

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :
7 Mendelson Hospitality Group : Case #16-PRO-00023
8 t/a Bearnaise :
9 313 through 315 Pennsylvania :
10 Avenue, Southeast :
11 License #ABRA-089622 :
12 Retailer Class CR :
13 License Renewal :

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15 Monday, May 16, 2016

16
17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

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2 BOARD'S AGENT:

3 LAVERNE FLETCHER, Presiding

4

5 ALSO PRESENT:

6 ANDREW KLINE

7 CHANDER JAYARAMAN

8 SYLVIA CSIFFARY

9 JOCELYN HONG LOWE

10

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

2 [10:04 a.m.] ROLL CALL HEARING

3 CHAIRPERSON FLETCHER: Would the parties
4 in the matter of Bearnaise please come forward?
5 This is Case number --

6 MR. JAYARAMAN: There's three cases
7 involved.

8 CHAIRPERSON FLETCHER: I know, I know,
9 thank you.

10 MR. JAYARAMAN: Thank you, ma'am.

11 CHAIRPERSON FLETCHER: This is case #16-PRO-
12 00023, Mendelson Hospitality Group trading as
13 Bernaise, 313 through 315 Pennsylvania Avenue,
14 Southeast. License #ABRA-089622. This is a
15 retailer class CR license renewal. The protest
16 issues are adverse impact on peace, order and
17 quiet. My name is Laverne Fletcher, and I am
18 conducting the Roll Call Hearing as the Board's
19 agent pursuant to D.C. Official Code 1601.2.
20 Introductions beginning with the applicant,
21 please.

22 MR. KLINE: Good morning, Andrew Kline,

1 on behalf of the applicant.

2 CHAIRPERSON FLETCHER: Thank you, Mr.
3 Kline. Present on behalf of ANC 6B?

4 MR. JAYARAMAN: Chander Jayaraman, ABC
5 chair for ANC 6B.

6 CHAIRPERSON FLETCHER: And would you
7 spell your name for the record?

8 MR. JAYARAMAN: Sure. First name is
9 Chander, C-H-A-N-D-E-R, last name Jayaraman, J-A-
10 Y-A-R-A-M-A-N.

11 CHAIRPERSON FLETCHER: Okay and Mr.
12 Jayaraman would you put your contact information
13 on that sheet, please?

14 MR. JAYARAMAN: Sure.

15 CHAIRPERSON FLETCHER: Thank you very
16 much. And there is also a group of six
17 protestants. So, may I have introductions for
18 the individuals present from the group of 6?

19 MS. CSIFFARY: My name is Sylvia
20 Csiffary. C-S-I-F-F-A-R-Y.

21 CHAIRPERSON FLETCHER: Thank you.

22 MS. CSIFFARY: I'm the spoke person and

1 there are two of my neighbors here and I have two
2 proxy letters.

3 CHAIRPERSON FLETCHER: Okay. I'll take
4 those. I'll take the proxy letters. Thank you.

5 MS. CSIFFARY: I made three of each.

6 CHAIRPERSON FLETCHER: Okay, so you can
7 give a copy to Mr. Kline if you don't mind.
8 Thank you.

9 There are three and three.

10 CHAIRPERSON FLETCHER: So, you can just
11 give.

12 MS. CSIFFARY: They have different
13 signatures.

14 CHAIRPERSON FLETCHER: Excuse me one
15 second, we're on the record, just a second..

16 MS. CSIFFARY: I'm sorry.

17 CHAIRPERSON FLETCHER: That's okay, just
18 give me one second. May I call you Sylvia?

19 MS. CSIFFARY: Yes

20 CHAIRPERSON FLETCHER: Sylvia what I have
21 here are two letters of designation: One from
22 Anita Mingo, and one from Wuhan Dansby, so I have

1 two, not three, is that right? Is that what I
2 have?

3 MS. CSIFFARY: Wuhan wrote one proxy
4 letter for each of the three restaurants. I need
5 to --

6 CHAIRPERSON FLETCHER: We're only looking
7 at Bernaise, I mean -- yes. So, what I'm going
8 to suggest, Sylvia, based on what I have in my
9 hand right now. We deal with one case at a time,
10 I'm sorting it out, just a second. I'm sorry, I
11 apologize. Okay, so I'll keep these three.
12 Thank you, I'll put them in the appropriate case
13 files and, Mr. Kline, I'll get you a copy of
14 these.

15 MR. KLINE: Great, thank you.

16 CHAIRPERSON FLETCHER: Thank you. And
17 so, Sylvia, from you I just received two letters
18 of designation, one from Wuhan Dansby and one
19 from Anita Mingo, and you have two other
20 individuals present from the group. May I get
21 your name, ma'am?

22 MS. LOWE: Jocelyn Hong Lowe.

1 CHAIRPERSON FLETCHER: And would you
2 spell that for the record, please?

3 MS. LOWE: J-O-C-E-L-Y-N, middle name is
4 Hong, H-O-N-G, and last name is Lowe, L-O-W-E.

5 CHAIRPERSON FLETCHER: Thank you.

6 MR. SULSER: My name is Wayne Sulser. W-
7 A-Y-N-E, S-U-L-S-E-R.

8 CHAIRPERSON FLETCHER: Thank you.

9 Sylvia, I related to the protest filed by the
10 group of 6, the petition deadline was May the
11 second and I know that you received communication
12 from ABRA, informing you that protest letters
13 need to be signed, and I'm familiar with the
14 communication between you and the staff about
15 getting the signatures in, and I'm aware that we
16 ultimately received the signatures -- we did
17 receive the signatures -- however, we didn't
18 receive the signatures until after May 2nd. I
19 think we actually received them on May the 4th,
20 and so I know efforts were made for us to get the
21 signatures, and you were given an opportunity to
22 provide them; however, the Board's Agent --

1 that's me -- the Board's Agent does not have the
2 authority to extend a petition deadline that's
3 required by statute so I don't have the ability
4 today to extend that petition deadline beyond May
5 the 2nd, so for the purpose of the Roll Call
6 Hearing I'm going to have to dismiss the group of
7 6.

8 You may petition the ABC Board for
9 reinstatement, explain why the signatures were
10 not provided by the petition deadline and the
11 Board has the option -- will have to make the
12 decision -- whether or not to reinstate the group
13 of 6, but the Board's agent doesn't have that
14 authority. Sylvia, is your contact information
15 on that sheet? Because beyond today
16 communication would be with you. You're
17 representing the entire group of six?

18 MS. CSIFFARY: Yes, ma'am.

19 CHAIRPERSON FLETCHER: And just for the
20 record, one of the protest letters that you
21 submitted that has signatures on it had the name
22 of a person who did not sign the original protest

1 letter -- somebody by the name of Oliver Gorman.

2 MS. CSIFFARY: It's Olivia Gorman.

3 CHAIRPERSON FLETCHER: That's the only
4 one. In one of the protest letters that you sent
5 in with signatures on it, Oliver Gorman signed
6 one of those letters and he was not an original
7 protestant, so he's not recognized as a
8 protestant. He wasn't on the original protest
9 letter that you filed, Oliver Gorman is his name,
10 so --

11 MS. CSIFFARY: It's a lady. Her name is
12 Olivia.

13 CHAIRPERSON FLETCHER: Our staff wrote
14 Oliver, so I will tell her that it's Olivia. She
15 didn't sign the original protest letter, and so
16 she is not recognized as a protestant, but the
17 other individuals, if the protest is reinstated,
18 everyone but Olivia will be a protestant. You
19 can check your record. If you have something to
20 the contrary, let us know. She didn't -- the
21 original protest letter that you submitted, that
22 we received on May 2nd, her name was not on it.

1 Later on, in one of the letters that you
2 submitted with the signatures, she signed one of
3 those letters. You submitted a couple of protest
4 letters with signatures. On one of those, she
5 signed but she wasn't one of the original
6 protestants.

7 MS. CSIFFARY: Thank you.

8 CHAIRPERSON FLETCHER: You're welcome.
9 And also, Sylvia, if you petition the ABC Board
10 for reinstatement of the protest, you'll need to
11 let Mr. Kline know, Andrew Kline. There is one
12 protestant in this matter, ANC 6B. Sylvia if you
13 could jot down these dates, if you're reinstated
14 in time, then you would appear for these dates as
15 well. So, the Status Hearing is June 8th at 9:30
16 a.m. The Protest Hearing is July 27th at 1:30
17 p.m. I'll give you the next available date for
18 mediation. The next available day is Tuesday, May
19 24th at 9:00, 10:00 or 11:00.

20 MS. CSIFFARY: What time please?

21 CHAIRPERSON FLETCHER: At 9:00, 10:00 or
22 11:00.

1 MR. JAYARAMAN: Let's see, May --

2 MR. KLINE: That's 10:00.

3 CHAIRPERSON FLETCHER: 10:00. Is that
4 good for you, ANC?

5 MR. JAYARAMAN: Checking my calendar
6 right now.

7 CHAIRPERSON FLETCHER: Thank you.

8 MR. JAYARAMAN: I cannot do 9:00.

9 CHAIRPERSON FLETCHER: 10:00? Did you
10 say 10:00, Mr. Kline.

11 MR. KLINE: I said 10:00.

12 CHAIRPERSON FLETCHER: Would you like to
13 move another day?

14 MR. JAYARAMAN: Preferably, yes.

15 CHAIRPERSON FLETCHER: Okay. It's gonna
16 be close to the status date but I'll tell you
17 what it is. No, actually, we can do the 31st
18 which is a Tuesday, but it wouldn't be until 2:00
19 in the afternoon.

20 MR. JAYARAMAN: May 31st?

21 CHAIRPERSON FLETCHER: If that work for
22 Mr. Kline.

1 MR. KLINE: That works for me.

2 MR. JAYARAMAN: May 31st at 2:00 p.m.

3 CHAIRPERSON FLETCHER: May 31st at 2:00.

4 MR. JAYARAMAN: Yes ma'am.

5 CHAIRPERSON FLETCHER: That piece of
6 paper is hitting the microphone. It's very noisy
7 for the court reporter. Thank you. Sorry. So,
8 mediation is set for Tuesday, May 31st.

9 MR. JAYARAMAN: Okay. Is there
10 particular location where these will occur?

11 CHAIRPERSON FLETCHER: You'll still come
12 here. Just check in out front. The mediation
13 will be held here probably in ths room.

14 MR. JAYARAMAN: Thank you.

15 CHAIRPERSON FLETCHER: And Mr. Jayaraman,
16 do you have your contact information on that
17 sheet?

18 MR. JAYARAMAN: Yes ma'am.

19 CHAIRPERSON FLETCHER: The Roll Call
20 Hearing is concluded. Thank you very much

21 Whereupon the above-entitled matter was
22 concluded.