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

10:13 a.m.

AGENT FLETCHER: Would the parties in the matter of Philotimo, please, come forward?

The parties in the matter of Philotimo. This is Case No. 19-PRO-00015, Philotimo Hospitality, 1100 15th Street, N.W., License No. ABRA-112439. This is a Retailer Class CR new application.

The protest issues are adverse impact on peace, order and quiet, residential parking, and vehicular and pedestrian safety.

My name is LaVerne Fletcher conducting the Roll Call Hearing as the Board's Agent.

Introductions beginning with the applicant, please.

MS. YOHANNES: Sidon Yohannes on behalf of the applicant.

AGENT FLETCHER: Ms. Yohannes, will you spell your name for the record, please?

MS. YOHANNES: Yes. S-I-D-O-N Yohannes, Y-O-H-A-N-N-E-S.

AGENT FLETCHER: Thank you. And

1 present on behalf of the Group of 10?

2 MS. DYMOWSKI: Good morning. Julie  
3 Dymowski on behalf of the group.

4 AGENT FLETCHER: Ms. Dymowski, can you  
5 spell your last name?

6 MS. DYMOWSKI: Yes, D as in David, Y-M  
7 as in Mary, O-W-S-K-I.

8 AGENT FLETCHER: It's J-U-L-I-E?

9 MS. DYMOWSKI: Yes.

10 AGENT FLETCHER: Thank you. Hi.

11 MR. FRANTZEN: Hi. Timothy Frantzen,  
12 last name is spelled F-R-A-N-T-Z-E-N, on behalf  
13 of Capital Hilton.

14 AGENT FLETCHER: Oh behalf of the  
15 Capital Hilton? On behalf of the Capital Hilton?

16 MR. FRANTZEN: Capital Hilton,  
17 correct.

18 AGENT FLETCHER: Thank you very much.  
19 Ms. Dymowski, are there any individuals present  
20 from your Group of 10 today?

21 MS. DYMOWSKI: Yes, there are.

22 AGENT FLETCHER: Okay. If they could

1 just stand right beside you and state your name  
2 and spell it for the record in front of the  
3 microphone. Thank you.

4 MR. FASANO: Michael Fasano.

5 AGENT FLETCHER: Can you spell Fasano?

6 MR. FASANO: F as in Frank, A-S-A-N-O.

7 AGENT FLETCHER: Thank you very much.

8 MR. FOYNES: Good morning. Desmond  
9 Foynes, F-O-Y-N-E-S, at The Presidential.

10 AGENT FLETCHER: Thank you. Good  
11 morning.

12 MS. ANDERSON: Carolyn Anderson at The  
13 Presidential.

14 AGENT FLETCHER: Thank you, Ms.  
15 Anderson. Oh, hi, you can just state your name  
16 and spell it for the record.

17 MS. ESCOBAR: Ana Escobar.

18 AGENT FLETCHER: Ms. Escobar?

19 MS. ESCOBAR: Yes.

20 AGENT FLETCHER: Ann?

21 MS. ESCOBAR: Ana, A-N-A.

22 AGENT FLETCHER: Ana, A-N-A. Thank

1 you.

2 Mr. Frantzen, can you -- what's your  
3 first name again? Your first name again?

4 MR. FRANTZEN: Timothy, T-I-M-O-T-H-Y.

5 AGENT FLETCHER: Timothy?

6 MR. FRANTZEN: Yes.

7 AGENT FLETCHER: And spell the last  
8 name for me one more time.

9 MR. FRANTZEN: It's Frank-Robert-Anna-  
10 Nancy-Tom-Zulu-Edward-Nancy.

11 AGENT FLETCHER: I'm sorry, T-R-A?

12 MR. FRANTZEN: No.

13 AGENT FLETCHER: Just spell it for me.

14 MR. FRANTZEN: F-R-A-N-T-Z-E-N,

15 Frantzen.

16 AGENT FLETCHER: Okay, Frantzen. Mr.

17 Frantzen, the Capital Hilton Hotel I know that

18 it's a commercial property owner that doesn't

19 abut. Does the hotel have a liquor license?

20 MR. FRANTZEN: We do.

21 AGENT FLETCHER: Ms. Yohannes, did

22 you have any comment that you wanted to make?

1 MS. YOHANNES: Yes, a couple of  
2 things. I don't see, and I'm sorry, Mr.  
3 Frantzen?

4 MR. FRANTZEN: Frantzen.

5 MS. YOHANNES: Mr. Frantzen is listed  
6 here as the representative, that's the first  
7 thing.

8 Second of all, as a commercial  
9 property owner that is not abutting, I would  
10 request that they be dismissed, the Capital  
11 Hilton property.

12 AGENT FLETCHER: The hotel is actually  
13 being represented by Ms. Dymowski.

14 MS. YOHANNES: And Mr. Frantzen is  
15 whom? I just want identification of his  
16 position.

17 MR. FRANTZEN: I'll be the one to make  
18 comments.

19 MS. DYMOWSKI: I can clarify for the  
20 record.

21 AGENT FLETCHER: Yes.

22 MS. DYMOWSKI: The general manager,

1 Brian Kelleher, had to be called out of town.

2 AGENT FLETCHER: Um-hum.

3 MS. DYMOWSKI: I have with me the  
4 assistant general manager, who is authorized to  
5 represent the owner of the property today.

6 AGENT FLETCHER: Thank you.

7 MS. YOHANNES: Nevertheless, I still  
8 am going to request that they be dismissed.

9 Additionally, Ana Escobar, I don't --  
10 and I could be missing this, but I don't see her  
11 as a signatory on this petition.

12 MS. DYMOWSKI: And that's correct. I  
13 just was double checking it. I did not see her  
14 either. So the last --

15 AGENT FLETCHER: One person.

16 MS. DYMOWSKI: Yes, one person.

17 AGENT FLETCHER: So what changes about  
18 that is the -- that -- so we have one less person  
19 present?

20 MS. DYMOWSKI: Correct.

21 AGENT FLETCHER: Okay. Thank you.

22 Ms. Escobar was a party in the other, the

1 previous case.

2 MS. DYMOWSKI: That is correct. She  
3 was -- she signed another, but not this one.

4 AGENT FLETCHER: What I'm going to do,  
5 I'm going to dismiss the Capital Hilton. Not  
6 because you are commercial and not abutting, if  
7 that were the only case, I would let the ABC  
8 Board take a look at it and make a decision about  
9 whether or not you could join a group of  
10 residents as a property owner, that's something  
11 they have to take a look at.

12 You got the Group of 10. Generally,  
13 that means 10 residents that are residential  
14 property owners, not commercial, generally, when  
15 it is a part of a group. So I'm going -- I'm not  
16 going to dismiss the protest filed by the Capital  
17 -- I'm not going to dismiss the Capital Hilton as  
18 a protestant for that reason, but because the  
19 Capital Hilton is the holder of a liquor license.

20 One liquor license establishment  
21 cannot protest the application of another. So  
22 that will be the reason for the dismissal.



1                   But, Ms. Dymowski, you know that you  
2                   can petition the ABC Board to reinstate that.  
3                   That's just the decision today. But you can  
4                   petition the ABC Board, you know, for  
5                   reinstatement of the Capital Hilton as a  
6                   protestant. They may say yes, but it's because  
7                   of -- that you are a holder of a liquor license,  
8                   not because you are commercial and not abutting.

9                   MS. DYMOWSKI: And will I have time to  
10                  do that before the mediation or can they  
11                  participate in the mediation?

12                 AGENT FLETCHER: Well, you are  
13                  representing the hotel.

14                 MS. DYMOWSKI: Correct.

15                 AGENT FLETCHER: So you will just  
16                  represent the hotel.

17                 MS. DYMOWSKI: Okay.

18                 MR. FASANO: Excuse me?

19                 AGENT FLETCHER: Yes?

20                 MR. FASANO: They are an agent of the  
21                  property owner as well, so my understanding is  
22                  that it's not just the liquor license who is

1 protesting, but on behalf of the property owner,  
2 they are protesting. And I would think that that  
3 would qualify them.

4 AGENT FLETCHER: And who was just  
5 speaking?

6 MS. DYMOWSKI: That's Mike Fasano.

7 AGENT FLETCHER: Mr. Fasano?

8 MS. DYMOWSKI: One of the protestants.

9 AGENT FLETCHER: So I understand what  
10 you are saying and when you petition -- if you  
11 decide to petition the ABC Board for standing for  
12 the hotel, that would be another point that you  
13 would make, exactly what you just said.

14 From the record that I looked at  
15 before the hearing, the Capital Hilton holds a  
16 liquor license. The hotel itself.

17 MS. DYMOWSKI: Okay. And they have  
18 listed here on the protest document the property  
19 owner, which is CHH Capital Hotel Partners, LLP.  
20 Is that who holds the liquor license?

21 AGENT FLETCHER: Yes. Well, it's the  
22 property owner.

1 MS. DYMOWSKI: Okay.

2 AGENT FLETCHER: It's the property  
3 owner. And the liquor license was issued to the  
4 Capital Hilton Hotel at that address. And so if  
5 there are any particulars, Ms. Dymowski, that you  
6 want to raise in your -- if you decide to  
7 petition the Board to grant standing to the  
8 hotel, you can raise all those issues.

9 But from what I was able to determine,  
10 the hotel has a liquor license, a Class CH Liquor  
11 License, which is a liquor license for a hotel.

12 So we will proceed as we normally  
13 would. And at the Status Hearing, you can or  
14 before you can petition the Board to grant  
15 standing to the Capital Hilton as a part of this  
16 protest group and if they say yes, that's the  
17 final word.

18 MS. DYMOWSKI: Okay.

19 AGENT FLETCHER: And, Mr. Frantzen, is  
20 there anything you wanted to add today?

21 MR. FRANTZEN: No.

22 AGENT FLETCHER: We have covered

1 everything pretty much? Okay.

2 So what that means is four people from  
3 the protest group are present today. At the  
4 Status Hearing, one more person from the group  
5 that is not present would need to appear, because  
6 the ABC Board likes to see five people in-person.  
7 And so four people in-person are here today.

8 Ms. Dymowski, if you were to petition  
9 the Board to include the hotel as a protestant,  
10 then the hotel would be the fifth person that was  
11 present today. So I have a record that you were  
12 here today. You would be the fifth person if  
13 they -- if you decide to petition the Board  
14 before the Status Hearing.

15 MS. YOHANNES: Ms. Fletcher, I think  
16 that is three that are present.

17 MS. DYMOWSKI: Yes, I think you took  
18 one off.

19 AGENT FLETCHER: I took Ms. Escobar  
20 off.

21 MS. DYMOWSKI: Okay.

22 AGENT FLETCHER: So that left --

1 that's right, Michael Fasano, Desmond Foynes and  
2 Carolyn Anderson, that's right.

3 MS. DYMOWSKI: So we need two more?

4 AGENT FLETCHER: That's right. You  
5 need two more.

6 MS. DYMOWSKI: Okay.

7 AGENT FLETCHER: Thank you. I counted  
8 you, Ms. Dymowski. Yeah, so you just need two  
9 more. Thank you very much.

10 MS. DYMOWSKI: Uh-huh.

11 AGENT FLETCHER: Any questions at all?  
12 I'll give you the date for the Status, Protest  
13 Hearings and then the next available date for  
14 mediation.

15 The date of the Status Hearing is  
16 April the 10th. It's April the 10th at 9:30.

17 The date for the Protest Hearing is  
18 May 15th. It's May 15th at 1:30, May 15th at  
19 1:30.

20 I'll give you the next available day  
21 for mediation. It is Thursday, March 28 at 9:00,  
22 10:00, 11:00, 1:00 or 2:00.

1 MS. DYMOWSKI: I don't necessarily  
2 have a preference. Maybe 11:00? 10:00 or 11:00?

3 MS. YOHANNES: I can only do the  
4 afternoon.

5 MS. DYMOWSKI: That's fine.

6 MS. YOHANNES: Is 2:00 okay?

7 MS. DYMOWSKI: That's fine.

8 AGENT FLETCHER: Is that okay? 2:00  
9 on Thursday, March 28.

10 Okay. Well, no questions from  
11 anybody? Thank you for coming.

12 MS. YOHANNES: Thank you.

13 AGENT FLETCHER: The Roll Call Hearing  
14 is concluded.

15 MS. YOHANNES: Thank you.

16 MS. DYMOWSKI: Thank you.

17 AGENT FLETCHER: Thank you.

18 (Whereupon, the Roll Call Hearing was  
19 concluded at 10:26 a.m.)  
20  
21  
22

<p style="text-align: center;"><b>A</b></p> <p><b>A-N-A</b> 4:21,22  <b>A-S-A-N-O</b> 4:6  <b>a.m</b> 2:2 14:19  <b>ABC</b> 8:7 9:2,4 10:11  12:6  <b>able</b> 11:9  <b>ABRA-112439</b> 1:9 2:7  <b>abut</b> 5:19  <b>abutting</b> 6:9 8:6 9:8  <b>add</b> 11:20  <b>Additionally</b> 7:9  <b>address</b> 11:4  <b>adverse</b> 2:9  <b>afternoon</b> 14:4  <b>agent</b> 1:16 2:3,13,18,22  3:4,8,10,14,18,22 4:5  4:7,10,14,18,20,22  5:5,7,11,13,16,21  6:12,21 7:2,6,15,17  7:21 8:4 9:12,15,19  9:20 10:4,7,9,21 11:2  11:19,22 12:19,22  13:4,7,11 14:8,13,17  <b>Alcoholic</b> 1:2,15,15  <b>Ana</b> 1:19 4:17,21,22 7:9  <b>Anderson</b> 1:19 4:12,12  4:15 13:2  <b>Ann</b> 4:20  <b>anybody</b> 14:11  <b>appear</b> 12:5  <b>applicant</b> 2:15,17  <b>Applicant's</b> 1:22  <b>application</b> 1:10 2:8  8:21  <b>April</b> 13:16,16  <b>assistant</b> 7:4  <b>Attorney</b> 1:22  <b>authorized</b> 7:4  <b>available</b> 13:13,20</p>	<p>8:17,19 9:5 10:15,19  11:4,15  <b>Carolyn</b> 1:19 4:12 13:2  <b>case</b> 1:9 2:6 8:1,7  <b>CH</b> 11:10  <b>changes</b> 7:17  <b>checking</b> 7:13  <b>CHH</b> 10:19  <b>clarify</b> 6:19  <b>Class</b> 2:8 11:10  <b>COLUMBIA</b> 1:1  <b>come</b> 2:4  <b>coming</b> 14:11  <b>comment</b> 5:22  <b>comments</b> 6:18  <b>commercial</b> 5:18 6:8  8:6,14 9:8  <b>concluded</b> 14:14,19  <b>conducting</b> 2:12  <b>Control</b> 1:2,15,15  <b>correct</b> 3:17 7:12,20 8:2  9:14  <b>counted</b> 13:7  <b>couple</b> 6:1  <b>covered</b> 11:22  <b>CR</b> 1:8 2:8</p>	<p><b>exactly</b> 10:13  <b>Excuse</b> 9:18</p> <p style="text-align: center;"><b>F</b></p> <p><b>F</b> 4:6  <b>F-O-Y-N-E-S</b> 4:9  <b>F-R-A-N-T-Z-E-N</b> 3:12  5:14  <b>Fasano</b> 1:20 4:4,4,5,6  9:18,20 10:6,7 13:1  <b>fifth</b> 12:10,12  <b>filed</b> 8:16  <b>final</b> 11:17  <b>fine</b> 14:5,7  <b>first</b> 5:3,3 6:6  <b>five</b> 12:6  <b>Fletcher</b> 1:16 2:3,12,18  2:22 3:4,8,10,14,18  3:22 4:5,7,10,14,18  4:20,22 5:5,7,11,13  5:16,21 6:12,21 7:2,6  7:15,17,21 8:4 9:12  9:15,19 10:4,7,9,21  11:2,19,22 12:15,19  12:22 13:4,7,11 14:8  14:13,17  <b>forward</b> 2:4  <b>four</b> 12:2,7  <b>Foynes</b> 1:21 4:8,9 13:1  <b>Frank</b> 4:6  <b>Frank-Robert-Anna-</b>  5:9  <b>Frantzen</b> 1:21 3:11,11  3:16 5:2,4,6,9,12,14  5:15,16,17,20 6:3,4,4  6:5,14,17 11:19,21  <b>front</b> 4:2</p>	<p>8:19 9:5 10:15 11:4  11:15  <b>holder</b> 8:19 9:7  <b>holds</b> 10:15,20  <b>Hospitality</b> 1:6 2:6  <b>hotel</b> 5:17,19 6:12 9:13  9:16 10:12,16,19 11:4  11:8,10,11 12:9,10</p>
<p style="text-align: center;"><b>B</b></p> <p><b>beginning</b> 2:14  <b>behalf</b> 2:17 3:1,3,12,14  3:15 10:1  <b>Beverage</b> 1:2,15,15  <b>Board</b> 1:2,15 8:8 9:2,4  10:11 11:7,14 12:6,9  12:13  <b>Board's</b> 2:13  <b>Brian</b> 7:1  <b>Building</b> 1:16</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D</b> 3:6  <b>D.C</b> 1:16  <b>date</b> 13:12,13,15,17  <b>David</b> 3:6  <b>day</b> 13:20  <b>decide</b> 10:11 11:6  12:13  <b>decision</b> 8:8 9:3  <b>Desmond</b> 1:21 4:8 13:1  <b>determine</b> 11:9  <b>dismiss</b> 8:5,16,17  <b>dismissal</b> 8:22  <b>dismissed</b> 6:10 7:8  <b>DISTRICT</b> 1:1  <b>document</b> 10:18  <b>double</b> 7:13  <b>Dymowski</b> 1:20 3:2,3,4  3:6,9,19,21 6:13,19  6:22 7:3,12,16,20 8:2  9:1,9,14,17 10:6,8,17  11:1,5,18 12:8,17,21  13:3,6,8,10 14:1,5,7  14:16</p>	<p style="text-align: center;"><b>G</b></p> <p><b>general</b> 6:22 7:4  <b>generally</b> 8:12,14  <b>give</b> 13:12,20  <b>going</b> 7:8 8:4,5,15,16  8:17  <b>Good</b> 3:2 4:8,10  <b>grant</b> 11:7,14  <b>group</b> 1:19,19,20,20,21  3:1,3,20 8:9,12,15  11:16 12:3,4</p>	<p style="text-align: center;"><b>I</b></p> <p><b>identification</b> 6:15  <b>impact</b> 2:9  <b>in-person</b> 12:6,7  <b>include</b> 12:9  <b>individuals</b> 3:19  <b>Introductions</b> 2:14  <b>issued</b> 11:3  <b>issues</b> 2:9 11:8</p>
<p style="text-align: center;"><b>C</b></p> <p><b>Call</b> 1:3,8 2:13 14:13,18  <b>called</b> 7:1  <b>Capital</b> 1:21 3:13,15,15  3:16 5:17 6:10 8:5,16</p>	<p style="text-align: center;"><b>E</b></p> <p><b>either</b> 7:14  <b>Escobar</b> 1:19 4:17,17  4:18,19,21 7:9,22  12:19  <b>establishment</b> 8:20</p>	<p style="text-align: center;"><b>H</b></p> <p><b>hearing</b> 1:3,8,15 2:13  10:15 11:13 12:4,14  13:15,17 14:13,18  <b>Hearings</b> 13:13  <b>hi</b> 3:10,11 4:15  <b>Hilton</b> 1:21 3:13,15,15  3:16 5:17 6:11 8:5,17</p>	<p style="text-align: center;"><b>J</b></p> <p><b>J-U-L-I-E</b> 3:8  <b>join</b> 8:9  <b>Julie</b> 1:20 3:2</p>
			<p style="text-align: center;"><b>K</b></p> <p><b>Kelleher</b> 7:1  <b>know</b> 5:17 9:1,4</p> <p style="text-align: center;"><b>L</b></p> <p><b>LaVerne</b> 1:16 2:12  <b>left</b> 12:22  <b>license</b> 1:9 2:7 5:19  8:19,20 9:7,22 10:16  10:20 11:3,10,11,11  <b>likes</b> 12:6  <b>liquor</b> 5:19 8:19,20 9:7  9:22 10:16,20 11:3,10  11:10,11  <b>listed</b> 6:5 10:18  <b>LLC</b> 1:7  <b>LLP</b> 10:19  <b>look</b> 8:8,11  <b>looked</b> 10:14</p>
			<p style="text-align: center;"><b>M</b></p> <p><b>manager</b> 6:22 7:4  <b>March</b> 1:12 13:21 14:9  <b>Mary</b> 3:7  <b>matter</b> 1:5 2:4,5  <b>means</b> 8:13 12:2  <b>mediation</b> 9:10,11  13:14,21  <b>met</b> 1:15  <b>Michael</b> 1:20 4:4 13:1  <b>microphone</b> 4:3  <b>Mike</b> 10:6  <b>missing</b> 7:10  <b>MONDAY</b> 1:12</p>

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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: Philotimo

Before: Alcoholic Beverage Control Board

Date: 03-18-19

Place: Washington, DC

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

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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