



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?

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

1 5th continuance. And lastly, the third reason is  
2 that the Licensee consents to the -- to the  
3 continuance.

4 CHAIRPERSON ANDERSON: I -- I did hear  
5 that. I just want -- Mr. Giron, is that correct  
6 that you consent -- that you do consent to  
7 continue this case to May 5th at -- May 5th,  
8 2021, at 10:30 a.m.? Is that correct?

9 MR. GIRON: Yes, I do, sir.

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 MEMBER SHORT: Mr. Short. I second.

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?

23 MEMBER GRANDIS: I would like to ask  
24 Mr. Lui a question. May I ask a question and you  
25 can decide whether we can ask it or not?

1 CHAIRPERSON ANDERSON: Yes, ask the  
2 question, please. Yes.

3 MEMBER GRANDIS: Okay.

4 Mr. Lui, could you just refresh my  
5 memory what the date of this incident was?

6 CHAIRPERSON ANDERSON: Well, hold on,  
7 Mr. Grandis. There are -- it's my understanding  
8 that there are four cases that would be addressed  
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  
14 incident.

15 CHAIRPERSON ANDERSON: Well, the first  
16 case that was on the calendar is Case Number 19-  
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.

20 The second case was Case Number 20-  
21 CMP-00317, which is provide that the person  
22 provided life and detainment without endorsement.  
23 The third case was Case Number 20-251-00036,  
24 which was to allow the establishment to be used  
25 for unlawful purposes.

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

1 has been meeting consistently through the  
2 pandemic, we did not start to do live hearings  
3 until a couple -- relatively recent. So the  
4 majority of the cases, just based on the  
5 pandemic, were automatically continued to a later  
6 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.

16 And when we hear this case in two  
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.

1 So, Mr. Chairman, thank you for the explanation.  
2 Thank you very much.

3 CHAIRPERSON ANDERSON: Thank you, Mr.  
4 Grandis.

5 All right. So the motion was to  
6 continue this matter through May 5th. And, to be  
7 fair to Board Member Grandis, one of the cases,  
8 it's a case that the Board considers egregious.  
9 I'll just say it that way.

10 And so the Board was concerned that  
11 this matter should be addressed as soon as  
12 possible because if true, the underlying  
13 allegation that's in one of the cases here -- so  
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.



1                   But I believe, based on the  
2 presentation that was made today, that we will  
3 have some type of resolution at our hearing if we  
4 do have a hearing on May 5th at 10:30. Okay?  
5 Thank you.

6                   So the motion that was properly  
7 seconded by Mr. Short was to continue this matter  
8 to May 5th at 10:30 a.m. Mr. Short has seconded  
9 the motion. So all those in favor, respond.

10                  Mr. Short?

11                  MEMBER SHORT: Mr. Short. I agree.

12                  CHAIRPERSON ANDERSON: Mr. Cato?

13                  MEMBER CATO: Bobby Cato. I agree.

14                  CHAIRPERSON ANDERSON: Ms. Crockett?

15                  MEMBER CROCKETT: Rafi Crockett. I  
16 agree.

17                  CHAIRPERSON ANDERSON: Ms. Hansen?

18                  MEMBER HANSEN: Jeni Hansen. I agree.

19                  CHAIRPERSON ANDERSON: Mr. Grandis?

20                  MEMBER GRANDIS: Edward Grandis. I  
21 agree.

22                  CHAIRPERSON ANDERSON: And Mr.

23 Anderson. I agree.

24                  The matter passes 6-00.

25                  I do hope -- as the parties are aware,

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  
8 the 5th, if there's no agreement, we will just  
9 hear testimony on what penalty, if any, should be  
10 imposed.

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.)  
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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: 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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Court Reporter

**NEAL R. GROSS**

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