

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

b-----»
IN THE MATTER OF: :
 :
Sheldon Arpad :
t/a Come to Meet : Fact Finding
3222 0 Street NW : Hearing
Retailer CR : (Status)
License In Safekeeping :
ANC 2E :
Case No. -- :
b-----¼

February 22, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Nick Alberti presiding.

PRESENT:
NICK ALBERTI, Chairman
DONALD BROOKS, Member
HERMAN JONES, Member
MICHAEL SILVERSTEIN, Member

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

3:23 p.m.

MEMBER SILVERSTEIN: Okay, we're back on the record. The next case is a fact finding hearing. And this case involves Mr. Sheldon Arpad, trading as Come To Eat. The License Number is 85370. The property listed is 3222 O Street, Northwest. It's an ANC2E. The license is in safe keeping.

The pertinent facts in this case, on March 21st of this year, the licensee submitted a letter to ABRA requesting that its CR01 license be kept in safe keeping.

The license was renewed on March 21st, 2013. The licensee's establishment is listed as a capacity of 99 in the Summer Garden Endorsement.

The licensee has not operated this establishment, even though the license is two years old. And this hearing is scheduled to determine what the status of the license is and what your plans are.

1 And if you gentlemen could
2 identify yourselves and help us along with
3 where we stand on this.

4 MR. SCHAFFER: Thank you. My name
5 is Martin Schaffer. I'm an attorney. I
6 represent Sheldon Arpad. And this is Michael
7 Lacomb. Michael Lacomb is Sheldon Arpad's
8 business manager. Mr. Arpad --

9 MEMBER SILVERSTEIN: Mr. -- is
10 this Comus?

11 MR. SCHAFFER: Lacomb, L-A-C-O-M-
12 B.

13 MEMBER SILVERSTEIN: L-A-C-O-M-E?

14 MR. SCHAFFER: B.

15 MEMBER SILVERSTEIN: Lacomb. And
16 your first name again is --

17 MR. LACOMB: Michael.

18 MEMBER SILVERSTEIN: Michael. And
19 this gentleman, again, is --

20 MR. SCHAFFER: This is Michael
21 Lacomb.

22 MR. LACOMB: I'm Michael Lacomb.

1 MR. SCHAFFER: My name is Martin
2 Shaffer.

3 MEMBER SILVERSTEIN: Martin
4 Shaffer.

5 MR. SCHAFFER: I am the attorney
6 who represents Sheldon Arpad.

7 MEMBER SILVERSTEIN: And do you
8 have a letter of representation?

9 MR. SCHAFFER: Yes. It's on file.

10 MEMBER SILVERSTEIN: Very well.
11 Go right ahead then, gentlemen.

12 MR. SCHAFFER: Thank you. The
13 situation is, I think, relatively simple. The
14 building code requires that this property have
15 a rear emergency exit.

16 And right now there is a lawsuit
17 pending, which has been pending for quite some
18 time, to try to get access to what appears to
19 be a rear public alleyway.

20 One of the other tenants on this
21 public alleyway has put up a fence and is
22 refusing to allow Mr. Arpad to have access to

1 that alleyway.

2 Without the alleyway, without the
3 access to the alleyway, this building doesn't
4 have a rear exit, doesn't have what we would
5 call an emergency exit, and can't get its
6 occupancy permit.

7 So as I say, the lawsuit was filed
8 to determine who's right about access to that
9 alleyway. We're trying to get a scheduling
10 order to see what the dates were. There is a
11 hearing scheduled for July to make a
12 determination on some of the issues.

13 I'm not sure that the judge will
14 rule totally on the merits at that point in
15 time. It may be that if this goes to a full
16 trial it could be another six months to a year
17 before there's a determination.

18 Until that determination is made,
19 until there's a determination by the D.C.
20 Superior Court as to whether there's a right
21 in this property to have access through that
22 rear alleyway, the property can't open.

1 MEMBER SILVERSTEIN: Board
2 members? Mr. Jones?

3 MEMBER JONES: Thank you, Mr.
4 Chairman. So how long ago was this fence
5 erected?

6 MR. LACOMB: I'd say about nine
7 months ago.

8 MEMBER JONES: Oh, nine months
9 ago.

10 MR. LACOMB: Yes.

11 MEMBER JONES: Okay.

12 MR. LACOMB: And it was put up
13 like in the middle of the night. We just
14 arrived one day and there was the fence.

15 MEMBER JONES: You arrived one day
16 and there was the fence. So are you there at
17 the establishment every day?

18 MR. LACOMB: I'm there once maybe
19 every two or three weeks. I'm not there every
20 day.

21 MEMBER JONES: Okay. So whenever
22 you're not operating, correct?

1 MR. LACOMB: No, we're not
2 operating.

3 MEMBER JONES: In any capacity?

4 MR. LACOMB: No, we can't.

5 MEMBER JONES: Okay. Were you
6 affiliated with the establishment in 2010?

7 MR. LACOMB: The Come To Eat
8 establishment?

9 MEMBER JONES: Yes.

10 MR. LACOMB: Yes.

11 MEMBER JONES: You were?

12 MR. LACOMB: Yes.

13 MEMBER JONES: Okay.

14 MR. SCHAFFER: Well, let's clarify
15 that. Your affiliation with the establishment
16 is Mr. Arpad is the owner of the property.

17 MR. LACOMB: Right.

18 MR. SCHAFFER: Mr. Arpad, at the
19 time Come To Eat vacated the property, took
20 over the license, filed the necessary papers
21 to have the license assigned to him. So that
22 license did exist prior to this time.

1 MEMBER JONES: You say this time,
2 what's this --

3 MR. SCHAFFER: Prior to that nine
4 month period when the fence was put up.

5 MEMBER JONES: Okay.

6 MR. SCHAFFER: The license did
7 exist. Come To Eat was a restaurant that was
8 operating there.

9 MR. LACOMB: No. It was beginning
10 to operate. In other words, they were getting
11 ready to operate. And --

12 MR. SCHAFFER: And then they got
13 shut down because they couldn't get the rear
14 access. And because of not having the rear
15 access they couldn't open.

16 So the tenant that was in there,
17 that was the licensee, again at that time,
18 around six to nine months ago, abandoned the
19 property.

20 The license that was associated
21 with that property was transferred to Mr.
22 Arpad, who is the owner of the property. And

1 Mr. Arpad has continued the fight to try and
2 get access through the rear alleyway in order
3 to be able to open a restaurant there.

4 So it's not like the restaurant
5 ever really was operating there, or the
6 license that was issued was ever really
7 operating.

8 MEMBER JONES: So were you
9 affiliated with Come To Eat back in 2010?

10 MR. LACOMB: Yes.

11 MR. SCHAFFER: Well, can you
12 explain your affiliation?

13 MR. LACOMB: Yes. I'm just the
14 business manager of Arpad. And I handle
15 several of their properties in this area.

16 And when I get involved in regards
17 to something like this, usually a legal
18 matter, usually a negotiation matter, a lease
19 matter, those are the types of things that I
20 get involved with.

21 As far as being in the actual
22 restaurant business, no. I have nothing to do

1 with that part of it whatsoever.

2 MR. SCHAFFER: And you had no
3 ownership interest in the --

4 MR. LACOMB: No, no, and I still
5 do not.

6 MR. SCHAFFER: Right. And did Mr.
7 Arpad have any ownership interest in that, in
8 Come To Eat?

9 MR. LACOMB: Yes, yes. He had a
10 partner, actually, they were going to open up
11 a restaurant.

12 MR. SCHAFFER: So they were going
13 to open up a restaurant together.

14 MR. LACOMB: Yes.

15 MEMBER JONES: Okay. So I'm
16 having a bit of a challenge. And I guess I'm
17 trying to figure out if the right people are
18 here to even address our concerns. So if
19 you're affiliated with it, it depends on if
20 you have first hand knowledge.

21 MR. LACOMB: Well, I do have first
22 hand knowledge in regards to if you want to

1 ask me any questions I'm pretty sure I can
2 answer them for you.

3 MEMBER JONES: Okay. So in
4 December of 2010, we had a fact finding
5 hearing here related to the safe keeping and
6 the license associated with Come To Eat.

7 And Mr. Arpad was here. And he
8 put forth some assurances, brought forward
9 some assurances about the nature of what was
10 going to be taking place over a fixed period
11 of time.

12 MR. LACOMB: Right.

13 MEMBER JONES: And I want to get
14 confirmation from you, or someone, whether it
15 happens, and if not, why not.

16 MR. LACOMB: Okay.

17 MEMBER JONES: So can you speak on
18 the fact finding hearing and the promises that
19 were made on December of 2010 related to this
20 establishment as it was communicated to the
21 Board at that time?

22 MR. LACOMB: Not that I'm going to

1 tell you I can remember you hear certain ones.
2 But if you want to address anything that was
3 made at that time, I'll let you know the
4 status of each of those. I can do that.

5 MEMBER JONES: Okay. Are you in a
6 position to do so, sir? You're a
7 representative, correct?

8 MR. SCHAFFER: I'm an attorney, an
9 I represent --

10 MEMBER JONES: Okay. Do you have
11 any insight, any knowledge as to what has
12 transpired since 2010 or after 2010?

13 MR. SCHAFFER: No personal first
14 hand knowledge, just knowledge I've gained
15 through discussions.

16 MEMBER JONES: Okay. So the
17 challenge that I'm having is that you're
18 speaking about an issue that arose roughly
19 nine months ago. Can you give me the date,
20 roughly a month and a year?

21 MR. LACOMB: Well, as I think
22 back, it was probably about a little more over

1 a year ago. I would say it was March or April
2 of last year. That's probably where it was,
3 March or April.

4 MEMBER JONES: Okay. So this is a
5 pretty significant event. This is an event
6 that's keeping you from opening up a
7 restaurant that, based on what you just
8 indicated to me, you were in the process of
9 about to open. You were about to open this
10 restaurant, or this activity, whatever you
11 want to call it, correct?

12 MR. LACOMB: Yes.

13 MEMBER JONES: And you're filing
14 lawsuits and there's court proceedings. I
15 would imagine that you have a pretty good
16 handle on the month and the year when this
17 event occurred.

18 This isn't a fly by night
19 happenstance. You're talking about spending
20 legal dollars --

21 MR. LACOMB: That's correct.

22 MEMBER JONES: -- to go after an

1 activity. So --

2 MR. LACOMB: That's correct.

3 MEMBER JONES: I need a little bit
4 more specificity if you have it. And if you
5 don't, then I'm concerned that we don't have
6 the right people here to discuss it.

7 MR. LACOMB: Okay. What
8 specifically are you asking. I'd be more than
9 happy to address it.

10 MEMBER JONES: What month and year
11 did this event occur that has now created an
12 issue of you being able to get the appropriate
13 documents so you can move forward with the
14 operation of this establishment, based on the
15 license that you're requesting to pull out of
16 safe keeping.

17 MR. SCHAFFER: What month and year
18 did the fence go up?

19 MEMBER JONES: What month and year
20 was the event that is preventing you from
21 getting the proper documentation so that you
22 can move forward with the operation of your

1 establishment, whatever that event was?

2 Based on what you communicated to
3 me, it sounds like it was the putting up or
4 the building of a fence. But it really sounds
5 like it's an easement issue.

6 MR. SCHAFFER: That's correct.

7 MEMBER JONES: All right. So what
8 is the easement issue? When did that come
9 into play?

10 MR. LACOMB: It came into play
11 when one of our neighbors illegally erected a
12 fence.

13 MEMBER JONES: Month and year?

14 MR. LACOMB: I'm going to say
15 April 2012.

16 MEMBER JONES: All right, cool.
17 So April 2012.

18 MR. LACOMB: Correct.

19 MEMBER JONES: What steps had you
20 taken prior to April 2012 to operate the
21 establishment?

22 MR. LACOMB: Well, I can see

1 probably where you're going here. And I'll
2 just let you know what had happened in between
3 there.

4 MEMBER JONES: In between what and
5 what?

6 MR. LACOMB: Okay. The gentleman
7 that was working with Sheldon Arpad is a
8 gentleman that's got lots of experience in the
9 restaurant business.

10 MEMBER JONES: Who was this
11 gentleman?

12 MR. LACOMB: Akbar --

13 MEMBER JONES: Excuse me?

14 MR. LACOMB: His name is Akbar.

15 MEMBER JONES: Akbar what?

16 MR. LACOMB: Akbar Anwat, A-N-W-A-
17 T.

18 MEMBER JONES: Akbar Anwan.

19 MR. LACOMB: Anwat.

20 MEMBER JONES: W-A-T.

21 MR. LACOMB: Yes.

22 MEMBER JONES: A-N-W-A-T.

1 MR. LACOMB: He owns and operates
2 a restaurant in Old Town Alexandria. And he
3 was going to come in and open up another one
4 in D.C., very similar, Italian type of
5 restaurant.

6 MEMBER JONES: Okay. And when was
7 that supposed to occur? When did this Mr.
8 Anwat start working with Mr. Arpad?

9 MR. LACOMB: He was involved from
10 the beginning.

11 MEMBER JONES: What's the
12 beginning?

13 MR. LACOMB: When they first
14 applied for the license.

15 MEMBER JONES: Which was?

16 MR. LACOMB: I don't know exactly
17 when they first applied for the license. Do
18 you have that maybe in the file, when it
19 occurs?

20 MEMBER JONES: Okay. Are you
21 familiar with a gentleman by the name of Mr.
22 Freddie Lopez?

1 MR. LACOMB: No.

2 MEMBER JONES: All right. Are you
3 familiar with a gentleman by the name of Akbar
4 Zadran?

5 MR. LACOMB: That's him.

6 MEMBER JONES: That doesn't sound
7 like Anwat, not even close.

8 MR. LACOMB: Okay, that's him,
9 that's him, okay. That's him. His other
10 partner, his other brother-in-law's last name
11 is Anwat. I'm sorry, I mixed them up.
12 They're both --

13 MEMBER JONES: Okay. So you're
14 saying this Anwat person is the same person as
15 Akbar Zadran?

16 MR. SCHAFFER: No, they're not the
17 same person. They're brothers.

18 MR. LACOMB: Brother-in-laws.

19 MR. SCHAFFER: Brother-in-laws.
20 And they both operate the restaurant. And Mr.
21 Lacomb was identifying the other brother, who
22 he thought was the one on the license. It

1 turns out to be the one that you mentioned.

2 MEMBER JONES: Okay. So whoever
3 this person is, let's just go on Mr. X,
4 because we don't clearly know who he is. But
5 you're saying Mr. X worked with Mr. Arpad from
6 the beginning. But we don't know when the
7 beginning was and/or is.

8 MR. SCHAFFER: We don't have that
9 information.

10 MEMBER JONES: Okay. What was
11 done? So he worked with him? What was done?

12 MR. LACOMB: Okay. The problem
13 occurred right from the beginning. Because
14 Simon Osnos was our ABC attorney. Simon Osnos
15 developed brain cancer, had a brain tumor, and
16 passed away.

17 MEMBER JONES: I'm very familiar
18 with that.

19 MR. LACOMB: Okay. He left us
20 hanging just like, unfortunately, he left
21 everybody. It's not anything the man did,
22 it's his demise.

1 MEMBER JONES: So not to cut you
2 off prematurely, but that's not really what
3 I'm asking.

4 MR. LACOMB: Well, it has a lot to
5 do with --

6 MEMBER JONES: Mr. Osmos honestly
7 has nothing to do --

8 MR. LACOMB: We had no file. We
9 had no records.

10 MEMBER JONES: Osnos should have
11 had nothing to do with these promises that
12 were made here. So I'm trying to understand
13 what was done.

14 So there were some promises about
15 the nature of the establishment, when permits
16 were going to get received, and when you were
17 going to start operations. Those were things
18 that were clearly documented, and testimony
19 provided.

20 MR. LACOMB: That's correct.

21 MEMBER JONES: Right. So Mr.
22 Osnos, that's more of a smoke screen, that's

1 more of an excuse. And I'm not really trying
2 to deal with the excuses.

3 I'm just trying to deal with what
4 was done and what prevented you from getting
5 those things done. So let's just be candid,
6 okay.

7 MR. LACOMB: All right. Well,
8 then let's go to the next step. Akbar Zadran,
9 who was with Sheldon -- and they were the ones
10 working on the restaurant from the time of
11 2010 that you're referring to -- his wife
12 died.

13 His wife died in January of 2011.
14 And that took him out. And there was a car
15 accident, his wife died, and Mr. Zadran was
16 disabled for almost a year.

17 So by the time this got picked
18 back up and got going again, with all parties
19 involved, between the first attorney passing
20 away and then the brains of the restaurant
21 operation getting in a car accident and losing
22 his wife, then they started to move forward

1 again.

2 MEMBER JONES: Move forward with
3 whom?

4 MR. LACOMB: Move forward as to
5 look --

6 MEMBER JONES: Who were the
7 parties that decided to move forward?

8 MR. LACOMB: We still had just
9 Akbar Zadron and Sheldon Arpad.

10 MEMBER JONES: Okay. So you're
11 saying right now Mr. X, this Anwat that you
12 called him initially, but his brother-in-law -
13 -

14 MR. LACOMB: Yes, that's the
15 brother-in-law.

16 MEMBER JONES: They're still
17 involved.

18 MR. LACOMB: Yes.

19 MEMBER JONES: Okay. So they were
20 involved in 2010, December, and they're still
21 involved --

22 MR. LACOMB: Yes.

1 MEMBER JONES: -- as of now. So
2 you said there was a car accident and a death
3 that prevented certain progress from being
4 made.

5 MR. LACOMB: Yes.

6 MEMBER JONES: At what point did
7 stuff re-engage, pick back up?

8 MR. LACOMB: I'd say January of
9 2012.

10 MEMBER JONES: So you started re-
11 engaging back in January of 2012. And that's
12 when you found out that the easement issue,
13 March of 2012, was preventing you from making
14 progress on getting the appropriate permits.

15 MR. LACOMB: Correct.

16 MEMBER JONES: So between 2010 and
17 January of 2012, you effectively made no
18 progress.

19 MR. LACOMB: We said from December
20 of 2010 --

21 MEMBER JONES: Correct.

22 MR. LACOMB: -- until January of

1 2012.

2 MEMBER JONES: Correct.

3 MR. LACOMB: That is correct,
4 based on the tragedies that happened, yes.

5 MEMBER JONES: So from December of
6 2010 to January of 2012 you were not capable
7 or able to address the needs --

8 MR. LACOMB: Yes, sir.

9 MEMBER JONES: -- of the Board as
10 you indicated you would.

11 MR. LACOMB: That's correct.

12 MEMBER JONES: Okay. No idea who
13 Mr. Freddie Lopez is?

14 MR. LACOMB: No.

15 MEMBER JONES: So what is the plan
16 currently?

17 MR. LACOMB: I think we're going to
18 have to wait until this matter resolves in the
19 court system here in D.C. in regards to the
20 property.

21 At this point, the property is not
22 able to legally operate as a restaurant or

1 that type of establishment. Because it will
2 not meet the code.

3 MEMBER JONES: So if you had gotten
4 the permits in the time period that you
5 indicated you were going to get the permits
6 back in 2010, you would have beat this
7 neighbor to the punch in terms of them
8 building this fence and it being an easement
9 issue?

10 MR. LACOMB: I have no way of
11 saying that because --

12 MEMBER JONES: Well, help me
13 understand it. So you're saying that the
14 cause of you not being able to get the permits
15 is the fact that this person built a fence.
16 So you're also implying that, you're saying
17 that's not the reason? Help me understand.

18 MR. SCHAFFER: Let me try and
19 explain that, okay?

20 MEMBER JONES: Yes.

21 MR. SCHAFFER: The tenant that's on
22 the alleyway might have built a fence whenever

1 they built it. But the fact is, that they
2 have -- and this was determined at the time
3 the fence was built -- they don't want that
4 restaurant to be there.

5 So if progress were made more
6 quickly than it was, in all likelihood we
7 believe that fence would have gone up earlier.
8 It was just that, that was the time when they
9 learned that there was some progress. So they
10 put up the fence.

11 But if these conditions had been
12 satisfied and more progress could have been
13 seen, our opinion, that neighbor would have
14 put up the fence a year earlier, or two years
15 earlier, or whenever they saw the progress.

16 So when the fence went up was not
17 an element for determining when the neighbor
18 thought they had ultimate rights to that
19 alleyway. It was just their visible
20 expression that they thought that.

21 But we know, from the position of
22 that neighbor, that they've always thought

1 that and that they would have tried to prevent
2 that rear exit and rear entryway from being
3 established even before that.

4 So the fence doesn't, when it goes
5 up is not the critical element, although it
6 certainly is an issue of showing publicly that
7 they were against what was happening.

8 MEMBER JONES: Okay. I don't know
9 that the fence going up shows publicly that
10 they were against the restaurant. That's
11 speculation that you're putting forth as to
12 the reasons why.

13 MR. SCHAFFER: I'm making an
14 argument as to why it went up, yes. They
15 don't want this here, so they put up a fence.

16 MEMBER JONES: But there's no
17 factual basis for that?

18 MR. LACOMB: Yes, there is.
19 They've actually told us, and they've actually
20 got it on record.

21 MEMBER JONES: So do you have that
22 information here to present us today?

1 MR. LACOMB: I'll get it.

2 MR. SCHAFFER: No, it's in the
3 court proceedings.

4 MEMBER JONES: Okay. So from that
5 standpoint, I'll revert back to the facts that
6 we have in front of us.

7 In December of 2010, it was noted
8 during the fact finding hearing that you have
9 a --

10 MR. SCHAFFER: Excuse me, I don't
11 mean to interrupt, but there are facts in
12 front of us. Mr. Lacombe knows from talking to
13 that neighbor that they were against our use
14 of the alleyway.

15 MR. LACOMB: I personally had
16 discussions with the owners of the property,
17 as well as their attorney, both.

18 MEMBER JONES: Why is that? So if
19 you are aware of that --

20 MR. LACOMB: Yes.

21 MEMBER JONES: And you're cognizant
22 of it --

1 MR. LACOMB: Yes.

2 MEMBER JONES: Back in December of
3 2010 it was indicated that you would have
4 permits and be ready to do construction within
5 60 to 70 days.

6 MR. LACOMB: Yes.

7 MEMBER JONES: Did you have that
8 conversation with the neighbor within 60 to 70
9 days of December 10th of 2010 -- in December
10 of 2010.

11 MR. LACOMB: No. The neighbor
12 never gave us any indication of that. They
13 didn't even know what was going on.

14 MEMBER JONES: So at that point,
15 they had never given you any indication?

16 MR. LACOMB: No.

17 MEMBER JONES: So if you had
18 successfully followed through on your promise
19 to the Board and gotten your permits within 60
20 to 70 days of that hearing, then the neighbor
21 wouldn't have had an opportunity to erect this
22 fence and create this issue. Because you

1 wouldn't have even known that the neighbor was

2 --

3 MR. LACOMB: That's speculation.

4 MR. SCHAFFER: But it's not

5 correct.

6 MR. LACOMB: It's not even

7 relevant.

8 MEMBER JONES: Well, let's put it

9 this way.

10 MR. SCHAFFER: Because the code --

11 MEMBER JONES: Let's put it this

12 way. Did you get the permits in 70 days,

13 based on the promise that you made to the

14 Board?

15 Let's just deal with that. Because

16 I don't know the neighbor. So let's forget

17 the neighbor all together. Right now, did you

18 get the permits in 70 days?

19 MR. LACOMB: No. We could not get

20 the permits.

21 MEMBER JONES: Why couldn't you?

22 MR. LACOMB: Because we couldn't

1 pass the inspection part.

2 MEMBER JONES: Why couldn't you?

3 MR. LACOMB: Why?

4 MEMBER JONES: Yes.

5 MR. LACOMB: Because we had other
6 issues at the property that we had to resolve
7 first.

8 MEMBER JONES: Okay.

9 MR. LACOMB: There were some
10 drainage issues, there was a roof issue.
11 There some major issues that had to be dealt
12 with.

13 MEMBER JONES: Okay. So you
14 weren't in a position to meet this requirement
15 or meet this promise at the time that you made
16 it?

17 MR. LACOMB: Yes. It was at the
18 time we made it. But however, we didn't
19 anticipate also that Akbar would lose his wife
20 and be in a debilitating car accident in
21 January of that year, right after that
22 hearing.

1 MEMBER JONES: So the promise that
2 you made towards those issues that you're
3 referring to, that prevented you from getting
4 the permit --

5 MR. SCHAFFER: What did you do?
6 What were you doing?

7 MEMBER JONES: You said there was
8 a roof issue, there was drainage issues.

9 MR. LACOMB: Yes.

10 MEMBER JONES: Do you have
11 receipts, do you have documents? Do you have
12 permits? Do you have construction plans?
13 What things did you do?

14 Help me to have an appreciation for
15 all that you had to go through to get to this
16 point. What have you done? What can you show
17 me you've done?

18 MR. LACOMB: Well, you want stuff
19 since now? Since then we've brought the
20 building up to code. We've brought in new
21 water lines.

22 MEMBER JONES: Do you have

1 documentation to support that?

2 MR. LACOMB: Yes, we do.

3 MEMBER JONES: Where is it?

4 MR. LACOMB: I can get it.

5 MEMBER JONES: Okay.

6 MR. LACOMB: Yes, all that, the
7 wiring, plumbing.

8 MEMBER JONES: Do you have all of
9 that to show?

10 MR. LACOMB: Yes.

11 MEMBER JONES: You can present all
12 that. Okay.

13 MR. LACOMB: Yes.

14 MEMBER JONES: So as of right now,
15 you have no idea when you'd be able to operate
16 your establishment. Because you have no idea
17 how long the court proceeding is going to
18 take.

19 You don't even know what the
20 outcome of the court proceedings are going to
21 be. So if it's not ruled in your favor, then
22 you will not be able to operate.

1 MR. LACOMB: Well, we know maybe a
2 possible direction. But once again, I don't
3 want to speculate what the court's going to
4 say.

5 MR. SCHAFFER: So the answer to
6 your question is, very simply, nobody knows
7 what a judge is ever going to rule. And
8 nobody knows how long any proceeding will
9 take.

10 So the answer is there is some
11 amount of unknown. There is a hearing
12 scheduled in July. It's typical that cases in
13 the D.C. Superior Court of this type are
14 usually resolved within nine to 12 months.
15 This one has been going for some time now. So
16 there's at least some reasonable belief that
17 this one will be resolved sometime by the end
18 of the year or sometime in the beginning of
19 next year.

20 And whether the resolution is in
21 our favor or not is always in the judge's
22 hands.

1 MEMBER JONES: Who's in the
2 building now?

3 MR. LACOMB: Daycare, a daycare
4 facility.

5 MEMBER JONES: Okay. And how long
6 have they been there?

7 MR. LACOMB: They've been there for
8 two and a half years.

9 MEMBER JONES: Two and a half
10 years?

11 MR. LACOMB: Two and a half years.

12 MEMBER JONES: All right. And is
13 there some type of contractual agreement, like
14 a lease --

15 MR. LACOMB: Yes.

16 MEMBER JONES: -- that you have?

17 MR. LACOMB: Yes.

18 MEMBER JONES: All right. And do
19 you have that with you?

20 MR. LACOMB: No.

21 MEMBER JONES: What's the nature of
22 the lease arrangement? I'm just curious. If

1 it's a daycare and you're having easement
2 issues, it seems like there would be a mutual
3 concern, when you deal with small kids and the
4 like, that you don't have easement that is
5 suitable for a restaurant that you have
6 easement that's suitable for a legal daycare.

7 MR. LACOMB: Well, this will lead
8 into what we shared with you earlier. The
9 tenant agreed to make an allowance for the
10 daycare to be able to use that. And the court
11 ordered the illegal fence that had been
12 erected down. But we have no permanent
13 resolve.

14 MEMBER JONES: So the court ordered
15 the fence --

16 MR. LACOMB: The court ordered the
17 fence down. That's why I was sharing with you
18 that we probably have a good indication which
19 way this is heading in the end.

20 But it's not over yet, and we don't
21 have a final ruling, whereas we will have that
22 by adverse possession or we will have granted

1 an easement.

2 MEMBER JONES: So what are the
3 lease terms with the tenant?

4 MR. LACOMB: What terms are we
5 asking?

6 MEMBER JONES: I'm sorry, what's
7 the term, what's the duration?

8 MR. LACOMB: With the daycare
9 tenant, is that what you're asking?

10 MEMBER JONES: How many tenants do
11 you have?

12 MR. LACOMB: No, it's the only one
13 there at that location.

14 MEMBER JONES: It's the only one
15 there.

16 MR. LACOMB: But I didn't know
17 which, okay. So it was a five year lease with
18 annual renewals.

19 MEMBER JONES: Five year lease with
20 annual renewals. So who has to the option to
21 terminate?

22 MR. LACOMB: Both.

1 MEMBER JONES: Both, okay.

2 MR. LACOMB: Yes.

3 MEMBER JONES: And what's the time
4 period of notification?

5 MR. LACOMB: We have a 90 day.

6 MEMBER JONES: Ninety day?

7 MR. LACOMB: Ninety day.

8 MEMBER JONES: Okay. So you said
9 they've been in there two and half years.

10 MR. LACOMB: Yes.

11 MEMBER JONES: So you have
12 approximately 90 days to terminate the lease
13 with them if you wanted to operate --

14 MR. LACOMB: That's correct.

15 MEMBER JONES: -- the establishment
16 at the end of the year. So at this point, I'm
17 going to assume you have no plans to terminate
18 the lease, based on the fact that --

19 MR. LACOMB: No. Because we have
20 no other direction that we can end.

21 MEMBER JONES: Okay. So that will
22 at least lock us for another 12 months after

1 the end of six months, so lock us in for at
2 least another 18 months at a minimum, based on
3 the terms that you said you're about to move
4 forward with, correct?

5 MR. SCHAFFER: I'm not sure that I
6 follow that either?

7 MEMBER JONES: All right, let's do
8 the math. So you said it's two and a half
9 year, right? They've been in there two and a
10 half years?

11 MR. LACOMB: Yes.

12 MEMBER JONES: If the lease terms
13 are five years with one year increments,
14 you're in the middle of your third year.

15 MR. LACOMB: Correct.

16 MEMBER JONES: Which means you have
17 six months left on your current lease.

18 MR. LACOMB: That's correct.

19 MEMBER JONES: And you said you
20 have no plans to terminate the lease. Are you
21 planning that way?

22 MR. LACOMB: Yes.

1 MEMBER JONES: Okay. So you have
2 no --

3 MR. SCHAFFER: I was just trying to
4 clarify something.

5 MEMBER JONES: Okay, well, I'll let
6 you clarify. I'll just try and answer your
7 question.

8 MR. SCHAFFER: I know. I just want
9 to clarify one thing. You said 90 days to
10 terminate.

11 MR. LACOMB: Yes.

12 MR. SCHAFFER: Is that at any time
13 during the term or at the end of the lease?

14 MR. LACOMB: No. It's at the end
15 of each term, yes. We can't do it in the
16 middle of a, yes.

17 MR. SCHAFFER: So we're on the same
18 page.

19 MR. LACOMB: Yes, that's correct,
20 sir. But we could do it this year. We could
21 do it --

22 MEMBER JONES: So you have no plans

1 to provide a 90 day notice to terminate. So
2 you plan to enact the fourth year of that
3 lease.

4 MR. LACOMB: Well, we would hope,
5 sir, that this case will be resolved as far as
6 the easement goes before we get to our 90 day
7 period before the end of this year.

8 MEMBER JONES: So that would have
9 to happen in September. So you have to make -
10 -

11 MR. LACOMB: Before September 1,
12 yes.

13 MEMBER JONES: Correct.

14 MR. LACOMB: Yes.

15 MEMBER JONES: So that's the hope.
16 But previously you said maybe by the end of
17 the year, the beginning part of next year, as
18 far as the court system was concerned.

19 So I'm getting a little bit of a
20 mix, so I'm going to go with what makes the
21 most sense based on what you've communicated.
22 So you have no plan?

1 MR. SCHAFFER: That's not what I
2 said. Because I was the one who said that.
3 I said that --

4 MEMBER JONES: I'm sorry. What
5 exactly did you say?

6 MR. SCHAFFER: Cases that go to the
7 end will usually last a year or so. This one
8 has a court proceeding in July. It may be
9 resolved at that time. I was giving you a
10 maximum time frame within which I thought this
11 case was likely to be resolved, not absolutely
12 but --

13 MEMBER JONES: Okay. So let's
14 revisit it. Realistically, when would you
15 plan on operating this establishment?

16 MR. LACOMB: If the tenant went out
17 the end of year, I would say within six months
18 going into the next year. It would be --

19 MEMBER JONES: Understood. But
20 previously you indicated that, hey, these
21 things, you never really know when the court's
22 going to make a decision and what they're

1 going to decide.

2 MR. SCHAFFER: Correct.

3 MEMBER JONES: Right. So it seemed
4 like it was not very firm. So it seemed like
5 to me your objective would be, since you don't
6 know, to keep your current tenant in the
7 establishment until you had more of a firm
8 feeling about which way it was going to go.

9 So I'm backing off of that now.
10 I'm going to remove that thought from my head.
11 I'm going to allow you to fill a new thought.
12 Help me understand when you think you're going
13 to be in operation, permits, everything, done,
14 ready to go, when?

15 MR. LACOMB: I would say by 6/2014.
16 That would be the most realistic --

17 MEMBER JONES: So June of 2014.

18 MR. LACOMB: That would be the most
19 realistic answer for you.

20 MEMBER JONES: Okay. So given that,
21 do you follow that?

22 MR. SCHAFFER: Yes.

1 MEMBER JONES: So given that, with
2 the express terms of the current lease that
3 you have, that means your intent would need to
4 be to provide termination notice in roughly
5 September of this year.

6 MR. LACOMB: That's correct.

7 MEMBER JONES: Is that your intent?

8 MR. LACOMB: Yes. So it would
9 actually be October, October 1st.

10 MEMBER JONES: Excellent. So
11 October, by October 1st, not later then, NLT.

12 MR. LACOMB: That's correct.

13 MEMBER JONES: October 1, correct?

14 MR. LACOMB: That is correct.

15 MEMBER JONES: Is that your intent?

16 MR. LACOMB: Yes.

17 MEMBER JONES: Is that what you're
18 putting forth to the Board today?

19 MR. LACOMB: Yes.

20 MEMBER JONES: Is that what you
21 plan to do?

22 MR. LACOMB: Yes.

1 MEMBER JONES: Okay. So that means
2 the tenant will be out of your space, and it
3 will be available for your use starting
4 roughly January of 2014.

5 MR. LACOMB: Right.

6 MEMBER JONES: Correct?

7 MR. LACOMB: Yes. Now it wouldn't
8 be operable. We would have to go in and do
9 the kitchen and everything that's going to
10 have to be done there. So it's not a
11 restaurant, it's not --

12 MEMBER JONES: So I guess I'm,
13 okay, let's back up a little bit more. What
14 work has been done to make this a suitable
15 operating establishment?

16 MR. LACOMB: All the wiring, all
17 the plumbing, all the air conditioning, all
18 the establishment's been done, except we don't
19 have a commercial kitchen in there.

20 MEMBER JONES: Okay. So it'll take
21 you from roughly January of 2014 to June of
22 2014 to have a fully functional operating

1 restaurant establishment, including a kitchen?

2 MR. LACOMB: Based on my experience
3 in the District of Columbia with the time it
4 takes to get permits and all the inspections,
5 and all the fires, everything, yes. Yes, it
6 takes that amount of time to open up a
7 restaurant business in D.C., yes.

8 MEMBER JONES: And what approvals
9 would have to occur between now and June of
10 2014 that you don't already have? I.e. you
11 don't have DCRA approval.

12 MR. LACOMB: You've got to have
13 DCRA. You've got to have the fire inspector.

14 MEMBER JONES: So that hasn't been
15 done?

16 MR. LACOMB: Well, it's been done
17 now. But if we're going to go in and put a
18 permit, if we're going to put a commercial
19 kitchen in, we're going to have to get another
20 permit.

21 Everything's going to start all
22 over again. The whole process is going to

1 begin again. So the old approvals don't work
2 when you make changes.

3 MEMBER JONES: So at a minimum
4 we're looking at, you're not going to really
5 be able to effectively use this license until
6 June of 2014, so a minimum of 12 months, give
7 or take.

8 MR. LACOMB: That's realistic.

9 MEMBER JONES: And that's going
10 back to the initial set of promises that were
11 made in December of 2010. So we're looking
12 at, what? I can't do the math on that, so
13 what, three and a half years?

14 MR. LACOMB: No.

15 MEMBER JONES: No?

16 MR. LACOMB: No. That'd be two and
17 a half years, from December of '10 until now
18 of '13 is two and a half years. And during
19 that period, we --

20 MEMBER JONES: Would that maybe
21 before then?

22 MR. LACOMB: No.

1 MEMBER JONES: No?

2 MR. LACOMB: That was an initial,
3 and that's where we had the car accident and
4 the death. And then we had to deal with the
5 tenant that's shut off the access.

6 MEMBER JONES: What assurances do
7 we have, that you can offer us, that you'll be
8 willing to provide, that you're going to be
9 able to adhere to your promises this time that
10 you weren't able to adhere to before?

11 MR. LACOMB: Well, the assurances
12 on our side are only what I can assure. I
13 can't assure what the court's going to do with
14 the -- agreed?

15 MEMBER JONES: So there's a concern
16 there. Because you are providing some level
17 of assurance from the standpoint of you
18 believe that you'll be in a position on
19 January 2013 --

20 MR. LACOMB: Yes.

21 MEMBER JONES: -- which is also
22 going to be contingent upon what the court

1 comes out with.

2 MR. LACOMB: Yes, it is.

3 MEMBER JONES: So you are, in some
4 regards, in some respect, saying X.

5 MR. LACOMB: Yes.

6 MEMBER JONES: You know that you
7 believe.

8 MR. LACOMB: We believe.

9 MEMBER JONES: So it's an
10 assumption. Maybe the statement is if the
11 court does X by such and such, then you'll do
12 Y.

13 MR. LACOMB: Okay.

14 MEMBER JONES: Right. So you can't
15 really give us a definitive answer until you
16 get some kind of feedback from the court
17 system, correct?

18 MR. LACOMB: Correct.

19 MEMBER JONES: Okay. So assuming
20 you do get that positive feedback from the
21 court system in July, you're promising that
22 you'll be in a position to open up and operate

1 your restaurant on June of 2014?

2 MR. LACOMB: Yes.

3 MR. SCHAFFER: I would qualify that
4 with best efforts, assuming that other
5 unforeseen circumstances don't occur.

6 MEMBER JONES: I'm with you. The
7 issue that we're having here is the challenge
8 that best efforts have apparently been in
9 place since 2010, from December of 2010.

10 And it hasn't really gotten us very
11 far. And we're very, very concerned about
12 licenses that are being in safe keeping for
13 indefinite periods of time with no clear
14 process or plan for them to be used and
15 operating.

16 We're in the business of operating
17 and having permits and licenses that are being
18 use by legitimate operators, not saying you
19 aren't legitimate, but the fact is you're not
20 operating.

21 And that is a concern for us. And
22 we need some assurances from you to feel

1 comfortable that that's really what's going to
2 happen this time and that we're not getting
3 another song and dance about what will happen
4 or what may happen about pasta plates and
5 being open in 60 to 70 days, when in reality
6 it's not going to happen.

7 MR. SCHAFFER: The history is that
8 they have done a lot with the space. They've
9 done the renovations necessary for water, and
10 electric, and other building elements, HVAC.

11 So they're not just sitting there.
12 They've got an awful lot of money invested in
13 this property. It's not to their best
14 interest to let it just sit there and have a
15 minimal use like a daycare center occupy this
16 building.

17 So they want to get this restaurant
18 opened and use the license really as much as
19 you want them to.

20 MEMBER JONES: But with all due
21 respect, we heard the exact same thing
22 December of 2010. And it's several years

1 later. And it does not appear that there's
2 been any significant progress made in that
3 direction.

4 Because quite honestly, those
5 renovations that you speak of would have to
6 have been done in order for there to be
7 anything in that space, daycare center, or
8 anything.

9 So those renovations could have
10 been done to facilitate a daycare center, for
11 all we know. They certainly haven't led to
12 the operation of a restaurant. And that's
13 what we really are concerned about here.

14 I don't know how more candidly I
15 could speak to that than addressing it from
16 that standpoint.

17 So it's not that I don't believe
18 that there may be some interest there. But I
19 just need -- I, I the Board -- we need to see
20 some tangible progress. And I don't have in
21 front of me that tangible progress. And given
22 that, we have to treat you like we would treat

1 any other licensee that has a license in safe
2 keeping for an extended period of time and
3 look at it and scrutinize to the same degree.
4 So with that, thank you, Mr. Chairman.

5 MEMBER SILVERSTEIN: Thank you,
6 Board Member Jones. I want to associate
7 myself with the comments of my colleague and
8 friend.

9 There are a number of issues here
10 that we really do have to discuss, one of
11 which is that we did, in fact, reclaim a
12 license that had been in safe keeping of
13 another individual because of extended delays.
14 And we have to treat everybody equally.

15 This property is being terribly
16 underutilized, obviously. You're a couple of
17 doors down from Wisconsin Avenue on O. I
18 can't think of a more prime piece of property.

19 And for you to be using it as a
20 daycare center is certainly not the optimal
21 use of that property. So I'm not worried that
22 you're going to have this as a daycare center

1 eternal. It's going to be obviously used for
2 something else.

3 If you're able to get some kind of
4 forward motion from the court or from the
5 other litigant in this case next month, can
6 you get started earlier with the securing of
7 permits, with maybe some of the work?

8 With what's going on in that
9 building now, are you going to have to wait
10 until January to try to get the ball rolling?
11 Or what can you do before that, assuming that
12 something good happens next month?

13 MR. LACOMB: We probably could
14 purchase equipment, we could probably do what
15 we've got to do. I just don't think we can
16 install it until the end of the time. Because
17 I just don't see how that would work with it
18 operating as a daycare.

19 And they have the right to quiet
20 enjoyment of their property too, just like any
21 other tenant. So we just can't go in there
22 and construct.

1 But we could get our stuff ahead of
2 time. We could line up our contractors. We
3 could have all that done ahead of time.

4 MEMBER SILVERSTEIN: Could you get
5 your permits?

6 MR. LACOMB: We could probably have
7 permits pulled. It's very likely that --

8 MEMBER SILVERSTEIN: Get your
9 expediter, pay your expediter.

10 MR. LACOMB: Yes.

11 MEMBER SILVERSTEIN: Do all those
12 things you have to do.

13 MR. LACOMB: Yes. So that probably
14 all could be done from there. We're going to
15 open as fast as we can, if we have that
16 opportunity to open.

17 MEMBER SILVERSTEIN: You don't have
18 to understand where we're coming from, but I
19 assume you do.

20 MR. LACOMB: I do.

21 MEMBER SILVERSTEIN: And I think we
22 want to be sure that this is being done, that

1 this isn't just a place holder for somebody
2 else. Because you're in a moratorium zone.

3 And that license is a public
4 commodity that you are holding that has value.
5 You both understand that. You understand
6 where we're coming from on that.

7 MR. SCHAFFER: Yes, we do. We've
8 discussed this.

9 MEMBER SILVERSTEIN: Have there
10 been plans to sell it? Has anybody offered
11 you anything for it? Are you looking to that
12 as a possible way out, to move to another
13 location?

14 MR. SCHAFFER: I think sale is
15 always possible. But that wasn't the plan.
16 As far as I know, no one has approached
17 anybody to buy it. We haven't approached
18 anybody to sell it.

19 The plan is to find out if there's
20 access through that rear alleyway. And if
21 there is, move forward with the plan that's
22 been in place for a long time.

1 But at this point, everybody's got
2 to consider all their options. But I can
3 assure you that the plan is not just to market
4 this to somebody else.

5 MEMBER SILVERSTEIN: Mr. Lacombe,
6 you wanted to say something, I think.

7 MR. LACOMB: Oh, I was listening to
8 Marty. But all I was going to say is if we
9 can't get any kind of favorable movement on
10 our easement situation, then I think we would
11 entertain the option of selling the license at
12 that point.

13 MEMBER SILVERSTEIN: Do you have a
14 drop dead date on when that's going to happen?

15 MEMBER JONES: Just real quick,
16 help me understand the legal logic here. If
17 you can't get movement in the right direction
18 on the easement situation that allows you to
19 operate the restaurant, then how is it can
20 you, in good conscience, sell that to someone
21 else who wouldn't be able to --

22 MR. LACOMB: Well, they can take it

1 where they want, sir. They can move that
2 license within Georgetown wherever they have -
3 -

4 MEMBER JONES: All right.

5 MR. LACOMB: Yes.

6 MR. SCHAFFER: It would not be for
7 the same location.

8 MR. LACOMB: Yes.

9 MR. SCHAFFER: Could not be for the
10 same location.

11 MR. LACOMB: Yes. Because
12 obviously if we can't operate, they can't
13 operate.

14 MEMBER JONES: Fair enough.

15 MEMBER SILVERSTEIN: Okay. So
16 assuming that's the case, when's your drop
17 dead date of go, no go?

18 MR. SCHAFFER: I would think it's
19 got to be around the end of the year or the
20 first part of next year. Because that's the
21 likelihood in the worst case scenario when the
22 court will make a decision.

1 We hope to have a decision before
2 that. We hope to have a real good indication
3 by July. But the fact is, if July, the court
4 says I'm still thinking about this, let's have
5 another hearing sometime down the road, I
6 think it would probably pull out until
7 sometime the first half of next year.

8 MEMBER SILVERSTEIN: I think we all
9 have a better understanding right now than we
10 did an hour ago, or half an hour ago, where we
11 stood. Mr. Jones, do you have any
12 suggestions?

13 MEMBER JONES: Just a quick follow-
14 up. So let's go with a time line that you can
15 provide us in terms of what information you've
16 already given.

17 The courts make their decision,
18 you're looking at most of the information you
19 just gave to Board Member Silverstein.
20 January of 2014 would be the drop dead, by
21 which time you'd make a decision.

22 MR. SCHAFFER: I wouldn't say

1 that's the drop dead date.

2 MEMBER JONES: So, what was your
3 real answer to his question?

4 MR. SCHAFFER: No. The real answer
5 was sometime in that time frame. But if the
6 court says I'm going to schedule a hearing on
7 February 1st, and we're going to make a
8 decision saying it's going to happen in
9 January, it's not going to happen in January.
10 Because we're going to wait the extra week or
11 three days.

12 MEMBER JONES: Right. So are your
13 hands tied solely based on the court system?
14 Do you have the ability to sell the license?
15 If the court says I'm not going to make a
16 decision until December of 2014, what is your
17 option?

18 So I think that's what Board Member
19 Silverstein is really looking for in terms of
20 an answer.

21 MR. LACOMB: That's a good
22 question. And I would answer that we would

1 probably, most likely, if we don't have it
2 resolved by October 1st and we're going to
3 have to set up for another year of a lease, we
4 would most likely say we're probably going to
5 sell.

6 MEMBER JONES: Okay. And this is
7 October 1st of 2013.

8 MR. LACOMB: Yes.

9 MEMBER JONES: Just to make sure
10 I'm clear.

11 MR. LACOMB: Yes.

12 MEMBER JONES: Okay, cool.

13 MR. LACOMB: I'm just saying that,
14 most likely. Because we're tired of this
15 process too. We don't want this to go on
16 anymore either.

17 MEMBER SILVERSTEIN: Okay.

18 MR. LACOMB: We want it to open,
19 and if we can't we'll let somebody else open.

20 MEMBER SILVERSTEIN: We'd like to
21 recess here for about 30 seconds. And we'll
22 be right back.

1 MEMBER JONES: It might be a little
2 longer.

3 MEMBER SILVERSTEIN: It might be
4 five minutes.

5 MEMBER JONES: It might be a little
6 longer than 30 seconds.

7 MEMBER SILVERSTEIN: Thanks, guys.

8 MR. SCHAFFER: We'll wait here.

9 MEMBER SILVERSTEIN: Please do.

10 (Whereupon, the foregoing matter
11 went off the record at 4:09 p.m. and went back
12 on the record soon after.)

13 MEMBER SILVERSTEIN: We're back on
14 the record. Thank you, Mr. Lacombe, and thank
15 you, Mr. Schaffer, for coming here, for
16 helping to bring a little bit of clarity to
17 the very difficult and muddled situation.
18 We'd like to make the situation, if possible,
19 a little more clear. This is what Mr. Arpad
20 has, something that is of value, both to the
21 City, to other operators, and to your
22 organization.

1 It's there. Use it or lose it. I
2 would like to propose that we give you six
3 months, which is what we do with everyone,
4 virtually, unless there's some extraordinary
5 situation.

6 And we ask you to come back six
7 months from now with one of two paths. The
8 one is that the lease has been terminated as
9 of the end of the year and that you have
10 received DCRA approval for an operating permit
11 for a restaurant at that site, not final
12 approval to open it, but preliminary approval.

13 And the second path is that of a
14 transfer application to another owner. We
15 have faced this dilemma previously. And we
16 must treat all of our applicants -- and it was
17 in fact in the Georgetown Glover Park area,
18 and it was within the past three months -- and
19 we must treat everyone equally.

20 And this is what we've done in the
21 past, and this is what we'll do in this case.
22 We wish you well. Do you have any questions?

1 MR. SCHAFFER: There's one other
2 alternative that I think might also fit into
3 the two that were proposed.

4 If Mr. Arpad determines that the
5 site just won't work, is it possible that he
6 might come back with an alternative site that
7 might work for this and file a transfer
8 application?

9 MEMBER SILVERSTEIN: We want the
10 license used within six months. It is the
11 license and not the location.

12 MR. SCHAFFER: Okay. That's fair.

13 MEMBER SILVERSTEIN: Is that fair
14 enough, gentlemen?

15 MR. LACOMB: That is fair.

16 MEMBER SILVERSTEIN: Mr. Brooks?

17 MR. BROOKS: That's fair.

18 MEMBER JONES: But along those
19 lines, you need to present transfer
20 application associated with said movement.
21 But that would have to be done within that six
22 month period.

1 So you can add another prong to
2 your two prongs that we've presented. And
3 that would be three.

4 MR. LACOMB: Thank you.

5 MEMBER JONES: But those elements,
6 one of the prongs would have to be met. And
7 I would like to emphasize, although it
8 probably is self evident, that one of the
9 consequences of failure in this instance could
10 be the Board ruling that the license is
11 cancelled.

12 And that is not a frivolous remark
13 or comment. That is an option that is before
14 us. It's an option that we've exercised in
15 the past in very similar situations.

16 So I just want to make sure it's
17 clear that you appreciate that at this time,
18 so that you can act accordingly over the next
19 six months to ensure that you're not in that
20 position.

21 MR. LACOMB: Okay. Could I ask a
22 question? Is the Board aware of anywhere

1 there might be -- in case we have to move into
2 Option Number 2, which was if we have to
3 transfer it to somebody else -- is the Board
4 aware of where we might find a pool of people
5 that would want a license? Does that happen?
6 Do you know where --

7 MEMBER SILVERSTEIN: We wouldn't be
8 offering that information. But there's
9 nothing to stop you from asking our executive
10 director or others if anyone has applied.

11 MR. LACOMB: Okay.

12 MEMBER SILVERSTEIN: That would be
13 a matter of public record. But otherwise,
14 we're not in --

15 MR. LACOMB: I just didn't know
16 where we would go if we went that route.

17 MEMBER SILVERSTEIN: I would also
18 ask you to be proactive with us. If there is
19 movement here, if you hear from the court, if
20 there's something positive, it wouldn't hurt
21 a bit for you to communicate with us and tell
22 us that something has moved forward, keeping

1 us apprised rather than try to tell us a week
2 after a deadline, oh by the way, we tried to
3 do something and we're working.

4 If things are moving forward, it's
5 a very good act of good faith to keep in touch
6 with us and let us know these things.

7 MR. LACOMB: Thank you.

8 MEMBER SILVERSTEIN: Mr. Jones?

9 MEMBER JONES: This may be
10 something that would be better served to be
11 discussed elsewhere. But in the spirit of our
12 absent chairman, I'll just do it right here
13 from the dias.

14 Is it worthy of consideration to
15 perhaps schedule another fact finding hearing
16 for this licensee at roughly the end of
17 October, based on some of the indicated time
18 periods and milestones they put forward to us?

19 MEMBER SILVERSTEIN: I think that
20 might be helpful. Gentlemen, we would ask
21 your thoughts on that.

22 MR. SCHAFFER: We'd be happy to

1 come back if you wanted to. Or if it would be
2 easier for everybody, we could provide you
3 with a status report in writing, if not before
4 then, no later than October 1st or whatever
5 date you would suggest.

6 But if you want to have us back to
7 ask questions, we're happy to --

8 MEMBER JONES: I will say that my
9 consideration was more for your benefit than
10 for ours, so that you'd have a full and open
11 opportunity to speak on what the challenges
12 may be and what opportunities and progress you
13 have made.

14 So I, as an individual board
15 member, am willing and open to that
16 opportunity. But if you feel as though the
17 message could be appropriately sent via a
18 written document, I'm totally fine with that
19 as well.

20 MEMBER SILVERSTEIN: We could hold
21 a quick fact finding hearing October 2nd at
22 9:30 a.m. This would, I think, be

1 advantageous. I thank you, Mr. Brooks.

2 Because you said that October 1st
3 would be the date that you would have to
4 provide notice to your tenant. So this would
5 work well on all --

6 MR. SCHAFFER: If anything happens
7 before then we'll let you know.

8 MEMBER SILVERSTEIN: Terrific.

9 MR. SCHAFFER: And we won't need
10 that hearing. But otherwise, we'll be here.

11 MEMBER SILVERSTEIN: I hope so.
12 That's just a peach of a property there. And
13 I hope that you're able to get things squared
14 away. Because it can be very helpful to the
15 neighborhood, to the City, and to all.

16 And should you have any issues or
17 any questions, our Counsel, Martha Jenkins,
18 will be of great help to you. She is of
19 enormous help to us. Thank you and good luck.

20 MR. SCHAFFER: Thank you.

21 MR. LACOMB: Thanks a lot.

22 MEMBER SILVERSTEIN: That concludes

1 this hearing.

2 (Whereupon, the hearing in the
3 above-entitled matter was concluded at 4:23
4 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A				
abandoned 8:18	25:22 26:19 28:14	15:17,20	62:11,13 63:6	51:16 54:9
ABC 19:14	56:20	area 9:15 63:17	64:6 68:1,6	built 25:15,22 26:1
ability 60:14	allow 4:22 43:11	argument 27:14	backing 43:9	26:3
able 9:3 14:12 24:7	allowance 36:9	arose 12:18	ball 54:10	business 3:8 9:14
24:22 25:14 33:15	allows 57:18	Arpad 1:6 2:6 3:6,8	based 13:7 14:14	9:22 16:9 46:7
33:22 36:10 47:5	alternative 64:2,6	4:6,22 7:16,18	15:2 24:4 30:13	50:16
48:9,10 54:3	amount 34:11 46:6	8:22 9:1,14 10:7	38:18 39:2 41:21	buy 56:17
57:21 69:13	ANC 1:9	11:7 16:7 17:8	46:2 60:13 67:17	
above-entitled 70:3	ANC2E 2:8	19:5 22:9 62:19	basis 27:17	C
ABRA 2:12	and/or 19:7	64:4	beat 25:6	call 5:5 13:11
absent 67:12	annual 37:18,20	Arpad's 3:7	beginning 8:9	called 22:12
absolutely 42:11	answer 11:2 34:5	arrangement 35:22	17:10,12 19:6,7	cancelled 65:11
access 4:18,22 5:3	34:10 40:6 43:19	arrived 6:14,15	19:13 34:18 41:17	cancer 19:15
5:8,21 8:14,15 9:2	49:15 60:3,4,20	asking 14:8 20:3	belief 34:16	candid 21:5
48:5 56:20	60:22	37:5,9 66:9	believe 26:7 48:18	candidly 52:14
accident 21:15,21	anticipate 31:19	assigned 7:21	49:7,8 52:17	capable 24:6
23:2 31:20 48:3	Anwan 16:18	associate 53:6	benefit 68:9	capacity 2:16 7:3
act 65:18 67:5	Anwat 16:16,19	associated 8:20	best 50:4,8 51:13	car 21:14,21 23:2
activity 13:10 14:1	17:8 18:7,11,14	11:6 64:20	better 59:9 67:10	31:20 48:3
actual 9:21	22:11	assume 38:17	Beverage 1:2,13,13	case 1:10 2:4,5,10
add 65:1	anybody 56:10,17	55:19	bit 10:16 14:3	41:5 42:11 54:5
address 10:18 12:2	56:18	assuming 49:19	41:19 45:13 62:16	58:16,21 63:21
14:9 24:7	anymore 61:16	50:4 54:11 58:16	66:21	66:1
addressing 52:15	apparently 50:8	assumption 49:10	board 1:2,13 6:1	cases 34:12 42:6
adhere 48:9,10	appear 52:1	assurance 48:17	11:21 24:9 29:19	cause 25:14
advantageous 69:1	appears 4:18	assurances 11:8,9	30:14 44:18 52:19	center 51:15 52:7
adverse 36:22	applicants 63:16	48:6,11 50:22	53:6 59:19 60:18	52:10 53:20,22
affiliated 7:6 9:9	application 63:14	assure 48:12,13	65:10,22 66:3	certain 12:1 23:3
10:19	64:8,20	57:3	68:14	certainly 27:6
affiliation 7:15	applied 17:14,17	attorney 3:5 4:5	brain 19:15,15	52:11 53:20
9:12	66:10	12:8 19:14 21:19	brains 21:20	chairman 1:19 6:4
ago 6:4,7,9 8:18	appreciate 65:17	28:17	bring 62:16	53:4 67:12
12:19 13:1 59:10	appreciation 32:14	available 45:3	Brooks 1:20 64:16	Chairperson 1:14
59:10	apprised 67:1	Avenue 53:17	64:17 69:1	challenge 10:16
agreed 36:9 48:14	approached 56:16	aware 28:19 65:22	brother 18:21	12:17 50:7
agreement 35:13	56:17	66:4	brothers 18:17	challenges 68:11
ahead 4:11 55:1,3	appropriate 14:12	awful 51:12	brother-in-law	changes 47:2
air 45:17	23:14	A-N-W-A 16:16	22:12,15	circumstances 50:5
Akbar 16:12,14,15	appropriately	A-N-W-A-T 16:22	Brother-in-laws	City 62:21 69:15
16:16,18 18:3,15	68:17	a.m 68:22	18:18,19	clarify 7:14 40:4,6
21:8 22:9 31:19	approval 46:11		brother-in-law's	40:9
Alberti 1:15,19	63:10,12,12	B	18:10	clarity 62:16
Alcoholic 1:2,13,13	approvals 46:8	B 3:12,14	brought 11:8 32:19	clear 50:13 61:10
Alexandria 17:2	47:1	back 2:4 9:9 12:22	32:20	62:19 65:17
alleyway 4:19,21	approximately	21:18 23:7,11	building 1:14 4:14	clearly 19:4 20:18
5:1,2,3,9,22 9:2	38:12	25:6 28:5 29:2	5:3 15:4 25:8	close 18:7
	April 13:1,3 15:15	45:13 47:10 61:22	32:20 35:2 51:10	code 4:14 25:2

30:10 32:20
cognizant 28:21
colleague 53:7
Columbia 1:1 46:3
come 1:7 2:6 7:7,19
 8:7 9:9 10:8 11:6
 15:8 17:3 63:6
 64:6 68:1
comes 49:1
comfortable 51:1
coming 55:18 56:6
 62:15
comment 65:13
comments 53:7
commercial 45:19
 46:18
commodity 56:4
communicate
 66:21
communicated
 11:20 15:2 41:21
Comus 3:10
concern 36:3 48:15
 50:21
concerned 14:5
 41:18 50:11 52:13
concerns 10:18
concluded 70:3
concludes 69:22
conditioning 45:17
conditions 26:11
confirmation 11:14
conscience 57:20
consequences 65:9
consider 57:2
consideration
 67:14 68:9
construct 54:22
construction 29:4
 32:12
contingent 48:22
continued 9:1
contractors 55:2
contractual 35:13
Control 1:2,13,13
conversation 29:8
cool 15:16 61:12

correct 6:22 12:7
 13:11,21 14:2
 15:6,18 20:20
 23:15,21 24:2,3
 24:11 30:5 38:14
 39:4,15,18 40:19
 41:13 43:2 44:6
 44:12,13,14 45:6
 49:17,18
Counsel 69:17
couple 53:16
court 5:20 13:14
 24:19 28:3 33:17
 33:20 34:13 36:10
 36:14,16 41:18
 42:8 48:22 49:11
 49:16,21 54:4
 58:22 59:3 60:6
 60:13,15 66:19
courts 59:17
court's 34:3 42:21
 48:13
CR 1:8
create 29:22
created 14:11
critical 27:5
CR01 2:13
curious 35:22
current 39:17 43:6
 44:2
currently 24:16
cut 20:1

D

dance 51:3
date 12:19 57:14
 58:17 60:1 68:5
 69:3
dates 5:10
day 6:14,15,17,20
 38:5,6,7 41:1,6
daycare 35:3,3
 36:1,6,10 37:8
 51:15 52:7,10
 53:20,22 54:18
days 29:5,9,20
 30:12,18 38:12

40:9 51:5 60:11
DCRA 46:11,13
 63:10
dead 57:14 58:17
 59:20 60:1
deadline 67:2
deal 21:2,3 30:15
 36:3 48:4
dealt 31:11
death 23:2 48:4
debilitating 31:20
December 11:4,19
 22:20 23:19 24:5
 28:7 29:2,9,9
 47:11,17 50:9
 51:22 60:16
decide 43:1
decided 22:7
decision 42:22
 58:22 59:1,17,21
 60:8,16
definitive 49:15
degree 53:3
delays 53:13
demise 19:22
depends 10:19
determination 5:12
 5:17,18,19
determine 2:21 5:8
determined 26:2
determines 64:4
determining 26:17
developed 19:15
dias 67:13
died 21:12,13,15
difficult 62:17
dilemma 63:15
direction 34:2
 38:20 52:3 57:17
director 66:10
disabled 21:16
discuss 14:6 53:10
discussed 56:8
 67:11
discussions 12:15
 28:16
District 1:1 46:3

document 68:18
documentation
 14:21 33:1
documented 20:18
documents 14:13
 32:11
doing 32:6
dollars 13:20
DONALD 1:20
doors 53:17
drainage 31:10
 32:8
drop 57:14 58:16
 59:20 60:1
due 51:20
duration 37:7
D.C 1:14 5:19 17:4
 24:19 34:13 46:7

E

earlier 26:7,14,15
 36:8 54:6
easement 15:5,8
 23:12 25:8 36:1,4
 36:6 37:1 41:6
 57:10,18
easier 68:2
Eat 2:6 7:7,19 8:7
 9:9 10:8 11:6
effectively 23:17
 47:5
efforts 50:4,8
either 39:6 61:16
electric 51:10
element 26:17 27:5
elements 51:10
 65:5
emergency 4:15
 5:5
emphasize 65:7
enact 41:2
Endorsement 2:17
engaging 23:11
enjoyment 54:20
enormous 69:19
ensure 65:19
entertain 57:11

entryway 27:2
equally 53:14
 63:19
equipment 54:14
erect 29:21
erected 6:5 15:11
 36:12
established 27:3
establishment 2:15
 2:19 6:17 7:6,8,15
 11:20 14:14 15:1
 15:21 20:15 25:1
 33:16 38:15 42:15
 43:7 45:15 46:1
establishment's
 45:18
eternal 54:1
event 13:5,5,17
 14:11,20 15:1
everybody 19:21
 53:14 68:2
everybody's 57:1
Everything's 46:21
evident 65:8
exact 51:21
exactly 17:16 42:5
Excellent 44:10
excuse 16:13 21:1
 28:10
excuses 21:2
executive 66:9
exercised 65:14
exist 7:22 8:7
exit 4:15 5:4,5 27:2
expediter 55:9,9
experience 16:8
 46:2
explain 9:12 25:19
express 44:2
expression 26:20
extended 53:2,13
extra 60:10
extraordinary 63:4

F

faced 63:15
facilitate 52:10

facility 35:4	12:13 17:13,17	given 29:15 43:20	51:4,6 57:14 60:8	including 46:1
fact 1:7 2:4 11:4,18	21:19 31:7 58:20	44:1 52:21 59:16	60:9 66:5	increments 39:13
25:15 26:1 28:8	59:7	giving 42:9	happened 16:2	indefinite 50:13
38:18 50:19 53:11	fit 64:2	Glover 63:17	24:4	indicated 13:8
59:3 63:17 67:15	five 37:17,19 39:13	go 4:11 13:22 14:18	happening 27:7	24:10 25:5 29:3
68:21	62:4	19:3 21:8 32:15	happens 11:15	42:20 67:17
facts 2:10 28:5,11	fixed 11:10	41:20 42:6 43:8	54:12 69:6	indication 29:12,15
factual 27:17	fly 13:18	43:14 45:8 46:17	happenstance	36:18 59:2
failure 65:9	follow 39:6 43:21	54:21 58:17,17	13:19	individual 53:13
fair 58:14 64:12,13	59:13	59:14 61:15 66:16	happy 14:9 67:22	68:14
64:15,17	followed 29:18	goes 5:15 27:4 41:6	68:7	information 19:9
faith 67:5	foregoing 62:10	going 10:10,12	head 43:10	27:22 59:15,18
familiar 17:21 18:3	forget 30:16	11:10,22 15:14	heading 36:19	66:8
19:17	forth 11:8 27:11	16:1 17:3 20:16	hear 12:1 66:19	initial 47:10 48:2
far 9:21 41:5,18	44:18	20:17 21:18 24:17	heard 51:21	initially 22:12
50:11 56:16	forward 11:8 14:13	25:5 27:9 29:13	hearing 1:8,14 2:5	insight 12:11
fast 55:15	14:22 21:22 22:2	33:17,20 34:3,7	2:20 5:11 11:5,18	inspection 31:1
favor 33:21 34:21	22:4,7 39:4 54:4	34:15 38:17 41:20	28:8 29:20 31:22	inspections 46:4
favorable 57:9	56:21 66:22 67:4	42:18,22 43:1,8	34:11 59:5 60:6	inspector 46:13
February 1:12 60:7	67:18	43:10,11,12 45:9	67:15 68:21 69:10	install 54:16
feedback 49:16,20	found 23:12	46:17,18,19,21,22	70:1,2	instance 65:9
feel 50:22 68:16	fourth 41:2	47:4,9 48:8,13,22	help 3:2 25:12,17	intent 44:3,7,15
feeling 43:8	frame 42:10 60:5	51:1,6 53:22 54:1	32:14 43:12 57:16	interest 10:3,7
fence 4:21 6:4,14	Freddie 17:22	54:8,9 55:14 57:8	69:18,19	51:14 52:18
6:16 8:4 14:18	24:13	57:14 60:6,7,8,9	helpful 67:20 69:14	interrupt 28:11
15:4,12 25:8,15	friend 53:8	60:10,15 61:2,4	helping 62:16	invested 51:12
25:22 26:3,7,10	frivolous 65:12	good 13:15 36:18	HERMAN 1:21	involved 9:16,20
26:14,16 27:4,9	front 28:6,12 52:21	54:12 57:20 59:2	hey 42:20	17:9 21:19 22:17
27:15 29:22 36:11	full 5:15 68:10	60:21 67:5,5	history 51:7	22:20,21
36:15,17	fully 45:22	69:19	hold 68:20	involves 2:5
fight 9:1	functional 45:22	gotten 25:3 29:19	holder 56:1	issue 12:18 14:12
figure 10:17		50:10	holding 56:4	15:5,8 23:12 25:9
file 4:9 17:18 20:8	G	granted 36:22	honestly 20:6 52:4	27:6 29:22 31:10
64:7	gained 12:14	great 69:18	hope 41:4,15 59:1,2	32:8 50:7
filed 5:7 7:20	Garden 2:17	guess 10:16 45:12	69:11,13	issued 9:6
filing 13:13	gentleman 3:19	guys 62:7	hour 59:10,10	issues 5:12 31:6,10
fill 43:11	16:6,8,11 17:21		hurt 66:20	31:11 32:2,8 36:2
final 36:21 63:11	18:3	H	HVAC 51:10	53:9 69:16
find 56:19 66:4	gentlemen 3:1 4:11	half 35:8,9,11 38:9		Italian 17:4
finding 1:7 2:5 11:4	64:14 67:20	39:8,10 47:13,17	I	it'll 45:20
11:18 28:8 67:15	Georgetown 58:2	47:18 59:7,10	idea 24:12 33:15,16	I.e 46:10
68:21	63:17	hand 10:20,22	identify 3:2	
fine 68:18	getting 8:10 14:21	12:14	identifying 18:21	J
fire 46:13	21:4,21 23:14	handle 9:14 13:16	illegal 36:11	January 21:13 23:8
fires 46:5	32:3 41:19 51:2	hands 34:22 60:13	illegally 15:11	23:11,17,22 24:6
firm 43:4,7	give 12:19 47:6	hanging 19:20	imagine 13:15	31:21 45:4,21
first 3:16 10:20,21	49:15 63:2	happen 41:9 51:2,3	implying 25:16	48:19 54:10 59:20

60:9,9 Jenkins 69:17 Jones 1:21 6:2,3,8 6:11,15,21 7:3,5,9 7:11,13 8:1,5 9:8 10:15 11:3,13,17 12:5,10,16 13:4 13:13,22 14:3,10 14:19 15:7,13,16 15:19 16:4,10,13 16:15,18,20,22 17:6,11,15,20 18:2,6,13 19:2,10 19:17 20:1,6,10 20:21 22:2,6,10 22:16,19 23:1,6 23:10,16,21 24:2 24:5,9,12,15 25:3 25:12,20 27:8,16 27:21 28:4,18,21 29:2,7,14,17 30:8 30:11,21 31:2,4,8 31:13 32:1,7,10 32:22 33:3,5,8,11 33:14 35:1,5,9,12 35:16,18,21 36:14 37:2,6,10,14,19 38:1,3,6,8,11,15 38:21 39:7,12,16 39:19 40:1,5,22 41:8,13,15 42:4 42:13,19 43:3,17 43:20 44:1,7,10 44:13,15,17,20 45:1,6,12,20 46:8 46:14 47:3,9,15 47:20 48:1,6,15 48:21 49:3,6,9,14 49:19 50:6 51:20 53:6 57:15 58:4 58:14 59:11,13 60:2,12 61:6,9,12 62:1,5 64:18 65:5 67:8,9 68:8 judge 5:13 34:7 judge's 34:21 July 5:11 34:12	42:8 49:21 59:3,3 June 43:17 45:21 46:9 47:6 50:1 <hr/> K <hr/> keep 43:6 67:5 keeping 2:9,13 11:5 13:6 14:16 50:12 53:2,12 66:22 kept 2:13 kids 36:3 kind 49:16 54:3 57:9 kitchen 45:9,19 46:1,19 know 12:3 16:2 17:16 19:4,6 26:21 27:8 29:13 30:16 33:19 34:1 37:16 40:8 42:21 43:6 49:6 52:11 52:14 56:16 66:6 66:15 67:6 69:7 knowledge 10:20 10:22 12:11,14,14 known 30:1 knows 28:12 34:6,8 <hr/> L <hr/> Lacomb 3:7,7,11 3:15,17,21,22,22 6:6,10,12,18 7:1,4 7:7,10,12,17 8:9 9:10,13 10:4,9,14 10:21 11:12,16,22 12:21 13:12,21 14:2,7 15:10,14 15:18,22 16:6,12 16:14,16,19,21 17:1,9,13,16 18:1 18:5,8,18,21 19:12,19 20:4,8 20:20 21:7 22:4,8 22:14,18,22 23:5 23:8,15,19,22 24:3,8,11,14,17 25:10 27:18 28:1 28:12,15,20 29:1	29:6,11,16 30:3,6 30:19,22 31:3,5,9 31:17 32:9,18 33:2,4,6,10,13 34:1 35:3,7,11,15 35:17,20 36:7,16 37:4,8,12,16,22 38:2,5,7,10,14,19 39:11,15,18,22 40:11,14,19 41:4 41:11,14 42:16 43:15,18 44:6,8 44:12,14,16,19,22 45:5,7,16 46:2,12 46:16 47:8,14,16 47:22 48:2,11,20 49:2,5,8,13,18 50:2 54:13 55:6 55:10,13,20 57:5 57:7,22 58:5,8,11 60:21 61:8,11,13 61:18 62:14 64:15 65:4,21 66:11,15 67:7 69:21 lawsuit 4:16 5:7 lawsuits 13:14 lead 36:7 learned 26:9 lease 9:18 35:14,22 37:3,17,19 38:12 38:18 39:12,17,20 40:13 41:3 44:2 61:3 63:8 led 52:11 left 19:19,20 39:17 legal 9:17 13:20 36:6 57:16 legally 24:22 legitimate 50:18,19 letter 2:12 4:8 let's 7:14 19:3 21:5 21:8 30:8,11,15 30:16 39:7 42:13 45:13 59:4,14 level 48:16 license 1:9 2:7,9,13 2:14,19,21 7:20	7:21,22 8:6,20 9:6 11:6 14:15 17:14 17:17 18:22 47:5 51:18 53:1,12 56:3 57:11 58:2 60:14 64:10,11 65:10 66:5 licensee 2:11,18 8:17 53:1 67:16 licensee's 2:15 licenses 50:12,17 likelihood 26:6 58:21 line 55:2 59:14 lines 32:21 64:19 listed 2:7,16 listening 57:7 litigant 54:5 little 12:22 14:3 41:19 45:13 62:1 62:5,16,19 location 37:13 56:13 58:7,10 64:11 lock 38:22 39:1 logic 57:16 long 6:4 33:17 34:8 35:5 56:22 longer 62:2,6 look 22:5 53:3 looking 47:4,11 56:11 59:18 60:19 Lopez 17:22 24:13 lose 31:19 63:1 losing 21:21 lot 20:4 51:8,12 69:21 lots 16:8 luck 69:19 L-A-C-O-M 3:11 L-A-C-O-M-E 3:13 <hr/> M <hr/> major 31:11 making 23:13 27:13	man 19:21 manager 3:8 9:14 March 2:11,14 13:1,3 23:13 market 57:3 Martha 69:17 Martin 3:5 4:1,3 Marty 57:8 math 39:8 47:12 matter 1:5 9:18,18 9:19 24:18 62:10 66:13 70:3 maximum 42:10 mean 28:11 means 39:16 44:3 45:1 meet 1:7 25:2 31:14 31:15 MEETING 1:3 member 1:20,21,22 2:3 3:9,13,15,18 4:3,7,10 6:1,3,8 6:11,15,21 7:3,5,9 7:11,13 8:1,5 9:8 10:15 11:3,13,17 12:5,10,16 13:4 13:13,22 14:3,10 14:19 15:7,13,16 15:19 16:4,10,13 16:15,18,20,22 17:6,11,15,20 18:2,6,13 19:2,10 19:17 20:1,6,10 20:21 22:2,6,10 22:16,19 23:1,6 23:10,16,21 24:2 24:5,9,12,15 25:3 25:12,20 27:8,16 27:21 28:4,18,21 29:2,7,14,17 30:8 30:11,21 31:2,4,8 31:13 32:1,7,10 32:22 33:3,5,8,11 33:14 35:1,5,9,12 35:16,18,21 36:14 37:2,6,10,14,19 38:1,3,6,8,11,15
---	---	--	---	---

38:21 39:7,12,16 39:19 40:1,5,22 41:8,13,15 42:4 42:13,19 43:3,17 43:20 44:1,7,10 44:13,15,17,20 45:1,6,12,20 46:8 46:14 47:3,9,15 47:20 48:1,6,15 48:21 49:3,6,9,14 49:19 50:6 51:20 53:5,6 55:4,8,11 55:17,21 56:9 57:5,13,15 58:4 58:14,15 59:8,13 59:19 60:2,12,18 61:6,9,12,17,20 62:1,3,5,7,9,13 64:9,13,16,18 65:5 66:7,12,17 67:8,9,19 68:8,15 68:20 69:8,11,22	63:18 64:10 65:19 moratorium 56:2 motion 54:4 move 14:13,22 21:22 22:2,4,7 39:3 56:12,21 58:1 66:1 moved 66:22 movement 57:9,17 64:20 66:19 moving 67:4 muddled 62:17 mutual 36:2	notification 38:4 number 2:7 53:9 66:2 NW 1:8 N.W 1:14	17:3 46:6 49:22 51:5 55:15,16 61:18,19 63:12 68:10,15 opened 51:18 opening 13:6 operable 45:8 operate 8:10,11 15:20 18:20 24:22 33:15,22 38:13 49:22 57:19 58:12 58:13 operated 2:18 operates 17:1 operating 6:22 7:2 8:8 9:5,7 42:15 45:15,22 50:15,16 50:20 54:18 63:10 operation 14:14,22 21:21 43:13 52:12 operations 20:17 operators 50:18 62:21 opinion 26:13 opportunities 68:12 opportunity 29:21 55:16 68:11,16 optimal 53:20 option 37:20 57:11 60:17 65:13,14 66:2 options 57:2 order 5:10 9:2 52:6 ordered 36:11,14 36:16 organization 62:22 Osmos 20:6 Osnos 19:14,14 20:10,22 outcome 33:20 owner 7:16 8:22 63:14 owners 28:16 ownership 10:3,7 owns 17:1	P page 40:18 papers 7:20 Park 63:17 part 10:1 31:1 41:17 58:20 parties 21:18 22:7 partner 10:10 18:10 pass 31:1 passed 19:16 passing 21:19 pasta 51:4 path 63:13 paths 63:7 pay 55:9 peach 69:12 pending 4:17,17 people 10:17 14:6 66:4 period 8:4 11:10 25:4 38:4 41:7 47:19 53:2 64:22 periods 50:13 67:18 permanent 36:12 permit 5:6 32:4 46:18,20 63:10 permits 20:15 23:14 25:4,5,14 29:4,19 30:12,18 30:20 32:12 43:13 46:4 50:17 54:7 55:5,7 person 18:14,14,17 19:3 25:15 personal 12:13 personally 28:15 pertinent 2:10 pick 23:7 picked 21:17 piece 53:18 place 11:10 50:9 56:1,22 plan 24:15 41:2,22 42:15 44:21 50:14 56:15,19,21 57:3
	N name 3:4,16 4:1 16:14 17:21 18:3 18:10 nature 11:9 20:15 35:21 necessary 7:20 51:9 need 14:3 44:3 50:22 52:19,19 64:19 69:9 needs 24:7 negotiation 9:18 neighbor 25:7 26:13,17,22 28:13 29:8,11,20 30:1 30:16,17 neighborhood 69:15 neighbors 15:11 never 29:12,15 42:21 new 32:20 43:11 Nick 1:15,19 night 6:13 13:18 nine 6:6,8 8:3,18 12:19 34:14 Ninety 38:6,7 NLT 44:11 Northwest 2:8 noted 28:7 notice 41:1 44:4 69:4	O O 2:8 53:17 objective 43:5 obviously 53:16 54:1 58:12 occupancy 5:6 occupy 51:15 occur 14:11 17:7 46:9 50:5 occurred 13:17 19:13 occurs 17:19 October 44:9,9,11 44:11,13 61:2,7 67:17 68:4,21 69:2 offer 48:7 offered 56:10 offering 66:8 oh 6:8 57:7 67:2 okay 2:3 6:11,21 7:5,13 8:5 10:15 11:3,16 12:5,10 12:16 13:4 14:7 16:6 17:6,20 18:8 18:9,13 19:2,10 19:12,19 21:6 22:10,19 24:12 25:19 27:8 28:4 31:8,13 33:5,12 35:5 37:17 38:1,8 38:21 40:1,5 42:13 43:20 45:1 45:13,20 49:13,19 58:15 61:6,12,17 64:12 65:21 66:11 old 2:20 17:2 47:1 once 6:18 34:2 ones 12:1 21:9 open 5:22 8:15 9:3 10:10,13 13:9,9		

<p>planning 39:21</p> <p>plans 2:22 32:12 38:17 39:20 40:22 56:10</p> <p>plates 51:4</p> <p>play 15:9,10</p> <p>Please 62:9</p> <p>plumbing 33:7 45:17</p> <p>point 5:14 23:6 24:21 29:14 32:16 38:16 57:1,12</p> <p>pool 66:4</p> <p>position 12:6 26:21 31:14 48:18 49:22 65:20</p> <p>positive 49:20 66:20</p> <p>possession 36:22</p> <p>possible 34:2 56:12 56:15 62:18 64:5</p> <p>preliminary 63:12</p> <p>prematurely 20:2</p> <p>present 1:18 27:22 33:11 64:19</p> <p>presented 65:2</p> <p>presiding 1:15</p> <p>pretty 11:1 13:5,15</p> <p>prevent 27:1</p> <p>prevented 21:4 23:3 32:3</p> <p>preventing 14:20 23:13</p> <p>previously 41:16 42:20 63:15</p> <p>prime 53:18</p> <p>prior 7:22 8:3 15:20</p> <p>proactive 66:18</p> <p>probably 12:22 13:2 16:1 36:18 54:13,14 55:6,13 59:6 61:1,4 65:8</p> <p>problem 19:12</p> <p>proceeding 33:17 34:8 42:8</p> <p>proceedings 13:14</p>	<p>28:3 33:20</p> <p>process 13:8 46:22 50:14 61:15</p> <p>progress 23:3,14 23:18 26:5,9,12 26:15 52:2,20,21 68:12</p> <p>promise 29:18 30:13 31:15 32:1</p> <p>promises 11:18 20:11,14 47:10 48:9</p> <p>promising 49:21</p> <p>prong 65:1</p> <p>prongs 65:2,6</p> <p>proper 14:21</p> <p>properties 9:15</p> <p>property 2:7 4:14 5:21,22 7:16,19 8:19,21,22 24:20 24:21 28:16 31:6 51:13 53:15,18,21 54:20 69:12</p> <p>propose 63:2</p> <p>proposed 64:3</p> <p>provide 41:1 44:4 48:8 59:15 68:2 69:4</p> <p>provided 20:19</p> <p>providing 48:16</p> <p>public 4:19,21 56:3 66:13</p> <p>publicly 27:6,9</p> <p>pull 14:15 59:6</p> <p>pulled 55:7</p> <p>punch 25:7</p> <p>purchase 54:14</p> <p>put 4:21 6:12 8:4 11:8 26:10,14 27:15 30:8,11 46:17,18 67:18</p> <p>putting 15:3 27:11 44:18</p> <p>P-R-O-C-E-E-D... 2:1</p> <p>p.m 2:2 62:11 70:4</p>	<p style="text-align: center;">Q</p> <p>qualify 50:3</p> <p>question 34:6 40:7 60:3,22 65:22</p> <p>questions 11:1 63:22 68:7 69:17</p> <p>quick 57:15 59:13 68:21</p> <p>quickly 26:6</p> <p>quiet 54:19</p> <p>quite 4:17 52:4</p> <p style="text-align: center;">R</p> <p>ready 8:11 29:4 43:14</p> <p>real 57:15 59:2 60:3,4</p> <p>realistic 43:16,19 47:8</p> <p>Realistically 42:14</p> <p>reality 51:5</p> <p>really 9:5,6 15:4 20:2 21:1 42:21 47:4 49:15 50:10 51:1,18 52:13 53:10 60:19</p> <p>rear 4:15,19 5:4,22 8:13,14 9:2 27:2,2 56:20</p> <p>reason 25:17</p> <p>reasonable 34:16</p> <p>reasons 27:12</p> <p>receipts 32:11</p> <p>received 20:16 63:10</p> <p>recess 61:21</p> <p>reclaim 53:11</p> <p>record 2:4 27:20 62:11,12,14 66:13</p> <p>records 20:9</p> <p>Reeves 1:14</p> <p>referring 21:11 32:3</p> <p>refusing 4:22</p> <p>regards 9:16 10:22 24:19 49:4</p> <p>related 11:5,19</p>	<p>relatively 4:13</p> <p>relevant 30:7</p> <p>remark 65:12</p> <p>remember 12:1</p> <p>remove 43:10</p> <p>renewals 37:18,20</p> <p>renewed 2:14</p> <p>renovations 51:9 52:5,9</p> <p>report 68:3</p> <p>represent 3:6 12:9</p> <p>representation 4:8</p> <p>representative 12:7</p> <p>represents 4:6</p> <p>requesting 2:12 14:15</p> <p>requirement 31:14</p> <p>requires 4:14</p> <p>resolution 34:20</p> <p>resolve 31:6 36:13</p> <p>resolved 34:14,17 41:5 42:9,11 61:2</p> <p>resolves 24:18</p> <p>respect 49:4 51:21</p> <p>restaurant 8:7 9:3 9:4,22 10:11,13 13:7,10 16:9 17:2 17:5 18:20 21:10 21:20 24:22 26:4 27:10 36:5 45:11 46:1,7 50:1 51:17 52:12 57:19 63:11</p> <p>Retailer 1:8</p> <p>revert 28:5</p> <p>revisit 42:14</p> <p>re-engage 23:7</p> <p>right 4:11,16 5:8 5:20 7:17 10:6,17 11:12 14:6 15:7 15:16 18:2 19:13 20:21 21:7 22:11 30:17 31:21 33:14 35:12,18 39:7,9 43:3 45:5 49:14 54:19 57:17 58:4 59:9 60:12 61:22 67:12</p>	<p>rights 26:18</p> <p>road 59:5</p> <p>rolling 54:10</p> <p>roof 31:10 32:8</p> <p>Room 1:14</p> <p>roughly 12:18,20 44:4 45:4,21 67:16</p> <p>route 66:16</p> <p>rule 5:14 34:7</p> <p>ruled 33:21</p> <p>ruling 36:21 65:10</p> <p style="text-align: center;">S</p> <p>safe 2:9,13 11:5 14:16 50:12 53:1 53:12</p> <p>Safekeeping 1:9</p> <p>sale 56:14</p> <p>satisfied 26:12</p> <p>saw 26:15</p> <p>saying 18:14 19:5 22:11 25:11,13,16 49:4 50:18 60:8 61:13</p> <p>says 59:4 60:6,15</p> <p>scenario 58:21</p> <p>Schaffer 3:4,5,11 3:14,20 4:1,5,9,12 7:14,18 8:3,6,12 9:11 10:2,6,12 12:8,13 14:17 15:6 18:16,19 19:8 25:18,21 27:13 28:2,10 30:4,10 32:5 34:5 39:5 40:3,8,12,17 42:1,6 43:2,22 50:3 51:7 56:7,14 58:6,9,18 59:22 60:4 62:8,15 64:1 64:12 67:22 69:6 69:9,20</p> <p>schedule 60:6 67:15</p> <p>scheduled 2:20 5:11 34:12</p>
--	---	--	---	---

scheduling 5:9
screen 20:22
scrutinize 53:3
second 63:13
seconds 61:21 62:6
securing 54:6
see 5:10 15:22
 52:19 54:17
seen 26:13
self 65:8
sell 56:10,18 57:20
 60:14 61:5
selling 57:11
sense 41:21
sent 68:17
September 41:9,11
 44:5
served 67:10
set 47:10 61:3
Shaffer 4:2,4
shared 36:8
sharing 36:17
Sheldon 1:6 2:6 3:6
 3:7 4:6 16:7 21:9
 22:9
show 32:16 33:9
showing 27:6
shows 27:9
shut 8:13 48:5
side 48:12
significant 13:5
 52:2
Silverstein 1:22 2:3
 3:9,13,15,18 4:3,7
 4:10 6:1 53:5
 55:4,8,11,17,21
 56:9 57:5,13
 58:15 59:8,19
 60:19 61:17,20
 62:3,7,9,13 64:9
 64:13,16 66:7,12
 66:17 67:8,19
 68:20 69:8,11,22
similar 17:4 65:15
Simon 19:14,14
simple 4:13
simply 34:6

sir 12:6 24:8 40:20
 41:5 58:1
sit 51:14
site 63:11 64:5,6
sitting 51:11
situation 4:13
 57:10,18 62:17,18
 63:5
situations 65:15
six 5:16 8:18 39:1
 39:17 42:17 63:2
 63:6 64:10,21
 65:19
small 36:3
smoke 20:22
solely 60:13
somebody 56:1
 57:4 61:19 66:3
song 51:3
soon 62:12
sorry 18:11 37:6
 42:4
sound 18:6
sounds 15:3,4
space 45:2 51:8
 52:7
speak 11:17 52:5
 52:15 68:11
speaking 12:18
specifically 14:8
specificity 14:4
speculate 34:3
speculation 27:11
 30:3
spending 13:19
spirit 67:11
squared 69:13
stand 3:3
standpoint 28:5
 48:17 52:16
start 17:8 20:17
 46:21
started 21:22 23:10
 54:6
starting 45:3
statement 49:10
status 1:8 2:21 12:4

 68:3
step 21:8
steps 15:19
stood 59:11
stop 66:9
Street 1:8,14 2:8
stuff 23:7 32:18
 55:1
submitted 2:12
successfully 29:18
suggest 68:5
suggestions 59:12
suitable 36:5,6
 45:14
Summer 2:16
Superior 5:20
 34:13
support 33:1
supposed 17:7
sure 5:13 11:1 39:5
 55:22 61:9 65:16
system 24:19 41:18
 49:17,21 60:13

T

T 16:17
take 33:18 34:9
 45:20 47:7 57:22
taken 15:20
takes 46:4,6
talking 13:19 28:12
tangible 52:20,21
tell 12:1 66:21 67:1
tenant 8:16 25:21
 36:9 37:3,9 42:16
 43:6 45:2 48:5
 54:21 69:4
tenants 4:20 37:10
term 37:7 40:13,15
terminate 37:21
 38:12,17 39:20
 40:10 41:1
terminated 63:8
termination 44:4
terms 25:7 37:3,4
 39:3,12 44:2
 59:15 60:19

terribly 53:15
Terrific 69:8
testimony 20:18
thank 3:4 4:12 6:3
 53:4,5 62:14,14
 65:4 67:7 69:1,19
 69:20
Thanks 62:7 69:21
That'd 47:16
thing 40:9 51:21
things 9:19 20:17
 21:5 32:13 42:21
 55:12 67:4,6
 69:13
think 4:13 12:21
 24:17 43:12 53:18
 54:15 55:21 56:14
 57:6,10 58:18
 59:6,8 60:18 64:2
 67:19 68:22
thinking 59:4
third 39:14
thought 18:22
 26:18,20,22 42:10
 43:10,11
thoughts 67:21
three 6:19 47:13
 60:11 63:18 65:3
tied 60:13
time 4:18 5:15 7:19
 7:22 8:1,17 11:11
 11:21 12:3 21:10
 21:17 25:4 26:2,8
 31:15,18 34:15
 38:3 40:12 42:9
 42:10 46:3,6 48:9
 50:13 51:2 53:2
 54:16 55:2,3
 56:22 59:14,21
 60:5 65:17 67:17
tired 61:14
today 27:22 44:18
told 27:19
totally 5:14 68:18
touch 67:5
Town 17:2
trading 2:6

tragedies 24:4
transfer 63:14 64:7
 64:19 66:3
transferred 8:21
transpired 12:12
treat 52:22,22
 53:14 63:16,19
trial 5:16
tried 27:1 67:2
try 4:18 9:1 25:18
 40:6 54:10 67:1
trying 5:9 10:17
 20:12 21:1,3 40:3
tumor 19:15
turns 19:1
two 2:19 6:19 26:14
 35:8,9,11 38:9
 39:8,9 47:16,18
 63:7 64:3 65:2
type 17:4 25:1
 34:13 35:13
types 9:19
typical 34:12
t/a 1:7

U

ultimate 26:18
understand 20:12
 25:13,17 43:12
 55:18 56:5,5
 57:16
understanding
 59:9
Understood 42:19
underutilized
 53:16
unforeseen 50:5
unfortunately
 19:20
unknown 34:11
use 28:13 36:10
 45:3 47:5 50:18
 51:15,18 53:21
 63:1
usually 9:17,18
 34:14 42:7

V

vacated 7:19
value 56:4 62:20
virtually 63:4
visible 26:19

W

wait 24:18 54:9
 60:10 62:8
want 10:22 11:13
 12:2 13:11 26:3
 27:15 32:18 34:3
 40:8 51:17,19
 53:6 55:22 58:1
 61:15,18 64:9
 65:16 66:5 68:6
wanted 38:13 57:6
 68:1
Washington 1:14
wasn't 56:15
water 32:21 51:9
way 25:10 30:9,12
 36:19 39:21 43:8
 56:12 67:2
week 60:10 67:1
weeks 6:19
went 26:16 27:14
 42:16 62:11,11
 66:16
weren't 31:14
 48:10
we'll 61:19,21 62:8
 63:21 69:7,10
we're 2:3 5:9 7:1
 24:17 40:17 46:17
 46:18,19 47:4,11
 50:7,11,16 51:2
 55:14,18 56:6
 60:7,10 61:2,4,14
 62:13 66:14 67:3
 68:7
we've 32:19,20
 54:15 56:7 63:20
 65:2,14
whatsoever 10:1
when's 58:16
wife 21:11,13,15,22
 31:19

willing 48:8 68:15
wiring 33:7 45:16
Wisconsin 53:17
wish 63:22
words 8:10
work 45:14 47:1
 54:7,17 64:5,7
 69:5
worked 19:5,11
working 16:7 17:8
 21:10 67:3
worried 53:21
worst 58:21
worthy 67:14
wouldn't 29:21
 30:1 45:7 57:21
 59:22 66:7,20
writing 68:3
written 68:18
W-A-T 16:20

X

X 19:3,5 22:11 49:4
 49:11

Y

Y 49:12
year 2:11 5:16
 12:20 13:1,2,16
 14:10,17,19 15:13
 21:16 26:14 31:21
 34:18,19 37:17,19
 38:16 39:9,13,14
 40:20 41:2,7,17
 41:17 42:7,17,18
 44:5 58:19,20
 59:7 61:3 63:9
years 2:20 26:14
 35:8,10,11 38:9
 39:10,13 47:13,17
 47:18 51:22

Z

Zadran 18:4,15
 21:8,15
Zadron 22:9
zone 56:2

P

p 1:5,10

0

0 1:8

1

1 41:11 44:13
1st 44:9,11 60:7
 61:2,7 68:4 69:2
10 47:17
10th 29:9
12 34:14 38:22 47:6
13 47:18
14th 1:14
18 39:2

2

2 66:2
2E 1:9
2nd 68:21
2000 1:14
2010 7:6 9:9 11:4
 11:19 12:12,12
 21:11 22:20 23:16
 23:20 24:6 25:6
 28:7 29:3,9,10
 47:11 50:9,9
 51:22
2011 21:13
2012 1:12 15:15,17
 15:20 23:9,11,13
 23:17 24:1,6
2013 2:15 48:19
 61:7
2014 43:17 45:4,21
 45:22 46:10 47:6
 50:1 59:20 60:16
21st 2:11,15
22 1:12

3

3:23 2:2
30 61:21 62:6
3222 1:8 2:8

4

4:09 62:11

4:23 70:3

6

6/2014 43:15
60 29:5,8,19 51:5

7

70 29:5,8,20 30:12
 30:18 51:5

8

85370 2:7

9

9:30 68:22
90 38:5,12 40:9
 41:1,6
99 2:16