

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

:

Southeast Restaurant :

Group, LLC : Show Cause

t/a DCity Smokehouse : Hearing (Status)

203 Florida Ave NW :

Retailer CT - ANC 5E :

License No. 98368 :

Case #19-CMP-00191 :

:

(No ABC Manager on Duty) :

Wednesday
 November 4, 2020

The Alcoholic Beverage Control Board
 met via WebEx videoconference, Chairperson
 Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member
- REMA WAHABZADAH, Member

ALSO PRESENT:

- SIMONE ANDREWS, DC ABRA Staff
- MELVIN HINES, Licensee
- FRED MOOSALLY, Director, DC ABRA
- STEPHEN ORTIZ, DC OAG

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

2 10:57 a.m.

3 CHAIRPERSON ANDERSON: The next case in
4 our calendar is Case No. 19-CMP-00191. DCity
5 Smokehouse. License No. 98368.

6 I would ask that, Ms. Andrews, can you
7 please elevate the rights of, I believe, Melvin
8 Hines, Jr., or whoever the representative is for
9 DC Smokehouse, please.

10 MS. ANDREWS: Mr. Hines, your rights
11 have been elevated. Please enable your camera
12 and your microphone.

13 MR. HINES: Hello.

14 CHAIRPERSON ANDERSON: Good morning.

15 Can we have the parties introduce
16 themselves for the record and please spell your
17 name, starting with the Government, please.

18 MR. ORTIZ: Stephen Ortiz on behalf of
19 the District of Columbia.

20 CHAIRPERSON ANDERSON: Good morning,
21 Mr. Ortiz.

22 Mr. Hines, can you please identify
23 yourself for the record, please.

24 MR. HINES: Melvin Hines.
25 Representative for DCity Smokehouse, Southeast

1 Restaurant Group.

2 CHAIRPERSON ANDERSON: Mr. Hines, are
3 you an owner? I'm sorry, I don't know the --

4 MR. HINES: Yes.

5 CHAIRPERSON ANDERSON: You're an
6 ownership --

7 MR. HINES: Yes.

8 CHAIRPERSON ANDERSON: Yes. Alright.
9 Thank you very much.

10 Alright. Mr. Ortiz, are there any
11 preliminary matters in this case?

12 MR. ORTIZ: Yes, there are some
13 preliminary matters. The parties have agreed to
14 an offer in compromise.

15 CHAIRPERSON ANDERSON: And what is the
16 offer in compromise, sir?

17 MR. ORTIZ: As to the only charge of no
18 ABC manager, the OIC term is that the
19 establishment shall pay \$2,000 within 90 days or
20 its license shall be suspended indefinitely until
21 this fine is paid.

22 CHAIRPERSON ANDERSON: Alright.

23 Mr. Hines, it's my understanding that
24 there is an offer in compromise. And the offer
25 in compromise is a fine of \$2,000 paid within 90

1 days.

2 And if the fine is not paid within 90
3 days, the license will be suspended until the
4 fine has been paid.

5 Is this your understanding, sir, of
6 the offer in compromise?

7 MR. HINES: Yes, it is.

8 CHAIRPERSON ANDERSON: Are you aware,
9 sir, that by accepting an offer in compromise
10 that you are giving up the right to a hearing?

11 MR. HINES: Yes, I am.

12 CHAIRPERSON ANDERSON: Are you also
13 aware that by accepting an offer in compromise
14 that you're giving up your right to appeal this
15 matter?

16 MR. HINES: Yes, I am.

17 CHAIRPERSON ANDERSON: With that said,
18 I then make a motion that the offer in compromise
19 of a fine of \$2,000 be paid within 90 days.

20 If the fine is not paid within 90
21 days, the license will be suspended until the
22 fine has been paid.

23 Is there a second?

24 MEMBER SHORT: Mr. Short. I second.

25 CHAIRPERSON ANDERSON: Mr. Short has

1 second the motion.

2 Are there any questions or concerns by
3 any board members?

4 (Pause.)

5 CHAIRPERSON ANDERSON: Hearing none,
6 can I ask that my board members please -- I need
7 you -- alright. I need you to be online, please.

8 Alright. We're going to now have a --
9 since the offer in compromise has been seconded
10 by Mr. Short, I'm going to have a roll call vote
11 on the motion that has been properly second by
12 Mr. Short.

13 Mr. Short?

14 MEMBER SHORT: Mr. Short. I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato?

16 MEMBER CATO: Bobby Cato. I agree.

17 CHAIRPERSON ANDERSON: Ms. Wahabzadah?

18 MEMBER WAHABZADAH: Rema Wahabzadah.

19 I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett?

21 MEMBER CROCKETT: Rafi Crockett. I

22 agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen. I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis?

1 MEMBER GRANDIS: Ed Grandis. I agree.

2 CHAIRPERSON ANDERSON: Mr. Anderson.

3 I agree. The matter, therefore, passes 7-0-0.
4 The Board has, therefore, accepted the offer in
5 compromise.

6 Normally, if we were in the office,
7 the Board would provide you with the praecipe for
8 both parties to sign, but I assume that's been
9 taken care of behind -- I assume that's been
10 taken care of.

11 So, you have -- Mr. Hines, you have 90
12 days from today for your group to pay the fine.
13 I want to thank the parties for working this
14 matter out and have a great day if there are no
15 other concerns.

16 MR. HINES: I have an administrative
17 question.

18 CHAIRPERSON ANDERSON: Yes, Mr. Hines.

19 MR. HINES: How does the payment get
20 paid? Is there -- am I mailing this in, you
21 know, considering COVID restrictions, or is the
22 office open to accept payments?

23 CHAIRPERSON ANDERSON: The office is
24 open. The office is open to -- the office is
25 open, but you can speak to Mr. Ortiz and --

1 between Mr. Ortiz and the Agency to figure out
2 how -- what -- how the payment can be made, but
3 the office is open.

4 The office -- ABRA has been open
5 throughout with a limited skeleton staff, but the
6 office -- the Agency is open.

7 MR. HINES: Alright.

8 CHAIRPERSON ANDERSON: Thank you very
9 much. Thank the parties very much for their
10 participation.

11 And thank the parties for working this
12 out and then this matter, therefore, is
13 dismissed. Thank you.

14 Oh, alright. I don't know if, Mr.
15 Hines, if you have left, but there's a dropbox, I
16 was told, for payments.

17 There's a dropbox that you can drop it
18 off -- you can drop the payment off at the ABRA
19 office.

20 MR. HINES: Alright. Thank you.

21 CHAIRPERSON ANDERSON: Thank you. This
22 matter is dismissed.

23 (Whereupon, at 11:02 o'clock a.m. the
24 hearing was adjourned.)

25

<p style="text-align: center;">A</p> <p>a.m 2:2 7:23 ABC 1:10 3:18 ABRA 1:22,23 7:4,18 accept 6:22 accepted 6:4 accepting 4:9,13 adjourned 7:24 administrative 6:16 Agency 7:1,6 agree 5:14,16,19,22,24 6:1,3 agreed 3:13 Alcoholic 1:2,13 ALIYA 1:18 alright 3:8,10,22 5:7,8 7:7,14,20 ANC 1:8 Anderson 1:14,17 2:3 2:14,20 3:2,5,8,15,22 4:8,12,17,25 5:5,15 5:17,20,23,25 6:2,2 6:18,23 7:8,21 Andrews 1:22 2:6,10 appeal 4:14 assume 6:8,9 Ave 1:7 aware 4:8,13</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:18 believe 2:7 Beverage 1:2,13 board 1:2,13 5:3,6 6:4,7 Bobby 1:17 5:16</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 5:10 camera 2:11 care 6:9,10 case 1:9 2:3,4 3:11 Cato 1:17 5:15,16,16 Cause 1:6 Chairperson 1:14,17 2:3,14,20 3:2,5,8,15 3:22 4:8,12,17,25 5:5 5:15,17,20,23,25 6:2 6:18,23 7:8,21 charge 3:17 Columbia 1:1 2:19 compromise 3:14,16 3:24,25 4:6,9,13,18 5:9 6:5 concerns 5:2 6:15 considering 6:21 Control 1:2,13 COVID 6:21</p>	<p>Crockett 1:18 5:20,21 5:21 CT 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>day 6:14 days 3:19 4:1,3,19,21 6:12 DC 1:22,23,24 2:9 DCity 1:7 2:4,25 Director 1:23 dismissed 7:13,22 District 1:1 2:19 Donovan 1:14,17 drop 7:17,18 dropbox 7:15,17 Duty 1:10</p> <hr/> <p style="text-align: center;">E</p> <p>Ed 6:1 EDWARD 1:18 elevate 2:7 elevated 2:11 enable 2:11 establishment 3:19</p> <hr/> <p style="text-align: center;">F</p> <p>figure 7:1 fine 3:21,25 4:2,4,19,20 4:22 6:12 Florida 1:7 FRED 1:23</p> <hr/> <p style="text-align: center;">G</p> <p>giving 4:10,14 Government 2:17 Grandis 1:18 5:25 6:1,1 group 1:6 3:1 6:12</p> <hr/> <p style="text-align: center;">H</p> <p>Hansen 1:19 5:23,24,24 hearing 1:7 4:10 5:5 7:24 Hello 2:13 Hines 1:22 2:8,10,13,22 2:24,24 3:2,4,7,23 4:7 4:11,16 6:11,16,18,19 7:7,15,20</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:22 indefinitely 3:20 introduce 2:15</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 Jeni 1:19 5:24 Jr 1:17,19 2:8</p>	<p style="text-align: center;">K</p> <hr/> <p style="text-align: center;">L</p> <p>left 7:15 license 1:8 2:5 3:20 4:3 4:21 Licensee 1:22 limited 7:5 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>mailing 6:20 manager 1:10 3:18 matter 1:5 4:15 6:3,14 7:12,22 matters 3:11,13 MEETING 1:3 Melvin 1:22 2:7,24 Member 1:17,18,18,19 1:19,20 4:24 5:14,16 5:18,21,24 6:1 members 5:3,6 met 1:14 microphone 2:12 MOOSALLY 1:23 morning 2:14,20 motion 4:18 5:1,11</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:17 need 5:6,7 Normally 6:6 November 1:12 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>o'clock 7:23 OAG 1:24 offer 3:14,16,24,24 4:6 4:9,13,18 5:9 6:4 office 6:6,22,23,24,24 7:3,4,6,19 OIC 3:18 online 5:7 open 6:22,24,24,25 7:3 7:4,6 Ortiz 1:24 2:18,18,21 3:10,12,17 6:25 7:1 owner 3:3 ownership 3:6</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 3:21,25 4:2,4,19 4:20,22 6:20 participation 7:10</p>	<p>parties 2:15 3:13 6:8,13 7:9,11 passes 6:3 Pause 5:4 pay 3:19 6:12 payment 6:19 7:2,18 payments 6:22 7:16 please 2:7,9,11,16,17 2:22,23 5:6,7 praecipe 6:7 preliminary 3:11,13 PRESENT 1:16,21 presiding 1:14 properly 5:11 provide 6:7</p> <hr/> <p style="text-align: center;">Q</p> <p>question 6:17 questions 5:2</p> <hr/> <p style="text-align: center;">R</p> <p>Rafi 1:18 5:21 record 2:16,23 Rema 1:20 5:18 representative 2:8,25 Restaurant 1:6 3:1 restrictions 6:21 Retailer 1:8 rights 2:7,10 roll 5:10</p> <hr/> <p style="text-align: center;">S</p> <p>S 1:18 second 4:23,24 5:1,11 seconded 5:9 Short 1:19 4:24,24,25 5:10,12,13,14,14 Show 1:6 sign 6:8 SIMONE 1:22 sir 3:16 4:5,9 skeleton 7:5 Smokehouse 1:7 2:5,9 2:25 sorry 3:3 Southeast 1:6 2:25 speak 6:25 spell 2:16 staff 1:22 7:5 starting 2:17 Status 1:7 Stephen 1:24 2:18 suspended 3:20 4:3,21</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:7 taken 6:9,10 term 3:18</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: DC City Smokehouse

Before: DC ABRA

Date: 11-04-20

Place: teleconference

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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