

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Watergate Hotel Lessee, :
LLC, t/a Watergate Hotel :
2650 Virginia Ave NW :
License #91162 : Protest Hearing
Retailer CH - ANC 2A : (Status)
Case #22-PRO-00030 :
 :
(Application to Renew :
the License) :
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Wednesday
June 29, 2022

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

DONNA BARBISCH, ANC 2A

CHERYL BERNARD, Protestant, Group of Five or More

**CHANTAL COUTURIER, Protestant, Group of Five or
More**

CHRISTINE EVANS, Protestant

SARAH FASHBAUGH, DC ABRA Staff

RICH LEIBY, Protestant, Group of Five or More

PAULINE NEWMAN, Protestant, Group of Five or More

STEPHEN O'BRIEN, Applicant Counsel

RINA PAZ, Protestant, Group of Five or More

CYNTHIA WALKER, Protestant, Group of Five or More

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

2 10:48 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case # 22:PRO-00030, Watergate
5 Hotel, license #91162. Ms. Fashbaugh, can you
6 please elevate the rights of the licensee and the
7 protestant in this case, please.

8 MS. FASHBAUGH: Please standby.
9 Stephen O'Brien, your rights have been elevated.
10 Rina Paz, your rights have been elevated.
11 Christine Evans, your rights have been elevated.
12 Donna Barbisch, your rights have been elevated.
13 Cheryl Bernard, your rights have been elevated.
14 That is all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Thank you, Ms.
16 Fashbaugh.

17 MS. BERNARD: May I ask a question?

18 CHAIRPERSON ANDERSON: Who is
19 speaking, please?

20 MS. BERNARD: This is Cheryl Bernard,
21 and I'm actually here with a group because we
22 wanted to be sure that we would successfully have
23 connectivity, so I'm here with four others from
24 my group.

25 CHAIRPERSON ANDERSON: That's fine,

1 ma'am. If you have a camera then you can turn
2 your camera on so I can see everyone, and then
3 I'll have everyone identify themselves for the
4 record. Thank you.

5 All right. Good morning, Mr. O'Brien.
6 Mr. O'Brien, can you please spell and state your
7 name for the record and who you represent, sir.

8 MR. O'BRIEN: Stephen O'Brien for the
9 applicant, S-T-E-P-H-E-N O, apostrophe, capital
10 B--R-I-E-N.

11 CHAIRPERSON ANDERSON: Good morning,
12 Mr. O'Brien. Mr. O'Brien, who is the applicant?
13 Is the applicant here this morning?

14 MR. O'BRIEN: No.

15 CHAIRPERSON ANDERSON: Thank you.
16 Just a clarification, is it a group protesting,
17 who is the protestant?

18 MR. O'BRIEN: Are you asking me, sir?

19 CHAIRPERSON ANDERSON: Yes, I'm just
20 asking.

21 MR. O'BRIEN: It's the ANC 2A and a
22 group of five or more.

23 CHAIRPERSON ANDERSON: Okay. Thank
24 you. So, who is the ANC representative, please?

25 MS. BARBISCH: Good morning. That

1 would be me. I am Donna Barbisch, that's D-O-N-
2 N-A, last name B as in bravo, A-R-B-I-S-C-H,
3 representing 2A. I'm the commissioner from 2A04.

4 CHAIRPERSON ANDERSON: Good morning,
5 Ms. Barbisch. Is there anyone else with you from
6 the ANC this morning?

7 MS. BARBISCH: No, sir, that's just
8 me.

9 CHAIRPERSON ANDERSON: Now, who is the
10 designated representative for the group?

11 MS. BERNARD: The group of five or
12 more?

13 CHAIRPERSON ANDERSON: Yes, ma'am.

14 MS. BERNARD: That is me, sir, Cheryl
15 Bernard, C-H-E-R-Y-L B-E-R-N-A-R-D.

16 CHAIRPERSON ANDERSON: Good morning,
17 Ms. Bernard. Ms. Bernard, who is with your this
18 morning?

19 MS. BERNARD: I'll just go around and
20 they can introduce themselves one by one.

21 CHAIRPERSON ANDERSON: Yes, thank you,
22 ma'am.

23 MR. LEIBY: Yes, this is Rich Leiby,
24 L-E-I-B-Y.

25 CHAIRPERSON ANDERSON: Just state what

1 your role is when you introduce yourself.

2 MR. LEIBY: Supportive of the group.

3 CHAIRPERSON ANDERSON: Okay.

4 MS. NEWMAN: I'm Pauline Newman, N-E-
5 W-M-A-N. I'm here, I'm a resident owner of
6 Watergate West and supportive of the group.

7 CHAIRPERSON ANDERSON: Good morning,
8 Ms. Newman.

9 MS. WALKER: I'm Cynthia Walker, I'm
10 a resident of Watergate West, I'm here on behalf
11 of the group.

12 CHAIRPERSON ANDERSON: Please spell
13 your name, Ms. Walker.

14 MS. WALKER: C-Y-N-T-H-I-A W-A-L-K-E-
15 R.

16 CHAIRPERSON ANDERSON: One of the
17 reasons why I ask everyone to spell their name is
18 that we have a court reporter, just to make sure
19 that the record accurately reflects who you are.
20 Who else do we have, please?

21 MS. COUTURIER: Hi, my name is Chantal
22 Couturier, and I'm an owner at Watergate West,
23 and I'm part of the group.

24 CHAIRPERSON ANDERSON: How do you
25 spell your name, please, ma'am?

1 MS. COUTURIER: Last name is C-O-U-T-
2 U-R-I-E-R.

3 CHAIRPERSON ANDERSON: And your first
4 name, please, ma'am.

5 MS. COUTURIER: C-H-A-N-T-A-L.

6 CHAIRPERSON ANDERSON: Good morning,
7 ma'am.

8 MS. COUTURIER: Good morning.

9 CHAIRPERSON ANDERSON: Is there anyone
10 else?

11 MS. EVANS: Yes.

12 MS. BERNARD: There are others, but
13 they are on their own. They are on their own
14 laptop.

15 CHAIRPERSON ANDERSON: Okay. Go
16 ahead, please.

17 MS. EVANS: Christine Evans, C-H-R-I-
18 S-T-I-N-E, last name Evans, E-V-A-N-S. I'm also
19 part of the group and a resident in the Watergate
20 West building.

21 CHAIRPERSON ANDERSON: Good morning.

22 MS. EVANS: Thank you. Good morning.

23 CHAIRPERSON ANDERSON: Who else do we
24 have, anyone else?

25 MS. PAZ: Rina Paz, that's R-I-N-A P

1 as in Peter, A-Z. I'm a resident and owner at
2 Watergate West.

3 CHAIRPERSON ANDERSON: Good morning,
4 Ms. Paz. Is that everyone?

5 MS. BERNARD: It might be technically
6 everyone because I think a few of us weren't able
7 to log on from their devices, but I think we're
8 okay since we have a sufficient number.

9 CHAIRPERSON ANDERSON: Well, not
10 everyone had to be here this morning because you
11 were granted stand in at the roll call. So, as
12 long as you were here, Ms. Bernard, then we're
13 fine. If this matter goes to a hearing and if
14 all the other parties want to testify, then they
15 can show up at that time, but since you're
16 granted stand in at the roll call hearing, all
17 that was required this morning was for you to be
18 present. All right. Thank you.

19 Mr. O'Brien, are there any preliminary
20 matters in this case, please?

21 MR. O'BRIEN: Not from the applicant's
22 side.

23 CHAIRPERSON ANDERSON: Ms. Barbisch,
24 are there preliminary matters from your side,
25 please?

1 MS. BARBISCH: No, sir. Thank you
2 very much.

3 CHAIRPERSON ANDERSON: Thank you. And
4 Ms. Bernard, are there preliminary matters on
5 your side, please?

6 MS. BERNARD: No.

7 CHAIRPERSON ANDERSON: All right.
8 This matter is scheduled for a protest hearing on
9 July 27, 2022 at 1:30 p.m. So, this matter is
10 scheduled for a protest hearing on July 27, 2022
11 at 1:30 p.m. And I just want to point out to
12 you, Ms. Bernard, just as a matter of law, if
13 settlement agreement is reached between the
14 applicant and the ANC, whether or not you are a
15 part of the settlement agreement or not your
16 protest will fall. I just want to let you know
17 that just as a matter of law. So, if the
18 applicant was able to reach a settlement with the
19 ANC and if you're not a part of that settlement
20 agreement your protest will fall, and the Board
21 does not have the legal ability to make you part
22 of an agreement. It's just an FYI. I raise this
23 because sometimes we've had cases where there are
24 settlement agreements reached between the ANC and
25 the licensee or the applicant and the protestants

1 are coming to the Board to ask Board either that
2 they want to move forward with the hearing or
3 they're asking the Board to force the parties to
4 make them a part of the settlement agreement, but
5 I just want to say that to you that as an FYI.
6 Mr. O'Brien is a learned counsel, so I know that
7 whatever discussions that will occur that he'll
8 make you a part of whatever discussion that occur
9 and if the matter is going to be scheduled, but I
10 just want to point that out to you. Okay, ma'am?

11 MS. BERNARD: We're confident that the
12 ANC will not throw us under the bus, so we feel
13 represented.

14 CHAIRPERSON ANDERSON: Well, I'm not
15 saying the ANC will throw you under the bus. I'm
16 just pointing out what the law states just to
17 make sure that you are aware as an FYI. And I'm
18 not asking the ANC to throw you under the bus, I
19 am just pointing out to you because I know there
20 are a lot of protestants on your side. Okay?
21 That's all.

22 Are the parties familiar with the
23 protest proceeding instructions or do I need to
24 read the instructions?

25 MS. BERNARD: We're familiar.

1 MS. BARBISCH: We're familiar.

2 CHAIRPERSON ANDERSON: The Board
3 supports settlement agreement, so I do hope if
4 the parties are able to settle this matter that
5 we support that because at the end of the day,
6 this is an application to renew the license that
7 if the parties are able to reach agreement then
8 the building occupants will be happy, the
9 licensee will be happy. If this matter goes to a
10 protest hearing, one side might be happy, and the
11 other side might not be happy. The Board prefers
12 that everyone live happily ever after moving
13 forward. So, we do support settlement agreements
14 if this matter can be settled. But if the matter
15 cannot be settled, we will see you on July 27,
16 2022 at 1:30 p.m. for this protest hearing. Good
17 luck with your discussions, and if the matter
18 cannot be settled we'll see you at the protest
19 hearing. Have a great day. Thank you very much.

20 (Whereupon the above-entitled matter
21 went off the record at 10:58 a.m.)
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23
24
25

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Watergate Hotel

Before: DC ABRA

Date: 06-29-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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