

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

8

9

10 ALSO PRESENT:

11 STEPHEN O'BRIEN

12 On Behalf of the Licensee

13 OMAR POPAL

14 Licensee

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

2 [2:09 p.m.]

3 MS. MILLER: All right. I'm going to
4 call our fact finding hearing case. It is the
5 Berlin Group trading as Lapis, located at 1032
6 Wisconsin Avenue Northwest, License No. 85260 in
7 ANC 2E.

8 MR. O'BRIEN: Stephen O'Brien for the
9 licensee and I'm accompanied by Omar Popal, P-O-
10 P-A-L, who is the managing member of the
11 licensee.

12 MS. MILLER: Okay. And I know you know
13 Mr. O'Brien, but just for the sake of your
14 client, this is what's called a fact finding
15 hearing. We don't put anybody under oath.
16 There's no evidence per se. It's a conversation
17 on the record and in this case the conversation
18 is about your license that from what I can tell
19 is an extended DCMR 23-405 status, meaning it's
20 been approved but not issued. It hasn't been put
21 into use and it looks like for a period of four
22 years.

1 Also, it's my understanding that we
2 reviewed this last year and asked you to come
3 back with information as to any concrete plans to
4 put it into use. Is that your understanding?

5 MR. O'BRIEN: My recollection is we were
6 here, I think in May of last year.

7 MS. MILLER: Okay.

8 MR. O'BRIEN: 2014. And then we were
9 scheduled to come back again in November and the
10 hearing was canceled by the Board, along with
11 other similar hearings.

12 MS. MILLER: Okay.

13 MR. O'BRIEN: And it's sort of been
14 hanging in limbo since then.

15 MS. MILLER: Right. Okay. But is it
16 your understanding that we asked for you to come
17 back next time with some information about where
18 the license is, intent to use it, and you know --
19 that's what we're interested in at this point.

20 MR. O'BRIEN: Well, yeah. No, we
21 understand that's the subject of today's.

22 MS. MILLER: Yeah.

1 MR. O'BRIEN: Yeah.

2 MS. MILLER: Okay. So you're prepared to
3 address that?

4 MR. O'BRIEN: Sure.

5 MS. MILLER: Okay.

6 MR. O'BRIEN: The Popal family presently
7 operates two licensees in Georgetown. The trade
8 names are Café Bonapart up on Wisconsin Avenue,
9 and then Malmaison, which is under the freeway on
10 what is actually Water Street, more often called
11 K Street.

12 Zubair Popal, Z-U-B-A-I-R, who is Omar's
13 father, is an officer of the Georgetown Business
14 and Professional Association. My point here is
15 that the Popal family is heavily invested in
16 Georgetown.

17 MS. MILLER: Okay.

18 MR. O'BRIEN: And continues to remain so.
19 I am informed that there are active discussions
20 with the owners of several properties in
21 Georgetown now as to either leasing or purchasing
22 in order to put this license to use. For

1 business confidentiality reasons I don't want to
2 take off the street addresses. Although if the
3 Board wanted to hear that we could do it off the
4 record.

5 But it's not just -- it's beyond we're
6 just looking. They've got -- Omar has explained
7 to me three different target locations, and there
8 is a confidence level that they will settle on
9 one of these within the next six months.

10 I do note that the licensee has kept up
11 very faithfully, the payments required over this
12 four year period. So that's pretty much the
13 status of it. I'm sure Omar will be glad to
14 answer any particular questions that you might
15 have.

16 MS. MILLER: Okay. I mean, the concern
17 here is that it's a very valuable license in that
18 there's a moratorium in Georgetown and a lot of
19 others would like to open up a place and they
20 can't, you know, because of the moratorium. And
21 if you're just going to sit on this license and
22 not have it be put to use, that's not serving

1 anybody.

2 So if you've got plans to start using it
3 in six months, that's terrific.

4 MR. O'BRIEN: I doubt the --

5 MS. MILLER: Not using --

6 MR. O'BRIEN: -- that the license would
7 be actually given in time for construction,
8 though I doubt the license actually would be
9 issued within six months. But there would be an
10 application hopefully filed in that period of
11 time to transfer this license to the location
12 that is selected.

13 I would note, Madam Chair, that the
14 landscape, the licensure landscape in Georgetown
15 had changed enormously in the last two years. I
16 recall back when the Board was at 1250 U, a
17 number of licenses were made available and it was
18 something akin to the Oklahoma Land Rush.

19 MS. MILLER: Uh-huh.

20 MR. O'BRIEN: And then as recently as two
21 years ago the Board made some licenses available
22 that had been canceled and people had pitched

1 tents outside of this building.

2 In June of this year the Board made four
3 licenses available and there were only four
4 applicants. One of those four dropped out and
5 the Board in, I think in August, made that one
6 license again available. And there was only one
7 applicant. We've counted, I think, 11 Georgetown
8 licenses, either in safekeeping or in 405.1, and
9 there are no buyers for those licenses today.

10 And we've all heard numbers in the past
11 of what these licenses were worth for resale.
12 They're virtually worthless now. There's nobody
13 looking for one and there's also speculation as
14 to whether the ban on CR licenses will survive
15 the expected renewal of the Georgetown
16 Moratorium, which I believe is scheduled for
17 February. There is speculation of course, it
18 will be up to the Board to decide.

19 MS. MILLER: Okay. I hear what you're
20 saying but I don't think that you're prepared to
21 just give up the license at this point.

22 MR. O'BRIEN: No, we're not prepared to

1 give it up. I'm simply saying --

2 MS. MILLER: Okay.

3 MR. O'BRIEN: -- the presumption that
4 there is a line of people waiting for them is not
5 a fact of life anymore.

6 MS. MILLER: Okay. So you didn't bring
7 any documentation with you, right? So we're just
8 going to hear from you verbally as to how close
9 you are to use of the license. Correct?

10 MR. O'BRIEN: Yes.

11 MS. MILLER: Okay. And so you said
12 within six months we can expect probably an
13 application to transfer?

14 MR. O'BRIEN: Transfer it to the location
15 that's selected. Presumably one of the three
16 that's under consideration now.

17 MS. MILLER: Okay. So one of the three
18 under consideration. Is that going to be a long
19 time? Are they going to require a lot of
20 construction? Or can you give us a time frame on
21 that? Even though I know you haven't selected
22 which one.

1 MR. O'BRIEN: Yeah, and the answer will
2 probably different depending upon which location
3 was selected. But I think once an application is
4 filed to transfer to a particular location, I
5 think the Board at that point would have every
6 reason to expect or even presume that in fact if
7 there was an intention before the license to use
8 it at that location.

9 MS. MILLER: Okay. You don't want to
10 really -- I understand that answer, and you don't
11 want to specifically give us an idea of the time.
12 Are we talking another year? Are we talking
13 another six months do you think? Just --

14 MR. O'BRIEN: Well, it is explained to me
15 that there are three locations presently under
16 active discussion.

17 MS. MILLER: Uh-huh.

18 MR. O'BRIEN: And off the record we'd be
19 glad to tell you what they are if you want --
20 okay. But you know, is it possible that not one
21 of those three would pan out? I suppose it's
22 possible. But from what I understand Popal

1 family feels that they're very close to settling
2 on one. They hired a new executive chef for all
3 their restaurants who happen to start today. And
4 they intend to put the chef to use. Not only --
5 the Board is not consulting. Not only overseeing
6 the food at their existing restaurants, but also
7 to get the new restaurant up and running. Is
8 that a fair statement?

9 MR. POPAL: Correct.

10 MS. MILLER: Okay. I'm going to let --
11 oh, do you have a question, Mr. Alberti?

12 MR. ALBERTI: Mr. O'Brien, just -- and
13 this is just out of curiosity. You know, I don't
14 want the names. Are all three of these prospects
15 in Georgetown?

16 MR. O'BRIEN: Yes.

17 MR. ALBERTI: Okay. So when did these
18 negotiations start? When were the properties
19 identified and when did those negotiations start?

20 MR. O'BRIEN: Okay. I don't -- I'm going
21 to turn to Omar Popal and say without -- let's
22 just call them Locations A, B, and C. If you

1 could describe how long discussions as to each of
2 these properties is underway. Is that --

3 MR. ALBERTI: Yeah. Yeah.

4 MR. O'BRIEN: The longest one, I'd say
5 was at least three years ago.

6 MR. ALBERTI: And the other two?

7 MR. POPAL: The other two I would say it
8 was over a year and a half.

9 MR. ALBERTI: So you have been in
10 discussion at least a year and a half with these
11 three locations and nothing has come to fruition?

12 MR. POPAL: There has. It's just that
13 the owner of the building has done some things to
14 the building, so we're not taking over the whole
15 building, per se, so that's kind of changed.

16 MR. ALBERTI: Well, help me to understand
17 how you can be in negotiations for a year and a
18 half and what the variables are that makes it
19 linger that long. Because, you know, I'm not in
20 this business so I don't know what the variables
21 are. You identify a spot and you start
22 negotiations and a year later you're still not --

1 you haven't decided whether you were going to
2 enter into a contract. So what are the variables
3 that go into keeping the discussions going that
4 long?

5 MR. POPAL: Some of the variables pertain
6 to the condition of the building. One was a
7 complete gut job that the person started, ran out
8 of money. So that's a typical example of just
9 how long the permitting process for his building
10 took. And, you know, I toured it in the
11 beginning phase and I toured it again once he got
12 some things done. But there were some delays
13 with DCRA for some other things that he had to
14 do.

15 And the other one had to do with the fact
16 that he split the building in half from what our
17 original discussion was. And so the other tenant
18 is about to go in, and completely finish going
19 in. And so we are back and forth with regards to
20 the rate which we should be paying. So it's
21 typical stuff like that.

22 MR. ALBERTI: Okay. So that kind of

1 leads into my next question. What phase are we
2 in? I mean, it sounded like when you began this
3 it was -- well, we just don't know how long it's
4 going to take the owner to renovate or configure
5 the space.

6 MR. POPAL: Sure.

7 MR. ALBERTI: I would imagine at that
8 time you weren't even sure that it would be
9 suitable for you because you hadn't seen it. Are
10 we beyond that? What phase are we in?

11 MR. POPAL: We are now, it's just like
12 the final crunching of the numbers to see which
13 one would be most profitable.

14 MR. ALBERTI: So each of those three
15 spaces would be suitable for you, if you -- given
16 that you could come to the right terms on either
17 purchase or lease?

18 MR. POPAL: Yes, with slight different
19 variations on the food that we'd be offering.

20 MR. ALBERTI: Okay. So given that what's
21 your projection of when you think you could ink a
22 final deal on a lease or a purchase?

1 MR. POPAL: It's hard to say.

2 MR. ALBERTI: You can give us any idea?
3 I mean, I'm not asking the question of how long
4 it's going to take to build out. I know that's a
5 crap shoot.

6 MR. POPAL: Mr. O'Brien has done the
7 explanation.

8 MR. ALBERTI: But, you know, you were
9 here a year ago. Just let me finish. You were
10 here a year ago and we didn't hear any of this
11 stuff. I mean, we heard vagaries about you were
12 still looking and everything, and now a year has
13 gone by and I just -- I would have hoped I'd have
14 a little bit more -- you'd have a little bit more
15 insight as to what your timing might be for when
16 -- you'd at least have a place to identify with
17 this license.

18 MR. POPAL: Mr. O'Brien has done all of
19 our lease negotiations. I think I would probably
20 defer to him to maybe give an estimate.

21 MR. O'BRIEN: Well, I think what Mr.
22 Alberti is asking is if you've been discussing

1 each of these three locations for a year and a
2 half, why all of a sudden now do we believe that
3 we're close. Is that a fair --

4 MR. ALBERTI: Yes.

5 MR. O'BRIEN: Yeah. Okay.

6 MR. ALBERTI: Right.

7 MR. O'BRIEN: Okay. So --

8 MR. ALBERTI: Okay, and part of that
9 belief may be a factor of what the timing would
10 be, so go ahead.

11 MR. O'BRIEN: Yeah. So the question is,
12 why do we believe now that as to one or more of
13 these three sites, we're close to making a deal.
14 What's happened as to one or more of them
15 recently to advance it to, you know, likely
16 instead of speculatively.

17 What I do know, Omar did tell me as to
18 one of them, that investor took the building. I
19 think this is the one you referred to. Gutted
20 it, took it off the market after they had been
21 discussing it earlier, and now has come back
22 because the investor can't pull of what he

1 started. Is that right?

2 MR. POPAL: That's correct.

3 MR. O'BRIEN: Investor meaning the owner
4 of the building.

5 MR. ALBERTI: So, with that person do you
6 have any discussions about what you might be
7 willing to pay and what he might be asking? I
8 want specifics but have you started even -- have
9 you started that dance?

10 MR. POPAL: Absolutely, yeah.
11 Absolutely. And of course it depended on how
12 much it would have cost for him to bring the
13 necessary power that you need for running
14 restaurant equipment for the 400 amps versus the
15 200 amps that he had in the space. And that was
16 something he didn't know because he was a first
17 time buyer of such things, versus dealing with,
18 you know -- so for him to gut the street and get
19 that and the proper sewer, you know, that's a
20 negotiation that we have that says it's your
21 building, you have to do that for us.

22 And some of these single property owners

1 don't understand that and they're like, well,
2 I'll find somebody else and then they'll sit on
3 it for a couple months and then they'll come back
4 to us. And by then we have started looking at
5 other places and we'll come back and say, okay,
6 fine, let's look at what the square footage that
7 you're offering and have you done this, and you
8 know, we are a small family run restaurant group.

9 And the two licenses that we did get, one
10 we did open, which is what Malmaison is, and I
11 think now we're able to, 100 percent, really kind
12 of spend all of our time on this one. You know,
13 so it's something that we are moving towards,
14 given how vested we are in Georgetown, and
15 everybody does know that we have this
16 (indiscernible)**16:31.

17 MR. ALBERTI: So let me be quite honest
18 with you. Tell me why -- so I'm hearing you, I'm
19 concluding. Tell me why I might be wrong. I'm
20 concluding that you're still in a very
21 speculative stage here. There isn't a whole lot
22 of certainty that you would even get any one of

1 these spaces because there are huge unknowns. I
2 mean, I'm hearing huge unknowns whether this
3 owner is even willing to go to the expense to
4 upgrade, or he's just going to look for somebody
5 else. I mean, and I don't know what's happening
6 with the other ones.

7 I'm just hearing -- and you can't give me
8 even a time line about when you might either say
9 I'm not going to talk to this guy anymore, I'm
10 going to move on. Or I'm you know -- the
11 unknowns are too much in flux and too great for
12 me to say that there's any degree of certainty.
13 Tell me why I'm wrong.

14 MR. POPAL: One of the most -- you know,
15 one of the most perfect examples is where Soul
16 Cycle is going into now. We were in talks with
17 that owner who had a space kind of renovated, but
18 we got pushed out by somebody that could pay a
19 much higher rent. And I think that's kind of
20 what's happening in Georgetown right now, that
21 the spaces that we do have an option to go into,
22 the negotiations go back and forth and sometimes

1 these bigger guys come in and do something like
2 that.

3 And so that has been part of the issue
4 with why it's taking so long. But it is
5 something that we are -- and the other thing is,
6 is you just can't put any concept anywhere, you
7 know, unfortunately. We can't go too close to
8 the school so that kind of puts things out and
9 there's only certain concepts that we can put in
10 Georgetown. But we are actively pursuing this.

11 MR. ALBERTI: All right. Thank you.

12 MS. MILLER: Yes, Mr. Short.

13 MR. SHORT: Good afternoon. How many
14 businesses does your family own and operate in
15 Georgetown?

16 MR. POPAL: Two.

17 MR. SHORT: And how long have you been
18 there?

19 MR. POPAL: Café Bonapart has been there
20 for about 13 years, and Malmaison has been two
21 years.

22 MR. SHORT: Okay. I'll just give you a

1 little background. I know a lot about
2 Georgetown. My father used to work there years
3 ago. I bought my first automobile in 1965 on
4 Wisconsin Avenue. And I'm in love with
5 Georgetown even to this day, and your family has
6 a very great record of business. So you're
7 putting your family name on the line with this --

8 MR. POPAL: That's correct.

9 MR. SHORT: -- asking for this addition,
10 correct?

11 MR. POPAL: That's correct.

12 MR. SHORT: So in six months if you came
13 back here, if this Board decided to do that,
14 would you have some certainty, more certainty
15 because Mr. Alberti has pointed out, right now it
16 appears you don't have any certainty and with
17 your family business and reputation I'm quite
18 sure if you put your foot down and put your mind
19 to it, in six months you be able to come and give
20 us the right information. Am I putting words in
21 your mouth or is that --

22 MR. POPAL: No, no, you're correct.

1 MR. SHORT: So you're saying what, about
2 six months? If you had to come back -- if you
3 were allowed to come back before the Board, what
4 are you saying?

5 MR. POPAL: That we would be able to have
6 an application in place for transferring.

7 MR. SHORT: Thank you. That's all I had,
8 Madam Chair. Thank you.

9 MS. MILLER: Yes.

10 CHAIRPERSON ANDERSON: Hi, how are you
11 doing? I'm the newest member of the Board.
12 Donovan Anderson. And it's my understanding that
13 you have been issued this license four years ago,
14 and I think a year ago the Board gave you --
15 basically they said, come back in a year, gave
16 you a year extension. So can you tell us what
17 concrete step have you taken within that year to
18 bring you where we are today, because from what
19 I'm hearing we're nowhere. So you're asking for
20 another extension and it's not apparent to me
21 that there is anything going on.

22 So what concrete step have you done

1 within the last year when the Board gave you a
2 year extension to bring this license on board?

3 MR. O'BRIEN: Let me say this, when we
4 were here last year there was not a discussion of
5 yes, we're looking at this place, this place, and
6 this place. It was, we continue to look in
7 Georgetown.

8 Now from what Omar has explained to me it
9 has advanced considerably since then. And once
10 again we'd be glad -- we don't want to give away
11 any commercial advantage here. We'd be glad to,
12 off the record, come up to the bench and Omar can
13 tell you the three street addresses they're
14 looking at.

15 So the answer to the question I believe
16 is, it was a general search a year ago. It has
17 narrowed considerably since then. But not one
18 particular site has been solidified.

19 MS. MILLER: I want just to follow up.
20 You said though, that you expect in six months to
21 be able to file an application for transfer,
22 correct?

1 MR. O'BRIEN: I said we anticipate that,
2 yes.

3 MS. MILLER: Well, what is that based on?
4 What do you anticipate happening in the next six
5 months?

6 MR. O'BRIEN: That one of the three
7 present negotiations will ripen into a deal.

8 MS. MILLER: Okay. All right. Other
9 questions?

10 Okay. So this is a fact finding hearing
11 and we've gotten more facts from you, so I don't
12 believe that there's any action that the Board is
13 going to take right now. You're in the same
14 status you would be. Do you recommend any action
15 at this time, Mr. O'Brien?

16 MR. ALBERTI: No. I mean, I think that
17 the Board needs to give some clear signal to this
18 licensee. Either keep doing what you're doing,
19 or here's what we expect by this time, six
20 months, a year, something.

21 MS. MILLER: Okay.

22 MR. ALBERTI: Now, I don't know whether

1 we're prepared to do that right at this moment.

2 MS. MILLER: I think --

3 MR. ALBERTI: Or whether -- can I
4 finish?

5 MS. MILLER: Yes, sir. Excuse me.

6 MR. ALBERTI: Or whether we want to
7 discuss this later today and get back to the
8 licensee. I will leave that up to you but I
9 don't want to leave this licensee with the
10 impression that he's going to leave here and not
11 have some instruction from us, either do whatever
12 you're doing, I don't care, for the next five
13 years. Or here is what the Board is looking for.

14 MS. MILLER: Okay.

15 MR. ALBERTI: I think we need to give him
16 some information coming out of this hearing.

17 MR. O'BRIEN: I would say that I think
18 the signal was pretty clear already, from the
19 Board's questions.

20 MR. ALBERTI: I want it to be crystal
21 clear, not just your impression, your implied
22 impression of what we're saying. I would like us

1 to say it in very clear terms so that we're all
2 on the same page.

3 MS. MILLER: Mr. Short?

4 MR. SHORT: Yes. If I'm in order, I
5 would like to make a motion that this licensee be
6 given six months to come before this Board,
7 because if we've been consistently seeing six
8 months to mostly reconsider being able to produce
9 the kind of information that's been provided for
10 us today. So I would make a motion that we give
11 six months to this, four or five. And bring him
12 back in at that time and let them produce what
13 they said they will be able to produce in six
14 months.

15 MS. MILLER: Okay. Let me just address
16 that. And I don't know if it's a family
17 amendment but from what I've heard is I would say
18 that they've represented that they're going to
19 file an application for transfer within six
20 months. And maybe if that doesn't come in in six
21 months are you suggesting then we call them
22 before the Board again? To find out where they

1 are?

2 MR. SHORT: My motion is that they come
3 in in six months and produce what they -- that
4 they said today that they will have something
5 concrete to show us. I'd like to bring them back
6 in six months and at that time let them produce
7 what they say they will be able to produce.

8 MS. MILLER: Mr. Alberti.

9 CHAIRPERSON ANDERSON: No, I'm saying if
10 that's appropriate I would second the motion.

11 MS. MILLER: Mr. Alberti?

12 MR. ALBERTI: Okay. I think we have a
13 second for the motion. I was going to discuss
14 it, but yeah. So we have a second.

15 MS. MILLER: Well, let's discuss it.

16 MR. ALBERTI: All right. So --

17 MS. MILLER: Now there's been a motion
18 that's been seconded. Go ahead.

19 MR. ALBERTI: I think it's too vague. I
20 think we've left it too vague. I mean, last year
21 -- last year I think we did that. We said, oh
22 come back with substantial information to where

1 you are and what I get is, well, we've narrowed
2 it down to three places.

3 For me, I'm going to be the -- all right.
4 I'm going to go a little farther here and just
5 say that what I'd like to see --

6 MR. SHORT: Is that a friendly amendment
7 you're making?

8 MR. ALBERTI: Well, you can accept it as
9 a friendly amendment after you hear it.

10 MS. MILLER: Yeah.

11 MR. ALBERTI: I would like to see, at a
12 minimum level of understanding with a perspective
13 owner, landlord, or whatever.

14 MR. SHORT: I accept it as a friendly.

15 MR. ALBERTI: Okay.

16 MS. MILLER: I don't get it, though.
17 Just discussing this --

18 MR. ALBERTI: Well, he's accepted it as a
19 friendly amendment. It was his motion.

20 MS. MILLER: Okay. What does it mean?
21 Could you --

22 MR. ALBERTI: So that's the motion on the

1 floor.

2 MS. MILLER: -- articulate the motion
3 with that?

4 MR. ALBERTI: The motion is, is that at a
5 minimum, at a minimum, when they appear in six
6 months they will have a letter of understanding
7 for locating that licensee.

8 MR. O'BRIEN: For a specific.

9 MR. ALBERTI: For a specific location.
10 Meaning a letter of understanding with the
11 landlord to lease, or a letter of understanding
12 from a seller to buy, so that identifies the
13 location. All right.

14 MS. MILLER: I just, I'd like just to ask
15 -- and, Mr. Alberti, you think that they should
16 come in even if they've filed at that point, an
17 application for transfer?

18 MR. ALBERTI: Well, I mean, if before
19 that date they've -- if they file an application
20 for transfer and it includes a lease agreement,
21 because otherwise an application is just an
22 application, then we would have no need for a

1 hearing.

2 But if it doesn't include a lease
3 agreement when they file that application, I
4 mean, they could file an application tomorrow.

5 MS. MILLER: Okay.

6 MR. ALBERTI: But if they don't have all
7 the paperwork, then what's it -- Mr. O'Brien,
8 you're going to hear it so I'll ask you, when you
9 said file an application tell me exactly what you
10 meant.

11 MR. O'BRIEN: An essential component of
12 an application is either a signed lease or a
13 letter of intent for a property.

14 MR. ALBERTI: Okay. Great. All right.
15 So we're on the same page.

16 MR. O'BRIEN: An application without one
17 of those two is not complete and will be
18 rejected.

19 MR. ALBERTI: Yeah, so I think this is
20 just a fine point. I mean, of course, if two
21 weeks before the hearing you -- we review that
22 and you have that, then we can decide then

1 whether to have the hearing or not. But I don't
2 think we need to decide that right now.

3 MR. SHORT: No, we can vote on the motion
4 that's before us right now.

5 MS. MILLER: Well, would you rearticulate
6 the motion again, please?

7 MR. SHORT: Excuse me?

8 MS. MILLER: Could you articulate the
9 motion again, please? There's been a lot of
10 discussion about it.

11 MR. SHORT: My motion was that when this
12 (Indiscernible)**28:15 for the six months and
13 provide the information that they say they're
14 going to do with the friendly amendment that Mr.
15 Nick Alberti has provided, that some type of
16 lease agreement or some type of documentation --

17 MR. ALBERTI: At a minimum, a letter of
18 intent.

19 MR. SHORT: Letter of intent. So that's
20 my motion, Madam Chair.

21 CHAIRPERSON ANDERSON: And I'd second it.

22 MS. MILLER: Is that clear to you? Okay.

1 So if I understand it that there's a motion that
2 we schedule a hearing within six months and at
3 that point Mr. Lapis -- I'm sorry. I'm sorry.
4 That's not your name. But the licensee will come
5 in -- no, I'm sorry. With a transfer.
6 Application for transfer? That's not it. With
7 proof of --

8 MR. ALBERTI: Within six months we'll --
9 we don't have to say whether we're going to
10 schedule a hearing but within six months we are
11 requiring the licensee to submit at a minimum, a
12 letter of intent identifying a place where the
13 license would be located.

14 MS. MILLER: Okay. Is that how you
15 understand the motion with Mr. Alberti's
16 amendment.

17 MR. SHORT: That's the friendly amendment
18 to my motion, yes.

19 MS. MILLER: Okay. I understand that.
20 And that's been seconded by Mr. Anderson, right?

21 CHAIRPERSON ANDERSON: Yes.

22 MS. MILLER: That's how you under it.

1 Okay.

2 [Vote taken.]

3 MS. MILLER: Motion passes, five, zero,
4 zero. And do you understand it, Mr. O'Brien?

5 MR. O'BRIEN: Yes, I understand it.

6 MS. MILLER: Good. All right. Then
7 we're all set.

8 MR. O'BRIEN: Thank you.

9 MS. MILLER: That concludes this hearing.
10 Thank you very much.

11 MR. POPAL: Thank you.

12 MR. O'BRIEN: Thank you.

13 MS. MILLER: Best of luck in securing
14 that location.

15 [Whereupon, the above-entitled matter
16 concluded at 2:39 p.m.]

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