

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: :

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HGH 1610, LLC :

t/a To be Determined :

1610 14th Street NW :

License #ABRA-088785 :

Retailer CR - New Application:

Case #12-PRO-00016 :

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MONDAY, April 2, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:18 a.m.

AGENT FLETCHER: Would the parties in the matter of HGH 1610, LLC, please come forward? This is Case Number 12-PRO-00016, HGH 1610 LLC, trading as Trade Name to be Determined, 1610 14th Street, NW, License Number ABRA-088785, Retailer Class CT, New Application. The protest issues are adverse impact on peace, order, and quiet and real property values.

My name is La Verne Fletcher, and I will be conducting the Roll Call Hearing as the Board's Agent pursuant to D.C. Official Code 1601.2. Introductions, beginning with the Applicant, please?

MS. FITCH: Good morning, Candace Fitch, attorney, on behalf of the Applicant.

AGENT FLETCHER: Thank you, Ms. Fitch. And would you spell your name for the record?

MS. FITCH: F-I-T-C-H.

1                   AGENT FLETCHER:  And the first  
2                   name?

3                   MS. FITCH:  C-A-N-D-A-C-E.

4                   AGENT FLETCHER:  Oh, it's D-A-C-E?

5                   MS. FITCH:  Yes.  And, just for  
6                   the record, Ms. Fletcher, the Applicant is HGH  
7                   1610, not High 1610.

8                   AGENT FLETCHER:  Oh, what it is,  
9                   Ms. Fitch?

10                  MS. FITCH:  HGH.  There's just no  
11                  I.

12                  AGENT FLETCHER:  Oh, there's no I?  
13                  Thank you.

14                  MS. FITCH:  You're welcome.

15                  AGENT FLETCHER:  I'll make that  
16                  correction.  Is that all caps, H-G-H?

17                  MS. FITCH:  Yes.  Yes.

18                  AGENT FLETCHER:  Okay.  So that's  
19                  HGH 1610, LLC.

20                  MS. FITCH:  Correct.

21                  AGENT FLETCHER:  And your name,  
22                  sir?

1 MR. SCOTT: Sheldon Scott.

2 AGENT FLETCHER: What's the first  
3 name?

4 MR. SCOTT: Sheldon.

5 AGENT FLETCHER: S-H-E-L-D-O-N?

6 MR. SCOTT: Yes, ma'am.

7 AGENT FLETCHER: And what's the  
8 last name?

9 MR. SCOTT: Scott.

10 AGENT FLETCHER: With two T's?

11 MR. SCOTT: Yes, ma'am.

12 AGENT FLETCHER: And you're the  
13 Applicant, Mr. Scott?

14 MR. SCOTT: Yes.

15 AGENT FLETCHER: Okay. Thank you.  
16 And for the Protestants?

17 MS. FERSTER: Good morning, Ms.  
18 Fletcher.

19 AGENT FLETCHER: Good morning.

20 MS. FERSTER: I am Andrea Ferster.  
21 I'm the attorney for 44 individual Protestants  
22 and the MidCity Residents Association.

1                   AGENT FLETCHER: Did you say  
2 MidCity Residents Association?

3                   MS. FERSTER: Yes.

4                   AGENT FLETCHER: And Ms. Ferster,  
5 would you please spell your name for the  
6 record?

7                   MS. FERSTER: It's F as in Frank,  
8 E-R-S-T-E-R.

9                   AGENT FLETCHER: And it's Andrea,  
10 A-N-D-R-E-A?

11                   MS. FERSTER: That's correct.

12                   AGENT FLETCHER: Ms. Ferster, let  
13 me ask you something. The MidCity -- did you  
14 say Residents Association -- did they file a  
15 protest?

16                   MS. FERSTER: They did. They did.

17                   AGENT FLETCHER: And was that  
18 separate from the group, or is that what the  
19 group calls themselves?

20                   MS. FERSTER: I believe there is a  
21 protest signed by Mr. Collins, who is the  
22 President of the MidCity Residents Association

1 for the group.

2 AGENT FLETCHER: Is the Residents  
3 Association a citizen's association?

4 MS. FERSTER: It is.

5 AGENT FLETCHER: Incorporated in  
6 the District of Columbia?

7 MS. FERSTER: Yes, it is.

8 AGENT FLETCHER: Okay. And Ms.  
9 Ferster, do you, by any chance, have a copy of  
10 their protest letter handy? I have the file  
11 here. I can flip through it. But if you --

12 MS. FERSTER: I don't have it with  
13 me.

14 AGENT FLETCHER: Yes. I didn't  
15 see a protest letter from MidCity Residents  
16 Association, but that doesn't mean there isn't  
17 one.

18 MS. FERSTER: Well, you could  
19 possibly look under Mr. Collins' name,  
20 C-O-L-L-I-N-S.

21 MS. FITCH: Ms. Fletcher, there is  
22 one. It's the four-page document that all

1 those people -- all the residents signed. But  
2 it's not --

3 AGENT FLETCHER: Is that the e-  
4 mail?

5 MS. FITCH: No. It's dated March  
6 16th, and he --

7 AGENT FLETCHER: Okay.

8 MS. FITCH: And Mr. Collins signed  
9 it as President, but it doesn't say that it's  
10 the MidCity Residents Association protesting.

11 AGENT FLETCHER: Okay. That's --  
12 okay. Ms. Fitch, do you mind if I take a look  
13 at the letter that you have?

14 MS. FITCH: Not at all.

15 AGENT FLETCHER: Okay. Because  
16 yes, that's -- but his intention was to file  
17 on behalf of the Association?

18 MS. FITCH: Right. He signed as  
19 President, but it doesn't indicate that up on  
20 top.

21 AGENT FLETCHER: Oh. Let's see.  
22 Oh, I see.

1 MS. FITCH: It looks like an  
2 individual protest letter.

3 AGENT FLETCHER: It does. It  
4 looks like an individual Protestant -- I'm  
5 just stating this for the record. Mr. Collins  
6 -- Williams Collins, are you representing him  
7 as well?

8 MS. FERSTER: I am, as an  
9 individual, as well.

10 AGENT FLETCHER: C-O-L-L-I-N-S,  
11 you're representing him as an individual and,  
12 as he says here, he's the President of the  
13 MidCity Residents Association. Now, he  
14 doesn't file a protest on their behalf. He  
15 just indicates here that he is the President  
16 of the association. But there is no protest  
17 filed on behalf on the MidCity Residents  
18 Association. So I'm not going to grant  
19 standing to the MidCity Residents Association,  
20 because there is no protest filed on their  
21 behalf. But I have noted in the record that  
22 he is the President of that association. And

1 you're representing him?

2 MS. FERSTER: I am.

3 AGENT FLETCHER: As an individual?

4 MS. FERSTER: As an individual.

5 AGENT FLETCHER: Okay. Thank you.

6 Thanks, Ms. Fitch. Ms. Ferster, I received  
7 all of the letters of designation that you  
8 e-mailed to us. And I printed them all out.  
9 I have 42 letters. Did you say 44?

10 MS. FERSTER: I did, because I  
11 just this morning filed two more. That would  
12 be Matt Cohn, at 1412 Corcoran Street, and  
13 Willis Tatterson at 1412 Corcoran Street. And  
14 they were just filed this morning.

15 AGENT FLETCHER: And how does --  
16 is Matt, M-A-T-T?

17 MS. FERSTER: That's what I have,  
18 M-A-T-T/

19 AGENT FLETCHER: And what's his  
20 last name?

21 MS. FERSTER: Cohn, C-O-H-N.

22 AGENT FLETCHER: And what's the

1 other person?

2 MS. FERSTER: Willis Tatterson,  
3 That's W-I-L-L-I-S T-A-T-T-E-R-S-O-N.

4 AGENT FLETCHER: Yes. Okay. And  
5 they both signed the protest letters?

6 MS. FERSTER: That's right. They  
7 just filed this morning.

8 AGENT FLETCHER: Okay. But they  
9 signed the original protest letters?

10 MS. FERSTER: Yes.

11 AGENT FLETCHER: Okay. And, Ms.  
12 Ferster, did you e-mail those to us, already?  
13 If you did, I will get them when I get back to  
14 my desk.

15 MS. FERSTER: I just hand filed  
16 them when I walked in this morning.

17 AGENT FLETCHER: I will get them  
18 then. Okay. And I would like to note, for  
19 the record, that if there are any members of  
20 the Protestant group that you are representing  
21 who are not present today and who are not  
22 being represented by anyone, they will be

1 dismissed. There were a total of about 63  
2 Protestants. Anyone who is not present and  
3 not represented will be dismissed. Those  
4 individuals did receive a Roll Call Hearing  
5 notice, letting them know that. I'm just  
6 stating it for the record. So they know that,  
7 if they're not here and not represented, their  
8 protests are dismissed.

9 MS. FERSTER: Understood.

10 AGENT FLETCHER: And for ANC-2F.

11 MS. FERSTER: There's one more set  
12 of Protestants who is separately represented  
13 here.

14 AGENT FLETCHER: Oh. Excuse me  
15 one second. Okay. Thank you. And your name,  
16 ma'am?

17 MS. DRAPER: My name is Mary  
18 Draper. That's D-R-A-P-E-R.

19 AGENT FLETCHER: Mary Draper?

20 MS. DRAPER: Yes. And I'm here on  
21 my own behalf. And also on my husband's  
22 behalf.

1                   AGENT FLETCHER:  And what's your  
2                   husband's name?

3                   MS. DRAPER:  His last name is  
4                   Feltman, F-E-L-T-M-A-N, first name Jeffery,  
5                   with a J.

6                   AGENT FLETCHER:  J-E-F-F-R-E-Y?

7                   MS. DRAPER:  Yes.

8                   AGENT FLETCHER:  And, Ms. Draper,  
9                   you're not a part of the protest group  
10                  represented by Ms. Ferster?

11                  MS. DRAPER:  I signed the letters.  
12                  I think I'm one of the 66.

13                  AGENT FLETCHER:  Yes.

14                  MS. DRAPER:  And so I'm on that  
15                  letter, yes.

16                  AGENT FLETCHER:  Okay.

17                  MS. DRAPER:  As part of the  
18                  MidCity Residents Association.

19                  AGENT FLETCHER:  Oh, okay.  So  
20                  you're part of the group represented by Ms.  
21                  Ferster, as well?  Or are you separate?

22                  MS. DRAPER:  Yes.  But I'm not

1 part of the 44, but I'm part of the 60 who  
2 signed the original letter.

3 AGENT FLETCHER: Well, you know,  
4 what we have is we have -- let me just check  
5 something.

6 MS. DRAPER: Oh, okay. I haven't  
7 yet designated her as my representative.

8 AGENT FLETCHER: Oh, okay. So  
9 it's all one group?

10 MS. DRAPER: Yes.

11 AGENT FLETCHER: It's all one  
12 group.

13 MS. DRAPER: Right.

14 AGENT FLETCHER: And so is Ms.  
15 Ferster going to be representing you and your  
16 husband, as well? Do you know?

17 MS. DRAPER: Yes. Yes.

18 AGENT FLETCHER: Okay. But I  
19 understand you're on your own behalf, because  
20 you signed the protest letter?

21 MS. DRAPER: Yes. Yes. I am.  
22 That's right.

1 AGENT FLETCHER: Okay

2 MS. FITCH: And her husband is not  
3 here?

4 AGENT FLETCHER: And your husband  
5 is not here.

6 MS. DRAPER: No, but I have a  
7 letter from him designating me.

8 AGENT FLETCHER: Okay. Well then,  
9 let me -- I will take that. And he's  
10 designating you as his representative?

11 MS. DRAPER: Yes.

12 AGENT FLETCHER: Okay. Okay . I  
13 have a letter from Jeffrey Feltman,  
14 designating Mary Lee Draper to represent him  
15 at the Roll Call hearing this morning. And  
16 Ms. Draper, you and Mr. Feltman signed the  
17 protest letter where the 63 individuals  
18 signed?

19 MS. DRAPER: Yes.

20 AGENT FLETCHER: Okay. I see Jeff  
21 Feltman, and I see Mary Draper. Yes. Thank  
22 you. And so, Ms. Draper, so Ms. Ferster is

1 going to represent you, as well?

2 MS. DRAPER: Yes.

3 AGENT FLETCHER: So are you going  
4 to provide a letter, designating her as your  
5 representative? You can do that on this  
6 document, right here, if you'd like. If you  
7 want --

8 MS. DRAPER: Yes. Yes.

9 AGENT FLETCHER: You can do -- Ms.  
10 Ferster, would you like for her to do that  
11 now?

12 MS. FERSTER: Yes.

13 AGENT FLETCHER: You can write one  
14 sentence on that letter, designating Ms.  
15 Ferster as your representative. Your husband  
16 is not present to do that, but you can  
17 designate Ms. Ferster to represent you on that  
18 document, just on the back.

19 MS. DRAPER: Okay.

20 AGENT FLETCHER: But your husband  
21 is represented, because you're here. So he  
22 does have representation today.

1 MS. DRAPER: Great.

2 AGENT FLETCHER: I'm just making  
3 this -- Is there anyone here from ANC-2F?

4 MS. FITCH: We haven't seen  
5 anyone.

6 AGENT FLETCHER: No. Okay. ANC-  
7 2F did file a protest, based on peace, order,  
8 and quiet. But, because there is no one  
9 present on behalf of ANC-2F, ANC-2F is  
10 dismissed as a Protestant and will have ten  
11 days to seek reinstatement of its protest.

12 And so, Ms. Draper, just for  
13 clarity in the record, you're not a separate  
14 Protestant? You and your husband are part of  
15 the one protest that was filed by the group of  
16 62?

17 MS. DRAPER: Yes.

18 MS. FITCH: Ms. Fletcher, may we  
19 get a copy of the designation letter?

20 AGENT FLETCHER: Yes. I will --  
21 Ms. Fitch, I will e-mail those to you. Ms.  
22 Ferster e-mailed the whole stack.

1 MS. FITCH: Yes. And she mailed  
2 them to my client. I just haven't received  
3 them yet.

4 AGENT FLETCHER: Oh, okay. I'll  
5 send them over to you.

6 MS. FITCH: Thank you.

7 AGENT FLETCHER: And so we have  
8 one group of protestants in this matter. And  
9 it's a group of -- at this point, that's 40 --

10 MS. FERSTER: 46?

11 AGENT FLETCHER: 46? 45 or 45.  
12 So -- which has standing. So we only have one  
13 Protestant in this matter. Granted standing.

14 So we need to set a date for a  
15 Status Hearing, a Protest Hearing, and a  
16 mediation. I will give you the dates of the  
17 Status and the Protest Hearings first. The  
18 date for the Status Hearing is May 2, 2012, at  
19 9:30 a.m. The date of the Protest Hearing is  
20 June 13, 2012, at 1:30 p.m. And we need to  
21 set a date for mediation to occur prior to May  
22 2. I'll give you the dates that are available

1 for mediation. Thursday of this week is  
2 available. Next week, the 12th is available.  
3 That's also on a Thursday. The 13th is  
4 available. Are 5, 12, or 13 good for anybody?

5 MS. FITCH: The 13th is good for  
6 me.

7 AGENT FLETCHER: Is that good for  
8 you, Ms. Ferster?

9 MS. FITCH: On the 12th, I'm  
10 available in the afternoon. The afternoon is  
11 not great for me on Thursday. Do you want to  
12 do Friday?

13 MR. SCOTT: I can do Friday.

14 AGENT FLETCHER: I can move it to  
15 the next week?

16 MS. FERSTER: No, we're fine.

17 AGENT FLETCHER: Are we good? Ms.  
18 Ferster, that's good? The 13th?

19 MS. FERSTER: That's good. Yes.

20 AGENT FLETCHER: What's a good  
21 time? Would you prefer 9:00 a.m., 10:00 a.m.,  
22 11:00 a.m., 1:00 p.m.?

1 MS. FITCH: I'm open that day.

2 MR. SCOTT: 11:00 a.m.

3 AGENT FLETCHER: 11:00 a.m.? Does  
4 that work for you, Ms. Ferster?

5 MS. FERSTER: Yes, it does.

6 AGENT FLETCHER: All right. So  
7 mediation is set for 11:00 a.m. for HGH.

8 MS. FITCH: On Friday, the 13th.

9 AGENT FLETCHER: On Friday, the  
10 13th. Okay. Any questions at all? The Roll  
11 Call Hearing is concluded. Thank you.

12 (Whereupon, the Roll Call Hearing  
13 was concluded at 10:36 a.m.)

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<b>A</b>	<b>beginning</b> 2:15	<b>days</b> 16:11	19:4,5	<b>good</b> 2:17 4:17,19
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