

ALSO PRESENT:

CAROLYN ANDERSON, Group of 13

DAVID CONROY, Group of 13

LAURA DUNN, Group of 13 Representative

ANA ESCOBAR, Group of 13

MICHAEL FASANO, Group of 13

DESMOND FOYNES, Group of 13

PAUL HOLDER, Applicant

DOUG LAMB, Group of 13

GILL LIVINGSTON, Group of 13

MATTHEW MINORA, Applicant's Attorney

HENRY THUMANN, Group of 13

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

2 10:03 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Midtown Center Restaurant, please,
5 come forward? The parties in the matter of
6 Midtown Center Restaurant. This is Case No. 19-
7 PRO-00013, 1100 15th Street, N.W., License No.
8 ABRA-112211. This is a Retailer Class CR new
9 application.

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

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

15 Introductions beginning with the
16 applicant, please.

17 MR. MINORA: Good morning. Matthew
18 Minora from the Law Firm of Mallios & O'Brien,
19 I'm licensed counsel for the applicant.

20 AGENT FLETCHER: Thank you, Mr.
21 Minora. And your name, sir?

22 MR. HOLDER: Paul Holder, applicant.

1 AGENT FLETCHER: What's the first name
2 again?

3 MR. HOLDER: Paul.

4 AGENT FLETCHER: P-A-U-L? And what's
5 the last name?

6 MR. HOLDER: Holder, H-O-L-D-E-R.

7 AGENT FLETCHER: Thank you very much.
8 And present on behalf of the Group of 13?

9 MS. DUNN: Laura Dunn, D-U-N-N.

10 AGENT FLETCHER: Thank you, Ms. Dunn.
11 Are there any individuals from your group present
12 with you today?

13 MS. DUNN: Yes, there are a few and
14 would you like them to step forward?

15 AGENT FLETCHER: Yes, just stand up
16 right in front of the microphone and state your
17 name, but don't move the microphone.

18 MS. DUNN: Sorry.

19 AGENT FLETCHER: Just state your name
20 and spell it for the record.

21 MR. FASANO: Michael Fasano, F as in
22 Frank, A-S-A-N-O.

1 AGENT FLETCHER: Thank you.

2 MR. CONROY: David Conroy, C-O-N-R-O-
3 Y.

4 AGENT FLETCHER: C-O-N-R-O-Y?

5 MR. CONROY: Yes, ma'am.

6 AGENT FLETCHER: Thank you very much,
7 Mr. Conroy.

8 MR. FOYNES: Desmond Foynes, 1026 16th
9 Street, The Presidential.

10 AGENT FLETCHER: Desmond, how do you
11 spell your last name?

12 MR. FOYNES: F as in Frank, F-O-Y-N-E-
13 S.

14 AGENT FLETCHER: Thank you very much.

15 MR. FASANO: I think we have a couple
16 more.

17 AGENT FLETCHER: Good morning.

18 MS. ESCOBAR: Ana Escobar.

19 AGENT FLETCHER: Escobar is the last
20 name?

21 MS. ESCOBAR: Yes.

22 AGENT FLETCHER: Ms. Escobar, what's

1 the first name?

2 MS. ESCOBAR: Ana, A-N-A.

3 AGENT FLETCHER: Thank you very much.

4 Thank you.

5 MR. THUMANN: Henry Thumann, T-H-U-M-

6 A-N-N.

7 AGENT FLETCHER: Oh, T-H-U?

8 MR. THUMANN: M-A-N-N.

9 AGENT FLETCHER: M-A-N-N. Thank you.

10 Good morning.

11 MR. LIVINGSTON: Gill Livingston.

12 AGENT FLETCHER: G-I-L?

13 MR. LIVINGSTON: Two Ls.

14 AGENT FLETCHER: Two Ls. Livingston?

15 MR. LIVINGSTON: Livingston.

16 AGENT FLETCHER: Thank you.

17 MR. LAMB: Doug Lamb.

18 AGENT FLETCHER: L-A-M-B?

19 MR. LAMB: L-A-M-B, yes.

20 AGENT FLETCHER: Thank you, Mr. Lamb.

21 MS. ANDERSON: Carolyn Anderson.

22 AGENT FLETCHER: I'm sorry, what was

1 that? What's the first name? I'm sorry, I
2 missed it.

3 MS. ANDERSON: Carolyn.

4 AGENT FLETCHER: Oh, Carolyn with a C?

5 MS. ANDERSON: Yes, and L-Y-N.

6 AGENT FLETCHER: And what's the last
7 name Carolyn?

8 MS. ANDERSON: Anderson.

9 AGENT FLETCHER: Oh, Anderson. Okay.
10 Thank you.

11 There are eight individuals present
12 from the group that you represent, Ms. Dunn, and
13 each of them signed the Protest Letter?

14 MS. DUNN: Yes. And I do want to make
15 sure that you have the full correct copy. I
16 believe the Protest Letter that we submitted in
17 person had page 5 missing, but I emailed that
18 same day, March 1st.

19 AGENT FLETCHER: Let me make sure.

20 MS. DUNN: And provided the full --

21 AGENT FLETCHER: What changed about
22 it?

1 MS. DUNN: Just the last page might
2 not have been in the physical copy. I have the
3 email submitting it.

4 AGENT FLETCHER: Oh, let me take a
5 look.

6 MS. DUNN: Still on March 1st.

7 AGENT FLETCHER: Okay. So it would
8 have been just the last page missing? Let me
9 make sure. So this is the last page?

10 MS. DUNN: Yeah.

11 AGENT FLETCHER: Let me make sure.
12 Nope. Let me see. Yep, got it. Mr. Minora, do
13 you want to take a look at this and see if you
14 have -- this is the version that you have? Or
15 you can keep this if you like.

16 MR. MINORA: That would be great.

17 AGENT FLETCHER: Yes.

18 MR. MINORA: Just to be sure.

19 AGENT FLETCHER: Yes, uh-huh.

20 MR. MINORA: Thank you.

21 AGENT FLETCHER: Ms. Dunn, there are
22 eight people present from the group that you

1 represent, which means that the Group of 12 is
2 granted --

3 MS. DUNN: I believe it is 13 total.

4 AGENT FLETCHER: Yeah, I'll get to
5 that, too.

6 MS. DUNN: Okay.

7 AGENT FLETCHER: Thank you. So there
8 is a Group of 12 granted full standing, which
9 means that at the upcoming Status Hearing, only
10 you need to appear as the designated
11 representative. So the group is granted to the--
12 I'm going to grant standing to -- full standing
13 to the Group of 12. The -- in terms of the
14 University Club, that would have been the 13th
15 member of your group?

16 MS. DUNN: Yes.

17 AGENT FLETCHER: Yes? The University
18 Club filed a protest as a part of your group of
19 13. The University Club is a commercial property
20 owner. Is not a residential property owner.
21 It's a commercial property owner and it is not
22 abutting. And so that is what is unusual about

1 the University Club becoming a part of your Group
2 of 13.

3 So what I'm going to do, I'm going to
4 grant conditional standing to the University
5 Club. I'm not going to dismiss the University
6 Club, I'm going to grant conditional standing to
7 the University Club. I'm going to allow the ABC
8 Board to take a look at granting standing to the
9 University Club as a part of your group.

10 MS. DUNN: If I may be heard on that?
11 The University Club owns the property on which it
12 is.

13 AGENT FLETCHER: They are not
14 abutting.

15 MS. DUNN: It does not have to be
16 abutting under DC Code 25 --

17 AGENT FLETCHER: And that's the
18 argument that you will make. That's the argument
19 that you will make.

20 MS. DUNN: I understand, but you
21 referenced some -- there being something unique
22 about a commercial property owner and I have not

1 seen that language anywhere in the statutory --

2 AGENT FLETCHER: That's okay. And
3 that will be the case you make. That will be the
4 case that you make.

5 For today, I'm going to grant them
6 conditional standing. I'm not dismissing them.

7 MS. DUNN: Um-hum.

8 AGENT FLETCHER: But they are not
9 abutting. I understand what you are saying. I
10 know the regulations, how the regulations read.

11 MS. DUNN: Um-hum.

12 AGENT FLETCHER: But I'm going to
13 grant conditional standing to the University Club
14 to allow the ABC Board to decide if it will grant
15 full standing to the University Club, even though
16 it is not an abutting property owner, only
17 because it does not abut. To see if they will
18 grant full standing to the University Club, even
19 though it does not abut.

20 MS. DUNN: Um-hum.

21 AGENT FLETCHER: And it is a
22 commercial property owner.

1 MS. DUNN: Um-hum.

2 AGENT FLETCHER: You'll make the case
3 that you make.

4 Mr. Minora, did you have any -- that's
5 all? Okay. Thank you.

6 And so, Ms. Dunn, we will proceed as
7 we normally would. They weren't dismissed, so
8 I'm going to set the date for mediation, a Status
9 Hearing and a Protest Hearing.

10 And so you will still be representing
11 the University Club at the mediation, which
12 generally will take place before the Status
13 Hearing. So we can just move forward.

14 MS. DUNN: Okay.

15 AGENT FLETCHER: I'm going to give you
16 the dates for a Status Hearing and a Protest
17 Hearing first and then we will set the date for
18 the mediation.

19 The date for the Status Hearing is
20 April 10, April 10 at 9:30 a.m. The Protest
21 Hearing is set for May 15, May 15 at 1:30 p.m.

22 I'm going to give you the next

1 available date for mediation. The next available
2 day is Tuesday, March 26. Tuesday, March 26 at
3 9:00, 10:00, 11:00, 1:00.

4 MR. MINORA: 11:00 or 1:00, please.

5 AGENT FLETCHER: Ms. Dunn, 11:00 or
6 1:00 work for you?

7 MS. DUNN: Either works.

8 AGENT FLETCHER: 1:00?

9 MS. DUNN: 1:00 is fine.

10 AGENT FLETCHER: Okay.

11 MR. MINORA: Thank you.

12 AGENT FLETCHER: Um-hum. Mediation is
13 set for 1:00 on Tuesday, March 26th. Any
14 questions at all?

15 MS. DUNN: Not at this time.

16 AGENT FLETCHER: Okay. Thank you for
17 coming.

18 MR. MINORA: Thank you.

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

21 (Whereupon, the Roll Call Hearing was
22 concluded at 10:13 a.m.)

<p style="text-align: center;">A</p> <p>A-N-A 6:2 A-N-N 6:6 A-S-A-N-O 4:22 a.m 3:2 12:20 13:22 ABC 10:7 11:14 ABRA-112211 1:9 3:8 abut 11:17,19 abutting 9:22 10:14,16 11:9,16 adverse 3:10 Agent 1:19 3:3,14,20 4:1,4,7,10,15,19 5:1,4 5:6,10,14,17,19,22 6:3,7,9,12,14,16,18 6:20,22 7:4,6,9,19,21 8:4,7,11,17,19,21 9:4 9:7,17 10:13,17 11:2 11:8,12,21 12:2,15 13:5,8,10,12,16,19 Alcoholic 1:2,16,17 allow 10:7 11:14 Ana 2:14 5:18 6:2 Anderson 2:11 6:21,21 7:3,5,8,8,9 appear 9:10 applicant 2:17 3:16,19 3:22 Applicant's 2:20 application 1:10 3:9 April 12:20,20 argument 10:18,18 Attorney 2:20 available 13:1,1</p>	<p>10:6,7,9,11 11:13,15 11:18 12:11 Code 10:16 COLUMBIA 1:1 come 3:5 coming 13:17 commercial 9:19,21 10:22 11:22 concluded 13:20,22 conditional 10:4,6 11:6 11:13 conducting 3:13 Conroy 2:12 5:2,2,5,7 Control 1:2,16,17 copy 7:15 8:2 correct 7:15 counsel 3:19 couple 5:15 CR 1:8 3:8</p>	<p>Firm 3:18 first 4:1 6:1 7:1 12:17 Fletcher 1:19 3:3,13,20 4:1,4,7,10,15,19 5:1,4 5:6,10,14,17,19,22 6:3,7,9,12,14,16,18 6:20,22 7:4,6,9,19,21 8:4,7,11,17,19,21 9:4 9:7,17 10:13,17 11:2 11:8,12,21 12:2,15 13:5,8,10,12,16,19 forward 3:5 4:14 12:13 Foynes 2:16 5:8,8,12 Frank 4:22 5:12 front 4:16 full 7:15,20 9:8,12 11:15,18</p>	<p style="text-align: center;">L</p> <p>L-A-M-B 6:18,19 L-Y-N 7:5 Lamb 2:18 6:17,17,19 6:20 language 11:1 Laura 2:13 4:9 LaVerne 1:19 3:13 Law 3:18 Letter 7:13,16 License 1:9 3:7 licensed 3:19 Livingston 2:19 6:11,11 6:13,14,15,15 LLC 1:7 look 8:5,13 10:8 Ls 6:13,14</p>
<p style="text-align: center;">B</p> <p>becoming 10:1 beginning 3:15 behalf 4:8 believe 7:16 9:3 Beverage 1:2,16,17 Board 1:2,16 10:8 11:14 Board's 3:14 Building 1:18</p>	<p style="text-align: center;">D</p> <p>D-U-N-N 4:9 D.C 1:19 date 12:8,17,19 13:1 dates 12:16 David 2:12 5:2 day 7:18 13:2 DC 10:16 decide 11:14 designated 9:10 Desmond 2:16 5:8,10 dismiss 10:5 dismissed 12:7 dismissing 11:6 DISTRICT 1:1 Doug 2:18 6:17 Dunn 2:13 4:9,9,10,13 4:18 7:12,14,20 8:1,6 8:10,21 9:3,6,16 10:10,15,20 11:7,11 11:20 12:1,6,14 13:5 13:7,9,15</p>	<p style="text-align: center;">G</p> <p>G-I-L 6:12 generally 12:12 Gill 2:19 6:11 give 12:15,22 going 9:12 10:3,3,5,6,7 11:5,12 12:8,15,22 Good 3:17 5:17 6:10 grant 9:12 10:4,6 11:5 11:13,14,18 granted 9:2,8,11 granting 10:8 great 8:16 group 2:11,12,13,14,15 2:16,18,19,21 4:8,11 7:12 8:22 9:1,8,11,13 9:15,18 10:1,9</p>	<p style="text-align: center;">M</p> <p>M-A-N-N 6:8,9 ma'am 5:5 Mallios 3:18 March 1:13 7:18 8:6 13:2,2,13 matter 1:5 3:4,5 Matthew 2:20 3:17 means 9:1,9 mediation 12:8,11,18 13:1,12 member 9:15 met 1:17 Michael 2:15 4:21 microphone 4:16,17 Midtown 1:6 3:4,6 Minora 2:20 3:17,18,21 8:12,16,18,20 12:4 13:4,11,18 missed 7:2 missing 7:17 8:8 MONDAY 1:13 morning 3:17 5:17 6:10 move 4:17 12:13</p>
<p style="text-align: center;">C</p> <p>C 7:4 C-O-N-R-O- 5:2 C-O-N-R-O-Y 5:4 Call 1:3,8 3:14 13:20,21 Carolyn 2:11 6:21 7:3,4 7:7 case 1:9 3:6 11:3,4 12:2 Center 1:6 3:4,6 changed 7:21 Class 3:8 Club 9:14,18,19 10:1,5</p>	<p style="text-align: center;">E</p> <p>eight 7:11 8:22 Either 13:7 email 8:3 emailed 7:17 Escobar 2:14 5:18,18 5:19,21,22 6:2</p>	<p style="text-align: center;">H</p> <p>H-O-L-D-E-R 4:6 heard 10:10 Hearing 1:3,8,17 3:14 9:9 12:9,9,13,16,17 12:19,21 13:20,21 Henry 2:21 6:5 Holder 2:17 3:22,22 4:3 4:6,6</p>	<p style="text-align: center;">N</p> <p>N.W 1:18 3:7 name 3:13,21 4:1,5,17 4:19 5:11,20 6:1 7:1,7 need 9:10 new 1:10 3:8 Nope 8:12 normally 12:7 NW 1:8</p>
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		<p style="text-align: center;">K</p>	

<p>order 3:11 owner 9:20,20,21 10:22 11:16,22 owns 10:11</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P-A-U-L 4:4 P-R-O-C-E-E-D-I-N-G-S 3:1 p.m 12:21 page 7:17 8:1,8,9 parking 3:11 part 9:18 10:1,9 parties 3:3,5 Paul 2:17 3:22 4:3 peace 3:11 pedestrian 3:12 people 8:22 person 7:17 physical 8:2 place 12:12 please 3:4,16 13:4 present 2:9 4:8,11 7:11 8:22 Presidential 5:9 presiding 1:20 PRO-00013 3:7 proceed 12:6 property 9:19,20,21 10:11,22 11:16,22 protest 3:10 7:13,16 9:18 12:9,16,20 provided 7:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 13:14 quiet 3:11</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>read 11:10 record 4:20 Reeves 1:18 referenced 10:21 regulations 11:10,10 represent 7:12 9:1 representative 2:13 9:11 representing 12:10 residential 3:11 9:20 Restaurant 1:7 3:4,6 Retailer 1:8 3:8 right 4:16 Roll 1:3,8 3:14 13:19,21 Room 1:17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 5:13 safety 3:12</p>	<p>saying 11:9 see 8:12,13 11:17 seen 11:1 set 12:8,17,21 13:13 signed 7:13 sir 3:21 sorry 4:18 6:22 7:1 spell 4:20 5:11 stand 4:15 standing 9:8,12,12 10:4 10:6,8 11:6,13,15,18 state 4:16,19 Status 9:9 12:8,12,16 12:19 statutory 11:1 step 4:14 Street 1:8,18 3:7 5:9 submitted 7:16 submitting 8:3 sure 7:15,19 8:9,11,18</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T-H-U 6:7 T-H-U-M- 6:5 t/a 1:7 take 8:4,13 10:8 12:12 TBD 1:7 terms 9:13 Thank 3:20 4:7,10 5:1,6 5:14 6:3,4,9,16,20 7:10 8:20 9:7 12:5 13:11,16,18,19 the-- 9:11 think 5:15 Thumann 2:21 6:5,5,8 time 13:15 today 4:12 11:5 total 9:3 Tuesday 13:2,2,13 Two 6:13,14</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uh-huh 8:19 Um-hum 11:7,11,20 12:1 13:12 understand 10:20 11:9 unique 10:21 University 9:14,17,19 10:1,4,5,7,9,11 11:13 11:15,18 12:11 unusual 9:22 upcoming 9:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vehicular 3:12 version 8:14</p> <hr/> <p style="text-align: center;">W</p>	<p>want 7:14 8:13 Washington 1:19 weren't 12:7 work 13:6 works 13:7</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Y 5:3 Yeah 8:10 9:4 Yep 8:12</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1:00 13:3,4,6,8,9,13 1:30 12:21 10 12:20,20 10:00 13:3 10:03 3:2 10:13 13:22 1026 5:8 11:00 13:3,4,5 1100 1:8 3:7 12 9:1,8,13 13 2:11,12,13,14,15,16 2:18,19,21 4:8 9:3,19 10:2 13th 9:14 14th 1:18 15 12:21,21 15th 1:8 3:7 16th 5:8 18 1:13 19- 3:6 19-PRO-00013 1:9 1st 7:18 8:6</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:18 2019 1:13 25 10:16 26 13:2,2 26th 13:13</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 7:17</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p>	<hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:00 13:3 9:30 12:20</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: Midtown Center Restaurant

Before: Alcoholic Beverage Control Board

Date: 03-18-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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