

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

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IN THE MATTER OF: :

:

Kusan International :

t/a Balletto Dining Lounge : Fact-finding

1050 17th Street, NW : Hearing

Retailer CR :

License No. 14073 :

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September 19, 2013

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

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

MICHAEL SILVERSTEIN, Member

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

11:01 a.m.

CHAIRPERSON MILLER: Okay. Next fact finding is for Balletto Dining Lounge, located at 1050 17th Street, NW, License Number 14073 in ANC 2B.

MR. FONSECA: Good morning, members of the Board, good afternoon, I guess.

CHAIRPERSON MILLER: Yes, yes.

MR. FONSECA: Michael Fonseca on behalf of the Licensee.

MR. ARORA: Rahul Arora.

CHAIRPERSON MILLER: I'm sorry, could you repeat your name.

MR. ARORA: Rahul Arora.

CHAIRPERSON MILLER: Okay.

MEMBER SILVERSTEIN: Please spell your last name, sir.

MR. ARORA: I'm sorry.

MEMBER SILVERSTEIN: Please spell your last name.

1 MEMBER SILVERSTEIN: A-R-O-R-A.

2 MR. FONSECA: And Rahul is  
3 spelled differently, I think, R-A-H-U-L.

4 CHAIRPERSON MILLER: Okay.

5 MR. REID: And good morning. My  
6 name is Ronald Reid. My last name is R-E-I-  
7 D. I am the corporate chef for Stonefish  
8 Restaurant Group.

9 MR. FONSECA: And if I may, the  
10 Board, back in July, just --

11 CHAIRPERSON MILLER: Just before  
12 you start, Mr. Rahul, I mean, Mr. Arora,  
13 what's your position?

14 MR. ARORA: President.

15 CHAIRPERSON MILLER: President of  
16 --

17 MR. ARORA: Kusan International.

18 MR. FONSECA: Kusan  
19 International.

20 CHAIRPERSON MILLER: Okay. Thank  
21 you.

22 MR. FONSECA: And Rahul has been

1 the president from the inception. The  
2 establishment's been there quite some time  
3 under different trade names.

4 And a segue, the Board, when I  
5 initially requested that the license be  
6 returned from safekeeping, which was in  
7 July, I also, at the same time, had filed a  
8 trade name change.

9 So the Board approved the trade  
10 name change and then it was getting near the  
11 time, the end of summer here in the  
12 schedule. And I identified this request for  
13 the withdrawal of the safekeeping to  
14 engender a fact finding hearing.

15 So as far as I'm concerned, the  
16 current name as approved by the Board is  
17 Stonefish Restaurant and Lounge. And they  
18 do generically call it Stonefish Grill also.  
19 But in essence, Stonefish is the name now.

20 It may help if I just summarize  
21 how we got to this point.

22 CHAIRPERSON MILLER: Great, thank

1       you.

2                   MR. FONSECA: Mr. Arora had prior  
3 contractual relationship to sell the  
4 business. And the contract purchaser never  
5 filed the transfer application.

6                   MEMBER SILVERSTEIN: Say again?

7                   MR. FONSECA: At that time, the  
8 contract purchaser, the buyer, never filed  
9 the transfer application.

10                   And so Mr. Arora essentially  
11 closed the business down and then  
12 surrendered the license for safekeeping with  
13 the expectation to find a new buyer and make  
14 sure that it was going to be handled  
15 correctly.

16                   As time went on it became clear,  
17 irrespective of whether he can sell the  
18 business or not, he can't carry the load of  
19 the lease obligation, which is ongoing.

20                   So in July we requested the  
21 license be returned from safekeeping with  
22 every intent he's going to run it but still

1 look for a purchaser. And he had been in  
2 negotiations for some time.

3 Well, it literally took until now  
4 to have a fact finding. So the request now  
5 is essentially about eight weeks old. And  
6 coincidentally, a contract was signed on the  
7 16th, but with a lease contingency and an  
8 ABC contingency.

9 So there will not be an  
10 application filed to transfer until there's  
11 clearly a lease assignment approved by the  
12 landlord or a new lease. So irrespective,  
13 the plan had been he's going to run  
14 Stonefish and he intends to run Stonefish.

15 So what we're here prepared to do  
16 -- and what can occur after there's an  
17 application, which could be four weeks out,  
18 it could be eight weeks out -- is get this  
19 license back.

20 And I want to show you today in a  
21 fact finding what the intent is. So I'd  
22 like to let Ron Reid, who is the executive

1 chef, speak a little bit about his  
2 background, his experience, his credentials.

3 And we then have, and I'll go  
4 ahead and get these up to you, he'll go  
5 through the menus. And then what we didn't  
6 prepare would be samples of specials, which  
7 we'll also go through.

8 So if I could, I don't know if  
9 there's staff and I hate making the General  
10 Counsel have to come running around the  
11 corner, so if the Board doesn't mind, I  
12 approach.

13 CHAIRPERSON MILLER: Okay.

14 (Off microphone comments)

15 MR. FONSECA: And, Mr. Reid,  
16 would you please --

17 MR. REID: Well, my name is  
18 Ronald Reid. I'm originally from Pittsburgh,  
19 Pennsylvania. And back in 2005 I was the  
20 assistant GM of Stonefish in Largo. It was  
21 based out of Chicago Restaurant Group.

22 And actually I got contacted by

1 the previous owner of Stonefish to become  
2 the corporate chef, which we will have two  
3 locations. We'll have one in DC and we have  
4 one in New Carrollton.

5 And basically, Stonefish is an  
6 American seafood southern creole restaurant.  
7 It is going to be open seven days a week,  
8 Saturday and Sunday brunch, and we're also  
9 going to have a late night menu, which  
10 consists of appetizers, soups, salads, about  
11 17 entrees and four desserts.

12 The price point will be based at  
13 \$7 to highest, \$34, is our ribeye steak.  
14 We're also going to have fresh seafood every  
15 day, which consists of shellfish and  
16 lobsters that will be delivered to us, made  
17 from scratch also.

18 And we're going to seat about 160  
19 to 180 people downtown in the location  
20 there. And we're basically going to have  
21 our full service kitchen, which is ala  
22 carte, which is presented at lunch time from

1 11:00 to about 3 o'clock. Our dinner's  
2 going to run from 5:00 to 11:30. And our  
3 late night, which will be from 1:30 to 1:00.

4 And basically what we want to do  
5 is create a niche in DC, because we have  
6 some restaurants which consist of McCormick  
7 and Schmick's. We're an upper echelon of  
8 their restaurant with Bonefish Grill, which  
9 is located in Virginia.

10 And basically we want to have a  
11 family environment and also have some of  
12 those people around in the surrounding  
13 neighborhood, which is an office building,  
14 we'll provide catering to them also. And  
15 that's pretty much it from here.

16 MR. FONSECA: Well, I think the  
17 Board, if it just looks through the main  
18 menu, it's substantial. Actually, as an  
19 early lunchtime it does make one think about  
20 a seafood lunch.

21 And then, even the late night fare  
22 is also, it's not just chicken wings. You

1 obviously have a number of items here. And  
2 frankly, after 11:00, which is when this  
3 kicks in, it is a lot harder to handle and  
4 actually take orders for some things that  
5 folks actually start to eat as heavy as  
6 what's on the main menu.

7 So I think it balances both -- and  
8 if you didn't say it, this will be both a  
9 lunch, dinner and late night fare.

10 CHAIRPERSON MILLER: Like the  
11 previous case, I just want to be clear about  
12 the ownership here. Is Mr. Arora, are you  
13 transferring the ownership? Are you  
14 intending to transfer ownership to somebody  
15 else?

16 MR. ARORA: Eventually, if ABC, we  
17 get the license out of that and we have the  
18 lease transferred into an asset agreement for  
19 new ownership. Until then, I will be running  
20 it on a regular basis.

21 CHAIRPERSON MILLER: Okay. So as  
22 of now, you would be in charge of how the

1 restaurant runs. And then later we may see  
2 a transfer application in which we would then  
3 look at the new person.

4 MR. ARORA: Correct.

5 CHAIRPERSON MILLER: Okay. So now  
6 we're just looking at your plans once it  
7 comes out of safekeeping. Okay.

8 I think that, also like the  
9 previous case, we want to understand there  
10 were some concerns with the previous  
11 establishment not meeting the food  
12 requirements.

13 MR. ARORA: Well, I --

14 CHAIRPERSON MILLER: Was that your  
15 --

16 MR. ARORA: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. ARORA: I think that we had  
19 filed it, but we have not opened for business  
20 for, I think, on a regularly -- we were doing  
21 some sort of remodeling.

22 But I can look at it and I can

1 bring you current, because I should have  
2 filed zero. But if you go back year from  
3 now, well, not even last year, my food  
4 requirements have always met -- it's been in  
5 the '70s or '80s if you look at that, of last  
6 seven or eight years, if I'm not mistaken.

7 It's probably last two, or maybe  
8 while we were in remodeling that we opened  
9 sometime or we didn't because of that.  
10 Otherwise, if you go back since -- I think  
11 it's 2006, we should have met that very  
12 handily.

13 CHAIRPERSON MILLER: Okay. So  
14 you're saying that the previous establishment  
15 met the food requirements.

16 MR. ARORA: Oh, yes.

17 CHAIRPERSON MILLER: Did you own  
18 more than one restaurant?

19 MR. ARORA: Yes. I still do.

20 CHAIRPERSON MILLER: You own  
21 another restaurant right now?

22 MR. ARORA: Yes. Well, I own two

1 in DC and one in Virginia, plus this one,  
2 four all together.

3 MR. FONSECA: Yeah, but this the  
4 only one with a liquor license.

5 MR. ARORA: This is the only one  
6 in the liquor license in DC. The one in  
7 Virginia, that has a liquor license also.

8 CHAIRPERSON MILLER: So how is  
9 that -- Balletto. Is that what was there  
10 before?

11 MR. ARORA: Balletto is the one  
12 that, like Mike mentioned, there was a  
13 gentleman who wanted to buy this place from  
14 me.

15 CHAIRPERSON MILLER: Right.

16 MR. ARORA: And eventually that's  
17 what brought me to it. Because he kept  
18 dragging it, going to put in an application.  
19 Finally it got to a point where I was the one  
20 who brought the license to safekeeping  
21 voluntarily, not that I had to.

22 I just wanted to make sure what

1 his intent was initially when we had an  
2 agreement with him or when we spoke. And  
3 then he kept dragging on, because it took --  
4 we were remodeling, and that took three or  
5 four months and then some.

6 CHAIRPERSON MILLER: So did you  
7 put the license in safekeeping because of the  
8 remodeling or no?

9 MR. ARORA: We put it because  
10 there was an issue where he was supposed to  
11 come up and file the ABC license. He kept  
12 dragging it. And that actually created more  
13 issue for me personally.

14 But I did not want it to be in a  
15 position not to reopen when I wanted to.  
16 That was the reason I put it in safekeeping.

17 MR. FONSECA: To put it in  
18 layman's terms --

19 CHAIRPERSON MILLER: Yeah, I  
20 didn't totally --

21 MR. FONSECA: Basically he was  
22 strung along by the prior buyer. And when he

1 really realized something just was amiss in  
2 the sense that he wasn't closing this deal,  
3 which required the license to be transferred  
4 because he hadn't even filed the application,  
5 he pulled the plug. And then he surrendered  
6 the license for safekeeping. It's as simple  
7 as that.

8 CHAIRPERSON MILLER: Okay. Do the  
9 other board members have questions? Yeah, go  
10 ahead Mr. Silverstein.

11 MEMBER SILVERSTEIN: I'm going to  
12 ask you, Mr. Arora and Mr. Fonseca, to walk  
13 me through and help me out here with how some  
14 of these things happened.

15 It seemed as though we had  
16 conflicting questions about, or applications  
17 regarding this license, who was, in fact,  
18 owning this place or something like that.

19 Were there some issues regarding  
20 ownership or operating of this after the  
21 homicide and the closure? Didn't we receive  
22 some applications from another party?

1 (Off microphone discussion)

2 MR. FONSECA: What we are uncertain  
3 about, but what we are certain of, putting it  
4 that way, is what representations may have  
5 been made by the buyer who's there working  
6 with the business right around that same time,  
7 which is another reason why he stepped back in  
8 and said I don't know what's going on here.  
9 But you're not doing what's supposed to be  
10 done, which is file the application.

11 So I just don't know. Because  
12 we're not aware of any application ever being  
13 filed. So if that's the case, then that's  
14 news to us now. Because representation was  
15 that they were always, well, we're working on  
16 it, we're working on it.

17 But I can't say whether or not  
18 investigators may not have been told, well,  
19 I'm the owner.

20 MR. ARORA: I did talk to them --

21 MEMBER SILVERSTEIN: No. You  
22 talked to them, but we're talking about is

1       there anyone other than you?

2                   MR. ARORA:  No.

3                   MEMBER SILVERSTEIN:  No.  You were  
4       running the place for all of 2012, correct?

5                   MR. ARORA:  Yes.  We were in a  
6       contract with them at that time.  And we were  
7       managing, there were managers at that time.  
8       But they were never the owner of the place.

9                   MEMBER SILVERSTEIN:  They meaning  
10      the ones who later tried to buy it?

11                  MR. ARORA:  The ones that  
12      eventually wanted to buy this, yes.

13                  MEMBER SILVERSTEIN:  They did not  
14      meet the food sales requirements?  Or did  
15      they?

16                  MR. ARORA:  I'm pretty sure.  I  
17      think I met with Officer Kofi, if I'm not  
18      mistaken, Investigator Kofi, that person met.  
19      And I did file that with them.

20                  But I can go back and check it.  
21      Because the place was not open on a consistent  
22      basis because of the remodeling that was being

1 done. And that was done erratically  
2 throughout five, six months, even longer.

3 MEMBER SILVERSTEIN: So it's your  
4 representation you're not sure? But are you  
5 saying it is your belief that all four of the  
6 quarterly statements were filed on a timely  
7 manner.

8 MR. ARORA: They may have not been  
9 filed timely manner, but I can go back and  
10 check. But I know I have not filed last --  
11 this would be the third quarter -- last two  
12 quarters, myself. Because it would have been  
13 a zero because we have not opened since March.

14 MEMBER SILVERSTEIN: And what role  
15 did the homicide that took place outside, and  
16 I believe it was after closing hours, have on  
17 your decision to cease operations?

18 MR. ARORA: Well, there was two  
19 reasons. A, they kept dragging it. I told  
20 them to go to the ABC Board to get the license  
21 transferred. The landlord had agreed to  
22 transfer the lease to them. And they said

1 we'll do it today. They kept stringing out  
2 around.

3 And while it got a point where  
4 there was some financial rent was supposed to  
5 pay, the financial commitment was not even met  
6 at the same time.

7 And that left me no choice but to  
8 intervene and say we're not going to go with  
9 this. And I came here and turned the license  
10 in.

11 MEMBER SILVERSTEIN: And what is  
12 the status of the other party at this point?

13 MR. ARORA: Right now, they had  
14 initially taken us to the Court. And the case  
15 has been dismissed. And right now there is  
16 zero status as far as today is concerned.

17 MEMBER SILVERSTEIN: There is no  
18 case pending, their case against you or  
19 whatever?

20 MR. ARORA: No, sir.

21 MEMBER SILVERSTEIN: There's no  
22 litigation.

1 MR. ARORA: There is no litigation.

2 MEMBER SILVERSTEIN: There's no  
3 contesting of the license or the premises?

4 MR. ARORA: No, sir.

5 MEMBER SILVERSTEIN: Are there any  
6 liens against you?

7 MR. ARORA: I'm sorry?

8 MEMBER SILVERSTEIN: Are there any  
9 liens against you?

10 MR. ARORA: From them?

11 MEMBER SILVERSTEIN: From them,  
12 from the landlord, from anybody?

13 MR. ARORA: Not right now.

14 MEMBER SILVERSTEIN: Okay. No  
15 further questions.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MR. BROOKS: No. I'm just trying  
18 to reconcile in my mind that the unfortunate  
19 shooting that occurred, and five weeks later  
20 the applicant put the license in safekeeping.  
21 And I'm just trying to see was there any  
22 connection to that.

1 MR. ARORA: Partly, it had to do  
2 with it. Because I wanted to make sure the  
3 place, because I was responsible for the  
4 place, that nothing of that would occur. So  
5 I wanted to make sure that I intervene and  
6 either told them either to come and put the  
7 application in.

8 And they said we're going to it  
9 today, tomorrow. And during that time we were  
10 barely open for business anyway.

11 MR. BROOKS: Yes.

12 MR. ARORA: And finally it got a  
13 point where some checks were issued. They  
14 came back. And that had zero choices. And it  
15 got to a point where we said, okay, this is  
16 not going to work.

17 MR. BROOKS: Okay. So you're  
18 saying after the shooting you stepped in and  
19 asked that the license be transferred up into  
20 safekeeping.

21 MR. ARORA: License to be put into  
22 safekeeping unless they're ready to go and put

1 an application for transfer of the license  
2 immediately.

3 MR. BROOKS: And the shooting had  
4 nothing to do with that?

5 MR. ARORA: Nothing at that time,  
6 no, sir.

7 MR. BROOKS: Because I'm looking at  
8 a little summary that I have from my legal  
9 staff. And apparently in 2005, were you the  
10 owner in 2005?

11 MR. ARORA: Yes, sir.

12 MR. BROOKS: Apparently there was  
13 a stabbing --

14 MR. ARORA: Yes, sir.

15 MR. BROOKS: -- occurred. And you  
16 were the owner at the time also.

17 MR. ARORA: Yes, sir.

18 MR. BROOKS: Okay. And whatever  
19 happened about that?

20 MR. ARORA: What happened as far as  
21 --

22 MR. BROOKS: The stabbing, were you

1 closed down or were you --

2 MR. FONSECA: Yeah. Well, Mr.  
3 Brooks, that was -- back then there was a  
4 summary suspension.

5 MR. BROOKS: Oh, okay.

6 MR. FONSECA: There was a closure.

7 CHAIRPERSON MILLER: Okay.

8 MR. FONSECA: He came back and  
9 actually drastically changed the  
10 establishment, changed the name. And for a  
11 period of time, there were no more problems.  
12 And it continued to be that way.

13 So that precipitated dealing with  
14 the issue of not using outside promoters  
15 which, the Board's quite well aware of,  
16 oftentimes leads to problems. So that's was  
17 history. It's behind him.

18 But that did occur, and it was  
19 rectified. And the Board at that time  
20 basically had us coming in for checkups, shall  
21 we say, for a period of time once the license  
22 was returned. Probably the next time was

1 three months and then six months later.

2 And that all goes back, I think,  
3 when Mr. Woodson was the Chairman. It was  
4 some time ago. Maybe it was after Mr.  
5 Woodson. It was probably Mr. --

6 MR. BROOKS: For 2005 --

7 MR. FONSECA: Yeah, it was '05,  
8 yeah.

9 MR. BROOKS: Thank you, Madam  
10 Chair.

11 CHAIRPERSON MILLER: Okay, thank  
12 you. All right. I'm going just ask this one  
13 more time, because I'm still not clear about  
14 the scenario. Mr. Arora, you own the  
15 restaurant that's been there since 2005 or --

16 MR. FONSECA: Even earlier.

17 MR. ARORA: I've been there since  
18 '88.

19 CHAIRPERSON MILLER: Owning the  
20 same restaurant, or did it change or --

21 MR. ARORA: No.

22 CHAIRPERSON MILLER: Same

1 restaurant?

2 MR. ARORA: Well, we changed the  
3 names. But it's been --

4 CHAIRPERSON MILLER: Names changed.

5 MR. FONSECA: Yeah.

6 CHAIRPERSON MILLER: But it's been  
7 under your ownership?

8 MR. ARORA: Exactly.

9 MR. FONSECA: Originally it was the  
10 Ascot.

11 CHAIRPERSON MILLER: Okay.

12 MR. FONSECA: The same ownership,  
13 same corporation.

14 CHAIRPERSON MILLER: Okay, same  
15 license. Okay.

16 MR. FONSECA: Yes.

17 CHAIRPERSON MILLER: And then in  
18 2013 though you put the license in safekeeping  
19 because you had suspended operations at the  
20 restaurant for --

21 MR. ARORA: There were two reasons  
22 for it suspended. We wanted to make sure the

1 guys who were purchasing the business would  
2 come up and file the application for the ABC  
3 Board. Part of the reason was that. Secondly  
4 --

5 CHAIRPERSON MILLER: But as you  
6 said, that's because what? They were going to  
7 file an application?

8 MR. FONSECA: They were forced  
9 then.

10 MR. ARORA: I wanted to make sure  
11 they're going to file and get the transfer  
12 license into their names.

13 CHAIRPERSON MILLER: Okay, you were  
14 going to have a transfer then.

15 MR. ARORA: Well, they were  
16 supposed to do it. They kept, like Michael  
17 said, the kept stringing, we'll do it today,  
18 tomorrow --

19 CHAIRPERSON MILLER: Right.

20 MR. ARORA: So it never came about.  
21 That was the main reason we said, okay, I  
22 cannot run this business while you keep

1 telling me that -- because I didn't want to be  
2 responsible for any issues.

3 CHAIRPERSON MILLER: Okay. And you  
4 were also renovating or no?

5 MR. ARORA: We were renovating. We  
6 remodeled, yes.

7 CHAIRPERSON MILLER: Okay,  
8 remodeled. So your intention now is to open  
9 another restaurant, but just temporarily,  
10 because you want to transfer ownership?

11 MR. ARORA: If that happens, yes.

12 MR. FONSECA: But this concept is  
13 here to stay. Like anything in this  
14 restaurant business, it's very few  
15 restaurants, even the ones that have been  
16 very, very, very successful, that can stay the  
17 same forever. Eventually you do changeover.

18 But this concept was given a lot of  
19 thought, the trade name, the fact that there's  
20 a track record with this, and a concept, and  
21 bringing Ron in for some continuity, and for  
22 the menu, and hiring the kitchen staff and

1 everything that goes on in dealing with those  
2 issues.

3 CHAIRPERSON MILLER: Okay. And  
4 also, just to clarify, you were saying, you  
5 did not have a history of not meeting your  
6 food requirements or filing your quarterly  
7 statements or --

8 MR. ARORA: No.

9 CHAIRPERSON MILLER: As far as your  
10 understanding is everything has been in order?

11 MR. ARORA: As far as I know, like  
12 I said, I think last two quarters, Michael  
13 just brought it to my attention today. I will  
14 look at it. If there is we will file. Since  
15 we are not open for business, we'll file as a  
16 zero. And we will bring it to date.

17 MR. FONSECA: And we would ask the  
18 Board's forgiveness, but frankly, somewhat of  
19 a waiver as to enforcement as to the last two  
20 quarters. Because in essence it would have  
21 zero returns.

22 Having said that, it's much as with

1 sales tax returns or withholding returns in  
2 the tax office, if it's a zero return, they  
3 don't charge you a penalty and interest.

4 I would ask that enforcement be  
5 perhaps waived, at least for the last two  
6 quarters. And if need be he will, and I think  
7 he should, go ahead and file a zero return,  
8 zero quarterly reports.

9 CHAIRPERSON MILLER: Okay, my final  
10 question is, I guess one of the questions,  
11 like in the last one, for us to have  
12 confidence that this new restaurant has a good  
13 chance of succeeding, we would look to your  
14 history with restaurants in the past in this  
15 place plus the business model and menu for  
16 this place and Mr. Reid's experience.  
17 Anything else, is that it?

18 MR. FONSECA: That's it.

19 CHAIRPERSON MILLER: Okay.  
20 Anything else you want to add into the record?

21 MR. FONSECA: No. We just ask that  
22 the board take this under advisement, which

1 I'm sure they're going to do. You're not  
2 going to make a decision on the dais, but act  
3 on this with some speed.

4 Because again, originally we  
5 requested the license be brought out of  
6 safekeeping in July. And as I said, at that  
7 point in time, there was never a certainty  
8 that he was going to be signing a contract.  
9 So it's just a coincidence it took so long  
10 because of the fact finding that we're here.

11 CHAIRPERSON MILLER: So there is a  
12 signed contract?

13 MR. FONSECA: As of the 16th.

14 CHAIRPERSON MILLER: Okay.

15 MR. FONSECA: But if you note that  
16 the request for the trade name was back in  
17 July, so this concept was already -- if we had  
18 had a fact finding in July or August --

19 CHAIRPERSON MILLER: Right, right.  
20 I understand.

21 MR. FONSECA: -- we would be open  
22 and operating. So he had to just shut

1 everything down and delay all of that in  
2 hopes, obviously, with the fact finding, we  
3 want to get going so that --

4 CHAIRPERSON MILLER: We understand  
5 that. And I know you ran into the recess.

6 MR. FONSECA: Yeah, the recess.

7 CHAIRPERSON MILLER: You lost four  
8 weeks there. So we understand that. Okay.  
9 But this concept, even though there is going  
10 to be a purchase or a transfer in the process,  
11 this would continue, the concept that we're  
12 hearing today?

13 MR. FONSECA: Yes.

14 CHAIRPERSON MILLER: Okay, any  
15 other questions? All right. Thank you very  
16 much.

17 MR. FONSECA: Thank you.

18 CHAIRPERSON MILLER: We will act on  
19 it.

20 MR. REID: Thank you.

21 (Whereupon, the hearing was  
22 concluded at 1:27 a.m.)

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