

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION BOARD

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ROLL CALL HEARING

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 IN THE MATTER OF: :  
 :  
 M & I, LLC. :  
 t/a TBD :  
 637 Florida Avenue, N.W. :  
 License No. ABRA-94603 :  
 Retailer CT :  
 New Application :  
 :  
 Case No. 14-PRO-00035 :  
 -----x

Monday,  
June 2, 2014

ABRA Meeting Room  
400 South  
Reeves Municipal Center  
Washington, D.C. 20009

The above-entitled matter convened  
at 10:05 a.m. before the District of Columbia  
Alcoholic Beverages Regulation Administration  
Board.

BEFORE:

LAVERNE FLETCHER, Board Agent

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

2 (10:05 a.m.)

3 BOARD AGENT FLETCHER: Would the  
4 parties in the matter of M & I, LLC please  
5 come forward. The protestants are going to be  
6 on this side.

7 This is Case No. 14-PRO-00035, M &  
8 I, LLC., t/a as to be determined, 637 Florida  
9 Avenue, N.W., License No. ABRA 094603. This is  
10 a retailer CT new application. The protest  
11 issues are adverse impact on peace, order and  
12 quiet and real property values.

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

18 MR. KLINE: Yes. Good morning.  
19 Andrew Kline, I'm here on behalf of the  
20 applicant.

21 MR. MOTTAGHI: Steve Mottaghi.

22 BOARD AGENT FLETCHER: Would you

1 spell your last name please?

2 MR. MOTTAGHI: M-o-t-t-a-g-h-i.

3 BOARD AGENT FLETCHER: Thank you.

4 And your name, sir?

5 MR. YEROUSHALMIE: Y-e-r-o-u-s-h-

6 a-l-m-i-e.

7 BOARD AGENT FLETCHER: Yeroushal--

8 MR. YEROUSHALMIE: m-i-e-.

9 BOARD AGENT FLETCHER: Is that  
10 the first or last?

11 MR. YEROUSHALMIE: That's the  
12 last name.

13 BOARD AGENT FLETCHER: And the  
14 first name?

15 MR. YEROUSHALMIE: A-m-i-r.

16 BOARD AGENT FLETCHER: Thank you  
17 very much. And on behalf of ANC 1B? Is there  
18 anyone present on behalf of ANC 1B? Thank  
19 you. Is that microphone on? Is the little  
20 red/green button on?

21 MS. RIDENOUR: Now it is. Yes.

22 BOARD AGENT FLETCHER: Thank you

1 very much. And could you state your name into  
2 the microphone and spell it for the record?

3 MR. RANSLEM: My name is Mark  
4 Ranslem and I'm ANC Commissioner for 1B single  
5 member district 8.

6 BOARD AGENT FLETCHER: And could  
7 you spell your last name please?

8 MR. RANSLEM: R-a-n-s-l-e-m.

9 BOARD AGENT FLETCHER: Okay. And  
10 Mr. Ranslem, I think I saw you put your  
11 contact information on that sheet earlier.

12 MR. RANSLEM: Yes.

13 BOARD AGENT FLETCHER: Thank you  
14 very much. And for the protestants just so  
15 that you know, the only name that needs to go  
16 on that sign-in sheet is the name of the  
17 person who's going to be a designated  
18 representative. But we'll get to that in a  
19 moment.

20 MS. RIDENOUR: Okay. We all  
21 already signed that.

22 BOARD AGENT FLETCHER: That's

1       okay.     So for all of the individuals present  
2       that are a member of the Group of 17 if you  
3       could state your name and spell it for the  
4       court reporter.

5                   MS. RIDENOUR:        Andrea Ridenour.  
6       R-i-d-e-n-o-u-r.

7                   BOARD AGENT FLETCHER:    Thank you.

8                   MS. MAHONEY:         Marlene Mahoney.  
9       M-a-r-l-e-n-e last name M-a-h-o-n-e-y.

10                   BOARD AGENT FLETCHER:    And Ms.  
11       Mahoney, you're one of the designated  
12       representatives?

13                   MS. MAHONEY:         Yes, I am.

14                   MS. RIDENOUR:         And so I am.

15                   BOARD AGENT FLETCHER:    You both  
16       are. Thank you. Okay.

17                   MS. BAYLOR:         Mechelle Baylor.  
18       M-e-c-h-e-l-l-e last name B-a-y-l-o-r.

19                   BOARD AGENT FLETCHER:    Thank you.

20                   MS. NORMAN:         Anita Norman.    A-n-  
21       i-t-a N-o-r-m-a-n.

22                   MR. FLANDERS:         Bobby Flanders.

1 B-o-b-b-y F-l-a-n-d-e-r-s.

2 BOARD AGENT FLETCHER: Thank you.

3 MR. MCNAMARA: Brian McNamara.

4 B-r-i-a-n M-c-N-a-m-a-r-a.

5 MR. HUGEE: John Hugee. H-u-g-e-e.

6 BOARD AGENT FLETCHER: I'm sorry,  
7 what was your first name again?

8 MR. HUGEE: John. J-o-h-n.

9 BOARD AGENT FLETCHER: Thank you.

10 And so each of signed the protest letter.

11 YES FROM ALL

12 BOARD AGENT FLETCHER: Okay.

13 Thank you. ANC 1B has standing as a  
14 protestant and the Group of 17 also has  
15 standing as a protestant.

16 There are seven individuals from  
17 the Group of 17 present today which means that  
18 your group is granted full standing today.  
19 You're going to get a date for a status  
20 hearing. At the point of the status hearing  
21 only the designated representatives need to  
22 appear because you have established a group of

1 at least five today.

2 Same for the mediation. I'm going  
3 to give you a date for mediation in a moment.  
4 At the mediation we only need the designated  
5 representative I'll give you the date for the  
6 status hearing and the protest hearing first.  
7 The date for the status hearing is June 25th,  
8 June 25 at 9:30.

9 The date for the protest hearing  
10 is July 23rd at 1:30 p.m.

11 MS. RIDENOUR: May I ask a  
12 question?

13 BOARD AGENT FLETCHER: Yes. And  
14 who's speaking?

15 MS. RIDENOUR: Andrea Ridenour  
16 and I'm one of the designated representatives.  
17 We will be out of town on June 25th, can we  
18 ask for a different date?

19 BOARD AGENT FLETCHER: On what  
20 date would you be out of town?

21 MS. RIDENOUR: That week.

22 BOARD AGENT FLETCHER: From which

1 date?

2 MS. RIDENOUR: The 25th of June.

3 BOARD AGENT FLETCHER: Yes. Just  
4 designate another representative to appear on  
5 your behalf. At the status hearing you'll  
6 only inform the Board regarding the status of  
7 the mediation so--

8 MS. RIDENOUR: So do we both need  
9 to be present?

10 BOARD AGENT FLETCHER: Just one.

11 MS. RIDENOUR: So Marlene can be  
12 present on that day because she is one of our  
13 designated representatives?

14 BOARD AGENT FLETCHER: Yes.

15 MS. MAHONEY: I thought you said  
16 both need to be there?

17 BOARD AGENT FLETCHER: I said  
18 that for the purpose of the status hearing  
19 only the designated representatives need to be  
20 present. They can be one or the other,

21 MS. RIDENOUR: Okay.

22 MS. MAHONEY: And the location

1 is here?

2 BOARD AGENT FLETCHER: Yes.

3 MS. RIDENOUR: And one more  
4 question. Our Civic Association submitted a  
5 protest letter and did you have a  
6 representative from the Civic Association?  
7 Was that granted standing as well?

8 BOARD AGENT FLETCHER: I don't  
9 see a letter in the file from a Civic  
10 Association.

11 MS. MAHONEY: I have one.

12 BOARD AGENT FLETCHER: May I see  
13 it please? Thank you. And Mr. Kline, did you  
14 receive a copy of a letter from a Civic  
15 Association?

16 MR. KLINE: No, I've never seen  
17 that.

18 BOARD AGENT FLETCHER: Thank you.

19 MS. RIDENOUR: It would have been  
20 written by Golda Phillip and submitted by Mark  
21 Morgan.

22 BOARD AGENT FLETCHER: And I have

1 a copy of a letter from the LeDroit Park Civic  
2 Association spelled L-e-D-r-o-i-t. LeDroit  
3 Park Civic Association. This is a letter  
4 designating Anita Norman as a representative  
5 but this is not the actual protest letter  
6 itself.

7 MS. RIDENOUR: Mark Morgan was to  
8 have submitted the letter but apparently he  
9 did not.

10 BOARD AGENT FLETCHER: I'm going  
11 to double check the record. I don't see a  
12 protest file by the LeDroit Park Civic  
13 Association.

14 MS. RIDENOUR: Okay. Thank you.

15 BOARD AGENT FLETCHER: But I'll  
16 double check. This is a letter from the  
17 LeDroit Park Civic Association signed by  
18 Golda, is that a male or female?

19 MS. RIDENOUR: Female.

20 BOARD AGENT FLETCHER: Signed by  
21 Ms. Golda Phillip dated March 19, 2004.

22 MS. RIDENOUR: 2004?

1 BOARD AGENT FLETCHER: 2014.

2 Thank you. This protest letter states at its  
3 February 25, 2014 meeting, the LeDroit Park  
4 Civic Association membership voted to issue  
5 a formal complaint against the owners of Flash  
6 Nightclub and Bar.

7 MS. RIDENOUR: No, that's--

8 BOARD AGENT FLETCHER: That's  
9 what this letter--

10 MS. RIDENOUR: Okay.

11 BOARD AGENT FLETCHER: So that is  
12 a protest against Flash Nightclub and this  
13 letter of designation is also for Flash  
14 Nightclub.

15 MS. RIDENOUR: Okay. Thank you.

16 BOARD AGENT FLETCHER: So does  
17 that clear it up as far as another matter?

18 MS. RIDENOUR: Yes, it does.

19 BOARD AGENT FLETCHER: Okay.

20 Thank you. So there is not a protest filed  
21 by the LeDroit Civic Association in this  
22 matter?

1 MS. RIDENOUR: No.

2 BOARD AGENT FLETCHER: Okay.

3 MS. RIDENOUR: It needed to be  
4 submitted previously, right?

5 BOARD AGENT FLETCHER: Yes.

6 MS. MAHONEY: I think maybe she  
7 wrote it because it's owned by the same person  
8 and this is the location that she identified.

9 BOARD AGENT FLETCHER: So a  
10 protest hasn't been filed by the LeDroit Park  
11 Civic Association in this matter but if the  
12 LeDroit Civic Association wants to make a case  
13 to petition the Board to grant them standing  
14 as protestant, they can. But for the purpose  
15 of roll call today they are not a protestant.

16 MS. RIDENOUR: Is there a time  
17 frame for them to submit a letter?

18 BOARD AGENT FLETCHER: The  
19 deadline was May 19th. So we need to --  
20 excuse me, are you with one of these groups?

21 MR. GARLAND: Yes, I am.

22 MS. RIDENOUR: He's with us.

1                   MR. GARLAND:    I'm one of the  
2                   signatories on the petition.

3                   BOARD AGENT FLETCHER:    Can you  
4                   step forward too please. Thank you. And read  
5                   your name. State your name and spell it for  
6                   the record please.

7                   MR. GARLAND:    John Garland. G-a-r-  
8                   l-a-n-d.

9                   BOARD AGENT FLETCHER:    And Mr.  
10                  Garland, did you sign the protest letter as  
11                  well?

12                 MR. GARLAND:    Yes, I did.

13                 BOARD AGENT FLETCHER:    Thank you  
14                 very much.

15                 MR. GARLAND:    And I was going to  
16                 ask you if you could leave the record open for  
17                 a week or two in order for the Civic  
18                 Association to submit their protest letter.

19                 BOARD AGENT FLETCHER:    No. The  
20                 petition deadline was May 19 and that will not  
21                 be extended to allow for additional  
22                 protestants. That is the petition date.

1 MR. GARLAND: Do you have the  
2 discretion to do that? That was my question.

3 BOARD AGENT FLETCHER: No.

4 MR. GARLAND: You don't? Okay.

5 BOARD AGENT FLETCHER: We need to  
6 set a date for a mediation which needs to  
7 occur prior to June 25. I'll give you some  
8 dates that are available.

9 MS. RIDENOUR: We do a mediation  
10 prior to the status hearing?

11 BOARD AGENT FLETCHER: Yes. You  
12 do a mediation prior to the status hearing and  
13 at the status hearing you'll report to the  
14 Board the results of the mediation.

15 MS. RIDENOUR: Can this be done  
16 in an evening?

17 BOARD AGENT FLETCHER: No, between  
18 9 and 2. And either one of the designated  
19 representatives can come. Or you can  
20 designate someone else in your group if you  
21 want to come on behalf of the entire group.

22 MS. RIDENOUR: So you said you

1 have dates, is that what you said?

2 BOARD AGENT FLETCHER: Yes, I'm  
3 going to give you some dates that are  
4 available. The next available date is  
5 Tuesday, June 17th at 9, 10, 11 or 2.

6 MS. RIDENOUR: She's unavailable.

7 BOARD AGENT FLETCHER: You're  
8 available at that time?

9 MS. RIDENOUR: No, she is  
10 unavailable.

11 MS. MAHONEY: I am not. I'm not  
12 here from the 14th to the 21st.

13 BOARD AGENT FLETCHER: Okay. So  
14 do you want me to pick a date where you both  
15 can come or do you want to just go forward  
16 with Ms. Ridenour?

17 MS. MAHONEY: I would prefer both  
18 of us but if it can't be done Andrea could do  
19 it.

20 MS. RIDENOUR: There's nothing we  
21 can do next week?

22 BOARD AGENT FLETCHER: Let me see

1 if I can squeeze something in next week.

2 MS. RIDENOUR: And can you also  
3 tell us what the mediation entails?

4 BOARD AGENT FLETCHER: Yes.  
5 Medication allows the parties an opportunity  
6 to negotiate a settlement to resolve the  
7 protest issues, to resolve the concerns that  
8 the community has and if that can be done then  
9 there is a written settlement agreement.

10 That settlement agreement becomes  
11 a condition of the license and it is  
12 enforceable by the Board and once the Board  
13 approves the settlement agreement it becomes  
14 a condition of the license.

15 Reaching a settlement agreement is  
16 not mandatory but it is mandatory that you  
17 participate in mediation.

18 MS. RIDENOUR: What were the  
19 times again for the 17th please?

20 BOARD AGENT FLETCHER: For the  
21 17th it's 9, 10, 11 and 2 on the 17th.

22 MR. KLINE: We're available that

1 day.

2 MS. RIDENOUR: I have to go to  
3 work so I would prefer 9.

4 BOARD AGENT FLETCHER: Okay.  
5 That works. Okay. Nine o'clock on the 17th.

6 MS. RIDENOUR: And does that take  
7 place in here?

8 BOARD AGENT FLETCHER: Check in  
9 with the receptionist. We'll use this room if  
10 it's available, otherwise we'll go some place  
11 else. I'm the Board's mediator. We'll be here  
12 or down the hall. So just check in with the  
13 receptionist. It may be in this room. So  
14 mediation is set for Tuesday, June 17 at 9  
15 o'clock a.m. Any questions at all?

16 (NO RESPONSE)

17 The roll call hearing is  
18 concluded. Thank you.

19 MR. KLINE: Thank you.

20 (Whereupon, the Roll Call Hearing  
21 in the above-entitled matter having been  
22 concluded went off the record at 10:22 a.m.)

<b>A</b>	9:10,15 10:2,3,13 10:17 11:4,21 12:11,12 13:18 <b>available</b> 14:8 15:4 15:4,8 16:22 17:10 <b>Avenue</b> 1:9 2:9	11:21 12:11,12 13:17 <b>clear</b> 11:17 <b>Code</b> 2:15 <b>Columbia</b> 1:1,18 <b>come</b> 2:5 14:19,21 15:15 <b>Commissioner</b> 4:4 <b>community</b> 16:8 <b>complaint</b> 11:5 <b>concerns</b> 16:7 <b>concluded</b> 17:18,22 <b>condition</b> 16:11,14 <b>conducting</b> 2:14 <b>contact</b> 4:11 <b>convened</b> 1:18 <b>copy</b> 9:14 10:1 <b>court</b> 5:4 <b>CT</b> 1:10 2:10	<b>established</b> 6:22 <b>evening</b> 14:16 <b>excuse</b> 12:20 <b>extended</b> 13:21	<b>Golda</b> 9:20 10:18 10:21 <b>Good</b> 2:18 <b>GOVERNMENT</b> 1:1 <b>grant</b> 12:13 <b>granted</b> 6:18 9:7 <b>group</b> 5:2 6:14,17 6:18,22 14:20,21 <b>groups</b> 12:20
<b>a-l-m-i-e</b> 3:6 <b>A-m-i-r</b> 3:15 <b>A-n</b> 5:20 <b>a.m</b> 1:18 2:2 17:15 17:22 <b>above-entitled</b> 1:18 17:21 <b>ABRA</b> 1:15 2:9 <b>ABRA-94603</b> 1:10 <b>actual</b> 10:5 <b>additional</b> 13:21 <b>Administration</b> 1:3 1:19 <b>adverse</b> 2:11 <b>agent</b> 1:21 2:3,15 2:22 3:3,7,9,13,16 3:22 4:6,9,13,22 5:7,10,15,19 6:2,6 6:9,12 7:13,19,22 8:3,10,14,17 9:2,8 9:12,18,22 10:10 10:15,20 11:1,8 11:11,16,19 12:2 12:5,9,18 13:3,9 13:13,19 14:3,5 14:11,17 15:2,7 15:13,22 16:4,20 17:4,8 <b>agreement</b> 16:9,10 16:13,15 <b>Alcoholic</b> 1:3,19 <b>allow</b> 13:21 <b>allows</b> 16:5 <b>ANC</b> 3:17,18 4:4 6:13 <b>Andrea</b> 5:5 7:15 15:18 <b>Andrew</b> 2:19 <b>Anita</b> 5:20 10:4 <b>apparently</b> 10:8 <b>appear</b> 6:22 8:4 <b>applicant</b> 2:17,20 <b>application</b> 1:11 2:10 <b>approves</b> 16:13 <b>Association</b> 9:4,6	<b>B</b>	<b>D</b>	<b>F</b>	<b>H</b>
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