

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

IN THE MATTER OF: :

: :

Zenebe Shewayene (License: :
in Safekeeping without :
Location) : Fact Finding
Retailer B : Hearing
License No. 100620 :
: :
(Request to Extend :
Safekeeping) :

Wednesday
March 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, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

WORKNEH CHURNET, Licensee
ZENEBE SHEWAYENE, Licensee

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

2 11:26 a.m.

3 CHAIRPERSON ANDERSON: Now, the next
4 case on our calendar is a Fact-Finding Hearing,
5 Zenebe Shewayene, License No. 100620. This is a
6 request to extend safekeeping.

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

9 MR. SHEWAYENE: Zenebe Shewayene.

10 CHAIRPERSON ANDERSON: How do you --

11 MR. SHEWAYENE: Shewayene.

12 CHAIRPERSON ANDERSON: Shewayene? Can
13 you also spell your name for the record? And
14 there is a sign-in sheet, could you also write
15 your name there, sir?

16 And could the other person also
17 introduce himself for the record, please?

18 MR. CHURNET: Yeah, my name is Workneh
19 Churnet. And I am here because Mr. Shewayene is
20 transferring his license to me, so that I can use
21 it when I open the grocery store under my own
22 name. That's why I'm here.

1 CHAIRPERSON ANDERSON: Well, Mr.
2 Shewayene, one more time?

3 MR. SHEWAYENE: Shewayene.

4 CHAIRPERSON ANDERSON: Shewayene.
5 Now, this has been in safekeeping for a long
6 time. So where -- the representation I'm hearing
7 now is that you are transferring it to someone
8 else. So why has it been in safekeeping for this
9 long? And where are you in the transfer of this
10 license?

11 MR. SHEWAYENE: Okay. What happened
12 was before I got the license, I opened a store.
13 There was another beer and wine next to me,
14 almost one distance. When those guys sold it,
15 they told me it can be transferred to me. I came
16 to the Board, it was just -- I don't know why it
17 was dragged for four years. I opened the store
18 four years and I have to close.

19 But the main thing was the owner next
20 door to me, he told me if I had it four years,
21 you can have it. It was just one distance. I
22 could move it to my location, that's why it

1 stayed so long.

2 CHAIRPERSON ANDERSON: I'm --

3 MR. SHEWAYENE: It was 618. There
4 used to be a beer and wine store.

5 CHAIRPERSON ANDERSON: Right.

6 MR. SHEWAYENE: 618 T Street, N.W.

7 CHAIRPERSON ANDERSON: All right.

8 MR. SHEWAYENE: So when they sold it,
9 I was trying to move it next door. I don't know
10 what happened here. We couldn't make it. So I
11 ran the store four years almost trying to get
12 that, the Board deny, too, so I have to close the
13 store and keep it in safekeeping. And now, I'm
14 transferring for him.

15 CHAIRPERSON ANDERSON: So we are -- so
16 what steps have you taken to transfer it to him?
17 Tell us where is it -- where -- have you made
18 application to the board? Where are you in
19 having it transferred to him?

20 MR. SHEWAYENE: Yes, well, filling
21 application was a bigger part. We agreed those.

22 CHAIRPERSON ANDERSON: So have you

1 turned in any information? Has any information
2 been turned in to the Board as yet?

3 MR. SHEWAYENE: Not yet.

4 CHAIRPERSON ANDERSON: So when do
5 you --

6 MR. SHEWAYENE: We're in the process.

7 MR. CHURNET: Today. Today we should
8 be able to. Today, we are going to fill out all
9 the applications. We have talked to the Dee and
10 we will be completing --

11 MR. SHEWAYENE: And also --

12 MR. CHURNET: -- the application and
13 filing it today or tomorrow at the latest.

14 CHAIRPERSON ANDERSON: All right. Any
15 questions by any Board Members?

16 MEMBER ALBERTI: Yes.

17 CHAIRPERSON ANDERSON: Go ahead, Mr.
18 Alberti.

19 MEMBER ALBERTI: Okay. So I have a
20 question, not for Mr. Shewayene, is it?

21 MR. SHEWAYENE: Yes.

22 MEMBER ALBERTI: Not for you, but for

1 the other gentleman. Your name again?

2 MR. CHURNET: Churnet is last name.

3 C-H-U-R-N-E-T.

4 MEMBER ALBERTI: C-H-U-R?

5 MR. CHURNET: N-E-T, Churnet.

6 MEMBER ALBERTI: Okay. N-E-T. Okay.

7 What are your plans to use this license?

8 MR. CHURNET: I am going to open a
9 grocery store in Northeast. I have talked with
10 landlord and I'll be opening a small grocery
11 store and I'll be using -- I have made sure that
12 it meets all the requirement what I can use a
13 beer and wine license.

14 MEMBER ALBERTI: All right.

15 MR. CHURNET: So working on that.

16 MEMBER ALBERTI: Okay.

17 MR. CHURNET: Within six months to one
18 -- twelve months, I should be able to open the
19 store.

20 MEMBER ALBERTI: In 6 to 12 months?

21 MR. CHURNET: Yes, sir.

22 MEMBER ALBERTI: Okay. Do you have a

1 lease?

2 MR. CHURNET: No, not right now, but
3 I'm working on it.

4 MEMBER ALBERTI: And when do you
5 expect to have a lease signed?

6 MR. CHURNET: Six months.

7 MEMBER ALBERTI: Pardon?

8 MR. CHURNET: In six months I should
9 be able to get. You know, it will be over --

10 MEMBER ALBERTI: All right. Go ahead.

11 MR. CHURNET: -- yes, within six
12 months to a year, I should be able to open.

13 MEMBER ALBERTI: That's not my
14 question. When do you expect to sign a lease?

15 MR. CHURNET: Within six months.

16 MEMBER ALBERTI: Within six months?

17 MR. CHURNET: Yes, sir.

18 MEMBER ALBERTI: Once you sign the
19 lease, what will need to be done to the property
20 for you to open your grocery store?

21 MR. CHURNET: Yeah, I have to apply
22 for all the required licenses and permits.

1 MEMBER ALBERTI: Okay. Physically, is
2 the -- what -- at the location where you want to
3 open, what is there currently? What is -- is
4 there a store there? Is there a residence? Is
5 it a vacant building? Is it gutted? I mean, I'm
6 trying to figure out --

7 MR. CHURNET: There is a store there.
8 And next to the store -- there is a store there
9 already and I'm trying to transfer that store to
10 me, but next door there is a liquor license, but
11 that is a Class A Liquor License and that will
12 not interfere with mine.

13 MEMBER ALBERTI: Okay. So are you at
14 liberty to tell us the address?

15 MR. CHURNET: Sorry?

16 MEMBER ALBERTI: Are you at liberty to
17 tell -- you don't have to. I mean --

18 MR. CHURNET: Yeah. I mean, I don't
19 want to, but --

20 MEMBER ALBERTI: Okay. Fine. So
21 there is currently -- what kind of store is there
22 currently?

1 MR. CHURNET: It's a grocery store,
2 but next door there is a Class A.

3 MEMBER ALBERTI: So there is a
4 grocery --

5 MR. CHURNET: Grocery.

6 MEMBER ALBERTI: -- there is a Class
7 A next door. I understand that. But where you
8 want to locate is the grocery store, right now.

9 MR. CHURNET: Yes.

10 MEMBER ALBERTI: All right. And you
11 are buying that from the current owner?

12 MR. CHURNET: He is not going to sell
13 the inventory. For some reason, he is going to
14 use the inventory --

15 MEMBER ALBERTI: He is leaving?

16 MR. CHURNET: -- some other way. But
17 I am going to lease the place.

18 MEMBER ALBERTI: Okay. So he is --
19 the current grocery store is losing its lease,
20 right?

21 MR. CHURNET: Yeah, or that's the
22 understanding.

1 MEMBER ALBERTI: Does the current
2 grocery store have a license?

3 MR. CHURNET: Yeah, it has a license.
4 It's a store.

5 MEMBER ALBERTI: A liquor license?

6 MR. CHURNET: That's a separate liquor
7 store. I'm not interested in the liquor store.

8 MEMBER ALBERTI: I understand. The
9 current grocery store that you are planning on
10 operating --

11 MR. CHURNET: I understand.

12 MEMBER ALBERTI: -- does that store
13 have a liquor license?

14 MR. CHURNET: No, no, it doesn't.

15 MEMBER ALBERTI: It doesn't. Okay.
16 Great.

17 MR. CHURNET: It does not have a
18 license.

19 MEMBER ALBERTI: And do you know when
20 that current owner of the grocery store is going
21 to vacate?

22 MR. CHURNET: Within six months.

1 MEMBER ALBERTI: Okay. So if we were
2 to grant this safekeeping --

3 MR. CHURNET: For one year only.

4 MEMBER ALBERTI: -- so next October,
5 you would have a lease signed for your -- for the
6 place where you want to put this, right?

7 MR. CHURNET: Correct.

8 MEMBER ALBERTI: All right.

9 MR. CHURNET: God willing.

10 MEMBER ALBERTI: Okay. Well, you
11 know, I don't -- this license -- let me just say,
12 this license has been sitting in limbo since 2008
13 and it's not clear to me that it ever got used.

14 MR. CHURNET: Hum?

15 MEMBER ALBERTI: It's not clear that
16 anyone ever used this license.

17 MR. CHURNET: Within a year it will be
18 applied.

19 MEMBER ALBERTI: Let me finish. So
20 it's not clear to me that anyone has ever used
21 this license and it was issued in 2008. All
22 right? And it currently doesn't have a location

1 to be opened, right? Now, Mr. Churnet, all of a
2 sudden you show up at the last minute and say oh,
3 I'm going to open this and great, that's good
4 news, but --

5 MR. CHURNET: Just one year.

6 MEMBER ALBERTI: -- I don't want this
7 sitting in limbo for another two years while you
8 decide oh, you know, those plans fell through and
9 now I'm going to look for another place and we
10 are back to the same spot.

11 MR. CHURNET: Yes.

12 MEMBER ALBERTI: So I, you know, need
13 a commitment that you are going to have a lease
14 within six months.

15 MR. CHURNET: Yes.

16 MEMBER ALBERTI: Because if you don't
17 have a lease within six months, I don't know how
18 you are going to open within a year.

19 MR. CHURNET: I understand.

20 MEMBER ALBERTI: Because if you don't
21 have a lease within six months, it takes
22 sometimes -- you are probably going to want to do

1 some construction. You are probably going to
2 have to do some outfitting of this place to suit
3 your needs, right?

4 MR. CHURNET: Yes.

5 MEMBER ALBERTI: Things don't happen
6 overnight. They don't turn on a dime with
7 getting approvals from city agencies. So if you
8 don't have a lease in six months, I'm not going
9 to trust that you are going to be open in a year.

10 MR. CHURNET: I hear you.

11 MEMBER ALBERTI: So I would only grant
12 this -- my recommendation to the Board, my
13 opinion, is that we only grant this under the
14 stipulation that Mr. Churnet has a lease signed
15 by the time he would then -- by the time this six
16 month safekeeping would end. At the end of six
17 months, you will have to apply for safekeeping
18 again, but if you have a lease then, you know, I
19 would say go ahead, let's give him another six
20 months.

21 But if you don't, I wouldn't vote for
22 another six months. Anyway, that's my opinion.

1 MR. CHURNET: Yes, six months --
2 within six months I should be able to sign a
3 lease and within a year, I'll be able to acquire
4 that --

5 MEMBER ALBERTI: Well, let's take it
6 one step at a time.

7 MR. CHURNET: Yes, sir. I will
8 appreciate --

9 MEMBER ALBERTI: Mr. Churnet, let's
10 take it one step at a time. Let's get to the
11 lease.

12 MR. CHURNET: Now, can we make it
13 between six months to one year? Can you give me
14 that?

15 MEMBER ALBERTI: I don't know why you
16 can't -- if you really want this license, you're
17 talking with this gentleman, all right, he is
18 going to transfer the license to you, right?
19 That is going to happen, that should happen very
20 quickly. In fact, we actually can't do the
21 transfer until you have the lease.

22 So you know, we can't approve the

1 transfer until you have the lease.

2 MR. CHURNET: Yeah.

3 MEMBER ALBERTI: So I don't know why
4 it is going to take six months. You are telling
5 me the --

6 MR. CHURNET: Because the owner of the
7 grocery store would move out -- would have to
8 move out and --

9 MEMBER ALBERTI: Well, you didn't tell
10 me that up front. You made it -- you made this
11 sound like oh, this is all easy, real easy. This
12 is just a done deal.

13 MR. CHURNET: Yeah, well --

14 CHAIRPERSON ANDERSON: Let me say
15 something here, sir.

16 MEMBER ALBERTI: All right.

17 CHAIRPERSON ANDERSON: If the Board
18 grants -- if the Board was to grant it, the
19 safekeeping, it would be through September 31st.
20 Okay? So on September 31st, you would have to
21 come back again to us to ask for another request
22 for safekeeping.

1 And I think what Mr. Alberti is
2 saying, in order for him to vote for it, he wants
3 to make sure that if you come back to us on
4 September 31st if we were to grant it today, it
5 would be through September 31st, and that you
6 would have to come back to us again on September
7 31st to request another safekeeping.

8 And what he is saying to you is you
9 need to have a lease in place and if you have a
10 lease in place, if the Board was to grant this
11 today, then if you have a lease in place to say
12 okay, I now have signed a lease, we all know that
13 it's going to take a while for you to be in
14 operation.

15 And so therefore, if you -- you would
16 have to send in another request again. And so if
17 the Board says if you send in and here is my
18 lease, this is what I'm doing, I have applied
19 here, then the Board probably would -- we would
20 not -- we would recognize the fact that he has
21 taken steps to utilize the license. He needs
22 this amount of time to bring it on board.

1 MR. CHURNET: Yes.

2 CHAIRPERSON ANDERSON: So I'm not
3 saying we are -- but I'm just clarifying to you
4 that if he is saying six months, we are actually
5 giving you eight months.

6 MR. CHURNET: Thank you. Thank you.

7 CHAIRPERSON ANDERSON: So you will be
8 getting -- if we were to grant this today, you
9 would be given eight months to get a lease.

10 MR. CHURNET: Okay.

11 CHAIRPERSON ANDERSON: Because
12 remember, you have to have to come back to us in
13 September for another safekeeping if the grocery
14 store is not open.

15 MR. CHURNET: I hear you. Thank you.

16 CHAIRPERSON ANDERSON: Well, but I
17 know who -- and Mr. Short is here today, but I
18 just think that, Mr. Churnet, you are saying, you
19 know, give us some more time.

20 So since you are the one who says that
21 it is going to be transferred to you, that this
22 is the amount of time that we are looking at.

1 MR. CHURNET: Okay.

2 CHAIRPERSON ANDERSON: So that's what

3 -- so --

4 MEMBER ALBERTI: And the transfer
5 really can't happen until a lease is signed.

6 CHAIRPERSON ANDERSON: Right. So but,
7 yeah, so if there is -- so of course, you know
8 that the transfer -- I mean, once he -- once you
9 have a lease, then you can -- Mr. Shewayene --

10 MR. SHEWAYENE: Shewayene.

11 MEMBER ALBERTI: May I interject here?

12 CHAIRPERSON ANDERSON: Yeah.

13 MEMBER ALBERTI: The bottom line is
14 the Board cannot approve the lease. Cannot
15 approve the transfer until we have a lease from
16 the new owner.

17 MR. CHURNET: Well, how --

18 MEMBER ALBERTI: So this transfer is
19 not happening until Mr. Churnet has a lease,
20 because if there is no place to put it, we are
21 not going to transfer it.

22 MR. CHURNET: Right.

1 MEMBER ALBERTI: Mr. Churnet, you need
2 to get a lease if you want to own this license.
3 You can -- you should start the transfer process
4 now.

5 MR. CHURNET: Oh, okay.

6 MEMBER ALBERTI: Get all your
7 paperwork in, because that takes -- you know, you
8 need to submit some paperwork.

9 MR. CHURNET: yeah.

10 MEMBER ALBERTI: But one of the final
11 things that we are going to have to have on
12 record is Mr. Churnet's lease before we approve
13 the transfer. So --

14 CHAIRPERSON ANDERSON: And so --

15 MEMBER ALBERTI: --just so you
16 understand that.

17 MR. CHURNET: Right.

18 CHAIRPERSON ANDERSON: And I'm going
19 to ask Mr. Short next, but I just want to be
20 clear to you though that if we were to grant this
21 today, it would be through September 31st. So
22 therefore, you would have to apply for another

1 one again and the Board is saying to you that if
2 we approve this today and if you have to come
3 back to us for continued safekeeping, what would
4 help your case is that there is a lease in place.

5 MR. SHEWAYENE: Yes, but I have a
6 question. For safekeeping, I think for sure what
7 I think was the Board problem was the wrong
8 decision by putting it on that location. Beside
9 that, is there a Statute of Limitations or
10 something for the safekeeping where I was paying
11 10 years or whatever, \$15,000 or \$20,000 for
12 sitting here.

13 CHAIRPERSON ANDERSON: There --

14 MR. SHEWAYENE: Is there a limitation?

15 CHAIRPERSON ANDERSON: -- is no
16 Statute of Limitation, but this is the Board's
17 position. This is the Board's position. The
18 Board's position is that we want licenses to be
19 in use. And there is no reason for you to be
20 sitting on a license for 10 years without using
21 it.

22 MR. SHEWAYENE: Yeah, but I --

1 CHAIRPERSON ANDERSON: Now, I might
2 agree with you, sir, that you have had it there
3 over 10 years. You are paying the fees and if
4 you want to give us your money, without utilizing
5 the license, who is that going to harm? But the
6 majority of the Board, it's their position that
7 we should not keep this in this status for 10
8 years.

9 So I agree with you there is no
10 Statute of Limitation, but the Board, the
11 majority of the Board, Members feel that this is
12 not the way a license should be utilized. So
13 that's one of the reasons why you are here. And
14 if the Board does not believe that you are
15 utilizing this, bringing this license online,
16 that although you are paying your license fee,
17 license fees, the majority of the Board believes
18 it -- they do not -- they will take the license
19 away from you.

20 MR. SHEWAYENE: Yes, when? But at
21 least while trying to make it to function, I
22 don't know why it have to be, you know, told

1 three months, six months. We do a transfer. We
2 do all that. It takes time now to do survey of
3 400 feet, all that thing. I mean --

4 CHAIRPERSON ANDERSON: It's 10 years,
5 sir.

6 MR. SHEWAYENE: Huh?

7 CHAIRPERSON ANDERSON: It's 10 years.

8 MR. SHEWAYENE: Not 10 years.

9 CHAIRPERSON ANDERSON: No. It's your
10 license. It's 10 years. I understand what you
11 are saying. I understand what you are saying now
12 to say it takes time. And we understand, but
13 remember we are not talking about now. We are
14 talking about 10 years. You, for whatever
15 reason, have owned this license for 10 years and
16 for whatever reason, you are unable to bring this
17 license on board to operate. And I hear you.

18 You have it. You have given us free
19 money. And it's like I'm giving you free money,
20 okay, I'm paying every year. I'm paying to renew
21 it. I'm paying the safekeeping fees. What
22 difference does it make? I'm paying you the

1 money. That's your view. And I'm not saying
2 anything is wrong with your view.

3 But I'm just saying -- and I might not
4 disagree with you as one Board Member, but in
5 order for things to pass, you need the majority.
6 You need three people have to agree with me to
7 agree with you for it to move forward. Go ahead,
8 Mr. Short.

9 MEMBER SHORT: We have heard a lot of
10 hypotheticals, but I would like to get some
11 facts. You say you have been paying the fees for
12 all these years. Suppose someone had it that was
13 -- that had an open business, how much tax
14 dollars would that have brought the District of
15 Columbia?

16 MR. SHEWAYENE: I don't know.

17 MEMBER SHORT: So we have lost money
18 actually. It might be convenient for you, but I,
19 as a Board Member, would like to have the license
20 functioning and someone paying taxes and hiring
21 people, because we just lifted the number of Bs
22 you can have in the city, so while you had that

1 one locked up since 2008 --

2 MR. SHEWAYENE: Yes.

3 MEMBER SHORT: -- someone else could
4 have been functioning. So what year did you get
5 your license? Fact, let's get the facts.

6 Fact No. 1, what year did you get the
7 license?

8 MR. SHEWAYENE: Which license?

9 MEMBER SHORT: The license you are
10 here trying to transfer.

11 MR. SHEWAYENE: Oh, you said 2008. It
12 should be maybe 2008.

13 MEMBER SHORT: What year did you get
14 the license, sir? What year did you get an ABC
15 license in the District of Columbia?

16 (No audible response.)

17 MEMBER SHORT: You can't answer -- if
18 you can't answer these questions, I'm not going
19 to vote to even give you a chance to transfer it.
20 Answer the question. What year did you get your
21 license?

22 MR. SHEWAYENE: Which license, sir?

1 CHAIRPERSON ANDERSON: This license
2 that you are asking for, sir. When was it first
3 issued to you?

4 MR. SHEWAYENE: I don't know. It was
5 -- you mean transferred under my name?

6 CHAIRPERSON ANDERSON: Yeah.

7 MR. SHEWAYENE: I never opened the
8 license.

9 CHAIRPERSON ANDERSON: So when was it
10 -- so when --

11 MR. SHEWAYENE: 2008.

12 CHAIRPERSON ANDERSON: Okay. 2008.

13 MEMBER SHORT: Okay. Since 2008, have
14 you had a business where you used it? Have you
15 ever used this license?

16 MR. SHEWAYENE: I opened the store for
17 four years, because I explained first there was
18 beer and wine store here and next door. The
19 owner told me he issued me transfer.

20 MEMBER SHORT: I understand what you
21 had next door to you. My question to you is have
22 you ever used this license ever to sell yourself?

1 Have you ever used it?

2 MR. SHEWAYENE: No, sir.

3 MEMBER SHORT: So you bought it in
4 2008. You have never used it. And now you want
5 to not sell it, but you want to just transfer it
6 to someone else. Is there any money being
7 transferred between you and Mr. Churnet?

8 MR. SHEWAYENE: No.

9 MEMBER SHORT: You are just doing it
10 as a favor?

11 MR. SHEWAYENE: Yeah, I mean, I hold
12 it this long. I was trying to buy property and
13 that's what I intend to open it, that's
14 functional, that's why I came. But and the other
15 thing, as far as I paid, I purchase a paper
16 that's how much you guys think it cost, I didn't
17 know then. We need the time or something.

18 MR. CHURNET: And had notice of that.

19 MR. SHEWAYENE: I told I never --

20 MEMBER SHORT: Since you have had a
21 license, have you ever been here before to talk
22 to us about safekeeping?

1 MR. SHEWAYENE: Never.

2 MEMBER SHORT: This is your first
3 time? This is the first time ever coming here?

4 MR. SHEWAYENE: Yeah, I never been.
5 And I never see a letter or anything that say it
6 should be -- after this it will be canceled. I
7 thought as far as I paid --

8 MEMBER SHORT: What address --

9 MR. SHEWAYENE: -- this paper and if
10 I didn't renew my license, I thought it will
11 expire.

12 MEMBER SHORT: Okay.

13 (Simultaneous speaking.)

14 MR. SHEWAYENE: I thought --

15 CHAIRPERSON ANDERSON: He has been
16 consistent.

17 MR. SHEWAYENE: -- maybe for another--

18 MEMBER SHORT: Okay.

19 CHAIRPERSON ANDERSON: No, he has been
20 consistent.

21 MEMBER SHORT: Okay.

22 CHAIRPERSON ANDERSON: You're correct.

1 He has been consistent.

2 MEMBER SHORT: What I want to say,
3 sir, is basically I would like to see this
4 license being used. And if we have the person
5 you're going to transfer it to do the same thing
6 you're doing with it another 10 years --

7 MR. SHEWAYENE: Yes, sir.

8 MEMBER SHORT: -- that's depriving
9 someone else from being able to use a license in
10 this city.

11 MR. SHEWAYENE: Yes, sir.

12 MEMBER SHORT: And I don't have a lot
13 of sympathy. So maybe the other Board -- so you
14 will probably get your extension today, but I'm
15 going to vote against it. And if you come back
16 in here again and you don't have a building to
17 put it in and use it, I'm going to vote against
18 it again.

19 So let's -- if you are going to
20 actually have an ABC license, a B License, in the
21 city, let's put it to use. If you are not going
22 to put it to use, let's give it to someone who

1 will put it to use and get us some tax dollars in
2 the city instead of a donation from you. That's
3 all I have, Mr. Chair.

4 CHAIRPERSON ANDERSON: All right. Any
5 other questions by any of the Board Members?

6 MEMBER ALBERTI: Just --

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MEMBER ALBERTI: -- out of curiosity,
9 Mr. Churnet and Mr. Shewayene --

10 MR. SHEWAYENE: Yes.

11 MEMBER ALBERTI: -- have either of you
12 talked to the licensing, the staff about what to
13 do for a transfer?

14 MR. CHURNET: Yes, we have.

15 MR. SHEWAYENE: I know the process.

16 MEMBER ALBERTI: Pardon?

17 MR. SHEWAYENE: Yeah, we talked.

18 MR. CHURNET: Yeah, we talked. We
19 talked to them.

20 MEMBER ALBERTI: You're going to start
21 the process when?

22 MR. SHEWAYENE: Um-hum.

1 MEMBER ALBERTI: When will you start
2 the process?

3 MR. CHURNET: Today.

4 MR. SHEWAYENE: Today.

5 MEMBER ALBERTI: Today.

6 MR. CHURNET: We're going to start the
7 process today.

8 MEMBER ALBERTI: Okay. So I'm going
9 to be asking, in about two months, what is going
10 on with you guys, because the initial paperwork
11 that you need should take you less than 30 days
12 to get to us. So, you know, two months, 60 days
13 down the road if I see that you haven't made
14 progress --

15 MR. SHEWAYENE: We will, sir.

16 MEMBER ALBERTI: -- I'll have made my
17 decision at that point. I'm just letting you
18 know, so you just need --

19 MR. SHEWAYENE: Okay.

20 MEMBER ALBERTI: -- to act and you
21 need to act quickly.

22 MR. CHURNET: Yes, we will do that.

1 CHAIRPERSON ANDERSON: All right. One
2 thing to clarify for the record, sir, there is no
3 timeline and this, as I said before, is probably
4 the first time you are appearing, because
5 normally what happens is that you send in the
6 request. It's -- the Board approves it
7 automatically and no questioning.

8 The majority of the Board Members
9 believe that if you have had a license in
10 safekeeping for 10 years and it has not been
11 utilized, that we need to bring you in to have a
12 Fact-Finding Hearing for you to tell us why is it
13 that you are not bringing this online.

14 There is no timeline in the sense that
15 there are certain type of licenses that end up
16 being in safekeeping for a very long period of
17 time, because these are based on the current laws
18 in D.C. They have the license, but they are
19 unable to find a property to utilize it. So
20 those licenses they can be in safekeeping for
21 maybe 10, 15 years until the City Council changes
22 the law. So we know why those licenses are not

1 being in use.

2 You have a B License. There is no
3 reason why you cannot utilize it. And so I hear
4 you that as long as you are paying your fee, you
5 believe that as long as I'm paying my fee, why
6 are you questioning me?

7 Well, this Board believes that it
8 should not be in safekeeping for all these years
9 and that you are not utilizing it. And as stated
10 by Mr. Short, yes, you are paying your fees. I'm
11 not sure what the fees are, but say for example
12 if you are only -- say you are paying \$5,000 a
13 year for renewal and for safekeeping, well, if
14 the license is in operation, the District will
15 actually make more money in tax dollars, because
16 they will be generating income.

17 So we will be getting -- so the
18 District will be getting the licensing fees and
19 the tax dollars that are being generated by the
20 operation of your business. So because you are
21 not operating the business, as Mr. Short said,
22 all you are doing is giving us a contribution, a

1 donation, because it's not a whole lot of money.

2 So, yes, I understand what you are
3 saying, but this Board believes that if you have
4 a license, you just can't just keep it there and
5 not use it. You should use it.

6 MR. SHEWAYENE: Yes.

7 CHAIRPERSON ANDERSON: I'm going to
8 make my recommendation to the Board that we
9 approve this through -- because it's only for a
10 six month period, through October -- I'm sorry,
11 September 31, 2018. But I think that you have
12 heard, Mr. Alberti, Mr. Short and what they are
13 saying to you, if that's first and foremost, you
14 need to start the transfer process now.

15 And you start the transfer, it's
16 probably not going to happen and you are getting
17 eight months.

18 MR. SHEWAYENE: Yes.

19 CHAIRPERSON ANDERSON: So you have to
20 make another request to us again for another --
21 for an extension of safekeeping. In order for
22 you not to come back here and to have this

1 questioning by the Board, then Mr. Churnet needs
2 to have located an establishment, sign a lease
3 and present that to us.

4 So you will start the transfer
5 application process. You have now had a lease.
6 And so if you have done that, when you come back
7 in September to say I need another extension,
8 then we can say he has taken these concrete steps
9 to utilize.

10 But if we grant this today and if you
11 come back in September and everything I'm saying
12 is going to be on a transcript, so I might not be
13 here in September, because who knows what
14 happens, but whoever replaces me will have a
15 transcript and they will know exactly what I told
16 you.

17 So therefore, if you come back in
18 September and you say I don't have a lease. I
19 haven't done the transfer. It's okay, all right.
20 So are we clear?

21 MR. SHEWAYENE: Yes.

22 CHAIRPERSON ANDERSON: You're clear

1 exactly what your responsibility is and what is
2 it that the Board expects from you.

3 With that said, I make a motion that
4 we grant this application for safekeeping through
5 September 31, 2018. Is there a second?

6 MEMBER SILVERSTEIN: I'll second it.

7 CHAIRPERSON ANDERSON: Mr. Silverstein
8 has seconded the motion.

9 All those in favor say aye.

10 MEMBER SILVERSTEIN: Aye.

11 CHAIRPERSON ANDERSON: Aye.

12 MEMBER ALBERTI: Aye.

13 MEMBER CATO: Aye.

14 CHAIRPERSON ANDERSON: All those
15 opposed?

16 MEMBER SHORT: Opposed.

17 CHAIRPERSON ANDERSON: The matter
18 passed 4-1-0 with Mr. Short in opposition, sir.
19 So we have granted your request, but you have
20 been given marching orders about what is it that
21 is expected for you to do.

22 And, please, do not come back -- if

1 you come back here, you need to give -- it can't
2 be oh, yeah, I paid my -- I paid it. I'm looking
3 for a property and I can't find a property.

4 Well, it's 10 years. Okay?

5 MR. SHEWAYENE: Thank you.

6 CHAIRPERSON ANDERSON: Thank you very
7 much for being here today, sir.

8 MR. CHURNET: Thank you.

9 MR. SHEWAYENE: Okay. Thank you.

10 CHAIRPERSON ANDERSON: Have a great
11 day. The Board is now in recess until our 1:30
12 Protest Hearing. Thank you.

13 (Whereupon, the Fact-Finding Hearing
14 was concluded at 11:55 a.m.)

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In the matter of: Zenebe Shewayene

Before: DC ABRA

Date: 03-07-18

Place: Washington, DC

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