

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

MIKE SILVERSTEIN, Member

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

10:10 a.m.

CHAIR MILLER: All right, the next item on our calendar is a Fact Finding Hearing for the Zenobia Lounge, located at 1025 31st Street, Northwest, License No. 85003. Good morning, sir.

MR. KHANJI: Good morning.

CHAIR MILLER: Would you identify yourself for the record please?

MR. KHANJI: My name is Charif Khanji. I'm the owner of Zenobia Lounge.

CHAIR MILLER: Okay, and I know you were here before us, before. I think it was like a year ago or so. I'll have to check my date.

MR. KHANJI: I put the --

CHAIR MILLER: May 29, 2013, yes.

MR. KHANJI: We purchase the next building. So, I'm in the process. I put in safekeeping and process to move the second building, and we are now phase of

1 construction, getting the permit to --

2 MEMBER ALBERTI: I'm sorry, please
3 speak up.

4 CHAIR MILLER: Yes.

5 MEMBER ALBERTI: Speak up, please.

6 MR. KHANJI: I put the -- we
7 purchase the next building.

8 CHAIR MILLER: You purchased the
9 next building?

10 MR. KHANJI: Yes.

11 CHAIR MILLER: Do you mean next
12 door?

13 MR. KHANJI: Next door.

14 CHAIR MILLER: Okay.

15 MR. KHANJI: And we are in the
16 process of getting the permits, you know.
17 It's already -- it's in the DCRA, to transfer
18 the building from book shop to restaurant,
19 and we -- whenever we get that license, get
20 the permit and everything and the construction
21 going, then I'm going to restate the license
22 to move it to the second building.

1 CHAIR MILLER: Okay.

2 MR. KHANJI: And unfortunately, we
3 also had the -- by the fire, and my place was
4 1025, it shut down for the time being too.

5 CHAIR MILLER: Your place is shut
6 down now?

7 MR. KHANJI: Yes, due to fire.

8 CHAIR MILLER: You had a fire? Is
9 that what you're saying?

10 MR. KHANJI: Yes.

11 CHAIR MILLER: When did you have a
12 fire?

13 MR. KHANJI: On 17th.

14 CHAIR MILLER: July 17th?

15 MR. KHANJI: Yes. No, sorry, June
16 17th.

17 CHAIR MILLER: June 17th, okay,
18 and it's closed right now?

19 MR. KHANJI: It's closed right
20 now.

21 CHAIR MILLER: So, you're both
22 renovating -- I mean, you're both repairing or

1 renovating the place you're at and you're
2 expanding?

3 MR. KHANJI: Yes, exactly.

4 CHAIR MILLER: Next door?

5 MR. KHANJI: Next door, yes.

6 CHAIR MILLER: And as of last May,
7 have you used your alcohol license?

8 MR. KHANJI: We pulled that, you
9 know, to use it and then we say, you know,
10 it's better to do the second door, to make it
11 only for the second, because we're thinking
12 about doing just bar lounge, you know, on the
13 second door.

14 CHAIR MILLER: And when did you --
15 you're leasing this space next door or you
16 purchased it?

17 MR. KHANJI: We own it.

18 CHAIR MILLER: You own it. When
19 did you purchase that?

20 MR. KHANJI: We purchase it on, I
21 think August, I believe of -- July or August
22 of last year.

1 CHAIR MILLER: So, July or August
2 and it's still not ready? It's almost -- it's
3 a year.

4 MR. KHANJI: Yes, it's -- it was
5 dual zone residential and commercial, it's W1.
6 So, takes forever to transfer it, and you
7 know, DCRA.

8 CHAIR MILLER: So, what have you
9 been doing over the year?

10 MEMBER ALBERTI: Can I ask a
11 question? What do you mean transfer it?

12 MR. KHANJI: I mean change of use.

13 CHAIR MILLER: Change of use from
14 book store to restaurant?

15 MR. KHANJI: No, it was W1,
16 residential and we move -- we change it to
17 book shop and restaurant -- book shop and gift
18 shop, and now, we in the process of changing
19 it from book shop -- gift shop to restaurant.
20 So, we have two phase.

21 CHAIR MILLER: So, are you talking
22 about a zoning change?

1 MR. KHANJI: Yes.

2 CHAIR MILLER: What are you
3 talking about?

4 MR. KHANJI: Permit to change of
5 use.

6 CHAIR MILLER: A change of use?

7 MR. KHANJI: Right.

8 CHAIR MILLER: From?

9 MR. KHANJI: To now -- now it is
10 changing it from book shop, gift shop to
11 restaurant.

12 CHAIR MILLER: Have you applied
13 for a variance? What are you talking about?

14 MR. KHANJI: No, it's in the
15 process now. We getting -- now, we waiting
16 for the water -- the permit, you know, we have
17 to do the drawing for the WASA.

18 MEMBER SHORT: Can I ask, Madam
19 Chair? Do you have both permits present with
20 you or can you produce any of those permits
21 that you've applied?

22 MR. KHANJI: Sorry?

1 MEMBER SHORT: Those permits that
2 you applied for, do you have copies of those
3 --

4 MR. KHANJI: Yes.

5 MEMBER SHORT: -- those
6 applications?

7 MR. KHANJI: Yes, I do.

8 MEMBER SHORT: When did you apply?
9 You say you bought it last August or last
10 July. When did you apply for the change?

11 MR. KHANJI: We started beginning
12 of the year, I believe.

13 MEMBER SHORT: Okay, so, you have
14 those permits, if we ask you to produce those?

15 MR. KHANJI: Sure.

16 MEMBER SHORT: Okay, what exactly
17 would he produce? What exactly would you
18 produce for us?

19 MR. KHANJI: The permit, right?

20 MEMBER SHORT: What permit? You
21 said you don't have a permit for construction.
22 What permit are we talking about?

1 MR. KHANJI: The permit that we
2 submitting to get the stuff ready in the DCRA,
3 right? Is that what you want?

4 MEMBER SHORT: The application.

5 MR. KHANJI: The application?

6 MEMBER SHORT: The application for
7 use change?

8 MR. KHANJI: Yes, I can change.

9 MEMBER SHORT: Okay, the
10 application for use change, is that what
11 you're submitting?

12 MR. KHANJI: Right.

13 MEMBER SHORT: So, what about your
14 drawings? What stage are your drawings in?

15 MR. KHANJI: We submitted the
16 drawing. Everything is ready right now per my
17 architecture, and now, we are in the process.
18 The last thing is we getting the WASA, the
19 water. They wanted -- something new that they
20 introduce, the DCRA with the water.

21 Now, they want to make sure it's -
22 - there is enough water going inside the

1 building for the commercial licenses. So,
2 this is something new that they added.

3 MEMBER ALBERTI: When do you plan
4 to complete construction?

5 MR. KHANJI: When plan to complete
6 construction?

7 MEMBER ALBERTI: Complete
8 construction.

9 MR. KHANJI: Whenever we get this
10 phase finished, the WASA. He will now have
11 started that one. So, they need set of
12 drawing for that WASA.

13 So, the architecture just, you
14 know, send us email yesterday, we need this
15 process. So, then we have to submit it. This
16 is the last things.

17 So, when we submit it, then we get
18 the permit to start the construction.

19 MEMBER ALBERTI: When did you
20 submit your application --

21 MR. KHANJI: For the WASA?

22 MEMBER ALBERTI: -- to the -- no,

1 to DCRA?

2 MR. KHANJI: We started I believe
3 in March or April, that time.

4 CHAIR MILLER: This is --

5 MEMBER ALBERTI: Started?

6 MR. KHANJI: Yes.

7 MEMBER ALBERTI: Where are they
8 right now? Where are they?

9 MR. KHANJI: What?

10 MEMBER ALBERTI: What are they
11 waiting on? What are you waiting on?

12 MR. KHANJI: For my architect,
13 I'll tell you what's -- we just receive email
14 yesterday from my architect.

15 It's -- he say everything been
16 approved, except now, we need to set to create
17 a drawing for --

18 MEMBER ALBERTI: What is the
19 address here?

20 MR. KHANJI: We need -- we're
21 approved in all discipline of DCRA, but we
22 need to do the WASA. W-A-S-A.

1 MEMBER ALBERTI: Okay, so, once
2 you get the WASA, how long will it take you to
3 complete construction?

4 MR. KHANJI: We hoping we need to
5 start like as soon as possible, you know, was
6 like in two months. We're pushing for that.

7 MEMBER ALBERTI: That's good.
8 That's good to hear. How long will it take
9 you?

10 MR. KHANJI: How long it take me
11 to start the construction?

12 MEMBER ALBERTI: How long have you
13 -- how long will it take you to complete the
14 construction?

15 MR. KHANJI: After getting all
16 this?

17 MEMBER ALBERTI: Yes.

18 MR. KHANJI: Permit?

19 MEMBER ALBERTI: Yes.

20 MR. KHANJI: It's probably
21 hopefully like two or three months.

22 MEMBER ALBERTI: Only two or three

1 months?

2 MR. KHANJI: To get everything,
3 yes.

4 MEMBER ALBERTI: No, no, to
5 complete the construction?

6 MR. KHANJI: Yes, I mean, two or
7 three months. It depends, you know, on the --

8 MEMBER ALBERTI: So, what needs to
9 be done exactly?

10 MR. KHANJI: We need to have three
11 compartments and you have to have --

12 MEMBER ALBERTI: Have what?

13 MR. KHANJI: We have to create the
14 kitchen, build the kitchen, and then we have
15 to put hoods.

16 MEMBER ALBERTI: Yes.

17 MR. KHANJI: And then the
18 architecture inside.

19 MEMBER ALBERTI: And then the
20 build-out inside?

21 MR. KHANJI: Yes.

22 MEMBER ALBERTI: And you can do

1 that that in three months?

2 MR. KHANJI: We're hoping so, yes.

3 MEMBER ALBERTI: What is the
4 address for this location, this new store
5 front?

6 MR. KHANJI: 1027.

7 MEMBER ALBERTI: 1027?

8 MR. KHANJI: Thirty-first Street.

9 MEMBER ALBERTI: Okay, I'd like to
10 talk about this, Madam Chair.

11 CHAIR MILLER: Okay, I think some
12 people may have a few more questions.

13 MEMBER ALBERTI: Okay.

14 MEMBER SHORT: Well, I haven't
15 finished.

16 CHAIR MILLER: No, I haven't
17 either. Yes, thank you.

18 MEMBER SHORT: Do you have a
19 restaurant currently now, correct?

20 MR. KHANJI: Yes.

21 MEMBER SHORT: Did you have to
22 have water in that building when you got your

1 restaurant license?

2 MR. KHANJI: Yes.

3 MEMBER SHORT: So, you knew you
4 had to have water in this new one, correct?

5 MR. KHANJI: There is water, but
6 now, there is a new -- for my architects say
7 that now, it's a new changes happening in
8 Georgetown, and this is WASA, something new,
9 that they need to, so --

10 MEMBER SHORT: Okay, well, you can
11 produce all those documents, I would
12 appreciate it and I would just get on that for
13 the Chair.

14 MR. KHANJI: Okay, no problem.
15 I'll provide that.

16 CHAIR MILLER: Are there other
17 questions, before I ask mine? Yes, Mr.
18 Brooks?

19 MEMBER BROOKS: Yes, thank you,
20 Madam Chair.

21 CHAIR MILLER: Yes.

22 MEMBER BROOKS: How large a space

1 is this that you're talking about, 1027? How
2 large? How many square foot?

3 MR. KHANJI: About 1,600.

4 MEMBER BROOKS: Fifteen-hundred,
5 and 1025, how much is that?

6 MR. KHANJI: Almost the same, next
7 door.

8 MEMBER BROOKS: Okay, so, you're
9 going to have a 3,000 square foot restaurant?
10 Is that your plan?

11 MR. KHANJI: The plan, either to
12 combine it --

13 MEMBER BROOKS: Well, if you
14 combined them.

15 MR. KHANJI: Yes.

16 MEMBER BROOKS: Okay, all right,
17 and you think you'll be prepared in six
18 months?

19 MR. KHANJI: Hopefully.

20 MEMBER BROOKS: Thank you, Madam
21 Chair.

22 CHAIR MILLER: Okay, others?

1 MEMBER SHORT: One last question.

2 CHAIR MILLER: Okay.

3 MEMBER SHORT: Currently, 1025 is
4 not being used, correct?

5 MR. KHANJI: Yes, we had -- as I
6 say, we had the fire.

7 MEMBER SHORT: But before the
8 fire, what was going on at 1025?

9 MR. KHANJI: It was a restaurant.

10 MEMBER SHORT: And you were --
11 before using your permit and your license and
12 everything?

13 MR. KHANJI: Exactly.

14 MEMBER SHORT: Okay, and the fire
15 was on, you say the 17th of June?

16 MR. KHANJI: June, yes.

17 MEMBER SHORT: How bad was the
18 fire?

19 MR. KHANJI: It's on the first
20 floor. So, pretty much, the restaurant is
21 closed right now.

22 MEMBER SHORT: Okay, not a

1 problem. Thank you.

2 MEMBER ALBERTI: So, were you
3 using your license prior to?

4 MR. KHANJI: We're not.

5 MEMBER ALBERTI: Before the fire,
6 no?

7 MR. KHANJI: No.

8 MEMBER ALBERTI: No, you haven't
9 been using it since --

10 MR. KHANJI: Exactly.

11 MEMBER ALBERTI: -- since you
12 acquired it, right?

13 MR. KHANJI: Exactly.

14 MEMBER ALBERTI: All right, thank
15 you.

16 CHAIR MILLER: Okay, yes, I mean,
17 that's what this hearing is about. You know,
18 you haven't been using it since 2008, and our
19 concern is that licenses just sit because
20 people aren't using them, and others would
21 like to put them into active use.

22 So, that's why we're scrutinizing

1 what you're doing.

2 MR. KHANJI: Okay.

3 CHAIR MILLER: And I do have some
4 questions still, about the process that you're
5 in, until you use the -- that license.

6 For instance --

7 MR. KHANJI: Well, we --

8 CHAIR MILLER: -- you're in
9 Georgetown --

10 MR. KHANJI: Our restaurant, you
11 know, is mostly, you know, like it's a
12 restaurant, book shop and gift shop, and we
13 are situated in between Georgetown -- I mean,
14 Georgetown University and American -- and
15 George Washington University, and most our
16 client our student, and for some reason, you
17 know, we -- you know, we decide to acceptive
18 time to use and then we say, you know, since
19 our clients all student, and we say, you know,
20 let's hold on, you know, because you know,
21 alcohol can cause issue for students, you
22 know, because we don't want to use it. That's

1 one of the reasons.

2 CHAIR MILLER: Okay, well, that's
3 a good reason. You don't have to use it.
4 That's the --

5 MR. KHANJI: That's why, you know,
6 now --

7 CHAIR MILLER: But you can't hold
8 on to it, so nobody else can use it.

9 MR. KHANJI: So, now, you know,
10 that's why, you know, it was a new building.
11 You know, so now, if we only offer -- you
12 know, that's different business, kind of
13 business and on the second restaurant, that
14 second building. So, now we can use that
15 alcohol license in the second building.

16 CHAIR MILLER: Separate from the
17 book store, gift shop, restaurant building.
18 You would have -- that stays the same.

19 MR. KHANJI: On the first one,
20 yes. Second one --

21 CHAIR MILLER: What was the second
22 one?

1 MR. KHANJI: The second one, we're
2 thinking about, you know, doing the --

3 CHAIR MILLER: No, what was it?
4 What was the use that it -- that you're
5 changing it from --

6 MR. KHANJI: It was dual zone. It
7 was --

8 CHAIR MILLER: No, what were you
9 using it for?

10 MR. KHANJI: W1 and W2.

11 CHAIR MILLER: But what was --

12 MR. KHANJI: Now, we have not been
13 --

14 CHAIR MILLER: No, what was it?

15 MR. KHANJI: It was a house.

16 CHAIR MILLER: It was a house?

17 MR. KHANJI: Yes, and we --

18 CHAIR MILLER: It was a house
19 that's being changed to a restaurant?

20 MR. KHANJI: Commercial, yes.

21 CHAIR MILLER: Okay, so, first of
22 all, one of my questions is, here in

1 Georgetown, and we hear from other businesses
2 that have -- are waiting to use their liquor
3 licenses in Georgetown, that have to do work,
4 that they have to get approval from Old
5 Georgetown Board and Historic Preservation
6 Review Board, just in the hood.

7 Are you aware --

8 MR. KHANJI: Yes, ma'am.

9 CHAIR MILLER: -- of that?

10 MR. KHANJI: I'm in the process of
11 that.

12 CHAIR MILLER: You're already in
13 the process?

14 MR. KHANJI: Yes.

15 CHAIR MILLER: Where is that
16 process?

17 MR. KHANJI: That's in the DCRA.

18 CHAIR MILLER: That's just the --

19 MR. KHANJI: The architecture,
20 taking care of all of that.

21 CHAIR MILLER: Okay, I think that
22 we would like to get documentation on that.

1 MR. KHANJI: Sure.

2 CHAIR MILLER: So, you're saying
3 that you have approval already?

4 MR. KHANJI: Yes.

5 CHAIR MILLER: By who? Old
6 Georgetown Board? HPRB?

7 MR. KHANJI: That's all -- my
8 architect taking care of all that.

9 CHAIR MILLER: Are you saying --
10 now, I'm still confused as to whether or not
11 you had to go before the Zoning Board for a
12 change of use.

13 MR. KHANJI: I didn't have to do
14 that. I have architecture --

15 CHAIR MILLER: You have an
16 architect?

17 MR. KHANJI: Exactly.

18 CHAIR MILLER: Do you know if he
19 did that?

20 MR. KHANJI: Yes, ma'am.

21 CHAIR MILLER: Okay, so, I think -

22 -

1 MR. KHANJI: I can provide all the
2 documents.

3 CHAIR MILLER: Okay, that's what
4 we would like, all the documentation --

5 MR. KHANJI: Yes, ma'am.

6 CHAIR MILLER: -- with respect to
7 the process you've been going through this
8 past year, correct, because when we saw you
9 last, there wasn't any discussion about a
10 second building. So, this is new for us. Did
11 you know that at that point?

12 MR. KHANJI: Not really, because
13 you know, we -- as I say, you know, I was
14 going to use it there. That same issue
15 happen. You remember last time when I said,
16 you know, we had some issues with ANC 2.

17 I mean, the minute we pulled it,
18 we start putting the sign outside, you know,
19 and we start reinstated that license, and we
20 started getting every day -- we don't have
21 music. We don't have live music.

22 CHAIR MILLER: Is ANC aware of

1 your plans to serve liquor next door?

2 MR. KHANJI: Not yet.

3 CHAIR MILLER: They're not yet
4 aware?

5 MR. KHANJI: So.

6 CHAIR MILLER: Are you concerned
7 about the students, with respect to this
8 space?

9 MR. KHANJI: This one is going to
10 be totally different use. It's not going to
11 be student-based. It's just like regular
12 restaurant, we're thinking about.

13 CHAIR MILLER: It's just going to
14 be like a restaurant?

15 MR. KHANJI: Right.

16 CHAIR MILLER: Okay, and so, and
17 let me just say, is it your representation
18 that you think that this can be done in three
19 months or six months? I wasn't clear.

20 MR. KHANJI: You know, Georgetown
21 -- I mean, DCRA and Georgetown, so, it may
22 vary from two to three months, four months.

1 We wanted to do it as fast as possible.

2 CHAIR MILLER: But your assessment
3 is based on -- you said you have all permits,
4 except WASA?

5 MR. KHANJI: WASA, exactly.

6 CHAIR MILLER: And that once you
7 get WASA, it's three months?

8 MR. KHANJI: We hope so, yes.

9 CHAIR MILLER: Okay, all right.
10 Any other questions?

11 MEMBER ALBERTI: Yes.

12 CHAIR MILLER: Yes.

13 MEMBER ALBERTI: Are you positive
14 about the address?

15 MR. KHANJI: Yes.

16 MEMBER ALBERTI: 1027?

17 MR. KHANJI: Yes.

18 MEMBER ALBERTI: Thirty-first
19 street?

20 MR. KHANJI: Yes.

21 MEMBER ALBERTI: I'm not finding
22 anything in DCRA's records for a permit

1 application for that address.

2 MR. KHANJI: 1027 31st Street
3 Northwest.

4 MEMBER ALBERTI: Yes, I'm not
5 finding anything. So, can we go in the back
6 and talk about this?

7 CHAIR MILLER: I just want to make
8 sure everybody asked all their questions.

9 MEMBER ALBERTI: I have all my
10 questions.

11 MEMBER SILVERSTEIN: Did you say
12 1027?

13 MR. KHANJI: One-zero-two-seven.

14 MEMBER ALBERTI: Yes.

15 MR. KHANJI: Thirty-first street.

16 MEMBER SILVERSTEIN: Zero-two-
17 seven. Here we have --

18 MEMBER ALBERTI: No, that's the --
19 no.

20 MEMBER SILVERSTEIN: Okay.

21 MEMBER ALBERTI: You're talking
22 about the place next door that he's

1 renovating.

2 MEMBER SILVERSTEIN: Okay, all
3 right.

4 CHAIR MILLER: I just have --

5 MR. KHANJI: One-zero-two-seven
6 31st Street.

7 MEMBER ALBERTI: Got you.

8 MEMBER SILVERSTEIN: I think we
9 need --

10 MEMBER ALBERTI: I would like to
11 go talk to him.

12 CHAIR MILLER: Okay, I have one
13 more question.

14 I just want to ask you, do you
15 really want to use this license? It's been
16 six years. Is there -- do you really --

17 (OTR comments)

18 MR. KHANJI: Well, we hope so to
19 use it, yes.

20 CHAIR MILLER: You're hoping to?

21 MR. KHANJI: Yes.

22 CHAIR MILLER: Okay, all right.

1 Anything else you want to say? We're going to
2 basically adjourn in a minute, just to talk.

3 MR. KHANJI: Okay.

4 CHAIR MILLER: In the executive
5 session, and then we'll come back and let you
6 know what was discussed.

7 Is there anything else you want us
8 to know before we go discuss this?

9 MR. KHANJI: No.

10 CHAIR MILLER: Okay. As
11 Chairperson of the Alcoholic Beverage Control
12 Board of the District of Columbia and in
13 accordance with Section 405, I can't -- I
14 don't have a quorum.

15 MEMBER ALBERTI: We need a quorum
16 out here, folks.

17 (OTR comments)

18 MEMBER ALBERTI: Sorry, Madam
19 Chair.

20 CHAIR MILLER: Okay, thank you.

21 MEMBER ALBERTI: Go ahead.

22 CHAIR MILLER: As Chairperson of

1 the Alcoholic Beverage Control Board for the
2 District of Columbia, in accordance with
3 Section 405 of the Open Meeting Act of 2010,
4 I move that the ABC Board hold a closed
5 meeting for the purpose of seeking legal
6 advice from our Counsel on -- sorry, the case
7 number?

8 (OTR comments)

9 MEMBER ALBERTI: There is not a
10 case number. It was a fact finding. Fact
11 finding for --

12 CHAIR MILLER: Okay, all right.

13 MEMBER ALBERTI: Fact Finding for
14 the American Arab Communication & Translation
15 Center, LLC, trading as Zenobia Lounge,
16 License No. 85003.

17 CHAIR MILLER: Okay, thank you,
18 Mr. Alberti. Per Section 405(b) of the Open
19 Meetings Act of 2010, and discussing this case
20 for the reasons cited in Section 405(b)(13) of
21 the Open Meetings Amendment Act of 2010, is
22 there a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIR MILLER: Mr. Silverstein
3 seconded the motion, and I'll take a roll call
4 vote of the motion before us, now that it's
5 been seconded.

6 Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIR MILLER: Mr. Alberti agrees.
9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIR MILLER: Okay, it appears
12 that the motion is passed by 3-0-0 vote. I
13 hereby give notice that the ABC Board will
14 recess this proceeding to the closed meeting
15 of the ABC Board conference room, pursuant to
16 Open Meetings Amendment Act of 2010, and we'll
17 return shortly.

18 MR. KHANJI: Sorry?

19 CHAIR MILLER: And we'll return
20 shortly. So, wait here. Wait here. We're
21 going to have a brief discussion and then
22 we'll return and let you know where things

1 stand.

2 MR. KHANJI: Okay.

3 CHAIR MILLER: Okay, thank you.

4 (Whereupon, the above-entitled
5 matter went off the record at 10:30 a.m. and
6 resumed at 10:45 a.m.)

7 CHAIR MILLER: Okay, we're back on
8 the record after having convened in closed
9 session to discuss this matter a little bit.

10 (OTR comments)

11 CHAIR MILLER: Okay, thank you
12 very much. Okay, so, as I was saying, we are
13 back on the record, after having discussed in
14 closed session, the matter before us, with
15 respect to your license that hasn't been used
16 ever since 2011, and at the point of this
17 hearing, was to determine that you were making
18 concrete efforts to put the license back into
19 use.

20 Based on what we heard today,
21 there is not sufficient information for us to
22 make that determination at all, but we want to

1 give you one more opportunity to concretely
2 show that to us, and therefore, we are
3 requesting, based on what we heard today, that
4 you submit the following documents to are
5 Legal Counsel, Martha Jenkins here, by close
6 of business Friday. That's two business days.

7 The documents that we are asking
8 for are all documents that should be in your
9 possession or your architect's possession.

10 They would be your architectural
11 drawings for both locations, the applications
12 and approvals that you have from BZA, Board of
13 Zoning Adjustment, HPRB Historic Preservation
14 Review Board, DCRA, we know what that is.

15 Specifically, if there are some
16 structural approvals, CFA, and we also would
17 like to see the fire report related to the
18 fire that you described.

19 MR. KHANJI: Okay, it's to who?

20 CHAIR MILLER: Martha Jenkins who
21 is our Legal Counsel.

22 MR. KHANJI: Okay.

1 CHAIR MILLER: At the ABC Board,
2 and she's the --

3 MR. KHANJI: Okay.

4 CHAIR MILLER: She's at this
5 location, and you can hand-deliver them. You
6 can email, fax.

7 MR. KHANJI: Okay.

8 CHAIR MILLER: You can confer with
9 Ms. Jenkins.

10 MR. KHANJI: Okay.

11 CHAIR MILLER: And we would like
12 to see you back here Wednesday, next
13 Wednesday.

14 MR. KHANJI: I'm going to be out
15 of town.

16 CHAIR MILLER: You what?

17 MR. KHANJI: Next week and week
18 after, I'm going to be out of town.

19 CHAIR MILLER: You'll be out of
20 town?

21 MR. KHANJI: Yes, ma'am.

22 MEMBER SHORT: But you can give us

1 the documents by Friday, correct?

2 CHAIR MILLER: Okay, then perhaps
3 we'll schedule you for a few weeks later, but
4 and you can bring with you, your architect or
5 an attorney who might be able to address the
6 issues --

7 MR. KHANJI: Sure.

8 CHAIR MILLER: -- more
9 comprehensively.

10 MR. KHANJI: If you give me more
11 time, I can bring my lawyer and my architect.

12 CHAIR MILLER: Okay. So, what you
13 can do is, if you get these documents to us by
14 Friday, and then if we're not going to see you
15 for a couple weeks, if there's anything you
16 want to supplement in the meantime, if there's
17 any other progress or any other --

18 MR. KHANJI: I just appreciate you
19 guys cooperation, you know. We've been going
20 through a tough time right now, with what's
21 going on.

22 CHAIR MILLER: Okay, so, we want

1 to give you --

2 MR. KHANJI: Trust me, you know,
3 who doesn't like to use alcohol license to
4 make more money? We would be so stupid not to
5 use it, but the things -- I know that Mr.
6 Alberti -- I know that you -- you know, you're
7 laughing about that, but this is not
8 something, you know, I'm -- it hurt us more
9 than it help us, you know, sometimes.

10 You know, and I will have my
11 lawyer address it next time.

12 MEMBER ALBERTI: Sir, it's been
13 three years, and you haven't used this
14 license. So, I don't know how much pain that
15 can be.

16 MR. KHANJI: Mr. Alberti, you know
17 --

18 MEMBER ALBERTI: Do you understand
19 that we're asking for either a BZA order or
20 application, and HPRB order or an application,
21 and the DCRA permit application and drawings?

22 MR. KHANJI: Yes.

1 MEMBER ALBERTI: By Friday?

2 MR. KHANJI: Yes.

3 MEMBER ALBERTI: And you promise
4 to get those to us?

5 MR. KHANJI: I will get my
6 architect to provide these to you.

7 MEMBER ALBERTI: And they should
8 be dated before today.

9 MR. KHANJI: Yes.

10 MEMBER ALBERTI: All right.

11 MR. KHANJI: Yes, sir.

12 CHAIR MILLER: So, I would confer
13 with our Counsel Martha Jenkins, to make sure
14 that you have each other's emails and faxes.

15 MR. KHANJI: Definitely.

16 CHAIR MILLER: Because I think
17 that she may put this in writing, as well.

18 MR. KHANJI: Okay.

19 CHAIR MILLER: So, you can send
20 that to your architect.

21 So, basically, we want to give you
22 every chance, you know, to make your case, but

1 I think this is going to be the last one, as
2 far as this goes, because --

3 MR. KHANJI: I appreciate that.

4 CHAIR MILLER: -- it's been a long
5 time, and other people -- there are other
6 people out there that want to use the license.

7 MR. KHANJI: There's plenty of
8 licenses, as I heard from my lawyers. He has
9 three licenses, you know, like for sale, and
10 he cannot sell them, and I mean, last month,
11 you know, Georgetown, the Georgetown business,
12 I mean, the license alcohol, the -- no, three
13 months ago, they have -- they provided -- they
14 put on the market, four new licenses.

15 I mean, businesses in -- it's
16 Georgetown. Have you been to Georgetown
17 lately?

18 CHAIR MILLER: Yes.

19 MR. KHANJI: Uno closed down. The
20 Irish store on Wisconsin, the busiest public
21 bar is closed down. The street -- across the
22 street, Papa's Pizza is closed down.

1 I mean, so many people putting too
2 much stuff on Georgetown people, and I need to
3 discuss this with DC -- with -- it's not with
4 you guys. With Georgetown business, you know.

5 I need to meet with them, find out
6 what's going on with Georgetown. I mean,
7 Georgetown is getting dead right now. You
8 know, so many restaurants are closing down.

9 CHAIR MILLER: Right, right.

10 MR. KHANJI: You know, and
11 LaRusha's closed last month, LaRusha is next
12 to me. It's also closed down last week.

13 MEMBER SILVERSTEIN: Mr. Khanji?

14 CHAIR MILLER: Mr. Silverstein?

15 MEMBER SILVERSTEIN: Sir, the
16 reason that those restaurants, those licenses
17 were put on the market was because people has
18 licenses and they were not using them, in a
19 similar situation as your's.

20 This is a moratorium District and
21 as such, that license is something that is
22 prized, that is something that -- that is

1 something that is not simply something that
2 you can sit on and someone else would then
3 have to go out and pay money for or not be
4 able to use.

5 MR. KHANJI: But I'm saying --

6 MEMBER SILVERSTEIN: It's a use it
7 or lose it.

8 CHAIR MILLER: That's not enough.
9 You can't sit on it forever.

10 MEMBER SILVERSTEIN: I'm speaking,
11 sir.

12 CHAIR MILLER: I'm sorry.

13 MEMBER SILVERSTEIN: It's a use it
14 or lose it, and we've waited and we've waited,
15 and now it truly is use it or lose it.

16 MR. KHANJI: Okay, understand.

17 CHAIR MILLER: Okay, anything
18 else?

19 MEMBER SHORT: I'd just like to --

20 CHAIR MILLER: Yes, Mr. Short.

21 MEMBER SHORT: -- make one
22 comment.

1 CHAIR MILLER: Yes.

2 MEMBER SHORT: And I think you
3 might have saw some people here maybe, making
4 suggestions or -- you said someone laughed.
5 I don't think anyone is laughing at you.

6 I'd just like to say this to you.
7 The city is losing money when we don't have
8 active licenses. You've had your's since 2008
9 or 2011. Four months later, it's on our
10 records that you decided to put into
11 safekeeping, and now, you're coming before us,
12 you've told us that you've been working on
13 this all the time.

14 We're just asking you to give us
15 some documents to prove what's been said.

16 Yes, we know about the businesses
17 opening and closing. I, for one, have been in
18 Washington all my life, and I just say this to
19 you --

20 MR. KHANJI: I mean --

21 MEMBER SHORT: -- I can remember
22 when Georgetown didn't have any businesses in

1 it. But we're happy now, to see businesses
2 booming. We're glad to see people with
3 licenses that are using them, and for the
4 record, we wish you the best, the best of
5 luck.

6 MR. KHANJI: Thank you.

7 MEMBER SHORT: For the record,
8 yes, sir.

9 MR. KHANJI: Thank you, sir.

10 CHAIR MILLER: Okay, any other
11 questions?

12 MR. KHANJI: Yes, you know, I own
13 two properties, you know, I'm in Georgetown.
14 You know, I've seen Georgetown change for the
15 last 10 years. I mean, it's going down,
16 Georgetown.

17 I mean, businesses move into
18 different places, and I own two properties,
19 you know, and that's not good for me, you
20 know, not having good business, myself, you
21 know, because the pressure that I'm getting
22 from outside, not -- instead of helping me and

1 people, you know, putting pressure on me,
2 that's not going to help me run the business,
3 you know, and people are going to move out,
4 you know, like LaRusha moved out. He told me,
5 "I'm not doing good business."

6 The guy before here, you know,
7 like some people here, I've seen them before
8 and I know them, Georgetown. They say, you
9 know, "It's not like before."

10 If you go to Georgetown any days,
11 on weekend, when is it not Georgetown at 10
12 o'clock, nobody is like -- see people in there
13 anymore?

14 MEMBER RODRIGUEZ: I have a
15 question.

16 CHAIR MILLER: Okay.

17 MEMBER RODRIGUEZ: You say you're
18 getting pressure. Where is this pressure
19 coming from?

20 MR. KHANJI: From the ANC 2. You
21 know, he doesn't say -- you know, since --
22 remember last time when I was here?

1 CHAIR MILLER: Yes.

2 MR. KHANJI: I get the license. I
3 put the plaque on the board, right.

4 MEMBER RODRIGUEZ: Right.

5 MR. KHANJI: And I started, you
6 know, to calling people. You know, I told you
7 guys, I don't have the live music. I don't
8 have -- I'm not a disco-tech, playing bands or
9 anything. All I have, soft music and people
10 sitting on the patio, talking, chit-chat,
11 mostly student, right, because I'm open late,
12 like until -- like anybody else, like until
13 one o'clock, two o'clock. This is when the
14 student --

15 MEMBER SHORT: When is the last
16 time you opened like that?

17 MR. KHANJI: What?

18 MEMBER SHORT: When is the last
19 time -- last date that you were open with soft
20 music and people sitting? What's the last
21 date?

22 MR. KHANJI: The last day of the -

1 - on the 16th, 17th, before the fire. So,
2 every single night, I open like until one
3 o'clock.

4 MEMBER SHORT: Right.

5 MR. KHANJI: And I'm the only
6 business there that making that street busy,
7 and people can tell you, ask about that. They
8 will tell you, you know.

9 But for some reason, the minute I
10 sign in, I get this license, the minute that
11 I sign in with the ANC 2, I start having
12 problem. Why? Because I've seen -- even
13 though, you know, like I put the license in
14 books safekeeping, right?

15 I got a cop comes in here, "Oh,
16 you serving alcohol." I told him, "Sir, come
17 in." Who is calling that? I know who is
18 calling that. It's only one guy, he is doing
19 that to me.

20 Next day, I get people again from
21 the cops and from the -- when I get the
22 license back in service, I get people back.

1 Three times I get people from the ABC.

2 CHAIR MILLER: Okay.

3 MR. KHANJI: Three people, I get,
4 you know, from ABC, you know, for issue, and
5 what's the problem?

6 So, you know, they say, "Okay,
7 well, we got a complaint." What's a
8 complaint? They didn't say.

9 CHAIR MILLER: Okay, sir, I have
10 to cut his off because we have another case
11 that was scheduled for 10:00 a.m.

12 But that is one of the factors,
13 you need to think about that.

14 MR. KHANJI: Okay.

15 CHAIR MILLER: With the ABC
16 licenses do come a lot of community concerns,
17 and you know, issues like that.

18 But what's before you right now is
19 just to get us those documents and feel free
20 to communicate with our Legal Counsel, Ms.
21 Jenkins.

22 MR. KHANJI: Yes, and I would like

1 to have a meeting with the director of ABC
2 too.

3 CHAIR MILLER: Well, you can go to
4 the --

5 MR. KHANJI: Yes.

6 CHAIR MILLER: -- desk and ask,
7 yes, Mr. Moosally, yes, okay?

8 MR. KHANJI: Concerning, you know?

9 CHAIR MILLER: Okay, that would be
10 good. We just can't -- we've got to move on
11 because we have another party waiting.

12 MR. KHANJI: All right, thank you
13 very much. Thank you, guys, for your time.

14 CHAIR MILLER: Okay.

15 MR. KHANJI: I appreciate your
16 help and all the cooperation.

17 CHAIR MILLER: All right, good
18 luck.

19 (Whereupon, the above-entitled
20 matter went off the record at 11:00 a.m.)

21

22

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