

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

IN THE MATTER OF: :

:

PFM Restaurants, LLC :

t/a District Anchor :

1900 M Street, NW :

Retailer CN - ANC 2B : Show Cause

License #100517 : Hearing

Case #19-CMP-00203 :

:

(Failed to Comply with a :
Board Order, Operating :
without a License) :

Wednesday
June 16, 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
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

WALTER ADAMS, DC OAG
SIMONE ANDREWS, DC ABRA Staff
RHODA GLASGOW, DC ABRA Investigator
KEVIN PUENTE, DC ABRA Investigator

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

2 (2:55 p.m.)

3 CHAIRPERSON ANDERSON: Alright, our next
4 case -- show-cause hearing. Our next case is
5 Case No. 19-CMP-00203, District Anchor, License
6 No. 100517. Ms. Andrews, can you please elevate
7 the rights of the parties in this case please?

8 MS. ANDREWS: Sure, stand by.

9 CHAIRPERSON ANDERSON: Thank you.

10 MS. ANDREWS: Mr. Adams, your rights
11 have been elevated. Investigator Glasgow, your
12 rights have been elevated. That's all, Mr.
13 Chair.

14 CHAIRPERSON ANDERSON: Alright, thank
15 you. Good afternoon. I see that the Licensee is
16 not here. I'll have the parties introduce
17 themselves anyhow. Alright, so let's start with
18 Mr. Adams. Can you please state your name for
19 the record please?

20 MR. ADAMS: Good afternoon, Mr.
21 Chairman and members of the Board. I'm Walter
22 Adams and I'm representing the District of
23 Columbia. Walter is spelled W-A-L-T-E-R and
24 Adams is spelled A-D-A-M-S.

25 CHAIRPERSON ANDERSON: Mr. Adams, I

1 see that the Licensee is not on the line today.
2 Have you had any contact and do you if the
3 Licensee was served?

4 MR. ADAMS: Yes, Mr. Chairman. We
5 have not had any contact with the Licensee,
6 themselves. It appears that the establishment,
7 which is District Anchor has been closed and not
8 operating for a period -- an unspecified period
9 of time. However, under 23-DCMR-1611.1, the
10 Licensee was properly served by certified mail at
11 their last address as we have it. It was mailed
12 by certified mail on May 13th, 2021 and it was
13 sent specifically to the owner, Mr. Patrick
14 Morrogh. And I'll ask the Board to take
15 administrative notice that if was sent on May
16 13th, that today would be 34 days after it was --
17 after the certified mail was sent.

18 CHAIRPERSON ANDERSON: Okay, thank
19 you. Alright, is the Government willing and able
20 to move forward ex parte?

21 MR. ADAMS: The Government is willing,
22 ready, and able to move forward ex parte. And
23 just to let you know, Mr. Chairman, we also have
24 two witnesses who are currently on the line as
25 well.

1 CHAIRPERSON ANDERSON: Yes, sir. I'm
2 aware of that. Thank you.

3 MS. ANDREWS: I apologize.

4 CHAIRPERSON ANDERSON: I just want to
5 make sure since the Licensee is not there that
6 the record is clear and correct why the Licensee
7 is not here. Alright, thank you for that, Mr.
8 Adams. Okay, so pursuant to DC Official Code,
9 Section 25-447, the Board has the authority to
10 proceed ex parte when the Licensee waives the
11 hearing or fails to appear unless the hearing is
12 extended for good and sufficient cause.

13 The Board's reflect that the Licensee
14 was properly served by certified mail on May
15 13th, 2021. Seeing no Licensee here today and
16 having no good and sufficient cause to extend the
17 hearing, the Board will proceed with a show-cause
18 hearing.

19 Mr. Adams, do you wish to make an
20 opening statement?

21 MR. ADAMS: Mr. Chairman, the
22 Petitioner choose to waive the opening statement
23 for this hearing.

24 CHAIRPERSON ANDERSON: Alright. Do
25 you have a witness, sir?

1 MR. ADAMS: Yes. Actually we have two
2 witnesses. It will be Ms. Rhoda Glasgow and Mr.
3 Kevin Puente. And I'd like to call Ms. Glasgow
4 first.

5 CHAIRPERSON ANDERSON: Ms. Glasgow?

6 INVESTIGATOR GLASGOW: Yes.

7 CHAIRPERSON ANDERSON: Can you raise
8 your right hand please? Do you swear or affirm
9 to tell the truth and nothing but the truth?

10 INVESTIGATOR GLASGOW: Yes, I do.

11 CHAIRPERSON ANDERSON: Alright. Your
12 witness, Mr. Adams.

13 MR. ADAMS: Thank you, Mr. Chairman.
14 Ms. Glasgow, can you please state your name and
15 spell it for the record?

16 INVESTIGATOR GLASGOW: Rhoda Glasgow,
17 R-H-O-D-A G-L-A-S-G-O-W.

18 DIRECT EXAMINATION

19 BY MR. ADAMS:

20 Q And Ms. Glasgow, you are employed by
21 the District of Columbia Government?

22 A Yes, I am.

23 Q And that's with the Alcoholic Beverage
24 Regulation Administration?

25 A Yes, I am.

1 Q And your position is as an
2 investigator?

3 A I'm an investigator and I conduct
4 inspections and investigations of licensed ABC
5 establishments in the District of Columbia.

6 Q How long have you been in that role?

7 A Two years and about four months.

8 Q Are you familiar with an establishment
9 known as District Anchor?

10 A Yes, I am.

11 Q And have you -- How are you -- In
12 general, how are you familiar with this
13 establishment?

14 A I visited the establishment on October
15 31st, 2019.

16 Q And based upon your visit on October
17 31st, 2019, did you conduct an investigation on
18 that day?

19 A Yes, I did.

20 Q Did you complete a report as part of
21 that investigation?

22 A Yes, I did.

23 MR. ADAMS: I would like to -- Mr.
24 Chairman, if I can have permission to share a
25 screen?

1 CHAIRPERSON ANDERSON: Ms. Andrews,
2 can you please allow Mr. Adams to share his
3 screen please?

4 MS. ANDREWS: Sure, stand by. Okay
5 Mr. Adams, you can share your screen now.

6 MR. ADAMS: Thank you. Pardon me, I'm
7 just trying to put this up. Alright Ms. Glasgow,
8 I am sharing with you a document. Do you
9 recognize the document?

10 INVESTIGATOR GLASGOW: Yes, I do.

11 BY MR. ADAMS:

12 Q Okay. I'm going to scroll down just
13 so that you can see the whole -- the whole thing.
14 And by the way, is this large enough?

15 A Yes, it is. It's fine.

16 Q Court's indulgence. And how do you
17 recognize this document, Ms. Glasgow?

18 A Yes, I do recognize it?

19 Q How do you recognize it?

20 A I completed the report.

21 Q And is it the case report that you
22 completed based upon this investigation?

23 A Yes, it is.

24 (Whereupon, the above-referred to
25 document was marked as Government Exhibit No. 1

1 for identification.)

2 BY MR. ADAMS:

3 Q Is it a true and accurate
4 representation of the case report that you
5 completed on -- I apologize -- on November 7th,
6 2019?

7 A Yes, it is.

8 MR. ADAMS: Mr. Chairman, I believe
9 it's already entered onto the record, but I just
10 want to make sure that Exhibit 1 is on the record
11 as evidence for the District.

12 CHAIRPERSON ANDERSON: Thank you, Mr.
13 Adams. By operation of the law, the case report
14 is a part of the administrative record.

15 BY MR. ADAMS:

16 Q Alright. So Ms. Glasgow, turning back
17 to October 31st, 2019, you stated that you did
18 conduct an investigation of District Anchor that
19 evening. Correct?

20 A Yes, I did. Mm-hmm.

21 Q Okay. So (audio interference), I
22 guess you arrived at about 10:35 p.m. on October
23 31st?

24 A Yes.

25 Q Okay. And so what caused you to be --

1 to observe District Anchor that night?

2 A Well, we were monitoring the Golden
3 Triangle area and we saw individuals going in and
4 out. And we can see through -- myself and
5 Investigator Puente can see through the glass --
6 the exterior of the building to what's inside.
7 And we saw people dancing in there.

8 Q So when we -- So once you and Mr.
9 Puente made the observation, I mean, did you stop
10 for any particular reason once you observed
11 people inside the establishment dancing?

12 A Yes, the establishment was on the
13 cease and desist list, so we figured that they
14 should not be operating or be selling -- or
15 serving alcohol. So at that point, we contacted
16 the supervisor on duty as Supervisory
17 Investigator John Fiorentine and asked if their
18 cease and desist was still in effect.

19 Q What did Supervisor Investigator
20 Fiorentine tell you and Mr. Puente?

21 A He confirmed that they still were
22 within -- they still are -- they do have a cease
23 and desist and they should not be operating --
24 they should not be selling or serving alcohol.

25 Q And so in terms of the cease and

1 desist order, when was the cease and desist order
2 issued?

3 A According to SI Fiorentina, it was
4 issued on October 23rd, 2019.

5 Q And it was also served upon the
6 establishment?

7 A Yes.

8 Q It was served upon the establishment
9 on October 23rd as well?

10 A Yes.

11 Q Alright. Now I'll just ask you to
12 scroll down to what is Page 5 of the exhibit,
13 which is I believe Exhibit 1 of the investigative
14 report.

15 A Okay. I don't -- I'm sorry, but I
16 don't see your report on my screen.

17 Q Oh, so let me share my screen again.
18 Pardon me. Court's indulgence, I'm getting used
19 to how we -- how we do things. So Ms. Glasgow,
20 do you see my screen now?

21 A Yes, I do.

22 Q Alright. So this is Exhibit 1 -- If
23 I'm not mistaken, this is Exhibit 1 of the
24 investigative report. Correct?

25 A That is correct.

1 Q And this is the order for the cease
2 and desist. Correct?

3 A Yes, it is.

4 Q And this order is -- And why was this
5 order issued?

6 A Because they did not pay their renewal
7 fees for their license.

8 Q And specifically they didn't pay their
9 renewals fees by September 3rd of 2019?

10 A That is correct.

11 Q And so because they didn't pay their
12 renewal fee by that time, what was the effect of
13 their license -- or what was the status of their
14 license at that point?

15 A Well, the cease and desist stipulates
16 that they're not supposed to sell or serve
17 alcohol when their license is expired.

18 Q Is it fair to say that the license was
19 -- Oh, sorry. You said expired. I need to
20 listen. Alright and I'm going to scroll down to
21 Exhibit 2. And this is -- on top, it says that
22 it's the Board's personal service form. Correct?

23 A Yes, it is.

24 (Whereupon, the above-referred to
25 document was marked as Government Exhibit No. 2

1 for identification.)

2 BY MR. ADAMS:

3 Q Okay. So you state the actual order
4 to cease and desist was also served on October
5 23rd. Correct?

6 A Yes, it is.

7 Q And notice at the bottom, there are
8 signatures. Can you explain these signatures and
9 why they're there?

10 A This is basically the service form
11 saying that we served you the cease and desist.
12 You are not to operate. And this is a
13 confirmation that the person receiving the cease
14 and desist signature at the top, they're actually
15 the ABC manager's information; his signature, his
16 phone number, and his email address confirming
17 that he did receive a cease and desist from us.

18 Q And furthermore, underneath it,
19 there's an attestation from, I believe, was
20 Investigator Prop (phonetic). Correct?

21 A That is correct.

22 Q And that attestation just states that
23 I affirm that the establishment was personally
24 served by me. Correct?

25 A That is correct.

1 Q So who signed this -- for the
2 establishment, who acknowledged receiving the
3 cease and desist order?

4 A The ABC manager, Mr. Paul Kolkousis.

5 Q Okay, thank you. For now, I'm going
6 to stop sharing the screen. Alright, so once you
7 and Investigator Puente were aware that the --
8 that the cease and desist order was in effect and
9 that it was served on October 23rd, what occurred
10 at that point?

11 A So Investigator Puente advised me --
12 instructed me to go into the establishment to
13 confirm that they were -- that they were not
14 selling alcohol or they were selling alcohol. So
15 I went in. When I got to the door, I entered the
16 establishment. I did not present myself as an
17 ABRA investigator at that time. I just went in.
18 No one was at the door to stop me or anything, so
19 I went in and I observed alcohol -- the first
20 thing I observed actually was the ABC manager
21 pouring drinks from behind the bar and shots. I
22 continued to walk around the establishment and
23 there was a second bar. And I saw a patron
24 sitting at the bar with alcohol in their
25 possession.

1 Q Now first of all, approximately how
2 many patrons were in the establishment at the
3 time you entered?

4 A I would say around 50 or less --
5 around that amount. There was a lot of space in
6 the area because it's a -- it's a big space.
7 It's a big establishment, so it was not crowded.

8 Q But you state that you saw the ABC
9 manager pouring drinks. Correct?

10 A That is correct.

11 Q And how did you know that person was
12 the ABC manager?

13 A When we returned -- as I exited the
14 establishment and advised Supervisory
15 Investigator Fiorentine that they were indeed
16 serving alcohol, he told us that he was on his
17 way over there. And when he arrived, we went
18 back into the establishment, presented ourselves
19 as ABRA investigators. And Mr. Kolkousis
20 identified himself as the ABC manager.

21 Q And that's the same person who signed
22 the service form?

23 A That is correct.

24 Q So provide a bit of a description.
25 You stated there was one patron who was drinking

1 alcoholic beverages. Were there any -- Were
2 there any other people drinking alcoholic
3 beverages that you could see?

4 A Yes, there were like four or five
5 people sitting at the bar drinking alcoholic
6 beverages. There were people dancing with
7 alcoholic beverages in their hands.

8 Q And how do you -- did you know or
9 surmise that these were alcoholic beverages?

10 A Some of them were beers clearly
11 displayed as -- displayed as Corona or Heineken.
12 There were mixed drinks from personal experience.
13 And from what I saw the ABC manager was making
14 from behind the bar, it matches what I saw in the
15 patrons possession.

16 Q And when you say that the ABC manager
17 -- I'm going to say Mr. Kolkousis, that he was
18 making these drinks, can you describe what he was
19 doing specifically or do you remember?

20 A He was -- When I walked in and saw
21 him, he was actually pouring, I think it was
22 tequila shots in shot glasses and opening beer
23 bottles.

24 Q So considering that the -- that the
25 suspension was in place, when an ABC

1 establishment or ABC licensee is in a suspended
2 status, where is the alcoholic beverages supposed
3 to be?

4 A It's supposed to be hidden away or
5 covered up or locked away.

6 Q Okay, thank you. I apologize, I think
7 I interrupted you. But they're supposed to be
8 hidden away, stored, and locked up. Is that
9 correct?

10 A That is correct.

11 Q And where were the alcoholic beverages
12 for this establishment?

13 A It was behind a bar, displayed openly.
14 All over the bar actually.

15 Q And after you -- After you made your
16 observations on an undercover basis, you state
17 that you left and later returned with
18 Investigators Puente and Fiorentine. Correct?

19 A That is correct.

20 Q Okay. So once you had -- you
21 returned, what happened at that point?

22 A When we reentered the establishment,
23 SI Fiorentine and Investigator Puente stepped
24 outside with the ABC manager, Mr. Kolkousis and
25 advised him that he was not supposed to be

1 selling or serving alcohol at that time.

2 Q Okay. And what did you do?

3 A I was actually -- When they first
4 started speaking, I was taking pictures of the
5 alcohol display from behind the bar and patrons.
6 And then I joined them outside while they were
7 speaking with Mr. Kolkousis.

8 Q Was there anything -- Based upon your
9 knowledge was there anything that was significant
10 from the conversation with Mr. Kolkousis?

11 A I did actually hear him say that he
12 was -- he had filed for bankruptcy and his lawyer
13 advised him that can sell alcohol.

14 Q Alright. And was anything else said
15 to him at that time?

16 A Yes. He also said that he spoke with
17 the Director of ABRA, Mr. Moosally and advised
18 him about what was going on. He didn't give
19 details of his conversation with Mr. Moosally --
20 at least I didn't hear that part. But he did say
21 that he spoke with the Director regarding his
22 bankruptcy and serving alcohol.

23 Q Alright. So I'm going to direct your
24 attention back to your exhibits. So I'm going to
25 share a screen again. So you stated that you

1 took photographs inside the establishment. This
2 is after you had identified yourself, along with
3 your colleagues to the establishment. Correct?

4 A That is correct.

5 Q Alright. So I'll go through this as
6 quickly as possible, but it's about -- I'm trying
7 to do quick math, 11 photographs as part of your
8 exhibit?

9 A Yes, it is.

10 Q Okay. So I'm going to turn your
11 attention to Exhibit 3 of your investigative
12 report. What is the content of this photograph?

13 A This photograph depicts alcohol behind
14 the bar with the tip -- the serving tip on it.

15 (Whereupon, the above-referred to
16 document was marked as Government Exhibit No. 3
17 for identification.)

18 BY MR. ADAMS:

19 Q Alright. And based upon your
20 knowledge when you say "alcoholic beverages",
21 would that be specifically liquors and whiskeys
22 and things of that sort?

23 A That is correct.

24 Q Okay. Turning to Exhibit No. 4.
25 What's the content -- Can you describe the

1 content here?

2 A This is more alcoholic beverages;
3 beers chilled in buckets to the bottom of the
4 floor or the bar and more alcoholic beverages on
5 the shelf of the bar.

6 (Whereupon, the above-referred to
7 document was marked as Government Exhibit No. 4
8 for identification.)

9 BY MR. ADAMS:

10 Q And when you saying -- specifically
11 starting with the beers. So I see two white
12 buckets within this photograph. Is that what
13 you're referring to?

14 A Yes.

15 Q Turning to Exhibit No. 5, can you
16 describe the contents of what's in Exhibit No. 5?

17 A This picture shows patrons sitting at
18 the bar drinking alcohol.

19 (Whereupon, the above-referred to
20 document was marked as Government Exhibit No. 5
21 for identification.)

22 MR. ADAMS: Alright. And I assume six
23 is pictures of bottles of alcohol. Is that fair
24 to say?

25 INVESTIGATOR GLASGOW: That is

1 correct.

2 (Whereupon, the above-referred to
3 document was marked as Government Exhibit No. 6
4 for identification.)

5 MR. ADAMS: As well as Exhibit 7?

6 INVESTIGATOR GLASGOW: Yes.

7 (Whereupon, the above-referred to
8 document was marked as Government Exhibit No. 7
9 for identification.)

10 BY MR. ADAMS:

11 Q And these are all like within -- on
12 the back of the bar within reach of both Mr.
13 Kolkousis and potentially patrons?

14 A Yes.

15 Q Alright. And Exhibit 8, can you
16 describe the contents of this?

17 A This picture shows patrons sitting at
18 the bar with alcoholic beverages in their
19 possession in front of them.

20 (Whereupon, the above-referred to
21 document was marked as Government Exhibit No. 8
22 for identification.)

23 MR. ADAMS: Okay. Exhibit 9?

24 INVESTIGATOR GLASGOW: Beers --

25 Sorry.

1 MR. ADAMS: Right.

2 INVESTIGATOR GLASGOW: This picture
3 shows beers being chilled in white buckets at the
4 floor of the bar.

5 (Whereupon, the above-referred to
6 document was marked as Government Exhibit No. 9
7 for identification.)

8 MR. ADAMS: Exhibit 10, is that the
9 same?

10 INVESTIGATOR GLASGOW: Yes, it is.

11 (Whereupon, the above-referred to
12 document was marked as Government Exhibit No. 10
13 for identification.)

14 MR. ADAMS: Exhibit 11, is that a
15 different location or is it pretty much the same
16 location?

17 INVESTIGATOR GLASGOW: It's the same
18 location.

19 (Whereupon, the above-referred to
20 document was marked as Government Exhibit No. 11
21 for identification.)

22 BY MR. ADAMS:

23 Q Okay. And I see there's some beers in
24 the cooler and other alcoholic beverages. Is
25 that fair?

1 A Yes.

2 Q Okay. Twelve -- Exhibit 12, can you
3 describe what that is?

4 A That is beers chilled in a cooler.
5 It's stacked in a cooler.

6 (Whereupon, the above-referred to
7 document was marked as Government Exhibit No. 12
8 for identification.)

9 MR. ADAMS: Alright. Exhibit 13?

10 INVESTIGATOR GLASGOW: This picture
11 shows an opened bottle of wine and ice basically
12 in a cooler with more alcoholic beverages on
13 display.

14 (Whereupon, the above-referred to
15 document was marked as Government Exhibit No. 13
16 for identification.)

17 BY MR. ADAMS:

18 Q And lastly, Exhibit 14, is that
19 essentially the full extent of -- Were both bars
20 open and operating at that time?

21 A Yes, both bars were open.

22 Q And so which bar is represented in
23 this photograph?

24 A This is the first bar closer to the
25 entrance.

1 Q And it's hard to really describe this,
2 but it's fair to say this isn't just a few
3 bottles, this is a full stocked -- this is a
4 fully stocked bar with over 20 some odd alcoholic
5 beverages available? Is that fair to say?

6 A Yes, it is.

7 (Whereupon, the above-referred to
8 document was marked as Government Exhibit No. 14
9 for identification.)

10 BY MR. ADAMS:

11 Q Okay. I'm going to stop sharing this
12 screen. Outside of the photographs that you
13 presented and that you discussed and presented
14 here, would any other conversations or any other
15 dialogue that you were aware of with the
16 establishment regarding their knowledge of the
17 suspension and why they were operating?

18 A No, that conversation was mostly
19 between SI Fiorentine and Investigator Puente.

20 MR. ADAMS: Okay. I have no further
21 questions for Ms. Glasgow.

22 CHAIRPERSON ANDERSON: Any questions
23 by the members of Ms. Glasgow? Thank you, Ms.
24 Glasgow for your testimony. And do you have
25 another witness, Mr. Adams?

1 MR. ADAMS: Yes, Chairman. Briefly,
2 Investigator Puente.

3 CHAIRPERSON ANDERSON: Mr. Puente, can
4 you raise your right hand please? Do you swear
5 or affirm to tell the truth and nothing but the
6 truth?

7 INVESTIGATOR PUENTE: Yes, sir.

8 CHAIRPERSON ANDERSON: Your witness,
9 Mr. Adams.

10 MR. ADAMS: Thank you very much, Mr.
11 Puente. Can you please state and spell your name
12 for the record?

13 INVESTIGATOR PUENTE: Kevin Puente, K-
14 E-V-I-N P-U-E-N-T-E.

15 DIRECT EXAMINATION

16 BY MR. ADAMS:

17 Q And Mr. Puente, you are an
18 investigator employed by the District of
19 Columbia's Alcoholic Beverage Regulation
20 Administration. Correct?

21 A Yes, sir.

22 Q Alright. And in terms of October
23 31st, 2019, you also observed that District
24 Anchor was open and operating on that night?

25 A Yes.

1 Q And you're the one who confirmed with
2 Supervisor Investigator Fiorentine that the cease
3 and desist order was in effect?

4 A Yes.

5 Q Alright. So did you have an occasion
6 to go inside the establishment yourself, Mr.
7 Puente?

8 A Yes, myself and SI John Fiorentine and
9 Ms. Glasgow went inside.

10 Q And were your observations regarding
11 the establishment's, I guess compliance with the
12 Board's order, was it similar to what Ms. Glasgow
13 saw?

14 A Yes, I observed people in there
15 drinking alcohol, bartenders making alcoholic
16 beverages, acting like a regular night.

17 Q And you had occasion to actually speak
18 with someone who was employed by the
19 establishment?

20 A Yes. I spoke with the ABC manager,
21 Paul Kolkousis.

22 Q Alright. And so describe your
23 conversation with Mr. Kolkousis.

24 A Yes. Me and SI Fiorentine spoke with
25 him. We advised him that the cease and desist

1 order was issued the week prior because the
2 establishment has not renewed their liquor
3 license. And they had a cease and desist until
4 they renew it and paid all the fines. Mr.
5 Kolkousis said that his lawyer said they could
6 operate still because they filed bankruptcy and
7 got permission from the ABRA Director to operate.
8 SI John Fiorentine said if that was the case, the
9 ABRA Director would have notified the Enforcement
10 Division and only the ABC Board can lift a cease
11 and desist order.

12 Q And you had any advises from the ABRA
13 Director that the establishment could be open and
14 operating?

15 A No. SI John Fiorentine checked the
16 next day when we were back in the office and he
17 said there was no such contact made.

18 Q And did the -- And was there in terms
19 of -- Was there a response to Mr. Kolkousis once
20 he made this statement about the bankruptcy? Had
21 you already spoken with (audio interference) --
22 In terms of the bankruptcy, was there any
23 response to him about the bankruptcy?

24 A Yeah. I remember SI Fiorentine told
25 him that bankruptcy doesn't really effect the ABC

1 Board's rulings and the cease and desist order
2 was still in effect.

3 Q Alright. And did he understand that
4 there was a cease and desist order that was
5 provided to him prior to October 31st?

6 A Yes.

7 Q And essentially in order to get out
8 from under a cease and desist, what did the
9 establishment have to do?

10 A They had to come in and renew their
11 liquor license. It was a nightclub license that
12 expired September 30th of that year. He had to
13 renew that, pay the fees, and pay all the fines
14 and late fees that were associated with it.

15 Q And did they do that after your visit?

16 A Yes, we were notified that the next
17 day on November 1st, they came in and paid
18 everything and renewed their license.

19 MR. ADAMS: And those are -- those are
20 my only questions for you, Mr. Puente.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Adams. Any questions by any board members of Mr.
23 Puente? Alright, thank you, Mr. Puente for your
24 testimony. Does the Government have any other --
25 Does the Government have any other witnesses?

1 MR. ADAMS: No, Mr. Chairman. The
2 Government rests its case.

3 CHAIRPERSON ANDERSON: Alright, thank
4 you. The record is now closed. Do you wish to
5 make a closing statement, Mr. Adams?

6 CLOSING STATEMENT - GOVERNMENT

7 MR. ADAMS: Very briefly, Mr.
8 Chairman. Essentially the facts are very
9 straight forward that this license -- that this
10 licensee essentially just intentionally failed to
11 comply with the terms of the Board's order, which
12 required it to cease and desist in operations of
13 providing liquor or alcoholic beverages to its
14 patrons. Obviously October 31st is Halloween and
15 for whatever reason they decided to continue
16 their operations. Outside of just the current
17 base of the facts here, the cease and desist
18 order was served seven days prior to October 31st
19 -- or eight days prior to October 31st. And that
20 not only was the establishment opened and
21 operating, they had a multitude of alcoholic
22 beverages provided to patrons. They had patrons,
23 you know, casually or acting as if there is
24 normal operations.

25 And in fact, the thing that's also

1 significant in this case is that the actual order
2 was served upon the ABC manager, Mr. Paul
3 Kolkousis. And he was the very same person who
4 was openly and flagrantly operating in disregard
5 of the Board order. Despite the excuses were
6 made and honestly as Mr. Puente has testified,
7 there were no exceptions made based upon the
8 financial situation assessment. And there was no
9 evidence that this establishment was given any
10 exception by ABRA's Director to operate as it
11 did. So based upon the very clear evidence and
12 the intentionality (audio interference) penalty
13 against the Licensee based upon the two charges
14 that (audio interference).

15 CHAIRPERSON ANDERSON: You said the
16 maximum? That's what you're saying?

17 MR. ADAMS: The maximum in this case -
18 - Yes, Your Honor -- Sorry. Yes, Mr. Chairman.
19 In this case, it's a second primary tier offense,
20 so a minimum that it would be a \$4,000 fine. I
21 leave it to the Board's discretion for any other
22 penalties that the Board intends to issue.

23 CHAIRPERSON ANDERSON: Alright. Thank
24 you, Mr. Adams. The Board will issue a decision
25 within 90 days. As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia in accordance with DC Official Code,
3 Section 2574B of the Open Meetings Act, I move
4 that ABC Board hold a closed meeting for the
5 purpose of seeking legal advice from our council
6 on Case No. 19-CMP-00203, District Anchor
7 pursuant to DC Official Code, Section 2574B4 of
8 the Open Meetings Act and deliberating upon Case
9 No. 19-CMP-00203, District Anchor for the reasons
10 cited in DC Official Code, Section 2574B13 of the
11 Open Meetings Act. Is there a second?

12 MEMBER SHORT: Mr. Short, I second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 seconded the motion. We'll now have a roll call
15 vote on the motion that's been properly seconded
16 by Mr. Short. Mr. Short?

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato?

19 MEMBER CATO: Bobby Cato, I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett?

21 MEMBER CROCKETT: Rafi Crockett, I
22 agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: And Mr.

1 Anderson, I agree. The matter passed 5-0-0. As
2 it appears that a motion has passed, 5-0-0, I
3 hereby give notice that the ABC Board will recess
4 this proceeding to hold a closed meeting in the
5 ABC Board Conference Room pursuant to Section
6 2574B of the Open Meetings Act.

7 Thank you very much, Mr. Adams and
8 this matter is closed. Thank you.

9 MR. ADAMS: Thank you, Mr. Chairman.

10 CHAIRPERSON ANDERSON: Alright.

11 (Whereupon, the above-entitled matter
12 went off the record at 3:29 p.m.)
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This is to certify that the foregoing transcript

In the matter of: District Anchor

Before: DCABRA

Date: 06-16-21

Place: teleconference

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Court Reporter

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