DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

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IN THE MATTER OF:

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Wharf Parcel 8 Hotel TRS: Leaseholder, LLC, : t/a Pendry Washington :

DC - The Wharf : Protest

655 Water Street SW : Hearing (Status)
Retailer CH - ANC 6D :

Retailer CH - ANC 6D : License #121347 : Case #22-PRO-00087 :

:

(No ABC Manager on Duty) :

Wednesday
August 31, 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:
EDWARD DANIELS, ANC 6D
MATTHEW MINORA, Applicant's Counsel
STEPHEN O'BRIEN, Applicant's Counsel
CHRIS SOUTHCOTT, DC OAG

(10:51 a.m.)

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

CHAIRPERSON ANDERSON: The next case

CHAIRPERSON ANDERSON: The next case in our calendar is Case No. 22-PRO-00087, Pendry Washington DC - The Wharf, License No. 121347.

Mr. Oriana, can you please elevate the rights of the parties in this case please?

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

CHAIRPERSON ANDERSON: Is that all the parties?

MR. ORIANA: Yes, Chair.

CHAIRPERSON ANDERSON: All right.

Thank you, sir. All right. Good morning, everyone and let's start with the Licensee and their representative. Can you please spell and state your name for the record please?

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

calendar I have does not have this case as a 1 2 status. 3 CHAIRPERSON ANDERSON: I'm sorry, sir. 4 This is a protest hearing, so you're not involved 5 in this case. MR. SOUTHCOTT: Thank you, Mr. 6 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. 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

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

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

	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				

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

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

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

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

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

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

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

making a motion to the Board, but we issue a 1 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, order, and quiet. So that's my recommendation to 6 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 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 appeal the decision if you so desire. You do 4 5 have the right to appeal the decision that was 6 issued by the Board. Okay? 7 MR. DANIELS: Thank you. CHAIRPERSON ANDERSON: All right. 8 9 MR. DANIELS: Thank you. CHAIRPERSON ANDERSON: 10 All right. 11 Thank you very much. Have a great day. 12 that in the chat, there are references in there -13 - There are messages in Chat about I think, it's This case was ANC 6D, so we haven't 14 ANC 1B. 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

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CERTIFICATE

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.

Court Reporter

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