

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Ferrol, Inc.	
t/a Todito Grocery	Fact-
1813 Columbia Road, NW	Finding
Retailer B - ANC-1C	Hearing
License No. 60011	

(License in Extended  
Safekeeping)

May 1, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member

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

(3:06 p.m.)

CHAIRPERSON MILLER: Okay. The next case is Todito Grocery located at 1813 Columbia Road, N.W., License No. 60011, in ANC-1C. Good afternoon.

ALL: Good afternoon.

CHAIRPERSON MILLER: Would you identify yourselves for the record? Your name?

MS. AYALA: Blanca Ayala.

CHAIRPERSON MILLER: I'm sorry, could you speak louder?

MS. AYALA: Si.

CHAIRPERSON MILLER: Okay. Do you speak English?

MS. AYALA: A little bit.

CHAIRPERSON MILLER: Do you speak English?

MS. AYALA: Blanca Rosa Ayala.

CHAIRPERSON MILLER: Do you speak English, sir?

1 MS. AYALA: Yes. I said yes.

2 MEMBER RODRIGUEZ: She speaks  
3 English.

4 CHAIRPERSON MILLER: He does? She  
5 does? Okay. So could you give both your  
6 names then?

7 MS. AYALA: My name is Blanca Rosa  
8 Ayala.

9 CHAIRPERSON MILLER: Okay. And  
10 his name is?

11 MR. AYALA: My name is Teofilo  
12 Ayala.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Would you sign  
15 the -- put your names down on that piece of  
16 paper, so that we have that?

17 MR. AYALA: Oh, okay.

18 CHAIRPERSON MILLER: So you are  
19 here like many other people this afternoon  
20 because you have had a license in safekeeping  
21 for a long time. According to our records,  
22 you have had it in safekeeping since 2008.

1                   And licenses are not intended to  
2                   be kept in safekeeping for years and years and  
3                   years. They are for others to use if you are  
4                   not going to use them.

5                   So we wanted to find out what your  
6                   plans are for using your license or selling  
7                   your license. You know, if there has been a  
8                   problem.

9                   MR. AYALA: Yes, we are looking  
10                  for a -- we have been looking or a place, you  
11                  know. We don't hire realtor, but with the  
12                  friends, you know, they say, you know, this is  
13                  a location available for rent, but it's not --  
14                  it's like the other person say, you know, it's  
15                  not accommodate, you know, so tiny, rent too  
16                  high and expenses is going to be too much and  
17                  we can not do it, so for that reason.

18                  In the same time, we try to sell  
19                  it at the same time, you know. Somebody want  
20                  to use it, we -- last time we put in the  
21                  paper, in the Latinos paper to see if is  
22                  somebody, but we don't have no luck to get

1 somebody to get it.

2 Now, we have somebody that have a  
3 store on Georgia Avenue and we are talking  
4 with them, you know, if they agree with the --  
5 however we are going to sell it to with them,  
6 you know, and that's where we are, at this  
7 point.

8 But we always try to look for a  
9 small place, so we can accommodate the store  
10 or to work the license.

11 CHAIRPERSON MILLER: Okay. So you  
12 are trying to set up. Is that right?

13 MR. AYALA: At the same time we  
14 are looking to --

15 CHAIRPERSON MILLER: Oh, you're  
16 looking at both. Either one?

17 MR. AYALA: Either one.

18 CHAIRPERSON MILLER: Either one.

19 MR. AYALA: Yes.

20 CHAIRPERSON MILLER: Okay. Board  
21 Members, do you have questions?

22 MEMBER ALBERTI: I just want to

1 say something. Sir, you have -- the type of  
2 license you have, which is a Class B  
3 Retailer's License --

4 MR. AYALA: Yes, wine and beer,  
5 yes.

6 MEMBER ALBERTI: Yes, wine and  
7 beer.

8 MR. AYALA: Yes.

9 MEMBER ALBERTI: It's my  
10 impression that those types of licenses are  
11 very much in demand.

12 MR. AYALA: Yes.

13 MEMBER ALBERTI: I have heard of  
14 people -- I have heard of many companies  
15 looking for those types of licenses. So I'm  
16 a little surprised to hear you say that you  
17 haven't been able to find a buyer, because  
18 this Agency has been aware of people seeking  
19 those types of licenses over the last several  
20 years.

21 So if you are not aware of that,  
22 this license should not be hard to sell.

1 MR. AYALA: Yes.

2 MEMBER ALBERTI: I mean, that's my  
3 impression.

4 MR. AYALA: Okay. We don't put it  
5 in the newspaper or something, American  
6 newspaper. I just put -- we put in a couple  
7 week, it was a month, I believe, in the  
8 Spanish newspaper. But I don't -- it's  
9 nothing that gets response from that newspaper  
10 or somebody call from there, you know.

11 I don't know if maybe you can give  
12 us idea, you know, where we can do to put it  
13 in the way people can see it and the  
14 information we give it.

15 MEMBER ALBERTI: Okay.

16 MR. AYALA: And we -- if we don't  
17 use it, somebody can use it.

18 MEMBER ALBERTI: Okay. I can't  
19 really give you advice on who to seek out from  
20 here, but --

21 MR. AYALA: I really need --

22 MEMBER ALBERTI: But possibly if

1 you asked around, you might find someone who  
2 might have knowledge of the industry.

3 MR. AYALA: Yes.

4 MEMBER ALBERTI: You might want to  
5 start --

6 MR. AYALA: Like you say --

7 MEMBER ALBERTI: -- with some of  
8 the wholesalers and ask them if they have  
9 knowledge of the industry, who they might  
10 recommend that you see. I mean, that's where  
11 I would start. I mean, I would just start by  
12 asking around.

13 MR. AYALA: Yes, it was a story,  
14 you know, that if we agree/interested to buy  
15 it, you know, about six month ago, but they  
16 don't allow to -- the assertion, you know, if  
17 they are allowed to get the legal beer and  
18 wine and they aren't allowed to do it, that's  
19 why we don't go through that situation.

20 MEMBER ALBERTI: Okay.

21 MR. AYALA: But at the same time,  
22 like I say, we looking for small, you know,

1 not too big store, you know, so we can  
2 accommodate the --

3 MEMBER ALBERTI: Okay.

4 MR. AYALA: -- grocery and wine  
5 and beer.

6 MEMBER ALBERTI: Six months.

7 CHAIRPERSON MILLER: Same thing?

8 MEMBER ALBERTI: Same thing.

9 CHAIRPERSON MILLER: Okay. Yes.

10 Mr. Rodriguez?

11 MEMBER RODRIGUEZ: Yes. Madam  
12 Chair, I see the license fees are current.

13 CHAIRPERSON MILLER: Um-hum.

14 MEMBER RODRIGUEZ: Is that -- so  
15 Mr. Ayala, your license fees are current.

16 MR. AYALA: Yes.

17 MEMBER RODRIGUEZ: You have paid  
18 all your license fees.

19 MR. AYALA: Yes.

20 MEMBER RODRIGUEZ: And you have  
21 told the Board that you are advertising in the  
22 -- not only the Latino newspaper, but the non-

1 Latino newspapers? Is that right? Are you  
2 advertising?

3 MR. AYALA: We just put in the  
4 newspaper like what they call -- in the second  
5 that buy and sell.

6 MEMBER RODRIGUEZ: Classifieds,  
7 yes, uh-huh.

8 MR. AYALA: In one newspaper, yes.

9 MEMBER RODRIGUEZ: Okay. Well, I  
10 wish you luck with your business and your  
11 license and hopefully you can find some way to  
12 either apply it in a business or that you have  
13 luck selling your license. And I think you  
14 understand that we can't have a license  
15 forever. We have to put it to good use and  
16 like you had before.

17 MR. AYALA: Yes.

18 MEMBER RODRIGUEZ: I know you had  
19 a very good grocery store.

20 MR. AYALA: Yes.

21 MEMBER RODRIGUEZ: And I know that  
22 there was a lot of good business there. And

1 I wish you the very best in finding a new  
2 locale or a new buyer for your license.

3 MR. AYALA: Yes.

4 MEMBER RODRIGUEZ: Thank you.

5 MR. AYALA: Yes, thank you.

6 CHAIRPERSON MILLER: Mr. Jones,  
7 welcome.

8 MEMBER JONES: Thank you.

9 CHAIRPERSON MILLER: Do you have  
10 any questions?

11 MEMBER JONES: I do, but I'm going  
12 to sit back and see how this plays out for a  
13 second.

14 CHAIRPERSON MILLER: Okay. So  
15 okay. We are almost finished. I was going to  
16 make a suggestion. Our Director of the Agency  
17 is sitting in this room, Mr. Moosally. He  
18 might be able to tell you, you know, where --  
19 who else you might see or maybe it sounds like  
20 you are not really marketing your license that  
21 well.

22 MR. AYALA: Yes.

1                   CHAIRPERSON MILLER: And that may  
2                   be your issue. So I don't know. I know. I  
3                   know. He can't necessarily refer you to  
4                   specific people. I don't know, but he will  
5                   deal with it. He just might know of something  
6                   that could help you.

7                   So, Mr. Jones?

8                   MEMBER JONES: Yes. I'll just --  
9                   I was reluctant, but now I need to say  
10                  something. So you understand that it's your  
11                  responsibility to make use of your license,  
12                  either make use of it or sell it. And then it  
13                  is up to us, the Board, at our discretion at  
14                  some period of time we could choose to cancel  
15                  your license if you don't make use of it.

16                  Regardless of what advice you get  
17                  from anybody else, you are responsible for  
18                  making that work. We, the Board, the Agency  
19                  isn't responsible for helping you make use of  
20                  your license. You are. Do you understand  
21                  that?

22                  MR. AYALA: Yes.

1 MEMBER JONES: Okay.

2 MR. AYALA: Um-hum.

3 MEMBER JONES: Thank you.

4 CHAIRPERSON MILLER: Okay. I  
5 think where we are at is if you heard us with  
6 the other case, your case is somewhat similar.

7 MR. AYALA: Yes.

8 CHAIRPERSON MILLER: It has been  
9 in -- the license has been in safekeeping a  
10 very long time. So I think we are going to do  
11 the same thing with you that we did with them.  
12 We are going to say we will have another  
13 status in six months, but by then, you should  
14 have a -- show us proof that you are either  
15 selling it or using it.

16 So, you know, we will approve the  
17 documents or whatever. And then if you are  
18 not able to sell or use it within a year,  
19 which will be six months after that, the Board  
20 may likely cancel your license.

21 So that's your time frame. And  
22 that you should submit to us 10 days before

1 the hearing, if you could, the documents that  
2 you want us to review to show that you  
3 actually -- if you have it, plans to sell or  
4 to use it.

5 MR. AYALA: This is going to be a  
6 six month from now to submit the plans? 10  
7 days.

8 MEMBER RODRIGUEZ: Yes.

9 MR. AYALA: Okay.

10 MEMBER RODRIGUEZ: Six.

11 CHAIRPERSON MILLER: So --

12 MEMBER ALBERTI: Six months.

13 MR. AYALA: Yes.

14 MEMBER ALBERTI: In six months, we  
15 want to see evidence that you have a plan to  
16 either sell or use the license.

17 MR. AYALA: Right. Okay.

18 MEMBER ALBERTI: And then six  
19 months after that, a year from now, we expect  
20 the license to be in use or imminent or just  
21 about to be in use. I mean, it has got to be  
22 a guarantee there it's going to be in use.

1 MR. AYALA: Okay.

2 MEMBER ALBERTI: A year from now  
3 or this will or may cancel that license.

4 MR. AYALA: Okay.

5 MEMBER ALBERTI: Mr. Jones?

6 MEMBER JONES: I am just making  
7 sure you're clear on what we are saying to  
8 you. In six months -- well, I'll put it to  
9 you this way. As an individual Board Member,  
10 at that six month mark, you need to have a  
11 very definitive defensible plan as to how you  
12 are going to make use of your license. Either  
13 you are going to put it to use yourself or you  
14 are going to sell it. And you need to have a  
15 seller identified, a contract negotiated,  
16 something along those lines.

17 It can't be you come in here and  
18 saying I talked to a guy and I think he might  
19 be interested, because at the end of that six  
20 months, that first six months, we technically  
21 could cancel your license at that six month  
22 point if you don't come in here with something

1 definitive saying how you are going to use it  
2 or how you are going to sell it.

3 MR. AYALA: Yes.

4 MEMBER JONES: Okay. So it's not  
5 to be taken lightly.

6 MR. AYALA: It's very clear.

7 MEMBER JONES: No guarantee that  
8 you are going to get another six months.

9 MR. AYALA: It's very clear.

10 MEMBER JONES: At least in my  
11 book. Is that clear?

12 MR. AYALA: Yes.

13 MEMBER JONES: Okay.

14 CHAIRPERSON MILLER: So if you  
15 have any questions between now and then, you  
16 can also contact our General Counsel, Martha  
17 Jenkins.

18 MR. AYALA: Yes, we will.

19 CHAIRPERSON MILLER: Okay.

20 MR. AYALA: Yes.

21 CHAIRPERSON MILLER: All right.

22 Good. Do you have any other questions?

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MR. AYALA: No, that's it.

CHAIRPERSON MILLER: Okay. Good  
luck.

MR. AYALA: He make more clear.  
Thank you.

CHAIRPERSON MILLER: Thank you.  
Thank you.

MEMBER JONES: Good luck.

(Whereupon, the Fact-Finding  
Hearing in the above-entitled matter was  
concluded at 3:19 p.m.)

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