

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

2 (10:51 a.m.)

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case No. 22-PRO-00087, Pendry
5 Washington DC - The Wharf, License No. 121347.
6 Mr. Oriana, can you please elevate the rights of
7 the parties in this case please?

8 MR. ORIANA: Matt Minora, your access
9 has been elevated. Stephen O'Brien, your access
10 has been elevated. Edward Daniels, your access
11 has been elevated. Chris Southcott, your access
12 has been elevated.

13 CHAIRPERSON ANDERSON: Is that all the
14 parties?

15 MR. ORIANA: Yes, Chair.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you, sir. All right. Good morning,
18 everyone and let's start with the Licensee and
19 their representative. Can you please spell and
20 state your name for the record please?

21 MR. MINORA: Matthew Minora and I'm
22 joined by my colleague, Stephen O'Brien. We work
23 with the law firm of Mallios O'Brien, and
24 Sandground. And my last name is spelled M-I-N-O-
25 R-A.

1 CHAIRPERSON ANDERSON: Good morning,
2 Mr. Minora. Mr. O'Brien, can you please identify
3 yourself for the record please?

4 MR. O'BRIEN: Yes. Stephen, S-T-E-P-
5 H-E-N, O'Brien, O'-B-R-I-E-N.

6 CHAIRPERSON ANDERSON: Good morning,
7 Mr. O'Brien. Mr. O'Brien or Mr. Minora, is your
8 client here this morning?

9 MR. MINORA: No. We will be
10 representing the Applicant.

11 CHAIRPERSON ANDERSON: Good morning.
12 Thank you. Mr. Daniels, can you please spell and
13 state your name for the record and identify
14 yourself please?

15 MR. DANIELS: Good morning, Chairman.
16 My name is Edward Daniels, E-D-W-A-R-D D-A-N-I-
17 E-L-S representing ANC 6D.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Daniels. And Mr. Southcott, can you please
20 spell and state your name for the record please?

21 MR. SOUTHCOTT: Chris Southcott, C-H-
22 R-I-S, last name S-O-U-T-H-C-O-T-T. I'm from the
23 Office of the Attorney General. I'm from the
24 OADs Office who's been doing the show-cause
25 status hearings. And the latest copy of the

1 calendar I have does not have this case as a
2 status.

3 CHAIRPERSON ANDERSON: I'm sorry, sir.
4 This is a protest hearing, so you're not involved
5 in this case.

6 MR. SOUTHCOTT: Thank you, Mr.
7 Chairman.

8 CHAIRPERSON ANDERSON: Yeah.

9 MR. SOUTHCOTT: I just wanted to --
10 (simultaneous speaking)

11 CHAIRPERSON ANDERSON: We're not quite
12 -- We're not quite ready for you yet, so you can
13 just turn your camera off. Thank you. I
14 apologize.

15 All right. Good morning, everyone.
16 This is a protest hearing status for -- this is a
17 protest hearing status. And it's my
18 understanding that a motion was filed by the
19 Applicant and there was a response from the --
20 I'm sorry -- from the Protestant. So Mr. Minora,
21 can you tell us -- just for the record, what is
22 the purpose of the motion that was filed?

23 MR. MINORA: Sure. Primarily we're
24 asking the Board to note that the Applicant has
25 consented to an extension of the protest deadline

1 from July 5 to July 25 for the sole purpose of
2 allowing the ANC to vote on the pending
3 application during its July 18 meeting. So any
4 claim that the ANC found itself up against a time
5 deadline is just false. The ANC's protest letter
6 of July 18 asserts that at the July 18 meeting,
7 the ANC had taken a vote to protest this
8 application on the grounds of peace, order, and
9 quiet. But as we'll establish, no such vote was
10 taken.

11 And you'll see from the video I'll
12 play in a moment, that the ABC portion of the
13 July 18th ANC meeting began with a discussion of
14 three separate ABC license applications that were
15 unrelated; Easy Company, Lodge K, and Oasis
16 Marina. Each of those applications were
17 discussed and voted on separately in the
18 conventional and traditional -- proper manner.
19 But following those votes, the ANC took up 36
20 other applications, both new and renewal,
21 including the instant application as a whole.
22 You'll see zero discussion of the merits of each
23 of those 36 applications. Instead, the ANC
24 simply shot guns at these 36 protests, each to be
25 withdrawn upon the execution of a cooperative

1 agreement by the Applicant.

2 CHAIRPERSON ANDERSON: So your position
3 then Mr. -- So your position then is what?

4 MR. MINORA: Is that the ANC's
5 reported letter that they voted on the grounds of
6 peace, order, and quiet is not correct. It's
7 false. That never occurred at the meeting.

8 CHAIRPERSON ANDERSON: And so what is
9 it you're asking the Board to do?

10 MR. MINORA: We're asking the Board to
11 dismiss the protest.

12 CHAIRPERSON ANDERSON: For? I want to
13 --

14 (simultaneous speaking)

15 MR. MINORA: -- grounds for the
16 protest.

17 CHAIRPERSON ANDERSON: All I'm trying
18 to do, Mr. Minora, is to have a clear record. As
19 you know, we have a Court Reporter -- So I have a
20 clear record for the Board. Mr. Daniels, do you
21 wish to respond? I know that the ANC had
22 submitted a response to the Legal Office. Do you
23 wish to respond, sir?

24 MR. DANIELS: Yes, Chair and sorry
25 that my screen -- I'm mobile and don't have my

1 screen accessed right now. Yes, the ANC voted to
2 protest a number of licenses as Mr. Minora just
3 said on that evening. Traditionally our ANC has
4 protested licenses if there are any community
5 concerns or ANC concerns regarding the Licensee
6 on the basis of peace, order, and quiet. And we
7 rarely spell out in significant details every
8 single item that we are concerned with regarding
9 the applicant. Pendry was one of those 36 that
10 we protested on that evening on July 18, so that
11 we could establish the cooperative agreement with
12 the establishment, which we were far along in
13 doing. And we ask that the protest be upheld so
14 that we can continue to discuss the Applicant
15 because there are outstanding issues that we
16 still need to have addressed, especially
17 regarding the residents that live closest to the
18 establishment and other concerns of the ANC.

19 CHAIRPERSON ANDERSON: Thank you, Mr.
20 Daniels. Any other comments you need to make,
21 Mr. Minora?

22 MR. MINORA: Well, I mean, Chair, the
23 video of the ANC meeting during the ABC license
24 discussion and the vote on these applications
25 just show that there was no actual discussion or

1 mention of the merits of this application, the
2 other 35 applications, or any sort of discussion
3 of peace, order, and quiet related to them.

4 CHAIRPERSON ANDERSON: I mean the
5 parties have filed legal motions, so not
6 necessary for us to review the video, so that's
7 not necessary at this moment. Any questions of
8 the Board to either Mr. Minora or Mr. Daniels?
9 All right.

10 Mr. Minora, I believe that the motion
11 that was filed by your -- by your office on the
12 behalf of your -- of the Applicant, I believe
13 that it has merit. I believe that it's not clear
14 to the Board that when the vote was taken by the
15 ANC that it was determined that they would be
16 protesting this matter on peace, order, and
17 quiet. And so based on my review of the
18 pleadings that were made by the parties, I'm in
19 agreement that the motion should be -- that your
20 motion should be granted. So therefore I'm going
21 to make a motion to the Board that the Board
22 grant your motion and dismiss the protest
23 petition.

24 Mr. Daniels, it is an already
25 established law and the Board will issue -- I'm

1 making a motion to the Board, but we issue a
2 formal motion -- I'm sorry -- a formal Board
3 order giving our reasons why the Board believes
4 that your protest cannot stand because of the --
5 (audio interference) on the grounds of peace,
6 order, and quiet. So that's my recommendation to
7 the Board.

8 MEMBER CROCKETT: Ms. Crockett
9 seconds.

10 CHAIRPERSON ANDERSON: And we will now
11 have a roll call vote on the motion. Mr. Short.

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Cato.

14 MEMBER CATO: Bobby Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett.

16 MEMBER CROCKETT: Rafi Crockett, I
17 agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen.

19 MEMBER HANSEN: Jeni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis.
21 Mr. Grandis. Mr. Grandis. Mr. Anderson, I
22 agree. The Board has voted 5 to nothing to grant
23 the motion and dismiss the protest proceeding. So
24 therefore it's our position that the application
25 shall be treated as uncontested and the Board

1 will issue an appropriate order with our
2 decision. All right? Mr. Daniels, once the
3 decision is issued, you do have the right to
4 appeal the decision if you so desire. You do
5 have the right to appeal the decision that was
6 issued by the Board. Okay?

7 MR. DANIELS: Thank you.

8 CHAIRPERSON ANDERSON: All right.

9 MR. DANIELS: Thank you.

10 CHAIRPERSON ANDERSON: All right.

11 Thank you very much. Have a great day. I see
12 that in the chat, there are references in there -
13 - There are messages in Chat about I think, it's
14 ANC 1B. This case was ANC 6D, so we haven't
15 called the case as yet.

16 (Whereupon, the above-entitled matter
17 went off the record at 11:02 a.m.)

18

19

20

21

22

23

24

25

A

a.m 2:2 10:17
ABC 1:10 5:12,14 7:23
above-entitled 10:16
access 2:8,9,10,11
accessed 7:1
actual 7:25
addressed 7:16
agree 9:12,14,17,19,22
agreement 6:1 7:11
 8:19
Alcoholic 1:2,14
ALIYA 1:18
allowing 5:2
ANC 1:8,22 3:17 5:2,4,7
 5:13,19,23 6:21 7:1,3
 7:5,18,23 8:15 10:14
 10:14
ANC's 5:5 6:4
Anderson 1:15,17 2:3
 2:13,16 3:1,6,11,18
 4:3,8,11 6:2,8,12,17
 7:19 8:4 9:10,13,15
 9:18,20,21 10:8,10
apologize 4:14
appeal 10:4,5
applicant 3:10 4:19,24
 6:1 7:9,14 8:12
Applicant's 1:22,23
application 5:3,8,21 8:1
 9:24
applications 5:14,16,20
 5:23 7:24 8:2
appropriate 10:1
asking 4:24 6:9,10
asserts 5:6
Attorney 3:23
audio 9:5
August 1:12

B

based 8:17
basis 7:6
began 5:13
behalf 8:12
believe 8:10,12,13
believes 9:3
Beverage 1:2,14
Board 1:2,14 4:24 6:9
 6:10,20 8:8,14,21,21
 8:25 9:1,2,3,7,22,25
 10:6
Bobby 1:18 9:14

C

C-H- 3:21
calendar 2:4 4:1
call 9:11

called 10:15
camera 4:13
case 1:9 2:3,4,7 4:1,5
 10:14,15
Cato 1:18 9:13,14,14
CH 1:8
Chair 2:15 6:24 7:22
Chairman 3:15 4:7
Chairperson 1:14,17
 2:3,13,16 3:1,6,11,18
 4:3,8,11 6:2,8,12,17
 7:19 8:4 9:10,13,15
 9:18,20 10:8,10

chat 10:12,13
Chris 1:23 2:11 3:21
claim 5:4
clear 6:18,20 8:13
client 3:8
closest 7:17
colleague 2:22
COLUMBIA 1:1
comments 7:20
community 7:4
Company 5:15
concerned 7:8
concerns 7:5,5,18
consented 4:25
continue 7:14
Control 1:2,14
conventional 5:18
cooperative 5:25 7:11
copy 3:25
correct 6:6
Counsel 1:22,23
Court 6:19
Crockett 1:18 9:8,8,15
 9:16,16

D

D-A-N-I- 3:16
Daniels 1:22 2:10 3:12
 3:15,16,19 6:20,24
 7:20 8:8,24 10:2,7,9
day 10:11
DC 1:7,23 2:5
deadline 4:25 5:5
decision 10:2,3,4,5
desire 10:4
details 7:7
determined 8:15
discuss 7:14
discussed 5:17
discussion 5:13,22
 7:24,25 8:2
dismiss 6:11 8:22 9:23
DISTRICT 1:1
doing 3:24 7:13
Donovan 1:15,17

Duty 1:10

E

E-D-W-A-R-D 3:16
E-L-S 3:17
Easy 5:15
Edward 1:19,22 2:10
 3:16
either 8:8
elevate 2:6
elevated 2:9,10,11,12
especially 7:16
establish 5:9 7:11
established 8:25
establishment 7:12,18
evening 7:3,10
execution 5:25
extension 4:25

F

false 5:5 6:7
far 7:12
filed 4:18,22 8:5,11
firm 2:23
following 5:19
formal 9:2,2
found 5:4

G

General 3:23
giving 9:3
Grandis 1:19 9:20,21
 9:21
grant 8:22 9:22
granted 8:20
grounds 5:8 6:5,15 9:5
guns 5:24

H

H-E-N 3:5
Hansen 1:19 9:18,19,19
hearing 1:8 4:4,16,17
hearings 3:25
Hotel 1:6

I

identify 3:2,13
including 5:21
instant 5:21
interference 9:5
involved 4:4
issue 8:25 9:1 10:1
issued 10:3,6
issues 7:15
item 7:8

J

JAMES 1:20

Jeni 1:19 9:19
joined 2:22
JR 1:18,20
July 5:1,1,3,6,6,13 7:10

K

K 5:15

L

latest 3:25
law 2:23 8:25
Leaseholder 1:6
legal 6:22 8:5
let's 2:18
letter 5:5 6:5
license 1:9 2:5 5:14
 7:23
Licensee 2:18 7:5
licenses 7:2,4
live 7:17
LLC 1:6
Lodge 5:15

M

M-I-N-O- 2:24
making 9:1
Mallios 2:23
Manager 1:10
manner 5:18
Marina 5:16
Matt 2:8
matter 1:5 8:16 10:16
Matthew 1:22 2:21
mean 7:22 8:4
meeting 1:3 5:3,6,13
 6:7 7:23
Member 1:18,18,19,19
 1:20 9:8,12,14,16,19
mention 8:1
merit 8:13
merits 5:22 8:1
messages 10:13
met 1:14
Minora 1:22 2:8,21,21
 3:2,7,9 4:20,23 6:4,10
 6:15,18 7:2,21,22 8:8
 8:10
mobile 6:25
moment 5:12 8:7
morning 2:17 3:1,6,8
 3:11,15,18 4:15
motion 4:18,22 8:10,19
 8:20,21,22 9:1,2,11
 9:23
motions 8:5

N

name 2:20,24 3:13,16

3:20,22
necessary 8:6,7
need 7:16,20
never 6:7
new 5:20
note 4:24
number 7:2

O

O'-B-R-I-E-N 3:5
O'Brien 1:23 2:9,22,23
 3:2,4,5,7,7
OADs 3:24
OAG 1:23
Oasis 5:15
occurred 6:7
office 3:23,24 6:22 8:11
once 10:2
order 5:8 6:6 7:6 8:3,16
 9:3,6 10:1
Oriana 2:6,8,15
outstanding 7:15

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
Parcel 1:6
parties 2:7,14 8:5,18
peace 5:8 6:6 7:6 8:3,16
 9:5
pending 5:2
Pendry 1:7 2:4 7:9
petition 8:23
play 5:12
pleadings 8:18
please 2:6,7,19,20 3:2,3
 3:12,14,19,20
portion 5:12
position 6:2,3 9:24
PRESENT 1:16,21
presiding 1:15
Primarily 4:23
proceeding 9:23
proper 5:18
protest 1:7 4:4,16,17,25
 5:5,7 6:11,16 7:2,13
 8:22 9:4,23
Protestant 4:20
protested 7:4,10
protesting 8:16
protests 5:24
purpose 4:22 5:1

Q

questions 8:7
quiet 5:9 6:6 7:6 8:3,17
 9:6
quite 4:11,12

R

R-A 2:25
R-I-S 3:22
Rafi 1:18 9:16
rarely 7:7
ready 4:12
reasons 9:3
recommendation 9:6
record 2:20 3:3,13,20
 4:21 6:18,20 10:17
references 10:12
regarding 7:5,8,17
related 8:3
renewal 5:20
reported 6:5
Reporter 6:19
representative 2:19
representing 3:10,17
residents 7:17
respond 6:21,23
response 4:19 6:22
Retailer 1:8
review 8:6,17
rights 2:6
roll 9:11

S

S 1:19
S-O-U-T-H-C-O-T-T
 3:22
S-T-E-P- 3:4
Sandground 2:24
screen 6:25 7:1
seconds 9:9
separate 5:14
seperately 5:17
Short 1:20 9:11,12,12
shot 5:24
show 7:25
show-cause 3:24
significant 7:7
simply 5:24
simultaneous 4:10 6:14
single 7:8
sir 2:17 4:3 6:23
sole 5:1
sorry 4:3,20 6:24 9:2
sort 8:2
Southcott 1:23 2:11
 3:19,21,21 4:6,9
speaking 4:10 6:14
spell 2:19 3:12,20 7:7
spelled 2:24
stand 9:4
start 2:18
state 2:20 3:13,20
status 1:8 3:25 4:2,16
 4:17

Stephen 1:23 2:9,22 3:4
Street 1:8
submitted 6:22
SW 1:8

T

t/a 1:7
taken 5:7,10 8:14
tell 4:21
Thank 2:17 3:12 4:6,13
 7:19 10:7,9,11
three 5:14
traditional 5:18
Traditionally 7:3
treated 9:25
TRS 1:6
trying 6:17
turn 4:13

U

uncontested 9:25
understanding 4:18
unrelated 5:15
upheld 7:13

V

video 5:11 7:23 8:6
videoconference 1:14
vote 5:2,7,9 7:24 8:14
 9:11
voted 5:17 6:5 7:1 9:22
votes 5:19

W

W 1:15,17
wanted 4:9
Washington 1:7 2:5
Water 1:8
WebEx 1:14
Wednesday 1:12
went 10:17
Wharf 1:6,7 2:5
wish 6:21,23
withdrawn 5:25
work 2:22

X

Y

Z

zero 5:22

0

1

10:51 2:2
11:02 10:17

121347 1:9 2:5
18 5:3,6,6 7:10
18th 5:13
1B 10:14

2

2022 1:12
22-PRO-00087 1:9 2:4
25 5:1

3

31 1:12
35 8:2
36 5:19,23,24 7:9

4

5

5 5:1 9:22

6

655 1:8
6D 1:8,22 3:17 10:14

7

8

8 1:6

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Pendry Washington DC

Before: DC ABRA

Date: 08-31-22

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831