

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

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6 IN THE MATTER OF: :  
7 Karen Abbott :  
8 t/a TBD (Formerly G Spot Tavern)  
9 5413 Georgia Ave NW :  
10 License No. 93419 :  
11 Retailer CT :  
12 ANC 4D :  
13 Request to Extend Safekeeping

14 - - - - -X

15 Wednesday, November 2, 2016

16

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 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 JAKE PERRY, BOARD MEMBER

7 MAFARA HOBSON

8

9 ALSO PRESENT:

10 KAREN ABBOTT

11 ALLISON DEFOE-REESE

12

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

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: We're back on the  
4 record. The next case on our calendar is the  
5 fact finding hearing for Karen Abbott, for the G  
6 Spot, license #93419. Will the parties please  
7 approach and identify themselves for the record,  
8 please?

9 MS. ABBOTT: My name is Karen Abbott and I'm  
10 the holder of the license in safekeeping.

11 MS. DEFOE-REESE: My name is Allison Defoe-  
12 Reese.

13 CHAIRPERSON ANDERSON: Now, this license is  
14 in safekeeping. How long has it been in  
15 safekeeping?

16 MS. ABBOTT: Two years, or a little more.

17 CHAIRPERSON ANDERSON: And just background,  
18 why was it placed in safekeeping and why is it  
19 that you're requesting that it be extended  
20 safekeeping.

21 MS. ABBOTT: Okay, as I stated in my little  
22 note, we are still in the process of building out

1 the new Oohs and Aahhs Restaurant which is where  
2 they've transferred and I did bring pictures this  
3 time to show you the progress. We also have two  
4 applications for transferal and we are awaiting -  
5 -

6 CHAIRPERSON ANDERSON: Give it to our general  
7 counsel and she'll make copies.

8 MS. ABBOTT: We are awaiting the -- we are  
9 awaiting Walmart's part that they have to fill  
10 out on the application.

11 CHAIRPERSON ANDERSON: Explain that to me,  
12 why you're waiting on Walmart.

13 MS. ABBOTT: We are in a facility that is  
14 owned by Walmart on Georgia Avenue, the Oohs and  
15 Aahhs Restaurant, the second Oohs and Aahhs  
16 Restaurant and in the form it is required that  
17 the --

18 MS. DEFOE-REESE: The landlord affidavit is  
19 completed by the landlord and the landlord is  
20 Walmart and I have an e-mail indicating that they  
21 are in the process of completing that form.

22 CHAIRPERSON ANDERSON: All right, explain to

1 me, the name of the -- are you transferring  
2 because you own G Spot Tavern?

3 MS. ABBOTT: No, I'm not. We acquired this  
4 license for safekeeping from G Spot.

5 CHAIRPERSON ANDERSON: What do you mean, you  
6 acquired?

7 MS. ABBOTT: I took the opportunity to hold  
8 onto it so that we could possibly transfer it to  
9 the Oohs and Aahs.

10 CHAIRPERSON ANDERSON: So, you --

11 MS. ABBOTT: I know the former owner of G  
12 Spot.

13 CHAIRPERSON ANDERSON: But do you own the  
14 license? Is the license in your name?

15 MS. ABBOTT: No, it is in my name in  
16 safekeeping, but it is not in my name, it is  
17 formally G Spot Lounge.

18 CHAIRPERSON ANDERSON: But you can't -- then  
19 you're not the appropriate person to request --  
20 you can't request safekeeping for a license that  
21 you don't own.

22 MS. ABBOTT: Well, I've been -- I didn't know

1 that. No one told me. I've been doing it for  
2 all this time.

3 MR. ALBERTI: So, wait a second, so who is --  
4 I believe that Karen Armstrong is --

5 MS. ABBOTT: Abbott.

6 MR. ALBERTI: Abbott? Is she the current  
7 license holder?

8 MS. DEFOE-REESE: It's in her name for  
9 safekeeping.

10 CHAIRPERSON ANDERSON: She's Karen Abbott.

11 MS. ABBOTT: I'm Karen Abbott.

12 MR. ALBERTI: I know Karen -- I'm sorry, I  
13 understand. I understand that.

14 CHAIRPERSON ANDERSON: Since when?

15 MS. DEFOE-REESE: November in 2013.

16 MR. ALBERTI: I want to look at our records  
17 to see who the licensee of record is on our --

18 CHAIRPERSON ANDERSON: And it's not Karen  
19 Abbott.

20 MR. ALBERTI: So, was the license transferred  
21 to you, Ms. Abbott?

22 MS. ABBOTT: Yes --

1 MS. DEFOE-REESE: For safekeeping.

2 MS. ABBOTT: -- for safekeeping. It was in  
3 the name of Edgar Cunningham.

4 MR. ALBERTI: All right, so the license, yeah  
5 -- so the license was transferred to you back in  
6 --

7 MS. DEFOE-REESE: November 2013.

8 MR. ALBERTI: Okay.

9 CHAIRPERSON ANDERSON: So you own the  
10 license?

11 MR. ALBERTI: It's her license.

12 MS. ABBOTT: It's my license.

13 CHAIRPERSON ANDERSON: That's why --

14 MS. ABBOTT: Okay.

15 CHAIRPERSON ANDERSON: -- it's your license  
16 so you have the license for the G Spot.

17 MS. ABBOTT: Yes.

18 CHAIRPERSON ANDERSON: All right, and so what  
19 this is, is that you want to open this restaurant  
20 Oohs --

21 MS. DEFOE-REESE: Oohs and Aahhs.

22 MR. ALBERTI: Oohs and Aahhs.

1 CHAIRPERSON ANDERSON: All right, I'm looking  
2 at --

3 MS. DEFOE-REESE: Just say O and A is fine.

4 CHAIRPERSON ANDERSON: Thank you, because it  
5 doesn't say Oohs and Aahhs.

6 MS. ABBOTT: It's spelled that way for a  
7 reason. I did that because I wanted to accent  
8 the ooh and aah.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. DEFOE-REESE: So it's not oh ah.

11 MS. ABBOTT: It's not oh ah. Oh, actually  
12 ooh is spelled O-H-H --

13 CHAIRPERSON ANDERSON: Okay.

14 MS. ABBOTT: No O-O-H.

15 MS. DEFOE-REESE: O-O-H.

16 MR. ALBERTI: O-O-H.

17 CHAIRPERSON ANDERSON: All right.

18 MS. ABBOTT: And I added another H. I took  
19 liberties.

20 CHAIRPERSON ANDERSON: So, tell me now  
21 exactly where are you in the process.

22 MS. ABBOTT: We are very near submitting the

1 application back to you to transfer for the new  
2 location.

3 MR. ALBERTI: Where's the new location?

4 MS. ABBOTT: In the Walmart --

5 MR. ALBERTI: What's the address? You need  
6 an address.

7 MS. DEFOE-REESE: 5968 Georgia Avenue.

8 MR. ALBERTI: What is it?

9 MS. DEFOE-REESE: 5968 Georgia Avenue  
10 Northwest.

11 MS. ABBOTT: This is my contractor and  
12 associate.

13 CHAIRPERSON ANDERSON: All right, so what --  
14 have you signed a lease already with Walmart?

15 MS. ABBOTT: Yes. It's been two years  
16 getting the lease finalized.

17 MS. DEFOE-REESE: The lease has been  
18 executed, the permits and it's currently right  
19 now in construction. We're going through the  
20 process and we've also attached to what you have,  
21 the permit, all the tenant build-out, it's on the  
22 back page, so that's what happened with all that.

1 CHAIRPERSON ANDERSON: Do you need to get  
2 this back or is this our copy?

3 MS. DEFOE-REESE: No, you can have it, the  
4 copy.

5 CHAIRPERSON ANDERSON: All right, so.

6 MS. ABBOTT: But it's not ready to be  
7 submitted because Walmart has not completed the  
8 landlord application.

9 MS. DEFOE-REESE: Right, everything else has  
10 been completed except the Walmart portion.

11 CHAIRPERSON ANDERSON: So, how long is that  
12 going to take?

13 MS. DEFOE-REESE: They said as of today they  
14 are still in the process of approving it because  
15 they go through -- we've been asking for that for  
16 the last two months.

17 MS. ABBOTT: And they go through their  
18 process --

19 MS. DEFOE-REESE: All their executive people  
20 so we can get a document signed by them.

21 MS. ABBOTT: And I should say that the holdup  
22 during this whole process, one of the holdups was

1 first of all they'd never done a restaurant on  
2 their premises, they've always done a Subway or a  
3 McDonalds, and we are a different type of  
4 establishment so they had to do a totally new  
5 contract plus we wanted to serve alcohol so all  
6 that has now been approved and we just submitted  
7 the application to them for their portion to be  
8 completed.

9 CHAIRPERSON ANDERSON: So, once Walmart signs  
10 off --

11 MS. ABBOTT: We'll get it.

12 CHAIRPERSON ANDERSON: -- how long is that --  
13 are you ready to open?

14 MS. DEFOE-REESE: To open the restaurant you  
15 mean?

16 CHAIRPERSON ANDERSON: Yes.

17 MS. DEFOE-REESE: Right, we're in the process  
18 of doing final walk-ins for the building  
19 inspector to inspect, then do the finishing so  
20 that will be by the end of this month so we are  
21 looking at opening in December.

22 MR. ALBERTI: You've done the build-out

1 already?

2 MS. DEFOE-REESE: I'm sorry?

3 MR. ALBERTI: You've done the build-out, even  
4 though you don't have Walmart's approval?

5 MS. DEFOE-REESE: All the framing -- I'm  
6 sorry?

7 MR. ALBERTI: You've done the build-out even  
8 though you are not --

9 MS. DEFOE-REESE: No, the approval from  
10 Walmart is on the alcohol application form for  
11 the tenant and landlord. Already have approved  
12 the tenant build-out as I gave to you.

13 MR. ALBERTI: Okay.

14 MS. DEFOE-REESE: The plan that you have,  
15 that's attached to that, Walmart has approved  
16 that already. So, all that's approved.

17 MR. ALBERTI: I was just curious.

18 MS. DEFOE-REESE: No, they've approved that.  
19 It's just the alcohol portion part that they have  
20 to get now.

21 MS. ABBOTT: You should know that Walmart  
22 invited us to come into this arrangement.

1 MR. ALBERTI: Oh, good for you.

2 CHAIRPERSON ANDERSON: And it's taken two  
3 years for them to sign a lease?

4 MS. ABBOTT: Yes. Well, the lease was signed  
5 --

6 MR. ALBERTI: Just like the government.

7 MS. ABBOTT: No --

8 MS. DEFOE-REESE: The lease was executed in  
9 2014. What took two years was the development,  
10 permitting and final permit specs and application  
11 for us to start build-out in this year.

12 CHAIRPERSON ANDERSON: So, going through the  
13 channels, have they given you any idea how long  
14 this process might take?

15 MS. DEFOE-REESE: As of this morning, when  
16 she -- I asked if I could leave just the  
17 affidavit she said it's currently in process and  
18 they'll get it back to me as soon as possible.

19 MR. ALBERTI: But you know that if the board  
20 was to approve a settlement, I'm sorry, the  
21 safekeeping, it would be to March 31st, 2017.

22 MS. DEFOE-REESE: Right. We'd have it by

1 then. We just didn't have it today but we'll get  
2 it to -- before next week. Normally the person  
3 at Walmart -- my contact person, Sherry -- she no  
4 longer works in that department, it's not  
5 transferred over to Loranda, and she's trying to  
6 get acclimated with all the facets of what's  
7 needed for the project, so that's what's taking a  
8 little bit of their time.

9 MS. ABBOTT: A learning process.

10 MS. DEFOE-REESE: I can send you the e-mail  
11 chain that we have as it relates to this  
12 particular form.

13 CHAIRPERSON ANDERSON: No, I believe you. I  
14 think that -- it's not something normally the  
15 board does, we just want to make sure that even  
16 if the board was to approve this that you know  
17 what timeline that you have and is that going to  
18 be whether or not 'okay we're going to have to be  
19 back here in March and we're going to have to ask  
20 for an extension because we're still waiting.'

21 MS. ABBOTT: I would hope not.

22 MS. DEFOE-REESE: We're looking at four weeks

1 until opening so, now, the application will be  
2 submitted.

3 MS. ABBOTT: And I know there's a process we  
4 have to go through for your -- to get approval  
5 for the application, so we plan to open -- we may  
6 not be able to sell alcoholic beverages right  
7 away, but we are hopeful that it will be soon  
8 after we open.

9 CHAIRPERSON ANDERSON: Now, have you had any  
10 contact with the ANC with respect to your plans  
11 and talked with them?

12 MS. ABBOTT: Yes, sir, I have. I'm very  
13 active with my ANC.

14 CHAIRPERSON ANDERSON: Do you know where they  
15 are with the license?

16 MS. ABBOTT: They are supportive. Yes.

17 MR. SHORT: A letter would help.

18 MS. ABBOTT: Pardon?

19 MR. SHORT: A letter from the ANC would help.

20 MS. ABBOTT: Okay, I certainly shall.

21 CHAIRPERSON ANDERSON: Well, now that might  
22 not be necessary.

1 MR. ALBERTI: So, actually I think, just to  
2 help you out, when you're ready to open, all  
3 right -- you're going to get placarded.

4 MS. ABBOTT: Right.

5 MR. ALBERTI: You can ask the ANC for a  
6 stipulated license if that's what you want to do,  
7 which means that you don't have to wait the  
8 entire placard period, you can open -- so I'm  
9 just putting that out there as an option.

10 MS. ABBOTT: You mean we can open sooner or  
11 we can serve alcohol sooner?

12 MR. ALBERTI: If there are no protests and  
13 the ANC agrees to support a stipulated license --

14 MS. ABBOTT: Okay --

15 MR. ALBERTI: -- you can ask for a stipulated  
16 license and get a letter from the ANC --

17 MS. ABBOTT: Mm hmm --

18 MR. ALBERTI: -- and then you can open before  
19 -- you can sell alcohol before -- under those  
20 conditions you can sell alcohol before the end of  
21 the placarding period.

22 MS. ABBOTT: Okay.

1 MR. ALBERTI: So, it's worthwhile looking  
2 into that. Our licensing staff can help you with  
3 that. I just want to make you aware of that.

4 MS. ABBOTT: Thank you so much.

5 MR. ALBERTI: You're welcome.

6 CHAIRPERSON ANDERSON: Mr. Silverstein?

7 MR. SILVERSTEIN: Just to make sure that you  
8 understand what he's saying. You know the ANC,  
9 they get it and they give you permission, you  
10 can't start selling it the next day. They send  
11 it to us and then we check and approve.

12 MS. ABBOTT: Okay.

13 MR. SILVERSTEIN: But it shortcuts the 45-day  
14 period.

15 MS. ABBOTT: All right. Thank you so much, I  
16 did read that, thank you.

17 CHAIRPERSON ANDERSON: Yes, Mr. Short?

18 MR. SHORT: Good afternoon, ladies. You have  
19 any other businesses?

20 MS. DEFOE-REESE: On U Street.

21 MS. ABBOTT: On U Street, the Oohs and Aahhs  
22 on U Street.

1 MR. SHORT: [inaudible 2:05:09]?

2 MS. ABBOTT: Yes, sir.

3 MR. SHORT: How long have you had it?

4 MS. ABBOTT: 14 years.

5 MR. SHORT: What's the address on U Street?

6 MS. ABBOTT: 105.

7 MS. DEFOE-REESE: 105 U Street.

8 MR. SHORT: I missed it. All right, thank  
9 you for that.

10 CHAIRPERSON ANDERSON: Any other questions by  
11 any other board members? Hearing none, I make a  
12 motion that we grant the request to extend  
13 safekeeping to March 31, 2017. Is there a  
14 second?

15 MR. PERRY: Second.

16 CHAIRPERSON ANDERSON: Mr. Perry seconded the  
17 motion. All in favor say aye. (Chorus of ayes.)  
18 Those opposed? (No audible response.) The  
19 matter passed 5-zero-zero. Good luck.

20 MS. DEFOE-REESE: Thank you very much.

21 MS. ABBOTT: Thank you very much.

22 CHAIRPERSON ANDERSON: You got some great

1 advice from counsel so take that.

2 As chairperson of the Alcoholic Beverage  
3 Control Board for the District of Columbia and in  
4 accordance with D.C. Official Code Section 2574B  
5 closed meetings and section 2574 notice of  
6 meetings of the Open Meetings Act, I move that  
7 the ABC Board hold a closed meeting on November  
8 9, 2016, for the purpose of discussing reports  
9 concerning ongoing or planned investigations  
10 [inaudible ] violations of the on the board's  
11 investigative legal and agenda for November 9,  
12 2016, as published in the D.C. Register on  
13 November 4th, 2016. Is there a second?

14 MR. PERRY: Second.

15 CHAIRPERSON ANDERSON: Mr. Perry has seconded  
16 the motion. I will now take a roll call vote on  
17 the motion before us now that it has been  
18 seconded.

19 CHAIRPERSON ANDERSON: Mr. Perry?

20 MR. PERRY: I agree.

21 CHAIRPERSON ANDERSON: Mr. Alberti?

22 MR. ALBERTI: I agree.

1 CHAIRPERSON ANDERSON: Mr. Short?

2 MR. SHORT: I agree.

3 CHAIRPERSON ANDERSON: Mr. Silverstein?

4 MR. SILVERSTEIN: I agree.

5 CHAIRPERSON ANDERSON: Ms. Hobson?

6 MS. HOBSON: I agree.

7 CHAIRPERSON ANDERSON: Mr. Anderson? I  
8 agree. As it appears that the motion has passed,  
9 I hereby give notice that the ABC Board will hold  
10 this aforementioned closed meeting pursuant to  
11 the Open Meetings Act. Notice will also be  
12 posted on the ABC board hearing room bulletin  
13 board, placed on the electronic calendar on  
14 ABRA's website and published in the D.C. Register  
15 in as timely a manner as practical. It is 4:45  
16 and we are adjourned for the day. Thank you.

17  
18 (Whereupon, the above-entitled matter was  
19 concluded.)

20