

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

2 10:32 a.m.

3 AGENT FLETCHER: Okay. Would the
4 parties in the matter of Supra, please, come
5 forward? This is Case No. 18-PRO-00023, Supra,
6 LLC, 1013 M Street, N.W. This is a Retailer
7 Class CR, License No. ABRA-106618. This is a
8 substantial change request for a sidewalk cafe
9 with 48 seats.

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. I'm
15 conducting the Roll Call Hearing as the Board's
16 Agent.

17 Introductions beginning with the
18 applicant, please.

19 MR. JACKSON: Jeff Jackson
20 representing the applicant.

21 AGENT FLETCHER: Thank you, Mr.
22 Jackson.

1 MS. NELMS: Laura Nelms, co-owner.

2 AGENT FLETCHER: Did you say Laura?

3 MS. NELMS: Laura, yes.

4 AGENT FLETCHER: And what's the last
5 name?

6 MS. NELMS: Nelms, N, as in Nancy, E-
7 L-M-S.

8 AGENT FLETCHER: N-E-L-N-F?

9 MS. NELMS: I'm sorry. N, as in
10 Nancy, E-L-M, as in Mary, S, as in Sam, Nelms.

11 AGENT FLETCHER: Okay. Thank you.
12 And your name, sir?

13 MR. NELMS: Jonathan Nelms, co-owner.
14 That's J-O-N-A-T-H-A-N Nelms.

15 AGENT FLETCHER: N-E-L-M-F?

16 MR. NELMS: It's the same name. It's
17 N, like in Nancy.

18 AGENT FLETCHER: Uh-huh.

19 MR. NELMS: E-L-M, as in man, S, as in
20 Sam.

21 AGENT FLETCHER: Oh, it should be an
22 S and not an F.

1 MR. NELMS: That's correct.

2 MS. NELMS: Yes.

3 AGENT FLETCHER: Okay. Thank you.

4 And present on behalf of the group of six
5 residents of 1011 Condo Association?

6 MS. DYMOWSKI: Good morning. My name
7 is Julie Dymowski. I'm the attorney for the
8 residents. The last name is D, as in David, Y-M,
9 as in Mary, O-W-S-K-I.

10 AGENT FLETCHER: Thank you, Ms.
11 Dymowski.

12 Are any individuals from that group
13 present today?

14 MS. DYMOWSKI: Yes, yes, they are.

15 AGENT FLETCHER: You can line up right
16 beside Ms. Dymowski and state your name and spell
17 it for the record. Any individuals from the
18 group of six. There is a microphone on the
19 table. Yes, but just -- don't move it.

20 MR. NELMS: Could we turn on the mike?
21 I don't think it's on.

22 AGENT FLETCHER: Oh, is it off? There

1 is a button right there, Ms. Dymowski on the
2 bottom of that right there on the bottom.

3 MS. DYMOWSKI: This?

4 AGENT FLETCHER: Toward the --

5 MS. DYMOWSKI: There is it.

6 AGENT FLETCHER: Okay. So you can
7 just stand right beside Ms. Dymowski so you can
8 speak into that microphone.

9 MS. DYMOWSKI: Should they go in any
10 order?

11 AGENT FLETCHER: Oh, you're going to
12 go first. I'm sorry.

13 MS. MISSIRLIAN: Sylvia, S-Y-L-V-I-A,
14 Missirlian, M-I-S-S-I-R-L-I-A-N.

15 AGENT FLETCHER: Thank you.

16 MR. PHATAK: Ashwin Phatak, A-S-H-W-I-
17 N, as in Nancy. Last name P, as in Peter, H-A-T,
18 as in Thomas, A-K.

19 AGENT FLETCHER: Thank you.

20 MS. BRODY: Jennifer Brody, J-E-N-N-I-
21 F-E-R Brody, B, as in boy, R-O-D, as in David,
22 Y.

1 AGENT FLETCHER: Thank you.

2 MR. MELIKIAN: Stephen Melikian, S-T-
3 E-P-H-E-N M, as in Mary, E-L-I-K-I-A-N.

4 AGENT FLETCHER: Thank you very much.

5 MR. STESLOW: Ronald Steslow, R-O-N-A-
6 L-D Steslow, S-T-E-S-L-O-W.

7 AGENT FLETCHER: Can you spell that
8 one more time?

9 MR. STESLOW: Sure. It's S, like Sam,
10 T --

11 AGENT FLETCHER: Okay.

12 MR. STESLOW: -- E-S, like Sam, L-O-W.

13 AGENT FLETCHER: Thank you very much.

14 Anyone else from the --

15 MR. NELMS: One more.

16 AGENT FLETCHER: Just one more.

17 MR. WILSON: Timothy Wilson, T, as in
18 Tom, I-M-O-T, as in Tom, H-Y Wilson, W-I-L-S, as
19 in Sam, O-N.

20 AGENT FLETCHER: Thank you. And every
21 -- and each of you signed the Protest Letter?

22 MS. DYMOWSKI: Yes.

1 AGENT FLETCHER: So six of you are
2 present from the group, full standing is granted
3 to the group of six.

4 At the upcoming Status Hearing, Ms.
5 Dymowski, you are representing that group of six?

6 MS. DYMOWSKI: Yes.

7 AGENT FLETCHER: At the upcoming
8 Status Hearing, only Ms. Dymowski needs to come,
9 unless you choose to, because five of -- because
10 at least five of you were present today, the
11 Board grants full standing to the group. So the
12 group of six has been granted full standing.

13 MS. DYMOWSKI: Thank you.

14 AGENT FLETCHER: The 1011 Condo
15 Association also filed a protest or it appears
16 so. Is that correct?

17 MS. DYMOWSKI: Correct.

18 AGENT FLETCHER: Condominium
19 associations do not have standing as protestants
20 and so that protest is dismissed for that reason.

21 And we have some abutting property
22 owners? We have -- is Jonathan Moynihan here?

1 MS. MOYNIHAN: I'm his wife.

2 AGENT FLETCHER: Caitlin Moynihan?

3 MS. MOYNIHAN: Um-hum.

4 AGENT FLETCHER: Ms. Moynihan, would
5 you, please, come forward and take one of these
6 chairs?

7 MS. MOYNIHAN: Yes.

8 AGENT FLETCHER: Thank you. I'm going
9 to spell Jonathan Moynihan first. That's J-O-N-
10 A-T-H-A-N and the last name is Moynihan spelled
11 M-O-Y-N-I-H-A-N. And Caitlin, could you, please,
12 spell your first name for the record?

13 MS. MOYNIHAN: Sure. It's Caitlin, C-
14 A-I-T-L-I-N.

15 AGENT FLETCHER: Moynihan?

16 MS. MOYNIHAN: Yes.

17 AGENT FLETCHER: You are representing
18 Mr. Moynihan today?

19 MS. MOYNIHAN: Yes, I'm representing
20 both of us, yes.

21 AGENT FLETCHER: Just so that you know
22 for the future, always bring a letter

1 designating, but in this case I guess it doesn't

2 --

3 MS. MOYNIHAN: In our original letter,
4 we outlined that I was going to be representing.

5 AGENT FLETCHER: Okay. Then that's
6 all that is required.

7 MS. MOYNIHAN: Great. Thanks.

8 AGENT FLETCHER: Ms. Moynihan, you
9 live in Unit 209?

10 MS. MOYNIHAN: Correct.

11 AGENT FLETCHER: You filed your
12 protest as an abutting property owner.

13 MS. MOYNIHAN: Correct.

14 AGENT FLETCHER: Do you live directly
15 above Supra?

16 MS. MOYNIHAN: Yes.

17 AGENT FLETCHER: There is no floor
18 between you?

19 MS. MOYNIHAN: No.

20 AGENT FLETCHER: Your walls touch?

21 MS. MOYNIHAN: Yes.

22 AGENT FLETCHER: Mr. Nelms, to your

1 knowledge, is that correct?

2 MR. NELMS: As far as I'm aware, yes.

3 AGENT FLETCHER: Hum?

4 MR. NELMS: To my knowledge, yes.

5 AGENT FLETCHER: Okay. In that case,
6 you have standing as an abutting property owner.
7 The walls have to touch. And so I just wanted to
8 clarify that for the record, because you are 209
9 and that normally means that you are right over
10 top, but I needed to clarify that for the record.
11 So because your walls touch, that makes you and
12 Mr. Moynihan abutting property owners.

13 So you and Mr. Moynihan have standing
14 as abutting property owners.

15 And we have two more abutting property
16 owners. Is Matt Contento present today? What
17 about Wah-Keng Wu? Mr. Contento, would you spell
18 your name for the record, please?

19 MR. CONTENTO: Certainly. It's Matt,
20 M-A-T-T the last name is Contento, C-O-N-T-E-N-T-
21 O.

22 AGENT FLETCHER: And, Ms. Wah-Keng Wu,

1 would you spell your name?

2 MS. WU: W-A-H hyphen K-E-N-G last
3 name is Wu, W-U.

4 AGENT FLETCHER: And you both reside
5 in Unit 210?

6 MR. CONTENTO: Correct.

7 AGENT FLETCHER: Is that immediately
8 above and touching the property of the applicant?

9 MR. CONTENTO: That's correct.

10 AGENT FLETCHER: To your knowledge, is
11 that the case?

12 MR. CONTENTO: To the best of my
13 knowledge, yes.

14 AGENT FLETCHER: Yeah, I'm just --
15 that's what we have to go by today. Okay. So
16 your properties touch. That's the standard for
17 abutting and we have clarified that for the
18 record, so based on the information that I have
19 today, Mr. Contento and Ms. Wah-Keng Wu are
20 abutting property owners as well and so you are
21 granted standing as abutting property owners.

22 And what that means is that each one

1 of you, as abutting property owners, have
2 standing in your own right. So there are a total
3 of four abutting property owners. So if three
4 decided to resolve this matter in some way, the
5 other one has the ability to go forward.

6 Although you don't have to be a part of a group
7 when you are abutting.

8 And, Mr. Contento, you are the
9 designated representative in this case between
10 you and Ms. Wah-Keng Wu?

11 MR. CONTENTO: That is correct.

12 AGENT FLETCHER: Okay. The
13 protestants in this matter are the group of six,
14 Jonathan Moynihan, Caitlin Moynihan, Matt
15 Contento and Wah-Keng Wu.

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

20 The date for the Status Hearing is
21 June 6 at 9:30.

22 The Protest Hearing is set for July 11

1 at 1:30. I'm sorry, that's July 11 at 4:40.

2 MR. JACKSON: Excuse me, what time is
3 the status?

4 AGENT FLETCHER: The Status Hearing is
5 on June 6 at 9:30. June 6.

6 The Protest Hearing is -- do you need
7 a little more time, Mr. Jackson?

8 MR. JACKSON: No, I'm fine.

9 AGENT FLETCHER: The Protest Hearing
10 is July 11 at 4:30.

11 MR. JACKSON: Can we reschedule that?
12 I'll be out of the country.

13 AGENT FLETCHER: On July 11?

14 MR. JACKSON: Yes.

15 AGENT FLETCHER: So what you will do,
16 Mr. Jackson, I'm going to give you these dates,
17 because these were the next available dates on
18 the Board's calendar as of now. And so you may
19 petition the Board to change that date, but you
20 would have to notify the protestants as well, so
21 that they would have an opportunity to be in
22 agreement or know or I can ask the protestants

1 now, everybody is here, if you would be opposed
2 to rescheduling the date for the Protest Hearing.

3 I don't know what date that would be,
4 but would you be willing to do that?

5 MR. NELMS: No.

6 MS. DYMOWSKI: I'm not opposed, but
7 I'm out of the country July 18 through the 25th.

8 AGENT FLETCHER: What are your times
9 out of the country, Mr. Dymowski?

10 MS. DYMOWSKI: July 18th through the
11 25th.

12 AGENT FLETCHER: Okay.

13 MS. DYMOWSKI: So I wouldn't be able
14 to do it until August 1st or 8th.

15 AGENT FLETCHER: Would the group of
16 six be okay with that?

17 MS. NELMS: August 1st? Yes.

18 MR. JACKSON: Well, the first week in
19 July.

20 MS. DYMOWSKI: Yeah, or we could go
21 earlier.

22 AGENT FLETCHER: It won't be earlier.

1 It would have to be later.

2 MS. DYMOWSKI: Oh, that was July 4th.

3 AGENT FLETCHER: Well, let me say
4 this. As of today, it can't be earlier, but, Mr.
5 Jackson, once you make that request, someone will
6 look at the Board's calendar and let you know.

7 So, Mr. Jackson, you are going to need
8 to let the abutting property owners know as well,
9 so do you have everybody's contact information?

10 MR. JACKSON: I will get it.

11 AGENT FLETCHER: Okay. So the hearing
12 notices go out pretty fast, so you may get the
13 hearing notice for July 11th before you make your
14 request, but you just still make it.

15 I'll give you the next available date
16 for mediation, that is Thursday, May 17 at 9:00,
17 10:00, 11:00, 11:30 or 1:00 in the afternoon.

18 MR. CONTENTO: I will be out of the
19 country. I could call in.

20 AGENT FLETCHER: For mediation, we can
21 change it to another date.

22 So Mr. Contento will not be in town on

1 the 10th. When will you be back, Mr. Contento?

2 MR. CONTENTO: Do you mean the 17th?

3 AGENT FLETCHER: On the --

4 MR. CONTENTO: I'll be back the
5 following week.

6 AGENT FLETCHER: I'm sorry, on the --
7 what date did I give you the 10th or the 17th?

8 MS. MOYNIHAN: 17th.

9 MS. DYMOWSKI: May 17th.

10 AGENT FLETCHER: Okay. So that's
11 right. So the 17th is not a good date, right?
12 Okay. Thank you. And when will you be back?

13 MR. CONTENTO: I'll be back on the
14 following Tuesday.

15 AGENT FLETCHER: The following
16 Tuesday. So what about Thursday, May 24th?
17 Would that work better?

18 MR. CONTENTO: That will work.

19 MS. DYMOWSKI: Can we do 9:30?

20 AGENT FLETCHER: Is that okay for the
21 applicants, 9:30?

22 MS. DYMOWSKI: 9:30?

1 MR. JACKSON: The 24th.

2 AGENT FLETCHER: On the 24th?

3 MR. JACKSON: Yes, that's fine.

4 AGENT FLETCHER: Is that good?

5 Mediation is set for Thursday, May 24 at 9:30.

6 Any questions at all? Any questions
7 from anybody?

8 MR. JACKSON: No.

9 AGENT FLETCHER: Okay. Well, thank
10 you for coming. See you then.

11 MR. JACKSON: Thank you.

12 MR. NELMS: Thank you.

13 AGENT FLETCHER: The Roll Call Hearing
14 is concluded.

15 (Whereupon, the Roll Call Hearing was
16 concluded at 10:49 a.m.)

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18

19

20

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22

A	B	C	D
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In the matter of: Supra, LLC

Before: DC ABRA

Date: 04-30-18

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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