

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Shemali's, Inc.
t/a Shemali's
3306 Wisconsin Ave., NW
Retailer B - ANC-3C
License No. 70233

Fact-
Finding
Hearing

(Request to Extend
Safekeeping)

November 5, 2014

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
HERMAN JONES, MEMBER
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

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

(2:10 p.m.)

CHAIRPERSON MILLER: So let's go to our Fact-Finding Hearing. Okay. So now we are at Shemali's. Is someone here for Shemali's? Okay. Shemali's, the address provided was maybe 3306 Wisconsin Avenue, N.W., License No. 70233, in ANC-3C.

If you would introduce yourself for the record?

MS. CHEMALI: Gretta Chemali. I'm the owner of Shemali's Pub.

CHAIRPERSON MILLER: I missed exactly your last name is.

MS. CHEMALI: Oh.

CHAIRPERSON MILLER: Yes, there is the mike.

MS. CHEMALI: All right. It's Gretta Chemali. I'm the owner of Shemali's.

CHAIRPERSON MILLER: Okay. So I'm not exactly sure what correspondence was sent to you, but the reason that we called you in

1 is you have had a license in safekeeping for
2 a long time.

3 MS. CHEMALI: Since 2001.

4 CHAIRPERSON MILLER: 2001.

5 MS. CHEMALI: Yes.

6 CHAIRPERSON MILLER: That's what I
7 thought.

8 MS. CHEMALI: Yes.

9 CHAIRPERSON MILLER: So and if I'm
10 not correct, that's when the Giant development
11 was happening on Wisconsin Avenue?

12 MS. CHEMALI: Yes, right.

13 CHAIRPERSON MILLER: And you had
14 to leave that location?

15 MS. CHEMALI: We had to leave. We
16 still had five years left on our lease and
17 they told us when we come back, they give us
18 \$32 square foot to go back. So now they just
19 finished 13 years later and they want \$150 per
20 square foot. So, obviously, we are not going
21 to go back. I cannot afford to pay \$150 for
22 that. So I'm looking for --

1 CHAIRPERSON MILLER: What was the
2 price they said before?

3 MS. CHEMALI: \$32.

4 CHAIRPERSON MILLER: \$32? And the
5 price they said to you now is \$150?

6 MS. CHEMALI: \$150, yes.

7 CHAIRPERSON MILLER: Okay.

8 MS. CHEMALI: So now I'm located
9 on 3301 New Mexico Avenue and it's inside the
10 mall and they have a liquor store there. So
11 I cannot put my license there. So I'm looking
12 for another place to rent, so I can use my
13 license.

14 CHAIRPERSON MILLER: Okay. So
15 that's the question because you have a Class
16 B License, right?

17 MS. CHEMALI: Yes.

18 CHAIRPERSON MILLER: Yes. And
19 they are limited.

20 MS. CHEMALI: Yes.

21 CHAIRPERSON MILLER: And so we
22 don't want people to just sit on them for

1 years and years.

2 MS. CHEMALI: Okay.

3 CHAIRPERSON MILLER: And I
4 understand your circumstances.

5 MS. CHEMALI: Yes.

6 CHAIRPERSON MILLER: But why are
7 you looking now to move? Is it because you
8 thought you were going to be going back to the
9 Giant?

10 MS. CHEMALI: Yes.

11 CHAIRPERSON MILLER: Oh.

12 MS. CHEMALI: And they just told
13 us like three months ago they said if you want
14 to come back, it could be \$150. That's why.
15 I have a real estate agent who is looking for
16 me to have for a place.

17 CHAIRPERSON MILLER: Okay.

18 MS. CHEMALI: For a new place,
19 yes.

20 CHAIRPERSON MILLER: Okay. I
21 guess this is maybe -- I'm just curious, but
22 you haven't used a liquor license in 13 years,

1 but you do want to use it now?

2 MS. CHEMALI: I would love to use
3 it, yes.

4 CHAIRPERSON MILLER: Yes.

5 MS. CHEMALI: If not, like I can
6 sell it.

7 CHAIRPERSON MILLER: Yes.

8 MS. CHEMALI: That's what they are
9 telling me.

10 CHAIRPERSON MILLER: Right.

11 MS. CHEMALI: I have already paid
12 \$17,000 for the fees in these 13 years.

13 CHAIRPERSON MILLER: Right.

14 MS. CHEMALI: So it's I'm going --
15 I would love to use it if I can find a place
16 away from school and away from the church, so
17 it's all set. Yes, that's why I need to
18 extend it.

19 CHAIRPERSON MILLER: Okay. Okay.
20 All right. Others?

21 MEMBER ALBERTI: I'm sorry, I was
22 a little distracted. So can we go through the

1 time line again? So starting in 2001 you
2 closed, right?

3 MS. CHEMALI: Yes.

4 MEMBER ALBERTI: Why did you close
5 in 2001?

6 MS. CHEMALI: The landlord, Giant,
7 decided to build a SuperGiant.

8 MEMBER ALBERTI: Okay.

9 MS. CHEMALI: So they moved all
10 the tenants out. That Giant was the landlord
11 where we were.

12 MEMBER ALBERTI: Okay. They moved
13 all the tenants out, okay.

14 MS. CHEMALI: And they said it
15 will be for one to two years until they
16 rebuild the whole thing. They just finished
17 2014. In November they just opened.

18 MEMBER ALBERTI: Okay.

19 MS. CHEMALI: So we have been
20 waiting for them to go back. And now the
21 prices they are asking are like per square
22 foot is \$150. So we cannot afford to go back

1 where we were.

2 MEMBER ALBERTI: So did you have
3 the Right of First Refusal to go back?

4 MS. CHEMALI: I'm sorry?

5 MEMBER ALBERTI: Did you have a
6 Right of First Refusal to go back into the
7 space?

8 MS. CHEMALI: We did have a lease
9 with them. We have everything, but the
10 company got sold three times, so the new --
11 like it was owned by Stop and Shop. They the
12 owners from Giant. So now the new owners they
13 want -- they don't honor the agreement we had
14 with the old Giant.

15 MEMBER ALBERTI: Okay. So I mean,
16 this is a long time, 13 years.

17 MS. CHEMALI: 13 years, yes, sir.

18 MEMBER ALBERTI: And you were
19 going to wait to go back into the same spot
20 for 13 years?

21 MS. CHEMALI: Yes, because once we
22 got like a different spot, it will be bigger,

1 nicer location. It's the same location, but
2 they built a shopping center, so that's why we
3 were going to go back.

4 MEMBER ALBERTI: Have you been
5 operating --

6 MS. CHEMALI: Yes, we have been
7 operating on New Mexico Avenue, but without a
8 liquor license.

9 MEMBER ALBERTI: Without a liquor
10 license.

11 MS. CHEMALI: Without beer and
12 wine, yes.

13 MEMBER ALBERTI: So when did you
14 become aware that you couldn't -- that the --
15 when did they offer you -- when were you
16 offered the opportunity to come back?

17 MS. CHEMALI: Six months ago, but
18 they told us the prices three months ago. Six
19 months ago they said if you want to come back,
20 we have place for you.

21 MEMBER ALBERTI: Yes.

22 MS. CHEMALI: And then they said

1 the price is \$150.

2 MEMBER ALBERTI: So what have you
3 done since in the last three months to find a
4 new place?

5 MS. CHEMALI: Yes, I have a real
6 estate agent who is looking for me for a
7 commercial place.

8 MEMBER ALBERTI: Okay.

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER BROOKS: Just curious, what
11 was the price increase for you in the new
12 location, approximately?

13 MS. CHEMALI: \$120. Like they
14 promised us -- the agreement was \$32 per
15 square foot.

16 MEMBER BROOKS: Okay.

17 MS. CHEMALI: And now they want
18 \$150.

19 MEMBER BROOKS: From \$32 to \$150?

20 MS. CHEMALI: Yes, sir.

21 MEMBER BROOKS: Per square foot?

22 MS. CHEMALI: Yes, sir.

1 MEMBER BROOKS: And how many
2 square feet are we talking about?

3 MS. CHEMALI: 2,000.

4 MEMBER BROOKS: 2,000. Okay.
5 Thank you.

6 MS. CHEMALI: That's right.

7 MEMBER ALBERTI: So your old --
8 excuse me, can I ask a question?

9 CHAIRPERSON MILLER: Sure.

10 MEMBER ALBERTI: So your original
11 agreement didn't set a cap on the new --

12 MS. CHEMALI: Yes, sir.

13 MEMBER ALBERTI: I mean, you had a
14 lease with them, right?

15 MS. CHEMALI: I already had --

16 MEMBER ALBERTI: In 2001, you had
17 a lease with them?

18 MS. CHEMALI: I had five years
19 lease left on my lease.

20 MEMBER ALBERTI: Left on your
21 lease.

22 MS. CHEMALI: Yes.

1 MEMBER ALBERTI: Okay. So what
2 did you get in return for having to vacate,
3 since you had a lease with them?

4 MS. CHEMALI: Okay. They moved me
5 out from wherever I was to New Mexico and they
6 paid my rent for a year on New Mexico Avenue.

7 MEMBER ALBERTI: Yes.

8 MS. CHEMALI: And then they
9 decided they don't want to pay anything and
10 because they had a lot of problem building the
11 SuperGiant there.

12 MEMBER ALBERTI: But you still had
13 a legal right. I mean, you had four years
14 left on your lease.

15 MS. CHEMALI: Yes. I spent about
16 \$15,000 to \$18,000 in lawyer's fee and so it
17 didn't get me anywhere. So I said forget
18 about it. I don't want to spend any more
19 money.

20 CHAIRPERSON MILLER: I'll just
21 disclose for the record that this development
22 is in my neighborhood and I'm very familiar

1 with the project and I was also on the ANC at
2 the time that these businesses were being
3 vacated.

4 MEMBER ALBERTI: Yes.

5 CHAIRPERSON MILLER: So I can say
6 that everything she is saying rings very true
7 to what I have heard.

8 MS. CHEMALI: Thank you.

9 CHAIRPERSON MILLER: So others?

10 MEMBER ALBERTI: I think Mr. Jones
11 has a question.

12 CHAIRPERSON MILLER: Oh, Mr.
13 Jones?

14 MEMBER JONES: Thank you. So just
15 from a timing standpoint, when, what month did
16 you discover that the new owners or the new
17 individuals that own the property are not or
18 were not going to honor the \$32 per square
19 foot?

20 MS. CHEMALI: Three or four months
21 ago.

22 MEMBER JONES: So you just found

1 out three or four months ago?

2 MS. CHEMALI: Yes, sir.

3 MEMBER JONES: Okay. How did you
4 come to find that out? So you are currently
5 at your -- you are at your current location.

6 MS. CHEMALI: Yes.

7 MEMBER JONES: Did the space just
8 become available three or four months ago?

9 MS. CHEMALI: No.

10 MEMBER JONES: Okay.

11 MS. CHEMALI: The place became
12 available about maybe six, seven months ago.

13 MEMBER JONES: Okay.

14 MS. CHEMALI: They said which one
15 would you like to take? Like they had two to
16 choose from. And when I decided which one I
17 choose, we chose, they said we will let you
18 know how much it will be. Like they -- with
19 me send things in the letters and them sending
20 me back, answering me back, it took about two
21 months.

22 MEMBER JONES: Okay.

1 MS. CHEMALI: So that's when I
2 found out.

3 MEMBER JONES: All right. Okay.
4 So how long -- what is your plan with those --
5 what do you have planned for the license that
6 is currently in safekeeping?

7 MS. CHEMALI: Okay. Now, I'm
8 planning to open just a deli with beer and
9 wine license.

10 MEMBER JONES: Okay. And that is
11 your plan once you find a new location?

12 MS. CHEMALI: Yes.

13 MEMBER JONES: Do you plan to
14 continue to operate whatever it is you are
15 operating in your current location, but you're
16 opening up a new place?

17 MS. CHEMALI: Yes.

18 MEMBER JONES: Okay. And what is
19 your time horizon for doing that?

20 MS. CHEMALI: Oh, a year.

21 MEMBER JONES: You need a year?

22 MS. CHEMALI: Yes.

1 MEMBER JONES: Okay.

2 MS. CHEMALI: Because he's having
3 a lot of problem because I need something away
4 from the church or the school.

5 MEMBER JONES: Understood.

6 MS. CHEMALI: Yes.

7 MEMBER JONES: So you need a year
8 to open up and start running your new place?

9 MS. CHEMALI: If I find one
10 already run like it doesn't need any
11 construction or anything?

12 MEMBER JONES: Yes.

13 MS. CHEMALI: Ready, I can open
14 right now. If I find one right now.

15 MEMBER JONES: No, understood.
16 But worst case scenario, if you don't find one
17 that is ready --

18 MS. CHEMALI: Yes.

19 MEMBER JONES: -- and you have to
20 do some construction --

21 MS. CHEMALI: Yes.

22 MEMBER JONES: -- you are saying

1 that you would be able to put your license to
2 use and in operation within a year of today?

3 MS. CHEMALI: Yes.

4 MEMBER JONES: Okay. So by
5 roughly November 5, 2015 --

6 MS. CHEMALI: I hope so.

7 MEMBER JONES: -- you expect to be
8 in operation?

9 MS. CHEMALI: I hope so.

10 MEMBER JONES: Okay. So that
11 means you are going to have to find a location
12 prior to that point.

13 MS. CHEMALI: Yes.

14 MEMBER JONES: Right?

15 MS. CHEMALI: Yes, sir.

16 MEMBER JONES: Okay. What is your
17 time -- in order for you to hit that landmark,
18 that milestone --

19 MS. CHEMALI: Yes.

20 MEMBER JONES: -- of being up and
21 open and operating on November 5th --

22 MS. CHEMALI: Okay.

1 MEMBER JONES: -- or yes, November
2 5, 2015, by when do you need to have found a
3 location?

4 MS. CHEMALI: I will need to be
5 like in March. March or April.

6 MEMBER JONES: By March, okay.

7 MS. CHEMALI: March or April.

8 MEMBER JONES: So in March of
9 2015, you will have had to have found and
10 identify a location --

11 MS. CHEMALI: Yes.

12 MEMBER JONES: -- that you at
13 least are working towards an agreement on
14 leasing?

15 MS. CHEMALI: Yes.

16 MEMBER JONES: If not or have not
17 already finalized a lease with said location.

18 MS. CHEMALI: Yes.

19 MEMBER JONES: Correct?

20 MS. CHEMALI: Yes, sir.

21 MEMBER JONES: Okay. So if you
22 were to come back to us in May --

1 MS. CHEMALI: Okay.

2 MEMBER JONES: -- at that point in
3 time, I would expect --

4 MS. CHEMALI: Yes.

5 MEMBER JONES: -- that you have
6 had or at least identify a viable contract to
7 establish a lease for the operation of this
8 new location that you are referring to.

9 MS. CHEMALI: Yes, yes.

10 MEMBER JONES: Is that fair?

11 MS. CHEMALI: Yes, sir.

12 MEMBER JONES: Okay. Thank you.
13 Thank you, Madam Chair.

14 CHAIRPERSON MILLER: Thank you.
15 Mr. Jones, and how much time did you say that
16 would be?

17 MEMBER JONES: I asked her --

18 CHAIRPERSON MILLER: Right. Did
19 she say that was --

20 MEMBER JONES: -- and she said she
21 would have a lease or have established and
22 identified a location in March. So I was

1 estimating that, approximately, six months
2 from now, she would have had that in place.
3 So if we have her back in May to review that,
4 she will have had identified a location and,
5 therefore, be able to present that information
6 to us in a form of a contract, a lease or
7 something along those lines.

8 CHAIRPERSON MILLER: Okay. Does
9 that sound reasonable to you?

10 MS. CHEMALI: Yes.

11 CHAIRPERSON MILLER: Okay. Fine.
12 Yes, Mr. Rodriguez?

13 MEMBER RODRIGUEZ: Just curious
14 here, you went to Court on this right, because
15 the new owner would not honor your lease?

16 MS. CHEMALI: This happened -- we
17 didn't go to Court. The lawyer was dealing
18 with the new owners. But like after paying a
19 lot of money to the lawyer, I decided to stop
20 and let it go.

21 MEMBER RODRIGUEZ: But did it go
22 to a Judge, a Court?

1 MS. CHEMALI: No.

2 MEMBER RODRIGUEZ: No?

3 MS. CHEMALI: No.

4 MEMBER RODRIGUEZ: Okay. Thanks.

5 MS. CHEMALI: Just talking to
6 them, you know, correspondence between the
7 lawyer and the new owners, which already they
8 sold it after that.

9 MEMBER RODRIGUEZ: Yes. All
10 right. No more questions from me.

11 CHAIRPERSON MILLER: Okay.
12 Anybody else? Okay. So where I think we are
13 at is that I think I will make a motion to
14 approve the extension of the license in
15 safekeeping for six months and then, at that
16 time, we may schedule another Fact-Finding
17 Hearing --

18 MS. CHEMALI: Okay.

19 CHAIRPERSON MILLER: -- to hear
20 where you are at on this.

21 MS. CHEMALI: Okay.

22 CHAIRPERSON MILLER: We really

1 want to make sure that people are making
2 progress and not sitting on it.

3 MS. CHEMALI: Okay.

4 CHAIRPERSON MILLER: And I
5 understand why you have been sitting on it.

6 MS. CHEMALI: Yes.

7 CHAIRPERSON MILLER: Because of
8 the history with the Giant.

9 MS. CHEMALI: Yes.

10 CHAIRPERSON MILLER: Now that that
11 is over and you are going to move forward, we
12 want to, you know, watch that progression.

13 MS. CHEMALI: Yes, all right. Can
14 I ask a question?

15 CHAIRPERSON MILLER: Yes, sure.

16 MS. CHEMALI: If I didn't find
17 anything by March, what will happen?

18 CHAIRPERSON MILLER: Okay. So --

19 MS. CHEMALI: Or by May?

20 CHAIRPERSON MILLER: -- you can
21 come to us and say look, I have done this,
22 this and this. Show us what you have done.

1 MS. CHEMALI: Okay.

2 CHAIRPERSON MILLER: You know, I
3 have hired this real estate. We did these ads
4 or I went here and I went here.

5 MS. CHEMALI: Okay.

6 CHAIRPERSON MILLER: We couldn't
7 find anything. And then you can always sell
8 it. But at that point, we will just reassess
9 and see, you know.

10 MS. CHEMALI: I see. Okay.

11 CHAIRPERSON MILLER: Okay?

12 MS. CHEMALI: Sure.

13 MEMBER JONES: Just to be clear?

14 CHAIRPERSON MILLER: Yes.

15 MS. CHEMALI: Yes.

16 MEMBER JONES: There is the
17 potential that if you don't demonstrate some
18 level of progress --

19 MS. CHEMALI: Of course.

20 MEMBER JONES: -- and we, the
21 Board, aren't pleased with the level of
22 progress --

1 MS. CHEMALI: Yes.

2 MEMBER JONES: -- communicated or
3 demonstrated --

4 MS. CHEMALI: Right.

5 MEMBER JONES: -- we could vote to
6 revoke your license.

7 MS. CHEMALI: Yes.

8 MEMBER JONES: At the next
9 hearing.

10 MS. CHEMALI: I understand. Okay.

11 MEMBER JONES: Okay.

12 MS. CHEMALI: I understand that,
13 yes.

14 MEMBER JONES: All right. Thank
15 you.

16 CHAIRPERSON MILLER: Okay. Any
17 other questions? Okay. I would also say that
18 in the interim, if you have any questions, you
19 can contact our General Counsel, Martha
20 Jenkins.

21 MS. CHEMALI: Okay.

22 CHAIRPERSON MILLER: Okay.

1 MS. CHEMALI: Sure.

2 CHAIRPERSON MILLER: All right.
3 Then I move that we extend the time for the
4 license to be in safekeeping for six months.
5 Do I have a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Mr.
8 Silverstein seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 6-0-0. Okay.

14 MS. CHEMALI: All right.

15 CHAIRPERSON MILLER: Thank you
16 very much.

17 MS. CHEMALI: Thank you. All
18 right.

19 COURT REPORTER: Did you write
20 your name on one of the sheets?

21 MS. CHEMALI: I did.

22 COURT REPORTER: Okay. Thank you.

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