

ALSO PRESENT:

KEVIN LEE, Applicant's Counsel

CHANG CHOI, Applicant

RONNIE EDWARDS, ANC 5A

GRACE J. LEWIS, ANC 5A

CHARLES LOCKETT, Protestant

FRANK WILDS, Protestant

ENRIQUE COBHAM, Protestant

WILLIAM SMITH, Protestant

CARMEN WILLIAMS, Protestant

VIRGINIA EDWARDS, Protestant

RUDY TRAMMELL, Protestant

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

2 10:27 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of Pax Spirits, please, come forward?
5 The parties in the matter of Pax Spirits. This
6 is Case No. 18-PRO-00071, Pax Liquor, Inc. t/a
7 Pax Spirits, 4944 South Dakota Avenue, N.E.,
8 License No. ABRA-110690, Retailer Class CA new
9 application.

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

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

16 Introductions beginning with the
17 applicant, please.

18 MR. LEE: Good morning. My name is
19 Kevin Lee. I represent the Pax Liquors, Inc. t/a
20 Pax Spirits. Next to me is the owner of the
21 business.

22 AGENT FLETCHER: Okay. Thank you.

1 And could you state your name and spell it,
2 please?

3 MR. CHOI: Oh, my name is Chang Choi,
4 C-H-A-N-G last name is C-H-O-I.

5 AGENT FLETCHER: Thank you very much.
6 And present on behalf of ANC-5A?

7 MR. EDWARDS: Ronnie Edwards, Chairman
8 of ANC-5A.

9 AGENT FLETCHER: Mr. Edwards, would
10 you spell your name for the record, please?

11 MR. EDWARDS: R-O-N-N-I-E E-D-W-A-R-
12 D-S.

13 AGENT FLETCHER: Thank you. And your
14 name, ma'am?

15 MS. LEWIS: My name is Grace J. Lewis.

16 AGENT FLETCHER: G-R-A-C-E?

17 MS. LEWIS: That's correct.

18 AGENT FLETCHER: And what's the last
19 name?

20 MS. LEWIS: Lewis, L-E-W-I-S.

21 AGENT FLETCHER: Thank you. Mr.
22 Edwards, I have a question for you. Mr. Edwards,

1 was it the -- it's not clear if it was the
2 intention of the ANC to file a protest or the ANC
3 and all of the signatures on the -- you have a
4 petition with signatures also.

5 And it appears that the ANC is filing
6 that protest with the support of all of the
7 petitioners.

8 MR. EDWARDS: With the support of all
9 the petitioners, yes, that's the way to put it.

10 AGENT FLETCHER: Okay.

11 MR. EDWARDS: Now, and we also have
12 and we included in our protest statements from
13 various residents in the neighborhood --

14 AGENT FLETCHER: Uh-huh.

15 MR. EDWARDS: -- and indicated that we
16 wanted to establish, if possible, a Group of Five
17 or More.

18 AGENT FLETCHER: So that's what I want
19 to clarify. I'm going to check one more thing
20 for you.

21 MR. EDWARDS: Okay.

22 AGENT FLETCHER: Because it was clear

1 that it could be either one. I just need to take
2 a second and look at it.

3 MR. EDWARDS: Yes. And I have the
4 list to be more clear in terms of the five or
5 more --

6 AGENT FLETCHER: Uh-huh.

7 MR. EDWARDS: -- for you here.

8 AGENT FLETCHER: Okay. I'll take
9 that.

10 MR. EDWARDS: Okay. I need a copy if
11 I could.

12 AGENT FLETCHER: Okay.

13 MR. LEE: Could you send me a copy
14 later?

15 AGENT FLETCHER: Yeah, I'll get it
16 before you leave.

17 MR. EDWARDS: And could we have one of
18 the representatives for the five or more to come
19 up here?

20 AGENT FLETCHER: Yes.

21 MR. EDWARDS: Okay.

22 MR. LEE: That's a separate protest or

1 just the same group?

2 AGENT FLETCHER: Yeah, I'm going to
3 clear it up in a minute. Yeah, that's what I'm
4 trying to actually establish.

5 MR. LEE: Okay.

6 AGENT FLETCHER: Mr. Edwards, I'm
7 going to ask you something about this document.
8 Just for the record, Mr. Edwards just gave me a--
9 it's a Protest Letter for a Group of Five or More
10 to appear today at the Roll Call Hearing. It's
11 not necessary that everyone appear, but that's
12 what this is and so there is a list of names.

13 So my first question is going to be if
14 these people also signed the petition that you
15 submitted with your protest?

16 MR. EDWARDS: I think they all did,
17 yes. Yes. And most of them are here today.

18 AGENT FLETCHER: Okay. And, Mr.
19 Edwards, this document -- I'm just going to show
20 that to you, Mr. Lee, to take a look at now, so
21 that you know what I'm referring to and then I'll
22 make a copy before you leave.

1 This document, Mr. Edwards, you are
2 giving to me today, you didn't give it to us
3 before today, I'm receiving it today?

4 MR. EDWARDS: That's right.

5 AGENT FLETCHER: Okay.

6 MR. LEE: Ms. Fletcher, I'm not sure
7 that if they submit today --

8 AGENT FLETCHER: Well, Mr. Lee, you
9 need to talk into your microphone. Thank you.

10 MR. LEE: Is that on?

11 AGENT FLETCHER: Oh, yes, thank you.

12 And what were you saying, Mr. Lee?

13 MR. LEE: If they a part of the
14 original protest, it's okay. But it's not and
15 it's a new group of five, then it's past the
16 petition deadline. So they are not qualified for
17 -- as a new protestant group.

18 AGENT FLETCHER: That is correct. So
19 I'm going to review your Protest Letter again,
20 Mr. Edwards, just to make sure what it says. It
21 wasn't clear that there was going to be a group
22 of five and I understand you are clarifying it

1 now, but it would have needed to be established
2 before the petition deadline, so let me -- go
3 ahead, Mr. Edwards.

4 MR. EDWARDS: It was in the email --

5 AGENT FLETCHER: Yes.

6 MR. EDWARDS: -- transmitted, where I
7 mentioned the group of five.

8 AGENT FLETCHER: I'm going to take
9 another look. From what I recall, there was a
10 mention in the email that a group may file --
11 there may be a group of five or more and may file
12 a protest. I'm trying to find it right now.

13 MR. EDWARDS: That did not identify
14 the names, but then as you indicated, all of the
15 individuals that are listed on that group of five
16 that I sent you, all signed the petition. And
17 the majority of them had a separate statement
18 that was also included as a part of our protest.

19 AGENT FLETCHER: So their statements,
20 I read their statements, but in their statement,
21 what they said is "We, the undersigned residents
22 of the North Michigan Park Community located in

1 ANC-5A, oppose the license." But it didn't state
2 a basis. But they did make that statement at the
3 top of each page, so there was a statement made
4 that you oppose the license.

5 MR. EDWARDS: Yes.

6 AGENT FLETCHER: So that is there.

7 MR. EDWARDS: Yes.

8 AGENT FLETCHER: So, Mr. Edwards, I'm
9 looking at your protest letter one more time.

10 MR. EDWARDS: And while you are
11 looking, did you --

12 AGENT FLETCHER: Uh-huh?

13 MR. EDWARDS: -- receive as a part of
14 the record a Councilmember's letter of protest as
15 well?

16 AGENT FLETCHER: I'll check for you.

17 MR. EDWARDS: Okay.

18 AGENT FLETCHER: To make sure it's in
19 here.

20 MR. EDWARDS: If not, I have a copy of
21 that as well.

22 AGENT FLETCHER: Okay. All right.

1 Mr. Edwards, I'll tell you what I'm looking for.
2 I'm reading through and I'm looking for -- there
3 was a statement in your protest letter where you
4 mention this group. And --

5 MR. EDWARDS: Okay. Let me see.

6 AGENT FLETCHER: -- you mentioned it
7 and highlighted for me, but It's --

8 MR. EDWARDS: So proceed.

9 AGENT FLETCHER: -- yes, it said that
10 the group may -- that's what I'm talking about.

11 MR. EDWARDS: That's what you are
12 talking about?

13 AGENT FLETCHER: Yes, thank you.
14 That's exactly what I'm referring to.

15 MR. EDWARDS: Okay.

16 AGENT FLETCHER: So, Mr. Edwards, can
17 you do me a favor and read that email? That's
18 what I'm looking for. I just don't see it right
19 now. There is an email where Mr. Edwards makes
20 that statement.

21 MR. EDWARDS: All right. This is the
22 email forwarding, and it was also copied to Mr.

1 Lee, it says "Good morning, please, find attached
2 ANC-5A's report. Please be advised that
3 incorporated as part of our report, there may be
4 an interest in establishment of a group of five
5 in accordance with Chapter 16 § 1605.1."

6 AGENT FLETCHER: Yes, that's the one
7 I'm referring to. And at some point, that -- I
8 read that. I was just looking for it.

9 MR. EDWARDS: Okay.

10 AGENT FLETCHER: And so what I did,
11 and I see this establishes that.

12 MR. EDWARDS: Yes.

13 AGENT FLETCHER: Okay. So what that
14 means is the group could not have been the -- the
15 group could have been established, but it would
16 have needed to be prior to the petition deadline
17 of 9/17. So what I'm going to do, I'm going to
18 grant standing to ANC-5A, but I'm not going to
19 grant standing to the group, to the individual
20 group, because the protest that was originally
21 submitted did indicate that you may do that, that
22 you may -- it said that. I saw it, so I knew

1 that.

2 And so, Mr. Edwards, I expected at
3 some point you would send us something and I see
4 that it is here, it's just that you may not have
5 known that it would need to be here before the
6 end of the petition deadline.

7 So I'm not going grant standing to
8 this group, but, Mr. Edwards, you know the
9 process. You know you can appeal that. But I'm
10 not going to grant standing to the individual
11 group.

12 So right now, all of those signatures
13 that you mentioned, they are all right here, so
14 we know that you are in support of the ANC's
15 protest. And if the Board decides to grant
16 standing to all the petitioners, they will. But
17 so, Mr. Edwards, you know the process, the filing
18 of --

19 MR. EDWARDS: I do, yes.

20 AGENT FLETCHER: -- the request for --

21 MR. EDWARDS: Reinstatement order.

22 AGENT FLETCHER: -- standing. Yes,

1 so, yes.

2 MR. EDWARDS: Okay.

3 AGENT FLETCHER: And so we have ANC-5A
4 as a protestant.

5 MR. EDWARDS: Thank you.

6 AGENT FLETCHER: But I'll make a note
7 of what I just said in the record that goes into
8 the folder, so if you decide to motion the Board
9 for standing of this group, they will have what
10 happened today and the transcript.

11 MR. EDWARDS: And so those
12 individuals, even if standing is not granted to
13 them individually, will be a part of our protest?

14 AGENT FLETCHER: Yeah, so they are all
15 included, all of them are included with your
16 protest.

17 MR. EDWARDS: Okay.

18 AGENT FLETCHER: So what it looks like
19 in our record is that the ANC filed a protest
20 with the support of all the people that signed --
21 who signed that petition. So that's what it
22 looks like to us, that that's the support of all.

1 MR. EDWARDS: Okay.

2 AGENT FLETCHER: Yeah.

3 MR. EDWARDS: And Councilmember

4 McDuffie?

5 AGENT FLETCHER: Well, let me see if

6 his document is here, because I actually -- if

7 you had that, Mr. Edwards, I'll put it in here.

8 Do I need to make a copy of that?

9 MR. EDWARDS: Yes.

10 AGENT FLETCHER: Okay. I'll do that

11 before you go.

12 MR. EDWARDS: Both copies.

13 AGENT FLETCHER: Yes. And this

14 letter.

15 MR. EDWARDS: Okay.

16 AGENT FLETCHER: Yes. So I'll just do

17 that. I'll go ahead and set the dates and then

18 I'll make these copies for you.

19 MR. EDWARDS: Okay.

20 AGENT FLETCHER: I'll give you the

21 date for the Status and Protest Hearing first.

22 The date for the Status Hearing is

1 going to be October 31st.

2 MR. LEE: What?

3 AGENT FLETCHER: October 31st at 9:30
4 a.m., October 31 at 9:30.

5 MR. EDWARDS: At 441?

6 AGENT FLETCHER: It's going to be
7 right here.

8 MR. EDWARDS: Oh, okay.

9 AGENT FLETCHER: Uh-huh, that's the
10 Status Hearing.

11 MR. EDWARDS: Okay.

12 AGENT FLETCHER: So the Status Hearing
13 is October 31 at 9:30.

14 The Protest Hearing is set for
15 November 28. November 28 at 1:30 p.m.

16 Before we set a date for the
17 mediation, I'm going to write down the names of
18 all the people from the group that are present
19 today.

20 MR. EDWARDS: Okay.

21 AGENT FLETCHER: So Ms. Lewis, you are
22 here. And can you state your name and spell it

1 for the record?

2 MR. LOCKETT: Yes, ma'am. My name is
3 Charles Lockett, that would be L-O-C-K-E-T-T.

4 AGENT FLETCHER: Okay. And your name,
5 sir?

6 MR. WILDS: Frank Wilds, F-R-A-N-K.

7 AGENT FLETCHER: I'm sorry, what's the
8 first name?

9 MR. WILDS: Frank.

10 AGENT FLETCHER: Oh, Frank. Okay.
11 Uh-huh.

12 MR. WILDS: Wilds, W-I-L-D-S.

13 AGENT FLETCHER: W-I-L?

14 MR. WILDS: D-S.

15 AGENT FLETCHER: D-S, okay. Is there
16 anyone else here from the group?

17 MR. COBHAM: Yes.

18 AGENT FLETCHER: You could come and
19 stand right beside Mr. Edwards and state your
20 name right into that microphone and spell it.

21 MR. COBHAM: Yes. My name is Enrique
22 Cobham. First name is E-N-R-I-Q-U-E.

1 AGENT FLETCHER: Um-hum.

2 MR. COBHAM: Last name is C as in
3 Charles, O-B as in boy, H-A as in apple, M as in
4 Mary.

5 AGENT FLETCHER: Thank you.

6 MR. SMITH: William Smith.

7 AGENT FLETCHER: William Smith. Thank
8 you, Mr. Smith.

9 MS. WILLIAMS: Carmen Williams.

10 AGENT FLETCHER: That's C-A-R-M-E-N?

11 MS. WILLIAMS: That's correct.

12 AGENT FLETCHER: Williams?

13 MS. WILLIAMS: Yes.

14 AGENT FLETCHER: Thank you, Ms.

15 Williams.

16 MS. EDWARDS: Virginia Edwards.

17 AGENT FLETCHER: Virginia Edwards.

18 Okay. Thank you. So seven -- oh, I'm sorry.

19 MS. TRAMMELL: Rudy Trammell and you
20 spell my last name capital T-R-A-M-M-E-L-L.

21 AGENT FLETCHER: Thank you, Ms.

22 Trammell.

1 So I count a total of eight
2 individuals present, so I'm just going to make a
3 note of that, I counted eight.

4 And so, Mr. Edwards, if you decide
5 that you are going to petition the Board or the
6 group decides it's going to petition the Board
7 for standing as a group, you would include that
8 eight people from the group were here today.
9 I'll put that in my report.

10 MR. EDWARDS: Okay.

11 AGENT FLETCHER: But I have totaled
12 that number for that reason.

13 MR. EDWARDS: Okay.

14 AGENT FLETCHER: I'll give you the
15 next available date for mediation.

16 MR. EDWARDS: Let me ask you about
17 mediation.

18 AGENT FLETCHER: Uh-huh.

19 MR. EDWARDS: So what would be the
20 intent of mediation? I mean, we, as a community,
21 are resolute that we do not want any kind of
22 alcoholic beverages at that location. And so in

1 terms of mediation, we would not want to have any
2 discussions that would be about, you know,
3 possibility of that happening.

4 AGENT FLETCHER: Um-hum.

5 MR. EDWARDS: But if they are looking
6 at changing the operation to something else that
7 might be more amenable to the community, then we
8 think maybe mediation might be worthwhile.

9 AGENT FLETCHER: Um-hum.

10 MR. EDWARDS: So that's -- just we
11 need clarity on that.

12 AGENT FLETCHER: The mediation is
13 required, but the Board will consider a request
14 to forego mediation. It just has to be a request
15 made to the Board. So it's required. It's --
16 but they will -- if you want to make a request to
17 the Board that you not hold mediation, you can do
18 that or if Mr. Lee or Mr. Choi say that they are
19 willing to consider some alternative to what they
20 have applied for, that's fine, we could schedule
21 a mediation if you want to talk about that.

22 But so what do you think, Mr. Lee?

1 MR. LEE: If community is absolutely
2 not the license, then we want to know just in
3 preparation for the coming protestant hearing,
4 Protest Hearing and he want to know just the
5 details, the demand, detail the concern from the
6 community.

7 AGENT FLETCHER: Um-hum.

8 MR. LEE: And then we try to find out
9 that what our suggestion back to them to they
10 consider it. It's okay, they absolutely know or
11 not.

12 AGENT FLETCHER: Um-hum.

13 MR. LEE: But their protesting issue
14 is just peace and quiet.

15 AGENT FLETCHER: Um-hum.

16 MR. LEE: So I want to know what's the
17 detail. Like briefly we speak to the concern,
18 but, you know, one of them here and the concern
19 about the loitering and that kind of stuff.

20 AGENT FLETCHER: Um-hum.

21 MR. LEE: So we try to find out what
22 the detail that concern from the community. So

1 if it's helpful to talk at the Protest Hearing.

2 So that --

3 AGENT FLETCHER: Um-hum.

4 MR. LEE: -- would not need mediation
5 for that.

6 AGENT FLETCHER: Well, I can tell you
7 what we can do then. Instead of scheduling -- we
8 can do it one of two ways. We can set a
9 mediation date and that communication can go back
10 and forth and you can tell me to cancel it or you
11 will appear for it or if you tell me to cancel it
12 at the same time, you would say cancel the
13 mediation and we are going to request the Board
14 to, you know, release of the -- release us of the
15 requirement to come or we can not set the
16 mediation and you can go back and forth and we
17 set the mediation date later.

18 It's probably easier to set a date
19 now, even if you don't come. We can set it, then
20 the date will already be there and you will
21 either say you are coming or you are not.

22 MR. LEE: I think we should set a date

1 today.

2 AGENT FLETCHER: Yeah, so we can just
3 go ahead and set that. I'll just give you the
4 next available date then, but we just need to do
5 it before October 31st, so we can set it out
6 further to give you more time to talk.

7 MR. EDWARDS: Okay. So we need to
8 decide that before the 31st of October then?

9 AGENT FLETCHER: Yes.

10 MR. EDWARDS: Okay.

11 AGENT FLETCHER: Yes.

12 MR. EDWARDS: So you can give us the
13 date and then we can have some further
14 discussions with Mr. Lee and --

15 AGENT FLETCHER: Yes. How about
16 mediation set for Thursday, October 18? If you
17 needed to, we could even do it on October 25th,
18 either one is okay, the 18th or the 25th.

19 MR. EDWARDS: How are you on the 18th?
20 What is that on, that's on a Thursday?

21 AGENT FLETCHER: Both days are on a
22 Thursday.

1 MR. EDWARDS: Um-hum. I'm good for
2 the 18th and so are you on the 18th.

3 AGENT FLETCHER: Is that good for you,
4 Mr. Choi --

5 MR. EDWARDS: What time did you say?

6 AGENT FLETCHER: -- and Mr. Lee? It
7 can be at 9:00, 10:00.

8 MR. LEE: After 11:00?

9 AGENT FLETCHER: It can be at 11:30,
10 1:00. 11:30?

11 MR. LEE: 11:30

12 MR. EDWARDS: 11:30.

13 AGENT FLETCHER: That was the 18th?

14 MR. EDWARDS: Yes.

15 AGENT FLETCHER: Okay. 11:30 on the
16 18th.

17 MR. LEE: So you are going to send us
18 a mail, confirmation mail to us, right?

19 AGENT FLETCHER: Yes. Yes, you are
20 going to get a hearing notice that is going to
21 have that date in it for mediation.

22 MR. EDWARDS: So if I could, we could

1 make one thing kind of clear here now. So if I
2 appeal or submit an appeal to have my group of
3 five added --

4 AGENT FLETCHER: Right, right.

5 MR. EDWARDS: -- as long as the
6 applicant is in agreement with that, we can make
7 this relatively easy today, can't we?

8 AGENT FLETCHER: If -- make it
9 relatively easy how, Mr. Edwards?

10 MR. EDWARDS: In terms of them saying
11 they would not protest me submitting an
12 application to add this group of five.

13 AGENT FLETCHER: You know what, the
14 Board has to decide first.

15 MR. EDWARDS: Okay.

16 AGENT FLETCHER: So but the applicant,
17 if you motion for standing as a group of five,
18 you would need to send a copy of that request to
19 Mr. Lee, so that he has an opportunity to say he
20 is in agreement with it or not. So that does
21 happen.

22 MR. EDWARDS: Right.

1 AGENT FLETCHER: But it just happens
2 at the point that you submit the motion. Mr. Lee
3 receives a copy of it. It's at that point that
4 he will say if he is in agreement or not.

5 MR. EDWARDS: Okay.

6 AGENT FLETCHER: And then the Board
7 will decide in the end. So that does happen.
8 It's just at that point.

9 MR. EDWARDS: Okay.

10 AGENT FLETCHER: So the mediation is
11 set for Thursday, October 18 at 11:30. And you
12 can just let me know what you decide to do.
13 Either I'll see you and I know if I don't, you
14 will be asking the Board if you can forego the
15 mediation. And so they can decide. They have to
16 decide.

17 MR. EDWARDS: Okay.

18 AGENT FLETCHER: Otherwise we all have
19 to be there, including me.

20 I'm going to -- any questions at all?
21 I'm going to conclude this Roll Call and go make
22 these copies for you and I'll be right back.

1 MR. EDWARDS: Okay. All right.

2 AGENT FLETCHER: The hearing is
3 concluded. I'll be right back.

4 MR. LEE: Thank you very much.

5 (Whereupon, the Roll Call Hearing was
6 concluded at 10:51 a.m.)

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22

A	C-A-R-M-E-N 18:10 C-H-A-N-G 4:4 C-H-O-I 4:4 CA 3:8 Call 1:7 3:15 7:10 26:21 27:5 cancel 22:10,11,12 capital 18:20 Carmen 2:19 18:9 Case 1:8 3:6 Chairman 4:7 Chairperson 1:15 Chang 2:12 4:3 changing 20:6 Chapter 12:5 Charles 2:15 17:3 18:3 check 5:19 10:16 Choi 2:12 4:3,3 20:18 24:4 clarify 5:19 clarifying 8:22 clarity 20:11 Class 3:8 clear 5:1,22 6:4 7:3 8:21 25:1 Cobham 2:17 17:17,21 17:22 18:2 COLUMBIA 1:1 come 3:4 6:18 17:18 22:15,19 coming 21:3 22:21 communication 22:9 community 9:22 19:20 20:7 21:1,6,22 concern 21:5,17,18,22 conclude 26:21 concluded 27:3,6 conducting 3:14 confirmation 24:18 consider 20:13,19 21:10 Control 1:2,13,13 copied 11:22 copies 15:12,18 26:22 copy 6:10,13 7:22 10:20 15:8 25:18 26:3 correct 4:17 8:18 18:11 Councilmember 15:3 Councilmember's 10:14 Counsel 2:11 count 19:1 counted 19:3	date 15:21,22 16:16 19:15 22:9,17,18,20 22:22 23:4,13 24:21 dates 15:17 days 23:21 deadline 8:16 9:2 12:16 13:6 decide 14:8 19:4 23:8 25:14 26:7,12,15,16 decides 13:15 19:6 demand 21:5 detail 21:5,17,22 details 21:5 discussions 20:2 23:14 DISTRICT 1:1 document 7:7,19 8:1 15:6 Donovan 1:16	filed 14:19 filing 5:5 13:17 find 9:12 12:1 21:8,21 fine 20:20 first 7:13 15:21 17:8,22 25:14 five 5:16 6:4,18 7:9 8:15 8:22 9:7,11,15 12:4 25:3,12,17 folder 14:8 forego 20:14 26:14 forth 22:10,16 forward 3:4 forwarding 11:22 Frank 2:16 17:6,9,10 further 23:6,13
B	back 21:9 22:9,16 26:22 27:3 basis 10:2 beginning 3:16 behalf 4:6 Beverage 1:2,13,13 beverages 19:22 Board 1:2,13,21 13:15 14:8 19:5,6 20:13,15 20:17 22:13 25:14 26:6,14 Board's 3:15 boy 18:3 briefly 21:17 Building 1:14 business 3:21	E E-D-W-A-R- 4:11 E-N-R-I-Q-U-E 17:22 easier 22:18 easy 25:7,9 Edwards 2:13,20 4:7,7 4:9,11,22,22 5:8,11 5:15,21 6:3,7,10,17 6:21 7:6,8,16,19 8:1,4 8:20 9:3,4,6,13 10:5,7 10:8,10,13,17,20 11:1 11:5,8,11,15,16,19,21 12:9,12 13:2,8,17,19 13:21 14:2,5,11,17 15:1,3,7,9,12,15,19 16:5,8,11,20 17:19 18:16,16,17 19:4,10 19:13,16,19 20:5,10 23:7,10,12,19 24:1,5 24:12,14,22 25:5,9,10 25:15,22 26:5,9,17 27:1 eight 19:1,3,8 either 6:1 22:21 23:18 26:13 email 9:4,10 11:17,19 11:22 Enrique 2:17 17:21 establish 5:16 7:4 established 9:1 12:15 establishes 12:11 establishment 12:4 exactly 11:14 expected 13:2	G
C	D-S 4:12 17:14,15 D.C 1:15 Dakota 1:7 3:7	F F-R-A-N-K 17:6 favor 11:17 file 5:2 9:10,11	G-R-A-C-E 4:16 give 8:2 15:20 19:14 23:3,6,12 giving 8:2 Grace 2:14 4:15 grant 12:18,19 13:7,10 13:15 granted 14:12 group 5:16 7:1,9 8:15 8:17,21 9:7,10,11,15 11:4,10 12:4,14,15,19 12:20 13:8,11 14:9 16:18 17:16 19:6,7,8 25:2,12,17
C	C 18:2	H H-A 18:3 happen 25:21 26:7 happened 14:10 happening 20:3 happens 26:1 hearing 1:7,13 3:15 7:10 15:21,22 16:10 16:12,14 21:3,4 22:1 24:20 27:2,5 helpful 22:1 highlighted 11:7 hold 20:17	I identify 9:13 impact 3:10 include 19:7 included 5:12 9:18 14:15,15 including 26:19 incorporated 12:3 indicate 12:21 indicated 5:15 9:14 individual 12:19 13:10

individually 14:13
individuals 9:15 14:12
 19:2
intent 19:20
intention 5:2
interest 12:4
Introductions 3:16
issue 21:13
issues 3:10

J

J 2:14 4:15

K

Kevin 2:11 3:19
knew 12:22
known 13:5

L

L-E-W-I-S 4:20
L-O-C-K-E-T-T 17:3
LaVerne 1:21 3:14
leave 6:16 7:22
Lee 2:11 3:18,19 6:13
 6:22 7:5,20 8:6,8,10
 8:12,13 12:1 16:2
 20:18,22 21:1,8,13,16
 21:21 22:4,22 23:14
 24:6,8,11,17 25:19
 26:2 27:4
letter 7:9 8:19 10:9,14
 11:3 15:14
Lewis 2:14 4:15,15,17
 4:20,20 16:21
license 1:8 3:8 10:1,4
 21:2
Liquor 1:6 3:6
Liquors 3:19
list 6:4 7:12
listed 9:15
located 9:22
location 19:22
Lockett 2:15 17:2,3
loitering 21:19
long 25:5
look 6:2 7:20 9:9
looking 10:9,11 11:1,2
 11:18 12:8 20:5
looks 14:18,22

M

M 18:3
ma'am 4:14 17:2
mail 24:18,18
majority 9:17
Mary 18:4
matter 1:5 3:4,5
McDuffie 15:4

mean 19:20
means 12:14
mediation 16:17 19:15
 19:17,20 20:1,8,12,14
 20:17,21 22:4,9,13,16
 22:17 23:16 24:21
 26:10,15
MEETING 1:3
mention 9:10 11:4
mentioned 9:7 11:6
 13:13
met 1:13
Michigan 9:22
microphone 8:9 17:20
minute 7:3
Monday 1:11
morning 3:18 12:1
motion 14:8 25:17 26:2

N

N.E 3:7
N.W 1:14
name 3:14,18 4:1,3,4
 4:10,14,15,19 16:22
 17:2,4,8,20,21,22
 18:2,20
names 7:12 9:14 16:17
NE 1:7
necessary 7:11
need 6:1,10 8:9 13:5
 15:8 20:11 22:4 23:4
 23:7 25:18
needed 9:1 12:16 23:17
neighborhood 5:13
new 1:9 3:8 8:15,17
North 9:22
note 14:6 19:3
notice 24:20
November 16:15,15
number 19:12

O

O-B 18:3
October 1:11 16:1,3,4
 16:13 23:5,8,16,17
 26:11
operation 20:6
opportunity 25:19
oppose 10:1,4
order 3:11 13:21
original 8:14
originally 12:20
owner 3:20

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 16:15

page 10:3
Park 9:22
parking 3:11
part 8:13 9:18 10:13
 12:3 14:13
parties 3:3,5
Pax 1:6,6 3:4,5,6,7,19
 3:20
peace 3:11 21:14
pedestrian 3:12
people 7:14 14:20
 16:18 19:8
petition 5:4 7:14 8:16
 9:2,16 12:16 13:6
 14:21 19:5,6
petitioners 5:7,9 13:16
please 3:4,17 4:2,10
 12:1,2
point 12:7 13:3 26:2,3,8
possibility 20:3
possible 5:16
preparation 21:3
present 1:19 2:9 4:6
 16:18 19:2
presiding 1:16
prior 12:16
probably 22:18
proceed 11:8
process 13:9,17
property 3:13
protest 3:10 5:2,6,12
 6:22 7:9,15 8:14,19
 9:12,18 10:9,14 11:3
 12:20 13:15 14:13,16
 14:19 15:21 16:14
 21:4 22:1 25:11
protestant 2:15,16,17
 2:18,19,20,21 8:17
 14:4 21:3
protesting 21:13
put 5:9 15:7 19:9

Q

qualified 8:16
question 4:22 7:13
questions 26:20
quiet 3:11 21:14

R

R-O-N-N-I-E 4:11
read 9:20 11:17 12:8
reading 11:2
real 3:12
reason 19:12
recall 9:9
receive 10:13
receives 26:3
receiving 8:3

record 4:10 7:8 10:14
 14:7,19 17:1
Reeves 1:14
referring 7:21 11:14
 12:7
Reinstatement 13:21
relatively 25:7,9
release 22:14,14
report 12:2,3 19:9
represent 3:19
representatives 6:18
request 13:20 20:13,14
 20:16 22:13 25:18
required 20:13,15
requirement 22:15
residential 3:11
residents 5:13 9:21
resolute 19:21
Retailer 1:7 3:8
review 8:19
Roll 1:7 3:15 7:10 26:21
 27:5
Ronnie 2:13 4:7
Room 1:14
Rudy 2:21 18:19

S

safety 3:12
saw 12:22
saying 8:12 25:10
says 8:20 12:1
schedule 20:20
scheduling 22:7
second 6:2
send 6:13 13:3 24:17
 25:18
sent 9:16
separate 6:22 9:17
set 15:17 16:14,16 22:8
 22:15,17,18,19,22
 23:3,5,16 26:11
seven 18:18
show 7:19
signatures 5:3,4 13:12
signed 7:14 9:16 14:20
 14:21
sir 17:5
Smith 2:18 18:6,6,7,8
sorry 17:7 18:18
South 1:7 3:7
speak 21:17
spell 4:1,10 16:22 17:20
 18:20
Spirits 1:6 3:4,5,7,20
stand 17:19
standing 12:18,19 13:7
 13:10,16,22 14:9,12
 19:7 25:17

state 4:1 10:1 16:22 17:19	W 1:16	5
statement 9:17,20 10:2 10:3 11:3,20	W-I-L 17:13	5A 1:7 2:13,14
statements 5:12 9:19 9:20	W-I-L-D-S 17:12	6
Status 15:21,22 16:10 16:12	wanted 5:16	7
Street 1:14	Washington 1:15	8
stuff 21:19	wasn't 8:21	9
submit 8:7 25:2 26:2	way 5:9	9/17 12:17
submitted 7:15 12:21	ways 22:8	9:00 24:7
submitting 25:11	Wilds 2:16 17:6,6,9,12 17:12,14	9:30 16:3,4,13
suggestion 21:9	William 2:18 18:6,7	
Suite 1:15	Williams 2:19 18:9,9,11 18:12,13,15	
support 5:6,8 13:14 14:20,22	willing 20:19	
T	worthwhile 20:8	
T-R-A-M-M-E-L-L 18:20	write 16:17	
t/a 1:6 3:6,19	X	
talk 8:9 20:21 22:1 23:6	Y	
talking 11:10,12	Z	
tell 11:1 22:6,10,11	0	
terms 6:4 20:1 25:10	1	
thank 3:22 4:5,13,21 8:9,11 11:13 14:5 18:5,7,14,18,21 27:4	1:00 24:10	
Thursday 23:16,20,22 26:11	1:30 16:15	
today 7:10,17 8:2,3,3,7 14:10 16:19 19:8 23:1 25:7	10:00 24:7	
top 10:3	10:27 3:2	
total 19:1	10:51 27:6	
totaled 19:11	11:00 24:8	
Trammell 2:21 18:19,19 18:22	11:30 24:9,10,11,12,15 26:11	
transcript 14:10	14th 1:14	
transmitted 9:6	16 12:5	
try 21:8,21	1605.1 12:5	
trying 7:4 9:12	18 23:16 26:11	
two 22:8	18-PRO-00071 1:8 3:6	
U	18th 23:18,19 24:2,2,13 24:16	
Um-hum 18:1 20:4,9 21:7,12,15,20 22:3 24:1	2	
undersigned 9:21	2000 1:14	
understand 8:22	20009 1:15	
V	2018 1:11	
values 3:13	25th 23:17,18	
various 5:13	28 16:15,15	
vehicular 3:12	3	
Virginia 2:20 18:16,17	31 16:4,13	
W	31st 16:1,3 23:5,8	
	4	
	400S 1:15	
	441 16:5	
	4944 1:7 3:7	

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In the matter of: Pax Spirits

Before: DCABRA

Date: 10-01-18

Place: Washington, DC

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