

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 1716 I, LLC, t/a Eye Bar/:
 Garden of Eden :
 1716 I Street NW : Show Cause
 Retailer CN - ANC 2B : Hearing (Status)
 License No. 83133 :
 Case #19-CMP-00151 :
 :
 (Exceeded Capacity) :

Wednesday
 November 4, 2020

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
- FRED MOOSALLY, Director, DC ABRA
- STEPHEN ORTIZ, DC OAG

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

2 1:59 p.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 19-CMP-
5 00151. Eye Bar/Garden of Eden. License No.
6 83133.

7 Ms. Andrews, can you please elevate
8 the rights of the licensee, please.

9 MS. ANDREWS: The licensee has not
10 joined in.

11 CHAIRPERSON ANDERSON: You said "has"
12 or "has not"?

13 MS. ANDREWS: Has not.

14 CHAIRPERSON ANDERSON: Has not?

15 MS. ANDREWS: Has not.

16 CHAIRPERSON ANDERSON: Mr. Ortiz, is
17 there something that you could -- I mean, the
18 licensee is not here. So, we cannot -- so, can
19 you explain to us --

20 (Simultaneous speaking)

21 MR. ORTIZ: Yeah. So, yesterday the
22 office filed an offer in compromise for Board
23 approval. And so, the licensee did have it --
24 did sign it.

25 Ms. Jenkins was served and so we would

1 have, as you all did during the break, you know,
2 consider that offer in compromise.

3 CHAIRPERSON ANDERSON: All right. I
4 have received -- are you saying that there is a
5 written offer in compromise that has been signed
6 and agreed to by the licensee?

7 MR. ORTIZ: Yes, that is what I'm
8 stating.

9 CHAIRPERSON ANDERSON: Well, if you
10 have a written -- what the Board has done earlier
11 today on our legal agenda, we have accepted a
12 written offer in compromise that was agreed to by
13 the Government and the licensee.

14 So, I have not seen it, but I -- if
15 you're able to recite -- put that on the record,
16 then the Board is willing to consider it.

17 And I'm -- and the reason why I'm
18 going to do this is because your representation
19 is that you provided this written offer to the
20 Board and that we do have a written offer.

21 And so, although the licensee is not
22 here, it's my -- based on your representation,
23 the licensee has signed off on this offer in
24 compromise.

25 And so, therefore, you can present it

1 in the (audio interference).

2 MR. ORTIZ: All right. I will read it
3 off for you. They have signed it and it was
4 provided to your office late yesterday on
5 November 3rd.

6 So, in regards to Case No. 19-CMP-
7 00151, the offer in compromise for Board approval
8 is as follows: The District of Columbia, jointly
9 with the licensee, submits this offer in
10 compromise to the Alcoholic Beverage Control
11 Board as authorized by Chapter 23 DCMR Section
12 1604.5 for approval by the Board.

13 The parties understand that if the
14 Board approve an OIC, this case will conclude and
15 any scheduled show cause hearing will be vacated.

16 Respondent will be obligated to abide
17 by the terms of the OIC, a fine, suspension, both
18 or other terms shown below.

19 If the Board does not approve the OIC,
20 the matter will be continued to the scheduled
21 show cause hearing currently not set.

22 The Respondent has been advised that
23 there is no obligation to accept an OIC.

24 Respondent has been advised pursuant to the
25 Notice of Status Hearing and Show Cause Hearing,

1 that a show cause hearing Respondent may -- that
2 at a show cause hearing Respondent may be
3 represented by legal counsel, have subpoenas
4 issued to inquire production of witnesses and
5 evidence, produce witnesses and evidence, cross
6 examine witnesses and apply to the Board for a
7 qualified interpreter.

8 The OIC terms are as follows: As to
9 Charge 1, increase summer garden occupancy, the
10 penalty shall be a written warning provided that
11 the establishment surrenders its license within
12 14 days for safekeeping during nonoperation and
13 files an application to revise occupancy on the
14 rooftop within 60 days, which shall be filed
15 prior to the licensee removal -- to the licenses
16 removed from safekeeping.

17 CHAIRPERSON ANDERSON: All right.

18 MR. ORTIZ: And that would conclude the
19 offer in compromise.

20 CHAIRPERSON ANDERSON: What I'm going
21 to do, Mr. Ortiz, because normally I repeat the
22 offer in compromise.

23 But what I'm going to do is that
24 because I don't have it in front of me, I suggest
25 (audio interference) make a motion and then I'm

1 going to ask you to once again review it for me.

2 So, it is my understanding that in
3 Case No. 19-CMP-00151, Eye Bar/Garden of Eden,
4 License No. 83133, that there is a written offer
5 in compromise that was provided to the Agency by
6 the Government, and that the licensee did agree
7 to this offer in compromise in writing.

8 And so, the Board has -- the Agency
9 has a written copy of this agreement. But
10 because we're doing this matter remotely, I
11 currently do not have a copy of it in front of
12 me.

13 So, when I make the motion, because
14 it's more involved than I normally do and I
15 normally have -- I did not have a chance to take
16 specific notes.

17 So, what I will do, I will make a
18 motion and I will ask Mr. Ortiz to -- once I make
19 a motion, to once again review the terms of the
20 OIC for me for the Board to vote.

21 So, therefore, I do -- I make a motion
22 that the offer -- that the ABC Board accept the
23 offer in compromise in this particular case.

24 And is there -- and let me ask, Mr.
25 Ortiz, can you once again, for the record, please

1 review -- please review what the terms are again
2 for us, please.

3 MR. ORTIZ: Yes. As to Charge 1,
4 increase summer garden occupancy, the
5 establishment shall receive a written warning
6 provided that the establishment surrenders its
7 license within 14 days for safekeeping during
8 nonoperation and files an application to revise
9 occupancy on the rooftop within 60 days, which
10 shall be filed prior to the license's removal
11 from safekeeping.

12 CHAIRPERSON ANDERSON: All right.

13 Thank you.

14 Is there a second?

15 MEMBER CROCKETT: Ms. Crockett seconds.

16 CHAIRPERSON ANDERSON: Ms. Crockett has
17 second the motion. We will now have a roll call
18 vote on the motion that was properly seconded by
19 Ms. Crockett.

20 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. Wahabzadah?

25 MEMBER WAHABZADAH: Rema Wahabzadah.

1 I agree.

2 CHAIRPERSON ANDERSON: Ms. Crockett?

3 Ms. Crockett?

4 MEMBER CROCKETT: Rafi Crockett. I
5 agree.

6 CHAIRPERSON ANDERSON: Ms. Hansen?

7 MEMBER HANSEN: Jeni Hansen. I agree.

8 CHAIRPERSON ANDERSON: Mr. Grandis?

9 MEMBER GRANDIS: Ed Grandis. I agree.

10 CHAIRPERSON ANDERSON: And Mr.

11 Anderson. I agree. The matter passes 7-0-0.

12 Thank you, Mr. Ortiz, for presenting the offer in
13 compromise to the Board.

14 And I just want to clarify again for
15 the public that although the licensee is not
16 here, we routinely -- and if you had listened to
17 our hearing this morning on our legal agenda, I
18 did the same thing where we had a written offer
19 in compromise that was signed by both the
20 Government and the licensee, and the Board
21 reviewed it and accepted it.

22 And so, in this particular case, it
23 was appropriate for Mr. Ortiz to provide, on the
24 record, a written offer in compromise that was
25 accepted -- that has been signed by the licensee.

1 And based on COVID and the fact that
2 we're doing all these hearings remotely, a policy
3 that was accepted by the Board is that we do
4 accept written offers in compromise by -- and
5 normally the Government is not here and the
6 licensee is not here and we would -- we still
7 accept those written offers in compromise.

8 I just want to clarify the record so
9 the general public will know that we're not doing
10 anything out of the ordinary.

11 So, thank you again, Mr. Ortiz, for
12 your presentation. All right.

13 (Whereupon, the above-entitled matter
14 went off the record at 2:07 p.m.)

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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: Eye Bar

Before: DC ABRA

Date: 11-04-20

Place: teleconference

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

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