

DISTRICT OF COLUMBIA+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:           :
                             :
TBC P Street Hotel, LLC    :
t/a The Avery              :
2616 P Street NW          : Roll Call
Retailer C Bed and        : Hearing
Breakfast - ANC 2E        :
License No. 121441        :
Case #22-PRO-00082        :
                             :
(New Application)          :
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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
- MAKHBUBA LUND, Protestant
- ROBERT STOUT, Protestant
- BEVERLY STOUT, Protestant
- ROBERT YAHN, Protestant
- LINDA YAHN, Protestant
- ROBERT HETEM, Protestant
- CONSTANCE ZIMMER, Protestant
- DAVID ABRAMS, Protestant

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

2 (10:38 a.m.)

3 MS. FLETCHER: The last case on the
4 calendar for today is The Avery. This is case
5 no. 22-PRO-00082, TBC P Street Hotel, LLC, 2616 P
6 Street NW, license no. ABRA 121441. This is
7 retailer class C bed and breakfast. It is a new
8 application. The protest issues are adverse
9 impact on peace, order, and quiet. My name is
10 Laverne Fletcher conducting a roll call hearing
11 as the Board's agent. Who is present on behalf
12 of the Applicant?

13 MS. LUND: My name is Mahkbuba Lund.

14 MS. FLETCHER: You're representing The
15 Avery?

16 MS. LUND: No. I'm sorry.

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

19 MS. YOHANNES: Good morning. Sidon
20 Yohannes on behalf of The Avery. That is S-I-D-
21 O-N Y-O-H-A-N-N-E-S.

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

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

1 where the applicant resides.

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

5 MS. LOHSE: Yes. Gwendolyn, G-W-E-N-
6 D-O-L-Y-N.

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

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

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

14 MS. CRUSE: Yes. Karen, K-A-R-E-N,
15 Cruse, C-R-U-S-E.

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

20 MS. LUND: Correct. Yes.

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

23 MS. LUND: 347-530-7992.

24 MS. FLETCHER: Okay. So, that's your
25 telephone number I see there. Would you please

1 spell your name and state it for the record?

2 MS. LUND: Makhbuba, A-K-H-B-U-B-A.

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

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

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

8 MS. LUND: Yes. One moment.

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

11 MS. FLETCHER: Thank you. Anyone
12 else?

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

15 MS. FLETCHER: Is Beverly present?

16 MR. STOUT: Yes.

17 MS. STOUT: Yes, I am.

18 MS. FLETCHER: Anyone else?

19 MS. LUND: Just one moment.

20 MR. YAHN: Robert and Linda Yahn. The
21 last name is spelled Y-A-H-N. First name Robert,
22 R-O-B-E-R-T. And Linda, my wife, L-I-N-D-A.

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

25 MR. YAHN: Yes, she is.

1 MS. YAHN: Yes, I am.

2 MS. FLETCHER: Thank you, Linda.

3 Everyone present signed the protest letter, yes?

4 MR. YAHN: Yes.

5 MR. STOUT: Yes.

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

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

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

13 MR. HETEM: Okay. Thank you.

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

17 MR. HETEM: Thank you.

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

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

24 MS. FLETCHER: It's okay. There are
25 five of you present. If he shows up we'll add

1 him, but there are five of you present.

2 MS. LUND: That's correct, yes.

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

5 MS. LUND: Okay. Thank you.

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

9 MS. FLETCHER: Excuse me.

10 MR. ABRAMS: David Abrams.

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

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

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

18 MR. ABRAMS: Correct.

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

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

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

25 MR. ABRAMS: Yes, ma'am.

1 MS. FLETCHER: Okay. So, I'll call
2 your case in a moment.

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

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

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

15 MS. FLETCHER: Thank you, very much.

16 MR. ABRAMS: Thank you.

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

21 MS. LUND: Thank you.

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

25 MR. HETEM: Yes, Robert Hetem.

1 MS. FLETCHER: Okay. Mr. Hetem, your
2 telephone number ends in 11?

3 MR. HETEM: Yes.

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

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

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

10 MS. ZIMMER: Yes.

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

13 MS. ZIMMER: Yes. It's Constance
14 Zimmer, C-O-N-S-T-A-N-C-E Z-I-M-M-E-R.

15 MS. FLETCHER: D-I?

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

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

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

22 MR. ABRAMS: Yes.

23 MS. FLETCHER: Yes, I know. Mr.
24 Abrams could you state your name and spell it for
25 the record, please?

1 MR. ABRAMS: It's David Abrams, A-B-R-
2 A-M-S.

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

5 MR. HETEM: Yes.

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

21 MR. HETEM: We will do that. No.

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

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

1 MS. FLETCHER: Yes, Ms. Cruse.

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

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

14 MR. HETEM: Yes, definitely.

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

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

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

25 MS. YOHANNES: Sure.

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

7 MR. HETEM: Yes.

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

13 MR. HETEM: We have a bad connection.

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

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

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

1 a group of seven he is a Protestant representing
2 a group of seven.

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

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

14 For The Avery we have as Protestants
15 ANC 2E granted standing. The Citizen's
16 Association of Georgetown granted standing. The
17 group of six represented by Ms. Lund, L-U-N-D, is
18 granted standing. The group of seven represented
19 by Mr. Hetem, H-E-T-E-M, is granted conditional
20 standing because three members from their group
21 are present today and two more need to appear at
22 the upcoming status hearing. The Jerusalem
23 Baptist Church is dismissed because churches do
24 not have standing, and they are not present
25 today.

1 We need to set a date for status
2 hearing, protest hearing, and a mediation. I'm
3 going to give you the date for the status and
4 protest hearing first. The status hearing is set
5 for September 14 at 10:30 a.m. September 14 at
6 10:30 a.m. for the status hearing. The protest
7 hearing is set for October 5. October 5 at 1:30
8 p.m. I'll give you the next available date for
9 mediation. The next available day is Tuesday,
10 August 23 at 10:00 or 11:00 a.m.

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

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

22 MS. LOHSE: I think people should be
23 back then, and we'll also have time to meet with
24 the Applicant at that point, so we can check in
25 with you at that date.

1 MS. FLETCHER: Ms. Yohannes, does that
2 work for you?

3 MS. YOHANNES: Yes, that's fine.
4 September 7 at 11:00 a.m.?

5 MS. FLETCHER: Yes.

6 MS. YOHANNES: Okay. Yes.

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

15 MS. LOHSE: Correct. Yes.

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

21 MS. YOHANNES: Thank you.

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

24 MS. CRUSE: It might be moot, but if
25 the abutting neighbors, of which there were

1 several, find the documentation that they had
2 indicated that they were actually abutting
3 neighbors, what would be the procedure for them
4 to get it back before you?

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

16 MS. CRUSE: Okay. Thank you.

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

19 MS. YOHANNES: Nothing for the
20 Applicant.

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

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

A	C	E	H
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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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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