DISTRICT OF COLUMBIA + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD

ROLL CALL HEARING

IN THE MATTER OF:

TBC P Street Hotel, LLC:
t/a The Avery:
2616 P Street NW:
Retailer C Bed and:
Breakfast - ANC 2E:
License No. 121441:
Case #22-PRO-00082:

(New Application)

Monday
August 8, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, LaVerne Fletcher,
Board’s Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABRA Board’s Agent

ALSO PRESENT:

SIDON YOHANNES, Applicant Counsel
GWENDOLYN LOHSE, ANC 2E
KAREN CRUSE, Citizen’s Association of Georgetown
MAKBUBA LUND, Protestant
ROBERT STOUT, Protestant
BEVERLY STOUT, Protestant
ROBERT YAHN, Protestant
LINDA YAHN, Protestant
ROBERT HETEM, Protestant
CONSTANCE ZIMMER, Protestant
DAVID ABRAMS, Protestant
MS. FLETCHER: The last case on the calendar for today is The Avery. This is case no. 22-PRO-00082, TBC P Street Hotel, LLC, 2616 P Street NW, license no. ABRA 121441. This is retailer class C bed and breakfast. It is a new application. The protest issues are adverse impact on peace, order, and quiet. My name is Laverne Fletcher conducting a roll call hearing as the Board's agent. Who is present on behalf of the Applicant?

MS. LUND: My name is Mahkbuba Lund.

MS. FLETCHER: You're representing The Avery?

MS. LUND: No. I'm sorry.

MS. FLETCHER: Who is present on behalf of The Avery?


MS. FLETCHER: Thank you. And who is present on behalf of ANC 2E?

MS. LOHSE: Commissioner Gwendolyn Lohse. That's L-O-H-S-E, and I'm in ANC 2E06
where the applicant resides.

MS. FLETCHER: Thank you, Ms. Lohse, can you spell your first name for the record, please?


MS. FLETCHER: Thank you. And present on behalf of the Citizen's Association of Georgetown?

MS. CRUSE: Good morning. I'm Karen Cruse.

MS. FLETCHER: Thank you, Ms. Cruse. Ms. Cruse, would you please spell your name?


MS. FLETCHER: Thank you. We have several groups of individuals. We have a group of six. Is there anyone present by the name of, well the last name is L-U-N-D, Lund?

MS. LUND: Correct. Yes.

MS. FLETCHER: Ms. Lund, what is your telephone number?

MS. LUND: 347-530-7992.

MS. FLETCHER: Okay. So, that's your telephone number I see there. Would you please
spell your name and state it for the record?


MS. FLETCHER: And can you spell your last name, please?

MS. LUND: L-U-N-D.

MS. FLETCHER: Are there any other members present from your group today?

MS. LUND: Yes. One moment.

MR. STOUT: Yes, Robert and Beverly Stout, R-O-B-E-R-T S-T-O-U-T.

MS. FLETCHER: Thank you. Anyone else?

MR. STOUT: And my wife Beverly, B-E-V-E-R-L-Y S-T-O-U-T.

MS. FLETCHER: Is Beverly present?

MR. STOUT: Yes.

MS. STOUT: Yes, I am.

MS. FLETCHER: Anyone else?

MS. LUND: Just one moment.


MS. FLETCHER: Thank you. Is Linda present today?

MR. YAHN: Yes, she is.
MS. YAHN: Yes, I am.

MS. FLETCHER: Thank you, Linda.

Everyone present signed the protest letter, yes?

MR. YAHN: Yes.

MR. STOUT: Yes.

MS. FLETCHER: Thank you. Anyone else? Is there anyone else present from this group?

MR. HETEM: This is Robert Hetem. We're in a different group.

MS. FLETCHER: Mr. Hetem, I haven't called your group yet.

MR. HETEM: Okay. Thank you.

MS. FLETCHER: I'll spell your name, since you said it, it's H-E-T-E-M. I'll call Mr. Hetem's group in a moment. Thank you.

MR. HETEM: Thank you.

MS. FLETCHER: You're welcome. Ms. Lund, there are five individuals present from your group today, which means that your group is granted standing as a Protestant.

MS. LUND: Also, my husband is not here at the moment.

MS. FLETCHER: It's okay. There are five of you present. If he shows up we'll add
him, but there are five of you present.

MS. LUND: That's correct, yes.

MS. FLETCHER: Okay. Thank you. If he shows up we will add him.

MS. LUND: Okay. Thank you.

MR. ABRAMS: Ms. Fletcher, just for the record. My name is David Abrams. I just joined in.

MS. FLETCHER: Excuse me.

MR. ABRAMS: David Abrams.

MS. FLETCHER: Okay. Mr. Abrams, you're with Mr. Hetem's group, aren't you?

MR. ABRAMS: I'm with Ms. Lohse. I had filed a protest letter.

MS. FLETCHER: Okay. So, let me be clear about something here. Mr. Abrams, you filed the protest right?

MR. ABRAMS: Correct.

MS. FLETCHER: You're saying that you're here with ANC 2E?

MR. ABRAMS: Well, I'm here with the group that's protesting the application.

MS. FLETCHER: That's what I thought. You're with a group of individuals.

MR. ABRAMS: Yes, ma'am.
MS. FLETCHER: Okay. So, I'll call your case in a moment.

MR. ABRAMS: Okay. I'm just here as an observer. I'm not going to say anything during the meeting.

MS. FLETCHER: That's okay. You filed the protest. I've got your protest in the protest file. I'm only noting for clarity for the court reporter that Mr. Abrams is not a part of this case. I have not called Mr. Abrams case yet. Mr. Abrams, because you're speaking, can you spell your name for the record, please?

MR. ABRAMS: Sure. David, and the last name is Abrams, A-B-R-A-M-S.

MS. FLETCHER: Thank you, very much.

MR. ABRAMS: Thank you.

MS. FLETCHER: So, Ms. Lund, just to recap, your group of six has been granted standing as Protestants because at least five of you are present today.

MS. LUND: Thank you.

MS. FLETCHER: We also have a group of seven represented by Mr. Hetem. Mr. Hetem, are you present? Is Mr. Hetem present?

MR. HETEM: Yes, Robert Hetem.
MS. FLETCHER: Okay. Mr. Hetem, your telephone number ends in 11?

MR. HETEM: Yes.

MS. FLETCHER: Thank you. Would you please spell your name for the record?

MR. HETEM: R-O-B-E-R-T, last name Hetem, H-E-T-E-M.

MS. FLETCHER: Thank you. Is anyone else present from your group today?

MS. ZIMMER: Yes.

MS. FLETCHER: If you could just state your name and spell it for the record, please.


MS. FLETCHER: D-I?

MS. ZIMMER: Z-I-M-M-E-R.

MS. FLETCHER: Thank you. Anyone else? Anyone else present from the group represented by Mr. Hetem?

MR. HETEM: I think David Abrams is in our group.

MR. ABRAMS: Yes.

MS. FLETCHER: Yes, I know. Mr. Abrams could you state your name and spell it for the record, please?
MR. ABRAMS: It's David Abrams, A-B-R-A-M-S.

MS. FLETCHER: Thank you. Anyone else from Mr. Hetem's group? Okay. Mr. Hetem.

MR. HETEM: Yes.

MS. FLETCHER: There are three members present from your group today, which means that your group is granted conditional standing, which means that at the upcoming status hearing two more people will need to appear for the status hearing who are not present today. At that time, the Board will grant full standing to your group. The Board needs to see at least five people in person, so to speak, three of you are present today, two more will need to appear for the upcoming status hearing. If two more additional people do not appear for the upcoming status hearing, the Board may dismiss your protest, so just bring the two additional people for the status hearing. Any questions about that?

MR. HETEM: We will do that. No.

MS. FLETCHER: Thank you. Your group of seven is granted conditional standing.

MS. CRUSE: Ms. Fletcher, may I butt in for a minute. This is Karen Cruse.
MS. FLETCHER: Yes, Ms. Cruse.

MS. CRUSE: I'm not so sure if all the Protestants, since they haven't done this before, are aware of the process, but Mr. Hetem and his wife have identified themselves, I had thought, as abutting neighbors, which, obviously, puts them into a different category as well. Could you check and verify that?

MS. FLETCHER: Let me check that. I didn't see that. Let me see if they included that in the protest letter, Ms. Cruse. Mr. Hetem, did your protest include that you consider yourself to be an abutting property owner?

MR. HETEM: Yes, definitely.

MS. FLETCHER: I am looking at your protest letter, Mr. Hetem, just a minute, please.

MS. YOHANNES: This is Sidon Yohannes, just for the record, I just want to note that I don't see a reference to the Protestant indicating that they want to protest as an abutting property owner. So, if it is here I'd like I could be directed as to where.

MS. FLETCHER: I don't see it yet. I'm just double checking.

MS. YOHANNES: Sure.
MS. FLETCHER: I'm just double checking to make sure I'm not missing anything here. I didn't see it earlier. So, Mr. Hetem, you thought you included in your protest letter that you were filing as an abutting property owner?

MR. HETEM: Yes.

MS. FLETCHER: I don't see it. The protest letter that I have for you is the one that you signed along with Ms. Zimmer, Z-I-M-M-E-R. Is that the protest letter that you're referring to?

MR. HETEM: We have a bad connection.

MS. FLETCHER: Say that again, Mr. Hetem.

MR. HETEM: We have a bad connection. I'm sorry.

MS. FLETCHER: Okay. So, I'm not going to grant standing to Mr. Hetem as an abutting property owner because I don't see that protest letter. If that turns out to be the case, we'll address it at a different time. For the purpose of the roll call hearing today Mr. Hetem is not considered an abutting property owner, but he is the designated represented. As
a group of seven he is a Protestant representing
a group of seven.

Thank you, Ms. Cruse. I didn't find
it in the file, so that's what I'm going to have
to go with today.

We have one more Protestant in this
matter. Is there someone here from the Jerusalem
Baptist Church? There's no one present from the
Jerusalem Baptist Church. So, they're actually
dismissed for two reasons, they're not present,
but churches do not have standings as
Protestants, and so, the Jerusalem Baptist Church
is dismissed.

For The Avery we have as Protestants
ANC 2E granted standing. The Citizen's
Association of Georgetown granted standing. The
group of six represented by Ms. Lund, L-U-N-D, is
granted standing. The group of seven represented
by Mr. Hetem, H-E-T-E-M, is granted conditional
standing because three members from their group
are present today and two more need to appear at
the upcoming status hearing. The Jerusalem
Baptist Church is dismissed because churches do
not have standing, and they are not present
today.
We need to set a date for status hearing, protest hearing, and a mediation. I'm going to give you the date for the status and protest hearing first. The status hearing is set for September 14 at 10:30 a.m. September 14 at 10:30 a.m. for the status hearing. The protest hearing is set for October 5. October 5 at 1:30 p.m. I'll give you the next available date for mediation. The next available day is Tuesday, August 23 at 10:00 or 11:00 a.m.

MS. LOHSE: This is Commissioner Lohse. We will probably need another date because several of the Protestants will be out of town at that date, and we are working, we are meeting all the abutting neighbors, ANC, and CAG have met in person with the Applicant to discuss potential terms, so we would like more time before we have a mediation anyway.

MS. FLETCHER: What about Wednesday, September 7 at 10:00 or 11:00? Does that work for you, Ms. Lohse?

MS. LOHSE: I think people should be back then, and we'll also have time to meet with the Applicant at that point, so we can check in with you at that date.
MS. FLETCHER: Ms. Yohannes, does that work for you?

MS. YOHANNES: Yes, that's fine.

September 7 at 11:00 a.m.?

MS. FLETCHER: Yes.

MS. YOHANNES: Okay. Yes.

MS. FLETCHER: Mediation is set for Wednesday, September 7 at 11:00. Just to clarify, Ms. Lohse, there are no abutting property owners, but you're saying that you and all of the individual Protestants have met with the establishment and that you're going to continue your efforts to try to resolve this matter before mediation?

MS. LOHSE: Correct. Yes.

MS. FLETCHER: Okay. You've got the dates. We've got mediation set. If the matter is resolved before mediation you can just let us know and we'll cancel it as well as the status and protest hearing.

MS. YOHANNES: Thank you.

MS. FLETCHER: You're welcome. Any questions anybody?

MS. CRUSE: It might be moot, but if the abutting neighbors, of which there were
several, find the documentation that they had
indicated that they were actually abutting
neighbors, what would be the procedure for them
to get it back before you?

MS. FLETCHER: If they filed as
abutting property owners before the petition
deadline, which was July. The petition deadline
to file a protest was July 18, 2022. If anyone
filed a protest claiming to be abutting prior to
the petition deadline then we would have to take
that into consideration, but the protest letter
would've needed to have been submitted prior to
September 18. I didn't see it in the file, but,
you know, things happen. If that's available,
we'll make the necessary correction.

MS. CRUSE: Okay. Thank you.

MS. FLETCHER: You're welcome, Ms.
Cruse. Anybody else?

MS. YOHANNES: Nothing for the
Applicant.

MS. FLETCHER: I want to thank
everybody for coming. See you soon, or not. Let
us know. The roll call hearing is concluded.

(Whereupon, the above-entitled matter
went off the record at 10:59 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: The Avery

Before: DC ABRA

Date: 08-08-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

[Signature]

Court Reporter