

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

IN THE MATTER OF: :
 :
Shemali's Inc., :
t/a Shemali's : Fact Finding
3306 Wisconsin Ave NW : Hearing
Retailer B - ANC 3C :
License No. 70233 :
 :
(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 (3:36 p.m.)

3 CHAIRPERSON ANDERSON: All right. So
4 our next case on our calendar is the Fact Finding
5 Hearing for Shemali's, License No. 70233.

6 Would the parties for Shemali's please
7 approach and identify themselves for the record,
8 please?

9 MS. CHEMALI: Hello, I'm Gretta
10 Chemali.

11 CHAIRPERSON ANDERSON: Can you spell
12 your name for the record please and write it?

13 MS. CHEMALI: G-R-E-T-T-A, last name,
14 C-H-E-M-A-L-I.

15 CHAIRPERSON ANDERSON: All right.
16 You're with, you're in here in front of us for a,
17 you want to, for this license to continue in
18 safekeeping? Now --

19 MS. CHEMALI: No. I'm sorry.

20 CHAIRPERSON ANDERSON: Why, yes, I'm
21 sorry.

22 MS. CHEMALI: I'm transferring the

1 license to a different location. It's been a
2 while since I heard from them. They needed more
3 paperwork so if I can just keep it for maybe a
4 month or until they finish holding up my
5 application.

6 CHAIRPERSON ANDERSON: Well, let me
7 ask you a question.

8 MS. CHEMALI: Yes, sir?

9 CHAIRPERSON ANDERSON: This, you
10 submitted, the transfer application has been
11 pending since February of 2000, for a year.

12 MS. CHEMALI: Yes, sir.

13 CHAIRPERSON ANDERSON: So why has this
14 application been pending for a year?

15 MS. CHEMALI: Yes.

16 CHAIRPERSON ANDERSON: What's that all
17 about?

18 MS. CHEMALI: By the luck of health
19 problem, my husband have cancer. We were in the
20 hospital and I had problem and I caught the
21 problem for me, between me and him, I totally
22 forgot about it.

1 Thank you. That's why, so when I got
2 this one, I just remembered. So now I promise I
3 will fill out everything they need just to get it
4 done.

5 It has been a very bad year for us,
6 has been.

7 CHAIRPERSON ANDERSON: So you have an
8 extensive list of information that -- so we sent
9 you a letter March 10th, 2017 and that we gave
10 you a substantial amount of information that you
11 need to provide.

12 So you're saying that between March
13 and now you didn't provide any of that
14 information to the Board?

15 MS. CHEMALI: No. I'm sorry. I just
16 gave them the landlord --

17 CHAIRPERSON ANDERSON: What did, so
18 on, you have this list. So tell me what is it
19 that you have provided to the Agency?

20 MS. CHEMALI: I did, that's what I did
21 already.

22 CHAIRPERSON ANDERSON: What you have

1 provided them based on -- you have this letter in
2 front of you that's dated March 10th, 2017.

3 MS. CHEMALI: Okay.

4 CHAIRPERSON ANDERSON: So what, since
5 March 10th, 2017, what information on this list
6 have you provided to the Agency?

7 MS. CHEMALI: The thing is, when I put
8 the thing, the application, all of those were
9 checked in except the landlord and then the
10 police clearance. The landlord affidavit and the
11 police clearance and they needed my passport and
12 my husband's passport, these papers.

13 All the rest I filled it up. I don't
14 know why they still asking for the personal
15 history affidavit, the personal information
16 release. The zoning certification, it had, I
17 need to go to the zoning permit to get it or
18 because I filled out like where the closest
19 school is, where's the closest daycare, and
20 everything in my application.

21 CHAIRPERSON ANDERSON: Now I'm
22 confused because I'm --

1 MR. ALBERTI: Can I ask a quick
2 question?

3 CHAIRPERSON ANDERSON: Go ahead Mr.
4 Alberti.

5 MR. ALBERTI: Who is Joseph Chemali?

6 MS. CHEMALI: My husband.

7 MR. ALBERTI: All right. And so he's
8 a member of the corporation?

9 MS. CHEMALI: Yes, sir.

10 MR. ALBERTI: All right. How's his
11 health been?

12 MS. CHEMALI: Now he's better. Yes,
13 thank you.

14 MR. ALBERTI: But no, his health.
15 How's his health been?

16 MS. CHEMALI: He had cancer and now he
17 is better.

18 MR. ALBERTI: Now he's better.

19 MS. CHEMALI: Yes.

20 MR. ALBERTI: So you both were unable
21 to provide these things through the year because
22 of illness?

1 MS. CHEMALI: Because I was taking
2 care of him. I was, like he had kidney cancer,
3 he had prostate cancer, and he had, he was in the
4 hospital.

5 MR. ALBERTI: Who's running the store?
6 Because last time you said you were here you were
7 still operating the store without the liquor
8 license.

9 MS. CHEMALI: We are still running --

10 MR. ALBERTI: Okay. So who's running
11 the store?

12 MS. CHEMALI: My son.

13 MR. ALBERTI: Okay.

14 MS. CHEMALI: Yes.

15 MR. ALBERTI: How old is he?

16 MS. CHEMALI: 26.

17 MR. ALBERTI: Does he help you with
18 your business?

19 MS. CHEMALI: Yes.

20 MR. ALBERTI: So presumably he could
21 help you with some of this, right?

22 MS. CHEMALI: I hope so.

1 MR. ALBERTI: But he hasn't?

2 MS. CHEMALI: I don't know if you have
3 kids but like he will do this job at the business
4 but he doesn't --

5 MR. ALBERTI: It's a business, it's a
6 business.

7 MS. CHEMALI: It's a business, family
8 business.

9 MR. ALBERTI: I know it's family but
10 it's still a business.

11 MS. CHEMALI: Yes.

12 MR. ALBERTI: So are you saying that
13 the Articles of Incorporation you've already
14 submitted to us?

15 MS. CHEMALI: The Articles of
16 Incorporation. I have no idea what it is. I'm
17 sorry.

18 MR. ALBERTI: Have you asked?

19 MS. CHEMALI: No.

20 MR. ALBERTI: What it is?

21 MS. CHEMALI: I don't know who to ask.
22 I need to call --

1 MR. ALBERTI: Well, how about, I mean
2 you could call the Agency and ask to speak with
3 Ms. Gibbs, the licensing specialist. Have you
4 done that?

5 MS. CHEMALI: Okay. No, I didn't. I
6 will do it.

7 MR. ALBERTI: Why not?

8 MS. CHEMALI: I'm sorry. Because --

9 MR. ALBERTI: Well, I mean, seriously.
10 Why not? It's been a year.

11 MS. CHEMALI: It's been a year, yes.

12 MR. ALBERTI: I understand it's
13 difficult. You've got other things to deal with
14 but, you know --

15 MS. CHEMALI: I told them before --

16 MR. ALBERTI: We impressed upon you
17 last time you were here that it was imperative
18 that you take care of this --

19 MS. CHEMALI: I know.

20 MR. ALBERTI: -- and yet over the year
21 you haven't found time to even call the Agency to
22 ask --

1 MS. CHEMALI: I know.

2 MR. ALBERTI: -- you know, what is
3 this stuff, what do I need?

4 MS. CHEMALI: I will do it right now
5 believe me, because in March my husband found out
6 he had cancer we've been from one doctor to
7 another.

8 MR. ALBERTI: March of when?

9 MS. CHEMALI: 2017. And he did the
10 surgery, he did, he was in the hospital twice. I
11 stayed with him. So I totally, I didn't even
12 think about the liquor license, the beer and wine
13 license. That's why.

14 And then last, two months ago in the
15 beginning of December, I start having heart
16 problems so I totally forgot. I didn't even
17 think about this one. That's why.

18 MR. ALBERTI: So you really don't
19 really want it that badly then from what I'm
20 hearing?

21 MS. CHEMALI: I want, I've been paying
22 for it for, it's been --

1 MR. ALBERTI: No, I know. But you
2 don't really want it and you really don't want it
3 to put it into -- I'm not getting the sense that
4 you, that there is any urgency on your part of
5 putting this license in operation.

6 MS. CHEMALI: It is, believe me.
7 Maybe I don't know how to show that it is but I
8 just need to --

9 MR. ALBERTI: Because I mean, you
10 know, it doesn't, it's I know you're busy with
11 other things but we're talking about a half hour
12 phone call to the Agency, talk to Ms. Gibbs to
13 say, Articles of Incorporation, what are those?

14 And you must have those. You have a
15 corporation, right?

16 MS. CHEMALI: I do have.

17 MR. ALBERTI: You currently have a
18 business and that business owns, that it's owned
19 by a corporation.

20 MS. CHEMALI: Yes, sir.

21 MR. ALBERTI: So you must have those
22 Articles of Incorporation.

1 MS. CHEMALI: It's somewhere.

2 MR. ALBERTI: You're a business
3 person. You better have them.

4 MS. CHEMALI: I know.

5 MR. ALBERTI: I mean, you've got a
6 license to operate this from DCRA, right?

7 MS. CHEMALI: Yes, sir.

8 MR. ALBERTI: And you had to get DCRA
9 those Articles of Incorporation?

10 MS. CHEMALI: Yes.

11 MR. ALBERTI: And yet you're telling
12 me you don't know what they are, and you're not
13 sure where they are. I'm just a little confused.

14 MS. CHEMALI: I'm sorry. I know in
15 September I came, I paid the fee, they asked a
16 lot of paperwork. I went to the DCRA, I went to
17 the one on 4th Street to get all the forms they
18 need. I put it in here. I gave them back to
19 them, paid the fee, but I'm so sorry.

20 MR. ALBERTI: You went to DCRA to give
21 them the Articles of Incorporation --

22 MS. CHEMALI: Not the Articles --

1 MR. ALBERTI: Pardon?

2 MS. CHEMALI: They asked for a lot of,
3 I don't know what they asked from me last, to pay
4 the fee, the \$1300. So this is what happened in
5 September. And I know that, excuse me one
6 second.

7 I don't know if I --

8 MR. ALBERTI: Martha, can you, I'm not
9 sure what Ms. Chemali's giving us.

10 (Off the record comment.)

11 MR. ALBERTI: What is that you're
12 giving us?

13 MS. CHEMALI: So this was dated on the
14 13, on the --

15 MR. ALBERTI: What is it you're giving
16 us?

17 PARTICIPANT: Like safekeeping fees
18 and invoice.

19 MR. ALBERTI: Oh, she's safekeeping
20 fees. So well, we know you've paid your
21 safekeeping fees.

22 MS. CHEMALI: Okay. And then --

1 MR. ALBERTI: That doesn't help with
2 the transfer. I mean, there's a list of
3 documents here.

4 MS. CHEMALI: Okay.

5 MR. ALBERTI: You have minutes of a
6 board of director's meeting.

7 MS. CHEMALI: It's between me and my
8 husband, yes. We do have.

9 MR. ALBERTI: Do you have those
10 minutes?

11 MS. CHEMALI: Yes, sir.

12 MR. ALBERTI: Have you, but you
13 haven't provided them?

14 MS. CHEMALI: I didn't write it down,
15 no. That's why I recall she just gave me the
16 name of Mr. Kevin Jackson.

17 (Off the record comment.)

18 MR. ALBERTI: I know. I know, we've
19 got that. I got that.

20 Proof of citizenship. You haven't
21 provided that?

22 MS. CHEMALI: I just need to get my

1 passport, both of us and bring it here, both make
2 copy.

3 MR. ALBERTI: Do you have a passport?

4 MS. CHEMALI: Of course. But I don't
5 have it on me.

6 MR. ALBERTI: It's there? It's there?

7 MS. CHEMALI: Yes.

8 MR. ALBERTI: So all year long you
9 couldn't photocopy a copy of your passport and
10 send it in?

11 MS. CHEMALI: No, sir.

12 MR. ALBERTI: She's making no effort.
13 These were all the things she has to get. I'm
14 done.

15 CHAIRPERSON ANDERSON: Any other
16 questions by any of the Board members?

17 MS. CHEMALI: I did provide the clean
18 hands certificate for both of us. I did provide
19 it but I don't know why, I don't know. And the
20 Certificate of Occupancy, Certificate of Trade
21 Name Registration, all of those I did.

22 CHAIRPERSON ANDERSON: Any final

1 comments, ma'am?

2 MS. CHEMALI: I'm sorry?

3 CHAIRPERSON ANDERSON: Any final
4 comments you want to make?

5 MS. CHEMALI: No. I would promise you
6 I will have it done. I will get everything done.

7 CHAIRPERSON ANDERSON: If the Board
8 was to grant this then it would be through
9 September 30th, 2018. So what assurances, if
10 any, can you provide the Board that you'll
11 provide all this information prior to that date
12 so the transfer can move forward?

13 MS. CHEMALI: I can assure you I will
14 do it within the next month.

15 CHAIRPERSON ANDERSON: As Chairperson
16 of the Alcoholic Beverage Control Board for the
17 District of Columbia in accordance with, we'll
18 take this matter under advisement, ma'am.

19 As Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia in accordance to Section 405 of the Open
22 Meetings Amendment Act of 2010, I move that ABC

1 Board hold a closed meeting for the purpose of
2 seeking legal advice from our Counsel on the Fact
3 Finding Hearing for Machu Picchu Restaurant,
4 pursuant to D.C. Official Code Section 2-574B of
5 the Open Meetings Act and deliberate upon the
6 Fact Finding Hearing on Machu Picchu Restaurant
7 for the reasons cited in D.C. official Code
8 Section 2-574B 13 of the Open Meetings Act. Is
9 there a second?

10 MR. SILVERSTEIN: Second.

11 CHAIRPERSON ANDERSON: Mr. Silverstein
12 has seconded the motion. I will now a roll call
13 vote of the motion before us now that it has been
14 seconded. Mr. Cato?

15 MR. CATO: I agree.

16 CHAIRPERSON ANDERSON: Mr. Alberti?

17 MR. ALBERTI: I agree.

18 CHAIRPERSON ANDERSON: Mr.
19 Silverstein?

20 MR. SILVERSTEIN: I agree.

21 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

22 MS. WAHABZADAH: I Agree.

1 CHAIRPERSON ANDERSON: I'm Mr.
2 Anderson and I agree.

3 We'll take this matter under
4 advisement and let you know whether or not we
5 will agree to the extension.

6 MS. CHEMALI: Okay.

7 CHAIRPERSON ANDERSON: Or whether or
8 not we're going to deny it.

9 MS. CHEMALI: Okay.

10 CHAIRPERSON ANDERSON: Okay.

11 MS. CHEMALI: When will I know?

12 CHAIRPERSON ANDERSON: Once we, we
13 will --

14 MS. CHEMALI: You will name me, you
15 will --

16 CHAIRPERSON ANDERSON: We will make a
17 decision. We'll go back around back and we'll
18 make a decision today and in due course we will
19 let you know what our decision is.

20 MS. CHEMALI: Okay.

21 CHAIRPERSON ANDERSON: You will find
22 out in the next couple of days what the decision

1 is, ma'am.

2 MS. CHEMALI: Oh.

3 CHAIRPERSON ANDERSON: Thank you for
4 being here today.

5 MS. CHEMALI: Thank you.

6 CHAIRPERSON ANDERSON: All right. Let
7 me see something. Covered everything on the
8 calendar. All right.

9 As Chairperson of the Alcoholic
10 Beverage Board for the District of Columbia and
11 accordance with D.C. Official Code Section 2574B
12 Closed Meetings and Section 2574 Notice for
13 Meetings of the Open Meeting Act, I move that ABC
14 Board hold a closed meeting on February 14th,
15 2018, for the purpose of seeking, for the purpose
16 of discussing and hearing reports concerning
17 ongoing or planned investigations of alleged
18 criminal or civil misconduct, or violations of
19 law, or regulations, and seeking legal advice
20 from our Counsel and the Board's investigative
21 licensing and legal agenda for February 14th,
22 2018, as published in DC Register on February

1 9th, 2014. Is there a second?

2 MR. SILVERSTEIN: Second.

3 CHAIRPERSON ANDERSON: Mr. Silverstein
4 has seconded the motion. I will take a roll call
5 vote on the motion before us now that has been
6 seconded. Mr. Cato?

7 MR. CATO: I agree.

8 CHAIRPERSON ANDERSON: Mr. Alberti?

9 MR. ALBERTI: I agree.

10 CHAIRPERSON ANDERSON: Mr.
11 Silverstein?

12 MR. SILVERSTEIN: I agree.

13 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

14 MS. WAHABZADAH: I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson,
16 I agree.

17 As it appeared that the motion has
18 passed, I hereby give notice that the ABC Board
19 will hold its aforementioned closed meeting.

20 Pursuant to the Open Meetings Act,
21 notice will also be posted on the ABC Board
22 Hearing Room bulletin board, placed on an

1 electronic calendar on ABRA's website, and
2 published in the DC Register in as timely a
3 manner as practical.

4 It is 3:47 p.m. and we're adjourned
5 for the day. Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:52 p.m.)
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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: Shemali's Inc.

Before: Alcoholic Beverage Control Board

Date: 02-07-18

Place: Washington, DC

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Court Reporter

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