DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF:

EI, LLC,
t/a Bricklane Restaurant:
517 8th Street SE: Cease and Desist
Retailer CT - ANC 6B: Hearing
License #109778:
Case #21-CMP-00022:

(Request for Expedited:
Hearing Regarding Cease:
and Desist  Board Order:
No. 2021-479)

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Thursday
August 26, 2021

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
ELALAMI IKHIAR, Licensee
MARK RUIZ, DC ABRA Investigator
JAMES ZELLOE, Licensee's Counsel
P-R-O-C-E-E-D-I-N-G-S

10:04 a.m.

CHAIRPERSON ANDERSON: We are on the record. Good morning, everyone. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, and in accordance with DC Code Section 256 of the Open Meetings Act, I am welcoming you to the regularly scheduled meeting of the Alcoholic Beverage Control Board.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies during the public emergency. Pursuant to this guidance, notice of today's meeting was provided 48 hours in advance of the meeting on ABRA's website and on the District's central meeting calendar. The notice includes the time, date, agenda, and call-in or log-in information for public participation. This electronic meeting is being hosted by a Webex account provided by the District of Columbia Government. Please address any questions or concerns to the OOG at opengovoffice@dc.gov.

My name is Donovan Anderson. I'm
Chairman of the Board. I would like to introduce the other members of the ABC Board who are also participating electronically pursuant to Mayor's Order 2021-096. Please respond when I announce your name. Mr. James Short.

MEMBER SHORT: Mr. James Short present.

CHAIRPERSON ANDERSON: Ms. Rafi Crockett.

MEMBER CROCKETT: Rafi Crockett present.

CHAIRPERSON ANDERSON: Ms. Jeni Hansen.

MEMBER HANSEN: Jeni Hansen present.

CHAIRPERSON ANDERSON: Mr. Edward Grandis.

MEMBER GRANDIS: Edward Grandis present.

CHAIRPERSON ANDERSON: The Board has five members in attendance for the conduct of business today and that constitutes a quorum. Before we get underway with today's hearing content, I need to make a few instructions very clear so that the conduct of these hearings is understood by everyone. There
is actually one case scheduled for day. Once your case is called, I will take a moment for our IT specialists to elevate the rights for each party to enable their camera and microphone. Then, and only then, will you have the ability to enable your equipment.

At the conclusion of each case, the parties will have the option to leave. If the party chooses to stay, all cameras and microphones for the concluding case will be disabled. Should you have any questions or require technical assistance during the hearing, please submit them using the question and answer feature or email simone.andrews2@dc.gov.

Our first order of business is a fact finding hearing, a contested fact finding hearing, Case Number 21-CMP-00022, Bricklane Restaurant, License Number 109778.

Ms. Andrews, can you please elevate the rights of the parties? We should have the investigator and we should have the Licensee.

MS. ANDREWS: Stand by.

CHAIRPERSON ANDERSON: Thank you.

MS. ANDREWS: Investigator Ruiz, your rights have been elevated. An attorney for this
case, is a call-in. I'm going to go ahead and unmute his line.

CHAIRPERSON ANDERSON: There is an attorney?

MS. ANDREWS: He hasn't joined yet but he's also going to be a call-in.

CHAIRPERSON ANDERSON: I'm sorry, who is the attorney?

MS. ANDREWS: The attorney is --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: All right.

Well, elevate everyone's rights and then I will find out what's going on.

MS. ANDREWS: Okay. The attorney is a call-in.

MR. ZELLOE: Good morning. James Zelloe.


MS. ANDREWS: I have unmuted his line. His name is -- can go ahead and announce yourself, sir, so we can see check your audio.

MR. ZELLOE: Okay. My name is James Zelloe, Z-E-L-L-O-E.

CHAIRPERSON ANDERSON: Zelloe, Z --
I'm -- spell your last name again, sir.

MR. ZELLOE:  Z as in Zebra-E-L-L-O-E, Zelloe, yes, correct, if you can hear me.

CHAIRPERSON ANDERSON: Yes. Who else is on the line? All right. Is the licensee on the line? And who is it that you represent, Mr. Zelloe? Mr. Zelloe?

MR. ZELLOE: Yes.

CHAIRPERSON ANDERSON: Who do you represent, sir?

MR. ZELLOE: I represent Mr. Ikhiar and Bricklane Restaurant. EL, LLC. E-L, LLC.

CHAIRPERSON ANDERSON: All right. Mr. Zelloe, did you enter your appearance or did you submit a designated representative form to the agency, sir?

MR. ZELLOE: I just -- I just found out about this hearing very late last night. I registered for this hearing today. I have not submitted an appearance on paper to the Board. (Simultaneous speaking.)

CHAIRPERSON ANDERSON: -- sir, and I need -- where is the owner? Where -- is -- Ms. --

MR. ZELLOE: The owner should be on
the phone also.

CHAIRPERSON ANDERSON: All right. Ms. Andrews, is the owner on the phone, the licensee on the phone?

MS. ANDREWS: He has not called in yet, sir.

MR. ZELLOE: I've been in touch with him this morning on numerous occasions --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Well, Mr. Zelloe, there are two things I'm going to need to acquire. I need the licensee to appear on the line, and I need the licensee to inform us that you are his representative, because you have not submitted to this agency. So if we have this hearing today, I'm going to ask you is that you need to submit a letter of -- I'm sorry, your -- a letter of appearance to -- or a designated representative to this agency, sir. But we need to find out where the licensee is.

MR. ZELLOE: Yes. I'm -- I just texted him. I was expecting him to be on at this time.

MS. ANDREWS: Mr. Chair, I do see a call-in that just popped in. I'm going to go
ahead and unmute the line. Phone number beginning in 202-985, could you please announce yourself?

MR. IKHIAR: My name is Elalami Ikhiar.

MS. ANDREWS: Thank you.

CHAIRPERSON ANDERSON: Good morning, Mr. Ikhiar.

MR. IKHIAR: Hello.

CHAIRPERSON ANDERSON: Good morning, sir. And who are you, sir?

MR. IKHIAR: My name is Elalami Ikhiar. I'm the owner of the business, Mekki, at 517 8th Street SE.

CHAIRPERSON ANDERSON: All right.

Now there is a Mr. Velour (phonetic) [sic] on the phone who says that he's an attorney representing you, sir; is that correct?

MR. IKHIAR: Yes, he is.

CHAIRPERSON ANDERSON: All right. So is there anyone else who will be joining us today?

MR. ZELLOE: No.

MR. IKHIAR: Just me..

CHAIRPERSON ANDERSON: All right.
Okay. Mr. Velour [sic], since you are now the attorney, so I will be -- we can move it forward. I will be speaking to you, sir.

MR. IKHIAR: Is that Jim? Hello?

MR. ZELLOE: Yes, I'm here.

MR. IKHIAR: Jim? Okay.

CHAIRPERSON ANDERSON: All right. Moving forward, since Mr. Velour [sic] states that he's the attorney representing you, Mr. -- you, the licensee, each time I speak, I will be addressing my statements to the attorney, and then the attorney will suggest -- then the attorney will state whether or not -- if he cannot answer the question, then he will state whether or not you will answer the questions.

Okay. All right.

MR. IKHIAR: Okay. I just speak when you guys ask me the questions personally, right?

CHAIRPERSON ANDERSON: Well, I am going to ask the attorney a question, and then your attorney can direct you whether or not you should speak, sir, okay?

MR. IKHIAR: That is fine.

CHAIRPERSON ANDERSON: All right. I need everyone to identify themself for the
record. Let's start with the investigator. Can you please spell and state your name for the record, please?

INVESTIGATOR RUIZ: Yes. My name is Mark, M-A-R-K, last name Ruiz, R-U-I-Z.

CHAIRPERSON ANDERSON: Thank you. Mr. Velour [sic], can you please state and spell your name for the record, please?

MR. ZELLOE: My name is James Zelloe, Z as in Zebra-E-L-L-O-E.

CHAIRPERSON ANDERSON: I'm sorry. Hold on one more times. What is your first name, sir?

MR. ZELLOE: James or Jim.

CHAIRPERSON ANDERSON: And your last name again, sir?

MR. ZELLOE: Zelloe. It sounds like Jello with a Z at the beginning and an E on the end.

CHAIRPERSON ANDERSON: Z-E-L-L-O-E?

MR. ZELLOE: Correct.

CHAIRPERSON ANDERSON: All right, Mr. Zelloe. Mr. Ikhiar, can you please state and spell your name for the record, please?

MR. IKHIAR: My name is Elalami

CHAIRPERSON ANDERSON: Mr. Ikhiar.

Good morning, Mr. Ikhiar. Good morning, Mr. Zelloe.

MR. IKHIAR: Good morning.

CHAIRPERSON ANDERSON: Good morning, Mr. Ruiz.

MR. ZELLOE: Good morning.

CHAIRPERSON ANDERSON: All right.

Thank you.

I just want to remind the parties that this is a contested hearing, which means that it is an evidentiary hearing and as such, testimony will be sworn and exhibits will be admitted into the record. So I just want everyone to know that.

All right. The licensee of record, Mr. Elalami Ikhiar owns 100 percent of the establishment, Bricklane Restaurant. And Bricklane Restaurant is the name of the licensed establishment that is before the Board today. I heard Mr. Ikhiar mention Mekki DC, but I just want the record to reflect that the name of record that is with ABRA is Bricklane Restaurant.
That is the name of record. That's the only name that we will recognize today. I just want the record to reflect that. All right. So Mr. Ikhiar, he owns 100 percent.

Now, there is a Mohammed Karrakchou, K-A-R-R-A-K-C-H-O-U, who is the individual who represented to Investigator Ruiz that he was the new owner and that he had taken over the business in February of 2020.

All right. We're here today at the request of Mr. Ikhiar who desires to challenge the Board's cease and desist order issued on August 11, 2021. ABRA's record show that a Retailer Class CT license has been issued to El, LLC, trade name Bricklane Restaurant, located at 517 8th Street, SE, Washington, D.C. ABRA's records further show that the sole owner of Bricklane is Mr. Elalami Ikhiar. Board Order Number 2021-457 was issued in response to Investigative Report Number 21-CMP-00022.

On Monday, June 28, 2021, ABRA Investigator Mark Ruiz conducted a regulatory inspection at the establishment to verify the ownership of Bricklane. ABRA enforcement was contacted by the attorney for the landlord of the
building at 517 8th Street, SE, who suspected that the owner was no longer operating the business. Upon arrival at the establishment, Investigator Ruiz observed that the establishment was operating as Mekki, M-E-K-K-I, DC, which was the trade name used on the restaurant’s menu.

Additionally, Investigator Ruiz noticed that the signage for the Board-approved trade name Bricklane Restaurant had been removed from the building. Inside the establishment, Mohammed Karrakchou identified himself as the owner. Mr. Karrakchou indicated that he knew Mr. Ikhiar well and that Mr. Ikhiar was overseas and would not be returning to the United States. Mr. Karrakchou admitted that he had been operating the establishment since February of 2020. He also stated that he had submitted transfer application documents to ABRA. Investigator Ruiz later confirmed with ABRA’s licensing division that no transfer application had been filed nor did the Board approve a change in the establishment’s trade name.

The Board subsequently issued a cease and desist order on August 11, 2021 in order to determine the true and actual owner of the
license and whether it has been lawfully managed by someone other than the owner.

I will start this hearing by taking sworn testimony from ABRA Investigator Mark Ruiz followed by Mr. Ikhiar. If Mr. Elalami Ikhiar will have -- Mr. Ikhiar will then have an opportunity to cross-examine Investigator Ruiz as well as put on any witnesses of his own, also subject to cross-examination by the Board.

Are there any questions by any of the parties?

MR. ZELLOE: No.

CHAIRPERSON ANDERSON: All right. So I will start with Mr. Ruiz. Mr. Ruiz, can you raise your right hand, please? Do you swear or affirm to tell the truth and nothing but the truth?

INVESTIGATOR RUIZ: I do.

CHAIRPERSON ANDERSON: All right.

Good morning, Mr. Ruiz.

INVESTIGATOR RUIZ: Good morning.

DIRECT EXAMINATION

CHAIRPERSON ANDERSON: Can you again state your name for the record, please?

INVESTIGATOR RUIZ: My name is Mark,
M-A-R-K, last name Ruiz, R-U-I-Z.

CHAIRPERSON ANDERSON: And where are you currently employed, Mr. Ruiz?

INVESTIGATOR RUIZ: With the Alcoholic Beverage Regulation Administration.

CHAIRPERSON ANDERSON: And how are you -- how long have you been employed at the agency, sir?

INVESTIGATOR RUIZ: A little over two and a half years now.

CHAIRPERSON ANDERSON: And what is your duties and your responsibility at the agency, sir?

INVESTIGATOR RUIZ: I was employed as an investigator. My duties include inspecting and investigating ABC licensed establishments located within the District of Columbia.

CHAIRPERSON ANDERSON: Are you familiar with Bricklane Restaurant?

INVESTIGATOR RUIZ: I am.

CHAIRPERSON ANDERSON: And how did you become familiar with this establishment, sir?

INVESTIGATOR RUIZ: Conducting a regulatory inspection there and conducting a trade name investigation as well.
CHAIRPERSON ANDERSON: And when did you conduct a regulatory inspection at the -- this establishment?

INVESTIGATOR RUIZ: I'm going to say April 2021.

CHAIRPERSON ANDERSON: You said April -- April 8th --

INVESTIGATOR RUIZ: April 8, 2021, ye.

CHAIRPERSON ANDERSON: Okay. Thank you. As far as ABRA's records are concerned, sir, who is the owner of Bricklane Restaurant?

INVESTIGATOR RUIZ: ABRA records show the owner as EI, E-I, LLC, sole owner of -- Mr. Elalami Ikhiar.

CHAIRPERSON ANDERSON: And as far as ABRA's records are concerned, what is the name of the establishment that is in ABRA's records?

INVESTIGATOR RUIZ: Bricklane Restaurant.

CHAIRPERSON ANDERSON: All right. Thank you. Now when you -- all right, so when you went to the establishment to do the regulatory inspection, who did you meet, who greeted you at the -- let me ask you a question.
You went to the restaurant establishment and who
did you ask to see, sir?

INVESTIGATOR RUIZ: I had requested to
speak with an ABC manager or owner present on the
establishment.

CHAIRPERSON ANDERSON: And who
identified themself to you, sir?

INVESTIGATOR RUIZ: On this day, Ms.
Siham Zouine identified herself to me.

CHAIRPERSON ANDERSON: I'm sorry, who?

INVESTIGATOR RUIZ: Siham Zouine.

CHAIRPERSON ANDERSON: And who was
that person?

INVESTIGATOR RUIZ: She identified
herself as an owner, as part of a partnership.

CHAIRPERSON ANDERSON: Can you spell
that person's name, sir?

INVESTIGATOR RUIZ: Yes. First name's

CHAIRPERSON ANDERSON: Now -- so did
you conduct the regulatory inspection with that
person?

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: Now was this
the only time that you conducted a regulatory
INVESTIGATOR RUIZ: On this particular day, I did revisit to try to contact the other half of the partnership that she had identified.

CHAIRPERSON ANDERSON: Have you ever spoken to any other individuals at the establishment who has identified themselves as an owner of this establishment?

INVESTIGATOR RUIZ: Yes. I spoke to Mr. Karrakchou on June 24, 2021.

CHAIRPERSON ANDERSON: Who did you speak -- on June -- on what day again, sir?

INVESTIGATOR RUIZ: June 24, 2021, I spoke to Mr. Mohammed Karrakchou.

CHAIRPERSON ANDERSON: And why did you go back to the establishment on June 24th?

INVESTIGATOR RUIZ: In hopes to speak to Mr. Karrakchou to get more understanding of what the current ownership was.

CHAIRPERSON ANDERSON: No. I'm saying why -- how did you know this name "Mr. Karrakchou?" Where did that name come from?

INVESTIGATOR RUIZ: It was identified to me by Ms. Siham Zouine, the other partner.

CHAIRPERSON ANDERSON: So Ms. Siham,
she identified Mr. Karrakchou as the other owner
of this establishment?

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: But did she, at
any point, identify Mr. Ikhiar as an owner of the
establishment?

INVESTIGATOR RUIZ: No.

CHAIRPERSON ANDERSON: Now are -- how
are you -- are you familiar with Mr. Karrakchou?

INVESTIGATOR RUIZ: I am.

CHAIRPERSON ANDERSON: Do you know
whether or not this individual holds any other
licenses?

INVESTIGATOR RUIZ: From my
understanding, he does hold another ABC license
in the District.

CHAIRPERSON ANDERSON: And what is --
what establishment, if any, does he -- what
establishment does he own a license for?

INVESTIGATOR RUIZ: Flavio.

CHAIRPERSON ANDERSON: And what's
Flavio?

INVESTIGATOR RUIZ: It is a restaurant
located within Georgetown.

CHAIRPERSON ANDERSON: Now do you know
whether or not Mr. Karrakchou is an ABC licensed manager or just an owner?

INVESTIGATOR RUIZ: No, just known as an owner.

CHAIRPERSON ANDERSON: All right. Now once the regulatory inspection -- tell me about the regulatory inspection that you did? You can tell me the both times you went to the establishment. So tell me -- you said you did a regulatory inspection. Explain that to me, please? What is it that you do during these inspections?

INVESTIGATOR RUIZ: So on April 8th, I went there just to conduct a quick inspection of the building based off of the trade name to ensure that trade name matched the license. Basically, we just --

CHAIRPERSON ANDERSON: Let's back --

INVESTIGATOR RUIZ: -- inspected the window lettering.

CHAIRPERSON ANDERSON: Hold on. Let me back up. What trade name are you talking about to see whether or not the trade name matches the license?

INVESTIGATOR RUIZ: So the trade name
was currently Mekki, M-E-K-K-I. However, the
license on record and the window lettering was
stating Bricklane Restaurant, so there was a
conflict between those two.

CHAIRPERSON ANDERSON: All right. So
tell me further about the regulatory inspection
that you did?

INVESTIGATOR RUIZ: So basically, I
went there to identify the owner as well as speak
to that same individual in regards to the trade
name. I checked the license, see the window
lettering, whether or not there was an ABC
manager on duty at the time, and that was
basically it. No additional violations were
located other than with the trade name issue.

CHAIRPERSON ANDERSON: Now did you
look at invoices?

INVESTIGATOR RUIZ: I did not look at
invoices, no.

CHAIRPERSON ANDERSON: Now -- all
right, so did you have a chance to speak to Mr.
Karrakchou?

INVESTIGATOR RUIZ: I did.

CHAIRPERSON ANDERSON: And what
information were you able to gather from Mr.
Karrakchou?

INVESTIGATOR RUIZ: Mr. Karrakchou explained to me that he had acquired the business in February of 2020 from Mr. Ikhiar and that they were testing out Mekki and Mekki's menu for the establishment at which -- and stated to me, when I asked about Mr. Ikhiar, him and his relationship, he did indicate to me that he does know Mr. Ikhiar, is a friend of his, that Mr. Ikhiar was overseas at home, and he did not believe that he was returning to the United States and that he assumed the business in February 2021 to include his work email -- business email and the establishment and was looking to make a trade name change as soon as he identified the right name and menu to use for the facility. And that was basically our conversation.

CHAIRPERSON ANDERSON: Hold on a minute, Mr. Ruiz.

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: Can both call in individuals, can you please mute your microphone, please? So please mute your phone because we're getting some feedback, please. All
right. Go ahead, Mr. -- so -- all right, so Mr. Ruiz, you stated that -- I'm sorry, what is it that you said Mr. Karrakchou was doing, what did he express to you?

INVESTIGATOR RUIZ: That after acquiring the business in February 2020, he was testing out what he identified as a popup called "Mekki" with a new menu different from what was from Bricklane and wasn't sure whether he wanted to use that as the permanent operation in the building.

CHAIRPERSON ANDERSON: All right. Now in viewing ABRA's records, do you see Mr. Karrakchou's name on any documents within ABRA?

INVESTIGATOR RUIZ: I have not, not with regards to Bricklane or Mekki.

CHAIRPERSON ANDERSON: So did you have any conversation with Mr. Karrakchou regarding this -- the fact that he's stating that he's now the owner of record and that there are -- you did not see his name within our records that he was the owner?

INVESTIGATOR RUIZ: Correct. I did explain that to him, he was stating he was the owner but he was not on record as the owner, and
that he said they were going to be taking care of the paperwork relatively soon.

INVESTIGATOR RUIZ: And can you elaborate what is it that he stated that day other than take care of the record relatively soon; what was -- what did --

INVESTIGATOR RUIZ: So they intended to do a trade name and ownership paperwork. I spoke to him on June 28, 2021. I believe that was towards the end of the week, if I'm not mistaken, and that he had planned on contacting our licensing division and having ownership changed with the transfer application by that next Monday morning.

CHAIRPERSON ANDERSON: now have you had an opportunity to speak with Mr. Ikhiar, the owner of record as far as ABRA is concerned at any point?

INVESTIGATOR RUIZ: I have not. I have tried the contact information we've had on file, but I was unable to get in contact with him.

CHAIRPERSON ANDERSON: Now are you aware that ABRA has issued a cease and desist order regarding the continued operation of this
Since the issuance of the cease and desist order, have you done any monitoring or are you aware if any other investigator in the agency has done any monitoring of this establishment?

INVESTIGATOR RUIZ: No.

CHAIRPERSON ANDERSON: I'm sorry, no to what, you've not done any --

INVESTIGATOR RUIZ: I have not done monitoring and I am not -- I do not know of any other investigator that has done any monitoring.

CHAIRPERSON ANDERSON: Now have you checked any records at DCRA regarding the ownership, the relationship regarding Mr. Ikhiar and Mr. Karrakchou?

INVESTIGATOR RUIZ: I have not, no.

CHAIRPERSON ANDERSON: Are you familiar with Mekki's DC website?

INVESTIGATOR RUIZ: I recall being on it briefly, yes.

CHAIRPERSON ANDERSON: So why did you go check the website; why were you on that website?
INVESTIGATOR RUIZ: I believe just looking at the name at the time to see whether it was existent online. This was -- yes.

CHAIRPERSON ANDERSON: And so let me ask you a question. What information -- you said you went briefly online, so what information were you able to gather as a result of browsing their website?

INVESTIGATOR RUIZ: I just basically took a look at the -- I saw photos of food and a menu. It was quite a time ago. I don't recall too much from it.

CHAIRPERSON ANDERSON: Do you recall if the establishment, Mekki DC, is at the same location as Bricklane?

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: Mr. Ruiz, do you have your report handy with you?

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: Are you -- Ms. Andrews, are you able to -- can you give Mr. Ruiz the ability to share his screen? I'm sorry, do you have it so you can share your screen, are you able to do that, Mr. Ruiz.

INVESTIGATOR RUIZ: I can pull it up
out of my documents, yes.

CHAIRPERSON ANDERSON: Yes. I would like you to do that, sir.

MS. ANDREWS: Mr. Ruiz, I'm going to give you the rights to your screen. Stand by.

INVESTIGATOR RUIZ: Thank you.

MS. ANDREWS: Okay. You can share your screen now.

INVESTIGATOR RUIZ: Thank you. Okay, let's see, share.

CHAIRPERSON ANDERSON: All right. Mr. Ruiz, you have your report in front of you. Now tell me about -- I need to look again on the report -- and let us know -- let me know when is it that -- when you visited the establishment on -- I want to -- just want to make sure that within your report if there are any references in your report whether or not you had done -- you had looked at the alcohol invoices. I'm curious if you did put that on --

INVESTIGATOR RUIZ: No. I don't recall seeing anything like that. I haven't checked alcohol invoices there.

CHAIRPERSON ANDERSON: Mr. Ruiz, do you have access to a settlement agreement between
this establishment and the agency? Do you have access that settlement agreement?

INVESTIGATOR RUIZ: I believe I can pull it up, yes.

(Pause.)

INVESTIGATOR RUIZ: Hang on one second, we'll pull it right up.

CHAIRPERSON ANDERSON: Sure.

MS. ANDREWS: Investigator Ruiz

INVESTIGATOR RUIZ: Yes.

MS. ANDREWS: Take your cursor and put it to the top of your screen and hit "stop sharing" for a second. Move your cursor --

(Simultaneous speaking.)

MS. ANDREWS: Okay. Now whatever evidence you're trying to show, which application is it using?

INVESTIGATOR RUIZ: I was bringing the settlement agreement up through the G Drive.

MS. ANDREWS: Okay. Is it Adobe file, is it a PDF file or a Word file?

INVESTIGATOR RUIZ: It was PDF.

MS. ANDREWS: Okay. So open the file and it's going to open in Adobe. Then you will share your screen and select the Adobe software
to share.

INVESTIGATOR RUIZ: I have it available right now. I'm good.

CHAIRPERSON ANDERSON: Well, let me ask you a question, Mr. Ruiz. What's the date of the settlement agreement?

INVESTIGATOR RUIZ: It is June 12, 2018.

CHAIRPERSON ANDERSON: All right. I don't need to -- that's the only settlement agreement that you have access to?

INVESTIGATOR RUIZ: Yes.

CHAIRPERSON ANDERSON: All right. Well, I don't need you to testify regarding that document.

INVESTIGATOR RUIZ: Okay.

CHAIRPERSON ANDERSON: All right. Now let me ask you, are you aware -- you're not aware of any other settlement agreement between this establishment or Mekki and any other entity; is that correct?

INVESTIGATOR RUIZ: No. That's the only one I have.

CHAIRPERSON ANDERSON: All right. Now were you informed by Mr. Karrakchou that Mr.
Ikhiar was out of the country?

INVESTIGATOR RUIZ: I was.

CHAIRPERSON ANDERSON: And did he tell you how long that he would be out of the country for?

INVESTIGATOR RUIZ: He didn't intend for Mr. Ikhiar to return.

CHAIRPERSON ANDERSON: Okay. He said he --

INVESTIGATOR RUIZ: He told me he was -- he believed he was not returning to the country. He didn't say in the future at all. He just said he was not returning to the country.

CHAIRPERSON ANDERSON: All right. Now law enforcement me ask, did you ever speak to any of the wholesalers? All right. Since it was aware -- since you became aware -- since you were aware that there's a trade name change, there's a different ownership from what ABRA -- what was in ABRA's records, did you ever contact any of the wholesalers to see where this establishment was getting its alcohol from?

INVESTIGATOR RUIZ: I have not, no.

CHAIRPERSON ANDERSON: All right. Are there any other questions by any of the Board
members?

(No response.)

CHAIRPERSON ANDERSON: All right. Mr. Zelloe, do you have any questions of Mr. Ruiz?

MR. ZELLOE: No, I don't.

CHAIRPERSON ANDERSON: All right.

Thank you. Thank you, Mr. Ruiz, for your testimony this morning.

INVESTIGATOR RUIZ: You're welcome.

Thank you.

CHAIRPERSON ANDERSON: Give me a minute, please.

(Pause.)

CHAIRPERSON ANDERSON: All right. Mr. Zelloe, I do have some questions for Mr. Ikhiar, but since you're an attorney, can you tell us how is it that your client -- we issued a cease and desist order for this establishment. Your client requested this hearing, so how is it that your client intends to respond to the cease and desist order.

MR. ZELLOE: Well, if I may, I would like to give a brief summation and a proffer of what Mr. Ikhiar is going to testify and then have him testify directly to the Board.
MR. ZELLOE: Okay. I'd like to state that first of all, Mr. Karrakchou and Mr. Ikhiar, back in February 2020, they were in discussions about Mr. Karrakchou purchasing some or if all of the membership interest in the LLC that currently holds title to the ABC license and to the establishment, to the C of O. At that time, Mr. Ikhiar and Mr. Karrakchou had a concept of maybe changing the name for a short period of time to Mekki DC to see if it would work and how it would be responded to in February. And at that time, Mr. Karrakchou went down to see about putting in for a change of name only on behalf of Mr. Ikhiar. And nevertheless, then the shutdown occurred and Mr. Ikhiar, at that time, had left to go over to Morocco to see his family, because he had a death in the family. And during the shutdown, he couldn't come back. There was no flights and he couldn't come back into the country from Morocco.

And so during that period of time when the shutdown then opened back up, Mr. Ikhiar gave a power of attorney to Mr. Karrakchou to only act
on his behalf as his agent, and there was --
there still has been no change of ownership
whatsoever between Mr. Ikhiar and Mr. Karrakchou
as to any membership interest in the LLC, and Mr.
Ikhiar still, to this day, holds 100 percent of
the membership interest.

So, as we were going through the
summer, Mr. Karrakchou got in touch with seeing
about changing the name and filed the change of
name form with the -- with the ACBA and -- ABRA
and it was rejected weeks later due to the fact
that he didn't put the proper signature on there
as filing it on behalf of Mr. Ikhiar pursuant to
a power of attorney, and it was returned.

During that time period, Mr. Ikhiar
was trying to get back into the country and
waiting for the flights to resume. Back in two
months ago, the two parties began working on
their sale of membership interest and at the
time, starting to arrange documents for the
purposes of the filing of the change in control
when it could take place -- it was all predicated
on the agreement, and it never came to that
stage.

In the discussions, they reached out
to the landlord, who they're still in dispute
with, over the ramifications of the COVID
shutdown and as to the rent during the time
period that the restaurant was shut down. And
that's an ongoing dispute that's still going on,
and money is being escrowed for that purpose.
And I see that the purposes for the -- for this
matter, it arose from contact from the landlord
agent. Nevertheless, while that was being
discussed with the landlord trying to reach a
resolution, this whole situation came up.

Mr. Ikhiar was able to come back from
Morocco when the flights resumed. He's back
living here in D.C. He's overseeing his
restaurant. He's in control of the restaurant.
The restaurant has complied since the day -- on
the 11th of August where they gave a cease and
desist on any consumption of alcohol beverages,
sales or purchasing whatsoever, and that he
requested this hearing to clear up this whole
misunderstanding about the terminology of the --
and the uses of the language by the two Moroccans
that were in this facility and the cavalier use
of the word "owner" and what its meaning was as
Mr. Ikhiar has never changed his ownership.
And taking that into account, I'd like to now have Mr. Ikhiar give his testimony as to his statements as to what is going on on my opening and with my opening and with my proffer of what is going to be said and allow -- open for cross-examination by you.

CHAIRPERSON ANDERSON: Sure. Mr. Ikhiar, can you raise your right hand, please?

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: So Mr. Ikhiar, do you swear or affirm to tell the truth and nothing but the truth?

MR. IKHIAR: I do.

CHAIRPERSON ANDERSON: All right. Mr. Zelloe, you can ask him whatever questions you want to ask him.

DIRECT EXAMINATION

MR. ZELLOE: Thank you. Mr. Ikhiar, you've heard my proffer. Could you please tell the Board about your relationship with Mr. Karrakchou and the discussions that have been taking place since February 2020?

MR. IKHIAR: As far as a personal relationship, we're very, very good friends. We've known each other for a long, long time and
also a friend of the family. From a business standpoint, me and Mekki, we were talking about either him joining my company or owning the whole company at some point. And we get in discussion with the landlord to allow us to do that.

MR. ZELLOE: And when was that?

MR. IKHIAR: I think we actually start talking to the landlord about -- probably about a month -- a month or a month-and-half before COVID even started. That was the ongoing -- ongoing conversation with the landlord.

MR. ZELLOE: Did there come a point in time when you had to leave Washington, D.C. for Morocco?

MR. IKHIAR: Yes. I had -- my grandmother -- my grandmother passed away so I had to leave.

MR. ZELLOE: And when was that about?

MR. IKHIAR: It was probably around -- just right -- like couple weeks or a week before COVID or something like that, and I had to leave.

MR. ZELLOE: When you got over to Morocco, were you able to return to Washington, D.C.?

MR. IKHIAR: No. There was a total
shutdown. The United States didn't allow any flights in, so there was -- there was very, very few flights, mostly like embassies or something, all political people that could fly. So I couldn't even get a flight back. And then I had the death in the family so I had to stay -- stay and take care of my family.

MR. ZELLOE: Okay. During that time period, did you give any authorization to Mr. Karrakchou to work on your behalf?

MR. IKHIAR: Yes, I did.

MR. ZELLOE: And what kind of authorization did you give him?

MR. IKHIAR: It was a power of attorney, and I signed it to him because it was -- I didn't know when the borders would be open, so I want to make sure that my taxes are paid, make sure that my employees are taken care of, and the restaurant is open.

MR. ZELLOE: Now at the time you gave him power of attorney, was it your understanding -- did you have any understanding whether or not he had any manager license or an ABC license of his own?

MR. IKHIAR: No. I just make sure
that - -because first of all, he's an owner of another restaurant. Usually, owners don't have a license but because he was helping me in my place and he's in my place, he always had a person, either a bartender or a manager on the floor with a manager's license.

MR. ZELLOE: So there was -- during that time period, there was always someone in your facility who was listed on the ABC license --

MR. IKHIAR: Exactly.

MR. ZELLOE: -- that was there dispensing --

MR. IKHIAR: It would be usually the -- like, yes, it's a DC manager's license, ABRA manager's license.

MR. ZELLOE: And your facility always had someone dispensing alcohol and working there with that license?

MR. IKHIAR: Always somebody with the license. There was no way. I own a business for a long time. I understand the ramifications of not having somebody with a manager's license and I just made sure that Mekki followed those things, my rules, and he knows that because he
owns another restaurant. He knows what it takes
to operate.

MR. ZELLOE: At the time that you
received the cease and desist order on August the
11th, up to that time period, did you have
someone at your restaurant that was -- had a
manager's license with the ABC.

MR. IKHIAR: Yes, sir.

MR. ZELLOE: Okay. And he was
designated on the license --

MR. IKHIAR: Usually, they're not on
the license. No. Usually, they're not -- they --
just the people that -- you know, he cannot be
writing people's names on a license. People
leave work and all. So, usually, ABRA has a
licensing and people get it from ABC and we just
use the license.

MR. ZELLOE: Okay. Have you ever
transferred ownership of your entity to Mr.
Karrakchou?

MR. IKHIAR: No.

MR. ZELLOE: As of today, do you still
own EI, E-I, LLC?

MR. IKHIAR: Yes, sir.

MR. ZELLOE: Okay. Could you discuss
with the Board this whole matter involving the
transformation and the use from Bricklane
Restaurant over to Mekki DC?

MR. IKHIAR: Yes, of course. So, we
were operating as Bricklane Restaurant, and it
was very, very difficult having the type of food
that we had done because we had Matchbox next
doors. We had different places that were serving
the same thing, and it was very, very difficult
for us to survive. And Mekki had a really nice
restaurant in New York called "Mekki." And he's
a very good friend of mine. And he was just
like, why don't we try Moroccan food here? That
might be a good addition to the neighborhood and
something different we can work with.

So we decided to do a popup for a
little bit to see if it's going to work or not.
For our good luck, and bad luck at this point,
where we're at right now, Mekki was rated one of
the top 15 restaurants in DC by Eater magazine,
and we decided -- we made the decision this is
exactly what we're looking for, and being
Moroccans, said this is the best thing to do is
serve our food that we know, and it's something
different in DC. And it took off. So we're
decided to do the trade name, which is actually
we did as soon as that thing took off, we sent an
application for a trade name with DCRA. And then
we sent it to Ms. Sullivan (phonetic). We sent
her the application. And that's it. I mean
there is no change of ownership. But at this
point, I'm still here. I want my restaurant
back. I want to my business license back, you
know, and that's it.

MR. ZELLOE: And what happened -- do
you know what happened with that registration?

MR. IKHIAR: So I think he, Mekki --
so, sometimes simple things -- thinks that
they're ones that you think they're so simple,
but sometimes nothing is simple. I mean, we
applied for the change of trade name, to add the
trade name Mekki to the license. And we went
through the proper channels to do so. It just
took a little too long. And then when the
inspector came and he was talking about not
having the trade name, and he's -- well,
actually, it was the one we gave Mekki the
application or the link to go and file to add the
trade name to the license.

MR. ZELLOE: Did you realize that
there was a insufficient filing and it was returned?

MR. IKHIAR: When I got here, yes, because we just thought that, because of COVID, people were working from home and it takes time to get things done, and we figured it's going to take a little bit of time. And so until I got the report that said it was refused because it was insufficient information in there.

MR. ZELLOE: When you came back into Washington, D.C., did you take over possession and control of your restaurant?

MR. IKHIAR: Yes, sir.

MR. ZELLOE: And to this day, do you still have control of your restaurant?

MR. IKHIAR: Yes, I do.

MR. ZELLOE: Are you in discussions at this point in time with your landlord about trying to resolve the past due rent from the COVID shut downs?

MR. IKHIAR: We tried so hard, and especially Mekki, because when I was away, it was they had to talk to him on the phone, and we got approached by the landlord's attorney. First, it was the landlord refused to take any phone calls,
and he said, want to talk to me, talk to my lawyer. So we go through his lawyer and we gave him a proposal about -- like every restaurant has a -- we were willing to even pay 50 percent of the rent even we were closed, and he refuses. He wants 100 percent. He doesn't care. He just wants 100 percent of the money.

And it doesn't even make any sense, I mean, to ask me -- up to today, we're still in effect of COVID. We don't even know if we're going to be -- with delta, we don't even know if we're going to be open tomorrow. So he just wants 100 percent, but we're still in negotiation with him, and I hope this matter get resolved at some point.

MR. ZELLOE: Are you in negotiations right now with trying to sell some of your membership interest, if not all of it, to Mr. Karrakchou?

MR. IKHIAR: Eventually, that's what I want do. That's what I think he -- he brought life to my business, and I think he has so many ideas, and he's very talented chef, and I would love that he become part of my business, and I want to be a partner with him.
MR. ZELLOE: And at this point in time
--

MR. IKHIAR: But at this point, I just
want to get my license back and get my life
going, because we just started to get known after
the reopening of -- after COVID, people start
coming back, and then we got hit with this. I'm
not saying that -- we assume some of the
responsibility, but it's not -- it was not
intentional. It was not breaking the law. It
was nothing. It was just trying to get going and
try to adjust to COVID life and try to do the
things the right way like we always do.

MR. ZELLOE: If you receive -- if you
can receive the return of your license, are you
going to be in complete control and management of
the establishment?

MR. IKHIAR: Yes, sir. I am back.
I'm back for good. I am back for a period of
time. Yes. I'm back here for good.

MR. ZELLOE: I have no further
questions.

CHAIRPERSON ANDERSON: Thank you. All
right. Mr. Ikhiar. When did you leave the
United States?
MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: When did you leave the United States, sir?

MR. IKHIAR: I left about like -- it just -- it took so long, I don't remember exactly, but just a little bit -- I think like four or five months after COVID started.

CHAIRPERSON ANDERSON: When did you return to the United States?

MR. IKHIAR: I returned probably about three weeks ago.

CHAIRPERSON ANDERSON: You can't give me specific dates when you left and when you returned?

MR. IKHIAR: Trying to think. I'll try cause it's very hard for me to get -- I can tell you the exact date, probably I got back -- I don't know when I left, but I can tell you probably I came back on a Sunday -- I remember -- can you give me one second, let me look at my passport tell you exactly when I came in?

CHAIRPERSON ANDERSON: And I think your passport should tell you when you left, sir?

MR. IKHIAR: Yes. Let me look, let me -- give me one second.
(Pause.)

MR. IKHIAR: Hello?

CHAIRPERSON ANDERSON: Yes.

MR. IKHIAR: It's 28 of July.

CHAIRPERSON ANDERSON: So you came back July --

MR. IKHIAR: But leaving, they don't stamp your passport when you go overseas, so I don't recall the exact date.

CHAIRPERSON ANDERSON: So your passport doesn't tell you when you landed in Morocco, sir? I have traveled, sir, and when I travel --

(Simultaneous speaking.)

MR. IKHIAR: I thought you were talking about -- yes --

CHAIRPERSON ANDERSON: Sir, I've traveled extensively and every time I travel, my passport tells me when I land in a country. Even if I'm a citizen of that country, that passport tells me when I landed in the country. So if you're even -- so --

MR. IKHIAR: But --

CHAIRPERSON ANDERSON: The reason I'm asking -- you have your passport, sir, when did
you leave the United States, sir? There should be a stamp in your passport that tells us when you arrived in Morocco.

MR. IKHIAR: Just one second, sir.

(Pause.)

MR. IKHIAR: Hello?

CHAIRPERSON ANDERSON: Yes, sir.

MR. IKHIAR: Yes, September --

September 20th -- I'm sorry, September 11, 2020.

CHAIRPERSON ANDERSON: So, all right, so you left September the 11th, 2020, to go to Morocco and you came back in July.

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: You came back July 28th. So, all of this could have been prevented --

MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: -- if you had attended the fact-finding on August 11th. Why did you not attend our fact-finding hearing on August 11th, sir?

MR. IKHIAR: Well, first of all, I didn't even know that that -- I thought -- first of all, I thought -- I've been to your hearings so many times, I thought it was going to be on
the premises. And --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: I'm sorry, you thought what?

MR. IKHIAR: They usually -- usually, all the hearings on the premises, on ABRA premises on 14th Street, and I thought I just going to go there and talk to you guys. They turned out to be -- even today I had a hard time try even get in -- getting into -- I'm not very computer savvy, so it's very, very hard for me to even get on the web. So I had to be on the call. So by the time -- I figured I'm just going to go physically there, but there was no in-person hearing. So I couldn't access the online to be able to talk to you guys. So --

CHAIRPERSON ANDERSON: So -- but if you -- our office is open, sir. So if --

MR. IKHIAR: I went there, sir.

CHAIRPERSON ANDERSON: I'm sorry?

MR. IKHIAR: I went there afterwards because I thought you guys -- I'm just going to show up to the hearing. So after I knew there was no hearing on the premises, I went next day and talked to Mr. Shawn (phonetic). I talked to
Ms. Walker. I talked to a lot of people there because I just -- I thought this was going to be in person hearing.

CHAIRPERSON ANDERSON: So you didn't see that it said on the notice that it was a virtual -- that it was a virtual hearing, sir? You didn't -- the notice said --

MR. IKHIAR: Yeah, but I didn't -- I didn't even pay attention to that. All what I knew that we got the hearing thing, and all what I knew was that -- and even today Ms. Walker had to guide me through this because I can -- I didn't know even how to access the webcam.

CHAIRPERSON ANDERSON: But the notice clearly states, sir, you can access it here. It clearly states that the hearing is virtual, you can participate by either camera, or you can participate on the telephone.

MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: Now -- all right, so you left in September. So let me ask you a question. So when did you -- so what happened -- what was going on in the restaurant in January, February, March, prior to your -- in 2020, January, February, March, between January
and September, was the restaurant operating?

MR. IKHIAR: No. Most of the time the restaurant was closed given DC regulations. We opened for -- we opened, we closed. We opened 25 percent. We didn't have -- we have two tables outside, so it was pointless for us to even be open. There were certain times when we think that we can open and then there is no business. So it was literally, we're not -- we're not even working -- not even as a takeout during COVID.

CHAIRPERSON ANDERSON: Now let me ask you a question, sir -- let me ask you a question, sir.

MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: Are you aware that in December of 2019, that there was a review of a new Moroccan restaurant opening on Capitol Hill by the name of Mekki? Can you tell us little about that?

MR. IKHIAR: Well, see, this -- so in December, before -- right before that, we were trying to do different things that I said earlier. We tried to do different things, tried to figure out different concepts because we were not able to survive and next to big chains on the
block. And we tried to do this popup, which is you try to do something like a concept for like two or three months, try it out, see if it works. The Mekki came up with the idea to use -- to do Moroccan food, and he was the one managing the whole thing to make sure that the whole thing would have, you know --

CHAIRPERSON ANDERSON: So you're saying that in December, when this review came out in the paper in December of 2019, that this was just a popup? Mekki was just a popup, is that what you're saying?

MR. IKHIAR: Well, that's the idea that we went with the first time, because, you know, we trying to get the best combination for that place to work, or for that business to work. So we were trying -- we were about to try that one. Then, if it doesn't work out, we're going to try a different concept. But the idea of Mekki, it's a Moroccan name, it's a Moroccan food, so it was not even -- it was not even like -- then we figured out that could be a trade name and we can use that because people like it. But it was just a popup.

CHAIRPERSON ANDERSON: So who was
running the popup?

MR. IKHIAR: So Mekki was running the popup, running the -- but we also always had a manager with ABRA license on premises, and he was running it with my approval and with my power of attorney. He was just not running just like that; he was running it, and then we communicated almost every day via WhatsApp the whole time.

CHAIRPERSON ANDERSON: All right. So it's my understanding that there is an article in the paper on December 19th, 2019, and it said something like Capitol Hill has a new Moroccan hot spot from the owner of Flavio.

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: Mekki DC. So -- the article -- it's my understanding the article went on to say that Moroccan-born Mekki Karrakchou, who owns Italian favorite Flavio in Georgetown opened Mekki at 517 8th Street, SE, to bring his mother's organic recipes to Barracks Row. So you're saying all of this time that this was a popup that was being explained -- that was a popup that was at your restaurant during this period of time?

MR. IKHIAR: Yes, sir.
CHAIRPERSON ANDERSON: So how long did this popup pop up?

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: I'm sorry?

MR. IKHIAR: Hello?

CHAIRPERSON ANDERSON: Yes. I'm saying, sir, it -- so it remained a popup from December 2019 until we issued the cease and desist in February -- sorry, in August of 2021, it remained a popup under the name of Mekki?

MR. IKHIAR: No, no. Popups don't go for that long. We actually -- first of all, first thing we did, we went and registered the new trade name, Mekki, the addition to Bricklane, we registered with DCRA. That was the first thing we did.

Second, well, we sent it -- I sent it -- that's even way before we sent it to DCRA, we sent it to ABRA to add the name Mekki to the liquor license. And now we were trying to go the right -- through the right channels to get that name registered way before the inspector, before this desist, before this, you know -- before even the inspector came. We had it way before then.

CHAIRPERSON ANDERSON: So who was
doing all this work, sir? Who was submitting --
who was signing all the paperwork that was sent
to ABRA?

MR. IKHIAR: Mekki was sending all the
paperwork to ABRA and -- yes, he was doing all
that for me.

CHAIRPERSON ANDERSON: So when did you
-- when is it that you signed a power -- when did
you give him a power of attorney?

MR. IKHIAR: I gave it to him in
February.

CHAIRPERSON ANDERSON: In February of
what year, sir?

MR. IKHIAR: I'm sorry?

CHAIRPERSON ANDERSON: February of
what year?

MR. IKHIAR: Of this year.

CHAIRPERSON ANDERSON: February of
2021?

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: All right. So
-- but we were talking about February -- we were
talking about -- remember the newspaper article
that I just mentioned was in December of 2019,
and in December of 2019, Mekki -- you told me
that Mekki operated as a popup, and you're trying to --

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: So when is it -- so are you saying to me -- I'm confused. I'm just trying to figure out what happened during the entire year of 2020.

MR. IKHIAR: Well, most of the 2020, we were -- half of the time we were operating probably at two or three tables inside, then two tables outside, not even. So --

CHAIRPERSON ANDERSON: So the two tables that you had, was this Bricklane or was this Mekki?

MR. IKHIAR: Well, they were as -- as Mekki, as the restaurant Mekki.

CHAIRPERSON ANDERSON: Now, are you aware that you couldn't change the name until you have received the -- until you receive permission from ABRA to change the name, sir?

MR. IKHIAR: Maybe that's probably one of the mistakes that I made, sir, on my end, and I apologize for that. It just -- the whole procedure and the being outside the country was not helping at all.
CHAIRPERSON ANDERSON: All right. So who was ordering alcohol -- who was purchasing alcohol during this period of time? So between February -- between December 2019 when you came up with this concept for the new name, the popup, so who was buying alcohol liquor?

MR. IKHIAR: It is the manager with ABRA license that was running the place, as well as Mekki when he learned to do so. But it was under EI, LLC, and the name -- this says our -- it says our company.

CHAIRPERSON ANDERSON: And so who was signing off -- so was that Mr. -- so who was signing off -- who was signing the invoices, or who was signing the checks? Was that Mr. -- who was --

MR. IKHIAR: Mr. Mekki was signing the checks. Yes, Mr. Mekki will sign the check under EI, LLC, and also with my power of attorney to him to sign the checks.

CHAIRPERSON ANDERSON: Now it's my understanding that -- are you aware that -- that I believe -- it's my understanding that a new settlement agreement was signed with ANC 6B in January of 2020. Are you aware of that, sir?
MR. IKHIAR: The ANC with the new --
with the new name or --

CHAIRPERSON ANDERSON: A new -- the
new settlement agreement was signed with the ANC
changing the name. Are you aware of that, sir?

MR. IKHIAR: Well, you know, I gave
him the power of attorney to do whatever is
necessary to make sure that the neighbors are
comfortable with who we are and they know who we
are instead of me not be able -- not being here.
I think there was -- the fact that they're just
not going to just put a name there and not notify
your neighbors, so I gave him the power of
attorney to do whatever it takes to make sure
that we are good with the neighbors as well as
with DCRA and the other thing. So if he did it,
meaning that he did it because it was good
intention to make sure that the neighbors know
who we are.

CHAIRPERSON ANDERSON: So did Mr.
Karrakchou -- did he sign that as your power of
attorney, or did he sign it under his name to say
that he was the owner? Which --

MR. IKHIAR: I think he signed it
under -- he signed it under his power -- my power
of attorney, the power of attorney that I gave him. I think it was just any deficiency is just instead of him signing with the power of attorney or something, he probably just can just sign it and that's about it. Maybe that was when the misunderstanding is. But other than that, I mean, he had my full, you know, consent to sign whatever has to do with the restaurant when I was not here.

CHAIRPERSON ANDERSON: So you're stating today that all the decisions that were made by Mr. Karrakchou, that all those decisions were made under the power of attorney that you provided to him. Is that your testimony today, sir?

MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: Now, who is S-I-B-A-M, Z-O-U-I-N-E, Zouine, who is that person?

MR. IKHIAR: What's the name again?

CHAIRPERSON ANDERSON: Sibon, S-I-B-O-N, Z-O-U-I-N-E. Do you know who that person was?

MR. IKHIAR: I think she was one of the managers because he was allowed to hire and fire whoever he needed to keep -- I think she's one of the managers. And I think when I was
listening Mr. Ruiz, she said that she's part
owner. People say that all the time when they
work for -- in our culture, people think that
everybody's an owner because we work as a family.

CHAIRPERSON ANDERSON: So is it your - - is it your intent to continue this business, sir?

MR. IKHIAR: Yes, sir. That's why I'm here.

CHAIRPERSON ANDERSON: And -- yes, so it's your intent. And now do you plan to change the name back, sir, because as you know, you can't --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: I'm sorry?

MR. IKHIAR: Yes. We put an application to change the name, yes, we did.

CHAIRPERSON ANDERSON: No, that's not what I'm stating, sir. I'm stating to you --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Currently, the only name that's recognized by the ABC Board is Bricklane.

MR. IKHIAR: Yes, sir.

CHAIRPERSON ANDERSON: So are you
going to change the name to Bricklane until you have been authorized by the ABC Board to change the name?

MR. IKHIAR: I will put the sign today if you want me to, yes, sir.

CHAIRPERSON ANDERSON: It's not if I want you to, sir. I'm asking you that you cannot change --

MR. IKHIAR: Yes, yes.

CHAIRPERSON ANDERSON: -- the name of the establishment until you have been authorized by the Board to do that, sir.

MR. IKHIAR: Yes, sir. Yes, sir.

CHAIRPERSON ANDERSON: Are there any other questions by any other Board members?

MEMBER CROCKETT: Yes. Ms. Crockett has questions, please.

CHAIRPERSON ANDERSON: Go ahead, Ms. Crockett.

MEMBER CROCKETT: Going back to a statement you made just two minutes ago, you stated that the settlement agreement was signed with your power of attorney. You've stated that the power of attorney was signed February 2021, correct?
CHAIRPERSON ANDERSON: Say that again?

MEMBER CROCKETT: Did you give the
power of attorney to Mr. Karrakchou in February
of 2021?

MR. IKHIAR: Hold on one second.

(Pause.)

MR. IKHIAR: Hello? Hello?

MEMBER CROCKETT: Yes, sir.

MR. IKHIAR: Yes. I -- yes, ma'am.

MEMBER CROCKETT: Can you please
repeat to us when you assigned your power of
attorney to Mekki Karrakchou?

MR. IKHIAR: February 2021.

MEMBER CROCKETT: Correct. Thank you.

However, the settlement agreement between ANC 6B
that was signed by Mekki Karrakchou was signed on
January 14, 2020, you know, 13 months before he
had the power of attorney to do so.

MR. IKHIAR: Maybe because I was out
of town or something and then made -- tell him
just to sign it to make sure that the neighbors
are not going to freak out and think that
somebody else came into the neighborhood.

MEMBER CROCKETT: Sir, you have people
signing things on your behalf but there's no
power of attorney to do so. This settlement agreement identifies him not as someone acting on your behalf, not as someone with a power of attorney provided by you. It identifies him as the owner of this establishment, and it predates the power of attorney by 13 months. Do you think this settlement agreement is fraudulent?

MR. IKHIAR: No. I think that I had a previous -- I have previous settlement agreement with the neighbors when I just got the license. And pretty much I was told that nothing's going to change and I couldn't sign it. So they needed the signature and he signed it. So I think if it is any mistake that we made, you know, I apologize. I mean, it was just as I said earlier, with COVID, you're supposed to be going for a month, two, and then you get stuck there. You don't know what to do and all these issues come up, so --

MEMBER CROCKETT: This settlement agreement, as far as I can tell, it's not enforceable. It's not factual. It's fraudulent. You represented yourself as the owner when he is not, and he signed it before he had a power of attorney given to him by you. So you're saying
that this -- you think that this is acceptable
and it absolutely is not.

(Simultaneous speaking.)

MEMBER CROCKETT: The second issue,
before we asked you to identify your specific
dates of departure and arrival, you initially
told us you left this country right before COVID.
That's what you first told us. We then find out
you actually left this country right smack dab in
the middle of COVID in September.

MR. IKHIAR: Ma'am, it's very hard for
me to know the dates which is like a long way. I
had to look at -- I look at -- I had to look at
my passport, so.

MEMBER CROCKETT: Leaving a country in
February or March versus before a pandemic goes
out versus leaving the country around August-
September, right smack dab in the middle of a
pandemic, are not the same. If you fudged by a
month or two, I would understand, but this isn't
making sense to me. You left in the middle of
pandemic.

MR. IKHIAR: Ma'am, I have -- I --
MEMBER CROCKETT: And then said that
you could not get back. Well, sir, you left in
the middle of a pandemic.

MEMBER CROCKETT: Ma'am, I have two kids and a wife overseas and I had a dead grandmother, so I had to go, and I had to go so many times within the year. I go almost 10 times to Morocco. So when the last time I went to Morocco, I got stuck there. So it's not about -- but, for me, it's not about knowing the exact date. If I would have known that you're going to ask me that question, I would have probably prepared for it. But the thing is I go -- my wife and kids live overseas, so I go almost every six weeks to Morocco. And the last time I went, that was a long extended time because I was stuck there. Not only that, I needed to stay with my family because of COVID and because of the loss in the family. So --

MEMBER CROCKETT: So you frequently are absent from Washington, D.C., and frequently absent from your business. Is that what you're telling me now?

(Simultaneous speaking.)

MEMBER CROCKETT: You travel overseas. So you're frequently absent from this business, leaving it in the hands of someone else
MR. IKHIAR: Ma'am, I'm here most of the time. If I go see my kids for one week every six weeks, if I go home to see my kids, I don't think it's a crime to go every six weeks to see your family.

MEMBER CROCKETT: I don't -- I agree it is not a crime, but the issue that we're trying to solve here, the entire reason we're here, is because we want to know who owns, who controls, who manages, who is responsible for the day-to-day of this company.

MR. IKHIAR: That is me. That is me right now. My name is Elalami Ikhiar. I own the business. I own the liquor license, and I have the lease. Eventually, that's what I was trying to do, what I was telling -- we're in negotiation with the landlord. One of the reasons -- because I have family overseas and I have to go -- at least every six weeks, I have to go for one week, ten days, that's why I tried to get Mekki aboard and be my business partner in the business. He's the chef, and I also tried to get him in the lease with the landlord, but the landlord delayed the whole process because he wants 100 percent of
rent that I couldn't give him. That's the whole issue here.

MEMBER CROCKETT: We're not here to adjudicate your rent payments or to discuss your landlord. Furthermore, you brought Mekki in in 2019, well before the -- long before the COVID pandemic hit. So you --

MR. IKHIAR: No, no, no.

MEMBER CROCKETT: -- had an opportunity -- sir, please let me continue.

MR. IKHIAR: Go ahead.

MEMBER CROCKETT: It seems to me that you had an opportunity in 2019, when you brought Mekki onboard, to properly file your paperwork with DCRA, to properly file your paperwork with ABRA, to properly address a new settlement agreement with the ANC 6B if that was necessary. These things could have happened in 2019.

MR. IKHIAR: Okay. Can I ask you a question?

(Simultaneous speaking.)

MEMBER CROCKETT: -- prior to the pandemic breaking out or after in 2020 prior to your departure in September. So your rent payments and your issues with your landlord are
not relevant to your filing the proper paperwork
with this agency or your filing the proper
paperwork with others.

MR. IKHIAR: Ma'am, let me explain to
you. You're totally right. In 2019, -- we
approached the landlord in 2019. The landlord
keep delaying the whole process because he was
asking for all this crazy guarantee, all the
different papers, and we provide him with all the
documents, and he was taking his sweet time to do
so. But even if I try to get Mekki as my
business partner, my business partner doesn't
want to be in the business unless his name is on
the lease. Who wants to get into a business
because of a liquor license, put his name on the
liquor license, and what? If the landlord would
have evicted us, what he's going to do?

The reason the whole thing delayed
because the landlord delayed the whole process.
The landlord is the one that didn't want to give
us the lease right away. He keep asking for all
this personal guarantees, all these things, and
we provide him with all that stuff. It's not --
we try -- we tried to do the right thing.

MEMBER CROCKETT: My final question to
you is, you presented this as ultimately a popup and ultimately as this is a business that I've discussed with Mekki as far back as 2019 and really wanted to do it. There are newspaper articles introducing the new restaurant. You have T-shirts printed up with the name of the new restaurant that your staff are wearing. There is signage and Mekki all printed up with the name on it.

And so I would like to inform you that I am not buying the this was a popup concept because, clearly, you invested a great deal of money and time and resources into the name Mekki by putting them on T-shirts, billboards, newspaper articles, menus, and all of those things. That's not indicative of a popup.

MR. IKHIAR: Okay. Ma'am, in order to get to that level of making a decision on -- popup is -- it's something that you do for a period of time until you figure out that's the right concept for you. We figure out that's the right concept for us and we stayed with it. We had to put a menu. We had to put a website to make sure it works. And then it work. We are not trying to do anything illegal. Maybe we made
mistakes. Maybe we made something that's not part of ABRA regulations, but it was nothing intentional. There's no change of ownership until the landlord would say yes. And I still own the business, and I don't know what to say more than that.

MEMBER CROCKETT: Where are you currently?

MR. IKHIAR: Morocco.

MEMBER CROCKETT: Thank you.

CHAIRPERSON ANDERSON: I'm sorry, Mr. Ikhiar, I just want to make sure that you understood Ms. Crockett’s question, okay? Where are you currently located? Are you located in the United States?

MR. IKHIAR: I live here.

CHAIRPERSON ANDERSON: No, no, no, no, no. Where are you physically located at this moment? That's the question Ms. Crockett had asked you?

MR. IKHIAR: I am --

CHAIRPERSON ANDERSON: Are you in the United States?

MR. IKHIAR: I am in Falls Church.

CHAIRPERSON ANDERSON: I'm sorry,
you're where, sir?

MR. IKHIAR: In Falls Church, Virginia, right outside -- I'm in Arlington.

MR. IKHIAR: So right now you are in Falls Church?

MR. IKHIAR: Yes, 3101 South Manchester Street, yes.

CHAIRPERSON ANDERSON: All right. Because when Ms. Crockett had asked you a question where you were, and you said you were in Morocco. That's why I asked you the question.

MR. IKHIAR: No, no, no. That's not -- I probably misunderstood what she said. I'm so sorry. No. I'm in Falls Church right now.

CHAIRPERSON ANDERSON: So you're saying you're in Falls Church right now, in the United States?

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: Is that correct?

MR. IKHIAR: Yes.

CHAIRPERSON ANDERSON: All right.

MR. IKHIAR: Yes.

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Hold on. Yes,
hold on. All right. Go ahead, Mr. Grandis.

MEMBER GRANDIS: Thank you, Mr. Chairman. Mr. Ruiz, I want to thank you for your excellent testimony and your presentation today. There's been a lot of dates thrown around, so I'm a little confused on something in your report. And I think I understand it, but I just want a clarification. What was the date that you went to the establishment?

INVESTIGATOR RUIZ: I went to the establishment on April 8th and June 24th.

MEMBER GRANDIS: Of what year?

INVESTIGATOR RUIZ: 2021.

MEMBER GRANDIS: And if I understand the report, you talked to the gentleman, what was his name?

INVESTIGATOR RUIZ: Mr. Karrakchou.

MR. ZELLOE: Mr. Karrakchou, okay. And he identified himself as what relationship with that entity in that conversation?

INVESTIGATOR RUIZ: As the owner.

MEMBER GRANDIS: And from your knowledge that day, as far as ABRA was concerned, was his name listed as an owner?

INVESTIGATOR RUIZ: It was not.
MEMBER GRANDIS: And was there more than one person listed as an owner with ABRA at that date?

INVESTIGATOR RUIZ: No.

MEMBER GRANDIS: And who was the name of the owner that -- of record?

INVESTIGATOR RUIZ: Mr. Ikhiar.

MEMBER GRANDIS: Thank you. Mr. -- is it -- I want to apologize, is it -- El -- what is your last name, sir?

MR. IKHIAR: Elalami.

MEMBER GRANDIS: And I apologize, if I'm mispronouncing your name. We want to thank you for being here and I can sense that you think this is sort of a tough hearing, but the concern, as I'm sure you're picking up, is that the information you're giving us today does not really match the information that the gentlemen who met with the inspector. You bring up something called a power of attorney.

MR. IKHIAR: Yes.

MEMBER GRANDIS: And that was notarized?

MR. IKHIAR: Yes, sir.

MEMBER GRANDIS: And in the power of
attorney, did you provide -- I want to ask you: what did you provide the gentleman in the power of attorney? What was his role with this license?

MR. IKHIAR: Yes. Make sure to take care of the taxes, make sure to run the restaurant, and make sure that anything has to do with the government or the neighbors or anything, to make sure that he's going to take care of it.

MEMBER GRANDIS: And did it also say that he is an owner?

MR. IKHIAR: You know, this word "owner," because from his point of view, why we were talking to -- again, I'm going to say the landlord and the other lady's going to get mad because I say that -- because we were in talks with the landlord to add him to the lease, that's probably he said that must -- potential. So probably should have said I'm potential owner or something like that, maybe the word "owner" came out that or something.

MEMBER GRANDIS: Sir, that wasn't my question.

MR. IKHIAR: Yes, sir.

MEMBER GRANDIS: My question was in
this power of attorney, did you designate him --
say that he is an owner of this company?

MR. IKHIAR: No, no, it doesn't. No.

MEMBER GRANDIS: So you are familiar
with ABRA's rules and regulations, aren't you,
sir?

MR. IKHIAR: Yes, sir.

MEMBER GRANDIS: So if there was any
notice of violation during the period of the
license, who is responsible to appear on behalf
of the entity?

MR. IKHIAR: Me. Me.

MEMBER GRANDIS: Well, if you're out
of the country, how could you do that?

MR. IKHIAR: Well I got here as soon
as I heard that there is that issue.

MEMBER GRANDIS: Well, obviously, you
didn't get -- this has been ongoing for months,
over a year.

MR. IKHIAR: And I was explained
earlier. I did not know that the webcam was a
possibility. I just -- I went to the premises
and it turned out to be nothing on -- or you guys
don't do it onsite.

MEMBER GRANDIS: Who did you provide a
copy of the notarized power of attorney to,
anyone other than --

MR. IKHIAR: I gave it -- I gave to
Siham. I drop it in Siham's box and actually,
yes, sent him a text -- and what do you call
that, left a message in his voicemail saying
that.

MEMBER GRANDIS: Sir, okay. Can you
give us an approximate month, year when you did
that?

MR. IKHIAR: The power of attorney?

MEMBER GRANDIS: Yes.

MR. IKHIAR: That was in April --
February of -- February 1st of this year.

MEMBER GRANDIS: Thank you. No more
questions.

CHAIRPERSON ANDERSON: Thank you, Mr.
Grandis. Are there any other questions by any
other Board members?

MEMBER SHORT: Yes, Mr. Chairman. I
have a question.

CHAIRPERSON ANDERSON: Go ahead, Mr.
Short.

MEMBER SHORT: Yes. This is for Mr.
Ikhiar. Please forgive me if I mispronounce the
name. Good morning, to you, sir.

MR. IKHIAR: Oh, to me?

MEMBER SHORT: Yes. Good morning to

the owner.

MR. IKHIAR: Yes, sir. Yes, sir.

MEMBER SHORT: When you left Mr.

Karrakchou in charge, your testimony earlier had

been that Mr. Karrakchou owns a liquor license

here in the District of Columbia?

MR. IKHIAR: He owns a liquor license

for another establishment?

MEMBER SHORT: Yes. How long has he

had that liquor license?

MR. IKHIAR: They've been there for a

long time. I mean, it used to be called Paper

Moon. Then it became Flavio. They owned it for

a long time, him and his father.

MEMBER SHORT: Okay. So if he's been

there for a long time, that's several years in my

vernacular. He's been there for several years in

business, correct?

MR. IKHIAR: Say it again? I'm sorry,
you're breaking up. Sorry.

MEMBER SHORT: He has been in business

for a long while, is that what you're testifying?
MR. IKHIAR: Yes, sir. Yes, sir.

MEMBER SHORT: So you left someone in charge who knows ABC laws just as well as you do, correct?

MR. IKHIAR: Yes, sir.

MEMBER SHORT: But you violated the ABC laws, didn't you?

MR. IKHIAR: Which is what part we violated, sir?

MEMBER SHORT: If you don't know, sir, that's why you're here for a hearing today.

MR. IKHIAR: Well, as they said -- to me, the change of ownership for me, it never happened. I never sold or anything. We were just in discussion with the landlord. That's way we can go forward and do the rest with you guys. But as long as the landlord didn't say yes, that was still pointless to even do anything. So he was running the business for me when I was away.

MEMBER SHORT: Okay. Well, he knows the --

MR. IKHIAR: But we're not -- there's no change of ownership.

MEMBER SHORT: He knows the ABC laws, correct?
MR. IKHIAR: Yes, sir.

MEMBER SHORT: And you left him in charge?

MR. IKHIAR: Yes, sir.

MEMBER SHORT: And you knew that the name change took place and you put the new signs up without getting permission from ABRA; is that correct?

MR. IKHIAR: That was the case, but I think he filed and everything. He filed with DCRA and he sent the documents to ABRA. So I mean, if it is any mistake that we made, maybe probably putting the sign or something like that, but --

MEMBER SHORT: Okay. Let me ask you a question.

MR. IKHIAR: Yes, sir.

MEMBER SHORT: You, as an owner, knew you could not change the sign without getting permission, did you not?

MR. IKHIAR: Yes, sir. Yes, sir.

MEMBER SHORT: It's your -- and it was your responsibility to see that that's done, correct?

MR. IKHIAR: Say it again? I'm sorry.
MEMBER SHORT: It was your responsibility not to have a time change on your business until you got the appropriate --

MR. IKHIAR: Yes, sir. Yes, sir, my responsibility. Yes, that's my responsibility, sir.

MEMBER SHORT: Well, thank you.

That's all I have.

MR. IKHIAR: I admit -- yes, sir.

MEMBER SHORT: Thank you. That's all I have, Mr. Chair.

CHAIRPERSON ANDERSON: All right. Thank you, Mr. Short. Any other questions by any other Board members?

(No response.)

CHAIRPERSON ANDERSON: All right. Mr. Zelloe, are there any final comments that you want to make before I bring this hearing to close?

MR. ZELLOE: No. I think we've gone over everything.

CHAIRPERSON ANDERSON: And so the licensee is requesting that the ABC Board lift the cease and desist so he can operate -- so he can continue operating this business under the
MR. ZELLOE: Yes. What we would like is that he immediately goes back to Bricklane Restaurant with the signage, he files his change of or notice of change of name for the establishment, and he's allowed to dispense alcohol and possess alcohol in the establishment therewith.

CHAIRPERSON ANDERSON: All right. Thank you, sir. Hold on one minute, please.

(Pause.)

CHAIRPERSON ANDERSON: All right. I'll bring this hearing to a close here and give me one minute, please.

(Pause.)

CHAIRPERSON ANDERSON: I am sorry. I apologize for the delay.

(Pause.)

CHAIRPERSON ANDERSON: All right. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia, in accordance with DC Official Code Section 2574(b) of the Open Meetings Act, I move that the ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case Number 21-CMP-
00022, Bricklane Restaurant, pursuant to DC Official Code Section 2574(b) of the Open Meetings Act and deliberate upon Case Number 21-CMP-00022, Bricklane Restaurant for the reasons cited in DC Official Code Section 2574(b)(13) of the Open Meetings Act. Is there a second?

MEMBER SHORT: Mr. Short, I second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. I will take a roll call vote on the motion that's been properly seconded by Mr. Short. Mr. Short?

MEMBER SHORT: Mr. Short, I agree.

CHAIRPERSON ANDERSON: Ms. Crockett?

MEMBER CROCKETT: Rafi Crockett, I agree.

CHAIRPERSON ANDERSON: Ms. Hansen?

MEMBER HANSEN: Jeni Hansen, I agree.

CHAIRPERSON ANDERSON: Mr. Grandis?

MEMBER GRANDIS: Ed Grandis, I agree.

CHAIRPERSON ANDERSON: Mr. Anderson, I agree. As it appears that the motion has passed 5-0-0, I hereby give notice that the ABC Board will recess these proceedings to hold a closed meeting in the ABC Conference Room pursuant to Section 2574(b) of the Open Meetings Act. Thank
you very much for your presentation today, and we will deliberate and we will make a determination on the further actions on this matter. Thank you very much for your participation.

(Whereupon, the above-entitled matter went off the record at 11:47 a.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Bricklane Restaurant

Before: DCABRA

Date: 08-26-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter