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DISTRICT OF COLUMBIA
    + + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
    + + + + +
    ROLL CALL HEARING
    + + + + +
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IN THE MATTER OF:
GoBrands, Inc.,
t/a goPuff
1077 30th Street NW
Roll Call
Retailer A Internet
Hearing
License No. ABRA-1011261
Case \#19-PRO-00001
(License Transfer from
3401 Water Street NW to
107 30th Street NW)
MONDAY, JANUARY 28, 2019

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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.
P-R-O-C-E-E-D-I-N-G-S
10:02 a.m.

AGENT FLETCHER: Would the parties in the matter of goPuff, please, come forward? This is Case No. 19-PRO-00001, GoBrands, Inc., 1077 30th Street, N.W., License No. ABRA-1011261. This is a Retailer Class A Internet Application. It's a license transfer from 3401 Water Street, N.W., to 1077 30th Street, N.W.

The protest issues are adverse impact on peace, order and quiet; vehicular and pedestrian safety; parking; traffic and real property values.

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

Introductions beginning with the applicant, please?

MR. O'BRIEN: Stephen $0^{\prime}$ Brien for the applicant. I'm accompanied by Hadji Maloumian, who is -- what's your title?

MR. MALOUMIAN: Associate General Counsel.

MR. O'BRIEN: Associate General Counsel.

AGENT FLETCHER: Okay. It's Archie, right?

MR. O'BRIEN: Hadji.
MR. MALOUMIAN: Hadji.
AGENT FLETCHER: Hadji. Could you spell the first and last name?

MR. O'BRIEN: Sure, sure. It's a mouthful. It's H-A-D, as in Daniel, J-I and last name is $M$, as in Mary, $A-L$, as in Lewis, $0-U-M$, as in Mary, I-A-N, as in Nancy.

AGENT FLETCHER: Thank you very much. MR. O'BRIEN: You're welcome.

AGENT FLETCHER: And present on behalf of the -- let's begin with the Group of 33 . Who is present on behalf of the Group of 33 ?

MR. BLANCHARD: Good morning, Ms.
Fletcher. Lyle Blanchard for the protestants at -- who reside at 1077.

AGENT FLETCHER: Thank you. Mr.
Blanchard, could you spell your name for the
record, please?
MR. BLANCHARD: Sure. It's the last name is Blanchard, B-L-A-N-C-H-A-R-D. The first name is Lyle, L-Y-L-E.

AGENT FLETCHER: And, Mr. Blanchard, I understand that there are individuals from your group that wanted to sign-in?

MR. BLANCHARD: Right. If you want us, $I$ can have them each come up to the microphone and state their name and spell it?

AGENT FLETCHER: That's the way we do it.

MR. BLANCHARD: Okay.
AGENT FLETCHER: And so the only person that needs to sign that sign-in sheet is you.

MR. BLANCHARD: Is me? Okay.
AGENT FLETCHER: As the designated representative.

MR. BLANCHARD: All right.
AGENT FLETCHER: So any one from the Group of 33 can just come forward and there is a
microphone on the table right beside Mr.
Blanchard, if you could state your name into the microphone and spell it for the record, if there is anyone from the Group of 33 represented by Mr . Blanchard.

MR. CRIMMINS: Good morning, Ms.
Fletcher. I'm one of the protestants. My name is Stephen Crimmins, S-T-E-P-H-E-N Crimmins, C-R-I-M-M-I-N-S. My co-protestant is my spouse, Susan, S-U-S-A-N, Crimmins, C-R-I-M-M-I-N-S. And we live in Unit 509 at James Place.

AGENT FLETCHER: Thank you very much.
MR. CRIMMINS: Okay.
AGENT FLETCHER: Anyone else from the Group of 33 that wants to come forward and you can state your name into the microphone and just spell it for the record.

MS. PURI: Hi, good morning. My name is Vandana Puri. It's V, for Victor, A-N-D, for David, A-N-A last name is Puri, $P$, for Peter, U--

AGENT FLETCHER: What's the last name again? I'm sorry.

MS. PURI: Puri, P, for Peter, U-R-I.
AGENT FLETCHER: Thank you very much. And everybody else can just follow Ms. Puri. Thank you.

MS. DICAPUA: My name is Mary-Anne Healy-Dicapua. It's D-I-C-A-P-U-A.

AGENT FLETCHER: Thank you.
MS. TAGER: Good morning, Carolyn
Tager, C-A-R-O-L-Y-N T, like in Tom, A-G-E-R, Unit 204.

AGENT FLETCHER: T-A-G-E-R?
MS. TAGER: T-A-G-E-R.
AGENT FLETCHER: That's it?
MS. TAGER: Yes.
AGENT FLETCHER: Okay. Thank you.
MR. DICAPUA: Hello, good morning. My name is Marco Dicapua, M-A-R-C-O last name is Dicapua, D, as in David, I-C, at in cat, A-P, as in Peter, U-A-.

AGENT FLETCHER: Can you spell --
MR. DICAPUA: I'm in unit --
AGENT FLETCHER: -- I'm sorry.

MR. DICAPUA: -- 304.
AGENT FLETCHER: Can you spell the last name one more time?

MR. DICAPUA: Dicapua, D, as in David.
AGENT FLETCHER: Oh, Dicapua?
MR. DICAPUA: No, not quite.
AGENT FLETCHER: Oh.
MR. DICAPUA: D, as in David, I-C, as in cat, $A-P$, as in Peter, $U-A$.

AGENT FLETCHER: Thank you. Got it. Thank you very much.

MS. PLOTKIN-MATES: My name is Wendy and then hyphenated Plotkin, P-L-O-T-K-I-N hyphen M-A-T-E-S and I'm in Apartment 510 at James Place. And I also on the paper we have the Power of Attorney that $I$ am signing for and speaking for Lynn Thornton.

AGENT FLETCHER: Um-hum.
MS. PLOTKIN-MATES: And her name is L-$\mathrm{Y}-\mathrm{N}-\mathrm{N}$ and then $\mathrm{T}-\mathrm{H}-\mathrm{O}-\mathrm{R}-\mathrm{N}-\mathrm{T}-\mathrm{O}-\mathrm{N}$ and she is Apartment 703.

AGENT FLETCHER: And Wendy, may I call
you by your first name?
MS. PLOTKIN-MATES: Of course.
AGENT FLETCHER: So let me ask you something. So you submitted a document to us that you are also representing Lynn Thornton?

MS. PLOTKIN-MATES: It's on the second page of the papers.

AGENT FLETCHER: Okay.
MS. PLOTKIN-MATES: And at the bottom that is part of it.

AGENT FLETCHER: Does that mean that Mr. Blanchard is not representing you and Lynn?

MS. PLOTKIN-MATES: No, no, no. It just means Lynn is out of the country right now.

AGENT FLETCHER: Oh, that's okay. Well, okay, that's good and just so that you know, because Lyle Blanchard is here, even without that letter from you, Lyle Blanchard would still be recognized as the designated representative, that's just FYI.

MS. PLOTKIN-MATES: Oh, that's --
AGENT FLETCHER: So but I did make a
note here, Wendy, that you are also representing Lynn Thornton.

MS. PLOTKIN-MATES: Thank you. So I just sign --

AGENT FLETCHER: Yeah, that's good.
MS. PLOTKIN-MATES: -- there now?
AGENT FLETCHER: I made a note of it.
MS. PLOTKIN-MATES: Okay.
AGENT FLETCHER: Thank you very much.
MS. CLEEMAN: Good morning. My name
is Deborah, $D-E-B-O-R-A-H$, last name is C-L-E-EM, as in Mary, A-N, as in Nancy, Apartment 406. I'm also representing my husband, same last name. His first name is James.

AGENT FLETCHER: James?
MS. CLEEMAN: James.
AGENT FLETCHER: Okay. And just so you know, Ms. Cleeman, the same thing applies to you.

MS. CLEEMAN: Right.
AGENT FLETCHER: Lyle Blanchard is recognized as representing the entire group.

MS. CLEEMAN: Yes.
AGENT FLETCHER: But I have made a note that you are also representing James.

MS. CLEEMAN: Thank you.
AGENT FLETCHER: Okay. Thank you.
MR. BERKLEY: Good morning. Colin Berkley, C-O-L-I-N B-E-R-K-L-E-Y. I'm in Unit 410.

AGENT FLETCHER: Did you say B, as in boy?

MR. BERKLEY: B, as in boy, E, as in echo, R-K-L-E-Y.

AGENT FLETCHER: I got it. Thank you.
MR. BERKLEY: All right. Thank you.
MR. PAGE: Good morning.
AGENT FLETCHER: Good morning.
MR. PAGE: I'm John Page, that's J-O-H-N P-A-G-E. I'm an owner of Apartment 411. Thank you.

AGENT FLETCHER: Thank you.
MR. HAMILTON: My name is David Hamilton, H-A-M-I-L-T-O-N, and I'm the owner of

Apartment 503 James Place.
AGENT FLETCHER: Thank you, Mr.
Hamilton. Good morning.
MS. GRUCHALSKA: Good morning. So I'm Goanna Gruchalska. It's spelled G-O-A-N-N-A and last name is G, like George, R, like Robert, 0, Olive --

AGENT FLETCHER: Excuse me, Goanna. That was G like what?

MR. GRUCHALSKA: George.
AGENT FLETCHER: And what else?
MR. GRUCHALSKA: R, like Robert.
AGENT FLETCHER: Uh-huh.
MR. GRUCHALSKA: 0, Olive, C, like
Charles, H, like home, A, alpha, L, lima, S, Sam, K, kiwi, A, alpha.

AGENT FLETCHER: Thank you.
MR. GRUCHALSKA: Thank you. Long name.

AGENT FLETCHER: Good morning.
MS. BANKS: My name is Michele Banks, that's M-I-C-H-E-L-E last name B-A-N-K-S.

AGENT FLETCHER: Thank you very much. MS. SANTOS-BURGOA: My name is Maite Santos-Burgoa, M-A-I-T-E S-A-N-T-O-S.

AGENT FLETCHER: S-A-M?
MS. SANTOS-BURGOA: $S-A-N$, as in
Norman.
AGENT FLETCHER: Uh-huh.
MS. SANTOS-BURGOA: S-A-N-T-O-S hyphen B-U-R-G-0-A.

AGENT FLETCHER: Thank you.
MR. MATES: Good morning.
AGENT FLETCHER: Good morning.
MR. MATES: My first name is Amnon. It's spelled $A$, for apple, $M$, for Mary, $N$, for Nancy, $0-\mathrm{N}$, for Nancy. The last name is Mates, M, for Mary, A, for apple, $T$, for $T o m, E$, for Edward, S, for Sam.

AGENT FLETCHER: Thank you very much. Everyone that just -- is there someone else? Oh, we have a couple more people.

MR. BLANCHARD: We have -- now, that's the group. And now we have the abutting owners.

AGENT FLETCHER: That's going to be my next question. Thank you very much.

MS. COOK: Good morning. My name is Jeanette Cook. It's J-E-A-N-E-T-T-E initial R. C-0-0-K.

AGENT FLETCHER: Thank you, Ms. Cook.
MS. COOK: Okay.
AGENT FLETCHER: Okay. Thank you. And what's your Apartment number? What's your unit number?

MS. COOK: Excuse me?
MR. BLANCHARD: She asked your unit number.

MS. COOK: Oh, my number, phone number?

AGENT FLETCHER: Your unit number.
MS. COOK: 214, sorry.
AGENT FLETCHER: 214? Number 214?
MR. BLANCHARD: Yes.

AGENT FLETCHER: Okay. Thank you.
MR. COOK: My name is Robert Cook, R-O-B-E-R-T last name C-0-0-K and it's Apartment

No. 214.
AGENT FLETCHER: Apartment No. 214. Thank you very much, Mr. Cook.

MS. KAVRUS-HOFFMANN: Good morning.
AGENT FLETCHER: Good morning.
MS. KAVRUS-HOFFMANN: My name is Nadezhda Kavrus-Hoffmann. First name N, like in Nancy, A, like in apple, D, like in David, E, like in eagle, $Z$, like in zebra, $H-D$, like in David, A, like in apple. Last name K, like kite, A, like in apple, V, like in Victor, R-U-S dash Hoffmann, H-O-F-F-M-A-N-N, Apartment 210.

AGENT FLETCHER: Apartment No. 201?
MS. KAVRUS-HOFFMANN: 210.

AGENT FLETCHER: Um-hum, yes.
MS. KAVRUS-HOFFMANN: I also represent my husband Erik Hoffmann, who is handicapped and disabled and combined he couldn't come.

AGENT FLETCHER: Is his first name spelled E-R-I?

MS. KAVRUS-HOFFMANN: E-R-I-K.
AGENT FLETCHER: E-R-I-K.

MS. KAVRUS-HOFFMANN: Hoffmann, H-O-F-F-M-A-N-N.

AGENT FLETCHER: Okay. Thank you, Ms. Hoffmann.

MS. KAVRUS-HOFFMANN: Thank you.
AGENT FLETCHER: Okay. And what's your unit number? His unit number is also 210?

MS. KAVRUS-HOFFMANN: Both are 210.
AGENT FLETCHER: Okay. Thank you very much.

MR. BUFFIN: Good morning. My name is Kenneth Buffin, K-E-N-N-E-T-H last name Buffin, B, as in boy, U-F-F, as in Frank, I-N, Buffin.

AGENT FLETCHER: Mr. Buffin --
MR. BUFFIN: My address is Unit 209.
AGENT FLETCHER: -- Unit No. 209?
MR. BUFFIN: 209.
AGENT FLETCHER: Okay.
MR. BUFFIN: I also represent my wife, who is not here.

AGENT FLETCHER: Um-hum.
MR. BUFFIN: Her name is Lau Chan
spelled L-A-U C-H-A-N.
AGENT FLETCHER: Thank you very much.
MR. BUFFIN: Thank you.
AGENT FLETCHER: And her unit number is also 209?

MR. BUFFIN: Yes, that is correct, 209.

AGENT FLETCHER: Thank you. Any other abutting property owners?

MR. BLANCHARD: Not today.
AGENT FLETCHER: Not today. I count seven abutting property owners. I have: Jeanette Cook in Unit 214, Robert Cook in Unit 214, Nadezhda, does that sound familiar to anybody, last name spelled Kazruf?

MS. KAVRUS-HOFFMANN: K-A-V-R-U-S.
AGENT FLETCHER: Okay.
MR. BLANCHARD: That's her.
AGENT FLETCHER: Yes, thank you.
MS. KAVRUS-HOFFMANN: Hoffmann.
AGENT FLETCHER: And Erik Hoffmann.
Okay. So that's -- and then I have Kenneth

Buffin and representing also your wife, Lau Chan. So I count six abutting property owners. And so the names that $I$ just called, you are the only individuals present today claiming to be abutting property owners? Is there anyone else here claiming today to be abutting property owners? Okay. Thank you.

MR. BLANCHARD: Ms. Fletcher, there is one more that submitted a letter, but he is not present today.

AGENT FLETCHER: And what's his name? MR. BLANCHARD: I'm going to ask him to be at the Status Hearing. His name is Jeremy, J -- well, $I$ don't need to spell it, but $I$ do represent him as well, Jeremy Sina, S-I-N-A. AGENT FLETCHER: Okay. Thank you. For each of the protestants claiming to be abutting property owners, do your properties actually touch the property of goPuff?

Do the units touch? I'll tell you why I'm asking. Because in order to be an abutting property owner, the units have to touch either by
ceiling, wall, they need to touch. And in some protest letters that was mentioned and others it was not.

So I'm going to -- Ms. Cook, you can just say yes or no. You are in Unit 214?

MS. COOK: Yes.
AGENT FLETCHER: Does your unit touch that of the applicant by ceiling, wall?

MS. COOK: (No audible answer.)
AGENT FLETCHER: Okay. So Ms. Cook says yes. The same for Robert Cook, yes?

MR. COOK: Yes.
AGENT FLETCHER: Thank you. And for Ms. Hoffmann, you live in Unit 210. Can you just say yes or no whether or not your unit touches the unit of goPuff by ceiling, wall, if the units touch at all?

MS. KAVRUS-HOFFMANN: Yes.
AGENT FLETCHER: Okay. And that's Ms. Hoffmann saying yes. Ms. Hoffmann, you are in Unit 210 representing Erik Hoffmann, who is also in Unit 210.

And, Mr. Buffin, you are in Unit 209? MR. BUFFIN: Yes.

AGENT FLETCHER: If you could just say yes or no whether or not your property touches that of goPuff by ceiling, wall, if the units touch in any way?

MR. BUFFIN: Yes.
AGENT FLETCHER: Okay. Thank you very much. And that also applies to Lau Chan?

MR. BUFFIN: Yes.
AGENT FLETCHER: Mr. Blanchard, at this moment do you know whether or not the same thing applies to Jeremy, whether or not his unit actually touches the property of the applicant by ceiling or wall?

MR. BLANCHARD: Ms. Fletcher, I understand it does and Mr. Crimmins is here who can attest to it.

AGENT FLETCHER: Okay.
MR. CRIMMINS: $I$ have lived in the building over 30 years, Ms. Fletcher, and I can attest that Units 209, 210, 211, 212 and 214 are
the five units that touch and that their floors touch the ceiling of the top space, so that would include the ones we have today 209, 210 and 214. AGENT FLETCHER: Yes.

MR. CRIMMINS: And then Mr. Sina in 211.

AGENT FLETCHER: Okay. Thank you very much for that. I have a question for the applicant. Would you agree with that, Mr.

O'Brien, or do you know already whether or not that is the case that those property actually abut?

MR. O'BRIEN: We don't disagree with it at this time.

AGENT FLETCHER: Okay. So what --
MR. O'BRIEN: We don't have
independent knowledge.
AGENT FLETCHER: -- I'm going to --
okay. Thank you. So what that means for today, I'm going to grant standing to each of you as abutting property owners. Each of you present today standing will be granted to you as abutting
property owners. And you will need to -- well, let me ask -- let me clarify something first of all.

Mr. Blanchard, you are representing the abutting property owners as well as the Group of 33 ?

MR. BLANCHARD: That is correct.
AGENT FLETCHER: So what that means is at the upcoming Status Hearing, the abutting property owners do not need to come, so long as Mr. Blanchard comes, because you are here today. So you won't need to come to the Status Hearing.

At the Status Hearing, the ABC Board will just want to know the status of the case, that's it. There aren't going to be any decisions made, so you can come if you want to, but so long as Mr. Blanchard comes, you are accounted for.

For any abutting property owners that are not present today, that person or persons will need to appear for the Status Hearing, because the ABC Board needs to see the faces of
those people.
MR. BLANCHARD: We understand.
AGENT FLETCHER: By the fact that Mr.
Blanchard is here today, they are represented, but they will need to appear in person at the Status Hearing.

For the -- for everyone else, you filed your protest only as protestants and not abutting property owners. Is that correct for everybody?

MR. BLANCHARD: Yes.
AGENT FLETCHER: So that's a yes from everybody. Okay. Thank you.

For the Group of 33 , because more of you -- because more than five of you -- because at least five of you were present today, the entire group is granted standing as protestants, that's for the Group of 33.

The same thing applies to the individual protestants part of the Group of 33, because Mr. Blanchard is here today, you do not need to come back for the Status Hearing unless
you want to. So Mr. Blanchard is the only person that needs to be present for the upcoming Status Hearing, but you are welcome to come back if you want.

Now, we will go to the Citizens Association of Georgetown. So who is present on behalf of the citizens association?

MS. TAMMANY-CRUSE: I'm Karen TammanyCruse representing the Citizens Association and the ANC-2E. T-A-M-M-A-N-Y C-R-U-S-E.

AGENT FLETCHER: Thank you, Ms. Cruse. ANC-2E and the Citizens Association of Georgetown have standing as protestants.

Just for the record, Ms. Cruse, I'll ask you a question and that is that the applicant was aware of a meeting that you held regarding the resolution to protest the application. That seven day notice?

MS. TAMMANY-CRUSE: Yes, yes, yes.
AGENT FLETCHER: Yes. Okay. Thank you. Mr. O'Brien, are you -- would you disagree with that?

MR. O'BRIEN: I do not disagree with that.

AGENT FLETCHER: Okay. Thank you. That's just for the record. Thank you.

The Citizens Association does have standing as a protestant.

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

The date for the Status Hearing is February 27, 2019 at 9:30.

The Protest Hearing is set for March 13, 2019 at 4:30.

We need to set a date for mediation. I'll give you the next available date. The next available day is Tuesday, February the 5th, that's the next available date.

MR. O'BRIEN: I know that is a bad date for me as is the 6th.

MR. BLANCHARD: That date is a bad date for me as well. I'll actually be out of the
country --
AGENT FLETCHER: Um-hum.
MR. BLANCHARD: -- until the
President's Day the 18th.
AGENT FLETCHER: Okay.
MR. BLANCHARD: So that's a bad date.
AGENT FLETCHER: Yes. We can do the 19th or the 21st of February. The 19th or the 21st?

MR. O'BRIEN: What day of the week are $^{\prime}$ those?

AGENT FLETCHER: That's Tuesday and Thursday.

MS. TAMMANY-CRUSE: Thursday would be better for me.

AGENT FLETCHER: Tuesday is better for CAG.

MR. O'BRIEN: Tuesday is better for me.

MS. TAMMANY-CRUSE: Thursday, I said is better.

AGENT FLETCHER: Mr. Blanchard, what do you think?

MR. BLANCHARD: Well, considering jet lag since I'll be across the world --

AGENT FLETCHER: Yes.
MR. BLANCHARD: -- is the mediation the 21st?

AGENT FLETCHER: It can be in the morning or the afternoon. It can be 9:00, 10:00, 11:00, 12:00, 1:00.

MR. BLANCHARD: I prefer the morning.
MR. O'BRIEN: And that's not going to work for us because Mr. Maloumian comes down from Philadelphia before this, yeah, so afternoon would be better for us.

AGENT FLETCHER: So if say 1:00 or 2:00 doesn't work, we can -- I'll look at the Thursday, the 21st. Mr. Blanchard, that would be better?

MR. BLANCHARD: That would be better for me.

## AGENT FLETCHER: Would that work?

MR. O'BRIEN: The 21st?
AGENT FLETCHER: Um-hum.

MR. O'BRIEN: Sure, yes.
AGENT FLETCHER: 1:00 or 2:00
MR. O'BRIEN: The afternoon, 1:00.
AGENT FLETCHER: Ms. Cruse, that work?
MS. TAMMANY-CRUSE: It works for CAG.
The ANC prefers the morning, but $I$ guess she will have to make it.

AGENT FLETCHER: Mediation is set for February 21st at 1:00.

MS. PLOTKIN-MATES: And the Status?
AGENT FLETCHER: Hum?
MR. O'BRIEN: The 27th at 9:30.
AGENT FLETCHER: The 21st.
MS. PLOTKIN-MATES: I'm just -- thank you.

AGENT FLETCHER: Mr. O'Brien, do you have the 21st?

MR. O'BRIEN: Yes. I'm sorry, there was some cross-talk.

AGENT FLETCHER: Oh, okay.
MR. O'BRIEN: Yeah.
AGENT FLETCHER: Okay.

MR. O'BRIEN: Mediation is the 21st at 1:00.

AGENT FLETCHER: Yes.
MR. O'BRIEN: The Status is the 27th at 9:30.

AGENT FLETCHER: Yes.
MR. O'BRIEN: The Protest is March 13 at 4:30.

AGENT FLETCHER: Yes. Any questions from anybody? Thank you.

MR. O'BRIEN: Thank you.
AGENT FLETCHER: The Roll Call Hearing is concluded for goPuff. Thank you.
(Whereupon, the Roll Call hearing was concluded at 10:27 a.m.)

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This is to certify that the foregoing transcript

In the matter of: goPuff

Before: DC ABRA

Date: 01-28-19

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.

> Hae $R$ Gus P Court Reporter

