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:

Light Industries, LLC

t/a Licht Café

1520 U Street N.W.

License #ABRA-113980

Retailer CT - New

Application

Case #19-PRO-00091

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.

10:39 a.m.

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

AGENT FLETCHER: Okay. Would the

parties in the matter of Licht Café, please, come

forward, please? Thank you. This is Case No.

19-PRO-00091, Light Industries, LLC, 1520 U

Street, N.W., License No. ABRA-113980. This is a

Retailer Class CT new application.

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

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

Introductions beginning with the applicant, please. If you could just state your name and spell it for the record.

MR. HURD: Yes. My name is Spencer Hurd. It's S-P-E-N-C-E-R and Hurd is H-U-R-D. And I'm here on behalf of Light Industries.

AGENT FLETCHER: Thank you, Mr. Hurd.
Mr. Hurd, did you put your contact information on
that sheet?

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1	MR. HURD: I did.
2	AGENT FLETCHER: Okay. Thank you very
3	much. Present on behalf of ANC-2B?
4	MR. HANLON: Good morning, Ms.
5	Fletcher.
6	AGENT FLETCHER: Good morning.
7	MR. HANLON: Edward Hanlon, ANC
8	Commission 2B09, here on behalf of ANC-2B.
9	AGENT FLETCHER: Thank you, Mr.
10	Hanlon. Would you spell your last name?
11	MR. HANLON: Sure. H-A-N-L-O-N.
12	AGENT FLETCHER: Thank you very much.
13	And present on behalf of the Dupont Circle
14	Citizens Association?
15	MR. ENGELMANN: Hi, my name is Glenn
16	Engelmann. I'm president of the Dupont Circle
17	Citizens Association. My name is spelled, first
18	name is spelled, G-L-E-N-N last name is E-N-G-E-
19	L-M-A-N-N.
20	AGENT FLETCHER: Thank you, Mr.
21	Engelmann. And the Dupont East Civic Action
22	Association? If you could just state your name

1	and spell it for the record, please?
2	MR. DELLEDONNE: My name is Nick
3	DelleDonne, D-E-L-L-E-D-O-N-N-E, two capital Ds.
4	AGENT FLETCHER: Thank you, Mr.
5	DelleDonne. And present on behalf of a Group of
6	67 is?
7	MS. RAY: Kenlee Ray that is spelled
8	K-E-N-L-E-E last name is Ray, R-A-Y.
9	AGENT FLETCHER: Thank you, Ms. Ray.
10	Anybody else present from your group today?
11	MR. BUSCH: Yes, my name is Richard
12	Busch and Busch is spelled B-U-S-C-H.
13	AGENT FLETCHER: Thank you, Mr. Busch.
14	You are also a designated representative.
15	MR. BUSCH: Yes.
16	AGENT FLETCHER: Okay. Oh, and your
17	name?
18	MR. HANLON: Oh, I'm Mr. Hanlon.
19	AGENT FLETCHER: Oh, Mr. Hanlon.
20	MR. HANLON: Yes.
21	AGENT FLETCHER: I went this way and
22	we came back around. Thank you. You were the

1	first person to introduce yourself.
2	MR. HANLON: Yes.
3	AGENT FLETCHER: Thank you. ANC-2B
4	has standing as a protestant.
5	Dupont Circle Citizens Association has
6	standing as a protestant.
7	The Dupont East Civic Action
8	Association has standing as a protestant. With
9	respect to the Group of 67, are there any other
10	individuals present from that group today?
11	MR. BUSCH: Yes, there are.
12	AGENT FLETCHER: Okay. If you could
13	stand right beside Mr. Busch, there is a
14	microphone right there. You just need to state
15	your name and spell it for the record.
16	MS. SCHER: My name is Helene Scher.
17	AGENT FLETCHER: You need to come up
18	to the microphone and just state your name.
19	MR. IVENS: My name is Gary Ivens, G-
20	A-R-Y I-V-E-N-S.
21	AGENT FLETCHER: I-V?
22	MR. IVENS: E-N-S, as in Samuel.

AGENT FLETCHER: Okay. Thank you.
MS. SCHER: My name is Helene Scher,
H-E-L-E-N-E.
AGENT FLETCHER: I'm sorry, what's the
first name? Did you say Helen?
MS. SCHER: Helene, H-E-L-E-N-E.
AGENT FLETCHER: Uh-huh.
MS. SCHER: Last name Scher, S, as in
Sam, C-H-E-R.
AGENT FLETCHER: Thank you.
MS. SCHER: I live on Caroline Street.
AGENT FLETCHER: Thank you very much.
MR. TAKASH: Hi, Hakam Takash spelled
H-A-K-A-M Takash, T-A-K-A-S-H.
AGENT FLETCHER: T-A-K-A?
MR. TAKASH: S-H.
AGENT FLETCHER: F like Frank?
MR. TAKASH: No. S like Sam.
AGENT FLETCHER: Oh. And what's the
last letter?
MR. TAKASH: H, Takash.
AGENT FLETCHER: Oh, okay. Thank you.

1	MR. BARESE: Good morning. Paul
2	Barese. First name P-A-U-L last name B-A-R-E-S-
3	E.
4	AGENT FLETCHER: B-A-R-E-F like Frank?
5	MR. BARESE: S like Sam.
6	AGENT FLETCHER: S like Sam. And
7	what's the last letter?
8	MR. BARESE: E.
9	AGENT FLETCHER: E. Thank you.
10	MS. GAMBER: Nancy Gamber, G-A-M-B-E-
11	R.
12	AGENT FLETCHER: G-A-M-B-E-R?
13	MS. GAMBER: Correct.
14	AGENT FLETCHER: Thank you.
15	MS. HANLEY: My name is Mary Hanley,
16	H-A-N-L-E-Y.
17	AGENT FLETCHER: Thank you, Ms.
18	Hanley.
19	MR. BILLUPS: My name is Bowen
20	Billups. It's B-O-W-E-N and then Billups, B-I-L-
21	L-U-P-S.
22	AGENT FLETCHER: Thank you.

1	MR. BILLUPS: All right.
2	MR. PHILLIPS: Hi, good morning. My
3	name is Michael Phillips last name P-H-I-L-L-I-P-
4	S. Thank you.
5	AGENT FLETCHER: Thank you.
6	MS. NELSON: Good morning.
7	AGENT FLETCHER: Good morning.
8	MS. NELSON: Deborah Nelson.
9	AGENT FLETCHER: How do you spell
10	Deborah?
11	MS. NELSON: D-E-B-O-R-A-H.
12	AGENT FLETCHER: D-E-B-O-R-A-H. And
13	what's the last name, Deborah?
14	MS. NELSON: N-E-L-S-O-N.
15	AGENT FLETCHER: Okay, thank you.
16	DEACON GILLS: Deacon Thomas E. Gills,
17	Freedom Baptist Church.
18	AGENT FLETCHER: Deacon, did you say
19	Thomas?
20	DEACON GILLS: Thomas E. Gills.
21	AGENT FLETCHER: Is that T-H?
22	DEACON GILLS: T-H-O-M-A-S.

1	AGENT FLETCHER: Okay. And Deacon,
2	what's the last name?
3	DEACON GILLS: Gills, G-I-L-L-S.
4	AGENT FLETCHER: G-I-L-L?
5	DEACON GILLS: S.
6	AGENT FLETCHER: Oh, Gills. Okay,
7	thank you. Thank you.
8	MR. KASPERSON: I'll give my name, but
9	I'm here for my wife.
10	AGENT FLETCHER: Okay.
11	MR. KASPERSON: Should I give her
12	name?
13	AGENT FLETCHER: Yes.
14	MR. KASPERSON: Her name is Bonnie, B-
15	O-N-N-I-E, Ram, R-A-M.
16	AGENT FLETCHER: Okay. Bonnie Ram, R-
17	I-M?
18	MR. KASPERSON: R-A-M.
19	AGENT FLETCHER: R-A-M. And so now I
20	will take your name.
21	MR. KASPERSON: Okay. My name is
22	Roger, R-O-G-E-R, Kasperson, K-A-S-P-E-R-S-O-N.

1	AGENT FLETCHER: And you are here on
2	behalf of Bonnie Ram?
3	MR. KASPERSON: And her name is Bonnie
4	Ram.
5	AGENT FLETCHER: Right. And so but
6	you didn't you are not a protestant, but your
7	wife is? Did you sign the Protest Letter or your
8	wife?
9	MR. KASPERSON: She signed it rather
LO	than
L1	AGENT FLETCHER: Okay. That's good.
L2	Thank you. Thank you very much. All right.
L3	MR. TURNER: Barton Turner, B-A-R-T-O-
L 4	N last name Turner, T-U-R-N-E-R.
L5	AGENT FLETCHER: Thank you, Mr.
L6	Turner. Okay. All right. So 14 individuals
L7	from your Group of 67 are present today, that
L8	means that your group is granted full standing
L9	today. And what that means is that at the
20	upcoming Status Hearing, only the designated
21	representative will need to appear, because you
22	have already met the requirement for at least

1	five people to appear in person.
2	And so Ms. Ray and you, Mr. Busch or
3	Mr. C-I-R-I-L-D, if either one of you appear at
4	the upcoming Status Hearing, that will be fine,
5	because your group is granted full standing
6	already.
7	MS. RAY: Thank you.
8	AGENT FLETCHER: Okay. Any questions
9	from anyone?
10	MR. BUSCH: I have a couple.
11	AGENT FLETCHER: Yes. Oh, Mister?
12	MR. BUSCH: Busch.
13	AGENT FLETCHER: Busch.
14	MR. BUSCH: Yes. May I show you this?
15	AGENT FLETCHER: Yeah.
16	MR. BUSCH: My understanding is that
17	the applicant wishes to have
18	AGENT FLETCHER: Well, if you could
19	talk into the microphone, but I will just look at
20	this, unless you need to look at it.
21	MR. BUSCH: Okay.
22	AGENT FLETCHER: Okay. Just if you

could stay right there and talk into the 1 2 microphone. Yeah, don't move it. Don't move it. MR. BUSCH: Okay. All right. 3 Мy understanding is that the applicant has asked for 4 5 hours on the weekends to 1:00 a.m. in the I guess that would be 1:00 a.m. on 6 morning. 7 Saturday morning and 1:00 a.m. on Sunday morning. 8 AGENT FLETCHER: Um-hum. 9 MR. BUSCH: But if you look at the last line on that sheet, it says 11:00 p.m. 10 11 what are the hours? 12 AGENT FLETCHER: So this is the 13 placard notice that I'm looking at. On the 14 bottom line, the hours of live entertainment are 15 Sunday through -- Saturday through Sunday, 11:00 16 a.m. to 11:00 p.m., those are the hours of live 17 entertainment. So those hours can be separate 18 from other hours. 19 So that's -- so the other set of hours 20 that you were looking at, Mr. Busch --21 MR. BUSCH: Yeah, two lines above. AGENT FLETCHER: Two lines above. 22

1	MR. BUSCH: Where it says hours of
2	operation of alcoholic beverage sales, services
3	and consumption.
4	AGENT FLETCHER: Exactly.
5	MR. BUSCH: Summer garden, that says
6	it is to 1:00 a.m. on Friday.
7	AGENT FLETCHER: Yes.
8	MR. BUSCH: Well, I guess that means
9	1:00 a.m. Saturday morning and 1:00 a.m. Sunday
10	morning.
11	AGENT FLETCHER: So that's a different
12	set of hours. Those are the hours of operation
13	of the establishment and the hours of alcoholic
14	beverage sales, service and consumption on the
15	summer garden. Those hours can be different from
16	the hours of entertainment. So the entertainment
17	is going to end
18	MR. BUSCH: At 11:00 p.m.
19	AGENT FLETCHER: Yes.
20	MR. BUSCH: And that means?
21	AGENT FLETCHER: That means
22	MR. BUSCH: That means after 11:00

1 p.m. 2 AGENT FLETCHER: -- no entertainment. MR. BUSCH: -- they will not be in the 3 4 summer garden? 5 AGENT FLETCHER: No entertainment. 6 The hours for the summer garden are, according to 7 the placard notice, on Sunday is what it says, 8 the -- on Sunday the hours are 11:00 a.m. to 9 11:00 p.m.; Monday through Thursday, 4:00 p.m. to 11:00; Friday 4:00 p.m. to 1:00 a.m.; Saturday 10 11 11:00 a.m. to 1:00 a.m., those are the hours of 12 operation, sales and service on the summer 13 garden, but the hours of live entertainment ends 14 at 11:00 p.m. 15 Those are two -- it's two different 16 sets of hours, so there is operation, there is 17 entertainment. 18 MR. BUSCH: Um-hum. 19 AGENT FLETCHER: And you will see there is also another set of hours there. 20

there are hours of operation inside also, for

those all -- those hours can be different.

21

1	the hours of entertainment have been limited to
2	stop at 11:00, no matter what the hours of
3	operation are.
4	MR. BUSCH: Okay.
5	AGENT FLETCHER: Did that clarify it?
6	MR. BUSCH: Yeah. Because yes.
7	AGENT FLETCHER: Okay.
8	MR. BUSCH: Yes, it's the difference
9	between the live entertainment and consumption of
10	beverages.
11	AGENT FLETCHER: Exactly.
12	MR. BUSCH: Solo.
13	AGENT FLETCHER: And so there are
14	different sets of hours.
15	MR. BUSCH: Okay.
16	AGENT FLETCHER: And even the hours of
17	live entertainment inside are different.
18	MR. BUSCH: Than outside?
19	AGENT FLETCHER: Yeah, they are
20	different. The hours of live entertainment
21	inside Monday through Thursday inside are 6:00
22	p.m. to 9:00 p.m.

1	MR. BUSCH: Um-hum.
2	AGENT FLETCHER: So there are
3	different sets of hours.
4	MR. BUSCH: Yeah.
5	AGENT FLETCHER: So I just wanted to
6	point that out.
7	MR. BUSCH: Thank you.
8	AGENT FLETCHER: You are very welcome.
9	MR. HURD: Oh, no question from me.
10	AGENT FLETCHER: Oh.
11	MR. HURD: Thank you.
12	AGENT FLETCHER: I am going to give
13	you a date for mediation, a Status Hearing and a
14	Protest Hearing. I'll give you the date for the
15	Status Hearing and Protest Hearing first.
16	The date for the Status Hearing is
17	September the 11th, September the 11th at 9:30
18	a.m. for the Status Hearing.
19	The Protest Hearing is set for October
20	9, October 9, 2019 at 1:30 for the Protest
21	Hearing.
22	I will give you the next available

1	date for mediation. The next available date is
2	Monday, August 26th at 11:30 a.m. or 1:00 p.m.,
3	that's on Monday August 26 at 11:30 in the
4	morning or 1:00 in the afternoon.
5	MR. HURD: Either of those times are
6	fine for me.
7	AGENT FLETCHER: Okay.
8	MR. HANLON: Either time is fine.
9	AGENT FLETCHER: Either time is good?
10	MR. BUSCH: Yes.
11	AGENT FLETCHER: Then let's make it
12	11:30.
13	MR. HANLON: 11:30?
14	AGENT FLETCHER: Yep. Mediation is
15	set for August 26th at 11:30 a.m.
16	MR. BUSCH: And is that here?
17	AGENT FLETCHER: Here, yes, it's going
18	to be most likely in this room, Mr. Hanlon, just
19	check in out front. In case it's somewhere else,
20	I'll come get you, but more than likely it's
21	going to be right here at that table.
22	MR. HANLON: Ms. Fletcher, may I ask

1	a question?
2	AGENT FLETCHER: Yeah, yeah.
3	MR. HANLON: With respect to the
4	Protest Hearing, is the hearing normally
5	scheduled for 90 minutes or less? Is that
6	AGENT FLETCHER: It's normally
7	scheduled for three hours.
8	MR. HANLON: Oh.
9	AGENT FLETCHER: An hour and a half
10	for each side.
11	MR. HANLON: Okay.
12	MR. BUSCH: Question?
13	AGENT FLETCHER: Um-hum.
14	MR. BUSCH: Do you provide some sort
15	of background information, so we know what to
16	how to prepare, what to prepare
17	AGENT FLETCHER: For the mediation?
18	MR. BUSCH: all that kind of stuff?
19	AGENT FLETCHER: For the mediation?
20	MR. BUSCH: For the
21	AGENT FLETCHER: For everything?
22	MR. BUSCH: For everything.

are going to get an official Hearing Notice
beyond today, which will discuss some of what you
are talking about. So the dates that I'm giving
you today, those are going to be the dates.

MR. BUSCH: Um-hum.

AGENT FLETCHER: But you are going to receive an official Hearing Notice also that has some additional information in it, but I can tell you that for the mediation, you just need to be present.

The mediation is to -- so this is not evidentiary. So there is -- it's not a FactFinding. In the mediation we just all have to meet together to try to resolve the protest issues. So you just come, there is no documents. You know, I don't accept any documents.

So it's not an investigation. We just sit down together and talk about the issues and try to resolve them, if possible. So that's what happens at mediation.

At the Status Hearing, you are only

coming to tell the Board the status of this case, that's it. They are going to want to know if you participated in mediation or not, that's all a Status Hearing is. There are no outstanding issues in this case to be resolved. It takes about five minutes.

When the Board calls you, they want to know if you went to mediation and whether or not you settled. If you didn't settle, they are going to restate this Protest Hearing date of October 9, so they basically want to know how the settlement went.

If you resolve this matter before the Protest Hearing, it will be canceled. If you resolve it before the Status Hearing, the Status Hearing will be canceled. So the mediation is an alternative to going forward.

MR. TAKASH: What happens at the Protest Hearing?

AGENT FLETCHER: Who said that? Oh, if you are from the -- you have to come up and state your name in the microphone and then -- but

just don't move it. 1 2 MR. TAKASH: Hakam Takash again. Just wondering what happens at the Protest Hearing. 3 4 AGENT FLETCHER: At the Protest 5 Hearing -- could you state your name? Did you state your name already? 6 MR. TAKASH: 7 Hakam Takash. 8 AGENT FLETCHER: Okay. Thank you. 9 MR. TAKASH: Yes. At the Protest 10 AGENT FLETCHER: 11 Hearing, the Protest Hearing is like a Court 12 hearing. You provide your evidence, testimony, 13 any documents you have to make your case. like a little mini trial. There is a witness box 14 over there. Whatever your -- whatever is in your 15 16 Protest Letter, the Protest Hearing is where you 17 get to prove that what you said is what is 18 actually happening. 19 You can do that with witnesses, you 20 know. 21 MR. TAKASH: And something gets Is there a final decision at decided at the end? 22

1	the end of that then?
2	AGENT FLETCHER: There is a final
3	decision at the end of that. After the Protest
4	Hearing, our legal office has 90 days to write an
5	opinion, to issue an opinion about their findings
6	related to the, you know, testimony presented to
7	the Board.
8	But basically, you get a chance at the
9	Protest Hearing to prove what you say.
10	MR. TAKASH: Okay.
11	AGENT FLETCHER: So there will be some
12	more information in the official Hearing Notice,
13	but basically that's what happens.
14	MR. TAKASH: Okay.
15	MR. BUSCH: Just a quick question.
16	AGENT FLETCHER: Yes, Mr. Busch.
17	MR. BUSCH: In the mediation where we
18	sit down and talk about what we have done
19	AGENT FLETCHER: You're going to sit
20	down and talk about your whatever your
21	concerns are.
22	MR. BUSCH: My concerns are, okay.

AGENT FLETCHER: This -- so this is a new application. This is a new application. So with a new application, you are not going to be talking about any existing problems, because it's new. So it's new. So you are going to be talking about things you want to prevent or -- because if the place is not open and operating yet, there are no existing problems.

If this was a license renewal and you had filed the protest, you may be protesting about the way they are operating or maybe the noise is too loud or maybe the entertainment is too loud, but those aren't issues in this case, because it's new.

So in a new case, you are talking about the future and you get a chance to talk about your concerns, about noise, for example, and how it would be mitigated. If there is entertainment say on the sidewalk cafe, you get to talk about how the applicant will go about, you know, minimizing that noise.

I mean, there are different -- so it's

a very -- there are different things around 1 2 noise, but we would talk about all of those during mediation. 3 And if at the end of it you feel 4 5 comfortable that the applicant is willing to do whatever he might agree to do to prevent you from 6 7 being disturbed by noise, then, you know, you 8 sign a settlement agreement about that and 9 anything else you agree to. 10 Once the settlement agreement is 11 signed and approved by the Board, we enforce the 12 settlement agreement and it becomes a part of the license. And so it is enforced by the Board. 13 14 But we talk about whatever is in your 15 protest letter. Whatever your concerns are. 16 MR. BUSCH: Thank you. 17 AGENT FLETCHER: Mr. Hanlon? 18 MR. HANLON: Yes, thank you, Ms. 19 Fletcher. I was going to ask is there any audio visual equipment available to --20 21 AGENT FLETCHER: For mediation? 22 MR. HANLON: -- no, for the Protest

1	Hearing.
2	AGENT FLETCHER: Oh, yeah.
3	MR. HANLON: So we can show we can
4	bring a flash drive and put something up on the
5	screen?
6	AGENT FLETCHER: Yeah, you call
7	Sarah Fashbaugh. Do you know Sarah?
8	MR. HANLON: Yeah.
9	AGENT FLETCHER: I'll spell her last
10	name. It's F-A-S-H-B-A-U-G-H. Sarah Fashbaugh
11	is the person you would call about the equipment.
12	Yes, but there is equipment that we set up.
13	MR. HANLON: Oh, good. With respect
14	to may I ask another question?
15	With respect to the 90 minutes, the
16	protestants should among themselves decide how to
17	divide that 90 minutes up, so that they can all
18	put on a case together?
19	AGENT FLETCHER: Yes. And so you
20	don't need a lot of repetition, so you wouldn't
21	need 14 people to say the same thing. You just,
22	you know, pick who your witnesses are going to be

1	and what you want to talk about, you know, what
2	you know, based on what is in your Protest
3	Letter.
4	MR. HANLON: And the order of proof
5	would be protestant then applicant?
6	AGENT FLETCHER: I'm sorry, what was
7	that? Say again.
8	MR. HANLON: The order of proof.
9	AGENT FLETCHER: The order of proof?
10	MR. HANLON: Yeah, protestants first,
11	then applicant?
12	AGENT FLETCHER: The applicant first.
13	MR. HANLON: Applicant first,
14	protestant. Okay.
15	AGENT FLETCHER: Yeah, thinking about
16	that, I think it's the applicant. I'm not
17	positive. You can ask Sarah about that, too.
18	She can check it for you, but I'm thinking the
19	applicant goes first.
20	MR. HANLON: Okay.
21	AGENT FLETCHER: Mr. Busch, were you
22	going to say something else?

1	MR. BUSCH: Could you spell her name
2	again? Sarah's name.
3	AGENT FLETCHER: Oh, yeah, it's her
4	first name is S-A-R-A-H her last name is
5	Fashbaugh, it's F like Frank, A-S-H-B-A-U-G-H,
6	Fashbaugh.
7	MR. BUSCH: Okay.
8	AGENT FLETCHER: She is our community
9	resources officer.
10	MR. BUSCH: And do you have a phone
11	number or email for her?
12	AGENT FLETCHER: I can give you our
13	main number and they will patch you back to her.
14	I don't know her direct line, but they can give
15	it to you. The number is 442-4423.
16	MR. BUSCH: Thank you.
17	AGENT FLETCHER: Uh-huh, you're
18	welcome.
19	Anything else? Okay. Well, thank you
20	for coming.
21	MR. BUSCH: Thank you.
22	MR. HANLON: Thank you.

1	AGENT FLETCHER: The Roll Call Hearing
2	is concluded. See you soon.
3	MR. HANLON: Have a nice day.
4	AGENT FLETCHER: You, too. Thank you.
5	(Whereupon, the Roll Call Hearing was
6	concluded at 11:05 a.m.)
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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

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

Court Reporter

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