

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

IN THE MATTER OF:

Sami Restaurant, LLC  
t/a Bistro 18  
2420 18th Street, NW  
Retailer CR - ANC-1C  
License No. 86876

Fact-  
Finding  
Hearing

(Respondent's Request for  
Hearing on Case No.  
15-CMP-00132)

March 11, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 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  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENT:

Bardia Fordowski . . . . .28

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

2 7:27 p.m.

3 CHAIRPERSON MILLER: All right. I'm  
4 calling the case of Bistro 18 located at 2420 18th  
5 Street, N.W., License No. 86876, in ANC-1C.

6 So anyone who is representing a party  
7 in this case or not really a party, but  
8 participant can feel free to come forward to a  
9 table, otherwise, you can come forward later, if  
10 it's appropriate or I guess some of you may be  
11 here just to listen.

12 Just as a very simple background,  
13 Bistro 18 was shut down with respect to alcohol  
14 service, at least on Friday night, and my  
15 understanding is that Ms. Gina Mondesir has  
16 requested this hearing.

17 So this is a somewhat open hearing.  
18 It is called a Fact-Finding Hearing on this  
19 agenda and calendar.

20 And I think that we may put witnesses,  
21 if there are any, under oath, otherwise, if they  
22 are just attorneys going to be making

1 representations or arguments to us, but that's  
2 fine, too.

3 I also know that and I would also like  
4 to get confirmation from you all of whoever is  
5 going to be speaking here, but we served a Cease  
6 and Desist Order today on some of you and also  
7 provided, I believe, a case report regarding the  
8 Investigator's report in this case.

9 So that is my preliminary statement.  
10 Why don't you all who are up here introduce  
11 yourselves for the record and then we will hear  
12 from you as to, you know, why you requested this  
13 hearing and, you know, what you would like us to  
14 hear. Okay.

15 MS. MONDESIR: My name is Gina  
16 Mondesir. I represent Mohammed Aluha-da and Sami  
17 Ghulais.

18 MR. KARAMBELAS: Nicholas G.  
19 Karambelas representing the Valira, LLC, which is  
20 the owner of the premises, and Mr. Dimitrios G.  
21 Liantiris was the owner of the license.

22 MR. LIN: I'm Andrew Lin.

1                   CHAIRPERSON MILLER: Oh, wait a  
2 second, sir. Could you come -- the microphones  
3 are on the table, so come forward.

4                   MR. LIN: My name is Andrew Lin. I  
5 represent Irene Martinez and Jamil Ashayer, who  
6 are the individuals who had the license seized by  
7 the marshal and placed in safekeeping with ABRA.  
8 So we would also reserve the right to comment.

9                   CHAIRPERSON MILLER: Okay. You can  
10 have a seat there, if you would like. You  
11 represent Ms. Martinez and who else?

12                  MR. LIN: Jamil Ashayer.

13                  CHAIRPERSON MILLER: Jamil Ashayer.  
14 Okay. All right. And now do each of you here at  
15 the table receive the Cease and Desist Order and  
16 the Investigator's report?

17                  MS. MONDESIR: Yes.

18                  MR. KARAMBELAS: We received the Cease  
19 and Desist Order just now, yes.

20                  CHAIRPERSON MILLER: Just now. Okay.  
21 So you all have that. All right. So, Ms.  
22 Mondesir, you requested this hearing.

1 MS. MONDESIR: Okay.

2 CHAIRPERSON MILLER: Do you want to  
3 begin?

4 MS. MONDESIR: Frankly, I'm still a  
5 little confused. My understanding is that the  
6 license is in safekeeping. Neither myself nor my  
7 clients know when the license went into  
8 safekeeping. They first received notice on  
9 Wednesday, I believe it was, of last week. That  
10 was the first time that they heard or that I  
11 heard that the license was in safekeeping.

12 So that to some degree addresses this  
13 complaint. Really we don't -- we are not hearing  
14 -- because we have never received notice, actual  
15 notice. Wednesday was the first time.

16 CHAIRPERSON MILLER: Wednesday, you  
17 are saying you received notice that the license  
18 was in safekeeping?

19 MS. MONDESIR: Yes.

20 CHAIRPERSON MILLER: Okay. Okay.

21 MS. MONDESIR: I guess the District's  
22 attorney is not here, so I don't know if the

1 Board has any record or documentation of  
2 notification or notice that was mailed out or  
3 hand-delivered or signing of anything by the  
4 parties that would indicate that we received  
5 actual notice that the license is in safekeeping?  
6 As today, we have not.

7 MEMBER ALBERTI: Ms. Miller, I'm  
8 confused. May I ask a question?

9 CHAIRPERSON MILLER: Yes.

10 MEMBER ALBERTI: Just who is your  
11 client again?

12 MS. MONDESIR: Mohammed Aluha-da and  
13 Sami Ghulais.

14 MEMBER ALBERTI: Okay. That's two  
15 different parties?

16 MS. MONDESIR: Yes.

17 MEMBER ALBERTI: Are either one of  
18 them claiming that they own the license?

19 MS. MONDESIR: Mr. Sami Ghulais  
20 previously owned the license.

21 MEMBER ALBERTI: He previously owned  
22 the license.

1 MEMBER JONES: Previously owned.

2 MEMBER ALBERTI: So is he claiming  
3 that he currently owns the license?

4 MS. MONDESIR: I don't think he is  
5 currently -- apparently, it's in safekeeping.

6 MEMBER ALBERTI: Okay. So like --  
7 that has nothing to do -- sir, please. So here  
8 is my confusion. I'm confused as to why you  
9 would expect to have been notified that it was in  
10 safekeeping if you don't own the license.

11 MS. MONDESIR: Because the license was  
12 in his name and Sami Ghulais' name.

13 MEMBER ALBERTI: But he no longer owns  
14 it.

15 MS. MONDESIR: He was selling alcohol,  
16 so there is a responsibility on the part of ABRA  
17 to advise him if they are taking away his right  
18 to sell the alcohol. He should be notified of  
19 that.

20 (Simultaneous speaking.)

21 MEMBER ALBERTI: Mr. Ghulais got taken  
22 -- his right got taken away?

1 MS. MONDESIR: Because this happened--

2 MEMBER ALBERTI: His right got taken  
3 away by a Court order. Don't you understand  
4 that?

5 MS. MONDESIR: No. My understanding  
6 is that ABRA is the only party, only body that  
7 can remove the ability, his license and right.

8 MEMBER ALBERTI: But the Court took  
9 his license from him. Do you agree with that?

10 MS. MONDESIR: (No audible answer.)

11 MEMBER ALBERTI: There was a Court  
12 judgment against Mr. Ghulais and they took his  
13 license. Do you agree with that or is that in  
14 contention here?

15 MS. MONDESIR: I think it's -- my  
16 understanding is that ABRA is the only body that  
17 has the authority to remove the license.

18 MEMBER ALBERTI: Will you answer my  
19 question?

20 MS. MONDESIR: No --

21 MEMBER ALBERTI: Do you understand  
22 that the --

1 MS. MONDESIR: -- I don't understand  
2 that.

3 MEMBER ALBERTI: Well, do you under --  
4 do you know that the Court -- are you aware that  
5 the Court seized his license? Assigned his  
6 license -- seized his license as collateral in  
7 some judgment?

8 MS. MONDESIR: I'm aware of.

9 MEMBER ALBERTI: Okay. Thank you.  
10 All right.

11 CHAIRPERSON MILLER: Mr. Jones, do  
12 you --

13 MEMBER JONES: Just for clarification  
14 purposes. Does your client, Sami, what's the  
15 last name? I'm sorry.

16 MS. MONDESIR: Ghulais.

17 MEMBER JONES: Ghulais. That's the  
18 individual that you -- you represent him,  
19 correct?

20 MS. MONDESIR: Yes.

21 MEMBER JONES: And you are also  
22 representing that he was the previous owner, at

1 least in part, of the license?

2 MS. MONDESIR: Yes.

3 MEMBER JONES: Okay. And you are  
4 indicating that there was some operation that was  
5 using that license as authority to sell alcohol?

6 MS. MONDESIR: That's correct.

7 MEMBER JONES: Okay. Do you have --  
8 does your client have the license? Physically  
9 have the license, because if you are saying there  
10 is no knowledge that you have of your client  
11 having his license put into safekeeping, then my  
12 expectation would be that you would expect your  
13 client to actually have the physical license.

14 MS. MONDESIR: My understanding is  
15 that there is one body that regulates --

16 MEMBER JONES: No, I understand.

17 MS. MONDESIR: That's my  
18 understanding.

19 MEMBER JONES: I just want -- so --

20 MS. MONDESIR: I'm just answering your  
21 question.

22 MEMBER JONES: -- is there -- do you

1 know whether or not your client physically has  
2 the license?

3 MS. MONDESIR: No, I don't believe he  
4 does, no.

5 MEMBER JONES: You don't believe he  
6 has the license?

7 MS. MONDESIR: He doesn't.

8 MEMBER JONES: Okay. Is it your -- do  
9 you understand that in order to sell alcohol in  
10 the District of Columbia, you have to have a  
11 valid license posted?

12 MS. MONDESIR: Obviously. I know he  
13 had a copy of the license.

14 MEMBER JONES: He -- do you understand  
15 that in order for you to legally sell alcohol in  
16 the District of Columbia, your client is required  
17 to have a valid license posted?

18 MS. MONDESIR: I understand.

19 MEMBER JONES: Okay.

20 MEMBER SHORT: Madam Chair?

21 CHAIRPERSON MILLER: Yes, Mr. Short?

22 MEMBER SHORT: And also, do you

1 understand that a Court in the United States of  
2 America, according to our Constitution, has the  
3 right to take licenses, property?

4 MS. MONDESIR: It's property?

5 MEMBER SHORT: A Court under our  
6 Constitution of the United States of America has  
7 the right to do that.

8 MS. MONDESIR: Take property?

9 MEMBER SHORT: Yes. All right.

10 CHAIRPERSON MILLER: Okay. So I guess  
11 I'm back to my question as to why we are here.  
12 We are responding to a request, Ms. Mondesir, of  
13 yours that we have a hearing. And I believe it  
14 stemmed from the fact that Investigators found  
15 that these -- this establishment, Bistro 18, was  
16 operating without a license and shut that down.

17 MS. MONDESIR: That's true.

18 CHAIRPERSON MILLER: Okay. So --

19 MS. MONDESIR: I think we have  
20 clarification now concerning that.

21 CHAIRPERSON MILLER: Okay. So you  
22 were seeking some verification? Is that why you

1 requested this hearing?

2 MS. MONDESIR: In part, yes.

3 CHAIRPERSON MILLER: Okay. Is there  
4 anything else you want to --

5 MS. MONDESIR: At this moment, no.

6 CHAIRPERSON MILLER: Okay. Sir,  
7 what's your name again?

8 MR. KARAMBELAS: Nick Karambelas.

9 CHAIRPERSON MILLER: Okay. Mr.  
10 Karambelas, and again, who do you represent?

11 MR. KARAMBELAS: I represent the owner  
12 of the premises and the owner of the ABRA  
13 License.

14 CHAIRPERSON MILLER: Could you -- yes,  
15 why don't you give the names that go with each  
16 one?

17 MR. KARAMBELAS: Yes. The owner of  
18 the property is Valira, LLC.

19 CHAIRPERSON MILLER: Okay.

20 MR. KARAMBELAS: V-A-L-I-R-A.

21 CHAIRPERSON MILLER: All right.

22 MR. KARAMBELAS: The owner is an

1 individual, Dimitrios Lontiris, that's L-I-O-N-  
2 T-I-R-I-S.

3 CHAIRPERSON MILLER: You are saying  
4 that he is the owner of the license?

5 MR. KARAMBELAS: Yes.

6 CHAIRPERSON MILLER: Does he have the  
7 license?

8 MR. KARAMBELAS: He transferred the  
9 operation of the license to Sami's Restaurant,  
10 LLC back in, I believe it was, 2010. He had  
11 previously purchased the license from another  
12 party. We haven't specified any documents.

13 CHAIRPERSON MILLER: Excuse me. Are  
14 these the documents you are talking about?

15 MR. KARAMBELAS: Yes.

16 CHAIRPERSON MILLER: Which were just  
17 given to the Board, so we haven't read them.  
18 Okay.

19 MR. KARAMBELAS: And I didn't adhere  
20 strictly to the --

21 CHAIRPERSON MILLER: That's fine. No,  
22 just so that everyone knows we --

1 MR. KARAMBELAS: I'll just give you a  
2 summation of the --

3 CHAIRPERSON MILLER: Okay.

4 MR. KARAMBELAS: And so when Sami's  
5 Restaurant, LLC of which Sami Ghulais is a 60 or  
6 70 percent owner, leased the premises from my  
7 client, Mr. Lontiris, transferred the operation,  
8 the right to operate the license to Mr. -- to  
9 Sami's Restaurant, LLC.

10 And I think the records reflect that  
11 certainly from some time in 2010 until 2014, that  
12 Sami's Restaurant, LLC was operating that  
13 license.

14 CHAIRPERSON MILLER: Well, a similar  
15 question is do you or your client have the  
16 license?

17 MR. KARAMBELAS: No.

18 CHAIRPERSON MILLER: Why not?

19 MR. KARAMBELAS: No, because it's --  
20 it was on the premises. Okay?

21 MEMBER ALBERTI: Okay. And so --

22 CHAIRPERSON MILLER: It was on the

1 premises? Is that what you are saying?

2 MR. KARAMBELAS: Yes.

3 MEMBER JONES: Yes, going with that  
4 though. So it was on the premises?

5 MR. KARAMBELAS: Yes.

6 MEMBER JONES: Are you aware what  
7 caused it to not be on the premises?

8 MR. KARAMBELAS: The first time I  
9 heard that it was no longer on the premises was  
10 March 5, 2015.

11 MEMBER JONES: March 5, 2015?

12 MR. KARAMBELAS: Right.

13 MEMBER JONES: Okay.

14 CHAIRPERSON MILLER: What did you  
15 hear?

16 MR. KARAMBELAS: That what is  
17 essentially in your Investigator's report, that  
18 ABC Investigators had gone to the premises, told  
19 the proprietor there of the business that the  
20 license was now in safekeeping. And it's unclear  
21 to me whether they physically took the license or  
22 not, but in any event, that's what was -- that's

1 what he was apprised of.

2 CHAIRPERSON MILLER: And are you and  
3 your client aware of the Court order that has  
4 been referenced in this case?

5 MR. KARAMBELAS: Yes. And we have  
6 filed a Motion to Vacate that order.

7 CHAIRPERSON MILLER: Okay.

8 MR. KARAMBELAS: The -- Mr. Lin has  
9 responded to that. We have replied to it and we,  
10 as yet, have no order from the Court ruling on  
11 that motion.

12 CHAIRPERSON MILLER: Okay. Thank you.  
13 Sir, do you want to add to this conversation or  
14 no?

15 MR. LIN: Yes. I'm here more to  
16 respond to Mr. Karambelas' statement.

17 CHAIRPERSON MILLER: And you don't  
18 have to stand. You can if you want, but you  
19 certainly don't have to. Could you again, since  
20 there are, you know, different parties here,  
21 could you identify yourself again and who you  
22 represent?

1 MR. LIN: Yes. My name is Andrew Lin.

2 CHAIRPERSON MILLER: Okay.

3 MR. LIN: And I represent Irene  
4 Martinez.

5 CHAIRPERSON MILLER: Right.

6 MR. LIN: And Jamil Ashayer.

7 CHAIRPERSON MILLER: Okay.

8 MR. LIN: And they are the individuals  
9 who obtained the civil judgment --

10 CHAIRPERSON MILLER: Right.

11 MR. LIN: -- against Sami Restaurant  
12 and Sami Ghulais. They saw to the seize of the  
13 license, which eventually was transferred to --  
14 so I guess, I would, I think may be in agreement,  
15 Mr. Karambelas is in agreement on this, but I  
16 think the issue of the ownership -- although it's  
17 good to see ABRA's position laid out in the  
18 order, you know, I wasn't aware that that was  
19 going to be litigated tonight.

20 It sounds like the violations are more  
21 of the focus tonight and we are going to wait for  
22 the issuance by the Court.

1           Now having said that, I don't know if  
2           it makes sense for ABRA to make some kind of  
3           opinion whether -- or statement to Superior  
4           Court. It seems like much -- it's displeasing to  
5           litigating in Superior Court. It's pretty  
6           straightforward. And I hope the Superior Court  
7           when it issues something contradictory to what  
8           you have all talked about tonight.

9           So you know, like I said, I don't want  
10          to get into issues regarding hearsay or less  
11          factual understandings, but I do take some issue  
12          with the positions that they are saying they  
13          weren't aware that the license was seized. I  
14          mean, it certainly came to my understanding when  
15          Mr. Karambelas reached out to me in early  
16          December saying hey, you seized the wrong  
17          license. You can't do this because my client  
18          owns it.

19          That's how I became aware of his  
20          client's interest in the matter. As I, you know,  
21          seem to recall, Mr. Karambelas client was  
22          informed by saying, so I don't how Sami could

1 claim to be not aware that the license was  
2 seized. And obviously, someone put the photocopy  
3 up there, so the statement doesn't make sense to  
4 me.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER JONES: Understood.

7 CHAIRPERSON MILLER: Thank you.

8 MR. LIN: Thank you.

9 MR. KARAMBELAS: May I respond?

10 CHAIRPERSON MILLER: Okay.

11 MR. KARAMBELAS: Yes, my only point  
12 is, I guess, number one, the ownership issue of  
13 the license is being litigated in Superior Court,  
14 but as being litigated here is violations of the  
15 terms of the license.

16 I should say that we need to make a  
17 distinction between seized and an Order to Seize.  
18 As far as we knew back in November when we first  
19 saw the writ, the license hadn't been seized in  
20 the way you would seize a car or something. In  
21 that sense, all we were responding to was the  
22 order.

1                   There was no indication to us that the  
2 license had been physically taken and put in  
3 safekeeping. The first we heard that was March  
4 5, 2015.

5                   CHAIRPERSON MILLER: Okay. Thank you.  
6 Comments by Board Members?

7                   MEMBER ALBERTI: Can I ask a real  
8 quick --

9                   CHAIRPERSON MILLER: Yes.

10                  MEMBER ALBERTI: -- question?

11                  CHAIRPERSON MILLER: Yes.

12                  MEMBER ALBERTI: So in the documents  
13 you gave us, and this is not of interest to me  
14 because I'm not going to get into the ownership  
15 issue here, but is this -- it says Liquor Lease  
16 Addendum. So you are representing that this is  
17 an agreement that your client had with Mr.  
18 Ghulais?

19                  MR. KARAMBELAS: If --

20                  MEMBER ALBERTI: It's Exhibit B in  
21 Section A.

22                  MR. KARAMBELAS: It would be, yes.

1 MEMBER ALBERTI: And it's titled  
2 License Lease Addendum.

3 MR. KARAMBELAS: Yes.

4 MEMBER ALBERTI: Commencement April 1,  
5 2010.

6 MR. KARAMBELAS: Yes.

7 MEMBER JONES: Thank you.

8 MEMBER ALBERTI: Okay. Thank you. We  
9 will take a look at that. Thank you.

10 MR. KARAMBELAS: And just to complete  
11 that, Member Alberti, then there -- you will see  
12 another Liquor License Addendum for the current  
13 lessee of the premises. It's in Attachment D.

14 MEMBER ALBERTI: Attachment D in that  
15 same section?

16 MR. KARAMBELAS: No, in the statement.  
17 The tab --

18 MEMBER ALBERTI: Tab D?

19 MR. KARAMBELAS: Yes.

20 MEMBER ALBERTI: So you entered into  
21 a new agreement with whom?

22 MR. KARAMBELAS: With Fast Trip, LLC,

1 when Fast Trip, LLC purchased the assets of  
2 Sami's Restaurant, LLC. It was November 25,  
3 2014.

4 MEMBER ALBERTI: And that addendum was  
5 executed when, November 25, 2014?

6 MR. KARAMBELAS: That's correct.

7 MEMBER ALBERTI: Thank you.

8 CHAIRPERSON MILLER: Okay. Anything  
9 else?

10 MR. LIN: Yes. May I add one more  
11 thing?

12 CHAIRPERSON MILLER: Yes.

13 MR. LIN: Yes. I prepared a statement  
14 to submit in response to Mr. Karambelas'  
15 statement. I'll go ahead and submit that now.

16 CHAIRPERSON MILLER: Okay. Could one  
17 of the attorneys get the statement? He wants to  
18 just submit it for the record.

19 MR. LIN: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MR. LIN: It's basically a copy of our  
22 motion.

1                   CHAIRPERSON MILLER: Here, yes. Okay.  
2 Okay. So I mean what I heard today is there are  
3 ownership disputes and disputes as to who knew  
4 what, when. But it doesn't sound like there is  
5 any request before the Board, at this time. The  
6 establishment was shut down with respect to  
7 selling alcohol, because there is not a valid  
8 license in that establishment.

9                   And the license is in safekeeping with  
10 ABRA right now. So that is the status quo. So  
11 essentially it's, you know, changing right now  
12 with respect to that. If somebody asserting  
13 ownership wants to try to change that status, you  
14 know, then we could consider it. But at this  
15 point, I don't believe that you are seeking any  
16 action on our part. Is that correct?

17                   I mean, we are going to review your  
18 documents. I haven't reviewed them. Maybe you  
19 are asking for something in the documents, but,  
20 this evening I don't hear anything, if you want  
21 to clarify?

22                   MEMBER ALBERTI: Well --

1 CHAIRPERSON MILLER: Yes?

2 MEMBER ALBERTI: -- I'll wait until  
3 you are finished. I'll wait to see where you go.

4 CHAIRPERSON MILLER: Okay. So I was  
5 just asking the parties. I don't think that they  
6 are requesting anything of us tonight that I'm  
7 aware of. If there has been an error -- yes?

8 MR. KARAMBELAS: If I could just make  
9 this, let's call it a, request, it's at the end  
10 of the document.

11 CHAIRPERSON MILLER: Okay.

12 MR. KARAMBELAS: I was -- just noted  
13 the fact that the Bistro 18 is essentially closed  
14 down. I mean, there is very little business.  
15 The -- so he's not making any money. My client  
16 can't get his rent. The liquor license is not a  
17 wasting asset and if there were some way that the  
18 Board, while all of this was being determined, if  
19 there was some what that the Bistro 18 could  
20 continue its business while all these issues are  
21 being dealt with, including the ownership issue,  
22 I advocate that that would make sense for all the

1 parties.

2 CHAIRPERSON MILLER: Do you have any  
3 idea how long the Court action will take?

4 MR. KARAMBELAS: Madam Chairman, we  
5 filed this in December 17, I think is when we --  
6 December 17th we filed the motion.

7 CHAIRPERSON MILLER: Okay.

8 MR. KARAMBELAS: And it has been  
9 pending since then.

10 CHAIRPERSON MILLER: Okay. Thank you.  
11 So you have made that request in writing in the  
12 filing that you gave us?

13 MR. KARAMBELAS: Yes.

14 CHAIRPERSON MILLER: All right.

15 MR. KARAMBELAS: At the end of the  
16 statement.

17 CHAIRPERSON MILLER: And you gave it,  
18 you served it on the others?

19 MR. KARAMBELAS: Yes.

20 CHAIRPERSON MILLER: Okay. Did you  
21 want to say something?

22 MR. LIN: Oh, just that was the reason

1 I filed my response, because, obviously, we are  
2 in opposition to that response.

3 CHAIRPERSON MILLER: Okay.

4 MR. LIN: I'm not going to regurgitate  
5 all the same documents to Superior Court.

6 CHAIRPERSON MILLER: Could you --  
7 wait. I can't hear. Could you say that again?  
8 What?

9 MR. LIN: I don't think I'm going to  
10 regurgitate all the documents I made for the  
11 Superior Court at this time.

12 CHAIRPERSON MILLER: Right.

13 MR. LIN: Attached to a copy of the  
14 motion to Superior Court and the Board can review  
15 it.

16 CHAIRPERSON MILLER: Okay. Thank you.  
17 Thank you. All right. So we will read those  
18 pleadings. Okay. Sir, did you want to say  
19 something? You will need to come to the table  
20 and talk on the microphone and identify yourself.

21 MR. FORDOWSKI: Good evening and thank  
22 you for taking your time. I been before you many

1 times. My name is Bardia Fordowski. I was the  
2 owner of the New Orleans Cafe at 2412 18th Street,  
3 N.W., for approximately more than 20 years.

4 And my store was shut down due to the  
5 snow and cracks of the roof and the problems,  
6 etcetera, etcetera. And I was not able to  
7 continue to work and lost many things there.  
8 It's been shut down the first week of the  
9 February of 2015.

10 I was coached by Mr. Mohammed who has  
11 the part of the 18th Street Bistro 18 to go there  
12 and do some work for him --

13 CHAIRPERSON MILLER: Wait.

14 MR. FORDOWSKI: -- as a cook.

15 CHAIRPERSON MILLER: Can I interrupt  
16 you for one second?

17 MR. FORDOWSKI: Yes.

18 CHAIRPERSON MILLER: So you want to  
19 give us some facts related to Bistro 18?

20 MR. FORDOWSKI: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. So I said  
22 earlier if you weren't an attorney, that I would

1 swear anybody in who is going to be giving any  
2 factual information. So if that's what you are  
3 going to do right now, I would like to swear you  
4 in. Okay.

5 Whereupon,

6 BARDIA FORDOWSKI

7 was called as a witness and having been first  
8 duly sworn, assumed the witness stand and was  
9 examined and testified as follows:

10 MR. FORDOWSKI: I do.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: You might need to write  
13 your name on that piece of paper in front of you,  
14 too.

15 MR. FORDOWSKI: Yes, yes. So again,  
16 thank you very much. I appreciate you. So due  
17 to my condition, I have two children that are in  
18 school. And then pay the rent, etcetera,  
19 etcetera, for venue on 18th Street for 22 years  
20 and I see there many changes, as most of you know  
21 about.

22 The lack of business and then some

1 problems that we had before. My neighbor  
2 actually next door to me, which was Neal Ghulais  
3 and I'm glad that they gone. And this problem on  
4 18th Street at the Sami place, you know, he sell  
5 alcohol in order to survive like everybody else.

6 And the issue with the Court of Law  
7 has change if someone go after you and bring the  
8 lawsuit and then sue, I didn't know that the  
9 Court give the order to take whatever individual  
10 has that, you know, whatever the license or  
11 whatever they have for levy, the levy. They have  
12 a family as with us. They have children and  
13 wife, etcetera, etcetera.

14 They pay the taxes and they buy the  
15 food for their family and themselves. So my  
16 request at this time to the Court and, what he  
17 said, to the ABRA is that why do we have to stop  
18 the license that they had before? And the Court  
19 convene without any notification to take the  
20 license away and they were not aware of it, I  
21 believe that they are doing something wrong to  
22 individual. That's only my opinion.

1           And I would like to ask you, please,  
2           because I'm going to work there. If I be there,  
3           my expectation in Washington, D.C., I think that  
4           they can survive and we can make it together.

5           The other issue between Sami, previous  
6           owner, and Ms. Irene Martinez and Jamil, I don't  
7           think that had anything to do to entrust the man  
8           with it. If they wanted to take something from  
9           Sami, then they have to go to the Court of Law.  
10          If they bring the lawsuit against him, then the  
11          Court decision -- make a decision whether it is  
12          wrong or right.

13          So this meeting has to be somehow come  
14          to conclusion that he be able to go home and they  
15          can resolve this incident.

16                   (Shuffling of papers on microphone.)

17          MR. FORDOWSKI: And after that, that  
18          there will be no new laws break from now.

19          CHAIRPERSON MILLER: Okay.

20          MR. FORDOWSKI: And I thank you so  
21          much for your time.

22          CHAIRPERSON MILLER: And what's your

1 relation to Bistro 18?

2 MR. FORDOWSKI: Nothing. They were my  
3 neighbor.

4 CHAIRPERSON MILLER: Neighbors. Okay.  
5 Thank you very much.

6 MR. FORDOWSKI: I appreciate you and  
7 thank you so much.

8 CHAIRPERSON MILLER: Okay.

9 MR. FORDOWSKI: And the others.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER SHORT: Thank you, sir.

12 CHAIRPERSON MILLER: Ms. Mondesir, did  
13 you want to say one last thing?

14 MS. MONDESIR: I just wanted to say  
15 just I haven't really had the opportunity to read  
16 the entire order.

17 (Shuffling of papers on microphone.)

18 MS. MONDESIR: But I just want to  
19 clarify for the record that --

20 CHAIRPERSON MILLER: Excuse me. Your  
21 paper is on the microphone.

22 MS. MONDESIR: Sorry.

1 CHAIRPERSON MILLER: There you go.

2 MS. MONDESIR: That Mr. Aluha-da was  
3 not selling alcohol. The -- although there was a  
4 transfer of ownership interest, that was held in  
5 abeyance until the actual license was being  
6 transferred. So that application, I think, was  
7 filed in November. So he was not -- although he  
8 was financial-wise technically the owner, but he  
9 -- they have not effectuated that ownership and  
10 that was held in abeyance until the actual  
11 transfer.

12 So he really was there learning the  
13 business for another aspect of the business, but  
14 he was not actually the one conducting the  
15 business. It was more so Mr. Sami Ghulais was  
16 the business owner.

17 CHAIRPERSON MILLER: During what  
18 period of time are you referring to?

19 MS. MONDESIR: Until now.

20 CHAIRPERSON MILLER: Until now. Okay.  
21 All right. Thank you.

22 MEMBER ALBERTI: Well --

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: -- Ms. Miller, I'm  
3 sorry, that whole statement is a little  
4 incomplete. I have to ask so who was responsible  
5 for the sale of alcohol?

6 MS. MONDESIR: The business on  
7 document -- on docket-wise is owned by Mr. Aluha-  
8 da, but they have not transferred technically  
9 ownership as for several types of businesses --

10 MEMBER ALBERTI: So --

11 MS. MONDESIR: -- you run the  
12 business.

13 MEMBER ALBERTI: Right. And your  
14 statement to us is that Mr. Aluha-da wasn't  
15 selling alcohol? And I take by that to mean that  
16 he wasn't profiting from the sale of the alcohol.  
17 Is that a correct conclusion?

18 MS. MONDESIR: That's correct.

19 MEMBER ALBERTI: Okay. Who was  
20 profiting from the sale of alcohol?

21 MS. MONDESIR: It was Sami Ghulais.

22 MEMBER ALBERTI: Okay. Thank you.

1 And you represent Sami Ghulais?

2 MS. MONDESIR: Yes.

3 MEMBER ALBERTI: Thank you.

4 MS. MONDESIR: I just want to clarify  
5 for the record, because --

6 MEMBER ALBERTI: It's on the record.  
7 Thank you.

8 MS. MONDESIR: Thank you.

9 CHAIRPERSON MILLER: Okay. Didn't you  
10 say the ownership hadn't transferred?

11 MS. MONDESIR: They were awaiting the  
12 license to be transferred.

13 CHAIRPERSON MILLER: Okay.

14 MS. MONDESIR: They had applied for a  
15 transfer of the license.

16 CHAIRPERSON MILLER: The license.  
17 Okay.

18 MS. MONDESIR: The license had not  
19 technically transferred as yet, so --

20 MEMBER JONES: And when you say they,  
21 can you specify exactly who they are in this  
22 instance?

1 MS. MONDESIR: Ghulais and Mohammed  
2 Aluha-da.

3 MEMBER JONES: All right. And  
4 transfer from Sami to Mohammed?

5 MS. MONDESIR: Correct.

6 MEMBER JONES: Okay. And you  
7 represent both individually?

8 MS. MONDESIR: Yes.

9 MEMBER JONES: Or you represent them  
10 both collectively?

11 MS. MONDESIR: Both, yes.

12 MEMBER JONES: You represent them  
13 individually, i.e., they are two separate  
14 entities that you represent the interest on or  
15 are they --

16 MS. MONDESIR: Yes, I do. I represent  
17 each.

18 MEMBER JONES: Okay. Thank you.

19 MEMBER ALBERTI: I have got to ask.  
20 So there is no conflict of interest here on your  
21 part representing the two parties in this sale?

22 MS. MONDESIR: I don't see a conflict

1 of interest.

2 MEMBER ALBERTI: Okay.

3 MEMBER JONES: Is it your position  
4 that your client somehow has some type of  
5 ownership interest of the license or in the  
6 license?

7 MS. MONDESIR: I'm not -- right now,  
8 I believe that it would be my position that Mr.--  
9 that the business is owned by -- the license is  
10 owned by --

11 MR. KARAMBELAS: Liantiris.

12 MS. MONDESIR: Correct.

13 CHAIRPERSON MILLER: By whom? What  
14 did you say? Your position is that the license  
15 is owned by whom?

16 MS. MONDESIR: Mr. Liantiris.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: So I guess -- so I  
19 assume is it then correct to say that your  
20 position is that the agreement that -- I'm sorry,  
21 I forgot your name.

22 MR. KARAMBELAS: Karambelas.

1                   MEMBER ALBERTI: Mr. Karambelas gave  
2 us Exhibit B that he references the agreement  
3 that he -- that Mr. Ghulais had with the owner of  
4 the property? Is it your position that that  
5 agreement is still in place?

6                   MS. MONDESIR: That's -- yes, that's  
7 my understanding. That's --

8                   MEMBER ALBERTI: No. I'm not asking  
9 your understanding. I'm asking is that your  
10 position?

11                   MS. MONDESIR: Yes.

12                   MEMBER ALBERTI: That is your client's  
13 position?

14                   MS. MONDESIR: Yes.

15                   MEMBER ALBERTI: Okay. I'm not  
16 hearing your client object. Fine. Thank you.

17                   CHAIRPERSON MILLER: Okay. Anything  
18 else?

19                   MEMBER SHORT: Yes.

20                   CHAIRPERSON MILLER: Mr. Short? What?

21                   MEMBER SHORT: I would like to make an  
22 observation.

1 CHAIRPERSON MILLER: Yes, okay.

2 MEMBER SHORT: And find out if I'm  
3 correct.

4 CHAIRPERSON MILLER: All right.

5 MEMBER SHORT: If the Court system,  
6 again under the Constitution, is taking this  
7 license from whomever, then what do you expect  
8 this body to do until the Court has made their  
9 final decision? What can this body do rather--

10 MS. MONDESIR: Well --

11 MEMBER SHORT: -- than the Court?

12 MS. MONDESIR: -- the Court has  
13 jurisdiction over Mr. Ghulais, but the Court  
14 didn't have jurisdiction over the actual owner,  
15 so it could not have taken the license from him.

16 MEMBER SHORT: How do we know that?

17 MS. MONDESIR: He does not -- the  
18 Court does not have person under jurisdiction.  
19 He was never sued.

20 MEMBER SHORT: What does the Court say  
21 about the license?

22 MS. MONDESIR: Well, that's just the

1 law. I don't know what the Court -- the Court  
2 doesn't refer to the actual owner. The Court  
3 only refers to Mr. Ghulais, but based on just the  
4 law, the Court doesn't have jurisdiction over  
5 him, they couldn't take the license from him.  
6 They don't have the person under jurisdiction.

7 MEMBER SHORT: Well, can you come back  
8 in with a letter from the Court saying -- stating  
9 that?

10 MS. MONDESIR: That wasn't on --

11 MEMBER ALBERTI: No, that's not --

12 MS. MONDESIR: -- that wasn't the  
13 vote. There was no motion to that effect or  
14 whatever. There is -- I don't think that is an  
15 actual outstanding issue, but perhaps I can get  
16 that.

17 CHAIRPERSON MILLER: That's your  
18 opinion, is it not? That's your legal opinion?

19 MS. MONDESIR: That's my understanding  
20 of the law.

21 CHAIRPERSON MILLER: Yes, okay.

22 MEMBER SHORT: Thank you. That's

1 fine.

2 MS. MONDESIR: Research.

3 CHAIRPERSON MILLER: Okay.

4 MS. MONDESIR: Legal research.

5 CHAIRPERSON MILLER: Yes, Mr. Jones?

6 MEMBER JONES: So I just want to --  
7 and this is probably just me, I'm often told that  
8 I am not a lawyer, so it takes a little while to  
9 catch up on some of these legal things. But you  
10 represent the individual or individuals that were  
11 operating the liquor establishment under the  
12 authority of what they thought was a license that  
13 was owned by the gentleman's client that is  
14 seated next to you?

15 MS. MONDESIR: That's correct.

16 MEMBER JONES: Okay. So your primary  
17 concern here today is that your client is no  
18 longer allowed to operate that establishment?

19 MS. MONDESIR: That's my  
20 understanding.

21 MEMBER JONES: That's your  
22 understanding.

1 MS. MONDESIR: Well, he is no longer  
2 allowed to sell liquor.

3 MEMBER JONES: Correct. But no longer  
4 allowed to sell alcohol at the establishment.  
5 And that's the extent of your interest. You  
6 don't really have a fight. You don't have a dog  
7 in the race when it comes to the ownership  
8 issues. You just want your client to be able to  
9 operate? That's what you are representing here?

10 MS. MONDESIR: Not entirely.

11 MEMBER JONES: Okay. So help, that's  
12 why I'm a little cloudy. Help clarify that for  
13 me.

14 MS. MONDESIR: When we went to have  
15 the license transferred to Mr. Aluha-da, we went  
16 to this party here. We didn't actually really go  
17 to Mr. Ghulais, because we understood that the  
18 actual owners are -- is this party. So --

19 MEMBER ALBERTI: Can you -- just for  
20 the record, when you say this party, can you  
21 identify them verbally, because, you know, the  
22 record is not -- the stenographer is not picking

1 up the pointing.

2 MS. MONDESIR: Mr. Lontiris.

3 MEMBER JONES: Okay. So you have a  
4 linked objective and that is you have an interest  
5 taking ownership of the license and you are  
6 trying to facilitate a transfer of that ownership  
7 for that license from the current, let me get the  
8 record, landlord?

9 MEMBER ALBERTI: Well, Mr. Jones?

10 MEMBER JONES: Yes?

11 MEMBER ALBERTI: Could you be  
12 technical here?

13 MEMBER JONES: Yes.

14 MEMBER ALBERTI: I don't think they  
15 really see -- here is where I'm confused. And I  
16 don't think -- there is two conflicting  
17 statements.

18 MEMBER JONES: So that's --

19 MEMBER ALBERTI: Ms. Mondesir is  
20 talking about a transfer between Mr. Ghulais and  
21 Mr. Aluha-da, but it's not a transfer of the  
22 license. It's really if Mr. Ghulais -- I'm

1       sorry, Karambelas is correct in his exhibit, in  
2       the agreement that he had, it's really a transfer  
3       of the assignee or however you want to say it,  
4       whoever that agreement is between, because Mr.  
5       Ghulais never owned the license.

6                I mean, that -- Mr. Karambelas'  
7       argument is that Mr. Ghulais never owned that  
8       license. And therefore, the Court couldn't see  
9       it -- seize it.

10               MR. KARAMBELAS: That's correct.

11               MEMBER ALBERTI: So I just want to  
12       make sure we are talking about --

13               MS. MONDESIR: That's --

14               MEMBER ALBERTI: -- because -- go  
15       ahead, but --

16               MS. MONDESIR: -- my understanding.

17               MEMBER ALBERTI: -- let's make sure we  
18       are all talking about the same thing here. Go  
19       ahead.

20               MEMBER JONES: That was my druthers or  
21       desire. So that's why I wanted to make sure I  
22       was clear on what it was -- I'm sorry, what was

1 your name again?

2 MS. MONDESIR: Mondesir.

3 MEMBER JONES: Gina?

4 MS. MONDESIR: Mondesir.

5 MEMBER JONES: May I refer to you as

6 Gina?

7 MS. MONDESIR: Sure.

8 MEMBER JONES: Okay. So that was your

9 position, Gina, and I wanted to get clarification

10 on exactly what your position was and/or is

11 related to this matter. So you do have a dog in

12 the race when it comes to the ownership, because

13 your client in the end would like to have the

14 license transferred to them?

15 MS. MONDESIR: That's correct.

16 MEMBER JONES: Okay. Thank you.

17 MR. KARAMBELAS: Nick is fine.

18 MEMBER JONES: Nick? All right.

19 Nick.

20 MEMBER RODRIGUEZ: Karambelas.

21 MEMBER JONES: So just to make sure

22 I'm clear as I go back to think through this,

1       what is your client's position and what is your  
2       client's desire, not related to the owner, that's  
3       a different matter. The ownership issue is going  
4       to get fought somewhere else.

5                 In terms of this body's jurisdiction,  
6       what is your client's position as it relates to  
7       this matter?

8                 MR. KARAMBELAS: That the license was  
9       or should have been transferred properly to Fast  
10       Trip, LLC. Fast Trip, LLC should be able to  
11       operate the license, at least until all these  
12       issues are solved or are resolved.

13                MEMBER JONES: Okay. And it is your  
14       understanding that your client's understanding  
15       was the actual license was still in your client's  
16       possession?

17                MR. KARAMBELAS: It was in his  
18       ownership. It was at the premises physically.  
19       But yes, he had ownership of the license and has  
20       ownership of the license.

21                MEMBER JONES: Okay. Thank you.  
22       Thank you, Madam Chair.

1 MEMBER ALBERTI: Ms. Miller? I'm  
2 sorry.

3 CHAIRPERSON MILLER: Yes, okay.

4 MEMBER ALBERTI: I'm sorry to beat a  
5 dead horse here, but, Nick, you talked about  
6 transfer of the license. I thought, and correct  
7 me if I'm wrong, you claimed that your client  
8 owned the license.

9 MR. KARAMBELAS: Yes.

10 MEMBER ALBERTI: And he owned it while  
11 Mr. Ghulais was operating under that license per  
12 the agreement that you have provided to us?

13 MR. KARAMBELAS: Yes.

14 MEMBER ALBERTI: So there really isn't  
15 a transfer of the license here per se?

16 MR. KARAMBELAS: Well, there --

17 MEMBER ALBERTI: There is a transfer  
18 of on operating agreement. Am I correct?

19 MR. KARAMBELAS: Yes. Of the right to  
20 operate.

21 MEMBER ALBERTI: There is a transfer  
22 of an operating agreement, not a transfer of the

1 license. I just want to make sure that we are  
2 all on the same page with that.

3 MR. KARAMBELAS: Yes.

4 MEMBER ALBERTI: Okay?

5 MR. KARAMBELAS: The right to operate.  
6 You are correct.

7 MEMBER ALBERTI: But let's make sure  
8 we continue to talk about it that way.

9 MR. KARAMBELAS: I agree.

10 MEMBER ALBERTI: All right. Thank  
11 you.

12 MR. KARAMBELAS: I think we have used  
13 the word ownership interchangeably and that's --

14 MEMBER ALBERTI: Right. And that is  
15 going to get us in trouble here as we talk about  
16 this and as the Board deliberates.

17 MR. KARAMBELAS: Thank you for the  
18 clarification.

19 MEMBER ALBERTI: Thank you.

20 MS. MONDESIR: The only thing is that  
21 we tried to get the license technically  
22 transferred through ABRA because, officially on

1 paperwork, it's not sufficient to just have the  
2 operating agreement transferred, you have to have  
3 the license transferred.

4 MEMBER ALBERTI: Maybe, Gina, Ms.  
5 Mondesir, you don't really understand. Nick's  
6 client owns the license.

7 MS. MONDESIR: Yes, I understand.

8 MEMBER ALBERTI: And he is claiming he  
9 is going to continue to own. He is going to  
10 transfer an operating agreement, but he is not  
11 saying that he is transferring the license to  
12 anybody. And maybe you don't understand how the  
13 ABRA Law works.

14 MS. MONDESIR: That's --

15 MEMBER ALBERTI: But

16 MS. MONDESIR: -- fine.

17 MEMBER ALBERTI: -- as long as this --  
18 if -- and I'm not saying we are, but if we deem--  
19 and I'm not saying we are, because I don't know  
20 where the Courts are, but just hypothetically, if  
21 we deem that Nick's client owns the license, then  
22 there is no transfer to be had. And he is free.

1 If the operating agreement is appropriate, and  
2 that's a question in my mind, then he is free to  
3 transfer the operating agreement to whoever he  
4 wants if it's a legitimate operating agreement  
5 per ABRA Law.

6 MS. MONDESIR: Thank you.

7 MEMBER ALBERTI: Because I don't hear  
8 you contesting the fact that Nick's client owns  
9 the license.

10 MS. MONDESIR: No, I'm not contesting  
11 that.

12 MEMBER ALBERTI: Right. Thank you.

13 CHAIRPERSON MILLER: Mr. Lin, you are  
14 contesting that though? Is that correct?

15 MR. LIN: Yes.

16 MEMBER ALBERTI: Okay. I understand  
17 that, Mr. Lin.

18 CHAIRPERSON MILLER: Okay. Just for--

19 MEMBER ALBERTI: I was just -- this is  
20 all hypothetical.

21 CHAIRPERSON MILLER: And are you  
22 opposed to their request that the establishment

1 operate while the Court is sorting the ownership  
2 issue out?

3 MR. LIN: Yes, I mean, to the extent  
4 they intend to use the license for that,  
5 certainly.

6 CHAIRPERSON MILLER: Okay. Just for  
7 the record.

8 MEMBER JONES: So, yes, you oppose  
9 that?

10 CHAIRPERSON MILLER: Yes.

11 MR. LIN: Yes, we do oppose that.

12 MEMBER JONES: Okay. Thank you.

13 CHAIRPERSON MILLER: Correct.

14 MR. LIN: And just a comment about  
15 some other comments by the witness and as well as  
16 by Nick and Gina.

17 I know I also take some issue with  
18 their argument that this license was seized with  
19 no notice. I mean, we have complied with all of  
20 those requirements. We ran into a lot of delays  
21 with the Marshal's office, so between the time  
22 they received the notice, not Nick's client, but

1 Sami Restaurant and Sami, you know, they had  
2 plenty of time to know that this was in process.

3 So and again, you know, obviously, in  
4 substance we dispute their position about the  
5 ownership and their theory of how these licenses  
6 are being transferred.

7 CHAIRPERSON MILLER: And do you have  
8 in your mind a memory of when notice was served?

9 MR. LIN: I would say this was some  
10 time in October, I believe, it was initiated.  
11 September or October.

12 CHAIRPERSON MILLER: Okay. Anything  
13 else?

14 MEMBER ALBERTI: No. Are we wrapping  
15 this up?

16 CHAIRPERSON MILLER: Yes. Okay.  
17 Anything else?

18 MS. MONDESIR: Just one more thing.  
19 I may be restating what has already been stated,  
20 but currently the Superior Court is entertaining  
21 the issue of ownership, actual ownership.

22 CHAIRPERSON MILLER: Yes.

1 MS. MONDESIR: So pending a final  
2 decision on that, would it be feasible for Mr.  
3 Ghulais to operate the establishment?

4 CHAIRPERSON MILLER: Okay. I  
5 understand that to be your request. And I  
6 understand Mr. Lin to be opposed to that. And we  
7 have received written documents from both of you,  
8 so it would be my recommendation that the Board  
9 take the issue under advisement and read the  
10 documents and then make that determination.

11 Do Board Members agree with that?

12 MEMBER ALBERTI: Well, actually, I  
13 mean, I'm going to make a suggestion on how to  
14 wrap it up. I mean, can I just -- if I'm  
15 invading, you can -- if not --

16 CHAIRPERSON MILLER: Okay. You --

17 MEMBER ALBERTI: -- you can oppose it.  
18 But this --

19 CHAIRPERSON MILLER: -- did hear what  
20 I suggested? And you are going to --

21 MEMBER ALBERTI: Yes. Actually, I  
22 think -- well, for me it doesn't -- I don't

1 really need to think about this. I think where  
2 we are at on this is that we have a case before  
3 the Courts that kind of ties the hands of this  
4 Board.

5 I mean, we can't really act in  
6 opposition to what the Courts say. All right.  
7 So I would suggest that the Board leave the Cease  
8 and Desist in place and commit to not taking any  
9 applications with regards to this license.  
10 Meaning that no change applications, no transfer  
11 applications, no administrative actions with  
12 respect to this license until these Court cases  
13 are settled.

14 I mean, I think that that is where we  
15 should be and I think that's where we should  
16 leave this.

17 CHAIRPERSON MILLER: Okay. I'm not  
18 really that far away from you. I was just  
19 suggesting we read the filings that they gave us  
20 before we made a final decision on that. I don't  
21 know if they address jurisdiction in here or not,  
22 because I haven't read them yet. So I certainly

1 would leave the Cease and Desist in place --

2 MEMBER ALBERTI: What was --

3 CHAIRPERSON MILLER: -- until --

4 MEMBER RODRIGUEZ: Madam Chair?

5 MEMBER ALBERTI: Mr. Nick represents  
6 that there is a Court case, a Court filing. Is  
7 that correct?

8 MR. KARAMBELAS: There is a -- we  
9 moved to vacate the Writ of Fieri Facias and Mr.  
10 Lin opposed it and I replied and we are waiting  
11 for a ruling.

12 MEMBER ALBERTI: Okay. So that's  
13 where it is in the Courts. All right. Mr.  
14 Jones? Mr. Jones has --

15 CHAIRPERSON MILLER: All right. Yes?

16 MEMBER JONES: It's really just for us  
17 here, but just the operation had a photocopy of a  
18 license posted at the establishment and operating  
19 under that photocopy for some period of time. Is  
20 that an issue of relevance?

21 CHAIRPERSON MILLER: I mean, it goes  
22 to their operating without a license there. They

1 had a copy. They didn't have the license.

2 MEMBER ALBERTI: Well, to me that is  
3 why -- that is part of why -- that's only part of  
4 it, but part of the reason why I'm suggesting  
5 that we leave the Cease and Desist in place is --

6 CHAIRPERSON MILLER: I don't disagree  
7 with that.

8 MEMBER ALBERTI: -- because that's an  
9 issue that needs to be addressed by this Board  
10 and I don't think we can really address that  
11 until -- I think that that needs to get addressed  
12 also with the ownership issues.

13 MEMBER RODRIGUEZ: Yes. Madam Chair?

14 CHAIRPERSON MILLER: Yes?

15 MEMBER RODRIGUEZ: So there is a  
16 photocopy. Simply, I want to ask what -- where  
17 was that photocopy made from?

18 MS. MONDESIR: We settled the --

19 MEMBER RODRIGUEZ: When you make a  
20 photocopy, you have to make it from an original,  
21 right?

22 MS. MONDESIR: Yes.

1 MEMBER RODRIGUEZ: Where is the  
2 original? And who made the photocopy? That's my  
3 question, my part.

4 MEMBER ALBERTI: We have a license.

5 MEMBER RODRIGUEZ: Yes.

6 MEMBER ALBERTI: Mr. Rodriguez, I'll  
7 just tell you, we actually physically have the  
8 license here.

9 MEMBER RODRIGUEZ: So how --

10 MEMBER ALBERTI: I'm telling you.

11 MEMBER RODRIGUEZ: -- did you get a  
12 copy made?

13 CHAIRPERSON MILLER: That doesn't  
14 answer his question.

15 MEMBER ALBERTI: All right.

16 MEMBER RODRIGUEZ: How was the  
17 photocopy made if we have the license here?  
18 Where did that come from?

19 MS. MONDESIR: Just out of safety, a  
20 photocopy had been made.

21 MEMBER RODRIGUEZ: I can't hear you  
22 well. I'm sorry.

1 MS. MONDESIR: For safety purposes, a  
2 photocopy of the license was made.

3 MEMBER RODRIGUEZ: Yes?

4 MS. MONDESIR: For safety purposes.

5 MEMBER RODRIGUEZ: For safekeeping.

6 MS. MONDESIR: Safety.

7 MEMBER ALBERTI: Safety.

8 MEMBER RODRIGUEZ: Oh, safety.

9 CHAIRPERSON MILLER: I mean, at some  
10 point they had it.

11 MEMBER RODRIGUEZ: At some point --

12 CHAIRPERSON MILLER: It was there at  
13 some point.

14 MEMBER RODRIGUEZ: It was there.

15 CHAIRPERSON MILLER: Yes.

16 MEMBER RODRIGUEZ: Safekeeping. So if  
17 they had safekeeping, if they did it for  
18 safekeeping --

19 MEMBER ALBERTI: For safety.

20 MEMBER RODRIGUEZ: For safety, safety.  
21 Okay. I'm still a little bit uneasy about this,  
22 Madam Chair. I hope we can clear this up.

1 CHAIRPERSON MILLER: What do you mean?

2 MEMBER RODRIGUEZ: Well --

3 CHAIRPERSON MILLER: I mean, they have  
4 -- it sounds like at some point they had the  
5 license, but we don't know when. It could be  
6 years ago that they took the picture.

7 MEMBER RODRIGUEZ: That's -- yes.

8 CHAIRPERSON MILLER: They made it  
9 while they were operating without the license.

10 MEMBER RODRIGUEZ: Yes.

11 CHAIRPERSON MILLER: Well, okay. All  
12 right. Yes, Mr. Jones?

13 MEMBER JONES: So I'll just make a  
14 statement just to address. I'm not in favor of  
15 allowing the establishment to operate in this  
16 intermediary phase. And my primary concern is  
17 there are a lot of questions related to how we  
18 got to this point in terms of procedural, in  
19 terms of what was known, what wasn't known and  
20 what have you.

21 So I'm not really comfortable really  
22 allowing the establishment to operate because I'm

1 not comfortable with --

2 CHAIRPERSON MILLER: Okay. I see what  
3 you are saying now. I'm sorry.

4 MEMBER JONES: Oh.

5 CHAIRPERSON MILLER: Based on your  
6 previous question.

7 MEMBER SHORT: Madam Chair, I would  
8 like to also comment.

9 MEMBER SHORT: No, just a second. He  
10 didn't finish. Go ahead.

11 MEMBER JONES: So from that  
12 standpoint, I just wanted to affirmatively  
13 respond to your request as an individual Board  
14 Member that because of those outstanding  
15 questions and the concern over what was really  
16 known and what was the real nature of what the  
17 operations were that were going on, that concerns  
18 me. So until those things can be addressed  
19 affirmatively by you or not addressed and then we  
20 continue on in this state, I'm not really  
21 comfortable allowing the operation to continue as  
22 a favor. That's all I have, Madam Chair.

1                   CHAIRPERSON MILLER: Okay. Can I just  
2 respond? I think that what I was reacting to was  
3 that it's your position that they shouldn't  
4 respond in this interim. It's not really just  
5 because of the Court order, it's because they  
6 have been found to have been operating without a  
7 license, right?

8                   MEMBER JONES: Very good.

9                   CHAIRPERSON MILLER: Thank you. Okay.  
10 I think that's a good reason. Okay. Mr. Short?

11                   MEMBER SHORT: And I, as a Board  
12 Member, would like to go on the record as saying  
13 until the Courts have settled some of the  
14 disputes, I would feel very uncomfortable  
15 overruling a Judge because that's what this Board  
16 would be doing. If the Judge had decided to do  
17 something with this business and this license and  
18 we step in, I really think it could be considered  
19 contemptuous.

20                   So I, for one, would not vote on  
21 anything until the Courts come up with something  
22 that lets us know which direction to go in.

1 That's just my impression as a Board Member.

2 CHAIRPERSON MILLER: Okay. Others?

3 MEMBER ALBERTI: So I think that now  
4 the three of us are on the same page at least.

5 CHAIRPERSON MILLER: Right. I mean,  
6 I don't disagree. All I would say is I think  
7 there have been good reasons to say that the  
8 establishment shouldn't be operating certainly in  
9 the near future based on, I think what Mr. Jones  
10 said, that you were found operating without a  
11 license.

12 And number two, it doesn't look, you  
13 know, likely that this Board would go against a  
14 Court order. I will say that if we vote today on  
15 it, I still will read the documents that you all  
16 gave us and if there is good reason to change my  
17 mind, I would. That's all.

18 I was just thinking we should look at  
19 the documents first.

20 MEMBER ALBERTI: Ms. Miller?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER ALBERTI: I just want to make--

1 assure both parties that we are not going to take  
2 any actions on this license. And so --

3 CHAIRPERSON MILLER: Status quo.

4 MEMBER RODRIGUEZ: Yes.

5 MEMBER ALBERTI: -- right. Status  
6 quo. So there will be no changes to the license.  
7 No applications will be taken, so there is  
8 nothing that can't be undone.

9 MEMBER JONES: Because we aren't doing  
10 it.

11 MEMBER ALBERTI: We are not doing  
12 anything.

13 MEMBER JONES: Correct.

14 MEMBER ALBERTI: So I --

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: -- just wanted to  
17 make sure everyone understands that.

18 CHAIRPERSON MILLER: So actually, I  
19 mean, I think that there a need for a motion, at  
20 this point.

21 MEMBER ALBERTI: No.

22 CHAIRPERSON MILLER: We, you know,

1 have called this as a Fact-Finding Hearing and  
2 you all have brought these issues to our  
3 attention and we will look at the pleadings, but  
4 at this point, we are not going to take any  
5 action to change the status quo.

6 Is that correct everyone? Okay. All  
7 right. Then if there is nothing else, thank you  
8 very much. Have a good night.

9 MR. KARAMBELAS: Thank you.

10 CHAIRPERSON MILLER: Okay. We will be  
11 back in a few minutes to just finish up with our  
12 agendas. Okay.

13 (Whereupon, the Protest Hearing in the  
14 above-entitled matter was concluded at 8:18 p.m.)  
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