

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION

ADMINISTRATION BOARD

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IN THE MATTER OF:

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	:
The Griffin Group, LLC	: Termination of
t/a Policy	: Settlement
1902-1906 14th Street, N.W.	: Agreement
License # ABRA-076804	:
Retailer CR	:
Case #13-PRO-00099	:

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Monday,
 July 22, 2013
 ABRA Hearing Room, 4th Floor
 Reeves Municipal Center
 2000 14th Street, N.W.
 Washington, D.C. 20009

The above-entitled matter convened at
 10:30 a.m., before the District of Columbia
 Alcoholic Beverage Regulation Administration
 Board.

BEFORE:

LA VERNE FLETCHER, Board Mediator

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

2 [10:30 a.m.]

3 MS. FLETCHER: Please come forward the
4 parties in the matter of Policy. This is Case
5 No. 13-PRO-00099. The Griffin Group, trading as
6 Policy, 1902 through 1906 14th Street, N.W. ,
7 License No. ABRA-076804. This is a Retailer CR,
8 termination of settlement agreement.

9 Protest issues are adverse impact on
10 peace, order, and quiet, residential parking, and
11 vehicular and pedestrian safety, and over-
12 concentration.

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

17 Present on behalf of the licensee?

18 MR. KLINE: Good morning. Andrew Kline
19 on behalf of the licensee.

20 MR. MULTANI: Raj Multani, pu-l-t-a-n-
21 I, on behalf of Griffin Group Policy, Policy
22 Restaurant and Lounge.

1 MS. FLETCHER: M-u-l-t-a-n-I?

2 MR. MULTANI: Yes, ma'am.

3 MS. FLETCHER: And what's the first
4 name again?

5 MR. MULTANI: Raj. R-a-j. a as in
6 apple, j as in judge.

7 MS. FLETCHER: Thank you. And for ANC
8 2B?

9 MR. FELDSTEIN: Mike Feldstein. M-I-k-
10 e. F-e-l-d-s-t-e-I-n.

11 MS. FLETCHER: And Mr. Feldstein, I'm
12 going to need you to, on that sheet on the table,
13 to write your name and daytime number, and e-mail
14 address.

15 MR. FELDSTEIN: I will be glad to.

16 MS. FLETCHER: Okay. Thank you. And
17 on behalf of the Shaw Dupont Citizens Alliance?

18
19 MR. FERRIS: Elwyn Ferris. E-l-w-y-n.
20 Last name F-e-r-r-I-s.

21
22 MS. FLETCHER: Thank you, Mr. Ferris.

1 And for the Dupont Circle Citizens
2 Association?

3 MR. ESTRADA: Good morning. Ramon
4 Estrada. Ramon. R-a-m-o-n. Estrada. E-s-t-r-a-d-
5 a.

6 MS. FLETCHER: Thank you, Mr. Estrada.

7 And then we have a group of
8 individuals. There appear to be a group of about
9 forty-five, and we'll make sense of that in a
10 moment.

11 Are all the individuals present a part
12 of the same protesting group? Do you know if
13 you're all a part of the same protesting group?

14 MS. JOHNSON: Yes.

15 MS. FLETCHER: Did you sign the same
16 protest letter?

17 MS. JOHNSON: Yes.

18 MS. FLETCHER: Everybody who's here--

19 MS. JOHNSON: Yes.

20 MS. FLETCHER: --signed the same
21 protest letter?

22 MS. JOHNSON: Yes.

1 [Off the record comments]

2 MS. FLETCHER: So would everyone,
3 every individual present, stand in front of the
4 microphone on the table, and state your name, and
5 spell it for the court reporter, please.

6 MS. JOHNSON: My name is Aileen
7 Johnson. Aileen is spelled A-I-l-e-e-n. And
8 Johnson is spelled J-o-h-n-s-o-n.

9 MS. FLETCHER: Thank you, Ms. Johnson.

10 MS. CRUZ-TURCIOS: Good morning. My
11 name is Dominga Cruz-Turcios. It's spelled D-o-m-
12 I-n-g-a. Last name, Crus-Turcios is C-r-u-z-T-u-
13 r-c-o-s.

14 MS. FLETCHER: I'm going to repeat
15 that, just to make sure I got it. Would you
16 pronounce--

17 MS. FLETCHER: I write for you. It's
18 more easy if I write for you.

19 MS. FLETCHER: Yes. You need to spell
20 it for the court reporter too, so--

21 MS. CRUZ-TURCIOS: Okay.

22 MS. FLETCHER: So how do you pronounce

1 the first name, one more time?

2 MS. CRUZ-TURCIOS: Dominga.

3 MS. FLETCHER: And could you spell it.

4 MS. CRUZ-TURCIOS: D-o-m-I-n-g-a.

5 MS. FLETCHER: Okay. I have that.

6 What's the last name. Will you pronounce-

7 MS. CRUZ-TURCIOS: C--

8 MS. FLETCHER: I 'm sorry. Could you
9 pronounce the last name and then spell it.

10 MS. CRUZ-TURCIOS: C-r-u-z-t-u--

11 MS. FLETCHER: Now let me ask you
12 this. Did you say d as in dog, i-u--

13 MS. CRUZ-TURCIOS: d-o.

14 MS. FLETCHER: d-o?

15 MS. CRUZ-TURCIOS: Yes.

16 MR. KLINE: d-o-v?

17 MS. CRUZ-TURCIOS: No. p-

18 MS. FLETCHER: Okay. Let me start
19 over. Let me get the last--you can write it down
20 for me too. But I just have to get--

21 MS. CRUZ-TURCIOS: Is more easy.

22 MS. FLETCHER: Yes. That's okay. Just

1 spell it one more time, and then you can write it
2 down and I'll pass it along.

3 MS. CRUZ-TURCIOS: Okay. D-o-m-i-n-g-
4 a. C-r-u-z-T-u-r-c-o-s.

5 MS. FLETCHER: Okay. Thank you for
6 that, and if you could just write it--print at
7 the bottom of that sheet.

8 MS. CRUZ-TURCIOS: Okay.

9 MS. FLETCHER: And just leave it on
10 the table for me.

11 MS. CRUZ-TURCIOS: Okay.

12 MS. FLETCHER: Thank you.

13 MS. CRUZ-TURCIOS: You're welcome.

14 MS. FLETCHER: Thank you very much.

15 MR. ESTRADA: I can probably help with
16 that. Can I spell it for you.

17 MS. FLETCHER: Yes.

18 MR. ESTRADA: Her first name is
19 Dominga. So that's D-o-m-i-n-g-a. And her last
20 name is two names. Cruz. C-r-u-z. And then
21 Turcius. T-u-r-c-i-u-s. [correction] i-o-s.

22 MS. FLETCHER: Thank you, Mr. Estrada.

1 Thank you very much.

2 MR. ESTRADA: This might help you.

3 MS. FLETCHER: Okay. Thank you. I got
4 that now. Thank you very much. Appreciate it.

5 And the next person in the group. So
6 that's three. Is anyone else here present from
7 that group? You need to stand behind the table
8 and state your name, and spell it, please.

9 MR. WITTELS: My name is Dan Wittels.
10 D-a-n. Last name is W-i-t-t-e-l-s.

11 MS. FLETCHER: Thank you.

12 MS. KELLY: My name is Lisa, L-i-s-a-,
13 Kelly, K-e-l-l-y.

14 MS. FLETCHER: Thank you, Ms. Kelly.

15 MR. PAGE: My name is Russell Page.
16 That's R-u-s-s-e-l-l. Last name Page, P-a-g-e. I
17 also have a letter of representation.

18 MS. FLETCHER: Thank you.

19 MR. KING: My name is Andrew King. A-n-
20 d-r-e-w. K-i-n-g.

21 MS. FLETCHER: K-i-n-g?

22 MR. KING: That's correct.

1 MS. FLETCHER: Thank you.

2 MR. LEIBNER: Good morning.

3 MS. FLETCHER: Good morning.

4 MR. LEIBNER: My name is Lincoln
5 Leibner. Lincoln. L-i-n-c-o-l-n. And Leibner, L-
6 e-i-b like boy, n-e-r. And I also have a letter
7 of representation.

8 MS. FLETCHER: Thank you.

9 MR. FERRIS: I am also a part of the
10 resident protest. Elwyn Ferris. E-l-w-y-n. Last
11 name, F-e-r-r-i-s, with about ten letters of
12 representation, when you're ready.

13 MS. FLETCHER: Thank you, Mr. Ferris.

14 MS. JOHNSON: Ms. Fletcher, we're out
15 of space on the sheet we were filling out our
16 names.

17 MS. FLETCHER: Yes. You're out on the
18 back, too; right? Let me give you this.

19 MS. JOHNSON: Thank you, Ms. Fletcher.

20
21 MS. FLETCHER: Thank you very much.

22 And so Mr. Ferris, you have ten additional names?

1 MR. FERRIS: Yes.

2 MS. FLETCHER: Let me just ask you
3 this, just for the--why don't we first state the
4 name of the individuals being represented by Mr.
5 Leibner.

6 MR. LEIBNER: Yes, ma'am.

7 MS. FLETCHER: G.R. Renchard has
8 designated you as his representative?

9 MR. LEIBNER: Yes, ma'am.

10 MS. FLETCHER: I'll give the court
11 reporter the spelling of the names after roll
12 call. So G.R. Renchard is being represented by
13 Lincoln Leibner.

14 Allen Rotz is being represented by
15 Russell Page. Allen is A-l-l-e-n, R-o-t-z.

16 Kristin Carmen is being represented by
17 Aileen Johnson. And so Mr. Ferris, may I just
18 take your letters.

19 I'll just read these names and give
20 the spelling to the court reporter after the roll
21 call hearing.

22 Mr. Ferris has been designated as

1 a representative for each of these individuals.

2 Guy Podgernik. Joe Neel. Dwight
3 Barbour. Joan Sterling. Michelle Scott. Rosemary
4 Stripling. Tom Coumaris. Ricki Wilchins. Ralph
5 Beyer. And Erling Bailey. And so Mr. Ferris, each
6 of these individuals signed a protest letter?

7 MR. FERRIS: Yes. That is correct.

8 MS. FLETCHER: Thank you very much.

9 Mr. Ferris, the group that you
10 represent is granted standing as Protestants.
11 Let me just clarify something for the record
12 here. Ms. Johnson, are you a part of this entire
13 group or a different group? This is all part of
14 the same thing?

15 MS. JOHNSON: I signed the protest
16 that all the other Protestants signed.

17 MS. FLETCHER: Okay. Thank you. And
18 Mr. Rotz, you're a part of the group that's here
19 today, as well as Russell Page? I'm trying to
20 make sure we have one group, because we have a
21 couple of different designated representatives.
22 So I'm trying to make sure that it's all one

1 group, although they're different designated
2 representatives.

3 And Mr. Leibner.

4 MR. LEIBNER: Yes, ma'am.

5 MS. FLETCHER: You're a part of this
6 one big group. So are those more letters? Or
7 here's my next question.

8 MS. JOHNSON: No. That's the signage.

9 MS. FLETCHER: Oh. Thank you. So we
10 have one group but several designated
11 representatives. So Mr. Ferris, you're
12 representing the group that you said you're
13 representing. I have their letters of
14 designation.

15 MR. FERRIS: Okay.

16 MS. FLETCHER: And then this is what
17 I'm trying to clarify. So we have three other
18 designated representatives in this group, aside
19 from Mr. Ferris. So is that the way we want to
20 keep it? Because Mr. Richer--no. Mr. Leibner.
21 You're a part of the group that Mr. Ferris is
22 representing, and so is Mr. Page. You're a part

1 of the group Mr. Ferris is representing.

2 And so is Aileen Johnson.

3 So if Mr. Ferris going to represent
4 everybody?

5 MR. FERRIS: Well, that was a topic of
6 discussion amongst us, since I'm here in my
7 capacity as the designated representative for the
8 Civic Association.

9 MS. JOHNSON: So to clean this up--

10 MR. FERRIS: Yes.

11 MS. JOHNSON: --please designate me as
12 the representative for the citizens who signed
13 individually, and Mr. Ferris will remain as the
14 representative for the organization. Does that--

15 MS. FLETCHER: We can do it one of two
16 ways.

17 MS. JOHNSON: Do it that way?

18 MS. FLETCHER: We can make you and Mr.
19 Ferris designated representatives for the entire
20 group.

21 MS. JOHNSON: Okay.

22 MR. FERRIS: I'm amenable.

1 MS. JOHNSON: That's fine.

2 MS. FLETCHER: And you will still
3 remain the representative for the Association.

4 MR. FERRIS: I'm amenable to that.
5 That's great.

6 MS. JOHNSON: Okay. I'm amenable to
7 that.

8 MR. FERRIS: Thank you.

9 MS. JOHNSON: Okay. Thank you very
10 much.

11 MS. FLETCHER: Is everybody in
12 agreement with that, who's here today?

13 EN MASSE: Yes.

14 MS. FLETCHER: That cleans it up.

15 MR. FERRIS: Thank you for that.

16 MS. JOHNSON: Thank you.

17 MS. FLETCHER: So for the individual
18 group, the designated representatives are Aileen
19 Johnson and Elwyn Ferris.

20 MR. FERRIS: Thank you.

21 MS. JOHNSON: Thank you.

22 MS. FLETCHER: And you know this

1 already but I'll state it for the record.
2 Because at least five individuals are present
3 from your group today, at the status hearing,
4 only the designated representative, or
5 representatives, need to show up for the status
6 hearing.

7 MR. FERRIS: Just may I ask you a
8 question. Are both of us required to be there, or
9 since we're co-designated representatives,
10 whether just one of us is--

11 MS. FLETCHER: Just one is good.

12 MR. FERRIS: Is sufficient?

13 MS. FLETCHER: Yes.

14 MR. FERRIS: Okay. Thank you.

15 MS. FLETCHER: So just one of you show
16 up for the status hearing. That'll be good. The
17 same thing with the mediation. For the mediation,
18 one of you can show up. Or both. Or anyone who
19 may choose to. Or anyone who chooses to may show
20 up, and be present, because they're Protestants.
21 But at the table with the two of you, and as you
22 know, a lot of our mediations are in this room.

1 So you have a large group. If a whole lot of them
2 wanted to show up, they could. They'd just be
3 sitting right there, and you would be sitting
4 here, just as we have designated representatives
5 we can talk to.

6 And you can talk with them, if you
7 want; but just to keep it simple.

8 MR. FERRIS: Thank you.

9 MS. FLETCHER: So, yes, anyone from
10 your group can come to the mediation.

11 MR. FERRIS: Thank you.

12 MS. FLETCHER: As long as one of you
13 come.

14 MS. JOHNSON: Thank you.

15 MS. FLETCHER: So Mr. Ferris, let me
16 ask you something. I know that you sent the Board
17 numerous letters related to--let me ask the
18 question another way.

19 Have the issues related to the
20 determination of the settlement agreement
21 application been resolved by the ABC Board?

22 MR. FERRIS: No. They have not.

1 MS. FLETCHER: So that's still
2 outstanding?

3 MR. FERRIS: That's correct.

4 MS. FLETCHER: Okay. I looked at the
5 agenda from July 10, and on the July 10 agenda,
6 on the ABC Board July 10 agenda, there were some
7 issues related to whether or not to grant
8 standing to the actual application.

9 I think in one of your letters, you
10 requested that the ABC Board dismiss the
11 application to terminate the settlement
12 agreement.

13 MR. FERRIS: No. I asked the Board to
14 dismiss the filing of the application to
15 terminate.

16 MS. FLETCHER: Well, I'm saying the
17 same thing. I just said it differently.

18 MR. FERRIS: Okay; okay.

19 MS. FLETCHER: Yes. That was one of
20 the things you requested, and that was on the
21 Board's July 10 agenda, and they decided to
22 postpone it for two weeks. To postpone that

1 request for two weeks, which will be this coming
2 Wednesday.

3 MR. FERRIS: I did notice something on
4 this Wednesday's agenda.

5 MS. FLETCHER: Exactly. So with
6 respect to the application, the Board will make a
7 decision on Wednesday with respect to the
8 application. For the purpose of roll call, I'm
9 granting standing to the Protestants. The ABC
10 Board has to address your request to deny the
11 application.

12 But at this point, the application
13 stands. I'm just granting standing to the
14 Protestants today and the Board will make its
15 ruling on the 24th with respect to your request--

16 MR. FERRIS: I understand.

17 MS. FLETCHER: --and then you'll be
18 informed of the outcome of it.

19 MR. FERRIS: I think I understand
20 that.

21 MS. FLETCHER: And then if the Board
22 were to grant your request and deny the

1 application, then there would be no need for any
2 of the dates that I'm about to give you. The
3 status hearing, the mediation, and the protest
4 hearing. But I'll give you the dates anyway.

5 MR. FERRIS: That's fine.

6 MS. FLETCHER: Because if they deny
7 your request, then all these dates will have to
8 take place.

9 MR. FERRIS: That's understood. While
10 we're on that topic, would you be in a position
11 to tell me whether or not that hearing is a
12 public hearing.

13 MS. FLETCHER: It's not.

14 MR. FERRIS: It's not?

15 MS. FLETCHER: Yes. It's on the
16 Board's agenda. It's not a hearing. But it is on
17 their agenda for Wednesday, to make a decision.

18 MR. FERRIS: Right. So we would not be
19 able to be present for that?

20 MS. FLETCHER: Exactly.

21 MR. FERRIS: Okay. Thank you.

22 MS. FLETCHER: And Mr. Estrada, the

1 Board also received your letter to it, notifying
2 it that--notifying it of the lack of notification
3 for the settlement agreement termination from the
4 licensee and from Applicant. I just want to state
5 that, just for the record. So that's also under
6 consideration.

7 MR. FERRIS: Thank you.

8 MS. FLETCHER: Okay. So now I'll give
9 the dates for the mediation, the status hearing,
10 and the protest hearing.

11 The date for the status hearing is
12 September the 11th at 9:30 a.m. And the Board
13 may inform you of its decision--well, no,
14 actually, they'll do it before then because your
15 status hearing is so far off. We'll just keep
16 you posted. Disregard what I just said.

17 The status hearing is September the
18 11th at 9:30.

19 The protest hearing is set for
20 November 6 at 4:30. The protest hearing is
21 November 6.

22 MR. ESTRADA: Any special time?

1 MS. FLETCHER: Yes. At 4:30.

2

3 Now we need to set a date for
4 mediation to occur prior to September 11. The
5 next date available for mediation is Friday,
6 August the 23rd at 9:00, 10:00 or 11:00.

7 MR. KLINE: How about the following
8 week?

9 MS. FLETCHER: The following week, we
10 could do August the 28th at 11:00. Or we would
11 move to the next week, if that doesn't work.

12 MR. KLINE: Is the Board in recess
13 then?

14 MS. FLETCHER: The Board will be in
15 recess.

16 MR. KLINE: That's fine with us. The
17 28th at 11:00.

18 MS. FLETCHER: Yes. Is that good for
19 you, Mr. Ferris, and Ms. Johnson?

20 MR. FERRIS: Yes. That's fine.

21 MS. JOHNSON: Yes. That's fine.

22 MR. FERRIS: What is the significance,

1 if I may ask, of having the Board on recess. Does
2 that impact?

3 MS. FLETCHER: They do that every
4 year. This time of year, they're in recess the
5 last two weeks of August.

6 MR. FERRIS: It has virtually no
7 impact on the proceedings, though?

8 MS. FLETCHER: Well--

9 MR. KLINE: It might have had an
10 impact on my calendar. That's why--

11 MR. FERRIS: Oh, that's all? Okay.

12 MS. FLETCHER: Yes.

13 MR. FERRIS: Okay.

14 MS. FLETCHER: And you should know
15 something about the application after Wednesday.
16 You can check with Ms. Fashbaugh. F-a-s-h-b-a-u-
17 g-h. You may check with Ms. Fashbaugh on
18 Thursday, regarding the Board's decision on the
19 application.

20 MR. FERRIS: So the 28th at 11:00
21 o'clock for the mediation is fine with me.

22 MS. FLETCHER: Is that good for you,

1 Ms. Johnson?

2 MS. JOHNSON: Yes. That's--yes. Thank
3 you.

4 MS. FLETCHER: So the mediation is set
5 for Wednesday, August 28th, at 11:00. Any
6 questions?

7 MR. KLINE: No. We have none.

8 MS. FLETCHER: Ms. Johnson, did you
9 have a question about anything?

10 MS. JOHNSON: No. I was just
11 clarifying, that at the status hearing--I just
12 wanted to clarify that at the status hearing,
13 that is basically a reporting back as to any
14 progress that might have been made subsequent to
15 the mediation.

16 MS. FLETCHER: Yes. The only purpose
17 of the status hearing is to report the status of
18 the mediation.

19 MS. JOHNSON: Okay.

20 MS. FLETCHER: That's basically what
21 happens. And then if the Board any other
22 concerns, they'll raise them at that time. But

1 basically, that's all that happens at the status
2 hearing.

3 MS. JOHNSON: Okay.

4 MS. FLETCHER: And so the Board wants
5 to know the outcome of mediation, and then
6 they'll just restate the date for the protest
7 hearing. That's it.

8 MS. JOHNSON: Okay. Thank you.

9 MS. FLETCHER: Okay. Well, thank you
10 for coming.

11 MR. KLINE: Thank you.

12 [Whereupon, at 10:57 a.m., the roll
13 call hearing was adjourned.]

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A	A-l-l-e-n 10:15 A-n 8:19 a.m 1:17 2:2 20:12 24:12	Code 2:15 Columbia 1:1,17 come 2:3 16:10,13 coming 18:1 24:10 comments 5:1 concentration 2:12 concerns 23:22 conducting 2:14 consideration 20:6 convened 1:17 correct 8:22 11:7 17:3 correction 7:21 Coumaris 11:4 couple 11:21 court 5:5,20 10:10 10:20 co-designated 15:9 CR 1:10 2:7 Crus-Turcios 5:12 Cruz 7:20 Crus-Turcios 5:10 5:11,21 6:2,4,7,10 6:13,15,17,21 7:3 7:8,11,13 C-r-u-z 7:20 C-r-u-z-T-u 5:12 6:10 C-r-u-z-T-u-r-c... 7:4	designation 12:14 determination 16:20 different 11:13,21 12:1 differently 17:17 discussion 13:6 dismiss 17:10,14 Disregard 20:16 District 1:1,17 dog 6:12 Dominga 5:11 6:2 7:19 Dupont 3:17 4:1 Dwight 11:2 D-a-n 8:10 d-o 6:13,14 D-o-m 5:11 D-o-m-i-n-g 7:3 D-o-m-I-n-g-a 6:4 7:19 d-o-v 6:16 d-r-e-w 8:20 D.C 1:15 2:15	Feldstein 3:9,9,11 3:15 Ferris 3:19,19,22 9:9,10,13,22 10:1 10:17,22 11:5,7,9 12:11,15,19,21 13:1,3,5,10,13,19 13:22 14:4,8,15 14:19,20 15:7,12 15:14 16:8,11,15 16:22 17:3,13,18 18:3,16,19 19:5,9 19:14,18,21 20:7 21:19,20,22 22:6 22:11,13,20 filing 17:14 filling 9:15 fine 14:1 19:5 21:16,20,21 22:21 first 3:3 6:1 7:18 10:3 five 15:2 Fletcher 1:22 2:3 2:13 3:1,3,7,11,16 3:22 4:6,15,18,20 5:2,9,14,17,19,22 6:3,5,8,11,14,18 6:22 7:5,9,12,14 7:17,22 8:3,11,14 8:18,21 9:1,3,8,13 9:14,17,19,21 10:2,7,10 11:8,17 12:5,9,16 13:15 13:18 14:2,11,14 14:17,22 15:11,13 15:15 16:9,12,15 17:1,4,16,19 18:5 18:17,21 19:6,13 19:15,20,22 20:8 21:1,9,14,18 22:3 22:8,12,14,22 23:4,8,16,20 24:4 24:9
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