

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:                   :  
  :  
District Taco, LLC,                   :  
t/a District Taco                    :  
1309 F Street NW                    : Show Cause  
Retailer DR- ANC 2C                 : Hearing (Status)  
License No. 90757                   :  
Case #19-CMP-00072                 :  
  :  
(No ABC Manager on Duty)         :

Wednesday  
November 6, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
RAFI ALIYA CROCKETT, Member  
BOBBY CATO, JR., Member  
JAMES SHORT, Member

ALSO PRESENT:

STEPHEN ORTIZ, PROTESTANT  
CHRIS MEDHURST, RESPONDENT

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 matter on our calender is a show cause  
5 hearing status, Case No. 19-CMP-00072, District  
6 Taco, License No. 90757. Will the parties please  
7 approach and identify themselves for the record,  
8 please.

9 MR. ORTIZ: Stephen Ortiz on behalf of  
10 the District of Columbia.

11 CHAIRPERSON ANDERSON: Good morning,  
12 Mr. Ortiz.

13 MR. MEDHURST: Chris Medhurst for the  
14 District Taco.

15 CHAIRPERSON ANDERSON: Say your last  
16 name, sir.

17 MR. MEDHURST: Medhurst.

18 CHAIRPERSON ANDERSON: And who are you  
19 with this establishment, sir?

20 MR. MEDHURST: Sorry?

21 CHAIRPERSON ANDERSON: What's your  
22 relationship to this establishment?

23 MR. MEDHURST: I'm the vice president.

24 CHAIRPERSON ANDERSON: Okay. All  
25 right. Are there any preliminary matters in this

1 case?

2 MR. ORTIZ: Yes, the establishment and  
3 the District have entered into an offer in  
4 compromise. As to Charge 1, the offer in  
5 compromise is that the establishment shall pay  
6 2,000 dollars within 30 days or its license shall  
7 be suspended indefinitely until this fine is  
8 paid.

9 CHAIRPERSON ANDERSON: Mr. Medhurst,  
10 it's my understanding there's an offer in  
11 compromise and the offer in compromise is that  
12 there is a fine of 2,000 dollars payable in 30  
13 days. If the fine is not paid within 30 days,  
14 your license will be suspended until the fine has  
15 been paid. Is this your understanding of the  
16 offer in compromise?

17 MR. MEDHURST: Yes.

18 CHAIRPERSON ANDERSON: Are you aware  
19 that by accepting the offer in compromise that  
20 you give up your right to a hearing?

21 MR. MEDHURST: Yes.

22 CHAIRPERSON ANDERSON: Are you also  
23 aware that by accepting the offer in compromise  
24 that you give up your right to appeal this  
25 matter?

1 MR. MEDHURST: Yes.

2 CHAIRPERSON ANDERSON: With that said,  
3 I make a motion that the offer in comprise of a  
4 fine of 2,000 dollars payable in 30 days be  
5 accepted. If the fine is not paid within 30  
6 days, the license will be suspended until the  
7 fine has been paid. Is there a second?

8 MEMBER CATO: Second.

9 CHAIRPERSON ANDERSON: Mr. Cato has  
10 seconded the motion. All those in favor, say  
11 aye.

12 (Chorus of aye.)

13 CHAIRPERSON ANDERSON: Those opposed.

14 (No audible response.)

15 CHAIRPERSON ANDERSON: The matter  
16 passes 4-0-0. Mr. Medhurst, you're the manager -  
17 - thank you very much. From reading this that  
18 you're the managing member of this establishment.  
19 And I'm going to investigate the history on your  
20 case -- in this case. And this is the one, two,  
21 three, four, five, six -- between -- this case is  
22 from May 2019.

23 So between December 2015 and May 2019,  
24 this is the one, two, three, four, five, six --  
25 the sixth time we have fined your establishment

1 for not having an ABC manager, sir. And it's not  
2 that difficult to have an ABC manager, sir.

3 MR. MEDHURST: I agree.

4 CHAIRPERSON ANDERSON: And if you  
5 looking at the fine range, the fine range for not  
6 having an ABC manager, the fine range is 4,000 to  
7 6,000 dollars, sir. And you're paying 2,000  
8 dollars. It doesn't appear to me that there's  
9 any incentive for you, your company to either  
10 have an owner or manager available or having  
11 other employees for ABC managers, sir.

12 So I want you to be aware that the  
13 Board is not looking favorable if another  
14 infraction occurs that we're going to accept a  
15 2,000-dollar fine. The fine range for these  
16 continuing violations is four to six thousand  
17 dollars, sir.

18 I need you to be aware of that because  
19 if this continues to happen, the Board -- at  
20 least as Chair of the Board, and I don't know  
21 about the other Board members, I'm not going to  
22 accept it. I'm going to accept a fine range  
23 that's between four to six thousand.

24 Because we don't want to fine you. We  
25 want to make sure that you comply with the law.

1 And clearly, you continue paying 2,000 dollars is  
2 not an incentive for you to comply with the law,  
3 sir. Okay. Have a good day. She'll have you  
4 sign off on the accepted number.

5 (Whereupon, the above-entitled matter  
6 went off the record at 9:48 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: ABRA Hearing

Before: Alcoholic Beverage Control Board

Date: 11-06-19

Place: Washington, D.C.

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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