

ALSO PRESENT:

PASCAL FOROTTI, APPLICANT

ROYAL COLLETTE, APPLICANT

CYNTHIA WALKER, APPLICANT

MATTHEW MINORA, COUNSEL FOR APPLICANT

DONNA BARBISCH, PROTESTANT

BARBARA ROHDE, PROTESTANT

WILLIAM SMITH, ANC 2A CHAIR, PROTESTANT

SAMANTHA MAZO, COUNSEL FOR ANC

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

2 9:38 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Please know that today's hearings will be
8 conducted in accordance with D.C. Official Code
9 Section 2-574 of the Open Meetings Act.

10 Today is July 10, 2019. I would first like
11 to introduce Members of the Board with us today.

12 To my right is Mr. Bobby Cato, to my
13 left is Mr. Mike Silverstein, and to my immediate
14 left is Mr. James Short. My name is Donovan
15 Anderson and I'm Chairman of the Board. We have
16 four Members in attendance today and so,
17 therefore, we have a quorum to conduct business.

18 I would like to mention two things
19 before we get started. First of all, if you have
20 any electronic devices, pagers, cell phones or
21 such, please, make certain that they are turned
22 off to avoid any interruption of the proceedings.

1 CHAIRPERSON ANDERSON: Are you guys
2 coming up or not? If this is your case, come
3 forward. If you are the protestants and the ANC
4 in this case, come forward. This matter is being
5 protested, it's my understanding, by ANC-2A and a
6 Group of Five or More. So if you are a part of
7 it, everyone needs to come up and pull a seat.

8 MR. SMITH: Mr. Chairman, does that
9 include all the protesters or just the leader?

10 MS. BARBISCH: The Group of Five?

11 CHAIRPERSON ANDERSON: For the Group
12 of Five or More, I need -- it's my understanding
13 that -- well, let me not start there. So
14 everyone who is here today for this matter, come
15 forward. So if you are involved in this, pull up
16 a chair and come forward, please.

17 Yes, Mr. Minora?

18 MR. MINORA: Matthew Minora from the
19 Law Firm of Mallios & O'Brien, ABC-licensed
20 counsel for the applicant.

21 CHAIRPERSON ANDERSON: Good morning,
22 sir.

1 MR. FOROTTI: Pascal Forotti, Managing
2 Director at The Watergate Hotel.

3 CHAIRPERSON ANDERSON: Good morning,
4 sir.

5 MR. SMITH: William Smith, ANC-2A04.
6 I'm Chair of ANC-2A.

7 CHAIRPERSON ANDERSON: Good morning,
8 Mr. Smith.

9 MR. SMITH: Hello.

10 MS. MAZO: Samantha Mazo, M-A-Z-O, ABC
11 counsel to the ANC from the Law Firm of Cozen
12 O'Connor.

13 CHAIRPERSON ANDERSON: Good morning,
14 Ms. Mazo.

15 MR. COLLETTE: Royal Collette, C-O-L-
16 L-E-T-T-E, Watergate West.

17 MS. WALKER: Cynthia Walker, Watergate
18 West.

19 CHAIRPERSON ANDERSON: Yes?

20 MS. ROHDE: Barbara Rohde, R-O-H-D-E,
21 Gang of Five, Watergate West.

22 MS. BARBISCH: Donna Barbisch, B-A-R-

1 B-I-S-C-H, Watergate West, Gang of Five.

2 CHAIRPERSON ANDERSON: All right. So
3 who is Ms. Walker?

4 And you were not at the Roll Call
5 Hearing. Is that correct?

6 MS. WALKER: I'm sorry?

7 CHAIRPERSON ANDERSON: It's correct
8 that you were not at the Roll Call Hearing? Is
9 that correct?

10 MS. WALKER: Correct.

11 CHAIRPERSON ANDERSON: All right. All
12 right.

13 MS. BARBISCH: And, sir, I was not at
14 the Roll Call either.

15 CHAIRPERSON ANDERSON: Your name
16 again, ma'am?

17 MS. BARBISCH: I'm sorry?

18 CHAIRPERSON ANDERSON: Your name
19 again, please?

20 MS. BARBISCH: Barbisch.

21 CHAIRPERSON ANDERSON: Ms. Barbisch.

22 MS. BARBISCH: B-A-R-B-I-S-C-H.

1 CHAIRPERSON ANDERSON: Okay. All
2 right. All right. It's my understanding that
3 the Group of Five or More was granted conditional
4 standing at the Roll Call Hearing. And because I
5 think only four members were present and today
6 there are two members of the Group of Five or
7 More who were not at the Roll Call Hearing.

8 MS. BARBISCH: Let me - a point of
9 clarification. Cynthia Walker was not part of
10 the Gang of Five. I was the only one that was
11 not here for the Roll Call on the Gang of Five.

12 CHAIRPERSON ANDERSON: All right.
13 Well, you only need one person, so --

14 MS. BARBISCH: All right.

15 CHAIRPERSON ANDERSON: -- and so since
16 you are now here and you were not at the Roll
17 Call Hearing, then the Board will grant standing
18 to the Group of Five or More. Okay. So granting
19 -- standing has been granted.

20 I just also want to just clarify to
21 the Group of Five or More that if a settlement
22 agreement is reached by the ANC, whether or not

1 the Group of Five or More, whether or not they
2 are or are not a part of the settlement
3 agreement, they fall.

4 And the Board is in no position to
5 force an ANC to have a group become a party to an
6 agreement. I just want that -- that's just the
7 way it is. So I just want you to be -- to know
8 that, because we have had cases where a Group of
9 Five or More, they are petitioning the Board to
10 say that we want to be a part of the agreement
11 and the Board has no authority to force you to be
12 a part of that agreement.

13 So as long as you know that at any
14 point if the Agency signs a settlement agreement,
15 then the group falls. Okay. All right.

16 Are there any other preliminary
17 matters in this case?

18 All right. This matter is then
19 scheduled for a Protest Hearing on August 7, 2019
20 at 1:30 p.m.

21 Have you guys been to a Protest
22 Hearing before or do you want me to read the

1 instructions or are you familiar with the
2 process?

3 MR. SMITH: I think reading the
4 instructions would be helpful.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Now that we have scheduled this matter
7 for a Protest Hearing, there are a few things
8 that I would like to instruct the applicant and
9 the protestants about, so that the Protest
10 Hearing is focused and addresses only those
11 issues that are being protested. The Board does
12 not intend to hear testimony on matters that are
13 not relevant to this case.

14 You should have received by electronic
15 or regular mail a letter explaining the protest
16 process, a copy of the Protest Information Form
17 and a copy of the Exhibit Form. If you do not
18 have these documents, please, contact Assistant
19 General Counsel April Randall following this
20 hearing.

21 It is imperative that you review the
22 rules closely and that you follow them before and

1 during the Protest Hearing. You are also
2 required to complete and submit the Protest
3 Information Form (PIF) and the Exhibit Form seven
4 days before the date of the hearing. These two
5 forms and accompanying documents need to be
6 submitted to ABRA's Legal Division and to all
7 opposing parties in this matter.

8 If we do not receive a copy of your
9 PIF, your application or your protest, whichever
10 side you are representing, may be subject to
11 dismissal. Likewise, if we do not receive a copy
12 of the Exhibit Form and the exhibits themselves,
13 your exhibits may be excluded from the record
14 upon a finding that the opposing party has been
15 prejudiced or no good cause for the failure to
16 submit has been shown.

17 Likewise witnesses other than a party
18 may also be subject to exclusion if not
19 identified in the PIF.

20 Accordingly, these forms are very
21 important as they greatly assist the Board in
22 narrowing the protest issues, facilitating the

1 process and keeping the parties on point during
2 the hearing. They likewise provide notice to the
3 opposing parties enabling them to better prepare
4 for the hearing.

5 We thank you greatly for your
6 cooperation. If you have any questions today or
7 at any time leading up to the hearing, please, do
8 not hesitate to contact AGC Randall at (202) 442-
9 4353.

10 I support and always tell the parties
11 that I support settlement agreements. And the
12 reason why, I'm not telling you it has to be
13 settled, but the reason why when I said I support
14 settlement agreements is because this is your
15 community and you can, by having a settlement
16 agreement, determine what goes on in your
17 community, because none of us live in this area.

18 And so if the Board has to make a
19 decision, you might not be happy with the
20 decision. One side is going to be happy, one
21 side is going to be -- is not going to be happy
22 or vice versa. Maybe no one is happy with

1 whatever decision is made by the Board.

2 So I prefer if you can settle it, but
3 if not, I will see you on August 7th at 1:30.

4 Have a great day.

5 MEMBER SILVERSTEIN: Mr. Chairman?

6 CHAIRPERSON ANDERSON: Yes, Mr.

7 Silverstein? Please, everyone sign-in on the
8 sign-in sheet before you leave.

9 Go ahead, Mr. Silverstein.

10 MEMBER SILVERSTEIN: Thank you all for
11 being here. I would echo all the words of our
12 Chairman. And I would also add that we do hope
13 that you do come to a settlement agreement for
14 our own selfish reasons that we have a very
15 limited staff, that we have a limited amount of
16 time that we are -- most importantly, we are in
17 the midst of renewal season.

18 There are over 1,000 licenses that are
19 being renewed. There are many that are being
20 protested in order to get settlement agreements.
21 Some are being protested because there are
22 intractable differences.

1 If this is one of those cases where it
2 can be settled, the sooner the better for us.
3 Our staff in every Protest Hearing puts together
4 a Protest Report. It's a booklet that is about
5 50 pages and it takes an enormous amount of time.
6 And our people can be out doing enforcement work
7 and doing other things as well.

8 So if we all work together and it
9 appears that you can have a settlement and by no
10 means am I leaning on you to do so, but if you
11 can, the sooner the better. It will be a much
12 better use of our resources, of our people to
13 ensure the peace, order and quiet and public
14 safety of the city. Thank you very much.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you, Mr. Silverstein. And I fully agree with
17 what he said, but I'll just say to you that even
18 if you show up for the protest hearing and you
19 decide at that moment that you want to settle it,
20 it is not a problem. I support that. So I just
21 wanted you to know that.

22 Have a great day. Thank you very much

1 for being here.

2 MR. MINORA: Thank you.

3 (Whereupon, the Protest (Status)

4 Hearing was concluded at 9:43 a.m.)

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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: Watergate Hotel

Before: DCABRA

Date: 07-10-19

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

Court Reporter

NEAL R. GROSS

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