DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
:
To Be Determined :
(formerly Marrakesh/Aura :
Lounge) :
Fact Finding :
2147 P Street NW :
Hearing :
Retailer CT - ANC 2B :
License #112033 :
:
(Request to Extend :
Safekeeping) :
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Wednesday
November 3, 2021

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

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

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
JOE BOUS, Licensee
MIKE CASSAR, Licensee
ANDREW KLINE, Licensees' Counsel
10:38 a.m.

CHAIRPERSON ANDERSON: Good morning, everyone. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia in accordance with D.C. Code Section 2576 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 the electronic meetings held by public bodies during the COVID 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 complaints to the OOG at opengovoffice@dc.gov.
My name is Donovan Anderson. I'm Chairman of the Board. And I would like to introduce the other members of the ABC Board who are also participating electronically pursuant to Mayor's Order 2021-119.

Please respond when I announce your name. Mr. James Short.

MEMBER SHORT: Mr. James Short present.

CHAIRPERSON ANDERSON: Mr. Bobby Cato.

MEMBER CATO: Bobby Cato 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 six members in attendance for the conduct of business today, and that constitutes a quorum.
Before we get on to today's hearing calendar, I need to make a few instructions very clear so that the conduct of these hearings is understood by everybody.

There are five cases scheduled for today. And once a case is called, I will take a moment for our IT specialist 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.

If your case has not been heard, you will remain mute, and your camera will be disabled.

At the conclusion of each case, the parties will have the opportunity to leave. If the party chooses to stay, all cameras and microphones for the concluded case will be disabled.

Should you have any questions or require technical assistance during the hearing, you may submit them using the question and answer feature or in email, simone.andrews2@dc.gov.

All right. On our calendar today, our first case is Case -- there is a fact finding hearing. And it's Aura Lounge, License Number
Ms. Andrews, can you please elevate the rights of the parties in this case, please?

MS. ANDREWS: Sure. Stand by. Mr. Kline, your rights have been elevated. Mr. Bous, your rights have been elevated. That's all, Mr. Chair.

CHAIRPERSON ANDERSON: Thank you very much. Good morning. I see you're on my screen twice, Mr. Kline. And I'm not sure if you were logged in twice.

MR. KLINE: I am logged in once.

CHAIRPERSON ANDERSON: I see your name on my screen twice, so that's why. All right. Where is your -- I thought there was a Mr. Bous, but I don't see him anymore.

MR. KLINE: Mr. Bous and Mr. Cassar should be here.

CHAIRPERSON ANDERSON: All right. If they're online, could they identify themselves, because I don't see them on my screen?

MR. KLINE: Mike, are you on?

MR. BOUS: Joe's here.

MR. KLINE: Oh, he has to be unmuted.

He just texted me. Joe is here. Mike is here,
Cassar. He needs -- his rights need to be elevated.

CHAIRPERSON ANDERSON: Who is that, who's, who is, who needs -- whose rights need to be elevated?

MR. KLINE: Mike Cassar, C-A-S-S-A-R.

(Simultaneous speaking.)

MS. ANDREWS: I do not see him online --

MR. KLINE: He's on.

CHAIRPERSON ANDERSON: Can he identify himself through the chat so she can elevate his rights?

MR. KLINE: Mike, if you could do that, there's a chat function in the lower right-hand corner. If not, we can proceed. I think this is pretty straightforward.

CHAIRPERSON ANDERSON: Well, we can give him a minute if he wants. If he's here and he wants to participate, then we can do that.

MS. ANDREWS: Mr. Kline, is he a call-in?

MR. KLINE: If he is, he's 571-221-77 --

MS. ANDREWS: Yeah, he's a call-in.
I'm going to --

MR. KLINE: Okay.

MS. ANDREWS: -- unmute his line.

MR. CASSAR: Can you hear me?

MS. ANDREWS: Yes.

CHAIRPERSON ANDERSON: Yes, sir. All right. Fine. Thanks. All right. This is a fact finding hearing. I'd like the parties to introduce themselves this morning. Mr. Kline, we'll start with you, please.


CHAIRPERSON ANDERSON: Good morning, Mr. Kline. And who is with you today? Can you just state their name? And they can, then they can state their name and --

MR. KLINE: Mr. Joe Bous and Mr. Mike Cassar.

CHAIRPERSON ANDERSON: Mr. Bous, go ahead, please.

MR. BOUS: I'm Joe Bous.

CHAIRPERSON ANDERSON: Can you please spell and state your name for the record and your relationship, sir?
MR. BOUS: Joe Bous, J-O-E, last name B as in Boy, O-U-S as in Sam, relationship, previous owner on the process of helping move this license over with the new owner.

CHAIRPERSON ANDERSON: And who is the other person on the line?

MR. CASSAR: Mike Cassar. Good morning. I am the new owner of the building at 2147 P Street.

CHAIRPERSON ANDERSON: Sir, can you please spell and state your name for the record, sir?

MR. CASSAR: Mike, M-I-K-E, last name Cassar, C-A-S-S-A-R.

CHAIRPERSON ANDERSON: Good morning. Good morning, everyone.

MR. KLINE: Good morning.

CHAIRPERSON ANDERSON: All right. Mr. Kline, this is a request for an extended safekeeping. This is a, this license has been in safekeeping since 11/28/2018.

And it's my understanding that in requesting the six-month safekeeping request, you just sent a routine letter asking for an additional six months. The Agency requires more
information to find out where are we on the progress of bringing this license online.

Now, this is a tavern license. So there is no -- it's not in -- there is no moratorium in this particular area for this particular type of license.

So our position is that I am not sure why is it -- if this license cannot be brought back online in a short period of time, the Agency doesn't see why this licensee continues to maintain this license. So maybe just let us know what's going on with this license and what is the timeline for this license to be activated.

MR. KLINE: Yes, happy to address all of that, Mr. Chairman.

Mr. Chairman, this is the license that was previously used in connection with a business known as Marrakesh at that location. Marrakesh vacated the premises.

Mr. Bous, who is the licensee of record, was the owner of the building, arranged to have the license transferred. And the concept is to renovate the building and to have a user come in as a tavern.

And, of course, then we, as -- and
they're in the process of renovation. In fact, there's a -- I've seen the demolition permit, and I know that's proceeded. And they're moving forward with renovation. But then, of course, we ran smack into COVID. And that has slowed things down.

So the intention is to finish the renovations, finalize a lease with a tenant, and apply to have the license transferred to the tenant.

Now, in terms of why they don't apply for a new license, as the Board is aware, there's a long timeline potentially involved in applying for a new license, which is why Mr. Bous had the foresight to acquire the license from the previous tenant, put it in safekeeping, and pay the ongoing license fees, which have dutifully been paid.

So we are simply requesting that the safekeeping be extended to provide the opportunity to finalize what was intended, which probably would have been done by now but for COVID, which is to finish the renovations, bring the tenant in, and apply for a transfer of the license.
CHAIRPERSON ANDERSON: So, Mr. Kline, so what is it that it's intended? We are now -- this is a request to continue the safekeeping until March 31, 2022. And we're now in November.

So what is going to happen between now and March 31, 2022, because the anticipation from what -- in fact, I know the request is going to, I mean, I know that six months it's going to come in.

So what is the expectation? What is supposed to happen between now and March 31st? And is this license intended to be brought online on April 1st? So, if it's not going to be brought online on April 1st, what's the expectation should the Board have for this license?

MR. KLINE: I mean, the expectation is that a transfer application would be filed by then. And the renovations to the building will proceed and be completed and that the tenant would be in the position to open, if not by then, certainly shortly thereafter.

CHAIRPERSON ANDERSON: Other questions by any Board members?

MEMBER SHORT: Mr. Chair, I just had
one question.

CHAIRPERSON ANDERSON: Yes, Mr. Short.

MEMBER SHORT: Mr. Kline, specifically, you just stated that by March 31st or shortly thereafter all the construction will be completed. Is that correct?

MR. KLINE: That's my understanding, yes.

MEMBER SHORT: So, if it is not, should this Board consider giving you another extension?

MR. KLINE: I mean, I think that we face that when the time came. You know, I'm not prepared to make that request now, nor do I believe that the Board would be prepared to consider it.

I think if that were to happen, the Board would want to know exactly where we are in terms of, well, what are we talking about, what's been done, and where, you know, how close are you. And I think those are all pertinent, relevant questions that would be considered by the Board at that time.

So, at this point, no, we're not suggesting that. Is that possible? Sure, it's
possible. But, I mean, we're not in the position at this point to, excuse me, to make that request. We're not making that request.

At this point, we're asking for the six months. We believe that's ample time to move this forward, either have it finalized. We're certainly in the position to be in position to show the Board that there has been more than significant process made towards finalizing a transfer and putting it, the license back into service, which is what the Board is looking for.

MEMBER SHORT: Okay. Just for the record, Mr. Kline, when did your client get its license from the former Marrakesh?

MR. KLINE: I don't know that offhand. Mr. Bous, do you know that offhand?

(Simultaneous speaking.)

MR. BOUS: It's a bit of a blur. I would have to go back and look at my records.

MR. KLINE: The Board's records reflect it. I don't, Mr. Short, I don't remember. I'm happy to look and report back to you. I just don't know off the top --

MEMBER SHORT: Okay. I guess my last question would be to the former, or the owner of
record. When did Marrakesh close?

MR. BOUS: Again, I would need to look. It's been a little bit of time. I'm happy to get you that answer, sir.

(Simultaneous speaking.)

MR. KLINE: Not to be flip, but anything that happens two years ago by definition because of COVID, so, I mean, you know, I think that the last two years were very unusual. And things have been delayed on many levels as a result of what's gone on.

So, after '18 is my recollection, because that was when it was put into safekeeping.

MEMBER SHORT: Okay. Well, thank you very much for your honesty, Mr. Kline. That's all I have, Mr. Chair.

MR. KLINE: Thank you, Mr. Short.

CHAIRPERSON ANDERSON: Any other questions by any other Board members?

MEMBER GRANDIS: Yes, sir, Mr. Chairman.

CHAIRPERSON ANDERSON: Yes, Mr. Grandis.

MEMBER GRANDIS: Thank you. Mr.
Kline, it's a pleasure to see you today. Hope --

MR. KLINE: Nice to see you, Mr. Grandis.

MEMBER GRANDIS: If I'm understanding the fact situation, Marrakesh was a tenant, but they transferred the ownership of the license to Mr. Bous, who is the owner of the building?

MR. KLINE: Yes, was the owner of the building but has transferred it to Mr. Cassar.

MEMBER GRANDIS: Okay. Thank you. And, Mr. Cassar, if I understand the chain of ownership of the license, what we are understanding today is that when the renovations are done the license will be transferred initially to the owner of the building, Mr. Cassar?

MR. KLINE: It will likely be transferred directly to a tenant. The owner operator would accept someone who's been approved by the Board and --

MEMBER GRANDIS: So that doesn't answer the question that I'm concerned about. Are there negotiations with a tenant currently, or are we looking at because of the whole, you know, COVID situation that there is no
negotiations right now for a tenant for this property?

MR. KLINE: There are discussions with several groups. I wouldn't go so far as to call them negotiations at this point, because until the right group is determined, then it would ripen into negotiations.

MEMBER GRANDIS: So it is potentially that we will be seeing this licensee or this license in front of us as of -- because I understand that the request is till March of 2022, which is really literally right around the corner. It is possible that we will be addressing this again, and there is no signed tenant.

MR. KLINE: I mean, look, anything's a possibility. Certainly more time is better. If the Board believes that a longer extension of time is appropriate, we'd obviously welcome that.

Our understanding is the Board has tried to limit these to six months. I honestly think a year would be more appropriate.

But I understand the Board's concerns. And I understand that the Board wants to monitor these licenses in safekeeping. And we're happy
to cooperate and comply with that.

MEMBER GRANDIS: Well, just so I'm saying this correctly, I understand correctly, putting 2020 aside as a year that didn't happen --

MR. KLINE: But it did happen.

MEMBER GRANDIS: -- from my understand that this particular license went into safekeeping in 2018. Am I understanding that correct?

MR. KLINE: I think that's about right. But I'd have to go back and look. I just --

MEMBER GRANDIS: So, putting 2020 aside, we're still looking at more than two years. So --

MR. KLINE: Right. But there's -- I mean, the building -- nothing has been done to the building in many, many years.

And, Mr. Grandis, I know that you particularly are very familiar with DuPont Circle. This is the old, before Marrakesh, Mr. P's location. And, I mean, nothing has been done to this building.

The owner's attitude in those days
was, well, all I do is collect rent, and I'm not
going to do anything to maintain or keep up the
building, leaving it all to the tenants.

So there really has been quite a bit
of work that's needed to be done with respect to
this building. And it's an old building. So
it's understandable that all of that would take
some time.

MEMBER GRANDIS: Well, Mr. Kline, I
think you're trying to date me when you bring up
Mr. P's. But we'll put that aside as well.

But the concern I think I have is that
we do not want to see, you know, a continuation
of this kind of request when there is really no
solid discussion with a potential tenant.

But on the other hand, it's my
understanding that the owner of record has been
maintaining the annual fees.

MR. KLINE: Yes.

MEMBER GRANDIS: If I understand, if
I'm understanding correctly, all the annual fees
are current.

MR. KLINE: That's correct.

MEMBER GRANDIS: And that's the other
side of the coin. So thank you for your
responses, Mr. Kline.

But I would encourage whoever is going
to be the owner, who is the owner of the building
that they come back to us with a tenant if we
agree to extend this.

MR. KLINE: I understand that. I
mean, I understand that the Board does not want
to see these licenses sit in safekeeping forever.
We understand that. So, and Mr. Cassar and Mr.
Bous are both on the line, so they hear you as
well. So, you know, we will obviously take that
to heart and certainly try to comply with the
Board's wishes.

MEMBER GRANDIS: Thank you.

MR. KLINE: Thank you.

MEMBER GRANDIS: Thank you, Mr.
Chairman.

CHAIRPERSON ANDERSON: Thank you, Mr.
Grandis. Any other questions by any other Board
members? Any further representation you need to
make, Mr. Kline, or your client?

MR. KLINE: I would just reiterate, I
don't know that it's further because I think I've
said it, is that the last year and a half, and we
think Mr. Grandis said it, it's almost like it
didn't happen, it's been lost time. So, if you put that aside, I don't think that this license has been in safekeeping an inordinate amount of time.

And we would just ask the Board's patience given that the licensee has proceeded in good faith and has a plan. They're spending money. It's not like this building is sitting there without work being done. It is being worked on.

And we would just ask the Board's patience and respectfully request that the safekeeping be extended as requested.

CHAIRPERSON ANDERSON: Thank you, Mr. Kline, for your representation this morning.

The Board is going to take this matter under advisement. Just as an FYI, and I don't know what decision the Board is going to make, but what we suggest for this case or any other case, if a request comes in for safekeeping, the statute specifically requires the type of information that needs to be submitted.

And so we're asking that if the Board agrees to grant this extension or to continue this matter, that if another request comes in, a
detailed plan must be provided, why is it that
this, the request is being made for a
continuation. And so that's for this case and
for any other case that you have. That is what
the Board requires.

The Board is requiring the parties to
review the statute and comply with the statute in
providing the Board with detailed information.
And so, therefore, if detailed information is
provided to the Board with a request, then that
might be sufficient to satisfy the Board.

And if the Board is not satisfied with
that information, then the Board might call the
parties in for more, for a more thorough
explanation.

So I just wanted to inform, if another
request comes in, if the Board approves this and
if another request comes in, then the Board needs
to be provided sufficient information for us to
review and make a determination whether or not we
agree with the extension or whether or not we
need further information. Okay?

MR. KLINE: Got it, Mr. Chair. Thank
you.

CHAIRPERSON ANDERSON: Thank you very
much. This matter is adjourned.

(Whereupon, the above-entitled matter went off the record at 11:01 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Marrakesh

Before: DCABRA

Date: 11-03-21

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