

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

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6 IN THE MATTER OF: :
7 Hopeful, Inc., :
8 t/a To Be Determined : Fact Finding
9 (formerly Bobby Lew's Saloon): Hearing
10 License #ABRA-91955 :
11 Retailer Class CR :
12 ANC-1C :
13 Request to Extend :
14 Safekeeping :

15 - - - - -X

16 Wednesday, March 23, 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 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 LISA DRACIN,

13 On behalf of Bobby Lew's Saloon

14 MARTHA JENKINS, ESQ.

15 On behalf of ABRA

16 DANETTE WALKER,

17 On behalf of ABRA

18 APRIL RANDALL,

19 On behalf of ABRA

20

21

22

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

2

3 CHAIRMAN ANDERSON: The next case on our
4 calendar is, um -- we have a fact finding hearing
5 on, um, Bobby Lew's Saloon, License #91955. Um,
6 would the applicant please step forward and, um,
7 identify yourself for the record? There is a
8 sign-in sheet. Can you sign in, please? Can you
9 identify yourself for the record, please, ma'am?

10 MS. LISA DRACIN: Uh, Lisa Dracin.

11 CHAIRMAN DONOVAN ANDERSON: All right.
12 Ms. Dracin, there's, um -- this is a fact finding
13 hearing, and we received a letter that you're
14 requesting a 6-month extension to keep your
15 license in safekeeping. So, can you just give us
16 -- give us, um, some information on what's going
17 on, and why is it that you're asking the Board
18 to, um, extend your safe -- your license in a
19 safekeeping mode for an additional 6 months.

20 MS. LISA DRACIN: Yes. Um, we are
21 redeveloping the site where -- the physical site
22 where the, um, license will be used. We are on

1 Columbia Road. Um, it's the old site that housed
2 Comet Liquor and Deli, and, um, our building was
3 originally built to be a liquor store, 1929. It's
4 a very solid building that looks like a vault for
5 liquor.

6 And apropos to your question about how he
7 was going to control his -- his liquor inventory
8 at the collaborative kitchen, Mr. Gilmore and --
9 Oscar Gilmore and -- the, uh, father of Joe
10 Gilmore, head of JBG -- built our building at
11 1815 Columbia Road to be a vault for liquor,
12 because before the repeal of prohibition, liquor
13 was more valuable than gold. So our building is a
14 solid steel and brick masonry, kind of, big
15 building.

16 However, our infrastructure, the water
17 pipe -- D.C. water line in front of our building
18 is 125 years old and has low water flow. And I
19 believe Mr. Short's background is fire safety --
20 um, am I incorrect with that?

21 CHAIRMAN DONOVAN ANDERSON: You're
22 correct, ma'am.

1 MS. LISA DRACIN: And he -- he will be
2 able to tell you, uh, that an old water pipe with
3 low water flow poses risks, not only to the
4 community, but to any occupant of my building,
5 particularly a restaurant. So we -- we've had a
6 thousand prospective food and beverage tenants
7 come to our building and refuse to occupy it,
8 absolute refusal.

9 And our conclusion is, is that we must
10 redevelop our building in order to afford to
11 replace the infrastructure. And we need to put in
12 a 4-inch water line for the restaurant, a 2-inch
13 domestic water pipe, plus we need to put in water
14 lines for residential housing above.

15 So we have become a microscopic detail of
16 the larger progress of the city. We need to
17 redevelop. We know that, according to the mayor
18 at the Office of Planning seminar, about a month
19 ago, at the Howard Theater, that a thousand new
20 residents are moving into the city each month and
21 that within 20 years, we'll have an additional
22 200,000 people. So we are redeveloping our

1 building with that knowledge. That infrastructure
2 needs to be replaced, and we need to redevelop.
3 And that's what we're doing, and it's a long,
4 difficult process.

5 As you know, there are hurdles. We -- we
6 are non-contributing to the historic district
7 and, therefore, we must go to Historic, uh,
8 Preservation Office, and they stand as a huge
9 barrier to redevelopment. So we are dealing with
10 those challenges, and we hope that you, as
11 government officials, understand that historic
12 preservation is not always necessary. The -- what
13 they said at the Office of Planning seminar was
14 that preservation is for people, and people --
15 The highest priority for the people in my block
16 is good water quality and fire safety.

17 Envision Adams Morgan, which is the
18 preliminary strategic planning document produced
19 between Adams Morgan and the Office of Planning,
20 had more than -- greater than 500 respondents to
21 their 2015 survey. They fully support -- the
22 residents of Adams Morgan fully support

1 redevelopment, and it is for the replacement of
2 100-year-old and greater infrastructure.

3 So that's where we're at. We're in the
4 middle of an approval process. Our bankers have
5 funded us. They understand that the development
6 process could take as long as 3 years because of
7 the lengthy approval process. We must go to
8 Historic Preservation. We may have to go to
9 mayor's agent. And then, we produce our
10 construction documents, which can take months to
11 produce, as you might imagine, and we go to
12 permitting. So, we may not begin construction for
13 2 years, simply because of the approval process.

14 We have filed our D.C. Water Utility
15 Plan, and you may have heard about the D.C.
16 Water, uh, newly announced, um, WASA fees. These
17 are tremendously -- uh, these are a tax
18 distortion. They are tax penalty that is
19 disproportionately being placed on the shoulders
20 of small and large developers and renovators
21 across the city to pay for the infrastructure
22 replacement, and it's because we do not have

1 equitable distribution of these WASA fees across
2 the protected properties in the 42 historic
3 districts. That's part of the problem.

4 The other problem is, we have a Grade D
5 water infrastructure, and we are leaking water
6 into the ground.

7 So I'm just a small problem, a small
8 microslice of a city-wide problem, and the only
9 thing I can say to you is that we all need
10 patience and, um, your help, as leaders in
11 government, to remove the tax penalties of the
12 WASA fee, and historic preservation in historic
13 districts from new development in Washington will
14 move the city a long way toward reducing its 3%
15 budget deficit and will help everyone achieve
16 good water quality and fire safety. And not only
17 that, but there'll be a lot more cafes and
18 restaurants, and a lot more income produced for
19 ABRA, to help support the city and your programs.

20 So, I'm just speaking from a very wide
21 perspective, but the narrow perspective is, we're
22 right in the beginning of, uh, historic

1 preservation approval, and that could take us --
2 120 plus 120 -- 240 days, legally, and then after
3 that, we do our construction drawings, then go to
4 permitting, which could take another 6 months.
5 Then we can get in place to build. So
6 unfortunately, that's why we're in safekeeping.
7 We'd love to go faster. The whole city would love
8 to go faster.

9 CHAIRMAN DONOVAN ANDERSON: Questions?
10 Yes, Mr. Alberti.

11 MR. NICK ALBERTI: Okay. So all of -- all
12 of the policy problems and your, um, objections
13 to them aside -- all right? We are powerless to
14 deal with that. Um -- Okay. So you have a liquor
15 license, right? You -- you -- you possess this
16 liquor license, and you are a developer, is that
17 correct?

18 MS. LISA DRACIN: I'm actually a trustee,
19 and I have been --

20 MR. NICK ALBERTI: Okay. So you're --
21 you're a trustee who's --

22 MS. LISA DRACIN: -- trying to take my

1 building to its highest and best use.

2 MR. NICK ALBERTI: Okay. So you're a
3 trustee whose intent is to redevelop this
4 property.

5 MS. LISA DRACIN: Right.

6 MR. NICK ALBERTI: Is that correct? All
7 right. And you have a liquor license.

8 MS. LISA DRACIN: We have a liquor
9 license.

10 MR. NICK ALBERTI: So I assume that you
11 hope to use this liquor license at that site. Is
12 that correct?

13 MS. LISA DRACIN: Absolutely. We are
14 designing the ground floor and the cellar --
15 We're excavating the cellar to have a 15-foot
16 ceiling, and we are designing the building, with
17 all the appropriate ducts and chases and
18 whatever, for a full-service restaurant. I have
19 research performed by one of the local, uh,
20 retailer -- retail realty firms that shows that
21 our quadrant of D.C. has a huge demand for full-
22 service restaurants. So that's what we're

1 preparing our facility for.

2 MR. NICK ALBERTI: Okay. Great. So --

3 (Off-mic speaking)

4 MR. NICK ALBERTI: Now, I'm trying to
5 parse, from -- from -- from your presentation,
6 where you are in that process.

7 MS. LISA DRACIN: Oh, we have finished
8 all of our -- most of our civil engineering.

9 MR. NICK ALBERTI: Mm-hmm.

10 MS. LISA DRACIN: We are hiring an
11 architect. We've interviewed more than sixty
12 firms, and we have finally arrived at one or two
13 architects who can actually handle this HPO
14 approval process. Most of them run away
15 screaming, saying they don't want to handle it.
16 But we have -- we do -- we are talking with
17 people, and we should be entering into an
18 architectural contract within 2 weeks. We already
19 have one architect on board, as project
20 coordinator, and we will be talking to D.C. Water
21 within two or three weeks.

22 MR. NICK ALBERTI: Okay. So let's set the

1 D.C. Water aside --

2 MS. LISA DRACIN: Well, that's part --

3 MR. NICK ALBERTI: -- all right? I --

4 MS. LISA DRACIN: -- of the development
5 process.

6 MR. NICK ALBERTI: Oh, I understand. I
7 understand that. All right. I understand that.
8 But -- but you have to do that.

9 MS. LISA DRACIN: Right.

10 MR. NICK ALBERTI: You're going to
11 redevelop this, you have to -- you have to
12 address and deal with whatever requirements D.C.
13 WASA wants. I mean, if that's going to be a
14 stumbling block that you don't think you can get
15 over, tell us.

16 MS. LISA DRACIN: I didn't -- I didn't
17 tell you I couldn't get over it.

18 MR. NICK ALBERTI: All right. All right.
19 So --

20 MS. LISA DRACIN: I'm telling you that
21 that's what we're going to go do, and that's
22 what's --

1 MR. NICK ALBERTI: All right. Great.
2 Great.

3 MS. LISA DRACIN: -- convincing everyone
4 --

5 MR. NICK ALBERTI: And I -- and I applaud
6 you for --

7 MS. LISA DRACIN: The building's good.

8 MR. NICK ALBERTI: I understand -- I
9 understand your angst. I understand why it's so
10 hard. All right. But what we need to know is that
11 you're going to -- you're going -- you're going
12 to proceed.

13 MS. LISA DRACIN: Oh, absolutely.

14 MR. NICK ALBERTI: All right? Despite
15 those obstacles, you're going to proceed.

16 MS. LISA DRACIN: Absolutely.

17 MR. NICK ALBERTI: Okay.

18 MS. LISA DRACIN: We just closed --

19 MR. NICK ALBERTI: So --

20 MS. LISA DRACIN: -- our bank loan --

21 MR. NICK ALBERTI: Right. All right. So -
22 -

1 MS. LISA DRACIN: -- 10 days ago.

2 MR. NICK ALBERTI: -- where are you in
3 the HPO process?

4 MS. LISA DRACIN: HPO process?

5 MR. NICK ALBERTI: I mean, you talked
6 about not having an architect, so you don't even
7 -- So do you have a concept --

8 MS. LISA DRACIN: We --

9 MR. NICK ALBERTI: -- design --

10 MS. LISA DRACIN: We have --

11 MR. NICK ALBERTI: Wait. Let me finish my
12 -- let me finish my question. Do you have a
13 concept design yet?

14 MS. LISA DRACIN: Yes. Oh, yes. We had an
15 initial architect, and he withdrew from our work.
16 He was unable to complete it. Um, it's a -- I
17 suppose it's an interesting story. I don't know
18 if you're interested in it. The, uh --

19 MR. NICK ALBERTI: Uh, we don't really --
20 I mean -- Not -- not that we're not interested,
21 but we really --

22 MS. LISA DRACIN: Right, you don't have

1 the time.

2 MR. NICK ALBERTI: We -- Really --

3 MS. LISA DRACIN: (Inaudible).

4 MR. NICK ALBERTI: -- seriously, I mean,
5 we're --

6 MS. LISA DRACIN: He -- he -- he was a
7 darling, sweet young man, and he -- but he
8 couldn't handle it, and he, um, pretty much
9 abandoned the project, and I had to go find
10 another architect.

11 MR. NICK ALBERTI: Okay. Great. So have
12 you submitted an application to -- to HPO?

13 MS. LISA DRACIN: Yes. Yes.

14 MR. NICK ALBERTI: You have?

15 MS. LISA DRACIN: Yes.

16 MR. NICK ALBERTI: All right.

17 MS. LISA DRACIN: We -- we -- we
18 presented it the business day after Christmas
19 because we needed a vacant property tax --

20 MR. NICK ALBERTI: Presented it to --

21 MS. LISA DRACIN: To DCRA permitting.

22 MR. NICK ALBERTI: To DCRA. All right.

1 MS. LISA DRACIN: You go to permitting,
2 and you get a building permit, and you get an HPO
3 case number --

4 MR. NICK ALBERTI: Okay.

5 MS. LISA DRACIN: -- and you submit what
6 you have, which we did, and that kicks off the
7 HPO process.

8 MR. NICK ALBERTI: All right. So where is
9 that process now?

10 MS. LISA DRACIN: We have a case number.
11 We've had meetings at Historic Preservation, our
12 initial meetings.

13 MR. NICK ALBERTI: Okay.

14 MS. LISA DRACIN: We told them we did the
15 filing to obtain a vacant property tax exemption
16 --

17 MR. NICK ALBERTI: All right. That --
18 that's -- that's not something we need to know. I
19 know how that works. I know how HPO works. I know
20 how --

21 MS. LISA DRACIN: And -- and -- and --

22 MR. NICK ALBERTI: -- preservation review

1 process works --

2 MS. LISA DRACIN: -- they got us confused
3 with that.

4 MR. NICK ALBERTI: All right.

5 MS. LISA DRACIN: So we told them we were
6 hiring an architect, and we weren't ready yet,
7 and they didn't understand that. They're --
8 they're so, I guess, routinized into people
9 coming prepared and -- experienced people coming
10 --

11 MR. NICK ALBERTI: All right. So -- so in
12 6 months, do you think you're going to be -- have
13 made significant progress down that --

14 MS. LISA DRACIN: Oh, yeah, absolutely.

15 MR. NICK ALBERTI: Wait, wait, let me --
16 let me finish my question.

17 MS. LISA DRACIN: Yeah.

18 MR. NICK ALBERTI: Significant process
19 down that avenue of -- Because your first step is
20 -- your first step in getting any building
21 permits to -- to -- to proceed with actual
22 construction and -- and -- other than, maybe,

1 site preparation, would be to get approval from
2 HPO -- HPRB.

3 MS. LISA DRACIN: Right.

4 MR. NICK ALBERTI: So that's your first
5 step.

6 MS. LISA DRACIN: Well, actually --

7 MR. NICK ALBERTI: So --

8 MS. LISA DRACIN: -- they don't give
9 approval. They give denial or consent for the
10 application for a permit.

11 MR. NICK ALBERTI: Right. Right. So --
12 right.

13 MS. LISA DRACIN: But they don't really
14 approve anything. DCRA --

15 MR. NICK ALBERTI: Okay. So -- so --

16 MS. LISA DRACIN: -- approves --

17 MR. NICK ALBERTI: -- I'm sorry I put it
18 that way. All right.

19 MS. LISA DRACIN: (Inaudible).

20 MR. NICK ALBERTI: So your first -- so
21 your first avenue is to get approval from -- to
22 get consent from HPRB.

1 MS. LISA DRACIN: Right.

2 MR. NICK ALBERTI: All right. So, um, in
3 6 months, do you think you'll have made
4 significant progress there, or --

5 MS. LISA DRACIN: Oh, absolutely. We have
6 no choice. We must move forward. It's -- we --
7 this is a relentless march.

8 MR. NICK ALBERTI: Well, I know. I know.
9 But, um -- yeah. I know it's a relentless march,
10 but not everyone marches as fast as others.

11 MS. LISA DRACIN: That's true.

12 MR. NICK ALBERTI: And I -- and I'm just
13 --

14 MS. LISA DRACIN: That's very true.

15 MR. NICK ALBERTI: -- concerned that we
16 don't, you know --

17 MS. LISA DRACIN: That's very true.

18 MR. NICK ALBERTI: -- that -- that -- I'm
19 just concerned that we have someone with a
20 license -- that they're doing due diligence to
21 keep -- keep this -- to keep the train moving in
22 the right direction. So that's -- that's partly

1 why you're here, and that's why I'm asking my
2 questions, so.

3 MS. LISA DRACIN: The -- the train is
4 moving, and if you want to come help push it, I'd
5 --

6 MR. NICK ALBERTI: Okay.

7 MS. LISA DRACIN: -- love your help.

8 MR. NICK ALBERTI: All right. Thank you.

9 CHAIRMAN DONOVAN ANDERSON: Uh, um, maybe
10 I should know this. Um, how long has this license
11 been in safekeeping?

12 MS. LISA DRACIN: I think about a year.
13 We bought it when it was available. There --
14 there were no license available, and this one
15 popped up when the moratorium was in effect, and
16 there were some limitations.

17 MR. NICK ALBERTI: I would have been 2014
18 -- 2013, 2014.

19 MS. LISA DRACIN: Right. Right. And the -
20 - and we bought it when the gentleman who owned
21 Bobby Lew's Saloon went to Dallas to open saloons
22 in Dallas. He quit Washington and moved to his

1 wife's hometown, and he opened three bars there,
2 and he offered to sell us his -- his license from
3 Dallas. That's how we obtained the license. We
4 worked very hard to finalize this. We looked for
5 one for years, because we knew that our end of
6 Columbia Road is a white-tablecloth restaurant
7 terrain, and we needed a liquor -- uh, a
8 restaurant liquor license for the space. So we
9 just bought at the opportune moment.

10 CHAIRMAN DONOVAN ANDERSON: Okay.

11 MR. NICK ALBERTI: Can I make a request?

12 CHAIRMAN DONOVAN ANDERSON: Yes, go
13 ahead.

14 MR. NICK ALBERTI: Uh, Chairman Anderson,
15 I -- I would like to see the applicant, um,
16 submit, um, whatever -- the -- the -- the
17 documents that you would have submitted to HPRB
18 and -- and -- and a summary of where you are with
19 that process of -- of -- of getting approval from
20 HPRB, because that's the first stop. So I'd like
21 to monitor the progress, and I'd like those --
22 those --

1 MS. LISA DRACIN: Oh, you can call --

2 MR. NICK ALBERTI: May I finish?

3 MS. LISA DRACIN: You can call --

4 MR. NICK ALBERTI: May I finish? So I'd
5 like those to be submitted in -- in 6 months, to
6 see where we're at, to make sure that things are
7 -- are moving, um --

8 CHAIRMAN DONOVAN ANDERSON: Let me --

9 MR. NICK ALBERTI: -- judiciously.

10 CHAIRMAN DONOVAN ANDERSON: You mean in 6
11 months, she'll -- she's -- she's asking for a 6-
12 months extension.

13 MR. NICK ALBERTI: Well, she can get an
14 extension 'til September 31, would it be? And
15 then, um, by the end of that, I'd like to see --
16 I mean, you're going to be having -- you're going
17 to be producing documents for HPO, and I'd like
18 to see what -- I'd like you to submit copies of
19 those documents and, um, a status of your
20 application process to -- to us.

21 MS. LISA DRACIN: They're available to
22 you online right now. They're at HPO. You can --

1 MR. NICK ALBERTI: The HPO -- the ones
2 that you -- you --

3 MS. LISA DRACIN: You can request --

4 MR. NICK ALBERTI: -- you have -- you
5 have -- Okay.

6 MS. LISA DRACIN: You can request
7 anyone's HPO case by just calling HPO.

8 MR. NICK ALBERTI: Right. But that --

9 MS. LISA DRACIN: Yeah. It's easy to do
10 that.

11 MR. NICK ALBERTI: But it's going to
12 change. I mean, it's going to change. I mean --

13 MS. LISA DRACIN: Yeah. We're going to --

14 MR. NICK ALBERTI: -- as you -- as you go
15 through that process, I'd like to know. Maybe by
16 -- maybe in 6 months, HPO will have -- will have
17 given you consent, and then you can just tell us
18 that.

19 MS. LISA DRACIN: Right.

20 MR. NICK ALBERTI: That's all. I just
21 want to know what the progress --

22 MS. LISA DRACIN: Oh, okay.

1 MR. NICK ALBERTI: -- is in 6 months.

2 That's the --

3 MS. LISA DRACIN: I thought you

4 (inaudible) --

5 MR. NICK ALBERTI: -- sort of thing -- I
6 just want -- I want to know what the progress is,
7 and I want some sort of, you know -- not some
8 vague status, but, uh, fairly concrete. You know,
9 "This is -- this is exactly where we are in the
10 process."

11 MS. LISA DRACIN: Right. Well --

12 MR. NICK ALBERTI: Because we all --

13 MS. LISA DRACIN: -- it's concrete --

14 MR. NICK ALBERTI: All of us up here
15 understand the steps in those processes.

16 MS. LISA DRACIN: Right. Mr. Alberti, it
17 is concrete now, and if you want to see our
18 application to HPO, you can --

19 MR. NICK ALBERTI: Okay. And your --

20 MS. LISA DRACIN: -- call them right now
21 and ask.

22 MR. NICK ALBERTI: -- and your -- Okay.

1 And your HPO number, case number?

2 MS. LISA DRACIN: I don't have it
3 memorized, I'm sorry.

4 MR. NICK ALBERTI: Okay, if you could
5 send that to us, that would be great.

6 MS. LISA DRACIN: Great.

7 MR. NICK ALBERTI: Great. Thank you.

8 MS. LISA DRACIN: Just go -- you -- all
9 you have to do -- you don't even need my case
10 number. Just call Anne Brockett.

11 MR. NICK ALBERTI: I don't want to do
12 that. If you have a case number, you can send it
13 to our --

14 MS. LISA DRACIN: Sure.

15 MR. NICK ALBERTI: -- email it to our
16 general counsel.

17 MS. LISA DRACIN: Sure.

18 MR. NICK ALBERTI: I know how to look it
19 up online. I'm quite --

20 MS. LISA DRACIN: What -- what is the
21 name of your general counsel?

22 CHAIRMAN DONOVAN ANDERSON: We'll --

1 MR. NICK ALBERTI: We'll -- she'll --

2 CHAIRMAN DONOVAN ANDERSON: -- give you
3 the information.

4 MR. NICK ALBERTI: She'll give you the
5 information.

6 MS. LISA DRACIN: Okay. You can --

7 CHAIRMAN DONOVAN ANDERSON: Do we have
8 any other --

9 MS. LISA DRACIN: You can watch it every
10 day if you like.

11 MR. NICK ALBERTI: I know I can.

12 (Laughter)

13 MR. NICK ALBERTI: You don't have to tell
14 me that. I've watched projects, many projects. So
15 --

16 CHAIRMAN DONOVAN ANDERSON: Do we have
17 any other --

18 MR. NICK ALBERTI: -- I'm quite --

19 CHAIRMAN DONOVAN ANDERSON: -- questions?

20 MR. NICK ALBERTI: -- experienced with
21 that.

22 CHAIRMAN DONOVAN ANDERSON: Do we have

1 any other questions by any other --

2 (Off-mic speaking)

3 CHAIRMAN DONOVAN ANDERSON: Mr.

4 Silverstein, um --

5 MS. LISA DRACIN: Well, Mr. Short, you
6 told me I had to have a plan, so I came in with a
7 plan.

8 MR. JAMES SHORT: Do what?

9 MS. LISA DRACIN: Remember?

10 MR. JAMES SHORT: Yeah, I remember.

11 MS. LISA DRACIN: You admonished me --

12 MR. JAMES SHORT: And we need to see some
13 progress.

14 MS. LISA DRACIN: Well, sir, I'm happy to
15 give you process -- progress. Help me get rid of
16 all these obstacles. And I'm working as hard as I
17 can to make it all happen.

18 (Off-mic speaking)

19 MR. JAMES SHORT: We'll see you in 6
20 months, and you will give us an update at that
21 time, correct? So you --

22 MS. LISA DRACIN: Yes. I'll be delighted

1 to do that.

2 MR. NICK ALBERTI: All right. I just -- I
3 want a status report in 6 months from her.

4 CHAIRMAN DONOVAN ANDERSON: Um --

5 MS. LISA DRACIN: Well, that's what we do
6 when we write you your letter.

7 MR. NICK ALBERTI: And that's fine.
8 That's fine.

9 MS. LISA DRACIN: Great.

10 MR. NICK ALBERTI: That's good.

11 MS. LISA DRACIN: I mean, all the things
12 you're asking to me -- me to do are already in
13 place.

14 MR. NICK ALBERTI: No, I never said that
15 you didn't, uh -- didn't comply. You came here,
16 and -- and you --

17 MS. LISA DRACIN: Right.

18 MR. NICK ALBERTI: -- did exactly what we
19 asked. So --

20 MS. LISA DRACIN: Right.

21 MR. NICK ALBERTI: -- I'm just asking
22 you, in 6 months, to -- to do this again. And,

1 you know, I mean --

2 MS. LISA DRACIN: Oh, yes.

3 MR. NICK ALBERTI: -- at some point --

4 MS. LISA DRACIN: I -- I'm delighted --

5 MR. NICK ALBERTI: -- at some point we
6 won't --

7 MS. LISA DRACIN: -- to do that.

8 MR. NICK ALBERTI: At some point we won't
9 be monitoring you this closely, because at some
10 point, we'll realize that -- I mean, hopefully,
11 if -- if all goes well, at some point, we'll --
12 we'll -- we'll -- we'll see that, oh, there's no
13 stopping this process. It's going, and we can see
14 the end -- the light at the end of the tunnel.
15 But I can't see the light at the end of the
16 tunnel from what you've given me right now, and
17 so I want to continue monitoring it. That's all.

18 MS. LISA DRACIN: Right.

19 MR. NICK ALBERTI: And we do this with a
20 lot of people.

21 MS. LISA DRACIN: Right.

22 MR. NICK ALBERTI: So -- and it's not

1 that hard.

2 MS. LISA DRACIN: Right. Well, I'm sorry,
3 I might be misreading what you're saying to me.

4 CHAIRMAN DONOVAN ANDERSON: Yeah. I'm
5 coming to you, sir. Just -- Mr. -- Mr.
6 Silverstein, we're getting there, okay?

7 MS. LISA DRACIN: I'm sorry, I'm
8 partially deaf, and I can't hear you.

9 CHAIRMAN DONOVAN ANDERSON: I'm -- no,
10 it's --

11 MR. NICK ALBERTI: So is Mr. Silverstein.

12 (Laughter)

13 CHAIRMAN DONOVAN ANDERSON: Just listen
14 to me. I'll let you know what we're doing, okay?
15 Um, I'm getting to the point. All right. Um, with
16 that said, I make a motion, then, that we extend
17 -- we extend the safekeeping, um, application
18 for, um, I guess, 6 months, through -- through
19 September 30, 2016. Yeah. September 13, 2016, and
20 request that the applicant provide us an update
21 prior to that date --

22 MS. LISA DRACIN: Okay.

1 CHAIRMAN DONOVAN ANDERSON: -- of the
2 progress.

3 MS. LISA DRACIN: Now, do you want the
4 update to be in the form of a request for a
5 further 6 months of safekeeping, like we sent
6 before, or do you want some other defined update?

7 MR. NICK ALBERTI: You'll have -- no. We
8 -- we have been -- our practice is to issue
9 extensions for safekeeping in 6-month increments
10 to everybody. So --

11 MS. LISA DRACIN: Right.

12 MR. NICK ALBERTI: -- yes, you need --
13 you need to apply every 6 months while this --

14 MS. LISA DRACIN: Right.

15 MR. NICK ALBERTI: -- while the process -
16 -

17 MS. LISA DRACIN: But -- but --

18 MR. NICK ALBERTI: -- while the process
19 continues.

20 MS. LISA DRACIN: I guess the question
21 I'm asking is, I wrote a letter to Ms. Jenkins --

22 MR. NICK ALBERTI: Right.

1 MS. LISA DRACIN: -- requesting the
2 safekeeping. The letter's format states that you
3 have to give them a very brief, abbreviated form,
4 a summary of your progress, which we did. And we
5 -- we have a format on our computer where we fill
6 it out and send it in to you.

7 Um, so my question to you is, you -- you
8 want to monitor my progress, which you're
9 certainly welcome. We're happy to make the
10 progress. The issue is, do you want me to send
11 you just the letter in that format that Ms.
12 Jenkins provided, or do you want the letter plus
13 our most recent package at HPO? I mean --

14 MR. NICK ALBERTI: Well, let --

15 MS. LISA DRACIN: -- I'm happy to comply
16 --

17 MR. NICK ALBERTI: -- let me put it this
18 way --

19 MS. LISA DRACIN: -- just tell me what
20 you'd like to see.

21 MR. NICK ALBERTI: I -- I know, and I
22 understand your dilemma. All right. So, um --

1 CHAIRMAN DONOVAN ANDERSON: Well, just --

2 MR. NICK ALBERTI: -- you probably don't
3 need to send the package. But -- but if there is
4 something that you think would be helpful to make
5 your case -- Because if you make your case
6 through a written submission, then we may not
7 have to have you in. I mean, if there's enough
8 information in there to say, okay, we can -- we
9 can tell where you're at, we may not ask you to
10 come in. But in this case, you know, this was
11 sparse enough that I had -- that I was -- I had -
12 - I -- I was in favor of bringing you in to -- to
13 ask questions. So, um, we'll leave it up to you
14 as to -- to -- to how much information you -- you
15 think is appropriate to submit.

16 MS. LISA DRACIN: Okay. But you do want
17 our case number.

18 CHAIRMAN DONOVAN ANDERSON: Yeah.

19 MR. NICK ALBERTI: Yeah, I do.

20 CHAIRMAN DONOVAN ANDERSON: But -- this
21 is what I'll say to you. Um, you've heard today
22 some of the questions that were asked by Mr.

1 Alberti and other Board members, because what --
2 what you were told is that the -- at -- at least
3 what you're hearing today is, the -- the
4 information that you had provided to us still
5 left us with a question. So that's one of the
6 reasons the Board wanted you to come in and fill
7 in the gaps. So, therefore, if you're going to
8 send in another request in 6 months, it cannot
9 be, um -- unless you want to come back here for
10 another, um, fact finding --

11 (Laughter)

12 CHAIRMAN DONOVAN ANDERSON: -- then you
13 need to provide the Board with sufficient, um,
14 information so we can say, "Okay, she was here 6
15 months ago." "Here's the -- the -- the
16 application number, the control number. This is
17 where we are. I've hired this -- an architectural
18 firm, blah, blah, blah. This is what we are."

19 So, therefore, when we see it, just like,
20 okay, um, you have provided us a -- a road map.
21 It's not just general, you know, "We're hoping to
22 find an architect. Um, we're hoping that D.C.

1 Water -- We're hoping that --" No, it's that
2 "We've been to D.C. Water. We've been to DCRA.
3 This is what we -- and this is where we are. This
4 is a timeline based on -- based on the schedule.
5 This is a timeline." So by reading it, the Board
6 might say, "Oh, we have enough information," so
7 we know that you're not just sitting on the
8 license.

9 MS. LISA DRACIN: Right.

10 CHAIRMAN DONOVAN ANDERSON: And so,
11 therefore, you are actively trying to -- to -- to
12 redevelop this property so the license can be --
13 be used.

14 MS. LISA DRACIN: Makes perfect sense.
15 May I ask you a question, in the interest of the
16 beneficiaries of the trust? When we give you this
17 confidential information, do you have the ability
18 to keep it confidentially, or is it open to the
19 public? Because there is some information that we
20 do not want certain people to have.

21 CHAIRMAN DONOVAN ANDERSON: But, like --
22 what information do you believe that you'd give

1 that would be confidential? I mean, everything
2 here is open to the public. So it's -- I mean --

3 MS. LISA DRACIN: Okay. Well, if it's all
4 open to the public, then we know how to -- to
5 filter our information --

6 CHAIRMAN DONOVAN ANDERSON: Right.

7 MS. LISA DRACIN: -- when we give it to
8 you.

9 CHAIRMAN DONOVAN ANDERSON: I think -- I
10 think we're just asking for specific -- I mean,
11 it is -- if -- say, for example, if you're in the
12 process of negotiation -- renegotiating a lease
13 with -- with John Doe for a specific space, and
14 if it -- for competitive purposes, you don't want
15 anyone to know, you don't have to say, "Okay --"
16 but you can say that "We are negotiating a lease,
17 um, for an identified space." So you don't have
18 to tell us that, uh -- But --

19 MR. NICK ALBERTI: And -- and when you
20 think those negotiations would conclude.

21 MS. LISA DRACIN: I'm afraid that -- um,
22 I have to be very, very careful about the

1 information I release.

2 MR. NICK ALBERTI: Fine.

3 MS. LISA DRACIN: It's not because I
4 don't want to tell you, it's because we're in the
5 city, and it's like a turf war out there.

6 CHAIRMAN DONOVAN ANDERSON: Well -- well,
7 we're aware of that, and I -- and I think what --

8 MS. LISA DRACIN: So I need to be very,
9 very careful.

10 CHAIRMAN DONOVAN ANDERSON: Well, one of
11 the things that we're saying to you, if you don't
12 provide us enough information, then --

13 MS. LISA DRACIN: I have to come talk to
14 you.

15 CHAIRMAN DONOVAN ANDERSON: -- maybe we -
16 - then -- then it's like we'll have you back in
17 again to spend another afternoon with us. If --
18 if -- once -- if you make another request --

19 MS. LISA DRACIN: Mr. Anderson --

20 CHAIRMAN DONOVAN ANDERSON: Yeah.

21 MS. LISA DRACIN: -- you are perfectly
22 charming, and I'm happy to spend time with you.

1 CHAIRMAN DONOVAN ANDERSON: And I
2 wouldn't -- no, but I -- I would spend time --

3 MS. LISA DRACIN: Not at all.

4 CHAIRMAN DONOVAN ANDERSON: -- but, uh --
5 but -- but as I -- as I said, it's just for us to
6 -- so we have sufficient information to make a
7 decision and -- and not have you come in if -- if
8 -- if --

9 MS. LISA DRACIN: Right. Right.

10 CHAIRMAN DONOVAN ANDERSON: -- it's -- if
11 that's not necessary.

12 MS. LISA DRACIN: I understand your
13 quandary; I hope you understand mine. We're in a
14 difficult -- we're in a situation where there are
15 lots of people, and we have to identify who is
16 appropriate to reveal information to and who
17 isn't. And it's not always easy to do. We have to
18 protect our interests, and I know you need to
19 protect --

20 CHAIRMAN DONOVAN ANDERSON: All right.
21 Uh, uh, uh, Mr. Silverstein, I mean, with all due
22 respect, I mean, um, if -- if -- if any Board

1 member is not necessarily -- if a Board member
2 needs the time to go back, as long as we have
3 three Board members here, each Board member can -
4 - is welcome to go back and have a cup of tea and
5 stuff. I mean, I think that's --

6 MR. MICHAEL SILVERSTEIN: That's not what
7 I have to do, Mr. Chair.

8 CHAIRMAN DONOVAN ANDERSON: I -- I --
9 but, uh, it's that Ms. Dracin is -- is here. We
10 requested her to be here. And so, if we believe
11 that we had enough information, then we would
12 never ask her to come in here. So, since we are -
13 - the Board is the one who requested her to -- to
14 be here, so, therefore, she'll be here to present
15 the information that's necessary.

16 MS. LISA DRACIN: Okay. So --

17 CHAIRMAN DONOVAN ANDERSON: Yes, ma'am.

18 MS. LISA DRACIN: May I -- may I
19 summarize to make sure we're on the same page --

20 CHAIRMAN DONOVAN ANDERSON: Yes, ma'am.

21 MS. LISA DRACIN: -- and we have a mutual
22 meeting of the mind here?

1 CHAIRMAN DONOVAN ANDERSON: Yes, ma'am.

2 MS. LISA DRACIN: Um, you're very
3 concerned that we won't make sufficient progress
4 to have -- keep our license in safekeeping. The
5 license is a very valuable opportunity, and we
6 need to report to you sufficient information in a
7 -- within 6 months that you are assured that we
8 are making substantial progress toward the
9 completion of our goal.

10 MR. NICK ALBERTI: Right.

11 MS. LISA DRACIN: We have the ability to
12 filter our information to protect our interests,
13 because the -- the information we give to you is
14 part of the public record, and if we can
15 communicate with you in writing, um, concisely
16 but comprehensibly, there may -- I may not need
17 to come back for a fact finding hearing. And you
18 will have an extra half an hour for tea and
19 relaxation, which you surely deserve.

20 So, thank you very much. Um, we will send
21 you our case number. Please track us online.
22 We're happy to hear your comments. Hopefully your

1 enthusiasm and support, and we will keep moving
2 forward.

3 CHAIRMAN DONOVAN ANDERSON: I thank you
4 very much for being here. Okay then. Bye-bye. And
5 we're in recess for, um -- we'll be in recess for
6 a short --

7 MS. LISA DRACIN: Okay.

8 (Whereupon, the above-entitled matter was
9 concluded.)