

ALSO PRESENT:

JOSE HERNANDEZ, Licensee

CHRISTOPHER MEDHERST, Licensee

CHRISTOPHER SOUSA, OAG

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

2 9:44 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-CMP-
5 00211, District Taco, License No. 92791.

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

8 MR. SOUSA: Christopher Sousa for the
9 District of Columbia.

10 CHAIRPERSON ANDERSON: Good morning
11 again, Mr. Sousa.

12 MR. MEDHERST: Chris Medherst. C-H-R-
13 I-S M-E-D-H-E-R-S-T.

14 CHAIRPERSON ANDERSON: Good morning,
15 Mr. Medherst.

16 MR. MEDHERST: District Taco.

17 CHAIRPERSON ANDERSON: Good morning.

18 MR. MEDHERST: Good morning.

19 MR. HERNANDEZ: Jose Hernandez,
20 Regional Manager.

21 CHAIRPERSON ANDERSON: Good morning,
22 Mr. Hernandez.

1 Mr. Sousa, are there any preliminary
2 matters in this case?

3 MR. SOUSA: Yes. It's my
4 understanding that an Offer in Compromise has
5 been reached between the parties and is ready to
6 present to the Board.

7 CHAIRPERSON ANDERSON: And what is
8 that, sir?

9 MR. SOUSA: For the only charge, no
10 ABC manager, a sixth secondary tier violation
11 within four years. The Offer in Compromise is
12 \$2,000 to be paid within 30 days or the license
13 shall be suspended indefinitely until this fine
14 is paid.

15 And I understand that the licensed
16 establishment has already paid it.

17 CHAIRPERSON ANDERSON: It has been
18 paid?

19 MR. SOUSA: Yes, they sent the payment
20 already to us, to OAG, which was forwarded on to
21 ABRA.

22 CHAIRPERSON ANDERSON: Okay. All

1 right. Mr. Medherst, it is my understanding,
2 sir, that there is an Offer in Compromise and the
3 Offer in Compromise is that there is a fine of
4 \$2,000 payable within 30 days. If the fine has
5 not been payable within 30 days, the license will
6 be suspended.

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

9 MR. MEDHERST: Yes.

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. MEDHERST: Yes.

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. MEDHERST: (No audible answer.)

19 CHAIRPERSON ANDERSON: You have to say
20 it.

21 MR. MEDHERST: Yes.

22 CHAIRPERSON ANDERSON: Because it's

1 being recorded, so that's why.

2 MR. MEDHERST: Yes.

3 CHAIRPERSON ANDERSON: All right. I
4 then make a motion that the Offer in Compromise
5 of a fine of \$2,000 payable within 30 days be
6 accepted. If the fine is not payable in 30 days,
7 the license will be suspended.

8 Is there a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON ANDERSON: Mr. Silverstein
11 has seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON ANDERSON: Those opposed?
15 The matter passes 6-0-0.

16 Mr. Medherst, since you are the owner
17 of the establishment, this is your sixth
18 secondary tier violation of not having an ABC
19 manager. What's going on, sir? The case is
20 over, that's why I'm having this conversation
21 with you. And I'm not sure how big your business
22 is, but you like giving us money?

1 MR. MEDHERST: No, I don't at all.

2 CHAIRPERSON ANDERSON: So --

3 MR. MEDHERST: And --

4 CHAIRPERSON ANDERSON: -- what can you
5 do to improve that, sir?

6 MR. MEDHERST: -- we have changed
7 several things. I have told you guys the plan
8 last time. I invited Alberto here who is the
9 regional manager to -- I think it is more
10 meaningful coming from him, hearing his plan and
11 how --

12 CHAIRPERSON ANDERSON: But you are the
13 owner still, so I -- because I was about to ask
14 you normally when I call folks up, I ask them who
15 -- what role they play, but I didn't ask you,
16 because I looked down on my briefing and it said
17 that you are the owner.

18 So I know that you brought your
19 general manager, that's good. But it doesn't
20 really matter, because he is -- you are the one
21 that we are always going to hold accountable.

22 MR. MEDHERST: Okay.

1 CHAIRPERSON ANDERSON: So you have to
2 tell us. And this is just for you, sir, because
3 it's not the Agency's position that you continue
4 coming and to give you a fine and you pay the
5 fine. I don't know how large your business is
6 and I'm hoping that this is not considered just a
7 business expense, but it's the sixth time you are
8 doing it, sir.

9 MR. MEDHERST: No, I -- it's not
10 acceptable as far as we plan on operating, the
11 way that we plan on operating the business. We
12 have set up a scheduling system and sort of
13 tracking our ABRA managers and which personnel
14 actually have the license, so that if we have a
15 schedule that doesn't have an ABRA manager on it,
16 it notifies us. And I think that has been very
17 helpful in helping us avoid any of these problems
18 since September.

19 CHAIRPERSON ANDERSON: Now, how large
20 is this establishment? How many employees are we
21 talking about here?

22 MR. MEDHERST: We have about 400

1 employees.

2 CHAIRPERSON ANDERSON: You have 400
3 employees, sir? You could talk to the Agency to
4 find out how is it that -- what needs to be done,
5 because if you have 400 employees, that should be
6 an easy fix.

7 MR. MEDHERST: Okay. All right.

8 CHAIRPERSON ANDERSON: All right.

9 MR. MEDHERST: I agree.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. MEDHERST: Thanks.

12 CHAIRPERSON ANDERSON: All right. You
13 can sign-off on the paperwork, but I was told the
14 fee was -- that the fine was paid, but it's just
15 to make sure. It has to be paid in 30 days.

16 MR. MEDHERST: All right.

17 (Whereupon, the Show Cause (Status)

18 Hearing was concluded at 9:49 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: District Taco

Before: DC ABRA

Date: 02-06-19

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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