

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

2 11:00 a.m.

3 CHAIRPERSON ANDERSON: All right. We
4 are back on the record. Our next case is a Fact-
5 Finding Hearing, it's 456, LLC t/a To Be
6 Determined, License No. 98732.

7 Will the parties, please, approach and
8 identify themselves for the record, please?

9 MS. YOHANNES: Sidon Yohannes on
10 behalf of the licensee.

11 CHAIRPERSON ANDERSON: Good morning,
12 Ms. Yohannes.

13 MR. KNOPP: Matthew Knopp.

14 CHAIRPERSON ANDERSON: Matthew who,
15 sir? I didn't hear your name.

16 MR. KNOPP: Matthew Knopp.

17 CHAIRPERSON ANDERSON: Mr. Knapp?
18 Knopp?

19 MR. KNOPP: Knopp.

20 CHAIRPERSON ANDERSON: Good morning,
21 sir. How are you doing?

22 MR. KNOPP: I'm good. How are you?

1 CHAIRPERSON ANDERSON: All right.
2 This is another request for an extension to
3 further extend safekeeping, a request for this
4 establishment. This license has been in
5 safekeeping since 2015 and I'm trying to find
6 out, this is a CT License, and is this in Adams
7 Morgan?

8 MS. YOHANNES: Yes, it is.

9 CHAIRPERSON ANDERSON: The CT License
10 is in Adams Morgan maybe in 2015 when the license
11 was in operation, that there was a, I'm sorry,
12 what's the word, I forgot?

13 MEMBER ALBERTI: Moratorium?

14 CHAIRPERSON ANDERSON: There was a
15 moratorium. Thank you, Mr. Alberti. There was a
16 moratorium in the Adams Morgan area for this type
17 of license. So there is no longer a moratorium.
18 So I guess what I'm trying to find out is why is
19 it that this license is not in operation? And
20 you can start off, sir, did you ever operate?
21 Was this -- did you purchase this license in 2015
22 or did something happen in 2015 and we are now in

1 2019.

2 Why is this license not in operation?

3 And this is a request to extend safekeeping and
4 so the request to extend safekeeping is through
5 March 31, 2019. It's now January. So is it --
6 even if we were to grant the request, is it
7 realistic that this license will be on board by
8 March 31, 2019 or are we talking about you again,
9 even if we were to grant this extension, then you
10 would have to come back for September 31, 2019.

11 So talk me through the process and let
12 me know where we -- what has occurred. Where are
13 we? And realistically, when is it that you
14 believe this license will be on board?

15 MS. YOHANNES: And I'll let Mr. Knopp
16 answer that, but just in terms, preliminarily, it
17 was a transfer application that was approved, so
18 it was a license that was purchased. And I will
19 let you speak as to the time line and what you
20 have been doing in searching for a different
21 property.

22 CHAIRPERSON ANDERSON: So let me ask

1 you, it was transferred from an -- so there was
2 an operating place, establishment that closed and
3 so it was transferred in 2015 to him? And so if
4 it was transferred, why did you not operate in
5 the establishment?

6 And I don't know, because I don't know
7 the history, why did you not operate in the
8 location that the license was transferred from to
9 you?

10 MR. KNOPP: The building that it was
11 in when we went in, and that was the initial idea
12 is that we were going to operate in that
13 location, to the actual property, the property
14 was in such disarray it still hasn't been -- that
15 building still hasn't opened back up with the
16 amount of construction they have done since then.

17 And the person that owned the building
18 wasn't offering any kind of building, build-out
19 for us or repairs. It was basically, you know,
20 come in and fix my building and we couldn't go
21 there and open up and be approved, basically, by
22 the Health Board or anything like that.

1 They had done -- the person who had
2 had the space had, basically, shot the place up.
3 There is open, you know, wiring. He had knocked
4 a wall out between another building and it wasn't
5 secure. There wasn't -- I forget what the word--
6 we had a contractor come in and look at it. It
7 needed to have steel beams put to actually make
8 it work, but he actually hadn't had the permit to
9 knock the wall out, so you basically had to build
10 up between two whole buildings.

11 And again, it still hasn't done that,
12 hasn't done that, so since we transferred it
13 over, as properties have become available, my
14 partner and I, we have looked at, you know, what
15 is available. And a lot of the issues we have
16 come across being in Adams Morgan, because that's
17 where we want to do, it's where I have a business
18 now, it's where I live and it's where I want to--
19 I would like to open the bar at, you know, as
20 soon as I can, because again I'm sitting on
21 something that I'm paying, you know, fees for
22 that is just sitting and not being used.

1 But I have come into a lot of issues
2 within Adams Morgan is that properties are owned
3 by people that aren't necessarily trying to rent
4 them. They put, you know, for rent or for lease,
5 but they are not actually really trying. They
6 are holding out for something that is just not
7 feasible for somebody to come in and try to open
8 a small business.

9 You know, if I was a major
10 corporation, it wouldn't be a huge issue, but I
11 know The Post the other day wrote -- had
12 something, they wrote up an article about
13 basically in that neighborhood how a lot of small
14 businesses are not being able to stay afloat
15 these days because of these owners that have
16 these properties that are sitting on them and
17 they don't need to rent them, because they have
18 owned them for so long.

19 The other issue I have come into is we
20 will go into a space and, again, it's something
21 that has sat vacant for so long that there is so
22 much problems with the building, that you can't

1 even go in. I would have to spend more money
2 than I have to even try to open. So by the time
3 I would spend all that money, I couldn't even
4 open a business.

5 MS. YOHANNES: So and to directly
6 answer your question, when the license was
7 initially or just say when the license was
8 initially purchased, it was purchased with every
9 intention to operate. It took quite some time
10 after the purchase in order to realize that that
11 property that they were seeking to operate at or
12 that premises was not going to work.

13 Since that time, I mean, they have a
14 broker, Pat Patrick, who they worked with and
15 they are continuing to work with. We have
16 correspondence from him to show you today, if you
17 want to see that, just saying that they have been
18 working with him and he is looking at properties
19 currently to show that they have every intention
20 to operate as soon as they sign a lease to a
21 property.

22 They want to be in Adams Morgan,

1 that's where they live, that's where they have a
2 business. They have lived there for about 20
3 years. And that is -- and so now we are
4 requesting that the Board extend the safekeeping
5 request, and I understand your concern in that
6 come March we may or may not be ready.

7 CHAIRPERSON ANDERSON: You aren't.
8 You are not going to -- I'm not -- it doesn't
9 appear that you are even ready, so that's why I'm
10 already thinking to September.

11 MS. YOHANNES: That's correct. You
12 know, but a property could be available tomorrow
13 and we could be ready to move forward on that.
14 But I think that what we are trying to show the
15 Board is that we are making every effort. He has
16 made every effort, Matthew as well as Nicholas,
17 the other owner, in order to find the correct or
18 the right property. You need a right spot to
19 make your business work. And that is what he is
20 seeking to do.

21 CHAIRPERSON ANDERSON: Well, as I have
22 stated before, when this license was transferred

1 in 2015, I understand why you need to hold onto
2 the license, because there were no other licenses
3 available. But we have now lifted the
4 moratorium, so there is really nothing to say
5 that he could come in tomorrow and apply for a
6 new license and we will grant that and there will
7 be no moratorium to prevent him from getting this
8 type of license moving forward.

9 MS. YOHANNES: Well, since -- there is
10 also the process. You have to go through the
11 entire process and that is a burden on him, that
12 is a burden on, I mean, the fact that they have
13 had this license in safekeeping. They have had
14 paid fees. Have paid to keep it current. And
15 would like another opportunity to see if they can
16 start to operate their business this year.

17 MEMBER ALBERTI: Can I ask a quick
18 question?

19 CHAIRPERSON ANDERSON: Go ahead, Mr.
20 Alberti.

21 MEMBER ALBERTI: Just so I'm clear,
22 Mr. Barclay, if I understand you correctly, you

1 have limited your search to the Adams Morgan
2 vicinity?

3 MR. KNOPP: That was -- that's where
4 I would like to operate, yes.

5 MEMBER ALBERTI: So you haven't looked
6 anywhere else?

7 MR. KNOPP: We have looked 14th Street
8 area and then Columbia Heights over, like --

9 MEMBER ALBERTI: Okay.

10 MR. KNOPP: -- up in that area.

11 MEMBER ALBERTI: So generally that --

12 MR. KNOPP: Yeah.

13 MEMBER ALBERTI: -- general
14 neighborhood?

15 MR. KNOPP: Yes.

16 MEMBER ALBERTI: Broad neighborhood.

17 MR. KNOPP: Yes.

18 MEMBER ALBERTI: All right. And you
19 won't -- it's not within your consideration to
20 look elsewhere in the city? Is that correct?

21 MR. KNOPP: I mean, it is, you know,
22 if there is the right spot. There just -- I

1 haven't had anything presented to me that is, you
2 know --

3 MEMBER ALBERTI: But have you looked?
4 I mean, you said you haven't looked.

5 MR. KNOPP: Well, we have looked.

6 MEMBER ALBERTI: I mean, when you
7 said --

8 MR. KNOPP: I didn't understand.

9 MEMBER ALBERTI: -- presented to you--

10 MR. KNOPP: I didn't understand.

11 MEMBER ALBERTI: Let me say this.

12 MR. KNOPP: All right.

13 MEMBER ALBERTI: No one is going to
14 come and say hey, I hear you've got a license,
15 come locate, that's not the way it works. I
16 mean, it has happened, but generally it's the
17 person with the license goes looking. And in my
18 understanding, you haven't looked outside that
19 area. And really you're telling us you have no
20 intentions to. Not even coming up in the next
21 six months.

22 MR. KNOPP: I mean, I can. I mean,

1 again, it's something that we were looking in
2 that specific area because that's where we wanted
3 to be able to open something up, because what we
4 like to do, there is not something there.

5 MEMBER ALBERTI: I got you.

6 MR. KNOPP: Okay.

7 MEMBER ALBERTI: I don't fault you and
8 I understand why that is, but in assessing how
9 likely it is you are going to find something, it
10 limits you.

11 MS. YOHANNES: Their focus --

12 MEMBER ALBERTI: In reality.

13 MS. YOHANNES: Right. Their focus has
14 been in the Adams Morgan area, because like Mr.
15 Knopp said that that is where they want to run
16 their business, because that's where they live
17 and that's where they have other businesses.

18 However, they have seen, and
19 particularly, I believe, Nicholas, his partner
20 has seen, places outside of Adams Morgan. And
21 dealing with, you know, the current situation of
22 where they are, that's something that they are

1 considering and talking to the real estate broker
2 about.

3 MR. KNOPP: A lot of it was, you know,
4 we were waiting on this hotel that opened up just
5 this past -- last -- within the last six months,
6 The Lion that opened up right there. So what we
7 were doing and a lot of people were not renting
8 at the time, loss of -- there is a lot of
9 properties on Columbia Road right now that we are
10 waiting to see coming -- they are supposed to be
11 coming available.

12 Again, the person that I have that
13 does the real estate, Pat, he has done the real
14 estate down there for the last almost 40 years.
15 So he has got his ear on the ground of basically,
16 okay, this is going to come up and this is coming
17 up available. Here is what I'm -- and as
18 everything comes up, I'm in there as soon as it
19 is and as soon as I'm able to see something.

20 Again, it's something I -- you know,
21 it's sitting there and I'm paying fees on it
22 because it's something I want to be able to use.

1 It's something I want to be able to move forward
2 with. It's something I've been trying to move
3 forward with, it's just --

4 MEMBER ALBERTI: So, Mr. Knopp, in
5 reality, how long are you willing to wait? And
6 this is a question I have to wonder. I mean, is
7 it 10 years, 20 years? I mean --

8 MR. KNOPP: No.

9 MEMBER ALBERTI: -- your life goes on,
10 you know, things happen.

11 MR. KNOPP: No.

12 MEMBER ALBERTI: How long, in your
13 mind, looking, sitting here, are you willing to
14 wait?

15 MS. YOHANNES: Based on the Board's
16 questions, I think this is something that Mr.
17 Knopp can take back to his broker, take back to
18 his partner, but at this point, I don't -- there
19 is no harm to anybody in the community. There is
20 no -- I mean, he is the only one that will be
21 prejudiced by the Board granting an extension.
22 And at the very least, we request that you grant

1 an extension to keep the license in safekeeping
2 until at least March, until they figure out what
3 they want to do.

4 CHAIRPERSON ANDERSON: I don't mean to
5 talk about what is on our agenda, but I have an
6 agenda. If you look at our agenda, we have a
7 hearing this afternoon and the person is making
8 the same arguments. We are having a Contested
9 Fact-Finding Hearing, the same arguments.

10 And there is -- as I said before, when
11 there was a moratorium on the part of the
12 license, that was an easy argument, because it's
13 like I'm sitting -- I'm holding this license
14 because I want to be in this area and I know if I
15 give it up, I cannot apply for another license.
16 That no longer exists.

17 So the valuable -- the value of the
18 license that you had in 2015 is not the same as
19 it is now in 2019. So as I'm stating, even if I
20 was to recommend to the Board that we grant this
21 request, you are going to come back again to us
22 in September.

1 No, you -- right after March, you are
2 going to come back to us again to say I need an
3 extension through September 31st and it can't be
4 that you come back on September 31st and say that
5 we are still looking. You have been looking for
6 four years and at some point, it's -- you have to
7 do something, because you just can't say well, we
8 are still looking, we are still looking.

9 And what I'm saying is this is not a
10 license that -- you can easily apply for a new
11 license in Adams Morgan and so, therefore, once
12 you find the location, you can apply for the
13 license and you will get it without -- because
14 you have to go through the same process, that you
15 probably would have to go through with the
16 license that you have.

17 So I'm just saying that if we -- I'm
18 going to recommend to the Board that we --
19 because it's now January, so I'm going to
20 recommend to the Board that we grant the
21 extension through March 31, 2019, but it cannot
22 be when you come back for September, because I

1 know you are going to come back for September, to
2 say that we are still looking.

3 It has to -- you have to have some
4 concrete steps in what's moving on, because I
5 believe that at some point the Board is going to
6 say you are holding on to a license and why? And
7 all -- if you are doing is looking, it doesn't
8 appear that there is any urgency in utilizing
9 this license.

10 And so at some point, you have to make
11 a decision. Yes, ma'am?

12 MS. YOHANNES: Understood, understood.
13 But there -- understood.

14 CHAIRPERSON ANDERSON: You can -- I'm
15 listening.

16 MS. YOHANNES: They are still thinking
17 about --

18 CHAIRPERSON ANDERSON: Because you --

19 MS. YOHANNES: -- there is still some
20 value here.

21 CHAIRPERSON ANDERSON: -- are making
22 arguments for the --

1 MS. YOHANNES: Right.

2 CHAIRPERSON ANDERSON: -- further
3 extension. So I'm listening.

4 MS. YOHANNES: Right.

5 CHAIRPERSON ANDERSON: All right.

6 MS. YOHANNES: Right. There is still
7 some value here and I mean, at this point, I
8 would just request that we request the extension
9 until March and we will move forward and consider
10 what we need to, at that point.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any other Board Members?

13 MR. KNOPP: I was just curious, was
14 the mora -- I didn't understand. I didn't
15 realize that the moratorium had lifted anyway. I
16 just didn't -- was that something that happened
17 recently?

18 CHAIRPERSON ANDERSON: We did that
19 this -- a couple of months ago.

20 MR. KNOPP: Okay. I just didn't -- I
21 mean, I didn't realize that.

22 CHAIRPERSON ANDERSON: Yeah.

1 MR. KNOPP: I just wasn't sure of
2 that.

3 CHAIRPERSON ANDERSON: Do you -- I
4 thought you said you own a restaurant in -- do
5 you own another establishment?

6 MR. KNOPP: I own a -- I have another
7 business.

8 CHAIRPERSON ANDERSON: What -- not an
9 ABC License?

10 MR. KNOPP: No.

11 CHAIRPERSON ANDERSON: All right.
12 Well, the did ask us. We have extended the
13 moratorium for another three years, I think, and
14 we have extended somewhat. However, restaurants
15 are excluded. So anyone can open -- can apply
16 for a restaurant license in this area. There is
17 no longer a moratorium on a restaurant license.

18 Yes, Ms. Yohannes?

19 MS. YOHANNES: This is actually a
20 tavern license.

21 CHAIRPERSON ANDERSON: Oh, this is a
22 tavern?

1 MR. KNOPP: It's a CT.

2 MS. YOHANNES: Yes.

3 CHAIRPERSON ANDERSON: Did we -- what
4 did we do with the --

5 MEMBER ALBERTI: I'm not -- I could be
6 wrong, you can correct me, but I don't think this
7 area was included in the former moratorium area.

8 CHAIRPERSON ANDERSON: Okay.

9 MEMBER ALBERTI: It is now. We have
10 extended the moratorium area, but -- and that
11 moratorium is on nightclubs, but not on CTs, I
12 don't believe. Its --

13 MR. KNOPP: I was -- initially when
14 we --

15 MEMBER ALBERTI: The new -- the
16 current moratorium is only on nightclubs. So it
17 doesn't cover this. And I believe that the
18 former moratorium did not cover this area. I
19 could be wrong. But in any case, the current one
20 doesn't.

21 MS. YOHANNES: I would have to check.

22 CHAIRPERSON ANDERSON: All right. So

1 well, you can check on that. And if you come
2 back and tell us that, since I don't have the
3 documents in front of me, if you come and tell us
4 that this is in the Moratorium Zone, then that's
5 a better argument to say why you need to hold
6 onto the license, because you can't apply for
7 another one.

8 And so that should be in the request
9 when you -- because I know you -- I am always
10 thinking ahead and that's why, because it's
11 January. It's not apparent to me that you are
12 going to have a place in March. And even if you
13 identify a place in March, you will not -- you
14 have to -- I know that you are going to request
15 for -- even if you find a place tomorrow, I doubt
16 -- unless this place is all set, I doubt you will
17 be ready to open by March 31st.

18 MR. KNOPP: Right.

19 CHAIRPERSON ANDERSON: So you would
20 still have to act -- still have to request
21 another, but then at least you will say to us
22 this is where I am. I have signed a lease and we

1 believe that it is going to take this period of
2 time to do the build-out for us to open. But it
3 can't be that I'm still looking, because this is
4 four years.

5 MR. KNOPP: Understood.

6 CHAIRPERSON ANDERSON: Okay. So with
7 that said, I then make a motion that we grant the
8 extension through March 31, 2019. Is there a
9 second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON ANDERSON: Mr. Silverstein
12 has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON ANDERSON: Those opposed?

16 The matter passes 5-0-0.

17 But you have your marching orders,
18 sir.

19 MR. KNOPP: Okay.

20 CHAIRPERSON ANDERSON: I appreciate
21 what you are trying to do, but it has been four
22 years.

1 MR. KNOPP: Yeah, I just -- like I
2 said, I was just under the initial assumption
3 that that was a moratorium license initially and
4 then that's why when we got it and that's what I
5 was told when it was transferred, but again, we
6 will have to look at it.

7 CHAIRPERSON ANDERSON: Well, your
8 attorney will let you know.

9 MR. KNOPP: Yes, absolutely.

10 CHAIRPERSON ANDERSON: And based on
11 that, the arguments to request an extension, the
12 -- based on that, the arguments to request an
13 extension will be probably more -- we might --
14 depending on what is submitted, then maybe you
15 don't have to come back. The Board will say
16 okay, fine, I understand and so we will approve
17 it through September 2019.

18 But there has to be some type of
19 urgency --

20 MR. KNOPP: Understood.

21 CHAIRPERSON ANDERSON: -- in finding
22 a location. All right?

1 MR. KNOPP: Um-hum.

2 CHAIRPERSON ANDERSON: Thank you, sir.

3 MR. KNOPP: Thank you.

4 CHAIRPERSON ANDERSON: Have a good
5 day.

6 MR. KNOPP: Appreciate it.

7 MS. YOHANNES: Thank you.

8 CHAIRPERSON ANDERSON: We are in
9 recess until 11:30 here.

10 (Whereupon, the Fact-Finding Hearing
11 was concluded at 11:20 a.m.)

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In the matter of: 456

Before: DCABRA

Date: 01-09-19

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