

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

X

Sami Khan : Fact Finding
Request for a Hearing : Hearing

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Wednesday, September 21, 2016

Whereupon, the abovereferenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

RUTHANNE MILLER

NICK ALBERTI

MICHAEL SILVERSTEIN

JAMES SHORT

ALSO PRESENT:

SAMI KHAN

P R O C E E D I N G S

[10:38 a.m.]

MR. DONOVAN W. ANDERSON: All right, Mr. -- All right. We now move on to our fact finding hearing, and we have a fact finding hearing on Sami Khan. And, uh, Mr. Khan wants to -- wants to move back to the alcohol business. On October 06, 2015, the Board received a letter from Mr. Khan requesting -- requesting the Board to reconsider our predisposition prohibiting him from participating in the business.

So, can -- Mr. Khan, can you -- I -- I'm sorry, uh, can you identify yourself for the record?

MR. SAMI KHAN: Uh, no, sir. My name is Sami U. Kahn.

MR. DONOVAN W. ANDERSON: And can you spell that, spell your name?

MR. SAMI KHAN: Uh, S-a-m-i, and the middle initial is "U." Last name is Khan -- K-h-a-n.

MR. DONOVAN W. ANDERSON: And have you

written your name on the sign-in --

MR. SAMI KHAN: Yes, sir, I have.

MR. DONOVAN W. ANDERSON: -- sheet in front of you?

MR. SAMI KHAN: Yes, sir.

MR. DONOVAN W. ANDERSON: All right, sir. I was not here for the previous case, so this is news to me. So, can you explain to me, what is it that you're asking the Board to do, and why is it that you believe that the Board should reconsider its decision to allow you to participate in the -- in the sale and serving of alcohol?

MR. SAMI KHAN: Yes, sir. I have a few reasons. Uh, when this decision was made, uh --

MR. DONOVAN W. ANDERSON: Can you -- I'm sorry. Remember, as I said before, I was not here.

MR. SAMI KHAN: Yes, sir.

MR. DONOVAN W. ANDERSON: So, can you explain to me what decision it is? What is -- From -- At least from your perspective --

MR. SAMI KHAN: Okay.

MR. DONOVAN W. ANDERSON: -- what decision did the Board make, and what is it that the Board did to you that you're asking us to reconsider?

MR. SAMI KHAN: Yes, sir. Uh, about 3 years ago, I used to own a, uh, uh -- a restaurant in Adams Morgan on 18th Street; it was called NY NY Diva. And, uh, when I signed the lease on that place, in the lease, it clearly said, you know, it was a nightclub, but -- and I learned that that's what I was going to be operating.

And to my understanding -- that was my first liquor license in D.C. In -- in -- in Virginia, I've had several, uh, businesses like that with live entertainment, restaurants, and upscale, very good, and I'm in good standing there with the ABC Board and everything for the last 25 years. So, I took this place over, and, uh, to my knowledge, it appeared like, uh, my club -- it was a, um -- you know, the license had endorsement of live entertainment, cover charge,

uh, music, and everything, all that, and the day I opened, uh, I started getting complaints about the noise.

ABRA came, and they specified that, you know, this -- the license is basically a restaurant license, and, you know, it's not a club. I tried to follow it all, um, on the ABRA, um, agent that came (inaudible). Whatever they said, I went along with that. From almost 10 speakers, finally I came down to only, like, maybe -- there was a 2, 3, 4 place. Three -- three speaker, and from, uh, five subwoofer, I came down to, uh, almost, like, one on the bottom floor.

But there was a neighbor sitting -- He used to live right on top of, uh, in the -- right on top of -- well, like one of the floors. We had two addresses, on top of -- But he was affected the most. No matter how low we went down on the music, he was still affected.

MR. DONOVAN W. ANDERSON: I'm --

MR. SAMI KHAN: His name was Jim Nixon

(phonetic), so most of our complaints were by him. Sometimes he was four, five times in one day, and that was a really misfortunate situation. You know, we were, uh, paying almost \$16,000, \$17,000 rent on the place, and the place was under no circumstances -- You know, this was never used as a restaurant.

That's what it was, basically, around those things. We came down -- I -- With everything that -- The ABRA said we were overpacked. That was one problem. Sometimes, I used to overpack, and I -- I -- I agree; that was my mistake. Sometimes, you know, we used to try to meet corners and, you know, uh, make money because it was too much pressure.

We were under a lot of pressure, but a lot of times, the situation was exaggerated there, that, you know, there was -- we -- we allowed drugs there. Under no circumstances did we allow drugs. Yeah. Within three-, four hundred people, sometimes, people used to come in and, you know, smoke a little smoke. This went down

and smelled up the whole thing.

We used to serve shisha there, hookah, so finally, to avoid that, we discontinued, you know, smoking. We used to ban such people and, you know, leave their cigarettes and butts outside, and eventually, that problem was gone, too. But then -- by then, it was too late. The -- the -- the club was a little, uh, rowdy sometimes. You know, we had one or two problems there.

And, uh, um, we filed bankruptcy to get out of that situation, to close the place, and we left the place. Meantime, ABRA kept sending letters to that address. I never got any of the letters to, uh, come here for the hearing, and, uh, the decision was made in my absence. I didn't get a chance to pled for myself or to give facts in front of the Board.

And I found out about this decision when we applied for this new location on 1637 R Street, uh, called Townhouse. And then, it came out that, you know, the Board has made a

decision, and I was barred, and I was not allowed -- you know, I was not allowed to work at an establishment where the, uh, alcohol is sold or conducted. And it's -- it doesn't seem right.

And my wife owns, just like my family owns, you know, a business, and she's, uh, getting ready to get another license at the place, at the new location in, uh, Eastern Market. And she is very, very sick, you know. For -- at least for the next 3, 4 months, she (inaudible).

MR. DONOVAN W. ANDERSON: Well, I -- I -- I don't mean to cut you, so -- We're not talking about your wife now; we're talking about you.

MR. SAMI KHAN: Yes, sir.

MR. DONOVAN W. ANDERSON: So, what I need you to do --

MR. SAMI KHAN: Yeah.

MR. DONOVAN W. ANDERSON: Remember, you're asking to -- the Board made a decision, and you're asking the Board to reconsider --

MR. SAMI KHAN: Yeah.

MR. DONOVAN W. ANDERSON: -- you.

MR. SAMI KHAN: Yes.

MR. DONOVAN W. ANDERSON: So, we don't --
I don't necessarily need, at this juncture in
time, about --

MR. SAMI KHAN: Sure.

MR. DONOVAN W. ANDERSON: -- your wife.

MR. SAMI KHAN: Sure.

MR. DONOVAN W. ANDERSON: You need to
explain to us, why is it that we've -- In looking
at this last decision, I mean, it appeared that
there were several notes, and the Board is saying
that you never showed up to any of the -- So --
so you're saying that with all the notices that
were sent --

MR. SAMI KHAN: No.

MR. DONOVAN W. ANDERSON: -- you had no
idea that -- that the Board was trying to contact
you, and the first time you heard about this
decision was when your wife applied for --

MR. SAMI KHAN: Yes, sir. I -- I swear to
God, the first time I found out about it, you

know, when -- when the Board -- Even when I was applying, I was sitting with Mr. Sean Dougherty (phonetic), and I asked him, "What -- what happened to the license?" He said, "Yeah, that's in safekeeping." The landlord (inaudible). That's all he told me. I did not know anything until then. If I had known, I would have not applied. I would have done this first.

And then, I kept calling. I talked to, um, Mr. Jonathan, a lot of people here, and they said, "Your appeal time is done. Your 10 days are over, so I don't know what you can do."

And finally, last time when I was here with my wife, I talked to Mr. -- uh, Ms. uh, Jenkins, and they -- who -- who told me, you know, go ahead and move an application, you know, write a letter to the Board, and they will, uh, consider it. And here I am. I did that, and really appreciate you all --

MR. DONOVAN W. ANDERSON: Let me ask --

MR. SAMI KHAN: -- (inaudible).

MR. DONOVAN W. ANDERSON: So, do you have

-- So, prior to you sending this letter to the Board, September 06, 2016, did you ever write the Board -- I know you -- Did you ever write the Board or legal to say, "What happened?" You said you might have had telephone conversations, but have you ever -- did you ever write anything to the Board to say -- about this case before this -- before you wrote this letter on September 06th?

MR. SAMI KHAN: Uh, no, I was discouraged. It said, "Oh, your appeal time was done. You cannot appeal. You have only 10 days to, uh, write to the Board." And, uh, you know, that's the answer I was given.

MR. DONOVAN W. ANDERSON: And who did you get that reply from?

MR. SAMI KHAN: Uh, Mr. Jonathan, the -- the -- the attorney with ABRA.

MR. DONOVAN W. ANDERSON: Do you remember -- do you remember, when was that?

MR. SAMI KHAN: Uh, that was, uh -- that was right after when I -- when I found out that the -- this is, uh --

MR. DONOVAN W. ANDERSON: So, this was after your wife applied. So, that's --

MR. SAMI KHAN: Yeah.

MR. DONOVAN W. ANDERSON: -- when you found out about it.

MR. SAMI KHAN: Yeah. Yes.

MR. DONOVAN W. ANDERSON: All right. Do you have anything else you want to say before the -- um, the Board -- other Board members are going to ask questions for you.

MR. SAMI KHAN: Absolutely.

MR. DONOVAN W. ANDERSON: But do you have anything else you have to say? So, I -- I -- and I guess the bottom line is that what -- What is it that -- If the Board was allow you to work in an establishment, to give you a -- a license --

MR. SAMI KHAN: Sure.

MR. DONOVAN W. ANDERSON: -- um, or allow you to work, what assurances are you giving the Board that none of these incidents -- Because in reviewing this case, I mean, there -- there's several cases, as I said, about not complying

with settlement agreement, these cases about drugs, smoking -- um, drugs, smoking, underage drinking, didn't properly check IDs, allowing folks to -- to drink alcohol outside the establishment, failure to operate within your certificate of occupancy, having folks smoke tobacco products in the -- in the establishment, and then they said knowingly permitted the establishment of -- use of controlled substance.

So, what assurances is it that you are providing to the Board that all these charges that were brought against you in this previous case, that if the Board was to allow you to -- to -- was the -- if the Board was to lift this revocation of your license in the previous case and allow you to continue operating in -- in another place, what assurances are you providing the Board that this is not going to happen again?

MR. SAMI KHAN: Um, let me -- let me explain something. Most of those things -- I do not agree with the underage drinking. That's impossible. There was not a single incident that

happened over there. That one time I remember, there was a girl outside, and she had a drink from the -- from somewhere else on 18th Street. She was never inside. And, uh, Miss, uh -- I forgot her name, the agent that came over, and she was standing outside. And we were never charged for that, and we never got a violation. That -- underage drinking was impossible. We were checking IDs --

MR. DONOVAN W. ANDERSON: Well, I'm just reading from the -- the --

MR. SAMI KHAN: Yes.

MR. DONOVAN W. ANDERSON: -- decision. Have you -- have you seen the decision?

MR. SAMI KHAN: I'm sorry?

MR. DONOVAN W. ANDERSON: Have you seen the decision that was issued?

MR. SAMI KHAN: Yes, I have.

MR. DONOVAN W. ANDERSON: So, have you read it?

MR. SAMI KHAN: Yes. Mostly, yes.

MR. DONOVAN W. ANDERSON: Because I'm

saying, I'm -- I -- Since I was not here for the hearing, I'm just --

MR. SAMI KHAN: Yeah.

MR. DONOVAN W. ANDERSON: -- reading to see --

MR. SAMI KHAN: Exactly.

MR. DONOVAN W. ANDERSON: -- what the charges were, so --

MR. SAMI KHAN: Yeah, that's why I want to, you know, to --

MR. DONOVAN W. ANDERSON: Go ahead.

MR. SAMI KHAN: -- clarify. That was -- that was wrongly exaggerated. The second thing was, controlled substance -- never. That -- that's -- that's -- that's impossible. We never, never, never allowed anything like that. And under no circumstance -- We did allow shisha hookah, and because of that, people used to smoke cigarettes.

So, we finally, when this thing came in -- You know, we had a fear that somebody was going to come in and light, you know, marijuana or

something like that -- We completely banned -- we took shisha out. And we used to not let any matches or any, uh, lighters or anything that -- or any tobacco, um, uh, things come in any more. And it stayed like that until we close.

But, definitely, I'm not asking for any running any nightclub or anything. You know, what my wife has -- I'm just trying to be in the restaurant, and I would absolutely make sure that none of this happened and -- and, you know, I -- I'll, uh -- It's -- it's never going to happen. I assure you that. Whatever assurances you want from me, I'll make sure.

MR. DONOVAN W. ANDERSON: All right. Um, any other questions? Yes? Yes, Mr. Silverstein?

MR. MIKE SILVERSTEIN: Mr. Khan, the inclusions of law is what, in your case, stated that you operated this establishment with reckless, if not intentional, disregard for the law and the safety of the public, making it one of the most poorly operated businesses in the District of Columbia.

MR. SAMI KHAN: Sure.

MR. MIKE SILVERSTEIN: I sat through week after week after week of testimony. I heard police say that they feared for their safety as they went into your establishment, specifically on one night where there was a fight involving 50 people, where there was blood all over the place. There were case after case after case after violation of violations of the law.

I want to read through these, and I -- I apologize, Mr. Chair, if this may repeat some of what he said, but I want this on the record, that you allowed the sale and consumption of alcoholic beverages to persons under the age of 21 in violation of D.C. law, that you failed to take steps to check their identification, you -- in violation of D.C. law, that you permitted the consumption of alcoholic beverages outside your establishment in violation of D.C. law, that you failed to gain approval for a substantial change in operations by moving -- by, uh, using your third floor in violation of D.C. law, that you

violated the settlement agreement that you had with the community.

Now you're saying, "Trust me this time." Well, fool me once, shame on me -- on you. Fool me twice, shame on you -- on me. Sorry.

(Laughter)

MR. MIKE SILVERSTEIN: Um, that you allowed the sale of -- uh, the use of tobacco products -- well, fine -- but that you permitted the establishment to -- people in the establishment to use controlled substances.

All of these were things which you were found guilty. Sir, you were found unfit for licensure, and you richly deserved the suspension because, as the neighbors said, you made their life a living hell. This happened week after week after week. It was not, sir, a single incident, or even two or even three. You, essentially, ran away from the place and allowed it to operate -- and the police (inaudible). The neighbors (inaudible).

This may have been, in -- in my time on

the Board, the single most troublesome case that we had in terms of repeat problems. I want that on the record, and -- and I want the record to show that the Board made this decision based on the evidence and on the need to safeguard public safety. This place was operated in a dangerous, unsafe manner. Any place where the police fear going in is a place that should never be allowed to reopen.

MR. SAMI KHAN: Now can I say something, sir?

MR. MIKE SILVERSTEIN: Sure.

MR. DONOVAN W. ANDERSON: Well, yes, sir. It's your --

MR. SAMI KHAN: The police started feeling -- You know, there was only one police officer there. You know, because of who -- the entire police used to be on the outside looking inside. We used to take care of them. They were -- a lot of them, they were inside. They had free drinks. They had free shisha. They had free everything. And one of them we had a problem

with, we gave him a check -- and I want to put that in for the record -- and we started having problems after that.

And there was only one fight inside Diva, and, uh, you know, there was a, you know, you know, there wasn't any malicious warning or anything like that. That was only one time. And that had a lot of witnesses to this, to this police -- All of my employees will tell you, and they went against us. There was a lot of police people that were --

You know, one time, I did the, uh -- a go-go band; I, um, had the go-go band over, and the police came to me, said, "You know what you're doing?" I said, "Nope." I said, "This is dangerous." And I had sold tickets and everything, and I cancelled that in the best interests of the neighborhood and everything.

And the noise ordi -- I mean, the noise, uh, complaints that you see -- If there are 50 complaints, I think 40 complaints are by one person, who was, then, on top of us.

MR. DONOVAN W. ANDERSON: Yes, Mr. --

MR. SAMI KHAN: I tried everything --

MR. DONOVAN W. ANDERSON: I'm sorry.

MR. SAMI KHAN: And even for the noise -- I'm sorry. Even for the noise, I cut it down, and the ABRA -- Mr. Boshear (phonetic) -- or the -- the -- there should be some agent's, uh, name on there. Every time they came, I complied. Every time they came, this noise -- I complied. I took equipment down. And I was never given -- You know, these allegations, I was never convicted -- I never -- you know, I -- I tell you, whatever was wrong -- yeah, that we used to get overcrowded. That was my fault. Yeah, we used the third floor --

MR. MIKE SILVERSTEIN: We've never had a case --

(Simultaneous speaking)

MR. DONOVAN W. ANDERSON: Mr. -- Mr. --

MR. SAMI KHAN: Sir?

MR. DONOVAN W. ANDERSON: Mr. -- Mr. -- let him respond.

MR. SAMI KHAN: Yeah, we did the third floor. We used -- that was by mistake. We thought we had the application for the whole building. The third floor we used. When they said -- you know, the city came and they said, you know, that "You don't have it," we -- we closed that floor.

But I was never given the chance to come and, uh, you know -- Actually, a while later, I never received the, uh, the -- the notice to come down, you know, uh, here and -- in front of the Board.

MR. MIKE SILVERSTEIN: Sir, we have never had a case of an establishment as troubled as yours.

MR. SAMI KHAN: Sorry?

MR. MIKE SILVERSTEIN: We have never had a case of an establishment as troubled as yours -
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MR. SAMI KHAN: I -- I'm so sorry.

MR. MIKE SILVERSTEIN: -- where the individual involved, the licensee, was not contacted either by email, by personal service,

or whatever. You know, you can run and dodge, like somebody who runs and dodges a subpoena, but that was given to the establishment and supposed to be given to you.

MR. SAMI KHAN: No, sir. Please --

MR. MIKE SILVERSTEIN: Your -- your claim, sir --

MR. SAMI KHAN: -- don't call me a liar.

MR. MIKE SILVERSTEIN: -- is totally preposterous.

MR. SAMI KHAN: I am (inaudible). I was never noti -- If I had that happen, I would have never applied under my name. I'm not a thief. I'm telling you honestly.

And I don't care, you know, if I'm given this thing or not. I'm glad that I'm here and I'm talking to you and -- and -- and explaining myself. I don't care -- If it's not -- Even if it's no, I'll still appreciate it, but I'm happy that I'm here and, um, explaining myself in front of the Board.

MR. MIKE SILVERSTEIN: You have that

right. Certainly you have that right.

MR. SAMI KHAN: I -- but I'm glad that, you know, the Board gave it to me, and, uh, earlier, I did not get any -- any emails. Email is on the record. I was never sent any email. I'm sure you all have the record. And subpoenas or whatever was sent, was sent to the wrong address. I wasn't there. We filed bankruptcy and closed the place. We left. We lost a lot, a lot, a lot of money in that place just because of a bad landlord and the neighborhood.

MR. DONOVAN W. ANDERSON: Mr. Short?

MR. JAMES SHORT: Good morning, Mr. Khan.

MR. SAMI KHAN: Sure.

MR. JAMES SHORT: Um, Mr. Khan, like Board Member Silverstein, I sat here through hearing after hearing with the community, police department. All had the same complaints about your establishment. Um, as a result of that, this order was signed by the Board members, I being one of them.

MR. SAMI KHAN: Sure.

MR. JAMES SHORT: And in the order that we gave, it said that you would be banned for -- or revoked for 5 years. It's now 3 years from that, correct?

Mr. SAMI KHAN: Yes, sir.

MR. JAMES SHORT: My suggestion to you is that you come back in 2 more years, at the end of the ban, and let's talk about it then, because I really don't think that you've shown any remorse. I really don't think that you understand the harm you caused within this community and to the neighborhood in which that business was in. So, it's my suggestion to you -- very strong suggestion would be, come back in 2 years, at the end of the 5-year ban, and let's re-talk about this. That's all I have, Mr. Chair. Thank you, Mr. Khan.

MR. SAMI KHAN: Can I answer that, sir? I do have a lot of remorse, but I'm telling you that, you know, there were certain things that, yeah, we do wrong, but most of the things went wrong but did not go wrong with the intentions

that we had. It just happened, and I was definitely aware of that situation, not have a nightclub, not have loud music, not have that many people, not overload, not, uh, occupy the premises.

I am very, very sorry that that was such an inconvenience and that happened ever. And -- and -- and that place should not be -- be licensed, you know, because that's a problem, and that's an illegal one. And there's no way of, uh, having a live entertainment, in that particular place, with -- in the same place with residents. That's impossible.

And I'm really, really sorry, but my point is that I did not know. I -- Most of the things happened with the -- with no intentions, and I know that. They'll never happen again, never, promise you.

MR. DONOVAN W. ANDERSON: Do we have any other questions by any other Board members? Yes, Ms. Miller?

MS. RUTHANNE MILLER: Um, good morning,

Mr. Khan. Um, I just want to ask you, when did you, um, see the -- this order, the order um, revoking your license? When did you see the order?

MR. SAMI KHAN: When did I see the order?

MS. RUTHANNE MILLER: The order, not the charges, but the order that came out revoking your license?

MR. SAMI KHAN: I saw this order when, um, my application for the, uh, Townhouse Tavern was denied, and this was one of the basis.

MS. RUTHANNE MILLER: When was that?

MR. SAMI KHAN: This was, uh, I want to say 2 years ago.

MS. RUTHANNE MILLER: Two years ago?

MR. SAMI KHAN: Um, I was -- yeah, almost, when -- when that application was denied. A year and a half, probably.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: Yeah.

MS. RUTHANNE MILLER: So, um, you didn't, uh, seek reconsideration of the order, then.

MR. SAMI KHAN: Uh, I'm -- I'm sorry, say it again.

MS. RUTHANNE MILLER: You didn't -- you didn't claim then that you hadn't had notice or seek reconsideration of the order then.

MR. SAMI KHAN: Yes, I -- I did. I called.

MS. RUTHANNE MILLER: You called.

MR. SAMI KHAN: I called, and I was told, you know, "Your appeal time is over. You cannot appeal." The 10 days or whatever time was -- the statute was over.

MS. RUTHANNE MILLER: Great. Thanks. Um, and then, you have -- you have places now in Virginia, alcohol establishments?

MR. SAMI KHAN: Right now, currently, no. But I've had several.

MS. RUTHANNE MILLER: You don't have any more now?

MR. SAMI KHAN: Right now, no.

MS. RUTHANNE MILLER: Okay, why is that?

MR. SAMI KHAN: Um, I don't, you know,

nothing. I'm working on one.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: Yeah, I'm --

MS. RUTHANNE MILLER: So you're allowed -

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MR. SAMI KHAN: -- working on one.

MS. RUTHANNE MILLER: So, you have a license --

MR. SAMI KHAN: But the last time I had was, uh -- was called Casablanca. That was in Manassas, and we sold the place and we turned in the license. And then, before that, I used to own Chelsea's (phonetic), and Padrino's (inaudible) Italian Restaurant.

MS. RUTHANNE MILLER: So, I guess my question is, your -- by this order, your license was revoked in the District of Columbia for 5 years --

MR. SAMI KHAN: Yes, ma'am.

MS. RUTHANNE MILLER: -- 'til 2019.

MR. SAMI KHAN: Yes, ma'am.

MS. RUTHANNE MILLER: So, why is it that

you wouldn't just have, um, an establishment in Virginia?

MR. SAMI KHAN: Why is my -- doing what?

MS. RUTHANNE MILLER: Instead of pursuing this here today.

MR. SAMI KHAN: Because a misfortunate situation that, you know, my wife had a license there, and I go there.

MS. RUTHANNE MILLER: Where? Here?

MR. SAMI KHAN: Um, on R Street. Um --

MS. RUTHANNE MILLER: In D.C.?

MR. SAMI KHAN: It's called Someplace Else. And I'm -- I'm being accused and -- that I work there. I mean, I don't work there, but, you know, if I go and see that something is laying around, I'll pick it up from here and put it there. And -- and -- and most people, they think that I'm the owner because I'm still her husband, and before her, I used to own it. And that just brings me in a really bad situation. ABRA used to come; other people come -- For the last 1 month, I learned to stop going there.

MS. RUTHANNE MILLER: So, I -- I --

MR. SAMI KHAN: And -- and -- and we are, you know, signing -- You know, there's another restaurant that we, um, um, um, um -- my wife has opened -- It's open already. I've worked there already, in the kitchen, and, uh, you are getting ready to, um, to -- issue the license for that.

MS. RUTHANNE MILLER: Mm-hmm.

MR. SAMI KHAN: The ANC approve it and everything. And I wanted to bring it in front of the Board that, you know, I will be there, you know, in the kitchen, working, and I -- I-- I -- I don't want to lie on, you know -- If my presence there is a problem, please don't issue the license.

MS. RUTHANNE MILLER: Okay. So -- so that -- that's another issue.

MR. SAMI KHAN: I just want to be honest and tell you all ahead of time.

MS. RUTHANNE MILLER: Okay. Just -- well, let me clarify a few things. I mean, on the one hand, you -- you seem to be coming in to ask that

your license be reinstated -- or the Board order be reconsidered.

MR. SAMI KHAN: Please.

MS. RUTHANNE MILLER: On the other hand, I hear you saying you -- you just want to be able to work with your wife in her establishment.

MR. SAMI KHAN: I mean --

(Coughing)

MR. SAMI KHAN: -- that's the only way I'll be able to work --

MS. RUTHANNE MILLER: No.

MR. SAMI KHAN: -- as the ABC manager. Otherwise, I can't --

MS. RUTHANNE MILLER: Oh, you want to work as an ABC manager.

MR. SAMI KHAN: Uh, I mean, like, be a part of -- You know, the lift be -- ban be lifted timely. That makes it easier. If not, I should be at least able to work, in, uh -- in the kitchen, because, you know, according to the last order that you all issued, I can't have any alcohol in this location. I can't have anything. You know, I

can't, uh, work in the kitchen. I can't touch anything over there.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: Yeah.

Ms. RUTHANNE MILLER: So, I'm going to just ask you one more question, I think, related to that. That's separate from this order. It's a much bigger deal to -- and I don't -- it's not going to happen with this order. I don't believe it's going to be reconsidered. I think it's very unlikely that this Board is going to vote to do that. But why don't you just address -- take a few moments to address, then, why you should be able to work in the kitchen. I think that's a -- a different request -- of your wife's restaurant.

MR. SAMI KHAN: Okay. I'm a certified food manager, and the menu that I have, I'm the best chef there. By me working there, we save a thousand, fifteen hundred dollars a week. And I -- I do it very good. You know, I miss working in the kitchen and food business and all that -- I've done it for a really long time, and I

should, kindly, be, you know -- I mean, I have the -- the -- the certified food, you know -- food handler's license and everything, and, uh, I really should be allowed to work in the kitchen there.

MS. RUTHANNE MILLER: And if the -- the Board were to grant that, how would we know that you wouldn't have anything to do with alcohol?

MR. SAMI KHAN: I'm not going to do anything you don't -- Whatever way you all want me to operate or don't, I'll respect that. I'll -- I'll appreciate it.

MR. NICK ALBERTI: Ms. Miller, can I ask you a question? Grant what -- grant what were you just talking about?

MS. RUTHANNE MILLER: Oh, okay. So, I said there seemed to be two separate issues here. One is reconsideration of our Board order revoking the --

MR. NICK ALBERTI: No, I understand that. You said -- You said grant something. What were you referring to? Granting what?

MS. RUTHANNE MILLER: Granting, uh, permission for you to work in your wife's restaurant in the kitchen, dealing with food --

MR. NICK ALBERTI: Which -- which license? Which restaurant?

MR. SAMI KHAN: Both --

MR. NICK ALBERTI: You -- you spoke about it. What -- what were you talking about?

MS. RUTHANNE MILLER: His wife's -- I wasn't -- Because if it applied, it would be up to us. I mean, I -- It doesn't matter -- What -- Do you see a difference, Mr. Alberti, in this restaurant?

MR. NICK ALBERTI: Yeah, I do.

MS. RUTHANNE MILLER: Okay, why are you saying? What do you mean to say?

MR. DONOVAN W. ANDERSON: Well, um --

MR. NICK ALBERTI: All right. So, just --

MR. DONOVAN W. ANDERSON: Point -- point --

MR. NICK ALBERTI: Just --

MR. DONOVAN W. ANDERSON: -- point of

order.

MR. NICK ALBERTI: -- very quickly, very quickly, I'll just finish this up. Just for the record --

MR. DONOVAN W. ANDERSON: Mr. Alberti --

MR. NICK ALBERTI: -- the license -- We have already granted the license for a -- a license for -- for a -- a license on -- on 8th Street, SE, um, to his wife, um, and there has been no restrictions on his working there. Just for the record. The restriction on his working at the R Street license, um, is -- is in effect, and I would recommend that it stay in effect.

MR. JAMES SHORT: I'd like to ask, Mr. Chair --

MR. DONOVAN W. ANDERSON: Hold on just for a minute, please. What -- Yes, Mr. Khan?

MR. SAMI KHAN: Um, I -- I -- I knew that there was no ban there, but still, you know, I thought that there, was, like a general order for me not to work in any establishment like that. So, that's why I came. But I'd appreciate it if

you please take it off from the R Street, you know, also. I'd appreciate that. We have -- we have the same kind of menu, same exact kind of food, and I should be able to go up there.

MR. DONOVAN W. ANDERSON: So, what is it -- what is it that you're -- All right. And what is it you're asking the Board to do today?

MR. SAMI KHAN: Well --

MR. DONOVAN W. ANDERSON: What is it that you want to ask?

MR. SAMI KHAN: Today?

MR. DONOVAN W. ANDERSON: Yeah.

MR. SAMI KHAN: I want the Board to kindly consider taking that off of me.

MR. DONOVAN W. ANDERSON: And why should the Board get the ban -- You've served 3 years. We -- the -- the -- I guess it was just for 5 years.

MR. SAMI KHAN: Believe so. I have --

MR. DONOVAN W. ANDERSON: And so, you have served 3 years. So, why is it that you believe that we should consider it at this

junction rather than wait 'til the 5 years?

MR. SAMI KHAN: I have suffered a lot, and I have realized a lot, and I've, you know -- I'm really sorry for me becoming the reason -- my place becoming the reason for, uh, you know, a problem like that for the neighborhood. It will never happen again.

MR. DONOVAN W. ANDERSON: (Inaudible).

MR. NICK ALBERTI: No. Fellow -- fellow Board members, I will remind you that we have discussed with legal -- You guys are sitting up here -- Everyone's sitting up here going, "Well, you know, if we were to consider --"

MR. DONOVAN W. ANDERSON: Nobody's saying that.

MR. NICK ALBERTI: Well, wait, wait -- "If we were to consider lifting the ban ..." It's not as easy as that. There are legal steps and a process here that we -- that would have to be followed.

For one, I believe, the OAG's office would have to be notified, and there would have

to be a legal proceeding, uh, because we just can't -- I don't believe that we can legally just lift the ban. So, I'm not sure what we're doing up here.

MR. DONOVAN W. ANDERSON: Well, hold on -

-

MR. NICK ALBERTI: And why we're even having this discussion.

MS. RUTHANNE MILLER: Can I --

MR. DONOVAN W. ANDERSON: Hold on -- Just hold on, ma'am, please. Let -- let's call order. A letter came in the Agency -- came to the Agency. Mr. Khan sent a letter October 06th, asking us to review the ban from obtaining the ABC license. This Board voted to have a fact finding hearing to listen to him. And that's what we're doing today. He sent a letter asking us to do something, and we decided to have a fact finding hearing to give him an opportunity to state his case.

Once Mr. Khan has stated his case, then the Board will make a decision, what is it we're

going to do about his request. And this is what -
- That's the purpose of this hearing. He sent a
request to say, "This is what I would like you to
do. I had some problems." And so, therefore,
we're listening to him based on --

We -- we could have got the letter and
said, "Forget it. We don't care." But we decided
to give him an opportunity to come in and explain
himself, and that's what -- that's what's --
that's -- that's what we're doing here.

I mean, I think we're not necessarily
relitigating the next case. I mean, from his
perspective, he's saying, true or not, "I wasn't
given notice. I didn't know. I didn't know." I
mean, that's up to the Board to -- to make a
decision. He's saying, "That's why I didn't come
to represent myself, but here is -- When I found
--" At least, that's what I'm hearing. I wasn't
here for the first case, and I've not made up my
mind. I'm just saying, this is what he's saying.

And so, we -- if we have a fact finding
hearing, the purpose of the hearing is to address

his request to the Board, and that's what we're going to do. We're going to -- We're -- That's what we're going to do.

And so -- and so, if there are -- if -- if they are -- The Board is aware that his wife has a license for one establishment and also is requesting a license for another establishment, and I think he wants to know, what is it he can or can't do. And I -- And I --

MR. NICK ALBERTI: That's already been made clear. He can --

MR. DONOVAN W. ANDERSON: Well, but I'm not sure if he knows that. So, I think, outside this hearing, then he needs to have someone with -- with a Board member who's telling him -- And I think what he's saying, rather than, "I get in trouble with my wife, with her rest -- her license in trouble, if -- if -- I need some clarification: What it is I can do? So, can I work in a restaurant with -- with -- with being banned?" And --

MR. NICK ALBERTI: Which -- which

restaurant?

MR. DONOVAN W. ANDERSON: I -- I guess both of them, from what he's saying. He wants to --

MR. NICK ALBERTI: No, because the license -- Let me be clear. Let me be clear. The newest license on 8th Street, SE, there are no restrictions on your employment there.

MR. SAMI KHAN: All right.

MR. NICK ALBERTI: And that was discussed, and it's in the transcript, and you were present for that hearing.

MR. SAMI KHAN: Mm-hmm.

MR. NICK ALBERTI: The ban on the -- I believe it's the R Street? Am I correct?

MALE SPEAKER: Yes.

MR. NICK ALBERTI: The R Street license?

MR. SAMI KHAN: Yes, sir.

MR. NICK ALBERTI: The R Street license? That ban still is in effect. That's the current situation.

MR. SAMI KHAN: And that's what I'm

trying to see if the ban is lifted --

MR. NICK ALBERTI: So -- so, Mr. Khan -- So, Mr. Khan, your wife testified at the hearing -- fact finding we had for the new license that you would be in charge of the kitchen at the Southeast -- the 8th Street, SE, license.

MR. SAMI KHAN: Yes, sir.

MR. NICK ALBERTI: How can you be -- How can you be at both places? I'm -- I don't know that you can -- You know, I don't know that you can really, legitimately justify a need to be at the R Street -- R Street when you are already occupied -- your time is already occupied at the 8th Street --

MR. SAMI KHAN: Sir, I have a third --

MR. NICK ALBERTI: -- um, Southeast license.

MR. SAMI KHAN: -- place, also. I have a third place, also, on Georgia Avenue, and I had a fourth restaurant (inaudible), also, so I -- I have a lot of people who work for me also, at the same time.

MR. NICK ALBERTI: Great, so you --

MR. SAMI KHAN: Um, I --

MR. NICK ALBERTI: So you -- So, you are fully booked up, and the -- you -- you -- your time -- I don't see how you even have time to even consider being at the R Street restaurant.

Mr. SAMI KHAN: I might not be there for, you know, for 1 month, but the employees will sometimes -- The chef runs away. I have to go finish.

(Off-mic speaking)

MR. SAMI KHAN: The one time that I have to go there, I want to be legal. One time, I had to go and sign for the, uh -- when I was there, I was not allowed, but I still went there, you know, when the health department shut her down, I went and I signed because I was the only, uh, licensed, uh -- certified manager at that time, and I went and I signed it. And that went against me because I did not leave. I shouldn't have done that.

MR. NICK ALBERTI: Well, you need to

better run that business on R Street if -- if -- if you're the only one who can be available. There are options for you, and I have no sympathy if you can't run all of these businesses effectively or have someone there to take care of those matters. That -- that is your responsibility. You chose to have this many businesses. That is your responsibility. If you can't handle it, well, then, you need to fix it.

MR. SAMI KHAN: Sir, I will handle it. I promise you. And -- and it's not me. There are employees there --

MR. DONOVAN W. ANDERSON: Uh, hold on, Mr. Silverstein, please. Let -- let -- let him --

MR. SAMI KHAN: There are --

MR. DONOVAN W. ANDERSON: -- respond, and then we -- we will --

MR. SAMI KHAN: There are people there -- There are two licensed ABC managers there that my -- my wife hired, and we always have a problem with the chef there, because that part -- She's tried to establishment a good restaurant there a

lot of times, and most people, they're not going there until there's really good food and everything. Sometimes, when the chef find out, you know, there's no business, they run away.

If I'm given the chance, I have very good people working there, you know, and, um, uh, at the 8th Street. Down here is the biggest problem. I want to make this a restaurant. It's more of a bar right now. This place needs me more than any other place needs me, the R Street. And you will see it. You know, if I'm allowed there 2 weeks, even -- maybe even 3, everything is going to be a completely different change. I go there. I see it --

MR. NICK ALBERTI: See, that's my fear --

MR. SAMI KHAN: I see exactly --

MR. NICK ALBERTI: Mr. Khan?

MR. SAMI KHAN: Sir?

MR. NICK ALBERTI: That's my fear, though: It'll be a completely different place if you were there.

MR. SAMI KHAN: No, sir.

MR. NICK ALBERTI: And that's why I --

MR. SAMI KHAN: Trust me.

MR. NICK ALBERTI: -- I will -- I -- I will -- My position is that that ban from you working there should be maintained.

MR. SAMI KHAN: Sir, I promise you -- Um, I can't change what you think, but I promise you -- You know, actions, they speak louder -- Just -- Just 2 weeks --

MR. NICK ALBERTI: Oh, absolutely, actions speak louder than words.

MR. SAMI KHAN: If you want to keep me --

MR. NICK ALBERTI: And that's why --

MR. SAMI KHAN: If you want to keep me on probation --

MR. NICK ALBERTI: That's why, Mr. Khan, we revoked your license already.

MR. SAMI KHAN: If you give me a conditional, uh, lift from the ban -- Maybe a -- give me a month, and you'll see what happens. If it doesn't happen, put me back on the ban again.

MR. NICK ALBERTI: Conditional.

MR. DONOVAN W. ANDERSON: I'm sorry, go ahead.

MR. SAMI KHAN: Um, put me, like, you know -- You know, lift the ban and give me, like a year, 2 years' probation, whatever works. But I'll appreciate it if that happen.

MR. DONOVAN W. ANDERSON: Do we have any other -- any -- any questions by any other Board members?

MS. RUTHANNE MILLER: Yes.

MR. DONOVAN W. ANDERSON: Yes, Ms. Miller?

MS. RUTHANNE MILLER: Okay. I mean, briefly, I do want to concur with Mr. Alberti that, um, your -- your -- your ban is for mandatory revocation, so that's not -- I'm not going to be willing to lift that. But I do want to hear about your wanting to work, uh, in a kitchen, which is different from -- Your ban is -- is dealing with alcohol, owning a license, um, serving and selling alcohol, okay? So if you're talking just food, uh, I -- I would be interested

in that.

But I -- I do want to ask you, did you make a reference to owning a third place on Georgia Avenue?

MR. SAMI KHAN: Yes.

MS. RUTHANNE MILLER: What is -- What place is that?

MR. SAMI KHAN: It's called Biryani Exchange, and it -- it's opening in, probably, a couple of days. It's not opened yet.

MS. RUTHANNE MILLER: How do you -- Is it an alcoholic --

MR. SAMI KHAN: No, no, no.

MS. RUTHANNE MILLER: -- establishment? It's just food.

MR. SAMI KHAN: Yeah, it's a small place. We don't want alcohol there. It's not -- It's right across from the Howard University --

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: -- so, there's a lot of underage people. I don't want them to get the alcohol there.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: Yeah. Could be complications.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: Yeah.

MR. DONOVAN W. ANDERSON: All right. Do we have any other questions by any other Board members? All right. Um, any final thoughts, Mr. Khan?

MR. SAMI KHAN: I'm sorry?

MR. DONOVAN W. ANDERSON: Do you have any final words you want to say?

MR. SAMI KHAN: Uh, just, you know, I'll be very pleased, and I will really appreciate it if this ban is taken off, and you can put me, like, in -- give me a conditional thing, and, uh, you can keep me under review, and if anything else comes in, then you're welcome to put back in the order. Please, I need a -- Let me take a chance.

MR. DONOVAN W. ANDERSON: All right. Thank you, sir.

MR. SAMI KHAN: But I'm sorry for --

MS. RUTHANNE MILLER: Can I ask one more question?

MR. SAMI KHAN: -- any problems that I've caused.

MR. DONOVAN W. ANDERSON: Yes, Ms. Miller.

MS. RUTHANNE MILLER: I'm sorry, I -- I just want to ask one more question so that we can verify we have all the facts. Could you -- were you saying that you -- if you could work only one place in the kitchen, it'd be at -- it would be R Street over 8th Street?

MR. SAMI KHAN: I would be working -- I'm sorry?

MS. RUTHANNE MILLER: Did you -- did you say you really want to work in R Street as opposed to 8th Street? Where there is no --

MR. SAMI KHAN: No.

MS. RUTHANNE MILLER: -- (inaudible)?

MR. SAMI KHAN: No, no, we have -- R Street has more problems of being a restaurant. R

Street needs more attention. Because for -- this place has been a bar forever. This place had a lot of drug problem. This place had a lot of other -- other kinds of problems. That entire corridor does. The entire problem.

MS. RUTHANNE MILLER: What kind of problems?

MR. SAMI KHAN: All kinds of problems: drug problems, a lot of problems in there. And that place has been cleaned but has never become a restaurant, which it really is. The food is good there. The food is done. But the food -- Eh, eh, you know, if I'm there, I can turn it into a real, real restaurant over there.

MS. RUTHANNE MILLER: This is the one on R Street.

MR. SAMI KHAN: Yes.

MS. RUTHANNE MILLER: So, it's more important to you to work there.

MR. SAMI KHAN: Yes, because we almost -- Like, you know, my wife has the problem of losing it.

MS. RUTHANNE MILLER: Thank you.

MR. SAMI KHAN: A lot of employee problem, and especially when I go there, there's a lot of blackmailing there, you know. People know that I'm not supposed to be there. Everybody, you know, the employees will take advantage of that. They'll be like, "Well, oh, we're going to call ABRA," or, "We're going to do this," and a lot of people can call them. You know? And most people -- It's a problem there.

MS. RUTHANNE MILLER: Okay.

MR. SAMI KHAN: One of us has to be there. My wife -- my wife can be or me.

MS. RUTHANNE MILLER: Okay. Thank you.

MR. SAMI KHAN: Thanks.

MS. RUTHANNE MILLER: Thank you, Mr. Chairman.

MR. DONOVAN W. ANDERSON: Thank you. Thank you, sir, for your presentation this morning. The Board will take it under advisement and let you know what our decision is.

MR. SAMI KHAN: Thank you very much.

MR. DONOVAN W. ANDERSON: All right.

Thank you.

MR. SAMI KHAN: I appreciate it. So, when -- when can I find out if it's been lifted?

MR. DONOVAN W. ANDERSON: You'll hear shortly, sir. I -- in due course. Um, we usually -- We will make our decision today. That's my -- that's my mantra. I'm not sure how long it takes to get to you, but we will make a decision today, and at some point, you will find out, shortly, whether -- what -- what -- what decision has been made.

MR. SAMI KHAN: I will really appreciate it. Thank you very much. Thank you.

MR. DONOVAN W. ANDERSON: Have a good day, sir.

MR. SAMI KHAN: Thank you.

(Whereupon, the above-entitled matter was concluded.)