

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :

: :

Mexican Cafe, Inc. :

t/a Margarita Restaurant : Fact-Finding

2317 Wisconsin Avenue, NW : Hearing

Retailer CR - ANC-3B :

License No. 16488 :

: :

(License in Safekeeping - :

Glover Park Moratorium :

Zone) :

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January 11, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

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

2 (1:38 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record. We have one case on our
5 agenda at 1:30 and this is a Fact-Finding
6 Hearing pursuant to 23 DCMR 1611.1. This is
7 a non-contested case that the Board is holding
8 a hearing to obtain some further information
9 from the applicant and the licensee before we
10 render any decision on the request or
11 investigation.

12 There is no sworn testimony or
13 cross-examination in Fact-Finding Hearings.
14 And the licensee is not going to be fined,
15 suspended or revoked at a Fact-Finding
16 Hearing.

17 It is possible that information
18 provided at a Fact-Finding Hearing could
19 result in the issuance of a Show Cause Notice
20 pursuant to 23 DCMR 1604.

21 However, in this case, it is going
22 to be involving safekeeping of a license

1 issue.

2 So would the licensee and whoever
3 else is here on the case dealing with Mexican
4 Cafe, Inc. t/a Margarita Restaurant at License
5 16488 come forward, please?

6 Good afternoon. Have a seat.

7 MS. VILLALTA: Thank you.

8 MR. WILSON: Thank you.

9 CHAIRPERSON MILLER: There is a
10 piece of paper there that you might want to
11 sign so that we make sure that we have the
12 spelling of your name right. And then when
13 you are ready, if you could just introduce
14 yourself for the record.

15 MS. VILLALTA: My name is Maria
16 Villalta.

17 CHAIRPERSON MILLER: Okay.

18 MR. WILSON: I'm Jonathan Wilson.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. So you are here with respect to a
21 license that you had in safekeeping for a
22 while. And I know that you got a letter from

1 ABRA about that. Is that correct?

2 MS. VILLALTA: That's correct.

3 CHAIRPERSON MILLER: Okay. So the
4 Board Members just want to ask you some
5 questions to find out, you know, what is
6 happening with that, what your intent is with
7 that and then if there is anything else you
8 want to tell us, you're free to do so.

9 So I'm going to just start and ask
10 if any Board Members have questions they want
11 to ask? Okay. Mr. Alberti?

12 MEMBER ALBERTI: Hi, Ms. Villalta?

13 MS. VILLALTA: Yes, sir.

14 MEMBER ALBERTI: Okay. Okay.

15 When is -- how long ago was it that you
16 operated this restaurant? When did you stop?
17 You currently are not operating. Is that
18 correct?

19 MS. VILLALTA: That's correct.

20 MEMBER ALBERTI: Okay.

21 MS. VILLALTA: We are not
22 operating.

1 MEMBER ALBERTI: And when is the
2 last -- what's the date or approximate last
3 date that you operated the restaurant?

4 MS. VILLALTA: I believe it was
5 three years ago, something like that.

6 MEMBER ALBERTI: Three years?

7 MS. VILLALTA: I'm not really --
8 yes.

9 MEMBER ALBERTI: Okay. Okay. And
10 what was the location at which the restaurant
11 was being operated?

12 MS. VILLALTA: 2317 Wisconsin
13 Avenue.

14 MEMBER ALBERTI: Okay. It says on
15 the latest renewal application that I have
16 before me, it says -- it notes that there is
17 no location for this license. So this is
18 really the nature of my questions.

19 Do you own that building or that
20 location?

21 MS. VILLALTA: No. I was renting
22 there.

1 MEMBER ALBERTI: Okay.

2 MS. VILLALTA: Yes.

3 MEMBER ALBERTI: And what's the
4 current status? Are you still renting?

5 MS. VILLALTA: No.

6 MEMBER ALBERTI: Okay. Do you
7 have a location that you are renting to -- in
8 which to operate this restaurant?

9 MS. VILLALTA: Not right now. I
10 was holding, you know, all this time because
11 the owner of the building was either deciding
12 to rent the building or selling the business--
13 the building. So right now, the building is
14 for sale and so I cannot buy the, you know,
15 building there. So I was trying also looking
16 for another location to see if I can, you
17 know, operate in that area.

18 MEMBER ALBERTI: Do you have any
19 expectation of going back into the same
20 location?

21 MS. VILLALTA: I don't think so.
22 Right now, I see more -- I already opened two

1 locations here in this neighborhood and I
2 think kind of like over there rent is very,
3 very high for me. So there is -- since the
4 owner decide to sell the business -- the
5 building there, there is already the realtors
6 who are selling the building.

7 They call me to sell my license.
8 And that is under contract. So pretty sure
9 that I think I'm going to be selling the
10 license rather than operating there.

11 MEMBER ALBERTI: All right. So
12 your plans are to -- your plans right now,
13 your expectation is to sell the license?

14 MS. VILLALTA: Right now, if I
15 don't find a place, yes.

16 MEMBER ALBERTI: All right.

17 MS. VILLALTA: And that is under
18 contract in two locations around there.

19 MEMBER ALBERTI: So okay.

20 MR. WILSON: If I may interject?

21 MEMBER ALBERTI: Introduce
22 yourself, please.

1 MR. WILSON: Sure. I'm Jonathan
2 Wilson. I'm a friend of Maria's. I also am
3 a real estate agent. And her plan -- she has
4 been looking in the area, but she hasn't found
5 anything that has met her requirements as far
6 as rent requirements yet. However, the
7 building is currently under contract. I'm not
8 involved in the sale, but I have had various
9 indications that whoever would purchase this
10 property would be interested in her liquor
11 license.

12 In addition, Maria received a
13 letter a few days ago from a local broker with
14 Papadopoulos Properties, who does a lot of
15 restaurant business, and they are involved
16 with JPs, which is a former, I guess,
17 gentleman's club for lack of a better
18 description.

19 And it is not going to be that
20 again and they are going to -- because of the
21 way -- the place where the rents are there,
22 people need to open up restaurants. Well,

1 they don't need to, but most of the
2 restaurants to survive what those rents are
3 trying to acquire beer and wine licenses or
4 liquor licenses.

5 And with the moratorium there,
6 this gentleman sent a letter to Maria recently
7 saying that he would have various people that
8 would, he thinks, be interested in her
9 license. But also, I spoke to the broker who
10 is selling her former location and they are
11 hoping to have a settlement in the next couple
12 of months and that purchaser would be
13 interested, but he said if that deal were to
14 fall through for whatever reason, he doesn't
15 think it will, that there are other groups
16 that said they would want her license, in that
17 event.

18 And she is still looking, but we
19 are not optimistic and she is being honest,
20 she is not optimistic she is going to be able
21 to find something in her price range --

22 MEMBER ALBERTI: Okay.

1 MR. WILSON: -- in that location.

2 MEMBER ALBERTI: So what I'm
3 hearing from you is you're not optimistic
4 that, Ms. Villalta, that you will be able to
5 open up, because you don't think you will be
6 able to find something in that neighborhood
7 where you will use --

8 MS. VILLALTA: Yes.

9 MEMBER ALBERTI: -- the right --
10 so you don't really anticipate using the
11 license yourself. Is that correct?

12 MS. VILLALTA: I would love to if
13 I find the right place.

14 MEMBER ALBERTI: Right.

15 MS. VILLALTA: You know, but it
16 all depends.

17 MEMBER ALBERTI: Okay. How long--
18 if you were to sell your license, based on the
19 information you have now, what's your
20 expectation of how long it would take before
21 you think somebody made an offer that you
22 would accept?

1 MS. VILLALTA: How long?

2 MEMBER ALBERTI: Either one of you
3 can answer.

4 MR. WILSON: Once she receives an
5 offer, she would move very quickly.

6 MEMBER ALBERTI: I understand
7 that, but what is your expectation on when
8 these offers might come in?

9 MR. WILSON: If this --

10 MEMBER ALBERTI: I mean, we --

11 MR. WILSON: -- property was --

12 MEMBER ALBERTI: Allow me just to
13 finish.

14 MR. WILSON: Yes, sir.

15 MEMBER ALBERTI: We have had this
16 license in safekeeping now for three years.
17 I mean --

18 MR. WILSON: Sure.

19 MEMBER ALBERTI: -- you know, we
20 can't be looking two years out.

21 MR. WILSON: Indefinitely, right.

22 MEMBER ALBERTI: At least, in my

1 opinion as a Board Member, we don't want -- I
2 don't want a licensee to be looking two years
3 out and holding this valuable license that
4 someone else could use.

5 MR. WILSON: Right.

6 MEMBER ALBERTI: Because, you
7 know, you haven't -- you have some control of
8 this license. I mean, you have control
9 whether to actively find a buyer.

10 MR. WILSON: Right.

11 MEMBER ALBERTI: You have a part
12 to play. So we want to know sort of what your
13 expectation is in terms of either surrendering
14 the license or using it or finding a buyer.

15 So my question now is if you were
16 to find a buyer, what's your expectation of
17 how long that would take?

18 MR. WILSON: Well --

19 MS. VILLALTA: Well, if I can find
20 something to do this year, you know, renting,
21 like you say, or selling it or --

22 MR. WILSON: In 2012, you're

1 saying?

2 MS. VILLALTA: Yes.

3 MR. WILSON: One of the issues was
4 there weren't -- there are only so many spaces
5 available in this small area and the building,
6 this -- although we have made several
7 inquiries to this owner, as well as other
8 people, they left it vacant without it --
9 since she has been there --

10 MS. VILLALTA: Yes.

11 MR. WILSON: -- it has been vacant
12 for several years where they weren't willing
13 to lease it or sell it. Now, only recently in
14 2011 --

15 MS. VILLALTA: Yes.

16 MR. WILSON: -- they decided they
17 wanted to sell it. And now it finally is
18 under contract. But we don't know for certain
19 if a deal will go through, but we are hoping
20 it will and in which case that could be in
21 several months. But yes, we're -- she is
22 optimistic about 2012, but we don't --

1 MS. VILLALTA: Yes.

2 MEMBER ALBERTI: Have you had
3 other --

4 MS. VILLALTA: Yes.

5 MEMBER ALBERTI: -- potential
6 offers?

7 MS. VILLALTA: Yes, well,
8 especially --

9 MEMBER ALBERTI: Have you had
10 other people approach you?

11 MS. VILLALTA: -- now since they
12 just -- the owner of the building decide to
13 sell the building, there is a couple that
14 already, you know, very, very hoping that they
15 will buy the place and contact me for the
16 license.

17 MEMBER ALBERTI: Okay. I don't
18 have any further questions. Anyone else?

19 MS. VILLALTA: So another question
20 that I don't know, that's my first time I'm
21 going to ask.

22 MEMBER ALBERTI: Yes, right.

1 MS. VILLALTA: They are -- one
2 person ask me if this license will operate in
3 Georgetown and so I don't know. That's
4 another thing, because if it can be used in
5 Georgetown, that's more possibility.

6 MR. WILSON: Is that a separate
7 zone? They call this the Georgetown --

8 MEMBER ALBERTI: You mean the
9 Georgetown Moratorium Zone?

10 MR. WILSON: This is Glover Park.

11 MEMBER ALBERTI: Right.

12 MR. WILSON: Is it the same?

13 MEMBER ALBERTI: It's a different
14 moratorium.

15 MR. WILSON: It is a different, so
16 it could not be transferred to Georgetown?

17 MEMBER ALBERTI: Well, I mean,
18 there is --

19 MR. WILSON: It's a loaded --
20 that's a loaded --

21 MEMBER ALBERTI: It really can't.

22 MR. WILSON: Okay.

1 MEMBER ALBERTI: I would have to
2 look. I'm suspecting it couldn't.

3 MR. WILSON: Because we had --

4 MEMBER ALBERTI: I don't know if--

5 MR. WILSON: -- a couple people
6 that wanted to make offers.

7 MEMBER ALBERTI: -- there are any
8 indications that it could, but it --

9 MS. VILLALTA: Right.

10 MR. WILSON: We had people that
11 wanted to make offers, but they were --

12 MEMBER ALBERTI: I know for a
13 fact, I'm almost certain that there are no
14 license spots available in the Georgetown
15 Moratorium Zone, so --

16 MR. WILSON: Okay.

17 MEMBER ALBERTI: -- that would
18 preclude you transferring this license there.

19 MR. WILSON: Sure.

20 MEMBER ALBERTI: Now, if spots
21 opened up there, I don't know. I would have
22 to look at it legally if you could or not, but

1 I'm being a little evasive. But I wouldn't
2 count on it.

3 MR. WILSON: Okay.

4 MEMBER ALBERTI: Is the bottom
5 line.

6 MR. WILSON: Yes, that was our
7 impression that it would be a long shot or
8 impossible.

9 MEMBER ALBERTI: Yes.

10 MR. WILSON: Okay.

11 CHAIRPERSON MILLER: Right. I
12 don't think that -- I think it is separate.

13 MR. WILSON: Okay.

14 MS. VILLALTA: Okay.

15 CHAIRPERSON MILLER: I'm just
16 curious, this has been since 2008. Why have
17 you kept it in safekeeping for over three
18 years?

19 MS. VILLALTA: It was a decision
20 of the landlord thinking that we will have the
21 base, what I have, for rent. And it took him
22 almost more than two years and a half for him

1 to decide if his property will be for rent or
2 will be for sale.

3 CHAIRPERSON MILLER: Okay.

4 MS. VILLALTA: So that was one of
5 also my hopes that maybe the space will be
6 available for rent. And I will, you know,
7 renew my lease in there. And in the meantime,
8 I was kind of looking also, you know --

9 CHAIRPERSON MILLER: Okay.

10 MS. VILLALTA: -- for something.

11 CHAIRPERSON MILLER: But in the
12 last few months, you have been making a more
13 concerted effort to look into selling your
14 license?

15 MS. VILLALTA: Especially this
16 year, because since the building was already
17 for sure it's for sale, and then this
18 gentleman send me the letter that there is a
19 possibility that they will use the license, so
20 I tell -- I say okay.

21 MR. WILSON: The activity has
22 picked up.

1 MS. VILLALTA: Yes.

2 MR. WILSON: The activity has
3 picked up in the last six months --

4 MS. VILLALTA: Yes.

5 MR. WILSON: -- as far as
6 interest --

7 MS. VILLALTA: Yes.

8 MR. WILSON: -- in the license.

9 CHAIRPERSON MILLER: Well, why has
10 the activity picked up?

11 MS. VILLALTA: The building is for
12 sale was one. The biggest for me was waiting
13 for the property to decide it was for sale or
14 for leasing. And then the other one was, you
15 know, just basically they said that it's going
16 to be having a settlement or something, I
17 don't know what it is. But he send me a
18 letter that this -- he is very -- possibly
19 there is going to be somebody who ends up with
20 a space over there. And he will use the
21 license.

22 MR. WILSON: But just the general

1 leasing activity has picked up, maybe that's
2 why and just from my small standpoint.

3 CHAIRPERSON MILLER: In Glover
4 Park or in general?

5 MR. WILSON: In general in the
6 District.

7 CHAIRPERSON MILLER: Okay.

8 MR. WILSON: It has improved. It
9 was already had -- was pretty good and it has
10 improved some in the last six months.

11 CHAIRPERSON MILLER: It sounded
12 like, and I'm not sure that you said this,
13 but, do you think that this license is going
14 to be resolved within a few months or not?

15 MR. WILSON: Our hope is that as
16 far as going back into that -- the building
17 that she was in, that that could potentially
18 be in in as soon as a few months.

19 However, you know, we don't know
20 if something will happen with that contract
21 that could prolong that. Also, there is other
22 people that are interested in different

1 buildings in Glover Park, if that doesn't
2 work, and we don't know the time line on that,
3 but we are optimistic that this year will be
4 the year to -- for her to be able to reuse her
5 license in some way, is what she has been
6 telling me.

7 CHAIRPERSON MILLER: So you are
8 talking about a year as opposed to like six
9 months or something like that?

10 MS. VILLALTA: I hope.

11 MR. WILSON: Yes, that is the
12 hope.

13 MS. VILLALTA: That's my, you
14 know --

15 CHAIRPERSON MILLER: The hope is
16 one year?

17 MS. VILLALTA: Yes, especially
18 since -- before I wasn't really thinking. I
19 was hoping for reopen the place. I was really
20 hoping and saying, okay, I'm kind of waiting.
21 So now, it's like, okay, I will sell the
22 license and I will do it as soon as somebody

1 comes with an offer, either the building on
2 2317 or the other across the street, they are
3 making. So as soon as they make the decision.

4 CHAIRPERSON MILLER: Okay. I
5 thought I heard you say you were considering
6 two options. One is opening your own place in
7 this building. Is that right or no, depending
8 on the rent or no?

9 MS. VILLALTA: Which one?

10 CHAIRPERSON MILLER: Where you
11 were that he was --

12 MS. VILLALTA: No. The -- I
13 cannot do it any more, because they not
14 renting. And they sell -- they are selling
15 the building.

16 CHAIRPERSON MILLER: Okay.

17 MR. WILSON: Her thought was
18 somewhere else in Glover Park.

19 MS. VILLALTA: Yes.

20 CHAIRPERSON MILLER: So are you
21 actively looking at space there in Glover
22 Park?

1 MS. VILLALTA: Yes, yes.

2 CHAIRPERSON MILLER: And are you
3 actively looking for buyers? Are you doing
4 both? Are you --

5 MS. VILLALTA: I'm doing both.

6 CHAIRPERSON MILLER: You're doing
7 both?

8 MS. VILLALTA: Right now, yes. I
9 don't see too many places in Georgetown for
10 me, that I can be able. And so that's when
11 I'm thinking there will be -- there is more
12 possibility for me to sell it whoever those --
13 as soon as they make an offer than me open a
14 place over there.

15 CHAIRPERSON MILLER: I think I
16 just missed that one. You mean if somebody
17 makes you an offer to move in to a building or
18 makes you an offer to buy your --

19 MS. VILLALTA: To buy, to buy.

20 CHAIRPERSON MILLER: Okay. Are
21 you actively seeking that? I mean, is there
22 some way that you are actively seeking buyers

1 of your license?

2 MR. WILSON: So in one way that
3 she --

4 CHAIRPERSON MILLER: People just
5 hear about it?

6 MR. WILSON: Well, yes, I mean,
7 they are aware. It's -- people are aware it
8 is available. And the sales agent for the
9 building is aware of it, so he is offering it
10 to any -- that there is a license that could
11 come along with the sale in the event that the
12 property sells or they have an interest in it.

13 The current group that has it
14 under contract is planning on leasing it to a
15 restaurant in the future that would want the
16 license. He also has told me that there is
17 two other groups that are willing to make all-
18 cash offers on the property that have also
19 expressed interest in the license.

20 In the event the current contract
21 falls through, he doesn't have a reason to
22 believe it will, but, you know, as real estate

1 agents, we are always sort of it's not over
2 until settlement and the money is in the bank
3 type of thing.

4 CHAIRPERSON MILLER: So you are
5 waiting for purchasers of that property?

6 MR. WILSON: Well, there is
7 waiting for the -- that's one option.

8 CHAIRPERSON MILLER: Yes.

9 MR. WILSON: It's the settlement
10 will be consummated on the property with the
11 existing contract holder. The other options
12 are other people in the neighborhood,
13 including the gentleman from Papadopoulos --

14 CHAIRPERSON MILLER: Yes.

15 MR. WILSON: -- who has JR's for
16 lease right now who thinks there would be
17 interest in the property. I don't know off
18 the top of my head where he is today with that
19 beyond where -- when he is going to start
20 marketing that listing, but he says he has it
21 and he is going to have people that would be
22 interested in our license, as well as other

1 people in Glover Park are aware of the license
2 being available.

3 CHAIRPERSON MILLER: Yes, that's
4 kind of my next question. Since it's a
5 moratorium, you know, it's very valuable and
6 I would think that there would be people there
7 like ready to buy it at any time. I could be
8 mistaken also. So that's kind of what --

9 MR. WILSON: Right.

10 CHAIRPERSON MILLER: -- I'm asking
11 is are they -- why aren't they there now? I
12 mean, what's holding people up?

13 MR. WILSON: There has to be a new
14 business that is coming in, that most of the
15 businesses that are currently there would
16 already have their licenses in place --

17 CHAIRPERSON MILLER: Okay.

18 MR. WILSON: -- if they have a
19 business that they feel, you know, needs a
20 license and would want a license. And, you
21 know, like for example, Chipotle just went in,
22 I don't know what they did, whether they got

1 a liquor license or not. But, you know, they
2 didn't -- you know, I think they may have
3 bought another one or didn't use one.

4 But many of the businesses that
5 have come in recently do not necessarily need
6 a license. So I don't know. But there is --
7 she has interest in her license, it's just
8 there is only about -- I don't know, maybe
9 there is 20 buildings in Glover Park. The
10 majority of them are leased, I mean, as far as
11 where you could put a restaurant.

12 The majority of them are leased,
13 so there is sort of her old location and a
14 couple others that have come up recently and
15 the deal has to be consummated first before
16 they would buy her license -- because they
17 don't want to be in a similar situation to her
18 where they own this valuable license, but yet
19 they can't place it anywhere yet.

20 CHAIRPERSON MILLER: Right, okay.
21 So you are available to a few spaces that are
22 opening up, right?

1 MR. WILSON: Correct.

2 CHAIRPERSON MILLER: So it's going
3 to be -- okay. And so as a real estate agent,
4 you are on top of that issue as well?

5 MR. WILSON: Correct.

6 CHAIRPERSON MILLER: Oh, good.
7 Okay. Other questions? Yes?

8 MEMBER ALBERTI: Okay. Mr. Brooks
9 first.

10 MEMBER NOPHLIN: Oh, okay. Thank
11 you, Madam Chair.

12 CHAIRPERSON MILLER: Yes.

13 MEMBER NOPHLIN: Did I understand
14 you to say that you own two other locations?

15 MS. VILLALTA: Yes, it's the one
16 here and 1400 -- 1406 Florida Avenue, Pica
17 Taco, and we do have a license there for beer
18 and wine.

19 MEMBER NOPHLIN: Okay. Is that
20 only one?

21 MS. VILLALTA: And then we have
22 the -- another Pica Taco in Columbia Road. We

1 don't have a license there.

2 MEMBER NOPHLIN: Okay. Thank you,
3 Ms. Chair.

4 MEMBER ALBERTI: Madam Chair?

5 CHAIRPERSON MILLER: Yes, yes,
6 yes.

7 MEMBER ALBERTI: Just, Mr. Wilson,
8 over the -- I think what I heard you just say
9 was that there was limited availability of
10 vacant storefronts in Glover Park.

11 MR. WILSON: Correct.

12 MEMBER ALBERTI: Describe for me
13 over the last three years what that
14 availability has looked like.

15 MR. WILSON: So I'm not -- I don't
16 claim to be an expert on Glover Park. But
17 there have been a few businesses that have
18 come in in the last couple years. One I can
19 think of off the top of my head is Z Burger,
20 which I don't believe they have a liquor
21 license.

22 Another is Angelico's Pizza, which

1 they don't have a liquor license nor do either
2 -- I have spoken to both of those owners,
3 those proprietors and neither one of them is
4 interested in having a license, as well as
5 Breadsoda that came in, which is more of a
6 bar, and it's a different kind of license to
7 my understanding.

8 There has been three or maybe, you
9 know, five or six businesses that have come in
10 in recent years. And maybe two or three of
11 them got licenses. I don't know. I don't
12 have the information as to how they acquired
13 them or whether they were different kinds of
14 licenses, like I think a couple bars have come
15 in recently, but not a restaurant.

16 You know, I deem -- I don't really
17 -- I'm not a liquor license expert.

18 MEMBER ALBERTI: Well, Mr. Wilson,
19 I mean --

20 MR. WILSON: More of a restaurant
21 license --

22 MEMBER ALBERTI: -- maybe you

1 misunderstood my question, because you have
2 talked about a lot of new businesses who have
3 opened.

4 MR. WILSON: Right.

5 MEMBER ALBERTI: And so from that,
6 I get from that that there were available
7 storefronts to rent.

8 MR. WILSON: Right. But not under
9 -- so what is going on in Glover Park --

10 MEMBER ALBERTI: Well, I want to
11 know, Ms. Villalta has had this license in
12 safekeeping for three years.

13 MR. WILSON: Right.

14 MEMBER ALBERTI: I want to know
15 how difficult it was for her to find a new
16 storefront in Glover Park.

17 MR. WILSON: Well, that had to do
18 with the rent. She was saying that the rents
19 have changed in Glover Park. That's one of
20 the reasons why she left Glover Park is
21 because the rents have gone way up.

22 MEMBER ALBERTI: Okay.

1 MS. VILLALTA: Yes, but I also was
2 waiting for the decision of the -- my landlord
3 for the 2317 Wisconsin Avenue.

4 MR. WILSON: Well, there was a
5 chance that the existing owner was going to
6 make a deal that was not in line with what the
7 other owners are doing with the new spaces.

8 MEMBER ALBERTI: So, Ms. Villalta,
9 when did you actively start looking for
10 another location?

11 MS. VILLALTA: Um, after I have --
12 you know, after I had -- I didn't operate in
13 there. I was keeping my eyes open, also
14 hoping also for the same building what I had
15 to see what is -- you know, what the decision
16 will be, but I was also, you know, trying to
17 see if I find something that I can open.

18 MR. WILSON: Or hope --

19 MEMBER ALBERTI: And this option
20 of selling it, have you actively been trying
21 to find a buyer for the license?

22 MS. VILLALTA: Not until last year

1 when the landlord decided the building would
2 be for sale and then I said well, you know, if
3 I -- somebody come and offer me to sell it, I
4 will. I have my decision already. Especially
5 when also there is company also mentioned that
6 he probably needed my license, I said okay,
7 it's time to --

8 MEMBER ALBERTI: I understand.
9 Okay. Thank you.

10 MS. VILLALTA: Thank you.

11 CHAIRPERSON MILLER: Mr. Wilson,
12 are you Ms. Villalta's real estate agent or
13 just her friend who happens to be a real
14 estate agent?

15 MR. WILSON: I'm her friend who
16 happens to be a real estate agent.

17 CHAIRPERSON MILLER: Yes.

18 MR. WILSON: I mean I did -- I
19 leased her -- the Pica Taco in -- on Florida
20 Avenue for another client. And Maria -- one
21 of the things I started to say is she had
22 always hoped to go back into that location.

1 She had been there for over 20 years.

2 CHAIRPERSON MILLER: Right.

3 MR. WILSON: Or 20 years. And so
4 I guess it took her a little while to focus on
5 going into another space other than that. And
6 the owner sort of strung her along.

7 I mean, not to say anything
8 disparaging about them, but they kept for
9 years giving her these short extensions to her
10 lease and finally just left her hanging where
11 they could give her notice at any point and
12 she was -- she still was optimistic that
13 somehow they would work out a deal with her,
14 because they said they would. And then
15 ultimately, they said we are just going to
16 sell it. And so she held out for a while.

17 CHAIRPERSON MILLER: Yes.

18 MR. WILSON: But anyway, I don't
19 represent her exclusively or anything like
20 that.

21 CHAIRPERSON MILLER: I mean,
22 whoever or who is going to be trying to sell

1 this license to or be looking out for selling
2 this license to new businesses coming into
3 Glover Park?

4 MR. WILSON: I'm going to assist
5 her with that, but it's not even necessarily--
6 I mean, a lawyer can sell a license. It's not
7 -- you don't have to be a licensed real estate
8 agent to sell a license. But I'm aware of a
9 lot of the different players in that area and
10 have done deals with many of them. And our
11 impression is something is going to happen
12 with the sale. We are hoping that we --

13 CHAIRPERSON MILLER: I mean, is it
14 that she doesn't really have to do very much
15 that you are aware of this, so when new
16 businesses come in, they are going to be
17 looking for a license? And so they are going
18 to -- it's going to happen or is it something
19 that takes marketing to happen?

20 MR. WILSON: Yes, I mean, it's not
21 -- I mean, there is liquor license attorneys
22 that are aware of this license being for sale.

1 There is various active retail agents that are
2 aware of this license being for sale.

3 So there is no one scratching
4 their head and it's public knowledge that this
5 is a license in safekeeping. It would be
6 pretty hard not to be aware of it, not to
7 mention the feelers she has put out there as
8 well as I have.

9 CHAIRPERSON MILLER: Ms. Villalta,
10 have you had any offers that you declined?

11 MS. VILLALTA: Did I have?

12 CHAIRPERSON MILLER: Did you have
13 any offers to buy your license that you have
14 declined?

15 MS. VILLALTA: No. No, especially
16 because I was --

17 CHAIRPERSON MILLER: Because
18 you're not really selling yet.

19 MS. VILLALTA: Right.

20 CHAIRPERSON MILLER: Okay.

21 MS. VILLALTA: And I was -- like I
22 said, I had my hopes that maybe something come

1 up with that building, the 2317. Then now,
2 yes, I already said, you know, whoever offer
3 me -- especially, I'm hoping for this location
4 and the person who bought the building and the
5 2317, the real estate who are trying to deal
6 with that, they call me and they say, you
7 know, that they will be -- I will receive a
8 call from offer and I'm open.

9 CHAIRPERSON MILLER: Okay. Any
10 other questions from Board Members? Anything
11 else you want to tell us, at this point, that
12 we haven't asked you about --

13 MS. VILLALTA: Oh --

14 CHAIRPERSON MILLER: -- that you
15 think is --

16 MS. VILLALTA: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MS. VILLALTA: It's possible to --
19 because somebody, I don't know who, mentioned
20 about renting, can be rent, can be -- the
21 license can be rent?

22 CHAIRPERSON MILLER: Can the

1 license be rented to somebody?

2 MS. VILLALTA: No?

3 CHAIRPERSON MILLER: Instead of
4 sold?

5 MS. VILLALTA: That's what I
6 heard. And also I ask the question, because
7 somebody told me that, that I can not sell it
8 and I mean rent it. And I don't know just --

9 MR. WILSON: There might be some
10 way where you can be -- like I know sometimes
11 there is property owners that are sometimes
12 caretakers of a license or something or have
13 a lien on it somehow, but I don't -- but, no,
14 I don't think you can rent the license.

15 MS. VILLALTA: No?

16 CHAIRPERSON MILLER: No.

17 MS. VILLALTA: Okay. I was only
18 curious to --

19 CHAIRPERSON MILLER: Yes.

20 MS. VILLALTA: -- you know, to --

21 CHAIRPERSON MILLER: Okay. No, I
22 think it's either it's active or it's in

1 safekeeping, yes. Okay.

2 MEMBER ALBERTI: Mr. Jones has a
3 question.

4 CHAIRPERSON MILLER: Oh, Mr.
5 Jones, go right ahead.

6 MEMBER JONES: I was going to say
7 if you have questions such as those, feel free
8 to call our counsel and they will give you the
9 proper guidance in terms of what is acceptable
10 and not acceptable, as opposed to just relying
11 on hearsay or rumor or the word of mouth on
12 the street. It's best to call them. They are
13 available during normal business hours.

14 MR. WILSON: Thank you very much.

15 MS. VILLALTA: Okay. Thank you.
16 Thank you.

17 CHAIRPERSON MILLER: I think what
18 we are going to do, at this point, the Board
19 is going to take a very quick break and just
20 consult with counsel and just take a quick
21 look and then come back, in case there is
22 anything else we want to ask of you or let you

1 know how to proceed from here.

2 MR. WILSON: Okay.

3 CHAIRPERSON MILLER: So --

4 MR. WILSON: Thank you very much.

5 MS. VILLALTA: Thank you.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: You should stay

8 there.

9 MR. WILSON: Oh, we should stay

10 here.

11 CHAIRPERSON MILLER: Stay there.

12 We are going to go back.

13 MS. VILLALTA: Oh.

14 MR. WILSON: Okay.

15 CHAIRPERSON MILLER: And I'm just
16 going to read from the Open Meetings Act, so
17 you will know what we are doing and the public
18 will know.

19 So as Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with ^U 405 of the
22 Open Meetings Amendment Act of 2010, I move

1 that the ABC Board hold a closed meeting for
2 the purpose of seeking legal advice from our
3 counsel with respect to License No. 16488 and
4 deliberating on this, if necessary.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Okay. I'm
8 going to poll the Board now.

9 Mr. Nophlin?

10 MEMBER NOPHLIN: I agree.

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON MILLER: Mr.

16 Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Ms. Mobley?

19 MEMBER MOBLEY: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MEMBER JONES: I agree.

22 CHAIRPERSON MILLER: And I, Ms.

1 Miller, agree. So, therefore, we are going to
2 take a very quick recess and then we will come
3 out and tell you anything else we need to tell
4 you.

5 There is a question?

6 MR. WILSON: I apologize, could I
7 ask a quick question? Is there a limit to how
8 long a license can be in safekeeping? I just
9 was curious.

10 CHAIRPERSON MILLER: There is a
11 provision, I believe, in the regs we can bring
12 back out, that talks about, I believe --

13 MEMBER ALBERTI: I think, again,
14 it's probably best to ask our legal staff.
15 They will have the most complete answer on
16 that and can spend the time to sort of explore
17 further questions you have on that topic. So
18 I would ask our general counsel that.

19 MR. WILSON: Thank you.

20 MEMBER ALBERTI: Sorry.

21 CHAIRPERSON MILLER: Right there.

22 MEMBER ALBERTI: Yes, there is Ms.

1 Jenkins right there. She can --

2 CHAIRPERSON MILLER: Okay. We
3 will be back shortly.

4 (Whereupon, at 2:09 p.m. a recess
5 until 2:36 p.m.)

6 CHAIRPERSON MILLER: Okay. We are
7 back on the record.

8 MEMBER ALBERTI: You can proceed.

9 CHAIRPERSON MILLER: Okay. So we
10 had a chance to look at the statute again and
11 think about it in terms of everything that you
12 were presenting to us today about, you know,
13 how you got in this situation and what your
14 options are going forward.

15 And in case you are not aware of
16 the law governing the safekeeping, it is 25-
17 791. And it talks about licenses in
18 safekeeping beyond 60 days being reviewed by
19 the Board maybe every six months.

20 So in that context, your license
21 has been in safekeeping a pretty long time.
22 And so we are looking at that statute and we

1 think that you should come back in six months,
2 given the six months guidance that is in the
3 statute, for this type of a hearing again.

4 And at that point, the statute
5 talks about showing that the licensee is
6 making reasonable progress. And it talks
7 about returning to operation. And I know that
8 you have two options: One, returning to
9 operation and, one, selling.

10 I think, at that point, in six
11 months, we would need to hear from you all
12 information that you can give us about really
13 what progress you are making. You need to be
14 making progress at that point. And then we
15 will assess from there.

16 So we are not making any decisions
17 that we will make in six months, but I would
18 say that I think the Board thinks it has been
19 a long time, so it's kind of unlikely that it
20 could go much longer than a year in this
21 status. It seems pretty loose, but you will
22 tell us in six months exactly what the

1 situation is.

2 If you can resolve it in six
3 months, great. We understand that some of it
4 is not totally within your control, but, at
5 that point, you should give us as much as you
6 can with respect to what steps you are taking
7 and what progress you have made, if you
8 haven't resolved it by then.

9 Mr. Alberti?

10 MEMBER ALBERTI: Ms. Villalta, I'm
11 only one Board Member, so only one opinion
12 here, but if in six months you haven't
13 demonstrated that you are making reasonable
14 progress, I would recommend that we cancel the
15 license.

16 And personally, I don't see any
17 circumstances right now that would persuade me
18 to let this go for more than a year. So I
19 encourage you to actively either sell or make
20 use of this license. But that's only one
21 Board Member.

22 CHAIRPERSON MILLER: Other

1 comments?

2 MEMBER MOBLEY: I support Mr.
3 Alberti in that recommendation.

4 CHAIRPERSON MILLER: Do you have
5 any questions?

6 MR. WILSON: No.

7 CHAIRPERSON MILLER: Okay.

8 MR. WILSON: I mean, she is going
9 to try the best that she can.

10 CHAIRPERSON MILLER: Okay. Good.
11 Okay. All right. Then we will see you in six
12 months probably.

13 MR. WILSON: Okay.

14 CHAIRPERSON MILLER: Unless it is
15 all resolved before then.

16 MR. WILSON: That would be great.

17 CHAIRPERSON MILLER: Okay. Thank
18 you --

19 MEMBER ALBERTI: Good luck.

20 CHAIRPERSON MILLER: -- very much.

21 MEMBER ALBERTI: Actually, good
22 luck.

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MEMBER MOBLEY: Good luck.

MR. WILSON: Thank you.

MEMBER ALBERTI: I know there is a lot of activity out there, so I wish you the best.

MR. WILSON: Hopefully something will work out.

(Whereupon, the Fact-Finding Hearing in the above-entitled matter was concluded at 2:40 p.m.)

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