

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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 IN THE MATTER OF: :
 :
 1637 R Street, LLC :
 t/a Someplace Else : Fact Finding
 1637 R Street NW : Hearing
 Retailer CR :
 License No. N/A :
 ANC 2B :
 -----:

APRIL 29, 2015

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

**PRESENT:**

**RUTHANNE MILLER, Chairperson**

**DONALD BROOKS, Member**

**NICK ALBERTI, Member**

**HECTOR RODRIGUEZ, Member**

**MIKE SILVERSTEIN, Member**

**JAMES SHORT, Member**

**HERMAN JONES, Member**

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

3:00 p.m.

1  
2  
3 CHAIRPERSON MILLER: Okay, next fact  
4 finding hearing is Someplace Else, located at  
5 1637 R Street, Northwest in ANC 2B. Hi.

6 MS. SMITH: Jennifer Smith, managing  
7 member.

8 CHAIRPERSON MILLER: I'm sorry, I  
9 didn't catch your name.

10 MS. SMITH: Jennifer Smith, managing  
11 member.

12 CHAIRPERSON MILLER: Okay, thank  
13 you. Were you sent a letter, requesting that  
14 you come here and -- to the hearing, because  
15 there is a -- I'm just wondering what you're  
16 anticipating, what that letter said. I didn't  
17 see the letter. I mean, I have my own briefing  
18 in front of me, as to what the issue is.

19 MS. SMITH: A fact finding hearing  
20 is what I was told.

21 CHAIRPERSON MILLER: What did you  
22 say?

1 MS. SMITH: A fact finding hearing.

2 CHAIRPERSON MILLER: Yes, fact  
3 finding.

4 MS. SMITH: Is what I was told.

5 CHAIRPERSON MILLER: Okay.

6 MS. SMITH: I'm not sure what it's  
7 concerning, unless it has something to do with  
8 my husband, and that's my assumption.

9 CHAIRPERSON MILLER: Okay, so, we  
10 also had a hearing this morning about the same  
11 property. So, we got a lot of our questions  
12 out, with respect to the ownership and what was  
13 going on with the transfer and things like that.

14 So, we actually found out a lot of  
15 that information this morning.

16 I think what pertains to you is, I  
17 think your husband -- his license was revoked  
18 for five years. So, he can't --

19 MS. SMITH: That's -- yes.

20 CHAIRPERSON MILLER: -- be an owner.

21 MS. SMITH: Yes.

22 CHAIRPERSON MILLER: Okay, so, I'm

1 just wondering if you could address what role,  
2 if any, he would have in this establishment.

3 MS. SMITH: He does have a bar  
4 manager license. So, we're open from a 11 until  
5 -- right now, we're only open until 11:00 p.m.  
6 But if we are open later, I anticipate that he  
7 would be managing in the evening, when I'm not  
8 there.

9 CHAIRPERSON MILLER: Okay, do you  
10 when he got his bar manager license?

11 MS. SMITH: I'm sorry?

12 CHAIRPERSON MILLER: Do you know  
13 when he got the bar manager license?

14 MS. SMITH: January, I believe.

15 CHAIRPERSON MILLER: Okay, all  
16 right. But you are the sole owner?

17 MS. SMITH: Yes.

18 CHAIRPERSON MILLER: Okay, or you  
19 will be. Do you have a lease for the property?

20 MS. SMITH: It's in the process. I  
21 hoped to have that and the occupancy before I  
22 came today. I spoke with the gentleman

1       yesterday. The lease should be here today or  
2       tomorrow, and I can get that, and the occupancy,  
3       the inspection was passed. I just don't have  
4       the certificate at the moment, and I'll send  
5       that in when I get that.

6                   CHAIRPERSON MILLER: Okay, so,  
7       you'll give us the lease and there is a  
8       certificate of occupancy, okay.

9                   Do other Board Members have  
10      questions? Mr. Short?

11                   MEMBER SHORT: What is the name of  
12      this business?

13                   MS. SMITH: Someplace Else.

14                   MEMBER SHORT: Someplace Else, and  
15      the business that your husband owned?

16                   MS. SMITH: Previously, it was  
17      called the Town House Tavern.

18                   MEMBER SHORT: Do you know what  
19      happened to that business?

20                   MS. SMITH: Before my husband had  
21      it, I'm not sure.

22                   MEMBER SILVERSTEIN: What was the

1 question that you asked, because I think she may  
2 be answering a different question.

3 MEMBER SHORT: No, I asked what was  
4 the business that your husband owned?

5 MS. SMITH: Okay, the previous  
6 place. Diva, New York New York Diva.

7 MEMBER SHORT: What happened to that  
8 business?

9 MS. SMITH: He closed that down. I  
10 have found out, I believe in January or  
11 February, that the license was actually revoked.

12 When we came to Town House Tavern  
13 and we submitted the transfer, the request for  
14 transfer of the license there, it was after  
15 that, that we found out that that license had  
16 been revoked.

17 MEMBER SHORT: Well, the business  
18 model that caused that past business to be, we  
19 hope that that's not going to follow you down to  
20 1637 R Street.

21 MS. SMITH: Absolutely not. I'm not  
22 a nightclub kind of person. I wasn't involved

1 in that business at all.

2 MEMBER SHORT: Wasn't New York New  
3 York Diva a restaurant before it turned into a  
4 nightclub?

5 MS. SMITH: I don't know. I know a  
6 restaurant was involved. But I believe that the  
7 main thing was the nightclub, perhaps. But this  
8 place, it's not -- the premises aren't suited  
9 for a nightclub. I have no interest what so  
10 ever in having a nightclub there.

11 I do know that, you know, we will be  
12 serving alcohol, but definitely not nightclub.

13 MEMBER SHORT: That's my questions,  
14 Madam Chair.

15 CHAIRPERSON MILLER: Okay, I just  
16 have one more question and then I'll go down.

17 What is your experience in running a  
18 restaurant?

19 MS. SMITH: Yes, I helped him with  
20 restaurants in Virginia back in, let's see, the  
21 last 90's, early 2000's. The past 15 or 16  
22 years I've been home with the kids.

1 CHAIRPERSON MILLER: Okay, good, and  
2 you had no experience -- no, yes, experience  
3 with New York New York Diva?

4 MS. SMITH: No.

5 CHAIRPERSON MILLER: Okay, all  
6 right. Mr. Alberti, do you have questions?

7 MEMBER ALBERTI: Yes, hi. So, thank  
8 you for coming.

9 So, I'll just put it out there, this  
10 question, and you may find this a little bit too  
11 prying, but where is the financing coming from?

12 MS. SMITH: From -- my family is  
13 helping me. They're giving me a small loan.  
14 Also, some personal friends are helping and then  
15 the little bit that I have.

16 MEMBER ALBERTI: Then what? Whose  
17 family? Your family?

18 MS. SMITH: My family.

19 MEMBER ALBERTI: Mr. Khan's family?

20 MS. SMITH: His family isn't  
21 involved with this. They're not here today.

22 MEMBER ALBERTI: Okay, doesn't mean

1 they can't help finance it.

2 MS. SMITH: No.

3 MEMBER ALBERTI: So, what is the  
4 corporate structure here?

5 MS. SMITH: As a managing member,  
6 that's it.

7 MEMBER ALBERTI: Sole owner of this  
8 LLC?

9 MS. SMITH: I'm sorry?

10 MEMBER ALBERTI: Sole member of this  
11 LLC?

12 MS. SMITH: Yes, sir.

13 MEMBER ALBERTI: Do you have, I  
14 guess letters of incorporation and operating?

15 MS. SMITH: Yes.

16 MEMBER ALBERTI: You might have  
17 operating -- I know this is kind of silly, an  
18 odd thing, there's only one manager, but do you  
19 have one?

20 MS. SMITH: Yes.

21 MEMBER ALBERTI: Can you provide  
22 those to us?

1 MS. SMITH: It's not --

2 MEMBER ALBERTI: I don't have it in  
3 my records, but you submitted that?

4 MS. SMITH: Yes.

5 MEMBER ALBERTI: Okay, I will make  
6 sure that we get that, and if we haven't, we  
7 will get that from you. I have articles of  
8 organization here. I don't know if I have an  
9 operating agreement.

10 So, maybe you can make sure that we  
11 have an operating -- yes, your operating  
12 agreement.

13 Ms. Smith, I'm going to be quite  
14 honest with you. I am not comfortable with your  
15 husband managing this restaurant at any time.

16 MS. SMITH: Okay.

17 MEMBER ALBERTI: All right, there is  
18 a reason we revoked New York Diva/Diva. I don't  
19 know what your husband has told you about it,  
20 but it was a nightmare for the community and it  
21 became a nightmare for this Board, and a  
22 nightmare for the city and a nightmare for MPD.

1 MS. SMITH: Okay.

2 MEMBER ALBERTI: All right, it was a  
3 disaster, and so, I'm just going to put it right  
4 out there. You won't see my signature on a  
5 license, on your license, unless we have a --  
6 unless you assure us that your husband will not  
7 be working there at all.

8 MS. SMITH: Okay.

9 MEMBER ALBERTI: That's my  
10 condition. I'm just putting it right out there.

11 MS. SMITH: Okay, thank you for  
12 telling me that.

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: Anything else?

15 MEMBER SILVERSTEIN: I would just  
16 like to second the words of my colleague, Mr.  
17 Alberti. The problems, the noise, the violence,  
18 it is something we simply can't repeat, and it's  
19 not any -- it's not of any animus. It's simply  
20 that responsibility that we have is to the  
21 general -- to the overall public good, and the  
22 place was a disaster, absolutely.

1 MS. SMITH: I understand. I saw the  
2 documentation in the last six weeks. So, I can  
3 understand that.

4 CHAIRPERSON MILLER: I would just  
5 give you the opportunity, if you want it, if  
6 there is anything you want to say, that -- why  
7 the Board shouldn't be concerned, if you were to  
8 be in that position.

9 MS. SMITH: Well, honestly, based on  
10 what I read, I can understand the concern.

11 As I -- the only thing that I can  
12 say, I would like to have his help, because he  
13 is experienced. I would like to have him there.

14 Again, the premises, they're not set  
15 up for nightclubs at all. There is a bar  
16 downstairs and then the upper level, lower  
17 level, you know, it's the restaurant area.

18 But again, based on what Mr. Alberti  
19 and Mr. Silverstein said, I'll understand, and  
20 I'll see how I can go forward.

21 MEMBER ALBERTI: Okay.

22 CHAIRPERSON MILLER: Okay, yes, you

1 can look at your options and then feel free to  
2 communicate fully to us, for our consideration.

3 MS. SMITH: Okay.

4 CHAIRPERSON MILLER: Okay?

5 MS. SMITH: Thank you for your time.

6 CHAIRPERSON MILLER: All right, so,  
7 with this, we'll be expecting from you, at least  
8 the certificate of occupancy and the lease, and  
9 you can address it to Martha Jenkins, our  
10 General Counsel.

11 MS. SMITH: Okay, thank you.

12 CHAIRPERSON MILLER: Okay, you're  
13 all set. Okay, thank you very much.

14 (Whereupon, the above-entitled  
15 matter went off the record at 3:12 p.m.)  
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