

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 Caf, Dupont, LLC :
 t/a Caf, Citron :
 1343 Connecticut Ave, NW :
 License #60138 :
 Retailer CT - ANC 2B : Show Cause
 Case #21-CMP-00066 : Hearing
 :
 (Failed to Obtain Summer :
 Garden Endorsement, :
 Expanded Operations to :
 Another Floor) :
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Wednesday
 May 4, 2022

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:

CLELIA BERINDOAGUE, Licensee
 COLLIN CENCI, DC OAG
 SARAH FASHBAUGH, DC ABRA Staff

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

2 (11:17 a.m.)

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 21-CMP-00066, Caf,
5 Citron, License No. 60138. Would -- Ms.
6 Fashbaugh, can you please elevate the rights of
7 the -- the parties in this case, please?

8 MS. FASHBAUGH: Please stand by.
9 Clelia Berindoague, your rights have been
10 elevated. Collin Cenci, your rights have been
11 elevated. That is all --

12 (Off the record comments.)

13 MS. FASHBAUGH: -- Mr. Chair.

14 (Simultaneous speaking.)

15 MS. BERINDOAGUE: Hello. Good
16 morning.

17 PARTICIPANT: Wait, wait, wait.

18 CHAIRPERSON ANDERSON: Hold on. Hold
19 on. Hold -- hold on, please, ma'am, hold on.

20 (Off the record comments.)

21 CHAIRPERSON ANDERSON: Hold on,
22 please. All right, good morning, everyone. Mr.
23 Cenci, can you please spell and -- spell and
24 state your name, for the record, please?

25 MS. BERINDOAGUE: Uh, you --

1 PARTICIPANT: No.

2 CHAIRPERSON ANDERSON: Not you. Not

3 -- not -- not --

4 MS. BERINDOAGUE: Sorry.

5 CHAIRPERSON ANDERSON: -- the

6 Government, first, please.

7 (Simultaneous speaking.)

8 MS. BERINDOAGUE: Okay. Sorry.

9 MR. CENCI: Good morning, Chairperson
10 Anderson. Colin Cenci, COLLIN, CENCI, Assistant
11 Attorney General for the Office of the District
12 of Columbia, representing District of Columbia
13 today.

14 SPECIAL AGENT DRILL: Good morning,
15 Mr. Cenci.

16 MR. CENCI: Good morning.

17 CHAIRPERSON ANDERSON: All right. The
18 licensee, can the licensee, can you please spell
19 and state your name for the record, please?

20 MS. BERINDOAGUE: Yes. Clelia
21 Berindoague, C-L-E-L-I-A, last name is
22 B-E-R-I-N-D-O-A-G-U-E.

23 CHAIRPERSON ANDERSON: Good morning.

24 MS. BERINDOAGUE: Good morning.

25 CHAIRPERSON ANDERSON: All right.

1 This matter is scheduled for a show cause
2 hearing, are there any preliminary matters in
3 this case?

4 MR. CENCI: Yes there are, Chairperson
5 Anderson. We have communicated with the licensee
6 and we have agreed to terms on an offer and
7 compromise. If you're -- if you are comfortable,
8 I can read the terms onto the record, for the
9 Board?

10 CHAIRPERSON ANDERSON: Yes, please.

11 MR. CENCI: Thank you, Chairperson
12 Anderson. In reference to the first charge
13 against the establishment, operating a summer
14 garden, without an endorsement.

15 Because this is the first summer
16 garden violation for this establishment, ABRA has
17 suggested a warning to resolve this charge, in
18 order to resolve the second charge, Charge 2,
19 expansion to another floor, a substantial change,
20 violation of D.C. Code Section 25-762(b)(3).

21 Upon further review of the evidence,
22 ABRA has found insufficient evidence to
23 substantiate this charge and suggests that this
24 charge be dismissed.

25 CHAIRPERSON ANDERSON: Thank you.

1 That's it?

2 MR. CENCI: That is it, Chairperson
3 Anderson.

4 CHAIRPERSON ANDERSON: All right, Ms.
5 -- I am going to -- what's your name? I
6 apologize, Ms. Berin --

7 MS. BERINDOAGUE: Berindoague.
8 (Laughter.)

9 CHAIRPERSON ANDERSON: Berindoague?

10 MS. BERINDOAGUE: Yes, thank you.

11 CHAIRPERSON ANDERSON: It -- it is my
12 understanding that there is an offer and
13 compromise, and the offer and compromise is that
14 for Charge 1, there is a warning, and Charge 2
15 will be dismissed. Is this your understanding,
16 ma'am, of the offer and compromise?

17 MS. BERINDOAGUE: Yes that's correct.

18 CHAIRPERSON ANDERSON: Are you aware
19 that, by accepting an offer and compromise that
20 you're giving up your right to a hearing?

21 MS. BERINDOAGUE: Yes, I do. I am
22 aware.

23 CHAIRPERSON ANDERSON: Are you also
24 aware that, by accepting an offer to compromise
25 you have given your right to appeal this matter?

1 MS. BERINDOAGUE: Yes, I do.

2 CHAIRPERSON ANDERSON: All right, with
3 that said, I make a motion that the offer and
4 compromise to Charge 1, a warning is issued, and
5 Charge 2 is dismissed that it be accepted, is
6 there a second?

7 MEMBER SHORT: Mr. Short, and I
8 second.

9 CHAIRPERSON ANDERSON: Mr. Short has
10 seconded the motion. We'll now have a roll call
11 vote on the motion. Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Cato?

14 MEMBER CATO: Bobby Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett?

16 MEMBER CROCKETT: Rafi Crockett, I
17 agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen?

19 MEMBER HANSEN: Jenni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: Edward Grandis, I
22 agree.

23 CHAIRPERSON ANDERSON: And Mr.

24 Anderson, I agree. The matter passed

25 six-zero-zero. I want to thank the parties for

1 agreeing to reaching an offer in compromise to
2 this -- in this case and this matter is
3 concluded. Thank you very much, have a great
4 day.

5 MS. BERINDOAGUE: Thank you.

6 PARTICIPANT: Thank you.

7 MR. CENCI: Thank you, Chairperson
8 Anderson.

9 CHAIRPERSON ANDERSON: Thank you. All
10 right then.

11 (Whereupon, the hearing in the above-
12 entitled matter was concluded at 11:21 a.m.)

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A	charge 4:12,17,18,18 4:23,24 5:14,14 6:4,5 Citron 1:6 2:5 Clelia 1:22 2:9 3:20 Code 4:20 Colin 3:10 Collin 1:23 2:10 3:10 Columbia 1:1 3:12,12 comfortable 4:7 comments 2:12,20 communicated 4:5 compromise 4:7 5:13 5:13,16,19,24 6:4 7:1 concluded 7:3,12 Connecticut 1:7 Control 1:2,14 correct 5:17 Crockett 1:19 6:15,16 6:16 CT 1:8	H	Grandis 1:19 6:20,21 6:21	P	
a.m 2:2 7:12 above- 7:11 ABRA 1:23 4:16,22 accepted 6:5 accepting 5:19,24 AGENT 3:14 agree 6:12,14,17,19,22 6:24 agreed 4:6 agreeing 7:1 Alcoholic 1:2,14 ALIYA 1:19 ANC 1:8 Anderson 1:15,18 2:3 2:18,21 3:2,5,10,17 3:23,25 4:5,10,12,25 5:3,4,9,11,18,23 6:2,9 6:13,15,18,20,23,24 7:8,9 apologize 5:6 appeal 5:25 Assistant 3:10 Attorney 3:11 Ave 1:7 aware 5:18,22,24	D	I	P-R-O-C-E-E-D-I-N-G-S 2:1 PARTICIPANT 2:17 3:1 7:6 parties 2:7 6:25 passed 6:24 please 2:6,7,8,19,22,23 2:24 3:6,18,19 4:10 preliminary 4:2 PRESENT 1:17,21 presiding 1:15	Q	
B	D.C 4:20 day 7:4 DC 1:23,23 dismissed 4:24 5:15 6:5 District 1:1 3:11,12 Donovan 1:15,18 DRILL 3:14 Dupont 1:6	J	R	S	
B-E-R-I-N-D-O-A-G-U-E 3:22 Berin 5:6 Berindoague 1:22 2:9 2:15,25 3:4,8,20,21 3:24 5:7,7,9,10,17,21 6:1 7:5 Beverage 1:2,14 Board 1:2,14 4:9 Bobby 1:18 6:14	E	JAMES 1:20 JENI 1:20 Jenni 6:19 JR 1:18,20	Rafi 1:19 6:16 reaching 7:1 read 4:8 record 2:12,20,24 3:19 4:8 reference 4:12 representing 3:12 resolve 4:17,18 Retailer 1:8 review 4:21 rights 2:6,9,10 roll 6:10	S 1:19 SARAH 1:23 scheduled 4:1 second 4:18 6:6,8 seconded 6:10 Section 4:20 Short 1:20 6:7,7,9,11 6:12,12 show 1:8 4:1 Simultaneous 2:14 3:7 six-zero-zero 6:25 Sorry 3:4,8 speaking 2:14 3:7 SPECIAL 3:14 spell 2:23,23 3:18 Staff 1:23 stand 2:8 state 2:24 3:19 substantial 4:19 substantiate 4:23 suggested 4:17 suggests 4:23 summer 1:9 4:13,15	T
C	F	K	L	M	
C-L-E-L-I-A 3:21 Caf 1:6,6 2:4 calendar 2:4 call 6:10 case 1:8 2:3,4,7 4:3 7:2 Cato 1:18 6:13,14,14 cause 1:8 4:1 Cenci 1:23 2:10,23 3:9 3:10,10,15,16 4:4,11 5:2 7:7 Chair 2:13 Chairperson 1:15,18 2:3,18,21 3:2,5,9,17 3:23,25 4:4,10,11,25 5:2,4,9,11,18,23 6:2,9 6:13,15,18,20,23 7:7 7:9 change 4:19	Edward 1:19 6:21 elevate 2:6 elevated 2:10,11 endorsement 1:10 4:14 entitled 7:12 establishment 4:13,16 evidence 4:21,22 Expanded 1:10 expansion 4:19	Laughter 5:8 License 1:7 2:5 licensee 1:22 3:18,18 4:5 LLC 1:6	ma'am 2:19 5:16 matter 1:5 4:1 5:25 6:24 7:2,12 matters 4:2 MEETING 1:3 Member 1:18,19,19,20 1:20 6:7,12,14,16,19 6:21 met 1:15 morning 2:16,22 3:9,14 3:16,23,24 motion 6:3,10,11	ma'am 2:19 5:16 matter 1:5 4:1 5:25 6:24 7:2,12 matters 4:2 MEETING 1:3 Member 1:18,19,19,20 1:20 6:7,12,14,16,19 6:21 met 1:15 morning 2:16,22 3:9,14 3:16,23,24 motion 6:3,10,11	name 2:24 3:19,21 5:5 NW 1:7
G	N	O	O	O	
garden 1:10 4:14,16 General 3:11 given 5:25 giving 5:20 Government 3:6	Failed 1:9 Fashbaugh 1:23 2:6,8 2:13 first 3:6 4:12,15 floor 1:11 4:19 found 4:22 further 4:21	name 2:24 3:19,21 5:5 NW 1:7	OAG 1:23 Obtain 1:9 offer 4:6 5:12,13,16,19 5:24 6:3 7:1 Office 3:11 operating 4:13 Operations 1:10 order 4:18	OAG 1:23 Obtain 1:9 offer 4:6 5:12,13,16,19 5:24 6:3 7:1 Office 3:11 operating 4:13 Operations 1:10 order 4:18	Operating 1:10 order 4:18

thank 4:11,25 5:10 6:25
7:3,5,6,7,9
today 3:13

U

understanding 5:12,15

V

videoconference 1:15
violation 4:16,20
vote 6:11

W

W 1:15,18
wait 2:17,17,17
warning 4:17 5:14 6:4
WebEx 1:15
Wednesday 1:12

X

Y

Z

0

1

11:17 2:2
11:21 7:12
1343 1:7

2

2 4:18 5:14 6:5
2022 1:13
21-CMP-00066 1:8 2:4
25-762(b)(3) 4:20
2B 1:8

3

4

4 1:13

5

6

60138 1:7 2:5

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Cafe Citron

Before: DC ABRA

Date: 05-04-22

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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