

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

 IN THE MATTER OF: :
 :
 Jade Liquors, Inc., :
 t/a Georgetown Wine and :
 Spirits :
 1500 27th Street, NW : Show Cause
 Retailer A - ANC 2E : Hearing
 License No. 85209 :
 Case #20-CC-00079 :
 :
 (Sale to Minor Violation, :
 Failed to Take Steps :
 Necessary to Ascertain :
 Legal Drinking Age, :
 No ABC Manager on Duty) :

Wednesday
 June 23, 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
 VRON JOHN KAPOOR, APPLICANT
 JAGINDER KAPOOR, APPLICANT
 STEPHEN ORTIZ , OAG
 PASCAL VALADIER, Witness

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

2 10:51 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is case number 20-CC-00079,
5 Georgetown Wine & Spirits, license number 85209.
6 Ms. Andrews, can you please elevate the rights of
7 the parties in this case please?

8 MS. ANDREWS: Sure, stand by. Mr.
9 Kapoor, your rights have been elevated.

10 MR. KAPOOR: Hello, this is --
11 (Simultaneous speaking.)

12 MS. ANDREWS: Mr. Ortiz, your rights
13 have been elevated.

14 CHAIRPERSON ANDERSON: Can everyone be
15 on mute until I have instructed you to speak?

16 MS. ANDREWS: That's all Mr. Chair.

17 CHAIRPERSON ANDERSON: Thank you Ms.
18 Andrews. Mr. Kapoor, if you do have a camera,
19 can you please turn your camera on if you have a
20 camera? Yes, I can see Mr. Kapoor Esquire. Is
21 the other Mr. Kapoor, does he, or she have a
22 camera that they want to elevate? Yes, I'm
23 sorry. All right, fine, good morning everyone.
24 Let's start with introductions, I'll start with
25 the government's, please say and spell your name

1 for the records.

2 MR. ORTIZ: Good morning Mr.
3 Chairperson, and all other board members.
4 Stephen Ortiz on behalf of the District of
5 Columbia. That's Stephen, S-T-E-P-H-E-N Ortiz,
6 O-R-T-I-Z.

7 CHAIRPERSON ANDERSON: Good morning
8 Mr. Ortiz. Mr. Kapoor Esquire, can you please
9 state and spell your name for the record please?

10 MR. KAPOOR: Yes. Vron John Kapoor
11 Esquire. It's V-R-O-N J-O-H-N K-A-P-O-O-R for
12 the (Inaudible.)

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: And what is
15 your relation -- I'm sorry sir, go ahead.

16 MR. KAPOOR: Sorry, I'm the attorney
17 for Georgetown Wine & Spirits for this hearing.

18 CHAIRPERSON ANDERSON: Good morning.
19 Who is your client who is here today sir? Can
20 you tell us, and then they can introduce
21 themselves?

22 MR. KAPOOR: Yes, he is the owner of
23 Georgetown Wine & Spirits. One second, I'll get
24 him on here. Okay, yes, you can state your name
25 for them.

1 MR. KAPOOR: My name is Jaginder
2 Kapoor, I'm the owner, spelled J-A-G-I-N-D-E-R,
3 and last name K-A-P-O-O-R, Jaginder Kapoor.

4 CHAIRPERSON ANDERSON: Good morning
5 Mr. Kapoor, good morning. All right, if
6 (Unintelligible.) there.

7 MR. VALADIER: Excuse me sir, here as
8 well. My computer doesn't carry Webex, so I am
9 Pascal Valadier, the manager. Pascal is P-A-S-C-
10 A-L, and the last name Valadier is V-A-L-A-D-I-E-
11 R.

12 CHAIRPERSON ANDERSON: All right, both
13 Mr. Kapoors, it appears that you're in the same
14 location, so I need someone to mute their phone,
15 because we're hearing, because you're in the same
16 location we're going to get a feedback. So
17 someone, both of the phone lines cannot be open
18 at the same time, okay? So one person, at all
19 times, one of the microphones needs to be muted,
20 or just use one line, because we're going to get
21 a feedback, okay?

22 MR. KAPOOR: Click on it, there you
23 go, okay don't click again.

24 CHAIRPERSON ANDERSON: All right. Mr.
25 Ortiz, are there any preliminary matters in this

1 case?

2 MR. ORTIZ: There are no preliminary
3 matters at this time. The parties did not have
4 an offer in compromise to present to the board.

5 CHAIRPERSON ANDERSON: All right,
6 thank you. This matter then is scheduled for
7 Show Cause Hearing on August 4th, 2021 at 1:30
8 p.m. August 4th, 2021 at 1:30 p.m. What I'm
9 asking both parties is that seven days before the
10 hearing, both parties are supposed to exchange
11 documents, and witnesses that they will be
12 utilizing at the hearing. The documents should
13 be exchanged between both counsel, and the agency
14 should also be provided a copy of the document.

15 So, seven days before the hearing, I
16 expect all documents, and witnesses that will be
17 relied upon at the hearing to be disclosed, so
18 when we have the hearing we will have documents,
19 if we're going to go to hearing, we'll have the
20 documents, and we'll know who the witnesses are
21 that are going to testify at the hearing, is that
22 clear to everyone?

23 MR. KAPOOR: Yes. Mr. Anderson, if I
24 can ask Mr. Ortiz if we can get an offer in
25 compromise right now?

1 CHAIRPERSON ANDERSON: If you guys
2 want to go off record, and discuss, and come
3 back, you can do that. If you want, I can recall
4 this case if you want me to, and then you guys
5 can go off, have a conversation, and I will move
6 on. I know Mr. Ortiz you are the attorney for
7 the day. Let me ask you a question Mr. Ortiz,
8 are you doing Universal Liquors?

9 MR. ORTIZ: Yes, I'm going to be.
10 Well, I'm the status attorney, so I have the
11 Universal Liquors, and then we also have another
12 case, I think it's Angolo Ristorante.

13 CHAIRPERSON ANDERSON: Okay, we have
14 a short break, do you want me to go off record
15 for 10 minutes for you guys to discuss, and come
16 back, do you want me to do that?

17 MR. KAPOOR: I could do that, if Mr.
18 Ortiz is willing to do that as well.

19 MR. ORTIZ: We could do that Mr.
20 Chairperson, or if you wanted to continue the two
21 other cases, and then recall this matter after a
22 15 minute break, whatever you think would be
23 best.

24 CHAIRPERSON ANDERSON: All right, let
25 me see. Okay, this is what I will do. Let me

1 move on with the calendar, and Mr. Kapoor, Mr.
2 Ortiz will contact you, and what I'm going to do
3 is that once I finish the calendar, I'm going to
4 do some other agenda items, and you can, through
5 the chat, contact Ms. Andrews, and let her know
6 that you have an agreement, and then I will
7 recall the case, okay? Does that work?

8 MR. KAPOOR: Yes Mr. Anderson, thank
9 you.

10 CHAIRPERSON ANDERSON: All right, so
11 let me move on with the calendar. I have, I
12 think I have either one or two more cases I
13 believe I have with Mr. Ortiz, and you two, do
14 you have contact information for both sides? Do
15 you both have your contact information?

16 MR. ORTIZ: Yes, I have Mr. Kapoor's
17 email address, and I believe Mr. Kapoor has my
18 phone number (Inaudible.)

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Okay, fine, so
21 then you can (Inaudible.) and then let us know
22 that you, if there's an agreement, then I'll
23 recall the case, and we will make the decision,
24 all right? Thank you Mr. Kapoor for your
25 willingness to discuss an offer in compromise,

1 okay?

2 MR. KAPOOR: Yes. Mr. Ortiz, when, or
3 how can I contact you? Should I contact you, or
4 you will contact me when you're done with these
5 cases?

6 MR. ORTIZ: I will send you an email
7 as soon as the hearings are completed.

8 MR. KAPOOR: Thank you Mr. Ortiz.

9 CHAIRPERSON ANDERSON: all right,
10 thank you. All right, the next case in our
11 calendar is case number -- so Mr. Kapoor, you can
12 sign off, but keep the logon information, and
13 once you and Mr. Ortiz have spoken, then you can
14 let our IT person know that you're ready to come
15 back, and then she'll elevate your rights again,
16 okay?

17 MR. KAPOOR: Okay, thank you. Who is
18 the IT person?

19 CHAIRPERSON ANDERSON: Ms. Andrews,
20 through the chat, you'll see through -- I'm
21 sorry, go ahead Ms. Andrews.

22 MS. ANDREWS: Mr. Kapoor, you can stay
23 signed in, I'm going to just change your rights
24 to an attendee so that you can make a phone call,
25 or send an email if you want to. But once you

1 sign in again, and your case is recalled, I'll
2 see your name, and let you know when your rights
3 have been elevated, okay?

4 MR. KAPOOR: Okay, thank you.

5 MS. ANDREWS: You're welcome.

6 (Whereupon, the above-entitled matter
7 went off the record at 11:01 a.m. and resumed at
8 1:36 p.m.)

9 CHAIRPERSON ANDERSON: At this
10 juncture I will be recalling a case from our
11 morning calendar. The case I'm recalling is Case
12 Number 20-CC-00079, Georgetown Wine and Spirits
13 License Number 85209. Ms. Andrews, can you please
14 elevate the rights of the parties in this case
15 please?

16 MS. ANDREWS: Sure, stand by. Mr.
17 Ortiz has been elevated. Mr. Kapoor's rights
18 have been elevated. That's all Mr. Chair.

19 CHAIRPERSON ANDERSON: Thank you. All
20 right, good afternoon everyone, I'm recalling
21 this case, Case Number 20-CC-00079. Can I have
22 the parties again introduce themselves for the
23 record starting with the government please?

24 MR. ORTIZ: Good afternoon Mr.
25 Chairperson, Stephen Ortiz on behalf of the

1 District of Columbia, that's S-T-E-P-H-E-N O-R-T-
2 I-Z.

3 CHAIRPERSON ANDERSON: Thank you Mr.
4 Ortiz. And Mr. Kapoor, can you please identify
5 yourself for the record again please sir? Your
6 volume is off sir, I can't hear you.

7 MR. KAPOOR: Can you hear me now?

8 CHAIRPERSON ANDERSON: Yes I can.

9 MR. KAPOOR: Sorry about that. Yes,
10 this is Vron John Kapoor, the attorney for
11 Georgetown Wine and Spirits for this hearing.
12 That's V-R-O-N J-O-H-N K-A-P-O-O-R.

13 CHAIRPERSON ANDERSON: Thank you sir.
14 All right, Mr. Ortiz, are there any preliminary
15 matters in this case?

16 MR. ORTIZ: Yes, the parties would
17 like to present an offer in compromise for the
18 board's consideration.

19 CHAIRPERSON ANDERSON: Yes sir, what
20 is that?

21 MR. ORTIZ: All right, as to charge
22 one, sale to a minor, the offer in compromise
23 will be that the establishment shall pay 2000
24 dollars within 60 days, or its license shall be
25 suspended indefinitely until this fine is paid.

1 And the license shall be suspended for five days,
2 with all five days stayed for one year pending
3 completion of alcohol awareness training for all
4 employees who serve or sell alcoholic beverages
5 within 90 days from the date of the board's
6 order.

7 As for charge two, failed to take
8 reasonable steps necessary to ascertain legal
9 drinking age, that charge is dismissed. As for
10 charge three, no ABC manager, the term of the OIC
11 will be that the establishment shall receive a
12 written warning.

13 CHAIRPERSON ANDERSON: Thank you Mr.
14 Ortiz. Mr. Kapoor, it's my understanding that
15 there's an offer in compromise, and the offer in
16 compromise is that for charge one there is a fine
17 of 2000 dollars payable within 60 days, if the
18 fine is not payable in 60 days, the license will
19 be suspended until the fine has been paid. Along
20 with the 2000 dollar fine, the license will be
21 suspended for five days, and all five days will
22 be stayed for one year.

23 That all employees who sell, or serve
24 alcohol will undergo training within the next 90
25 days, that charge two will be dismissed. And for

1 charge three a written warning will be issued
2 sir, is this your client's understanding of the
3 offer in compromise?

4 MR. KAPOOR: Yes Mr. Chairperson.

5 CHAIRPERSON ANDERSON: Is your client
6 aware that by accepting an offer in compromise
7 that they're giving up their right to a hearing?

8 MR. KAPOOR: Yes Mr. Chairperson.

9 CHAIRPERSON ANDERSON: Is your client
10 also aware that by accepting an offer in
11 compromise that they're giving up their right to
12 appeal this matter?

13 MR. KAPOOR: Yes Mr. Chairperson.

14 CHAIRPERSON ANDERSON: All right,
15 thank you. Are there any questions by any board
16 members?

17 MR. KAPOOR: The statement expressed
18 we don't have to close the store.

19 CHAIRPERSON ANDERSON: All right,
20 hearing none, I make a motion that the offer in
21 compromise be accepted for charge one, a fine of
22 2000 dollars paid within 60 days, if the fine is
23 not paid within 60 days, the license will be
24 suspended until the fine has been paid. That the
25 establishment will be suspended for five days,

1 all five days will be stayed for one year. That
2 all employees who sell, or serve alcohol will
3 undergo training within the next 90 days from the
4 date of the acceptance of the OIC.

5 That charge two will be dismissed, and
6 a written warning will be issued for charge
7 three. Is there a second?

8 MEMBER SHORT: Mr. Short, I second.

9 CHAIRPERSON ANDERSON: Mr. Short has
10 seconded the motion, I will now have a roll call
11 vote on the motion that's been properly seconded
12 by Mr. Short. Mr. Short?

13 MEMBER SHORT: Mr. Short, I agree.

14 CHAIRPERSON ANDERSON: Mr. Cato?

15 MEMBER CATO: Bobby Cato, I agree.

16 CHAIRPERSON ANDERSON: Ms. Crockett?

17 MEMBER CROCKETT: Rafi Crockett, I
18 agree.

19 CHAIRPERSON ANDERSON: Ms. Hansen?

20 MEMBER HANSEN: Jeni Hansen, I agree.

21 CHAIRPERSON ANDERSON: Mr. Grandis?

22 MEMBER GRANDIS: Edward Grandis, I
23 agree.

24 CHAIRPERSON ANDERSON: And Mr.

25 Anderson, I agree, the matter passes six zero,

1 zero. So, the offer in compromise has been
2 accepted, I want to thank the parties for
3 working this matter out to the benefit of the
4 residents of the District of Columbia. Mr.
5 Kapoor, I just want to state to you that the
6 board takes sale to a minor very seriously, and I
7 see that your client actually checked the ID.
8 I'm not sure which is worse, checking the ID, or
9 not checking the ID sir.

10 I'm hoping that when the employees go
11 through training, they will realize that if
12 you're not 21 years old, that your ID is
13 different, it's a different shape, and it clearly
14 says on the ID that the person is not 21. And
15 when the agency does its compliance check, the
16 people actually look their age. They don't look,
17 if it says that this is a 16 year old person who
18 came to the establishment, this person looked 16,
19 and your client needs to do a better job of
20 checking IDs, and not just ask for the ID, and
21 not looking at the age.

22 Even if you don't know how to
23 subtract, or divide, it clearly states on the ID
24 that a person is not 21, and it's a different
25 shape ID. So, I hope that sir, as five days

1 suspended, and I will let you know that prior to
2 the year, the agency more likely again will do a
3 compliance check with your establishment. And
4 within the year, if you get caught again, you
5 will be suspended for five days.

6 So, I hope that all the employees,
7 when they really check the ID, that it's not a
8 perfunctory check, that you really look at it,
9 and look at the ID based on how it's shaped, that
10 it clearly identifies that this person is not 21
11 sir. All right? But anyway, I want to thank the
12 parties for working this matter out, have a great
13 day, thank you.

14 MR. ORTIZ: Thank you Mr. Chairperson,
15 and all board members for accommodating us with
16 your afternoon schedule, much appreciated.

17 CHAIRPERSON ANDERSON: I appreciate
18 the parties working this out, have a great day,
19 thank you very much.

20 MR. ORTIZ: You're welcome.

21 (Whereupon, the above-entitled matter
22 went off the record at 1:44 p.m.)
23
24
25

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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: Jade Liquors

Before: DCABRA

Date: 06-23-21

Place: teleconference

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Court Reporter

NEAL R. GROSS

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