

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
 :  
Estrada Ramos, Inc. :  
t/a Luna Restaurant :  
5217 Georgia Ave NW : Show Cause  
Retailer CR - ANC 4D : Hearing  
License No. 112282 :  
Case #22-251-00001 :  
 :  
(Failed to Follow :  
Security Plan, Allowed :  
Establishment to be Used :  
for Unlawful Purposes, :  
Interfered with an :  
Investigation, Provided :  
False or Misleading :  
Information, Licensee :  
Under the Influence :  
of Alcohol) :  
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Wednesday  
July 13, 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:**

**SARAH FASHBAUGH, DC ABRA Staff**

**TOMAS ESTRADA, Applicant**

**COLLIN CENCI, DC OAG Counsel**

**PAMELA PAYAN, Interpreter**

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

2 (12:22 p.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 in our calendar is case number 22-251-00001, Luna  
5 Restaurant, License No. 112282. Ms. Fashbaugh,  
6 can you please elevate the rights of the parties  
7 in these cases.

8 All right, so we have, we also have an  
9 interpreter. So can we go, do -- so  
10 Ms. Fashbaugh, you need to elevate the licensee,  
11 the interpreter, and the Government.  
12 Mr. Estrada, can you --

13 MR. ESTRADA: Yes, good morning.

14 CHAIRPERSON ANDERSON: All right.  
15 Good morning. Before going on the record, I was  
16 told that you had requested an interpreter. So  
17 we're waiting for the interpreter to join us.

18 Do you want us to wait for that  
19 person? Or it's your call, sir. We're waiting  
20 for an interpreter to join. So you tell me what  
21 you want us to do. We can wait or we can move  
22 forward.

23 MR. ESTRADA: Honestly, I feel on, you  
24 know, mine, feel, see if you all have a  
25 questions, you know, if you ask me to repeat me

1 the question, we can move forward.

2 CHAIRPERSON ANDERSON: All right.  
3 Okay. So I know that you asked for an  
4 interpreter, but we're waiting for the  
5 interpreter.

6 And so, you have authorized us to move  
7 forward without the interpreter present at the  
8 moment. And what you have asked us to do is that  
9 if you have a question you will ask us to repeat  
10 that. Is that correct, sir?

11 MR. ESTRADA: That is correct, yes.

12 CHAIRPERSON ANDERSON: Okay. So let  
13 me have the parties introduce themselves for the  
14 record. Let's start with the Government.

15 MR. CENCI: Good afternoon,  
16 Chairperson Anderson, Collin Cenci, C-O-L-L-I-N,  
17 C-E-N-C-I representing District of Columbia  
18 today.

19 CHAIRPERSON ANDERSON: Good morning,  
20 Mr. Cenci. Mr. Estrada, can you spell and state  
21 your name for the record, please?

22 MR. ESTRADA: Yes. Tomas Estrada,  
23 T-O-M-A-S, E-S-T-R-A-D-A.

24 CHAIRPERSON ANDERSON: What's your  
25 relationship to this place, sir?

1 MR. ESTRADA: I'm the owner.

2 CHAIRPERSON ANDERSON: Okay. Now,  
3 this matter was scheduled for a show cause  
4 hearing today. Prior to moving forward with this  
5 show cause hearing, are there any preliminary  
6 matters?

7 MR. CENCI: Yes, there are,  
8 Chairperson Anderson. I also believe that the  
9 Spanish interpreter is waiting for their rights  
10 to be elevated, Pamela Payan.

11 CHAIRPERSON ANDERSON: Yes, Ms. Payan.  
12 All right. I see her on my screen. So  
13 Ms. Payan, when you are -- I would like you to,  
14 if you have a camera, please turn your camera on.  
15 All right, Ms. Payan, can you please spell and  
16 state your name for the record, please?

17 MS. PAYAN: Yes, hello. My name is  
18 Pamela Payan. That is P-A-M-E-L-A, Payan,  
19 P-A-Y-A-N.

20 CHAIRPERSON ANDERSON: All right.  
21 Good morning. Can you raise your right hand,  
22 please, ma'am?

23 MS. PAYAN: Yes.

24 CHAIRPERSON ANDERSON: Do you swear or  
25 affirm to faithfully translate these matters from

1 English into Spanish and from Spanish to English  
2 to the best of your abilities?

3 MS. PAYAN: Yes.

4 CHAIRPERSON ANDERSON: All right. So  
5 that's Mr. Estrada and you are his interpreter.  
6 All right. So it's my understanding, Mr. Estrada  
7 has, I think that he understands, but I will --  
8 so he understands but the important parts, I'm  
9 going to make sure that you translate for him.

10 Where we are right now is that I've  
11 asked the Government are there any preliminary  
12 matters and the Government was about to let me  
13 know what the preliminary matters are. So maybe  
14 you translate it for Mr. Estrada, please.

15 MR. ESTRADA: Perfect, thank you.

16 CHAIRPERSON ANDERSON: All right,  
17 then. Okay, so Mr. Cenci, what are the, what is  
18 the preliminary matter that needs to be, that  
19 you're bringing to the attention of the Board?

20 MR. CENCI: Chairperson Anderson,  
21 yesterday, Mr. Estrada, and the District were  
22 able to reach an offer and compromise in this  
23 matter. And I would be glad to read those terms  
24 onto the record to resolve this matter.

25 CHAIRPERSON ANDERSON: All right, what

1 are the -- also, you can translate that please.  
2 All right, go ahead, sir. What are the charges?

3 MR. CENCI: To resolve charge 1,  
4 failure to follow a security plan, a violation of  
5 D.C. Code Section 25823(a)(6). Discharge is  
6 resolved with a warning. Resolve charge 2,  
7 allowing the establishment to be used for an  
8 unlawful purpose, a violation of D.C. Code  
9 Section 25823(a)(2).

10 Discharge is resolved with an  
11 agreement that the licensee will pay a \$30,000  
12 fine within 120 days of the Board's order or the  
13 license shall be suspended indefinitely until the  
14 fine is paid.

15 And serving a 30 day suspension with  
16 all 30 days to be served. That suspension will  
17 begin tomorrow July 14, 2022 and run through  
18 August 12, 2022.

19 MR. ESTRADA: Excuse me, when you  
20 mentioned about the establishment, can you  
21 explain what this is that, the charge is about  
22 for this one?

23 CHAIRPERSON ANDERSON: What was the  
24 charge for charge no. 2?

25 MR. CENCI: This is charge 2, allowing

1 the establishment to be used for an unlawful  
2 purpose.

3 CHAIRPERSON ANDERSON: What's the  
4 underlying, what is the fact? I think that's  
5 what he's asking. What was that? The  
6 underlying?

7 MR. CENCI: Yes, the underlying facts  
8 for this charge are related to an assault that  
9 establishment security committed to a patron of  
10 the establishment. And the owner also physically  
11 attacking a patron as well.

12 MR. ESTRADA: Well, the charge is  
13 fine. Security did assault that person. I just  
14 simply held the other person. I don't know what  
15 means that I assaulted someone when I just, just  
16 stopped him.

17 CHAIRPERSON ANDERSON: Just let him  
18 know that where we are right now is that the  
19 Government is saying what the agreement is. And  
20 so, the Board is not making any determination.

21 At the end of the OIC, the Board will  
22 vote whether or not they will accept it or reject  
23 it. And so, that's basically we're just  
24 listening. We're not, that, we're just listening  
25 to the agreement that was made between the



1 parties.

2 MR. ESTRADA: Okay, thank you.

3 CHAIRPERSON ANDERSON: All right, no.

4 3?

5 MR. CENCI: Charge 3, interference  
6 with an investigation, violation of D.C. Code  
7 Section 25823(a)(5). That charge will be  
8 resolved with a warning.

9 MR. ESTRADA: Okay.

10 MR. CENCI: To resolve charge 4,  
11 tampering with evidence of violation of D.C. Code  
12 Section 25823(a)(10)(A). That charge is  
13 dismissed.

14 And to resolve charge 5,  
15 superintending the establishment under the  
16 influence of alcohol, a violation of D.C. Code  
17 Section 25703, this charge is resolved with the  
18 warning.

19 CHAIRPERSON ANDERSON: Is this the  
20 OIC, sir?

21 MR. CENCI: I'm sorry, Chairperson  
22 Anderson?

23 CHAIRPERSON ANDERSON: Is this the  
24 OIC?

25 MR. CENCI: Yes, that is the entirety

1 of the OIC.

2 CHAIRPERSON ANDERSON: All right,  
3 Mr. Estrada, it's my understanding that the  
4 parties have agreed to an offer and compromise.  
5 And there are five charges in this case. And you  
6 have charge 1, charge 3, charge 4, charge 5 that  
7 the Government will be issuing --

8 I'm sorry, the Government will be  
9 issuing a warning for charge 1, charge 2, charge  
10 5. And they will be dismissing charge number 4.  
11 But for charge 2, there is a \$30,000 fine payable  
12 within 120 days.

13 If the fine is not paid within 120  
14 days, the license will be suspended until the  
15 final bill is paid. And that there is a 30 day  
16 suspension, with all 30 days to be served from  
17 July 14 to August 12th, 2022. Is this what  
18 you've agreed to, sir?

19 MR. ESTRADA: Yes, I am in agreement.  
20 We came to an agreement after this. The only  
21 thing that I wanted to say so it could be on the  
22 record, is that I don't understand why the charge  
23 was the influence of the superintendent under  
24 alcohol if the police never conducted any test  
25 and didn't anything.

1                   And also, yes, I'm in agreement that  
2 the security did hit the patron and he did hurt  
3 him. And he was suspended immediately.

4                   CHAIRPERSON ANDERSON: Is that, did he  
5 finish? I know that he was saying a whole lot.  
6 So was he done?

7                   MR. ESTRADA: No, that's it. That's  
8 it, thank you.

9                   CHAIRPERSON ANDERSON: All right. Be  
10 aware that by -- all right. So he's aware of the  
11 offer and compromise. Now is he aware that by  
12 accepting an offer and compromise, that he's  
13 given up his right to a hearing?

14                  MR. ESTRADA: Yes, yes, I accept the  
15 agreement, yes.

16                  CHAIRPERSON ANDERSON: And does he  
17 also know that by accepting the offer and  
18 compromise that he's given up his right to appeal  
19 this matter?

20                  MR. ESTRADA: Yes, yes that's fine.

21                  CHAIRPERSON ANDERSON: All right,  
22 thank you. All right, any questions by any Board  
23 members? All right.

24                  MEMBER GRANDIS: Mr. Chairman?

25                  CHAIRPERSON ANDERSON: Yes,

1 Mr. Grandis?

2 MEMBER GRANDIS: Thank you. Thank  
3 you, Mr. Estrada for attending today.

4 MR. ESTRADA: No, thank you all for  
5 giving of your time.

6 MEMBER GRANDIS: I would like  
7 Mr. Estrada to know that we understand as a Board  
8 how serious these charges are as well as the  
9 remedy.

10 And that we only do this rarely when  
11 the circumstances rise to such a level against  
12 public health and safety of the public, and his,  
13 customers, as well as the staff, and himself.

14 MR. ESTRADA: Yes, I understand.  
15 Thank you.

16 MEMBER GRANDIS: And does he have any  
17 thoughts on how he would like to proceed if the  
18 Board were to adopt the recommendations of the  
19 OIC, as a licensee?

20 CHAIRPERSON ANDERSON: Hold on, hold  
21 on, hold on.

22 MEMBER GRANDIS: I'll take back the  
23 question, Mr. Chairman. We can talk offline.  
24 But thank you, very much. And thank you,  
25 Mr. Estrada for attending today.

1 MR. ESTRADA: Thank you.

2 CHAIRPERSON ANDERSON: All right.

3 Then with that, I'm going to make a motion that  
4 the Board accepts the offer and compromise. And  
5 the offer and compromise is charge 1, a warning  
6 will be issued.

7 Charge 2, a \$30,000 fine payable  
8 within 120 days, or the license will be suspended  
9 indefinitely until the fine is paid. And there's  
10 a 30 day suspension from effective July 14th  
11 through to August 12th, 2022. For charge 3, a  
12 warning. Charge 4 will be dismissed. And charge  
13 5 there is a warning. Is there a second?

14 MEMBER GRANDIS: Mr. Chairman, I'll  
15 second.

16 CHAIRPERSON ANDERSON: Mr. Grandis  
17 will second the motion. We'll now have a roll  
18 call vote on motion.

19 (Roll call)

20 CHAIRPERSON ANDERSON: Mr. Short?

21 MEMBER SHORT: Mr. Short, I agree.

22 CHAIRPERSON ANDERSON: Mr. Cato?

23 MEMBER CATO: Bobby Cato, I agree.

24 CHAIRPERSON ANDERSON: Ms. Crockett?

25 MEMBER CROCKETT: I agree.

1 CHAIRPERSON ANDERSON: Ms. Hansen?

2 MEMBER HANSEN: Jeni Hansen, I agree.

3 CHAIRPERSON ANDERSON: Mr. Grandis?

4 MEMBER GRANDIS: Mr. Grandis, I agree.

5 CHAIRPERSON ANDERSON: Mr. Anderson,

6 I agree. The matter passes 6-0-0. You can  
7 explain to him that the Board voted six to  
8 nothing to accept the offer, the compromise that  
9 was made between him and the Government.

10 And I just want, the Board plays no  
11 role in the negotiation. The parties present an  
12 offer and compromise. And the Board either  
13 accepts it or rejects it. But the Board plays no  
14 role into the negotiation of this matter.

15 MR. ESTRADA: Thank you.

16 CHAIRPERSON ANDERSON: All right. I  
17 also want to, since this case is over, I have  
18 certain agendas that I that I'm going to go over  
19 today. And I see later on today, on our cease  
20 and desist agenda, that the Board will be issuing  
21 an order, which is independent of this case.

22 That we are going to issue a cease and  
23 desist order regarding the license because he did  
24 not renew his license. Is he aware of that?  
25 That the license was not renewed.

1 MR. ESTRADA: I was not aware of that.  
2 I just found out about two or three days ago.  
3 But I'm going to start working on that. So to do  
4 whatever I have to do so it can be renewed.

5 CHAIRPERSON ANDERSON: I just, I'm  
6 just letting you know that the action that's  
7 going to take will be separate and apart from  
8 what we just did.

9 That since he did not renew his  
10 license that he's aware that we're going to issue  
11 an order today to say that the license wasn't  
12 renewed. And so, he needs to take care of that.  
13 All right? I --

14 MS. PAYAN: Sorry.

15 CHAIRPERSON ANDERSON: Go ahead,  
16 ma'am.

17 MR. ESTRADA: Well, I have a question  
18 since we're talking about that. During the  
19 period that my license is suspended, can I renew  
20 it? Does that interfere?

21 CHAIRPERSON ANDERSON: We will -- he  
22 needs to contact the licensing division and they  
23 will let him know what he needs to do to, if he  
24 intends to renew his license.

25 MR. ESTRADA: Okay. I'll do so.

1 Thank you.

2 CHAIRPERSON ANDERSON: Thank you. All  
3 right. I want to thank the parties for agreeing  
4 to come into an agreement with this matter. And  
5 thank you, very much. And have a great day.  
6 Thank you.

7 MS. PAYAN: Thank you.

8 MR. ESTRADA: Thank you.

9 MR. CENCI: Thank you, Chairperson  
10 Anderson.

11 CHAIRPERSON ANDERSON: Thank you, very  
12 much. All right. So we're, this matter is  
13 concluded. Thank you.

14 (Whereupon, the above-entitled matter  
15 went off the record at 12:47 p.m.)  
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In the matter of: Luna Restaurant

Before: DC ABRA

Date: 07-13-22

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.



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