

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:	*
	*
Renaissance Centro M Street, LLC	*
t/a Hyatt Place Washington DC	*
Georgetown West End	*
2121 M Street, NW	*
Retailer CH - ANC-2A	*
License No. ABRA-099352	*
Case #15-PRO-00078	*
	*
(New Application)	*

August 24, 2015

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

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

2 10:17 a.m.

3 AGENT FLETCHER: Would the parties in
4 Hyatt Place Washington DC Georgetown West End
5 come forward? This is Case No. 15-PRO-00078.
6 This is Renaissance Centro M Street, LLC t/a
7 Hyatt Place Washington DC Georgetown West End,
8 2121 M Street, N.W., License No. ABRA-099352.
9 This is a Retailer CH new application.

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

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

17 Introductions beginning with the
18 applicant?

19 MR. FONSECA: Good morning, Ms.
20 Fletcher. Michael Fonseca on behalf of the
21 applicant.

22 AGENT FLETCHER: Good morning, Mr.

1 Fonseca. Would you spell your last name for the
2 record, please?

3 MR. FONSECA: F, as in Frank, O-N, as
4 in Nancy, S-E-C-A.

5 AGENT FLETCHER: Thank you. Present
6 on behalf of the West End Citizens Association?

7 MS. KAHLOW: Barbara Kahlow. Nice to
8 see you, Ms. Fletcher. K-A-H-L-O-W. I'm
9 secretary/treasurer.

10 AGENT FLETCHER: Thank you, Ms.
11 Kahlow. And on behalf of ANC-2A?

12 MR. SACCO: Good morning. My name is
13 Peter Sacco, S-A-C-C-O. And I'm the executive
14 director for ANC-2A.

15 AGENT FLETCHER: Thank you, Mr. Sacco.
16 And present on behalf of the group of 46
17 individuals?

18 MS. BLUMENTHAL: I am Sally
19 Blumenthal. I am the president of the board of
20 directors of 22 West. I have five residents of
21 22 West with me. Four of the five signed the
22 original petition. The fifth was designated to

1 be the proxy for people who signed the petition
2 and I have copies of those --

3 AGENT FLETCHER: Okay.

4 MS. BLUMENTHAL: -- proxy letters for
5 you.

6 AGENT FLETCHER: All right. And, so
7 Ms. Blumenthal, if the parties with you could
8 stand behind the table and state their names into
9 the microphone and spell them for the record?

10 MS. BLUMENTHAL: Thank you.

11 MS. GATI: T-O-B-Y G-A-T-I.

12 AGENT FLETCHER: Thank you.

13 MR. GATI: Charles Gati, G-A-T-I.

14 AGENT FLETCHER: Thank you.

15 MS. KARP: Dolores Karp. D-O-L-O-R-E-
16 S Karp, K-A-R-P.

17 AGENT FLETCHER: I'm sorry, what's the
18 last name? The last name again?

19 MS. KARP: Karp, K-A-R-P.

20 AGENT FLETCHER: K-A-R-P. Thank you.

21 MR. WILLIAMS: Scott Williams. S-C-O-
22 T-T Williams.

1 MR. HECHINGER: Ross Hechinger, H-E-C-
2 H-I-N-G-E-R. First name Ross, R-O-S-S. And I'm
3 a proxy for Alexander -- do you want to do that?

4 MS. BLUMENTHAL: For Wigdor, the two
5 Wigdors, David Wigdor and Alexander Wigdor.

6 AGENT FLETCHER: How do you spell
7 Wigdor?

8 MS. BLUMENTHAL: W-I-G-D-O-R. And I
9 have these for you.

10 AGENT FLETCHER: Okay.

11 MS. BLUMENTHAL: Thank you.

12 AGENT FLETCHER: Thank you. Ms.
13 Blumenthal, I'll take those documents. Thank
14 you.

15 So Mr. Hechinger is representing David
16 Wigdor, W-I-G-D-O-R, and Mr. Hechinger is also
17 representing Alexandra Wigdor, W-I-G-D-O-R.

18 MR. HECHINGER: Yes, that's correct.

19 AGENT FLETCHER: Thank you. Ms.
20 Blumenthal, what that means for your group is
21 that your entire group is granted standing today.

22 MS. BLUMENTHAL: Thank you.

1 AGENT FLETCHER: At least five have
2 appeared from your group, which means that at the
3 upcoming Status Hearing, only the designated
4 representative will need to appear and no one
5 else.

6 MS. BLUMENTHAL: Thank you.

7 AGENT FLETCHER: You're welcome. The
8 same thing for the mediation, only the designated
9 representative, unless you choose to bring
10 someone else.

11 MS. BLUMENTHAL: Thank you.

12 AGENT FLETCHER: ANC-2A does have
13 standing as a protestant.

14 Ms. Kahlow, the West End Citizens
15 Association cannot be granted standing today,
16 because there was -- I read your protest letter
17 and I know there was a meeting held. It was duly
18 called, but the applicant was not invited to
19 attend the meeting and so a vote was taken to
20 protest the application, but at the duly called
21 meeting, the applicant has to be invited to
22 attend.

1 And I understand from your letter that
2 the meeting was held by the board of directors
3 and that your membership meeting is held
4 quarterly.

5 MS. KAHLOW: Right.

6 AGENT FLETCHER: So you didn't invite
7 the applicant because it was not the membership
8 meeting. The Regulations don't make a
9 distinction between the type of meeting and so
10 there was a duly called meeting to which the
11 applicant was not invited to attend.

12 MS. KAHLOW: We don't normally have
13 non-board members at board meetings. And to have
14 a summer meeting would have been a hardship for
15 us to pay for a place to have it and a mailing
16 for a small nonprofit. And as a consequence, we
17 decided to show up at the ANC meeting and to
18 announce that we were going to be protesting and
19 we just couldn't do it. We just think it is --
20 when you have a June 26th posting, we would have
21 had to do a mailing in July and August. People
22 are not in town.

1 AGENT FLETCHER: Yes.

2 MS. KAHLOW: So it's just not -- it
3 was just not a possibility for us. And we need
4 the Board to be more flexible on that.

5 AGENT FLETCHER: So was there any
6 particular reason why you would not have invited
7 the applicant to the board of directors' meeting?

8 MS. KAHLOW: We don't. We don't. The
9 board of directors meetings have not in the
10 past --

11 AGENT FLETCHER: Yes.

12 MS. KAHLOW: -- included people. They
13 are held in homes.

14 AGENT FLETCHER: Yes.

15 MS. KAHLOW: Obviously, we don't have
16 a meeting locale. And I guess it could have
17 been, but it's nothing we have ever done before.

18 AGENT FLETCHER: And when would the
19 quarterly membership meeting have been held?

20 MS. KAHLOW: It's going to be held in
21 September.

22 AGENT FLETCHER: Yes.

1 MS. KAHLOW: And it is after all of
2 this. And of course, they could come then. I
3 believe the date is September 26th. And we have
4 the Attorney General coming and, you know, we
5 have to -- we have secured a place, etcetera. We
6 can have him come September 26th. We would be
7 happy to.

8 AGENT FLETCHER: Mr. Fonseca, do you
9 have anything you would like to say?

10 MR. FONSECA: Well, I've known Ms.
11 Kahlow for some time and between now and the
12 Status Hearing, she will have an opportunity to
13 raise this with the Board, but I think we are
14 hopeful with her inclusion in -- even at
15 mediation, because I think the ANC would not
16 mind, neither would be, we may be able to resolve
17 this. So I think she can preserve her rights to
18 move to reconsider at the Status Hearing.

19 AGENT FLETCHER: And --

20 MS. KAHLOW: Do you want us to invite
21 him September 26th? I would be happy to do so.

22 AGENT FLETCHER: Yes, I'm just trying

1 to --

2 MR. FONSECA: I don't think the
3 statute is going to allow that to --

4 MS. KAHLOW: We would be happy --

5 MR. FONSECA: -- it's only the ANC
6 with the consent is normally allowed to hold a
7 meeting after the petition deadline. I think
8 that's the problem.

9 MS. KAHLOW: Okay.

10 AGENT FLETCHER: What Mr. Fonseca said
11 is correct.

12 MS. KAHLOW: Okay. Well, I just
13 wanted to --

14 AGENT FLETCHER: Yes.

15 MS. KAHLOW: -- show our willingness.

16 AGENT FLETCHER: Yes. I just wanted
17 to get on the record the understanding of why the
18 applicant wasn't voted to the board of directors'
19 meeting, that's not a meeting where the applicant
20 would normally be.

21 MS. KAHLOW: That is correct.

22 AGENT FLETCHER: It's not open to the

1 public.

2 MS. KAHLOW: Right.

3 AGENT FLETCHER: It's not a publicly-
4 held meeting where you give notice to the public.
5 So that's just strictly for the board of
6 directors and that meeting takes place in the
7 homes of the members.

8 MS. KAHLOW: Yes.

9 AGENT FLETCHER: So, Mr. Fonseca,
10 would you be opposed to the granting of the West
11 End Citizens Association as a protestant?

12 MR. FONSECA: Well, I prefer it to
13 occur at the Status Hearing.

14 AGENT FLETCHER: Okay. Then I'm going
15 to not grant standing to the West End Citizens
16 Association today for the reasons that I have
17 just stated. I just wanted to get a response
18 from the applicant.

19 And at the Status Hearing on -- the
20 Status Hearing is going to be held on October the
21 14th, so by then the membership meeting will have
22 been held.

1 MS. KAHLOW: That's correct.

2 AGENT FLETCHER: And so at the Status
3 Hearing, if the matter has not been resolved by
4 then, you can petition the Board, at that time,
5 for -- to be granted standing as a protestant,
6 but maybe by then it won't be necessary if the
7 matter has already been resolved.

8 MS. KAHLOW: Can I appear with the ANC
9 as -- at the mediation or for -- with any of
10 these other parties, so I can --

11 AGENT FLETCHER: Well --

12 MS. KAHLOW: -- as indicated, I have
13 more experience than the other two.

14 AGENT FLETCHER: Well, you could
15 outside of ABRA. If you all meet outside of
16 ABRA, you could. If you come in for mediation at
17 ABRA, then no. But if you can work it out
18 outside of ABRA, that's fine with us.

19 MR. FONSECA: We would welcome Ms.
20 Kahlow's attendance at the mediation, so I would
21 hope you would be flexible on that.

22 AGENT FLETCHER: Mediation is strictly

1 confidential and you have to be a party with
2 standing to participate in mediation. But if you
3 all can work something out outside of mediation
4 that will be fine. Let us know.

5 MS. KAHLOW: Okay.

6 AGENT FLETCHER: There are two
7 protestants in this matter: ANC-2A and the group
8 of 46 represented by Sally Blumenthal.

9 MS. BLUMENTHAL: Yes.

10 AGENT FLETCHER: We need to set a date
11 for mediation, the Status Hearing which you have
12 the date of already, and also a Protest Hearing.

13 MS. BLUMENTHAL: What is the time on
14 the 14th?

15 AGENT FLETCHER: Yes, it's going to be
16 at 9:30 a.m., October 14 at 9:30 a.m. for the
17 Status Hearing. For the Protest Hearing, it is
18 November 4, 2015 at 4:30 p.m. We need to set a
19 date for mediation. The next available day for
20 mediation is Thursday, September 10th at 9:00 --

21 MS. BLUMENTHAL: September the?

22 AGENT FLETCHER: September 10 at 9:00,

1 10:00, 11:00 or 1:00.

2 MR. FONSECA: That's unavailable.

3 I've got a list of dates that would be available
4 for attendance by my client's principal and the
5 development vice president. Is September 14th
6 earlier? I know that is Friday after Labor Day,
7 so I don't know if the 8th, the 14th, any time
8 the 23rd, 24th, 25th?

9 AGENT FLETCHER: We can do the 24th of
10 September, if that's available for everyone?

11 MS. BLUMENTHAL: That would work for
12 me.

13 AGENT FLETCHER: Okay. And --

14 MR. FONSECA: That's a Thursday?

15 AGENT FLETCHER: Ms. Kahlow, is that
16 good for you, if you are reinstated, September
17 24th?

18 MS. KAHLOW: It would, but our meeting
19 is September 26th.

20 AGENT FLETCHER: Oh, that's right,
21 that's right.

22 MS. KAHLOW: So that's --

1 AGENT FLETCHER: That's right. And so
2 did we want to move to the next week just in
3 case?

4 MR. FONSECA: Do you want to do that?

5 MS. KAHLOW: That's fine with me.

6 MR. FONSECA: Yes.

7 AGENT FLETCHER: Oh, okay. So what
8 about Thursday, October the 1st? Would that
9 work? Any preference for time, 9:00, 10:00,
10 11:00 or 1:00?

11 MS. BLUMENTHAL: 10:00 a.m.

12 MS. KAHLOW: 10:00.

13 AGENT FLETCHER: 10:00. So that's
14 mediation is going to be on October the 1st at
15 10:00.

16 MS. KAHLOW: So, Ms. Fletcher, I
17 understand it, after the September 26th meeting
18 to which the applicant is invited, then I
19 petition the Board? Do I have to file something
20 for them to reconsider us or how -- what do --

21 AGENT FLETCHER: Yes, because what is
22 going to happen is the Board returns on September

1 9, so when they return, they will issue an order
2 dismissing West End Citizens Association for the
3 reason that we already talked about. And then
4 you will have 10 days to seek reinstatement.
5 Once you do that, inform the Board the meeting
6 was held, the reason it wasn't held and, you
7 know, they can reinstate you, at that time.

8 MS. KAHLOW: And I should put that in
9 writing?

10 AGENT FLETCHER: Yes.

11 MS. KAHLOW: Thank you.

12 AGENT FLETCHER: Yes. And you will
13 have 10 days upon receipt of the order. And when
14 I become aware that the Board granted
15 reinstatement, I'll contact you just to reconfirm
16 your participation in mediation.

17 MS. KAHLOW: Thank you.

18 AGENT FLETCHER: Any questions at all?
19 Okay. Well, then the Roll Call Hearing is
20 concluded.

21 MS. BLUMENTHAL: Thank you.

22 MR. FONSECA: Thank you.

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MS. KAHLOW: Thank you.

AGENT FLETCHER: Thank you.

(Whereupon, the Roll Call Hearing in
the above-entitled matter was concluded at 10:33
a.m.)

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