

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

IN THE MATTER OF: :

:

Tariq Hussain, :

t/a 7-Eleven :

1101 South Capitol Street:

SW : Show Cause

Retailer B - ANC 6D : Hearing (Status)

License No. 26520 :

Case #17-CC-00142 :

:

(Sale to Minor Violation, :

Failed to Take Steps :

Necessary to Ascertain :

Legal Drinking Age) :

Wednesday  
July 11, 2018

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
NICK ALBERTI, Member  
DONALD ISAAC, SR., Member  
MIKE SILVERSTEIN, Member  
JAMES SHORT, Member  
REMA WAHABZADAH, Member

**ALSO PRESENT:**

**WALTER ADAMS, OAG**

**RICH BIANCO, LICENSEE ATTORNEY**

**TARIQ HUSSAIN, LICENSEE**

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

2 10:12 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 17-CC-00142, 7-  
5 Eleven, License No. 26520.

6 MR. ADAMS: Good morning, Mr.  
7 Chairman. Walter Adams representing the District  
8 of Columbia.

9 CHAIRPERSON ANDERSON: Good morning,  
10 Mr. Adams.

11 MR. BIANCO: Good morning, Mr.  
12 Chairman, Members of the Board. Richard Bianco  
13 on behalf of Tariq Hussain, 7-Eleven.

14 CHAIRPERSON ANDERSON: Good morning,  
15 Mr. Bianco.

16 MR. HUSSAIN: Good morning. Tariq  
17 Hussain, owner of 7-Eleven.

18 CHAIRPERSON ANDERSON: Good morning,  
19 Mr. Hussain.

20 Are there any preliminary matters in  
21 this case?

22 MR. ADAMS: There are. There is a

1 preliminary matter, Mr. Chairman and Members of  
2 the Board.

3 CHAIRPERSON ANDERSON: And what is  
4 that?

5 MR. ADAMS: The parties have discussed  
6 this matter and would like to make an Offer in  
7 Compromise.

8 CHAIRPERSON ANDERSON: What is that?

9 MR. ADAMS: Yes. I will start -- I  
10 will provide the total amount of the -- there are  
11 two charges in this case; one for the  
12 establishment selling an alcoholic beverage to a  
13 person under the age of 21, the other for failing  
14 to take the reasonable -- or steps reasonably  
15 necessary to ascertain a patron's age.

16 So I will provide the summary or the  
17 total amount and then I'll break it down by  
18 charge, if that would --

19 CHAIRPERSON ANDERSON: That's fine.

20 MR. ADAMS: -- suit the Board? The  
21 Offer in Compromise we are proposing is a fine in  
22 the amount of \$4,000. A suspension of 15 days, 5

1 days to be served and 10 days stayed. And  
2 training -- oh, sorry. The fine is to be paid  
3 within -- the \$4,000 fine to be paid within 60  
4 days.

5 That all their employees who serve  
6 alcoholic beverages in this establishment  
7 complete an alcohol training program within 3  
8 months of the Offer in Compromise date of today.  
9 And in addition, this establishment will have to  
10 serve a 6 day suspension that was stayed from a  
11 prior case, which is Case No. 17-CC-00013.

12 And I can break this down by charge.  
13 Again, that will be, for Charge 1, a \$3,000 fine  
14 to be paid within 60 days. A suspension of 10  
15 days with 5 days stayed for one year and 5 days  
16 to be served. For -- and again, the training for  
17 all employees that serve alcoholic beverages, the  
18 alcohol training program within 3 months.

19 And attached to this would be the  
20 activation of the suspension from the prior  
21 period, so in reality, they will be serving 11  
22 days. And so the 11 day period that we are

1 proposing is that their license be suspended from  
2 July 23rd, Monday, through August 2nd, Thursday.

3 For Charge 2, there will be a \$1,000  
4 fine to be paid within 60 days. And a 5 day  
5 suspension, all those suspension days are to be  
6 stayed for a period of one year.

7 And just to clarify for the fines, the  
8 fine is to be paid within 60 days. If they do  
9 not pay within 60 days, the license will be  
10 suspended indefinitely until such time the  
11 establishment does pay the fine.

12 CHAIRPERSON ANDERSON: All right.

13 MR. BIANCO: Yes, Mr. Chair, that is  
14 an accurate recitation of the agreement that we  
15 have. Albeit, it is a lot going on here. That's  
16 it.

17 CHAIRPERSON ANDERSON: All right. So  
18 this is the charge. The charge is for Charge 1  
19 is a fine of \$3,000 payable in 60 days. There is  
20 a 10 day suspension, 5 days served and 5 days  
21 stayed. And that there will be training for all  
22 employees who sell or serve alcohol, who I guess

1 basically sell alcohol, within 90 days.

2 MR. ADAMS: That's correct.

3 CHAIRPERSON ANDERSON: Based on this  
4 violation, there is a, from a previous case, 6  
5 days suspension was triggered and so, therefore,  
6 you have to serve the 6 day suspension. Meaning  
7 that for Charge 1, there -- the establishment  
8 cannot sell any alcoholic beverages between July  
9 23rd and August 2, 2018.

10 For Charge 2, there is a \$1,000 fine  
11 payable within 60 days. If the fine is not  
12 payable within 60 days, the license will be  
13 suspended indefinitely and there is a 5 day  
14 suspension and the 5 day suspension is stayed for  
15 one year.

16 Is this your understanding of the  
17 Offer in Compromise?

18 MR. BIANCO: Yes, sir.

19 CHAIRPERSON ANDERSON: Are you -- is  
20 your client aware that by accepting an Offer in  
21 Compromise, that they are giving up their right  
22 to a hearing?

1 MR. BIANCO: Yes, sir.

2 CHAIRPERSON ANDERSON: That they are  
3 also giving up their right to appeal this matter?

4 MR. BIANCO: Yes.

5 CHAIRPERSON ANDERSON: Hearing this,  
6 I then make a motion that the Offer in Compromise  
7 be accepted. For Charge 1, there is a fine of  
8 \$3,000 payable within 60 days. If the fine is  
9 not paid within 60 days, the license will be  
10 suspended. That there is a 10 day suspension, 5  
11 days stayed for one year and 5 days will be  
12 served. And that there will be training for all  
13 employees who serve alcoholic beverages within 90  
14 days.

15 Because of this, because of Charge 1,  
16 there is a 6 day suspension that was not -- that  
17 is now triggered. And the 6 day suspension that  
18 is now triggered, the licensee will have to serve  
19 an 11 day suspension and the 11 day suspension  
20 will be July 23rd through August 2, 2018.

21 For Charge 2, there is a \$1,000 fine  
22 payable within 60 days. If the fine is not

1 payable within 60 days, the license will be  
2 suspended. And that there is a 5 day suspension  
3 and all 5 days will be stayed for one year.

4 Is there a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON ANDERSON: Any discussion  
7 by any Board Members? Any questions by any Board  
8 Members?

9 Hearing none, I make a motion --  
10 hearing none, all those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON ANDERSON: Those opposed?  
13 The matter passes 6-0-0.

14 The Board will be issuing a Board  
15 Order for this matter.

16 Now that this case is over, sir, you  
17 are serving an 11 day suspension. Meaning that  
18 you cannot sell alcohol for 11 days. I am not  
19 here supporting Costco, but you need to follow  
20 the model that Costco utilizes.

21 Everyone who goes to Costco, no matter  
22 how they look, they have to prove their age, sir.

1 And maybe you know something I don't know. Maybe  
2 you are a large business, but maybe you are a  
3 small business. I mean, a \$4,000 fine and you  
4 are unable to serve alcohol for 11 days, that's  
5 serious.

6 And if you get caught again within  
7 another year, you are going to serve another 5  
8 day suspension automatically. So you need to  
9 figure out how you are operating your business,  
10 sir, and what is it that I need to do right.

11 It's -- clearly, you are doing  
12 something wrong and you need to do what you need  
13 to do. So as I said before, everyone who comes--  
14 in order for you not to get caught up, if  
15 everyone who comes in your establishment, if you  
16 ask them to prove their age, you will never get  
17 in a problem. You will never come back here.  
18 You will never -- the --

19 MEMBER SHORT: Not for that charge.

20 CHAIRPERSON ANDERSON: Not for this  
21 charge. I mean, 11 days. I mean, I don't know  
22 how much you make from alcohol, but if you can't

1       serve for 11 days, that's a substantial period of  
2       time. So I do hope that this is the last time  
3       that we see you for this, on this matter.

4               But all right.

5               MR. BIANCO: I thank the Chairman very  
6       much for the comments and well wishes. We  
7       certainly appreciate that. I think it is -- it  
8       would be important for my client to let the Board  
9       know that his procedures are certainly not laxed  
10      here. He takes -- he goes to pretty extreme  
11      measures to ensure that alcohol isn't served to  
12      underage folks.

13              Specifically, he keeps all alcohol  
14      under lock and key at all times. So if someone  
15      is to buy alcohol in his store, they have to get  
16      the clerk to actually open the cooler where it is  
17      kept and then bring it to the front.

18              In this case, he had a clerk who was  
19      working for him for 5 years. She is a medical  
20      student. She made a mistake. And we certainly  
21      take the Chairman's comments to heart, but we  
22      also think it is important that the Board Members

1 understand that my client is not some absentee  
2 owner. He is not not paying attention to the  
3 procedures that are in place.

4 He has previously required training.  
5 He is going to do that. He is going to redouble  
6 his efforts and as you concluded, I think we very  
7 much hope to not have to be back here.

8 CHAIRPERSON ANDERSON: Yes, but I mean  
9 that's -- but remember, based on what happens  
10 this time, 6 days was triggered from something  
11 that happened less than a year ago. And if it  
12 happens again, you are going to serve another 5  
13 days suspension.

14 So you can say to me that this is a  
15 one-time thing, but remember something happened  
16 less than a year ago and that's why the 6 days  
17 were triggered, because something else happened.  
18 So you can't tell me it was just a one-time  
19 incident, something had happened.

20 But you know what, it's your business,  
21 it's your money, but if you continue to do this,  
22 you will get to a point where the Board would

1 have no choice but to take your license away from  
2 you, and it's not a matter of we feel  
3 sympathetic, that's what the statute says.

4 So it's not like -- okay, and I'm not  
5 taking the time -- I'm taking the time to state  
6 this, because it's important to you as a business  
7 owner. It's not -- I don't want you not to  
8 operate. And I don't want to take \$4,000 from  
9 you. And that's -- so that's not what -- that's  
10 the point.

11 The point is just to say that we want  
12 you to comply with the law and you need to make  
13 sure that your employees comply with the law,  
14 that no matter who comes in your establishment,  
15 no matter how old they look, is that you ask them  
16 to prove their age. Some people take it as a  
17 compliment.

18 When I go, yes, I have some grey and  
19 I'm 54 years-old, I do take it as a compliment  
20 that you think I look like 21, that's how -- I  
21 take it that way. Okay? All right. Thank you.

22 MR. BIANCO: Thank you very much, Mr.

1 Chair. Appreciate it.

2 CHAIRPERSON ANDERSON: All right.

3 MR. ADAMS: Thank you, Mr. Chairman.

4 CHAIRPERSON ANDERSON: Thank you.

5 (Whereupon, the Show Cause (Status)

6 Hearing was concluded at 10:24 a.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: Tariq Hussain

Before: Alcoholic Beverage Control Board

Date: 07-11-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

*Neal R Gross*  
-----  
Court Reporter

**NEAL R. GROSS**

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