

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

-----=
IN THE MATTER OF:
Tyson's Creations,
t/a Tres Creole Catering :
2800 10th Street NE : Show Cause
Retailer Caterer - ANC 5F: Hearing (Status)
License #111150 :
Case # 23-CMP-00029 :
(Failed to Provide Food :
at an Event, Failed to :
Keep and Maintain Records:
for Inspection, No ABC :
Manager on Duty) :
-----=

Wednesday
May 10, 2023

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

PRESENT:

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

ALSO PRESENT:

- COLLIN CENCI, DC OAG
JOSE ORELLANA, DC ABCA Staff
RALPH TYSON, Licensee

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

2 11:09 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case Number 23-CMP-00029, Tres
5 Creole Catering, License Number 111150.

6 Mr. Orellana, can you please elevate
7 the rights of the government and the licensee in
8 this case, please?

9 MR. ORELLANA: Collin Cenci, your
10 access has been elevated.

11 Ralph Tyson, your access has been
12 elevated.

13 That appears to be all, Chairman.

14 CHAIRPERSON ANDERSON: Thank you.

15 MR. TYSON: Okay. Hello. Ralph Tyson
16 for

17 CHAIRPERSON ANDERSON: I'm sorry. I
18 hear a voice, but I don't see a picture. Is that
19 Mr. Tyson? I cannot see you, sir.

20 MR. TYSON: Yes. This is me.

21 CHAIRPERSON ANDERSON: Do you have a
22 camera you can turn on, sir?

23 MR. TYSON: I just started the video.

24 CHAIRPERSON ANDERSON: Yes, sir.
25 Fine. I can now see you.

1 All right. Good morning. Mr. Cenci,
2 can you please spell and state your name for the
3 record, please?

4 MR. CENCI: Good morning. Collin
5 Cenci, C-O-L-L-I-N C-E-N-C-I, Assistant Attorney
6 General, the Office of the Attorney General for
7 the District of Columbia, representing the
8 District today.

9 CHAIRPERSON ANDERSON: All right.
10 Mr. Tyson, can you please spell and state your
11 name for the record, please.

12 MR. TYSON: Yes. It's Ralph Tyson, R-
13 A-L-P-H, Tyson, T-Y-S-O-N.

14 CHAIRPERSON ANDERSON: What's your
15 relationship to this establishment?

16 MR. TYSON: Oh. The owner of Tres
17 Creole Catering, Tyson's -- a/k/a Tyson's
18 Creations.

19 CHAIRPERSON ANDERSON: All right.

20 MR. TYSON: LLC.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you, sir. You are breaking up a little
23 bit, so let me -- all right.

24 All right. Mr. Cenci, are there any
25 preliminary matters in this case, please?

1 MR. CENCI: The only preliminary
2 matter, Chairperson Anderson, is that an OIC
3 offer has been extended to the licensee. I do
4 not believe it has yet been accepted.

5 CHAIRPERSON ANDERSON: All right. Any
6 preliminary matters on your part, Mr. Tyson?

7 MR. TYSON: Yes. With attorney Kevin
8 Lutes, who sent me the Offer in Compromise, I
9 sent him an email just recently just with all of
10 the documentation, because I was going to request
11 a fact-finding hearing. But I was told to
12 request a fact-finding hearing, and I sent over
13 documentation of what was present at that moment
14 for everything.

15 CHAIRPERSON ANDERSON: Well, I mean,
16 maybe -- we're -- all right. We're in
17 litigation, so

18 MR. TYSON: Yes.

19 CHAIRPERSON ANDERSON: When you're in
20 litigation, we don't have fact-finding hearings.
21 This is something that you and the government
22 need to discuss. We can have a fact-finding
23 hearing outside of this litigation.

24 MR. TYSON: Of course.

25 CHAIRPERSON ANDERSON: But if you --

1 if you contest the charges that were in the --
2 that are in the show case hearing -- the charging
3 document, then that's when you will come to the
4 -- and this matter is scheduled for a show cause
5 hearing on June 7 at 10:30 a.m.

6 So if you contest the charges in that
7 document, that's when you would submit your
8 documents and witnesses to contest it. So this
9 matter is scheduled for a show case hearing on
10 June 7, 2022 -- I'm sorry, June 7 at 10:30 a.m.

11 The parties are reminded that seven
12 days before the hearing all documents and
13 witnesses that each side will rely on must be
14 exchanged. So, therefore, you need to send those
15 -- the parties need to exchange -- identify the
16 documents and witnesses that they will rely on at
17 the -- at the hearing, and that -- a copy of it
18 should also be -- yeah. Yeah. And a copy of it
19 must also be shared with the agency.

20 So whatever documents you said that
21 you submit, sir, we are going to have a show
22 cause hearing on June 7. And so, therefore, if
23 you are going to -- if you're contesting the
24 charges, and you have documents, and you are
25 going to call witnesses, you should -- you should

1 send the paperwork to the government, and you
2 should also send a copy of it to the agency, and
3 you have to send it to them seven days before the
4 hearing. If it's not submitted seven days before
5 the hearing, at the hearing, unless good cause is
6 shown, the agency -- we are empowered to prevent
7 you from relying on those documents and
8 witnesses

9 MR. TYSON: Of course.

10 CHAIRPERSON ANDERSON: -- if they have
11 not been disclosed. And so, therefore, we are
12 having a hearing, and the government will go
13 first. The government will call its witness.
14 The government will state what its position is.
15 And then you will have an opportunity to call
16 your witness and have your documents to contest
17 the charges that's in the charging document.

18 Do you have any questions, sir?

19 MR. TYSON: No, I do not.

20 CHAIRPERSON ANDERSON: All right.

21 Fine. So

22 MR. TYSON: Actually, I do have one
23 question. I'm sorry.

24 CHAIRPERSON ANDERSON: Yes, sir.

25 MR. TYSON: Is the -- is the Offer in

1 Compromise officially off the table after this
2 call or

3 CHAIRPERSON ANDERSON: It's on the
4 table between you and the government. We are not
5 a part of this, so you and the government can
6 discuss. And if an agreement is made before
7 June 7, if a side agreement is sent to us, the
8 Board will review it. And if we believe that it
9 is appropriate, we will accept it or we will
10 reject it, but that is your -- you can continue
11 to speak to the government as -- as late as
12 possible.

13 MR. TYSON: Okay.

14 CHAIRPERSON ANDERSON: And we will
15 entertain if there is -- if an agreement is made.
16 Okay?

17 MR. TYSON: Okay. Thank you very
18 much.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. Have a great day.

21 MR. TYSON: You, too.

22 CHAIRPERSON ANDERSON: All right. And
23 I believe that concludes your day today, sir.
24 You have a great day also.

25 MR. CENCI: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON ANDERSON: All right.
You're welcome.
(Whereupon, the above-entitled matter
went off the record at 11:15 a.m.)

A	Compromise 4:8 7:1 concludes 7:23 contest 5:1,6,8 6:16 contesting 5:23 continue 7:10 copy 5:17,18 6:2 course 4:24 6:9 Creations 1:6 3:18 Creole 1:6 2:5 3:17	hearing 1:7 4:11,12,23 5:2,5,9,12,17,22 6:4,5 6:5,12 hearings 4:20 Hello 2:15	outside 4:23 owner 3:16
A-L-P-H 3:13 a.m 2:2 5:5,10 8:4 a/k/a 3:17 ABC 1:11 ABCA 1:24 above-entitled 8:3 accept 7:9 accepted 4:4 access 2:10,11 agency 5:19 6:2,6 agreement 7:6,7,15 Alcoholic 1:2,15 ANC 1:7 Anderson 1:16,18 2:3 2:14,17,21,24 3:9,14 3:19,21 4:2,5,15,19 4:25 6:10,20,24 7:3 7:14,19,22 8:1 appears 2:13 appropriate 7:9 Assistant 3:5 attorney 3:5,6 4:7	D	I	P
B	day 7:20,23,24 days 5:12 6:3,4 DC 1:23,24 disclosed 6:11 discuss 4:22 7:6 District 1:1 3:7,8 document 5:3,7 6:17 documentation 4:10,13 documents 5:8,12,16 5:20,24 6:7,16 Donovan 1:16,18 Duty 1:11	J	P-R-O-C-E-E-D-I-N-G-S 2:1 paperwork 6:1 part 4:6 7:5 parties 5:11,15 picture 2:18 please 2:6,8 3:2,3,10,11 3:25 position 6:14 possible 7:12 preliminary 3:25 4:1,6 present 1:17,21 4:13 presiding 1:16 prevent 6:6 Provide 1:9
believe 4:4 7:8,23 Beverage 1:2,15 bit 3:23 Board 1:2,15 7:8 BOBBY 1:19 breaking 3:22	E	K	Q
C	EDWARD 1:19 elevate 2:6 elevated 2:10,12 email 4:9 empowered 6:6 entertain 7:15 establishment 3:15 Event 1:10 exchange 5:15 exchanged 5:14 extended 4:3	L	question 6:23 questions 6:18
C-E-N-C-I 3:5 C-O-L-L-I-N 3:5 calendar 2:4 call 5:25 6:13,15 7:2 camera 2:22 Cannabis 1:2,15 case 1:8 2:3,4,8 3:25 5:2,9 Caterer 1:7 Catering 1:6 2:5 3:17 CATO 1:19 cause 1:7 5:4,22 6:5 Cenci 1:23 2:9 3:1,4,5 3:24 4:1 7:25 Chairman 2:13 Chairperson 1:15,18 2:3,14,17,21,24 3:9 3:14,19,21 4:2,5,15 4:19,25 6:10,20,24 7:3,14,19,22 8:1 charges 5:1,6,24 6:17 charging 5:2 6:17 Collin 1:23 2:9 3:4 Columbia 1:1 3:7 come 5:3	F	M	R
G	fact-finding 4:11,12,20 4:22 Failed 1:9,10 Fine 2:25 6:21 first 6:13 Food 1:9	late 7:11 License 1:8 2:5 licensee 1:25 2:7 4:3 litigation 4:17,20,23 little 3:22 LLC 3:20 Lutes 4:8	R 3:12 Ralph 1:25 2:11,15 3:12 record 3:3,11 8:4 Records 1:10 reject 7:10 relationship 3:15 rely 5:13,16 relying 6:7 reminded 5:11 representing 3:7 request 4:10,12 Retailer 1:7 review 7:8 right 3:1,9,19,21,23,24 4:5,16 6:20 7:19,22 8:1 rights 2:7
General 3:6,6 go 6:12 going 4:10 5:21,23,25 good 3:1,4 6:5 government 2:7 4:21 6:1,12,13,14 7:4,5,11 GRANDIS 1:19 great 7:20,24	H	N	S
H	HANSEN 1:20 hear 2:18	name 3:2,11 NE 1:7 need 4:22 5:14,15 Number 2:4,5	S 1:19 scheduled 5:4,9 see 2:18,19,25 send 5:14 6:1,2,3 sent 4:8,9,12 7:7 seven 5:11 6:3,4 shared 5:19 SHORT 1:20 show 1:7 5:2,4,9,21 shown 6:6 side 5:13 7:7 sir 2:19,22,24 3:22 5:21 6:18,24 7:23 sorry 2:17 5:10 6:23
O	O	OAG 1:23 offer 4:3,8 6:25 Office 3:6 officially 7:1 Oh 3:16 OIC 4:2 Okay 2:15 7:13,16,17 opportunity 6:15 Orellana 1:24 2:6,9	

speak 7:11	11:09 2:2	
spell 3:2,10	11:15 8:4	
Staff 1:24	111150 1:8 2:5	
started 2:23		
state 3:2,10 6:14	2	
Status 1:7	2022 5:10	
Street 1:7	2023 1:13	
submit 5:7,21	23-CMP-00029 1:8 2:4	
submitted 6:4	2800 1:7	
T	3	
T-Y-S-O-N 3:13	4	
t/a 1:6	5	
table 7:1,4	5F 1:7	
Thank 2:14 3:22 7:17 7:20,25	6	
today 3:8 7:23	7	
told 4:11	7 5:5,10,10,22 7:7	
Tres 1:6 2:4 3:16		
turn 2:22		
Tyson 1:25 2:11,15,15 2:19,20,23 3:10,12,12 3:13,16,20 4:6,7,18 4:24 6:9,19,22,25 7:13,17,21		
Tyson's 1:6 3:17,17		
U		
V		
video 2:23		
videoconference 1:15		
voice 2:18		
W		
W 1:16,18		
we're 4:16,16		
WebEx 1:15		
Wednesday 1:13		
welcome 8:2		
went 8:4		
witness 6:13,16		
witnesses 5:8,13,16,25 6:8		
X		
Y		
yeah 5:18,18		
Z		
0		
1		
10 1:13		
10:30 5:5,10		
10th 1:7		

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

Before: DC ABCA

Date: 05-10-2023

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

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831