

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

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IN THE MATTER OF: :  
 :  
Sheldon Arpad :  
t/a Come to Eat : Fact-Finding  
3222 O Street, NW : Hearing  
Retailer CR :  
License No. 85370 :  
 :  
(Update from Licensee :  
Regarding the Fact-Finding :  
Hearing that was held on :  
June 19, 2013) :

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October 2, 2013

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

MIKE SILVERSTEIN, Member

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

2 (10:28 a.m.)

3 CHAIRPERSON MILLER: The next case  
4 on our calendar is a Fact-Finding Hearing  
5 related to Come to Eat located at 3222 O  
6 Street, N.W., License No. 85370.

7 MR. SCHAEFFER: Martin Schaeffer  
8 representing the applicant, the licensee.

9 CHAIRPERSON MILLER: Okay.

10 MR. LaCOMB: Mike LaComb, business  
11 manager for Arpad.

12 CHAIRPERSON MILLER: Okay. So  
13 okay. And I'll ask, Mr. Schaeffer, have you  
14 entered your appearance before?

15 MR. SCHAEFFER: Before.

16 CHAIRPERSON MILLER: Okay. I  
17 missed the previous hearing, so I just was not  
18 -- were you at the previous hearing?

19 MR. SCHAEFFER: I was.

20 CHAIRPERSON MILLER: Okay.

21 MR. SCHAEFFER: And we submit --  
22 we sent a letter entering appearance as well.

1                   CHAIRPERSON MILLER:   Okay, good.  
2                   Okay, good.   We do have a letter dated  
3                   September 24th from you that this case is  
4                   related to a license that has been in  
5                   safekeeping for a while?

6                   MR. SCHAEFFER:   Correct.

7                   CHAIRPERSON MILLER:   And I gather  
8                   from what I understand is that the Board  
9                   indicated that you needed to make certain  
10                  progress in either selling the place or  
11                  activating the license by a date certain or  
12                  else the license would be canceled.

13                  MR. SCHAEFFER:   Correct.

14                  CHAIRPERSON MILLER:   And in your  
15                  letter you have said, if I could quote, "Mr.  
16                  Arpad understands that if he is unable to sell  
17                  the license on or before December 19, 2013,  
18                  the Board has the authority to deem the  
19                  license abandoned and cancel the license in  
20                  safekeeping and that Mr. Arpad will keep the  
21                  Board advised of any progress he makes in his  
22                  attempt to sell the license."

1 MR. SCHAEFFER: I will.

2 CHAIRPERSON MILLER: Okay. Thank  
3 you. This was very helpful. Is there  
4 anything more you want to say than what is in  
5 your letter? I don't know, Board Members may  
6 have questions.

7 MR. SCHAEFFER: There is. The  
8 license is being sold rather than try to solve  
9 the problems with the restaurant. A broker  
10 has been engaged. There actually have been  
11 some discussions with a potential purchaser.  
12 There hasn't been a firm agreement on the  
13 price, but it is very possible that that will  
14 result in a sale. If that doesn't, perhaps  
15 the license continues to be marketed and I  
16 feel comfortable that before the end of the  
17 year the license will be sold and the  
18 purchaser will file an application to transfer  
19 the location to some other location in  
20 Georgetown.

21 CHAIRPERSON MILLER: Okay. And  
22 you -- I just want to make sure you do

1 understand that what you need to show the  
2 Board before December 19th, so that it's not  
3 canceled. I mean, in the event that you are  
4 marketing this, that you need to have a real  
5 transferee in place at that point and with  
6 documents proving that, like a lease or like  
7 a sale agreement or whatever.

8 MR. SCHAEFFER: That's correct.

9 CHAIRPERSON MILLER: Okay.

10 MR. SCHAEFFER: I understand that.

11 CHAIRPERSON MILLER: All right.

12 Or documents.

13 MR. SCHAEFFER: I expect that it  
14 will happen. I don't foresee any problems  
15 right now. I mean, I can't tell you that we  
16 won't come back to you in December and say we  
17 need another week, because we have everything  
18 in place, but the applicant hasn't finished  
19 with the process yet, but, you know, we will  
20 wait to see how that develops.

21 Right now, we have a potential  
22 purchaser who is discussing the transaction

1 and that should, if it goes forward, happen  
2 clearly within the time period.

3 CHAIRPERSON MILLER: Okay. Good.  
4 Are there Board questions? Yes, Mr. Alberti?

5 MEMBER ALBERTI: Yes. Sir, do you  
6 anticipate that Mr. Arpad would be in any  
7 degree of partner with the entity to which  
8 this license would be sold or would this be  
9 completely arms length transaction?

10 MR. SCHAEFFER: I have every  
11 expectation that it will be an arms length  
12 complete transfer of the license to a new  
13 owner.

14 MEMBER ALBERTI: Okay.

15 MR. SCHAEFFER: You know, I can't  
16 assure you of that until the contract is  
17 signed and the deal is done.

18 MEMBER ALBERTI: Right. And --

19 MR. SCHAEFFER: There is no  
20 expectation --

21 MEMBER ALBERTI: -- the reason I  
22 ask is just, you know, we want to make sure

1 that this just isn't a way of delaying the  
2 proceedings in any way by just, you know,  
3 shuffling papers. So I'm not saying you are  
4 doing that. I just want to have that on the  
5 record that that's not going forward.

6 MR. SCHAEFFER: The license is  
7 absolutely with a broker for sale.

8 MEMBER ALBERTI: Yes.

9 MR. SCHAEFFER: There has been an  
10 unrelated third-party who made an offer.

11 MEMBER ALBERTI: Okay.

12 MR. SCHAEFFER: That negotiation  
13 is ongoing right now.

14 MEMBER ALBERTI: Great. Thank  
15 you. And, Mr. Arpad, thank you for coming  
16 today.

17 MR. LaCOMB: Okay. Thanks.

18 MEMBER ALBERTI: I'm not excusing  
19 you, but I think -- I know you sent the letter  
20 and thought that you might not have to come,  
21 but you are here and I appreciate your  
22 presence.

1 MR. LaCOMB: Okay.

2 CHAIRPERSON MILLER: Are there  
3 other questions? Okay. Yes, we do appreciate  
4 your coming down and, you know, sometimes it's  
5 very helpful if there are questions that come  
6 up. But in any event, your letter is right to  
7 the point and it's good to hear that you have  
8 something in the works.

9 All right. Thank you very much.

10 MR. SCHAEFFER: Thank you.

11 CHAIRPERSON MILLER: All right.

12 (Whereupon, the Fact-Finding  
13 Hearing in the above-entitled matter was  
14 concluded at 10:33 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 8:14  <b>abandoned</b> 3:19  <b>above-entitled</b> 8:13  <b>absolutely</b> 7:7  <b>activating</b> 3:11  <b>advised</b> 3:21  <b>agreement</b> 4:12 5:7  <b>Alberti</b> 1:19 6:4,5  6:14,18,21 7:8,11  7:14,18  <b>Alcoholic</b> 1:2,14,14  <b>anticipate</b> 6:6  <b>appearance</b> 2:14  2:22  <b>applicant</b> 2:8 5:18  <b>application</b> 4:18  <b>appreciate</b> 7:21 8:3  <b>arms</b> 6:9,11  <b>Arpad</b> 1:6 2:11  3:16,20 6:6 7:15  <b>assure</b> 6:16  <b>attempt</b> 3:22  <b>authority</b> 3:18</p>	<p>clearly 6:2  <b>COLUMBIA</b> 1:1  <b>come</b> 1:6 2:5 5:16  7:20 8:5  <b>comfortable</b> 4:16  <b>coming</b> 7:15 8:4  <b>complete</b> 6:12  <b>completely</b> 6:9  <b>concluded</b> 8:14  <b>continues</b> 4:15  <b>contract</b> 6:16  <b>Control</b> 1:2,14,14  <b>correct</b> 3:6,13 5:8  <b>CR</b> 1:8</p> <p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:15  <b>date</b> 3:11  <b>dated</b> 3:2  <b>deal</b> 6:17  <b>December</b> 3:17 5:2  5:16  <b>deem</b> 3:18  <b>degree</b> 6:7  <b>delaying</b> 7:1  <b>develops</b> 5:20  <b>discussing</b> 5:22  <b>discussions</b> 4:11  <b>DISTRICT</b> 1:1  <b>documents</b> 5:6,12  <b>doing</b> 7:4  <b>DONALD</b> 1:21</p>	<p>1:10 2:4 8:12  <b>feel</b> 4:16  <b>file</b> 4:18  <b>finished</b> 5:18  <b>firm</b> 4:12  <b>foresee</b> 5:14  <b>forward</b> 6:1 7:5</p> <p style="text-align: center;"><b>G</b></p> <p><b>gather</b> 3:7  <b>Georgetown</b> 4:20  <b>goes</b> 6:1  <b>going</b> 7:5  <b>good</b> 3:1,2 6:3 8:7  <b>Great</b> 7:14</p> <p style="text-align: center;"><b>H</b></p> <p><b>happen</b> 5:14 6:1  <b>hear</b> 8:7  <b>hearing</b> 1:7,10,15  2:4,17,18 8:13  <b>held</b> 1:10  <b>helpful</b> 4:3 8:5</p> <p style="text-align: center;"><b>I</b></p> <p><b>indicated</b> 3:9</p> <p style="text-align: center;"><b>J</b></p> <p><b>June</b> 1:11</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> 3:20  <b>know</b> 4:5 5:19 6:15  6:22 7:2,19 8:4</p> <p style="text-align: center;"><b>L</b></p> <p><b>LaCOMB</b> 2:10,10  7:17 8:1  <b>lease</b> 5:6  <b>length</b> 6:9,11  <b>letter</b> 2:22 3:2,15  4:5 7:19 8:6  <b>license</b> 1:8 2:6 3:4  3:11,12,17,19,19  3:22 4:8,15,17 6:8  6:12 7:6  <b>licensee</b> 1:9 2:8  <b>located</b> 2:5</p>	<p><b>location</b> 4:19,19</p> <p style="text-align: center;"><b>M</b></p> <p><b>manager</b> 2:11  <b>marketed</b> 4:15  <b>marketing</b> 5:4  <b>Martin</b> 2:7  <b>matter</b> 1:5 8:13  <b>mean</b> 5:3,15  <b>MEETING</b> 1:3  <b>Member</b> 1:19,21  1:22 6:5,14,18,21  7:8,11,14,18  <b>Members</b> 4:5  <b>met</b> 1:14  <b>Mike</b> 1:22 2:10  <b>Miller</b> 1:16,19 2:3  2:9,12,16,20 3:1,7  3:14 4:2,21 5:9,11  6:3 8:2,11  <b>missed</b> 2:17</p> <p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:15 2:6  <b>need</b> 5:1,4,17  <b>needed</b> 3:9  <b>negotiation</b> 7:12  <b>new</b> 6:12  <b>NICK</b> 1:19  <b>NW</b> 1:7</p> <p style="text-align: center;"><b>O</b></p> <p><b>O</b> 1:7 2:5  <b>October</b> 1:13  <b>offer</b> 7:10  <b>okay</b> 2:9,12,13,16  2:20 3:1,2 4:2,21  5:9 6:3,14 7:11,17  8:1,3  <b>ongoing</b> 7:13  <b>owner</b> 6:13</p> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>papers</b> 7:3  <b>partner</b> 6:7  <b>period</b> 6:2</p>	<p><b>place</b> 3:10 5:5,18  <b>point</b> 5:5 8:7  <b>possible</b> 4:13  <b>potential</b> 4:11 5:21  <b>presence</b> 7:22  <b>PRESENT</b> 1:18  <b>presiding</b> 1:17  <b>previous</b> 2:17,18  <b>price</b> 4:13  <b>problems</b> 4:9 5:14  <b>proceedings</b> 7:2  <b>process</b> 5:19  <b>progress</b> 3:10,21  <b>proving</b> 5:6  <b>purchaser</b> 4:11,18  5:22</p> <p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 4:6 6:4  8:3,5  <b>quote</b> 3:15</p> <p style="text-align: center;"><b>R</b></p> <p><b>real</b> 5:4  <b>reason</b> 6:21  <b>record</b> 7:5  <b>Reeves</b> 1:15  <b>Regarding</b> 1:10  <b>related</b> 2:5 3:4  <b>representing</b> 2:8  <b>restaurant</b> 4:9  <b>result</b> 4:14  <b>Retailer</b> 1:8  <b>right</b> 5:11,15,21  6:18 7:13 8:6,9,11  <b>Room</b> 1:15  <b>Ruthanne</b> 1:16,19</p>
<p style="text-align: center;"><b>B</b></p> <p><b>back</b> 5:16  <b>Beverage</b> 1:2,14,14  <b>Board</b> 1:2,14 3:8  3:18,21 4:5 5:2  6:4  <b>broker</b> 4:9 7:7  <b>BROOKS</b> 1:21  <b>Building</b> 1:15  <b>business</b> 2:10</p> <p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4  <b>cancel</b> 3:19  <b>canceled</b> 3:12 5:3  <b>case</b> 2:3 3:3  <b>certain</b> 3:9,11  <b>Chairperson</b> 1:16  1:19 2:3,9,12,16  2:20 3:1,7,14 4:2  4:21 5:9,11 6:3  8:2,11</p>	<p style="text-align: center;"><b>E</b></p> <p><b>Eat</b> 1:6 2:5  <b>either</b> 3:10  <b>engaged</b> 4:10  <b>entered</b> 2:14  <b>entering</b> 2:22  <b>entity</b> 6:7  <b>event</b> 5:3 8:6  <b>excusing</b> 7:18  <b>expect</b> 5:13  <b>expectation</b> 6:11  6:20</p> <p style="text-align: center;"><b>F</b></p> <p><b>Fact-Finding</b> 1:6</p>		<p style="text-align: center;"><b>O</b></p> <p><b>O</b> 1:7 2:5  <b>October</b> 1:13  <b>offer</b> 7:10  <b>okay</b> 2:9,12,13,16  2:20 3:1,2 4:2,21  5:9 6:3,14 7:11,17  8:1,3  <b>ongoing</b> 7:13  <b>owner</b> 6:13</p> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>papers</b> 7:3  <b>partner</b> 6:7  <b>period</b> 6:2</p>	<p style="text-align: center;"><b>S</b></p> <p><b>safekeeping</b> 3:5,20  <b>sale</b> 4:14 5:7 7:7  <b>saying</b> 7:3  <b>Schaeffer</b> 2:7,7,13  2:15,19,21 3:6,13  4:1,7 5:8,10,13  6:10,15,19 7:6,9  7:12 8:10  <b>see</b> 5:20</p>

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