

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

2 10:24 a.m.

3 MS. FLETCHER: Would the parties in
4 the matter of MOVA please come forward, the
5 parties in the matter of MOVA? This is Case
6 Number 14-PRO-00008, Kiel, LLC trading as
7 MOVA, 2204 14th Street NW, License Number
8 ABRA-087030. This is a Retailer CT License
9 Renewal, and this is the re-placard
10 application.

11 Protest issues are adverse impact.
12 The court reporter - The protest issues are
13 adverse impact on peace, order, and quiet.

14 My name is LaVerne Fletcher, and
15 I'm conducting the roll call hearing as the
16 Board's Agent pursuant to D.C. Official Code
17 1601.2. Introductions beginning with the
18 Applicant, please?

19 MR. KLINE: Yes, good morning.
20 Andrew Kline on behalf of the Applicant.

21 MS. FLETCHER: On behalf of
22 Meridian Hill Neighborhood Association?

1 MR. YOUNG: Yes, Christopher
2 Young.

3 MS. FLETCHER: Thank you, Mr.
4 Young. The Meridian Hill Neighborhood
5 Association was grandfathered in as a
6 protestant because you were granted standing
7 at the original roll call hearing.

8 MR. YOUNG: Okay.

9 MS. FLETCHER: Anyone present on
10 behalf of the group of 13?

11 MR. WERNICK: Yes, I am, Ephraim
12 Wernick. That's E-P-H-R-A-I-M last name W-E-
13 R-N-I-C-K, on behalf of the individuals signed
14 on from 1407 W Street condos also.

15 MS. FLETCHER: Yes, and your group
16 of 13 was also grandfathered in. You were
17 granted standing during the original protest -
18 roll call hearing, so your group is
19 grandfathered in. And present on behalf of
20 ANC 1B?

21 MR. BAUMANN: Myself, Nick
22 Baumann, again.

1 MS. FLETCHER: And can you spell
2 your name for the record, please?

3 MR. BAUMANN: Sure, it's Nick N-I-
4 C-K. My last name is Baumann B-A-U-M-A-N-N.

5 MS. FLETCHER: Thank you, Mr.
6 Baumann. ANC 1B does have standing as a
7 protestant. We have three groups, the
8 Meridian Hill Neighborhood Association, the
9 group of 13, and ANC 1B.

10 We need to set a date for
11 mediation, a status hearing, and a protest
12 hearing. I'll give you the dates for the
13 mediation first.

14 MR. KLINE: Ms. Fletcher, the
15 principal of my client, Bob Heckman-Eddy, has
16 broken his back and has been in the hospital,
17 and he's the one that I need available for the
18 mediation.

19 So, I'm happy to set a date with
20 the understanding that, depending upon his
21 medical condition, I don't know when he's
22 going to be able to attend.

1 Perhaps, if it's prolonged, maybe
2 we can set him up by phone. But, he is the
3 principal of the business, and he is who I
4 need to participate in the mediation.

5 MS. FLETCHER: Okay. Well, then I
6 will make a note of that, Mr. Kline. The
7 status hearing is on May the 1st. That's
8 actually a Thursday. I should have mentioned
9 that earlier in another case.

10 May 1st is a Thursday. The Board
11 normally meets on Wednesdays, but they're
12 meeting on Thursday of this particular week.

13 MR. WERNICK: I'm actually going
14 to be out of the city that day. Could we -

15 MS. FLETCHER: For the status
16 hearing, you can just designate a
17 representative. The only thing that happens
18 at the status hearing is that the Board wants
19 to know the result of the mediation. So,
20 nothing else happens -

21 MR. WERNICK: Okay.

22 MS. FLETCHER: - if you want to

1 just have someone come down to tell us what -
2 tell the Board what happened.

3 MR. BAUMANN: May the 1st at 9:30
4 a.m.?

5 MS. FLETCHER: Yes. And when that
6 person comes, Mr. Wernick, if you would just
7 give them a statement designating them as your
8 representative?

9 MR. WERNICK: Yes.

10 MS. FLETCHER: And the protest
11 hearing is set for June the 11th, 2014, at
12 4:30.

13 MR. WERNICK: 4:30 p.m.?

14 MS. FLETCHER: 4:30 p.m., yes.

15 So, for the mediation - so, Mr. Kline, would
16 you want to set the mediation for out in May?

17 MR. KLINE: Yes, keeping in mind
18 that our status -

19 MS. FLETCHER: Would that be okay
20 with the protestants if we set it out further
21 because of the -

22 MR. WERNICK: We don't mind

1 setting it out further, but it would make no
2 sense to have a status hearing, which would
3 basically say that there's no result of the
4 mediation.

5 MS. FLETCHER: Well, yeah, I know,
6 but that's the way it somehow - it lines up
7 that way sometimes, and on the occasion that
8 that happens, we'll - we can look at some
9 other dates.

10 But, when that happens, the Boar
11 still holds the status hearing in a lot of
12 cases, and you just report that the mediation
13 hasn't happened yet. That doesn't happen all
14 the time. Sometimes they'll change the date
15 for the status hearing.

16 MR. WERNICK: I mean, if possible,
17 I'd rather have it - you know, to push the
18 status hearing off. I'd like the mediation to
19 - to have something to report at the status
20 hearing if possible. Also -

21 MS. FLETCHER: But -

22 MR. KLINE: If I may, I will, if

1 the protestants are agreeable, if we set the
2 mediation, I'll take it upon my office to file
3 a joint motion to continue the status until a
4 date after the mediation, if that's agreeable.

5 MR. WERNICK: Yeah, I mean, I'd
6 like to - and I think we're agreeable also to
7 trying to negotiate this ahead of the
8 mediation date. I just want to make sure I
9 have the right address because I sent multiple
10 emails. I think they did send back one. Is
11 it akline@veritaslla.com?

12 MR. KLINE: Yes.

13 MR. WERNICK: Okay. That's fair.
14 So, if we just keep it at May 1st and set the
15 mediation in May -

16 MS. FLETCHER: Yes.

17 MR. KLINE: And if that's
18 agreeable, then I'll file a consent motion to
19 -

20 MR. WERNICK: Just contact us
21 ahead of time.

22 MR. KLINE: Great, okay.

1 MS. FLETCHER: Okay. So, let me
2 actually start with the very last week in
3 April just to see if that would work.

4 MR. KLINE: I'm actually out of
5 town that week, three of those six.

6 MS. FLETCHER: Okay, so we'll go
7 ahead then with the date after May 1st, and
8 Andrew, you're going to - there's going to be
9 a joint petition to the Board to change the
10 status hearing date?

11 MR. KLINE: It sounds like that's
12 in discussion at this point -

13 MS. FLETCHER: If that's an
14 agreement.

15 MR. KLINE: - but we'll talk about
16 that.

17 MS. FLETCHER: If everybody's in
18 agreement with that. So, then -

19 MR. WERNICK: I mean, I would say
20 I'm sure that we'll be in agreement provided
21 we're able to conduct some kind of good faith
22 negotiations beforehand.

1 MS. FLETCHER: Okay. Well, then
2 I'm looking at - that's in May.

3 MR. KLINE: How about the week of
4 - sometime the week of May 12th?

5 MS. FLETCHER: The week of May 12th
6 we could do the 15th. That's Thursday at
7 9:00, 10:00, 11:00 or 1:00 on the 15th.

8 (Off mic discussion)

9 MR. WERNICK: What's good for Mr.
10 Kline?

11 MR. KLINE: 10:00 or 11:00.

12 MR. WERNICK: I think 10:00 a.m.
13 would work.

14 MS. FLETCHER: 10:00?

15 MR. KLINE: 10:00 a.m.

16 MS. FLETCHER: Okay, so then
17 mediation is set for Thursday, May 15th at
18 10:00.

19 MR. WERNICK: Ms. Fletcher, may I
20 ask, who needs to present? Does it just - do
21 we need to have more than just the designated
22 representative?

1 MS. FLETCHER: That's it, just the
2 designated reps.

3 MR. WERNICK: And then for
4 purposes of the status hearing, whenever that
5 may occur, if one of us are unavailable, can
6 we just designate one of the others?

7 MS. FLETCHER: Yes.

8 MR. WERNICK: Okay.

9 MR. YOUNG: So, I - if I'm able to
10 attend, I could both represent myself and
11 Ephraim?

12 MS. FLETCHER: Yes.

13 MR. YOUNG: Okay.

14 MS. FLETCHER: And you can - you
15 can do that because standing - full standing
16 was granted to everyone today.

17 MR. YOUNG: I see, okay. Thank
18 you.

19 MS. FLETCHER: Okay, then any
20 questions at all? Okay, thank you very much.

21 MR. KLINE: Thank you.

22 (Whereupon, the Roll Call Hearing

1 was concluded at 10:35 a.m.)

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