

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

2 10:41 a.m.

3 CHAIRPERSON ANDERSON: We now move to
4 our -- After our calendar, we now move to our
5 legal agenda. The first matter on our legal
6 agenda is a review of a request for a fine
7 reduction received May 5, 2020. The fine was
8 imposed by the Board in Case No. 19-CMP-00061 on
9 January 15, 2020. The case was Café Europa,
10 trade name Le Desales, License No. 060754. I
11 make a motion that we deny this request. Is
12 there a second?

13 MEMBER CROCKETT: Ms. Crockett seconds.

14 CHAIRPERSON ANDERSON: Ms. Crockett has
15 second the motion. I will now do a roll call
16 vote on the motion before us now that it has been
17 second. Mr. James Short?

18 MEMBER SHORT: Mr. James Short, I
19 agree.

20 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

21 MEMBER CATO: Bobby Cato, I agree.

22 CHAIRPERSON ANDERSON: Ms. Rafi
23 Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I
25 agree.

1 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

2 MEMBER HANSEN: Jeni Hansen, I agree.

3 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

4 MEMBER GRANDIS: Ed Grandis agrees.

5 CHAIRPERSON ANDERSON: And Mr.

6 Anderson, I also agree. The matter passes, 6-0-
7 0. The next matter on our legal agenda, it's a
8 review of a request of an advisory opinion from
9 May 6, 2020 by Lehrman Beverage Law regarding a
10 DC licensure by a California wine importer,
11 wholesaler and retailer. I make a motion that we
12 refer this matter to the legal division. Is
13 there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. James Short
16 has second the motion. I will now take a roll
17 call vote on the motion that has been second.
18 Mr. James Short?

19 MEMBER SHORT: Mr. James Short, I
20 agree.

21 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

22 MEMBER CATO: Bobby Cato, I agree.

23 CHAIRPERSON ANDERSON: Ms. Rafi
24 Crockett?

25 MEMBER CROCKETT: Rafi Crockett, I

1 agree.

2 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

3 MEMBER HANSEN: Jeni Hansen, I agree.

4 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

5 MEMBER GRANDIS: Ed Grandis agrees.

6 CHAIRPERSON ANDERSON: And Mr.

7 Anderson, I agree, and the matter passes 6-0-0.

8 The next matter on our agenda is a review of an
9 offer in compromise in lieu of a hearing dated
10 May 7, 2020 for Case No. 19-AUD-00030. The
11 matter is Hampton Inn and Suites, Washington,
12 D.C. Navy Yard, License No. 099532. The offer in
13 compromise is the following: The District of
14 Columbia, jointly with the licensee respondent,
15 submits this offer in compromise, OIC, to the
16 Alcoholic Beverage Control Board as authorized by
17 23 DCMR Section 16-04.5 for approval by the
18 Board.

19 The parties understand that if the
20 Board approves the OIC, this case will be
21 concluded and the scheduled Show Cause hearing
22 will be vacated. Respondent will be obligated to
23 abide by the terms of the OIC, a fine,
24 suspension, both or other terms shown below. If
25 the Board does not approve the OIC, the matter

1 shall be continued to the scheduled Show Cause
2 hearing currently scheduled for May 20, 2020.
3 The Respondent has been advised that there is no
4 obligation to accept an OIC.

5 Respondent has been advised through
6 notice of the notice of status hearing and Show
7 Cause hearing, that at the Show Cause hearing,
8 Respondent may be represented by legal counsel,
9 have subpoenas issued to require the production
10 of witnesses and evidence, produce witnesses and
11 evidence, cross-examine witnesses and apply to
12 the Board for a qualified interpreter.

13 The OIC terms are as follows: On
14 charge 1, failure to meet the food service
15 requirement of \$2,000.00 per occupant or 45
16 percent of the gross annual receipt. The
17 statutory authority is DC Code Section 25-113,
18 Section (e)(5)(B)(I), and Section 25-113, Section
19 (e)(5)(B)(ii). The fine for this is \$1,000.00 to
20 be paid within 90 days or the ABC Board will
21 suspend until the fine has been paid. Is there a
22 second?

23 MEMBER SHORT: James Short, I second.

24 CHAIRPERSON ANDERSON: Mr. Short has
25 seconded the motion. I will now take a roll call

1 vote before us on the second. Mr. James Short?

2 MEMBER SHORT: Mr. James Short, I
3 agree.

4 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Rafi
7 Crockett?

8 MEMBER CROCKETT: Rafi Crockett, I
9 agree.

10 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

13 MEMBER GRANDIS: Ed Grandis agrees.

14 CHAIRPERSON ANDERSON: Mr. Anderson, I
15 also agree. So therefore, the Board has
16 therefore agreed that the OIC is accepted and
17 that the fine is \$1,000.00 to be paid within 90
18 days once the Board has issued an order. All
19 right, thank you.

20 We now move to our supplemental legal
21 agenda. The first matter on our supplemental
22 legal agenda is again, a review of an OIC, offer
23 in compromise in lieu of a hearing, dated May 12,
24 2020, for Cases No. 19-AUD-00169 and 20-CMP-
25 00011, Martha's Market, License No. 105036. The

1 OIC is as follows: The District of Columbia,
2 jointly with the licensee respondent, submits
3 this offer in compromise, OIC, to the Alcoholic
4 Beverage Control Board and authorized under 23
5 DCMR Section 1604.5 for approval by the Board.

6 The parties understand that if the
7 Board approves this OIC, this case will be
8 concluded and the scheduled Show Cause hearing
9 would be vacated. Respondent will be obligated
10 to abide by the terms of the OIC, a fine,
11 suspension, both, or other terms shown below. If
12 the Board does not approve the OIC, the matter
13 will be continued to the scheduled Show Cause
14 hearing currently not yet set. The Respondent
15 has been advised that there is no obligation to
16 accept an OIC.

17 Respondent has been advised through
18 service of the notice of status hearing and Show
19 Cause hearing that at Show Cause hearing
20 Respondent may be represented by legal counsel,
21 have subpoenas issued to require the production
22 of witnesses and evidence, produce witnesses and
23 evidence, cross-examine witnesses and apply to
24 the Board for a qualified interpreter. The terms
25 of the OIC are as follows:

1 For Charge 1, no ABC manager or owner
2 on duty. The statutory authority is DC Code
3 Section 25-701. The fine will be \$1,000.00
4 within 90 days, or the ABC Board will suspend
5 until this fine has been paid. The second charge
6 is Charge 2, license not conspicuously posted and
7 settlement agreement not accessible. The
8 statutory authority is DC Code Section 25-711(a).
9 The Board will be issuing a warning for this
10 matter.

11 For Charge 3, change of trade name
12 without Board approval, the statutory authority
13 23 DCMR Section 600.1, a warning will be issued.
14 Charge 4, sale of single container of beer, the
15 statutory authority is DC Code Section 25-341, a
16 warning will be issued. Charge No. 4, change of
17 ownership without Board approval, the statutory
18 authority DC Code Section 25-405. It is a
19 \$1,000.00 fine paid within 90 days or the ABC
20 license will be suspended until the fine has been
21 paid.

22 Therefore, the total fine is a fine of
23 \$3,000.00 payable within 90 days or the license
24 will be suspended until the fine has been paid.
25 Is there a second?

1 MEMBER CROCKETT: Ms. Crockett seconds.

2 CHAIRPERSON ANDERSON: Ms. Crockett has
3 second the motion. I will therefore take a roll
4 call vote on the motion before us for us to
5 accept the OIC for a fine of \$3,000.00 payable
6 within 90 days. Mr. James Short?

7 MEMBER SHORT: Mr. James Short, I
8 agree.

9 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

10 MEMBER CATO: Bobby Cato, I agree.

11 CHAIRPERSON ANDERSON: Ms. Rema
12 Wahabzadah?

13 MEMBER WAHABZADAH: Rema Wahabzadah, I
14 agree.

15 CHAIRPERSON ANDERSON: Ms. Rafi
16 Crockett?

17 MEMBER CROCKETT: Rafi Crockett, I
18 agree.

19 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

20 MEMBER HANSEN: Jeni Hansen, I agree.

21 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

22 MEMBER GRANDIS: Ed Grandis agrees.

23 CHAIRPERSON ANDERSON: Mr. Anderson, I
24 also agree. The Board therefore accepts the OIC
25 with a vote of 7-0-0 for a \$3,000.00 fine payable

1 within 90 days. If the fine is not paid within
2 90 days, the license will be suspended. Thank
3 you.

4 We now move to our licensing agenda.
5 The first matter on our licensing agenda is a
6 review application for a class change from an
7 Internet B to a Wholesaler B. The name of the
8 establishment is Tasting Table Budapest, License
9 No. 106409. I make a motion that we approve this
10 request. Is there a second?

11 MEMBER CROCKETT: Ms. Crockett seconds.

12 CHAIRPERSON ANDERSON: Ms. Crockett has
13 seconded the motion. I will now take a roll call
14 vote on the motion before us now that it has been
15 second. Mr. James Short?

16 MEMBER SHORT: Mr. James Short, I
17 agree.

18 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

19 MEMBER CATO: Bobby Cato, I agree.

20 CHAIRPERSON ANDERSON: Ms. Rema
21 Wahabzadah?

22 MEMBER WAHABZADAH: Rema Wahabzadah, I
23 agree.

24 CHAIRPERSON ANDERSON: Ms. Rafi
25 Crockett?

1 MEMBER CROCKETT: Rafi Crockett, I
2 agree.

3 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

4 MEMBER HANSEN: Jeni Hansen, I agree.

5 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

6 MEMBER GRANDIS: Ed Grandis, I agree.

7 CHAIRPERSON ANDERSON: And Mr.

8 Anderson, I also agree. The motion therefore
9 passes 7-0-0. We now move to our cancellation
10 agenda. The first matter on our cancellation
11 agenda is that the ABC Board will be cancelling
12 the following license for the reasons outlined
13 below. It's ABRA License No. 071065, Thai Chili.
14 The Licensee has requested cancellation. Is
15 there a second?

16 MEMBER CROCKETT: Ms. Crockett seconds.

17 CHAIRPERSON ANDERSON: Ms. Crockett has
18 second the motion. I will now do a roll call
19 vote on the motion before us now that it has been
20 second. Mr. James Short?

21 MEMBER SHORT: Mr. James Short, I
22 agree.

23 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

24 MEMBER CATO: Bobby Cato, I agree.

25 CHAIRPERSON ANDERSON: Ms. Rema

1 Wahabzadah?

2 MEMBER WAHABZADAH: Rema Wahabzadah, I
3 agree.

4 CHAIRPERSON ANDERSON: Ms. Rafi
5 Crockett?

6 MEMBER CROCKETT: Rafi Crockett, I
7 agree.

8 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

9 MEMBER HANSEN: Jeni Hansen, I agree.

10 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

11 MEMBER GRANDIS: Ed Grandis, I agree.

12 CHAIRPERSON ANDERSON: And Mr.

13 Anderson, I also agree. Therefore, the motion
14 passes 7-0-0. We have come to the end of our
15 agenda items. So with that, I will close the
16 meeting unless there are any other issues to
17 discuss. Hearing none, as Chairperson of the
18 Alcoholic Beverage Control Board for the District
19 of Columbia, in accordance with Title 3, Chapter
20 405, Office of Open Government, I move that the
21 ABC Board hold a closed meeting on May 20, 2020
22 for the purpose of discussing and hearing reports
23 concerning ongoing or planned investigations of
24 alleged criminal or civil misconduct or
25 violations of law or regulations, and seeking

1 legal advice from our counsel on the Board's
2 investigative agenda, legal agenda and licensing
3 agenda for May 20, 2020, as published in the DC
4 Register on May 15, 2020. Is there a second?

5 MEMBER SHORT: Mr. James Short, I
6 second.

7 CHAIRPERSON ANDERSON: Mr. Short has
8 second the motion. I will now take a roll call
9 vote on the motion before us now that it has been
10 second. Mr. Short?

11 MEMBER SHORT: Mr. James Short, I
12 agree.

13 CHAIRPERSON ANDERSON: Mr. Bobby Cato?

14 MEMBER CATO: Bobby Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Rema
16 Wahabzadah?

17 MEMBER WAHABZADAH: Rema Wahabzadah, I
18 agree.

19 CHAIRPERSON ANDERSON: Ms. Rafi
20 Crockett?

21 MEMBER CROCKETT: Rafi Crockett, I
22 agree.

23 CHAIRPERSON ANDERSON: Ms. Jeni Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Ed Grandis?

1 MEMBER GRANDIS: Ed Grandis, I agree.

2 CHAIRPERSON ANDERSON: And Mr.

3 Anderson, I agree. As it appears that the motion

4 has passed, I hereby give notice that the ABC

5 Board will hold this aforementioned closed

6 meeting pursuant to the Open Meetings Act.

7 Notice will also be posted on the ABC Board's

8 hearing room hearing bulletin board, placed on

9 the electronic calendar on ABRA's website, and

10 published in the DC Register in as timely a

11 manner as practical. It is the end of our day

12 and the end of our hearing. I would like to

13 thank you for your participation, and we are

14 adjourned for the day. Thank you very much.

15 (Whereupon, the above-entitled matter

16 went off the record at 10:57 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: Agenda

Before: DC ABRA

Date: 05-13-20

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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