

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

+ + + + +

IN THE MATTER OF: :

:

KHP IV DC TRS, LLC :

t/a The Darcey Hotel :

1515 Rhode Island Ave NW :

License #ABRA-102437 :

Retailer Class CH :

Case #18-PRO-00009 :

:

Substantial Change :

(Increase summer garden :

occupancy from 40 to 140, :

with seating for 100) :

Tuesday, February 20, 2018

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Ms. LaVerne Fletcher, Agent, presiding.

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

2 10:27 a.m.

3 AGENT FLETCHER: Would the parties in
4 the matter of The Darcey Hotel, please, come
5 forward? This is Case No. 18-PRO-00009, License
6 No. ABRA-102437. This is a Retailer Class CH
7 substantial change to increase the total
8 occupancy load of the summer garden from 40 to
9 140 with seating for 100.

10 My name is LaVerne Fletcher. I'm
11 conducting the Roll Call Hearing as the Board's
12 Agent.

13 Introductions beginning with the
14 Applicant, please.

15 MR. FONSECA: Michael Fonseca on
16 behalf of the Licensee.

17 AGENT FLETCHER: Thank you. Mr.
18 Fonseca, would you spell your name for the
19 record, please?

20 MR. FONSECA: Yes. Michael, M-I-C-H-
21 A-E-L and Fonseca, F-O-N-S-E-C-A.

22 AGENT FLETCHER: And present on behalf

1 of ANC-2B?

2 MR. DOWNS: This is Randy Downs,
3 Commissioner for 2B05. R-A-N-D-Y D-O-W-N-S.

4 AGENT FLETCHER: Thank you, Mr. Downs.
5 And is Steve Kameny here?

6 MR. KAMENY: Yes, I go by Steven
7 Kameny. S-T-E-V-E-N last name Kameny, K-A-M-E-N-
8 Y. Good morning, Ms. Fletcher.

9 AGENT FLETCHER: Thank you, Mr.
10 Kameny. And you have other individuals from your
11 group present today?

12 MR. KAMENY: Yes, we have several, so
13 I believe most in the audience are here for us.
14 We have all these individuals here who are
15 signatories.

16 AGENT FLETCHER: Yes.

17 MR. KAMENY: Would you like for them
18 to come and --

19 AGENT FLETCHER: Yes, right beside you
20 and just state your name and spell it for the
21 record.

22 MR. KAMENY: Great.

1 AGENT FLETCHER: Slide the microphone.

2 MR. KAMENY: So there is a microphone
3 right there, people come in and state their name.

4 MR. MASTIN: Paul Mastin and it's P-A-
5 U-L M-A-S-T-I-N.

6 AGENT FLETCHER: Thank you. Um-hum.

7 MS. MASTIN: Hi, I'm Katie Mastin. K-
8 A-T-I-E and then M-A-S-T-I-N.

9 MS. DeHART: Meredith DeHart. M-E-R-
10 E-D-I-T-H D-E capital H-A-R-T.

11 MR. COGGINS: Robert Coggins. First
12 name R-O-B-E-R-T last name C-O-G-G-I-N-S.

13 MS. MORRIS: Yolanda Morris. First
14 name Y-O-L-A-N-D-A last name M-O double R-I-S.

15 AGENT FLETCHER: Thank you.

16 MR. McDONALD: Robert McDonald, R-O-B-
17 E-R-T M-C capital D-O-N-A-L-D.

18 MR. BREngle: Keith Brengle, K-E-I-T-H
19 last name B-R-E-N-G-L-E. I have a proxy for two
20 neighbors that I would represent. Do I present
21 their names to you as well?

22 AGENT FLETCHER: Yeah, uh-huh.

1 MR. BRENGLE: Okay. The first one is
2 Caterina Luppi. Her first name is C-A-T-E-R-I-N-
3 A last name L-U-P-P-I. And the other is Saul
4 Gonzalez Martirena. It's S-A-U-L G-O-N-Z-A-L-E-
5 Z M-A-R-T-I-R-E-N-A.

6 AGENT FLETCHER: Is that one person?

7 MR. BRENGLE: Yes, that's correct.

8 AGENT FLETCHER: Okay. Spell the name
9 beginning with the M again.

10 MR. BRENGLE: Uh-huh, it's M-A-R-T-I-
11 R-E-N-A.

12 AGENT FLETCHER: Thank you. And Mr.
13 Brengle is it?

14 MR. BRENGLE: Yes.

15 AGENT FLETCHER: I'll take those. So
16 does that mean that Mr. -- you will represent
17 these individuals instead of Mr. Kameny?

18 MR. BRENGLE: So I guess the question
19 is do I have an opportunity to speak as well? I
20 do not abut the property.

21 AGENT FLETCHER: Oh.

22 MR. BRENGLE: But I am affected by the

1 property.

2 AGENT FLETCHER: Oh, yeah, you are
3 good. Yeah, this is not an abutting property
4 owner issue, so you are good.

5 MR. BRENGLE: So I would like to also
6 have another voice.

7 AGENT FLETCHER: Okay.

8 MR. BRENGLE: This occupancy is
9 forever.

10 AGENT FLETCHER: And you signed the
11 Protest Letter --

12 MR. BRENGLE: Yes.

13 AGENT FLETCHER: -- as well? And the
14 two individuals that you are representing also
15 signed the Protest Letter?

16 MR. BRENGLE: Yes.

17 AGENT FLETCHER: The Protest Letter
18 has Mr. Kameny representing everybody, just so
19 that you know.

20 MR. BRENGLE: Okay.

21 AGENT FLETCHER: And so --

22 MR. BRENGLE: Well, I can pull out.

1 It's fine.

2 AGENT FLETCHER: You don't have to
3 pull out. I just wanted you to know that because
4 I have these two letters, what that means to us
5 here that either you or Mr. Kameny can represent
6 these two people.

7 MR. BRENGLE: I can have Steven
8 represent us. I just thought more voices
9 actually helped. It doesn't matter.

10 AGENT FLETCHER: Yeah, so that -- but
11 just so that you know.

12 MR. BRENGLE: Yes, thank you.

13 AGENT FLETCHER: Mr. Kameny is
14 recognized as the designated representative, so
15 that if you -- although you could also represent
16 these two people, because they said so.

17 MR. BRENGLE: I'll let him represent
18 all of us.

19 AGENT FLETCHER: Okay. Well, then we
20 will stick with that.

21 MR. BRENGLE: Okay.

22 MR. KAMENY: Thank you and I just want

1 to underline I think that he wanted an
2 opportunity to speak. And, Ms. Fletcher, if it's
3 appropriate, he may have an opportunity to do so.

4 AGENT FLETCHER: So what will happen,
5 that opportunity would come if there is a Protest
6 Hearing, any witness that you want to call that
7 is in your group, you can call.

8 MR. KAMENY: Okay.

9 AGENT FLETCHER: The -- at this stage,
10 we are going to be trying to resolve the matter
11 and so --

12 MR. KAMENY: Okay.

13 AGENT FLETCHER: Yes.

14 MR. BRENGLE: We will defer to Steven,
15 all three.

16 AGENT FLETCHER: Okay. Well, then --
17 okay. Thank you.

18 MR. BRENGLE: I can rescind those back
19 if you would like.

20 AGENT FLETCHER: You can take them
21 back if you like.

22 MR. BRENGLE: Yes.

1 AGENT FLETCHER: The record will
2 reflect that you took them back.

3 MR. BRENGLE: I just wanted to know we
4 are represented.

5 AGENT FLETCHER: You are represented.

6 MR. KAMENY: So there is some
7 discussion, I think, about designation of the
8 letter, because the ABRA letter that we received
9 said in it be sure to designate someone as your
10 representative. In the letter itself that the
11 signatories signed --

12 AGENT FLETCHER: Yes.

13 MR. KAMENY: -- it said "We, the
14 undersigned, designate" --

15 AGENT FLETCHER: That's the letter
16 that we --

17 MR. KAMENY: -- myself, "Steven
18 Kameny."

19 AGENT FLETCHER: Exactly.

20 MR. KAMENY: And I called ABRA and
21 confirmed --

22 AGENT FLETCHER: Yes.

1 MR. KAMENY: -- it is fine, but we
2 appreciate having extra voices.

3 AGENT FLETCHER: Yes.

4 MR. KAMENY: I think it underlines how
5 strongly the community feels about this issue.

6 AGENT FLETCHER: Yes. Thank you. And
7 so from this point, everybody can be seated. Mr.
8 Kameny, you need to stay at the table.

9 MR. KAMENY: Thank you. Do we have
10 everyone?

11 AGENT FLETCHER: Just -- I only need
12 you.

13 MR. KAMENY: Great. Thank you.

14 AGENT FLETCHER: Yes. I have the
15 names that were -- of the individuals that spoke.

16 MR. KAMENY: Great.

17 AGENT FLETCHER: But your name is the
18 only one that we need actually on the sign-in
19 sheet, but your contact information is on the
20 sign-in sheet already?

21 MR. KAMENY: Yes, it is.

22 AGENT FLETCHER: I count eight

1 individuals from your group present today, Mr.
2 Kameny.

3 MR. KAMENY: I believe that's correct.
4 Is there anyone else? No, I think that's --

5 AGENT FLETCHER: What that means is
6 your group is granted standing as a Protestant.

7 MR. KAMENY: Thank you.

8 AGENT FLETCHER: And granted full
9 standing as a Protestant. And at the upcoming
10 Status Hearing, only you would need to appear.

11 MR. KAMENY: Okay.

12 AGENT FLETCHER: Only you need to
13 appear for the mediation as well as the
14 designated representative. We recognize that you
15 are speaking on behalf of the group.

16 MR. KAMENY: Okay.

17 AGENT FLETCHER: And ANC-2B also has
18 standing as a Protestant.

19 We need to set a date for a mediation,
20 Status Hearing and a Protest Hearing.

21 The date for the Status Hearing is
22 March the 21st.

1 MR. KAMENY: March 21st.

2 AGENT FLETCHER: March 21st at 9:30.

3 March 21 at 9:30.

4 MR. KAMENY: Okay.

5 AGENT FLETCHER: And the Protest

6 Hearing is set for April the 25th at 4:30.

7 MR. DOWNS: 4:30 p.m.?

8 AGENT FLETCHER: 4:30 p.m., yes.

9 MR. FONSECA: I believe -- give me a
10 second. Obviously, we don't know if we will
11 settle, but I already have a 1:30 Protest Hearing
12 and I think it's going to take a whole lot out of
13 me to have that --

14 AGENT FLETCHER: Yes.

15 MR. FONSECA: -- date. I know the
16 Board tends to use it and then perhaps the
17 General Counsel will move it around.

18 AGENT FLETCHER: Well, you know, Mr.
19 Fonseca, what I am going to do, I just made a
20 note right here that you have a Protest Hearing
21 on that day as well at 1:30 and, let's see excuse
22 me one second.

1 MR. FONSECA: I want to be optimistic
2 that we can settle.

3 AGENT FLETCHER: Yes, but --

4 MR. FONSECA: So --

5 AGENT FLETCHER: -- I'll let --

6 MR. FONSECA: -- it will be done with.

7 MR. KAMENY: I want to express our
8 hope that it settles, too.

9 AGENT FLETCHER: Yes.

10 MR. KAMENY: And I also want to
11 express that as the representative, I will have
12 maximum flexibility to change around the schedule
13 if there are any needs. And I hope that on the
14 other side, that is as well. So if we need to
15 ask to change the date or time, we are happy to
16 do so and we hope that the similar courtesy would
17 happen for the applicants.

18 AGENT FLETCHER: Okay. Thank you.

19 And so, Mr. Fonseca, I did just make a note that
20 you have another hearing on that date at 1:30.

21 MR. FONSECA: All right.

22 AGENT FLETCHER: So we will go see

1 what happens.

2 MR. KAMENY: So just to clarify,
3 ma'am, if there is a need, medical issue,
4 personal issue of any sort, we could also ask for
5 a change in time, if necessary?

6 AGENT FLETCHER: Yeah, or you could
7 designate another representative --

8 MR. KAMENY: Okay.

9 AGENT FLETCHER: -- to represent you.

10 MR. KAMENY: Great.

11 AGENT FLETCHER: But yeah, either way.

12 MR. KAMENY: There is flexibility.

13 Okay.

14 AGENT FLETCHER: Yes.

15 MR. KAMENY: Good to know. Thank you.

16 AGENT FLETCHER: You're welcome. We
17 need to set a date for mediation.

18 MR. KAMENY: Okay.

19 AGENT FLETCHER: I'll give you the
20 next available date. Ideally, that would occur
21 before the Status Hearing, but I'll let you know
22 what is available.

1 MR. FONSECA: If we could, I think --
2 I mean, I talked to Steven when we first came in.
3 It is a large group that he has beyond the eight
4 that are here, obviously, so I know he wants to
5 meet with them. And we agree we should attempt
6 to at least get the confines of some form of an
7 agreement before we meet with you for mediation.

8 AGENT FLETCHER: Yes.

9 MR. FONSECA: If we can push it out a
10 little closer to the status, maybe the week
11 before.

12 AGENT FLETCHER: Okay.

13 MR. FONSECA: What do you think?

14 MR. KAMENY: That sounds good to me.
15 Thank you.

16 AGENT FLETCHER: Well, what about
17 Thursday, March 15?

18 MR. KAMENY: March 15? Let me -- a
19 moment, please.

20 AGENT FLETCHER: Uh-huh.

21 MR. FONSECA: I think I have got a
22 conflict.

1 AGENT FLETCHER: We could do the --

2 MR. FONSECA: The Friday?

3 AGENT FLETCHER: Friday, I won't be
4 here on that day.

5 MR. FONSECA: Oh, that's right.

6 AGENT FLETCHER: We can do --

7 MR. FONSECA: Tuesday --

8 AGENT FLETCHER: -- Tuesday the 13th.

9 MR. FONSECA: -- the 13th.

10 MR. KAMENY: Tuesday should
11 tentatively be fine.

12 AGENT FLETCHER: Okay.

13 MR. KAMENY: If there is any problem,
14 I'll talk to you.

15 AGENT FLETCHER: 11:30, 1:00?

16 MR. KAMENY: Thursday the 13th? Oh,
17 excuse me, Tuesday the 13th?

18 AGENT FLETCHER: Uh-huh.

19 MR. FONSECA: Does 1:00 work for you?

20 MR. KAMENY: If there is --

21 MR. FONSECA: It's 11:30.

22 MR. KAMENY: -- right now, it's a

1 little in the future, so you said 1:00 p.m.?

2 MR. FONSECA: 1:00. There is 11:30 or
3 1:00.

4 MR. KAMENY: Oh, whatever you prefer
5 is fine with me.

6 MR. FONSECA: Let's say 1:00.

7 MR. KAMENY: 1:00 p.m., okay.

8 AGENT FLETCHER: Mr. Downs, is that
9 good for you?

10 MR. DOWNS: 1:00 p.m. on Tuesday,
11 March 13th, yes.

12 AGENT FLETCHER: Okay.

13 MR. KAMENY: Ms. Fletcher, just to
14 confirm, the mediation is then set for March 13th
15 at 1:00 p.m. followed by a Status Hearing on
16 March 21st at 9:30 a.m.

17 AGENT FLETCHER: Yes.

18 MR. KAMENY: And then a full protest,
19 should it become necessary, and all the parties
20 hope that it does not, April 25th, 4:30 p.m.

21 AGENT FLETCHER: Yes. Those are all
22 of the dates.

1 Any questions at all?

2 MR. KAMENY: I think we are good.

3 Thank you for your time.

4 AGENT FLETCHER: Thank you for coming.

5 MR. FONSECA: Thank you.

6 AGENT FLETCHER: The Roll Call Hearing
7 is concluded.

8 MR. KAMENY: And thanks to everyone
9 who showed up today. I appreciate that.

10 (Whereupon, the Roll Call Hearing was
11 concluded at 10:40 a.m.)

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Before: DC ABRA

Date: 02-20-18

Place: Washington, DC

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