

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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 IN THE MATTER OF:                   :  
    :  
 Foggy Bottom Grocery, LLC:       :  
 t/a FoBoGro                         :  
 2140 F Street NW                   :  
 License #ABRA-082431               :  
 Retailer Class B                    :  
 License Renewal                     :  
 Case #17-PRO-00086                 :  
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Monday, January 8, 2018

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. LaVerne Fletcher, Agent, presiding.

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

2 10:08 a.m.

3 AGENT FLETCHER: Okay. Would the  
4 parties in the matter of FoBoGro, please, come  
5 forward? The parties in the matter of FoBoGro.  
6 This is Case No. 17-PRO-00086, Foggy Bottom  
7 Grocery, LLC, 2140 F Street, N.W., License No.  
8 ABRA-082431. This is a Retailer Class B License  
9 renewal.

10 The protest issues are adverse impact  
11 on peace, order and quiet; residential parking  
12 and vehicular and pedestrian safety; and real  
13 property values.

14 My name is LaVerne Fletcher. I'm  
15 conducting the Roll Call Hearing as the Board's  
16 Agent.

17 Introductions beginning with the  
18 applicant, please.

19 MR. HOFMANN: Sam Hofmann, that's H-O-  
20 F-M-A-N-N.

21 AGENT FLETCHER: I'm sorry, Sam, would  
22 you spell the last name one more time?

1 MR. HOFMANN: It's H-O-F-M-A-N-N.

2 AGENT FLETCHER: Okay. Thank you very  
3 much.

4 MR. MPRAS: Emanuel Mpras for the  
5 applicant.

6 AGENT FLETCHER: Mr. Mpras, would you  
7 spell your name for the record, please?

8 MR. MPRAS: Yes, ma'am. E-M-A-N-U-E-L  
9 last name M-P-R-A-S.

10 AGENT FLETCHER: Thank you very much.  
11 And present on behalf of ANC-2A?

12 MR. SACCO: Peter Sacco, ANC-2A.

13 AGENT FLETCHER: Mr. Sacco, would you  
14 spell your name for the record, please?

15 MR. SACCO: Yeah. It's Sacco, S-A-C-  
16 C-O.

17 AGENT FLETCHER: Thank you. And  
18 present on behalf of the West End Citizens  
19 Association?

20 MS. KAHLOW: Barbara Kahlow,  
21 Secretary/Treasurer and Cerematics President.

22 AGENT FLETCHER: Ms. Kahlow, would you

1 spell your last name for the record?

2 MS. KAHLOW: Yes. Barbara K-A-H-L-O-  
3 W.

4 AGENT FLETCHER: And, Ms. Maddux,  
5 would you spell your last name?

6 MS. MADDUX: Yes. M-A-D-D-U-X. Thank  
7 you.

8 AGENT FLETCHER: Okay. Thank you.  
9 ANC-2A has standing as a protestant. The West  
10 End Citizens Association has standing as a  
11 protestant.

12 MR. MPRAS: Ms. Fletcher, we would  
13 like to challenge that, please.

14 AGENT FLETCHER: For the West End?

15 MR. MPRAS: Yes.

16 AGENT FLETCHER: Okay. Thank you.

17 MR. MPRAS: And ANC-2A, at this time,  
18 both.

19 AGENT FLETCHER: And what would the  
20 basis be?

21 MR. MPRAS: Okay. ANC-2A, their  
22 protest is here and it clearly states that

1 Commissioners Derek Hamil and Patrick Kennedy are  
2 the representatives in this matter.

3 AGENT FLETCHER: Yes.

4 MR. MPRAS: They are not present. Mr.  
5 Sacco is not authorized to represent them, unless  
6 he has something in writing, thus, the protest  
7 must be dismissed at this time.

8 AGENT FLETCHER: And are you objecting  
9 to the West End Citizens Association as well?

10 MR. MPRAS: Yes. They failed to  
11 follow 25-601(3)(b).

12 AGENT FLETCHER: And what is that?

13 MR. MPRAS: That is standing to file  
14 a protest license. Specifically, a citizen  
15 association incorporated under the laws of the  
16 District of Columbia located within the affected  
17 area has standing provided that the following  
18 conditions are met.

19 Specifically, a resolution concerning  
20 the license application has been duly approved in  
21 accordance with the association's articles of  
22 incorporation or bylaws at a duly called meeting

1 with notice of the meeting given to the voting  
2 body and the applicant at least seven days before  
3 the date of the meeting. That notice was not  
4 given to --

5 AGENT FLETCHER: Okay.

6 MR. MPRAS: -- the applicant. And I  
7 have a copy of the letter they submitted  
8 requesting to meet with the applicant, but no  
9 notice of a meeting is given, which is necessary.

10 AGENT FLETCHER: And the meeting  
11 date --

12 MR. MPRAS: That's correct.

13 AGENT FLETCHER: -- that they held  
14 regarding the -- concerning the application?

15 MR. MPRAS: That's right. Nor is any  
16 evidence that the voting body was informed.

17 AGENT FLETCHER: And do you have a  
18 response to that, Ms. Kahlow or Ms. Maddox?

19 MS. KAHLOW: Yes. It was difficult to  
20 find who the owner was, so we sent -- we still  
21 don't know who the owner is. We sent a certified  
22 letter. We finally got an email back from the

1 person who said they are willing to meet and we  
2 have an email chain that shows the notice of way  
3 more than seven days in advance.

4 And it was bad weather, so only some  
5 of the board came. The rest of them were emailed  
6 thereafter. And all of that is documented in  
7 emails if you would like me to provide it.

8 AGENT FLETCHER: And so you're saying  
9 that the meeting held by the West End Citizens  
10 Association concerning your protest of this  
11 application was -- provided the meeting date  
12 where you were going to hold the meeting?

13 MS. KAHLOW: Yes. It was in the  
14 email.

15 AGENT FLETCHER: Assuring this  
16 application was provided to the applicant?

17 MS. KAHLOW: Well, it was provided to  
18 who the owner told us was the applicant and it  
19 did show that. And it was a meeting of the board  
20 of directors. Under our bylaws, the board of  
21 directors is the one that does these meetings.

22 AGENT FLETCHER: Do you have a copy of

1 that notice that you sent to the applicant?

2 MS. KAHLOW: Let me look and see. I  
3 don't know if I do or not. I do know --

4 MR. MPRAS: And, Ms. Fletcher, I would  
5 state that I did not do the renewal application.  
6 I requested a copy. And the names, addresses of  
7 all the owners are in the application. They were  
8 never notified and --

9 MS. KAHLOW: Who are the owners? I'm  
10 sorry, because we don't know who they are.

11 MS. MADDUX: We have been trying --

12 MR. MPRAS: You are free to request a  
13 copy of the application from ABRA.

14 MS. KAHLOW: We did. We have a copy  
15 right here and we don't have the name of the  
16 owners.

17 MR. MPRAS: Christopher Hart, Seth  
18 Rosenzweig and Christopher --

19 AGENT FLETCHER: Ms. Maddux, if you  
20 could move the mike to the left a little bit, so  
21 that it doesn't -- thank you.

22 MR. MPRAS: Now, Ms. Fletcher, I have



1 a copy of the letter that they submitted and  
2 nowhere does it meet the statute.

3 AGENT FLETCHER: Okay. May I just see  
4 that, please?

5 MR. MPRAS: Yes.

6 AGENT FLETCHER: Thank you.

7 MS. KAHLOW: I don't have it here, the  
8 emails, but I have them and I can provide them  
9 for the -- the notice that the person at George  
10 Washington University said was the person to meet  
11 with.

12 MR. MPRAS: Ma'am, it must be -- the  
13 owner of George Washington University is not a  
14 stakeholder in this matter.

15 MS. KAHLOW: They are the owner and  
16 they told us this is the only person you could  
17 meet with and we did. So we followed -- since  
18 all three people that he mentioned as owners say  
19 they are no longer owners, we asked the owner of  
20 the property and he -- they told us to meet with  
21 Stuart Martin and we sent him an email saying  
22 here is the date of the board meeting.

1                   And I don't have that with me. I'm  
2                   sorry. I didn't know I needed it, but I can  
3                   provide that for the record.

4                   And the letter that we sent by  
5                   certified mail gives the possible dates for a  
6                   meeting and that is in the record. And in that  
7                   we named all the dates and the fellow to whom we  
8                   sent it, Stuart Martin, said this is the only one  
9                   of those dates we could meet. So we met on the  
10                  date he said and time he said and that is in the  
11                  record.

12                  MR. MPRAS: And, ma'am, you have the  
13                  letter. I mean, it is deficient per the statute.

14                  MS. KAHLOW: Well, we gave him a  
15                  choice of dates.

16                  AGENT FLETCHER: And so I have enough  
17                  information right now. I'm just reading through  
18                  some documents. Thank you.

19                  MS. KAHLOW: That's Attachment A to  
20                  our Protest Letter. And his reply was this is  
21                  the only date I can meet of those and then we  
22                  told the board that date. So on that -- on

1 November 25th we wrote and said here are the  
2 possible dates for a board meeting. And then he  
3 responded this is the only one we can do.

4 MR. MPRAS: And, ma'am, Mr. Stuart  
5 Martin is not the owner.

6 MS. KAHLOW: We -- as you know, the  
7 letter is to you -- to FoBoGro, a certified mail  
8 letter and he is the only one that answered. If  
9 -- you know, we sent it by certified mail. He is  
10 the only one that answered. And he is the one  
11 that set -- picked the date of those multiple  
12 dates.

13 MR. MPRAS: And that letter is  
14 deficient pursuant to the statute.

15 MS. KAHLOW: We -- I don't understand  
16 what deficient means.

17 AGENT FLETCHER: So, Mr. Mpras, I  
18 actually have enough information for the record  
19 already, so that -- I'm just reading through some  
20 information.

21 MR. MPRAS: Yes, ma'am.

22 AGENT FLETCHER: Thank you. So thank

1 you, Mr. Mpras. I know, I have this already.

2 Thank you.

3 So ANC-2A does have standing as a  
4 protestant.

5 With respect to the West End Citizens  
6 Association, looking primarily at the actual  
7 Protest Letter that was submitted, the Protest  
8 Letter says "On November 25, as recommended by  
9 the Board's ABRA staff, the West End Citizens  
10 Association sent a certified letter to FoBoGro to  
11 request a meeting as required by ABRA Rule 23  
12 DCMR 25-601(3)(b)."

13 The requirement is actually that you  
14 not request a meeting, but that you hold a  
15 meeting concerning the application and inform the  
16 applicant of the date of that meeting, that is  
17 what -- it's not -- the regulations don't require  
18 that you request a meeting, but that you hold the  
19 meeting and invite the applicant to the meeting  
20 within seven days of the date of the meeting to  
21 be held. And --

22 MS. KAHLOW: We did.

1                   AGENT FLETCHER: Yes, this is you  
2 requested a meeting.

3                   MS. KAHLOW: And then, as you see, the  
4 last line in that paragraph says on December 5th  
5 we met with the person that -- the owner that GW  
6 had recommended and he is the one who responded  
7 to the certified letter.

8                   AGENT FLETCHER: So there was not a  
9 meeting held, there was not a date that you  
10 scheduled a meeting. You hold meetings  
11 concerning applications.

12                   MS. KAHLOW: We wrote the letter. He  
13 responded by email picking one of only date that  
14 we gave. We noticed the board and that -- we  
15 held the meeting. The board plus --

16                   MS. MADDUX: That Thursday.

17                   AGENT FLETCHER: So you are saying  
18 that you had a meeting with the applicant --

19                   MS. KAHLOW: Yes.

20                   AGENT FLETCHER: -- at a date that you  
21 all agreed to?

22                   MS. KAHLOW: Yes.

1                   AGENT FLETCHER:  And that the  
2                   applicant appeared for the meeting?

3                   MS. KAHLOW:  Yes.

4                   AGENT FLETCHER:  Who appeared?

5                   MS. KAHLOW:  So did Mr. Hofmann.

6                   Stuart Martin is the one that George Washington  
7                   University had identified.  It says right in here  
8                   he showed at the meeting and so did this other  
9                   man, Sam Hofmann.  And then we had a proper  
10                  meeting.

11                  MR. MPRAS:  And I would still submit  
12                  the notice requirement was not met.

13                  MS. KAHLOW:  How could it not be met?  
14                  We don't know who -- we did what ABRA told us to  
15                  do.  We sent a certified letter.  They responded  
16                  to the letter and said okay, we only can meet  
17                  this one date.

18                  MR. MPRAS:  How --

19                  MS. KAHLOW:  And we said fine.

20                  MR. MPRAS:  Ma'am, as you know, it  
21                  must be a duly called meeting with notice given  
22                  to the voting body, that means everybody, and the

1 applicant at least seven days and that was not  
2 done. It's clearly obvious.

3 MS. KAHLOW: The boards -- the bylaws  
4 say it's to the board and the board did get  
5 notice.

6 MR. MPRAS: D.C. Law supersedes your  
7 bylaws.

8 AGENT FLETCHER: And so, Ms. Kahlow,  
9 just for my own clarification, I'm going to go  
10 through these steps just one more time. And so  
11 you called a duly noticed meeting where the body  
12 was notified of a meeting and you sent notice and  
13 not requested them to -- you scheduled the  
14 meeting?

15 MS. KAHLOW: Yes.

16 AGENT FLETCHER: And you sent notice  
17 to the applicant saying the meeting is going to  
18 be held on such and such a date and you are  
19 invited to attend. And you did that at least  
20 seven days before the meeting?

21 MS. KAHLOW: Yes. And he responded of  
22 the many dates that we showed in the letter, he

1       responded only one was he able to meet and that's  
2       the date we met, on December 5th.

3               MR. MPRAS:   Ms. Fletcher?

4               MS. KAHLOW:   He picked the date.

5               MR. MPRAS:   And the request -- it's a  
6       request to meet someone.

7               AGENT FLETCHER:   Yes.

8               MR. MPRAS:   It's not a notice of any  
9       meeting.

10              MS. KAHLOW:   It's a notice of the  
11       board meeting.   That's what this says.

12              MR. MPRAS:   So the board meeting is  
13       whenever he wants it to be?

14              MS. KAHLOW:   No.   We said the WECA  
15       board would like to meet with you.   Do any of  
16       these -- he only said one.   He wrote back and  
17       said this is the only date and then we noticed  
18       the board and then we had our meeting.

19              AGENT FLETCHER:   Well, who attended  
20       the meeting on your end, the West End?

21              MS. KAHLOW:   On our end, two of the  
22       five board members and on their end, two people.



1                   AGENT FLETCHER: So it was just a  
2 meeting between the two of you and the applicant?

3                   MR. MPRAS: That's not even a quorum.

4                   AGENT FLETCHER: Was it a duly noted  
5 meeting for the entire board?

6                   MS. KAHLOW: Yes.

7                   AGENT FLETCHER: I'm trying to just --

8                   MS. KAHLOW: For the whole -- all five  
9 board members knew.

10                  AGENT FLETCHER: So but only you and  
11 Ms. Maddux and the applicant attended the  
12 meeting?

13                  MS. KAHLOW: Yes, because it was at a  
14 time -- the only time he could meet was during  
15 the day and other people work and they couldn't--  
16 that's why we asked for preferred in the evening.

17                  AGENT FLETCHER: Was --

18                  MS. KAHLOW: But he wanted it during  
19 the day. So as a consequence, we said to him we  
20 have a problem. You want it during the day. Our  
21 people are meeting, they don't want to take off  
22 from work, but they will or we will consult with

1           them right afterwards, but they were all noticed.

2                       AGENT FLETCHER: Was it a public  
3 notice of the meeting?

4                       MS. KAHLOW: It's -- no. Under our  
5 bylaws, we tell the board of directors. And we  
6 send an email to the board.

7                       AGENT FLETCHER: Mr. Mpras, the  
8 document that you are about to give me, may I see  
9 that again, please?

10                      MR. MPRAS: Yes, ma'am.

11                      AGENT FLETCHER: Did I give you back  
12 the other one?

13                      MR. MPRAS: Not yet. Oh, yes, it's  
14 over here.

15                      AGENT FLETCHER: Okay. That's okay.  
16 I'm good. This is good. Thank you.

17                      MR. MPRAS: Okay. Once again, the  
18 applicants are listed in the renewal application,  
19 and it's not Stuart Martin.

20                      MS. KAHLOW: The owner told us that's  
21 the only person she knew, because the others were  
22 no longer owners. We had to follow -- but we

1 sent the certified letter with these dates to the  
2 -- and he answered.

3 If we don't know who we are following,  
4 this certified letter Stuart Martin is the only  
5 person that the GW identified and who responded.  
6 How are we supposed to guess who they were when  
7 he is the only one who responded saying I can  
8 meet with you?

9 MR. MPRAS: Through the ABRA  
10 application where their names and addresses are  
11 listed.

12 MS. KAHLOW: I'm not -- show us where.  
13 They don't have the names and addresses on the  
14 application ABRA gave us. If you think we have  
15 got, we don't have.

16 MR. MPRAS: What exactly do you have  
17 here then? Here is one --

18 AGENT FLETCHER: And so --

19 MR. MPRAS: -- name and address.

20 MS. KAHLOW: In Pennsylvania.

21 MR. MPRAS: Notice is notice.

22 MS. KAHLOW: We didn't get that part

1 from -- Mr. Sacco gave us the --

2 MR. MPRAS: Address, address.

3 MS. KAHLOW: Okay. We didn't get that  
4 part.

5 MR. MPRAS: Mr. Sacco is not ABRA.

6 MS. KAHLOW: Mr. Sacco got the copy  
7 from ABRA and he shared it with us and that --  
8 pages were not included.

9 AGENT FLETCHER: So, Ms. Kahlow, was  
10 there a resolution?

11 MS. KAHLOW: Yes.

12 AGENT FLETCHER: So there was a  
13 resolution concerning the application?

14 MS. KAHLOW: Yes.

15 AGENT FLETCHER: That was approved by  
16 West End Citizens --

17 MS. KAHLOW: Unanimous vote.

18 AGENT FLETCHER: -- Association?

19 MS. KAHLOW: Yes. It was approved by  
20 the board of directors under our bylaws.

21 AGENT FLETCHER: In accordance with  
22 your articles of incorporation?

1 MS. KAHLOW: Yes.

2 AGENT FLETCHER: So there was a -- so  
3 here is -- so you would consider -- that was a  
4 duly called meeting?

5 MS. KAHLOW: Yes.

6 AGENT FLETCHER: And notice of the  
7 meeting was given to the voting body?

8 MS. KAHLOW: Yes.

9 AGENT FLETCHER: And to the Applicant?

10 MS. KAHLOW: Who we thought was the  
11 Applicant, yes.

12 AGENT FLETCHER: But you invited them  
13 to a meeting?

14 MS. KAHLOW: We invited him by  
15 registered mail.

16 AGENT FLETCHER: Yes, so this is --  
17 really it's a technicality right now. You met --  
18 did you meet -- and you are the owner? Are you  
19 the person that attended the meeting?

20 MR. HOFMANN: I was there.

21 AGENT FLETCHER: You were there. And  
22 did you get at least seven days notice of that

1 meeting? Do you recall?

2 MR. HOFMANN: Um --

3 AGENT FLETCHER: I'm asking Mr. Mpras  
4 just because -- just for my understanding.

5 MR. HOFMANN: I'm not exactly sure  
6 honestly of the date of when it was noticed. I  
7 don't want to say anything without, you know,  
8 exactly knowing that date.

9 AGENT FLETCHER: And when was the  
10 meeting held, Ms. Kahlow?

11 MS. KAHLOW: The certified letter was  
12 November 25th and the meeting was held December  
13 5th. It's in our cover letter paragraph 1 --  
14 paragraph 2.

15 AGENT FLETCHER: The certified letter  
16 was mailed November 25th?

17 MS. KAHLOW: And the meeting was held  
18 on December 5th. If you look at the last sentence  
19 in paragraph 2.

20 MR. MPRAS: And, Ms. Fletcher, with a  
21 certified letter, there is no certified receipt  
22 number or proof of delivery.

1 MS. KAHLOW: I have that. Do you want  
2 that? I have the proof of delivery. I brought  
3 that with me. Just a second.

4 MR. MPRAS: And when sent -- when that  
5 letter is sent to a corporation, it must be sent  
6 to a corporate officer or the registered agent in  
7 order for proper delivery to be in effect.

8 MS. KAHLOW: This is what ABRA told --

9 MR. MPRAS: Per D.C. --

10 MS. KAHLOW: -- us to do.

11 MR. MPRAS: -- Code.

12 MS. KAHLOW: ABRA advised us. We did  
13 what ABRA told us to do.

14 MR. MPRAS: ABRA does not provide  
15 legal advice.

16 MS. KAHLOW: ABRA told us since we --  
17 no one knew who the owner was. Here is the  
18 certified letter acceptance from the Post Office.  
19 Do you want that? And the delivery I have --

20 MR. MPRAS: Ms. Fletcher, I implore  
21 you. I mean, the law is it's a technicality and  
22 it was not followed. They should not be given

1 standing. This sets a very bad precedent.

2 MS. KAHLOW: The Administrative  
3 Guidance was given by ABRA staff and we have the  
4 UPS tracking when it was delivered. We have all  
5 that information with us.

6 AGENT FLETCHER: I'm checking my  
7 calendar. Give me one second, please.

8 MS. KAHLOW: Do you want these, Ms.  
9 Fletcher? Do you want me to submit the UPS  
10 tracking that the certified letter was accepted?

11 AGENT FLETCHER: Yes, I'll get that.

12 MS. KAHLOW: Okay. I have it.

13 AGENT FLETCHER: Okay. So, Ms.  
14 Kahlow, you have that? May I take a look at the  
15 document?

16 MS. KAHLOW: I do. I have the  
17 original and I have the -- do you want the actual  
18 certified mail receipt?

19 AGENT FLETCHER: I won't need that  
20 today. I just wanted to take a look at it.

21 (Simultaneous speaking.)

22 AGENT FLETCHER: Okay. I'm going to



1 give it right back to you.

2 MR. MPRAS: Ms. Fletcher, for legal  
3 purposes --

4 AGENT FLETCHER: So what is this  
5 showing me?

6 MS. KAHLOW: This shows that the  
7 certified letter was accepted and delivered.

8 MR. MPRAS: Ms. Fletcher, for legal  
9 purposes, the green return receipt is required  
10 for all legal proceedings.

11 AGENT FLETCHER: What was that, Mr.  
12 Mpras?

13 MR. MPRAS: The green return receipt  
14 is required.

15 MS. KAHLOW: Yeah, we have it.

16 MR. MPRAS: That's not the green  
17 return receipt. It's the card that is attached  
18 to the envelope.

19 MS. KAHLOW: Certified mail receipt.

20 MR. MPRAS: Nope.

21 AGENT FLETCHER: So here is what I'm  
22 going to do.

1 MS. KAHLOW: I don't understand, Ms.  
2 Fletcher, the post office gave it to me.

3 MS. MADDUX: There is a difference.  
4 If you send it registered/certified, they attach  
5 -- the Post Office attaches the green receipt on  
6 the back of the envelope. Under instructions, we  
7 sent it certified and those were the instructions  
8 from the Post Office as to how it was to be sent.  
9 And that green receipt that is attached to the  
10 envelope is returned as proof of acceptance.

11 MS. MADDUX: If it's --

12 MR. MPRAS: That is the proof.

13 MS. MADDUX: -- registered/certified  
14 versus simply certified.

15 AGENT FLETCHER: Ms. Kahlow, can you  
16 tell me which ABRA staff instructed you on how  
17 to --

18 MS. KAHLOW: Sarah Fashbaugh.

19 AGENT FLETCHER: Sarah's first name is  
20 spelled S-A-R-A-H. Her last name is spelled F-A-  
21 S-H-B-A-U-G-H. Sarah Fashbaugh is our Community  
22 Resources Officer. I'm just stating that for the

1 record.

2 And, Ms. Kahlow, you are saying that  
3 you followed the instructions of Ms. Fashbaugh?

4 MS. KAHLOW: Yes, I spoke to her and  
5 I followed exactly what she said to do.

6 AGENT FLETCHER: For the purposes of  
7 this Roll Call Hearing, I am going to grant  
8 standing to the West End Citizens Association  
9 according to the regulations as I have just read.

10 Mr. Mpras, I'll give this back to you.  
11 There is a technicality. There was no -- you had  
12 a meeting with the Applicant, but it was a  
13 meeting that you invited him to. It wasn't -- I  
14 can't tell, at this moment, if there was -- the  
15 body, the full body was notified, but the meeting  
16 was held with the gentleman who is here today.

17 And so just by the fact that you met  
18 the -- you met not by way of what is typically  
19 required by setting a meeting and giving him  
20 seven days notice to appear, you held the  
21 meeting, invited him and you all agreed upon a  
22 date to meet. But you are saying that the full

1 body of the West End Association was aware that  
2 the meeting was being held?

3 MS. KAHLOW: The full body of the  
4 board was aware.

5 AGENT FLETCHER: The board.

6 MS. KAHLOW: Yes.

7 AGENT FLETCHER: That the meeting was  
8 being held, but only you and Ms. Maddux attended,  
9 but they, the full body, had notice that the  
10 hearing was going to be held?

11 MS. KAHLOW: That is correct.

12 AGENT FLETCHER: And so the meeting  
13 was held.

14 MS. KAHLOW: Yes.

15 AGENT FLETCHER: And Mr. Hofmann has  
16 indicated that he did attend the meeting.

17 MS. KAHLOW: Yes.

18 AGENT FLETCHER: So I'm going to  
19 accept that as you having provided proper notice  
20 the meeting. Of course, Mr. Mpras already knows  
21 that the process would be to motion the Board to  
22 dismiss you as a protestant, if he chooses to do

1 that.

2 But for the purpose of today, I will  
3 grant standing to the West End Citizens  
4 Association.

5 MS. KAHLOW: So we can prepare when we  
6 go to the next stage, I'm not sure what it is  
7 that we didn't do. We followed the advice of  
8 your staff to the T. We gave them multiple  
9 dates. Unfortunately, he picked it during the  
10 business day and the other people couldn't take  
11 off from work. We did exactly what we were told.  
12 We gave multiple dates. We gave five possible  
13 dates and he picked the date and time. We were  
14 trying to be very accommodating.

15 And I can provide all those emails, if  
16 that's necessary.

17 AGENT FLETCHER: Well, what will  
18 happen if Mr. Mpras decides to motion the Board  
19 to dismiss your protest, you will get to provide  
20 the Board with all of that information.

21 MR. MPRAS: Then, Ms. Fletcher, I  
22 would -- if you wouldn't mind requesting copies

1 of their bylaws?

2 AGENT FLETCHER: The Board can request  
3 those when the motion is filed.

4 MR. MPRAS: Very good.

5 AGENT FLETCHER: If they need those.  
6 And they may very well do that, but they will get  
7 that information at that time.

8 We need to set a date for a mediation,  
9 a Status Hearing and a Protest Hearing. I'm  
10 going to give you the date for the Status and  
11 Protest Hearing first.

12 The date for the Status Hearing is  
13 February 14, 2018 at 9:30 a.m.

14 The Protest Hearing is set for March  
15 the 14th at 1:30 p.m.

16 And you will receive notice of these  
17 dates by email, if you just provide us with your  
18 email addresses and contact information. Thank  
19 you.

20 We need to set a date for mediation.  
21 I'll give you the next date that is available.

22 MS. KAHLOW: I need to tell you I will

1 be out of town from the 18th through 29th, so  
2 what's the first date --

3 MS. MADDUX: Of January.

4 MS. KAHLOW: -- of January. So what's  
5 the first date after that?

6 AGENT FLETCHER: Okay. The first date  
7 after that, you are returning on the 29th, Ms.  
8 Kahlow?

9 MS. KAHLOW: Yes, at midnight, so  
10 starting the 30th.

11 AGENT FLETCHER: The next date  
12 available after that is the 30th.

13 MS. KAHLOW: Okay. What time?

14 AGENT FLETCHER: At --

15 MR. MPRAS: Ms. Fletcher?

16 AGENT FLETCHER: Mr. Mpras?

17 MR. MPRAS: I didn't hear you.

18 AGENT FLETCHER: Oh, I'm sorry. The  
19 next date available is January 30 at 9:00, 10:00,  
20 11:00 or 1:00.

21 MS. KAHLOW: I would prefer the later  
22 time, because of jetlag.

1                   MR. MPRAS: Ms. Fletcher, if you want,  
2 we can -- is there -- move it a couple days and  
3 let her get over her jetlag, Thursday or Friday,  
4 if it's available?

5                   AGENT FLETCHER: Friday is the only  
6 date that is not available.

7                   MR. MPRAS: The 1st?

8                   AGENT FLETCHER: The 1st? Oh, the  
9 first of February?

10                  MR. MPRAS: Yes.

11                  AGENT FLETCHER: Oh, okay. So what  
12 about Thursday, February 1, at 9:00, 10:00, 11:00  
13 or 1:00? Does that work?

14                  MR. MPRAS: At 11:00?

15                  MS. KAHLOW: How about 11:00?

16                  AGENT FLETCHER: Does that work for  
17 you, Ms. Maddux, Mr. Sacco? So that's 11:00 on  
18 February 1?

19                  MR. MPRAS: Yes, ma'am.

20                  MS. KAHLOW: It is 11:00 on February  
21 1. Okay.

22                  AGENT FLETCHER: Yes, on Thursday,



1 February 1.

2 MS. KAHLOW: That's okay with you?

3 MS. MADDUX: Yes

4 MS. KAHLOW: Okay.

5 AGENT FLETCHER: Any questions at all?

6 Anyone? Okay. Thank you for coming.

7 The Roll Call Hearing is concluded.

8 MS. KAHLOW: Thank you.

9 AGENT FLETCHER: Thank you.

10 (Whereupon, the Roll Call Hearing was  
11 concluded at 10:34 a.m.)

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Date: 01-08-18

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