

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

-----=
 IN THE MATTER OF: :
 :
 Heights, LLC :
 t/a Heights Liquor :
 547 42nd Street NW : Show Cause
 Retailer A - ANC 7D : Hearing
 License No. 118369 :
 Case #22-CIT-00154 :
 :
 (No ABC Manager on Duty) :
 -----=

Wednesday
 September 14, 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:

JOSE ORELLANA, DC ABRA Staff
 D'MAZ LUMUKANDA, Applicant
 KEVIN LUTES, Assistant Attorney General

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

2 2:38 p.m.

3 CHAIRPERSON ANDERSON: The next case on
4 our calendar is Case Number 22-CIT-00154, Heights
5 Liquor, License Number 118369.

6 Mr. Orellana, can you please elevate
7 the rights of the -- well, the Government is
8 already here. I think that the Government has a
9 witness, that witness and also elevate the rights
10 of the licensee in this case, please.

11 MR. LUTES: Mr. Chairman, there is no
12 witness for the Government.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you.

15 Who is the licensee to elevate their
16 rights.

17 MR. ORELLANA: D'Maz Lumukanda, your
18 access has been elevated.

19 CHAIRPERSON ANDERSON: Mr. Lumukanda.
20 Good afternoon.

21 MR. LUMUKANDA: Good afternoon. (Audio
22 interference.)

23 CHAIRPERSON ANDERSON: You are in a
24 poor area, sir. Let me see.

25 I think one more time, Mr. Lumukanda.

1 MR. LUMUKANDA: D'Maz Lumukanda the
2 licensee.

3 CHAIRPERSON ANDERSON: All right.
4 Okay, fine. All right.

5 And I see that you are in a car. I
6 want to make sure that you are not moving, sir,
7 you're not driving.

8 MR. LUMUKANDA: No, sir. I am parked.

9 CHAIRPERSON ANDERSON: Your signal is
10 poor. So, all right.

11 Mr. Lutes, can you please spell and
12 state your name for the record, please?

13 MR. LUTES: Good afternoon, Mr.
14 Chairman. This is, Assistant Attorney General
15 Kevin Lutes for the District. That's K-E-V-I-N
16 L-U-T-E-S.

17 CHAIRPERSON ANDERSON: Mr. Lumukanda,
18 can you please spell and state your name for the
19 record and your representation. Who do you
20 represent, sir.

21 MR. LUMUKANDA: Yes, sir. D-N-A-Z,
22 last name is Lumukanda, L-U-M-U-K-A-N-D-A. And I
23 represent the licensee to before the LLC, trading
24 as the Heights.

25 CHAIRPERSON ANDERSON: Thank you.

1 Now, this is Show Cause Hearing. So,
2 Mr. Lutes, are there any preliminary matters in
3 this case?

4 MR. LUTES: Yes, Mr. Chairman. There
5 are preliminary matters. I'm happy to inform the
6 Board that the District and the Licensee have
7 come to, have settled the matter. And
8 specifically I've entered into a Global Offer in
9 Compromise regarding both this matter as well as
10 another matter. At this point, the District and
11 the Licensee don't have the finalized document
12 prepared to submit to the Board but the District
13 and the Licensee are prepared to read the terms
14 of the Global Offer in Compromise onto the
15 record.

16 CHAIRPERSON ANDERSON: So, you're
17 saying it's a Global. So, let's first do Case
18 Number 21-CIT-00139. What are the terms of that
19 case?

20 MR. LUTES: One second. The case at
21 hand is 22-CIT-00154, not 39, is that correct?

22 CHAIRPERSON ANDERSON: On the calendar
23 today the case that I have is Case Number 21-CIT-
24 00139. That's the case that's on our published
25 calendar.

1 Now, that's the calendar that I'm
2 looking at. If something else has changed, but
3 that's the calendar that I'm reading. So, is
4 there another calendar. That's the case I just
5 called.

6 MR. LUTES: So, the Case Number I
7 actually have is the case I've prepared today is
8 22-CIT-00154. They have a calendar. However,
9 it's -- I don't believe it's the one that's
10 currently posted on ABRA's website.

11 With the Board's indulgence, I will go
12 check.

13 CHAIRPERSON ANDERSON: Oh, I'm sorry.
14 Mr. Lutes?

15 MR. LUTES: Yes.

16 CHAIRPERSON ANDERSON: Mr. Lutes, I am
17 the one who has confused the case, okay? I
18 apologize. I'm the one who, because it appears
19 that I can't read today. The case that I called
20 is the case that was 22-CIT-00154, the Heights.
21 I apologize.

22 So, that's on our calendar today. So,
23 please let me know, you said you have a Global
24 Settlement. So, what is the settlement terms for
25 Case Number 22-CIT-00154?

1 MR. LUTES: Yes, Mr. Chairperson.

2 The settlement terms for Charge 1 is
3 that no ABC Manager on Duty, violation of
4 statutory Authority, D.C. Code 25701. There
5 would be a fine of \$250 payable within 60 days of
6 the Board's accepting the Offer in Compromise and
7 if a payment is not made in 60 days the license
8 will be suspended until payment is received.

9 CHAIRPERSON ANDERSON: Okay. Is that
10 the only charge in the case?

11 MR. LUTES: That is the only charge in
12 the case. The District is happy to also read off
13 the other case in which the Offer in Compromise
14 encompasses.

15 CHAIRPERSON ANDERSON: All right. So,
16 what's the other case?

17 MR. LUTES: The other case is Case
18 Number 22-CIT-00205. It should have the same
19 case heading or same, yes, case heading.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. LUTES: Charge Number 1 is the sole
22 charge is No ABC Manager on Duty, in violation of
23 Statutory Authority of D.C. Code 25701. The fine
24 would be a \$250 fine, payable within 60 days of
25 the Board accepting the Offer in Compromise. If

1 a payment is not made within 60 days the license
2 will be suspended until payment is received.

3 CHAIRPERSON ANDERSON: That's it?

4 MR. LUTES: There are no further
5 charges.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you.

8 Mr. Lumukanda, it's my understanding
9 that for Case Number 22-CIT-00154 there's an
10 Offer in Compromise. And the Offer in Compromise
11 is a fine of \$250 payable within 60 days. If the
12 fine is not paid within 60 days the license will
13 be suspended until the fine has been paid.

14 That the parties have also agreed to
15 settle Case Number 22-CIT-000205 and that they
16 also agreed to a fine of \$250 payable within 60
17 days. If the fine has not been paid within 60
18 days the license will be suspended until the fine
19 has been paid.

20 Is this your understanding, sir, of
21 the Offer in Compromise?

22 Mr. Lumukanda?

23 MR. LUMUKANDA: Yes. Yes, this is my
24 understanding.

25 CHAIRPERSON ANDERSON: Is your client

1 aware that by accepting an Offer in Compromise
2 they give up their right to a hearing? Is your
3 client also aware that --

4 MR. LUMUKANDA: Yes, sir.

5 CHAIRPERSON ANDERSON: -- accepting an
6 Offer in Compromise that they're giving up their
7 right to appeal this matter?

8 MR. LUMUKANDA: Yes, sir.

9 CHAIRPERSON ANDERSON: Are there any
10 questions by any Board Members regarding the
11 Offer in Compromise?

12 If there are no questions by any Board
13 Member I therefore make a motion that the Offer
14 in Compromise for Case Number 22-CIT-00154 offer
15 a \$250 find payable within 60 days. If the fine
16 has not been paid within 60 days the license will
17 be suspended until the fine has been paid.

18 And for in Case Number 22-CIT-00205
19 that there is a fine of \$250 payable in 60 days.
20 If the fine is not paid within 60 days the
21 license will be suspended indefinitely until the
22 fine has been paid and accepted.

23 Is there a second?

24 MEMBER CROCKETT: Ms. Crockett seconds.

25 CHAIRPERSON ANDERSON: Ms. Crockett has

1 seconded the motion. We'll now have a Roll Call
2 vote on the motion.

3 Mr. Short?

4 MR. SHORT: Mr. Short, I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: Bobby Cato, I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett?

8 MEMBER CROCKETT: Rafi Crockett, I
9 agree.

10 CHAIRPERSON ANDERSON: Mr. Hansen?

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: Mr. Grandis?

13 MEMBER GRANDIS: Edward Grandis and I
14 agree.

15 CHAIRPERSON ANDERSON: And I'm Mr.

16 Anderson, and I agree. The matter passes six,
17 zero, zero.

18 I want to thank the parties for coming
19 to an agreement on this case.

20 Thank you very much for these two
21 case. Thank you very much. Have a great day.

22 MR. LUTES: Thank you, sir.

23 CHAIRPERSON ANDERSON: Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 2:47 p.m.)

<p style="text-align: center;">A</p> <p>ABC 1:9 6:3,22 above-entitled 9:24 ABRA 1:21 ABRA's 5:10 accepted 8:22 accepting 6:6,25 8:1,5 access 2:18 afternoon 2:20,21 3:13 agree 9:4,6,9,11,14,16 agreed 7:14,16 agreement 9:19 Alcoholic 1:2,13 ALIYA 1:17 ANC 1:7 Anderson 1:14,16 2:3 2:13,19,23 3:3,9,17 3:25 4:16,22 5:13,16 6:9,15,20 7:3,6,25 8:5 8:9,25 9:5,7,10,12,15 9:16,23 apologize 5:18,21 appeal 8:7 appears 5:18 Applicant 1:22 area 2:24 Assistant 1:23 3:14 Attorney 1:23 3:14 Audio 2:21 Authority 6:4,23 aware 8:1,3</p>	<p>6:1,9,15,20 7:3,6,25 8:5,9,25 9:5,7,10,12 9:15,23 changed 5:2 charge 6:2,10,11,21,22 charges 7:5 check 5:12 client 7:25 8:3 Code 6:4,23 COLUMBIA 1:1 come 4:7 coming 9:18 Compromise 4:9,14 6:6 6:13,25 7:10,10,21 8:1,6,11,14 confused 5:17 Control 1:2,13 correct 4:21 Crockett 1:17 8:24,24 8:25 9:7,8,8 currently 5:10</p>	<p>go 5:11 Good 2:20,21 3:13 Government 2:7,8,12 Grandis 1:18 9:12,13 9:13 great 9:21</p>	<p>matters 4:2,5 MEETING 1:3 Member 1:17,17,18,18 1:19 8:13,24 9:6,8,11 9:13 Members 8:10 met 1:13 motion 8:13 9:1,2 moving 3:6</p>
<p style="text-align: center;">B</p> <p>believe 5:9 Beverage 1:2,13 Board 1:2,13 4:6,12 6:25 8:10,12 Board's 5:11 6:6 Bobby 1:17 9:6</p>	<p style="text-align: center;">D</p> <p>D'Maz 1:22 2:17 3:1 D-N-A-Z 3:21 D.C 6:4,23 day 9:21 days 6:5,7,24 7:1,11,12 7:17,18 8:15,16,19,20 DC 1:21 District 1:1 3:15 4:6,10 4:12 6:12 document 4:11 Donovan 1:14,16 driving 3:7 Duty 1:9 6:3,22</p>	<p style="text-align: center;">H</p> <p>hand 4:21 Hansen 1:18 9:10,11,11 happy 4:5 6:12 heading 6:19,19 hearing 1:7 4:1 8:2 Heights 1:6,6 2:4 3:24 5:20</p>	<p style="text-align: center;">N</p> <p>name 3:12,18,22 Number 2:4,5 4:18,23 5:6,25 6:18,21 7:9,15 8:14,18 NW 1:7</p>
<p style="text-align: center;">C</p> <p>calendar 2:4 4:22,25 5:1,3,4,8,22 Call 9:1 called 5:5,19 car 3:5 case 1:8 2:3,4,10 4:3,17 4:19,20,23,23,24 5:4 5:6,7,17,19,20,25 6:10,12,13,16,17,17 6:19,19 7:9,15 8:14 8:18 9:19,21 Cato 1:17 9:5,6,6 Cause 1:7 4:1 Chairman 2:11 3:14 4:4 Chairperson 1:13,16 2:3,13,19,23 3:3,9,17 3:25 4:16,22 5:13,16</p>	<p style="text-align: center;">E</p> <p>Edward 1:18 9:13 elevate 2:6,9,15 elevated 2:18 encompasses 6:14 entered 4:8</p> <p style="text-align: center;">F</p> <p>finalized 4:11 find 8:15 fine 3:4 6:5,23,24 7:11 7:12,13,16,17,18 8:15 8:17,19,20,22 first 4:17 further 7:4</p>	<p style="text-align: center;">I</p> <p>indefinitely 8:21 indulgence 5:11 inform 4:5 interference 2:22</p>	<p style="text-align: center;">O</p> <p>offer 4:8,14 6:6,13,25 7:10,10,21 8:1,6,11 8:13,14 Oh 5:13 okay 3:4 5:17 6:9,20 Orellana 1:21 2:6,17</p>
<p style="text-align: center;">G</p> <p>General 1:23 3:14 give 8:2 giving 8:6 Global 4:8,14,17 5:23</p>	<p style="text-align: center;">G</p> <p>General 1:23 3:14 give 8:2 giving 8:6 Global 4:8,14,17 5:23</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19 Jeni 1:18 9:11 JOSE 1:21 JR 1:17,19</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 p.m 2:2 9:25 paid 7:12,13,17,19 8:16 8:17,20,22 parked 3:8 parties 7:14 9:18 passes 9:16 payable 6:5,24 7:11,16 8:15,19 payment 6:7,8 7:1,2 please 2:6,10 3:11,12 3:18 5:23 point 4:10 poor 2:24 3:10 posted 5:10 preliminary 4:2,5 prepared 4:12,13 5:7 PRESENT 1:15,20 presiding 1:14 published 4:24</p>
	<p style="text-align: center;">G</p> <p>General 1:23 3:14 give 8:2 giving 8:6 Global 4:8,14,17 5:23</p>	<p style="text-align: center;">K</p> <p>K-E-V-I-N 3:15 Kevin 1:23 3:15 know 5:23</p>	<p style="text-align: center;">Q</p> <p>questions 8:10,12</p>
		<p style="text-align: center;">L</p> <p>L-U-M-U-K-A-N-D-A 3:22 L-U-T-E-S 3:16 let's 4:17 license 1:8 2:5 6:7 7:1 7:12,18 8:16,21 licensee 2:10,15 3:2,23 4:6,11,13 Liquor 1:6 2:5 LLC 1:6 3:23 looking 5:2 Lumukanda 1:22 2:17 2:19,21,25 3:1,1,8,17 3:21,22 7:8,22,23 8:4 8:8 Lutes 1:23 2:11 3:11,13 3:15 4:2,4,20 5:6,14 5:15,16 6:1,11,17,21 7:4 9:22</p>	<p style="text-align: center;">R</p> <p>Rafi 1:17 9:8 read 4:13 5:19 6:12 reading 5:3 received 6:8 7:2 record 3:12,19 4:15 9:25</p>
		<p style="text-align: center;">M</p> <p>Manager 1:9 6:3,22 matter 1:5 4:7,9,10 8:7 9:16,24</p>	

<p>regarding 4:9 8:10 represent 3:20,23 representation 3:19 Retailer 1:7 right 2:13 3:3,4,10 6:15 7:6 8:2,7 rights 2:7,9,16 Roll 9:1</p>	<p>W</p> <p>W 1:14,16 want 3:6 9:18 We'll 9:1 WebEx 1:13 website 5:10 Wednesday 1:11 went 9:25 witness 2:9,9,12</p>
<p>S</p> <p>S 1:18 saying 4:17 second 4:20 8:23 seconded 9:1 seconds 8:24 see 2:24 3:5 September 1:11 settle 7:15 settled 4:7 settlement 5:24,24 6:2 Short 1:19 9:3,4,4 Show 1:7 4:1 signal 3:9 sir 2:24 3:6,8,20,21 7:20 8:4,8 9:22 six 9:16 sole 6:21 sorry 5:13 specifically 4:8 spell 3:11,18 Staff 1:21 state 3:12,18 statutory 6:4,23 Street 1:7 submit 4:12 sure 3:6 suspended 6:8 7:2,13 7:18 8:17,21</p>	<p>X</p> <p>Y</p> <p>Z</p> <p>zero 9:17,17</p>
<p>T</p> <p>t/a 1:6 terms 4:13,18 5:24 6:2 thank 2:14 3:25 7:7 9:18,20,21,22,23 think 2:8,25 time 2:25 today 4:23 5:7,19,22 trading 3:23 two 9:20</p>	<p>0</p> <p>00139 4:24</p> <p>1</p> <p>1 6:2,21 118369 1:8 2:5 14 1:11</p> <p>2</p> <p>2:38 2:2 2:47 9:25 2022 1:11 21-CIT- 4:23 21-CIT-00139 4:18 22-CIT-000205 7:15 22-CIT-00154 1:8 2:4 4:21 5:8,20,25 7:9 8:14 22-CIT-00205 6:18 8:18 250 6:5,24 7:11,16 8:15 8:19 25701 6:4,23</p>
<p>U</p> <p>understanding 7:8,20 7:24</p>	<p>3</p> <p>39 4:21</p> <p>4</p> <p>42nd 1:7</p> <p>5</p> <p>547 1:7</p> <p>6</p> <p>60 6:5,7,24 7:1,11,12,16 7:17 8:15,16,19,20</p>
<p>V</p> <p>videoconference 1:13 violation 6:3,22 vote 9:2</p>	<p>7</p> <p>7D 1:7</p>

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: ABRA Hearing

Before: ABRA

Date: 09-14-22

Place: Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate 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