



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

2 9:45 a.m.

3 CHAIRPERSON ANDERSON: Okay. The next  
4 case on our calendar is Case No. 17-CC-00102,  
5 Anacostia Market, License No. 86470.

6 Would the parties, please, approach  
7 and identify themselves for the record, please?

8 MS. SCHMIDT: Good morning. Amy  
9 Schmidt, Assistant Attorney General on behalf of  
10 the District of Columbia.

11 CHAIRPERSON ANDERSON: Mr. -- Ms.  
12 Schmidt, good morning, again.

13 MR. GIRNUY: My name is Ephrem Girnuy  
14 from F & A, Inc.

15 CHAIRPERSON ANDERSON: I can't hear  
16 you.

17 MR. GIRNUY: Ephrem.

18 CHAIRPERSON ANDERSON: Mr. Ephrem?

19 MR. GIRNUY: Yes, sir.

20 CHAIRPERSON ANDERSON: Good morning.

21 MR. GIRNUY: Good morning, sir. Happy  
22 new year.

1                   CHAIRPERSON ANDERSON: Happy new year  
2 to you.

3                   Ms. Schmidt, are there any preliminary  
4 matters in this case?

5                   MS. SCHMIDT: Yes, there is.

6                   CHAIRPERSON ANDERSON: And what is  
7 that?

8                   MS. SCHMIDT: For Charge 1, we -- the  
9 Government is requesting a \$4,000 fine to be paid  
10 within 60 days or the license shall be suspended  
11 indefinitely until this fine is paid. And the  
12 license shall be suspended for 10 days with four  
13 days served and six days stayed for one year.  
14 And the days to be served are Saturday, January  
15 22nd; Sunday the 23rd; Monday the 24th; and Tuesday  
16 the 25th.

17                   And all employees who serve alcoholic  
18 beverages in the licensed establishment shall  
19 complete an alcohol training program within three  
20 months.

21                   And for Charge 2, the Government is  
22 requesting a \$1,000 to be paid within 60 days or

1 the license shall be suspended indefinitely until  
2 the fine is paid. And the license shall be  
3 suspended for five days with all five days stayed  
4 for one year.

5 So to summarize, a total fine of  
6 \$5,000. There are 11 days stayed and four days  
7 served to be served between January 22nd through  
8 24th -- the 25th, I'm sorry. And the alcohol  
9 training.

10 CHAIRPERSON ANDERSON: All right. Mr.  
11 Ephrem, it's my understanding there is an Offer  
12 in Compromise and the Offer in Compromise is that  
13 for Charge 1 that there is a \$4,000 fine payable  
14 in 60 days. That there is a 10 day suspension,  
15 four days served and six days stayed for a year.  
16 The days that will be served are January 22nd,  
17 January 23rd, January 24th, and January 25th.

18 That all employees who sell alcohol  
19 will undergo training within 90 days.

20 And that for Charge 2, that there is  
21 a \$1,000 fine payable in 60 days. And that there  
22 is also a five day suspension on -- and all five

1 days will be suspended for one year.

2 Is this your understanding, sir, of  
3 the Offer in Compromise?

4 MR. GIRNUY: Yes, sir.

5 CHAIRPERSON ANDERSON: I can't hear  
6 you.

7 MR. GIRNUY: Yes, sir.

8 CHAIRPERSON ANDERSON: Are you aware  
9 that by accepting an Offer in Compromise, that  
10 you are -- you -- that you are giving up your  
11 right to a hearing?

12 MR. GIRNUY: I don't have no choice.

13 CHAIRPERSON ANDERSON: Well, are you  
14 also aware that you are giving up your right to  
15 appeal this matter?

16 MR. GIRNUY: Yes, sir.

17 CHAIRPERSON ANDERSON: All right.  
18 With that said, I then make a motion that the  
19 Offer in Compromise of a fine of \$4,000 payable  
20 in 60 days, that there is a 10 day suspension,  
21 four days served out of the 10 day suspension.  
22 And the four days served will be January 22nd,

1 January 23rd, January 24th, January 25th and six  
2 days will be suspended for one year.

3 That for Charge 2, there is a \$1,000  
4 fine payable in 60 days with a five day  
5 suspension and they -- all -- the five days will  
6 be suspended for one year.

7 And also I forgot on Charge 1, all  
8 employees who serve alcohol will undergo training  
9 within 90 days. Is there a second on this  
10 motion?

11 MEMBER SHORT: Second.

12 CHAIRPERSON ANDERSON: Mr. Short has  
13 seconded the motion. Any questions by any Board  
14 Members?

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON ANDERSON: Those opposed?

18 The matter passes 5-0-0.

19 The Board will issue a Board Order.

20 And I want to thank the parties for  
21 coming with this agreement.

22 Mr. Ephrem, I have been on the Board

1 for two years and it's unfortunate I'm seeing you  
2 again. When I first joined the Board, I saw you  
3 a whole lot and it's unfortunate that I'm seeing  
4 you again and I would hope that I don't have the  
5 opportunity to see you again. And I really mean  
6 that. And you know I really mean that.

7 MR. GIRNUY: Yes, sir.

8 CHAIRPERSON ANDERSON: So I do hope  
9 that you have -- whatever mechanism that you put  
10 in place, I'm not saying that Costco is a model  
11 that everyone should follow, but no matter how  
12 old you are when you go to Costco, you have to  
13 give them your ID. And so I hope that you do  
14 that.

15 I know that you are a small  
16 businessman and I know this is a steep fine, but  
17 the law is the law and you have to do whatever  
18 you need to do to make sure that you comply with  
19 the law, sir.

20 MR. GIRNUY: Thank you. I fired the  
21 employee, that's all I can do.

22 CHAIRPERSON ANDERSON: I'm sorry?

1 MR. GIRNUY: I fired the employee.  
2 The employee the one that messed up, so he is not  
3 there.

4 CHAIRPERSON ANDERSON: But at the end  
5 of the day, it's your business, so you are  
6 responsible.

7 MR. GIRNUY: Yeah, I do, I do. Thank  
8 you for that.

9 CHAIRPERSON ANDERSON: So I just want  
10 to make sure that I --

11 MR. GIRNUY: Thank you.

12 CHAIRPERSON ANDERSON: -- okay.

13 MR. GIRNUY: Thank you so much.

14 CHAIRPERSON ANDERSON: Okay. You have  
15 a good day, sir.

16 MR. GIRNUY: Bye-bye.

17 CHAIRPERSON ANDERSON: All right.  
18 Thank you.

19 Well, the OIC says that you train your  
20 employees. If you have no employees, then there  
21 is nobody to train. So but if you do have  
22 employees, when the -- all right.

1           We are going to issue a Board Order.  
2           And so, therefore, the 60 days to pay will be  
3           effective when we -- so it's not effective today.  
4           So it's effective when the Board Order is issued.

5           Now, if you have employees during that  
6           period of time, then they need -- you need -- I  
7           mean, they have to undergo training and I think  
8           that it may be -- you know the law. It's your  
9           business. I own my own business and I am an  
10          employee of my business, so it doesn't hurt even  
11          if you, yourself, would undergo new training. So  
12          maybe things have changed, so it's just --

13                 MR. GIRNUY: Excuse me to say a few  
14                 words.

15                 CHAIRPERSON ANDERSON: Yes. You need  
16                 to speak up, sir.

17                 MR. GIRNUY: I've been in this  
18                 business and different kind of business in the  
19                 District of Columbia. I never sell to minor, so  
20                 I don't think it's -- I know the law, so any in  
21                 this court, I come in me selling a minor, except  
22                 my employees. So I don't need to train.

1                   CHAIRPERSON ANDERSON: I mean, but  
2 what I'm saying --

3                   MR. GIRNUY: I always ask even 60  
4 year-old come in, I always ask --

5                   CHAIRPERSON ANDERSON: All right.

6                   MR. GIRNUY: -- ID or their age,  
7 because I've got a video.

8                   CHAIRPERSON ANDERSON: Well, but what  
9 I'll say to you it is not a bad thing, I mean,  
10 for me as a lawyer, I try to make sure that  
11 although I have been practicing law for over 20  
12 years, we need training.

13                   So I don't think it would necessarily  
14 hurt your business, even if you don't have any  
15 employees, that you undergo some type of  
16 training, so therefore -- and that's just to make  
17 sure that you are on top of the law, because as I  
18 said before, although you are not the one who  
19 personally did the violation, it is your  
20 business.

21                   MR. GIRNUY: Um-hum.

22                   CHAIRPERSON ANDERSON: And so you are

1 responsible. So I don't think it necessarily  
2 hurts you if you have to undergo training, sir.  
3 I understand you are a small business and now  
4 that you say that you have no employees, so  
5 therefore, if you are here, the business has to  
6 be closed. But that's just the way it is.

7 But if you have no employees, there is  
8 no mandatory training, but I think it would --

9 MR. GIRNUY: I wouldn't --

10 CHAIRPERSON ANDERSON: -- not --

11 MEMBER ALBERTI: May I say something?

12 CHAIRPERSON ANDERSON: Yes, Mr.

13 Alberti, go ahead.

14 MEMBER ALBERTI: Chairman Anderson, I  
15 believe the intent of the law is that if the  
16 owner is working the counter --

17 MEMBER SHORT: He is an employee.

18 MEMBER ALBERTI: -- yeah, he is an  
19 employee and it is required that he receive  
20 training. So if there are no -- if you are the  
21 only one working that counter, you need to get  
22 trained. And you only -- you would only not need

1 to be trained if you were never working the  
2 counter and actually making the sales.

3 MR. GIRNUY: Well, I --

4 MEMBER ALBERTI: So you think about  
5 that, please.

6 MR. GIRNUY: -- am working for the  
7 time being because of this situation now. I fire  
8 -- I decide to fire all my employee on behalf of  
9 employees, so I was going to leave for the  
10 future. By the time until I got, you know, a  
11 strong hold and working, abiding the law, I don't  
12 think I need the training.

13 CHAIRPERSON ANDERSON: This is what --  
14 look.

15 MR. GIRNUY: I got --

16 CHAIRPERSON ANDERSON: Listen.

17 MEMBER SILVERSTEIN: Sir?

18 CHAIRPERSON ANDERSON: This is what it  
19 is.

20 MEMBER ALBERTI: Well, maybe you  
21 should -- okay, sir, you did not train your  
22 employees properly, obviously, because this sale

1 happened.

2 MR. GIRNUY: I did.

3 MEMBER ALBERTI: All right? Wait,  
4 wait. So the employees made a mistake. I have  
5 to assume that that in part is because of the  
6 training that you or lack of training that you  
7 provided. So you know, it's unfortunate that you  
8 need to go through training, but if you are going  
9 to be working the counter, that's the way it is.

10 MR. GIRNUY: But let me say something.  
11 I did, but this also our visit from ABRA because  
12 we got the officer coming out there two times a  
13 month or three times a month. This still means  
14 my business, too, because I have been owner of  
15 the store over 10 years. I don't have this kind  
16 of presence the last two years, because I didn't  
17 have it.

18 Even I had a chance to ask some of the  
19 lawyers, they said it's where I'm at, Ward 7 and  
20 Ward 8.

21 CHAIRPERSON ANDERSON: Now, let -- Mr.  
22 Ephrem.

1 MR. GIRNUY: I try to get it --

2 CHAIRPERSON ANDERSON: And I'm going  
3 to say something personal. My office is right up  
4 the street from you. Okay?

5 MR. GIRNUY: I know.

6 CHAIRPERSON ANDERSON: So I know where  
7 your business is located, because my office is  
8 located there. Okay? So I'll say this to you,  
9 sir. It's not going to hurt you, okay? It's  
10 going to help you. And even if the ABRA  
11 Investigator comes once a year, we are not there  
12 every day. And so therefore, we don't know what  
13 you do every day.

14 And I'm not saying that either you or  
15 any of your employees are serving minors, but the  
16 only thing we can do is that we do spot checks.  
17 And unfortunately, if we do a spot check in a  
18 year and we get -- and you are caught, one could  
19 say you do that every day.

20 When we don't send our person to go  
21 there to see what is going on, then one could say  
22 when we are not there, you are doing that every

1 day and you are getting away with it.

2 So even if say we come back in another  
3 364 days, there is 363 days that your business is  
4 served and minors can come in there and we won't  
5 know. If we come -- we only come one time and if  
6 we come that one time when we sent -- and  
7 remember, the minors that we sent there, they are  
8 not hiding. They bring their original ID. If  
9 your employees ask them for their ID, they will  
10 show the ID and it will clearly state that I'm  
11 not 21.

12 And one of the things I tell folks is  
13 that we know what, especially here in D.C., if  
14 your ID is this way, meaning that it is  
15 perpendicular, that's ding, ding, ding, something  
16 is wrong, because all the other IDs for folks who  
17 are 21 is a different shape.

18 So I think for you, you don't have any  
19 employees and I think it's good that you also  
20 come to training, so when you decide to hire  
21 employees, you will say to employees that by the  
22 way, when anyone comes in -- or you could say, as

1 I said, do what they do at Costco, everyone who  
2 comes into Costco, no matter what they look like,  
3 and the reason why I'm saying that is because  
4 when I go to Costco to buy liquor, they ask me  
5 for ID. They do that.

6 And so that's why I always say to you,  
7 do that. It doesn't matter how old they are. It  
8 doesn't matter what they look like. It's that to  
9 protect yourself, because this is a hefty fine.  
10 I know where you are located. I don't know how  
11 much money you make, but I know where you are  
12 located, because, as I said before, my office is  
13 right down the street.

14 When I park at my office, I park in  
15 front of your establishment.

16 MR. GIRNUY: I know, I know.

17 CHAIRPERSON ANDERSON: And I don't  
18 send anybody there to come look for you.

19 MR. GIRNUY: But intimidation, I mean,  
20 with no disrespect to Mr. Nick, I don't have to  
21 go to training, because it's common sense,  
22 because I never done that, because we hired a

1 different guy.

2 (Simultaneous speaking)

3 CHAIRPERSON ANDERSON: But --

4 MR. GIRNUY: You can tell them, but it  
5 hurt me if I start.

6 CHAIRPERSON ANDERSON: Well, but this  
7 is what I --

8 MR. GIRNUY: I understand --

9 CHAIRPERSON ANDERSON: -- say to you,  
10 sir.

11 MR. GIRNUY: -- it's common sense.

12 CHAIRPERSON ANDERSON: Your suspension  
13 is January 22nd, 23rd, 24th, 25th. Those days when  
14 your suspension, they will be training one of  
15 them days. So therefore, you are not losing  
16 anything during that day. Okay?

17 MR. GIRNUY: Okay. Thank you.

18 CHAIRPERSON ANDERSON: But happy new  
19 year and remember I start off by saying that you  
20 have now been here for two years. When I first  
21 came here, I saw you a whole lot for other  
22 violations.

1 MR. GIRNUY: Sure.

2 CHAIRPERSON ANDERSON: And I did  
3 recognize the fact that I'm glad I wasn't seeing  
4 you.

5 MR. GIRNUY: Thank you. Thank you.

6 CHAIRPERSON ANDERSON: Okay. All  
7 right.

8 MR. GIRNUY: Bye-bye.

9 CHAIRPERSON ANDERSON: Have a good  
10 day.

11 MR. GIRNUY: All right.

12 CHAIRPERSON ANDERSON: Thank you. All  
13 right.

14 (Whereupon, the Show Cause (Status)  
15 Hearing was concluded at 9:59 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 18:15  <b>abiding</b> 12:11  <b>ABRA</b> 13:11 14:10  <b>accepting</b> 5:9  <b>age</b> 1:11 10:6  <b>agreement</b> 6:21  <b>ahead</b> 11:13  <b>Alberti</b> 1:18 11:11,13  11:14,18 12:4,20 13:3  <b>alcohol</b> 3:19 4:8,18 6:8  <b>alcoholic</b> 1:2,13,14  3:17  <b>Amy</b> 1:21 2:8  <b>Anacostia</b> 1:6 2:5  <b>ANC</b> 1:7  <b>Anderson</b> 1:15,17 2:3  2:11,15,18,20 3:1,6  4:10 5:5,8,13,17 6:12  6:17 7:8,22 8:4,9,12  8:14,17 9:15 10:1,5,8  10:22 11:10,12,14  12:13,16,18 13:21  14:2,6 16:17 17:3,6,9  17:12,18 18:2,6,9,12  <b>anybody</b> 16:18  <b>appeal</b> 5:15  <b>approach</b> 2:6  <b>Ascertain</b> 1:10  <b>Assistant</b> 2:9  <b>assume</b> 13:5  <b>Attorney</b> 2:9  <b>aware</b> 5:8,14  <b>aye</b> 6:15,16</p>	<p>Cause 1:7 18:14  <b>Chairman</b> 11:14  <b>Chairperson</b> 1:15,17  2:3,11,15,18,20 3:1,6  4:10 5:5,8,13,17 6:12  6:17 7:8,22 8:4,9,12  8:14,17 9:15 10:1,5,8  10:22 11:10,12 12:13  12:16,18 13:21 14:2,6  16:17 17:3,6,9,12,18  18:2,6,9,12  <b>chance</b> 13:18  <b>changed</b> 9:12  <b>Charge</b> 3:8,21 4:13,20  6:3,7  <b>check</b> 14:17  <b>checks</b> 14:16  <b>choice</b> 5:12  <b>clearly</b> 15:10  <b>closed</b> 11:6  <b>Columbia</b> 1:1 2:10 9:19  <b>come</b> 9:21 10:4 15:2,4  15:5,5,6,20 16:18  <b>comes</b> 14:11 15:22  16:2  <b>coming</b> 6:21 13:12  <b>common</b> 16:21 17:11  <b>complete</b> 3:19  <b>comply</b> 7:18  <b>Compromise</b> 4:12,12  5:3,9,19  <b>concluded</b> 18:15  <b>Control</b> 1:2,13,14  <b>Costco</b> 7:10,12 16:1,2,4  <b>counter</b> 11:16,21 12:2  13:9  <b>court</b> 9:21</p>	<p style="text-align: center;"><b>E</b></p> <p><b>effective</b> 9:3,3,4  <b>either</b> 14:14  <b>employee</b> 7:21 8:1,2  9:10 11:17,19 12:8  <b>employees</b> 3:17 4:18  6:8 8:20,20,22 9:5,22  10:15 11:4,7 12:9,22  13:4 14:15 15:9,19,21  15:21  <b>Ephrem</b> 1:22 2:13,17  2:18 4:11 6:22 13:22  <b>especially</b> 15:13  <b>establishment</b> 3:18  16:15  <b>Excuse</b> 9:13</p>	<p style="text-align: center;"><b>H</b></p> <p><b>happened</b> 13:1  <b>happy</b> 2:21 3:1 17:18  <b>hear</b> 2:15 5:5  <b>hearing</b> 1:7,14 5:11  18:15  <b>hefty</b> 16:9  <b>help</b> 14:10  <b>hiding</b> 15:8  <b>hire</b> 15:20  <b>hired</b> 16:22  <b>hold</b> 12:11  <b>hope</b> 1:7 7:4,8,13  <b>hurt</b> 9:10 10:14 14:9  17:5  <b>hurts</b> 11:2</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B</b> 1:7  <b>back</b> 15:2  <b>bad</b> 10:9  <b>behalf</b> 2:9 12:8  <b>believe</b> 11:15  <b>Beverage</b> 1:2,13,14  <b>beverages</b> 3:18  <b>Board</b> 1:2,13 6:13,19  6:19,22 7:2 9:1,4  <b>bring</b> 15:8  <b>Building</b> 1:14  <b>business</b> 8:5 9:9,9,10  9:18,18 10:14,20 11:3  11:5 13:14 14:7 15:3  <b>businessman</b> 7:16  <b>buy</b> 16:4  <b>Bye-bye</b> 8:16 18:8</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:15 15:13  <b>day</b> 4:14,22 5:20,21 6:4  8:5,15 14:12,13,19  15:1 17:16 18:10  <b>days</b> 3:10,12,13,13,14  3:22 4:3,3,6,6,14,15  4:15,16,19,21 5:1,20  5:21,22 6:2,4,5,9 9:2  15:3,3 17:13,15  <b>decide</b> 12:8 15:20  <b>different</b> 9:18 15:17  17:1  <b>ding</b> 15:15,15,15  <b>disrespect</b> 16:20  <b>District</b> 1:1 2:10 9:19  <b>doing</b> 14:22  <b>DONALD</b> 1:18  <b>Donovan</b> 1:15,17  <b>Drinking</b> 1:11</p>	<p style="text-align: center;"><b>F</b></p> <p><b>F</b> 2:14  <b>F&amp;A</b> 1:6  <b>fact</b> 18:3  <b>Failed</b> 1:10  <b>favor</b> 6:15  <b>fine</b> 3:9,11 4:2,5,13,21  5:19 6:4 7:16 16:9  <b>fire</b> 12:7,8  <b>fired</b> 7:20 8:1  <b>first</b> 7:2 17:20  <b>five</b> 4:3,3,22,22 6:4,5  <b>folks</b> 15:12,16  <b>follow</b> 7:11  <b>forgot</b> 6:7  <b>four</b> 3:12 4:6,15 5:21,22  <b>front</b> 16:15  <b>future</b> 12:10</p>	<p style="text-align: center;"><b>I</b></p> <p><b>ID</b> 7:13 10:6 15:8,9,10  15:14 16:5  <b>identify</b> 2:7  <b>IDs</b> 15:16  <b>indefinitely</b> 3:11 4:1  <b>intent</b> 11:15  <b>intimidation</b> 16:19  <b>Investigator</b> 14:11  <b>ISAAC</b> 1:18  <b>issue</b> 6:19 9:1  <b>issued</b> 9:4</p>
<p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4  <b>case</b> 1:8 2:4,4 3:4  <b>caught</b> 14:18</p>	<p style="text-align: center;"><b>G</b></p> <p><b>General</b> 2:9  <b>getting</b> 15:1  <b>Girnuy</b> 1:22 2:13,13,17  2:19,21 5:4,7,12,16  7:7,20 8:1,7,11,13,16  9:13,17 10:3,6,21  11:9 12:3,6,15 13:2  13:10 14:1,5 16:16,19  17:4,8,11,17 18:1,5,8  18:11  <b>give</b> 7:13  <b>giving</b> 5:10,14  <b>glad</b> 18:3  <b>go</b> 7:12 11:13 13:8  14:20 16:4,21  <b>going</b> 9:1 12:9 13:8  14:2,9,10,21  <b>good</b> 1:7 2:8,12,20,21  8:15 15:19 18:9  <b>Government</b> 3:9,21  <b>guy</b> 17:1</p>	<p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:19  <b>January</b> 1:12 3:14 4:7  4:16,17,17,17 5:22  6:1,1,1 17:13  <b>joined</b> 7:2</p>	
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**Listen** 12:16  
**located** 14:7,8 16:10,12  
**look** 12:14 16:2,8,18  
**losing** 17:15  
**lot** 7:3 17:21

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**M**

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**Market** 1:6 2:5  
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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: F&A, Inc.  
t/a Anacostia Market

Before: DC Alcoholic Beverage Control Board

Date: 01-10-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
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*Neal R Gross*

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