

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Mexican Caf,, Inc. :

t/a Margarita's Restaurant : Fact Finding

2317 Wisconsin Avenue, NW : Hearing

Retailer CR :

License No. 16488 :

ANC 3B :

Update from License Regarding :

the Intent to Sell or Transfer:

the License :

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NOVEMBER 28, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne

Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

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

10:03 a.m.

CHAIRPERSON MILLER: All right.

The next case that we have on our agenda is a fact finding hearing for Margarita Restaurant, 2317 Wisconsin Avenue, N.W., License No. 16488 in ANC 3B. Good morning.

MS. CANDON: Good morning.

CHAIRPERSON MILLER: When you're ready if you could identify yourselves for the record.

MS. CANDON: Absolutely. Good morning, Madam Chair and Members. I'm Mary Eva Candon, counsel for the owner of Margarita's, and the owner of Margarita's is sitting right here, Maria Villalta. And I'm Mary Eva Candon.

CHAIRPERSON MILLER: Okay. Thank you. Okay. So this is really a continuation of a fact finding regarding the license that's in safekeeping and the efforts you're making to either sell or whatever, transfer the

1 license. And I know we have received in the  
2 record a status report basically from you, one  
3 page outlining steps that you have taken to  
4 date that was provided in accordance with the  
5 guidance that we gave at the last hearing. So  
6 I guess I'll open it up to see if there's more  
7 you want to add in general and then see if  
8 there's some Board questions.

9 MS. CANDON: Well, only to add  
10 what it says here, but that Maria, the owner,  
11 has been working on many different avenues to  
12 attempt to sell this license or to transfer  
13 it, whatever, get it back in operation as the  
14 Board has directed. So I think that we're  
15 leaving no stone unturned.

16 CHAIRPERSON MILLER: Okay. And do  
17 you think that you're on target with meeting  
18 the deadlines that were set?

19 MS. CANDON: Yes, we're on target.  
20 There are, what do you call, stumbling blocks  
21 in the effort, but I think the best thing is  
22 for us to continue with these negotiations and

1 perhaps more than that will confirm or  
2 disaffirm the stumbling blocks within the next  
3 month.

4 CHAIRPERSON MILLER: Okay.

5 MS. CANDON: I mean it's not as  
6 smooth as one might think selling a license  
7 that allows you to have a wonderful  
8 establishment. Not everybody sees it that  
9 way. There are a lot of costs involved,  
10 etcetera. So we are working with as many of  
11 the community as we can.

12 CHAIRPERSON MILLER: Okay. Board  
13 questions?

14 MEMBER ALBERTI: I don't have any  
15 at this time, no.

16 CHAIRPERSON MILLER: No? Okay.  
17 Mr. Brooks, any questions?

18 MEMBER BROOKS: No.

19 CHAIRPERSON MILLER: So the  
20 efforts that you've identified here where  
21 you're negotiating with certain individuals,  
22 are you going to be going beyond these?

1 MS. CANDON: Possibly. Some of  
2 these are in a sense multipliers, if you --

3 CHAIRPERSON MILLER: Yes.

4 MS. CANDON: You know, two of them  
5 are -- well, one owns a company that creates  
6 and runs restaurants. And he's quite a  
7 creative person. I don't know if you know  
8 Paul Cohn, but if anyone can develop an  
9 environment and good place for a restaurant  
10 with a great idea for the particular  
11 community, he's able to do that. So I'm  
12 working closely with him on seeing if he can't  
13 come up with something creative for the  
14 neighborhood or help advise whom we could draw  
15 in.

16 And one of the other people I  
17 spoke with is a licensee in the neighborhood  
18 who's been successful. And actually the ANC,  
19 ANC 3B, who would like to have more good  
20 restaurants or quality restaurants in the  
21 neighborhood, they have encouraged -- they  
22 have advised us who to talk to as well. So

1 there may be more.

2 CHAIRPERSON MILLER: Okay.

3 MS. CANDON: Because some of these  
4 are multipliers. But the one that we had  
5 thought was going to come through, the initial  
6 one where we had said last time that Maria had  
7 had discussions and they looked pretty good,  
8 it turns out that that -- Ms. Villalta did not  
9 realize, but of course now that we're in it  
10 more and I followed up for her, it's a  
11 franchise. And that makes it a little bit  
12 more complicated because the question is  
13 whether one franchise gets a license, or do  
14 all of them get licenses? And the owners are  
15 -- it's a -- there's more than one owner for  
16 each site. There are five sites in D.C. So  
17 the owners are playing with the whole thing.  
18 So that's -- the one owner would like to have  
19 a license, the one that Ms. Villalta spoke  
20 with, but he's tied by corporate hierarchy  
21 decisions. So we're still in negotiations.  
22 That wasn't as easy as you might have thought.

1 CHAIRPERSON MILLER: Okay. All  
2 right.

3 MEMBER ALBERTI: I have just one  
4 quick comment.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Ms. Candon, I  
7 think our next benchmark is December 31st  
8 where we would be committed to having  
9 Memorandum of Understanding.

10 MS. CANDON: Right.

11 MEMBER ALBERTI: I would just ask  
12 if that's not going to happen or it's going to  
13 be delayed, that you keep the Board apprised  
14 in great detail as to what's transpiring.

15 MS. CANDON: Yeah. I mean yes.

16 MEMBER ALBERTI: It would be  
17 helpful to all parties.

18 MS. CANDON: Yes, and actually we  
19 have discussed that, and if we have some  
20 definite information before December 31st,  
21 we'll get it to you.

22 MEMBER ALBERTI: Okay.

1 MS. CANDON: Like December 15th,  
2 if we can see what direction this is going --

3 MEMBER ALBERTI: Okay.

4 MS. CANDON: -- I'll submit a  
5 memorandum to you all.

6 MEMBER ALBERTI: Great. Thank  
7 you.

8 MS. CANDON: A declaration of  
9 whatever is going on. Okay. Yes, I realize  
10 that this business negotiations you can --

11 MEMBER ALBERTI: We understand  
12 how --

13 MS. CANDON: There are stages.

14 MEMBER ALBERTI: -- difficult it  
15 is --

16 MS. CANDON: Yes.

17 MEMBER ALBERTI: -- to make these  
18 things happen.

19 MS. CANDON: Yes. Yes.

20 MEMBER ALBERTI: And so -- yes.

21 MS. CANDON: So I will definitely  
22 do that.

1 MEMBER ALBERTI: The more  
2 information we have the better it is --

3 MS. CANDON: Yes.

4 MEMBER ALBERTI: -- I think for  
5 all parties.

6 MS. CANDON: Thank you for your --

7 MEMBER ALBERTI: Thank you.

8 CHAIRPERSON MILLER: Okay. Any  
9 other questions or anything from you all?  
10 Otherwise, this has really, you know,  
11 satisfied our request. And thank you for  
12 coming in.

13 MS. CANDON: Okay.

14 CHAIRPERSON MILLER: And good luck  
15 with that.

16 MS. CANDON: Thank you.

17 CHAIRPERSON MILLER: Okay.

18 MS. CANDON: Keep up the good  
19 work. Thank you.

20 CHAIRPERSON MILLER: Thank you.

21 (Whereupon, the hearing was  
22 concluded at 10:10 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 5:11  <b>Absolutely</b> 2:12  <b>add</b> 3:7,9  <b>advise</b> 5:14  <b>advised</b> 5:22  <b>agenda</b> 2:4  <b>ALBERTI</b> 1:21  4:14 7:3,6,11,16  7:22 8:3,6,11,14  8:17,20 9:1,4,7  <b>Alcoholic</b> 1:2,14,14  <b>allows</b> 4:7  <b>ANC</b> 1:9 2:7 5:18  5:19  <b>apprised</b> 7:13  <b>attempt</b> 3:12  <b>Avenue</b> 1:8 2:6  <b>avenues</b> 3:11  <b>a.m</b> 2:2 9:22</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 3:13  <b>basically</b> 3:2  <b>benchmark</b> 7:7  <b>best</b> 3:21  <b>better</b> 9:2  <b>Beverage</b> 1:2,14,14  <b>beyond</b> 4:22  <b>bit</b> 6:11  <b>blocks</b> 3:20 4:2  <b>Board</b> 1:2,14 3:8  3:14 4:12 7:13  <b>Brooks</b> 1:22 4:17  4:18  <b>Building</b> 1:15  <b>business</b> 8:10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>Caf</b> 1:6  <b>call</b> 3:20  <b>Candon</b> 2:8,12,14  2:17 3:9,19 4:5  5:1,4 6:3 7:6,10  7:15,18 8:1,4,8,13  8:16,19,21 9:3,6  9:13,16,18</p>	<p><b>case</b> 2:4  <b>certain</b> 4:21  <b>Chair</b> 2:13  <b>Chairperson</b> 1:17  1:20 2:3,9,18 3:16  4:4,12,16,19 5:3  6:2 7:1,5 9:8,14  9:17,20  <b>closely</b> 5:12  <b>Cohn</b> 5:8  <b>COLUMBIA</b> 1:1  <b>come</b> 5:13 6:5  <b>coming</b> 9:12  <b>comment</b> 7:4  <b>committed</b> 7:8  <b>community</b> 4:11  5:11  <b>company</b> 5:5  <b>complicated</b> 6:12  <b>concluded</b> 9:22  <b>confirm</b> 4:1  <b>continuation</b> 2:19  <b>continue</b> 3:22  <b>Control</b> 1:2,14,14  <b>corporate</b> 6:20  <b>costs</b> 4:9  <b>counsel</b> 2:14  <b>course</b> 6:9  <b>CR</b> 1:8  <b>creates</b> 5:5  <b>creative</b> 5:7,13</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>date</b> 3:4  <b>deadlines</b> 3:18  <b>December</b> 7:7,20  8:1  <b>decisions</b> 6:21  <b>declaration</b> 8:8  <b>definite</b> 7:20  <b>definitely</b> 8:21  <b>delayed</b> 7:13  <b>detail</b> 7:14  <b>develop</b> 5:8  <b>different</b> 3:11  <b>difficult</b> 8:14  <b>directed</b> 3:14</p>	<p><b>direction</b> 8:2  <b>disaffirm</b> 4:2  <b>discussed</b> 7:19  <b>discussions</b> 6:7  <b>DISTRICT</b> 1:1  <b>DONALD</b> 1:22  <b>draw</b> 5:14  <b>D.C</b> 1:15 6:16</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>easy</b> 6:22  <b>effort</b> 3:21  <b>efforts</b> 2:21 4:20  <b>either</b> 2:22  <b>encouraged</b> 5:21  <b>environment</b> 5:9  <b>establishment</b> 4:8  <b>etcetera</b> 4:10  <b>Eva</b> 2:14,17  <b>everybody</b> 4:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 1:7 2:5,20  <b>finding</b> 1:7 2:5,20  <b>five</b> 6:16  <b>followed</b> 6:10  <b>franchise</b> 6:11,13</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>general</b> 3:7  <b>going</b> 4:22,22 6:5  7:12,12 8:2,9  <b>good</b> 2:7,8,12 5:9  5:19 6:7 9:14,18  <b>great</b> 5:10 7:14 8:6  <b>guess</b> 3:6  <b>guidance</b> 3:5</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>happen</b> 7:12 8:18  <b>hearing</b> 1:8,15 2:5  3:5 9:21  <b>help</b> 5:14  <b>helpful</b> 7:17  <b>hierarchy</b> 6:20</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>idea</b> 5:10</p>	<p><b>identified</b> 4:20  <b>identify</b> 2:10  <b>individuals</b> 4:21  <b>information</b> 7:20  9:2  <b>initial</b> 6:5  <b>Intent</b> 1:10  <b>involved</b> 4:9</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> 7:13 9:18  <b>know</b> 3:1 5:4,7,7  9:10</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>leaving</b> 3:15  <b>license</b> 1:9,10,11  2:6,20 3:1,12 4:6  6:13,19  <b>licensee</b> 5:17  <b>licenses</b> 6:14  <b>little</b> 6:11  <b>looked</b> 6:7  <b>lot</b> 4:9  <b>luck</b> 9:14</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Madam</b> 2:13  <b>making</b> 2:21  <b>Margarita</b> 2:5  <b>Margarita's</b> 1:7  2:15,15  <b>Maria</b> 2:16 3:10  6:6  <b>Mary</b> 2:13,17  <b>MATTER</b> 1:5  <b>mean</b> 4:5 7:15  <b>meeting</b> 1:3 3:17  <b>Member</b> 1:21,22  4:14,18 7:3,6,11  7:16,22 8:3,6,11  8:14,17,20 9:1,4,7  <b>Members</b> 2:13  <b>memorandum</b> 7:9  8:5  <b>met</b> 1:14  <b>Mexican</b> 1:6  <b>Miller</b> 1:17,20 2:3</p>	<p>2:9,18 3:16 4:4,12  4:16,19 5:3 6:2  7:1,5 9:8,14,17,20  <b>month</b> 4:3  <b>morning</b> 2:7,8,13  <b>multipliers</b> 5:2 6:4</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>negotiating</b> 4:21  <b>negotiations</b> 3:22  6:21 8:10  <b>neighborhood</b> 5:14  5:17,21  <b>NICK</b> 1:21  <b>NOVEMBER</b> 1:13  <b>NW</b> 1:8  <b>N.W</b> 1:15 2:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>Okay</b> 2:18,19 3:16  4:4,12,16 6:2 7:1  7:22 8:3,9 9:8,13  9:17  <b>open</b> 3:6  <b>operation</b> 3:13  <b>outlining</b> 3:3  <b>owner</b> 2:14,15 3:10  6:15,18  <b>owners</b> 6:14,17  <b>owns</b> 5:5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>page</b> 3:3  <b>particular</b> 5:10  <b>parties</b> 7:17 9:5  <b>Paul</b> 5:8  <b>people</b> 5:16  <b>person</b> 5:7  <b>place</b> 5:9  <b>playing</b> 6:17  <b>Possibly</b> 5:1  <b>PRESENT</b> 1:19  <b>presiding</b> 1:17  <b>pretty</b> 6:7  <b>provided</b> 3:4  <b>P-R-O-C-E-E-D-...</b>  2:1</p>
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<hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>quality</b> 5:20  <b>question</b> 6:12  <b>questions</b> 3:8 4:13  4:17 9:9  <b>quick</b> 7:4  <b>quite</b> 5:6</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>ready</b> 2:10  <b>realize</b> 6:9 8:9  <b>really</b> 2:19 9:10  <b>received</b> 3:1  <b>record</b> 2:11 3:2  <b>Reeves</b> 1:15  <b>regarding</b> 1:10  2:20  <b>report</b> 3:2  <b>request</b> 9:11  <b>restaurant</b> 1:7 2:5  5:9  <b>restaurants</b> 5:6,20  5:20  <b>Retailer</b> 1:8  <b>right</b> 2:3,16 7:2,10  <b>Room</b> 1:15  <b>runs</b> 5:6  <b>Ruthanne</b> 1:15,20</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>safekeeping</b> 2:21  <b>satisfied</b> 9:11  <b>says</b> 3:10  <b>see</b> 3:6,7 8:2  <b>seeing</b> 5:12  <b>sees</b> 4:8  <b>sell</b> 1:10 2:22 3:12  <b>selling</b> 4:6  <b>sense</b> 5:2  <b>set</b> 3:18  <b>site</b> 6:16  <b>sites</b> 6:16  <b>sitting</b> 2:16  <b>smooth</b> 4:6  <b>spoke</b> 5:17 6:19  <b>stages</b> 8:13  <b>status</b> 3:2</p>	<p><b>steps</b> 3:3  <b>stone</b> 3:15  <b>Street</b> 1:15  <b>stumbling</b> 3:20 4:2  <b>submit</b> 8:4  <b>successful</b> 5:18</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>taken</b> 3:3  <b>talk</b> 5:22  <b>target</b> 3:17,19  <b>thank</b> 2:18 8:6 9:6  9:7,11,16,19,20  <b>thing</b> 3:21 6:17  <b>things</b> 8:18  <b>think</b> 3:14,17,21  4:6 7:7 9:4  <b>thought</b> 6:5,22  <b>tied</b> 6:20  <b>time</b> 4:15 6:6  <b>transfer</b> 1:10 2:22  3:12  <b>transpiring</b> 7:14  <b>turns</b> 6:8  <b>two</b> 5:4  <b>t/a</b> 1:7</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>understand</b> 8:11  <b>Understanding</b> 7:9  <b>unturned</b> 3:15  <b>Update</b> 1:10</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p><b>Villalta</b> 2:16 6:8,19</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>want</b> 3:7  <b>Washington</b> 1:15  <b>wasn't</b> 6:22  <b>way</b> 4:9  <b>we'll</b> 7:21  <b>we're</b> 3:14,19 6:9  6:21  <b>Wisconsin</b> 1:8 2:6  <b>wonderful</b> 4:7  <b>work</b> 9:19  <b>working</b> 3:11 4:10</p>	<p>5:12</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>Yeah</b> 7:15</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>p</b> 1:5,12</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>10:03</b> 2:2  <b>10:10</b> 9:22  <b>14th</b> 1:15  <b>15th</b> 8:1  <b>16488</b> 1:9 2:6</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2000</b> 1:15  <b>2012</b> 1:13  <b>2317</b> 1:8 2:6  <b>28</b> 1:13</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3B</b> 1:9 2:7 5:19  <b>31st</b> 7:7,20</p>		
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