

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Watergate Hotel Lessee, LLC :

t/a Watergate Hotel : Protest

2650 Virginia Ave NW : Hearing

License No. 91162 : (Status)

Retailer CH :

Case No. 12-PRO-00005 :

ANC 2A :

New Application :

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MARCH 27, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

9:35 a.m.

CHAIRPERSON MILLER: Good morning.

Welcome to the District of Columbia Alcoholic Beverage Control Board. Today is March 27th, 2013.

My name is Ruthanne Miller. I'm the Chairperson. Joining me today to my far right is Mr. Donald Brooks and to my immediate right is Mr. Nick Alberti. And to my immediate left is Mr. Mike Silverstein. We have four members in attendance this morning and seven constitutes a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist's desk.

Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room. If you have any electronic devices, pagers, cell phones or

1 such, please make certain that they're turned
2 off to avoid any interruption of the
3 proceedings.

4 Please note when you come forward
5 for your case, take a seat at the table and
6 sign in on the piece of paper that you'll find
7 on the table. This is important for ensuring
8 the correct spelling of your name for the
9 record.

10 The Open Meetings Act requires
11 that the public hearing on each case be open
12 to the public. The Board may, consistent with
13 Section 405(b) of the Open Meetings Act, enter
14 a closed meeting during or after the public
15 hearing on a case to consult with an attorney
16 to obtain legal advice, discuss settlement
17 agreements or deliberate upon a decision in an
18 adjudication proceeding.

19 Okay. Turning now to our morning
20 calendar, the first case on the calendar is
21 Case No. 12-PRO-00005, Watergate Hotel located
22 at 2650 Virginia Avenue, N.W., License No.

1 91162 in ANC 2A.

2 And it looks like the parties have
3 already come to the table. Great. Would you
4 identify yourselves for the record, please?

5 MR. FONSECA: I'm Michael Fonseca
6 on behalf of the Applicant. With me is Mark
7 Luria with Euro Capital Partners.

8 CHAIRPERSON MILLER: Okay.

9 MS. HARMON: Hi, I'm Florence
10 Harmon. I'm with ANC 2A representing the
11 Protestants. And with me is Armando Irizarry
12 who's the Single Member District commissioner
13 for the Watergate with ANC 2A.

14 MR. SMITH: Good morning. Hi, I'm
15 William Smith. I'm representing the Gang of
16 -- so-called Gang of 13 Protestants.

17 CHAIRPERSON MILLER: Right. Okay.
18 Gang of how many?

19 MR. SMITH: There's 13.

20 CHAIRPERSON MILLER: Thirteen?
21 Okay.

22 MS. DYMOWSKI: Good morning. I'm

1 Julie Dymowski. I'm the attorney for
2 Watergate West and a Protestant. Also there
3 was a group of four members who are
4 protesting.

5 MEMBER SILVERSTEIN: Please speak
6 up.

7 MS. DYMOWSKI: And I have a board
8 member here from the Watergate West Protestant
9 Group.

10 MS. MAITRAN: And I'm Hunog
11 Maitran. I'm the board member of Watergate
12 West.

13 CHAIRPERSON MILLER: Okay. Great.
14 Thank you. So how many different groups are
15 there, four protesting groups or is that --
16 how many are there? There's the ANC.

17 MR. SMITH: I think there's three.

18 CHAIRPERSON MILLER: Three?

19 MR. SMITH: There's two -- oh, no,
20 I'm sorry, four is correct.

21 CHAIRPERSON MILLER: Okay.

22 MR. SMITH: Two on behalf of one

1 -- the building, the board of directors, the
2 Gang of 13 and the ANC.

3 CHAIRPERSON MILLER: Okay.

4 MR. SMITH: That would be four.

5 CHAIRPERSON MILLER: Great. All
6 right. And are there any issues you all need
7 to bring to our attention? Otherwise, I'm
8 just going to schedule this for a protest
9 hearing.

10 MR. FONSECA: Yes, we do
11 anticipate seeking out a board mediation
12 though, just for the Board's information.

13 CHAIRPERSON MILLER: Okay. Good.
14 Good. All right. The protest hearing date is
15 May 8th, 2013, you know, if it goes that far.
16 And in the event it does, I just need to read
17 to you just a few brief instructions to pay
18 attention to.

19 MR. FONSECA: Madam Chair?

20 CHAIRPERSON MILLER: Yes.

21 MR. FONSECA: Did you state the
22 time on the 8th yet?

1 CHAIRPERSON MILLER: No.

2 MS. HARMON: I think it was 4:30.

3 CHAIRPERSON MILLER: What time do
4 you have?

5 MS. HARMON: 4:30.

6 CHAIRPERSON MILLER: 4:30? Well,
7 it's not on my -- okay. Thank you. 4:30.

8 MR. FONSECA: Thank you.

9 CHAIRPERSON MILLER: So May 8th,
10 2013 at 4:30 p.m.

11 Just want to make sure that you
12 all have received in a mailing from
13 Adjudication Assistant Sarah Fashbaugh a
14 letter explaining the protest process and a
15 copy of the Protest Information Form. If you
16 don't have the documents, see Ms. Fashbaugh at
17 the conclusion of the hearing. This is a very
18 important document and it's required that you
19 complete and submit the Protest Information
20 Form, known as a PIF, seven days before the
21 date of the hearing. It needs to be submitted
22 to ABRA and to the opposing parties.

1 If we do not receive a copy of
2 your PIF your application or your protest,
3 whichever side you're representing, may be
4 subject to dismissal, and we would hate to
5 see, you know, a case dismissed on that basis,
6 but that is the rule, so pay attention to
7 that. Just get that PIF in if you're going
8 forward with your protest seven days ahead of
9 time. It's an important form that assists the
10 Board in narrowing the protest issues and
11 facilitating the process and keeping the
12 parties on point at the hearing.

13 So that's all basically I have to
14 say to you all. I want to give you Ms.
15 Fashbaugh's number in case you have any
16 questions leading up to the hearing, and that
17 is (202) 397-3971.

18 So, and if you don't have any
19 questions, then that concludes this status
20 hearing.

21 MS. HARMON: Thank you.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 (Whereupon, at 9:41 p.m. off the
3 record until 10:17 a.m.)

4 CHAIRPERSON MILLER: Okay. We're
5 back on the record. I just want to put
6 something on the record with respect to a case
7 that we had previously while we're waiting for
8 the parties in the Khan case. Just want to go
9 back to Case 12-251-00352, Odalis Restaurant
10 and state that the matter is set for a show
11 cause hearing on April 24th, 2013 at 11:00
12 a.m.

13 (Whereupon, the hearing was
14 concluded at 10:18 a.m.)

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