

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Tyson's Creations, LLC, :
t/a Tres Creole Catering :
703 Edgewood Street NE : Show Cause
Retailer Caterer - ANC 5F: Hearing
License No. 111150 :
Case #22-CMP-00099 :
: :
(Failed to Provide :
Food at an Event :
(Two Counts), Failed :
to Keep and Maintain :
Records for Inspection, :
No ABC Manager on Duty) :
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Wednesday
March 15, 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:

JOSE ORELLANA, DC ABRA Staff
RALPH TYSON, DC OAG
KEVIN LUTES, DC OAG

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

2 11:04 a.m.

3 CHAIRPERSON ANDERSON: All right, so
4 let's get into our show cause hearing status
5 calendar.

6 The first case on our calendar is 22-
7 CMP-00099, Tres Creole Catering, License No.
8 111150.

9 Mr. Orellana, can you please elevate
10 the rights of the Government and the licensee in
11 this case, please?

12 MR. ORELLANA: It has been elevated.

13 Ralph Tyson, your access has been
14 elevated.

15 That appears to be all, Chair.

16 CHAIRPERSON ANDERSON: Thank you.

17 MR. TYSON: All right, can you all see
18 me?

19 CHAIRPERSON ANDERSON: I'm sorry, who
20 is speaking?

21 MR. TYSON: Ralph Tyson here.

22 CHAIRPERSON ANDERSON: Also, we can't
23 see you. Yes, I can.

24 All right. Good morning, Mr. Lutes.
25 Can you please spell and state your name for the

1 record.

2 MR. LUTES: Good morning, Mr.
3 Chairperson. This is Assistant Attorney General
4 Kevin Lutes for the District.

5 CHAIRPERSON ANDERSON: Good morning.

6 Mr. Tyson, can you please spell and
7 state your name for the record, please?

8 MR. TYSON: Yes. Ralph Tyson, R-A-L-P-
9 H T-Y-S-O-N.

10 CHAIRPERSON ANDERSON: Good morning.

11 MR. TYSON: Morning.

12 CHAIRPERSON ANDERSON: Mr. Lutes, are
13 there any preliminary matters in this case?

14 MR. LUTES: ANC has been communicated
15 to the licensee. Other than that, no other
16 preliminary matters.

17 CHAIRPERSON ANDERSON: All right, thank
18 you.

19 All right. This matter is scheduled
20 for a show cause hearing on April 5, 2023, at
21 1:30 p.m.

22 I want to advise both parties that if
23 this matter can be settled, it can be settled
24 through an OIC and then we can address this on
25 our agenda, but if this matter is not settled

1 April 5, 2023 at 1:30 p.m. Seven days before the
2 hearing, the parties are required to disclose the
3 documents and witnesses that they will rely on at
4 the hearing.

5 Failure by either party to disclose
6 documents and witnesses seven days before the
7 hearing, the Board is empowered to prohibit the
8 introduction of documents and witnesses that have
9 not been disclosed unless good cause has been
10 shown.

11 Any questions by anyone?

12 MR. TYSON: Yes. I, actually, have a
13 question, sir.

14 CHAIRPERSON ANDERSON: Yes, Mr. Tyson.

15 MR. TYSON: One of the charges, I'm,
16 actually, because I was not there at the moment,
17 I am fine with settling this, but one of the
18 charges is completely false.

19 CHAIRPERSON ANDERSON: Mr. Tyson?

20 MR. TYSON: Yes, sir.

21 CHAIRPERSON ANDERSON: I'm sorry. Mr.
22 Lutes, is this your case, sir?

23 MR. LUTES: Yes, Your Honor -- I'm
24 sorry, yes, Mr. Chairperson, this is my case.

25 CHAIRPERSON ANDERSON: So, Mr. Tyson,

1 you and Mr. Lutes can discuss this case.

2 MR. TYSON: I tried to. I tried to
3 call him and discuss it, and he didn't want to
4 remove the item that's on here. So, I thought
5 that I would have to come to the hearing in order
6 to have it removed.

7 CHAIRPERSON ANDERSON: It's, when I
8 said remove, if the parties cannot settle the
9 case, then --

10 MR. TYSON: Okay.

11 CHAIRPERSON ANDERSON: -- we'll have
12 a hearing, and then you then would have to
13 provide testimony --

14 MR. TYSON: Documentation.

15 CHAIRPERSON ANDERSON: -- documentation
16 why you believe that you are innocent of that
17 charge, sir.

18 MR. TYSON: No problem.

19 CHAIRPERSON ANDERSON: As I said
20 before, you can -- that's something that the
21 parties can negotiate, and if failure of the
22 parties to negotiate a settlement, an OIC, then
23 we will have, then the Board will then decide,
24 based on the presentation of evidence, whether or
25 not the establishment is innocent or guilty of

1 the charge.

2 MR. TYSON: Okay.

3 CHAIRPERSON ANDERSON: Okay?

4 MR. TYSON: Yes, sir.

5 CHAIRPERSON ANDERSON: Mr. Tyson, I
6 will see you on April 5, 2023, at 1:30 p.m.

7 MR. TYSON: Yes, sir, do you mind if I
8 reach out to you again?

9 MR. LUTES: You're free, yes. My
10 apologies, you can reach out to me again.

11 MR. TYSON: Thank you very much, sir.

12 CHAIRPERSON ANDERSON: I like the fact
13 that the parties talk, if this matter can be
14 settled, then we don't have to have a hearing.

15 MR. TYSON: Okay.

16 CHAIRPERSON ANDERSON: So, good luck
17 with your discussion and negotiation, and have a
18 great day. Thank you.

19 MR. TYSON: Thank you, you, too.

20 MR. LUTES: Thank you, Mr. Chairperson.

21 CHAIRPERSON ANDERSON: You are welcome.

22 (Whereupon, the above-entitled matter
23 went off the record at 11:09 a.m.)

24

25

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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: Tres Creole Catering

Before: DC ABRA

Date: 03-15-23

Place: videoconference

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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