

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :

7 Dancing Crab, LLC :

8 t/a Dancing Crab :

9 4615 41st Street NW :

10 License #90297 :

11 Retailer CR :

12 ANC 3E :

13 Request to Extend Safekeeping :

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15 Wednesday, November 16, 2016

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

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2 BOARD MEMBERS PRESENT

3 DONOVAN ANDERSON, CHAIRMAN

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 JAKE PERRY, BOARD MEMBER

8 MAFARA HOBSON, BOARD MEMBER

9

10 ALSO PRESENT:

11 STEPHEN O'BRIEN

12 TOM MCDOWELL

13

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

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: We have a fact finding
4 hearing on The Dancing Crab, license #90297.
5 Will the parties please approach and identify
6 themselves for the record, please?

7 MR. O'BRIEN: Stephen O'Brien for the licensee
8 and I'm accompanied by Tom McDowell, the business
9 manager and owner of The Dancing Crab.

10 CHAIRPERSON ANDERSON: Good afternoon Mr.
11 O'Brien and Mr. McDowell. Let me apologize to
12 you. When I look at my schedule it says that my
13 next hearing was at 2:30 and so, therefore, I
14 thought I had some time to kill so rather than go
15 back and sit and wait until 2:30, I said let me
16 do the agenda. So, I do apologize. I did not
17 realize that I am 12 minutes late and you were
18 sitting in the audience.

19 MR. O'BRIEN: Your time was well spent to
20 approve matters for several of my other clients.
21 I won't have to wait until tomorrow to find out
22 what happened.

1 CHAIRPERSON ANDERSON: Well, then I'm glad I
2 was able to do that so you were here, you don't
3 have to wait 24 hours to find out what the board
4 did. Thank you. And, again, I apologize.

5 MR. ALBERTI: So, Mr. O'Brien, does this
6 client get a discount? I'm sorry.

7 MR. OBRIEN: I'll give him your name and
8 address so can write a check for him.

9 CHAIRPERSON ANDERSON: Mr. O'Brien, clearly
10 Mr. Alberti is not an attorney.

11 MR. ALBERTI: That's right.

12 MR. OBRIEN: And he's proud of it.

13 CHAIRPERSON ANDERSON: I am an attorney, sir,
14 and I am on your side, I'll say it that way.

15 MR. OBRIEN: Oh, thank you, it's nice to have
16 a friendly face up there.

17 MR. ALBERTI: I apologize.

18 CHAIRPERSON ANDERSON: We have an application
19 to extend the safekeeping for The Dancing Crab.
20 So, Mr. O'Brien, can you let us know what is
21 going on, why should this board agree to extend
22 this license for another six months?

1 MR. O'BRIEN: The Dancing Crab is one of the
2 oldest D.C. establishments. I think it goes back
3 some 40 years. Our clients -- our client, I
4 should say-- Carlos Horcasitas purchased the
5 business I think four years ago, kept it going
6 and had some rather expansive plans to redo the
7 business, to expand the premises within the
8 building it's in, all of which was submitted to
9 the board and approved a couple of years ago. It
10 has since become apparent to Mr. Horcasitas that
11 he didn't have the time and energy to devote to
12 the project to do it right, so the building has
13 been for sale now for about a year. Because it's
14 configured as a restaurant the most likely
15 purchaser of the building would be a restaurant
16 and we have kept the license alive in order that
17 a prospective purchaser have the comfort of
18 knowing that there's a license available at that
19 property. Of course, any prospective purchaser
20 would have to apply to transfer the license and
21 satisfy the board requirements. But in a way
22 that I can't quantify, it does make this property

1 more marketable as a restaurant opportunity for
2 someone. Tom McDowell is the business manager
3 for Mr. Horcasitas and has told me he has had
4 conversations as recently as within the last two
5 weeks with respect to purchasers. The building
6 is listed with a commercial broker here in D.C.,
7 so it's a very active effort to sell the
8 building. We're very optimistic that something
9 will come to pass by March 31st of 2017. That's
10 why we're requesting an extension to that date.

11 CHAIRPERSON ANDERSON: Thank you. Are there
12 any questions by any board members?

13 MS. HOBSON: I have a question.

14 CHAIRPERSON ANDERSON: Go ahead, Ms. Hobson.

15 MS. HOBSON: Who's the broker?

16 MR. MCDOWELL: Summit Commercial Real Estate.

17 MS. HOBSON: Summit?

18 MR. MCDOWELL: Yes, Paul Phillips.

19 MR. OBIEN: And we do have a copy of the
20 listing agreement if you'd like to see it, but it
21 is an active listing.

22 CHAIRPERSON ANDERSON: Just for my -- what

1 has happened between -- so this license has been
2 in safekeeping for the past two years, is that
3 correct?

4 MR. OBRIEN: Approximately, yeah, I'd have to
5 check the date.

6 CHAIRPERSON ANDERSON: I'm just reading your
7 letter and it said safekeeping since October of
8 2014. So, what's been going on since 2014?

9 MR. OBRIEN: First, the business was
10 discontinued with the intention of reopening it
11 after all of the extensive renovations were
12 undertaken. So, that's how it got into
13 safekeeping, because it wasn't being actively
14 used. Now, I think Tom probably could be more
15 explicit as to what point in time the decision
16 was made to abandon the renovation of the
17 building and instead just to sell it. When
18 approximately was that time?

19 MR. MCDOWELL: It was probably the end of
20 that year, '14, because we listed it in '15. The
21 renovations started modestly as a floor --
22 expanding the floor to a second floor, then we

1 took on a more elaborate plan which was a three-
2 story structure and started doing the steel and
3 concrete pad floors and upon further review of
4 the budgets it just got a little too involved in
5 terms of time, dollars, and attention, so at that
6 point at the end of the year, and then early,
7 just last year we put the property up with a
8 broker for listing. We still have plans which we
9 would convey to the potential buyer to finish the
10 project and because of the energy and costs we
11 just thought that at this point we would stop our
12 investment, cut our losses and actively market.
13 But the intent was to rebuild a bigger and better
14 [inaudible 1:00:56].

15 MR. OBRIEN: I would add those plans were
16 approved by the board back in 2014.

17 CHAIRPERSON ANDERSON: All right, that's
18 fine. Are there any other questions by any other
19 board members? All right with that said then
20 I'll make a motion that we extend the safekeeping
21 through March 31st, 2017. Is there a second?

22 MR. SILVERSTEIN: Second.

1 CHAIRPERSON ANDERSON: Mr. Silverstein has
2 seconded the motion. All those in favor say aye.
3 (Chorus of ayes.) Those opposed? (No audible
4 response.) The matter passed 6-zero-zero. Thank
5 you very much. Have a great day.

6 MR. OBRIEN: Thank you, we appreciate it.

7
8 (Whereupon, the above-entitled matter was
9 concluded.)

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