

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

IN THE MATTER OF: :

Stubs, LLC, :

t/a Lupo Verde :

1401 T Street, NW :

Retailer CR - ANC 2B :

License No. 088527 :

Case #19-PRO-00067 :

(Petition to Amend or :

Terminate the Settlement :

Agreement) :

MONDAY, JULY 15, 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 10:08 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Lupo Verde, please, come forward?
5 This is Case No. 19-PRO-00067, Stubs, LLC, 1401 T
6 Street, N.W., License No. ABRA-088527. This is a
7 Retailer Class CR petition to amend or terminate
8 the settlement agreement.

9 The protest issues are adverse impact
10 on peace, order and quiet.

11 My name is LaVerne Fletcher conduct
12 the Roll Call Hearing as the Board's Agent.

13 Let's start with the Group of 26 in
14 this case. The designated representatives are
15 Elwyn Ferris.

16 MR. FERRIS: Present.

17 AGENT FLETCHER: And Dwight Barbour?

18 MR. BARBOUR: Present.

19 AGENT FLETCHER: Okay. Thank you, Mr.
20 Barber. If you would just -- there is a
21 microphone right beside Mr. Ferris. If you would
22 just stand right there and state your name and

1 spell it for the record?

2 MR. BARBOUR: Hi. My name is Dwight
3 Barbour, D-W-I-G-H-T B-A-R-B-O-U-R.

4 AGENT FLETCHER: Thank you very much.

5 MS. SCOTT: My name is Michelle Scott,
6 M-I-C-H-E-L-L-E S-C-O-T-T.

7 AGENT FLETCHER: Thank you.

8 MS. KLEIN: Good morning. My name is
9 Phyllis Klein, that's P-H-Y-L-L-I-S K-L-E-I-N.

10 AGENT FLETCHER: Thank you. Anybody
11 else?

12 MR. WITTELS: My name is Dan last name
13 is Wittels, W-I-T-T-E-L-S.

14 AGENT FLETCHER: Thank you.

15 MR. ESTRADA: Good morning. Good to
16 see you. Ramon Estrada, R-A-M-O-N E-S-T-R-A-D-
17 A.

18 AGENT FLETCHER: Good morning, Mr.
19 Estrada.

20 MR. MAYER: Good morning. My name is
21 Juan, J-U-A-N, Mayer, M-A-Y-E-R.

22 AGENT FLETCHER: Thank you.

1 MR. PODGORNIK: Good morning. My name
2 is Guy Podgornik, P-O-D-G-O-R-N-I-K.

3 AGENT FLETCHER: I'm sorry, can you
4 spell the last name for me again?

5 MR. PODGORNIK: Sure. P-O-D-G-O-R-N-
6 I-K.

7 AGENT FLETCHER: Uh-huh, thank you.

8 MR. RACILLA: Good morning. My name
9 is Brian, B-R-I-A-N, Racilla, R-A-C-I-L-L-A.

10 AGENT FLETCHER: Thank you.

11 MS. STERLING: Joan Sterling, S-T-E-R-
12 L-I-N-G.

13 AGENT FLETCHER: Thank you. I think
14 that's everybody. Okay. So then is that
15 everybody, Mr. Ferris?

16 MR. FERRIS: Well, there is another
17 party.

18 AGENT FLETCHER: I mean, I'm just
19 looking at the Group of 26 right now.

20 MR. FERRIS: Oh, yes. That's all of
21 them.

22 AGENT FLETCHER: So for the

1 individuals that's it?

2 MR. FERRIS: Yes.

3 AGENT FLETCHER: Good. Okay. Then,
4 Mr. Ferris, if you could take your chair again
5 and we will reconvene. Thank you. Thank you
6 very much.

7 The Group of 26 that you and Dwight
8 Barbour represent has standing as a protestant.
9 There are at least five of your present today,
10 which means that beyond this point, only the
11 designated representative would need to appear
12 for the Status Hearing before the Board, for the
13 mediation. The group has already been granted
14 full standing.

15 MR. FERRIS: Thank you.

16 AGENT FLETCHER: Um-hum.

17 MR. FERRIS: May I ask are they
18 required to sign this attendance sheet?

19 AGENT FLETCHER: Just you.

20 MR. FERRIS: Just me, okay.

21 AGENT FLETCHER: Uh-huh. Are you a
22 part of that group?

1 MS. VOLMAN: I'm from DCCA and we also
2 protested.

3 AGENT FLETCHER: Oh, yeah, and you can
4 just have a chair right there. I'm going to be
5 calling your case in a minute -- calling your
6 group in a minute.

7 Present on behalf of ANC-2B?

8 MR. HANLON: Good morning. Edward
9 Hanlon on behalf of ANC-2B, an ANC Commissioner
10 for 2B09.

11 AGENT FLETCHER: Thank you. Mr.
12 Hanlon, would you spell your last name, please?

13 MR. HANLON: H-A-N, like Nancy, L-O-N,
14 like Nancy, Hanlon.

15 AGENT FLETCHER: And on behalf of the
16 Shaw-Dupont Citizens Alliance?

17 MR. FERRIS: Elwyn Ferris.

18 AGENT FLETCHER: Mr. Ferris, would you
19 spell your name, please?

20 MR. FERRIS: E-L-W-Y-N F-E-R-R-I-S.

21 AGENT FLETCHER: And on behalf of the
22 Dupont Circle Citizens Association?

1 MS. VOLMAN: Susan Volman, that's V-O
2 -- Susan is S-U-S-A-N. My last name is Volman,
3 V, as in Victor, O-L-M-A-N.

4 AGENT FLETCHER: Ms. Volman, did you
5 put your contact information on that sign-in
6 sheet already?

7 MS. VOLMAN: I'm putting it on right
8 now.

9 AGENT FLETCHER: Thank you.

10 MS. VOLMAN: And you have our protest,
11 it has our contact. I'm putting the president's
12 email on here, too.

13 AGENT FLETCHER: Are you going to be
14 the designated representative for the group?

15 MS. VOLMAN: For this Roll Call
16 Hearing, yes. I also have another board member,
17 Kerry Kemp.

18 MS. KEMP: Kerry Kemp.

19 AGENT FLETCHER: Ms. Kerry, can you
20 speak right into that microphone?

21 MS. KEMP: Like that?

22 AGENT FLETCHER: Yeah. Don't move,

1 I'm sorry.

2 MS. KEMP: I'm Kerry.

3 AGENT FLETCHER: Uh-huh.

4 MS. KEMP: K-E-R-R-Y and the last name
5 is K-E-M-P.

6 AGENT FLETCHER: K-E-M?

7 MS. KEMP: P.

8 AGENT FLETCHER: P. So, Ms. Kemp, you
9 are a designated representative also?

10 MS. KEMP: Yes.

11 AGENT FLETCHER: For the DCCA?

12 MS. KEMP: Yeah, yes.

13 AGENT FLETCHER: Okay. And so who are
14 we going to contact? The first contact?

15 MS. VOLMAN: Contact me, but on the
16 Protest Letter you have, I put the president's
17 email address.

18 AGENT FLETCHER: Yeah, so you know
19 what happens, we contact one designated
20 representative, even though we have more than
21 one. But if you are going to be the primary
22 one --

1 MS. VOLMAN: All right.

2 AGENT FLETCHER: That's going to be
3 you, Ms. Volman?

4 MS. VOLMAN: Yeah.

5 AGENT FLETCHER: Okay. Thank you. We
6 knew about the others, but just so that we have
7 it.

8 MS. VOLMAN: Yeah, I'll pass it along.

9 AGENT FLETCHER: Okay. Thank you.
10 ANC-2B has standing as a protestant. The Shaw-
11 Dupont Citizens Alliance has standing as a
12 protestant. The Dupont Circle Citizens
13 Association has standing as a protestant and
14 standing has already been granted to the Group of
15 26.

16 We need to set a date for a mediation,
17 Status Hearing and Protest Hearing. I'll give
18 you the date for the Status and Protest Hearing
19 first.

20 The date for the Status Hearing is
21 going to be September 11, September 11 at 9:30
22 a.m. for the Status Hearing.

1 The Protest Hearing is set for October
2 23rd at 1:30. October 23rd at 1:30.

3 Do you want to set the mediation for
4 this case on the same day as the license renewal
5 for the 22nd? Is that okay, it's the same thing.
6 So the mediation for the license renewal is
7 11:30. You just want to make it for 1:30 and one
8 will just follow the other or we will just
9 combine them. Is that okay, 1:30?

10 MR. FERRIS: That's fine. Yeah,
11 that's fine.

12 AGENT FLETCHER: Or it can be 9:00.
13 If you want to make it earlier, it can be 9:30.
14 Okay. 1:30. Okay.

15 So mediation related to the settlement
16 agreement or amendment to the settlement
17 agreement is set for 1:30 on August 22nd.

18 Okay. Well, thank you for coming.
19 Any questions at all? Mr. Ferris?

20 MR. FERRIS: Yes. If I may, may I
21 address a procedural matter with you?

22 AGENT FLETCHER: Yes.

1 MR. FERRIS: It is my understanding
2 that all of the signatories on our Protest
3 Petition are supposed to receive a letter or
4 notification from ABRA --

5 AGENT FLETCHER: Um-hum.

6 MR. FERRIS: -- that their attendance
7 is required at this hearing. Am I correct in
8 that?

9 AGENT FLETCHER: Because they all
10 didn't get a letter?

11 MR. FERRIS: That's correct.

12 AGENT FLETCHER: Okay. So you
13 received a letter as the designated
14 representative?

15 MR. FERRIS: Oh, yes, I received a
16 letter. Other than being the representative, Mr.
17 Barbour did not receive a letter. And of the 10
18 protestants who are here today, nine of them can
19 attest to the fact today that they never received
20 a letter.

21 So if we were to rely on notification
22 from ABRA to be at this Roll Call Hearing, it's

1 quite likely we wouldn't be here. And we would
2 be summarily dismissed.

3 And we find it very upsetting that as
4 citizens trying to exercise our civil rights in
5 these matters, that we have to adhere to a very
6 strict set of policies and procedures in order to
7 gain standing, where the Agency that administers
8 those procedures fails to. And it upsets us that
9 this is happening. It's just not acceptable.

10 AGENT FLETCHER: Now, is this a first
11 or, I mean, to your knowledge?

12 MR. FERRIS: I don't know. I can't
13 tell you.

14 AGENT FLETCHER: Okay. That's okay.
15 I'm just wondering because generally that would
16 not be the case, so I don't know what happened
17 this time, Mr. Ferris. I'll bring it to the
18 attention of my supervisor.

19 MR. FERRIS: I appreciate that.

20 AGENT FLETCHER: And we will go from
21 there and thank you for bringing that to our
22 attention. And I understand the point you are

1 making.

2 MR. FERRIS: It took extra effort to
3 get these people here, because nobody --

4 AGENT FLETCHER: They didn't get a --
5 they didn't know about the hearing.

6 MR. FERRIS: -- got a letter.

7 AGENT FLETCHER: And you had to let
8 them all know?

9 MR. FERRIS: Exactly.

10 AGENT FLETCHER: I understand.

11 MR. FERRIS: The burden again falls on
12 us.

13 AGENT FLETCHER: Yes.

14 MR. FERRIS: The burden should be on
15 the Agency.

16 AGENT FLETCHER: Yes.

17 MR. FERRIS: And like I said, we would
18 have been dismissed with no recourse.

19 AGENT FLETCHER: Yes.

20 MR. FERRIS: And would have been at
21 the hands of ABRA, not at the hands of the
22 protestants.

1 AGENT FLETCHER: Yes.

2 MR. FERRIS: We follow our procedures.

3 AGENT FLETCHER: Yes.

4 MR. FERRIS: But we find the Agency
5 not following procedures.

6 AGENT FLETCHER: Well, you know, thanks
7 for bringing that to my attention. I actually
8 didn't know about that and thank you very much.

9 MR. FERRIS: Thank you for allowing me
10 to speak.

11 AGENT FLETCHER: Okay. You are very
12 welcome. Thank you, Mr. Ferris.

13 MR. FERRIS: You're welcome.

14 AGENT FLETCHER: Anything else? Okay.
15 Thank you very much. Thanks for coming. I'll
16 see you August 22nd.

17 MR. FERRIS: Thank you.

18 MR. HANLON: Thank you.

19 AGENT FLETCHER: Okay. The Roll Call
20 Hearing is concluded.

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

<p style="text-align: center;">A</p> <p>a.m 2:2 9:22 14:22 ABRA 11:4,22 13:21 ABRA-088527 2:6 acceptable 12:9 address 8:17 10:21 adhere 12:5 administers 12:7 adverse 2:9 Agency 12:7 13:15 14:4 Agent 1:18 2:3,12,17,19 3:4,7,10,14,18,22 4:3 4:7,10,13,18,22 5:3 5:16,19,21 6:3,11,15 6:18,21 7:4,9,13,19 7:22 8:3,6,8,11,13,18 9:2,5,9 10:12,22 11:5 11:9,12 12:10,14,20 13:4,7,10,13,16,19 14:1,3,6,11,14,19 agreement 1:11 2:8 10:16,17 Alcoholic 1:2,16,17 Alliance 6:16 9:11 allowing 14:9 amend 1:10 2:7 amendment 10:16 ANC 1:8 6:9 ANC-2B 6:7,9 9:10 Anybody 3:10 appear 5:11 appreciate 12:19 Association 6:22 9:13 attendance 5:18 11:6 attention 12:18,22 14:7 attest 11:19 August 10:17 14:16</p>	<p>calling 6:5,5 case 1:9 2:5,14 6:5 10:4 12:16 chair 5:4 6:4 Circle 6:22 9:12 citizens 6:16,22 9:11,12 12:4 civil 12:4 Class 2:7 COLUMBIA 1:1 combine 10:9 come 2:4 coming 10:18 14:15 Commissioner 6:9 concluded 14:20,22 conduct 2:11 contact 7:5,11 8:14,14 8:15,19 Control 1:2,16,17 correct 11:7,11 CR 1:8 2:7</p>	<p>10:10,19,20 11:1,6,11 11:15 12:12,17,19 13:2,6,9,11,14,17,20 14:2,4,9,12,13,17 find 12:3 14:4 fine 10:10,11 first 8:14 9:19 12:10 five 5:9 Fletcher 1:18 2:3,11,17 2:19 3:4,7,10,14,18 3:22 4:3,7,10,13,18 4:22 5:3,16,19,21 6:3 6:11,15,18,21 7:4,9 7:13,19,22 8:3,6,8,11 8:13,18 9:2,5,9 10:12 10:22 11:5,9,12 12:10 12:14,20 13:4,7,10,13 13:16,19 14:1,3,6,11 14:14,19 follow 10:8 14:2 following 14:5 forward 2:4 full 5:14</p>	<p style="text-align: center;">K</p> <p>K-E-M 8:6 K-E-M-P 8:5 K-E-R-R-Y 8:4 K-L-E-I-N 3:9 Kemp 7:17,18,18,21 8:2 8:4,7,8,10,12 Kerry 7:17,18,19 8:2 Klein 3:8,9 knew 9:6 knowledge 12:11</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Lupo Verde 067

Before: DC ABRA

Date: 07-15-19

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

NEAL R. GROSS

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