

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :
 :
Case #13-PRO-00002 :
2408 Wisconsin Avenue, LLC :
t/a Mason Inn :
2408 Wisconsin Avenue, N.W. :
License #ABRA-079644 :
Retailer Class CT :
Substantial Change (Summer :
Garden with 48 Seats) :
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MONDAY, FEBRUARY 11, 2013

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The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th

Street, N.W., Suite 400S, 4th Floor,
Washington, D.C. 20009, Ms. La Verne Fletcher,
Agent, presiding.

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

10:03 a.m.

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2
3 AGENT FLETCHER: Would the parties
4 in the matter of Mason Inn please come
5 forward? This is Case Number 13-PRO-00002,
6 2408 Wisconsin Avenue, LLC trading as Mason
7 Inn, 2408 Wisconsin Avenue, N.W., License
8 Number ABRA 079644. This is a Retailer CT,
9 Substantial Change (Summer Garden with 48
10 Seats). The protest issues are adverse impact
11 on peace, order and quiet and residential
12 parking.

13 My name is La Verne Fletcher and
14 I'll be conducting the roll call hearing as
15 the Board's Agent pursuant to D.C. Official
16 Code 1601.2.

17 Introductions beginning with the
18 Applicant.

19 MR. BROGAN: Yes, Francis Brogan,
20 one of the owners of Mason Inn.

21 AGENT FLETCHER: And, Mr. Brogan,
22 would you spell your name for the court

1 reporter please?

2 MR. BROGAN: Yes, Francis with i
3 and Brogan is B-R-O-G-A-N.

4 AGENT FLETCHER: Okay. Thank you
5 very much and for the Protestants?

6 MS. BLUMENTHAL: I'm Jackie
7 Blumenthal for ANC 3B.

8 AGENT FLETCHER: Thank you, Ms.
9 Blumenthal, and would you spell your name for
10 the court reporter?

11 MS. BLUMENTHAL: Yes, it's J-A-C-
12 K-I-E B-L-U-M-E-N-T-H-A-L.

13 AGENT FLETCHER: Thank you very
14 much.

15 MR. GROSSMAN: I am Milton
16 Grossman representing the group of 19
17 individual residents and property owners
18 sharing a common interest.

19 AGENT FLETCHER: Thank you, Mr.
20 Grossman, and would you spell your name for
21 the court reporter?

22 MR. GROSSMAN: M-I-L-T-O-N G-R-O-

1 S-S-M-A-N.

2 AGENT FLETCHER: Is anyone present
3 from ANC 3C? I see somebody coming in the
4 back room there. Is anyone --

5 MS. BLUMENTHAL: That's not she,
6 but she's on her way. It's just it's hard to
7 get in downstairs because the screening is
8 down.

9 AGENT FLETCHER: Thank you. Maybe
10 by the time we're --

11 MS. BLUMENTHAL: She said she'd be
12 -- she's working her way in.

13 AGENT FLETCHER: Okay. Thank you.
14 Is there anyone here present from
15 the Glover Park Citizens Association?

16 Oh, you can just come forward and
17 have a chair right next to Ms. Blumenthal.

18 MR. FERRIER: All right.

19 AGENT FLETCHER: Thank you.

20 MR. FERRIER: Hi.

21 AGENT FLETCHER: And you're
22 present on behalf of Glover Park Citizens

1 Association? The Glover Park Citizens --

2 MR. FERRIER: I'm here for the
3 Glover Park Citizens Association.

4 AGENT FLETCHER: Are you Jarrett --

5 MR. FERRIER: Jarrett Ferrier.

6 AGENT FLETCHER: Thank you and
7 would you spell your name for the court
8 reporter please?

9 MR. FERRIER: J-A-R-R-E-T-T.

10 Ferrier is F-E-R-R-I-E-R.

11 AGENT FLETCHER: Thank you very
12 much.

13 MR. FERRIER: Sure.

14 AGENT FLETCHER: Mr. Grossman, are
15 any of the individuals from your Protestant
16 group present today?

17 MR. GROSSMAN: Yes, they are.

18 AGENT FLETCHER: If you could have
19 them to line up right in front of that
20 microphone to state their names and to spell
21 them for the court reporter.

22 MR. GROSSMAN: Sure.

1 MR. ANDERSON: I'm Eric Anderson
2 E-R-I-C A-N-D-E-R-S-O-N.

3 AGENT FLETCHER: Thank you.

4 MS. ENGESSER: Kaitlin Engesser K-
5 A-I-T-L-I-N E-N-G-E-S-S-E-R.

6 AGENT FLETCHER: Thank you.

7 MS. HENRY: Ariadne Henry A-R-I-A-
8 D-N-E Henry H-E-N-R-Y.

9 MR. WANG: Steve Wang W-A-N-G.

10 AGENT FLETCHER: Thank you, Mr.
11 Wang.

12 MR. MCCLINTOCK: Doyle McClintock
13 D-O-Y-L-E M-C-C-L-I-N-T-O-C-K.

14 AGENT FLETCHER: Thank you.

15 MR. LESSARD: Daniel Lessard.
16 Last name is L-E-S-S-A-R-D.

17 AGENT FLETCHER: Thank you, Mr.
18 Lessard.

19 Mr. Anderson, you signed the
20 protest letter.

21 MR. ANDERSON: That's right.

22 AGENT FLETCHER: Just going down

1 my list here. Kathleen.

2 MS. BLUMENTHAL: Kaitlin.

3 AGENT FLETCHER: Could you spell
4 that again please?

5 MS. ENGESESSER: K-A-I-T-L-I-N.

6 AGENT FLETCHER: Could you step up
7 to the microphone for a minute please,
8 Kaitlin? Thank you.

9 I don't see that you actually
10 signed the protest letter.

11 MS. ENGESESSER: Oh, I don't know if
12 I did. We're together though. Eric Anderson.

13 AGENT FLETCHER: Yes, I see Mr.
14 Anderson's name, but you would have also
15 needed to sign. I know you're out of the same
16 household, but I suppose Mr. Anderson can
17 represent your interest.

18 MS. ENGESESSER: Oh. Okay. Yes.

19 AGENT FLETCHER: I just won't be
20 able to seat you as a Protestant because you
21 didn't sign the protest letter, but Mr.
22 Anderson is here. So --

1 MS. ENGESSER: Okay. Okay.

2 AGENT FLETCHER: -- he can
3 represent your interest. No problem.

4 MR. GROSSMAN: We have an
5 additional Protestant who's just arrived.

6 AGENT FLETCHER: Oh. Okay. Hi.
7 Hi. Can you just -- thank you. Hi.

8 MS. EICHNER: Allyson Eichner.

9 AGENT FLETCHER: And, Ms. Eichner,
10 could you spell that for the court reporter
11 please?

12 MS. EICHNER: Yes, it's A-L-L-Y-
13 S-O-N E-I-C-H-N-E-R.

14 AGENT FLETCHER: Thank you and you
15 did sign the letter as a Protestant?

16 MS. EICHNER: Yes.

17 AGENT FLETCHER: Thank you. And
18 one other thing. Steve Wang.

19 Mr. Wang, your name is on the
20 letter submitted by Mr. Grossman, but you
21 don't have a protest letter that you actually
22 signed or that --

1 MR. GROSSMAN: Ms. Fletcher, I
2 actually have four --

3 AGENT FLETCHER: Oh. Okay. Thank
4 you.

5 MR. GROSSMAN: -- additional
6 authorizations that were not included in my
7 original protest letter.

8 AGENT FLETCHER: Thank you. And
9 so I see the name of it looks like Laihsing
10 Wang L-A-I-H-S-I-N-G Wang. Is that you?

11 So, Steve is -- which -- so are
12 you also Laihsing Wang?

13 MR. WANG: Yes, I am.

14 AGENT FLETCHER: So, which name
15 should we use? Steve or --

16 MR. WANG: My name is Steve.

17 AGENT FLETCHER: You're Steve?
18 Okay. So, you're one and the same? Thank
19 you. Thank you.

20 Okay. So, Mr. Wang, disregard
21 what I said a moment ago. You do have
22 standing as a Protestant. You're fine.

1 Let's see. Beth Sweeney has
2 standing as a Protestant, Mr. Grossman,
3 because you submitted her letter designating
4 you as her representative.

5 Suzanne Baum has standing as a
6 Protestant because she submitted a letter
7 designing you as her representative and she
8 signed the protest letter.

9 And, Mr. Grossman, who is Alysa
10 MacClellan? I don't see her name on your
11 letter that has a list of the names of --

12 MR. GROSSMAN: At the very bottom
13 of the first page of my letter.

14 AGENT FLETCHER: The bottom of it.

15 MR. GROSSMAN: Resident and
16 property owner at 2323 37th Street, N.W.

17 AGENT FLETCHER: Let me see. Oh,
18 I see it. Thank you.

19 MR. GROSSMAN: Um-hum.

20 AGENT FLETCHER: So, that's Alysa
21 MacClellan also has standing as a Protestant
22 because Mr. Grossman has provided a letter

1 with her signature designating him as a
2 representative.

3 And I won't read through each name
4 of the individuals on your list, Mr. Grossman,
5 because when I do that, it's for the benefit
6 of the -- I won't spell the names. When I do
7 that, it's for the benefit of the court
8 reporter.

9 But, I'll just read the names of
10 each person who has standing as a Protestant
11 in the group that you're representing. That's
12 Eric Anderson, Suzanne Baum, Donald and
13 Margaret --

14 MR. GROSSMAN: Defranceaux.

15 AGENT FLETCHER: -- Defranceaux,
16 Allyson and Jesse Eichner, Ariadne Henry,
17 Nicole Jennings and Jeff Faile, Carolyn
18 Kingsley and Robert Emmons, Daniel Lessard,
19 Alysa MacClellan, Ellen Mawhinney, Doyle and
20 Deborah McClintock, M. Lucia Mencia, Beth
21 Sweeney and Steve Wang each have standing as
22 Protestants.

1 Mr. Grossman, I'll just start with
2 you. Your group has standing as a Protestant
3 because there are 15 members of your group and
4 at least five appear today. Which means that
5 at any upcoming proceeding only you need to
6 appear --

7 MR. GROSSMAN: Thank you.

8 AGENT FLETCHER: -- as the
9 designated representative.

10 Is anyone present from ANC 3C?
11 Not yet. Okay. I'm just going to keep going
12 through the process and maybe they'll show up.
13 I won't dismiss them yet because they're
14 coming.

15 So, at this point, we have three
16 Protestants. We have ANC 3B, the Glover Park
17 Citizens Association and the group of -- the
18 group represented by Mr. Grossman.

19 I'm going to go ahead and set some
20 dates for mediation, a status hearing and a
21 protest hearing.

22 I'll give you a date for the

1 status hearing first. The status hearing is
2 going to be set for -- is set for March 20,
3 2013 at 9:30 a.m. That's the status hearing.
4 March 20, 2013 at 9:30 a.m.

5 The protest hearing is set for
6 April 24, 2013 at 1:30 p.m. That's the
7 protest hearing. April 24, 2013 at 1:30 p.m.

8 I'll give you some dates that are
9 available for mediation which must occur prior
10 to the status hearing. The first available
11 date for mediation is Tuesday, February 19.
12 If that's not good for anyone, I can keep
13 going.

14 MR. GROSSMAN: May I offer a brief
15 word of explanation of our situation? Donald
16 and Margaret Defranceaux who reside basically
17 just behind the premises of Mason Inn at 2407
18 37th Street are not -- are currently out of
19 the country --

20 AGENT FLETCHER: Okay.

21 MR. GROSSMAN: -- and will not be
22 back until the week that begins February 25th.

1 AGENT FLETCHER: Okay.

2 MR. GROSSMAN: They were very
3 active in organizing the group of Protestants.
4 I would like to request that the mediation
5 session be held sometime after their return.

6 AGENT FLETCHER: Okay. Let's see
7 then. In that case, the next available date
8 is -- the next available date is Wednesday,
9 February 27th and we can move along if that's
10 not a good date.

11 MR. BROGAN: That works for me.

12 MS. BLUMENTHAL: What time on
13 Wednesday?

14 AGENT FLETCHER: At 9:00, 10:00,
15 11:00 or 1:00.

16 ANC 3C?

17 MS. MAY: Yes.

18 AGENT FLETCHER: You can just grab
19 a chair and pull it right beside Mr. Grossman.

20 MS. MAY: Oh. Okay. Thank you.

21 AGENT FLETCHER: You're welcome.

22 MS. MAY: I'm so sorry.

1 AGENT FLETCHER: No problem. I'll
2 get to you in a moment. We're just setting
3 some dates.

4 MS. MAY: Okay.

5 AGENT FLETCHER: The date for
6 mediation of February 27, is that good for
7 everyone? Is that going to be good for you.
8 I'll give you a moment. I know you got to
9 check.

10 MS. MAY: Let me just get --
11 sorry. Let me just get to -- yes, that's
12 perfect.

13 AGENT FLETCHER: And could you
14 just state your name for the record?

15 MS. MAY: Oh, Catherine May. I'm
16 a Commissioner from ANC 3C08.

17 AGENT FLETCHER: Thank you, Ms.
18 May, and would you spell your name for the
19 court reporter please?

20 MS. MAY: M-A-Y just like the
21 month. Catherine with a C C-A-T-H-E-R-I-N-E.

22 AGENT FLETCHER: That's your last

1 name?

2 MS. MAY: May is the last name.

3 I'm sorry.

4 AGENT FLETCHER: Oh, May is the
5 last name.

6 MS. MAY: Yes.

7 AGENT FLETCHER: Okay. Now, let
8 me start over. Just a second. And Catherine
9 with a C?

10 MS. MAY: C-A-T-H-E-R-I-N-E. Yes.

11 AGENT FLETCHER: Yes. Thank you.

12 ANC 3C does have standing as a Protestant.

13 Thank you.

14 And so, Ms. May, February 27 is
15 good for you as well?

16 MS. MAY: Yes, it's perfect.

17 AGENT FLETCHER: So, the mediation
18 can be at 9:00, 10:00, 11:00 or 1:00. Does
19 anybody have a preference for what time of
20 day?

21 MS. MAY: We prefer 1:00.

22 AGENT FLETCHER: Is that good for

1 you? Is that good for you, Mr. Grossman? Is
2 that good for you?

3 MR. GROSSMAN: Yes.

4 AGENT FLETCHER: Okay, 1:00.

5 Okay. Mr. Ferrier, is that good for you as
6 well?

7 MR. FERRIER: That's fine.

8 AGENT FLETCHER: So, mediation is
9 set for Wednesday, February 27 at 1:00 and,
10 Ms. May, you're going to need the dates for
11 the status hearing and the protest hearing
12 which have already been set, but I'll tell you
13 what they are.

14 The date for the status hearing is
15 March 20 at 9:30.

16 MS. MAY: Gotcha.

17 AGENT FLETCHER: Um-hum.

18 MS. MAY: And the 24th at 1:30.

19 AGENT FLETCHER: Yes, for the
20 protest hearing.

21 MS. MAY: Perfect.

22 AGENT FLETCHER: Okay. Let's see

1 here. The mediation would be held here maybe
2 in this room if it's available or if not, you
3 can just check in. Either way you can check
4 in with the receptionist and I'll come out and
5 take us to somewhere for the mediation.

6 Any questions at all?

7 MR. FERRIER: I would like to
8 clarify. I'm here representing the Glover
9 Park Citizens Association.

10 AGENT FLETCHER: Yes.

11 MR. FERRIER: On the 27th, it will
12 either by myself or Sheila Meehan who had sent
13 the original letter as president.

14 AGENT FLETCHER: Yes. Okay.

15 MR. FERRIER: So, I just wanted to
16 clarify and let you know that that -- you'll
17 see one of us.

18 AGENT FLETCHER: Okay. That's
19 perfect. Thank you.

20 MR. FERRIER: Okay.

21 AGENT FLETCHER: Mr. Brogan, did
22 you put your contact information on the sign-

1 in sheet?

2 MR. BROGAN: I did.

3 AGENT FLETCHER: Okay. Well, then
4 that's -- Mr. Ferrier?

5 MR. FERRIER: Yes.

6 AGENT FLETCHER: Did you put your
7 contact information -- well, I already have
8 yours. Never mind. I have Ms. Meehan's email
9 address. So, that would be --

10 MR. FERRIER: I mean I'm happy to
11 do so if you --

12 AGENT FLETCHER: Well, you can
13 include yours then.

14 MR. FERRIER: Okay.

15 AGENT FLETCHER: Yes, I'll just
16 have yours as well.

17 MR. FERRIER: Okay.

18 AGENT FLETCHER: And you're going
19 to get a letter with all these dates as well.
20 I just give them to you today.

21 MR. BROGAN: Ms. Fletcher, can you
22 tell us on the 27th kind of how it works I

1 guess? The mediation.

2 AGENT FLETCHER: Oh, yes, it's an
3 informal non-adversarial process and the whole
4 purpose of it is to attempt to enter into a
5 settlement agreement if possible to resolve
6 the protest issues. So, it's very informal.

7 Both sides have an opportunity to
8 convey their concerns and then we identify any
9 possible solutions to the protest issues if
10 possible.

11 The ideal situation is that at the
12 end of that there's a written settlement
13 agreement to address and resolve the protest
14 issues.

15 If that can be done, the Board
16 will cancel the status hearing if a signed
17 agreement is submitted prior to the status
18 hearing or they will cancel the protest
19 hearing as well if there's a signed agreement
20 submitted before the protest hearing. So,
21 it's an alternative to going through a protest
22 hearing.

1 It's mandatory that everyone
2 participants in the mediation, but it's not
3 mandatory that an agreement is reached. We
4 just have to try.

5 MR. BROGAN: Thank you.

6 AGENT FLETCHER: And the mediation
7 takes place here. I'm the Board's Mediator.
8 There's my card and so, it'll be with me and
9 that's it.

10 If you have any other questions,
11 my telephone number, email address are on that
12 card.

13 Anything else? Oh, and it's a
14 confidential process as well.

15 Okay. Well, the roll call hearing
16 is concluded. Thanks for coming. See you
17 soon.

18 (Whereupon, at 10:25 a.m., the
19 hearing was adjourned.)

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| <p style="text-align: center;">A</p> <p>able 7:20 ABRA 2:8 ABRA-079644 1:12 active 14:3 additional 8:5 9:5 address 19:9 20:13 21:11 adjourned 21:19 adverse 2:10 Agent 1:22 2:3,15 2:21 3:4,8,13,19 4:2,9,13,19,21 5:4 5:6,11,14,18 6:3,6 6:10,14,17,22 7:3 7:6,13,19 8:2,6,9 8:14,17 9:3,8,14 9:17 10:14,17,20 11:15 12:8 13:20 14:1,6,14,18,21 15:1,5,13,17,22 16:4,7,11,17,22 17:4,8,17,19,22 18:10,14,18,21 19:3,6,12,15,18 20:2 21:6 ago 9:21 agreement 20:5,13 20:17,19 21:3 ahead 12:19 Alcoholic 1:3,18,19 Allyson 8:8 11:16 alternative 20:21 Alysa 10:9,20 11:19 ANC 3:7 4:3 12:10 12:16 14:16 15:16 16:12 Anderson 6:1,1,19 6:21 7:12,16,22 11:12 Anderson's 7:14 anybody 16:19 appear 12:4,6 Applicant 2:18 April 13:6,7</p> | <p>Ariadne 6:7 11:16 arrived 8:5 Association 4:15 5:1,3 12:17 18:9 attempt 20:4 authorizations 9:6 available 13:9,10 14:7,8 18:2 Avenue 1:10,12 2:6 2:7 A-I-T-L-I-N 6:5 A-L-L-Y 8:12 A-N-D-E-R-S-O-N 6:2 A-R-I-A 6:7 a.m 2:2 13:3,4 21:18</p> <p style="text-align: center;">B</p> <p>back 4:4 13:22 basically 13:16 Baum 10:5 11:12 beginning 2:17 begins 13:22 behalf 4:22 benefit 11:5,7 Beth 10:1 11:20 Beverage 1:3,18,19 Blumenthal 3:6,7,9 3:11 4:5,11,17 7:2 14:12 Board 1:3,19 20:15 Board's 2:15 21:7 bottom 10:12,14 brief 13:14 Brogan 2:19,19,21 3:2,3 14:11 18:21 19:2,21 21:5 Building 1:19 B-L-U-M-E-N-T... 3:12 B-R-O-G-A-N 3:3</p> <p style="text-align: center;">C</p> <p>C 15:21 16:9 call 1:5 2:14 21:15 cancel 20:16,18 card 21:8,12</p> | <p>Carolyn 11:17 case 1:10 2:5 14:7 Catherine 15:15,21 16:8 chair 4:17 14:19 Change 1:13 2:9 check 15:9 18:3,3 Citizens 4:15,22 5:1,3 12:17 18:9 clarify 18:8,16 Class 1:13 Code 2:16 COLUMBIA 1:1 come 2:4 4:16 18:4 coming 4:3 12:14 21:16 Commissioner 15:16 common 3:18 concerns 20:8 concluded 21:16 conducting 2:14 confidential 21:14 contact 18:22 19:7 Control 1:3,18,19 convey 20:8 country 13:19 court 2:22 3:10,21 5:7,21 8:10 11:7 15:19 CT 1:13 2:8 currently 13:18 C-A-T-H-E-R-I-... 15:21 16:10</p> <p style="text-align: center;">D</p> <p>Daniel 6:15 11:18 date 12:22 13:11 14:7,8,10 15:5 17:14 dates 12:20 13:8 15:3 17:10 19:19 day 16:20 Deborah 11:20 Defranceaux 11:14 11:15 13:16 designated 12:9</p> | <p>designating 10:3 11:1 designing 10:7 dismiss 12:13 disregard 9:20 DISTRICT 1:1 Donald 11:12 13:15 downstairs 4:7 Doyle 6:12 11:19 D-N-E 6:8 D-O-Y-L-E 6:13 D.C 1:21 2:15</p> <p style="text-align: center;">E</p> <p>Eichner 8:8,8,9,12 8:16 11:16 either 18:3,12 Ellen 11:19 email 19:8 21:11 Emmons 11:18 Engesser 6:4,4 7:5 7:11,18 8:1 enter 20:4 Eric 6:1 7:12 11:12 explanation 13:15 E-I-C-H-N-E-R 8:13 E-N-G-E-S-S-E-R 6:5 E-R-I-C 6:2</p> <p style="text-align: center;">F</p> <p>Faile 11:17 February 1:16 13:11,22 14:9 15:6 16:14 17:9 Ferrier 4:18,20 5:2 5:5,5,9,10,13 17:5 17:7 18:7,11,15 18:20 19:4,5,10 19:14,17 fine 9:22 17:7 first 10:13 13:1,10 five 12:4 Fletcher 1:21 2:3 2:13,21 3:4,8,13 3:19 4:2,9,13,19</p> | <p>4:21 5:4,6,11,14 5:18 6:3,6,10,14 6:17,22 7:3,6,13 7:19 8:2,6,9,14,17 9:1,3,8,14,17 10:14,17,20 11:15 12:8 13:20 14:1,6 14:14,18,21 15:1 15:5,13,17,22 16:4,7,11,17,22 17:4,8,17,19,22 18:10,14,18,21 19:3,6,12,15,18 19:21 20:2 21:6</p> <p>Floor 1:20 forward 2:5 4:16 four 9:2 Francis 2:19 3:2 front 5:19 F-E-R-R-I-E-R 5:10</p> <p style="text-align: center;">G</p> <p>Garden 1:14 2:9 give 12:22 13:8 15:8 19:20 Glover 4:15,22 5:1 5:3 12:16 18:8 go 12:19 going 6:22 12:11,11 12:19 13:2,13 15:7 17:10 19:18 20:21 good 13:12 14:10 15:6,7 16:15,22 17:1,2,5 Gotcha 17:16 grab 14:18 Grossman 3:15,16 3:20,22 5:14,17 5:22 8:4,20 9:1,5 10:2,9,12,15,19 10:22 11:4,14 12:1,7,18 13:14 13:21 14:2,19 17:1,3 group 3:16 5:16</p> |
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