

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
 + + + + +  
 MEETING

IN THE MATTER OF: :

Bangkok Inc., :

t/a Machu Picchu :

Restaurant : Fact Finding

3263 M Street NW : Hearing

Retailer CR - ANC 2E :

License No. 8309 :

(Request to Extend :  
 Safekeeping) :

Wednesday  
 February 7, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

**PRESENT:**

DONOVAN W. ANDERSON, Chairperson  
 NICK ALBERTI, Member  
 BOBBY CATO, Member  
 DONALD ISAAC, JR., Member  
 MIKE SILVERSTEIN, Member  
 JAMES SHORT, Member  
 REMA WAHABZADAH, Member

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

2 (3:06 p.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar, we have a fact finding hearing  
5 on Machu Picchu Restaurant, License No. 8309.

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

8 Your name, sir? What is your name,  
9 sir?

10 MR. MOHAMED: Taha Fathy Mohamed.

11 CHAIRPERSON ANDERSON: Can you spell  
12 your name for the record?

13 (Off the record comment.)

14 CHAIRPERSON ANDERSON: Probably should  
15 sit and talk to the microphone. So state your  
16 name and spell it and also write it in on the  
17 sign in sheet.

18 MR. MOHAMED: It's Taha, it's T like  
19 Tom, A like apple, H like hotel, A like apple.  
20 The last name, Mohamed, M-O-H-A-M-E-D.

21 CHAIRPERSON ANDERSON: So Mohamed and  
22 who is with you, sir? Who is with you? Who are

1       you, sir?

2                   MR. TSCHABRUNN:  A coworker, Dylan  
3       Tschabrunn, D-Y-L-A-N, T-S-C-H-A-B-R-U-N-N.

4                   CHAIRPERSON ANDERSON:  All right.  I  
5       know that you were before us before.  And what's  
6       the, I don't remember what it is.  Why is it  
7       that, why is this license not in use?  Where are  
8       we?

9                   MR. MOHAMED:  Actually I signed the  
10       lease.  We are almost done now.  I got the lease  
11       in 1033.

12                   CHAIRPERSON ANDERSON:  So can, hold  
13       on.

14                   (Simultaneous speaking.)

15                   MR. MOHAMED:  And I got almost like  
16       two months ago.

17                   CHAIRPERSON ANDERSON:  I can look at,  
18       let me look at it.  So tell me, go ahead.  Tell  
19       me what's going on, please?

20                   MR. MOHAMED:  I signed the lease, you  
21       know.

22                   CHAIRPERSON ANDERSON:  Okay.  You

1 signed the lease.

2 MR. MOHAMED: Yes, sir. I got the  
3 place in Georgetown.

4 CHAIRPERSON ANDERSON: And so you  
5 signed the lease in Georgetown so when is it that  
6 you'll be able to open up?

7 MR. MOHAMED: It's almost like, maybe  
8 one months, two months. We almost done here.  
9 Just to get everything and it's a mistake with  
10 the corporation and we call, he going to send the  
11 corporation for next week. And I have some  
12 picture if you want to see it, the place and all  
13 the stuff.

14 And I drop a copy almost like two  
15 months, three months ago.

16 CHAIRPERSON ANDERSON: I see that you  
17 signed a lease on November 6, 2017.

18 MR. MOHAMED: Yes, sir.

19 CHAIRPERSON ANDERSON: For a location  
20 at 1033 31st Street Northwest. And it's what, a  
21 five-year lease?

22 MR. MOHAMED: 25 years.

1 CHAIRPERSON ANDERSON: 25?

2 MR. MOHAMED: 25 years.

3 CHAIRPERSON ANDERSON: So you're  
4 saying that you believe that -- so tell us about,  
5 so tell me where you are within the process?

6 MR. MOHAMED: We're almost done, just  
7 waiting for the permit.

8 CHAIRPERSON ANDERSON: All right.

9 MR. MOHAMED: You know, and we did the  
10 corporation and the tax ID and everything because  
11 I'm asking here if we want to change the  
12 corporation, you know, and give me the  
13 application and all the stuff and told me just  
14 like we were set like in end of January.

15 Then 30 days go by, you know, and they  
16 call up right here and left a message and just  
17 received a call today.

18 CHAIRPERSON ANDERSON: Yes, but you  
19 remember, I know who you are.

20 MR. MOHAMED: Yes.

21 CHAIRPERSON ANDERSON: Because you've  
22 seen me before.

1                   MR. MOHAMED: Yes. You know, like the  
2 one owner who has come in is me and the other, he  
3 passed away. And you know, he have all the  
4 paperwork and all the stuff, you know.

5                   CHAIRPERSON ANDERSON: And I remember  
6 the last, I guess the last, well, and I guess in  
7 your, I know the last time you were supposed to  
8 give us the lease by September. I think that was  
9 the representation that you made because you were  
10 supposed to have given us the lease by September  
11 30th.

12                  MR. MOHAMED: Yes, I grabbed it, the  
13 time when I get it, I receive it and I grab it  
14 right away.

15                  CHAIRPERSON ANDERSON: But so did you  
16 provide, did you, I know you got the letter  
17 saying when you, because you sent this letter on  
18 September 26 asking for an extension so.

19                  MR. MOHAMED: I don't ask, I'm sorry,  
20 I don't ask for extension, just to give me six  
21 months, you know, to open, you know, to get --

22                  MR. ALBERTI: That was an extension.

1                   CHAIRPERSON ANDERSON: It was an  
2 extension because it expired in September 30th  
3 so.

4                   MR. MOHAMED: I meant before. I  
5 called and I say I got, I signed the lease and  
6 everything.

7                   CHAIRPERSON ANDERSON: But you didn't  
8 come in before us. You came, I know you  
9 requested, you requested from the Board an  
10 extension to pass to September so that's why  
11 you're here today.

12                   Any questions by any Board members?

13                   MR. ALBERTI: Yes, I got a couple  
14 questions.

15                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
16 Alberti.

17                   MR. ALBERTI: So I see there's another  
18 person on this lease. Islaam --

19                   MR. MOHAMED: Islaam is my partner.

20                   MR. ALBERTI: He's your partner? Is  
21 he on the license?

22                   MR. MOHAMED: No, it's just me on the

1 license.

2 MR. ALBERTI: But he's part of the  
3 lease?

4 MR. MOHAMED: Yes.

5 MR. ALBERTI: He's on the lease  
6 agreement but he's not part of this place?

7 MR. MOHAMED: He's on the lease and,  
8 you know, but he's not, you know.

9 MR. ALBERTI: But he's not a partner,  
10 he's not a partner on the business?

11 MR. MOHAMED: Liquor license, yes.

12 MR. ALBERTI: On the liquor license.  
13 Can you explain that arrangement? Why would he  
14 be on the lease if he's not a partner. So who's  
15 leasing this? The corporation's leasing this?

16 MR. MOHAMED: I'm sorry?

17 MR. ALBERTI: The corporation is  
18 leasing this?

19 MR. MOHAMED: Yes, the corporation,  
20 you know.

21 MR. ALBERTI: Okay. So FO  
22 incorporated is leasing this property, correct?



1 MR. MOHAMED: Yes. I can show you  
2 some pictures of --

3 (Simultaneous speaking.)

4 MR. ALBERTI: I know, no, no, that's  
5 okay. But you're the only person on the license?

6 MR. MOHAMED: Yes.

7 MR. ALBERTI: Well, I'm a little  
8 concerned here because we have -- who's applying  
9 for the license? The corporation?

10 MR. MOHAMED: It's me.

11 MR. ALBERTI: I'll have to take a look  
12 at the license. Can we --

13 CHAIRPERSON ANDERSON: Is this  
14 license, his license has been, you own this  
15 license which is, who owned the license? Who's?

16 MR. MOHAMED: Who is me.

17 MR. ALBERTI: Well --

18 CHAIRPERSON ANDERSON: And your  
19 license has been in safekeeping since when?

20 MR. ALBERTI: I'd like to see it. So  
21 --

22 CHAIRPERSON ANDERSON: I'll let,

1       sorry, your license has been, so what's the  
2       difference between the license that you had and  
3       this corporation that you've formed?

4               MR. MOHAMED:  You know, that  
5       corporation actually is under my name, you know.  
6       And we get just like, you know, like a partner  
7       which we would assign the list, you know, and  
8       they ask if I want to change the corporation, you  
9       know.  And she said, okay, we're going to give  
10      you the application, you know, that will change  
11      the new corporation if you want.

12              MR. ALBERTI:  Who is, Bangkok  
13      incorporated was the corporation that applied for  
14      the liquor license, is that correct?

15              MR. MOHAMED:  Yes, sir.

16              MR. ALBERTI:  And that's the  
17      corporation that holds the liquor license  
18      currently, is Bangkok Incorporated?

19              MR. MOHAMED:  Yes, it's Machu Picchu  
20      Bangkok and is under my name.

21              MR. ALBERTI:  And it's under your  
22      name?

1 MR. MOHAMED: Yes.

2 MR. ALBERTI: But the lease goes  
3 through --

4 MR. MOHAMED: The lease is --

5 MR. ALBERTI: The lease is going  
6 through a different corporation?

7 MR. MOHAMED: No. The lease is Machu  
8 Picchu Bangkok and we ask if we change the  
9 corporation.

10 MR. ALBERTI: The lease is to FO  
11 Incorporated, not, the lease is to FO  
12 Incorporated, not Bangkok?

13 MR. MOHAMED: Is Machu Picchu Bangkok  
14 and --

15 MR. ALBERTI: Well, that's not what  
16 the lease says. I just, I find it confusing.  
17 Let's move on. Let's move on.

18 I'm looking at the building. Is it,  
19 the picture I have is a beige building, is that  
20 currently a beige building at 1033?

21 MR. MOHAMED: 1033, yes.

22 MR. ALBERTI: And what's inside that

1 building currently?

2 MR. MOHAMED: 1033 31st Street.

3 MR. ALBERTI: Yes. What's in the  
4 building currently?

5 MR. MOHAMED: Just like you know, we  
6 put everything just like here. We're working  
7 just for the building corporation fixing the bar  
8 and everything.

9 MR. ALBERTI: What's in the, what was,  
10 before you leased this building, what was there?

11 MR. MOHAMED: Is actually is like a  
12 clothes shop, you know.

13 MR. ALBERTI: A clothes shop?

14 MR. MOHAMED: Yes.

15 MR. ALBERTI: Okay. A clothing shop.  
16 So you're going to have to outfit it to be a  
17 restaurant?

18 MR. MOHAMED: Yes. And we did also,  
19 we applied for the permit to help us in just like  
20 and we got the gas and everything.

21 MR. ALBERTI: Have you gotten the  
22 permits to do the construction?

1 MR. MOHAMED: Yes.

2 MR. ALBERTI: You have?

3 MR. MOHAMED: We have. We do.

4 MR. ALBERTI: Okay. And how long do  
5 you think that will take you?

6 MR. MOHAMED: I think we have just got  
7 maybe just like two months, one months, two  
8 months. We're almost done, you know.

9 MR. ALBERTI: Oh, you've started  
10 already?

11 MR. MOHAMED: Yes.

12 MR. ALBERTI: Then you're almost done?

13 MR. MOHAMED: Yes. And we've got all  
14 the equipment because I have, most of the  
15 equipment I have it in the storage and we buy  
16 some and use the, you know, equipment and the bar  
17 and everything, you know.

18 MR. ALBERTI: So when do you  
19 anticipate opening?

20 MR. MOHAMED: Maybe in March or so.

21 MR. ALBERTI: End of March, beginning  
22 of March?

1 MR. MOHAMED: March or April, first of  
2 April. We've done almost everything. I can show  
3 you some pictures if you want to.

4 MR. ALBERTI: No, that, pictures of  
5 the interior?

6 MR. MOHAMED: About, you know, like,  
7 you know, what, you know, some creation and what  
8 we've been doing.

9 MR. ALBERTI: I'm not sure. What do  
10 you have pictures of?

11 MR. MOHAMED: Can I bring it to you?

12 MR. ALBERTI: No --

13 CHAIRPERSON ANDERSON: No, what is it?

14 MR. TSCHABRUNN: It's just the  
15 construction.

16 MR. MOHAMED: Construction and naming.

17 MR. TSCHABRUNN: He has pictures of  
18 the building inside out.

19 MR. ALBERTI: Okay.

20 CHAIRPERSON ANDERSON: Oh, so why  
21 don't you -- well, I think that he's a little  
22 nervous and maybe you -- and it's just for the

1 record, so why don't you tell us then, I'm sorry,  
2 you said --

3 MR. TSCHABRUNN: He said he has  
4 pictures of, you know --

5 CHAIRPERSON ANDERSON: But you tell me  
6 what --

7 MR. TSCHABRUNN: It's under  
8 construction right now.

9 CHAIRPERSON ANDERSON: I know, Mr.  
10 Mohamed, you're a little nervous, okay.

11 So sir, you appear that you're not as  
12 nervous as Mr. Mohamed.

13 MR. TSCHABRUNN: Right.

14 CHAIRPERSON ANDERSON: You've seen,  
15 you said you're his coworker, you have seen the  
16 pictures so why don't you tell me what's on the  
17 phone?

18 MR. TSCHABRUNN: No, it's just the  
19 building that's under the lease, things that are  
20 going to be done to it. It's under construction  
21 right now. He has pictures of the inside of it  
22 being worked on. The outside, he has all the

1 pictures.

2 CHAIRPERSON ANDERSON: Just tell me  
3 what, look at the picture, then tell me what's in  
4 the picture. That's what I'm asking you to do.

5 MR. TSCHABRUNN: Okay.

6 MR. ALBERTI: What's the address  
7 again?

8 MR. MOHAMED: It's 1033 31st Street  
9 Northwest, Washington D.C. It's right across to  
10 Ritz-Carlton Hotel.

11 MR. ALBERTI: So the problem I'm  
12 having is, oh, never mind, I found something.  
13 Okay.

14 MR. SHORT: That's a great location.  
15 You're right there by the Whitehurst freeway,  
16 under the Whitehurst freeway, correct? 31st and  
17 K?

18 MR. MOHAMED: Yes.

19 MR. SHORT: It's a great location.

20 MR. MOHAMED: Yes. It's very nice for  
21 this.

22 MR. ALBERTI: How many floors are you



1 going to occupy?

2 MR. MOHAMED: It will be like two  
3 floor.

4 MR. ALBERTI: Two floors?

5 MR. MOHAMED: The first floor is going  
6 to be just liquor.

7 MR. ALBERTI: So I see in the  
8 Government's data base that you have a permit  
9 for, starting in December --

10 MR. MOHAMED: Right.

11 MR. ALBERTI: -- for interior  
12 demolition but I don't see any construction  
13 permits?

14 MR. MOHAMED: It's not the  
15 construction just like, you know, to clean all  
16 this stuff. I'm waiting for the permit.

17 MR. ALBERTI: Well, you have to put a  
18 kitchen in, right?

19 MR. MOHAMED: Yes.

20 (Simultaneous speaking.)

21 MR. ALBERTI: Well, wait, wait. A  
22 kitchen is plumbing and electricity.

1 MR. MOHAMED: Yes.

2 MR. ALBERTI: And all of that but I  
3 don't see any permits for that.

4 MR. MOHAMED: We just, we have it, we  
5 put it, but we don't put it in, you know, like,  
6 in the kitchen yet. We're just waiting for the  
7 permit. He said it's almost like 3 months now.

8 MR. ALBERTI: You're waiting for the  
9 permits to do this but you haven't been issued?

10 MR. MOHAMED: Permits, yes. They say  
11 like it's very soon, you know, like just like  
12 maybe one week, two weeks. We got directed, we  
13 put it --

14 MR. ALBERTI: But you've already  
15 started the work, right?

16 MR. MOHAMED: I'm sorry?

17 MR. ALBERTI: You've already started  
18 the work?

19 MR. MOHAMED: Yes. We're just waiting  
20 for, you know, to get the phone and --

21 MR. ALBERTI: And you've already, have  
22 you already started the work? Have you already

1 started the plumbing and electricity?

2 MR. MOHAMED: That's the thing, no,  
3 no, the electric is all, you know, but the time  
4 is like done. We have to borrow, we don't put  
5 it, we're just waiting for the permit then we  
6 finish everything.

7 MR. ALBERTI: Well, I mean, if you  
8 haven't got the permit and you haven't done the  
9 work yet because you don't have the permit, I  
10 don't see how --

11 (Simultaneous speaking.)

12 MR. ALBERTI: I don't understand how  
13 you're going to be able to open by sometime in  
14 March. I mean, that's six weeks away. That's --

15 MR. MOHAMED: Actually --

16 MR. ALBERTI: -- pretty quick for that  
17 kind of construction. I'm not an expert but I've  
18 seen a whole lot of this stuff go down, happen.  
19 I mean, I'm pretty well versed in what has to  
20 happen. That's pretty quick. I'm not  
21 understanding it.

22 MR. MOHAMED: We have, actually, we

1 have like, you know, like just waiting for the --

2 MR. ALBERTI: When do you expect the  
3 permits to be done?

4 MR. MOHAMED: Actually by two months  
5 we're done everything.

6 MR. ALBERTI: No, when do you expect  
7 the permits to be issued?

8 MR. MOHAMED: Maybe anytime this  
9 month. Just when the, you know, said, you know.

10 MR. ALBERTI: So can you say with  
11 certainty that you'd be open in six months?

12 MR. MOHAMED: No, no, two months.

13 MR. ALBERTI: The question, can you  
14 say --

15 MR. MOHAMED: We have --

16 MR. ALBERTI: No, no, I got it. I  
17 think you've answered my question but you're  
18 certain you could open within six months?

19 MR. MOHAMED: Yes.

20 MR. ALBERTI: All right. Even with  
21 some minor hiccups and delays, right? Is that  
22 what you're telling us?

1 MR. MOHAMED: Yes.

2 CHAIRPERSON ANDERSON: Any other  
3 questions --

4 MR. ALBERTI: Board members, I think  
5 we should hold him to that six months and if not,  
6 then I would say cancel the license.

7 CHAIRPERSON ANDERSON: Any other, well  
8 --

9 MR. ALBERTI: I know. I'm just  
10 voicing my opinion to the Board members.

11 CHAIRPERSON ANDERSON: If we're going  
12 to grant the permit it would be, if we're going  
13 to grant the extension it would be through  
14 September 30th. I know that, if I remember  
15 correctly, if I remember correctly the last time  
16 that we came here, we asked you to sign a lease  
17 because you didn't have a lease and I think we'd  
18 asked you to present a lease by September 30th.

19 You have provided a lease. To me it  
20 appears that this is a genuine lease.

21 MR. MOHAMED: Yes, sir.

22 CHAIRPERSON ANDERSON: That there is

1 a place that has been identified and so I would  
2 say based on you providing us this information  
3 here today, that we grant an extension to keep  
4 the license in safekeeping through September  
5 30th, 2018.

6 The goal of this Agency is to make  
7 sure that all licenses are in use and this  
8 license has been out of circulation a very long  
9 time. And so it appears that you're making, at  
10 least based on the last hearing that we had, it  
11 appears to me that you're making reasonable  
12 effort to bring the license back on line.

13 So I would make -- do you have any  
14 final thoughts that you want to say, sir?

15 MR. ALBERTI: May I just interject  
16 something?

17 CHAIRPERSON ANDERSON: Yes, Mr.  
18 Alberti.

19 MR. ALBERTI: Mr. Mohamed, you can be  
20 sure that I will be looking to see when the  
21 permits are issued.

22 MR. MOHAMED: Sure.

1                   MR. ALBERTI: And I will keep my  
2 fellow Board members informed. So moving to  
3 September, we will know, when you come in  
4 September what the status is.

5                   MR. MOHAMED: Okay.

6                   MR. ALBERTI: All right?

7                   MR. MOHAMED: Yes. What happens if we  
8 finish before, you know?

9                   MR. ALBERTI: Well, all right. If you  
10 finish before you can take your license out of --  
11 if you finish before and you want to open, you  
12 can take your license out of safekeeping. You  
13 just inform us you want to take your license out  
14 of safekeeping and start operations. That's all  
15 you have to do.

16                   CHAIRPERSON ANDERSON: All right.  
17 This is what, right now your license, the  
18 safekeeping goes through September 30th. So what  
19 I'm going to recommend to the Board is that we  
20 continue your license in safekeeping until  
21 September 30th, 2018.

22                   If you have gone to DCRA and they give

1 you or whoever you need to go through, gives you  
2 the approval for your restaurant to be open March  
3 1st, then February whatever date, you set up the  
4 same way, you send us a request. You contact the  
5 Agency and tell us that you want to take your  
6 license out of safekeeping because you're now  
7 ready to operate.

8 So yes, this would be through  
9 September 30th but if you're ready to operate at  
10 any point before that date, you just let us know  
11 that you want to take your license out of  
12 safekeeping, it's taken out, and you operate and  
13 you never have to see us again. You pay the  
14 renewal fees and you operate.

15 And then whatever profits you're in  
16 court to be protested or whether it needs the  
17 placard or whatever, then you'll go through that  
18 process.

19 But it's just a matter of you saying  
20 now, okay, the same way you have been telling us  
21 that, okay, I'm not ready, I need more time,  
22 you'd contact us the same way to say, yes, I'm



1 ready and yes, I'm ready and I'm ready to open  
2 up.

3 What I would ask you, based on what  
4 you're hearing is based on Mr. Alberti, it  
5 behooves you for you not to put another request  
6 in for safekeeping because it's, you have to  
7 justify to us why is it now if when you, it is  
8 now February.

9 If you come back again, it's now in  
10 October or November, you're asking for another  
11 and why. That's the question you're going to  
12 answer to me.

13 Why is it that you assured us that you  
14 thought you'd be open by March so why is it now  
15 that we're hearing September, October, November,  
16 December, and you're still not open.

17 Okay? So with that I make a motion  
18 that we grant the safekeeping request through  
19 September 30, 2018.

20 MR. SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has  
22 seconded the motion. All those in favor say aye?

1 (Chorus of ayes.)

2 CHAIRPERSON ANDERSON: All those  
3 opposed? All right. So we have extend -- well,  
4 here's your lease back, sir. We have extended it  
5 through September 30th, 2018 and so I will do  
6 whatever you need to do to make sure that you get  
7 your license on line.

8 As soon as you have notification that  
9 you're ready to open, you just contact us and let  
10 us know that you're ready to take your license  
11 out of safekeeping. It will be taken out and  
12 whatever process you need to follow then you can  
13 operate your license, you can operate your  
14 business, okay? So good luck.

15 MR. MOHAMED: Thank you very much.

16 (Whereupon, the above-entitled matter  
17 went off the record at 3:27 p.m.)  
18  
19  
20  
21  
22

**A**

**able** 4:6 19:13  
**above-entitled** 26:16  
**address** 16:6  
**Agency** 22:6 24:5  
**ago** 3:16 4:15  
**agreement** 8:6  
**ahead** 3:18 7:15  
**Alberti** 1:18 6:22 7:13  
 7:16,17,20 8:2,5,9,12  
 8:17,21 9:4,7,11,17  
 9:20 10:12,16,21 11:2  
 11:5,10,15,22 12:3,9  
 12:13,15,21 13:2,4,9  
 13:12,18,21 14:4,9,12  
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 18:14,17,21 19:7,12  
 19:16 20:2,6,10,13,16  
 20:20 21:4,9 22:15,18  
 22:19 23:1,6,9 25:4  
**Alcoholic** 1:2,13,14  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Bangkok Inc.  
t/a Machu Picchu Restaurant

Before: Alcoholic Beverage Control Board

Date: 02-07-18

Place: Washington, DC

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