THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
Betty's Dream Restaurant, Inc. t/a Betty's Dream Restaurant	)	
Applicant for a Class CR License at premises 2632 Georgia Avenue, N.W. Washington, D.C. 20001	)	ORDER NUMBER: 2010-021

BEFORE: Charles Brodsky, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON DENIAL OF APPLICATION FOR CLASS CR LICENSE

The official record of the Alcoholic Beverage Control Board (the "Board") reflects that Betty's Dream Restaurant, t/a Betty's Dream ("Betty's Dream"), applied for a Class CR License for the premises at 2632 Georgia Avenue, NW. The application was approved by the Board but the license was not issued and the Applicant now seeks to resume the application process. The Applicant's request was heard by the Board at a Fact Finding Hearing on January 6, 2010. At the conclusion of the Fact Finding Hearing, the Board denied the Application based on the following:

FINDINGS OF FACT

1. Betty's Dream Restaurant Inc., t/a Betty's Dream's application for a new Retailer's Class CR License located at 2632 Georgia Avenue, NW was accepted by the Alcoholic Beverage Regulation Administration (ABRA) in August 2007. *See ABRA Licensing File #77657.* The Board tentatively approved the license application under D.C. Municipal Regulation § 23-405.1, but it did not issue the license because the establishment was still under construction. *See ABRA Licensing File #77657.*

2. In the fall of 2009, Simon & Miriam Lounge, Inc. t/a G2 Restaurant Lounge applied for a transfer of the Betty's Dream license for the premises 2632 Georgia Avenue, N.W. *See ABRA Licensing File #82846.* The Transfer Application included a Consent to Transfer form submitted by the owner of Betty's Dream. *See ABRA Licensing File #82846.* On October 7, 2009, the Board denied the Transfer Application. *See Board Order #2009-245.*

3. Betty's Dream, the original applicant for a CR license at 2632 Georgia Avenue, N.W., now seeks to resume the application process. *See ABRA Licensing File #77657.* Betty Etena, is the 100% owner of Betty's Dream and is the tenant of the premises located at that address. *Transcript (Tr.)*, 1/6/10 at 8. Michael Goss serves as a consultant and business associate to Ms. Etena. *Tr.*, 1/6/10 at 3, 4, 9. Mr. Gross helps Ms. Etena promote and structure her deals and lease agreements. *Tr.*, 1/6/10 at 9.

4. Mr. Goss testified regarding the background that led to the development of Ms. Etena's restaurant, Betty's Dream. *Tr.*, 1/6/10 at 9. He stated that during the period that Ms. Etena's was bringing the business to fruition, she had to leave the country to deal with some other matters. *Tr.*, 1/6/10 at 10. According to Mr. Goss, in Ms. Etena's absence, the Landlord assisted in renovating the premises and as a result, the Landlord inherited a sense of entitlement with respect to the business and the restaurant. *Tr.*, 1/6/10 at 10. The Landlord had full knowledge of the business plan, and he took some liberties that he should not have taken during Ms. Etena's absence. *Tr.*, 1/6/10 at 10.

5. Mr. Gross stated that they wanted to appear before the Board to reinforce that they have clean hands and a strong reputation with regard to running the business. *Tr.*, 1/6/10 at 11. They intend to comply with what the Board's expectations regarding the rules and regulations. *Tr.*, 1/6/10 at 11. Mr. Gross testified that they do not operate or conduct their business contrary to law. *Tr.*, 1/6/10 at 11.

6. The establishment has been open for food services since December 2009, and Ms. Etena is primarily operating the restaurant portion of the business. *Tr.*, 1/6/10 at 17, 18.

7. Mr. Gross confirmed that the relationship between Betty's Dream and the Landlord is strictly one of a tenant and landlord, and the Landlord does not receive any percentage of receipts from the restaurant business. *Tr.*, 1/6/10 at 18.

8. Mr. Gross acknowledged that he was aware of an attempt to transfer the license. *Tr.*, 1/6/10 at 19, 26. He explained that he and Ms. Etena had intended to change the trade name of her restaurant from Betty's Dream to G2 Lounge once the license was issued. *Tr.*, 1/6/10 at 19. The transfer of the license to the Landlord was not part of the deal; instead, the transfer of the license was strictly to be to the G2 Lounge name. *Tr.*, 1/6/10 at 20, 26. The intent was to transfer the license to G2 Lounge and have G2 have its own license for that business. *Tr.*, 1/6/10 at 21, 26. Betty's Dream was going to be the back office to G2 Lounge and some other places. *Tr.*, 1/6/10 at 21, 22. Mr. Goss testified that it was never the intent for Ms. Etena to lose her ownership interest in the

license or business. *Tr.*, 1/6/10 at 22. Mr. Gross was not involved with the transfer application. *Tr.*, 1/6/10 at 23.

9. Mr. Gross testified that a lot of things happened without Ms. Etena's knowledge while she was out of the country, including the violation of selling alcoholic beverages without a license. *Tr.*, 1/6/10 at 29. He also believes that the Landlord overstepped his boundaries by handling the transfer without the tenant's knowledge, by representing that there would be a transfer from Betty's Dream to himself, and by incurring the noncompliance violations. *Tr.*, 1/6/10 at 39.

10. Ms. Etena testified that she did not know that the Landlord tried to transfer the license from Betty's Dream to himself. *Tr.*, 1/6/10 at 38. She plans to be the active owner and day-to-day manager of the restaurant once the license is granted. *Tr.*, 1/6/10 at 38. Mr. Gross plans to be involved with the business for the ten-year period that covers the lease rental agreement. *Tr.*, 1/6/10 at 47.

11. Ms. Jo Sterowder is a long-time resident of Pleasant Plains, and she lives on Fairmont Street. *Tr.*, 1/6/10 at 55. Betty's Dream is at the corner of Fairmont Street and Georgia Avenue. *Tr.*, 1/6/10 at 55. Ms. Sterowder expressed that she was elated to see what she considered to be a first-class restaurant coming to the neighborhood, because there were only fast food restaurants and carry-outs. *Tr.*, 1/6/10 at 55. She stated that it is remarkable to have table service and fine dining available within walking distance. *Tr.*, 1/6/10 at 55. She also indicated that it is a place where she can go and feel safe. *Tr.*, 1/6/10 at 56. It has the ambiance that she appreciates, and it is a nice place to meet other neighbors and it is a good place for Howard University students. *Tr.*, 1/6/10 at 56. Ms. Sterowder feels that the residents of the neighborhood really deserve a dining establishment of this quality and that they have deserved it for quite some time. *Tr.*, 1/6/10 at 56.

12. Ms. Sylvia Robinson lives on Euclid Street, which is around the corner from the establishment. *Tr.*, 1/6/10 at 57. She also runs the Emergence Community Arts Collective, which is a community in the neighborhood. *Tr.*, 1/6/10 at 57. They are concerned about the development and what establishments are going to be coming to the neighborhood. *Tr.*, 1/6/10 at 57. Ms. Robinson has eaten at the establishment and thinks that it is a great restaurant. *Tr.*, 1/6/10 at 57. She stated that the fact that it is a sit-down restaurant with the versatility of having the upstairs lounge, brings together different types of people in the community. *Tr.*, 1/6/10 at 58. She also believes that Betty's Dream is ideal for what the neighborhood would like to see happen with the Georgia Avenue development. *Tr.*, 1/6/10 at 58.

13. Ms. Deborah Thomas was present on behalf of the Advisory Neighborhood Commission ("ANC") to express support of the establishment. *Tr.*, 1/6/10 at 59, 60.

14. Thomas Smith, Commissioner for ANC 1B09, has lived in the area for 15 years. Commissioner Smith. *Tr.*, 1/6/10 at 60. Over the past six years, Commissioner Smith has seen a lot of liquor licenses in the neighborhood, but mostly Class A or B where

people just want to come in, make some money, and get out of the neighborhood. *Tr.*, 1/6/10 at 61. He saw Betty's Dream evolve from a vacant hair salon to a half-filled Blimpie's that did not attract any positive influences in the neighborhood. *Tr.*, 1/6/10 at 61. During the construction stage, Commissioner Smith saw flower boxes installed before any work began and flood lights installed on the exterior. *Tr.*, 1/6/10 at 61. Although the ANC is working on the Georgia Avenue Great Streets Initiative, nothing has happened yet. *Tr.*, 1/6/10 at 63. He believes that the Georgia Avenue corridors need something that is local, convenient, and community-based. *Tr.*, 1/6/10 at 63. There are very few, if any, dine-in restaurants in Ward 1. *Tr.*, 1/6/10 at 63. Commissioner Smith also believes that Betty's Dream can help solidify the neighborhood. *Tr.*, 1/6/10 at 63.

CONCLUSIONS OF LAW

15. Before issuing a license, or transferring a license to a new owner, or renewing a license, the Board shall determine that the Applicant is of good character and generally fit for the responsibilities of licensure. D.C. Code § 25-301(a)(1). The Board finds, based on the testimony from Mr. Gross and Ms. Etena, that Ms. Etena is not actively involved with the operation of Betty's Dream. As a result, the Board does not believe that Betty's Dream is generally fit for the responsibilities of an alcoholic beverage license.

16. Specifically, the Board is seriously concerned with Ms. Etena's lack of involvement with Betty's Dream and thus, the Board has no assurances that the Applicant is in fact, in charge of operations for this establishment. This was borne out by her testimony where she was unable to identify the name of her chef; she could not articulate her business plan; nor was she responsive to questions and concerns raised by the Board regarding basic business operations about the restaurant. The Board is also concerned that Ms. Etena alleges that she was unaware of the attempted transfer of the license by the landlord, despite documentation filed with ABRA that indicates otherwise.

17. Despite the support from members of the community who testified on behalf of Betty's Dream, the Board simply cannot ignore Ms. Etena's lack of professional and business responsibility with respect to Betty's Dream. The Board notes that their denial of the license application does not preclude the continued operations of Betty's Dream as a neighborhood restaurant. Accordingly, the Board **DENIED** the application for a Class CR License to Betty's Dream Restaurant at the close of the Fact Finding Hearing and reduces such decision to writing by this Order.

ORDER

Based on the foregoing findings of fact, conclusions of law, and the entire record herein, the Board does hereby on this 27th day of January, 2010, **DENY** the Application filed by Betty's Dream Restaurant, Inc., t/a Betty's Dream Restaurant for a Retailer's Class CR License at 2632 Georgia Avenue, NW.

District of Columbia
Alcoholic Beverage Control Board

Charles Brodsky, Chairperson

Nick Alberti, Member

Donald Brooks, Member

Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.