

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

5 - - - - -X

6 IN THE MATTER OF: :  
7 KCC Entertainment, Inc. :  
8 t/a Club 2020 Bar & Lounge : Fact Finding  
9 2434 18th Street, NW : Hearing  
10 License #ABRA-101093 :  
11 Retailer Class CR :  
12 ANC-1C :  
13 Transfer Application without :  
14 Substantial Change :

15 - - - - -X

16 Thursday, January 14, 2016

17

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

22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 MARK BRASHEARS

13 ABRA Investigator,

14 ANDREW KLEIN,

15 On behalf of Club 2020 Bar & Lounge

16 SENA PAEK,

17 On behalf of Club 2020 Bar & Lounge

18 WILLIAM SIMPSON,

19 On behalf of ANC-1C

20 DENIS JAMES,

21 On behalf of Kalorama Citizens Association

22

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

[2:32 p.m.]

1  
2  
3 CHAIRMAN ANDERSON: Good afternoon. We're  
4 back on the record. I do apologize for -- This  
5 hearing was scheduled for 2:00. I do apologize  
6 for our tardiness. We had, um -- the morning  
7 session went, um, longer than we had anticipated,  
8 so I --

9 One other thing I have to say before, I  
10 want to make sure that we -- I do recognize  
11 everyone's time, and so I do apologize that we  
12 are running half an hour late. All right. Okay.  
13 All right. The -- and, um, I know that there are  
14 some parties here, but I need to go through the  
15 agenda prior to -- uh, but it's just a formality.

16 The next case on our agenda is Case  
17 Number -- it's, um -- there's no -- the -- it --  
18 we were supposed to have had a fact finding  
19 hearing for D.C. Eagle, License Number 93984,  
20 and, um, this hearing has been continued to  
21 January 20th, 2016, at 4:00.

22 The next case on our agenda is Case --

1 it's a fact finding hearing, um, regarding Club  
2 2020 Bar & Lounge, um, License Number 101093. Um,  
3 would the parties -- I see that the parties have  
4 already approached. Can you please identify  
5 yourself for the record?

6 MR. KLEIN: Yes. Good afternoon. Andrew  
7 Klein here on behalf of the applicant.

8 MS. PACK: My name is Sena Paek.

9 MR. KLEIN: Principle of the applicant  
10 company.

11 [Off-mic speaking]

12 CHAIRMAN ANDERSON: I think he's asking  
13 you to spell your name for him.

14 MS. PAEK: My name is spelled S as in  
15 Sam, E as in Edward, N as in Nancy, A as in apple  
16 -- last name, P as in Paul, A as in apple, E as  
17 in Edward, K as in kite.

18 CHAIRMAN ANDERSON: And there's a sign-in  
19 sheet in front of you, so please, um, sign that  
20 for me, and if, um -- if anyone else is going to  
21 come approach the table, once you get to the  
22 table, please, um, sign the sign-in sheet,

1 please. Yes, uh, Mr. Brashears.

2 MR. BRASHEARS: I'm, uh, Investigator  
3 Mark Brashears, uh, from the Alcoholic Beverage  
4 Regulation Administration.

5 CHAIRMAN ANDERSON: Thank you.

6 MR. ALBERTI: May I just interject before  
7 we --

8 CHAIRMAN ANDERSON: Yes.

9 MR. ALBERTI: So, I -- I'm looking at the  
10 audience. Um, I know that this matter came to us  
11 -- well, I think they're here. I was wondering,  
12 there -- well, it was -- came to us from the  
13 Kalorama Citizens Association and the ANC and the  
14 Reed-Cooke Neighborhood Association. I didn't see  
15 them in the audience, but, um, I see them  
16 approaching. So, um, I just wanted to, uh -- I  
17 was curious as to whether they were going to  
18 appear or not, but obviously they are, and I just  
19 wanted to note that they were invited, um, to the  
20 hearing. So, excuse me, sorry for the  
21 interruption.

22 CHAIRMAN ANDERSON: Yes, sir, go ahead.

1 MR. BRASHEARS: Oh, I'm sorry, sir you --  
2 you were going to go ahead and -- my report, or -  
3 -

4 CHAIRMAN ANDERSON: Yes.

5 MR. BRASHEARS: Okay.

6 CHAIRMAN ANDERSON: Yes, go ahead,  
7 please.

8 MR. BRASHEARS: I -- I received a, uh --  
9 a complaint from the, uh, Kalorama Citizens  
10 Association on Tuesday, November 24th, um,  
11 concerning some construction that was going on  
12 inside of Club 2020 Bar & Lounge, um, and I also  
13 received an article, uh, basically detailing that  
14 the establishment planned, uh, to be a nightclub,  
15 with dancing on all floors, uh, and VIP party  
16 rooms.

17 Uh, I conducted a review of ABRA records.  
18 Uh, the review -- I'm sorry, the review disclosed  
19 on the application, uh, to the ABC Board that the  
20 establishment would be a license class CR and  
21 include an endorsement for entertainment and  
22 dancing. Uh, the application was listed as a

1 transfer with sale and that there would be no  
2 substantial change.

3 Uh, on Tuesday, November 24th, 2015, uh,  
4 I visited, uh, Club 2020 Bar & Lounge, and, uh, I  
5 entered the establishment, and I noted that on  
6 all three levels -- basically, the basement, the  
7 first, and the upper floor -- uh, there were  
8 numerous types of repairs going on. Um, I noticed  
9 some of the kitchen fixtures were still in place,  
10 uh, but there were no tables or chairs, and there  
11 was quite a bit of, uh, construction materials  
12 and -- and things going on.

13 Um, I noticed, um, an individual, uh, in  
14 the establishment, uh, working. I gave him my  
15 business card and asked him to have the ownership  
16 contact me. Uh, later that day, um, the owner  
17 called me and basically stated that the  
18 construction that was being done, uh, were  
19 repairs to the -- to the ceiling, floors, and  
20 walls, uh, to cover, uh, water damage, uh, pre-  
21 existing water damage. Uh, I informed her that,  
22 uh, you know, the ABC Board would be in touch and

1 would like to speak with her about it.

2 Uh, I went back and -- and did some, uh,  
3 records reviews concerning the, uh -- the  
4 previous establishment, and I noted that the, uh,  
5 certificate of occupancy showed a first floor and  
6 basement but didn't list a second floor being  
7 utilized. Uh, when I was at the establishment,  
8 uh, the second floor, uh, was, uh -- there was a  
9 -- there was a wall, the -- the floors had been  
10 redone, uh, and it had been mentioned in the, uh  
11 -- the article that the -- the floor would be  
12 utilized, and it had not been in the past.

13 Um, I looked over the, um -- the addendum  
14 for the, uh -- the building, and it spoke of  
15 renovations: um, adding, uh, custom mini-bars,  
16 building bathrooms, and building stages. Uh, so  
17 at that point, um, I wrapped everything up and --  
18 and wrote my report, uh, to -- to put before the  
19 Board, because in -- in my estimation, there may  
20 have been substantial changes that were not  
21 approved that had gone on.

22 CHAIRMAN ANDERSON: Excuse me. Do we have

1 any, um, questions by any board members?

2 MR. SHORT: I do have one.

3 CHAIRMAN ANDERSON: Yes, Mr. Short.

4 MR. SHORT: Mr. Brashears, good  
5 afternoon.

6 MR. BRASHEARS: Good afternoon, sir.

7 MR. SHORT: Okay. And you summed it up,  
8 your report, by saying "in your opinion." Um, and  
9 that's based on what you saw when you made the  
10 visit and information you received from the  
11 workers.

12 MR. BRASHEARS: Yes, sir. I mean, I felt  
13 there was enough that it should come before the  
14 ABC Board to make a determination.

15 MR. SHORT: Okay. So it's a little better  
16 clear -- and clearer to me, the previous C of O  
17 did not include a second floor?

18 MR. BRASHEARS: What I -- what I was able  
19 to discover in ABRA records did not list, uh, the  
20 use of the second floor, no, sir. And -- and I  
21 was informed -- I apologize. I was informed by  
22 our licensing manager that a new certificate of

1 occupancy had not been submitted to ABRA at the  
2 time of the writing of this report.

3 MR. SHORT: Thank you very much. That's  
4 all I have, Mr. Chair.

5 CHAIRMAN ANDERSON: Yes, Mr. Silverstein.

6 MR. SILVERSTEIN: And if you could be  
7 more precise -- uh, first of all, thank you for  
8 an outstanding report, but could you be more  
9 precise as to exactly what you did see on the  
10 second floor?

11 MR. BRASHEARS: The, um -- the second  
12 floor, uh, was -- was empty, uh, but it had -- it  
13 had -- the, uh, walls were being finished, um,  
14 uh, the floors were being finished -- I mean, it  
15 was -- it looked as though it was being, uh,  
16 readied for use.

17 MR. SILVERSTEIN: Very well. Perfect.  
18 Thank you.

19 CHAIRMAN ANDERSON: Any other board  
20 members with questions?

21 [No audible response]

22 CHAIRMAN ANDERSON: Thank you, Mr.

1 Brashears. Mr. Klein?

2 MR. KLEIN: Yes, um, good afternoon,  
3 Investigator. So, did you -- let me make sure  
4 I've -- Did you conclude that there -- that  
5 substantial changes had been made based on what  
6 you observed?

7 MR. BRASHEARS: No, sir, I just felt -- I  
8 felt enough was, uh -- was going on and enough  
9 changes had been made that I felt that it should  
10 come before the ABC Board to make the  
11 determination.

12 MR. KLEIN: Okay. And you did an  
13 investigation and looked at various records,  
14 correct?

15 MR. BRASHEARS: Yes, sir, that's correct.

16 MR. KLEIN: All right. Now, um, in making  
17 -- in making a determination as to whether there  
18 might be a substantial change, you were looking  
19 at D.C. Code, uh, 25-762, is that right?

20 MR. BRASHEARS: Yes, sir.

21 MR. KLEIN: All right. And there are  
22 numerous exhibits to your report, right?

1 MR. BRASHEARS: Yes, sir.

2 MR. KLEIN: All right. Now, 762 says, um,  
3 "Before a licensee may make a change in the  
4 interior or exterior, or a change in format, of  
5 any licensed establishment, which would  
6 substantially change the nature of the operation  
7 of the licensed establishment as set forth in the  
8 initial application for license, the licensee  
9 shall obtain the approval of the Board." Is that  
10 basically what it says?

11 MR. BRASHEARS: Yes, sir, that is  
12 correct.

13 MR. KLEIN: All right. So, did you review  
14 the initial application? I don't see that as an  
15 exhibit to your report.

16 MR. BRASHEARS: Yes, sir, I believe I  
17 did. Yes, sir, uh, Exhibit Number 2.

18 MR. KLEIN: Exhibit Number 2? That's the  
19 -- the new application, isn't it?

20 MR. BRASHEARS: That's what I found in  
21 ABRA records, yes, sir.

22 MR. KLEIN: Okay, but, um, 762 is a

1 change from the initial application. In other  
2 words, would be the one that's being transferred,  
3 correct? If you know.

4 MR. BRASHEARS: Oh yes, it basically  
5 stipulates that, uh, anything that would  
6 substantially change the operation would need to  
7 be approved by the ABC Board.

8 MR. KLEIN: Right. But that would be a  
9 change from what was there before, which was  
10 Meskerem Restaurant, right?

11 MR. BRASHEARS: Correct.

12 MR. KLEIN: All right. Um, this is  
13 Meskerem's ABC application. Did you look at that,  
14 the initial application for Meskerem, in -- in  
15 doing your investigation?

16 MR. BRASHEARS: Yes, sir, I believe I  
17 did. Well, I looked at the, uh -- Yes, sir, I  
18 looked at the previous, uh -- the Meskerem ABC  
19 license, their renewal application, and their  
20 certificate of occupancy.

21 MR. KLEIN: But 25-762 doesn't reference  
22 that, does it? It says "as set forth in the

1 initial application," doesn't it?

2 [Off-mic speaking]

3 MR. BRASHEARS: Well, again, sir, that's  
4 why we're before the ABC Board, for them to make  
5 a determination.

6 MR. KLEIN: Fair enough. Um, your report  
7 lists as an exhibit a new settlement agreement,  
8 which is, uh, Exhibit 20. Doesn't it?

9 MR. BRASHEARS: Yes, sir.

10 MR. KLEIN: All right. Now, um, the  
11 second floor that you observed, it wasn't a full  
12 floor, was it?

13 MR. BRASHEARS: No, sir, it looked to be  
14 more like a loft area.

15 MR. KLEIN: Okay. Maybe -- maybe a  
16 mezzanine?

17 MR. BRASHEARS: Possibly.

18 MR. KLEIN: Okay. Um, look at 6(e) of  
19 the, um, agreement that you've attached as  
20 Exhibit 20, and if you would, um, read the last  
21 sentence.

22 MR. BRASHEARS: Six (e) -- "Applicant

1 shall not permit more than 83 persons in the  
2 basement of the establishment and agrees to  
3 maintain tables, chairs, and barstools in the  
4 basement to seat at least 30 patrons during times  
5 when entertainment is offered. Additionally,  
6 applicant shall maintain at least 25 seats on the  
7 first floor and 25 seats on the mezzanine level  
8 during times that entertainment is offered."

9 MR. KLEIN: Okay. So, the agreement,  
10 which was entered into with the KCA in 2013, um,  
11 seems to acknowledge that there's a mezzanine  
12 level, correct?

13 MR. BRASHEARS: Correct.

14 MR. KLEIN: Uh, could that be what you  
15 thought, in your report, was the second floor?

16 MR. BRASHEARS: Possibly.

17 MR. KLEIN: Okay.

18 MR. BRASHEARS: But again, the  
19 certificate of occupancy did not acknowledge a  
20 mezzanine or a second floor.

21 MR. KLEIN: Okay. Um, how old's the  
22 certificate of occupancy?

1           MR. BRASHEARS: I believe the one that  
2 was in ABRA records -- I'll have to check the  
3 exhibit, but, uh, I want to say it was the early  
4 '90s, sir.

5           MR. KLEIN: Okay. So, do you know if, in  
6 the early '90s, they were putting mezzanines on  
7 certificates of occupancy in the District of  
8 Columbia?

9           MR. BRASHEARS: No, sir, I'm not aware of  
10 that.

11          MR. KLEIN: Um, do you know whether this  
12 configuration is any different than the  
13 configuration that was maintained when the  
14 business was operating as Meskerem?

15          MR. BRASHEARS: No, sir, I did not have  
16 an occasion to go into the establishment when it  
17 was the, uh, previous, uh, trade name or  
18 previous, uh, owner.

19          MR. KLEIN: Okay. All right. That's all I  
20 have on the witness at this time. If the Board  
21 has nothing else, I'm prepared to proceed and  
22 provide the Board a whole bunch of information as

1 to exactly what's going on here so there isn't,  
2 hopefully, any question.

3 CHAIRMAN ANDERSON: Sure.

4 MR. KLEIN: Um, if I may, I have a stack  
5 of documents, um, that I would like to hand out  
6 and just walk the Board through.

7 [Off-mic speaking]

8 MR. KLEIN: Um, the first one is -- it  
9 has "A List" at the top of it, and it's obviously  
10 something from the internet. Um, if you look down  
11 at the bottom -- or -- or towards the middle of  
12 the page, it reflects that, um, this was for the,  
13 uh, 2006 Best Ethiopian Winner. Um, apparently,  
14 Meskerem, um, which was the previous occupant at  
15 this location -- you'll see at the top of the  
16 page it says Meskerem, um, was awarded the Best  
17 Ethiopian Restaurant in 2006, which, of course,  
18 was 10 years ago.

19 Of note, in the upper left-hand corner,  
20 um, there's a -- a small photo that you can't  
21 really see very well, but, um, if you flip  
22 forward two pages, you'll see another photo, um,

1 and I think you can clearly see, um, the  
2 mezzanine. This -- this photo was from a -- a  
3 later entry on the internet, I think in 2014, but  
4 if you look at the larger photo and you match it  
5 up with the smaller photo in the upper left-hand  
6 corner, I think you can see there's not really  
7 any change in terms of the way the place  
8 operated.

9 MR. ALBERTI: So -- so, Mr. Klein -- I --  
10 and I apologize for interrupting. Can -- can we  
11 just ask the investigator if this is what he saw  
12 in terms of the layout? I think that would be  
13 helpful to us --

14 MR. KLEIN: Oh, sure.

15 MR. ALBERTI: -- so that we know that  
16 we're all on the same page. It'd be helpful to  
17 me, anyways, and I apologize.

18 MR. KLEIN: No problem. Whatever --

19 MR. ALBERTI: And I hope it might help  
20 you.

21 MR. KLEIN: Whatever facilitates this  
22 process is fine with me, Mr. Alberti.

1 MR. ALBERTI: Is that sort of what you  
2 saw, Investigator?

3 MR. BRASHEARS: Are we -- are we speaking  
4 of the -- the upper area where the --

5 MR. ALBERTI: The upper area, is that  
6 what you were referring to as the second floor?

7 MR. BRASHEARS: Yes, sir.

8 MR. ALBERTI: Or was it something else?

9 MR. BRASHEARS: Only in the exhibits and  
10 -- and what I found, uh, there was actually a --  
11 a wall had been, uh -- a wall had been erected,  
12 and it had been changed.

13 MR. ALBERTI: But it -- but it was in the  
14 same area.

15 MR. BRASHEARS: Yes, sir.

16 MR. ALBERTI: Okay. That's very helpful.  
17 Thank you.

18 MR. BRASHEARS: Thank you.

19 MR. KLEIN: Thanks, Mr. Alberti.

20 [Off-mic speaking]

21 MR. SILVERSTEIN: May I -- may I continue  
22 that [inaudible] for just one second?

1 MR. KLEIN: Sure. Whatever -- as I said,  
2 whatever's easiest.

3 MR. SILVERSTEIN: Had anything been added  
4 to the second floor, mezzanine -- whatever we  
5 call it -- from what you recall, or was it  
6 approximately the same size and simply  
7 [inaudible]?

8 MR. BRASHEARS: It -- it looked, from the  
9 photos, to be essentially the same size, um, but  
10 again, one of the -- one of the, uh, issues that,  
11 you know, brought me to, you know, uh, writing  
12 the report and bringing it before the ABC Board -  
13 - uh, it talked about adding, um, mini-bars, uh,  
14 custom features and things like that, so, again,  
15 you know, construction and changes that weren't  
16 previously there.

17 MR. SILVERSTEIN: Had any been added yet?

18 MR. BRASHEARS: Not at the time, uh, when  
19 I visited the establishment, no, sir.

20 MR. SILVERSTEIN: So, the change between  
21 what you saw and what you see in the picture is  
22 that the walls -- is that there had been repairs

1 or improvements to the floors, and the walls had  
2 been fixed, and that a wall had been erected so  
3 that people wouldn't fall off or something like  
4 that.

5 MR. BRASHEARS: Yes, sir. Um, Exhibit 15,  
6 um, shows -- and as you can see, there's --  
7 there's been a little -- you know, there's been  
8 some construction and some changes, but the, um -  
9 - the wall area in 15 is what I believe is the --  
10 the mezzanine area.

11 MR. KLEIN: Yes, that's correct.

12 MR. SILVERSTEIN: So everybody's in  
13 agreement on that.

14 MR. BRASHEARS: Yes.

15 MR. KLEIN: Everybody's in agreement.

16 MR. SILVERSTEIN: Thank you for  
17 clarifying.

18 MR. BRASHEARS: Yes, sir.

19 MR. KLEIN: And, I mean, if I may, um --  
20 Yes, the premise is, um, being substantially --  
21 or, actually, has been, it's virtually completed  
22 now -- substantially renovated.

1           Um, further back in your package, um,  
2 after information about the food service, you'll  
3 see a CIS Core Inspection Services, um, one-page  
4 document which looks look this, um, and this is  
5 actually the final third-party, um, inspection  
6 approval. And you'll note, in the inspection  
7 notes, it says "cosmetic renovation of existing  
8 restaurant, no kitchen work, interior only."

9           Um, so what went on here was, this was an  
10 Ethiopian restaurant. Um, it's being, um, changed  
11 into an Asian-themed restaurant, so -- and -- and  
12 it hadn't been updated in many, many years, so  
13 the, um, physical plan is being updated, and  
14 after that, you'll see all the permits that have  
15 been pulled.

16           Um, they all relate to, um, cosmetic work  
17 -- replace flooring, repaint walls, replace  
18 damaged drywall, replace restroom doors, replace  
19 kitchen doors, um, replace three bar tops,  
20 install ceiling lights, circle decoration  
21 uplighting, install two half-circle decoration  
22 posts, replace five door and frames and some trim

1 door, replace interior hand railing, and so on  
2 and so forth, um, all of which does not involve  
3 any load changes. Because, um, I know, as Mr.  
4 Short knows very, very well, um, if there are  
5 load change, then we would need a different  
6 permit. Um, and these are cosmetic-, um, type  
7 renovations simply to change the finishes, um,  
8 floor coverings, the wall coverings.

9 Um, and in addition to that, um -- this I  
10 actually just got today -- um, I have the  
11 landlord's representative here, as well, and he  
12 had an -- which I didn't have -- in his marketing  
13 materials, copies of all the kitchen equipment.  
14 The kitchen equipment has mostly remained. To the  
15 extent that there have been any changes, um,  
16 there were things that were -- uh, some of the  
17 equipment has been updated -- in other words,  
18 newer versions of the same things that were  
19 already there.

20 Um, and I just happen to have this  
21 [inaudible] as well, so the Board can see. I just  
22 got this today, so [inaudible]. So, I -- I

1 apologize I don't have copies, but the owner's  
2 representative gave it to me, um, a little while  
3 ago.

4 Um, in terms of the, um -- the format,  
5 um, it will be operated as a restaurant. Uh, Ms.  
6 Paek is here; she can tell you the person who  
7 identified themselves as the owner in the, um,  
8 web post that was, I think, on Borderstan is not  
9 the owner. That was an intern that briefly worked  
10 for Ms. Paek. She had no authority to do the  
11 marketing. She thought she was a marketer, and  
12 she went out there and told people she was the  
13 owner and this is what was going to go on.

14 Um, you can see in the package that there  
15 is a, um, resume of the chef, who currently works  
16 in Richmond. Once they're ready to open, he will  
17 be relocating up here. And after that, um, you'll  
18 see a copy of the menu, which it's still  
19 development. In fact, I was handed today one  
20 that's -- that's been tweaked even further.  
21 They're still working, um, on the menu.

22 Because of, um -- frankly, because of

1 this report, um, and because of concerns that  
2 have been expressed, um, the licensee has told me  
3 that she wants me to put in a request for a  
4 change in trade name so that it will trade as  
5 2020 Restaurant & Lounge, rather than the 2020,  
6 um, Bar that was in the application that we  
7 filed, because she was not aware that the, um,  
8 use of those terms would generate concern within  
9 the community. So, we're going to change the  
10 name, because, um, we're hoping that everyone in  
11 the neighborhood is going to -- going to come and  
12 -- and dine there and -- and -- particularly in  
13 the restaurant.

14 Um, and that's kind of an overview. Um,  
15 if there are any questions, obviously we're happy  
16 to try to answer them.

17 CHAIRMAN ANDERSON: Yes, Mr. Short.

18 MR. SHORT: Good afternoon, Mr. Klein.

19 MR. KLEIN: Good afternoon.

20 MR. SHORT: Um, you mentioned, when you  
21 were summing up, that someone who the owner had  
22 hired was putting out false advertisement.

1 MR. KLEIN: No, not exactly. Um, if you  
2 look at the investigator's report, um, there's a,  
3 um -- an article in a blog called Borderstan, and  
4 it says "space-themed bar to land in Adams  
5 Morgan." Well, this is not a space-themed bar.

6 [Laughter]

7 MR. KLEIN: Um, and it -- and it quotes  
8 someone by the name of Sarah Kim --

9 MR. SHORT: Okay.

10 MR. KLEIN: -- um, and she holds herself  
11 out as the owner. Well, she's not the owner. Um,  
12 you have the records in terms of who the owner  
13 is. We've submitted an application. We've  
14 submitted documentation. The owner is seated here  
15 to my left, and Sarah Kim is a young woman who  
16 was an intern for Ms. Paek for a brief period of  
17 time. She was a student, apparently, at Pace --  
18 Pace School of --

19 FEMALE SPEAKER: Parsons --

20 MR. KLEIN: Parsons --

21 FEMALE SPEAKER: -- School of Design.

22 MR. KLEIN: Parsons [sic] School of

1 Design in New York, um, was down here. She was a,  
2 um -- a child of a family friend; uh, Ms. Paek  
3 used her as a -- kind of a jack of all trades,  
4 uh, um -- I'm not allowed to say "Girl Friday"  
5 anymore -- no, a, um -- a, uh, administrative  
6 assistant: um, run errands, check with the sign  
7 company, research competitors, um, anything that  
8 Ms. Paek gave her to do.

9 MR. SHORT: So are you indicating that  
10 this person is the one who's causing all this  
11 confusion about the -- the community being --  
12 thinking that there's substantial change?

13 MR. KLEIN: Well, I don't know. I can't  
14 say where the community's concern comes from.  
15 There seems to be a lot of confusion. Based on  
16 the report, it seemed to be almost a conclusion  
17 that because construction was being done there  
18 was a substantial change, um, and there also  
19 seemed to be some confusion about the second  
20 floor and mezzanine, which, hopefully, we've now  
21 cleared up, maybe not, we'll see from the other  
22 questions.

1           But, um -- but I think that's where the  
2           confusion came from. I mean, this -- certainly  
3           this Borderstan blog piece didn't help, I know,  
4           because there's -- there's been a question about  
5           that. Um, but my client didn't put it out there.  
6           She concedes that someone who worked for her did,  
7           but that person did not have authority, and this  
8           doesn't reflect what they're going to do. It's  
9           not a space bar.

10           MR. SHORT: So, I -- I guess -- my -- my  
11           last question on that subject would be, what did  
12           the owner do to correct that misinformation that  
13           got out into the public?

14           MR. KLEIN: She -- she didn't do anything  
15           because, um -- and we didn't speak about this  
16           directly, but, um, you know, our experience with  
17           PR is, sometimes when there's something out  
18           there, if you then -- It was in Borderstan. I  
19           mean, it wasn't in the Washington Post. I mean,  
20           it was in a local blog, and that's the kind of  
21           thing you just kind of leave alone and -- and  
22           move on and open your Asian restaurant.

1 [Laughter]

2 MR. SHORT: Okay, well, that's --

3 CHAIRMAN ANDERSON: Sometimes --

4 sometimes the local blogs are more -- more  
5 widespread than the Washington Post. That may be  
6 --

7 [Laughter]

8 CHAIRMAN ANDERSON: -- [inaudible] in  
9 this day and age.

10 MR. KLEIN: Yes, but that's not my  
11 [inaudible] --

12 [Laughter]

13 MR. KLEIN: -- [inaudible].

14 MR. ALBERTI: Okay. Okay. So, I think  
15 what you're telling us -- it's your contention  
16 that the -- pretty much, the square-footage floor  
17 area for the basement, the first floor, and --  
18 and the mezzanine is what it was under the old C  
19 of O?

20 [No audible response]

21 MR. ALBERTI: Okay.

22 CHAIRMAN ANDERSON: And I think you have

1 to say --

2 [Off-mic speaking]

3 CHAIRMAN ANDERSON: Uh, Mr. -- Mr. Klein,  
4 you have to -- both of you shake your head, but  
5 he has no idea what --

6 MR. KLEIN: Oh, yes. Yes.

7 [Laughter]

8 MS. PAEK: Everything's exactly the same.

9 MR. KLEIN: And I have the owners up here  
10 if there's any questions on that.

11 MR. ALBERTI: That's fine. That's fine.  
12 So, I -- I just want to get this on the record so  
13 we're all clear.

14 MR. KLEIN: Yes.

15 MR. ALBERTI: So -- and so, um, after  
16 this construction's done, will you be getting a  
17 new C of O? Is there a need to get a new C of O?

18 MR. KLEIN: It -- I'll answer that,  
19 because I actually know this part of the process  
20 better than -- than --

21 MR. ALBERTI: Right.

22 MR. KLEIN: -- they do. Um, the current -

1 - because it's just cosmetic work, the current C  
2 of O will be transferred as a change of  
3 ownership.

4 MR. ALBERTI: Okay. And so, the -- the,  
5 um, occupancy load will remain the same?

6 MR. KLEIN: Exactly the same.

7 MR. ALBERTI: And you -- and you see no  
8 need to -- to have that reevaluated is what  
9 you're saying.

10 MR. KLEIN: No. In fact, I neglected to  
11 mention one thing -- and I have the originals  
12 here, too. Um, in your packet are also the  
13 capacity posters, which, um -- And I don't think  
14 --

15 MR. ALBERTI: I saw those, yes.

16 MR. KLEIN: I don't know if you can read  
17 the dates on them, but I have the originals, and  
18 you can read the dates. They go to 1985, um, and  
19 they're going to be exactly the same. In fact,  
20 this is the one for the mezzanine: 50, 1985.

21 MR. ALBERTI: Just wanted to make sure --

22 MR. KLEIN: Yes.

1 MR. ALBERTI: -- [inaudible]. Thank you.

2 CHAIRMAN ANDERSON: Yes, Ms. Miller.

3 MS. MILLER: Good afternoon.

4 MR. KLEIN: Good afternoon.

5 MS. MILLER: I just want to, uh, ask  
6 about the certificate of occupancy.

7 MR. KLEIN: Yes.

8 MS. MILLER: It looks like the one in the  
9 packet you gave us is, um, 1993, and it says  
10 first and basement.

11 MR. KLEIN: Yes.

12 MS. MILLER: Do you have a -- an updated  
13 certificate of occupancy since then?

14 MR. KLEIN: No, but if you look at the  
15 occupancy on that, it totals 50, 50, and 83, um,  
16 and, I mean, I've been doing this stuff a long  
17 time, and DCRA is all over the board in terms of  
18 what they put up on [inaudible]. I mean, I think  
19 they're better --

20 [Laughter]

21 MR. KLEIN: -- in the last 10 years,  
22 maybe, um, but over time, they've been all over

1 the board. So, I mean, I -- I -- I hope we all  
2 know that. I mean, that's just a common fact.

3 MS. MILLER: No, I --

4 [Off-mic speaking]

5 MS. MILLER: I mean, if -- if I hadn't  
6 seen the pictures -- I mean, I think your  
7 pictures, you know, are obviously worth a  
8 thousand words showing what it looked like before  
9 and what it looks like now, but -- so I could see  
10 how Mr. Brashears, though, could come to the  
11 conclusion if the certificate of occupancy only  
12 says first and basement, so it --

13 MR. KLEIN: No, I understand.

14 MS. MILLER: -- looks like a change.

15 MR. KLEIN: I -- I get that. I  
16 understand.

17 MS. MILLER: Yes. Okay. But that's not a  
18 problem with, um, DCRA. But you're going to get a  
19 new -- no, your new -- you're going to get  
20 another certificate of occupancy? Oh no, you're  
21 not, you're just --

22 MR. KLEIN: We're going to transfer --

1 MS. MILLER: -- going to transfer this  
2 one.

3 MR. KLEIN: -- the existing one. Um,  
4 actually -- and we're in a fight with DCRA about  
5 this. I think it goes back 10 years. The building  
6 code says that you -- if you make no change in --  
7 in layout and what have you, you are supposed to  
8 be able to transfer your C of O over the counter,  
9 without inspection. Usually that's the case.  
10 Sometimes they do a zoning inspection. That's  
11 what we're fighting with them about.

12 MS. MILLER: Okay.

13 MR. KLEIN: [Inaudible].

14 MS. MILLER: So -- so, when they do their  
15 inspections or whatever for the -- for the new  
16 construction, they --

17 MR. KLEIN: They've already done them.  
18 You have --

19 MS. MILLER: Okay.

20 MR. KLEIN: -- the final inspection in  
21 the packet.

22 MS. MILLER: Okay. So they don't have a

1 problem seeing just first and basement, the fact  
2 that there's work on the mezzanine.

3 MR. KLEIN: No, apparently.

4 MS. MILLER: No? Okay. Okay. Thank you.  
5 That's all.

6 CHAIRMAN ANDERSON: Do we have any  
7 questions from any other board members?

8 [No audible response]

9 CHAIRMAN ANDERSON: Do you have anything  
10 else to present, Mr. Klein?

11 MR. KLEIN: I don't think so. I -- you  
12 know, unless the Board has, um, other questions  
13 or there's something that they're -- you're  
14 dissatisfied with or have additional questions  
15 about. I think now, um -- I hope it's pretty  
16 clear.

17 MR. SHORT: Well, I -- I -- I did have  
18 one -- one -- just one thing --

19 CHAIRMAN ANDERSON: Yes, Mr. Short.

20 MR. SHORT: -- I just -- one -- one area  
21 I just need to clear up. So, the C of O still  
22 says first and second floor.

1 MR. KLEIN: Correct.

2 MR. SHORT: And you know -- maybe some  
3 other people don't know.

4 CHAIRMAN ANDERSON: I think it's the  
5 basement --

6 MR. SHORT: Basement and first floor,  
7 forgive me.

8 MR. KLEIN: Thank you, Mr., uh -- Mr.  
9 Anderson.

10 MR. SHORT: So, buildings go by 12-foot  
11 increments, floors, correct? So, you would have -  
12 - yes, yes, you know it, Mr. Klein. I think you -  
13 - I think you have a good idea. The measurements  
14 go -- the -- the first floor -- basement starts  
15 down from ground level, correct?

16 MR. KLEIN: Right.

17 MR. SHORT: The first floor would be the  
18 first level above the basement area. Correct?

19 MR. KLEIN: As a level, yes.

20 MR. SHORT: Anything above the second --  
21 first-floor level is considered second floor,  
22 isn't it?

1 MR. KLEIN: Um, well it could be  
2 considered a mezzanine, second floor -- I don't  
3 really know. The answer to your question is, I  
4 don't know. I mean, I've seen it "mezzanine."  
5 I've seen "second floor." I've seen "balcony."  
6 Um, so I don't know.

7 MR. SHORT: Okay. One last question.

8 MR. KLEIN: Sure.

9 MR. SHORT: Does anybody in your party of  
10 witnesses -- can they describe or give the  
11 dictionary definition of what "mezzanine" is?  
12 That might help us decide whether it's part of  
13 the first floor or not.

14 MS. MILLER: I can give you the zoning  
15 regulation definition.

16 MALE SPEAKER: Oh, of course you can.

17 MR. SHORT: What, mezzanine?

18 MS. MILLER: Yes, I have it up here --

19 MR. SHORT: Okay. Well, give it to us,  
20 please. Thank you.

21 CHAIRMAN ANDERSON: Ms. -- that's Ms.,  
22 um, Miller who's been recognized.

1           MS. MILLER: A mezzanine -- a floor space  
2 within a story between its floor and the floor or  
3 roof next above it and having an area of not more  
4 than 1/3 of the area of the floor immediately  
5 below. A mezzanine shall not be considered a  
6 story in determining the maximum number of  
7 permitted stories.

8           MR. KLEIN: See, I told you I didn't  
9 know.

10           [Laughter]

11           MR. SHORT: Then that answers my  
12 question. Thank you.

13           CHAIRMAN ANDERSON: Yes, Mr. Brashears.

14           MR. BRASHEARS: I -- I understand the --  
15 the definition of that, but from an  
16 investigator's standpoint -- and, I think, from a  
17 DCRA standpoint -- if it's not clearly labeled on  
18 a certificate of occupancy, if -- if I come in,  
19 and there are people on that -- on the mezzanine,  
20 and it's not listed on the certificate of  
21 occupancy, I'm going to write it as a violation  
22 for using a floor that is not approved. So I just

1 want to bring that to your attention.

2 MR. KLEIN: Oh. I would hope, after  
3 today, you wouldn't. Um, and -- you know, we've  
4 got different agencies here, and there's a --  
5 there's a longstanding, uh, Court of Appeals case  
6 called the Kopf Case. Um --

7 CHAIRMAN ANDERSON: What -- what case?

8 MR. KLEIN: Kopf -- K-o-p-f, um, and it  
9 says that DCRA does what DCRA does, and ABC does  
10 what ABC does, and ABC doesn't second guess what  
11 DCRA does. I'm paraphrasing, of course.

12 MR. ALBERTI: So -- I'm just going to --  
13 can I answer --

14 CHAIRMAN ANDERSON: Mr. Alberti.

15 MR. ALBERTI: So, Investigator, I -- I  
16 hear you. The director's here. I think maybe  
17 we'll -- we'll talk about, maybe, annotating the  
18 license somehow, this and other licenses. And  
19 we'll work on that, but it's -- I -- I -- you  
20 know --

21 MR. BRASHEARS: Yes, sir?

22 MR. ALBERTI: I got you. We hear you.

1 It's something maybe we need to solve, but  
2 nothing we could require of DCRA. Maybe we can  
3 put notes on their licenses or something, I don't  
4 know.

5 MR. BRASHEARS: Well, I'll talk --

6 MR. ALBERTI: We'll talk to the director  
7 about that, see --

8 MR. BRASHEARS: Yes, sir.

9 MR. ALBERTI: -- see what we can do.

10 MR. KLEIN: We don't want any confusion.  
11 We would welcome [inaudible].

12 MR. ALBERTI: Yes, I -- I didn't think  
13 you could care.

14 [Laughter]

15 CHAIRMAN ANDERSON: All right. Um, the  
16 Board, um, actually, um, scheduled a fact finding  
17 hearing based on a request that we received from  
18 the ANC and the Kalorama Citizen Association. Um,  
19 are they here? And can you please approach and,  
20 uh, um, um -- You can pull some chairs up -- and  
21 identify -- sign your name on the -- on the  
22 witness list and, um, just identify your --

1 identify yourselves for the record, please.

2 MR. SIMPSON: Uh, my name is William  
3 Simpson. I'm from Advisory Neighborhood  
4 Commission 1-C. I'm on our, uh, Alcoholic  
5 Beverage Control Committee.

6 CHAIRMAN ANDERSON: Okay. You, sir.

7 MR. JAMES: Oh. Yes, I'm Denis James,  
8 president of Kalorama Citizens Association, and,  
9 uh, we have the settlement agreement that's in  
10 place --

11 CHAIRMAN ANDERSON: Okay.

12 MR. JAMES: -- with the establishment.

13 CHAIRMAN ANDERSON: All right.

14 MR. JAMES: It's with the new licensee.

15 CHAIRMAN ANDERSON: All right. So, Mr.  
16 Simmons, you --

17 [Off-mic speaking]

18 CHAIRMAN ANDERSON: Simpson, I'm sorry.  
19 Simpson, Mr. Simpson.

20 [Laughter]

21 CHAIRMAN ANDERSON: And I was -- and I  
22 was not listening when you -- when you identified

1 yourselves. I'm trying to do too many things. So,  
2 Mr. Simpson, um, you have heard the presentation  
3 from the investigator. You have heard the  
4 presentation from the representative of  
5 ownership. What can you add to the discussion  
6 today?

7 MR. SIMPSON: Sure. Um, the -- certainly  
8 the thing that triggered the concern for members  
9 of the ANC that caused us to reach out to ABRA in  
10 the first place was the article in Borderstan,  
11 and, um -- The previous establishment, Meskerem,  
12 has been in the neighborhood for a long time and  
13 was recognized as a truly bona fide restaurant  
14 serving great Ethiopian food.

15 Um, the Borderstan article reflected a  
16 chronic problem that we have had in Adams Morgan  
17 for many, many years, where we have  
18 establishments that are licensed under a  
19 restaurant license but in operation are in no way  
20 behaving as a restaurant and are behaving as a de  
21 facto nightclub. Um, and everything we saw in the  
22 Borderstan article caused it to appear that

1 that's exactly what is intended for this new  
2 space.

3 Um, we have not had an opportunity to sit  
4 down and have extensive discussions with the  
5 owner. I reached out to Ms. Paek about a week ago  
6 and, uh, asked to have a discussion, and I think  
7 we're planning to sit down after this meeting and  
8 start to have that discussion about what their  
9 operations are going to look like.

10 Um, I guess the biggest challenge right  
11 now, procedurally, is, uh, if this were a brand  
12 new license, we would of course have the  
13 opportunity to protest, sit down, have these  
14 discussions, make sure that the operations are  
15 going to be reasonable, consistent with a  
16 restaurant operation. Um, but in this case, it's  
17 a transfer, and, um -- and -- and -- and -- and  
18 as a transfer, that doesn't necessarily apply. I  
19 guess I'm here today to ask that you take the  
20 various factors into consideration -- what's been  
21 reported in Borderstan, what's been looked at by  
22 the investigator -- and, um -- and require that

1 this transfer application be factored in, in a  
2 way that would allow the community to sit down  
3 with the -- the owner and -- and get this figured  
4 out appropriately.

5 Um, right now, we have significant  
6 concerns. Uh, I very much appreciate that they're  
7 willing to change the trade name to be  
8 "Restaurant & Lounge." That gives some comfort.  
9 But if the operations are still bar and lounge or  
10 de facto nightclub, that's a problem. Um, in  
11 speaking on the phone with Ms. -- with Ms. Paek,  
12 she noted that they intend to have live bands.  
13 Um, that could very well be a concern, depending  
14 on, you know, the nature of that. Um, and -- and  
15 all this really needs to be gotten to the bottom  
16 of before we have, uh, another challenging  
17 operation on 18th Street, of which we've had too  
18 many. Um --

19 CHAIRMAN ANDERSON: Just a quick  
20 question: Have you had an opportunity to, um,  
21 view the establishment in its current condition?

22 MR. SIMPSON: I have not.

1           CHAIRMAN ANDERSON:  Have you been into  
2 the previous establishment?

3           MR. SIMPSON:  I ate at Meskerem once, uh,  
4 many years ago, um, and it was very much a  
5 restaurant, and the food was the delicious. Um --

6           CHAIRMAN ANDERSON:  Uh, Mr. James, um,  
7 what can you add to this discussion here today?

8           MR. JAMES:  Not a terribly additional --  
9 a large additional amount, but, um, as Mr.  
10 Simpson said, when some place comes to Adams  
11 Morgan, calling itself "club" something, you  
12 immediately worry, you know, that that's --  
13 that's what it really wants to be like -- Club  
14 Heaven and Hell I'm sure the Board is familiar  
15 with, and other places that have acted like  
16 clubs, even under a restaurant license. There've  
17 -- you know, there's been a long line of them  
18 coming along.

19           Um, it's interesting that, uh -- just a  
20 little, sort of, background: Meskerem was a bona  
21 fide restaurant. I was there numerous times, and  
22 been inside the place numerous times, and, uh,

1 worked with the previous owner, as well. And it  
2 was only because of the fact that they had never  
3 caused a noticeable problem in the neighborhood  
4 that the KCA felt comfortable enough to allow the  
5 -- well, to agree to the kind of entertainment  
6 that probably made this license attractive to  
7 this environment, which, you know, is fairly  
8 extensive entertainment. But we never heard a  
9 whisper out of Meskerem. We didn't see any  
10 outward effects, um, on the sidewalks after  
11 closing or anything of that nature.

12 So, um, you know, when something is more  
13 blatant, then we, you know -- Again, it's --  
14 perhaps it's not fair to pin it on these folks,  
15 who are just starting, because there was a -- an  
16 article in the news, but, um -- As I said, the  
17 mini -- adding mini-bars in private rooms -- that  
18 would be cause for concern. That seems like club  
19 activity that, you know, could easily lead to  
20 [inaudible] problems if they come out back, out  
21 on the streets. [Inaudible].

22 CHAIRMAN ANDERSON: Yes, Mr. Simpson.

1           MR. SIMPSON:  If I might add just one  
2 little point, and I certainly don't mean to, um,  
3 blame the new owners for this, um, but it  
4 certainly does appear that something needs to get  
5 corrected, either in DCRA's record or ABRA's  
6 record, because when you look at the floor plans,  
7 that top level is very clearly more than a third  
8 of the level below it, and, uh, therefore it  
9 doesn't seem to fit the mezzanine definition that  
10 we just heard, uh, Ms. Miller read out.  But, um -  
11 - and I don't want to blame the new owners for  
12 that.  That seems to have been an outstanding  
13 problem.

14           CHAIRMAN ANDERSON:  Well, let me ask --  
15 was, um your -- you said you have been in the  
16 establishment once, and you have been there  
17 several times, I think, Mr. James.  Um, can you  
18 describe this mezzanine for us when it was under  
19 the old establishment?

20           MR. JAMES:  Yes.  When you would walk in  
21 through the main, front, double doors, there  
22 would -- there would be a 6- or 8-foot

1 [inaudible], and there's the stairs -- like a  
2 double staircase down -- you know, a wide  
3 staircase down, with dining tables on both sides  
4 of it and in the rear of the first floor. You  
5 could see dining tables downstairs. That was  
6 where they generally had their entertainment,  
7 downstairs, that I was aware of.

8           And then, if you looked up, it looked  
9 like there was limited additional seating, you  
10 know, and it looked like it was a good halfway  
11 back in the building. I mean, you couldn't really  
12 tell because there were -- there was a wall --  
13 there was a -- you know, this railing, with some  
14 tables behind it, and a wall, which maybe was  
15 back-of-the-house stuff behind it. It was kind of  
16 hard to tell how far back the building went.

17           And also in the basement on this, uh,  
18 floor plan -- I -- I could be wrong, I mean, it's  
19 just an impression. I didn't feel that the whole  
20 space was open so it was all part of the  
21 establishment. I felt like there was some back-  
22 of-the-house stuff in the basement. But again, I

1 could be wrong. I was down there maybe three or  
2 four times, and, you know, I never got out my  
3 measuring tape while I was down there.

4 CHAIRMAN ANDERSON: All right. Thank you.  
5 Um, yes, Mr. Alberti.

6 MR. ALBERTI: I just want to note for,  
7 um, Mr. Simpson, uh, for the ANC, that, um,  
8 renewals for restaurant licenses -- you know --  
9 are aware -- at the end of March. So you talked  
10 about an opportunity to, uh, review a placard and  
11 review this license and -- and hopefully it won't  
12 come to a protest, but, um, that is your  
13 opportunity and it's coming up soon, so I wanted  
14 to put that out there.

15 MR. SIMPSON: And I very much appreciate  
16 it. We're aware of that. Obviously we'd love to  
17 have these things worked out before they actually  
18 begin operations.

19 CHAIRMAN ANDERSON: Any other questions,  
20 any board members?

21 [No audible response]

22 CHAIRMAN ANDERSON: Do you have any

1 questions? Do you have any questions for either  
2 Mr. --

3 MR. KLEIN: No, I do not, thank you.

4 CHAIRMAN ANDERSON: I'm sorry, Mr. Klein.  
5 No?

6 MR. KLEIN: I do not, thank you.

7 CHAIRMAN ANDERSON: Okay.

8 [Off-mic speaking]

9 CHAIRMAN ANDERSON: All right. As you  
10 know, I'm -- I'm new to this process, so I'm just  
11 trying to figure out, okay, where the next step.  
12 Um, thank you very much for the presentation, and  
13 we'll take it under advisement. Thank you. Yes,  
14 Mr. Klein.

15 MR. KLEIN: I guess my question is, take  
16 what under advisement? We have a transfer  
17 application --

18 CHAIRMAN ANDERSON: That's in -- that's  
19 in process. We're not -- we're -- what our action  
20 today in no way will -- will impact that  
21 transfer.

22 MR. KLEIN: Okay.

1                   CHAIRMAN ANDERSON: That's my  
2 understanding.

3                   MR. KLEIN: Okay.

4                   CHAIRMAN ANDERSON: And if it does, you  
5 will keep me on my toes with that.

6                   [Laughter]

7                   CHAIRMAN ANDERSON: All right? Thank you.  
8 Thanks for your time. Thank you very much. I  
9 thank you for coming.

10                               [Whereupon the matter concluded at  
11 3:12 p.m.]