

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

4 - - - - -X

5 IN THE MATTER OF :
6 CS Bond ST, ABC Holdings, :
7 LLC t/a The Carlyle Hotel : Roll Call Hearing
8 1731 New Hampshire Ave :
9 License #ABRA-90805 : Case #16-PRO-00006
10 Retailer Class CH :
11 Substantial Change (change :
12 of hours of alcoholic :
13 beverage sales, service, :
14 consumption and entertainment:

15 - - - - -X

16 Monday, February 8, 2016

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

22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5

6 RUTHANNE MILLER

7 NICK ALBERTI

8 MICHAEL SILVERSTEIN

9 JAMES SHORT

10

11 ALSO PRESENT - Case #16-PRO-00006

12

13 JESSICA FARMER, ESQ.

14 on behalf of The Carlyle Hotel

15 MATTHEW WEXLER

16 on behalf of The Carlyle Hotel

17 STEPHANIE MALTZ

18 On behalf of ANC-2B

19 BRUCE A. COHEN

20 RALSTON COX

21 KATHARINE GRESHMAN

22 STEPHANIE LIEBERMAN

1 CHARLES ELLIS
2 DAVID FIORE
3 STEPHEN LIEBERMAN
4 STACIE GOFFIN
5 NISHI RAWAT
6 JULIE DAVIDSON
7 CHARLES DAVIDSON
8 BRUCE GOFFIN
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1 P R O C E E D I N G S

2 [10:12 a.m.]

3 MS. FLETCHER: Would the parties in the
4 matter of The Carlyle Hotel come forward; the
5 parties in the matter of The Carlyle Hotel?

6 This is case number 16-PRO-0006, Chaplin
7 Restaurant -- I mean, I'm sorry, CS Bond ST, ABC
8 Holdings, LLC, trading as The Carlyle Hotel, 1731
9 New Hampshire Avenue, NW, License #ABRA-090805.

10 This is a retailer class CH application;
11 substantial change, change of hours of alcoholic
12 beverages sales, service, consumption and
13 entertainment. The protest issues are adverse
14 impact on peace, order and quiet, residential
15 parking and vehicular and pedestrian safety, and
16 real property values.

17 My name is LaVerne Fletcher. I'm
18 conducting the Roll Call Hearing as the Board's
19 agent, pursuant to D.C. Official code 1601.2

20 Introductions beginning with the
21 applicant, please.

22 MS. FARMER: Jessica Farmer from Holland

1 & Knight on behalf of the applicant.

2 MR. WEXLER: Good morning. Matthew
3 Wexler, also on behalf of the applicant.

4 MS. FLETCHER: Mr. Wexler, would you
5 spell your name, please, for the record?

6 MR. WEXLER: W-E-X-L-E-R.

7 MS. FLETCHER: And your first name is
8 Matthew?

9 MR. WEXLER: Yes.

10 MS. FLETCHER: And Jessica Farmer on
11 behalf of Holland & Knight. That's H-O-L-L-A-N-
12 D, K-N-I-G-H-T?

13 MS. FARMER: Correct.

14 MS. FLETCHER: Thank you.

15 Present on behalf of ANC-2B?

16 MS. MALTZ: I am Stephanie Maltz, last --
17 first name is Stephanie, S-T-E-P-H-A-N-I-E. Last
18 name is Maltz, M-A-L-T-Z. I am the ANC
19 commissioner for single member district 2B03,
20 where the Carlyle Suites is located.

21 MS. FLETCHER: Thank you, Ms. Maltz.

22 Is there anyone present on behalf --

1 Is Bruce Cohen present? Is there anyone
2 -- oh, you can come on up. Mr. Cohen, you're
3 here. And anyone else in Mr. Cohen's group is
4 going to need to stand up behind the microphone
5 and just --

6 SPEAKER: Over there?

7 SPEAKER: I'm sorry. I couldn't hear
8 you.

9 MS. MALTZ: Bruce Cohen.

10 MR. COHEN: That's me.

11 MS. MALTZ: And then whoever --

12 (Simultaneous discussion)

13 MS. FLETCHER: Well, it really is bad
14 back there.

15 MS. MALTZ: Everyone else who is in the
16 group -- who signed on the group with Bruce.

17 MR. COHEN: That's all of us.

18 MS. MALTZ: And I guess -- so, everybody
19 who is here.

20 MS. FLETCHER: Okay.

21 MS. MALTZ: Do you want to say your name
22 for the record?

1 MS. FLETCHER: Is Mr. Cohen present?

2 MR. COHEN: Yes, I am. It's Bruce, B-R-
3 U-C-E, middle initial A, Cohen, C-O-H-E-N.

4 MS. FLETCHER: Okay, thank you, Mr.
5 Cohen.

6 And so, everyone in the group being
7 represented by Mr. Cohen can just state your name
8 in front of the microphone there on the table in
9 front of Mr. Cohen, and spell your name for the
10 record.

11 SPEAKER: I'm sorry. I'm not sure who's
12 being represented by Mr. Cohen and who is being
13 represented by others.

14 Is Bruce speaking for the entire
15 neighborhood organization as -- all the neighbors
16 as a whole, or are the adjacent property owners
17 some sort of a different clump?

18 MS. FLETCHER: Mr. Cohen is representing
19 all of the protestants that designated him as a
20 representative.

21 Based on my count, that's -- I'm going by
22 the record -- based on my count, there are

1 approximately 45 people that Mr. Cohen is
2 representing. They designated him in writing.
3 So, those are the people that you're
4 representing.

5 So, I don't know any -- I just know --
6 you tell me your name and I'll let you know.
7 Maybe you'll know if you designated Mr. Cohen.

8 SPEAKER: Yes. That's all of us, ma'am.

9 SPEAKER: Yes.

10 MS. FLETCHER: Then that's your group.

11 And then, there's another group. There
12 is Mister -- Mr. Cox is here. That's you, Mr.
13 Cox? You're a part of this group, also.

14 You also signed the protest letter where
15 you designated Mr. Cohen as your representative,
16 so you are part of this group. You also stated
17 in your protest letter that you are an abutting
18 property owner, which gives you standing
19 separately from the group.

20 So, for you, you're going to be a part of
21 this group of approximately 45. You're going to
22 be Mr. Cox standalove as abutting, and you're

1 also representing a condo association.

2 So, you're going to be in three
3 different groups (Laughter). So -- but you are a
4 member of this group, also.

5 MR. COX: Right.

6 MS. FLETCHER: So I was -- hmm?

7 (Simultaneous discussion)

8 MR. COX: There are a number of others
9 of us who were also immediately adjacent. So,
10 when we introduce ourselves, do we need to
11 introduce ourselves by this part of his group and
12 the immediately --

13 MS. FLETCHER: Well, can you hear, Mr.
14 Gary?

15 REPORTER: Terrible.

16 MS. FLETCHER: Oh, can you just come a
17 little closer, Mr. Cox?

18 MR. COX: There's a number of us here
19 who are here about this part of his group, who is
20 like all of us. And then, a group of folks who
21 are in immediately adjacent properties.

22 So, I need to introduce myself both as

1 part of his group and the immediate --

2 (Simultaneous discussion)

3 MS. FLETCHER: Yeah, what I'm going to
4 do is call one group at a time, so right now,
5 this is Mr. Cohen's group. So, you'll introduce
6 yourself in this group.

7 And then, I'm going to call another
8 group, and you'll introduce yourself again
9 (Laughter), and then a third time.

10 MS. FARMER: That's the way to keep it
11 straight.

12 MS. FLETCHER: (Laughter)

13 MR. COX: Okay, thank you, ma'am.

14 MS. FLETCHER: You're welcome. And so,
15 all of the protestants present who have been
16 represented by Mr. Cohen, if you would just state
17 your name for the record and spell it for the
18 record.

19 Mr. Cox, you were number one. And so,
20 you're Ralston Cox?

21 MR. COX: Correct.

22 MS. FLETCHER: Can you spell Ralston?

1 MR. COX: R-A-L-S-T-O-N.

2 MS. FLETCHER: Thank you. And then
3 everybody else, just do the same thing.

4 MR. FIORE: Hello. My name is David
5 Fiore. I'm an adjacent property owner. Fiore is
6 spelled F, as in Frank, I-O-R-E.

7 MS. FLETCHER: Thank you.

8 MS. GRESHAM: I'm Katharine, K-A-T-H-A-R-
9 I-N-E, Gresham, G-R-E-S-H-A-M.

10 MS. FLETCHER: G-R-E-S?

11 MS. GRESHAM: H as in Harry, A-M, as in
12 Mary.

13 MS. FLETCHER: Thank you.

14 MS. GRESHAM: Thank you.

15 MR. LIEBERMAN: Stephen Lieberman, S-T-E-
16 P-H-E-N, L-I-E-B-E-R-M-A-N. I'm an adjacent
17 property owner.

18 MS. FLETCHER: Thank you.

19 MS. LIEBERMAN: Stephanie Lieberman, S-T-
20 E-P-H-A-N-I-E, L-I-E-B-E-R-M-A-N, adjacent
21 property owner.

22 MR. ELLIS: Charles H. Ellis, III. I am

1 an adjacent property owner, and also, I'm with
2 the larger group.

3 MS. FLETCHER: Mr. Ellis? E-L-L-I-S?

4 MR. ELLIS: That's correct.

5 MS. FLETCHER: The III?

6 MR. ELLIS: Roman numeral III.

7 MS. FLETCHER: Roman numeral? Thank you.

8 MR. ELLIS: Yeah.

9 (Discussion off the record)

10 MS. RAWAT: My name is Nishi Rawat, N-I-
11 S-H-I.

12 MS. FLETCHER: I'm sorry. N-I?

13 MS. RAWAT: S-H-I.

14 MS. FLETCHER: Uh-huh.

15 MS. RAWAT: Last name, R-A-W-A-T.

16 MS. FLETCHER: Thank you.

17 (Pause)

18 MS. GOFFIN: Stacie Goffin, S-T-A-C-I-E.

19 MS. FLETCHER: S-T-A --

20 MS. GOFFIN: S, T, as in Tom.

21 MS. FLETCHER: Uh-huh.

22 MS. GOFFIN; A-C-I-E.

1 (Simultaneous discussion)

2 MS. FLETCHER: I'm sorry. Did you say
3 Daisy?

4 MS. GOFFIN: S. as in Sam, T, as in Tom.

5 MS. FLETCHER: Oh, you know what? I'm
6 confused by the letter and the spelling of a
7 word. Say your name one more time, the first
8 name.

9 MS. GOFFIN: Okay. Stacie.

10 MS. FLETCHER: It is Daisy?

11 MS. MALTZ: Stacie.

12 MS. GOFFIN; Stacie, with an S as in Sam.

13 MS. FLETCHER: Okay. Now you can spell
14 it. I'm sorry.

15 MS. GOFFIN: S, as in Sam.

16 MS. FLETCHER: Uh-huh.

17 MS. GOFFIN: T, as in Tom. A, as in
18 apple, C as in cat, I as in ink, and E as in
19 elephant. Last name is Goffin, G, as in go, O, F
20 as in fun, a second F, I-N. N, as in no
21 (Laughter).

22 MS. FLETCHER: Thank you.

1 MS. GOFFIN: Thank you.

2 (Pause)

3 MS. DAVIDSON: Julie Davidson, J-U-L-I-E.
4 Davidson, D-A-V-I-D-S-O-N.

5 MR. DAVIDSON: Charles Davidson, C-H-A-R-
6 L-E-S, Davidson, D-A-V-I-D-S-O-N.

7 MS. FLETCHER: Thank you.

8 MR. PALMER: Philip Palmer, P-H-I-L-I-P,
9 P-A-L-M-E-R.

10 MS. FLETCHER: P-A-L-M-E-R. Thank you.

11 MR. GOFFIN: Bruce Goffin, G-O-F-F-I-N.

12 MS. FLETCHER: Thank you. That's
13 everybody? Is that every -- oh.

14 MR. ELLIS: Question. I'm representing a
15 couple of people. One, adjacent owner --

16 MS. FLETCHER: Can you step in front of
17 the microphone, so that the court reporter can
18 pick it up?

19 MR. ELLIS: Yeah.

20 MS. FLETCHER: Thank you.

21 MR. ELLIS: Okay. In the group of
22 adjacent owners, I'm representing my wife, Lolita

1 Ellis. It's L-O-L-I-T-A.

2 MS. FLETCHER: L-O? I'm sorry.

3 MR. ELLIS: L-O-L-I-T-A. Her middle
4 initial is J, if you want it.

5 MS. FLETCHER: And what's her last name?

6 MR. ELLIS: Her last name is Ellis, which
7 is the same as mine, which is E-L-L-I-S.

8 MS. FLETCHER: And Mr. Ellis?

9 MR. ELLIS: Yeah.

10 MS. FLETCHER: Was that you, the III?

11 MR. ELLIS: Yeah.

12 MS. FLETCHER: Earlier?

13 MR. ELLIS: Uh-huh.

14 MS. FLETCHER: And who else are you
15 representing?

16 MR. ELLIS: Oh, I'm representing also a
17 neighbor, but not an abutting owner. Do you want
18 me to give the neighbor's name, as well?

19 MS. FLETCHER: Yes.

20 MR. ELLIS: Okay. The neighbor's name is
21 Beverly, that's B-E-V-E-R-L-Y, and her last name
22 is Losch, and it's spelled L-O-S-C-H.

1 And I've got paperwork to that effect
2 here, if you want it.

3 MS. FLETCHER: I'll take that.

4 MR. ELLIS: Okay.

5 MS. FLETCHER: And I'm assuming she
6 signed the protest letter, as well as Lolita
7 Ellis?

8 MR. ELLIS: Yeah.

9 MS. FLETCHER: Okay. Then, I'll take
10 that for the record.

11 MR. ELLIS: And there's clarifications in
12 there.

13 (Discussion off the record)

14 MS. FLETCHER: So, that communication
15 between Mr. Ellis and I was not necessarily --
16 necessary for the record. You were just
17 explaining to me these letters of designation
18 which you stated on the record.

19 (Simultaneous discussion)

20 MR. ELLIS: Yeah, I thought you might
21 want that.

22 MS. FLETCHER: This is just for the court

1 reporter.

2 MR. ELLIS: Oh, okay. Yeah.

3 MS. FLETCHER: Just in case he wasn't
4 able to pick up that communication.

5 MS. GOFFIN: And I'm representing Jack,
6 J-A-C-K, Cohen, C-O-H-E-N.

7 MS. FLETCHER: And so, that's Stacie?

8 MS. GOFFIN: I am Stacie. Correct.

9 MS. FLETCHER: And Stacie, you are
10 representing whom?

11 MS. GOFFIN: Jack, J-A-C-K.

12 MS. FLETCHER: Mm hmm.

13 MS. GOFFIN: C-O-H-E-N, for the purpose
14 of the roll call.

15 MS. FLETCHER: Did Jack Cohen sign the
16 protest letter?

17 MS. GOFFIN: Yes.

18 MS. FLETCHER: Okay. Do you have a
19 letter of designation from Jack Cohen?

20 MS. GOFFIN: You have it on your -- as
21 part of your documentation of those of us who
22 signed the protest.

1 MS. FLETCHER: So, you already included a
2 letter in the file that you're a designated --

3 (Simultaneous discussion)

4 MS. GOFFIN: Oh no, I'm sorry. Then, I
5 misunderstood, because Bruce Cohen is our
6 designee to represent. So, I thought -- I was
7 just -- I might have misunderstood something.

8 MS. FLETCHER: Oh, I see, then. So then,
9 just so you know, if Jack Cohen signed the
10 protest letter --

11 MS. GOFFIN: He's already designated
12 Bruce.

13 MS. FLETCHER: You're good. He's already
14 covered.

15 MS. GOFFIN: Got it. Thank you.

16 MS. FLETCHER: So, Jack Cohen is also
17 being represented by Bruce Cohen.

18 MS. GOFFIN: Thank you.

19 MS. FLETCHER: Okay, thank you. And Mr.
20 Cox?

21 MR. COX: And I had forgotten, I, too,
22 have a letter of designation from an adjacent

1 property owner.

2 MS. FLETCHER: Is that property --

3 MR. COX: Sure.

4 MS. FLETCHER: Is that property owner
5 also a part of Bruce Cohen's group?

6 MR. COX: Yes, ma'am.

7 MS. FLETCHER: Okay, I'll take it,
8 though.

9 MR. COX: Okay.

10 MS. FLETCHER: So, that person designated

11 --

12 MR. COX: Is Richard Stirba, S-T-I-R-B,
13 as in boy, A.

14 MS. FLETCHER: S-T-R?

15 MR. COX: S-T-I-R.

16 MS. FLETCHER: I-R.

17 MR. COX: B, as in boy, A. Stirba. And
18 Leanna, L-E-A-N-N-A, last name, M-A-R-R. And I
19 have the documentation.

20 MS. FLETCHER: So, you have a letter of
21 designation from Richard Stirba and Leanna Marr?

22 MR. COX: Yes, ma'am.

1 MS. FLETCHER: Marr? And you have those
2 right there. I'll take those.

3 So, Mr. Ellis, do you know if those two
4 individuals are also being represented by Mr.
5 Cohen? It's okay if a person has two designated
6 representatives. I'm just trying to keep it
7 straight.

8 MS. MALTZ: Right.

9 MS. FLETCHER: So, do you know -- do you,
10 by chance, know, Mr. Ellis, if Richard Stirba and
11 Leanna Marr are also on Mr. Cohen's list?

12 MR. ELLIS: I think they are.

13 MS. FLETCHER: Okay, so they'll have two
14 designated representatives, Mr. Cox and Mr.
15 Cohen. That's the way --

16 (Simultaneous discussion)

17 MR. COX: He represents them as part of
18 the neighborhood as a whole.

19 MS. FLETCHER: Mm hmm.

20 MR. COX: I represent them as part of the
21 immediate neighbors.

22 MS. FLETCHER: Yes.

1 MR. COX: As well as part of the
2 Portsmouth Condominium.

3 MS. FLETCHER: Okay. Well, then they all
4 have two designated representatives: You, Mr.
5 Cox, and Mr. Cohen. Okay.

6 (Pause)

7 MS. FLETCHER: Okay, so everyone that
8 came forward today signed the protest letter?

9 GROUP: Yes. That's correct.

10 MS. FLETCHER: I'll just confirm that
11 later. I'm assuming today that everybody signed
12 the protest letter. And so what that means, that
13 the group of approximately 45 being represented
14 by Mr. Cohen is granted standing today.

15 And I'm saying approximately, because I
16 counted. But some of the signatures weren't too
17 clear. There wasn't total clarity, but I counted
18 as many numbers as I could. But there are at
19 least 45 protestants in your boot (sic), Mr.
20 Cohen.

21 You only needed five, so you're covered
22 either way.

1 MR. COHEN: I'm very popular (Laughter).

2 MS. FLETCHER: I see (Laughter). And the
3 fact that at least five people from the group you
4 represent are present today, means the entire
5 group is granted standing, no matter how many
6 there are.

7 And that also means that at the status
8 hearing -- I'm going to give you a date for that
9 in a minute -- that means that no one else from
10 your group needs to appear, except you, for the
11 status hearing, because the group has already
12 been granted standing.

13 The same thing with the mediation, Mr.
14 Cohen. As the designated representative for the
15 group, only you need to appear, but if there's
16 somebody else that wants to come with you, that's
17 fine. Generally, we deal with the designated
18 representatives, beyond today.

19 (Pause)

20 MS. FLETCHER: Okay, so Mr. Cohen, if you
21 could come back to the table, because you're
22 representing your group, and Mr. Cox, if you

1 would pull a chair up, because you -- oh, that's
2 good, too.

3 You're representing -- Ralston Cox,
4 you're also representing the Portsmouth Condo
5 Association?

6 MR. COX: Yes, ma'am.

7 MS. FLETCHER: I'm going to --

8 MS. FARMER: Ms. Fletcher, if I could,
9 for just a second. On the Portsmouth Condo
10 Association, we only received the one letter that
11 just indicates that it's acting through the Board
12 of Directors.

13 MS. FLETCHER: Yes.

14 MS. FARMER: But there's no further
15 backup documentation for it, or other signatures,
16 so --

17 MS. FLETCHER: That said, I'm going to
18 read that into the record.

19 MS. FARMER: Okay.

20 MS. FLETCHER: And then -- exactly.
21 That's the only document.

22 MS. FARMER: Okay.

1 MS. FLETCHER: You're right.

2 And so, Mr. Cox, the Condominium
3 Associations actually do not have standing to
4 file a protest. However, you are a member of a
5 protesting group being represented by Mr. Cohen,
6 and so, you may have an opportunity to still
7 represent the interest of the people in the
8 association.

9 But the association itself does not have
10 standing as a protestant. And just for the
11 record, I want to read a couple of blurbs from
12 your letter, just to establish the fact that it
13 is a condominium association.

14 The letter says, I, Ralston Cox, am
15 president of the board of directors of the
16 Portsmouth Condominium Association. The board of
17 directors, acting on behalf of the association
18 herein submits its protest to the application on
19 the following grounds.

20 And then, the last thing I'm going to
21 read says, I will represent the association at
22 ABRA's roll call hearing on January -- well,

1 initially, it was January 25.

2 So, condominium associations don't have
3 standing. I only read that into the record just
4 to show that it is a condominium association.
5 So, the condominium association is dismissed as
6 of today.

7 (Pause)

8 MS. FLETCHER: Mr. Cox, on your protest
9 letter, you also noted that you are an abutting
10 property owner.

11 MR. COX: Right.

12 MS. FLETCHER: So, abutting property
13 owners have standing, stand alone separate from
14 any other group. So, why do you believe you're
15 an abutting property owner?

16 I mean, is it because of your location?
17 Do your properties touch -- property lines touch?

18 MR. COX: Yes, ma'am.

19 MS. FLETCHER: Why do you believe that?

20 MR. COX: The hotel is at 1731 New
21 Hampshire, and we're immediately north of the
22 hotel at 1735.

1 MS. FLETCHER: Do the properties -- do
2 you know if the -- do you have -- do you share
3 any common walls? You're adjacent -- you're a
4 little further north. Your properties -- the --
5 the buildings don't touch.

6 MR. COX: Right, but the property lines
7 touch.

8 MS. FLETCHER: The property lines touch.

9 MR. COX: We have a side yard that's like
10 10 feet wide, and they have a -- a driveway
11 that's like 10 feet wide, and those are right
12 next to one another.

13 (Inaudible whispering)

14 SPEAKER: They share an alleyway.

15 (Discussion off the record)

16 MS. FLETCHER: And Mr. Cox, do you have
17 any documentation at all to show that the
18 property lines touch? Do you have anything to
19 add to the record to show that the property lines
20 touch? Or how is it that you're aware that the
21 property lines touch?

22 MR. COX: I have the plat and plan when

1 the condominium was established in 1981, '82. I
2 didn't bring that along.

3 MS. FLETCHER: That's okay.

4 MR. COX: But I can provide it.

5 MS. FLETCHER: Mr. Wexler, do you agree
6 with that, that the property lines abut?

7 MR. WEXLER: Yes, I do.

8 MS. FLETCHER: Okay, thank you.

9 (Pause)

10 MS. FLETCHER: So, we'll accept that as
11 the property lines abutting. If you say they
12 abut and you agree (Laughter), there's no
13 dispute. So, we can accept that. And it's on
14 the record that that's based on the plat and the
15 plans that you received -- when the hotel was
16 constructed or your building?

17 MR. COX: The -- our building was
18 constructed in 1905.

19 MS. FLETCHER: 1905.

20 MR. COX: And the hotel was constructed
21 in 1941.

22 MS. FLETCHER: Okay. And so, Mr. Cox,

1 you are also grandstanding as an abutting
2 property owner.

3 (Inaudible whispering)

4 MS. FLETCHER: So, you have standing as a
5 part of the group being represented by Mr. Cohen
6 and as an abutting property owner.

7 What that means is if -- if -- when the
8 case goes to the mediation, if the ANC signs a
9 settlement agreement, if the group of 45 signs a
10 settlement agreement, and you decide you don't
11 want to, you can carry on as an individual.

12 If the group of individuals -- if the ANC
13 signs a settlement agreement and the group of
14 individuals do not, the board will dismiss the
15 group of individuals, but they will not dismiss
16 an abutting property owner.

17 MR. COX: For the record, I think I have
18 about a third of a condo association here.

19 MS. FLETCHER: So there --

20 MR. COX: So, there are a number of other
21 abutting property owners.

22 MS. FLETCHER: But they signed the

1 protest -- but they also signed the protest
2 letter.

3 MR. COX: Yes.

4 MR. WEXLER: Yes.

5 SPEAKER: Mm hmm.

6 MS. FLETCHER: Where Mr. Cohen is
7 representing --

8 MR. COX: Right.

9 MR. COHEN: Correct.

10 MS. FLETCHER: -- the group. So, then
11 you're covered, anyway. So, even though the
12 association doesn't have standing, individual
13 members of the association filed the protest,
14 which is fine. So, they're covered in the group.

15 MR. COX: Will they be treated as
16 abutting property owners like I am?

17 MS. FLETCHER: Well, they didn't claim to
18 be abutting, but you did.

19 MR. LIEBERMAN: Well, does the record
20 reflect when we introduce ourselves as adjacent
21 property owners -- does the record then reflect
22 that we are granted --

1 MS. FLETCHER: Oh, I'm sorry. Can you
2 come up and speak into the record, and just state
3 your name again for Mr. Gary, the reporter?

4 MR. LIEBERMAN: Stephen Lieberman. Hi,
5 when we introduced ourselves, some of us
6 introduced ourselves as adjacent property owners.

7 Does the record reflect that fact? And
8 are we then granted standing as adjacent property
9 owners?

10 MS. FLETCHER: Thanks for bringing that
11 up. By adjacent, did you mean abutting?

12 MR. LIEBERMAN: Abutting, yes. Correct.

13 MS. FLETCHER: So, yes. So, you also
14 reside at 1735 New Hampshire.

15 MR. LIEBERMAN: 1735 New Hampshire. My
16 property is -- directly abuts the alleyway that
17 our two buildings share.

18 MS. FLETCHER: So, everyone present today
19 that lives at 1735 New Hampshire, all of the
20 individuals that stood up, live at 1735? So who
21 --

22 (Simultaneous discussion)

1 PARTICIPANTS: Not everybody.

2 MS. FLETCHER: So, who claims to be
3 adjacent?

4 (No response heard)

5 MS. FLETCHER: So, if you just say your
6 name and that you're adjacent, I'll record that.

7 MR. LIEBERMAN: Stephen Lieberman.

8 MS. FLETCHER: Stephen Lieberman is
9 adjacent. Okay.

10 MS. GRESHAM: Katharine Gresham. I am an
11 abutting property owner.

12 I'd like to point out that the protest
13 letter that we submitted states, I am the owner
14 of a property that abuts The Carlyle Hotel. So
15 in effect, the document -- document is covering
16 both signature --

17 (Simultaneous discussion)

18 MS. FLETCHER: Yeah, some of it -- yeah,
19 they are not all the same. That's why I'm ready
20 to take a look.

21 MS. GRESHAM: That's correct.

22 MS. FLETCHER: But you're -- okay, well,

1 then, and you're Ms. Gresham?

2 MS. GRESHAM: Yes, apartment 101 at 1735
3 New Hampshire.

4 MS. FLETCHER: Okay. Thank you.

5 MS. LIEBERMAN: Stephanie Lieberman,
6 adjacent property owner.

7 MS. FLETCHER: And so you --

8 SPEAKER: Abutting.

9 MS. LIEBERMAN: Abutting. Sorry,
10 abutting.

11 MS. FLETCHER: -- also abut (Laughter)?
12 Okay, thank you.

13 MR. FIORE: I'm David Fiore (spells it).
14 I am also an abutting property owner. I'm in
15 unit 601 at 1735 New Hampshire Avenue.

16 MS. FLETCHER: Thank you, Mr. Fiore.

17 MR. COHEN: And it's again, Bruce A.
18 Cohen, also an abutting property owner at
19 apartment 401 at 1735 New Hampshire.

20 MS. FLETCHER: So, what that means is
21 that every single abutting property owner has
22 standing on its own. So, if everybody -- if

1 everybody in this room signs a settlement
2 agreement, you get to move forward as an abutting
3 property owner. So, you're stand alone.

4 MS. MALTZ: So, just a quick question.
5 So there can be -- if the ANC comes to a
6 settlement agreement, that dismisses the
7 protestant group --

8 MS. FLETCHER: The individual --
9 (Simultaneous discussion)

10 MS. MALTZ: -- (Inaudible 00:30:57) like
11 does not -- does not dismiss the abutting
12 (Inaudible).

13 MS. FLETCHER: That's right.

14 MS. MALTZ: Every single abutting owner
15 as an individual could have a separate agreement
16 with the hotel?

17 MS. FLETCHER: Yes.

18 MS. MALTZ: Would that agreement carry
19 through if that property was sold to somebody
20 else?

21 MS. FLETCHER: Yeah, that's something
22 that we -- if there's a settlement agreement, it

1 follows the application.

2 MS. MALTZ: Okay.

3 MS. FLETCHER: It follows the license.

4 MS. FARMER: The license.

5 MS. FLETCHER: Yeah.

6 MS. MALTZ: Okay.

7 MS. FLETCHER: And Ms. Maltz, that was
8 you speaking?

9 MS. MALTZ: Yes.

10 MS. FLETCHER: Okay.

11 MR. ELLIS: Charlie Ellis again. I have
12 a question about this abutting property owner
13 business. I gave you the paperwork indicating
14 that we were, my wife and I both were, but you
15 may want to know that 1725 New Hampshire abuts
16 The Carlyle Hotel to the south.

17 MS. FLETCHER: 1725?

18 MR. ELLIS: Yeah, we're on the opposite -
19 - other side of the hotel from the Portsmouth
20 apartments.

21 (Simultaneous discussion)

22 MS. FLETCHER: And would you agree with

1 that, Mr. Wexler?

2 MR. WEXLER: Yes.

3 MS. FLETCHER: So, 1725 abuts, and --

4 MS. FARMER: 1735.

5 MS. FLETCHER: 1735 abuts.

6 MR. ELLIS: No, no. 1735 abuts 1731,
7 which abuts 1735.

8 (Simultaneous discussion)

9 MS. FLETCHER: Right. I just want to
10 know what abuts --

11 MS. FARMER: They're the two bookends.

12 MS. FLETCHER: Yeah, I just need to know
13 what abuts The Carlyle.

14 MR. ELLIS: Yeah.

15 MS. FARMER: Right.

16 MS. FLETCHER: So, 1725 abuts you, Mr.
17 Wexler?

18 MR. WEXLER: Yes, both 1725 and 1735.

19 MS. FLETCHER: And 1735.

20 MS. FARMER: Correct.

21 MS. FLETCHER: And did you say something
22 about 1731?

1 MS. FARMER: That's The Carlyle
2 (Laughter).

3 MR. ELLIS: That's the address of The
4 Carlyle.

5 MS. FLETCHER: Okay, so then we're --
6 okay, I got it.

7 MR. ELLIS: Okay?

8 MS. FLETCHER: Yep.

9 MR. ELLIS: All right.

10 MS. FLETCHER: Thank you very much.

11 (Pause)

12 MS. FLETCHER: Anything else?

13 (No response heard)

14 MS. FLETCHER: We have three protestants;
15 ANC-2B has standing as a protestant, the group
16 being represented by Bruce Cohen has standing as
17 a protestant, and each abutting property owner
18 has standing as a protestant.

19 (Pause)

20 MS. FLETCHER: So, what that means is,
21 each abutting property owner has to, on their
22 contact sheet -- each abutting property owner has

1 to put his or her name, daytime telephone number
2 and their email address.

3 If there -- not a number of you can flip
4 it over on their back, because you're going to be
5 addressed individually. You'll receive separate
6 notices, so we need your contact information so
7 that we can contact you directly.

8 (Discussion off the record)

9 MS. FLETCHER: And if you -- and could
10 you do me a favor? When you sign in, if you're
11 abutting, in parentheses, can you put abutting,
12 so that I know who is who?

13 (No response heard)

14 MS. FLETCHER: Thank you.

15 (Inaudible whispering)

16 (Five minute pause)

17 MS. FLETCHER: And I'll give you time to
18 do that before I continue. Mr. Cox, do you want
19 to say something?

20 MR. COX: Yeah, I want to make sure I
21 understand. If the ANC signs an agreement with
22 the hotel, that includes, then, the group of 45,

1 they are -- non-abutting property owners would be
2 included in the agreement as part of the ANC's
3 agreement.

4 MS. FLETCHER: No, if the -- there is a
5 group of 45 being represented by Mr. Cohen.

6 MR. COX: Right.

7 MS. FLETCHER: That's one group. If the
8 ANC enters into a settlement agreement, that
9 group will be dismissed.

10 MR. COX: Okay.

11 MS. FLETCHER: It's the group of
12 individuals --

13 MR. COX: Okay.

14 MS. FLETCHER: -- abutting property
15 owners maintain standing as individuals, but
16 groups of individuals get dismissed, if the ANC
17 enters into a settlement agreement.

18 MR. COHEN: I'm sorry. I missed the last
19 half of that.

20 MS. FLETCHER: Yeah, if the ANC enters
21 into a settlement agreement, any group of
22 individuals are dismissed by the board. Abutting

1 property owners are not dismissed, because
2 abutting property owners have standing --

3 MR. COHEN: On their own.

4 MS. FLETCHER: -- standalone, on your
5 own, just like the ANC.

6 MR. COHEN: But the abutting property
7 owners could opt to say yes, I agree with the
8 ANC.

9 MS. FLETCHER: That's the ideal -- the
10 ideal situation --

11 MR. COHEN: Right.

12 MS. FLETCHER: -- is that the entire
13 matter gets resolved all at one time.

14 MR. COX: Right. All right. And the --
15 but the abutting property owners could also, as a
16 group or individually have a separate agreement
17 with the hotel?

18 MS. FLETCHER: You could.

19 MR. COX: All right. And would that
20 agreement then, run with the permit, also?

21 MS. FLETCHER: Yes.

22 MR. COHEN: Okay. And could the separate

1 property owners object to the agreement that the
2 ANC enters into?

3 MS. FLETCHER: Well, no, you can, but for
4 us, it doesn't matter. And once the (Laughter) -
5 - once the ANC signs this (Inaudible 00:36:39)
6 agreement, (Inaudible portion - laughter
7 00:36:41).

8 I mean, you can, if you're not agreement
9 with the ANC settlement agreement. You can
10 proceed to enter into one of your own, up until
11 the point that the board approves the ANC's
12 settlement agreement.

13 MR. COHEN: Okay.

14 MS. FLETCHER: If they approve it, that's
15 when the group is dismissed. But at the
16 mediation, everybody is here. Everybody.

17 MR. ELLIS: Gotcha.

18 MS. FLETCHER: Each abutting property
19 owner, or if there are numerous abutting property
20 owners, all the abutting property owners could
21 decide that they just want one person to
22 represent them at the mediation. So, everybody

1 doesn't need to come.

2 Mr. Cox, you could represent all of the
3 abutting property owners, or each abutting
4 property owner can come.

5 MR. ELLIS: Or not.

6 MS. FLETCHER: Or not. (Laughter) Or
7 not. No preference.

8 (Pause)

9 MS. FLETCHER: And so, in a minute, I'm
10 going to give you the date for the mediation.
11 That date will be for everybody who has been
12 grandstanding.

13 Generally, the designated representatives
14 show up for the mediation, but it's up to you to
15 decide who's going to come. I'm just -- I'm just
16 waiting for the last abutting property owner to
17 put his contact information on that sheet.

18 (Pause)

19 (Discussion off the record)

20 MS. FLETCHER: And my card is on the
21 table, if anybody has any questions beyond today.
22 Then, you're going to get an official hearing

1 notice, which will also have my name and number
2 in it, as well.

3 (Pause)

4 MS. FLETCHER: So, I have a date for a
5 status hearing and the protest hearing. I'll
6 give you both dates first, and then, set the date
7 for mediation.

8 The date for the status hearing is March
9 the 9th at 9:30.

10 MS. MALTZ: Question: If I'm out of the
11 country, can I send an ANC representative in my
12 place?

13 MS. FLETCHER: Yes.

14 SPEAKER: No, you need to come home
15 (Laughter).

16 MS. FLETCHER: The status hearing is set
17 for March the 9th, at 9:30.

18 MR. COHEN: Excuse me. What is the
19 purpose of a status hearing, please?

20 MS. FLETCHER: The purpose of the status
21 hearing is for the parties to appear before the
22 full board and just inform regarding of the

1 status of the case.

2 At that point, the mediation has normally
3 been held, 99 percent of the time. So basically,
4 what they'll want to know is the status of the
5 mediation; that it was held; whether it was
6 settled or not.

7 If it didn't, the board will restate the
8 date for the protest hearing, but they just like
9 to get a -- know what's happening at that stage.

10 MR. COHEN: And a protest hearing, then?

11 MS. FLETCHER: The protest hearing, if
12 the matter is not settled, the mediation, you
13 report that to the board at the status hearing.
14 And then, the protest hearing in this case is
15 April 27th.

16 The protest hearing just goes forward.
17 The protest hearing is set for April 27th at 4:30
18 p.m. April 27 at 4:30.

19 So, if the matter is not settled in
20 mediation, then you just go forward with the
21 protest hearing. The mediation is just to give
22 you a chance to resolve the protest issues --

1 MR. COHEN: Right.

2 MS. FLETCHER: -- if you want to.

3 (Discussion off the record)

4 MS. FLETCHER: Ms. Farmer?

5 MS. FARMER: Yes?

6 MS. FLETCHER: Do you have any more of my
7 cards on your table?

8 MS. FARMER: I handed them that way.

9 MS. FLETCHER: Oh, okay (Laughter).

10 (Discussion off the record)

11 MS. FLETCHER: So, the status hearing is
12 March 9 at 9:30, and the protest hearing is April
13 27 at 4:30. So, we need to set a date for
14 mediation to occur prior to March the 9th.

15 (Pause)

16 MS. FLETCHER: The next available date is
17 next Tuesday, February 9. If that's too soon, we
18 could keep moving.

19 MS. FARMER: That's February 16th?

20 MS. FLETCHER: The 9th or the 16th,
21 actually.

22 MS. FARMER: Oh, like tomorrow?

1 MS. FLETCHER: We can do the 16th.
2 That's a Tuesday.

3 MS. FARMER: The 16th you're out.
4 Tomorrow, I'm not ready to do.

5 MS. FLETCHER: Oh, that's right. That's
6 tomorrow.

7 MS. FARMER: Yeah (Laughter).

8 MS. FLETCHER: Time is flying. Let me
9 keep looking.

10 MR. COHEN: It's all right.

11 MS. FLETCHER: Oh my god.

12 MS. FARMER: And Mr. Wexler is out of
13 town on the 16th, so --

14 MS. FLETCHER: Okay. Well, how about --
15 (Pause)

16 MS. FLETCHER: How about Friday, February
17 19th? Is that good for anybody?

18 MS. FARMER: That works for us.

19 MS. FLETCHER: Works for the hotel?

20 MS. FARMER: Mm hmm.

21 MS. MALTZ: What time? I have an
22 appointment for --

1 (Simultaneous discussion)

2 MS. FLETCHER: It can be 9, 10 or 11.

3 MS. MALTZ: I don't know that I can do
4 that morning.

5 MS. FLETCHER: Okay. Would the afternoon
6 make a difference? Or just keep moving?

7 MS. MALTZ: I would say no, because I'm
8 at the doctor's anywhere from four to eight hours
9 when I take him, so --

10 MS. FLETCHER: Okay.

11 MS. MALTZ: -- no.

12 MS. FLETCHER: How about Thursday,
13 February 25?

14 (Discussion off the record)

15 MS. FLETCHER: At 9, 10 or 11?

16 (Discussion off the record)

17 MS. FARMER: That works for the hotel.

18 MR. COHEN: What -- February 25th?

19 SPEAKER: Time?

20 MS. FLETCHER: At 9, 10 or 11 on February
21 25?

22 MR. COHEN: 10:00?

1 MS. FARMER: Yeah, I think 10 works.

2 MR. COHEN: Ten o'clock okay?

3 MR. WEXLER: Ten?

4 MS. FARMER: Hold on a second. I might
5 have a meeting (Inaudible 00:43:10).

6 MR. WEXLER: Whatever is most convenient
7 for you guys. That's fine, if you want to show
8 and do ten.

9 (Discussion off the record)

10 MS. MALTZ: The meeting will take a while
11 here, so that if I have a meeting, I'll just show
12 up when I'm done with my -- I think I have an
13 8:00 meeting (Inaudible 00:43:35) but I'm not
14 sure. I have a meeting with my (Inaudible), so
15 if it's at nine, I'll just show up when the
16 conversation --

17 (Simultaneous discussion)

18 SPEAKER: Do you want to make it 11?

19 (Simultaneous discussion)

20 MS. MALTZ: I don't know. I mean, it --

21 MS. FLETCHER: 11?

22 MS. MALTZ: I can't (Inaudible portion) -

1 -

2 (Simultaneous discussion)

3 MS. FLETCHER: I understand what you're
4 saying.

5 MS. FARMER: We (Inaudible) at 10.

6 MR. COHEN: We said 10.

7 MS. FLETCHER: It could be at 9, 10 or
8 11.

9 MR. COHEN: 10.

10 MS. MALTZ: Also, nine is better for me,
11 because if we do it at 10, I have to drop my son
12 off, go back, go to work and then come here. I
13 mean, whatever.

14 (Simultaneous discussion)

15 MR. COHEN: Whatever.

16 MS. MALTZ: If I can't be there, I'll get
17 somebody to come in my place.

18 MS. FLETCHER: Okay.

19 SPEAKER: Look, if it's good for you at
20 nine, is everybody okay?

21 MS. MALTZ: Let's just do 10. Ten is
22 fine.

1 (Simultaneous discussion)

2 SPEAKER: Nine?

3 MS. MALTZ: I'll just take off -- I'm
4 going to end up taking the day off from work, so
5 if I can't -- so, let's just do -- I can't get my
6 work calendar right now.

7 MS. FLETCHER: Right. I understand.

8 SPEAKER: So what are we picking then?

9 MR. COHEN: Ten o'clock.

10 MS. FLETCHER: Ten o'clock.

11 MS. FARMER: Ten. Got it.

12 MS. FLETCHER: Ten o'clock on February
13 25?

14 MS. FARMER: Yeah.

15 MR. COHEN: And where is that?

16 MS. MALTZ: That's here in this office.

17 MS. FLETCHER: Yes. So, you can just
18 check in with the receptionist on the 25th,
19 because we probably won't be in here. We'll be
20 in the back on the 25th.

21 So, I'll come out and take you in the
22 back.

1 MR. COX: I'd like to ask for a little
2 clarification about the mediation. If on the
3 25th, we can't -- we haven't reached an
4 agreement, when we go to the status hearing on
5 the 9th, is it possible that they would say you
6 all keep talking?

7 MS. FLETCHER: We'll leave it up to you.
8 It's up to you.

9 MR. COX: Okay.

10 MS. FLETCHER: It's up to you. You can -
11 - it's up to you 100 percent. They won't tell
12 you to do anything. Either you decide you want
13 to resolve this matter, or you don't.

14 And if you haven't resolved it by the
15 status hearing, you can tell the board you're
16 going to continue your efforts, that's fine. If
17 you say, we're done, that's fine. They just want
18 to know what's going on. They leave it up to
19 you.

20 MR. COX: Okay. Thank you.

21 MS. FLETCHER: You're welcome.

22 And if you are able to reach an agreement

1 before the status hearing, then the board cancels
2 the status hearing.

3 If they approve the settlement agreement,
4 then they cancel the protest hearing.

5 (Pause)

6 MS. FLETCHER: Anything else?

7 (No response heard)

8 MS. FLETCHER: Roll call hearing is
9 concluded.

10 MS. FARMER: Thank you.

11 MR. COX: Thank you.

12 MR. COHEN: Thanks.

13 MS. FLETCHER: You're welcome.

14 [Whereupon, at 10:52 a.m. the
15 above-entitled matter concluded.]