

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

IN THE MATTER OF:	:
	:
Residents DC, LLC	:
t/a Residents	:
1306 18th Street NW	: Roll Call
Retailer CR - ANC 2B	: Hearing
License No. ABRA-112301	:
Case #19-PRO-00008	:
	:
(New Application)	:

TUESDAY, FEBRUARY 19, 2019

+ + + + +

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 10:06 a.m.

3 AGENT FLETCHER: Will the parties in  
4 the matter of Residents, please, come forward?  
5 The parties in the matter of Residents? This is  
6 Case No. 19-PRO-00008, Residents DC, LLC t/a  
7 Residents, 1306 18th Street, N.W., License No.  
8 ABRA-112301. This is a Retailer Class CR new  
9 application.

10 The protest issues are adverse impact  
11 on peace, order, and quiet; and real property  
12 values.

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

16 Introductions beginning with the  
17 applicant, please.

18 MS. YOHANNES: Sidon Yohannes on  
19 behalf of the applicant.

20 AGENT FLETCHER: Ms. Yohannes, would  
21 you spell your name for the record, please?

22 MS. YOHANNES: Sure. S-I-D-O-N

1 Yohannes, Y-O-H-A-N-N-E-S.

2 AGENT FLETCHER: Did the court  
3 reporter hear that? Thank you. Present on  
4 behalf of ANC-2B?

5 MS. CUNNINGHAM: Kari Cunningham, K-A-  
6 R-I C-U-N-N-I-N-G-H-A-M.

7 AGENT FLETCHER: Ms. Cunningham,  
8 what's the first name?

9 MS. CUNNINGHAM: Kari.

10 AGENT FLETCHER: Oh, spell it?

11 MS. CUNNINGHAM: K-A-R-I.

12 AGENT FLETCHER: Oh, K-A-R-I. Okay.  
13 Thank you. Kari Cunningham for ANC-2B. And on  
14 behalf of the Dupont Circle Citizens Association?

15 MS. NICHOLS: Yes, I'm Abigail  
16 Nichols, the designated -- one of the designated  
17 representatives for the Dupont Circle Citizens  
18 Association.

19 AGENT FLETCHER: Thank you, Ms.  
20 Nichols. Could you spell your name for the  
21 record, please?

22 MS. NICHOLS: Yes. And the gentleman

1 came by and got some of our names, because he  
2 knew -- he said that this is maybe not working  
3 today.

4 AGENT FLETCHER: We just have to speak  
5 louder.

6 MS. NICHOLS: Okay.

7 AGENT FLETCHER: Yes.

8 MS. NICHOLS: It's N-I-C-H-O-L-S.  
9 Abigail is A-B-I-G-A-I-L.

10 AGENT FLETCHER: Thank you. Present  
11 on behalf of the Palladium Condominium  
12 Association?

13 MS. NICHOLS: I am one of the  
14 signators of the petition also, so the same  
15 Abigail Nichols. I'm one of the petitioners to  
16 make up our group of five.

17 AGENT FLETCHER: Thank you, Ms.  
18 Nichols. Is there anyone present on behalf of  
19 the condo association?

20 MS. HEALY: I'm here also on behalf of  
21 the condo association. My name is Catherine  
22 Healy, C-A-T-H --

1           AGENT FLETCHER: I'm sorry, what's the  
2 first name again?

3           MS. HEALY: Catherine, C-A-T-H-E-R-I-  
4 N-E, Healy, H-E-A-L-Y.

5           AGENT FLETCHER: Catherine Healy?

6           MS. HEALY: Yes.

7           AGENT FLETCHER: H-E-A-L-Y?

8           MS. HEALY: Yes.

9           AGENT FLETCHER: Okay. Is there a  
10 representative specifically present on behalf of  
11 the condominium association or do we have members  
12 from the units, residents from the units? Is  
13 there a designated representative for the  
14 Palladium Condominium Association? I mean, just  
15 a representative for it.

16           MS. NICHOLS: Well, Mike Blair is  
17 listed as the representative in the Petition  
18 Letter. He is also president of our board.

19           AGENT FLETCHER: Um-hum.

20           MS. NICHOLS: He is not here today  
21 that I know of.

22           AGENT FLETCHER: Okay.

1 MS. NICHOLS: So he --

2 AGENT FLETCHER: Michael Blair, that's  
3 M-I-C-H-A-E-L Blair, B-L-A-I-R.

4 MS. NICHOLS: Yes.

5 AGENT FLETCHER: You are correct Ms.  
6 Nichols, he actually submitted the petition.

7 MS. NICHOLS: Yes.

8 AGENT FLETCHER: He signed it as  
9 president.

10 MS. NICHOLS: Yes, right. But I  
11 didn't think that he needed specifically -- I  
12 thought we were coming in under the Group of  
13 Five.

14 MS. HEALY: And it also said or his  
15 designated person.

16 AGENT FLETCHER: Yeah, that's fine.  
17 I'm just trying to clarify certain things for the  
18 record.

19 MS. HEALY: Yeah.

20 MS. NICHOLS: Yes, yes, that's fine.

21 MS. HEALY: Abigail is his designated  
22 person.

1                   AGENT FLETCHER: The Roll Call  
2           matter --

3                   MS. NICHOLS: Did you get Carl Nelson?

4                   AGENT FLETCHER: Just a second.

5                   MS. NICHOLS: Oh, sorry.

6                   AGENT FLETCHER: I'm trying to  
7           establish a couple of other things before --

8                   MS. NICHOLS: Sorry.

9                   AGENT FLETCHER: -- that. The Protest  
10           Letter filed by the Palladium Condominium  
11           Association says that the Palladium Condominium  
12           hereby protests the application for the pending  
13           Retailers Class CT. That is what the letter  
14           says. It says that the condominium association  
15           is filing a protest. It goes on to say the  
16           condominium association represents 125 units.

17                   And it does say that any member of the  
18           condominium board can represent the condominium  
19           today.

20                   The point that I'm making is that this  
21           Protest Letter states that the condominium  
22           association is filing a protest, not any

1 individuals. It states that "The Palladium  
2 Condominium hereby protests the new application  
3 of Residents." That's what the Protest Letter  
4 says.

5 So what we have to go by here is who  
6 files the protest. So we can't tell, according  
7 to the Protest Letter, it is the condominium  
8 association -- the condominium that filed the  
9 protest. A condominium does not have standing as  
10 a protestant. Individuals do, but not  
11 condominiums.

12 So therefore, the Palladium  
13 Condominium is dismissed as a protestant, because  
14 condominiums cannot file a protest.

15 MS. NICHOLS: I think we would like --  
16 we will file some sort of objection to --

17 AGENT FLETCHER: And you should.

18 MS. NICHOLS: -- that. Yes.

19 AGENT FLETCHER: You should do that.

20 MS. NICHOLS: Yes, that's -- I  
21 understand what you are saying.

22 AGENT FLETCHER: You absolutely should



1 do that. And let me say a couple of other  
2 things.

3 In the Protest Letter, the condominium  
4 also states that it met all the requirements.  
5 One is to notify the applicant within seven days  
6 of its meeting.

7 MS. NICHOLS: No, not -- oh, the  
8 condo?

9 AGENT FLETCHER: That's what it says.  
10 It was a meeting --

11 MS. NICHOLS: The letter says that?

12 AGENT FLETCHER: Yes.

13 MS. NICHOLS: Okay. I'm sorry. I  
14 don't have the letter.

15 AGENT FLETCHER: It says that the  
16 Palladium also met requirements to provide notice  
17 to the applicant at least seven days prior to the  
18 meeting where the protest was discussed and also  
19 that the condominium approved this protest in  
20 accordance with the association's rules.

21 Those requirements apply to community  
22 associations.

1 MS. NICHOLS: Yes.

2 AGENT FLETCHER: Not to condominiums.

3 MS. NICHOLS: Yes.

4 AGENT FLETCHER: There are no  
5 requirements for a condominium to meet, because a  
6 condominium does not have standing as a  
7 protestant.

8 Okay. Ms. Nichols, you know --

9 MS. NICHOLS: Yes.

10 AGENT FLETCHER: -- you have the right  
11 to petition the ABC Board for reconsideration.  
12 But for purposes of the Roll Call Hearing, the  
13 condominium is not granted standing as a  
14 protestant. And the condominium can petition the  
15 ABC Board for reconsideration.

16 MS. NICHOLS: Would you make a record  
17 of those of who were here today, including Mr.  
18 Nelson, so that five people don't have to show up  
19 again?

20 AGENT FLETCHER: So, Ms. Nichols,  
21 that's the next step in the process. I'm only  
22 dealing with the association right this minute.

1 MS. NICHOLS: Okay.

2 AGENT FLETCHER: So I already know  
3 that the association is representing the  
4 residents that live in the condominium.

5 For the record, are there any  
6 residents present that live in the condominium?  
7 You may come forward and stand right beside Ms.  
8 Nichols and state your name and read it into the  
9 record. State your name and spell it for the  
10 record.

11 MS. NICHOLS: I live in the  
12 condominium, so Abigail Nichols. I am a resident  
13 of the Dupont -- of the Palladium Condominium.

14 AGENT FLETCHER: Thank you, Ms.  
15 Nichols.

16 MS. HEALY: Yes, Catherine Healy. I  
17 am a resident and owner in the condominium  
18 building.

19 AGENT FLETCHER: And Ms. Healy, K-A-T-  
20 H-E-R-I-N-E?

21 MS. HEALY: No. C-A-T-H-E-R-I-N-E.

22 AGENT FLETCHER: C. H-E-A-L-Y?

1 MS. HEALY: H-E-A-L-Y, yes.

2 AGENT FLETCHER: Thank you very much.

3 You can --

4 MS. HEALY: I understand that. I've  
5 got my hearing aids.

6 AGENT FLETCHER: Oh, okay. Can you  
7 hear me okay?

8 MS. HEALY: Beg your pardon?

9 AGENT FLETCHER: Can you hear me okay?

10 MS. HEALY: I can hear you okay.

11 AGENT FLETCHER: Okay. Thank you.

12 Morning.

13 MR. NELSON: Good morning. Carl, C-A-  
14 R-L, Nelson, N-E-L-S-O-N.

15 AGENT FLETCHER: Thank you, Mr.  
16 Nelson. Anybody else present that resides in the  
17 condominium today? Anyone else? Okay. That's  
18 fine.

19 So we have three individuals present  
20 that reside in the condominium today. Ms.  
21 Nichols and I will -- you just said if the  
22 condominium or the group of residents intend to

1 petition the ABC Board for standing as a Group of  
2 Five. The record will show that at least three  
3 people from that group appeared today.

4 MS. NICHOLS: Thank you.

5 AGENT FLETCHER: Which means that at  
6 least two more people from this group would have  
7 to appear at an upcoming Status Hearing, because  
8 the ABC Board needs to see at least five people  
9 in order to grant standing to a group.

10 MS. YOHANNES: And for the record, the  
11 applicant objects to that. This is not a Group  
12 of Five, as you just stated. It's the Palladium  
13 Condo Association as a protestant, not a Group of  
14 Five.

15 AGENT FLETCHER: Okay. And so that  
16 will be the position of the applicant if you file  
17 a motion to have the Board grant standing to a  
18 group of individuals. Ms. Yohannes just stated  
19 that the Group of Five did not file a protest and  
20 so the applicant would be opposed to a petition  
21 filed by a group to have standing as protestants,  
22 because the Protest Letter was filed by the

1 condominium.

2 Is that right, Ms. Yohannes?

3 MS. YOHANNES: That's correct.

4 AGENT FLETCHER: Okay. Thank you.

5 MS. HEALY: May I ask a question,  
6 please?

7 AGENT FLETCHER: Is that Ms. Healy?

8 MS. HEALY: Yes, it's Ms. Healy. You  
9 say residents. So they don't have to be owners,  
10 they have to be residents from the building?

11 MS. NICHOLS: Well, the -- may I jump  
12 in?

13 AGENT FLETCHER: Okay.

14 MS. NICHOLS: All right.

15 AGENT FLETCHER: This is Ms. Nichols  
16 speaking?

17 MS. NICHOLS: I don't know if Ms.  
18 Yohannes knows that there was a signature page  
19 accompanying this letter. I'm not objecting to  
20 what you are saying about the form of the letter,  
21 but there were signatures from, I'm not sure how  
22 many, but, well more than 5, 10, 15 owners and

1 residents of the Palladium. Just so you know  
2 that. Oh, you've got it. Okay.

3 AGENT FLETCHER: And so, Ms. Nichols,  
4 those signatures are here.

5 MS. NICHOLS: Yep, yep, yep.

6 MS. YOHANNES: Yes, I do have those  
7 signatures, all under the letter that has been  
8 signed The Palladium Condominium.

9 AGENT FLETCHER: For the purpose of  
10 the Roll Call Hearing today, Ms. Nichols, you are  
11 representing the condominium Association? Who is  
12 representing the Condominium Association?

13 MS. NICHOLS: No, we don't have a  
14 representative.

15 AGENT FLETCHER: Oh, you don't have a  
16 representative today.

17 MS. NICHOLS: No.

18 AGENT FLETCHER: Okay. So let me ask  
19 you --

20 MS. NICHOLS: We have people here from  
21 the Group of Five, to which we understood -- I  
22 mean, I didn't write the letter. The letter -- I

1 know what you are saying, but there is no board  
2 member here today, which I didn't --

3 AGENT FLETCHER: That's okay.

4 MS. NICHOLS: -- it's not really  
5 necessary.

6 AGENT FLETCHER: It's okay. Just  
7 checking. So what that means is any further  
8 communication is going to be with Mr. Blair.

9 MS. NICHOLS: Yes, that's right.

10 MS. YOHANNES: Just for the record to  
11 clarify, is the Palladium Condominium represented  
12 here today?

13 AGENT FLETCHER: The Palladium  
14 Condominium is -- there is a little confusion,  
15 but they are not represented today. They are  
16 dismissed.

17 MS. YOHANNES: Okay.

18 AGENT FLETCHER: Because they don't  
19 have standing as a protestant. And though they  
20 are not here today, but were they here, the  
21 result would be the same.

22 MS. YOHANNES: Thank you.



1           AGENT FLETCHER: Yes. So the  
2 condominium association is dismissed as a  
3 protestant, because condominiums do not have  
4 standing to file a protest. So thanks for  
5 clarifying that, Ms. Yohannes.

6           So the record will reflect that they  
7 weren't here, but they don't have standing as a  
8 protestant.

9           MS. YOHANNES: Okay.

10          AGENT FLETCHER: I got your name  
11 already? What is it?

12          MS. CUNNINGHAM: Kari, K-A-R-I,  
13 Cunningham, C-U-N-N-I-N-G-H-A-M. I am here on  
14 behalf of the ANC-2B.

15          AGENT FLETCHER: Yes, you are here on  
16 behalf of ANC-2B.

17          MS. CUNNINGHAM: Yes.

18          AGENT FLETCHER: I got your name  
19 first. Is anyone here on behalf of Crown Liquor?  
20 Okay. If you would come forward, sir? And you  
21 can just state your name. You won't even need to  
22 be seated if you don't want, but you can. Just

1 state your name and spell it for the record.

2 MR. SHARMA: Yes. My last name is  
3 Sharma, S-H-A-R-M-A.

4 AGENT FLETCHER: Um-hum.

5 MR. SHARMA: And my first name is  
6 Neil, N-E-I-L.

7 AGENT FLETCHER: Thank you, Mr. Neil.  
8 Is there anyone present on behalf of Otello  
9 Restaurant? Otello? What about Super Pollo?

10 MR. SHARMA: Both of these people call  
11 and one of them has closed.

12 AGENT FLETCHER: Um-hum.

13 MR. SHARMA: And one of them comes  
14 from Gainesville.

15 AGENT FLETCHER: Um-hum.

16 MR. SHARMA: And the traffic on 66  
17 is --

18 AGENT FLETCHER: The Crown Liquor did  
19 file a protest, but ABC -- one ABC licensee does  
20 not have standing to file a protest against  
21 another. And so the protest filed by Crow Liquor  
22 is dismissed for that reason.

1                   You are an ABC license holder?

2                   MR. SHARMA:   Yes.

3                   AGENT FLETCHER:  You cannot file a  
4 protest against another ABC license holder.

5                   MR. SHARMA:  Not even as a  
6 businessman?

7                   AGENT FLETCHER:  Not even as a  
8 businessman.

9                   MR. SHARMA:  Okay.  Well, whatever  
10 else happen in the block?

11                   AGENT FLETCHER:  Not at all.  You  
12 could file a protest.  You could, but you would  
13 have to file a protest as an abutting property  
14 owner or as a part of the Group of Five.

15                   MR. SHARMA:  Okay.

16                   AGENT FLETCHER:  Yes, and so you --

17                   MR. SHARMA:  If I have five business  
18 people?

19                   AGENT FLETCHER:  No business people.

20                   MR. SHARMA:  No business people?

21                   AGENT FLETCHER:  Only residents.

22                   MR. SHARMA:  Only residents?

1           AGENT FLETCHER: Yes. You could file  
2 a protest, if you were a part of the community, a  
3 member of the community and you would be filing a  
4 protest as a resident, not as --

5           MR. SHARMA: Not as a business owner.

6           AGENT FLETCHER: -- the holder of an  
7 ABC license. One ABC licensee cannot file a  
8 protest against another ABC licensee.

9           MS. NICHOLS: Just to clarify? I just  
10 wanted to clarify something.

11          AGENT FLETCHER: This is Ms. Nichols'  
12 group.

13          MS. NICHOLS: And I'm not objecting to  
14 the fact that he has no standing as an individual  
15 business owner. But a Group of Five with common  
16 interest has the right to file. And I don't  
17 think the law says that they can't be businesses.

18          AGENT FLETCHER: No.

19          MS. NICHOLS: They have to have -- own  
20 an entity.

21          AGENT FLETCHER: No. An ABC license  
22 holder can not file a protest against another ABC

1 license holder.

2 MS. NICHOLS: Even as a member of a  
3 Group of Five?

4 AGENT FLETCHER: If he is a resident,  
5 you can have -- you have to be a resident.

6 MS. NICHOLS: There is no requirement  
7 that you be a resident.

8 AGENT FLETCHER: Yes, it is, Ms.  
9 Nichols. I'm sorry. You can clarify that later.

10 MS. NICHOLS: Okay.

11 AGENT FLETCHER: But an ABC license  
12 holder cannot file a protest against another ABC  
13 license holder.

14 For that reason, the protest filed by  
15 Crown Liquors has to be dismissed.

16 And, Mr. Sharma, you too may petition  
17 the ABC Board for reconsideration if you want to.

18 MR. SHARMA: I would like to, because  
19 I don't like what is going on.

20 AGENT FLETCHER: Please, feel free to  
21 do that, petition the ABC Board for  
22 reconsideration. But as of today, the protest is

1 dismissed for the reason that I just stated.

2 MR. SHARMA: Okay.

3 AGENT FLETCHER: But you absolutely  
4 have the right to petition the ABC Board for  
5 standing as a protestant.

6 MR. SHARMA: Okay.

7 AGENT FLETCHER: You can tell them why  
8 you think you should have standing as a  
9 protestant. They will either affirm what I said  
10 today or they could change what I said today.

11 MR. SHARMA: Thank you.

12 AGENT FLETCHER: Okay. Thank you.  
13 You have that right. And you are going to  
14 receive a Board Order --

15 MR. SHARMA: Okay.

16 AGENT FLETCHER: -- from the ABC Board  
17 dismissing your protest.

18 MR. SHARMA: Okay.

19 AGENT FLETCHER: And in that order it  
20 will tell you that you have 10 days to seek  
21 reinstatement of your protest.

22 MR. SHARMA: Okay.

1                   AGENT FLETCHER: And please, feel free  
2 to do that.

3                   MR. SHARMA: Okay, okay. Thank you.

4                   AGENT FLETCHER: Okay. Thank you.  
5 You are very welcome.

6                   Otello Restaurant and Super Pollo also  
7 filed protests. Now, each of those protestants  
8 are ABC license holders. They are dismissed as  
9 protestants. They are not here today. If they  
10 were here today, they would be dismissed. I'm  
11 dismissing them because they filed protests. And  
12 just for the record, they do not have standing as  
13 protestants because they are ABC license holders  
14 and one ABC license holder cannot file a protest  
15 against another.

16                   So we have as protestants, ANC-2B, the  
17 Dupont Circle Citizens Association, and those are  
18 the two protestants.

19                   We need to set a date for a mediation,  
20 a Status Hearing and a Protest Hearing. I'll  
21 give you the dates for the Status and Protest  
22 Hearing first.

1           The Status Hearing is set for March  
2           20, 2019 at 9:30 a.m.

3           The Protest Hearing is set for April  
4           10 at 1:30 p.m.

5           Ms. Cunningham, did you put your  
6           contact information on that sheet?

7           MS. CUNNINGHAM: Yes, I did.

8           AGENT FLETCHER: Thank you. We need  
9           to set a date for mediation. I'll give you the  
10          next available date. The next available day for  
11          mediation is Monday, March 4. That can be at  
12          11:30, 1:00 in the afternoon, 2:00 in the  
13          afternoon. Does anyone prefer the morning?

14          So on March 4, it can be at 11:30 or  
15          1:00, 2:00?

16          MS. NICHOLS: Ms. Fletcher, the next  
17          day and the rest of the week is okay.

18          AGENT FLETCHER: So Ms. Nichols, let  
19          me ask you, you would be attending mediation on  
20          behalf of who?

21          MS. NICHOLS: Dupont Circle Citizens  
22          Association.



1                   AGENT FLETCHER: Oh, but --

2                   MS. NICHOLS: I may not be doing  
3 mediation, but I think that I might be coming  
4 with whoever is coming from DCCA.

5                   AGENT FLETCHER: Okay. Thank you.

6                   MS. NICHOLS: That's why I thought  
7 well maybe since I'm not going to be available on  
8 the 4th at all, let's try another day.

9                   AGENT FLETCHER: Okay.

10                  MS. NICHOLS: That would be better.

11                  AGENT FLETCHER: You will be coming on  
12 behalf of the Dupont Circle Citizens Association?

13                  MS. NICHOLS: Yes, yes.

14                  AGENT FLETCHER: Okay.

15                  MS. NICHOLS: If I'm coming, yes.

16                  AGENT FLETCHER: Okay. Thank you. So  
17 we should move to another day?

18                  MS. NICHOLS: Yes, please.

19                  AGENT FLETCHER: What about March the  
20 12th? We could do March 12 at 9:00, 10:00,  
21 10:30?

22                  MS. NICHOLS: Give me a second.

1 MS. YOHANNES: 10:00 or 10:30 works  
2 for me.

3 MS. CUNNINGHAM: 10:00.

4 AGENT FLETCHER: Okay. It works for  
5 you, Ms. Cunningham. Ms. Nichols, is that good?

6 MS. NICHOLS: Yes.

7 AGENT FLETCHER: 10:00 on March 12th.

8 (Whereupon, the Roll Call Hearing was  
9 concluded at 10:28 a.m.)

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**A**

**A-B-I-G-A-I-L** 4:9  
**a.m** 2:2 24:2 26:9  
**ABC** 10:11,15 13:1  
 13:8 18:19,19  
 19:1,4 20:7,7,8,21  
 20:22 21:11,12,17  
 21:21 22:4,16  
 23:8,13,14  
**Abigail** 3:15 4:9,15  
 6:21 11:12  
**ABRA-112301** 1:9  
 2:8  
**absolutely** 8:22  
 22:3  
**abutting** 19:13  
**accompanying**  
 14:19  
**adverse** 2:10  
**affirm** 22:9  
**afternoon** 24:12,13  
**Agent** 1:17 2:3,15  
 2:20 3:2,7,10,12  
 3:19 4:4,7,10,17  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

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Before: DC ABRA

Date: 02-19-19

Place: Washington, DC

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