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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
Boyemarketing LLC, t/a Odessa:
1413 K Street NW :
License #100813 : Case #15-CMP-00761
Retailer CN : Fact Finding
ANC 2F : Hearing*
Transfer of License-New Owner:
Hearing Request by Applicant :

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Wednesday, December 9,
2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

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3 CHAIRPERSON:

4 DONOVAN ANDERSON, Presiding

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6 BOARD MEMBERS:

7 NICK ALBERTI

8 JAMES SHORT

9 RUTHANNE MILLER

10 MIKE SILVERSTEIN

11

12 ALSO PRESENT:

13 SUPERVISORY INVESTIGATOR STEWART, ESQ.,

14 On behalf of ABRA

15 CRAIG BUTLER, ESQ.,

16 On behalf of the Licensee

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1 [4:06 p.m.]

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

3 CHAIRMAN ANDERSON: The last case on our
4 calendar for today is Case No. 15-CMP-00761,
5 Odessa; License No. 100813.

6 Will the parties appear, please. So I
7 need you to state your name and spell your name
8 for the record, please.

9 MR. BUTLER: Sure. Craig Butler, C-r-a-
10 i-g. Butler, B-u-t-l-e-r. I'm entering my
11 appearance today on behalf of Boyemarketing, LLC,
12 trading as Odessa.

13 MR. LAOSEBIKAN: Ajiboye, A-j-i-b-o-y-e.
14 Last name Laosebikan, L-a-o-s-e-b-i-k-a-n.

15 INVESTIGATOR STEWART: Supervisory
16 Investigator Craig Stewart, S-t-e-w-a-r-t.

17 CHAIRMAN ANDERSON: All right. The
18 purpose of this hearing -- and I just want to be
19 clear -- is that we received a letter: "I am
20 writing to formally request a hearing in the
21 matter of Odessa for the transfer of the
22 retailer's license." And so, basically, we're

1 just going to talk about the existent status of
2 the application transfer. That's all that we're
3 going to talk about today.

4 It's my understanding that there's
5 another hearing on the fitness of the applicant
6 to have a license. But the purpose of this
7 hearing -- so it should be a short hearing -- is
8 just on the transfer itself. Is it clear?

9 MR. BUTLER: Yes. We're clear.

10 CHAIRMAN ANDERSON: So can you provide us
11 -- on the step, Mr. Stewart.

12 INVESTIGATOR STEWART: Okay, sir. I was
13 prepared for, I guess, I believe the next
14 hearing. So, on the license application part, I
15 believe I'll be better to respond to questions
16 versus tell you what I encountered on November
17 1st. So, if you want, I can tell you exactly
18 what happened on November 1st. But it didn't
19 sound like that's the answers -- the responses
20 that you want.

21 CHAIRMAN ANDERSON: So, no. So we're not
22 going to do that today. So then you can tell us

1 about the transfer.

2 INVESTIGATOR STEWART: Well, from my
3 understanding, the transfer application is
4 specifically for the first floor in the
5 mezzanine. That's the only thing that they
6 intended for the application to be about. And I
7 know there's a hearing on the other issue. It
8 somewhat impacts that license. Because the
9 issues involved in the incident in November all
10 relate to the basement which is not a part of the
11 license. And that's essentially our position
12 that it has nothing to do with the licensee's
13 current application for a transfer of the first
14 floor.

15 I believe that the documents that are
16 required have been provided. One of the things
17 that was not requested that we were going to
18 request was there wasn't any request to have a
19 temporary operating retail permit while it's
20 pending. And I don't know if that's something
21 that we can request or put in an amendment to
22 that. Because currently it's still under

1 construction and within short order we should be
2 prepared to open. And I know there's some other
3 issues involved. But, you know, a considerable
4 amount of effort and funds have been put forth to
5 get the first floor area ready for operation.
6 And, if they could have a temporary operating
7 retail permit while that's pending, that's what
8 we will request at this time if we're not going
9 to speak to the November 1st issue.

10 CHAIRMAN ANDERSON: Sure. Yes, Mr.
11 Alberti.

12 MR. ALBERTI: I'm going to identify the
13 applicant, Mr. Laosebikan?

14 MR. LAOSEBIKAN: Laosebikan, yes.

15 MR. ALBERTI: Laosebikan. Have you
16 worked in any other establishments?

17 MR. LAOSEBIKAN: Yes.

18 MR. ALBERTI: What other establishments?

19 MR. LAOSEBIKAN: I've worked at Da Luft
20 restaurant and lounge and also briefly at a
21 nightclub.

22 MR. ALBERTI: Okay. I thought I

1 recognized you from a case we heard on the Da
2 Luft. Thank you.

3 CHAIRMAN ANDERSON: Do any of the other
4 Board Members have any questions specifically to
5 the transfer? No?

6 You're aware that we have a hearing
7 scheduled for January 20th at 2:30 which is a
8 larger hearing to address the larger issue -- the
9 fitness -- to have a --?

10 MR. BUTLER: We were not aware.

11 CHAIRMAN ANDERSON: Well, a hearing is
12 scheduled for January 20th at 2:30. That's when
13 we will address the larger issue.

14 MR. BUTLER: But are you still able to
15 make a decision on the temporary permit for the
16 first floor part of the -- because that's what
17 the license is -- are we able to address that?

18 CHAIRMAN ANDERSON: You know, what?
19 Let's take a 5-minute break.

20 MR. BUTLER: Okay.

21 CHAIRMAN ANDERSON: Okay? Let's take a
22 5-minute break.

1 [Whereupon, at 4:13 p.m., a recess was
2 taken.]

3 [Whereupon, at 4:21 p.m., the above-
4 entitled matter reconvened.]

5 [Speaking off mic.]

6 CHAIRMAN ANDERSON: Okay. We're back on
7 the record. And there are three members and Mr.
8 Anderson, Chair; Mr. Alberti, and Ms. Miller.

9 And so let me apologize for the
10 confusion. You had requested this hearing and
11 the Board granted a hearing. And clearly, you
12 thought the purpose of you being here -- that's
13 not the reason why we brought you in.

14 There is a hearing scheduled for January
15 20th, 2016, at 1:30. You will get official
16 notice from the Board with the investigative
17 report. And I think that the purpose of the
18 hearing is for whether or not this licensee is
19 fit to have a license. But you'll get the
20 official documentation. You had asked today for
21 --

22 MR. BUTLER: Temporary operating retail

1 permit for the first floor.

2 CHAIRMAN ANDERSON: We're not approving
3 or denying it. You've made a request and we're
4 not taking an action on that today. That doesn't
5 mean that we're denying it. But we're just not
6 taking an action today based on it.

7 As for the purpose of this hearing was
8 just to talk about the transfer. You have
9 explained to us basically what is being
10 requested. It's now clear to the Board. And we
11 will provide you the order so you can prepare for
12 that hearing on the 16th.

13 MR. BUTLER: Okay. The 16th or is it the
14 20 --?

15 CHAIRMAN ANDERSON: I am sorry. January
16 20th, 2016, at 1:30, you will get something, a
17 formal notice with the investigator's report as
18 you'll get a report and an official date of the
19 hearing. So you'll get that. I apologize that
20 you're just getting this orally today. But the
21 Board will send you something official in writing
22 with the date for the fact finding hearing that

1 we'll be having on that date. So you'll have
2 sufficient notice and information to prepare for
3 that hearing. And you'll get the -- a copy -- I
4 assume you'll get a copy of the investigative
5 report so you are clear what it is that the Board
6 is looking for and what it is that your client is
7 responding to.

8 MR. BUTLER: You're welcome.

9 CHAIRMAN ANDERSON: Okay. Do you have
10 any other thing that you want to bring to our
11 attention?

12 MR. BUTLER: Not at this time.

13 CHAIRMAN ANDERSON: All right. Thank
14 you.

15 MS. MILLER: Mr. Chairman, could I just
16 ask that if you want the Board to consider a
17 temporary operating retail permit, that I would
18 suggest you put that in writing.

19 MR. BUTLER: We will.

20 MS. MILLER: Okay. Thank you.

21 MR. BUTLER: Thank you.

22 [Whereupon, at 4:23 p.m., the above

1 entitled matter was concluded.]