



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

2 2:04 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 Let's move onto our calendar, next case on our  
5 calendar is Case # 19-AUD-00085, Po Boy Jim,  
6 License No. 87903. Ms. Andrews, can you please  
7 elevate the rights of Mr. Asim, the Government's  
8 attorney, and Ms. Rebecca Antoine, who is the  
9 licensee.

10 MS. ANDREWS: Sure. Stand by.

11 CHAIRPERSON ANDERSON: All right.

12 Thanks.

13 MS. ANDREWS: Mr. Asim, your rights  
14 have been elevated. Ms. Antoine, your rights  
15 have been elevated. Ms. Clark, your rights have  
16 been elevated. That's all, Mr. Chair.

17 CHAIRPERSON ANDERSON: Let me ask Ms.  
18 Antoine -- Ms. Antoine?

19 MS. ANTOINE: Yes, I'm here. Can you  
20 hear me?

21 CHAIRPERSON ANDERSON: Are you the  
22 only person who's going to be here for this  
23 licensee, or do you have someone to assist you?

24 MS. ANTOINE: Yes, I am. I am.

25 CHAIRPERSON ANDERSON: You are the

1       only one?

2                   MS. ANTOINE:   Yes, I am.

3                   CHAIRPERSON ANDERSON:  All right.

4                   (Simultaneous speaking)

5                   MS. ANTOINE:   For Po Boy Jim, yes.

6                   CHAIRPERSON ANDERSON:  Yes, I know.

7       Do you have a camera you can turn on?

8                   MS. ANTOINE:   I thought I did.  Hold  
9       on.

10                  CHAIRPERSON ANDERSON:  No, it's not.

11       But I do recognize your voice, so I do know who  
12       I'm speaking to.  But if you do have a camera you  
13       can turn on, please turn your camera on please.

14                  MS. ANTOINE:   Okay.  I'm trying again.

15                  CHAIRPERSON ANDERSON:  While you try  
16       that, Mr. Asim, can you please introduce yourself  
17       for the record, and spell your first and last  
18       name, please?

19                  MR. ASIM:    Good morning members of the  
20       Board, Shahzeb Asim for the District of Columbia.  
21       That's --

22                  CHAIRPERSON ANDERSON:  I can't --  
23       please elevate your rights, Mr. Asim, I can't  
24       hear you.

25                  MR. ASIM:    Hello?

1 CHAIRPERSON ANDERSON: Yes, that's  
2 better.

3 MR. ASIM: Okay. Good afternoon  
4 members of the Board. Shahzeb Asim for the  
5 District of Columbia. That's S-H-A-H-Z-E-B, last  
6 name A-S-I-M.

7 CHAIRPERSON ANDERSON: Ms. Antoine,  
8 can you spell your name and identify yourself for  
9 the record, please?

10 MS. ANTOINE: Rebecca, R-E-B-E-C-C-A,  
11 last name Antoine, A-N-T-O-I-N-E. Managing  
12 partner, Po Boy Jim.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you, Ms. Antoine. We still don't have, I  
15 still can't see you, but as I said before, I do  
16 recognize your voice so I do know who I'm  
17 speaking to because I recognize your voice.

18 All right, so this is a show cause  
19 hearing that we have today. Are there any  
20 preliminary matters, Mr. Asim?

21 MR. ASIM: There are not.

22 CHAIRPERSON ANDERSON: All right. Is  
23 the Government ready to move forward?

24 MR. ASIM: We are ready to move  
25 forward.

1                   CHAIRPERSON ANDERSON: Does the  
2 Government have -- wish to make an opening  
3 statement?

4                   MR. ASIM: Yes, Mr. Anderson. Good  
5 morning, members of the Board. We are here today  
6 in the show cause matter for Po Boy Jim, LLC,  
7 trading as Po Boy Jim, located at 709 8th Street,  
8 NW.

9                   The show cause notice issued in this  
10 matter concerns the charge that the licensee  
11 failed to timely file with the Board, the  
12 required quarterly statement reporting for the  
13 preceding quarter, gross receipts for the  
14 establishment, gross receipts for sale of  
15 alcoholic beverage, gross receipts for food  
16 sales, total expenses for the purchase of food,  
17 and alcoholic beverages, and the expenses for  
18 purchases of food and alcoholic beverages  
19 separately, in violation of D.C. Code Section 25-  
20 113(e)(2)(A).

21                   Today, the evidence will show that the  
22 licensee failed to timely file the quarterly  
23 statement for the quarter ending June 30th, 2019,  
24 due to be filed by July 31st, 2019. Thank you.

25                   CHAIRPERSON ANDERSON: Ms. Antoine, do

1 you wish to make an opening statement or do you  
2 want to make an opening statement once you  
3 present your case?

4 MS. ANTOINE: Sure. Well, basically,  
5 this has been, I don't know, a time from 2019,  
6 and at this point, I don't recall, you know, that  
7 particular quarterly filing being so late. But I  
8 just have to, you know, I just don't see that  
9 it's timely, in respect to here we are two years  
10 later, I'm being fined \$2,000 for something that  
11 happened in 2019.

12 By no means am I saying that I  
13 shouldn't be, don't get me wrong, but it's just  
14 something I don't recall. I know at the time, we  
15 were moving into our other location and I had had  
16 an assistant and thought she might have filed it,  
17 but apparently she didn't, in a timely manner.

18 CHAIRPERSON ANDERSON: All right, Ms.  
19 Antoine --

20 MS. ANTOINE: So I had to go ahead and  
21 do it.

22 CHAIRPERSON ANDERSON: All right.  
23 Hold on, Ms. Antoine. I mean, this is just the  
24 opening statement so, I guess the bottom line is  
25 that, and let me ask at this stage, we have a

1 hearing, are you stating that you agree that the  
2 filing was late? Is that what you're stating?

3 MS. ANTOINE: Oh, well, it was. When  
4 I went back on the email, it wasn't timely with  
5 respect to, you know, what the rule is. It was  
6 not, that I do agree with.

7 CHAIRPERSON ANDERSON: All right. So  
8 are we -- so it appears that there is an  
9 agreement that the filing was late.

10 MS. ANTOINE: Yes.

11 CHAIRPERSON ANDERSON: And I believe  
12 that this -- so are you stating that, are you  
13 saying that you should not be charged because it  
14 was late? Or what's your defense? And the  
15 reason, I know that I'm going somewhat out of  
16 order, but based on your presentation, you're  
17 saying to me that you agree.

18 So are you here today because you're  
19 saying that you don't agree with the fine, or  
20 you're saying that I will pay a fine but I  
21 shouldn't pay \$2,000? What are you saying?

22 MS. ANTOINE: Right. No I'm not  
23 saying I disagree with the fine, I'm just saying  
24 it's just substantially high, you know, at this  
25 point in time for me. My industry is shot right

1 now, you know.

2 (Simultaneous speaking)

3 CHAIRPERSON ANDERSON: So what we can  
4 do -- hold on, Ms. Antoine. So what we can do, I  
5 mean, I think we can cut to the chase. And so we  
6 can argue penalty. I think that from what I'm  
7 hearing, Ms. Antoine has stated -- she has agreed  
8 that it was late.

9 So what I would ask you to do, Mr.  
10 Asim, is to argue what the penalty should be  
11 because it was late, and what I'll ask Ms.  
12 Antoine to do is to make arguments to the Board  
13 what, if any penalty that should be imposed on  
14 her for this late filing. Can we have agreement  
15 on that?

16 MS. ANTOINE: Yes.

17 MR. ASIM: Yes, Mr. Chair.

18 CHAIRPERSON ANDERSON: All right. So  
19 I'm not sure if you still need Ms. Clark to  
20 testify, but that's your call. But I'm just  
21 saying we're here, the licensee has already  
22 agreed that the filing was late. And so since  
23 that, there's really no need for you to put  
24 evidence on to say that it was late. So it could  
25 be, I would say that it should be the penalty,



1 what penalty should he impose for the late  
2 filing, if any.

3 MR. ASIM: Ms. Clark will not be  
4 needed as a witness.

5 CHAIRPERSON ANDERSON: All right.  
6 Thank you, Ms. Clark. Yes, sir.

7 MR. ASIM: Shall I proceed?

8 CHAIRPERSON ANDERSON: Yes, yes,  
9 please go ahead.

10 MR. ASIM: Mr. Chairman, we believe  
11 that the \$2,000 fine to be paid within 90 days is  
12 consistent with D.C. Code Section 25-830, which  
13 does not have a statute of limitations. We  
14 understand that this case was from August of  
15 2019, but because of the shutdown, the fact that  
16 ABRA was not hearing -- having show cause  
17 hearings, we believe that's the reason for why  
18 the case has been delayed.

19 But the penalty we are offering is  
20 consistent with what is outlined in D.C. Code  
21 Section 25-830. I believe this is the fifth  
22 violation from this establishment. This  
23 establishment also had previous quarterly  
24 statement filing violations, as well.

25 And there are -- this is the fifth

1 secondary tier violation, and we believe that as  
2 is consistent with D.C. Code Section 25-830, this  
3 is an appropriate penalty, especially considering  
4 that ABRA has had frequent cases with this  
5 establishment, including with the quarterly  
6 statements.

7 The Board has also extended the amount  
8 of time to pay to 90 days, and they may extend  
9 this, they may also make the penalty payable a  
10 longer period of time, if the code does allow for  
11 it.

12 We believe that the penalty is this  
13 high because of the frequency of the violations.  
14 Thank you, Mr. Chair.

15 CHAIRPERSON ANDERSON: All right.  
16 Thank you. All right, Ms. Antoine, your -- this  
17 is, as I said, this is the penalty stage, so why  
18 is it that you disagree with the \$2,000 fine?

19 MS. ANTOINE: Well, first of all --

20 CHAIRPERSON ANDERSON: Payable within  
21 90 days.

22 MS. ANTOINE: -- I know he mentioned  
23 there were several other filings that were late,  
24 or weren't done. That's not correct, because  
25 there was only one other time. And that was the

1 beginning of when we opened up the restaurant  
2 and, you know, that it happened. Not to say that  
3 there shouldn't have been, you know, part of the  
4 penalty.

5 Is this penalty that's in that, I  
6 don't know what you call it, but is it in with  
7 that frame time of being charged \$2,000? Does it  
8 reach that? Because I can go back with ABRA  
9 where I've paid you guys money for licensing, my  
10 table of license, that I never got. And there  
11 was an excuse for that.

12 Then I got a call, oh, you need to pay  
13 us because we're going to suspend it. I paid it.  
14 So my experience at ABRA hasn't been the best,  
15 you know. I understand where the attorney is  
16 coming from and, you know, what he has to do with  
17 respect to the law.

18 But I just feel that, here it is, this  
19 much time later, and I'm still being assessed at  
20 \$2,000 fine. I just think it's a little bit too  
21 much. I just feel that the fine is too large.  
22 No, I've never, I haven't been, you know,  
23 habitually with respect to filing my quarterly  
24 statements late. I believe this was my, this  
25 might have been the second time.

1                   But it just put me in that tier,  
2 whatever that is, in terms of the violations.

3                   CHAIRPERSON ANDERSON: So what is it  
4 you're asking the Board to do, Ms. Antoine?

5                   MS. ANTOINE: I would like the fine to  
6 be reduced. Not only that, I just paid ABRA over  
7 \$2,000 for my second business that's no longer in  
8 existence. And here it is, you don't do refunds.

9                   CHAIRPERSON ANDERSON: Anything else?

10                  MS. ANTOINE: No, that's it.

11                  CHAIRPERSON ANDERSON: All right.

12 Thank you. Mr. Asim, do you wish to make a  
13 closing statement?

14                  MR. ASIM: Yes, Mr. Chair. Members of  
15 the Board, we believe that the penalty of \$2,000  
16 is reasonable penalty considering the extensive  
17 history of violations that this establishment has  
18 had, including prior quarterly statement  
19 violations, which is available in ABRA's case  
20 report, which is in the record.

21                  We believe that this is an appropriate  
22 penalty due to its consistency with the minimum  
23 required by law under D.C. Code Section 25-830,  
24 and we believe that the delay that has happened  
25 in this case has not been through any fault of

1 the government, and we believe that violations  
2 are therefore appropriate. Charges are  
3 appropriate.

4 CHAIRPERSON ANDERSON: All right,  
5 thank you. Ms. Antoine, any final statements you  
6 want to make?

7 MS. ANTOINE: No, thanks.

8 CHAIRPERSON ANDERSON: All right. The  
9 record is now closed. Do the parties wish to  
10 file proposed findings of law and conclusion of  
11 fact, or waive their right to do that? Meaning  
12 that do you want the Board to make its decision  
13 on the presentation that was made today?

14 MS. ANTOINE: I'd let the Board make  
15 their decision.

16 MEMBER GRANDIS: Mr. Chairman?

17 CHAIRPERSON ANDERSON: Yes, Mr.  
18 Grandis.

19 MEMBER GRANDIS: May I ask a question?

20 CHAIRPERSON ANDERSON: Mr. Grandis,  
21 not at this juncture, sir.

22 MEMBER GRANDIS: Thank you, okay.

23 CHAIRPERSON ANDERSON: Hold on. What  
24 type of question are you trying to ask, Mr.  
25 Grandis? Not the question itself, but what type

1 of question are you trying to ask?

2 MEMBER GRANDIS: This violation  
3 occurred August 2019. Is that what I'm hearing?

4 CHAIRPERSON ANDERSON: It's a 2019  
5 violation, sir.

6 MEMBER GRANDIS: And therefore, there  
7 have been quarterly reports that have been due  
8 since then?

9 CHAIRPERSON ANDERSON: That's not part  
10 of the case, but I assume so.

11 MEMBER GRANDIS: I understand. Okay.  
12 Okay. Thank you.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you. All right. As Chairperson of the  
15 Alcohol Beverage Control Board for the District  
16 of Columbia, in accordance with D.C. Official  
17 Code Section 2574(b), of the Open Meetings Act, I  
18 move that ABC Board hold a closed meeting for the  
19 purpose of seeking legal advice from our counsel  
20 on Case # 19-AUD-00085, Po Boy Jim, pursuant to  
21 D.C. Official Code Section 2574(b)(4) of the Open  
22 Meetings Act, and deliberating upon Case # 19-  
23 AUD-00085, Po Boy Jim, for the reasons cited in  
24 D.C. Official Code Section 2574(b)(13) of the  
25 Open Meetings Act. Is there a second?

1 MEMBER CROCKETT: Ms. Crockett  
2 seconds.

3 CHAIRPERSON ANDERSON: Ms. Crockett  
4 has seconded the motion. I will now have a roll  
5 call vote on the motion that's been properly  
6 seconded by Ms. Crockett. Mr. Short?

7 MEMBER SHORT: Mr. Short, I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: Bobby Cato, I agree.

10 CHAIRPERSON ANDERSON: Ms. Crockett?

11 MEMBER CROCKETT: Rafi Crockett, I  
12 agree.

13 CHAIRPERSON ANDERSON: Mr. Grandis?

14 MEMBER GRANDIS: Ed Grandis, I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson,  
16 I agree. As it appears that the motion has  
17 passed, I hereby give notice that the ABC Board  
18 will recess this proceeding to hold a closed  
19 meeting, in the ABC Board conference room,  
20 pursuant to Section 2574(b) of the Open Meetings  
21 Act.

22 Thank you very much, Mr. Asim. Thank  
23 you very much, Ms. Antoine. The Board will  
24 deliberate upon this matter, and we will issue  
25 our findings. Thank you very much and have a

1 great day.

2 MR. ASIM: Thank you.

3 CHAIRPERSON ANDERSON: All right.

4 Thanks. Bye-bye.

5 (Whereupon, the above-entitled meeting  
6 went off the record at 2:21 p.m.)

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A	August 9:14 14:3 available 12:19	15:18	F	
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In the matter of: Po Boy Jim

Before: DCABRA

Date: 01-13-21

Place: teleconference

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