

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

2 10:38 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 everyone. As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia in accordance with D.C. Code Section
7 2576 of the Open Meetings Act, I am welcoming you
8 to the regularly scheduled meeting of the
9 Alcoholic Beverage Control Board.

10 This meeting is being conducted
11 pursuant to guidance made available by the
12 District of Columbia's Office of Open Government
13 regarding the electronic meetings held by public
14 bodies during the COVID emergency.

15 Pursuant to this guidance, notice of
16 today's meeting was provided 48 hours in advance
17 of the meeting on ABRA's website and on the
18 District's central meeting calendar. The notice
19 includes the time, date, agenda, and call in or
20 log in information for public participation.

21 This electronic meeting is being
22 hosted by a Webex account provided by the
23 District of Columbia government. Please address
24 any questions or complaints to the OOG at
25 opengovoffice@dc.gov.

1 My name is Donovan Anderson. I'm
2 Chairman of the Board. And I would like to
3 introduce the other members of the ABC Board who
4 are also participating electronically pursuant to
5 Mayor's Order 2021-119.

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

8 MEMBER SHORT: Mr. James Short
9 present.

10 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

11 MEMBER CATO: Bobby Cato present.

12 CHAIRPERSON ANDERSON: Ms. Rafi
13 Crockett.

14 MEMBER CROCKETT: Rafi Crockett
15 present.

16 CHAIRPERSON ANDERSON: Ms. Jeni
17 Hansen.

18 MEMBER HANSEN: Jeni Hansen present.

19 CHAIRPERSON ANDERSON: Mr. Edward
20 Grandis.

21 MEMBER GRANDIS: Edward Grandis
22 present.

23 CHAIRPERSON ANDERSON: The Board has
24 six members in attendance for the conduct of
25 business today, and that constitutes a quorum.

1 Before we get on to today's hearing
2 calendar, I need to make a few instructions very
3 clear so that the conduct of these hearings is
4 understood by everybody.

5 There are five cases scheduled for
6 today. And once a case is called, I will take a
7 moment for our IT specialist to elevate the
8 rights for each party to enable their camera and
9 microphone. Then and only then will you have the
10 ability to enable your equipment.

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

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

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

23 All right. On our calendar today, our
24 first case is Case -- there is a fact finding
25 hearing. And it's Aura Lounge, License Number

1 112033.

2 Ms. Andrews, can you please elevate
3 the rights of the parties in this case, please?

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

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

12 MR. KLINE: I am logged in once.

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

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

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

22 MR. KLINE: Mike, are you on?

23 MR. BOUS: Joe's here.

24 MR. KLINE: Oh, he has to be unmuted.
25 He just texted me. Joe is here. Mike is here,

1 Cassar. He needs -- his rights need to be
2 elevated.

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

6 MR. KLINE: Mike Cassar, C-A-S-S-A-R.
7 (Simultaneous speaking.)

8 MS. ANDREWS: I do not see him online
9 --

10 MR. KLINE: He's on.

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

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

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

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

23 MR. KLINE: If he is, he's 571-221-77
24 --

25 MS. ANDREWS: Yeah, he's a call-in.

1 I'm going to --

2 MR. KLINE: Okay.

3 MS. ANDREWS: -- unmute his line.

4 MR. CASSAR: Can you hear me?

5 MS. ANDREWS: Yes.

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

11 MR. KLINE: Yes, good morning. Andrew
12 Kline, A-N-D-R-E-W, Kline, K-L-I-N-E. I am the
13 attorney for the licensee.

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

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

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

22 MR. BOUS: I'm Joe Bous.

23 CHAIRPERSON ANDERSON: Can you please
24 spell and state your name for the record and your
25 relationship, sir?

1 MR. BOUS: Joe Bous, J-O-E, last name
2 B as in Boy, O-U-S as in Sam, relationship,
3 previous owner on the process of helping move
4 this license over with the new owner.

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

7 MR. CASSAR: Mike Cassar. Good
8 morning. I am the new owner of the building at
9 2147 P Street.

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

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

15 CHAIRPERSON ANDERSON: Good morning.
16 Good morning, everyone.

17 MR. KLINE: Good morning.

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

22 And it's my understanding that in
23 requesting the six-month safekeeping request, you
24 just sent a routine letter asking for an
25 additional six months. The Agency requires more

1 information to find out where are we on the
2 progress of bringing this license online.

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

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

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

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

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

25 And, of course, then we, as -- and

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

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

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

19 So we are simply requesting that the
20 safekeeping be extended to provide the
21 opportunity to finalize what was intended, which
22 probably would have been done by now but for
23 COVID, which is to finish the renovations, bring
24 the tenant in, and apply for a transfer of the
25 license.

1 CHAIRPERSON ANDERSON: So, Mr. Kline,
2 so what is it that it's intended? We are now --
3 this is a request to continue the safekeeping
4 until March 31, 2022. And we're now in November.

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

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

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

23 CHAIRPERSON ANDERSON: Other questions
24 by any Board members?

25 MEMBER SHORT: Mr. Chair, I just had

1 one question.

2 CHAIRPERSON ANDERSON: Yes, Mr. Short.

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

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

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

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

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

24 So, at this point, no, we're not
25 suggesting that. Is that possible? Sure, it's

1 possible. But, I mean, we're not in the position
2 at this point to, excuse me, to make that
3 request. We're not making that request.

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

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

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

17 (Simultaneous speaking.)

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

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

24 MEMBER SHORT: Okay. I guess my last
25 question would be to the former, or the owner of

1 record. When did Marrakesh close?

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

5 (Simultaneous speaking.)

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

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

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

18 MR. KLINE: Thank you, Mr. Short.

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

21 MEMBER GRANDIS: Yes, sir, Mr.
22 Chairman.

23 CHAIRPERSON ANDERSON: Yes, Mr.
24 Grandis.

25 MEMBER GRANDIS: Thank you. Mr.

1 Kline, it's a pleasure to see you today. Hope --

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

3 Grandis.

4 MEMBER GRANDIS: If I'm understanding

5 the fact situation, Marrakesh was a tenant, but

6 they transferred the ownership of the license to

7 Mr. Bous, who is the owner of the building?

8 MR. KLINE: Yes, was the owner of the

9 building but has transferred it to Mr. Cassar.

10 MEMBER GRANDIS: Okay. Thank you.

11 And, Mr. Cassar, if I understand the chain of

12 ownership of the license, what we are

13 understanding today is that when the renovations

14 are done the license will be transferred

15 initially to the owner of the building, Mr.

16 Cassar?

17 MR. KLINE: It will likely be

18 transferred directly to a tenant. The owner

19 operator would accept someone who's been approved

20 by the Board and --

21 MEMBER GRANDIS: So that doesn't

22 answer the question that I'm concerned about.

23 Are there negotiations with a tenant currently,

24 or are we looking at because of the whole, you

25 know, COVID situation that there is no

1 negotiations right now for a tenant for this
2 property?

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

8 MEMBER GRANDIS: So it is potentially
9 that we will be seeing this licensee or this
10 license in front of us as of -- because I
11 understand that the request is till March of
12 2022, which is really literally right around the
13 corner. It is possible that we will be
14 addressing this again, and there is no signed
15 tenant.

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

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

23 But I understand the Board's concerns.
24 And I understand that the Board wants to monitor
25 these licenses in safekeeping. And we're happy

1 to cooperate and comply with that.

2 MEMBER GRANDIS: Well, just so I'm
3 saying this correctly, I understand correctly,
4 putting 2020 aside as a year that didn't happen -
5 -

6 MR. KLINE: But it did happen.

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

11 MR. KLINE: I think that's about
12 right. But I'd have to go back and look. I just
13 --

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

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

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

25 The owner's attitude in those days

1 was, well, all I do is collect rent, and I'm not
2 going to do anything to maintain or keep up the
3 building, leaving it all to the tenants.

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

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

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

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

19 MR. KLINE: Yes.

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

23 MR. KLINE: That's correct.

24 MEMBER GRANDIS: And that's the other
25 side of the coin. So thank you for your

1 responses, Mr. Kline.

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

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

14 MEMBER GRANDIS: Thank you.

15 MR. KLINE: Thank you.

16 MEMBER GRANDIS: Thank you, Mr.
17 Chairman.

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

22 MR. KLINE: I would just reiterate, I
23 don't know that it's further because I think I've
24 said it, is that the last year and a half, and we
25 think Mr. Grandis said it, it's almost like it

1 didn't happen, it's been lost time. So, if you
2 put that aside, I don't think that this license
3 has been in safekeeping an inordinate amount of
4 time.

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

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

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

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

23 And so we're asking that if the Board
24 agrees to grant this extension or to continue
25 this matter, that if another request comes in, a

1 detailed plan must be provided, why is it that
2 this, the request is being made for a
3 continuation. And so that's for this case and
4 for any other case that you have. That is what
5 the Board requires.

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

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

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

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

25 CHAIRPERSON ANDERSON: Thank you very

1 much. This matter is adjourned.

2 (Whereupon, the above-entitled matter
3 went off the record at 11:01 a.m.)
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In the matter of: Marrakesh

Before: DCABRA

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