



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

2 10:29 a.m.

3 AGENT FLETCHER: Would the parties in  
4 the matter of Tokyo Pearl, please, come forward?  
5 The parties in the matter of Tokyo Pearl, the  
6 same folks.

7 MS. CUNNINGHAM: The same parties.

8 AGENT FLETCHER: This is Case No. 19-  
9 PRO-00009, Tokyo Bar Dupont, LLC, 1301  
10 Connecticut Avenue, N.W., License No. ABRA-  
11 112100. This is a Retailer Class CT new  
12 application.

13 The protest issues are adverse impact  
14 on peace, order, and quiet; and real property  
15 values.

16 Introductions beginning with the  
17 applicant, please.

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

20 AGENT FLETCHER: And present on behalf  
21 of ANC-2B?

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

3 AGENT FLETCHER: Thank you, Ms.  
4 Cunningham. And on behalf of the Dupont Circle  
5 Citizens Association?

6 MS. NICHOLS: Abigail Nichols, A-B-I-  
7 G-A-I-L N-I-C-H-O-L-S.

8 AGENT FLETCHER: Thank you very much.  
9 Present on behalf of the Palladium Condominium  
10 Association?

11 MS. NICHOLS: The same routine as the  
12 previous, I assume.

13 AGENT FLETCHER: You've got to state  
14 it brand new for a new record, Ms. Nichols. This  
15 is --

16 MS. NICHOLS: I understand.

17 AGENT FLETCHER: Yes.

18 MS. NICHOLS: Okay. Abigail Nichols,  
19 A-B-I-G-A-I-L N-I-C-H-O-L-S.

20 AGENT FLETCHER: And, Ms. Nichols, you  
21 are representing the Palladium Condominium  
22 Association today?

1 MS. NICHOLS: No. I'm here as a  
2 petitioner.

3 AGENT FLETCHER: As a resident?

4 MS. NICHOLS: Yes, as a resident.

5 AGENT FLETCHER: Okay. Thank you.

6 And could you state your name?

7 MR. NELSON: Carl Nelson.

8 AGENT FLETCHER: And if you could  
9 spell it for the record?

10 MR. NELSON: Ms. Healy is here. She  
11 went to the facilities. She will be right back.

12 AGENT FLETCHER: Okay. Thank you very  
13 much.

14 MS. YOHANNES: So for the record, Ms.  
15 Abigail, Ms. Nichols, you are here for -- as a  
16 resident and not on behalf of the Palladium Condo  
17 Association, correct?

18 MS. NICHOLS: Right. We will be  
19 suggesting that that letter sent should be  
20 considered coming in under the Group of Five and  
21 ask the Board's forbearance concerning the  
22 wording of the letter.

1 MS. YOHANNES: And for the record  
2 again, the applicant objects to that.

3 AGENT FLETCHER: Okay. And also for  
4 the record, this -- the communication that you  
5 just heard was between Ms. Yohannes, the  
6 attorney's -- the applicant's attorney and Ms.  
7 Nichols, Abigail Nichols, who is a protestant.

8 Is anyone present on behalf of the  
9 Palladium Condominium Association? The Palladium  
10 Condominium Association is dismissed because  
11 condominium associations do not have standing as  
12 protestants, although they are not present, were  
13 they present, but the result would be the same.

14 So they are dismissed for two reasons.  
15 They did not appear today. Had they appeared, it  
16 would have been dismissed still, because  
17 condominium associations do not have standing as  
18 protestants.

19 Ms. Nichols, I understand that your  
20 group is going to be filing a petition with the  
21 ABC Board for reconsideration to consider the  
22 people's residence as a Group of Five or more.

1       There is a group of residents?

2                   MS. NICHOLS: That's what I will be  
3       proposing that they do, but what they are going  
4       to do, I cannot say.

5                   AGENT FLETCHER: Oh, so you are not  
6       speaking on behalf of anyone but yourself today?

7                   MS. NICHOLS: Right.

8                   AGENT FLETCHER: Okay.

9                   MS. NICHOLS: I think Mike Blair is  
10       intended to be the representative for the Group  
11       of Five or More.

12                   AGENT FLETCHER: Okay. Thank you.  
13       Just to clarify the record that the group of  
14       individuals that signed the Protest Letter and  
15       attached it to the protest filed by the  
16       condominium association. And Ms. Nichols, is  
17       that the group that you are referring to?

18                   MS. NICHOLS: Yes, yes.

19                   AGENT FLETCHER: It is proposed to  
20       them, but they petitioned the ABC Board to file a  
21       protest on their own as a Group of Five or More.

22                   MS. NICHOLS: Yes.

1           AGENT FLETCHER: But they are not a  
2 factor today, but we do -- for the record, we  
3 know that is coming.

4           The Palladium Condominium Association  
5 is now excluded.

6           Is anyone present from Crown Liquor or  
7 Tele Restaurant or Super Pollo? These three ABC  
8 license holders filed a protest against the new  
9 application of residents and they do not have  
10 standing as protestants, because one ABC license  
11 holder cannot file a protest. It has to be  
12 present with another. Neither of them are  
13 present. Are they present? Their protest will  
14 be dismissed because they cannot be granted  
15 standing as protestants. The protests are  
16 dismissed.

17           Ms. Healy, could you step up front for  
18 just a second? Ms. Healy, when you stepped out,  
19 we called the case of Tokyo Pearl and you are  
20 here in that matter?

21           MS. HEALY: Yes.

22           AGENT FLETCHER: Could you state your

1 name, please?

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

4 AGENT FLETCHER: You are one of the  
5 residents in the condominium that signed the  
6 Protest Letter?

7 MS. HEALY: Yes, I am.

8 AGENT FLETCHER: As well as Ms.  
9 Nichols and Mr. Nelson?

10 MS. HEALY: Yes.

11 AGENT FLETCHER: We have two  
12 protestants in this matter: ANC-2B and the  
13 Dupont Circle Citizens Association.

14 We need to set a date for a mediation,  
15 a Status Hearing and a Protest Hearing.

16 The Status Hearing is set for March 20  
17 at 9:30 a.m.

18 MS. CUNNINGHAM: The Status Hearing  
19 more present?

20 AGENT FLETCHER: Yeah, we -- that's  
21 the way we do it. And hopefully one of them will  
22 drop by.



1                   And the Protest hearing date is going  
2 to be the same as the previous one, too, it's  
3 going to be April 10 at 1:30.

4                   MS. NICHOLS: That won't happen the  
5 same day.

6                   AGENT FLETCHER: We need to set a date  
7 for mediation. I believe we can put that on the  
8 same date, which would be okay with us.

9                   MS. YOHANNES: I would be okay with  
10 that.

11                   AGENT FLETCHER: Do you want to come  
12 to mediation on the same day?

13                   MS. NICHOLS: The same day is fine,  
14 but I prefer not to have them back-to-back. I  
15 guess like take a break or something like that.

16                   AGENT FLETCHER: Well, whatever you --  
17 the calendar is open that day, so whatever you  
18 determine if you want to do them both on the same  
19 day. The first one is at 10:00. I could say to  
20 allow at least two hours.

21                   MS. YOHANNES: So we are thinking of  
22 a time. I mean, you know, 11:00, 1:30.

1                   AGENT FLETCHER: Let's say at least  
2 12:00.

3                   MS. YOHANNES: Oh, at least 12:00 for  
4 the second one.

5                   AGENT FLETCHER: 11:30? It's up to  
6 you. 11:30 or any time after.

7                   MS. YOHANNES: 11:30 sounds good to  
8 the applicant. We have had a lot of offline  
9 conversations. So 11:30 is fine.

10                  AGENT FLETCHER: Okay. Is that good?

11                  MS. NICHOLS: Yes.

12                  AGENT FLETCHER: So 11:30 for the same  
13 date.

14                  (Whereupon, the Roll Call Hearing was  
15 concluded at 10:39 a.m.)

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<b>A</b>	<b>Beverage</b> 1:2,15,16 <b>Blair</b> 6:9 <b>Board</b> 1:2,15 5:21 6:20 <b>Board's</b> 4:21 <b>brand</b> 3:14 <b>break</b> 9:15 <b>Building</b> 1:16	10:13 <b>day</b> 9:5,12,13,17,19 <b>determine</b> 9:18 <b>dismissed</b> 5:10,14 5:16 7:14,16 <b>DISTRICT</b> 1:1 <b>drop</b> 8:22 <b>Dupont</b> 1:7 2:9 3:4 8:13	<b>happen</b> 9:4 <b>Healy</b> 4:10 7:17,18 7:21 8:2,2,7,10 <b>heard</b> 5:5 <b>hearing</b> 1:3,8,16 8:15,15,16,18 9:1 10:14 <b>holder</b> 7:11 <b>holders</b> 7:8 <b>hopefully</b> 8:21 <b>hours</b> 9:20
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<b>0</b>			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Tokyo Bar Dupont, LLC, t/a Tokyo  
Pearl

Before: DC ABRA

Date: 02-19-19

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.



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Court Reporter

**NEAL R. GROSS**

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