

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

5 - - - - -X

6 IN THE MATTER OF: :
7 CS Bond ST AB-Holding, LLC, :
8 t/a The Carlyle Hotel : Fact Finding
9 1731 New Hampshire Ave., NW : Hearing
10 License #ABRA-90805 :
11 Retailer Class CH :
12 ANC-2B :
13 Board of Zoning Issue :

14 - - - - -X

15 Wednesday, March 23, 2016

16
17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

21
22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 STACIE GOFFIN.

13 On behalf of the protestant

14 STEPHEN LIEBERMAN,

15 On behalf of the protestant

16 CHARLES ELLIS,

17 On behalf of the protestant

18 RODERIC WOODSON, ESQ.,

19 On behalf of The Carlyle Hotel

20 JENNIFER FARMER,

21 On behalf of The Carlyle Hotel

22

1 MATTHEW WEXLER
2 On behalf of The Carlyle Hotel
3 MARTHA JENKINS, ESQ.
4 On behalf of ABRA
5 DANETTE WALKER,
6 On behalf of ABRA
7 APRIL RANDALL,
8 On behalf of ABRA
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

2

3 CHAIRMAN ANDERSON: All right. We are --
4 I will now call, um, The Carlyle Hotel, Case #908
5 -- I'm sorry, The Carlyle Hotel, License #90805,
6 and this is a fact finding hearing. Will the
7 parties please approach and identify themselves
8 for the record?

9 (Silence)

10 (Off-mic speaking)

11 CHAIRMAN DONOVAN ANDERSON: Um, would the
12 parties identify themselves for the record,
13 please?

14 MS. STACIE GOFFIN: Um, Stacie Goffin, S-
15 t-a-c-i-e G-o-f-f-i-n.

16 CHAIRMAN DONOVAN ANDERSON: And who are
17 you, ma'am? Who are you in relation to this case?
18 Can you identify your --

19 MS. STACIE GOFFIN: Um, I am
20 representing, uh, the protestants.

21 CHAIRMAN DONOVAN ANDERSON: Okay.

22 MR. STEPHEN LIEBERMAN: My name is

1 Stephen Lieberman, S-t-e-p-h-e-n L-i-e-b-e-r-m-a-
2 n. I'm also a protestant and an abutting property
3 owner to the hotel.

4 CHAIRMAN DONOVAN ANDERSON: Yes, sir?

5 MR. CHARLES ELLIS: My name is Charles
6 Ellis. E-l-l-i-s is the last name, uh, Charles
7 the way you would expect.

8 CHAIRMAN DONOVAN ANDERSON: Yes.

9 MR. CHARLES ELLIS: Uh, I'm an abutting
10 property owner on the other side, at, uh, 1725
11 New Hampshire.

12 CHAIRMAN DONOVAN ANDERSON: Okay.

13 MR. CHARLES ELLIS: And I'm also a
14 protestant.

15 CHAIRMAN DONOVAN ANDERSON: Yes?

16 MR. RODERIC WOODSON: Uh, good morning,
17 uh, Chairman, uh, Anderson, and, um, members of
18 the Committee, uh, and the Board. I'm Roderic
19 Woodson, partner at Holland & Knight, and along
20 with my colleague, uh, to my far left, uh, uh,
21 Jennifer Farmer, uh, we are Counsel to The
22 Carlyle. And to my left is --

1 MR. MATTHEW WEXLER: Good morning, my
2 name is Matthew Wexler. I'm the president of the
3 managing member of The Carlyle Hotel.

4 CHAIRMAN DONOVAN ANDERSON: All right.
5 Um, we have a -- the purpose of this hearing is
6 that the protestant, I think, have filed motions
7 that the Board stay its decision on the
8 applicant's substantial change to the location,
9 pending a final decision from the Board of Zoning
10 and -- and Adjustment. Um, so it's -- the
11 protestant, they bear the burden on this issue,
12 so maybe the protestant can let us know, um, why
13 is it that we're here, and why is it that you
14 want the -- the, um -- the Board to act as you so
15 require? And, um, who's speaking for the --
16 You're speaking, ma'am? Ms. --

17 MS. STACIE GOFFIN: Uh --

18 CHAIRMAN DONOVAN ANDERSON: -- Goffin?

19 MS. STACIE GOFFIN: Yes.

20 CHAIRMAN DONOVAN ANDERSON: Yes. And
21 there's a microphone in front of you -- Yeah. You
22 can speak close to that, yes.

1 MS. STACIE GOFFIN: If you can't hear me,
2 um, let me know, and --

3 CHAIRMAN DONOVAN ANDERSON: No, it's --
4 No, we can hear you. I mean, it's -- it's being
5 recorded, so --

6 MS. STACIE GOFFIN: Okay.

7 CHAIRMAN DONOVAN ANDERSON: All right.

8 MS. STACIE GOFFIN: Um, good morning. My
9 name is, again, Stacie Goffin, and I reside at
10 1737 New Hampshire Avenue, #2, a property that is
11 close to but does not abut, um, the applicant's
12 property. And I'm joined by, um, Charlie Ellis,
13 who's an abutting owner at 1725 New Hampshire
14 Avenue, and Stephen Lieberman, who's an abutting
15 owner at 1735 New Hampshire Avenue. And again,
16 thank you for the opportunity today and
17 appreciate your, um, consideration of our
18 concern.

19 So I'm speaking on behalf of a group of
20 non-abutting as well as abutting protestants,
21 many of whom also belong to a group of neighbors
22 who successfully challenged Building Permit

1 #B1504436, issued by the District of Columbia
2 Department of Consumer and Regulatory Affairs on
3 March 19, 2015, which allowed work to be -- to be
4 performed at 1731 New Hampshire Avenue, NW,
5 otherwise known, um, as The Carlyle Hotel.

6 Our challenge of the permit, formally
7 submitted to the Board of Zoning Administration
8 on April 17, 2015, as BZA Appeal 19027,
9 maintained that the work allowed by the permit
10 violated four specific zoning regulations, and at
11 the BZA public hearing on October 27, 2015, the
12 BZA set forth a ruling in favor of our appeal,
13 concluding that DCRA erred when they issued the
14 building permit.

15 Between the issuance of the building
16 permit and the BZA ruling on our appeal, the
17 hotel proceeded with and completed the work
18 described by the permit. At some point in the
19 near future, the BZA will issue a final, written
20 order in which it will describe the correction
21 act -- corrective actions that the hotel must
22 take since the work completed is in violation of

1 zoning regulations, and depending upon the
2 content of the impending BZA written order, the
3 hotel has publicly indicated it may appeal that
4 BZA ruling. Any appeal action by the hotel would
5 further delay the resolution of the outstanding
6 zoning -- zoning violations at the hotel.

7 So we are here today to request that you
8 please defer taking any action on the referenced
9 ABRA application process until the BZA issues its
10 final written order, and until it is known
11 whether the hotel will appeal. And at present,
12 the hotel is requesting consideration of an ABRA
13 application for beverage and entertainment uses
14 within a property that has been cited for
15 violating city zoning regulations --

16 MS. RUTHANNE MILLER: I'm sorry, uh,
17 could you repeat that? I had trouble hearing what
18 you just said.

19 MS. STACIE GOFFIN: Sure.

20 (Off-mic speaking)

21 MS. RUTHANNE MILLER: Are we under
22 testimony?

1 (Simultaneous speaking)

2 MS. STACIE GOFFIN: Oh, I'm sorry

3 (inaudible) --

4 MS. RUTHANNE MILLER: But, uh, I --

5 MS. STACIE GOFFIN: -- received all this.

6 Yes. So --

7 MS. RUTHANNE MILLER: Okay. Could you
8 just repeat that (inaudible) --

9 MS. STACIE GOFFIN: Absolutely, and I'm
10 on the one, two, three, fourth paragraph.

11 MS. RUTHANNE MILLER: Okay.

12 MS. STACIE GOFFIN: Okay. And I'm
13 repeating, then, um, the last sentence, I think -
14 -

15 MS. RUTHANNE MILLER: Okay.

16 MS. STACIE GOFFIN: -- which is where --
17 So at --

18 MS. RUTHANNE MILLER: Thank you.

19 MS. STACIE GOFFIN: -- present, the hotel
20 is requesting consideration of an ABRA
21 application for beverage and entertainment uses
22 within -- (coughing) excuse me -- a property

1 that's been cited for violating city zoning
2 regulations.

3 And the final result of the ongoing BZA
4 appeal process is -- is directly related to the
5 hotel's ABRA application because the BZA's final,
6 written order may require a reduction in and
7 other alterations to commercial uses within the
8 hotel, and these are the same uses that are the
9 subject of the ABRA application. And it's for
10 these reasons that we believe it's premature for
11 the ABC Board to consider the hotel's
12 application.

13 So to provide some context for our appeal
14 to the BZA: Carlyle Hotel is situated in an R-5-D
15 residential zone. It is completely surrounded by
16 abutting and non-abutting residential properties
17 situated in R-5-D and R-5-B residential zones, as
18 defined by the zoning regulations of the District
19 of Columbia. The R-5 districts are general
20 residence districts that are designed to permit
21 flexibility of design by permitting diverse types
22 of urban residential development in a single

1 district if they conform to the general
2 requirements established by these districts.

3 MR. RODERIC WOODSON: Uh, Mr. Chairman.

4 CHAIRMAN DONOVAN ANDERSON: Yes.

5 MR. RODERIC WOODSON: Uh, please allow me
6 to interrupt for a moment. Um, the -- what this
7 is, is a recitation of an argument about zoning.
8 And what --

9 CHAIRMAN DONOVAN ANDERSON: She's giving
10 -- she's giving -- and -- and -- and, um, I know,
11 Mr. Woodson, as lawyers -- and she's giving her
12 opening statement, and then I'm going to give you
13 an opportunity to respond. I'm looking at it for
14 the first time, but I can't really tell her not
15 to. But I -- I -- I do hear your pain, sir.

16 MR. RODERIC WOODSON: I'll have much more
17 to say about this.

18 (Laughter)

19 CHAIRMAN DONOVAN ANDERSON: Yes. You will
20 get that opportunity.

21 MR. RODERIC WOODSON: Thank you, Mr.
22 Chairman.

1 CHAIRMAN DONOVAN ANDERSON: Go ahead,
2 ma'am.

3 MS. STACIE GOFFIN: Thank you. So, hotels
4 in existence as of May 16, 1980, may continue to
5 operate in an R-5-D zone, provided that the gross
6 floor area of the hotel is not increased, and the
7 total area within the hotel devoted to the
8 function rooms, exhibit space, and commercial
9 adjuncts is not also increased.

10 The Carlyle Hotel is also subject to the
11 Dupont Circle Overlay District, which is defined
12 by the zoning regulations, and as I quote, "The
13 Dupont Circle area is a unique resource to the
14 District of Columbia that must be preserved and
15 enhanced. Strong protections are needed to retain
16 its low scale, predominantly residential
17 character, independent small retail businesses,
18 human scale streetscapes, and historic character,
19 given the high-density development pressures
20 caused by the proximity of the Central Employment
21 Area and Dupont Circle Metrorail Station. The
22 purpose of the Overlay District is to enhance the

1 residential character of the area by maintaining
2 existing residential uses and controlling the
3 scale, location, and density of commercial and
4 residential development."

5 The zoning regulations make it very clear
6 that the hotel sits in a residential district
7 that specifically and explicitly prohibits
8 expansion of commercial enterprises within the
9 district, and the full text of the zoning
10 regulations are included in Exhibit 1 for
11 reference.

12 And the reason we, I think, are here, and
13 in a part, anticipation of the, um, opportunity
14 for exchange is, we recognize some of what we are
15 representing may be seen as falling outside the
16 jurisdiction of the ABC Board. However, it's our
17 understanding that it is well within the
18 jurisdiction of the Board to determine when it
19 holds its hearings and when it makes its
20 decisions, and that's the request that we are
21 making.

22 At the public hearing, the BZA addressed

1 each of the four points of our appeal. They are
2 put forth -- they put forth no ruling on two of
3 the points, stating that they had no
4 jurisdiction, and then the BZA ruled unanimously
5 in our favor on the remaining two points, that
6 the permit allowed work that expanded the hotel's
7 commercial adjunct and meeting room spaces, and
8 created commercial adjunct spaces that would be
9 visible from the sidewalk, both of which violate
10 ongoing cur -- uh, excuse me, current zoning
11 regulations. And again, we've provided y'all
12 supplementary documents in case you would like to
13 see the basis for what we are saying, and did not
14 share those with y'all because we realize y'all
15 already had access to them.

16 Um, it's general practice for the BZA to
17 issue a final, written order following the public
18 hearing, and this written order will provide
19 specific directions on how the rulings put forth
20 at the hearing are to be implemented in order to
21 correct the zoning violations, and based on the
22 ruling at the public hearing, the written order

1 may alter the size, location, and/or
2 configuration of the hotel's commercial spaces so
3 they are in compliance with zoning regulations.

4 The impending BZA written order leaves
5 the final status of the hotel's commercial spaces
6 in limbo. We believe, therefore, that it's
7 premature for the ABC Board to rule on an
8 expansion of the hotel's liquor license. Along
9 similar lines, we're also wondering whether one
10 city agency should consider an application
11 pertaining to a property that another city agency
12 has deemed in violation of city regulations.

13 On behalf of our group of protestants, we
14 request that you postpone all action on this
15 application until the BZA issues its final,
16 written order and until it's known whether the
17 hotel plans to appeal that order. So by way of
18 restatement, while we gave you zoning information
19 in order to provide a context for our request,
20 our request, we believe, does fall within the
21 jurisdiction -- your jurisdiction, which is to
22 determine the timing, and it is the question of

1 the timing that we are asking you to please
2 reconsider. Thank you very much.

3 CHAIRMAN DONOVAN ANDERSON: So just -- so
4 you're asking us to -- to stay this matter for
5 how long?

6 MS. STACIE GOFFIN: Until the BZA issues
7 its, um, ruling, written order, and we know
8 whether or not the hotel is going to, um -- I
9 think the word is "follow through" on what it has
10 publicly said is a likely appeal of that, uh,
11 written order.

12 CHAIRMAN DONOVAN ANDERSON: So what's
13 this timeline, then?

14 MS. STACIE GOFFIN: So --

15 CHAIRMAN DONOVAN ANDERSON: A year? Two
16 months, three months? What's the timeline?

17 MS. STACIE GOFFIN: Yeah. Uh, the BZA
18 dictates its own timeline, but our understanding,
19 in terms of timing -- and you probably, sir, can
20 maybe answer this question better than we can --
21 but we should be in the -- within, we're hoping,
22 a month, um, or so to be hearing the BZA's

1 written order.

2 MR. FARMER: Just to clarify --

3 CHAIRMAN DONOVAN ANDERSON: Yeah, and I -
4 - and I --

5 MR. FARMER: There's no --

6 CHAIRMAN DONOVAN ANDERSON: -- I'm -- I'm
7 -- I'm coming to you. I -- I just -- I mean, the
8 request is for us to -- to -- to -- to not -- to
9 postpone our order, but it can't be indefinite.
10 It -- you -- you would have to -- I mean, if
11 you're asking for a postponement, it has to be a
12 reasonable period of time, so -- I would assume,
13 without making a decision.

14 So that's why I'm just asking, What time
15 period? Because you -- if the -- assuming
16 arguendo, if the Board was to approve -- was --
17 was -- was to -- would agree with you, I don't --
18 I'm not sure if it would be appropriate for the
19 Board to say that we're going to suspend this
20 matter for a year, waiting for some other entity
21 to make a decision, and if that -- once that
22 entity makes a decision, is the applicant going

1 to appeal, and if the applicant appeals, how long
2 is that process going to be? So therefore, we're
3 -- we're basically talking about that -- you're
4 asking for us to not make a decision until the
5 appeal process. And it could go to the Supreme
6 Court, and so therefore -- So I'm just trying to
7 get some clarification.

8 MS. STACIE GOFFIN: Right. Yeah.
9 Hopefully, that, um, expression is not one that
10 comes to fruition. Um, I'd certainly be willing
11 to, um, confer with my, you know, fellow, um,
12 representatives here to -- to propose what might
13 seem to be a reasonable, um, date, and if anyone
14 actually can advise us in terms of, you know, you
15 have the date for when the BZA made its decision.

16 We understood that it's sometime in the
17 near future is when they should be making their,
18 um -- you know, making their written order
19 public, and so we would know. And then, it's our
20 understanding, from what's been publicly, um,
21 expressed to us, is, depending upon what that
22 written order says is when the hotel will make

1 its decision. I obviously cannot, um, anticipate
2 that decision on the hotel's behalf.

3 CHAIRMAN DONOVAN ANDERSON: Mr. Woodson?

4 MR. RODERIC WOODSON: Allow me to stand,
5 Mr. Chairman. I think that I want to stand for
6 this.

7 CHAIRMAN DONOVAN ANDERSON: Okay. That's
8 fine.

9 MR. RODERIC WOODSON: Um, this has been
10 an all very interesting exercise in fact finding,
11 and that's why we're here. It's a fact finding.
12 The Board has already issued an order denying the
13 motion to, um, stay. But I find it fascinating
14 that we wind up arguing, in this forum, the
15 merits of a BZA proceeding.

16 What is it that we're actually here
17 talking about? We're here talking about a change
18 in an ABC license, which is currently in
19 existence and which currently has all of the, um,
20 authority that the license allows. The only thing
21 that we've asked for in the -- the, uh,
22 substantial change request is an increase in

1 hours -- an increase in hours, not whether the
2 license is validly existing, not whether the
3 license parameters are correct, not whether the
4 licensee has the authority to operate the license
5 as it's currently undertaking. The only thing at
6 issue is a change in hours.

7 Now, while I -- I give due -- due
8 deference to, um, the proponent's statements of
9 fact to the record, this is a fact finding
10 record. It is not subject to an adjudicatory
11 function. We are in an adjudication, and while an
12 adjudication has specific evidentiary
13 requirements, this is evidence which is
14 irrelevant, and I would object to any inclusion
15 of any of this into any record associated with
16 the ABC Board's proceeding. It is irrelevant, and
17 it is not germane to the issues at hand.

18 Now, to the extent that the proponents
19 are asking for a delay to allow the BZA to act,
20 we have that kind of thing happen in (audio
21 breaks up). There are parallel proceedings which
22 go on in administrative agencies in the regular

1 course of business, but administrative agencies
2 such as the Board, such as the Zoning Commission,
3 such as BZA, and others, have specific record
4 requirements for their own proceedings. Can you
5 imagine if we would go into the BZA proceeding
6 and argue about the effect of the BZA decision on
7 ABC proceedings? Uh, it's -- it -- it's a non
8 sequitur. It doesn't connect.

9 Um, the lastly is this: What we have is a
10 -- is a, um, oral action from the BZA. That is
11 not a decision that's recognizable by law. It has
12 to be accompanied with findings of fact that are
13 conclusions of law. Until that happens, there is
14 no BZA order. Despite a ruling from the bench, it
15 has no legal effect.

16 I would submit to you that what we have
17 here is a straightforward issue about changes in
18 hours. If the -- assuming, as the chairman points
19 out -- assuming arguendo that the BZA agrees to
20 all of that, that's not going to change the
21 license. The license is preexisting, and has
22 always existed, at The Carlyle. There was a

1 license present in The Carlyle for ABC service
2 prior to the current ownership. So we have no
3 issue about the validity and appropriateness of
4 the presence of this license. Only issue here is
5 whether a change in hours that is the subject of
6 the applicant's request is at issue and
7 appropriate.

8 I could go on --

9 (Laughter)

10 MR. RODERIC WOODSON: -- but I think you
11 get the point. Um, I object to this. I think it
12 is -- not only is it inappropriate for the ABC
13 Board to even consider delaying its own action
14 indefinitely, but I also think, procedurally,
15 that we are in a tight spot. This is -- the
16 Board, uh, encouraged the fact finding, and we're
17 here for that purpose.

18 To what extent is the record in a fact
19 finding going to be available and useful in the
20 adjudication itself? We have not -- we have not
21 had -- and even if the Board were to look at this
22 as a proper motion for adjudicatory action, it

1 has not been the subject of -- of cross-
2 examination. It has not been the subject of -- of
3 written challenge. It -- we are here having a
4 discussion.

5 I submit to you that none of this -- none
6 of this -- is applicable to the Board, that this
7 -- this request from the protestants -- I'm not
8 even sure if there are prote -- because we don't
9 have a protestant proceeding today. What we have
10 is a group of people who have showed up and asked
11 the Board to take action, not in the context of
12 the protest, but just in the context of a
13 discussion. I suggest to you that all of this is
14 inappropriate, and, um, I request the Board to,
15 um, not take any action and to move forward with
16 the substantial change request.

17 CHAIRMAN DONOVAN ANDERSON: Yes, ma'am.

18 MS. STACIE GOFFIN: May I have an
19 opportunity to respond?

20 CHAIRMAN DONOVAN ANDERSON: It's a fact
21 finding -- Uh, we're fact -- And I -- as I -- as
22 Mr. Woodson stated, I mean, the application --

1 the -- the application that was before us is just
2 a change in hours. Is that correct? From your --
3 is -- that is what you're challenging, the change
4 in hours -- the substantial change in hours
5 application that was made before the Board?

6 MS. STACIE GOFFIN: So let me -- I'll --
7 I think that needs to be parsed a bit, if I may.

8 MR. MATTHEW WEXLER: That -- that's
9 correct.

10 MS. STACIE GOFFIN: We are not -- we are
11 not here challenging, at this particular moment -
12 - we are not challenging the fact that there is,
13 uh, a request to extend the hours for liquor --
14 hours for the liquor license and for
15 entertainment. We're here making a request,
16 saying that there is -- we're not rehashing the
17 merits of the BZA appeal. We are here because in
18 light of not knowing the status of the BZA appeal
19 -- and prepared to give you a date -- that there
20 are ways in which their request might be -- need
21 to be modified as a result of what the BZA's
22 written order is.

1 So we're not protesting the merit, and we
2 are, in fact, a part of a larger group of
3 protestants who are protesting their extension of
4 hours and entertainment, and there is a mediation
5 process currently going on in which the ANC is
6 presently, actively engaged in helping to ensure
7 that the parties are speaking with one another.
8 So that is a process that is going on in
9 parallel.

10 As a citizen, I might add that the
11 coordination of the Government's agencies, and
12 the way in which their decision-making and
13 operations affect us, as residents, is --

14 CHAIRMAN DONOVAN ANDERSON: Hold on. I'm
15 --

16 MS. STACIE GOFFIN: I'm sorry --

17 CHAIRMAN DONOVAN ANDERSON: Let me -- I
18 don't mean to -- I don't mean to cut you off. I
19 guess I'm -- At least in my mind, and I -- and I
20 -- and I think, as Mr. Woodson stated, that I
21 need you to address that issue, because the Board
22 can only rule on issues that are before us. And

1 so the -- and so the only issue that I think that
2 the Board was asked to -- to -- to -- to rule on
3 was the substantial change application. So that's
4 the only issue.

5 I mean, if there are other issues, that's
6 not -- unlike if we were at a protest hearing,
7 then I -- I would say -- we're talking about --
8 we're -- we just put ourselves in a box and talk
9 about the substantial change, and not the other
10 issues out there. So your argument to us is to
11 say, How -- how are these two tied together, in a
12 sense that the Board should not -- not -- should
13 not approve the substantial -- the Board should
14 not be taking action on the substantial change
15 application because, okay, whatever the Board of
16 -- the BZA's going to do, that's going to
17 directly impact this issue. I mean, I think
18 that's where the argument -- I mean, at least --
19 and I -- I mean, maybe I'm confused on the issue.

20 MR. NICK ALBERTI: Can I just say --

21 (Simultaneous speaking)

22 CHAIRMAN DONOVAN ANDERSON: Hold on, hold

1 on, hold on.

2 MR. NICK ALBERTI: I think what the -- I
3 think what -- what Chairman Anderson's getting at
4 is -- and this is a question I have. How does
5 your concerns over the request to expand hours
6 relate to -- relate to what's -- what their plans
7 are and what BZA may restrict them from doing?

8 (Off-mic speaking)

9 MS. STACIE GOFFIN: Because of the --

10 MR. NICK ALBERTI: May, I say.

11 MS. STACIE GOFFIN: May, yes. All -- all
12 the mays.

13 (Off-mic speaking)

14 MS. STACIE GOFFIN: Because -- depending

15 --

16 CHAIRMAN DONOVAN ANDERSON: Yeah, just --
17 um -- All right. I'm sorry. Go ahead.

18 MR. NICK ALBERTI: Go ahead.

19 CHAIRMAN DONOVAN ANDERSON: Your response
20 to Mr. Alberti's question -- yes, go.

21 MS. STACIE GOFFIN: Because depending
22 upon what that written order is, and what it

1 potentially or could require of the hotel, it
2 may, in fact, change any conversations occurring
3 about the, um, request that has been made, uh, of
4 the ABC Board regarding those extended hours.

5 MR. NICK ALBERTI: That's your
6 contention. Wait, wait, that's your contention.
7 Please -- with -- with the risk of going into the
8 weeds here, please give me more specifics,
9 because you are talking generalities. And -- and
10 of course what you just said, in general, is
11 always true. But I'd like to know, specifically,
12 how their plans -- what specific features of
13 their plans -- relate to your concerns.

14 MS. STACIE GOFFIN: The commercial space
15 available, um, that they will have for the
16 purposes of their extended, um, liquor license
17 hours --

18 MALE SPEAKER: And entertainment.

19 MS. STACIE GOFFIN: -- and entertainment.

20 MR. NICK ALBERTI: And that relates to
21 you, how? Because it -- because its -- because of
22 its location?

1 MS. STACIE GOFFIN: Because of the, um --
2 based upon the oral hearing and the oral decision
3 that was made, there is, um --

4 MR. NICK ALBERTI: I don't want to know
5 what BZA says.

6 MS. STACIE GOFFIN: Well, I'm sorry --

7 MR. NICK ALBERTI: The --

8 MS. STACIE GOFFIN: -- I'm trying to make
9 sure I'm attending to the legal --

10 MR. NICK ALBERTI: But -- but -- but --

11 MS. STACIE GOFFIN: -- (inaudible) --

12 MR. NICK ALBERTI: -- does it have to do
13 with the physical location of this commercial
14 space?

15 MS. STACIE GOFFIN: Possibly.

16 (Off-mic speaking)

17 MALE SPEAKER: Yes.

18 MS. STACIE GOFFIN: Yes.

19 MR. NICK ALBERTI: What do you mean, it
20 might?

21 MS. STACIE GOFFIN: Depending on the --
22 how the hearing is, because the, um, expanded --

1 MR. NICK ALBERTI: So let's --

2 MS. STACIE GOFFIN: -- space --

3 MR. NICK ALBERTI: -- say -- let's --

4 MS. STACIE GOFFIN: As -- there's

5 expanded commercial space that violates current -
6 - uh, you know, the zoning regulations.

7 MR. NICK ALBERTI: I don't care whether
8 it violates. I --

9 MS. STACIE GOFFIN: So, I mean, they have
10 --

11 MR. NICK ALBERTI: -- I'm not -- That's -
12 - that's not my concern now. My concern now is,
13 physically, how does that -- how does that -- the
14 location, that space, relate to your concerns?

15 MS. STACIE GOFFIN: It's not --

16 MR. NICK ALBERTI: And how could a change
17 in that physical space relate to your concerns?

18 MS. STACIE GOFFIN: It's -- it's -- sir,
19 it's -- and -- it's not the location of the
20 space, it is the size of the space.

21 MR. NICK ALBERTI: Oh, it's the size of
22 the space. Okay. Excuse me. So size of the space.

1 MS. STACIE GOFFIN: Right. And so then,
2 what it is that might be proposed, relative -- or
3 the meaning, then, for the expanded hours in what
4 is an R-D-5 district.

5 MR. NICK ALBERTI: Okay. So assuming --
6 let me just put this out there, just -- And I'll
7 -- then I'll -- and I'll stop and I'll --

8 MS. STACIE GOFFIN: And then I think,
9 also --

10 MR. NICK ALBERTI: -- let the chair --

11 MS. STACIE GOFFIN: -- there are others
12 who are here --

13 MR. NICK ALBERTI: So you talk about size
14 --

15 MS. STACIE GOFFIN: -- (inaudible) --

16 MR. NICK ALBERTI: So -- You talk about
17 size, but if they are going to expand -- You
18 know, we, in our licenses, look at occupancy, and
19 if they were to ask for additional occupancy,
20 then that would have to be another substantial
21 change they would have to apply for. So that's
22 part of my quandary here. We're not talking

1 occupancy; we're talking about -- You know, size
2 translates into occupancy, for me, um, because
3 you said it's not location, so -- And they
4 haven't applied for -- they haven't applied to us
5 to increase their occupancy. So maybe they're
6 parsing it, but we -- we don't have that before
7 us.

8 MS. STACIE GOFFIN: I'm going to allow,
9 um, my colleagues here to reply, and then I'd
10 like to hear Mr. Silverstein's question, because
11 it may --

12 MR. MICHAEL SILVERSTEIN: Well, I'll let
13 you continue on your -- your response, and then
14 I'll --

15 MR. STEPHEN LIEBERMAN: Okay. Well, um,
16 let's address the issue at hand: How would the
17 expanded hours affect our neighborhood? Well, as
18 --

19 MR. NICK ALBERTI: No, no, no, no, not
20 how -- No. How does it relate to --

21 MR. STEPHEN LIEBERMAN: -- (inaudible) --

22 MR. NICK ALBERTI: How does it relate to

1 the -- the -- the options available, or the
2 indecision -- the -- the vagueness of where that
3 commercial space will be, or how large it will
4 be?

5 MS. STACIE GOFFIN: And, sir, it is -- as
6 I just -- I think it matters to -- to focus on
7 the size --

8 MR. NICK ALBERTI: Okay, the size -- how
9 does it relate to the size, given -- given that
10 we don't have before us a -- a -- a -- an
11 application for an increase in occupancy?

12 MS. STACIE GOFFIN: It's -- it's -- it's
13 our belief, which is why we are here, um, to make
14 this request, that the written order could
15 influence the way the hotel chooses to respond
16 regarding its current space, and that, in fact,
17 may also then influence its request.

18 MR. NICK ALBERTI: I'm having a tough
19 time. I -- I work better with examples and -- and
20 hypotheticals. So give me an example.

21 MR. STEPHEN LIEBERMAN: Well, um, let's
22 take, for example, uh, how -- how would they use

1 this space? Um, uh, they may decide, as, um --
2 they may decide to use it for, let's say, uh,
3 weddings that go on late into the night. They may
4 use it for, uh, bar mitzvahs. They may use it
5 for, um, other celebrations where, um, uh -- you
6 know, an element of a -- of a party where their
7 liquor license would be used.

8 MR. NICK ALBERTI: And they can't do that
9 now?

10 MR. RODERIC WOODSON: Yes. Yes.

11 (Off-mic speaking)

12 MR. NICK ALBERTI: Well, let -- I -- so --
13 -- Mr. -- you'll have a chance to respond.

14 FEMALE SPEAKER: Yes. So I think --

15 MR. NICK ALBERTI: Can they do that now?

16 MR. STEPHEN LIEBERMAN: Yes.

17 FEMALE SPEAKER: I think the difference --
18 --

19 MR. NICK ALBERTI: So -- so -- I -- you
20 know, uh -- remember, I'm looking at why --

21 FEMALE SPEAKER: Sir, I'm --

22 MR. NICK ALBERTI: -- what -- what --

1 what I'm looking at is, why is it so important?
2 Why is so critical to delay this? And that's --
3 that's all I'm getting at.

4 I'm -- you know, I'm not -- I'm not
5 getting into the merits of your protest. I don't
6 care about those right now. That's not what we're
7 here for. I'm really looking at, you know -- give
8 me a reason why I should postpone this, other
9 than -- other than, some other agency hasn't made
10 their decision. I mean, I hear that, and I'll
11 weigh that, but I'm looking for some other -- I'm
12 looking for some other argument, also.

13 MS. STACIE GOFFIN: So I -- I appreciate
14 your weighing that because I think what is
15 challenging for us, as the neighbors, is that to
16 have the boundaries being quite as -- and I --
17 and I understand boundaries -- that having them
18 so strictly considered in this instance does not
19 address the realities of why the neighbors are,
20 in fact, um, protesting the license and are
21 spending enormous amounts of time in mediation,
22 um, process or relation -- you know, discussion

1 process to try to find a win-win, um,
2 relationship and how this, then, fits in with
3 that, because as we await this hearing, it does,
4 in our, um, way of thinking, have, as neighbors,
5 a way of influencing what this, ultimately,
6 package looks like for those of us who live in
7 this neighborhood, so that they are intertwined.

8 MR. NICK ALBERTI: Okay. Ms. Goffin, I'm
9 just going to close with this, then I'll -- and
10 I'll hand over the --

11 MS. STACIE GOFFIN: And I --

12 MR. NICK ALBERTI: Look, I -- I -- I get
13 what you're saying. I mean, I have been in the
14 position where I argue that one agency's making a
15 decision that affects the decision of another
16 agency. I get that. But usually, when that's
17 happened to me, it's because the decision of one
18 agency directly impacts whether the -- the --
19 what -- what the other agency can grant. All
20 right?

21 So if the -- one agency denies -- You
22 know, if HPRB says, "Well, you can't do this and

1 that," then BZA is going to say, "Well --" It --
2 it affects what BZA can consider and vice versa.
3 So if BZA says, "Well, we're not going to grant
4 you the variance," well, then, the HPRB -- it
5 affects what HPRB's going to do. So I've been in
6 that position.

7 But I'm having a little bit of trouble,
8 based on what you're telling me, figuring out how
9 BZA's decision is going to affect what they've
10 asked for. I mean, they've asked for extended
11 hours, which they can do in the current space,
12 and I'm assuming that this hotel has space for
13 weddings and things, and so, you know --
14 receptions -- so I'm having a tough time figuring
15 out how -- how the decision by us, or the
16 decision by BZA, could affect what goes on here
17 and vice versa.

18 MS. STACIE GOFFIN: I feel like I don't
19 know whether or not Mr. Silverstein's questions
20 are --

21 CHAIRMAN DONOVAN ANDERSON: Uh, hold on,
22 hold on --

1 MR. NICK ALBERTI: All right. Let -- let
2 Mr. Silverstein go.

3 CHAIRMAN DONOVAN ANDERSON: Hold on, hold
4 on, hold on.

5 MR. NICK ALBERTI: And I -- and I'm --
6 I'm --

7 MS. STACIE GOFFIN: And then I do have a
8 comment.

9 MR. NICK ALBERTI: I just want to clarify
10 where I'm at.

11 CHAIRMAN DONOVAN ANDERSON: Hold on, hold
12 on --

13 MS. STACIE GOFFIN: Yeah, I know, and
14 that was helpful clarification, and I have a
15 response, but I really -- I think if I --

16 MR. NICK ALBERTI: All right.

17 MS. STACIE GOFFIN: -- hear your
18 question, it might help us as a whole.

19 CHAIRMAN DONOVAN ANDERSON: Uh, well, um
20 --

21 MR. MICHAEL SILVERSTEIN: All right.

22 CHAIRMAN DONOVAN ANDERSON: Hold on, hold

1 on one minute. I -- I -- I call who -- I'm the
2 one who directs who --

3 MR. NICK ALBERTI: Mr. Chair, I'm sorry.

4 MS. STACIE GOFFIN: So I'm sorry.

5 CHAIRMAN DONOVAN ANDERSON: -- asks
6 question, okay? So --

7 MS. STACIE GOFFIN: I'm so sorry.

8 CHAIRMAN DONOVAN ANDERSON: All right.
9 Thank you very much. Yes, Mr. Silverstein.

10 MR. MICHAEL SILVERSTEIN: Okay.

11 MS. STACIE GOFFIN: I'm sorry.

12 MR. MICHAEL SILVERSTEIN: First, Mr.
13 Woodson said that this is only about in terms of
14 the, uh -- in terms of the application. It's only
15 about extended hours. Do we all agree to that?

16 MR. CHARLES ELLIS: No.

17 MR. MICHAEL SILVERSTEIN: We do not. Mr.
18 Ellis, tell me why.

19 MR. CHARLES ELLIS: Um, what he has --
20 what they have going now, pursuant to the permit
21 that they got, part of which has been ruled in
22 error by the BZA. We don't know exactly what the

1 BZA is going to require in order to fix that
2 error.

3 MR. MICHAEL SILVERSTEIN: Okay. Now,
4 you're saying -- what -- what you're saying, and
5 I think now we may be getting in -- into where --
6 where this, you know -- what -- what the issues
7 at hand are. If the BZA says, for example, "You
8 cannot use this room," can you not then go back
9 to us and say, "You can't serve -- you know, make
10 sure that they don't serve liquor in this room,
11 or that they don't do that"?

12 MR. CHARLES ELLIS: It may affect their
13 own determinations what they do with the space
14 that is remaining, or where it is, or how much,
15 and I can't speculate on that.

16 MR. MICHAEL SILVERSTEIN: But --

17 MR. CHARLES ELLIS: But it needs to be
18 taken into account in thinking whether we need a
19 little bit more time to get a decision. Uh,
20 everybody could look at and figure out what
21 they're going to do about it.

22 MR. MICHAEL SILVERSTEIN: But whenever --

1 whenever there is a license, and there are
2 numerous different agencies involved -- Uh, for
3 example, uh, if -- if -- if you want a sidewalk
4 cafe, and one says you -- we -- we say, "You can
5 only have a hundred people out there," and some
6 other agency says, "No, but you can only have
7 50," it's always the stricter one that applies as
8 to what is legal. We all understand that,
9 correct?

10 (No audible response)

11 MR. MICHAEL SILVERSTEIN: So if -- if BZA
12 comes back with certain, uh -- certain
13 limitations based on whatever their ruling is,
14 we're required to scale down our permissions, our
15 license, to what other agencies -- you know, what
16 the -- what the occupancy then becomes or -- or
17 what. Uh, uh, do you -- You know, this may be a
18 backdoor way around it for -- for everyone, but
19 that -- that -- you know, we have to make -- We
20 can't go any greater than what other agencies
21 allow. I hope that's some comfort to you.

22 CHAIRMAN DONOVAN ANDERSON: You can -- I

1 mean, you can respond if -- if -- if your -- if
2 it's --

3 MR. MICHAEL SILVERSTEIN: Sure.

4 CHAIRMAN DONOVAN ANDERSON: -- if it's in
5 response to his questions, you can, by all means,
6 go ahead and respond. If you have a response to
7 the question by Mr. Silverstein, you can go ahead
8 and respond to him.

9 MS. STACIE GOFFIN: I --

10 CHAIRMAN DONOVAN ANDERSON: But if not,
11 uh, we'll move on to something else.

12 MS. STACIE GOFFIN: And I think it may
13 also refer -- combine with yours. So I appreciate
14 the wording, um, that you are framing -- that you
15 just provided for us, because I think the issue,
16 for us, is that it becomes an operational issue
17 for the hotel, and how, then, in terms of that
18 operational issue, they make their decisions
19 about, um, what is in terms of their request, so
20 that it could, potentially, alter their request.

21 And separate from that, sir, you asked if
22 we would be willing to put forward a date

1 certain, rather than to leave it open ended, and,
2 um, when that's appropriate, then, uh, we're
3 willing to put forward one for your
4 consideration.

5 CHAIRMAN DONOVAN ANDERSON: Thank you.
6 Yes, Mr. Woodson.

7 MR. RODERIC WOODSON: Now?

8 CHAIRMAN DONOVAN ANDERSON: Yes. Yes,
9 sir.

10 (Laughter)

11 MS. RUTHANNE MILLER: Well, can I -- Can
12 I go after him?

13 CHAIRMAN DONOVAN ANDERSON: Yes, and I'll
14 --

15 MS. RUTHANNE MILLER: Okay. Thank you.
16 Okay.

17 MR. RODERIC WOODSON: Uh, this has been a
18 mind-boggling exercise in speculation. Um, I --
19 I'm going to -- I'm going to assume arguendo that
20 they win the BZA proceeding. So what? We have a
21 license; we have an endorsement for
22 entertainment. None of that will change. That was

1 there before. The only issue at hand is a change
2 in hours.

3 Now, I -- I'm as patient as the next
4 person, I think, but to burden the Board with its
5 time, resources, and record, to argue about a
6 speculative act from the BZA is absurd. It is an
7 absurdity, and it's a waste of your time and
8 resources. I -- I'm -- I'm -- I'm, uh, at a loss
9 as to why we're even here.

10 Uh, I would raise one other thing. The
11 parties here have already just said to you, they
12 are not objecting to the change of hours.

13 (Simultaneous speaking)

14 MS. STACIE GOFFIN: No, sir.

15 MALE SPEAKER: Oh, no, no, no.

16 MS. STACIE GOFFIN: No, sir.

17 MR. RODERIC WOODSON: Oh, yeah, that's
18 just what you said.

19 MS. STACIE GOFFIN: No, sir.

20 MALE SPEAKER: No.

21 MR. RODERIC WOODSON: Excuse me. Read the
22 record back --

1 (Chairman calls for order)

2 CHAIRMAN DONOVAN ANDERSON: Order.

3 MR. RODERIC WOODSON: I'm going to ask
4 that the record be read back from this woman,
5 this -- this --

6 CHAIRMAN DONOVAN ANDERSON: Mr. -- Mr.
7 Woodson, the record doesn't have to be read back.

8 MR. RODERIC WOODSON: Yes.

9 CHAIRMAN DONOVAN ANDERSON: I -- I think
10 my interpreta -- I -- I -- I heard what you
11 heard.

12 MR. RODERIC WOODSON: You heard that.

13 CHAIRMAN DONOVAN ANDERSON: But we can --

14 MR. RODERIC WOODSON: You heard that.

15 CHAIRMAN DONOVAN ANDERSON: But we can --
16 but we can move on. That's a different -- that's
17 not --

18 MR. RODERIC WOODSON: Now --

19 CHAIRMAN DONOVAN ANDERSON: That not an
20 issue here today. So we can move on.

21 MR. RODERIC WOODSON: Yes, it is not an
22 issue. It is not an issue. I -- I tried to be

1 calm and nonbelligerent about this, Mr. Chairman,
2 but my goodness gracious, uh, you know, this --
3 this consistent argument about the BZ -- what
4 someone might do at a later time, what the
5 applicant may or may not do, what they may or may
6 not do in response to that, what the AB -- what
7 the BZA may or may not do -- we don't know
8 nothing about any of that.

9 What we know -- what we know -- is that
10 The Carlyle Hotel, a current license holder, a
11 current license holder with an endorsement for
12 entertainment, has asked for an extension of
13 hours. That's what has been asked for. None of
14 that will be affected by anything the BZA does or
15 does not do.

16 CHAIRMAN DONOVAN ANDERSON: Thank you.
17 Yes, Ms. Miller.

18 MS. RUTHANNE MILLER: Okay. Um, Mr.
19 Woodson probably just said what I was going to
20 say, but, um -- I'm certainly sympathetic to
21 making sure that the protestants have a fair
22 hearing, and if something is -- is being done

1 that's going to impact that hearing, you know, we
2 need to take a look at it, and I'd say that's why
3 we had this -- have -- are having this fact
4 finding hearing. I think it was to clarify what
5 the, um, application is about and what the BZA
6 decision is about, and whether that decision, uh,
7 impacts the application so that we should pause.

8 And from everything I've heard -- I don't
9 know if I said this, but I was on the BZA Board
10 for 6 years, and -- and chair for 2 years, so I
11 have a good feel for their -- what their
12 decisions are about and what the ABC Board's
13 decision's about. And, um, from what -- from what
14 I can gather from just having looked, a little
15 bit, at the transcript, and hearing what you've
16 had to say, their decision is about commercial
17 space, and whether the ZA erred in -- in making a
18 calculation affecting the space, the size,
19 whatever.

20 This application is -- is just for
21 extension of hours. It doesn't matter what size
22 the -- the room is, I don't think. If you want to

1 argue in -- in the protest, that that -- that
2 that matters -- if it's a small room, it should
3 be shorter hours or something -- I -- I don't
4 even think -- you don't have to wait for the BZA
5 on that.

6 Um, so I -- I don't see any, um -- or
7 sufficient -- any nexus, really, to delay, um,
8 our having -- going forward with this hearing. I
9 don't think you -- there's any information that
10 you -- you need to wait for to put -- to make
11 your case.

12 CHAIRMAN DONOVAN ANDERSON: Well, I -- I
13 -- I just want to state, Ms. --

14 MS. RUTHANNE MILLER: Yeah.

15 CHAIRMAN DONOVAN ANDERSON: -- uh,
16 Miller. I mean, the Board already voted to -- to
17 deny the request. I think that certain Board
18 members wanted certain information. I think
19 that's one of the reasons why, um, certain Board
20 members had insisted that we have this fact
21 finding hearing. So the purpose of this is to
22 gather some more -- some more information from

1 the protestant to -- to let us know, okay, what -
2 - what actually is going on. But I mean, we have
3 already made a decision, and I'm not sure if the
4 Board will vote to change its position.

5 But -- but this is just -- we're just
6 gathering more information, and I'm -- and,
7 frankly, uh, just -- this is just speaking for
8 myself, this doesn't really help me. But that --
9 I'm just speaking for myself. Yes, Mr. Short.

10 MR. JAMES SHORT: Well, I, as a Board
11 member, see that we have some speculation here,
12 in regards to zoning laws, and we have some
13 facts. We have a licensee who has a license to
14 sell alcohol. And they've been doing that for
15 quite a while as I understand. Then we have the
16 protestants who are saying, if zoning laws
17 prevail, it's going to affect their license.

18 And I'm -- I'm trying to find out from
19 them, how is it negatively going to affect the
20 neighborhood, since they already have a license -
21 - which is a fact -- and then we have speculation
22 that the zoning board's decision may affect that.

1 Can someone please explain to me, how is the
2 zoning board's -- how is the zoning board's
3 decision going to affect their license? Yeah,
4 please, somebody. Anybody.

5 MS. STACIE GOFFIN: Um, I'm going to take
6 your approach. So, one, I just want to express
7 appreciation for the conversation and dialogue
8 that's going on because it's -- it's very
9 helpful. Um, we really are here as citizen
10 protestants, and so, um, I think we're the best
11 of what, kind of, democracy stands for at the
12 moment, in terms of, um, trying to do what we
13 think is best.

14 It is obligatory for me to go on record
15 to question the interpretation of my statement.
16 What I said is that we are not protesting that
17 the hotel has requested extended hours. We are in
18 mediation because we are protesting the hours
19 that have been requested. And our hope would be,
20 even though you're being very helpful, I think,
21 in helping us be clearer about the boundaries and
22 understanding the different kind of intersections

1 that you'll have to contemplate, we're actually
2 hoping not to have to come for a protest. And
3 that is why, then, there are a team of neighbors
4 who are meeting regularly with the ANC, with Mr.
5 Wexler, and with his attorney representative in
6 order to see that that can happen.

7 So, now, directly to answer your
8 question, sir --

9 MR. JAMES SHORT: Thank you.

10 MS. STACIE GOFFIN: -- I think the
11 answer, as we understand it: We did not protest,
12 as neighbors, the previous licenses. We are
13 protesting the current license and believe that
14 there is an intersection with the expansion of
15 commercial space. And that is --

16 MR. JAMES SHORT: Is that a fact?

17 MS. STACIE GOFFIN: Beg pardon?

18 MR. JAMES SHORT: Is that a fact?

19 MS. STACIE GOFFIN: We -- I'm sorry, sir
20 -- so I make sure I am correct -- I'm answering
21 the correct question: Is what a fact, that there
22 has been expanded commercial space? That is the

1 oral decision, and we await the written order.
2 And so we are hearing that, you know -- that the
3 oral decision, which is present in transcript,
4 has no legal impact until that order is actually
5 written and issued. And that is what we request,
6 um, that -- just to wait, that the mediation
7 process would continue and that we will continue
8 to try to find a way, as neighbors, to continue
9 what has been a very longstanding coexistence.

10 MR. JAMES SHORT: My point is: Now, that
11 is speculation, as I take it.

12 MS. STACIE GOFFIN: It is, sir.
13 (Inaudible) --

14 MR. JAMES SHORT: It's speculation that
15 you're -- you're waiting for a decision to be
16 made about your protest. Is that what you're
17 saying?

18 MS. STACIE GOFFIN: No, sir. We're
19 waiting for the written order of the -- the --

20 MR. JAMES SHORT: Order from whom?

21 MS. STACIE GOFFIN: -- that provide the
22 specifications, if you will --

1 MALE SPEAKER: BZA.

2 MS. STACIE GOFFIN: -- of the oral
3 decision that has been made at a public hearing.

4 MR. JAMES SHORT: Okay. That agency would
5 be -- being whom? For the record. For the record.
6 I -- I heard you, Mike, but I want to hear -- I
7 want to hear her say. For the record, what --
8 what -- what decision are you waiting on that's
9 going to help us make our decision?

10 MS. STACIE GOFFIN: That they will --
11 they will define the, uh --

12 MALE SPEAKER: Who is they?

13 MR. JAMES SHORT: Who is they?

14 MS. STACIE GOFFIN: Sorry, the BZA --

15 MR. JAMES SHORT: Thank you.

16 MS. STACIE GOFFIN: -- will define the
17 changes that the hotel will be obligated to make
18 as corrective measures due to the expanded
19 commercial space.

20 MR. JAMES SHORT: Now, how long do you
21 want this Board to wait on that decision? That --
22 that question came to you earlier, and --

1 MS. STACIE GOFFIN: Yes, sir.

2 MR. JAMES SHORT: -- and I didn't hear an
3 answer.

4 MS. STACIE GOFFIN: No, sir. I wanted to
5 have a few minutes to, um, debate, um, so I'm
6 going to very quickly read what this note is
7 that's been passed to me.

8 Um, that, um -- again, we -- it is a bit
9 of a guess because, I mean, I don't work for the
10 BZA, but we are suggesting, given that -- what
11 date it is now, that hopefully by June 15th, that
12 written decision would be issued and that would,
13 um, provide enough time, then, to -- to know how
14 the hotel will choose to respond. That would, in
15 turn, allow not only the ABC Board in terms of
16 its deliberations, but also those of us who are
17 in mediation to continue our deliberations.

18 MR. JAMES SHORT: So at that time, in
19 June, you're saying the speculation will be
20 finished, and we'll -- we can then deal with
21 facts. Is that what you're saying?

22 MALE SPEAKER: Hope so.

1 MALE SPEAKER: We hope so.

2 MS. STACIE GOFFIN: That's what we hope
3 so, and the speculation is only the translation
4 of the oral decision at a public hearing and the
5 written order that is to be issued.

6 MR. JAMES SHORT: Thank you. That's all I
7 have, Mr. Chair.

8 CHAIRMAN DONOVAN ANDERSON: Yes, Mr.
9 Silverstein.

10 MS. STACIE GOFFIN: Thank you.

11 MR. MICHAEL SILVERSTEIN: Thank you. Mr.
12 Woodson, uh, I -- I -- Thank you for your
13 patience, sir, and you asked, why -- why are we
14 here? And it's for the Board to have a better
15 understanding of what was going on here. What we
16 have here is a mathematical problem that has too
17 many constants and -- or too many variables and
18 not enough constants, and because of that, we're
19 not in a position where we can solve it here.
20 That's -- and we were simply trying to determine,
21 what are the constants, and what do we have to
22 determine, and at what point? Because we don't

1 want to be at odds with another agency, and the
2 question here that we wanted to determine is, at
3 what point do we move or not move?

4 And I assure both sides that if another
5 agency comes up with something that restricts the
6 license beyond what it is currently, we will
7 bring it into compliance. That's our job. And I
8 think that this has illuminated a lot of what we
9 face. I don't see that there's any reason for us
10 to do anything now, other than thank you all and
11 move forward in whatever way we see fit, so long
12 as we do not move out of the compliance with
13 other agencies.

14 CHAIRMAN DONOVAN ANDERSON: Um, anyway.
15 Yes, Ms. Miller -- and, um, I'm going to wrap
16 this up --

17 MS. RUTHANNE MILLER: Okay.

18 CHAIRMAN DONOVAN ANDERSON: -- in --
19 shortly, okay? Go ahead, Ms. Miller.

20 MS. RUTHANNE MILLER: I just wanted to
21 ask Ms. Goffin a question based on what you just
22 said, and that is, um, is -- is your protest

1 dependent upon which way the BZA decision
2 ultimately comes out?

3 MS. STACIE GOFFIN: I'm -- could you
4 clarify --

5 MS. RUTHANNE MILLER: You're waiting for
6 a BZA decision, okay? Say it comes out in June --

7 MS. STACIE GOFFIN: It might -- it might
8 clarify.

9 MS. RUTHANNE MILLER: No, I -- is your --
10 is your -- what -- Okay. So it might clarify.
11 It's not like you don't --

12 MS. STACIE GOFFIN: It might clarify what
13 the -- again, the relationship is in terms of
14 trying to figure out, um, either -- hopefully,
15 again, prior to a protest but are in the process
16 of a protest if it were to go that far -- which,
17 again, it's not -- it's not our preference, but
18 it doesn't -- it doesn't change the fact that
19 there are about 45 protestants who are
20 questioning, um, the merit of the expanded, uh,
21 hours for liquor and entertainment.

22 MS. RUTHANNE MILLER: Okay. So it doesn't

1 -- it wouldn't change it. You would -- you'd
2 still be going forward --

3 MS. STACIE GOFFIN: Oh, yes --

4 MS. RUTHANNE MILLER: -- either way.

5 MS. STACIE GOFFIN: -- we would still be
6 going forward with our protest.

7 MS. RUTHANNE MILLER: Okay.

8 MR. MATTHEW WEXLER: And let me add that
9 we would continue to mediate --

10 MS. RUTHANNE MILLER: Okay.

11 MR. MATTHEW WEXLER: -- regardless of the
12 decision of the BZA.

13 CHAIRMAN DONOVAN ANDERSON: Yes, Mr.
14 Woodson.

15 MR. RODERIC WOODSON: Yes.

16 CHAIRMAN DONOVAN ANDERSON: What -- this
17 is what I'm going to -- I'm going to have you
18 have your say, and then we'll have them have
19 their final say.

20 MR. RODERIC WOODSON: Final remark: Um,
21 mediation -- formal mediation before the Board
22 has been had. As the protest sat on April 23rd, I

1 implore the Board to go forward. We'll deal with
2 the protest on merits.

3 CHAIRMAN DONOVAN ANDERSON: Thank you,
4 Mr. Woodson. Any final thoughts?

5 FEMALE SPEAKER: It's the 27th.

6 MALE SPEAKER: The 27th?

7 MR. RODERIC WOODSON: Sorry, the 27th.

8 (Laughter)

9 CHAIRMAN DONOVAN ANDERSON: The record --
10 the record speaks for itself. I don't know -- I
11 don't know what, but -- but whenever -- whenever
12 it is --

13 (Laughter)

14 CHAIRMAN DONOVAN ANDERSON: -- we will
15 see you when it is. Any final thoughts, um, that
16 -- Any final thoughts, please.

17 MS. STACIE GOFFIN: Only again to say
18 thank you. Um, it is -- it is really -- Sorry.
19 Um, I think, uh, your question was --

20 (Off-mic speaking)

21 MS. STACIE GOFFIN: Oh, um, I just want
22 to, um, say thank you, again, um, for what has

1 really been an illuminating, um, I think,
2 experience. I'd have to say, sitting in the back
3 while we were waiting for the others, um, for me,
4 at least, and just being reminded of both the
5 diversity of our city and our country and the
6 complexities that that can add to the role of
7 government. Um, but again, so thank you very much
8 and hope that you will consider our request, um,
9 and our June, um, 15th, um, date that we put
10 forward. And again, thank you each very much.

11 CHAIRMAN DONOVAN ANDERSON: Well, thank
12 you for your presentation. As -- as -- as --
13 again, the Board made a decision, but I know
14 that, um, another -- if I remember correctly,
15 another, um, request was made to ask us to change
16 our decision, and certain Board members wanted to
17 just get some further information about exactly
18 what was going on here, and so that was the
19 purpose of the fact finding. And I guess you have
20 heard where the Board is coming from, and we'll
21 just take this under advisement.

22 There is -- it's -- it's a fact finding

1 hearing. No one -- as Mr. Woodson stated, no one
2 is under oath. Um, it's just not a part of the
3 official record of -- of this case. This is just
4 to give us some more information so we can see
5 where the -- the, uh, protestants were coming
6 from, and why -- what was -- what was the reason
7 why, um, this request was being challenged. Okay?
8 So thank you very much for -- for being here.

9 MS. STACIE GOFFIN: Thank you.

10 MR. RODERIC WOODSON: Thank you all.

11 CHAIRMAN DONOVAN ANDERSON: All right. We
12 are -- the Board is in recess 'til -- 'til 1:30.

13 (Chorus of thank yous)