

ALSO PRESENT:

RAVINDRA ABEYNAYAKE, LICENSEE

BIMBILA FERNANDO, LICENSEE

MARK BRASHEARS, ABRA INVESTIGATOR

WALTER ADAMS, OAG

JESSICA GUNZEL, OAG

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

2 11:03 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. We now move to Case
5 No. 18-CC-00008, Boeymonger Restaurant, License
6 No. 102904.

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

9 MS. GUNZEL: Good morning. I'm
10 Jessica Gunzel, Assistant Attorney General, for
11 the District of Columbia with my co-counsel,
12 Walter Adams.

13 CHAIRPERSON ANDERSON: Good morning,
14 Ms. Gonzales and good morning, Mr. Adams.

15 MR. ABEYNAYAKE: Ravindra Abeynayake
16 representing Boeymonger.

17 CHAIRPERSON ANDERSON: Mr. Abeynayake?

18 MR. ABEYNAYAKE: Abeynayake.

19 CHAIRPERSON ANDERSON: Abeynayake?

20 MR. ABEYNAYAKE: Yes. I can spell it.

21 CHAIRPERSON ANDERSON: Go ahead.

22 MR. ABEYNAYAKE: A-B-E-Y-N-A-Y-A-K-E.

1 CHAIRPERSON ANDERSON: Good morning,
2 sir. There is a sign-in sheet, please, sign-in
3 your name on the sheet there. Yes, sir?

4 MR. FERNANDO: My name is Bimbila
5 Fernando. I'm representing Boeeymonger.

6 CHAIRPERSON ANDERSON: Okay. So there
7 is a sign-in sheet. Also, please sign-in.

8 MR. FERNANDO: Okay.

9 CHAIRPERSON ANDERSON: Ms. Gun?

10 MS. GUNZEL: Gunzel, G-U-N-Z-E-L.

11 CHAIRPERSON ANDERSON: Ms. Gunzel. I
12 apologize. Are there any preliminary matters in
13 this case?

14 MS. GUNZEL: Yes. The parties have an
15 Offer in Compromise to present to the Board
16 today.

17 CHAIRPERSON ANDERSON: And what is
18 that?

19 MS. GUNZEL: For Charge 1 -- or my
20 apologies. The parties agreed that the
21 establishment will pay a fine of \$2,000 within 60
22 days. And if the fine isn't paid within 60 days,

1 then the license will be suspended until the fine
2 is paid.

3 The parties have also agreed that
4 there will be a 5 day suspension with 1 day
5 served and 4 days stayed for the period of one
6 year.

7 And at this time, the parties are
8 suggesting that the 1 days served would be
9 Monday, July 30, 2018.

10 CHAIRPERSON ANDERSON: Well, you can't
11 be suggesting. You need to be telling me that.
12 I'm not negotiating with you. You are telling me
13 what you have agreed to, so --

14 MS. GUNZEL: Understood.

15 CHAIRPERSON ANDERSON: -- you tell me
16 what you have agreed to.

17 MS. GUNZEL: The parties have agreed
18 to the 1 day served being Monday, July 30, 2018.

19 CHAIRPERSON ANDERSON: Okay. And I'm
20 not trying to be hard on you. I'm just -- it's--
21 the Board doesn't negotiate these terms.

22 MS. GUNZEL: Um-hum.

1 CHAIRPERSON ANDERSON: So you are
2 telling me what the terms are and we either take
3 it or leave it, so we don't -- there is no back
4 and forth. The back and forth is between the
5 parties, not the Board.

6 MS. GUNZEL: Understood.

7 CHAIRPERSON ANDERSON: All right. And
8 I am sorry, your name again, sir?

9 MR. ABEYNAYAKE: Yes, Abeynayake.

10 CHAIRPERSON ANDERSON: Mr. Abeynayake,
11 I apologize. I'm bad with names, but I try to do
12 my best. All right. Mr. Abeynayake, it's my
13 understanding there is an Offer in Compromise and
14 the Offer in Compromise is that there is a fine
15 of \$2,000 payable in 60 days. There is also a 5
16 day suspension and 4 days will be stayed for one
17 year and 1 day served. And the 1 day to be
18 served is July 30, 2018.

19 MR. ABEYNAYAKE: That's correct.

20 CHAIRPERSON ANDERSON: Is this your
21 understanding of the Offer in Compromise?

22 MR. ABEYNAYAKE: Yes.

1 CHAIRPERSON ANDERSON: Are you aware
2 that by accepting an Offer in Compromise, that
3 you are giving up your right to a hearing?

4 MR. ABEYNAYAKE: Yes.

5 CHAIRPERSON ANDERSON: Are you also
6 aware that by accepting an Offer in Compromise,
7 that you are giving up your right to appeal this
8 matter?

9 MR. ABEYNAYAKE: I'm sorry, can you
10 repeat that?

11 CHAIRPERSON ANDERSON: Are you also
12 aware that by accepting an Offer in Compromise,
13 that you cannot appeal this?

14 MR. ABEYNAYAKE: Yes.

15 CHAIRPERSON ANDERSON: All right. All
16 right. With that said, are there any questions
17 by any Board Members on this Offer in Compromise?

18 Hearing none, with that said, I make
19 a motion that the Offer in Compromise of a fine
20 of \$2,000 payable in 60 days be accepted, that
21 there is a 5 day suspension, 4 days will be
22 stayed for one year and 1 day will be served and

1 the date to be served will be July 30, 2018.

2 Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passes 6-0-0.

10 The Board will be issuing a Board
11 Order on this matter.

12 I want to thank the parties for coming
13 and having this Offer in Compromise and we will
14 issue a Board Order, so you will have 60 days
15 from the Board Order to pay the fine.

16 And just briefly, I'm not going to
17 lecture you, just to remind you that if another
18 violation occurs within a year, you are going to
19 have to serve those 4 days suspension, sir, just
20 wanted you to know that.

21 MR. ABEYNAYAKE: I do have a question
22 though.

1 CHAIRPERSON ANDERSON: The matter is
2 over, so, yes, sir, you can have a question.
3 What's the question, sir?

4 MR. ABEYNAYAKE: I mean, the -- this
5 is the second time that they catch somebody who
6 had used a fake ID --

7 CHAIRPERSON ANDERSON: Yes, sir.

8 MR. ABEYNAYAKE: -- to purchase
9 alcohol. And each time the -- that person was
10 let go, I mean, by the officers who check the
11 IDs. And I mean, it's they keep coming back or
12 they will go to another establishment and do the
13 same thing. And there is no discouragement for
14 them not to use -- do that.

15 So I mean it's always the burden is on
16 us and so has the Board taken any action or is
17 there anything, they are doing anything with that
18 to --

19 CHAIRPERSON ANDERSON: Well, the only
20 thing I can say, sir, the only person the Board
21 can take action against is you. And you have to
22 do whatever you need to do to find out whatever

1 technology and I think you are on Prospect
2 Street. So which is in the middle of Georgetown.

3 MR. ABEYNAYAKE: Um-hum.

4 CHAIRPERSON ANDERSON: And so
5 unfortunately for you, sir, you are -- how long
6 have you been in business?

7 MR. ABEYNAYAKE: Like 30, 35 years.

8 CHAIRPERSON ANDERSON: 30, 35 years.
9 You know that young people unfortunately in this
10 country, they like to drink. And they are going
11 to do whatever they need to do to get a drink.

12 MR. ABEYNAYAKE: Um-hum.

13 CHAIRPERSON ANDERSON: So you, because
14 the burden is on you and it's your license, have
15 to make sure that everyone who comes in your
16 establishment, let all your servers know that
17 they need to check IDs. And they -- you need to
18 -- the Board has different training on fake ID
19 and so therefore, you need to make sure that,
20 because of your location, you are on top of it to
21 know that these young kids, that they are going
22 to, if they are not 21, come up with fake IDs.

1 And so you have to be on top of your
2 game. I mean, there is nothing we can do. We
3 don't have -- we can't arrest young people. We
4 can't do that, but you have to use your best
5 effort knowing that you are in an area where
6 there is a lot of young people who want to drink
7 and they are going to try you.

8 So and what else -- yeah? What I'll
9 say is that we have training on fake ID, so
10 whenever the Board offers the next one, you need
11 to -- you and your staff needs to come to these
12 trainings to make sure that you are on top of the
13 latest technology to see -- to figure out how is
14 it you can find out whether or not -- if it's a
15 DC License, I would hope that you know what a DC
16 License looks like.

17 You know that if they are 21, it looks
18 one direction. If they are younger than 21, they
19 look a different direction. You are not -- off
20 the top of your head, I don't expect you to know
21 what every license looks like all over the
22 country, but you though have to take it upon

1 yourself to come to the training that we offer,
2 so you and your staff can recognize what to look
3 for in a phony ID.

4 MR. ABEYNAYAKE: We are coming to --
5 there is a class coming this Friday.

6 CHAIRPERSON ANDERSON: Yes.

7 MR. ABEYNAYAKE: So we are coming to
8 that. We have registered for that class.

9 CHAIRPERSON ANDERSON: And I'm glad
10 that you do that, because -- and I appreciate
11 that you are doing that. And I appreciate the
12 fact that you are -- and that you are doing what
13 you can. But unfortunately, there is nothing we
14 can do to these young people who are doing it.
15 And I'm going to address it.

16 Yeah, there is nothing we can do to
17 these young people who are doing that. We just
18 have to impress upon you that -- because you are
19 going to be suspended.

20 MR. ABEYNAYAKE: It's getting harder
21 and harder for us to recognize.

22 CHAIRPERSON ANDERSON: Yes, sir?

1 MR. ABEYNAYAKE: It's getting harder
2 and harder for us to recognize those fake IDs and
3 there is -- they are getting better and better
4 and so --

5 CHAIRPERSON ANDERSON: You are getting
6 better and better. And as the Agency, we are
7 trying through the training to help you recognize
8 what is it that -- what you need to look for to
9 know that this is probably a fake ID. Yes, sir?
10 Identify yourself for the record, please.

11 INVESTIGATOR BRASHEARS: Investigator
12 Mark Brashears with ABRA.

13 CHAIRPERSON ANDERSON: Yes, Mr.
14 Brashears.

15 INVESTIGATOR BRASHEARS: I just wanted
16 to point something out to the establishment
17 owner. We actually do have a couple of programs
18 in place. One of those when we identify minors
19 using fake IDs, if they go to any of the
20 universities in the area, that information is
21 provided to the university through one of our
22 programs and action is then taken by the

1 university against the student.

2 Another thing we do on this particular
3 occasion, it was myself, a lone ABRA
4 Investigator, we do periodically work with the
5 Metropolitan Police Department. And if the
6 Metropolitan Police Department observes a minor
7 consuming alcohol with a fake ID or utilizing a
8 fake ID to enter an ABRA establishment, they will
9 in fact effect an arrest on the individual, which
10 we found sends a very strong message when that
11 happens.

12 So there are a couple of things in
13 play that you were not aware of, sir.

14 MR. ABEYNAYAKE: All right. Thank
15 you.

16 CHAIRPERSON ANDERSON: And what I
17 would say is that maybe you need to talk to -- go
18 over to Georgetown, because you are closer -- are
19 you close to Georgetown, Georgetown University?

20 MR. ABEYNAYAKE: Very close.

21 CHAIRPERSON ANDERSON: Then I would
22 try to talk to the administration over at

1 Georgetown to say, you know what, I just got
2 fined from ABRA based on some of your students,
3 what can yo do to help us for these students? I
4 mean, so that's something you -- I would ask you
5 to do is to talk to George and approach them to
6 say, you know, we have -- I was fined by
7 Georgetown -- I was fined by ABRA and I have to
8 close my business, my restaurant. I mean, and if
9 you are a bar, it's a little bit different, but
10 since you -- you are a restaurant, right?

11 MR. ABEYNAYAKE: Yes.

12 CHAIRPERSON ANDERSON: And to say what
13 can you do to help us with your kids coming here
14 and using fake IDs. Okay? So I appreciate the
15 fact that an OIC was signed. It's -- I don't
16 know what went in your negotiation. The Board
17 tries -- we are not involved with that, but I
18 appreciate the fact that you are trying. And I
19 appreciate the fact that you will come to the
20 hearing.

21 I'm sorry, you will come to the
22 training to find out what it is that I need to be

1 looking for to recognize the fact that these are
2 fake IDs. And I think one of the things that --
3 yeah, that's all I can say.

4 And I thank you, Mr. Brashears for
5 informing him what is it that -- so at least the
6 licensee doesn't think that okay, I get fined and
7 nothing happens to the students, so therefore he
8 or she can just continue doing that and scott
9 free.

10 Okay. So thank you for coming today.
11 And thank you for at least trying, expressing to
12 us that you are trying to stay ahead of the
13 technology to make sure that you recognize fake
14 IDs. Okay. Thank you for that. And thank you,
15 Ms. Gunzel.

16 INVESTIGATOR BRASHEARS: Yes, sir.

17 CHAIRPERSON ANDERSON: And Mr. Adams.

18 MS. GUNZEL: Thank you.

19 CHAIRPERSON ANDERSON: All right. The
20 Board is in recess then until our -- let me look
21 at our schedule.

22 MR. ADAMS: Mr. Chairman, is the order

1 going to come out today?

2 CHAIRPERSON ANDERSON: It's a Board
3 Order, so maybe. I don't know how fast the legal
4 staff works. Yeah, all right. So we are in
5 recess until our 1:30 hearing. All right.

6 (Whereupon, the Show Cause Hearing was
7 concluded at 11:16 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Boeey of Georgetown Corporation

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.



Court Reporter

NEAL R. GROSS

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