

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:	*
	*
DC Four Lessee, LLC	*
t/a Hotel Helix	*
1430 Rhode Island Avenue, NW	*
Retailer CH - ANC-2F	*
License No. ABRA-079243	*
Case #15-PRO-00079	*
	*
(Substantial Change - Request to	*
Add a Rooftop Summer Garden)	*

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August 24, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Ms. LaVerne Fletcher, Agent, presiding.

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

2 10:33 a.m.

3 AGENT FLETCHER: Would the parties in  
4 the matter of Hotel Helix, please, come forward?  
5 This is Case No. 15-PRO-00079, DC Four Lessee,  
6 LLC t/a Hotel Helix, 1430 Rhode Island Avenue,  
7 NW, License No. ABRA-079243. This is a Retailer  
8 Class CH substantial change, request to add a  
9 rooftop summer garden.

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

13 My name is LaVerne Fletcher and I'm  
14 conducting the Roll Call Hearing as the Board's  
15 Agent pursuant to D.C. Official Code 1601.2.

16 Introductions beginning with the  
17 applicant, please.

18 MR. O'BRIEN: Stephen O'Brien for the  
19 licensee. I'm accompanied by Chris Hague, H-A-G-  
20 U-E, who is an asset manager with the owner of  
21 the hotel, La Salle Hotel Properties.

22 AGENT FLETCHER: Thank you, Mr.

1 O'Brien. And present on behalf of ANC-2F?

2 MR. TUMA: Pepin Tuma, Vice Chair of  
3 ANC-2F and ANC-2F03 Commissioner.

4 AGENT FLETCHER: Mr. Tuma. And  
5 present on behalf of the group represented by  
6 Allan Friedman?

7 MR. FRIEDMAN: Allan Friedman.

8 AGENT FLETCHER: Mr. Friedman, are  
9 there any other members from your group present  
10 today?

11 MR. FRIEDMAN: No, I'm the secretary  
12 of our association and I have emailed notes.

13 AGENT FLETCHER: Yes, you do. You  
14 have designated -- you have been designated as a  
15 representative --

16 MR. FRIEDMAN: Yes.

17 AGENT FLETCHER: -- in writing. So  
18 that's fine. Your group will be granted  
19 conditional standing today. What that means is  
20 that at the upcoming Status Hearing, the other  
21 four need to appear. But for the purpose of the  
22 Roll Call Hearing, you are granted conditional

1 standing.

2 MR. FRIEDMAN: Okay. Thank you. And  
3 can I ask a quick question, can the other four  
4 send signed documents?

5 AGENT FLETCHER: Yes, that's the  
6 reason you are granted conditional standing.

7 MR. FRIEDMAN: Okay. Thank you.

8 AGENT FLETCHER: Yes, if they had not  
9 been, you would have been dismissed today.

10 MR. FRIEDMAN: Okay. Thank you.

11 AGENT FLETCHER: Because they  
12 designated you in writing.

13 MR. TUMA: But they all need to show  
14 up to the Status Hearing.

15 AGENT FLETCHER: That's right.

16 MR. FRIEDMAN: Oh.

17 AGENT FLETCHER: Because what happens  
18 is that by the Status Hearing, the Board needs to  
19 see at least five faces. So you are one today.  
20 So I can grant you conditional standing today.  
21 At the Status Hearing, five people need to have  
22 appeared in person. But the Board will allow

1 conditional standing to be granted to a group of  
2 five as long as the designated representative  
3 shows up.

4 MR. FRIEDMAN: Thank you. And if I  
5 may ask one more question? Is it possible that  
6 getting five people to appear at one point in  
7 time during a work day is actually quite a  
8 hardship for professionals. Is there any way  
9 that they can send individual designates?

10 AGENT FLETCHER: Nope. Otherwise --

11 MR. FRIEDMAN: There will be five  
12 people complaining --

13 AGENT FLETCHER: -- it will be fine if  
14 you came today. They have to see five.

15 MR. FRIEDMAN: They have to see those  
16 five people?

17 AGENT FLETCHER: Well, I can tell you  
18 that the Status Hearing doesn't last long.  
19 Status Hearings are at 9:30 in the morning and  
20 they take no time, so no -- I know they may have  
21 a difficult time coming, but sometimes people are  
22 concerned about how much time it's going to take

1 once they get down here. It -- they go very  
2 fast. I understand what you are saying. So I'm  
3 assuming you will be here for the Status Hearing?

4 MR. FRIEDMAN: I should be able to be  
5 here for the Status Hearing myself.

6 AGENT FLETCHER: If you are here --

7 MR. FRIEDMAN: I'm worried about  
8 myself working and coming here.

9 AGENT FLETCHER: If you -- if the  
10 matter is resolved before the Status Hearing, if  
11 you -- when you participate in mediation, if the  
12 matter is resolved before the Status Hearing,  
13 it's a non-issue.

14 MR. FRIEDMAN: Okay. Thank you.

15 AGENT FLETCHER: Yes. And so  
16 conditional standing is granted to your group of  
17 five, Mr. Friedman.

18 And present on behalf of another group  
19 of five is Mr. Serkin?

20 MR. SERKIN: Yes. Stuart Serkin, S-E-  
21 R-K-I-N.

22 AGENT FLETCHER: Thank you, Mr.

1 Serkin. Any members from your group present  
2 today?

3 MR. DZIEWEZZYNSKI: Here. I'm Jeffrey  
4 Dziejewzzyński. It's D-Z-I-E-W-E-Z-Z-Y-N-S-K-I.

5 AGENT FLETCHER: Thank you. So there  
6 are two people present. Oh, oh, okay?

7 MR. HIGGINS: Matthew Higgins, H-I-G-  
8 G-I-N-S.

9 AGENT FLETCHER: Thank you, Mr.  
10 Higgins.

11 MS. ARONSSON: Patricia Aronsson, A-R-  
12 O-N-S-S-O-N.

13 MR. SERKIN: And our fifth person  
14 Melissa Stegeman, I have a response email to me  
15 from this morning that she is unable to make it  
16 but designating me, but --

17 AGENT FLETCHER: Yes, you would --  
18 she --

19 MR. SERKIN: -- I have a letter.

20 AGENT FLETCHER: Yes, she did. You  
21 were designated in the protest letter.

22 MR. SERKIN: Okay.

1           AGENT FLETCHER: And so conditional  
2 standing is granted to your group of five. At  
3 the Status Hearing, one more person needs to  
4 appear that is not here today, which would be  
5 Ms.?

6           MR. SERKIN: Stegeman.

7           AGENT FLETCHER: What's her last name?

8           MR. SERKIN: Stegeman, S-T --

9           AGENT FLETCHER: Stegeman.

10          MR. SERKIN: -- E-G-E-M-A-N.

11          AGENT FLETCHER: That's right. So Ms.  
12 Stegeman would need to appear at the Status  
13 Hearing and so you have got four faces today.  
14 You only need to see one more by the Status  
15 Hearing. You can come too, because you are the  
16 designated representative. But in order to be  
17 granted full standing, she will need to appear.

18          MR. SERKIN: Okay. Does that have to  
19 be the five specified people or it could be any  
20 five people within the --

21          AGENT FLETCHER: The five specified  
22 people. The five that signed the protest letter.

1 Yes, so your group, Mr. Serkin, is also granted  
2 conditional standing. If the matter is resolved  
3 in mediation, it's a non-issue, because the  
4 Status Hearing would be canceled.

5 And so we have ANC-2F as a protestant  
6 with standing. The Group of five represented by  
7 Mr. Friedman is granted conditional standing.

8 And the group of five represented by Stuart  
9 Serkin is also granted conditional standing.

10 We need to set a date for a mediation,  
11 a Status Hearing and a Protest Hearing and I'll  
12 give you the date for the Status and Protest  
13 Hearing first. The protest -- the Status  
14 Hearing, I'm sorry, is set for October 14 at 9:30  
15 for the Status Hearing.

16 MR. SERKIN: Yes.

17 AGENT FLETCHER: The Protest Hearing  
18 is set for November the 18th at 1:30. We need to  
19 set a date for the mediation.

20 MR. O'BRIEN: Ms. Fletcher?

21 AGENT FLETCHER: Yes?

22 MR. O'BRIEN: The parties have been in

1 extensive conversations and Commissioner Tuma and  
2 I agreed that it would probably be best to push  
3 the mediation as close to the status as possible,  
4 to see if we can't conclude it without formal  
5 mediation. Is that a fair statement?

6 MR. TUMA: I think so.

7 AGENT FLETCHER: Is that good for  
8 everybody? The -- we can do mediation either on  
9 Thursday, October 8 or the next available date  
10 would be the 13th, which is the day before the  
11 Status Hearing or we can do it the 8th, that  
12 would be closest we can get to the Status  
13 Hearing.

14 MR. O'BRIEN: Let's take October 8th  
15 then.

16 AGENT FLETCHER: Is that going to  
17 work?

18 MR. TUMA: That's fine.

19 MR. O'BRIEN: At 1:00 p.m.?

20 AGENT FLETCHER: That's good. Is 1:00  
21 p.m. good in October?

22 MR. FRIEDMAN: If earlier in the

1 morning is possible, that would be much better  
2 for me to do it as early as possible.

3 AGENT FLETCHER: Mr. O'Brien?

4 MR. O'BRIEN: It's better for us to do  
5 it in the afternoon.

6 AGENT FLETCHER: I know. I know.

7 MR. TUMA: Can I ask --

8 AGENT FLETCHER: Yes?

9 MR. TUMA: So for the Status Hearing,  
10 do each of the groups that have been granted  
11 conditional standing have to present each of  
12 those -- all of those members at each of those  
13 hearings or just some of those hearings?

14 AGENT FLETCHER: Just the designated  
15 representatives.

16 MR. TUMA: The designated  
17 representatives at the mediation?

18 AGENT FLETCHER: Yes.

19 MR. TUMA: But at the Status Hearing,  
20 they have to have the entire --

21 AGENT FLETCHER: Exactly. If you come  
22 to -- if you can get through mediation and

1 resolve this matter before the Status Hearing,  
2 the standing will not be an issue. So if -- or  
3 if you can resolve it outside of mediation,  
4 standing is not an issue and the Status Hearing  
5 would be canceled also.

6 So one at a time, 1:00 and you prefer  
7 early, so let's see what can we do about this?

8 MR. FRIEDMAN: I will, as a concession  
9 to my colleagues, since they have been so  
10 flexible, if -- since I know you have  
11 construction going on and you've got a lot of  
12 management in the morning, I can try to find a  
13 way to meet.

14 AGENT FLETCHER: Ideally, maybe it  
15 will be resolved before then. If that happens --

16 MR. FRIEDMAN: I would like that.

17 AGENT FLETCHER: If there --

18 MR. O'BRIEN: Let me ask this, does  
19 11:00 help?

20 MR. FRIEDMAN: Not substantially, so,  
21 let's do 1:00.

22 MR. O'BRIEN: Okay.

1 MR. FRIEDMAN: Thank you.

2 AGENT FLETCHER: And if the matter is  
3 resolved before that, we will cancel the  
4 mediation, then the Status Hearing and then, of  
5 course, the Protest Hearing if the Board approves  
6 the settlement agreement.

7 So, Mr. Serkin and Mr. Friedman, are  
8 there email addresses on that contact sheet?  
9 Email address and daytime number.

10 MR. FRIEDMAN: I can put them on  
11 there. Thank you.

12 AGENT FLETCHER: Yes, thank you.

13 MR. TUMA: Do I need to enter mine as  
14 well or do you have that?

15 AGENT FLETCHER: What's your last  
16 name?

17 MR. TUMA: Tuma.

18 AGENT FLETCHER: I have you. Mr.  
19 Tuma, it's on your card, right?

20 MR. TUMA: It is.

21 AGENT FLETCHER: You gave me your  
22 card. I have it.

1 MR. TUMA: Great. Thank you.

2 AGENT FLETCHER: Okay. Thank you.

3 Okay. Well, any questions at all? Okay. Well,  
4 thank you for coming. The Roll Call Hearing is  
5 concluded.

6 (Whereupon, the Roll Call Hearing in  
7 the above-entitled matter was concluded at 10:44  
8 a.m.)

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**A**

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