DISTRICT OF COLUMBIA + + + + +ALCOHOLIC BEVERAGE CONTROL BOARD + + + + + MEETING IN THE MATTER OF: : : MST Enterprises, Inc., : t/a Churreria Madrid : Restaurant 2505 Champlain Street NW : Show Cause Retailer CR - ANC 6B : Hearing License No. 060806 : Case #20-251-00036 : : (Allowed the Establishment to be Used : for Unlawful Purposes; : Failed to Comply with : Terms of the License) : Wednesday April 21, 2021 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 REMA WAHABZADAH, Member ALSO PRESENT: SIMONE ANDREWS, DC ABRA Staff JOHN LUI, DC OAG ERNESTO GIRON, Applicant

MARK BRASHEARS, ABRA Investigator

I	2
1	P-R-O-C-E-E-D-I-N-G-S
2	10:50 a.m.
3	CHAIRPERSON ANDERSON: The next case
4	on our calendar is Case Number 20-251-00036,
5	Churreria Madrid Restaurant, license number
6	060806.
7	Ms. Andrews, can you please elevate
8	the rights of the Licensee for this case, please?
9	MS. ANDREWS: Sure. Stand by.
10	Mr. Giron, your rights have been
11	elevated.
12	Investigator Brashears, your rights
13	have been elevated.
14	That's all, Mr. Chair.
15	CHAIRPERSON ANDERSON: Thank you.
16	All right. Let's have Mr. Lui, can
17	you please identify yourself for the record,
18	please?
19	MR. LUI: All right. Good morning,
20	Mr. Chairperson. This is John Lui on behalf of
21	the Government. That's J-O-H-N, L-U-I. Thank
22	you.
23	CHAIRPERSON ANDERSON: Thank you.
24	Mr. Giron, can you please spell and
25	state your name for the record, please?

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1	MR. GIRON: Ernesto Giron, E-R-N-E-S-
2	T-O, last name G-I-R-O-N. I'm the owner of
3	Churreria Madrid.
4	CHAIRPERSON ANDERSON: Good morning.
5	All right. This was supposed to be a show cause
6	hearing in this case. We're supposed to cover a
7	couple of cases.
8	But so before we start, Mr. Lui,
9	are there any preliminary matters?
10	MR. LUI: Yes, there is, Mr.
11	Chairperson.
12	CHAIRPERSON ANDERSON: And what is
13	that, please?
14	MR. LUI: The Government makes an oral
15	motion to continue today's show cause hearing
16	until May 5th for for three reasons. The
17	first reason is that the additional time will
18	allow the parties to file a joint stipulation of
19	facts so that at the May 5th hearing, it will
20	only go to just argue as to penalty and not
21	not not as to the facts.
22	And the second reason is that the
23	parties are engaging in settlement discussions
24	and that the additional time and that we may
25	be able to reach an agreement even before the May

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5th continuance. And lastly, the third reason is 1 2 that the Licensee consents to the -- to the 3 continuance. 4 CHAIRPERSON ANDERSON: I -- I did hear 5 I just want -- Mr. Giron, is that correct that. that you consent -- that you do consent to 6 7 continue this case to May 5th at -- May 5th, 8 2021, at 10:30 a.m.? Is that correct? 9 Yes, I do, sir. MR. GIRON: 10 CHAIRPERSON ANDERSON: All right. 11 With that said, I -- I do make a 12 motion that the Board continue this matter to May 13 5th, 2021, at 10:30 a.m. Is there -- is there a 14 second? 15 Mr. Short. I second. MEMBER SHORT: 16 CHAIRPERSON ANDERSON: Mr. Short has 17 seconded the motion. We'll have a roll call vote 18 on the motion that has been properly seconded by 19 Mr. Short --20 (Simultaneous speaking.) 21 CHAIRPERSON ANDERSON: Yes, Mr. 22 Grandis? MEMBER GRANDIS: I would like to ask 23 24 Mr. Lui a question. May I ask a question and you 25 can decide whether we can ask it or not?

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CHAIRPERSON ANDERSON: Yes, ask the 1 2 question, please. Yes. 3 MEMBER GRANDIS: Okay. Mr. Lui, could you just refresh my 4 memory what the date of this incident was? 5 CHAIRPERSON ANDERSON: Well, hold on, 6 7 There are -- it's my understanding Mr. Grandis. that there are four cases that would be addressed 8 9 in this case today if this case was to move 10 forward. So which incident are you speaking 11 about? 12 MEMBER GRANDIS: Well, I just would 13 like just to be refreshed with the dates of each incident. 14 15 CHAIRPERSON ANDERSON: Well, the first case that was on the calendar is Case Number 19-16 17 AUD-00-119, and that case was a failure to file 18 the required quarterly statement for the period 19 July 2019 to September 2019. The second case was Case Number 20-20 21 CMP-00317, which is provide that the person 22 provided life and detainment without endorsement. The third case was Case Number 20-251-00036, 23 24 which was to allow the establishment to be used 25 for unlawful purposes.

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1	And the fourth case was Case Number
2	19-CMP-00207. The show cause notice has not been
3	issued as yet, but this case was failure to keep
4	and maintain books and records for three years
5	and failure to comply with the Mayor's orders.
6	These are all cases that occurred in
7	2019 and 2020. Those are the four cases that we
8	would have addressed today.
9	MEMBER GRANDIS: Thank you. And I
10	just would like Mr. Lui to understand that I'm
11	speaking for myself, not for the Board, but I
12	know we had a pandemic. I know everyone has
13	been, you know we've had to push things out.
14	That's all, you know, understandable.
15	I just don't understand and I'm not
16	asking for an explanation, but it just would make
17	me more comfortable if we could have some of
18	these matters to us sooner
19	(Simultaneous speaking.)
20	MEMBER GRANDIS: the date of the
21	incident.
22	CHAIRPERSON ANDERSON: Well, I
23	well, part of it, though, Mr. Grandis, is that as
24	you're aware, based on the pandemic, all the
25	cases the ABC Board although the ABC Board

has been meeting consistently through the pandemic, we did not start to do live hearings until a couple -- relatively recent. So the majority of the cases, just based on the pandemic, were automatically continued to a later date.

7 But one of the reasons why I did 8 support the continuance today is, based on what 9 was presented by the parties, that it appears 10 that the parties have agreed to the factual --11 the underlying factual allegations in each case, 12 and the parties will either present the Board 13 with a global settlement or they will present the 14 Board with an underlying agreement that factually 15 all parties are agreed to the facts.

And when we hear this case in two 16 17 weeks, then the Board will either make a 18 determination on the penalty or the Board will 19 agree or disagree with the OIC that's been 20 provided to the Government, so -- that's been 21 provided by the Government.

22 So I believe that -- because it's only 23 two weeks, I believe that in this case, it's 24 appropriate and that's why I support. 25

MEMBER GRANDIS: And I will, as well.

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So, Mr. Chairman, thank you for the explanation. 1 2 Thank you very much. 3 CHAIRPERSON ANDERSON: Thank you, Mr. Grandis. 4 5 All right. So the motion was to continue this matter through May 5th. And, to be 6 7 fair to Board Member Grandis, one of the cases, it's a case that the Board considers egregious. 8 9 I'll just say it that way. And so the Board was concerned that 10 11 this matter should be addressed as soon as 12 possible because if true, the underlying allegation that's in one of the cases here -- so 13 14 that's one of the reasons why there is concern by 15 the Board that we believe that this matter should 16 be addressed as soon as possible. 17 So I want to thank Board Member 18 Grandis for bringing this to the attention. So 19 it's not a matter of him not agreeing with it; 20 it's just that the underlying conditions and at 21 least one of the underlying factual allegations 22 in one of the cases, the Board is very much 23 concerned about that. And so that's why the 24 Board wants these matters to be addressed as soon 25 as possible.

But I believe, based on the presentation that was made today, that we will			
have some type of resolution at our hearing if we			
do have a hearing on May 5th at 10:30. Okay?			
Thank you.			
So the motion that was properly			
seconded by Mr. Short was to continue this matter			
to May 5th at 10:30 a.m. Mr. Short has seconded			
the motion. So all those in favor, respond.			
Mr. Short?			
MEMBER SHORT: Mr. Short. I agree.			
CHAIRPERSON ANDERSON: Mr. Cato?			
MEMBER CATO: Bobby Cato. I agree.			
CHAIRPERSON ANDERSON: Ms. Crockett?			
MEMBER CROCKETT: Rafi Crockett. I			
agree.			
CHAIRPERSON ANDERSON: Ms. Hansen?			
MEMBER HANSEN: Jeni Hansen. I agree.			
CHAIRPERSON ANDERSON: Mr. Grandis?			
MEMBER GRANDIS: Edward Grandis. I			
agree.			
CHAIRPERSON ANDERSON: And Mr.			
Anderson. I agree.			
The matter passes 6-00.			
I do hope as the parties are aware,			

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1 the Board is concerned about this case, and the 2 Board is concerned that this matter be brought to 3 resolution as soon as possible. But based on the 4 representations that were made by the parties 5 today, I believe there's some underlying 6 agreement at least to the factual allegations in 7 this case. And so when we have this hearing on the 5th, if there's no agreement, we will just 8 9 hear testimony on what penalty, if any, should be imposed. 10 11 I want to thank the parties for making 12 their presentations today, and thank you very 13 much. 14 (Whereupon, the above-entitled matter 15 went off the record at 11:00 a.m.) 16 17 18 19 20 21 22 23 24 25

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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Churreria Madrid

Before: DC ABRA

Date: 04-21-21

Place: teleconference

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

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