



**ALSO PRESENT:**

**WALTER ADAMS, OAG**

**ROBERT BURKA, Applicant**

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

2 (9:45 a.m.)

3 CHAIRPERSON ANDERSON: We now move to  
4 our Show Cause Hearing Status. And the first  
5 case on our Show Cause Hearing Status is Case No.  
6 17-CMP-00621, Atlas Performing Arts Center,  
7 License No. 85207. Will the parties please  
8 approach and identify themselves for the record,  
9 please?

10 MR. ADAMS: Good morning, Mr. Chairman  
11 and members of the Board. I'm Walter Adams. I  
12 represent the District of Columbia.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Mr. Adams.

15 MR. ADAMS: Good morning.

16 MR. BURKA: Your Honor, if you please,  
17 my name is Robert Burka, R-O-B-E-R-T, Burka, B-U-  
18 R-K-A. I am treasurer and general counsel of the  
19 Atlas. And if you don't mind, I'll sign in here.

20 CHAIRPERSON ANDERSON: Right. Good  
21 morning, Mr. Adams. Are there any preliminary  
22 matters in this case?

1 MR. ADAMS: Well, yes, Mr. Chairman.  
2 The parties have been discussing this case for  
3 purposes of potentially resolving it. However,  
4 at this point, I'll let the Respondent speak to  
5 the Board and address the Board regarding I guess  
6 what he would like to do with it.

7 MR. BURKA: Your Honor --

8 CHAIRPERSON ANDERSON: Yes, Mr. Burka?

9 MR. BURKA: If Your Honor please, I  
10 believe that the charge, for lack of a better  
11 word, is for purchasing alcoholic beverages from  
12 other than a wholesaler during hours when  
13 wholesalers were open.

14 We've done an investigation. We're  
15 clearly responsible for having done that for  
16 which we apologize. What I would like to do is  
17 to make a couple of comments in hopes that we  
18 could either get the fine eliminated or abated.

19 CHAIRPERSON ANDERSON: Well, this is  
20 a Status Hearing so in Status Hearing we don't  
21 really get into the merits of the case.  
22 Basically, what we do is you tell me whether or

1 not there is an agreement and if not, we schedule  
2 a Show Cause hearing.

3 If you have some explanations in the  
4 sense that you believe that you want the fine  
5 eliminated or abated, then that is preferable,  
6 you present that information at a Show Cause  
7 Hearing and then you'll give your arguments and  
8 you can bring witnesses and why is it you believe  
9 that we should abate the fine.

10 But at least in these proceedings it's  
11 just if you have, it's either there's a lock,  
12 that you have agreed you're going to pay the fine  
13 and that's it and we move on. If not, we just  
14 scheduled the other case, so.

15 MR. BURKA: Happy to do that, Your  
16 Honor.

17 CHAIRPERSON ANDERSON: All right.

18 MR. BURKA: Whichever the Board  
19 prefers.

20 CHAIRPERSON ANDERSON: So if there's  
21 no -- I don't have the date.

22 MR. ALBERTI: I believe we have one

1 scheduled for March 14.

2 CHAIRPERSON ANDERSON: Hold on. Let  
3 me look at it. Hold on. Okay. All right.

4 (Off the record comments.)

5 CHAIRPERSON ANDERSON: So the Show  
6 Cause Hearing is scheduled for March 14th at 10  
7 o'clock. At the Show Cause Hearing, what you can  
8 do is stipulate to the facts to say these are the  
9 facts, that we stipulate to it, however, this is  
10 an explanation and this is why this happened.

11 And then we'll hear that, the  
12 Government will present its case and if the facts  
13 are not contested, you can stipulate to the facts  
14 and then you can make your argument.

15 And at that time, the Board at the end  
16 of the case, will listen to the argument that  
17 you're making and then we'll make the decision  
18 what we're going to do, whether or not we're  
19 going to go with the fine as charged by the  
20 Agency or whether or not you have made sufficient  
21 arguments for us to make some alternative  
22 decision.

1                   MR. BURKA: Your Honor, please, that's  
2 a totally reasonable way to proceed. I'm happy  
3 to do it. I've got two questions for you?

4                   CHAIRPERSON ANDERSON: Yes, sir?

5                   MR. BURKA: The first is, one of the  
6 things we want to do is avoid this happening  
7 again and I would like to set up an appointment  
8 sometime between now and March 14 with the staff  
9 so that we can go over the safeguards that we're  
10 going to put in place to ensure this doesn't  
11 happen again.

12                  CHAIRPERSON ANDERSON: The Agency is  
13 always available to you to talk about what it is  
14 that you can do. And so we'll make sure that --  
15 I think Mr. Moosally's not here, but you can  
16 contact the Agency and have someone, one of the  
17 investigators or licensing specialists come over  
18 and just talk about what is it that, what are  
19 general operating procedures that you should  
20 follow in purchasing alcohol.

21                  MR. BURKA: Right Can you give me a  
22 name that I should contact?

1                   CHAIRPERSON ANDERSON: All right.  
2                   Then you can call Chief Jackson. His phone  
3                   number is (202)442-4423. So you can contact him  
4                   and let him know what is it that you need and we  
5                   will make sure that someone comes and meet with  
6                   you to explain the processes.

7                   MR. BURKA: Or we can come to him. I  
8                   mean, I don't care which way it is.

9                   CHAIRPERSON ANDERSON: You can call  
10                  him and you can decide, you and him can determine  
11                  how best to move forward.

12                 MR. BURKA: We're trying to be good  
13                  citizens.

14                 CHAIRPERSON ANDERSON: And I  
15                  appreciate that, sir.

16                 MR. BURKA: The other question I have  
17                  is do you want or are we able to do a written  
18                  submission in advance of March 14?

19                 CHAIRPERSON ANDERSON: Yes, you can do  
20                  that. You can do that.

21                 We haven't changed the work for the  
22                  seven days yet? No, it's not.



1                   You can exchange documents so you send  
2                   it to Government. So you can submit the  
3                   documents to the Government and submit it to the  
4                   Agency so each party has what it is that you're  
5                   relying on, and so therefore when we have the  
6                   hearing, then at least the documents and the  
7                   witnesses that you're going to rely on.

8                   MR. BURKA: I'm not sure. I'll try  
9                   but thank you. I want to have that option.

10                  CHAIRPERSON ANDERSON: Yes, you do  
11                  have that option, sir. But at the same time, you  
12                  can, you're welcome to -- is this your case, Mr.  
13                  Adams?

14                  MR. ADAMS: It is. It's me and my co-  
15                  counsel's case.

16                  CHAIRPERSON ANDERSON: Okay. So and  
17                  you and Mr. Adams can sit down and decide how is  
18                  it that you're going to present the case and  
19                  streamline it if you move forward.

20                  MR. ADAMS: Okay.

21                  CHAIRPERSON ANDERSON: All right. So  
22                  I will see you then on March 14th at 10 O'clock.

1 MR. ADAMS: Thank you.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you.

4 MR. BURKA: In this room?

5 CHAIRPERSON ANDERSON: Yes, right

6 here.

7 MR. BURKA: Your Honor, thank you very

8 much.

9 CHAIRPERSON ANDERSON: Thank you. And

10 I'm not a, you don't have to call me Your Honor

11 but I appreciate that. I like the --

12 (Laughter.)

13 MR. BURKA: It's been hard enough for

14 me to be sitting and addressing you as opposed to

15 standing.

16 CHAIRPERSON ANDERSON: Well, thank

17 you. Thank you very much.

18 MR. BURKA: I was taught to always be

19 respectful of adjudicatory bodies.

20 CHAIRPERSON ANDERSON: I appreciate

21 the honor. Thank you very much, sir. Have a

22 great day.

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MR. BURKA: Thank you.

(Whereupon, the above-entitled matter  
went off the record at 9:52 a.m.)

<p style="text-align: center;"><b>A</b></p> <p>a.m 3:2 11:3  <b>abate</b> 5:9  <b>abated</b> 4:18 5:5  <b>able</b> 8:17  <b>above-entitled</b> 11:2  <b>Adams</b> 2:11 3:10,11,14  3:15,21 4:1 9:13,14  9:17,20 10:1  <b>address</b> 4:5  <b>addressing</b> 10:14  <b>adjudicatory</b> 10:19  <b>advance</b> 8:18  <b>Agency</b> 6:20 7:12,16  9:4  <b>agreed</b> 5:12  <b>agreement</b> 5:1  <b>ALBERTI</b> 1:19 5:22  <b>alcohol</b> 1:10 7:20  <b>alcoholic</b> 1:2,14,15  4:11  <b>alternative</b> 6:21  <b>ANC</b> 1:8  <b>Anderson</b> 1:16,19 3:3  3:13,20 4:8,19 5:17  5:20 6:2,5 7:4,12 8:1  8:9,14,19 9:10,16,21  10:2,5,9,16,20  <b>apologize</b> 4:16  <b>Applicant</b> 2:12  <b>appointment</b> 7:7  <b>appreciate</b> 8:15 10:11  10:20  <b>approach</b> 3:8  <b>argument</b> 6:14,16  <b>arguments</b> 5:7 6:21  <b>Arts</b> 1:6,7 3:6  <b>Atlas</b> 1:6,7 3:6,19  <b>available</b> 7:13  <b>avoid</b> 7:6</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>B-U-</b> 3:17  <b>Basically</b> 4:22  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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: Atlas Performing Arts Center

Before: Alcoholic Beverage Control Board

Date: 02-07-18

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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