

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

2 1:36 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Good afternoon. We're back on the record. The
5 fact finding hearing for the Rhino Bar &
6 Pumphouse, License Number 523.

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

9 MR. O'BRIEN: Stephen O'Brien for the
10 licensee.

11 CHAIRPERSON ANDERSON: Good afternoon
12 Mr. O'Brien.

13 MR. O'BRIEN: Good afternoon, Mr.
14 Chair. I'm accompanied by Justin Hicks, H-I-C-K-
15 S, who is the director of development for the
16 parent company. They have a common ownership
17 with the licensee.

18 May I note Mr. Chair, that the --

19 CHAIRPERSON ANDERSON: Yes.

20 MR. O'BRIEN: Calendar reflects that
21 the licensee is Woodward Bros, Inc. But that's
22 not accurate.

1 The license was transferred to Rhino
2 Investments, Inc. Or Rhino Investments, LLC.
3 I'm not sure. Rhino Investments, LLC several
4 years ago, but in safe keeping.

5 CHAIRPERSON ANDERSON: Well who's --
6 who's Charles Swan?

7 MR. O'BRIEN: Charles Swan was the
8 principal of --

9 CHAIRPERSON ANDERSON: The previous?

10 MR. O'BRIEN: Of Woodward Bros.,
11 correct. They don't -- the license was
12 transferred.

13 CHAIRPERSON ANDERSON: Right.

14 MR. O'BRIEN: By the Board.

15 CHAIRPERSON ANDERSON: So, when was it
16 trans -- yeah, I'll make sure of that. When was
17 it -- when was it transferred?

18 Because I don't have the -- I haven't
19 been given the file to even see what's in there.

20 MR. O'BRIEN: In 2015. It was
21 transferred into safe keeping, and has been.
22 June 30, 2015.

1 CHAIRPERSON ANDERSON: Okay.

2 MR. O'BRIEN: I've got the letter
3 here.

4 CHAIRPERSON ANDERSON: All right.

5 MR. O'BRIEN: From the staff.

6 CHAIRPERSON ANDERSON: Okay. All
7 right. So, June 30, 2015 that this license was
8 transferred into safe keeping.

9 MR. O'BRIEN: Um-hum.

10 CHAIRPERSON ANDERSON: So, can you
11 bring us up to date, what's been occurring since
12 June 30, 2015?

13 And why is it that you're asking now
14 the Board to extend another safe keeping request
15 through September 30, 2019?

16 And what's the likelihood of this
17 license being onboard on September 30, 2019? Or
18 are we setting ourselves up for another request
19 from you for an extension?

20 MR. O'BRIEN: The license was required
21 from the old Rhino Pumphouse Bar, which was going
22 out of business. It's a CT License, which means,

1 of course, that it -- it has value, because one
2 cannot open a tavern in Georgetown with a new
3 license because of the statute.

4 The moratorium of course was, in
5 Georgetown was lifted as to restaurants. But
6 that did not affect the prohibition on additional
7 tavern licenses in Georgetown.

8 The intention of the owner was to buy
9 a building and establish the tavern business
10 there. And what has happened, as explained to
11 me, and to some extent corroborated by what I
12 know of other situations, is a couple of years
13 ago, Capital One Bank purchased the old Nathan's
14 location at the corner of Wisconsin and M, on the
15 southeast corner of Wisconsin and M.

16 Nathan's Bar had been then, a
17 restaurant for 30 odd years. The Capital One
18 paid an enormous price for that building.

19 And this has been reported in the
20 media. A price far above what any property in
21 Georgetown had ever sold for.

22 And that has resulted, and I have it

1 on good authority, not just from the client, and
2 everyone who owns property in Georgetown, believe
3 me, their properties are so much more valuable.

4 And has put acquisition of a property
5 at any sort of a reasonable price out of -- out
6 of reach. Out of reach for two reasons.

7 One, to buy the property and then to
8 establish a tavern in it, the tavern would not be
9 able to pay enough rent to satisfy the debt
10 service associated with such a high purchase
11 price.

12 Also, if it didn't work and the owner
13 wanted to turn around and sell the property, he
14 probably wouldn't be able to match the inflated
15 price he had paid for it.

16 So, earlier this year, gears shifted
17 for leasing a property in Georgetown, renting a
18 property. And with the request, with the instant
19 request for safe keeping, which was by letter
20 dated March 29, I attached a copy of a lease
21 availability report for properties in Georgetown.

22 Mr. Hicks relates that he's been out

1 currently with their broker, and has toured
2 several of these properties. And is zeroing in
3 on perhaps two or three out of, I think, 13 or so
4 that were suggested.

5 So, the short answer, and I understand
6 that was a long answer, the short answer is that
7 attention is now focused to leasing instead of
8 buying.

9 CHAIRPERSON ANDERSON: And what I
10 gather from that, you're going to request another
11 extension for March 2020?

12 Because I don't -- because it -- I --
13 it wouldn't appear to me that if we were to grant
14 this extension, it would be through September 30,
15 2019.

16 It doesn't appear reasonable that even
17 if you were to rent a, sign a lease that we're
18 now in May, that this license would be brought
19 onboard to be used by October 30, October 1. Is
20 that correct?

21 MR. O'BRIEN: Yes. It would certainly
22 be very highly unlikely that a business could

1 open by that date.

2 CHAIRPERSON ANDERSON: Right.

3 MR. O'BRIEN: But, if we can zero in
4 on a particular property and sign the lease, an
5 application to transfer the license out of safe
6 keeping to that address could be filed easily by
7 October 1.

8 CHAIRPERSON ANDERSON: And so what I'm
9 trying to say to you is that what -- based on the
10 presentation that you've presented today, what
11 should be the expectation of the Board?

12 And what should the Board reasonably
13 expect from you? If we're going to approve this
14 today, you are going to -- you are going to
15 request another extension.

16 And so, what should we measure that
17 request for an extension on?

18 MR. O'BRIEN: I would suggest that the
19 Board would hope or anticipate that a -- like an
20 application to transfer the license out of safe
21 keeping to a particular address would have been
22 filed to an additional extension request.

1 CHAIRPERSON ANDERSON: See, I try to
2 be realistic. I mean, I try to, okay, I'm
3 looking ahead. And okay, you're looking.

4 And I know you're going to come back.
5 And it's the -- the Board is also concerned that
6 you'll have a license remaining in safe keeping
7 ad nauseam.

8 I mean, there are certain classes of
9 license that until the City Council changes the
10 law, they're going to remain in safe keeping.
11 And so therefore we do not bring those licensee
12 in because we know that by operation of law,
13 that's why those license remain.

14 And as long as they continue to pay
15 the fees, then hopefully -- or they, I assume
16 they believe that the law will change, will allow
17 them to utilize that.

18 But, this is not one of those types of
19 license. So therefore, there has to be some
20 expectation, some reasonable expectation of what
21 efforts will be utilized for these licenses to
22 come out of safe keeping.

1 And that's basically where I am.

2 MR. O'BRIEN: Well, what the Board
3 just asked me to do in essence, was to propose a
4 condition on the instant safe keeping request.

5 I have advised the client, and Mr.
6 Hicks represents the client, but I've advised the
7 client that I wouldn't expect the Board to be
8 particularly favorably disposed to an additional
9 extension request on the basis of we're still
10 looking.

11 CHAIRPERSON ANDERSON: Right.

12 MEMBER SHORT: Mr. Chair, could I?

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Short.

15 MEMBER SHORT: Good afternoon Mr.
16 O'Brien.

17 MR. O'BRIEN: Good afternoon. How are
18 you?

19 MEMBER SHORT: And your name again is?

20 MR. HICKS: Justin Hicks.

21 MEMBER SHORT: Mr. Hicks. Okay. I
22 think I'm hearing both of you say the same thing,

1 but indirectly not the same thing.

2 And if I can make a suggestion to move
3 this along. I would make a recommendation to the
4 Board that we extend this request to March 2020.

5 CHAIRPERSON ANDERSON: I don't think
6 we can do that Mr. Short. I think we have to --

7 MEMBER SHORT: We'd have to --

8 CHAIRPERSON ANDERSON: It would have
9 to be done -- it would have to be done, there's -
10 - it has to be done in a six-month increment.

11 And so, I'm -- I am in fav -- I'm in
12 support of your suggestion. And that's one of
13 the reasons why my conversation with Mr. O'Brien
14 is that that's where I was thinking that it's --
15 they're going to request another extension.

16 And so therefore,

17 MEMBER SHORT: Sure.

18 CHAIRPERSON ANDERSON: We're trying to
19 discuss some type of preconditions that once --
20 if another -- I'm inclined to support this
21 extension.

22 So, I'm inclined to support it, to

1 make the recommendation. I'm going to make the
2 recommendation to the Board that we grant it.

3 However, we have to establish some
4 conditions for the next -- for the next request.
5 Because we know that it's going to come.

6 It's not realistic that this license
7 will be onboard by October 1. It's not
8 realistic.

9 MEMBER SHORT: No. No.

10 CHAIRPERSON ANDERSON: And so since
11 it's not realistic, that's why I'm having this
12 conversation. For him to let me know what are
13 some preconditions that they can live with?

14 Rather than the Board stating, this is
15 what I want you do to, you tell me what would be
16 reasonable. What the expectation is for the
17 Board.

18 And of course, I'll hold you to the
19 preconditions. But, there are acts of God that
20 exceptions can be made.

21 And of course if you come forward to
22 say, these are why these things the Board would

1 consider. But at a minimum, there should be some
2 expectation that we should have moving forward.

3 So yes, I agree with your Mr. Short.
4 But, it can only be done for six months in order
5 to allow the Board an op -- or the Agency an
6 opportunity to manage the expiration.

7 Are you done Mr. Short?

8 MEMBER SHORT: Yes. I am.

9 CHAIRPERSON ANDERSON: Mr.
10 Silverstein?

11 MEMBER SILVERSTEIN: Yeah. I would
12 agree as well. I would tell the licensee that we
13 keep them all on the same time frame.

14 And to extend one beyond the
15 expiration date of all the others, might end up
16 with things falling in the cracks.

17 I don't think there's necessarily any
18 reason to see you again in six months. Or to
19 create any undue burdens.

20 But this is simply first and foremost
21 a bookkeeping matter that we're not going to have
22 only one of all --- more the 100 licensees in

1 safe keeping have a different expiration date
2 then others.

3 It would cause us issues in the
4 office.

5 MR. O'BRIEN: Mr. Silverstein, I
6 believe the Chair is correct. I believe the
7 Statute limits, --

8 MEMBER SILVERSTEIN: Correct.

9 MR. O'BRIEN: The increments to six
10 months at a time.

11 MEMBER SILVERSTEIN: Sure.

12 MR. O'BRIEN: Yeah.

13 CHAIRPERSON ANDERSON: Okay. Any
14 other questions by any other Board Members?

15 (No response)

16 CHAIRPERSON ANDERSON: Any other
17 representation you want to make, sir? On behalf
18 of your client?

19 MR. O'BRIEN: No, sir.

20 CHAIRPERSON ANDERSON: All right. So,
21 I make a motion that we grant the -- grant the
22 request for safe keeping through March -- I'm

1 sorry, through September 30, 2019.

2 It is with the understanding and --
3 with the understanding of the licensee that they
4 are going to -- it's more likely than not that
5 they will request an extension again for March
6 31, 2020.

7 But, they -- but the expectation that
8 the applicant should provide to us a transfer of
9 the license to a local -- address.

10 Is that what we agreed to Mr. -- that
11 the expectation -- there's some expectation
12 that's what the Board wants.

13 That's our position. If that's not --
14 if that doesn't occur, then you would have -- if
15 you're going to request another extension, then
16 you would have to give us a reasonable
17 explanation why is it that that could not occur.

18 MR. O'BRIEN: And that's understood.

19 CHAIRPERSON ANDERSON: Is there a
20 second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion. All those in favor say aye?

2 (Chorus of ayes)

3 CHAIRPERSON ANDERSON: Those opposed?

4 (No response)

5 CHAIRPERSON ANDERSON: The matter

6 passes four to zero, to zero. Thank you.

7 MR. O'BRIEN: Thank you.

8 CHAIRPERSON ANDERSON: You have a good

9 day.

10 MR. HICKS: Thank you.

11 MEMBER SHORT: Mr. O'Brien?

12 MR. O'BRIEN: Yes, sir?

13 MR. SHORT: What was the price? Can
14 you tell us what that price was in Georgetown for
15 Nathan's?

16 MR. HICKS: I don't remember the sale
17 price, but it was five thousand dollars a square
18 foot. And it's raised per square foot prices in
19 Georgetown from kind of the seven hundreds to
20 eight hundreds, to where people are asking, you
21 know, 15 hundred to two thousand a square foot.

22 MR. O'BRIEN: The Capital One was five

1 thousand a square foot?

2 MR. HICKS: I believe that was the
3 number.

4 MR. O'BRIEN: It was in all the papers
5 at the time. It just -- it was flabbergasting
6 how much they paid for it.

7 CHAIRPERSON ANDERSON: So they wanted
8 to be in Georgetown.

9 MR. O'BRIEN: Apparently.

10 MR. HICKS: And our advisors advised
11 us no to purchase property at this time. But to
12 -- and that's why we've switched our tactics.

13 MEMBER SHORT: There's nothing going
14 down.

15 MR. O'BRIEN: Hum?

16 MEMBER SHORT: He said he'd never
17 purchase at this time, but it's never going to go
18 down.

19 CHAIRPERSON ANDERSON: Especially in
20 Georgetown.

21 MR. O'BRIEN: Well, I -- the fact that
22 one extravagant price maybe paid, it may make

1 other property owners believe their property is
2 more valuable.

3 But the market will correct.

4 CHAIRPERSON ANDERSON: Yeah. We'll
5 see.

6 MR. O'BRIEN: You probably remember
7 when Heon's --

8 MEMBER SHORT: What's that?

9 MR. O'BRIEN: The restaurant that was
10 there before Nathan's was Heon.

11 MEMBER SHORT: Okay.

12 MR. O'BRIEN: You remember when Heon's
13 was there.

14 MEMBER SHORT: I will just say I've
15 been up there on a couple of Halloween details
16 before that change over. Yes. I remember that
17 restaurant.

18 MR. O'BRIEN: Yes. Well Nathan's was
19 there, I think, since about 1969.

20 MEMBER SHORT: Yeah.

21 MR. O'BRIEN: All right. Thank you,
22 Mr. Chair.

1 CHAIRPERSON ANDERSON: Thank you.

2 Have a good day.

3 MR. HICKS: Thank you.

4 CHAIRPERSON ANDERSON: Thank you, bye,
5 bye.

6 (Whereupon, the above-entitled matter
7 went off the record at 1:52 p.m.)

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Before: DCABRA

Date: 05-22-19

Place: Washington, DC

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Court Reporter

NEAL R. GROSS

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