

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

2 (1:34 p.m.)

3 CHAIR DONOVAN: The first case on our
4 afternoon calendar is Case No. 23-CIT-00100,
5 MAIZ64, License No. 118648.

6 Good afternoon, Mr. Carter. Can you
7 please elevate or write up the Government and the
8 Licensee in this case, please.

9 MR. CARTER: Mr. Chairman, what's the
10 name of the establishment?

11 CHAIR DONOVAN: MAIZ64.

12 MR. CARTER: Okay. Christopher
13 Southcott has been elevated.

14 MR. SOUTHCOTT: Good afternoon, Mr.
15 Chairman.

16 CHAIR DONOVAN: Good afternoon.

17 MR. CARTER: Jeremy Zolarcoffer has
18 been elevated.

19 That is it.

20 CHAIR DONOVAN: Can you please put a
21 call out in the chat to see if there is anyone
22 else on line for MAIZ64, please?

23 MR. CARTER: Yes.

24 CHAIR DONOVAN: Mr. Carter, is there
25 anyone else out there in the universe? I know we

1 have several cases for 1:30, but is there anyone,
2 how many people are in the waiting area?

3 MR. CARTER: There are people in the
4 chat, but no one has said they are here for this
5 case, no one else.

6 CHAIR DONOVAN: All right, thank you,
7 sir.

8 It's 1:38, I'll give two more minutes.
9 I'll start this case at 1:40.

10 MR. CARTER: I will note for the Chair
11 that my attempts to contact the establishment via
12 email and phone call have been unsuccessful so
13 far.

14 CHAIR DONOVAN: Okay. So, you have not
15 had an opportunity, okay, fine. All right, so
16 fine, that's fine. I'll still give them one more
17 minute until 1:30 and then I'll start the case.

18 MR. CARTER: That's fine, thank you.

19 CHAIR DONOVAN: You are welcome.

20 All right. So, Mr. Southcott, so you
21 recently made some representation regarding your
22 attempts to contact the Licensee. Can you please
23 repeat them?

24 MR. SOUTHCOTT: Yes. I, on multiple
25 occasions, both prior to the Show Cause Status

1 Hearing and prior to this hearing reached out to
2 the establishment to the email addresses that
3 were provided. I have also called phone numbers
4 that I have for the establishment, both numbers
5 that exist in the case report, and then also
6 called the public line for the establishment. I
7 called sort of their commercial phone number that
8 is available and left messages, attempting to
9 explain that I am with the Government, and was
10 hoping to speak to them about this case.

11 CHAIR DONOVAN: All right. So, Mr.
12 Southcott are you prepared to move forward?

13 MR. SOUTHCOTT: I am.

14 CHAIR DONOVAN: You said yes?

15 MR. SOUTHCOTT: Yes.

16 CHAIR DONOVAN: Okay. Pursuant to DC
17 Official Code Section 25447E, the Board has
18 authority to proceed ex parte where the Licensee
19 waives the hearing or fails to appear, and that
20 the hearing was suspended for insufficient cause.

21 Our record reflects that the Licensee
22 was properly served. The Licensee, however, has
23 failed to appear here today, there has been no
24 good and sufficient cause to extend this hearing,
25 the Board will proceed with the Show Cause

1 Hearing.

2 All right, fine. Mr. Southcott, do
3 you wish to make an opening statement, sir?

4 MR. SOUTHCOTT: This is just a new ABC
5 manager matter. I don't feel a need to either
6 make an opening or a closing statement.

7 CHAIR DONOVAN: I'm sorry. Do you have
8 a witness you wish to testify, sir?

9 MR. SOUTHCOTT: Yes, I'd like to call
10 Investigator Jeremy Zolarcoffer.

11 CHAIR DONOVAN: Good afternoon, Mr.
12 Zolarcoffer. Can you please raise your right
13 hand, please, sir?

14 Do you swear or affirm to tell the
15 truth and nothing but the truth?

16 MR. ZOLARCOFFER: Yes, I do.

17 CHAIR DONOVAN: Your witness, sir.

18 MR. SOUTHCOTT: Thank you.

19 Before I start my questioning, I'd
20 just like to note that as a matter of law the
21 case report is already admitted as evidence in
22 the record. So, it's the only exhibit that I'll
23 be referencing, but I just did want to have that
24 noted.

25 CHAIR DONOVAN: So noted.

1 MR. SOUTHCOTT: Investigator
2 Zolarcoffer, can you please tell us, what is your
3 job?

4 MR. ZOLARCOFFER: I conduct inspections
5 and investigations to licensed ABC establishments
6 within the District of Columbia.

7 MR. SOUTHCOTT: And, how long have you
8 been in that position?

9 MR. ZOLARCOFFER: Four plus years.

10 MR. SOUTHCOTT: As part of your duties
11 as an investigator, what would you say your
12 typical duties involve?

13 MR. ZOLARCOFFER: Doing compliance
14 checks, investigations and inspections.

15 MR. SOUTHCOTT: Are you familiar with
16 an establishment known as MAIZ64?

17 MR. ZOLARCOFFER: I am.

18 MR. SOUTHCOTT: Did you conduct a
19 regulatory inspection there?

20 MR. ZOLARCOFFER: Yes, I did.

21 MR. SOUTHCOTT: Can you say what the
22 date and time of that regulatory inspection was?

23 MR. ZOLARCOFFER: I believe that was
24 Saturday, April 8th, at, approximately, 1:47 p.m.

25 MR. SOUTHCOTT: And, that was this

1 year?

2 MR. ZOLARCOFFER: It was this year,
3 yes, 2023.

4 MR. SOUTHCOTT: Can you tell the Board
5 what you did as part of that regulatory
6 inspection?

7 MR. ZOLARCOFFER: Basically, I entered
8 the establishment, asked for the ABC manager,
9 conducted an inspection of the establishment, and
10 just found that there was no ABC manager on duty
11 during the inspection. No other ABRA violations
12 were found.

13 MR. SOUTHCOTT: How do you know that
14 there was no ABC manager on duty?

15 MR. ZOLARCOFFER: I spoke to the
16 Manager in Charge, who introduced himself as
17 Cesar Sanchez (phonetic). I asked him if the
18 owner himself was the ABC manager, and he said,
19 no, that they weren't there. He provided me his
20 New Jersey identification, driver's license, and
21 I kind of proceeded from there.

22 I did do a records check to look him
23 up in the system. I didn't see any active ABC
24 manager's license under that name from New
25 Jersey.

1 MR. SOUTHCOTT: What are the
2 establishment's license hours of sale on
3 Saturdays?

4 MR. ZOLARCOFFER: So, sales on
5 Saturdays is from 8:00 a.m., to 2:00 a.m.

6 MR. SOUTHCOTT: And, this was a
7 Saturday afternoon, correct?

8 MR. ZOLARCOFFER: That's correct.

9 MR. SOUTHCOTT: So, was alcohol
10 available for purchase?

11 MR. ZOLARCOFFER: Yes, it was.

12 MR. SOUTHCOTT: Did you issue a
13 citation to the establishment?

14 MR. ZOLARCOFFER: I did. It was a
15 monetary citation in the amount of \$250.

16 MR. SOUTHCOTT: I have no further
17 questions.

18 CHAIR DONOVAN: Any questions by the
19 Board members?

20 Hearing none, thank you very much Mr.
21 Zolarcoffer. I think Mr. Southcott, are you
22 waiving closing, or do you want to make a
23 closing?

24 MR. SOUTHCOTT: I could give a brief
25 close if the Board desires. However, if the

1 Board feels that one is not necessary then I
2 don't want to waste everybody's time.

3 CHAIR DONOVAN: No. I think a brief
4 closing will be fine.

5 MR. SOUTHCOTT: Okay. Members of the
6 Board, we are here for a very simple matter
7 related to the only charge in this which is no
8 ABC manager present on the date of April 8, 2023,
9 at, approximately, 1:47 p.m.

10 You heard the testimony of
11 Investigator Zolarcoffer to confirm that he went
12 to the establishment, spoke to the only manager
13 who was present who was not licensed as an ABC
14 manager on duty.

15 You heard that alcohol was available
16 for sale and that the establishment's operation
17 and availability of alcohol for sale was 8:00
18 a.m. to 2:00 a.m. within that time period.

19 There were no other violations that
20 were noted. The only charge that we are bringing
21 is no ABC manager at the establishment during the
22 hours of license operation.

23 For these reasons, we believe it is
24 appropriate for the Board to issue a charge
25 related to the no ABC manager violation.

1 CHAIR DONOVAN: All right, thank you,
2 sir.

3 The record is now closed. The ABC
4 Board will issue a decision on the case within 90
5 days.

6 As Chairperson of the Alcoholic
7 Beverage and Cannabis Board for the District of
8 Columbia in accordance with DC Official Code
9 Section 2575 of the Open Meetings Act, I move
10 that the ABC Board hold a closed meeting for the
11 purpose of seeking legal advice from our counsel
12 on Case No. 23-PIT-00100-MAIZ64, pursuant to DC
13 Official Code Section 2575D4A of the Open
14 Meetings Act, and deliberating on Case No. 23-
15 PIT-00100-MAIZ64 for the reasons cited in DC
16 Official Code Section 2575D13 of the Open
17 Meetings Act.

18 Is there a second?

19 Ms. Hansen has seconded the motion.

20 We'll now have a roll call vote.

21 Mr. Short?

22 MEMBER SHORT: Mr. Short, I agree.

23 CHAIR DONOVAN: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIR DONOVAN: Mr. Grandis?

1 (No audible response.)

2 CHAIR DONOVAN: Mr. Anderson, I agree.

3 As it appears, the motion has passed,
4 I hereby give notice that the ABC Board will
5 recess this proceeding and go into a closed
6 meeting according to Section 2575 of the Open
7 Meetings Act.

8 As I stated before, the Board will
9 issue a decision within 90 days. Thank you very
10 much, Mr. Zolarcoffer, for your appearance today,
11 Mr. Southcott, for your appearance today.

12 Have a great day. Thank you very
13 much.

14 MR. SOUTHCOTT: Thank you.

15 CHAIR DONOVAN: All right, thanks.

16 (Whereupon, the above-entitled matter
17 went off the record at 1:48 p.m.)
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<p style="text-align: center;">A</p> <p>a.m 8:5,5 9:18,18 ABC 1:9 5:4 6:5 7:8,10 7:14,18,23 9:8,13,21 9:25 10:3,10 11:4 ABCA 1:20 above-entitled 11:16 ABRA 7:11 Act 10:9,14,17 11:7 active 7:23 addresses 4:2 admitted 5:21 advice 10:11 affirm 5:14 afternoon 2:4,6,14,16 5:11 8:7 agree 10:22,24 11:2 alcohol 8:9 9:15,17 Alcoholic 1:2,13 10:6 amount 8:15 ANC 1:7 Anderson 1:14,16 11:2 appear 4:19,23 appearance 11:10,11 appears 11:3 appropriate 9:24 approximately 6:24 9:9 April 6:24 9:8 area 3:2 asked 7:8,17 attempting 4:8 attempts 3:11,22 audible 11:1 August 1:11 authority 4:18 availability 9:17 available 4:8 8:10 9:15</p>	<p>10:12,14 cases 3:1 CATO 1:17 cause 1:7 3:25 4:20,24 4:25 Cesar 7:17 Chair 2:3,11,16,20,24 3:6,10,14,19 4:11,14 4:16 5:7,11,17,25 8:18 9:3 10:1,23,25 11:2,15 Chairman 2:9,15 Chairperson 1:13,16 10:6 charge 7:16 9:7,20,24 chat 2:21 3:4 check 7:22 checks 6:14 CHRIS 1:20 Christopher 2:12 citation 8:13,15 cited 10:15 close 8:25 closed 10:3,10 11:5 closing 5:6 8:22,23 9:4 Code 4:17 10:8,13,16 Columbia 1:1 6:6 10:8 commercial 4:7 compliance 6:13 conduct 6:4,18 conducted 7:9 confirm 9:11 contact 3:11,22 correct 8:7,8 counsel 10:11 CR 1:7</p>	<p style="text-align: center;">E</p> <p>EDWARD 1:17 either 5:5 elevate 2:7 elevated 2:13,18 email 3:12 4:2 entered 7:7 establishment 2:10 3:11 4:2,4,6 6:16 7:8 7:9 8:13 9:12,21 establishment's 8:2 9:16 establishments 6:5 everybody's 9:2 evidence 5:21 ex 4:18 exhibit 5:22 exist 4:5 explain 4:9 extend 4:24</p> <p style="text-align: center;">F</p> <p>failed 4:23 fails 4:19 familiar 6:15 far 3:13 feel 5:5 feels 9:1 fine 3:15,16,16,18 5:2 9:4 first 2:3 forward 4:12 found 7:10,12 Four 6:9 further 8:16</p>	<p>identification 7:20 inspection 6:19,22 7:6 7:9,11 inspections 6:4,14 insufficient 4:20 introduced 7:16 investigations 6:5,14 investigator 1:21 5:10 6:1,11 9:11 involve 6:12 issue 8:12 9:24 10:4 11:9</p> <p style="text-align: center;">J</p> <p>JAMES 1:18 Jeni 1:18 10:24 Jeremy 1:21 2:17 5:10 Jersey 7:20,25 job 6:3 JR 1:17,18</p> <p style="text-align: center;">K</p> <p>kind 7:21 know 2:25 7:13 known 6:16</p> <p style="text-align: center;">L</p> <p>law 5:20 left 4:8 legal 10:11 license 1:8 2:5 7:20,24 8:2 9:22 licensed 6:5 9:13 Licensee 2:8 3:22 4:18 4:21,22 line 2:22 4:6 LLC 1:6 long 6:7 look 7:22</p>
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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: MAIZE64

Before: DC ABCA

Date: 08-16-23

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

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