

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
To be Determined :
Formerly-Club Rendezvous : Fact-
 : Finding
Retailer CN : Hearing
License No. 90529 :
 :
 :
(License in Safekeeping :
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January 30, 2013

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
HERMAN JONES, Member
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

(3:48 p.m.)

CHAIRPERSON MILLER: Okay. So the case before us is a Fact-Finding Hearing for an establishment called To Be Determined, formerly Club Rendezvous, License No. 90529. It involves a license in safekeeping.

So good afternoon.

MR. DICKSON: Good afternoon.

CHAIRPERSON MILLER: Sorry to keep you waiting.

MR. DICKSON: That's okay.

CHAIRPERSON MILLER: First, I would like to ask you to identify yourselves for the record.

MS. DICKSON: I'm Deloris Dickson.

CHAIRPERSON MILLER: Okay.

MR. DICKSON: Ronald Dickson.

CHAIRPERSON MILLER: All right.

MR. DICKSON: D-I-C-K-S-O-N.

CHAIRPERSON MILLER: And are you the owners of the license that is in

1 safekeeping?

2 MR. DICKSON: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay. Could
4 you just give us an overview about this
5 license, how long you have had it, how long it
6 has been in safekeeping and things like that?

7 MR. DICKSON: We have had it, oh,
8 may, I'm going to say 20 years.

9 CHAIRPERSON MILLER: Okay.

10 MR. DICKSON: We had to put it in
11 safekeeping because of eminent domain and we
12 are now in the process of trying to relocate.
13 We are in the middle of a negotiation with the
14 realtor now trying to relocate the license.

15 CHAIRPERSON MILLER: Okay. Can
16 you elaborate on the eminent domain issue?

17 MR. DICKSON: Basically, the only
18 thing I know about eminent domain is that --

19 CHAIRPERSON MILLER: They took --

20 MR. DICKSON: -- used the
21 discretion to come in and they take your
22 property and your business and say you are

1 out.

2 CHAIRPERSON MILLER: Okay. So
3 when did that happen?

4 MR. DICKSON: I want to say 2007.

5 CHAIRPERSON MILLER: All right,
6 2007. And so how long has the license been in
7 safekeeping?

8 MR. DICKSON: Since then. Since
9 2007.

10 CHAIRPERSON MILLER: Okay. Can
11 you tell us what efforts you have made to find
12 a place to use it?

13 MR. DICKSON: We have been at
14 several different locations to try to meet the
15 new standards that were set after the eminent
16 domain. I think they changed the laws and we
17 have been hunting and looking all over D.C.
18 trying to find and meet all the
19 qualifications.

20 We think we found one now that
21 does meet the qualifications and we hope to go
22 in there eventually after we get into an

1 agreement with the realtor.

2 CHAIRPERSON MILLER: Okay. How
3 close are you on that deal?

4 MR. DICKSON: Well, I guess with
5 the placarding and research and the
6 development and the architect and everything,
7 I'm going to say six months.

8 CHAIRPERSON MILLER: Okay.

9 MR. DICKSON: That's just taking a
10 wild stab at it, but I would say six months.

11 CHAIRPERSON MILLER: And are you
12 aware of any other operators in a similar
13 situation as you?

14 MR. DICKSON: Not to my knowledge,
15 no. I'm sure there are a few out there, but
16 I don't know who they are.

17 CHAIRPERSON MILLER: Okay. So you
18 are not exactly competing with some others
19 that you know?

20 MS. DICKSON: Oh, no.

21 CHAIRPERSON MILLER: Okay. Board
22 questions?

1 MEMBER ALBERTI: Hi, Mr. and Mrs.
2 Dickson. I may have missed this. You have a
3 potential location. Is that correct?

4 MR. DICKSON: Yes, sir.

5 MEMBER ALBERTI: Did you tell us
6 where that was or are you at liberty to say
7 where it is?

8 MR. DICKSON: I don't know whether
9 it would hurt anything or not. It's at 12th
10 and E, N.W.

11 MEMBER ALBERTI: Okay. 12th and E,
12 N.W., okay. Now, when Ms. Miller asked you
13 about the timing of that, I would like to sort
14 of drill down on that. All right? You are in
15 negotiations with a landlord? Is that to
16 lease a property?

17 MR. DICKSON: Yes, sir.

18 MEMBER ALBERTI: And where are you
19 in those negotiations? Now, I'm not talking
20 about opening and all of that stuff, licensing
21 and what you have to do with ABRA.

22 MR. DICKSON: Okay.

1 MEMBER ALBERTI: But just in
2 securing the right to use that property.
3 Where are you in that process?

4 MR. DICKSON: Right now, we are at
5 the point where we are doing a proposal for
6 them to take to the owner of the property and
7 to tell them what we plan to do and when we
8 plan to do it, how we plan to do things and
9 how it will work.

10 Now, what I was in -- well, do you
11 want me to elaborate on it a little bit more?

12 MEMBER ALBERTI: Sure.

13 MR. DICKSON: What I was thinking
14 -- I was thinking in consideration the time
15 and effort to do the negotiation with the
16 landlord, the placarding, the architect's
17 drawings and getting approval and permits and
18 everything, and then of course the build-out
19 and so forth. That's what I was including all
20 of that.

21 MEMBER ALBERTI: No, I understand.
22 I'm trying to take it one step at a time.

1 MR. DICKSON: Oh, okay.

2 MEMBER ALBERTI: So the most
3 important part, I mean, the first step is
4 having a place to park this.

5 MR. DICKSON: Right.

6 MEMBER ALBERTI: So to speak. All
7 right?

8 MR. DICKSON: Okay.

9 MEMBER ALBERTI: And then we can
10 talk about how long it's going to take you to
11 prepare the building and do the build-out and
12 do the --

13 MR. DICKSON: Right.

14 MEMBER ALBERTI: -- placarding and
15 the licensing. So I'm just talking about
16 securing a location where you can open in the
17 future. And where are we? How long? Where
18 are we with that?

19 MR. DICKSON: I would say about,
20 to be safe, two weeks, because I don't know
21 who the owner is, I don't know where he is
22 located, whether he is in Washington, D.C.

1 area or New York or wherever. I don't know
2 exactly where he is, but I'm going to say two
3 weeks.

4 MEMBER ALBERTI: Has a proposal
5 been given to the owner yet?

6 MR. DICKSON: Yes, it was given to
7 the owner. I was -- well, it was given to the
8 realtor two days ago.

9 MEMBER ALBERTI: Okay.

10 MR. DICKSON: And so I'm assuming
11 that he is going to take it directly to the
12 owners and see if they approve of it. And
13 they should get back to us, I'm hoping, within
14 -- I hope less than two weeks, but I'm saying
15 two weeks to be safe. Because, you know, some
16 times it takes people a long time to reach the
17 right --

18 MEMBER ALBERTI: Right. I
19 understand that. I understand. I have no
20 further questions.

21 CHAIRPERSON MILLER: Mr.
22 Silverstein?

1 MEMBER SILVERSTEIN: Are you
2 saying you are looking at something at the
3 corner?

4 MR. DICKSON: Yes, sir.

5 MEMBER SILVERSTEIN: You've got
6 four things. The old Barnes & Noble, is
7 that --

8 MR. DICKSON: The old ESPN
9 building.

10 MEMBER SILVERSTEIN: It's at 12th
11 and E, right?

12 MR. DICKSON: Yes, sir.

13 MEMBER SILVERSTEIN: 1200 E
14 Street?

15 MR. DICKSON: 555.

16 MEMBER SILVERSTEIN: Oh, 555 E
17 Street?

18 MR. DICKSON: Yes, sir. 12th
19 Street, I'm sorry.

20 CHAIRPERSON MILLER: Pardon?

21 MR. DICKSON: 12th Street.

22 CHAIRPERSON MILLER: 12th, oh.

1 MR. DICKSON: The address is 12th
2 Street, 555 12th.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER SILVERSTEIN: 555 12th
5 Street.

6 MR. DICKSON: Yes.

7 MEMBER SILVERSTEIN: Okay. I'm
8 going to take a look at that. And what was
9 there most recently or what is there?

10 MR. DICKSON: ESPN was there.

11 MEMBER SILVERSTEIN: This was the
12 ESPNZone?

13 MR. DICKSON: Yes, sir.

14 MEMBER SILVERSTEIN: Ah. When do
15 you think you will know?

16 MR. DICKSON: I'm hoping soon,
17 very soon.

18 MEMBER SILVERSTEIN: Well, yes, of
19 course, but --

20 MR. DICKSON: I'm going to say two
21 weeks before we know whether we can get the
22 Letter of Intent.

1 MEMBER SILVERSTEIN: Okay.

2 CHAIRPERSON MILLER: Yes, go
3 ahead.

4 MEMBER ALBERTI: Have you run the
5 hoops with the DCRA on the zoning issues
6 related to this type of club in this area?

7 MR. DICKSON: I have a, I think I
8 have, map from Planning, but I don't have a
9 map from the ABC Board with me. I do have a
10 map from the ABC Board. And I do have one
11 from Planning, if you would like to see it?

12 MEMBER ALBERTI: Meaning?

13 MR. DICKSON: I don't have copies,
14 but I --

15 MEMBER ALBERTI: No, I'm just
16 wondering, you know, are you confident that
17 there are no obstacles to --

18 MR. DICKSON: Yes.

19 MEMBER ALBERTI: -- you locating
20 in that or at that address?

21 MR. DICKSON: Yes, sir.

22 MEMBER ALBERTI: DCR -- there are

1 no obstacles with DCRA or zoning, is what I'm
2 asking.

3 MR. DICKSON: No, sir. There is
4 none that -- none according to the map, no.

5 MEMBER ALBERTI: Okay.

6 MR. DICKSON: And none that we can
7 see as we have drove around.

8 MEMBER ALBERTI: All right.

9 CHAIRPERSON MILLER: You have a
10 map from the Office of Planning that shows
11 where you are allowed to locate?

12 MS. DICKSON: Yes, we do.

13 CHAIRPERSON MILLER: Oh, I would
14 be interested in seeing that, if that's
15 available. So that's how you assume you won't
16 have any zoning issues?

17 MR. DICKSON: Right.

18 CHAIRPERSON MILLER: Okay. So
19 have things just started to happen recently?
20 I mean, you have had this license for a long
21 time.

22 MR. DICKSON: Well, we were going

1 into a partnership with another person.

2 CHAIRPERSON MILLER: Yes.

3 MR. DICKSON: But that didn't work
4 out. It just wasn't -- we didn't -- we
5 weren't compatible, put it that way. If you
6 would like, I can come up and explain it to
7 you a little bit.

8 MEMBER ALBERTI: We have a history
9 of the transfers.

10 MR. DICKSON: Oh, okay. I'm
11 pretty sure you do.

12 MS. DICKSON: I have nightmares.

13 MEMBER ALBERTI: No, we have a
14 cheat sheet. I have notes on the transfers
15 and owners since 2006.

16 CHAIRPERSON MILLER: So I'll
17 return this to you in a minute, but I just
18 want to ask you what this is called or did
19 they just mail it?

20 MR. DICKSON: The ABC Board. Now,
21 that's the one I don't --

22 CHAIRPERSON MILLER: Oh, this is

1 the ABC Board.

2 MR. DICKSON: -- I can't really --

3 CHAIRPERSON MILLER: Okay. This
4 isn't the zoning one.

5 MR. DICKSON: No.

6 CHAIRPERSON MILLER: I was trying
7 to figure that out.

8 MR. DICKSON: It's ABC.

9 CHAIRPERSON MILLER: Okay.

10 MR. DICKSON: I didn't know we
11 brought that. I didn't know she brought that
12 with her.

13 CHAIRPERSON MILLER: Okay.

14 MR. DICKSON: Yes, that's the one.

15 MS. DICKSON: Can I come up and
16 bring it?

17 MR. DICKSON: No, DeeDee will come
18 get it.

19 CHAIRPERSON MILLER: Okay. Okay.
20 So this what was given to you by Office of
21 Planning?

22 MR. DICKSON: Yes, ma'am.

1 CHAIRPERSON MILLER: Right. What
2 did they say this was?

3 MR. DICKSON: They just said that
4 was a map of the area, zoning of the area.

5 CHAIRPERSON MILLER: Yes.

6 MR. DICKSON: And it gives us the
7 layout of what is there. Like I think in the
8 top right hand corner, you will see there are
9 two churches there.

10 CHAIRPERSON MILLER: Okay.

11 MR. DICKSON: And then there is
12 nothing else in between.

13 CHAIRPERSON MILLER: Okay. So
14 this is a map showing a radius related to 555
15 12th Street?

16 MR. DICKSON: Right.

17 CHAIRPERSON MILLER: Okay.

18 MR. DICKSON: 600 feet.

19 CHAIRPERSON MILLER: I thought
20 that -- 600 feet for what?

21 MR. DICKSON: That's the radius.

22 CHAIRPERSON MILLER: Okay, the

1 radius is 600 feet.

2 Then how do you know that you can
3 locate in this area? That was my question.
4 I thought they were giving you a map of
5 different areas where you were allowed to
6 locate.

7 MR. DICKSON: Oh, no.

8 CHAIRPERSON MILLER: No?

9 MR. DICKSON: I don't think
10 anybody -- I have never seen one of those
11 maps.

12 CHAIRPERSON MILLER: Okay. Okay.

13 MR. DICKSON: He was telling us
14 that there is no other -- if we decided to go
15 nude, if we decide to go nude, there are no
16 other nude establishments in that area. No
17 schools. Well, there is a church on the right
18 hand side, but it's just outside of the zone.

19 CHAIRPERSON MILLER: Okay. Okay.

20 MR. DICKSON: That's fine.

21 MS. DICKSON: He said there is
22 nothing around that should keep us not -- we

1 could go there.

2 CHAIRPERSON MILLER: You spoke
3 with somebody in Office of Planning who told
4 you --

5 MR. DICKSON: Right.

6 CHAIRPERSON MILLER: -- that?

7 MS. DICKSON: Yes.

8 MR. DICKSON: Yes.

9 CHAIRPERSON MILLER: Okay. And
10 you might not go nude? You might just do
11 something else?

12 MR. DICKSON: Right.

13 CHAIRPERSON MILLER: Okay. Okay.
14 Are there other questions? Okay. So what
15 this Board has been doing lately is just not
16 let licenses stay in safekeeping, you know,
17 forever, you know.

18 So we notice that yours has been
19 in for a long time. And then there was you
20 wanted it for another year.

21 In general, we have been reviewing
22 at least for no longer than a six month

1 period. So now, I'll hear from other Board
2 Members what they would like to see from you.
3 I think that we certainly would like to hear
4 from you if you have something tangible with
5 respect to progress being made on your
6 license, that it is actually going to be moved
7 out.

8 I would say we certainly want to
9 hear from you within six months as to a
10 report. At that point, it sounds like you may
11 have everything tied up.

12 But I want to ask Board Members if
13 they want to hear sooner from them or have any
14 other concerns. Yes, Mr. Jones?

15 MEMBER JONES: Thank you, Madam
16 Chair. In terms of documentation, what do you
17 think you would be able to show us in six
18 months? You mentioned a Letter of Intent.
19 Would you feel comfortable saying that you
20 would be able to provide us a lease agreement
21 that is in place at that point in time?

22 MR. DICKSON: I'm going to say in

1 six months, yes.

2 MEMBER JONES: Six months?

3 MR. DICKSON: Yes. Six months,
4 yes.

5 MEMBER JONES: Okay. So if we
6 brought you back six months from today, are
7 you in a position now to say that you would be
8 able to provide us that lease agreement?

9 MR. DICKSON: I'm hoping I can
10 bring you something more than that. I'm
11 hoping I can bring you in something where you
12 will say okay, we've got to placard it for
13 whatever time now that's specified.

14 MEMBER JONES: Understood. And
15 I'm phrasing the question in this way, because
16 I'm looking for something from you that you
17 are willing to offer us to provide us some
18 level of confidence that this is not just some
19 pie in the sky, smokescreen, that you actually
20 have something tangible and serious that you
21 are working towards and that you are actually
22 making progress along that front.

1 So LOI is nice, but something a
2 little bit more meaty would help me feel
3 comfortable moving forward. So I'm giving you
4 this opportunity to offer something along
5 those lines.

6 So I think you have the context of
7 what I'm looking for?

8 MR. DICKSON: Yes, sir.

9 MEMBER JONES: So if you could --
10 I'm opening it up to you to offer something to
11 help me in making my decision.

12 MR. DICKSON: I'm saying six
13 months would be fair. Six months will be
14 fair, yes.

15 MEMBER JONES: Fair to do what?
16 What are you --

17 MR. DICKSON: To bring you
18 something tangible.

19 MEMBER JONES: Which would be
20 what? What would you define as something
21 tangible?

22 MR. DICKSON: A lease, an

1 application. I'm hoping -- I'm probably being
2 a little forward, but I want to say an
3 application as well as a lease.

4 MEMBER JONES: Okay. Got it. But
5 you are uncomfortable with the application,
6 but you are comfortable with the lease?

7 MR. DICKSON: Yes, sir.

8 MEMBER JONES: Okay. So from --
9 we could expect to get from you, if we bring
10 you back in six months from today at a
11 minimum, a lease agreement?

12 MR. DICKSON: Yes, sir.

13 MEMBER JONES: Okay. Thank you.
14 Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay.
16 Anything else? An application for what?

17 MR. DICKSON: The license.

18 CHAIRPERSON MILLER: Okay. That's
19 what your goal is.

20 MR. DICKSON: Right.

21 CHAIRPERSON MILLER: But if you --
22 otherwise, a lease agreement. And if that

1 fails, which we hope it doesn't, what we would
2 be looking for then is your alternative
3 searches or whatever else you are doing to
4 actively find a location or sell. Okay.

5 Okay. Do yo have any --

6 MEMBER JONES: Well --

7 CHAIRPERSON MILLER: Yes?

8 MEMBER JONES: -- I just wanted to
9 say, so the Chairperson spoke on it from her
10 perspective. I'll say it from my perspective
11 as an individual Board Member.

12 I'm fairly -- I'm a little bit
13 more concerned about having licenses in
14 safekeeping for extended periods of time. So
15 for me, it's not just a matter of oh, if it
16 doesn't work out, you can just bring us some
17 other plan that you may be working towards.

18 I wouldn't look upon that
19 favorably, as an individual Board Member. So
20 just take that for what it is worth.

21 CHAIRPERSON MILLER: Do you have
22 any questions?

1 MR. DICKSON: No.

2 CHAIRPERSON MILLER: Okay. All
3 right.

4 MEMBER JONES: Has it been
5 expressed to them what are the potential
6 ramifications?

7 CHAIRPERSON MILLER: Not that
8 explicitly. I think what we said is we don't
9 keep --

10 MEMBER JONES: Can we make that
11 clear?

12 CHAIRPERSON MILLER: -- licenses
13 in safekeeping, you know --

14 MEMBER JONES: I know that's one
15 of your points.

16 CHAIRPERSON MILLER: --
17 indefinitely.

18 MEMBER JONES: It has been one of
19 your points in the past with other cases. Can
20 we make that clear to them that it is -- the
21 opportunity is there for us to consider the
22 license to be abandoned and that it would be

1 removed from them and they wouldn't have it or
2 is that something not appropriate to state?

3 CHAIRPERSON MILLER: I think I
4 would say, at this point, this is why we are
5 urging you to get on this, that I'm not saying
6 that, unless the Board is ready to say that,
7 that we would consider it abandoned in six
8 months.

9 But I think what Mr. Jones is
10 saying is that if there isn't that activity,
11 that is what is at risk. You know, that the
12 Board will look at it and say okay, you have
13 had this for seven years or something and you
14 can't keep it there indefinitely.

15 So that is the worst case
16 scenario, what Mr. Jones has said. But we
17 will see you one more time before that would
18 happen. I mean, we would see you -- we intend
19 to see you in six months and hopefully you
20 will have this resolved. Yes, okay. All
21 right.

22 Well, good luck.

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MR. DICKSON: Okay. Thank you so
much.

CHAIRPERSON MILLER: Thank you.

MS. DICKSON: Thank you.

(Whereupon, the Fact-Finding
Hearing in the above-entitled matter was
concluded at 4:06 p.m.)

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