

ALSO PRESENT:

AMY SCHMIDT, OAG

DIAD MAALOUF, Licensee

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

2 10:53 a.m.

3 CHAIRPERSON ANDERSON: All right. I'm
4 going to go out of order and the next case on our
5 calendar -- I'm going to go out of order. So the
6 next case I'm calling is Case No. 17-AUD-00030,
7 Cafe Ole, License No. 25526.

8 Would the parties, please, approach
9 and identify themselves for the record, please?

10 MS. SCHMIDT: Good morning. Amy
11 Schmidt, Assistant Attorney General on behalf of
12 the District of Columbia standing in for Chrissy
13 Gephardt.

14 CHAIRPERSON ANDERSON: Good morning,
15 Ms. Schmidt.

16 MR. MAALOUF: Good morning. Diad
17 Maalouf on behalf of Cafe Ole.

18 CHAIRPERSON ANDERSON: Mr.?

19 MR. MAALOUF: Maalouf.

20 CHAIRPERSON ANDERSON: Maalouf?

21 MR. MAALOUF: Maalouf.

22 CHAIRPERSON ANDERSON: Spell your name

1 for the record, please, sir.

2 MR. MAALOUF: M-A-A-L-O-U-F.

3 CHAIRPERSON ANDERSON: Good morning
4 again, Mr. Maalouf.

5 Are there any preliminary matters in
6 this case?

7 MS. SCHMIDT: Yes. Since this
8 establishment is going out of business tonight,
9 the licensee has agreed to cancel his license and
10 as such, we will dismiss the charge, if the Board
11 accepts the cancellation of the license.

12 CHAIRPERSON ANDERSON: So when will
13 the licensee provide his license to the Agency?

14 MR. MAALOUF: Tonight is our last
15 night, so tomorrow.

16 CHAIRPERSON ANDERSON: Well, when will
17 the licensee provide --

18 MS. SCHMIDT: Tomorrow.

19 CHAIRPERSON ANDERSON: -- its license
20 to the Agency?

21 MS. SCHMIDT: Tomorrow.

22 MR. MAALOUF: Tomorrow.

1 CHAIRPERSON ANDERSON: So what's the
2 agreement then? I mean, you know, we can't have
3 -- in order for us -- we need to physically get
4 the license back. So I need to know what it is
5 that I'm --

6 MS. SCHMIDT: The licensee shall
7 cancel his license by tomorrow, February 1, 2017
8 and. at that time, these charges will be
9 dismissed. And we can continue this for a Status
10 Hearing in case this does not occur.

11 MEMBER SHORT: Is he going to
12 surrender it?

13 CHAIRPERSON ANDERSON: Yeah. So the
14 Offer in Compromise is that the licensee will
15 surrender his license by -- to the Agency by
16 February 1, by close of business, 2018. Is that
17 what --

18 MS. SCHMIDT: Yes.

19 CHAIRPERSON ANDERSON: -- we are
20 agreeing to?

21 MS. SCHMIDT: Yes.

22 MEMBER ALBERTI: And if that doesn't

1 happen?

2 CHAIRPERSON ANDERSON: Right. And if
3 that doesn't --

4 MS. SCHMIDT: If it does not happen,
5 the charges will -- we can -- then the charge
6 will be dismissed as of February 8th and we can
7 set a Status Hearing for next - for February 7th.
8 If it does not happen, we can reset this for next
9 week. I'm just trying to think of a way to keep
10 this alive.

11 I'm going on --

12 MEMBER ALBERTI: Are you saying that
13 the -- that you will ask the Agency to reschedule
14 the Status Hearing and bring this case forward?

15 MS. SCHMIDT: If --

16 CHAIRPERSON ANDERSON: Well, let's --

17 MEMBER ALBERTI: Is that what you are
18 saying?

19 CHAIRPERSON ANDERSON: But this was a
20 Show Cause Hearing today, so that's --

21 MS. SCHMIDT: Yes.

22 CHAIRPERSON ANDERSON: -- this was a

1 Show Cause Hearing.

2 MEMBER ALBERTI: Okay.

3 MS. SCHMIDT: I'm sorry. How to do
4 it, how to accomplish this.

5 MEMBER ALBERTI: I hope that's all you
6 are saying is that if that doesn't happen, then
7 you will --

8 MS. SCHMIDT: We will have this
9 hearing.

10 MEMBER ALBERTI: -- bring this --

11 MS. SCHMIDT: We will have a hearing
12 next week and maybe schedule the hearing.

13 MEMBER ALBERTI: -- you will ask the
14 Agency to reschedule the Show Cause Hearing?

15 MS. SCHMIDT: Yes.

16 MEMBER ALBERTI: Okay.

17 CHAIRPERSON ANDERSON: All right.

18 Then I make a motion that -- all right.

19 Sir, Mr. --

20 MR. MAALOUF: Maalouf.

21 CHAIRPERSON ANDERSON: -- Maalouf, the
22 discussion is that -- and this is what my

1 understanding of the Offer in Compromise is that
2 you will surrender your license to the Agency by
3 close of business on February 1, 2018 and that if
4 you do not surrender your license by February 1,
5 2018, we are going to have another hearing on
6 February -- next week or what? That the
7 Government will reinstate these charges against
8 you. Is this your understanding of the --

9 MR. MAALOUF: Yes.

10 CHAIRPERSON ANDERSON: All right.

11 MEMBER ALBERTI: So may I just make a
12 comment?

13 CHAIRPERSON ANDERSON: Yes. Go ahead,
14 Mr. Alberti.

15 MEMBER ALBERTI: Sir, I will tell you
16 my individual opinion is if you do not act
17 tomorrow to cancel your license, I will oppose
18 any attempt to cancel the license after that
19 until this matter is settled.

20 So, please, just make sure that you
21 get here tomorrow.

22 MR. MAALOUF: Agree, agree.

1 MEMBER ALBERTI: And take care of
2 matters.

3 MR. MAALOUF: I understand.

4 MEMBER ALBERTI: Thank you.

5 CHAIRPERSON ANDERSON: All right.

6 With that said, then I make a motion that the
7 Offer in Compromise that the licensee will
8 surrender the license to the Agency by close of
9 business tomorrow, that that be accepted. Is
10 there a second?

11 MEMBER SHORT: Second.

12 CHAIRPERSON ANDERSON: Mr. Short has
13 seconded the motion.

14 All those in favor say aye?

15 ALL: Aye.

16 CHAIRPERSON ANDERSON: Those opposed?

17 The matter passes 7-0-0.

18 Sir, you have heard what the Board's
19 position is that you have to surrender the
20 license by close of business tomorrow. And that
21 if that is not done, then the Agency, we are
22 going to move forward with the charges and we are

1 not going to allow you to cancel the license
2 until and unless the fine is paid.

3 MR. MAALOUF: Agreed.

4 CHAIRPERSON ANDERSON: All right.

5 MR. MAALOUF: Thank you.

6 CHAIRPERSON ANDERSON: Thank you.

7 Have a good day.

8 MR. MAALOUF: Thank you.

9 CHAIRPERSON ANDERSON: You need to
10 sign. Hold on. We will issue a Board Order on
11 this matter. Okay. All right. Thank you.

12 (Whereupon, the Show Cause Hearing was
13 concluded at 10:58 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 3:2 10:13 accepted 9:9 accepts 4:11 accomplish 7:4 act 8:16 Agency 4:13,20 5:15 6:13 7:14 8:2 9:8,21 agree 8:22,22 agreed 4:9 10:3 agreeing 5:20 agreement 5:2 ahead 8:13 Alberti 1:19 5:22 6:12 6:17 7:2,5,10,13,16 8:11,14,15 9:1,4 Alcoholic 1:2,14,15 alive 6:10 allow 10:1 Amy 2:12 3:10 ANC 1:7 Anderson 1:16,19 3:3 3:14,18,20,22 4:3,12 4:16,19 5:1,13,19 6:2 6:16,19,22 7:17,21 8:10,13 9:5,12,16 10:4,6,9 approach 3:8 Assistant 3:11 attempt 8:18 Attorney 3:11 Ave 1:7 aye 9:14,15</p> <hr/> <p style="text-align: center;">B</p> <p>back 5:4 behalf 3:11,17 Beverage 1:2,14,15 Board 1:2,14 4:10 10:10 Board's 9:18 BOBBY 1:20 Books 1:9 bring 6:14 7:10 Building 1:15 business 4:8 5:16 8:3 9:9,20</p> <hr/> <p style="text-align: center;">C</p> <p>Cafe 1:6,6 3:7,17 calendar 3:5 calling 3:6 cancel 4:9 5:7 8:17,18 10:1 cancellation 4:11 care 9:1 case 1:8 3:4,6,6 4:6 5:10 6:14</p>	<p>CATO 1:20 Cause 1:7 6:20 7:1,14 10:12 Chairperson 1:16,19 3:3,14,18,20,22 4:3 4:12,16,19 5:1,13,19 6:2,16,19,22 7:17,21 8:10,13 9:5,12,16 10:4,6,9 charge 4:10 6:5 charges 5:8 6:5 8:7 9:22 Chrissy 3:12 close 5:16 8:3 9:8,20 Columbia 1:1 3:12 comment 8:12 Compromise 5:14 8:1 9:7 concluded 10:13 continue 5:9 Control 1:2,14,15 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:16 day 10:7 Diad 2:13 3:16 discussion 7:22 dismiss 4:10 dismissed 5:9 6:6 District 1:1 3:12 DONALD 1:20 Donovan 1:16,19</p> <hr/> <p style="text-align: center;">E</p> <p>establishment 4:8</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9,10 favor 9:14 February 5:7,16 6:6,7 8:3,4,6 fine 10:2 Food 1:10 forward 6:14 9:22</p> <hr/> <p style="text-align: center;">G</p> <p>General 3:11 Gephardt 3:13 go 3:4,5 8:13 going 3:4,5 4:8 5:11 6:11 8:5 9:22 10:1 good 3:10,14,16 4:3 10:7 Government 8:7</p> <hr/> <p style="text-align: center;">H</p> <p>happen 6:1,4,8 7:6</p>	<p>heard 9:18 hearing 1:7,15 5:10 6:7 6:14,20 7:1,9,11,12 7:14 8:5 10:12 Hold 10:10 hope 7:5</p> <hr/> <p style="text-align: center;">I</p> <p>identify 3:9 individual 8:16 ISAAC 1:20 issue 10:10</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:21 January 1:13 JR 1:20</p> <hr/> <p style="text-align: center;">K</p> <p>keep 6:9 know 5:2,4</p> <hr/> <p style="text-align: center;">L</p> <p>let's 6:16 license 1:8 3:7 4:9,11 4:13,19 5:4,7,15 8:2,4 8:17,18 9:8,20 10:1 licensee 2:13 4:9,13,17 5:6,14 9:7 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>M-A-A-L-O-U-F 4:2 Maalouf 2:13 3:16,17 3:19,19,20,21,21 4:2 4:4,14,22 7:20,20,21 8:9,22 9:3 10:3,5,8 Maintain 1:9 matter 1:5 8:19 9:17 10:11 matters 4:5 9:2 mean 5:2 Meet 1:10 MEETING 1:3 Member 1:19,20,20,21 1:21,22 5:11,22 6:12 6:17 7:2,5,10,13,16 8:11,15 9:1,4,11 met 1:15 MIKE 1:21 morning 3:10,14,16 4:3 motion 7:18 9:6,13 move 9:22</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:15 name 3:22 need 5:3,4 10:9</p>	<p>NICK 1:19 night 4:15 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 2:12 occur 5:10 Offer 5:14 8:1 9:7 Okay 7:2,16 10:11 Ole 1:6,6 3:7,17 opinion 8:16 oppose 8:17 opposed 9:16 order 3:4,5 5:3 10:10</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 3:1 paid 10:2 parties 3:8 passes 9:17 physically 5:3 please 3:8,9 4:1 8:20 position 9:19 preliminary 4:5 PRESENT 1:18 2:10 presiding 1:16 provide 4:13,17</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>record 3:9 4:1 Records 1:10 Reeves 1:15 reinstate 8:7 REMA 1:22 Requirements 1:11 reschedule 6:13 7:14 reset 6:8 Retailer 1:7 right 3:3 6:2 7:17,18 8:10 9:5 10:4,11 Room 1:15</p> <hr/> <p style="text-align: center;">S</p> <p>Sales 1:10 saying 6:12,18 7:6 schedule 7:12 Schmidt 2:12 3:10,11 3:15 4:7,18,21 5:6,18 5:21 6:4,15,21 7:3,8 7:11,15 second 9:10,11 seconded 9:13 set 6:7 settled 8:19 Short 1:21 5:11 9:11,12</p>
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<p>Show 1:7 6:20 7:1,14 10:12 sign 10:10 SILVERSTEIN 1:21 sir 4:1 7:19 8:15 9:18 sorry 7:3 Spell 3:22 SR 1:20 standing 3:12 Status 5:9 6:7,14 Street 1:15 Suite 1:16 sure 8:20 surrender 5:12,15 8:2,4 9:8,19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 take 9:1 tell 8:15 Thank 9:4 10:5,6,8,11 think 6:9 time 5:8 today 6:20 tomorrow 4:15,18,21 4:22 5:7 8:17,21 9:9 9:20 tonight 4:8,14 trying 6:9</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 9:3 understanding 8:1,8</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W 1:16,19 WAHABZADAH 1:22 Washington 1:16 way 6:9 Wednesday 1:12 week 6:9 7:12 8:6 Wisconsin 1:7</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 5:13</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 5:7,16 8:3,4 10:53 3:2 10:58 10:13</p>	<p>14th 1:15 17-AUD-00030 1:8 3:6</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:15 20009 1:16 2017 5:7 2018 1:13 5:16 8:3,5 25526 1:8 3:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>31 1:13 3C 1:7</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4000 1:7 400S 1:16</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7-0-0 9:17 7th 6:7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 6:6</p>	
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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: Cafe Ole, LLC
t/a Cafe Ole

Before: Alcoholic Beverage Control Board

Date: 01-31-18

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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