

Mount Pleasant Neighborhood Alliance Update

MPNA Wins High Marks at ABC Board Motions Hearing

At the ABC Hearing on January 9, there were 3 issues before the Board for discussion:

1. **The issue of standing:** Did MPNA have standing to be a protestant in the termination hearings (challenged by **Rick Massumi**, pro-bono counsel for **Don Juan, Don Jaime, & Haydee**). Mr. Massumi argued that MPNA should not have standing because MPNA does not qualify as an incorporated entity because MPNA's bylaws are *screwy*, and MPNA is *not open to all*, and MPNA has *secret* meetings. Mr. Massumi brought with him what he referred to as "non-hostile" witnesses to prove his argument; those witnesses were: **Jeff Bensing**, former Main Street President; **Amber Gallop**, Hear Mt. Pleasant; **Wayne Kahn**, Hear Mt. Pleasant; **Jack McKay**, ANC Commissioner; and **Roger St. Vincent** who showed up to testify supporting Mr Massumi's argument.

Preliminary Board Ruling: The ABC Board's first ruled that this was a motions hearing; not a fact-finding hearing, and that **Mr. Massumi's request to put witnesses on was DENIED.**

Final Ruling: MPNA has standing to the termination case and their protest is valid. **Massumi's Motion was DENIED.**

2. **Motion to Quash Improper Ex Parte Request for Issuance of Subpoena and Memorandum of Points and Authorities:** Mr. Massumi requested the board to subpoena the MPNA for 22 items, including information which violates the law, is entirely irrelevant to the issue of standing or the immediate pending cases, and outside the jurisdiction of the

pending cases, and outside the jurisdiction of the Board.

MPNA's Counsel's argument: The First Amendment to the Constitution and Due Process Clause of the Fourteenth Amendment. **Mr. Fierberg** cited: *National Association for the Advancement of Colored People v. Alabama*, 357 U.S. 449 (1958), the U.S. Supreme Court considered the propriety of Alabama's equity suit against the NAACP in which it obtained a restraining order preventing the NAACP from conducting business in the state because it had refused to respond to a subpoena seeking the disclosure of its membership list and the addresses of its members.

The legal argument goes on.....**RULING: MPNA's Motion to Quash the Subpoena was GRANTED.**

3. Claudia Schlosberg's Motion to Have Hear Mt. Pleasant Intervene The Hear Mt. Pleasant group protested the *renewals* of ABC licenses and not the *termination* of these licenses. Ms. Schlosberg argued that Hear Mt. Pleasant group also belonged as a protestant of the termination hearing. She argued that Hear Mt. Pleasant had a stake in the hearing and wanted to present their own witnesses, therefore, her group should be awarded standing in the case. MPNA counsel argued that MPNA didn't have a problem with reading the placard and protesting the termination and reading the placard and not protesting the renewal. Historically, no one has ever been granted such request; and Ms. Schlosberg could not claim ignorance as a defense.

RULING: Ms. Schlosberg's Motion was DENIED. The ABC Board ruled that the only true and actual parties to the termination are the licensees and MPNA. Board will not waive standing deadlines or intervention.

UPCOMING ISSUES: Mr. Massumi now has decided to challenge the MPNA standing on the Entertainment Endorsement protest where MPNA was already given standing on December 12. The Board decided to schedule another hearing on Standing:

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January 30 at 10:00 am. One hour will be given to
each side.

MPNA is quite delighted over the ABC Board's
decisions. MPNA hopes this was a helpful explanation
of the process and where we go from here. Stay tuned.

How you Can Help MPNA

MPNA continues to take donations for its **legal fund**, **Operation LiveLink**, and, of course, just plain old **membership** contributions.

You can send it through our PO Box or now we have a safe, secure way to contribute on line.

Visit our membership/donation [page](#) today!

Next meeting: January 22, 7:00 pm Marleny's

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Sincerely,
MPNA Board of
Directors

Questions or comments: Email us at:
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