19 MR. JOHNSON: Okay.

20 AGENT FLETCHER: -- by contacting the
21 Licensing Specialist that was handling this case
22 or if you don't know who that is, you can call

1 the Licensing Division and find out.

2 MR. JOHNSON: Okay. I spoke to an
3 April. I can't remember the last name.

4 AGENT FLETCHER: April Randall?

5 MR. JOHNSON: Yes.

6 AGENT FLETCHER: That is R-A-N-D-A-L-L

7 --

8 MR. JOHNSON: Yes.

9 AGENT FLETCHER: -- for the record.
10 April is our Assistant General Counsel. She
11 doesn't work in the Licensing Division.

12 MR. JOHNSON: Okay.

13 AGENT FLETCHER: You would need to
14 speak with the person in the Licensing Division
15 that would process the substantial change.

16 MR. JOHNSON: Okay. I have only
17 spoken to a woman by the name of Tyler Blocker
18 most of the time.

19 AGENT FLETCHER: That's the person.

20 MR. JOHNSON: Now, I did want to go on
21 record --

22 AGENT FLETCHER: Also, let me spell

1 her name for the record, that's Tyler, T-Y-L-E-R.

2 MR. JOHNSON: B-L-O-C --

3 AGENT FLETCHER: K-E-R.

4 MR. JOHNSON: Yes, I have it.

5 AGENT FLETCHER: Yes.

6 MR. JOHNSON: I have -- the ANC came
7 to visit us once about a meeting. We -- I was
8 unable to attend. I have phoned the commissioner
9 several times and after I received the letters
10 from you, the two letters, because they hadn't
11 responded to the phone calls and the voicemail
12 messages, I sent them an email saying that I
13 would like to meet with them to see what was
14 mutually agreed upon.

15 I can provide you a copy of the email,
16 if you would like?

17 AGENT FLETCHER: So what I'm going to,
18 you know, suggest or what you can do when the --
19 if the ANC decides to seek reinstatement of the
20 protest, if you are opposed to it for reasons,
21 maybe the reasons you just stated, I don't know
22 what they would be, but you have an opportunity

1 to be opposed to the reinstatement of the
2 protest.

3 MR. JOHNSON: Okay.

4 AGENT FLETCHER: And so --

5 MR. JOHNSON: Like I said, I have
6 reached out to them several times.

7 AGENT FLETCHER: Yeah, you can --

8 MR. JOHNSON: And there has been no
9 response.

10 AGENT FLETCHER: -- give whatever
11 reason you want, but when you get the -- if they
12 seek reinstatement, you will be informed and then
13 you will have an opportunity to say why you don't
14 believe they should be reinstated.

15 MR. JOHNSON: Okay. I appreciate
16 that.

17 AGENT FLETCHER: You're very welcome.
18 And the other thing, Mr. Johnson, I need you to--
19 I need to read back to you your email address.
20 It's not really clear on your designation form.

21 MR. JOHNSON: 8QManQMan --

22 AGENT FLETCHER: Oh, that's a Q?

1 MR. JOHNSON: That's a Q.

2 AGENT FLETCHER: Okay. Let me see,

3 8Q.

4 MR. JOHNSON: Man.

5 AGENT FLETCHER: M-A-N?

6 MR. JOHNSON: M-A-N.

7 AGENT FLETCHER: Uh-huh.

8 MR. JOHNSON: And then it's QMan again

9 @gmail.com.

10 AGENT FLETCHER: Okay. So I'm just

11 going to read it back to you. The number 8 and

12 that's a Q --

13 MR. JOHNSON: Um-hum.

14 AGENT FLETCHER: -- M-A-N another Q M-

15 A-N @gmail.com?

16 MR. JOHNSON: Yes, ma'am.

17 AGENT FLETCHER: Okay. Well, thank

18 you very much.

19 Any other questions, Mr. --

20 MR. JOHNSON: No, ma'am.

21 AGENT FLETCHER: -- Johnson? Okay.

22 Well, thank you for coming. The Roll Call

1 Hearing is concluded.

2 MR. JOHNSON: Thank you very much.

3 AGENT FLETCHER: Thank you.

4 MR. JOHNSON: Have a nice day.

5 AGENT FLETCHER: Okay. And we are off
6 the record now. Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 10:09 a.m. and resumed at
9 10:17 a.m.)

10 AGENT FLETCHER: Can we reopen Kovaks
11 Liquors? Thank you.

12 Ms. Shropshire?

13 MS. SHROPSHIRE: Yes.

14 AGENT FLETCHER: Could you, please,
15 state your full name and spell it for the record?

16 MS. SHROPSHIRE: My name is Keisha, K-
17 E-I-S-H-A, last name Shropshire, S-H-R-O-P-S-H-I-
18 R-E.

19 AGENT FLETCHER: Ms. Shropshire,
20 before you arrived, I dismissed your ANC because
21 you weren't here at 10:00.

22 MS. SHROPSHIRE: Okay.

1 AGENT FLETCHER: You are here now and
2 because the court reporter is still here, I'm
3 reopening this case to grant you standing as a
4 protestant.

5 MS. SHROPSHIRE: Okay.

6 AGENT FLETCHER: I'm going to have to
7 contact the -- the applicant's attorney was here
8 today, so I'll have to contact them to let them
9 know that you did show up.

10 MS. SHROPSHIRE: Okay.

11 AGENT FLETCHER: So you -- if what I'm
12 telling you now doesn't catch up with the
13 dismissal of your protest, you could get a Board
14 Order dismissing the protest.

15 MS. SHROPSHIRE: What does that mean?

16 AGENT FLETCHER: It -- well, the
17 hearing started at 10:00.

18 MS. SHROPSHIRE: Um-hum.

19 AGENT FLETCHER: You weren't here at
20 10:00 and so your protest was dismissed for
21 failure to appear.

22 MS. SHROPSHIRE: Right.

1 AGENT FLETCHER: The case was already
2 -- we were already closed. I'm still here
3 because I was talking to some other people before
4 you came, but since you are here, the -- I'm
5 granting you standing as a protestant, so I'm
6 going to pull back the dismissal of your protest.

7 MS. SHROPSHIRE: Okay.

8 AGENT FLETCHER: Because you showed up
9 while I was still here.

10 MS. SHROPSHIRE: Okay.

11 AGENT FLETCHER: So I'm pulling that
12 back. I'm granting the ANC-5D standing as a
13 protestant. You should not receive a Board Order
14 dismissing the protest.

15 MS. SHROPSHIRE: Okay.

16 AGENT FLETCHER: The applicant's
17 attorney is no longer here. If he were here, we
18 would have to schedule a date for mediation, a
19 Status Hearing and a Protest Hearing.

20 MS. SHROPSHIRE: Okay.

21 AGENT FLETCHER: So we are not going
22 to set any dates. I'm going to set -- can you

1 put your -- actually is your email address
2 5D02@anc.dc.dc?

3 MS. SHROPSHIRE: It is.

4 AGENT FLETCHER: Okay. So I'm going
5 to send an email to you and the attorney for the
6 establishment is --

7 MS. SHROPSHIRE: Qaisar Mahmood?

8 AGENT FLETCHER: Wayne Johnson.

9 MS. SHROPSHIRE: Wayne Johnson, okay.

10 AGENT FLETCHER: So you will -- I'm
11 going to send an email to you and Mr. Johnson and
12 bring him up to date and offer some dates for a
13 mediation.

14 MS. SHROPSHIRE: Okay.

15 AGENT FLETCHER: But I will give you
16 the date of the Status Hearing and Protest
17 Hearings. Those dates are going to be these,
18 whenever you get ready.

19 MS. SHROPSHIRE: Hold on one second.

20 AGENT FLETCHER: Okay.

21 MS. SHROPSHIRE: I'm making a note.

22 Okay. I'm ready.

1 AGENT FLETCHER: The status Hearing is
2 going to be July the 25th at 9:30 a.m. July 25 at
3 9:30.

4 MS. SHROPSHIRE: Okay.

5 AGENT FLETCHER: The Protest Hearing
6 is going to be September 12, September 12 at
7 1:30.

8 MS. SHROPSHIRE: Hold on one second.

9 AGENT FLETCHER: Uh-huh.

10 MS. SHROPSHIRE: September 12th?

11 AGENT FLETCHER: September 12, uh-huh,
12 at 1:30.

13 MS. SHROPSHIRE: Okay.

14 AGENT FLETCHER: The -- so when I
15 contact you, I'll be giving you dates available
16 for mediation.

17 MS. SHROPSHIRE: Okay.

18 AGENT FLETCHER: Any --

19 MS. SHROPSHIRE: Is there any
20 particular dates that I could kind of like put
21 out -- because I work Monday through Friday, but
22 I telework on some Thursdays and Fridays.

1 AGENT FLETCHER: Those are the best
2 days for you?

3 MS. SHROPSHIRE: Yeah, so --

4 AGENT FLETCHER: Okay.

5 MS. SHROPSHIRE: -- any like a
6 Thursday or a Friday.

7 AGENT FLETCHER: So what I'll do,
8 Fridays are not good, but what I'm going to do is
9 give you a couple of Thursdays. And when you see
10 the email from me, those are going to be the
11 dates on Thursdays.

12 MS. SHROPSHIRE: Okay.

13 AGENT FLETCHER: Thursday is your only
14 day?

15 MS. SHROPSHIRE: That I telework.

16 AGENT FLETCHER: Okay. So that --

17 MS. SHROPSHIRE: I mean, if I know
18 well in advance, I might be able to make some
19 provisions, but I know that that's a more
20 flexible day.

21 AGENT FLETCHER: Well, then let me
22 give you a couple of Thursdays.

1 MS. SHROPSHIRE: I just wanted to say
2 that I tried to call the -- like I was stuck in
3 traffic and I called the office, but I know that
4 you have to be here, but I was just trying to let
5 them know I'm en route and stuck.

6 AGENT FLETCHER: Yeah.

7 MS. SHROPSHIRE: There was some
8 construction on Florida Avenue.

9 AGENT FLETCHER: Well, so that message
10 never made it to me. If it had -- I'm glad you
11 got here while we were still here.

12 MS. SHROPSHIRE: Right.

13 AGENT FLETCHER: We know sometimes
14 there is traffic and parking and so I waited a
15 while, maybe 5 or 10 minutes.

16 MS. SHROPSHIRE: Right.

17 AGENT FLETCHER: But I'm glad you
18 showed, you were able to make it, I should say.

19 The next two Thursdays available are
20 Thursday, July 12 and Thursday, July 26.

21 MS. SHROPSHIRE: All right.

22 AGENT FLETCHER: Would either one of

1 those work for you?

2 MS. SHROPSHIRE: Hold on one second.
3 I'm checking my work.

4 AGENT FLETCHER: Okay.

5 MS. SHROPSHIRE: I'm sorry, just one
6 second.

7 AGENT FLETCHER: Yeah, I have a
8 question for you, too. The 12th would be better.

9 MS. SHROPSHIRE: Okay. So hold on.
10 What time again?

11 AGENT FLETCHER: For -- at 9:00,
12 10:00, 10:30, 11:00, 11:30?

13 MS. SHROPSHIRE: There is no afternoon
14 options at all?

15 AGENT FLETCHER: 1:00. I can do 1:00
16 in the afternoon or 2:00.

17 MS. SHROPSHIRE: Can we do 2:00?

18 AGENT FLETCHER: Yeah, I'm going to
19 have to run that time by Mr. Johnson, but it's
20 available on the calendar and I know that you
21 prefer 2:00.

22 MS. SHROPSHIRE: Okay.

1 AGENT FLETCHER: The mediation should
2 take place before the Status Hearing. The Status
3 Hearing is 7/25. The second date that I gave you
4 is the 26th.

5 MS. SHROPSHIRE: After that.

6 AGENT FLETCHER: So let me ask you,
7 would you be available at 2:00 on the 19th, which
8 is the following Thursday?

9 MS. SHROPSHIRE: Let me see, that
10 works better.

11 AGENT FLETCHER: The 19th works better?

12 MS. SHROPSHIRE: Um-hum.

13 AGENT FLETCHER: Okay.

14 MS. SHROPSHIRE: What time did you say
15 again?

16 AGENT FLETCHER: You prefer -- still
17 9:00, 9:30, 10:00.

18 MS. SHROPSHIRE: Can we do -- did you
19 not say an afternoon or no?

20 AGENT FLETCHER: On the 19th we can do
21 2:00 or some time before 2:00 on the 19th.

22 MS. SHROPSHIRE: Can we do 1:00? I

1 can do any time after 12:00.

2 AGENT FLETCHER: After 12:00?

3 MS. SHROPSHIRE: Um-hum.

4 AGENT FLETCHER: Okay. Would 1:00
5 work better?

6 MS. SHROPSHIRE: That's great.

7 AGENT FLETCHER: On the 19th?

8 MS. SHROPSHIRE: Um-hum.

9 AGENT FLETCHER: So I know the 19th at
10 1:00 works better for you and the 12th at 2:00
11 works better. Okay. So I have left the 26th with
12 a question mark, that's not preferable, but I'm
13 going to see what response I get from Kovaks.

14 MS. SHROPSHIRE: Okay.

15 AGENT FLETCHER: If we do it on the
16 26th, what's a good time for you?

17 MS. SHROPSHIRE: Okay. Hold on.

18 AGENT FLETCHER: Uh-huh.

19 MS. SHROPSHIRE: If on the 26th, any
20 time in the morning.

21 AGENT FLETCHER: What about the 26th at
22 10:30?

1 MS. SHROPSHIRE: That would work.

2 AGENT FLETCHER: So in the email,
3 you're going to just see the 12th and the 19th.
4 I'm just holding off the 26th in case -- reserving
5 it, I mean, in case the other two dates don't
6 work.

7 MS. SHROPSHIRE: Okay.

8 AGENT FLETCHER: Any other questions,
9 Ms. Shropshire?

10 MS. SHROPSHIRE: No. I don't have any
11 questions.

12 AGENT FLETCHER: Okay. Well, then my
13 card is on the table, if you have any other
14 questions beyond today. As I said, you will get
15 an email from me very shortly.

16 MS. SHROPSHIRE: Okay.

17 AGENT FLETCHER: And we will go from
18 there.

19 MS. SHROPSHIRE: Well, thank you very
20 much.

21 AGENT FLETCHER: Okay. Well, thank
22 you very much.

A			
A-N 11:15	calls 9:11	establishment 15:6	19:19
a.m 2:2 12:8,9 16:2 23:4	card 22:13	explaining 6:13	July 16:2,2 18:20,20
ABC 4:18,20	case 1:12 7:21 13:3 14:1 22:4,5	F	JUNE 1:14
able 17:18 18:18	catch 13:12	failure 13:21	K
above-entitled 12:7	change 1:11,11 7:17 8:15	find 8:1	K- 12:16
ABRA-106551 1:10	checking 19:3	fine 5:21	K-E-R 9:3
add 4:1,7	clear 10:20	five 6:12 7:9	Keisha 12:16
address 10:19 15:1	closed 14:2	flexible 17:20	Kovaks 1:9 2:4,5,6,7,16 2:19 3:7,15 7:16 12:10 21:13
advance 17:18	COLUMBIA 1:1	Florida 18:8	L
Advisory 6:4	come 2:4,8,9,9,12,13	following 20:8	LaVerne 1:18
afternoon 19:13,16 20:19	coming 11:22	form 4:1 10:20	left 21:11
agreed 9:14	Commission 6:4	forward 2:4	letters 9:9,10
Alcoholic 1:3,16,17	Commissioner 9:8	Friday 16:21 17:6	license 1:10 5:16
ANC 6:6,11 9:6,19 12:20	concluded 12:1 23:1,4	Fridays 16:22 17:8	Licensing 7:21 8:1,11 8:14
ANC-5D 4:8,10,14 14:12	construction 18:8	front 2:9,13	likes 4:20
appear 4:18 5:3,13,14 5:18 7:13 13:21	consumption 1:12	full 12:15	liquor 5:16
appeared 5:1	contact 13:7,8 16:15	G	Liquors 1:9 2:4,16,19 3:8,15 7:17 12:11
applicant's 13:7 14:16	contacting 7:20	General 8:10	listed 5:11
appreciate 10:15	Control 1:3,16,17	give 10:10 15:15 17:9 17:22	LLC 1:8
April 8:3,4,10	copy 6:9,15 9:15	giving 16:15	longer 14:17
arrived 12:20	Counsel 8:10	glad 18:10,17	looking 3:22
Assistant 8:10	couple 4:12,14 6:19 17:9,22	gmail.com 11:9,15	M
attend 9:8	court 3:9 13:2	grant 13:3	M- 11:14
attorney 13:7 14:17 15:5	D	granting 14:5,12	M-A-N 11:5,6,14
attorneys 2:14	D.C 1:18	H	ma'am 3:16 11:16,20
available 16:15 18:19 19:20 20:7	date 14:18 15:12,16 20:3	handling 7:21	Mahmood 15:7
Avenue 18:8	dates 14:22 15:12,17 16:15,20 17:11 22:5	hearing 1:5,17 4:16,16 4:18 5:19,19 12:1 13:17 14:19,19 15:16 16:1,5 20:2,3 23:1,3	making 15:21
B	day 12:4 17:14,20	Hearings 15:17	Man 11:4
B-L-O-C 9:2	days 6:12 7:9,13 17:2	hold 15:19 16:8 19:2,9 21:17	mark 21:12
back 2:9,13,14 3:9 10:19 11:11 14:6,12	daytime 4:2	holding 22:4	matter 1:7 2:4,5 12:7
behalf 4:8	decides 9:19	hours 1:11 6:21,22 7:10	mean 13:15 17:17 22:5
believe 10:14	denies 7:16	I	mediation 4:15 14:18 15:13 16:16 20:1
best 17:1	designated 2:22 3:7,14 5:1	indicate 6:21	meet 9:13
better 19:8 20:10,11 21:5,10,11	designation 4:1 10:20	informed 10:12	meeting 9:7
Beverage 1:3,16,17	desk 2:9,13	issue 6:7	message 18:9
beyond 5:2 22:14	dismiss 6:4,6	issued 5:16	messages 9:12
Blocker 8:17	dismissal 13:13 14:6	issues 7:12	met 1:17
Board 1:3,16 4:19,20 5:16 6:7,13 7:12,14 7:16 13:13 14:13	dismissed 4:11 12:20 13:20	J	minutes 4:12 18:15
bring 15:12	dismissing 6:8 7:12 13:14 14:14	J-O-H-N-S-O-N 3:20	moment 3:3
Building 1:17	DISTRICT 1:1	Johnson 2:20,22 3:6,12 3:14,16,19,20,22 4:3 4:6,9,21 5:4,7,10,14 5:17,20 6:2,10,17,19 7:3,5,8,19 8:2,5,8,12 8:16,20 9:2,4,6 10:3,5 10:8,15,18,21 11:1,4 11:6,8,13,16,20,21 12:2,4 15:8,9,11	Monday 1:14 16:21
C	Division 8:1,11,14	N	morning 21:20
calendar 19:20	E	N.E 1:10	Mount 1:9
call 1:5 5:19 7:22 11:22 18:2 23:1,3	E-I-S-H-A 12:17	mutually 9:14	N
called 18:3	either 18:22	need 5:3 8:13 10:18,19	N.W 1:17
	email 9:12,15 10:19 15:1,5,11 17:10 22:2 22:15		name 3:18 8:3,17 9:1 12:15,16,17
	en 18:5		

Neighborhood 6:4
never 18:10
new 6:21,22 7:9
nice 12:4
note 15:21
number 4:2 11:11

O

offer 15:12
office 18:3
Olivet 1:9
once 7:11 9:7
opportunity 9:22 10:13
opposed 9:20 10:1
options 19:14
order 6:7,9 7:12 13:14
 14:13
owner 2:6,19 4:17 5:2,9
 5:11,12
owners 4:20

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
Pako 1:8
parking 18:14
PARTICIPANT 2:8,12
 2:17
particular 16:20
parties 2:3,5
partners 5:4,7
people 14:3
person 5:15 8:14,19
phone 9:11
phoned 9:8
place 20:2
please 3:17 4:1 12:14
point 4:10
prefer 19:21 20:16
preferable 21:12
present 4:8
presiding 1:18
problem 3:13
proceed 7:17
process 8:15
protest 4:16 6:12 7:14
 9:20 10:2 13:13,14,20
 14:6,14,19 15:16 16:5
protestant 2:21 13:4
 14:5,13
provide 9:15
provisions 17:19
pull 14:6
pulling 14:11
put 4:4 15:1 16:20

Q

Qaisar 15:7

QMan 11:8
question 19:8 21:12
questions 6:18,20
 11:19 22:8,11,14

R

R-A-N-D-A-L-L 8:6
R-E 12:18
Randall 8:4
reached 10:6
read 10:19 11:11
ready 15:18,22
reason 10:11
reasons 9:20,21
receive 6:8,15 14:13
received 9:9
recess 3:5
record 3:2,4,10,18 8:9
 8:21 9:1 12:6,8,15
 23:2
Reeves 1:17
reinstated 10:14
reinstatement 6:12
 7:14,15,16 9:19 10:1
 10:12
remember 8:3
reopen 12:10
reopening 13:3
reporter 3:9 13:2
represent 4:17
representative 3:1,7,14
 5:2
representing 5:22
required 4:17
reserving 22:4
respond 7:9
responded 9:11
response 10:9 21:13
resumed 12:8
Retailer 1:11
Road 1:9
Roll 1:5 5:19 11:22 23:1
 23:3
Room 1:17
route 18:5
run 19:19

S

S-H-R-O-P-S-H-I- 12:17
sales 1:12
saying 9:12
schedule 14:18
scheduling 4:15
second 15:19 16:8 19:2
 19:6 20:3
seek 6:12 7:14,15 9:19
 10:12
send 15:5,11

sent 9:12
September 16:6,6,10
 16:11
set 14:22,22
sheet 4:5
shortly 22:15
show 4:11 13:9
showed 14:8 18:18
Shropshire 12:12,13,16
 12:17,19,22 13:5,10
 13:15,18,22 14:7,10
 14:15,20 15:3,7,9,14
 15:19,21 16:4,8,10,13
 16:17,19 17:3,5,12,15
 17:17 18:1,7,12,16,21
 19:2,5,9,13,17,22
 20:5,9,12,14,18,22
 21:3,6,8,14,17,19
 22:1,7,9,10,16,19
sign 6:20 7:1,5
sign-in 4:5
sorry 2:10 5:6 19:5
speak 8:14
Specialist 7:21
spell 3:18 8:22 12:15
spoke 8:2
spoken 8:17
standing 13:3 14:5,12
started 13:17
state 3:18 12:15
stated 9:21
status 4:16,18 5:19
 14:19 15:16 16:1 20:2
Street 1:17
stuck 18:2,5
substantial 1:11 7:17
 8:15
suggest 9:18

T

T-Y-L-E-R 9:1
t/a 1:9
table 22:13
talking 14:3
telephone 4:2
telework 16:22 17:15
telling 13:12
thank 3:3,11,21 6:2
 11:17,22 12:2,3,6,11
 22:19,21
things 4:14
Thursday 17:6,13 18:20
 18:20 20:8
Thursdays 16:22 17:9
 17:11,22 18:19
times 9:9 10:6
to-- 10:18

today 5:1,2 6:3,14 7:13
 13:8 22:14
traffic 18:3,14
tried 18:2
trying 18:4
two 9:10 18:19 22:5
Tyler 8:17 9:1

U

Um-hum 11:13 13:18
 20:12 21:3,8
unable 9:8

V

venture 5:5,8
visit 9:7
voicemail 9:11

W

W-A-Y-N-E 3:19
waited 18:14
wanted 18:1
Washington 1:18
Wayne 3:19 15:8,9
welcome 10:17
went 12:8
weren't 12:21 13:19
window 6:20
woman 8:17
work 8:11 16:21 19:1,3
 21:5 22:1,6
works 20:10,11 21:10
 21:11

X

Y

Z

0

1

1:00 19:15,15 20:22
 21:4,10
1:30 16:7,12
10 7:13 18:15
10:00 12:21 13:17,20
 19:12 20:17
10:01 2:2
10:09 12:8
10:17 12:9
10:27 23:4
10:30 19:12 21:22
11:00 19:12
11:30 19:12
12 16:6,6,11 18:20
12:00 21:1,2

1237 1:9
12th 16:10 19:8 21:10
22:3
14th 1:17
18-PRO-00053 1:12
19th 20:7,11,20,21 21:7
21:9 22:3

2

2:00 19:16,17,21 20:7
20:21,21 21:10
2000 1:17
2018 1:14
25 1:14 16:2
25th 16:2
26 18:20
26th 20:4 21:11,16,19
21:21 22:4

3

4

5

5 18:15
5D 6:5
5D02@anc.dc.dc 15:2

6

7

7/25 20:3

8

8 11:11
8Q 11:3
8QManQMan 10:21

9

9:00 19:11 20:17
9:30 16:2,3 20:17

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In the matter of: Kovaks Liquors

Before: DCABRA

Date: 06-25-18

Place: Washington, DC

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Court Reporter

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