

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

ROLL CALL HEARING

+ + + + +

-----  
 IN THE MATTER OF:                   :  
   :  
 2121 K Street, LLC                   :  
 t/a Homeslyce                        :  
 2121 K Street NW                   :  
 License #ABRA-107912               :  
 Retailer Class CR                   :  
 New Application                      :  
 Case #17-PRO-00087                 :  
 -----

Monday, January 8, 2018

+ + + + +

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 10:34 a.m.

3 AGENT FLETCHER: Okay. Would the  
4 parties in the matter of Homestyle -- Homeslyce,  
5 please, come forward? The parties in the matter  
6 of Homeslyce. This is Case No. 17-PRO-00087,  
7 2121 K Street, LLC, 2121 K Street, N.W., License  
8 No. ABRA-107912. This is a Retailer Class CR new  
9 application.

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. JACKSON: Jeff Jackson  
20 representing the Applicant.

21 AGENT FLETCHER: Thank you, Mr.  
22 Jackson. Mr. Jackson, the owner will need to

1 appear at the upcoming Status Hearing. It's fine  
2 that he is not here today.

3 MR. JACKSON: Right.

4 AGENT FLETCHER: He just needs to show  
5 up at the upcoming Status Hearing.

6 And present on behalf of the Group of  
7 5?

8 MR. HERSH: Alexander Hersh.

9 AGENT FLETCHER: Mr. Hersh, is anyone  
10 else here from your group today?

11 MR. HERSH: No, but I have signed  
12 confirmation authorizing me to represent them.

13 AGENT FLETCHER: Yes, we have that in  
14 the record.

15 MR. HERSH: Okay.

16 AGENT FLETCHER: And so thank you for  
17 coming. What that means is that your Group of 5  
18 is granted conditional standing today. At the  
19 upcoming Status Hearing, four other people need  
20 to appear, so that the Board sees five faces.

21 MR. HERSH: Okay.

22 AGENT FLETCHER: But for today, your

1 group is granted --

2 MR. JACKSON: Ms. Fletcher, I would  
3 just like to state we have a similar situation as  
4 the last one, that we never received notice of a  
5 protest from the protestants.

6 AGENT FLETCHER: So you never received  
7 a copy of the protest?

8 MR. JACKSON: Right. That the  
9 protestants wanted to meet. We met with the ANC  
10 and they granted us a stipulated license. And  
11 during that time, no one else mentioned that they  
12 were --

13 AGENT FLETCHER: Well, this is a group  
14 of individuals, so there is no notice  
15 requirement. But, Mr. Jackson, tell me again  
16 what issue you have.

17 MR. JACKSON: That they didn't have a  
18 -- it was posted, the placards was posted, but  
19 they never sent out any notice that they were  
20 willing to meet to discuss some of the issues  
21 that they had with us.

22 AGENT FLETCHER: So that's not a

1 requirement for --

2 MR. JACKSON: Right. That's not a  
3 requirement.

4 AGENT FLETCHER: -- a group of  
5 individuals.

6 MR. JACKSON: I just wanted --

7 AGENT FLETCHER: You're just making  
8 that point?

9 MR. JACKSON: -- right.

10 AGENT FLETCHER: Okay. And, Mr.  
11 Jackson, did you say that there -- you received a  
12 stipulated agreement from the ANC?

13 MR. JACKSON: Correct.

14 AGENT FLETCHER: So that has been  
15 approved by the Board?

16 MR. JACKSON: It has been approved by  
17 the Board.

18 AGENT FLETCHER: So it wasn't a  
19 settlement agreement, but a stipulated license?

20 MR. JACKSON: It was a stipulated  
21 license, correct.

22 AGENT FLETCHER: Okay. The reason I'm

1 clarifying that, Mr. Hersh, just for the record,  
2 is because --

3 MR. JACKSON: And the ANC, excuse me,  
4 did not enter into a settlement agreement with  
5 us.

6 AGENT FLETCHER: And -- thank you. So  
7 there is no settlement agreement, but there is a  
8 stipulated license.

9 Whenever the ANC enters into a  
10 settlement agreement with the establishment, then  
11 the Board will dismiss any group of individuals.  
12 So this is a stipulated license, which is  
13 different from a settlement agreement.

14 So what I'm going to do is this, I'm  
15 going to grant conditional standing to the group.  
16 Mr. Jackson?

17 MR. JACKSON: Um-hum?

18 AGENT FLETCHER: You are going to  
19 raise that issue with the Board?

20 MR. JACKSON: Yes.

21 AGENT FLETCHER: That you think the  
22 group should be dismissed, because there is a

1 stipulated license?

2 MR. JACKSON: Correct.

3 AGENT FLETCHER: I'm going to  
4 determine this to be conditional standing,  
5 because the regulations don't say if there is a  
6 stipulated license, that the Board dismisses the  
7 Group of 5, so they will have to decide in this  
8 case if that's what they are going to do.

9 MR. JACKSON: Okay.

10 AGENT FLETCHER: And so if that  
11 happens, if the Board decides to dismiss the  
12 Group of 5 because there is a stipulated license,  
13 then they will let you know.

14 MR. HERSH: Okay.

15 AGENT FLETCHER: The Group of 5 is  
16 granted conditional standing.

17 And, Mr. Hersh, as I said at the  
18 upcoming Status Hearing, if the other four people  
19 don't appear, the Board would dismiss the  
20 protest.

21 MR. HERSH: Would you be able to  
22 confirm the dates of that Status Hearing one more

1 time?

2 AGENT FLETCHER: I'm going to give you  
3 the dates right now.

4 MR. HERSH: Thank you.

5 AGENT FLETCHER: Uh-huh. Mr. Hersh,  
6 did you put your contact information on that  
7 sheet already?

8 MR. HERSH: Not yet.

9 AGENT FLETCHER: Okay. Thank you.  
10 Then I'll give you the dates.

11 Mr. Jackson?

12 MR. JACKSON: Yes?

13 AGENT FLETCHER: Did you say that the  
14 Board has approved the stipulated license  
15 already?

16 MR. JACKSON: Correct.

17 AGENT FLETCHER: We need to set a date  
18 for a mediation, a Status Hearing and a Protest  
19 Hearing. I'll give you the date for the Status  
20 and Protest Hearing first.

21 The date of the Status Hearing is  
22 January 31, 2018 at 9:30. That's January 31st.



1                   The date for the Protest Hearing is  
2 February 14. February 14 at 4:30.

3                   MR. HERSH: And that's 4:30, you said?

4                   AGENT FLETCHER: Yes.

5                   MR. HERSH: Thank you.

6                   AGENT FLETCHER: Uh-huh. February 14  
7 at 4:30.

8                   Your Status Hearing is January 31st, so  
9 the ideal situation is that the mediation comes  
10 before the Status Hearing, but if that's not  
11 possible, it can be after, but let me see if I  
12 can find somewhere on the calendar before the  
13 31st.

14                   What about January 10, that's a  
15 Wednesday, unless -- Mr. Jackson, do you have any  
16 other business here on Wednesday, January 10?

17                   MR. JACKSON: On Wednesday? No, I  
18 don't.

19                   AGENT FLETCHER: So --

20                   MR. JACKSON: But I have an  
21 appointment on that Wednesday.

22                   AGENT FLETCHER: Okay. What about--

1 MR. HERSH: Are the individuals  
2 required to come to the mediation or would I be  
3 able to represent them?

4 AGENT FLETCHER: You.

5 MR. HERSH: Okay.

6 AGENT FLETCHER: Um-hum. What about  
7 Wednesday, January 17, at 11:30?

8 MR. HERSH: That works for me.

9 MR. JACKSON: 11:30? Is there another  
10 time after that? That same day, but later? A  
11 later time?

12 AGENT FLETCHER: A later time? What  
13 about Tuesday, January 23rd at 9:00, 10:00 or  
14 11:00? That's the 23rd.

15 MR. JACKSON: The 23rd will work better  
16 for me at 9:00 or 10:00.

17 AGENT FLETCHER: It's okay? Is 9:00  
18 good for you, Mr. Hersh?

19 MR. HERSH: 9:00 works for me. And  
20 just for clarification, if we reach a resolution  
21 on the date of mediation, we don't have to appear  
22 at the other hearings?

1                   AGENT FLETCHER: That's right. Once  
2 you submit a settlement agreement for Board  
3 approval --

4                   MR. HERSH: Um-hum.

5                   AGENT FLETCHER: -- they will cancel  
6 the Status Hearing.

7                   MR. HERSH: Okay.

8                   AGENT FLETCHER: And if they approve  
9 the settlement agreement, they will cancel the  
10 Protest Hearing.

11                   MR. HERSH: And right now, we would be  
12 waiting on the Board to decide on the stipulated  
13 agreement to determine if mediation --

14                   AGENT FLETCHER: Yes, we just proceed.

15                   MR. HERSH: Okay.

16                   AGENT FLETCHER: We just proceed.

17                   MR. HERSH: So mediation will happen  
18 on the 23rd?

19                   AGENT FLETCHER: The only way it  
20 wouldn't is if the Board -- if Mr. Jackson  
21 petitions the Board to dismiss your protest,  
22 because there is an approved stipulated license,

1 we will all be informed, including you.

2 MR. HERSH: All right.

3 AGENT FLETCHER: But from this -- at  
4 this point, we are just moving forward.

5 MR. HERSH: Okay.

6 AGENT FLETCHER: So I have mediation  
7 down for Tuesday, January 23rd at 9:00.

8 Okay. Any other questions? Mr.  
9 Hersh, anything?

10 MR. HERSH: No, ma'am.

11 AGENT FLETCHER: Okay. Well, thank  
12 you for coming.

13 MR. HERSH: Thank you, Ms. Fletcher.

14 AGENT FLETCHER: The Roll Call Hearing  
15 is concluded. Thank you. You're welcome.

16 (Whereupon, the Roll Call Hearing was  
17 concluded at 10:44 a.m.)

18

19

20

21

22

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 12:17  able 7:21 10:3  about-- 9:22  <b>ABRA-107912</b> 1:10 2:8  adverse 2:10  <b>Agent</b> 1:17 2:3,16,21  3:4,9,13,16,22 4:6,13  4:22 5:4,7,10,14,18  5:22 6:6,18,21 7:3,10  7:15 8:2,5,9,13,17 9:4  9:6,19,22 10:4,6,12  10:17 11:1,5,8,14,16  11:19 12:3,6,11,14  <b>agreement</b> 5:12,19 6:4  6:7,10,13 11:2,9,13  <b>Alcoholic</b> 1:3,16,16  <b>Alexander</b> 3:8  <b>ANC</b> 4:9 5:12 6:3,9  <b>appear</b> 3:1,20 7:19  10:21  <b>Applicant</b> 2:18,20  <b>application</b> 1:11 2:9  <b>appointment</b> 9:21  <b>approval</b> 11:3  <b>approve</b> 11:8  <b>approved</b> 5:15,16 8:14  11:22  <b>authorizing</b> 3:12</p>	<p>conducting 2:15  confirm 7:22  confirmation 3:12  contact 8:6  <b>Control</b> 1:3,16,16  copy 4:7  correct 5:13,21 7:2 8:16  <b>CR</b> 1:11 2:8</p>	<p style="text-align: center;"><b>H</b></p> <p>happen 11:17  happens 7:11  <b>Hearing</b> 1:5,16 2:15 3:1  3:5,19 7:18,22 8:18  8:19,20,21 9:1,8,10  11:6,10 12:14,16  <b>hearings</b> 10:22  <b>Hersh</b> 3:8,8,9,11,15,21  6:1 7:14,17,21 8:4,5,8  9:3,5 10:1,5,8,18,19  11:4,7,11,15,17 12:2  12:5,9,10,13  <b>Homeslyce</b> 1:9 2:4,6  <b>Homestyle</b> 2:4</p>	<p>meet 4:9,20  mentioned 4:11  met 1:16 4:9  <b>Monday</b> 1:14  moving 12:4</p>
<p style="text-align: center;"><b>B</b></p> <p>beginning 2:17  behalf 3:6  better 10:15  <b>Beverage</b> 1:3,16,16  <b>Board</b> 1:3,16 3:20 5:15  5:17 6:11,19 7:6,11  7:19 8:14 11:2,12,20  11:21  <b>Board's</b> 2:15  <b>Building</b> 1:17  <b>business</b> 9:16</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:17  <b>date</b> 8:17,19,21 9:1  10:21  <b>dates</b> 7:22 8:3,10  <b>day</b> 10:10  <b>decide</b> 7:7 11:12  <b>decides</b> 7:11  <b>determine</b> 7:4 11:13  <b>different</b> 6:13  <b>discuss</b> 4:20  <b>dismiss</b> 6:11 7:11,19  11:21  <b>dismissed</b> 6:22  <b>dismisses</b> 7:6  <b>DISTRICT</b> 1:1</p>	<p style="text-align: center;"><b>I</b></p> <p>ideal 9:9  <b>impact</b> 2:10  <b>including</b> 12:1  <b>individuals</b> 4:14 5:5  6:11 10:1  <b>information</b> 8:6  <b>informed</b> 12:1  <b>Introductions</b> 2:17  <b>issue</b> 4:16 6:19  <b>issues</b> 2:10 4:20</p>	<p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:17 2:7  <b>name</b> 2:14  <b>need</b> 2:22 3:19 8:17  <b>needs</b> 3:4  <b>never</b> 4:4,6,19  <b>new</b> 1:11 2:8  <b>notice</b> 4:4,14,19  <b>NW</b> 1:10</p>
<p style="text-align: center;"><b>C</b></p> <p>calendar 9:12  <b>Call</b> 1:5 2:15 12:14,16  cancel 11:5,9  <b>case</b> 1:12 2:6 7:8  <b>clarification</b> 10:20  <b>clarifying</b> 6:1  <b>Class</b> 1:11 2:8  <b>COLUMBIA</b> 1:1  <b>come</b> 2:5 10:2  <b>comes</b> 9:9  <b>coming</b> 3:17 12:12  <b>concluded</b> 12:15,17  <b>conditional</b> 3:18 6:15  7:4,16</p>	<p style="text-align: center;"><b>E</b></p> <p>enter 6:4  enters 6:9  <b>establishment</b> 6:10  <b>excuse</b> 6:3</p> <p style="text-align: center;"><b>F</b></p> <p>faces 3:20  <b>February</b> 9:2,2,6  <b>find</b> 9:12  <b>fine</b> 3:1  <b>first</b> 8:20  <b>five</b> 3:20  <b>Fletcher</b> 1:17 2:3,14,21  3:4,9,13,16,22 4:2,6  4:13,22 5:4,7,10,14  5:18,22 6:6,18,21 7:3  7:10,15 8:2,5,9,13,17  9:4,6,19,22 10:4,6,12  10:17 11:1,5,8,14,16  11:19 12:3,6,11,13,14  <b>forward</b> 2:5 12:4  <b>four</b> 3:19 7:18</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Jackson</b> 2:19,19,22,22  3:3 4:2,8,15,17 5:2,6  5:9,11,13,16,20 6:3  6:16,17,20 7:2,9 8:11  8:12,16 9:15,17,20  10:9,15 11:20  <b>January</b> 1:14 8:22,22  9:8,14,16 10:7,13  12:7  <b>Jeff</b> 2:19</p>	<p style="text-align: center;"><b>O</b></p> <p><b>Once</b> 11:1  <b>order</b> 2:11  <b>owner</b> 2:22</p>
	<p style="text-align: center;"><b>G</b></p> <p>give 8:2,10,19  <b>grant</b> 6:15  <b>granted</b> 3:18 4:1,10  7:16  <b>group</b> 3:6,10,17 4:1,13  5:4 6:11,15,22 7:7,12  7:15</p>	<p style="text-align: center;"><b>K</b></p> <p><b>K</b> 1:9,10 2:7,7</p> <p style="text-align: center;"><b>L</b></p> <p><b>LaVerne</b> 1:17 2:14  <b>license</b> 1:10 2:7 4:10  5:19,21 6:8,12 7:1,6  7:12 8:14 11:22  <b>LLC</b> 1:9 2:7</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b>  2:1  <b>parking</b> 2:11  <b>parties</b> 2:4,5  <b>peace</b> 2:11  <b>pedestrian</b> 2:12  <b>people</b> 3:19 7:18  <b>petitions</b> 11:21  <b>placards</b> 4:18  <b>please</b> 2:5,18  <b>point</b> 5:8 12:4  <b>possible</b> 9:11  <b>posted</b> 4:18,18  <b>present</b> 3:6  <b>presiding</b> 1:18  <b>proceed</b> 11:14,16  <b>property</b> 2:13  <b>protest</b> 2:10 4:5,7 7:20  8:18,20 9:1 11:10,21  <b>protestants</b> 4:5,9  <b>put</b> 8:6</p>
		<p style="text-align: center;"><b>M</b></p> <p>ma'am 12:10  <b>making</b> 5:7  <b>matter</b> 1:8 2:4,5  <b>means</b> 3:17  <b>mediation</b> 8:18 9:9 10:2  10:21 11:13,17 12:6</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 12:8  <b>quiet</b> 2:11</p> <p style="text-align: center;"><b>R</b></p> <p>raise 6:19  <b>reach</b> 10:20  <b>real</b> 2:12  <b>reason</b> 5:22  <b>received</b> 4:4,6 5:11  <b>record</b> 3:14 6:1  <b>Reeves</b> 1:17  <b>regulations</b> 7:5  <b>represent</b> 3:12 10:3</p>

<b>representing</b> 2:20	<b>willing</b> 4:20	
<b>required</b> 10:2	<b>work</b> 10:15	
<b>requirement</b> 4:15 5:1,3	<b>works</b> 10:8,19	
<b>residential</b> 2:11	<b>wouldn't</b> 11:20	
<b>resolution</b> 10:20		
<b>Retailer</b> 1:11 2:8	<hr/> <b>X</b> <hr/>	
<b>Roll</b> 1:5 2:15 12:14,16	<hr/> <b>Y</b> <hr/>	
<b>Room</b> 1:16	<hr/> <b>Z</b> <hr/>	
<hr/> <b>S</b> <hr/>	<hr/> <b>0</b> <hr/>	
<b>safety</b> 2:12	<hr/> <b>1</b> <hr/>	
<b>sees</b> 3:20	<b>10</b> 9:14,16	
<b>sent</b> 4:19	<b>10:00</b> 10:13,16	
<b>set</b> 8:17	<b>10:34</b> 2:2	
<b>settlement</b> 5:19 6:4,7	<b>10:44</b> 12:17	
6:10,13 11:2,9	<b>11:00</b> 10:14	
<b>sheet</b> 8:7	<b>11:30</b> 10:7,9	
<b>show</b> 3:4	<b>14</b> 9:2,2,6	
<b>signed</b> 3:11	<b>14th</b> 1:17	
<b>similar</b> 4:3	<b>17</b> 10:7	
<b>situation</b> 4:3 9:9	<b>17-PRO-00087</b> 1:12 2:6	
<b>standing</b> 3:18 6:15 7:4	<hr/> <b>2</b> <hr/>	
7:16	<b>2000</b> 1:17	
<b>state</b> 4:3	<b>2018</b> 1:14 8:22	
<b>Status</b> 3:1,5,19 7:18,22	<b>2121</b> 1:9,10 2:7,7	
8:18,19,21 9:8,10	<b>23rd</b> 10:13,14,15 11:18	
11:6	12:7	
<b>stipulated</b> 4:10 5:12,19	<hr/> <b>3</b> <hr/>	
5:20 6:8,12 7:1,6,12	<b>31</b> 8:22	
8:14 11:12,22	<b>31st</b> 8:22 9:8,13	
<b>Street</b> 1:9,10,17 2:7,7	<hr/> <b>4</b> <hr/>	
<b>submit</b> 11:2	<b>4:30</b> 9:2,3,7	
<hr/> <b>T</b> <hr/>	<hr/> <b>5</b> <hr/>	
<b>t/a</b> 1:9	<b>5</b> 3:7,17 7:7,12,15	
<b>tell</b> 4:15	<hr/> <b>6</b> <hr/>	
<b>thank</b> 2:21 3:16 6:6 8:4	<hr/> <b>7</b> <hr/>	
8:9 9:5 12:11,13,15	<hr/> <b>8</b> <hr/>	
<b>today</b> 3:2,10,18,22	<b>8</b> 1:14	
<b>Tuesday</b> 10:13 12:7	<hr/> <b>9</b> <hr/>	
<hr/> <b>U</b> <hr/>	<b>9:00</b> 10:13,16,17,19	
<b>Um-hum</b> 6:17 10:6 11:4	12:7	
<b>upcoming</b> 3:1,5,19 7:18	<b>9:30</b> 8:22	
<hr/> <b>V</b> <hr/>		
<b>values</b> 2:13		
<b>vehicular</b> 2:12		
<hr/> <b>W</b> <hr/>		
<b>waiting</b> 11:12		
<b>wanted</b> 4:9 5:6		
<b>Washington</b> 1:17		
<b>wasn't</b> 5:18		
<b>way</b> 11:19		
<b>Wednesday</b> 9:15,16,17		
9:21 10:7		
<b>welcome</b> 12:15		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Homeslyce

Before: DCABRA

Date: 01-08-18

Place: Washington, DC

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

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701