

Capital Reporting Company

In the Matter of: Ahmed Ouihman Enterprises, LLC t/a Marrakech Lounge 10-24-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Ahmed Ouihman Enterprises, LLC :
t/a Marrakech Lounge :
1817 Columbia Road, NW :
Retailer CR :
License No. 87585 : Show Cause
ANC 1C : Hearing
Case No. 11-CMP-00513 : (Status)
Violation of Voluntary Agreement:
Noise Violation; Failed to :
Obtain a Sidewalk Cafe and :
Summer Garden Endorsement :
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October 24, 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
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

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

2 9:47 a.m.

3 CHAIRPERSON MILLER: The next case is a
4 Marrakech Lounge case and we got a call that someone
5 was running late on that. So if you're here, please
6 come forward. Otherwise, we're going to pass that case
7 -- okay -- and get back to that later. All right.

8 (WHEREUPON, at 9:47 a.m., the hearing went
9 off record until 10:00 a.m.)

10 CHAIRPERSON MILLER: All right. Let's go
11 back to the ones we passed.

12 PARTICIPANT: Marrakech is here.

13 CHAIRPERSON MILLER: Oh, Marrakech is here?
14 Okay. Someone here from Marrakech Lounge? Okay.
15 That's Case No. 11-CMP-00513, Marrakech Lounge, located
16 at 1817 Columbia Road, N.W., License No. 87585, in ANC
17 1C.

18 MR. STERN: Michael Stern representing the
19 District of Columbia. If we can have the court's
20 indulgence for just a second?

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: Thank you.

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1 CHAIRPERSON MILLER: Okay. Would you
2 introduce yourself for the record, please?

3 MR. OUIHMAN: Ahmed Ouihman, previous owner
4 of Marrakech Lounge.

5 CHAIRPERSON MILLER: You're the previous
6 owner?

7 MR. OUIHMAN: Yes.

8 CHAIRPERSON MILLER: Oh

9 MR. OUIHMAN: Somebody's taken over now and
10 he's running it.

11 CHAIRPERSON MILLER: Okay. You were the
12 owner when this violation -- or alleged violation
13 occurred?

14 MR. OUIHMAN: That's correct.

15 CHAIRPERSON MILLER: Okay. What's your name
16 again?

17 MR. OUIHMAN: Ahmed Ouihman.

18 CHAIRPERSON MILLER: Okay. Got it. Did you
19 receive notice of this hearing?

20 MR. OUIHMAN: Yes, I did.

21 CHAIRPERSON MILLER: And did you read it?

22 MR. OUIHMAN: Yes.

1 CHAIRPERSON MILLER: Did you understand it?

2 (No audible response.)

3 CHAIRPERSON MILLER: And do you waive the
4 Board's reading of the notice into the record?

5 MR. OUIHMAN: Yes.

6 CHAIRPERSON MILLER: Okay. Mr. Stern, are
7 there any preliminary matters?

8 MR. STERN: No, there are not.

9 CHAIRPERSON MILLER: Okay. Then this case is
10 set for a hearing on January 23rd, 2013 at 2:30 p.m.

11 MR. OUIHMAN: And the problem was -- I just
12 want to explain my -- you know, I had DJ nights and,
13 you know, she applied the wrong speaker to her DJ
14 entertainment. But when the -- when the inspector came
15 over there --

16 CHAIRPERSON MILLER: No. Let me just -- I
17 know you want to explain but this isn't a hearing on
18 the merits at all. It's, like, all we're doing is
19 saying if you came to an agreement, we'd consider your
20 agreement and then there wouldn't be a hearing. But if
21 there's no agreement, we just set the date for hearing.
22 And at that day you explain --

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1 MR. OUIHMAN: Okay.

2 CHAIRPERSON MILLER: -- what happened.

3 MR. STERN: I do have procedural questions.

4 CHAIRPERSON MILLER: Okay.

5 MR. STERN: I don't know from what the
6 gentleman is saying but perhaps the Board could either
7 inform me or inquire as to whether the change in
8 ownership has been approved already by the Board or
9 whether that is just an informal thing that he's done.
10 Because when we come back and there's a -- if there's a
11 trial and there is a violation, the new owner, quote,
12 unquote, could lose his license completely.

13 And that seems to me technically -- I mean,
14 the Board can do anything up to taking away up the
15 license. The -- that seems to me to make his interest,
16 if he really is not the owner, almost nil and someone
17 else's interest in what happens in this case grave. So
18 I think possibly -- I mean, I guess -- I don't know if
19 it has to be right this second but that should be
20 fleshed out some way.

21 CHAIRPERSON MILLER: Okay. I don't -- I'm --
22 I don't have the answer for you right now. I don't

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1 know.

2 MR. OUIHMAN: The answer is, I'm still the
3 owner but it's under --

4 CHAIRPERSON MILLER: You're still the owner?

5 MR. OUIHMAN: -- new management.

6 MR. STERN: I see.

7 MR. OUIHMAN: So the license is still under
8 me. So I'm --

9 CHAIRPERSON MILLER: You're -- okay. There
10 hasn't been a -- has there been an application for
11 transfer of ownership?

12 MR. OUIHMAN: No. The ownership --

13 CHAIRPERSON MILLER: No.

14 MR. OUIHMAN: -- is still the same but --

15 CHAIRPERSON MILLER: The ownership --

16 MR. OUIHMAN: -- the management is different.

17 CHAIRPERSON MILLER: Okay. Just the
18 management's different. All right. Are you open?

19 MR. OUIHMAN: We're opening Saturday night.

20 CHAIRPERSON MILLER: Just Saturday nights?

21 MR. OUIHMAN: Just Saturday, yes.

22 CHAIRPERSON MILLER: Okay.

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1 MR. OUIHMAN: Reopening we -- well, and he's
2 doing the renovation now. So we will -- we open
3 Saturday night. So he's going to start this Saturday.

4 CHAIRPERSON MILLER: Okay. Other questions
5 from Board members? Yeah.

6 MR. BROOKS: Yeah, what's -- so you are
7 currently closed; is that correct?

8 MR. OUIHMAN: Yeah, renovation for --

9 MR. BROOKS: And you've been renovating for
10 how long?

11 MR. OUIHMAN: Almost three months now.

12 MR. BROOKS: Three months. And it would be
13 open Saturday?

14 MR. OUIHMAN: Yeah.

15 MR. BROOKS: And you said under new
16 management?

17 MR. OUIHMAN: That's right.

18 MR. BROOKS: Okay. So will you be involved
19 in it?

20 MR. OUIHMAN: No, silent.

21 MR. ALBERTI: I'm have a little --

22 MR. BROOKS: Yeah.

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1 MR. ALBERTI: -- understanding what you're
2 saying. Have you sold the business to this new entity?

3 MR. OUIHMAN: No, it's not sold. It's under
4 --

5 MR. ALBERTI: So you still own it?

6 MR. OUIHMAN: Yes. I still own it. Yeah.

7 MR. ALBERTI: And will you be -- will you
8 continue to own it?

9 MR. OUIHMAN: Yes.

10 MR. ALBERTI: Okay. Thank you.

11 MR. OUIHMAN: But he is running it.

12 MR. ALBERTI: Yes, I understand. Thank you.

13 MR. BROOKS: Thank you.

14 CHAIRPERSON MILLER: Oh, I want to note that
15 Mr. Jones has joined us on the Board.

16 MR. JONES: Thank you, Madam.

17 CHAIRPERSON MILLER: Did you have a question?
18 Yeah.

19 MR. JONES: I just want to make sure you
20 understand that as the owner, you're fully responsible
21 for anything that transpires at the establishment
22 regardless of who you say is running it or not. You

1 understand that, correct?

2 MR. OUIHMAN: Yeah.

3 MR. JONES: Okay. When you first got up
4 here, you said, "The previous owner." And that's what
5 kind of started off as -- this always -- this
6 discussion here. So you are the owner?

7 MR. OUIHMAN: That's correct. Yes.

8 MR. JONES: So you are responsible -- fully
9 responsible for the activities that occur at your
10 licensed establishment. Okay. Thank you.

11 CHAIRPERSON MILLER: Okay. Any other
12 questions? Okay. So this is set for a hearing January
13 23rd, 2013 at 2:30 p.m. Thank you.

14 (WHEREUPON, at 10:06 a.m., the hearing was
15 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, LINDA METCALF, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

LINDA METCALF

Notary Public in and for the
District of Columbia

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

Date

MIRANDA PENNACHI

Transcriptionist

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