

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

-----:
IN THE MATTER OF: :
 :
Alemeshet Bayou :
2203 14th Street NW : Fact Finding
 : Hearing
 :
License for Safekeeping :
 :
License No. 90459 :
-----:

OCTOBER 15, 2014

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

ALSO PRESENT:

Alemeshet Bayou

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

9:47 a.m.

CHAIR MILLER: All right, our next case is another Fact Finding Hearing for Alemeshet Bayou, 2203 14th Street, Northwest, License No. 90459, involving a request for license in safekeeping.

You can have a seat. If you would sign in.

Okay, so, the Board received a request to extend your license in safekeeping, but there isn't very much information in this letter about your license in safekeeping, how long it's been in there and why you are seeking to extend it.

So, we're wondering if you could give us some more information about your license.

MR. BAYOU: That license in safekeeping remaining for the last two years. I have been trying to locate this

1 license in location. I'm working -- I'm
2 still working on that.

3 But depending on the requirement
4 of the Board, still it's very complicated to
5 locate a place. So, I'm still working on
6 that one, find a location.

7 CHAIR MILLER: So, you had a
8 license that's been in safekeeping for two
9 years?

10 MR. BAYOU: Yes.

11 CHAIR MILLER: Where was it
12 before?

13 MR. BAYOU: It was before -- it
14 was transferred the last two years, under my
15 name.

16 CHAIR MILLER: Under your name,
17 but have you --

18 MR. BAYOU: And has a location
19 which is -- the location is already
20 renovated, I mean, the building was
21 destroyed.

22 CHAIR MILLER: Has it ever been

1 used?

2 MR. BAYOU: It's been used
3 before, but after that building was taken by
4 other property, another development, and
5 that license was transferred to me.

6 CHAIR MILLER: So, you've been
7 looking for a new location --

8 MR. BAYOU: Yes.

9 CHAIR MILLER: -- since that
10 building was being redeveloped?

11 MR. BAYOU: Yes.

12 CHAIR MILLER: You're not going
13 back to the -- you don't have plans to --

14 MR. BAYOU: That was another --

15 CHAIR MILLER: -- return to that
16 building?

17 MR. BAYOU: No, that was not
18 meeting the requirement for this one. So, I
19 have to look for another new building, new
20 location.

21 CHAIR MILLER: So, you've been
22 looking for two years?

1 MR. BAYOU: Yes, and in the
2 meantime, I was traveling back to my
3 country.

4 CHAIR MILLER: Okay.

5 MR. BAYOU: So, there was some
6 time I was still also in school, but now,
7 I'm actively looking for new location.

8 CHAIR MILLER: What country are
9 you from?

10 MR. BAYOU: I'm from Ethiopia.

11 CHAIR MILLER: Okay, how much
12 time extension are you seeking?

13 MR. BAYOU: I think there are
14 some pending agreement, but sometimes the
15 lease is for a -- start a new lease,
16 sometimes it's a very cumbersome process.

17 But if I get two years, I will
18 present it.

19 CHAIR MILLER: What neighborhood
20 are you looking in? What neighborhood?

21 MR. BAYOU: It's a matter of a
22 business analysis. The location is -- that

1 matters. I mean, I always look for a
2 location that meets the Board requirements.

3 CHAIR MILLER: Okay, what kind of
4 license is it? What class is it?

5 MR. BAYOU: Class B.

6 CHAIR MILLER: Class B, okay.
7 Okay, let me see if others have questions.

8 MEMBER ALBERTI: Yes, I do.

9 CHAIR MILLER: Okay.

10 MEMBER ALBERTI: Hi, Mr. Bayou.

11 So, you were on 14th Street and it looks
12 like you got displaced by all the new
13 buildings, is that correct?

14 MR. BAYOU: Actually, I want to
15 make some clarification.

16 That was -- the license was under
17 a different person name.

18 MEMBER ALBERTI: I'm sorry?

19 MR. BAYOU: That was under a
20 different person name.

21 MEMBER ALBERTI: When?

22 MR. BAYOU: Two years.

1 MEMBER ALBERTI: Two years ago it
2 was under a different person?

3 MR. BAYOU: Under a different
4 person, yes.

5 MEMBER ALBERTI: Okay, and so,
6 then how did -- how did it become -- how did
7 it transition to your name?

8 MR. BAYOU: Yes, okay. On the
9 corner there was --

10 MEMBER ALBERTI: Pardon?

11 CHAIR MILLER: -- there was my
12 brother. My brother live at the corner.

13 MEMBER ALBERTI: Of.

14 MR. BAYOU: 1616 14th Street.

15 MEMBER ALBERTI: Okay.

16 MR. BAYOU: So, I partner with
17 him, then I bought that license to put at
18 that place.

19 But however, the location was
20 very -- within 400 feet of the -- under one
21 of the license Cork & Fork. Therefore, I
22 end up having transfer into safekeeping.

1 MEMBER ALBERTI: Okay, so --

2 MR. BAYOU: That was initial
3 process.

4 MEMBER ALBERTI: So, you bought
5 this -- you really bought this license two
6 years ago?

7 MR. BAYOU: Yes.

8 MEMBER ALBERTI: Okay, and you
9 haven't used it yourself?

10 MR. BAYOU: I haven't used
11 myself.

12 MEMBER ALBERTI: Okay, so, what
13 are you doing to search for a new location,
14 specifically? What actions have you taken
15 to find a new location?

16 MR. BAYOU: I work -- I search
17 areas. I contact Fletcher at the
18 department, to make sure that meet the
19 requirements, because most locations, I have
20 tried more than 10 locations so far, 10
21 areas.

22 MEMBER ALBERTI: Well, when you

1 say 10 areas, specific properties, ten
2 specific --

3 MR. BAYOU: Specific properties,
4 yes.

5 MEMBER ALBERTI: All right, and
6 you --

7 MR. BAYOU: At least for
8 commercial --

9 MEMBER ALBERTI: All right, so
10 you have -- you were able -- it was --

11 MR. BAYOU: Yes.

12 MEMBER ALBERTI: They were
13 available for you to lease if you could get
14 the license, but they were within -- they
15 didn't meet the requirements because they
16 were within --

17 MR. BAYOU: They were in the --

18 MEMBER ALBERTI: -- they were too
19 close to another Class B or --

20 MR. BAYOU: Yes.

21 MEMBER ALBERTI: Right, okay.

22 All right, thank you for that information.

1 MR. BAYOU: Okay.

2 MEMBER BROOKS: Madame Chair?

3 CHAIR MILLER: Mr. Brooks.

4 MEMBER BROOKS: Yes, thank you,
5 Madam Chair.

6 CHAIR MILLER: Yes.

7 MEMBER BROOKS: Now, are you
8 doing this yourself, searching or do you
9 have a real estate agent helping you?

10 MR. BAYOU: Usually, I'm working
11 on it, that's my major, business. So, I can
12 search all night, and also, all the listing,
13 once I have the area located, then I will
14 contact the leasing agent.

15 I search myself. I contact those
16 people who are dealers for the location.

17 MEMBER BROOKS: Okay, all right.
18 Thank you, Madam Chair.

19 CHAIR MILLER: Other questions?
20 Yes, Mr. Short?

21 MEMBER SHORT: I wanted to ask
22 you, you said you've been looking for a new

1 location for this license?

2 MR. BAYOU: Yes.

3 MEMBER SHORT: Do you have any
4 proof that you've been looking, and if you
5 do, can you provide it for us?

6 MR. BAYOU: If I contact Fletcher
7 in the Department --

8 MEMBER SHORT: No, I'm asking
9 you, what can you provide this Board, proof
10 that you've been looking for a new location?

11 MR. BAYOU: Well, what I offer --
12 I can give you -- there are some temporary
13 leasing -- lease -- intent to lease
14 agreements.

15 MEMBER SHORT: Can you provide
16 that to our legal person?

17 MR. BAYOU: Definitely.

18 MEMBER SHORT: When can you do
19 that?

20 MR. BAYOU: If I have it in here,
21 I can do it right away.

22 MEMBER SHORT: When?

1 MR. BAYOU: I can do it right
2 now. I can transfer from my email.

3 MEMBER SHORT: Well, I think you
4 need to talk with our legal person before
5 you leave here today.

6 MR. BAYOU: Okay.

7 MEMBER SHORT: Thank you, and
8 we'll be looking for that.

9 MR. BAYOU: Okay.

10 CHAIR MILLER: Other questions?

11 (No audible response)

12 CHAIR MILLER: So, we're asking
13 you these kinds of questions because there
14 are a limited amount of B license, and we
15 don't --

16 MR. BAYOU: Yes.

17 CHAIR MILLER: -- favor
18 individuals or businesses sitting on these
19 licenses for a long time.

20 On the other hand, we want to
21 give people the chance to, you know, find
22 locations for them, as you're saying.

1 MR. BAYOU: Yes.

2 CHAIR MILLER: So, but two years
3 looking, plus two years is four years
4 looking for a location. It's a long time.
5 Sounds like a long time, from what we've
6 been looking at.

7 So, that's why you're getting
8 questions about, you know, well, show us
9 what you've done.

10 So, I guess I just want to ask
11 you. I think we'll probably take this under
12 advisement, but if realistically, if you
13 think you can do this in less than two year,
14 you know, a year or less, or something, so
15 that we have a little bit more faith and
16 confidence that you're actually going to be
17 putting this license to use within a
18 reasonable amount of time.

19 MR. BAYOU: I will. I will
20 definitely. I have some agreement pending,
21 so far as the location. So, if they are
22 successfully, I will place it with the list,

1 as well, but the location does matter the
2 most.

3 CHAIR MILLER: Yes, Mr. Alberti?

4 MEMBER ALBERTI: Madam Chair, I
5 have an alternate. I move that we extend
6 this license in safekeeping for six months,
7 but then we inform Mr. Bayou that if he
8 doesn't have a place within a year, his
9 license -- he will be back here and we will
10 consider whether or not to cancel his
11 license, because I think a year from now --
12 he bought it, didn't -- he really kind of --
13 he never used it himself.

14 He bought it with he -- he
15 assumed that risk when he bought it, of
16 finding a place, and I think three years is
17 plenty of time to find a place in this city.

18 I know that he could sell it
19 tomorrow. There are lots of people looking
20 for these Class B licenses.

21 CHAIR MILLER: Right, right.

22 MEMBER ALBERTI: So, that's my

1 motion.

2 CHAIR MILLER: Okay, so, I
3 appreciate what you're saying, and I
4 actually support it, but I'm not exactly
5 sure what you're proposing, with respect to
6 the six months and one year.

7 Like you said, extend it for six
8 months, but he needs to have a license, you
9 know, used --

10 MEMBER ALBERTI: That we make a
11 commitment that he be on record as knowing
12 that in one year, if he doesn't have -- he
13 will have to renew this in six months.

14 CHAIR MILLER: Okay, so, we will
15 --

16 MEMBER ALBERTI: We will bring
17 him back in six months, find out where he's
18 at, but he should be on notice that this
19 Board will have a discussion about
20 cancelling his license in one year, if he
21 does not have a -- has not secured a place,
22 cannot prove to us that he's secured a place

1 for that license.

2 MEMBER SHORT: I concur with
3 that, Madam Chair.

4 CHAIR MILLER: Okay, other
5 comments?

6 MEMBER SILVERSTEIN: Madam Chair?

7 CHAIR MILLER: Yes, Mr.
8 Silverstein?

9 MEMBER SILVERSTEIN: Because
10 there is a cap on new B licenses, there is a
11 public interest here in putting this license
12 to use. There are people who want it.

13 If would be unfair to the current
14 license holder, to do anything with this
15 license, the Board do anything, without
16 giving some notice or fair warning.

17 I agree with my colleagues that a
18 six month extension at this point is
19 warranted. I also agree that by putting a
20 deadline, an end-of-the-road notice there,
21 we would not be blind-siding you a year from
22 now, if we were to decide that the public

1 interest would be served by putting this
2 license out to the public. I think it's
3 fair to all. Thank you.

4 MEMBER RODRIGUEZ: Madam Chair?

5 CHAIR MILLER: Mr. Rodriguez?

6 MEMBER RODRIGUEZ: Point of
7 information. Before I vote, may I ask him a
8 few questions?

9 CHAIR MILLER: Absolutely.

10 MEMBER RODRIGUEZ: Mr. Bayou,
11 what is the problem, with respect to your
12 finding an appropriate place to do your
13 business?

14 MR. BAYOU: I think I have to
15 clarify something.

16 Before I bought this license,
17 there is a store at 1616 14th Street, under
18 my uncle. I want to partner with him, by
19 buying a license, and I offer this Class B
20 license, and he has the store with the
21 license under his name.

22 With that understanding, I bought

1 the license, but the license in pending
2 violating process, at the same time, it
3 failed because it doesn't meet the
4 requirement. There is one license within
5 376 square feet distance.

6 Then I wanted to submit the
7 application two years ago, when that license
8 was -- the process was cancelled. Then I
9 end up putting this license in safekeeping.
10 So, to locate a new location. That is how
11 the process start.

12 I already signed the agreement to
13 buy the license that time. So, it was too
14 late to return the license.

15 MEMBER RODRIGUEZ: Okay.

16 MR. BAYOU: And I end up having
17 that license, then I start looking for
18 locations. There are some requirements.
19 Some places are -- even the leasing process
20 was very difficult. That's why I locate
21 some location, but it failed because it
22 doesn't meet the requirements.

1 So, I have been trying at least
2 for the last two years.

3 MEMBER RODRIGUEZ: But you aren't
4 willing to sell this license?

5 MR. BAYOU: I am actually -- I
6 want to start a business. I want to go into
7 business. I have a business degree. So, I
8 want to have my own business.

9 MEMBER RODRIGUEZ: So, you say
10 you have an agent, right, that is looking
11 for a place for you?

12 MR. BAYOU: It's not a specific
13 agent. The agent is from all the leasing
14 companies. Like, I have worked with one
15 person who rent some places in -- around the
16 Bunker Hill Road, for example. That was --
17 I have signed.

18 MEMBER RODRIGUEZ: So, you're
19 doing all the leg-work on this? You're
20 talking to the perspective --

21 MR. BAYOU: Yes.

22 MEMBER RODRIGUEZ: Okay.

1 MR. BAYOU: Or I search and I
2 conduct all the -- I contact all the leasing
3 agents.

4 MEMBER RODRIGUEZ: And you say
5 you've contacted, I think -- Member Short,
6 you indicated to him that you've checked
7 over 10 places?

8 MR. BAYOU: Yes, so far.

9 MEMBER RODRIGUEZ: Okay, and --

10 MR. BAYOU: I already -- whenever
11 I get some location, before I start even the
12 leasing process, I check if I can put that
13 license to that location.

14 MEMBER RODRIGUEZ: All right, you
15 know, there is a lot of interest in liquor
16 licenses out there, as you know.

17 MR. BAYOU: Yes.

18 MEMBER RODRIGUEZ: And you're
19 indicating that you really want to exercise
20 your right to open your business with this
21 license, right?

22 MR. BAYOU: Yes.

1 MEMBER RODRIGUEZ: And it's taken
2 you what, two years to do this, and so, you
3 know, I think my fellow Board Members are a
4 little apprehensive about the amount of time
5 that it's taken you to get this done.

6 So, Madam Chair, you know, I am
7 apprehensive as well, because two years is a
8 long time, by which to get this done.

9 So, that's all the questions I
10 have. I wish you luck, but I'm just a
11 little concerned that it's taking you so
12 much time to get your business going.

13 MR. BAYOU: As a new business
14 start-up business, there are so many
15 requirements out there. The competition is
16 high, and the way I start it, because I was
17 trying to work with the licensing agent to
18 put that license back in that location that
19 I was first retained to, but it takes some
20 time.

21 Then gradually, I decided I have
22 to go out and look for a location, and

1 comparing to that, it's not all the entire
2 two years. It's less than even a year.

3 MEMBER RODRIGUEZ: Thanks, Madam
4 Chair.

5 CHAIR MILLER: Okay.

6 MR. BAYOU: I'm aggressively
7 looking for location.

8 CHAIR MILLER: Okay, anybody
9 else?

10 (No audible response)

11 CHAIR MILLER: Okay, as I
12 understand it, Mr. Alberti made a motion,
13 and as I understand it, it's to extend the
14 license in safekeeping for six months, and
15 then in six months, I don't know if you
16 exactly said this, Mr. Alberti, but maybe
17 you would agree to this, that at that point,
18 the licensee submit plans or some kind of --
19 demonstrate the progress he's made to find a
20 new place, and then that if he hasn't found
21 a new location or sold the license within a
22 year, at that point, we would consider

1 cancellation.

2 MEMBER ALBERTI: Right.

3 CHAIR MILLER: Okay.

4 MEMBER ALBERTI: That's my
5 motion.

6 CHAIR MILLER: All right, then I
7 would second that. All those in favor say
8 aye.

9 (Chorus of aye)

10 CHAIR MILLER: All those opposed?

11 (No audible response)

12 CHAIR MILLER: All those
13 abstaining?

14 (No audible response)

15 CHAIR MILLER: Okay, sir, I just
16 want to make sure you understand, okay?

17 MR. BAYOU: Okay.

18 CHAIR MILLER: So, now, your
19 license has been extended for another six
20 months, and we're going to want you to --
21 either we're going to call your back and/or
22 we want you to submit progress plans, so

1 that we know you're seriously looking for a
2 place.

3 Maybe in six months you'll have
4 found a place, and you'll tell us that, you
5 know, that's what you've done.

6 But we'll be looking for that
7 progress report, and then, you know, we're
8 saying that one year is most likely all that
9 you will get. We're not deciding that
10 today, but that's most likely, okay?

11 MR. BAYOU: Thank you.

12 CHAIR MILLER: And if you have
13 any questions in the meantime, or as you get
14 closer to that, you can call our General
15 Counsel Martha Jenkins.

16 MR. BAYOU: Okay, thank you.

17 CHAIR MILLER: Thank you.

18 (Whereupon, the above-entitled
19 matter went off the record at 10:05 a.m.)
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