

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

2 10:22 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. I would like to welcome you to our
5 special meeting of the District of Columbia
6 Alcoholic Beverage Control Board. Please know
7 that today's hearings will be conducted in
8 accordance with D.C. Official Code Section 2-574
9 of the Open Meetings Act.

10 Today is December 13, 2018. And I
11 would like to introduce Members of the Board with
12 us today. To my far right is Mr. Bobby Cato and
13 to my immediate right is Mr. Nick Alberti. To my
14 far left is Ms. Rema Wahabzadah. My name is
15 Donovan Anderson and I'm the Chairman of the
16 Board. We have four Members in attendance today
17 and we do have a quorum.

18 I would like to mention two things
19 before we get started. First of all, if you have
20 any electronic devices, pagers, cell phones or
21 such, please, make certain that they are turned
22 off to avoid any interruption of the proceedings.

1 Secondly, there is a piece of paper on
2 each table. When you come forward as your case
3 is called, please, take a seat at the table and,
4 please, sign-in. This is to ensure the correct
5 spelling of your name for the record.

6 Additionally, when you introduce
7 yourself for the record, please, spell your name
8 aloud for the court reporter.

9 I will note that the approximate time
10 is 10:24 a.m.

11 The first case on our calendar today
12 is a Fact-Finding Hearing, Mr. Henry (Adams
13 Morgan), License No. 17006.

14 Would the parties, please, approach
15 and identify themselves for the record, please?

16 MR. DUGGAN: Good morning, I'm Bill
17 Duggan.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Duggan.

20 MR. DUGGAN: D-U-G-G-A-N.

21 CHAIRPERSON ANDERSON: I apologize
22 that -- I know that you were here promptly by

1 10:00 and I apologize, sir, that we were not here
2 to take the Bench at 10:00. So I do apologize
3 for that.

4 All right. All right. Well, the
5 issue today, sir, is that you have asked for an
6 extension of safekeeping for a license that has
7 been in safekeeping since 2009.

8 The last time you were with us, in
9 front of us was October of 2017 when you had
10 requested that the -- you informed the Board that
11 you had owned the building and that there were a
12 few outstanding matters that needed to be
13 addressed, including obtaining a Certificate of
14 Occupancy, which you stated would be obtained
15 within six months. That was six months of
16 October 2017.

17 You also stated that you have
18 submitted a transfer application to the Board
19 within six months of October 18, 2017.

20 And so based on the representation
21 made to the Board, we granted the extension
22 through March 28, 2018.

1 And it is now almost a year later.
2 You are requesting an extension. So can you let
3 us know why is it that, based on the
4 representation you made to the Board in October
5 2017, what happened?

6 MR. DUGGAN: Well, actually, just a
7 correction, I think I was here earlier in this
8 year.

9 CHAIRPERSON ANDERSON: No. The last
10 time you were here was October 2017. You
11 requested another extension.

12 MR. DUGGAN: Correct.

13 CHAIRPERSON ANDERSON: But that was
14 not a hearing.

15 MR. DUGGAN: Okay. As I explained at
16 that time, we had some issues with the building.
17 Yesterday I brought to you -- and it ended up we
18 had a title problem with the building. We bought
19 this out of a bankruptcy and the former owners
20 were very, very combative on -- they were ordered
21 by the Court to sign a deed and move forward with
22 foreclosure.

1 They didn't do it. They just
2 basically disappeared. I dropped off paperwork
3 yesterday that we had to go back and reopen their
4 bankruptcy case from 2004. We had to pay to
5 reopen their case to get the Judge to appoint a
6 trustee to sign over the deed to the building to
7 us, to a partnership, Len Jessol, which is our
8 holding company, my sons Len, Jessie and Willie.

9 And I think the date on there is
10 November 16th or November 18th of this year. The
11 Judge granted and issued an order for a trustee
12 to be assigned and to sign over the deed to us.

13 We can't fill out the application,
14 complete the application without -- prior to that
15 we, you know, again, technically had the
16 building, etcetera, but the former owners were
17 still involved. One of the brothers, there were
18 two brothers in partnership that kept show -- he
19 kept showing up and creating issues. As I said
20 they kept -- we kept sending paperwork to
21 Baltimore for them to sign-off. They did not do
22 it.

1 We finally got a Judge's order that
2 circumvents their signing it, because they just
3 refused and he appointed -- I don't know if the
4 trustee has been appointed, assigned, but the
5 order was for a trustee to be appointed. The
6 trustee to sign the deed to foreclose it over to
7 us. We have invested a couple million dollars on
8 this thing.

9 And a little history on that liquor
10 license is that I bought that liquor license from
11 the District of Columbia Office of Tax and
12 Revenue. At the time I bought it, they bought it
13 -- they sold it with the issue that it could be
14 held in safekeeping until such time as you need
15 to use it.

16 This wasn't bought from another
17 operator. It was bought directly from the
18 District of Columbia. And again it has taken a
19 long time, but I have paid the fees and paid the
20 licensing fees and everything else on it for it
21 all these years.

22 CHAIRPERSON ANDERSON: I mean, it's

1 nine years. I mean, where I am, Mr. Duggan, is
2 that all I'm asking is that I have provided -- I
3 said that you were with us a year ago and you
4 made certain representation to us.

5 I'm sorry, I can only go by the
6 information that was -- that we had.

7 MR. DUGGAN: Would that be the
8 information that I left with you yesterday with
9 the Judge's Order.

10 CHAIRPERSON ANDERSON: You are not --
11 you are missing the point I'm saying, sir. I am
12 going by the representation that was made to us
13 in October 18, 2017. Okay. You made certain
14 representations to say that this is what is going
15 to happen.

16 The documents that you dropped off to
17 us yesterday, sir, this is a document that was
18 filed in the Court on November 19, 2018. So
19 therefore --

20 MR. DUGGAN: No, it wasn't filed.
21 That case has been going on. The Judge signed
22 the order on November 19th. That's not when it

1 was filed.

2 CHAIRPERSON ANDERSON: Mr. --

3 MR. DUGGAN: The case is from 2003.

4 CHAIRPERSON ANDERSON: -- Duggan, I'm
5 not trying to argue with you. I'm not -- I don't
6 practice bankruptcy law, but all I can do, Mr.
7 Duggan, is that every time a document is filed,
8 it is date stamped on the document when it is
9 filed. And this document that I have in front of
10 me, there is an order granting motion to appoint
11 a trustee and it says case number, it has the
12 case number and it says that it was filed on
13 November 19, 2018.

14 MR. DUGGAN: The order was filed.

15 CHAIRPERSON ANDERSON: And it was
16 entered -- but this is not -- you filed an order
17 asking the Court --

18 MR. DUGGAN: No. The Judge signed the
19 order on that date. The motion was put in. The
20 case was reopened prior to that. If you look at
21 the dates on that case, the case dates back to
22 either 2004 or 2003. It has been a nightmare.

1 But we finally have a Judge who issued an order,
2 because these people would not sign to turn over
3 the building to us.

4 CHAIRPERSON ANDERSON: All right, sir.

5 MR. DUGGAN: I mean --

6 CHAIRPERSON ANDERSON: Okay.

7 MR. DUGGAN: -- which part are --

8 CHAIRPERSON ANDERSON: It was signed
9 and --

10 MR. DUGGAN: -- you duplicitous about?

11 CHAIRPERSON ANDERSON: All right.

12 MR. DUGGAN: Every time I come here,
13 it acts like it's a Board of -- you know, it's so
14 aggressive. And I don't quite get it.

15 CHAIRPERSON ANDERSON: Mr. Duggan, you
16 are the one being aggressive. All I have said to
17 you, sir --

18 MR. DUGGAN: I'm trying to explain to
19 you, because you said you are not familiar with
20 the Bankruptcy Court and I will tell you that it
21 was not filed. The case was not filed on
22 November 19th. That order was issued on November

1 19th.

2 CHAIRPERSON ANDERSON: All right. Let
3 me ask you a question, Mr. Duggan. Irrespective,
4 okay, this is -- you came to us in November. You
5 came to us in October 2017 and you said to us,
6 okay, the representation that you made was that
7 you needed to get the Certificate of Occupancy.
8 You said that you can get the Certificate of
9 Occupancy within six months.

10 You said that the transfer application
11 would be filed to the Board within six months.
12 Okay. That was October. And we are a year and a
13 half, almost a year and a half later and we are--
14 none of the representations that you made, none
15 of the representations that you made in October
16 of 2017 was correct.

17 So let me ask you another question.
18 You said that this answer was filed. Okay. You
19 -- when is it that the motion --

20 MR. DUGGAN: It's not an answer. It's
21 an order.

22 CHAIRPERSON ANDERSON: All right, sir.

1 When is it that -- when did you or your attorney
2 file a motion to the Court to ask the Court to
3 appoint a trustee?

4 MR. DUGGAN: Some time prior.

5 Truthfully, I hadn't --

6 CHAIRPERSON ANDERSON: Well, you --

7 MR. DUGGAN: This has been going on
8 for years.

9 CHAIRPERSON ANDERSON: Mr. Duggan, you
10 are telling me that, you know --

11 MR. DUGGAN: Truthfully, I am not
12 going to come here and beg. Truthfully, the last
13 time I was here, I thought you were rescinding
14 the license then. When I got to the -- the
15 letter from -- in October or September, I was
16 surprised. I thought the Board -- you know,
17 again, there is something about this license that
18 you don't want to go forward.

19 I truthfully don't understand it. I
20 employ a lot of people. I pay a tremendous
21 amount of taxes to the city. And I think I have
22 done a pretty good job. I have been in business

1 for 26 years with my other business.

2 CHAIRPERSON ANDERSON: We are not
3 talking --

4 MR. DUGGAN: In those 26 years, I have
5 had a total of two violations.

6 CHAIRPERSON ANDERSON: Mr. Duggan?

7 MR. DUGGAN: This is not some rogue
8 operation.

9 CHAIRPERSON ANDERSON: Mr. Duggan, I'm
10 not talking -- I don't know what business you
11 have and it's irrelevant what business you have.

12 MR. DUGGAN: You don't.

13 CHAIRPERSON ANDERSON: And I don't --

14 MR. DUGGAN: I don't come before this
15 Board about my other business.

16 CHAIRPERSON ANDERSON: Mr. Duggan, it
17 is irrelevant to me what other business you have.
18 It's irrelevant to me how much taxes you pay to
19 the city on other business. All I have is that
20 and I'm positive that you have not paid any taxes
21 on this license in nine years. And we are
22 talking about this one license, sir. That's all

1 I'm here -- I -- anything else is irrelevant.

2 And I started off, Mr. Duggan, you
3 gave us some information. I'm reading it. You
4 are telling me -- all right. I said to you that
5 the document I have in front of me says that it
6 was entered or it was filed, it was signed on
7 November 18, 2018.

8 So therefore, you argue me now to say
9 this is not when it was filed. So the question I
10 asked you then when was the document filed? When
11 did you first -- when did you make a motion to
12 the Court to ask the Court to appoint a trustee
13 and you said you don't know.

14 MR. DUGGAN: Earlier this year,
15 because I have attorneys that handle that.

16 CHAIRPERSON ANDERSON: I'm sorry, you
17 said what?

18 MR. DUGGAN: I said I have attorneys
19 that handle that. I wasn't part of doing that.
20 We have been --

21 CHAIRPERSON ANDERSON: Well, like you
22 filed this then. I mean, you are arguing --

1 MR. DUGGAN: Because that's the
2 document that says --

3 CHAIRPERSON ANDERSON: Because you are
4 arguing --

5 MR. DUGGAN: -- to -- finally, we have
6 a Court order giving us ownership of the building
7 as soon as the trustee signs it over.

8 When I said, made the representations
9 last year, we had assurances from the prior
10 owners who were under Court order to sign over a
11 deed in lieu and they were in fact doing that.

12 CHAIRPERSON ANDERSON: So what are you
13 asking?

14 MR. DUGGAN: The lawyers take it to
15 Baltimore three different times, they refused to
16 sign. We kept trying to negotiate because very
17 honestly, Mr. Donovan, the way that I'm taking
18 title, the deed in lieu is not the way of choice,
19 because I can't get title insurance on a deed in
20 lieu.

21 And so the other way that we are doing
22 it is so that we could get commercial financing.

1 At the point now, I'm taking a deed in lieu and I
2 have to pay everything out of pocket. You know,
3 I -- so it was not the way that I wanted to go
4 and I did not want to get that Court order. We
5 wanted to settle it in a different fashion.

6 They had three options in that -- in
7 the original bankruptcy and they just reneged on
8 every one of them for years.

9 CHAIRPERSON ANDERSON: All right.

10 MR. DUGGAN: And years and years.

11 CHAIRPERSON ANDERSON: Okay. So what
12 is it --

13 MR. DUGGAN: And in that particular
14 case, we have spent God knows how many tens of
15 thousands of dollars, because we got some very
16 dishonest operators. The representations I made
17 to this Board were the representations that I
18 thought I had last year, because these people
19 were signing off on it. They didn't sign-off.

20 And I can't get a C of O until we
21 absolutely own the building. This is not rocket
22 science. It's a nightmare. It's a nightmare

1 that I would hope is coming to an end.

2 CHAIRPERSON ANDERSON: All right. Mr.
3 Duggan, you requested an extension of safekeeping
4 through March 31, 2019. Okay. That's where we
5 are. So what is going to happen in the next
6 three months? When is it that you believe that
7 you will have title to the property to do what is
8 necessary?

9 Since -- if we -- okay. You --

10 MR. DUGGAN: I cannot say when. Like
11 I called the attorney yesterday. My anticipation
12 is the deed will be signed before year's end.
13 How it is truthfully, no, I -- Mr. Donovan, you
14 are an attorney. Can you give me a date that
15 your court is going to, that on any given motion,
16 sign on something? No.

17 I'm at the mercy of the Bankruptcy
18 Court. Their trustee will sign the deed.
19 Believe me, we want the ownership of the
20 building. I'm in this limbo that I paid
21 literally since we took on this thing, we have
22 paid over \$170,000 in taxes on the building for

1 it sitting there.

2 This isn't some fun game that I'm
3 trying to play and go around you people. And
4 truthfully, I don't understand, you know, the
5 aggression that it's like, you know, I'm trying
6 to pull something over your -- the wool over your
7 eyes. I'm not in any stretch of the imagination
8 doing anything of the sort.

9 CHAIRPERSON ANDERSON: You want
10 aggression, sir? I'm just asking you some
11 questions.

12 MR. DUGGAN: You are saying you made
13 these representations. I was hoping --

14 CHAIRPERSON ANDERSON: I'm --

15 MR. DUGGAN: The representations I
16 made were based on exactly that, that we were
17 taking care of the title issues. The title
18 issues go on, go on and go on.

19 And finally that we couldn't trust
20 anything that we got from these people, we went
21 back to the Bankruptcy Court. We had to reopen a
22 case from 2004 and have the Judge issue an order

1 to have somebody sign, because these people would
2 not sign the order that he gave back then that
3 they would have to sign it over and they just
4 refused.

5 CHAIRPERSON ANDERSON: And the
6 question that I'm asking you, Mr. Duggan, okay,
7 you are asking someone to -- for an extension.
8 Okay? And the extension that you have requested
9 is to grant you another extension through March
10 of 2019. All right? It is now December. Okay.
11 So we are basically talking about three months.

12 Therefore, unless certain things are
13 going to be -- are going to occur prior to March
14 2019, you are going to come back again and
15 request another extension.

16 So all I'm asking you is that what --

17 MR. DUGGAN: And the harm of that is,
18 just so we know, I mean, obviously I want to open
19 a place there. You know, I have spoken with Mr.
20 Alberti about the place that we want to open
21 there.

22 You know, we are sitting waiting also.

1 I'm trying to work in as an expeditious fashion
2 as I can and truthfully, you know, as I said,
3 going through with the bankruptcy, we had people
4 that held us up for ransom with the bankruptcy.
5 The bankruptcy -- the note that we have on the
6 building technically, they owe us a little bit
7 over \$11 million on it. We are taking pennies on
8 it, because we just want to get the settlement.

9 We don't -- we -- there is release of
10 them for any liability. We just want the Judge
11 to sign the -- the trustee to sign the deed.

12 CHAIRPERSON ANDERSON: What type of
13 license is this?

14 MR. DUGGAN: What? It's a CR License.

15 MEMBER ALBERTI: CR.

16 CHAIRPERSON ANDERSON: A CR License?

17 MR. DUGGAN: Yes, that has an
18 entertainment endorsement and that is why, the
19 only reason that I am here, because I don't want
20 -- because we have a license that was traditional
21 music license there in Adams Morgan, and I don't
22 want to get into a fight with the neighborhood to

1 put in another place that has live music.

2 I mean, there is no moratorium any
3 more, but when I bought this from the District of
4 Columbia, there was a moratorium. They sold it
5 as use it whenever you want it. As I said, this
6 was an Office of Tax and Revenue that sold this
7 license to me, not a private individual.

8 CHAIRPERSON ANDERSON: Go ahead, Mr.
9 Alberti.

10 MEMBER ALBERTI: Mr. Duggan, I don't
11 want to press this, because I understand your
12 angst over that and I appreciate the dilemma that
13 you are in. All right. I get it. I appreciate
14 it. So my question then goes to the next step.

15 So hopefully everything will resolve
16 itself with respect to the title and the
17 ownership soon and that will be a big weight off
18 your shoulders.

19 MR. DUGGAN: If there was a God, I
20 would say I --

21 MEMBER ALBERTI: And I've got my
22 fingers crossed for you. But so my question is

1 what do you do? What do you need to do next to
2 start operating? Because --

3 (Simultaneous speaking)

4 MR. DUGGAN: As soon as we get

5 (Simultaneous speaking)

6 MEMBER ALBERTI: Let me just interject
7 something. You have a great music venue there
8 and I have no doubt that you could operate
9 another great music venue and I think everyone
10 would appreciate that.

11 So what is the next step?

12 MR. DUGGAN: The next step is
13 literally we get title and we apply for -- then
14 we go in to get the C of O on the building,
15 because again, until the title -- we get that
16 title --

17 MEMBER ALBERTI: How long? So what do
18 you need to do to get the C of O?

19 MR. DUGGAN: I would assume just have
20 -- they have inspection. Truthfully, I can have
21 them --

22 MEMBER ALBERTI: So the C of O --

1 MR. DUGGAN: Since I got Madams Organ,
2 that has been --

3 MEMBER ALBERTI: So the --

4 MR. DUGGAN: -- 26 years.

5 MEMBER ALBERTI: -- construction is
6 completed?

7 MR. DUGGAN: What's that? Most of the
8 stuff inside was done with the form -- when those
9 guys had it. We had a deal with them that they
10 were doing, you know, the work and allowing the
11 work and then they just reneged on everything.

12 MEMBER ALBERTI: But so you need to go
13 in and make sure that's all --

14 (Simultaneous speaking)

15 MR. DUGGAN: Right. We have to have
16 fire inspections, you know, all the things --

17 MEMBER ALBERTI: Yes, and I know.

18 MR. DUGGAN: -- for a C of O.

19 MEMBER ALBERTI: Do whatever
20 additional work --

21 MR. DUGGAN: Correct.

22 MEMBER ALBERTI: -- needs -- evaluate

1 what needs to get done and how long is that --
2 the question is --

3 MR. DUGGAN: You know if I say a
4 number, you know, whatever --

5 MEMBER ALBERTI: -- how long?

6 MR. DUGGAN: -- the hang is that you
7 are just going to say that I misrepresented. I
8 don't know.

9 MEMBER ALBERTI: Well, listen. I know
10 you don't know, but --

11 MR. DUGGAN: When I first got a
12 license, I didn't even use an attorney, it was so
13 nice and easy in the city.

14 MEMBER ALBERTI: -- all right.

15 MR. DUGGAN: Now, I'm afraid to run
16 into the restroom without having an attorney with
17 me.

18 MEMBER ALBERTI: Mr. Duggan, the
19 problem is I haven't been inside. I don't know
20 what is there, so I can't be assured that you
21 don't need to do complete build-out. I mean, I'm
22 trusting you.

1 MR. DUGGAN: I'm not having to do
2 build.

3 MEMBER ALBERTI: So that's why I'm
4 asking --

5 MR. DUGGAN: You know what, I don't--

6 MEMBER ALBERTI: -- I'm telling you,
7 I'm asking these questions.

8 MR. DUGGAN: -- the one thing I don't
9 do is lie. I don't have to do a complete build-
10 out. We do have to take over the second floor
11 space, because it is presently -- my wife has a
12 vintage clothing store there. Once we have the
13 ability to go forward, she will move out of that.
14 That space has to be gutted, but the rest of the
15 place is ready to go.

16 MEMBER ALBERTI: So we are really
17 talking six -- I mean, we are -- you are talking,
18 I mean, I'm not expert on construction, but you
19 are talking about six months to a year before --

20 MR. DUGGAN: No, no.

21 MEMBER ALBERTI: -- once this --

22 MR. DUGGAN: There is no way.

1 MEMBER ALBERTI: -- we are able to
2 see --

3 MR. DUGGAN: There is no way. I'm
4 sorry, I just did a building up in Petworth. We
5 were in there in three months.

6 MEMBER ALBERTI: You know better than
7 I do.

8 MR. DUGGAN: I am not as stupid as I
9 look.

10 MEMBER ALBERTI: So you know better
11 than I do. How long then?

12 MR. DUGGAN: Well, as I said, once we
13 put in the applicant, if I get title tomorrow --

14 MEMBER ALBERTI: Right.

15 MR. DUGGAN: -- my liquor license --
16 my application has been sitting on my desk since
17 the infamous October --

18 MEMBER ALBERTI: My question is --

19 MR. DUGGAN: -- I forget what I said,
20 but I said it was going to be filed the next day,
21 I thought that we could. Then we found that we
22 had the title problem. And as I said, we offered

1 these guys -- I offered these guys \$20,000 just
2 to sign, because it was costing me that much
3 almost monthly, bleeding while we were waiting.

4 Except they didn't. They took -- the
5 one brother was awarded, he took some money, he
6 said because he wanted to review the paperwork.
7 Disappeared. He also -- that's why, as I said,
8 now we have a Judge who is having the thing
9 assigned over to us. I don't have to deal with
10 unscrupulous people any more.

11 How long it takes? I don't know. I
12 haven't done a build-out on a restaurant, but
13 that is all done. The only space -- and
14 truthfully, we can just go in and get a C of O
15 for the first two floors. You know, that's what
16 is there now that is ready. It's beautiful
17 space.

18 MEMBER ALBERTI: All right.

19 MR. DUGGAN: But again, you are asking
20 me to give a number or a date, so that Mr.
21 Anderson can hang me with the date after I --

22 (Simultaneous speaking)

1 MEMBER ALBERTI: Oh, no, no, no, no.
2 I think what you --

3 MR. DUGGAN: I pay on the building
4 every day.

5 MEMBER ALBERTI: I think what Mr.
6 Anderson --

7 MR. DUGGAN: Every day that I am
8 delayed has cost me money.

9 MEMBER ALBERTI: -- is -- I think --

10 MR. DUGGAN: This has been, so I want
11 to open it as soon as possible.

12 MEMBER ALBERTI: We want to treat you
13 just like we treat everybody else. So come March
14 when you apply again, it's like there is two
15 questions. Should we bring Mr. Duggan in again
16 and talk to him? All right. Or and if we do, if
17 at some point if you are not operating, we will,
18 at that point what questions do we ask?

19 What expectations do we have of Mr.
20 Duggan at that point? And you know, right now
21 what I'm hearing is that, okay, once the title is
22 done, we can start to expect that you will move

1 forward with construction and be able to give us
2 some time line as to how long that will take.

3 Because the truth is --

4 (Simultaneous speaking)

5 MR. DUGGAN: My license --

6 MEMBER ALBERTI: -- you are a
7 professional.

8 MR. DUGGAN: -- I've applied for is
9 subject to --

10 MEMBER ALBERTI: You are a
11 professional.

12 MR. DUGGAN: -- getting the complete
13 C of O.

14 MEMBER ALBERTI: Let me finish. Mr.
15 Duggan?

16 MR. DUGGAN: I can have the
17 application immediately.

18 MEMBER ALBERTI: Mr. Duggan, let me
19 finish. You are a professional. I respect you
20 in that regard. And I know that once you have a
21 title, you will have a pretty clear idea how long
22 it is going to take to get into operation. I

1 mean, because you --

2 MR. DUGGAN: I swear to God, I just --

3 MEMBER ALBERTI: -- are experienced.

4 MR. DUGGAN: -- didn't expect any --

5 if I am the one in control, as I said, you know,

6 with regards to restaurants in Adams Morgan, I

7 mean, the reason we have all the bacon buildings

8 in Adams Morgan is because you guys are here.

9 You know that, you know, whether it's Denis

10 James, that they are going to fight tooth and

11 nail to keep anybody from opening.

12 You know so saying it is going to be

13 a piece of cake, you know, I don't eat cake any

14 more, because nothing is a piece of cake in this

15 town any more.

16 MEMBER ALBERTI: But there are

17 measurable things like --

18 MR. DUGGAN: Of course.

19 MEMBER ALBERTI: -- construction and--

20 MR. DUGGAN: I will tell you that I

21 get --

22 MEMBER ALBERTI: -- finishing the

1 building and those things. Those are measurable.
2 Those are measurable to a degree --

3 MR. DUGGAN: Well, outside the
4 difficulty with the title.

5 MEMBER ALBERTI: There is a very --

6 MR. DUGGAN: Find out what is to come
7 with the teeth.

8 MEMBER ALBERTI: -- that you can give
9 us a reliable estimate.

10 MR. DUGGAN: You know, I will tell you
11 that within a month I'll send you video of
12 showing the whole space. It looks beautiful.

13 MEMBER ALBERTI: All right.

14 MR. DUGGAN: You know, again, it's --
15 I wanted to open yesterday. It's an
16 embarrassment that it is not open.

17 MEMBER ALBERTI: You are a good
18 promoter. I look forward to coming there.

19 MR. DUGGAN: It's an embarrassment
20 that it is not open at this time.

21 MEMBER ALBERTI: All right.

22 MR. DUGGAN: We always said there is,

1 you know --

2 CHAIRPERSON ANDERSON: All right. Any
3 other questions?

4 MR. DUGGAN: -- and again, everybody
5 knows that we control the building and I feel
6 like I'm helpless, because I control the
7 building, but I don't.

8 CHAIRPERSON ANDERSON: Any other
9 questions by other Board Members?

10 Mr. Duggan, what assurances can you
11 give this Board?

12 MR. DUGGAN: I can assure you that I
13 will move forward expeditiously.

14 CHAIRPERSON ANDERSON: What assurance
15 can you give this Board, Mr. Duggan, that now
16 that, as you have stated, you have had the
17 problem, you have asked the Court, the Court has
18 -- it's almost a month that the Court has now
19 appointed a trustee to handle this matter.

20 So what assurances can you give this
21 Board that by March 31, 2019 you will have title
22 to the property, since you said -- you said that

1 the problem you were having was because -- now
2 you have someone who can grant you title.

3 So because --

4 MR. DUGGAN: I'll have title to the
5 property absolutely. As I said and if not, I'll
6 tell Judge Teel that I have Mr. Anderson after
7 me. You know, I'm sure it will make him shake in
8 his boots. The Judge signed the order. Why
9 would I procrastinate now? I fought to get title
10 to the property for all these years. I finally
11 have a Judge's order for them to sign the deed.
12 I thought it would be signed by now. When I got
13 the thing on the 19th, I'm like boom, the 20th
14 we're going to be talking to the trustee to sign
15 the deed.

16 CHAIRPERSON ANDERSON: All I'm saying,
17 Mr. Duggan, all of this, you knew about this a
18 year ago.

19 MR. DUGGAN: No, I did not. No, I did
20 not. I had assurances from these jerks in
21 Baltimore that they were signing it. I was
22 paying them \$20,000 to sign it --

1 CHAIRPERSON ANDERSON: And when --

2 MR. DUGGAN: -- when they were ordered
3 by a Court to sign --

4 CHAIRPERSON ANDERSON: And when did
5 you have --

6 MR. DUGGAN: -- and they disappeared.

7 CHAIRPERSON ANDERSON: -- assurances
8 that they were going to sign it? When?

9 MR. DUGGAN: I have had assurances for
10 the past six years. I have financing on the
11 building because --

12 CHAIRPERSON ANDERSON: So you have
13 had --

14 MR. DUGGAN: Excuse me, let me explain
15 something. I can show you. I have finance and
16 settlement building from 2013, lowering the
17 interest rate that I'm paying on my money by 4.25
18 percent down to 5.75 by City First. I can't do
19 it without the deed, without the title insurance.

20 So I worked with them trying to get
21 it, but we did it in such a way that I would get
22 the clear title that wasn't a deed in lieu, that

1 they would just sign it over, because then I
2 could have commercial financing.

3 It was worth a tremendous amount of
4 money to me to have it where I could get it where
5 I have it. You know, title companies don't like
6 deeds in lieu foreclosure. I have done
7 everything I could to not do it that way.

8 Finally, we just threw up our hands.
9 These guys were so unreasonable that we are not
10 going forward, I pay all the money out of pocket
11 and we are done, but that is, you know, where we
12 are now. But yes, I had to give up financing on
13 the building because I made assurances to them.
14 They thought we were getting title.

15 CHAIRPERSON ANDERSON: So do you own
16 the building, sir?

17 MR. DUGGAN: Excuse me? I do not. Do
18 you read that? I don't own it until the trustee
19 signs over a deed to us.

20 CHAIRPERSON ANDERSON: So why did you
21 tell us in October of 2017 that you owned it?

22 MR. DUGGAN: Because we owned the

1 building. We had the guy -- you know, I told
2 you, at that time, I explained to you that we
3 control the building. We own it. We have all --
4 everything there except the title being signed
5 over.

6 CHAIRPERSON ANDERSON: All right.
7 Because I don't have the transcript in front of
8 me. All I have is someone's summary of the
9 transcript, but the summary of the transcript
10 says you own the building.

11 Okay. But --

12 MR. DUGGAN: We do. Mr. Chairman, we
13 own the building.

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Duggan --

16 MR. DUGGAN: We had a Court order
17 stating to sign it over to us.

18 CHAIRPERSON ANDERSON: All right.

19 MR. DUGGAN: We had an indebtedness of
20 \$10.8 million by these people.

21 CHAIRPERSON ANDERSON: And that's what
22 I'm --

1 MR. DUGGAN: Because the building is
2 going nowhere.

3 CHAIRPERSON ANDERSON: -- and that has
4 been going on for six years.

5 MR. DUGGAN: We own, control the
6 building, but we had a title problem. We still
7 have a title problem until that trustee signs
8 that deed.

9 CHAIRPERSON ANDERSON: All right, Mr.
10 Duggan.

11 MR. DUGGAN: You know, it's not fun.
12 I'm not -- believe me, I don't like to come here.
13 I don't like to have to reopen a bankruptcy case.
14 I don't like to have to pay the lawyers to take
15 care of the thing. And I certainly don't like
16 turning down financing that was sitting in place
17 years ago, five years ago.

18 CHAIRPERSON ANDERSON: Mr. Duggan,
19 this has been going on for nine years. And at
20 some point, there has to be some end result,
21 because this is going on for nine years.

22 All right. What I am going to do, I

1 will make a motion that we grant the extension
2 through March 31, 2019. But you can't come back
3 -- you should not come back to us in -- when you
4 said -- when you send some -- well, I don't -- I
5 can't -- there has to be some assurances, sir,
6 that this is going to end, because as -- this is
7 the problem that has been going on for six years.

8 And my concern with it, when you --
9 this order that you have granting the motion to
10 appoint a trustee, it was signed by the Judge in
11 November 2018. If this was signed in 2017 or
12 within the period of time that you, based on your
13 representation, made to us the last time, I'll be
14 fine.

15 But this was made almost a -- you made
16 representation that certain things were going to
17 happen within six months and it is a year and we
18 are at the same space that we were at.

19 So I will see you when you send the
20 request back in in March when it is, sir. This
21 process will only work, sir, if you come here and
22 we work together. But you cannot come here to

1 state that, you know, I have all these other
2 businesses. This is what I have done for all my
3 other businesses.

4 MR. DUGGAN: The businesses I run --

5 CHAIRPERSON ANDERSON: Sir, I'm
6 speaking. Okay. And that's your attitude is
7 that this is what I have done. Why are these
8 people hassling me? All I'm asking you is I'm
9 asking you for a straight answer and to give me--
10 I'm asking you a straight question to give a
11 straight answer and you are not doing that.

12 Okay. So therefore, we are going to
13 move this on to the next time. And I'm going to
14 see and the next time that I -- if you come back
15 here in March or in October, I'm going to make
16 sure that I have the transcript. Okay? Because
17 everything that you are stating today, okay, I'm
18 going to have the transcript and we are going to
19 -- I'm going to give you a copy so you will know
20 the representation that you have made to this
21 Board. Okay?

22 So with that said, I make a motion

1 that we will grant this extension, the
2 safekeeping request, through March 31, 2019. Is
3 there a second?

4 MEMBER CATO: Second.

5 CHAIRPERSON ANDERSON: Mr. Cato has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?
10 The matter passes 4-0-0.

11 So there, you got your extension, sir.

12 MR. DUGGAN: I am so incredibly
13 grateful.

14 CHAIRPERSON ANDERSON: So we will see
15 what happens in March 2019. Have a good day.

16 MR. DUGGAN: Yes.

17 (Whereupon, the Fact-Finding Hearing
18 was concluded at 10:51 a.m.)

19

20

21

22

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In the matter of: Mr. Henry

Before: DCABRA

Date: 12-13-18

Place: Washington, DC

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