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IN THE MATTER OF:	:
	:
PT Opco, LLC,	:
t/a Pink Taco	:
100 M Street, S.E.	: Show Cause
Retailer CT - ANC 8F	: Hearing (Status)
License #119694	:
Case #22-CIT-00294	:
	:
(No ABC Manager on Duty)	:

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Wednesday  
February 1, 2023

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
RAFI ALIYA CROCKETT, Member  
EDWARD S. GRANDIS, Member  
JENI HANSEN, Member  
JAMES SHORT, JR., Member

ALSO PRESENT:

RISA HIRAO, Licensee's Counsel  
KEVIN LUTES, DC OAG  
AYANA MAYBERRY, Licensee's Counsel  
JOSE ORELLANA, DC ABRA Staff

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

2 10:49 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 22-CIT-00294, Pink  
5 Taco, License No. 119694.

6 Mr. Orellana, can you please elevate  
7 the rights of the license in this case, please.

8 MR. ORELLANA: Sure. Risa Hirao, your  
9 access has been elevated. Ayana Mayberry, your  
10 access has been elevated.

11 That is all, Chair.

12 CHAIRPERSON ANDERSON: Good morning.

13 MS. HIRAO: Hi there. Good morning,  
14 Board Members. Ayana Mayberry from my office  
15 will be handling this case and she is on the  
16 WebEx.

17 CHAIRPERSON ANDERSON: Her rights have  
18 been elevated. Good morning, ma'am.

19 MS. HIRAO: Thank you.

20 CHAIRPERSON ANDERSON: Good morning,  
21 Mr. Lutes. Can you please identify yourself for  
22 the record, please.

23 MR. LUTES: Of course. Good morning  
24 again, Mr. Chairperson. This is Assistant  
25 Attorney General Kevin Lutes. That's K-E-V-I-N

1 L-U-T-E-S, for the District. Additionally, when  
2 it permits, the District has a preliminary matter  
3 to address.

4 CHAIRPERSON ANDERSON: Good morning.

5 Ms. Mayberry, can you please spell and  
6 state your name for the record, please. You're  
7 on mute, ma'am. Unmute yourself. I can't hear  
8 you, ma'am. Can you turn your volume up? I can  
9 hardly hear you.

10 MS. MAYBERRY: A-Y-A-N-A M-A-Y-B-E-R-  
11 R-Y.

12 CHAIRPERSON ANDERSON: Good morning,  
13 Ms. Mayberry.

14 MS. MAYBERRY: Good morning.

15 CHAIRPERSON ANDERSON: Ms. Hirao, can  
16 you please spell and state your name for the  
17 record, please.

18 MS. HIRAO: Yes. Risa Hirao, R-I-S-A,  
19 last name H-I-R-A-O, representing the Licensee.

20 CHAIRPERSON ANDERSON: Good morning.

21 MS. HIRAO: Good morning, everyone.

22 CHAIRPERSON ANDERSON: Good morning.

23 Mr. Lutes, you say you have a  
24 preliminary matter. What's that, sir?

25 MR. LUTES: Yes, Mr. Anderson. The

1 Assistant Attorney General, AAG Oni, informed me  
2 yesterday that the Licensee has agreed in  
3 principle to an Offer in Compromise and the  
4 District is prepared to read the Offer in  
5 Compromise into the record if there are no  
6 objections from the Licensee.

7 CHAIRPERSON ANDERSON: Go ahead. What  
8 is the Offer in Compromise, Mr. Lutes.

9 MR. LUTES: Yes. So the Offer in  
10 Compromise, Charge 1, no ABC manager on duty,  
11 violation of DC Code Section 25701. The Offer in  
12 Compromise since it is a first secondary tier  
13 violation would be a \$250 fine payable within 30  
14 days or the license shall be suspended  
15 indefinitely until the fine is paid.

16 CHAIRPERSON ANDERSON: Thank you.

17 Ms. Mayberry, it's my understanding  
18 there is an Offer in Compromise that the Licensee  
19 pays a fine \$250 payable within 30 days. If the  
20 fine is not paid within 30 days, the license will  
21 be suspended until the fine has been paid. Is  
22 this your understanding of the Offer in  
23 Compromise, ma'am?

24 MS. MAYBERRY: Yes.

25 CHAIRPERSON ANDERSON: Is your client

1 aware that by accepting an Offer in Compromise  
2 they are giving up their right to a hearing?

3 MS. MAYBERRY: Yes.

4 CHAIRPERSON ANDERSON: Is your client  
5 also aware that my accepting an Offer in  
6 Compromise they are giving up their right to  
7 appeal this matter?

8 MS. MAYBERRY: Yes.

9 CHAIRPERSON ANDERSON: Thank you,  
10 ma'am.

11 Are there any questions by any Board  
12 Members? Hearing none, I make a motion that the  
13 Offer in Compromise of a fine of \$250 payable in  
14 30 days be accepted. If the fine is not paid  
15 within 30 days, the license will be suspended  
16 until the fine has been paid.

17 Is there a second?

18 MEMBER GRANDIS: Grandis. I'll  
19 second.

20 CHAIRPERSON ANDERSON: Mr. Grandis has  
21 seconded the motion. We'll now have a roll call  
22 vote.

23 Mr. Short.

24 MEMBER SHORT: Mr. Short. I agree.

25 CHAIRPERSON ANDERSON: Mr. Cato.

1 MEMBER CATO: Bobby Cato. I agree.

2 CHAIRPERSON ANDERSON: Ms. Crockett.

3 MEMBER CROCKETT: Rafi Crockett. I

4 agree.

5 CHAIRPERSON ANDERSON: Ms. Hansen.

6 MEMBER HANSEN: Jeni Hansen. I agree.

7 CHAIRPERSON ANDERSON: Mr. Grandis.

8 MEMBER GRANDIS: Ed Grandis. I agree.

9 CHAIRPERSON ANDERSON: And Mr.

10 Anderson. I agree. The matter passes 6-0-0.

11 I thank the parties for working this

12 matter out. We'll issue a Board order today.

13 It's 30 days from today that the fine has to be

14 paid. Thank you very much and have a great day.

15 MS. MAYBERRY: Thank you.

16 MR. LUTES: Thank you.

17 CHAIRPERSON ANDERSON: You're welcome.

18 Thank you.

19 (Whereupon, the above-entitled matter

20 went off the record at 10:54 a.m.)

21

22

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25

<p><b>A</b></p> <p><b>A-Y-A-N-A</b> 3:10  <b>a.m</b> 2:2 6:20  <b>AAG</b> 4:1  <b>ABC</b> 1:9 4:10  <b>above-entitled</b> 6:19  <b>ABRA</b> 1:22  <b>accepted</b> 5:14  <b>accepting</b> 5:1,5  <b>access</b> 2:9,10  <b>Additionally</b> 3:1  <b>address</b> 3:3  <b>agree</b> 5:24 6:1,4,6,8,10  <b>agreed</b> 4:2  <b>ahead</b> 4:7  <b>Alcoholic</b> 1:2,13  <b>ALIYA</b> 1:17  <b>ANC</b> 1:7  <b>Anderson</b> 1:14,16 2:3  2:12,17,20 3:4,12,15  3:20,22,25 4:7,16,25  5:4,9,20,25 6:2,5,7,9  6:10,17  <b>appeal</b> 5:7  <b>Assistant</b> 2:24 4:1  <b>Attorney</b> 2:25 4:1  <b>aware</b> 5:1,5  <b>Ayana</b> 1:22 2:9,14</p>	<p><b>D</b></p> <p><b>day</b> 6:14  <b>days</b> 4:14,19,20 5:14,15  6:13  <b>DC</b> 1:21,22 4:11  <b>District</b> 1:1 3:1,2 4:4  <b>Donovan</b> 1:14,16  <b>duty</b> 1:9 4:10</p> <p><b>E</b></p> <p><b>Ed</b> 6:8  <b>EDWARD</b> 1:18  <b>elevate</b> 2:6  <b>elevated</b> 2:9,10,18</p> <p><b>F</b></p> <p><b>February</b> 1:11  <b>fine</b> 4:13,15,19,20,21  5:13,14,16 6:13  <b>first</b> 4:12</p> <p><b>G</b></p> <p><b>General</b> 2:25 4:1  <b>giving</b> 5:2,6  <b>Go</b> 4:7  <b>Good</b> 2:12,13,18,20,23  3:4,12,14,20,21,22  <b>Grandis</b> 1:18 5:18,18  5:20 6:7,8,8  <b>great</b> 6:14</p>	<p><b>L</b></p> <p><b>L-U-T-E-S</b> 3:1  <b>license</b> 1:8 2:5,7 4:14  4:20 5:15  <b>Licensee</b> 3:19 4:2,6,18  <b>Licensee's</b> 1:21,22  <b>LLC</b> 1:6  <b>Lutes</b> 1:21 2:21,23,25  3:23,25 4:8,9 6:16</p> <p><b>M</b></p> <p><b>M</b> 1:7  <b>M-A-Y-B-E-R-</b> 3:10  <b>ma'am</b> 2:18 3:7,8 4:23  5:10  <b>manager</b> 1:9 4:10  <b>matter</b> 1:5 3:2,24 5:7  6:10,12,19  <b>Mayberry</b> 1:22 2:9,14  3:5,10,13,14 4:17,24  5:3,8 6:15  <b>MEETING</b> 1:3  <b>Member</b> 1:17,17,18,18  1:19 5:18,24 6:1,3,6,8  <b>Members</b> 2:14 5:12  <b>met</b> 1:13  <b>morning</b> 2:12,13,18,20  2:23 3:4,12,14,20,21  3:22  <b>motion</b> 5:12,21  <b>mute</b> 3:7</p>	<p><b>please</b> 2:6,7,21,22 3:5,6  3:16,17  <b>preliminary</b> 3:2,24  <b>prepared</b> 4:4  <b>PRESENT</b> 1:15,20  <b>presiding</b> 1:14  <b>principle</b> 4:3  <b>PT</b> 1:6</p> <p><b>Q</b></p> <p><b>questions</b> 5:11</p> <p><b>R</b></p> <p><b>R-I-S-A</b> 3:18  <b>R-Y</b> 3:11  <b>Rafi</b> 1:17 6:3  <b>read</b> 4:4  <b>record</b> 2:22 3:6,17 4:5  6:20  <b>representing</b> 3:19  <b>Retailer</b> 1:7  <b>right</b> 5:2,6  <b>rights</b> 2:7,17  <b>Risa</b> 1:21 2:8 3:18  <b>roll</b> 5:21</p>
<p><b>B</b></p> <p><b>Beverage</b> 1:2,13  <b>Board</b> 1:2,13 2:14 5:11  6:12  <b>Bobby</b> 1:17 6:1</p>	<p><b>H</b></p> <p><b>H-I-R-A-O</b> 3:19  <b>handling</b> 2:15  <b>Hansen</b> 1:18 6:5,6,6  <b>hear</b> 3:7,9  <b>hearing</b> 1:7 5:2,12  <b>Hi</b> 2:13  <b>Hirao</b> 1:21 2:8,13,19  3:15,18,18,21</p>	<p><b>N</b></p> <p><b>name</b> 3:6,16,19</p>	<p><b>S</b></p> <p><b>S</b> 1:18  <b>S.E</b> 1:7  <b>second</b> 5:17,19  <b>secondary</b> 4:12  <b>seconded</b> 5:21  <b>Section</b> 4:11  <b>Short</b> 1:19 5:23,24,24  <b>Show</b> 1:7  <b>sir</b> 3:24  <b>spell</b> 3:5,16  <b>Staff</b> 1:22  <b>state</b> 3:6,16  <b>Status</b> 1:7  <b>Street</b> 1:7  <b>Sure</b> 2:8  <b>suspended</b> 4:14,21  5:15</p>
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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: Pink Taco

Before: DC ABRA

Date: 02-01-23

Place: teleconference

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate complete record of the  
proceedings.

  
-----  
Court Reporter

**NEAL R. GROSS**

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