

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

2 10:00 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-CC-
5 00098, Anacostia Market, License No. 86470.

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

8 MR. ADAMS: Good morning, Chairman
9 Anderson. Walter Adams representing the District
10 of Columbia.

11 MR. GIRMAY: Good morning, Chairman.
12 My name is Ephram Girmay.

13 CHAIRPERSON ANDERSON: Good morning,
14 Mr. Girmay. How are you doing?

15 MR. GIRMAY: Good.

16 CHAIRPERSON ANDERSON: All right. Are
17 there any preliminary matters in this case?

18 MR. ADAMS: There -- yes, there is a
19 preliminary matter, Mr. Chairman. The parties
20 have discussed this in detail and have come to
21 agreement on an Offer in Compromise in this case.

22 There are two charges in this case and

1 I'll -- yeah, actually, I'll do -- I won't do the
2 total amount. I'll break it down by charge.
3 This all extends from a sale to minor related
4 offenses.

5 For Charge 1, which is, pardon me, the
6 Board's indulgence, for the for sale to minor to
7 someone who is under 21, the parties are
8 proposing a fine in the amount of \$5,000 to be
9 paid within a period of 90 days. If the
10 establishment does not make such payment within
11 the 90-day period, the owner understands that the
12 license shall be suspended indefinitely until
13 such fine is paid.

14 That the establishment shall be --
15 have a 15-day suspension for a period of 15 days.
16 Five days stayed for a period of one year, but
17 that does not have any similar offenses, and with
18 10 days to be served. The 10 day -- in addition,
19 this will also activate an 11-day stayed
20 suspension from a prior case, and that case is
21 Case No. 17-CC-00102.

22 So essentially in terms of the amounts

1 of days served, it will be a 21-day suspension.
2 So it's 10 days from this current offense and --
3 actually, I apologize. I'm getting things a
4 little bit -- actually, I want to get to that
5 right now, because I see there is an additional
6 suspension.

7 So I apologize. For this case, it
8 will be five days stayed for one year with 10
9 days to be served plus 11 days activated from the
10 prior case plus the all employees who serve
11 alcoholic beverages for the licensed
12 establishment shall complete alcohol training
13 program within a three month period of the date
14 that the Board issues an order or the order
15 becomes effective.

16 For Charge 2, which is the
17 establishment failing to take reasonable steps
18 necessary to ascertain a patron's age, the
19 parties are proposing a fine in the amount of
20 \$2,000 to be paid again within a 90-day period.
21 And if they don't pay it within the 90 days, that
22 the license shall be suspended until such fine is

1 paid.

2 An additional suspension of 10 days
3 with six days to be stayed for a period of one
4 year and four days to be served. So in total,
5 Mr. Chairman, we are looking at total fines in
6 the amount of \$7,000 to be paid within 90 days.

7 Suspension days: 36 days of
8 suspension. 11 days to be stayed, 25 days to be
9 served. The dates of service for the suspension
10 are April 5, 2019 through April 29, 2019 for the
11 25-day period served.

12 And if you would prefer, Mr. Chairman,
13 I think I can provide something in writing, if
14 that makes it --

15 CHAIRPERSON ANDERSON: I have been
16 taking notes.

17 MR. ADAMS: All right.

18 CHAIRPERSON ANDERSON: Mr. Adams, this
19 one I'm on top of. All right.

20 All right, sir, it's my understanding
21 that there is an Offer in Compromise and the
22 Offer in Compromise reads this: For Charge 1,

1 there is a \$5,000 fine payable within 90 days.

2 If the fine is not paid within 90 days, the
3 license will be suspended. That the license
4 shall be suspended for 15 days with five days
5 stayed for one year and 10 days to be served.

6 Also for Charge 1, all employees who
7 serve alcoholic beverages in the licensed
8 establishment shall complete an alcohol training
9 program within three months from the date of the
10 OIC.

11 And third, in addition, the respondent
12 shall serve 11 days activated from Case No. 17-
13 CC-00102.

14 For Charge 2, there is a \$2,000 fine
15 payable within 90 days. If the fine is not
16 payable within 90 days, the license will be
17 suspended until the fine has been paid.

18 And the license shall also be
19 suspended for 10 days with six days stayed for
20 one year and four days served.

21 Therefore, there is a total fine of
22 \$7,000 payable within 90 days. There is, as far

1 as stayed days, 11 days will be stayed for one
2 year, provided there are no further infractions.
3 Those days will not be triggered.

4 However, there is currently a 25-day
5 suspension. The 25-day suspension is from April
6 5, 2019 to April 29, 2019.

7 Is this your understanding, sir, of
8 the Offer in Compromise?

9 MR. GIRMAY: Yes, sir, Mr. Chairman.

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

13 MR. GIRMAY: Yes, sir.

14 CHAIRPERSON ANDERSON: Are you also
15 aware that by accepting an Offer in Compromise,
16 that you are giving up your right to appeal this
17 matter?

18 MR. GIRMAY: Yes, sir.

19 CHAIRPERSON ANDERSON: With that said,
20 I make a motion that the Offer in Compromise for
21 Charge 1, there is a fine of \$5,000 payable
22 within 90 days. That the license will be

1 suspended for 15 days with five days stayed for
2 one year and 10 days to be served.

3 That all employees who serve alcoholic
4 beverages in the establishment to complete
5 alcohol training program within three months from
6 the date of the OIC.

7 That in addition, the respondent shall
8 serve 11 days activated from Case No. 17-CC-
9 00102.

10 Charge 2, there is a fine of \$2,000
11 also payable within 90 days. If the fine is not
12 payable within 90 days, the license will be
13 suspended until the fine has been paid.

14 That the license shall be suspended
15 for 10 days with six days stayed for one year and
16 four days to be served.

17 So there is a total fine of \$7,000
18 payable in 90 days. 11 day suspension will be
19 stayed for one year. There is a 25-day
20 suspension and the 25-day suspension to be served
21 is from April 5, 2019 until April 29, 2019.

22 Is there a second?

1 MEMBER SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has
3 seconded the motion. Any questions by any Board
4 Members? Hearing none, I make a motion that the
5 aforementioned OIC be accepted. Is there a
6 second? I'm sorry, I'm sorry.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON ANDERSON: Those opposed?
10 The matter passes 5-0-0.

11 The Board will be issuing a Board
12 Order in this matter. Thank you.

13 MR. GIRMAI: Okay. Thank you.

14 CHAIRPERSON ANDERSON: I'm not going
15 to do an editorial. I just want to let you know
16 that we will issue a Board Order. The Board
17 Order should come out shortly, but even if the
18 Board Order doesn't come out, the agreement is
19 that this establishment cannot serve alcoholic
20 beverages between the period of April 5, 2019 to
21 April 29, 2019.

22 MR. GIRMAI: Thank you, Chairman.

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CHAIRPERSON ANDERSON: Thank you.
Have a good day.
(Whereupon, the Show Cause (Status)
Hearing was concluded at 10:10 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: Anacostia Market

Before: DC ABRA

Date: 01-30-19

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.



Court Reporter

NEAL R. GROSS

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