

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

2 10:11 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Flavors of India/Marshall's Bar, case
5 number 26-PRO-00022, Sunflower Inc., 2524 L
6 Street NW, license number ABRA 091022. This is a
7 retailer class CT tavern for a license renewal.

8 The protest issues are adverse impact
9 on peace, order, and quiet. My name is LaVerne
10 Fletcher. Is there anyone present on behalf of
11 the applicant?

12 MR. CRICK: I guess that would be me.
13 It's Mark --

14 MS. FLETCHER: One -- no, no, Mark,
15 that would be on behalf of Flavors of
16 India/Marshall's Bar.

17 MR. CRICK: I guess it was a 50-
18 percent chance it was either one, me or him, I
19 guess.

20 MS. FLETCHER: Well, the -- I'm
21 checking right now to see if the applicant is
22 present. Is the -- I don't see the applicant
23 right now, so I'm going to check my emails to see
24 if I received any messages from him and then I'll
25 get back to you. Give me one second.

1 MR. CRICK: Okay.

2 (Pause.)

3 MS. FLETCHER: I don't see any
4 messages from the applicant and he is not
5 present. I'm going to get some information from
6 you, Mr. Crick, and if the applicant has not
7 arrived by then, then I'll move to the next step.

8 MR. CRICK: Okay.

9 MS. FLETCHER: So, I'm trying to get
10 some clarity on who the protestants are in this
11 case. I read your protest letter, Mr. Crick, and
12 you filed as an abutting property owner, right?

13 MR. CRICK: That's correct.

14 MS. FLETCHER: Okay, thank you. So,
15 now, can you state your name and spell it for the
16 record, please?

17 MR. CRICK: I can. It's Mark Crick,
18 C-R-I-C-K.

19 MS. FLETCHER: Thank you. And I see
20 Devin Maier is also present. Mr. Maier, could
21 you state your name and spell it for the record,
22 please?

23 MR. MAIER: Sure, it's Devin, D-E-V-
24 I-N, last name Maier, M-A-I-E-R.

25 MS. FLETCHER: Okay, and JDK, you are

1 on mute.

2 MR. KASS: My name is Jacob Kass, J-
3 A-C-O-B, last name K-A-S-S.

4 MS. FLETCHER: Okay, the last name is
5 spelled A-A-S-S?

6 MR. KASS: K-A-S-S, kilo, alpha,
7 sierra, sierra.

8 MS. FLETCHER: Can you say that
9 again?

10 MR. KASS: K-A-S-S, kangaroo, apple,
11 super, super.

12 MS. FLETCHER: Okay, thank you.
13 That's what we have. I thought I had written it
14 down incorrectly. And Mr. Crick, Mr. Maier, and
15 Mr. Kass, you are also abutting property owners,
16 so we're talking about one protest though, not
17 three, right?

18 MR. MAIER: Correct.

19 MR. CRICK: Yeah, no, we're all
20 together.

21 MS. FLETCHER: You're all together?

22 MR. CRICK: Yeah.

23 MS. FLETCHER: And you filed as an
24 abutting property owner, as a neighboring
25 business next door?

1 MR. CRICK: Yes.

2 MS. FLETCHER: And what's the name of
3 the business next door?

4 MR. CRICK: It's called West End, XL
5 West End. It's an Airbnb, so short-term rentals.

6 MS. FLETCHER: And it's called West
7 End what again?

8 MR. CRICK: The name of the LLC is
9 called XL West End.

10 MS. FLETCHER: How do you spell XL?

11 MR. CRICK: Yeah, just like X, yeah,
12 and then L.

13 MS. FLETCHER: Just the letters?

14 MR. CRICK: Yeah, yeah, just the
15 letters X and L, and then West End.

16 MS. FLETCHER: And what after West
17 End, anything?

18 MR. CRICK: Just LLC.

19 MR. KASS: And I do have, like, our
20 business license number, for example, if that's
21 helpful.

22 MS. FLETCHER: Oh, that's okay. I
23 won't need it. I just need the -- and so, what's
24 the name of the AB&B?

25 MR. CRICK: What's the housing --

1 MS. FLETCHER: What's the name of the
2 business?

3 MR. KASS: Do you want me to take
4 that, Mark?

5 (Simultaneous speaking.)

6 MR. CRICK: Yeah, we don't have a
7 name for the business if that's what you're
8 asking, like that's just -- I mean, it's four
9 apartments that we've been doing short-term
10 rentals on.

11 MS. FLETCHER: Okay.

12 MR. CRICK: So, there's no actual --
13 yeah.

14 MS. FLETCHER: That's fine. Thank
15 you. And you own the building?

16 MR. CRICK: That's correct.

17 MS. FLETCHER: And Mr. Crick, Mr.
18 Maier, and Mr. Kass, you're all members of the
19 corporation? What's the status of Mr. Maier and
20 Mr. Kass?

21 MR. CRICK: Yes, sorry, so I'm one of
22 the owners. Both Devin and Jacob, they work in
23 managing the business, and I guess, like, we're
24 probably a little bit new to this, so we're
25 trying to, I think, you know, by the sounds of

1 it, this is really just an opportunity to set up
2 another meeting by the sounds of it? And I think
3 we brought both Jacob and Devin on just in case
4 there needed to be any evidentiary kind of
5 information brought today.

6 MS. FLETCHER: Okay, I understand,
7 and so the protestant is the XL West End, LLC,
8 and Mark Crick, you're the co-owner.

9 MR. CRICK: That's correct.

10 MS. FLETCHER: And Devin and Maier
11 are, they're not protestants, but they're
12 managers?

13 MR. CRICK: Right.

14 MS. FLETCHER: That's fine.

15 MR. CRICK: That's correct.

16 MS. FLETCHER: I'm just trying to get
17 some --

18 MR. CRICK: No worries.

19 MS. FLETCHER: Yeah, that's perfectly
20 fine. So, the protestant in this matter is XL
21 West End, LLC. You are granted standing as an
22 abutting property owner. The applicant is not
23 present, and so what that means is the
24 application will have to be dismissed because the
25 applicant is not here.

1 MR. CRICK: Right.

2 MS. FLETCHER: So, what's going to
3 happen next is you, Mr. Crick, and the applicant
4 are going to receive a Board order dismissing the
5 application because the applicant is not here,
6 and the applicant will have ten days from receipt
7 of that Board order to ask the Board to reinstate
8 the application.

9 If the Board reinstates the
10 application for good cause -- the applicant has
11 to show good cause for the reason that he is not
12 here today. If the Board reinstates the
13 application, you're going to hear from me to set
14 up a date for mediation, which is what we would
15 be doing today --

16 MR. CRICK: Yeah.

17 MS. FLETCHER: -- if the applicant
18 were here. We would be setting up a date for
19 mediation, a status hearing before the Board, and
20 a protest hearing, but because he is not here, we
21 can't do that.

22 MR. CRICK: Okay.

23 MS. FLETCHER: But if the Board
24 reinstates the application, I will contact you to
25 set up those dates --

1 MR. CRICK: Okay.

2 MS. FLETCHER: -- and then I will
3 schedule a mediation where you know there's an
4 opportunity for you and the applicant to resolve
5 your concerns.

6 MR. CRICK: Okay.

7 MS. FLETCHER: If those concerns
8 can't be resolved, then the case goes forward for
9 a protest hearing.

10 MR. CRICK: Okay, yeah, no, that
11 sounds great. Thank you so much.

12 MS. FLETCHER: You're welcome. Any
13 questions about what happened going forward from
14 you?

15 MR. CRICK: Just so I understand,
16 yeah, the mediation, you said today was actually
17 going to be a mediation call?

18 MS. FLETCHER: So, if the applicant
19 was here today, I would provide you with some
20 dates that are available for mediation --

21 MR. CRICK: To set up --

22 (Simultaneous speaking.)

23 MS. FLETCHER: -- that would be at
24 some point in the future, yes.

25 MR. CRICK: Got you. Okay, no

1 worries. That sounds good.

2 MS. FLETCHER: And so, I will provide
3 -- I'm sorry, go ahead, Mr. Crick?

4 MR. CRICK: And then just, so you
5 would provide us with a few dates, and in terms
6 of the mediation, you know, we would just
7 represent ourselves, and it would be, I guess,
8 someone to help us try to reconcile the
9 differences?

10 How is any of that binding, and where
11 would we, like, kind of feel the, I guess, you
12 know, comfortable enough to walk away from
13 mediation getting, I guess, the changes that we
14 would want?

15 MS. FLETCHER: The -- so, yes, the
16 mediation is conducted by the Board's mediator,
17 and that's me, by the way.

18 MR. CRICK: Okay.

19 MS. FLETCHER: The mediation is
20 conducted by the Board's mediator, and my
21 responsibility is to assist the parties in
22 negotiating a settlement agreement to resolve the
23 protest issues, if possible.

24 MR. CRICK: Okay.

25 MS. FLETCHER: If that can be done to

1 your mutual satisfaction, then that agreement is
2 put in writing in a negotiated settlement
3 agreement.

4 MR. CRICK: Okay.

5 MS. FLETCHER: Once both parties sign
6 that agreement, if the Board approves it, it
7 becomes a condition of the license.

8 MR. CRICK: Perfect, okay.

9 MS. FLETCHER: If the matter is not
10 settled in mediation, and it's not a requirement,
11 the case just moves forward to the protest
12 hearing, but you get a chance to try to resolve
13 your concerns with the applicant.

14 MR. CRICK: Sounds good. I've
15 actually done it before, so, you know, it's part
16 of doing business in the District, so no problems
17 at all.

18 MS. FLETCHER: And just so that you
19 know, mediation is very informal. It's non-
20 evidentiary. So, it's not the hearing. It's
21 just a discussion.

22 MR. CRICK: Got you, yeah, no
23 problems at all.

24 MS. FLETCHER: And --

25 MR. CRICK: That sounds wonderful.

1 MS. FLETCHER: Then I will -- you're
2 going to receive a copy of the Board order, Mr.
3 Crick.

4 MR. CRICK: Okay.

5 MS. FLETCHER: The applicant will
6 have ten days from the Board order to ask the
7 Board to reinstate the application. You're going
8 to be copied on his request. And you'll have an
9 opportunity to be opposed to his request for
10 reinstatement or you can be in agreement with it.

11
12 You get to decide, but if the
13 application is reinstated, then you'll hear from
14 me again, but we'll keep you posted beyond this
15 point because it depends on what the applicant
16 does next.

17 MR. CRICK: No problems. That sounds
18 all good to me. Thank you.

19 MS. FLETCHER: And, well, thank you
20 all very much for coming --

21 MR. CRICK: No worries.

22 MS. FLETCHER: -- and we'll be in
23 touch.

24 MR. CRICK: You stay safe today,
25 LaVerne.

1 MS. FLETCHER: Thank you.

2 MR. CRICK: It's going to get a
3 little -- it's getting scary out there
4 apparently.

5 MS. FLETCHER: Yes, thank you very
6 much. You do the same. Thank you.

7 MR. CRICK: Okay, have a good one.
8 Thank you.

9 MR. KASS: Thank you.

10 MS. FLETCHER: All right, bye,
11 everybody. The roll call hearing in this matter
12 is concluded.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:23 a.m.)

15

16 C E R T I F I C A T E

17 This is to certify that the foregoing transcript
18 was duly recorded and accurately transcribed
19 under my direction; further, that said transcript
20 is a true and accurate record of the proceedings;
21 and that I am neither counsel for, related to,
22 nor employed by any of the parties to this action
23 in which this matter was taken; and further that
24 I am not a relative nor an employee of any of the
25 parties nor counsel employed by the parties, and

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