

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF: :

:

KHP IV DC TRS, LLC, :

t/a The Darcy Hotel :

1515 Rhode Island Ave NW : Protest

Retailer CH - ANC 2B : Hearing (Status)

License No. 102437 :

Case #18-PRO-00009 :

:

(Substantial Change - :

Request to Increase :

Occupancy Load of the :

Summer Garden) :

Wednesday  
 April 4, 2018

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, Chairperson  
 Donovan W. Anderson, presiding.

**PRESENT:**  
 DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 MIKE SILVERSTEIN, Member  
 JAMES SHORT, Member  
 REMA WAHABZADAH, Member

**ALSO PRESENT:**  
 STEPHEN KAMENY, PROTESTANT  
 RANDY DOWNS, ANC 2B  
 MATTHEW MINORA, LICENSEE'S COUNSEL  
 TOBIAS ARFF, LICENSEE

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

2 9:36 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 18-PRO-00009, The  
5 Darcy Hotel, License No. 102437.

6 Would the parties, please, approach  
7 and identify themselves for the record, please?

8 MR. KAMENY: Good morning. My name is  
9 Stephen Kameny. I am the protest group  
10 representative. I'll spell my last name K-A-M-E-  
11 N-Y.

12 MR. DOWNS: Good morning. My name is  
13 Randy Downs. I am the representative for Dupont  
14 Circle ANC-2B.

15 CHAIRPERSON ANDERSON: All right. Mr.  
16 -- I can't even read my own writing.

17 MR. KAMENY: That's fine. Mr. Kameny.  
18 You might --

19 CHAIRPERSON ANDERSON: Mr. Kameny, I  
20 wrote your name down and I can't read my own  
21 writing.

22 MR. KAMENY: You might know my

1 deceased relative, Franklin Kameny, who was well-  
2 known in the District to many people.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. KAMENY: There is a street on 17th  
5 Street named after him.

6 CHAIRPERSON ANDERSON: Okay. All  
7 right. Now, because I don't -- I'm not looking  
8 at the Board briefing, so what group are you  
9 representing?

10 MR. KAMENY: I'm sorry, the protest  
11 group.

12 CHAIRPERSON ANDERSON: What protest  
13 group are you representing?

14 MR. KAMENY: So --

15 CHAIRPERSON ANDERSON: Or is he with  
16 the ANC?

17 MR. KAMENY: With the ANC.

18 CHAIRPERSON ANDERSON: All right.  
19 Okay. So --

20 MR. KAMENY: I don't understand.

21 CHAIRPERSON ANDERSON: All right. So  
22 no, because you said you represented a group and

1 so that's what I was trying to find out. Did you  
2 get standing as a group?

3 MR. KAMENY: Yes, I did, sir.

4 MR. DOWNS: Stephen is a Group of 70.  
5 I am representing the ANC.

6 CHAIRPERSON ANDERSON: All right. So  
7 were you --

8 MR. KAMENY: I was granted standing,  
9 sir.

10 CHAIRPERSON ANDERSON: All right.

11 MR. KAMENY: That's my understanding.

12 CHAIRPERSON ANDERSON: Okay. I'm  
13 sorry. Go ahead.

14 MR. MINORA: Matthew Minora from the  
15 Law Firm of Mallios & O'Brien, counsel for the  
16 licensee.

17 CHAIRPERSON ANDERSON: Good morning,  
18 Mr. Minora.

19 MR. ARFF: Good morning. Tobias Arff,  
20 I'm General Manager at The Darcy Hotel.

21 CHAIRPERSON ANDERSON: I didn't hear  
22 your last name, sir.

1 MR. ARFF: Arff, A, like apple, R,  
2 like Roger, F, like Frank, F, like Frank.

3 CHAIRPERSON ANDERSON: Good morning,  
4 Mr. Arff. And, Mr. Minora, and because I got my  
5 Board brief in front of me, are there no  
6 preliminary matters? There are no preliminary  
7 issues, so both protestants were granted standing  
8 at the -- okay.

9 MR. MINORA: We have none.

10 CHAIRPERSON ANDERSON: All right. I  
11 just want to make sure that both, all sides are  
12 reminded that the purpose of a Protest Hearing is  
13 to determine the appropriateness of the  
14 establishment in the section of the District  
15 where the establishment is located.

16 This matter is scheduled for a Protest  
17 Hearing on April 25th at 4:30 p.m.

18 Now that we have scheduled this matter  
19 for a Protest Hearing, there are a few things I  
20 would like to instruct the applicant and the  
21 protestants about so that the protest hearing is  
22 focused and addresses only those issues that are

1 being protested.

2           The Board does not intend to hear  
3 testimony on matters that are not relevant to  
4 this case. You should have received by  
5 electronic or regular mail a letter explaining  
6 the protest process, a copy of the Protest  
7 Information Form and a copy of the Exhibit Form.  
8 If you do not have these documents, please,  
9 contact Assistant General Counsel Ms. April  
10 Randall following this hearing.

11           It is imperative that you review the  
12 rules closely and adhere to them before and  
13 during the Protest Hearing. You are also  
14 required to complete and submit the Protest  
15 Information Form (PIF) and the Exhibit Form seven  
16 days before the date of the hearing. These two  
17 forms and accompanying documents need to be  
18 submitted to ABRA's Legal Division and to all  
19 opposing parties in this matter.

20           If we do not receive a copy of your  
21 PIF, your application or your protest, whichever  
22 side you are representing, may be subject to

1 dismissal. Likewise, if we do not receive a copy  
2 of the Exhibit Form and the exhibits themselves,  
3 your exhibits may be excluded from the record  
4 upon a finding that the opposing party has been  
5 prejudiced or no good cause for the failure to  
6 submit has been shown.

7 Likewise witnesses other than a party  
8 may also be subject to exclusion if not  
9 identified in the PIF.

10 Accordingly, these forms are very  
11 important as they greatly assist the Board in  
12 narrowing the protest issues, facilitating the  
13 process and keeping the parties on point during  
14 the hearing. They likewise provide notice to the  
15 opposing parties enabling them to better prepare  
16 for the hearing.

17 We thank you greatly for your  
18 cooperation. If you have any questions today or  
19 at any time leading up to the hearing, please, do  
20 not hesitate to contact AGC Randall at (202) 442-  
21 4353.

22 Thank you very much. Does anyone have

1 any questions?

2 MR. KAMENY: What's a PIF?

3 CHAIRPERSON ANDERSON: It's seven days  
4 prior to if you go to -- if we go to a Protest  
5 Hearing, seven days prior to the hearing, you  
6 have a document that you have to send to the  
7 licensee --

8 MR. KAMENY: Okay.

9 CHAIRPERSON ANDERSON: -- and send to  
10 the Board. If you need further information what  
11 a PIF is, take Ms. April Randall --

12 MR. KAMENY: Okay.

13 CHAIRPERSON ANDERSON: -- her phone  
14 number is (202) --

15 MR. KAMENY: Um-hum.

16 CHAIRPERSON ANDERSON: -- 442 --

17 MR. KAMENY: 442 --

18 CHAIRPERSON ANDERSON: -- 43 --

19 MR. KAMENY: -- 43 --

20 CHAIRPERSON ANDERSON: --53.

21 MR. KAMENY: -- 53. Okay.

22 CHAIRPERSON ANDERSON: Please, give



1 her a call.

2 MR. KAMENY: Okay.

3 CHAIRPERSON ANDERSON: And she will  
4 explain to you and that information is also --  
5 the licensee can also talk to Ms. Randall.

6 MR. KAMENY: Great.

7 CHAIRPERSON ANDERSON: She can explain  
8 to you the process.

9 I prefer that both sides negotiate and  
10 do a settlement agreement, because if you do a  
11 settlement agreement, you are making decisions  
12 about what is in the best interest of the  
13 community, rather than have the Board make the  
14 decision. We will, of course, make the decision  
15 if we have to, but if you are able to settle the  
16 matter amicably, the Board will --

17 MR. ARFF: We have made good progress.

18 MR. KAMENY: We both believe we have  
19 made very good progress.

20 CHAIRPERSON ANDERSON: Well, that's  
21 very good. And I have always told folks if you  
22 do not show up on April 25th, I will not take it

1 personally. Okay? All right.

2 MR. KAMENY: Okay.

3 CHAIRPERSON ANDERSON: All right.

4 MEMBER SILVERSTEIN: Mr. Chairman?

5 CHAIRPERSON ANDERSON: Yes, Mr.

6 Silverstein?

7 MEMBER SILVERSTEIN: Mr. Chairman, I  
8 would add my usual request to both sides. If you  
9 do go to protest, our staff has to, our  
10 investigators have to, put together a protest  
11 report, which is usually about a 50-page book.  
12 They have to involve themselves in visits and all  
13 these other things and we schedule a hearing.

14 And if -- it looks like you guys are  
15 going -- are making progress. If you can --  
16 don't look at the 25th as your deadline, because  
17 if you do, we will have to clear the schedule and  
18 do all this work.

19 If you can do it and get it done a  
20 week or two ahead, we can give someone else that  
21 slot. Our investigators don't have to do all  
22 that work and it will make things better not just

1 for you folks, but also someone else will have  
2 that opportunity to come before us earlier. We  
3 are not delayed and we are not doing unnecessary  
4 work.

5 So if you can do that, it would be  
6 much appreciated by all of us. Thank you.

7 CHAIRPERSON ANDERSON: Thank you, Mr.  
8 Silverstein. I again thank the parties and as I  
9 said before, I do hear what Mr. Silverstein  
10 states, but again, sometimes the fate of coming  
11 here are some people, they come here and they  
12 settle the matter right here and we can  
13 memorialize it.

14 As Mr. Silverstein said, the earlier  
15 you can, but I'm not going to hold it against you  
16 if it's done here at the table, because I want  
17 people to feel comfortable and that they are  
18 making decisions that are in the -- that they  
19 think is going to represent the community.

20 Okay. You have a great day and thank  
21 you for being here.

22 MR. KAMENY: Thank you.

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MR. DOWNS: Thank you.

MR. MINORA: Thank you.

MR. KAMENY: That's it?

CHAIRPERSON ANDERSON: Yes.

MR. KAMENY: Thank you.

(Whereupon, the Protest (Status)

Hearing was concluded at 9:44 a.m.)

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 12:7  <b>able</b> 9:15  <b>ABRA's</b> 6:18  <b>accompanying</b> 6:17  <b>add</b> 10:8  <b>addresses</b> 5:22  <b>adhere</b> 6:12  <b>AGC</b> 7:20  <b>agreement</b> 9:10,11  <b>ahead</b> 4:13 10:20  <b>Alcoholic</b> 1:2,13,14  <b>amicably</b> 9:16  <b>ANC</b> 1:7,21 3:16,17 4:5  <b>ANC-2B</b> 2:14  <b>Anderson</b> 1:15,17 2:3  2:15,19 3:3,6,12,15  3:18,21 4:6,10,12,17  4:21 5:3,10 8:3,9,13  8:16,18,20,22 9:3,7  9:20 10:3,5 11:7 12:4  <b>apple</b> 5:1  <b>applicant</b> 5:20  <b>application</b> 6:21  <b>appreciated</b> 11:6  <b>approach</b> 2:6  <b>appropriateness</b> 5:13  <b>April</b> 1:12 5:17 6:9 8:11  9:22  <b>Arff</b> 1:22 4:19,19 5:1,1  5:4 9:17  <b>assist</b> 7:11  <b>Assistant</b> 6:9  <b>Ave</b> 1:6</p>	<p>3:18,21 4:6,10,12,17  4:21 5:3,10 8:3,9,13  8:16,18,20,22 9:3,7  9:20 10:3,5 11:7 12:4  <b>Change</b> 1:9  <b>Circle</b> 2:14  <b>clear</b> 10:17  <b>closely</b> 6:12  <b>COLUMBIA</b> 1:1  <b>come</b> 11:2,11  <b>comfortable</b> 11:17  <b>coming</b> 11:10  <b>community</b> 9:13 11:19  <b>complete</b> 6:14  <b>concluded</b> 12:7  <b>contact</b> 6:9 7:20  <b>Control</b> 1:2,13,14  <b>cooperation</b> 7:18  <b>copy</b> 6:6,7,20 7:1  <b>counsel</b> 1:21 4:15 6:9  <b>course</b> 9:14</p>	<p style="text-align: center;"><b>F</b></p> <p><b>F</b> 5:2,2  <b>facilitating</b> 7:12  <b>failure</b> 7:5  <b>fate</b> 11:10  <b>feel</b> 11:17  <b>find</b> 4:1  <b>finding</b> 7:4  <b>fine</b> 2:17  <b>Firm</b> 4:15  <b>focused</b> 5:22  <b>folks</b> 9:21 11:1  <b>following</b> 6:10  <b>Form</b> 6:7,7,15,15 7:2  <b>forms</b> 6:17 7:10  <b>Frank</b> 5:2,2  <b>Franklin</b> 3:1  <b>front</b> 5:5  <b>further</b> 8:10</p>	<p><b>JAMES</b> 1:18  <b>JR</b> 1:17</p>
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In the matter of: Darcy Hotel

Before: DC ABRA

Date: 04-04-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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