



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

2 (10:49 a.m.)

3 CHAIRPERSON MILLER: Our next  
4 fact-finding hearing is scheduled for 11  
5 o'clock, but if individuals are here we would  
6 be happy to start earlier. That's the case of  
7 DCanter. Mr. Pascal, is everyone here?

8 MR. PASCAL: Yes, we are.

9 CHAIRPERSON MILLER: Terrific,  
10 okay. So this is a fact-finding hearing for  
11 a request to allow the license to rent space  
12 to caterers for wine and beer related events.  
13 Location is 545 8th Street, S.E. I believe  
14 ANC 6B. So would you introduce yourselves for  
15 the record.

16 MR. PASCAL: Paul L. Pascal,  
17 Pascal & Weiss, attorney for the applicant or  
18 the license holder.

19 MR. WARNER: And I'm Michael  
20 Warner. I am the co-owner and managing  
21 director of DCanter.

22 CHAIRPERSON MILLER: Of DCanter,

1       okay.

2                       Okay, Mr. Jones?

3                       MR. JONES:   Again, Earl Jones,  
4       investigator with ABRA.

5                       CHAIRPERSON MILLER:   Okay, I think  
6       that we should start with Mr. Pascal or Mr.  
7       Warner, whoever, describing what it is you  
8       have in mind, and then you can get into how  
9       that comports with our regulations.   Mr.  
10      Pascal, okay.

11                      MR. PASCAL:   Good morning, and  
12      thank you for the opportunity to appear here  
13      today.   DCanter is rather a unique wine and  
14      craft beer operation.   They're located in  
15      Barracks Row on Capitol Hill.

16                      The concept for this was started  
17      by the love of wine, by my client.   He  
18      actually comes from government and private  
19      industry, and left that to open this  
20      operation.

21                      We've offered you a package in  
22      front of you to give you a little

1 presentation. His operation is really to  
2 cater to new enthusiasts and people that love  
3 wine. Actually, if you then turn to the first  
4 page you'll see the exterior of the DCanter.  
5 It's a lovely little shop.

6 There's no advertising on there.  
7 There's artwork on the windows to entice  
8 people to come in for a fine purchasing  
9 experience. And if you go to the next page  
10 you'll see the main retail area.

11 You don't have a lot of bins are  
12 there. You have a lot of fine wines along the  
13 wall. He keeps most of the inventory  
14 downstairs and as he sells things he  
15 replenishes them.

16 So it's a beautiful location. The  
17 beers are in the back. If you then can get an  
18 additional view of the front retail area, the  
19 main area from the back looking forward, again  
20 you see the displays on both sides are very  
21 well done.

22 Next is, and that's why we're here

1 today, is the tasting room. If you go towards  
2 the back and turn right in there, he's created  
3 a tasting room with a table that six people  
4 can sit at. He's got some fine wines and  
5 champagnes located along the wall. The little  
6 bar area in the back is designed and he's got  
7 implementation so that the tasting comport  
8 with the law in terms of the numbers of ounces  
9 that can be poured.

10 If you then look at the next  
11 picture you'll see in the back a video  
12 facility, equipment, and he's already had an  
13 example where he's had video broadcasting of  
14 a winemaker giving a lecture to the people  
15 that are there on the wines that they're  
16 drinking.

17 Up front, it's about is, several  
18 people asked him if he could rent the room out  
19 periodically for small groups of wine  
20 enthusiasts to have an event there. Perhaps  
21 they'd want to bring in a caterer who would  
22 then serve light fare.

1           You know, I recognize that you  
2 cannot have two types of license and there was  
3 no intent in my request to the Board to morph  
4 into where we'd have a restaurant operating  
5 within a B store.

6           What we're looking for is to have  
7 a wine tasting event with light fare. You'll  
8 see the price point that he's established at  
9 \$500 for two hours, will really prohibit, you  
10 know, the day-to-day utilization of this.  
11 This is periodically, people, you know, maybe  
12 some corporate executives that want to sample  
13 fine wines.

14           And so his whole operation is  
15 geared to the fine wines and the education of  
16 wines as shown by the picture before where he  
17 has the video, putting it there where there  
18 can be discussions from experts around the  
19 world. So that was the reason I wrote the  
20 letter to the Board requesting the permission  
21 to periodically rent the room and allow a  
22 caterer to serve light fare at the event.

1           I have no problem if the Board, in  
2           its eminence, wants to establish some  
3           conditions such as limiting the number of  
4           events or the fare that would be served. But  
5           this is why we're here. This is not your  
6           ordinary corner beer and wine store.

7           CHAIRPERSON MILLER: Okay, thank  
8           you. So basically is the issue that --

9           MR. PASCAL: Let me ask if my  
10          client wants to add anything to my  
11          presentation.

12          CHAIRPERSON MILLER: Okay.

13          MR. WARNER: Yes, the purpose of  
14          that room was because a big component of the  
15          store's brand is really that of education.  
16          What we're selling is not commonly available  
17          in most stores throughout the city or even the  
18          region.

19                 And we wanted our customers to  
20          become better informed and better understand  
21          the products. It's really an extension of the  
22          farm to table concept you see in a lot of

1 restaurants, we're really doing farm to  
2 bottle. And we hold classes with some  
3 frequency, usually about once a week, beer and  
4 wine classes, to help educate the consumer.

5 As Mr. Pascal mentioned, we've  
6 already utilized some of that equipment to  
7 hold virtual education sessions with  
8 winemakers in other parts of the world. We  
9 feel that's a very important component of  
10 explaining what's in the bottle beyond just a  
11 drink.

12 And this request has really come  
13 out of people in the neighborhood requesting  
14 to use that room as a unique space, just the  
15 Capitol, whole community, the number of fund  
16 raising events and things that go on. It is  
17 a unique space and it's convenient for those  
18 types of events, and those are the individuals  
19 who are most frequently requesting free use of  
20 the room.

21 CHAIRPERSON MILLER: Okay, thank  
22 you. I would ask you, so basically this is a

1 store with a Class B license that wants to  
2 rent out part of its building to a caterer?

3 MR. PASCAL: No, it would be to an  
4 organization or a group of individuals who  
5 would then want to hire a caterer and be able  
6 to serve, you know, some light fare.

7 CHAIRPERSON MILLER: Right.

8 MR. PASCAL: Some cheese, some  
9 crackers and, you know, maybe some hors  
10 d'oeuvres and things like that while this wine  
11 tasting education is going on and forward.

12 CHAIRPERSON MILLER: Well, so to  
13 someone who would use the caterer's license to  
14 do the --

15 MR. PASCAL: They would engage the  
16 caterer, not my client.

17 CHAIRPERSON MILLER: And who would  
18 be liable for, you know, if something went  
19 wrong during that event?

20 MR. PASCAL: You'd have dual  
21 liability because you'd still have him owning  
22 the premises, and you also then,

1       theoretically, have the caterer liable for the  
2       service.

3                   CHAIRPERSON MILLER: Let me think  
4       a bit for a second. Do others have questions?

5                   MEMBER ALBERTI: Yes, I have some.

6                   CHAIRPERSON MILLER: Why don't you  
7       go ahead while I'm thinking about this?

8                   MEMBER ALBERTI: Good morning, Mr.  
9       Pascal and Mr. Warner. First of all, Mr.  
10      Warner, I've heard nothing but compliments  
11      about your establishment and some of the  
12      educational events that have gone there.

13                   So I'm actually a resident of Ward  
14      6. All I've heard, you're a welcome addition  
15      to Barracks Row. Okay, I'm not quite sure  
16      what I'm hearing about the nature of the  
17      events, okay. I hear wine tasting. I hear  
18      caterer.

19                   So I rent your space for \$500, all  
20      right, for whatever I want to do, right. Does  
21      it have to have a specific purpose or could it  
22      be for whatever I want to do? Could it be a

1 rehearsal dinner for a wedding, a corporate  
2 meeting? I mean are there any limits to this  
3 for the purpose to which I could rent your  
4 space?

5 MR. WARNER: At the end of the day  
6 the limits would really come down to  
7 management discretion. We are not positioning  
8 this and marketing it as a happy hour  
9 destination, per se. We do want to see a  
10 specific purpose.

11 You know, I've kind of in passing  
12 and almost jokingly with the customers said,  
13 we don't want to have a bachelorette party  
14 there. We want to have the wedding shower  
15 that the grandmother attends.

16 MEMBER ALBERTI: I understand.  
17 But my point is, this is not limited to wine  
18 tastings.

19 MR. WARNER: Correct. Because at  
20 the end of the day, between me and the third  
21 party it's a space rental agreement. What  
22 they decide to have with the caterer is

1 ultimately up to them and the caterer.

2 Now the space itself doesn't lend  
3 itself to full meals well. Frankly, the  
4 equipment is not set up and we are legally  
5 limited to the number of people who can fit in  
6 there, which is 16 seated, 25 people standing.  
7 That puts some, you know, legal constraints on  
8 in what can actually occur as well.

9 MEMBER ALBERTI: So now I hire a  
10 caterer, who supplies the alcohol? The  
11 caterer? You?

12 MR. WARNER: The caterer does.

13 MEMBER ALBERTI: The caterer  
14 supplies the alcohol, well, is responsible for  
15 the service of alcohol, correct?

16 MR. WARNER: Is responsible for  
17 the service but also supplies it. I cannot  
18 sell to the caterer.

19 MEMBER ALBERTI: Okay, so you  
20 would not supply alcohol for those events?

21 MR. WARNER: Right.

22 MEMBER ALBERTI: Okay. Your

1 retail establishment would be open during  
2 these events?

3 MR. WARNER: Yes. There is a  
4 doorway that we can close to that room, so  
5 there's a clear demarcation. Our main retail  
6 area is separate from this back room, and  
7 effectively we're cutting off sales during  
8 events to our high end bottles.

9 But most of the regional --

10 MEMBER ALBERTI: What does that  
11 mean? Because why is that?

12 MR. WARNER: As you'll see in the  
13 picture on Page 6 that row of bottles along  
14 the wall is primarily our higher end  
15 selections.

16 MEMBER ALBERTI: Okay.

17 MR. WARNER: So I mean, if an  
18 event is held there it effectively cuts off --

19 MEMBER ALBERTI: Okay. So I see  
20 this one doorway which would be at the rear of  
21 the store, is that correct? I walk into your  
22 store, and as I walk into your store where is

1 the entrance that I'm seeing here in this  
2 tasting room picture?

3 MR. WARNER: If you walk in the  
4 front of the store it's about, I don't know  
5 the exact dimensions, it's in my head, but  
6 probably about 20 feet from the front entrance  
7 to the store at the street to the --

8 MR. PASCAL: Mr. Alberti, if you'd  
9 look at Page 5 --

10 MEMBER ALBERTI: I'm looking at  
11 Page 7, but back on 5?

12 MR. PASCAL: Back on Page 5, yes.  
13 You'll see a counter in the middle there. The  
14 entrance to that room is just to the left of  
15 that.

16 MEMBER ALBERTI: Counter in the  
17 middle. Oh, I see it. Yes. Okay, so if I'm  
18 looking at this, the front of the store is  
19 what I'm looking at in the distance, right?

20 MR. PASCAL: That's correct.

21 MEMBER ALBERTI: I walk in and  
22 that's the sales counter at the front.

1 MR. PASCAL: You would then turn  
2 right.

3 MEMBER ALBERTI: Okay, so that's  
4 where that doorway is that I see there off to  
5 the left. Okay. Now are there other  
6 entrances to that room from this portion of  
7 the retail establishment that's pictured on  
8 Page 5?

9 MR. WARNER: No, there are not.

10 MEMBER ALBERTI: Are there any  
11 other entrances and exits to this back room  
12 anywhere?

13 MR. WARNER: No.

14 MEMBER ALBERTI: So all the people  
15 who would attend the event would have to walk  
16 through your retail area.

17 MR. WARNER: Yes.

18 MEMBER ALBERTI: Is that correct?  
19 Okay. All right. You have quite a well  
20 stocked wine rack there in this back room. I  
21 know these will be genteel events, but I have  
22 to ask, how would you secure that alcohol?

1 Because even in the most trusting crowds  
2 there's always one. So how would you secure -  
3 -

4 MR. PASCAL: I'm sure you're not  
5 speaking from experience.

6 MEMBER ALBERTI: Not at all. Only  
7 from what I've heard. Thank you, Mr. Pascal.

8 MR. WARNER: Yes, I would have to  
9 rely on the caterer to not open any of the  
10 alcohol that is arranged on the shelves.

11 MEMBER ALBERTI: I'm not even  
12 talking about opening. I'm talking about a  
13 large purse.

14 MR. WARNER: Yes. And that risk -  
15 -

16 MEMBER ALBERTI: I mean that too,  
17 but --

18 MR. WARNER: Yes, that risk exists  
19 currently. I mean, there are cameras in the  
20 room and they are recording on a closed  
21 circuit camera. But that risk exists during  
22 the day as well, during normal retail

1 operations.

2 MEMBER ALBERTI: How would you  
3 prevent people from leaving this room,  
4 entering your establishment with wine, food,  
5 whatever. I mean, some of it's restricted and  
6 some of it isn't, but how would you prevent  
7 people from coming into your retail space?

8 MR. WARNER: We have additional  
9 staff people that we put on during events and  
10 we could easily instruct the staff people to  
11 make sure that they are doing some crowd  
12 control at the same time.

13 MEMBER ALBERTI: Pascal mentioned  
14 limiting a number of events. What's your  
15 desire? What are your parameters around that?  
16 I mean, what are your parameters around that?  
17 I mean, if we said oh, you can only have one  
18 in six months, would it bother? Just as an  
19 example, so I'm trying to get an idea from you  
20 what's your parameters around on what you'd  
21 like to do, what you can live with.

22 MR. WARNER: I mean once a week

1 really makes sense. I don't want to cut off  
2 access to that room very often. It really  
3 does have to be worth it for me just because  
4 it is a continuation of the sales area and we  
5 use it for our own purposes for our  
6 educational efforts.

7           Once a week is easily sufficient.  
8 And the sort of demand that we're seeing in  
9 the neighborhood, it exists in times like, you  
10 know, November, December, fund raising season  
11 for the Hill. It doesn't exist during the  
12 summer.

13           MEMBER ALBERTI: You must know  
14 this, but there's an event space right down  
15 the street from you and they are active all  
16 year long.

17           MR. WARNER: I've sent a lot of  
18 people down there because, yes, Amanda, she  
19 does a great job, and it's designed for most  
20 of the requests that we get. So I probably do  
21 five referrals for every one inquiry I start  
22 talking to.

1                   MEMBER ALBERTI:   Okay, thank you.  
2                   I have no further questions.

3                   CHAIRPERSON MILLER:   Others?

4                   I just have a couple more.   I just  
5                   want to make sure I understand the  
6                   arrangement.   You won't be selling your wine.  
7                   You can't be selling your wine to the  
8                   caterers.   Will you be providing wine for  
9                   tasting to the caterers?

10                  MR. WARNER:   No, if the caterer is  
11                  there then all service is responsibility of  
12                  the caterer.

13                  CHAIRPERSON MILLER:   So there's  
14                  going to be no connection between your supply  
15                  and what they're using or serving?

16                  MR. WARNER:   Right.

17                  CHAIRPERSON MILLER:   I don't know  
18                  if this is a question for you or Mr. Pascal,  
19                  but is there any difference then between your  
20                  store asking to use part of this space for  
21                  this type of event and any other building?  
22                  Like the one we just had a case before us

1 where they wanted to use, regardless of what  
2 kind of license they have. There's not a  
3 connection between the fact that you have a  
4 store in which you sell alcohol, it's just the  
5 space that you want to use or is there a  
6 connection I'm missing?

7 MR. PASCAL: Well, I'm not certain  
8 I completely understand, but the business  
9 model that he originally anticipated did not  
10 include what we're here for today. This arose  
11 because a number of people have said, I'd like  
12 to have a unique event there, maybe learn  
13 about wines you have, the video maybe while  
14 we're having our event. We can have the  
15 video, have the winemaker from California talk  
16 about it.

17 So this arose from that. So this  
18 is a unique situation. And so, you know,  
19 we're not seeking that the Board open the  
20 floodgates, but he has a unique room there.  
21 He has a unique request. They can have  
22 security and parameters. So we're asking for

1 a limited opportunity for him to use that  
2 facility.

3 CHAIRPERSON MILLER: Okay. And my  
4 question really was so this is a rental space  
5 question, per se. I mean, it --

6 MR. PASCAL: Yes, that's exactly  
7 right. He's renting out part of his space.

8 CHAIRPERSON MILLER: I mean, he  
9 could conceivably, if he had a clothing store  
10 and he wanted to use this space would there be  
11 a difference?

12 MR. PASCAL: No, actually a  
13 clothing store could engage a caterer and that  
14 caterer could come in and have an event in a  
15 clothing store. And I'm sure it may happen  
16 now and then. That's why the catering law was  
17 created, because otherwise they had to come  
18 down for one-day permits, or a one-day permit  
19 if a catering store wanted that.

20 MEMBER ALBERTI: But the  
21 difference is we have a license here.

22 MR. PASCAL: But the difference is

1 he has a B license. And when he came to me I  
2 said, you know, this is unique, I've got to  
3 write the Board. And that's why we're here.  
4 I mean, I guess, theoretically, you know,  
5 well, it's unique because he has his B  
6 license. But, you know, your clothing store  
7 example --

8 CHAIRPERSON MILLER: Okay, so the  
9 fact that he has his B license is just, we  
10 need to make sure that he's not misusing that  
11 B license or that the relationship between the  
12 B license and this place is what --

13 MR. PASCAL: Red flags went up.

14 CHAIRPERSON MILLER: Okay.

15 MR. PASCAL: Because, you know, a  
16 B license, it's not a food establishment, per  
17 se.

18 CHAIRPERSON MILLER: Right.

19 MR. PASCAL: So because the red  
20 flags were up, wrote the Board and we're here  
21 today.

22 CHAIRPERSON MILLER: Okay.

1                   MR. PASCAL: But bear in mind and  
2 understand that this is not going to be, you  
3 know, something that he's marketing for a lot  
4 of people to come in and hold little events.  
5 I mean, if someone's willing to pay \$500  
6 they've already made a commitment. And like  
7 he says, he has other uses of that space so he  
8 doesn't want it to be that frequently.

9                   But now and then there's a unique  
10 circumstance where he may not want to refer to  
11 the Hill Center, because they want to have the  
12 video equipment and talk about wine. And so  
13 people want to have, maybe, the ambience of  
14 being at his store.

15                   CHAIRPERSON MILLER: And how many  
16 people do you expect to cater to? Not cater,  
17 but you know what I mean, that this is geared  
18 to? Is it two tables of six? Is it a larger  
19 group?

20                   MR. WARNER: The capacity of the  
21 room is capped at 25.

22                   CHAIRPERSON MILLER: Up to 25,

1       okay. And so I've heard up to 25 then and  
2       once a week. And are there specific hours  
3       that you imagine having these events at?

4               MR. WARNER: Well, my store closes  
5       at 9:00 and my license doesn't allow me to  
6       operate beyond 10:00 p.m. So I mean everybody  
7       would have to be out by 10:00.

8               CHAIRPERSON MILLER: Okay, so that  
9       space is subject to your hours of operation.

10              MR. WARNER: Yes.

11              CHAIRPERSON MILLER: Okay,  
12       everybody out by 10:00. Okay. And days in  
13       which you would think that this would be used?

14              MR. WARNER: Any day.

15              CHAIRPERSON MILLER: Are you open  
16       seven days a week?

17              MR. WARNER: We are closed on  
18       Mondays.

19              CHAIRPERSON MILLER: Okay. Mr.  
20       Jones, do you have a question?

21              MEMBER JONES: Not really. I  
22       thought that this was an event that was going

1 to be taking place versus a permission to use  
2 a room. But even listening, a lot of the  
3 questions that I did develop you all have  
4 asked. They have been answered.

5 My only concern would be the,  
6 again the misuse of the license, the Class B  
7 license. There are a lot of times and lot of  
8 instances where we've had cases in the past  
9 where establishments have been used and  
10 caterers have used their establishments and  
11 there have been a lot of things that have  
12 happened because of that. Anything from  
13 violence to them not having their invoices in  
14 place, so there's a lot of things that come  
15 with being a caterer that you have to be aware  
16 of when you use caterers.

17 And also the caterers' licenses  
18 have different hours as well. So there are  
19 some things that you have to kind of look at  
20 when you use these caterers. If your room is  
21 capped out at 25, I think you really want to  
22 know what that caterer is using that space

1 for. Entertainment, those types of things,  
2 you really want to know what that space is  
3 being used for. Because ultimately although  
4 the caterer is using their license it's still  
5 your place. So that's pretty much all I have  
6 to say.

7 MR. PASCAL: I appreciate that.  
8 And bear in mind that my client is a hands-on  
9 manager in this business. It's high  
10 likelihood that while these events are going  
11 on he would be at the establishment.  
12 Certainly his manager would be there.

13 CHAIRPERSON MILLER: Yes?

14 MEMBER ALBERTI: Well, that raises  
15 a question. The question asked, do you  
16 envision offering entertainment? Not you, but  
17 the caterers?

18 MR. WARNER: I mean, frankly,  
19 there's not space.

20 MEMBER ALBERTI: Right, but I have  
21 to ask.

22 MR. WARNER: No, it's a good

1 question, but any sort of entertainment would  
2 be limited to the sound system that we  
3 currently have in place that is just ambience  
4 music. That's all it's designed for.

5 MEMBER ALBERTI: In terms of types  
6 of events, I would envision, and maybe this is  
7 not what you're intending, but I would  
8 envision that wine distributors often come in  
9 and hold wine tastings and dinners at  
10 restaurants to promote their product.

11 Mr. Pascal, you know what I'm  
12 talking about, right? You've been to these.

13 MR. PASCAL: Yes, I know quite  
14 well.

15 MEMBER ALBERTI: I don't know if  
16 they sell them at those. Do you envision at  
17 that and would any sales be associated with  
18 that? Assuming if you were allowed to do  
19 this, I mean that type of event would be  
20 allowed, but the question, would there be  
21 sales associated with that?

22 MR. WARNER: Well, that's actually

1 one type of event that's been brought up by a  
2 number of our distributors that I've actually  
3 said no to, specifically because, and I'm sure  
4 many caterers would disagree with me for very  
5 good reasons, but the wine would really show  
6 best at a well prepared meal, and those sorts  
7 of events are better hosted at the restaurant  
8 facilities that are set up to do those.

9 Now wine sales are usually  
10 associated with events of that nature, but  
11 they require a different pick-up time and, you  
12 know, actually pick up at the store. That's  
13 kind of, it's a different hobby.

14 MEMBER ALBERTI: Yes, but your  
15 store is right there.

16 MR. WARNER: Yes.

17 MEMBER ALBERTI: And that's why  
18 I'm asking, your store is right there. All  
19 right.

20 MR. WARNER: But no, I would not  
21 host one there.

22 MEMBER ALBERTI: But that's just

1 something else for us to -- okay.

2 CHAIRPERSON MILLER: Could you  
3 just recap for me what kind of events you do  
4 anticipate or you do want to lease out the  
5 space for?

6 MR. WARNER: Sure. The most  
7 common requests are like baby or wedding  
8 showers and also what I call fund raisers.  
9 Those are the top requests that we get. The  
10 political fund raising tends to be popular  
11 because the proximity to offices and it's easy  
12 to limit it to a couple hours and be done.

13 MEMBER ALBERTI: What you'd say,  
14 \$500 minimum fee.

15 MR. PASCAL: That's why I say it's  
16 --

17 MEMBER ALBERTI: I'm sorry, I  
18 shouldn't interject those.

19 MR. PASCAL: We understand that  
20 and, you know, that may well be a limiting  
21 factor that with the price point that he's  
22 having there won't be many of these events.

1 But periodically he gets the requests and we'd  
2 like to have the overriding ability.

3 And, you know, we understand, and  
4 bear in my mind they always have supervision.  
5 So then if there's issues that come up now in  
6 the future, the bottom line, his license is at  
7 risk and he understands that.

8 CHAIRPERSON MILLER: So all these  
9 events, are they tied to wine tasting or are  
10 they just their own little baby shower events  
11 and people can serve alcohol?

12 MR. WARNER: They tend to be their  
13 own event. Occasionally we do get requests to  
14 kind of give a lecture about something, give  
15 some background information.

16 But once again that would have to  
17 be a coordination between me and the caterer,  
18 like if the caterer is saying he's serving X  
19 Riesling, I might have to come in and say, you  
20 know, this is how Riesling is known for, it  
21 comes from this region, yada, yada, yada. But  
22 that's me providing an educational service as

1 a service and not selling alcohol.

2 CHAIRPERSON MILLER: Okay. So I  
3 think it wasn't the event, or a  
4 misunderstanding. So the focus of this room  
5 is not to be used for wine tastings, it's to  
6 be used for events in which wine may be  
7 served?

8 MR. PASCAL: It could be both. I  
9 mean, you know, it's based on the request.

10 MR. WARNER: Yes, I mean just  
11 given the location, I anticipate most events  
12 would have kind of a wine theme and, you know,  
13 the caterers would provide charcuterie  
14 cheeses, things that lend themselves, just  
15 because of the nature of the space.

16 CHAIRPERSON MILLER: Okay, so they  
17 would not be selling wine there?

18 MR. WARNER: I would not be.

19 CHAIRPERSON MILLER: You said no  
20 to the -- okay. But one final point. If they  
21 are tasting wine there then they could,  
22 another day, buy it at your store, right?

1 MR. WARNER: Conceivably, yes.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: I think that  
4 raises a question with me again. Basically  
5 there's an opportunity for you to be promoting  
6 your wines at these events?

7 MR. WARNER: Yes, conceivably.

8 CHAIRPERSON MILLER: And how  
9 involved would you be with those events or  
10 would it vary?

11 MR. WARNER: At the end of the day  
12 it will vary. I think the one common  
13 denominator amongst all events is that we  
14 would provide in an operational assistance to  
15 the caterers, allowing them time to properly  
16 set up and tear down and, you know,  
17 coordination of times and things of that  
18 nature.

19 CHAIRPERSON MILLER: Okay. Mr.  
20 Pascal, I want to know exactly what your  
21 request is or where I should look for it as  
22 far as what you've actually asked. I get the

1 general picture of what you're looking for,  
2 but --

3 MR. PASCAL: Just in a sense it's  
4 an advisory opinion allowing him to use that  
5 room and then so you can come back and say,  
6 yes, no, or yes, but here's our limitations.  
7 So that's what it in effect is, it was for an  
8 opinion, permission.

9 CHAIRPERSON MILLER: Yes. Okay,  
10 whether they can use the room and under what  
11 constraints or whatever.

12 MR. PASCAL: In essence, a request  
13 for an advisory opinion.

14 CHAIRPERSON MILLER: Okay. Any  
15 other questions? No. Well, this has been  
16 very helpful. Thank you very much.

17 MR. PASCAL: Thank you.  
18 Appreciate your time.

19 CHAIRPERSON MILLER: And we'll  
20 take a look at it and get back to you soon.

21 MR. WARNER: I appreciate that.  
22 Thank you.

1 CHAIRPERSON MILLER: Okay.

2 MR. PASCAL: I enjoyed the  
3 comments earlier on the Union Market, because  
4 as probably Mr. Alberti knows, in many  
5 respects the Union Market is there because of  
6 me and it's really great to see what's taking  
7 place there.

8 MEMBER ALBERTI: For all of your  
9 efforts to --

10 MR. PASCAL: The fight to preserve  
11 the Market and it's worked.

12 CHAIRPERSON MILLER: What did you  
13 do, for the rest of us, for the record?

14 MR. PASCAL: I started my law  
15 practice in the Market. I was the Market  
16 lawyer for 14 years right around the corner  
17 from what is now the Union Market. My wife  
18 and family owned a substantial number of  
19 warehouses in the Market and have a lot of  
20 clients in other property owners.

21 And about five years ago, or six  
22 years ago there was something called New Town

1 and they were going to tear the whole Market  
2 down. Literally just level it and put, you  
3 know, housing for market-rate people and what  
4 have you.

5 And I put together a group of  
6 merchants and property owners and we resisted  
7 that. And part of my idea of resisting is to  
8 bring another developer in there and get the  
9 four corners bought. So a group called J  
10 Street, Bruce Baschuk, I got him to buy the  
11 old Farmers' Market people at the corner of  
12 4th and Florida, 5th and Florida and couple  
13 other properties, and that way I figured I  
14 would stop this other development team.

15 And he partners with EDENS who  
16 then took over the Farmer's Market and  
17 converted it into Union Market. And my whole  
18 concept of what's happening in the Market is  
19 falling into place.

20 I think everybody wanted to  
21 preserve the historic buildings including my  
22 wife because she owns two of them. And, you

1 know, I had to come home every evening and so  
2 I had to save the Market. And I remember one  
3 council member called me and said, will I be  
4 able to save Litteri's? Litteri's is an  
5 establishment on the Market that's got a --

6 (Crosstalk)

7 MR. PASCAL: Yes, we'll save  
8 Litteri's. So what's happening in the Union  
9 Market is beautiful to see. There's a 120-  
10 seat restaurant application pending before the  
11 board now, and there's other ABC  
12 establishments in there. You know, they've  
13 had drive-in theater. I mean it's really --

14 CHAIRPERSON MILLER: Right, right.

15 MR. PASCAL: -- what they're doing  
16 out there, and EDENS are really marketers. I  
17 mean, so it was the right mix to get in there.  
18 So every time I think about or hear about the  
19 Market, you know, I can rest well that I think  
20 it will go for my children, my grandchildren  
21 and my great-grandchildren.

22 CHAIRPERSON MILLER: Well, thank

1       you.  It is great, yes.

2                   MEMBER SILVERSTEIN:  And whenever  
3       you can match historic preservation with a  
4       good, solid business plan and repurpose and  
5       reuse these things in a positive manner,  
6       that's the greatest thing you can ever do.

7                   MR. PASCAL:  It was interesting,  
8       because when Ms. Tregoning held a series of  
9       charrettes about this New Town, she was  
10      shocked about all the residents in the  
11      neighborhood.  And as you know that  
12      neighborhood is really thinking of how much  
13      they wanted to preserve, especially the  
14      historic end, and keep it as a food market.

15                   You go up there on the weekends,  
16      it's a potpourri of all kinds of ethnic foods.  
17      A lot different than what I was there, and  
18      when I got to the market in '59 it was just  
19      basically poultry, meat and produce.

20                   MEMBER SILVERSTEIN:  And  
21      Litteri's.

22                   MR. PASCAL:  And Litteri's, yes.

1 There were two good steakhouses up there,  
2 Cannon's and Henry's. They're gone, but maybe  
3 we can bring them back. And so there is a  
4 wide variety of ethnic foods there. It's like  
5 an outdoor, it's a shopping center. It's a  
6 shopping center for the city. It's a food  
7 basket for the city.

8 So whenever I see these things  
9 about the Union Market and see the different  
10 things that EDENS is working with these  
11 different groups that are up there it's really  
12 encouraging.

13 MEMBER ALBERTI: It's the only  
14 location in the city like that. I mean it's  
15 the only market like that in the city.

16 MR. PASCAL: Well, that was the  
17 issue when New Town came up. There is no  
18 other space in the city to move another market  
19 area.

20 MEMBER ALBERTI: Right, with small  
21 warehouses or --

22 MR. PASCAL: Yes, even a couple of

1 my large beer, wine and beer halls. You  
2 remember I had an issue before the Board a  
3 couple years ago. We want to build warehouses  
4 elsewhere in the city and there's no place to  
5 put them, and that's an ongoing issue. But  
6 thanks a lot.

7 CHAIRPERSON MILLER: Thank you  
8 very much.

9 MEMBER SILVERSTEIN: Thank you for  
10 all the good you've done, Mr. Pascal.

11 MR. PASCAL: Oh, you're very kind.  
12 Thank you. It's all on behalf of my clients.

13 (Laughter)

14 CHAIRPERSON MILLER: Okay, the  
15 Board's going to recess.

16 (Whereupon, the foregoing matter  
17 went off the record at 11:25 a.m.)

18  
19  
20  
21

|   |  |  |  |  |
|---|--|--|--|--|
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