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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
DC Four Lessee, LLC t/a :
Hotel Helix : Case #15-PRO-00079
1430 Rhode Island Avenue NW : Protest Hearing
License #79243, Retailer CH : (Status)
ANC-2F :
Substantial Change :

- - - - -X

Wednesday, October 21, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

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2 CHAIRPERSON:

3 RUTHANNE MILLER, Presiding

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5 BOARD MEMBERS:

6 DONALD BROOKS

7 NICK ALBERTI

8 HECTOR RODRIGUEZ

9 MICHAEL SILVERSTEIN

10 JAMES SHORT

11

12 ALSO PRESENT:

13 MATTHEW T. MINORA, ESQ.,

14 on behalf of the Licensee

15 LYLE BLANCHARD, Freedman [ph] Group of Five

16 STEWART SARKIN, Group of Five.

17 PEPIN TUMA, ANC-2F

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

2 [9:46 a.m.]

3 CHAIRPERSON MILLER: Next case is another
4 Protesting Hearing Status case, Case No. 15-PRO-
5 00079, Hotel Helix located at 1430 Rhode Island
6 Avenue Northwest, License No. 79243, in ANC-2F.

7 [Pause.]

8 CHAIRPERSON MILLER: Feel free to bring
9 up the chair, if you need to.

10 So, when you are ready, if you would,
11 identify yourselves for the record.

12 MR. MINORA: Matthew Minora from Mallios
13 & O'Brien on behalf of the Licensee.

14 CHAIRPERSON MILLER: Okay.

15 MR. BLANCHARD: Lyle Blanchard
16 representing the Freedman Group of Five.

17 CHAIRPERSON MILLER: Okay.

18 MR. SARKIN: Stewart Sarkin representing
19 another Group of Five.

20 CHAIRPERSON MILLER: Right, okay.

21 MR. TUMA: Pepin Tuma representing ANC-
22 2F.

1 CHAIRPERSON MILLER: Okay, good.

2 Sir, did you say you were representing
3 the Applicant?

4 MR. MINORA: Yes.

5 CHAIRPERSON MILLER: Okay. So we have
6 all the parties covered.

7 Okay. If I recall, the Board granted a
8 motion last week for a continuance so that the
9 Freedman Group would have its five members
10 represented. Is that your understanding?

11 [No audible response.]

12 CHAIRPERSON MILLER: There was an
13 additional person who needed to come today to
14 make up --

15 MR. BLANCHARD: Actually three others --

16 CHAIRPERSON MILLER: Three others, okay.

17 MR. BLANCHARD: -- Chairman Miller, and
18 those three are present this morning. Beth
19 Stewart, Joel Findlay, and Jim Kane.

20 CHAIRPERSON MILLER: Oh, good morning.
21 Okay. So they have actually raised their hands
22 for the record, so that we've seen those three

1 individuals h ere.

2 MR. BLANCHARD: That's the remaining
3 three last week, Katie Gen [ph] and Allen [ph]
4 Freedman were present, and the Board recognized
5 their presence.

6 CHAIRPERSON MILLER: Okay.

7 MR. BLANCHARD: So that's the whole Group
8 of Five.

9 CHAIRPERSON MILLER: Okay. Is there any
10 issue then from the Applicant with respect to the
11 Board recognizing this party as the Party of Five
12 now?

13 MR. MINORA: Party of Five, no.

14 CHAIRPERSON MILLER: Okay, all right.
15 Then you all have standing now as Party of Five.

16 MR. BLANCHARD: Thank you.

17 CHAIRPERSON MILLER: Okay. And I
18 understand --

19 MR. BLANCHARD: I'm sorry to interrupt
20 you. Forgive me.

21 CHAIRPERSON MILLER: Go ahead.

22 MR. BLANCHARD: They're also part of that

1 same group of -- we are claiming to be adjacent
2 owners.

3 CHAIRPERSON MILLER: I understand you
4 have a motion to that effect, correct, that you
5 filed?

6 MR. BLANCHARD: I filed a motion not
7 yesterday, but a week prior, on that Tuesday, and
8 we just received Mr. O'Brien's response in
9 opposition late yesterday. And we have not had
10 time to prepare a response due to the filing of -
11 - timing of his filing. So we'd like to reserve
12 the opportunity to file a written reply within 3
13 days, as is allowed by the Board's regulations,
14 rather than arguing issues this morning.

15 CHAIRPERSON MILLER: Okay. Okay, that's
16 fine. So we'll look for that reply in a few
17 days.

18 Okay. And then we won't hear any
19 argument on the motion at this point.

20 Are there any other -- yes. Any other
21 preliminary matters you want to bring to our
22 attention?

1 [No audible response.]

2 CHAIRPERSON MILLER: Okay. Okay. Then,
3 at this point, that's an outstanding issue, and
4 the Board will deal with it once it has all the
5 papers in.

6 I'm going to set the case for hearing
7 November 18th, 2015, at 1:30 p.m., and you
8 probably heard me say this with respect to the
9 previous cases, so I won't go too much into
10 detail, but make sure you pay attention to
11 Protest Information Forms and exhibit forms that
12 will be sent to you by our office in advance of a
13 hearing, and you will need to submit them to all
14 parties and the Board 7 days ahead of the
15 hearing, if it goes to hearing.

16 And the Protest Information Form will ask
17 you about the issues that are still germane at
18 this point. Sometimes by the time you get to
19 hearing, the issues have been narrowed, and we
20 want to know about what the issues will be at the
21 hearing, and also identify your witnesses by
22 name.

1 The exhibit form will ask you to identify
2 your exhibits and then attach them as well and
3 serve them on parties and the Board.

4 Yeah.

5 MR. TUMA: So pardon me for my -- will
6 there be oral argument on the question of
7 abutting property, owner standing, or are you
8 going to make those decisions on the briefs?

9 CHAIRPERSON MILLER: I don't know yet. I
10 don't know whether the parties are going to be
11 requesting oral argument on it. If you are going
12 to be requesting it, let us know. Sometimes we
13 don't always hear oral argument on every motion,
14 so if there's an opinion at this point, you can
15 express it. Otherwise, you can express it in
16 writing.

17 Do you have an opinion at this point?

18 MR. MINORA: Nothing at this time.

19 CHAIRPERSON MILLER: Do you have an
20 opinion at this time?

21 MR. MINORA: Nothing at this time, no.
22 We'll wait to receive their written response.

1 CHAIRPERSON MILLER: I'm sorry. Can you
2 speak --

3 MR. MINORA: We'll wait until they
4 receive their written response.

5 CHAIRPERSON MILLER: Okay, okay.

6 MR. BLANCHARD: Likewise, Chairperson
7 Miller.

8 CHAIRPERSON MILLER: Okay. So let us
9 know. It's not automatically scheduled.

10 MR. BLANCHARD: [Speaking off mic.]

11 CHAIRPERSON MILLER: So you're all going
12 to wait until all the papers are in and then
13 decide whether to ask the Board?

14 MR. MINORA: Correct.

15 MR. BLANCHARD: Right.

16 CHAIRPERSON MILLER: Okay, good.

17 MR. SHORT: Chairman Miller?

18 CHAIRPERSON MILLER: Yeah.

19 MR. SHORT: What was the hearing date?
20 November?

21 CHAIRPERSON MILLER: Let me -- it is
22 November 18th, 2015, at 1:30 p.m., and I'm not

1 sure if I -- I don't think I got around to saying
2 on the record here, but basically, if you don't
3 identify a witness or you don't identify an
4 exhibit that you should have that you were
5 capable of identifying 7 days in advance and if
6 the other party would be prejudiced by the
7 surprise of that witness -- or exhibit could be
8 excluded, so make sure you get all that in.

9 Okay. Anything else?

10 [No audible response.]

11 CHAIRPERSON MILLER: Okay. Thank you
12 very much.

13 MR. MINORA: Thank you.

14 MR. BLANCHARD: Thank you.

15 CHAIRPERSON MILLER: Have a good day.

16 [Whereupon, at 9:53 a.m., the above-
17 entitled matter concluded.]

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