

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

2 9:53 a.m.

3 CHAIRPERSON ANDERSON: All right. So
4 the next case is Case No. 19-AUD-00039, Fuel
5 Pizza & Wings, License No. 88727. Will the
6 parties please approach and identify themselves
7 for the record, please.

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

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

12 MS. BADR: Aya Badr from Paul Strauss
13 & Associates.

14 CHAIRPERSON ANDERSON: Ms. Badr.

15 MS. BADR: And I have the forms again.

16 CHAIRPERSON ANDERSON: No, one is
17 sufficient. All right. Well, you can provide to
18 her. Yeah, that's fine. And who is with you,
19 ma'am?

20 MR. AGUILAR: I'm Jose Aguilar and I'm
21 with Fuel Pizza.

22 CHAIRPERSON ANDERSON: There's a sign-
23 in sheet. So make sure you sign in on the sheet,
24 please. Mr. Ortiz, are there any preliminary
25 matters in this case?

1 MR. ORTIZ: Yes. As to Charge 1, the
2 offer in compromise is that the establishment
3 shall pay 2,000 dollars within 60 days or its
4 license shall be suspended indefinitely until
5 this fine is paid. And the establishment shall
6 submit pending quarterly statement if they have
7 not been submitted yet within 30 days.

8 CHAIRPERSON ANDERSON: All right.
9 Good morning again, Ms. Badr. It's my
10 understanding that there is an offer in
11 compromise.

12 The offer in compromise is that
13 there's a fine of 2,000 dollars payable within 60
14 days. All outstanding quarterly payments will be
15 -- quarterly statements will be filed within the
16 next 30 days. If the fine is not payable within
17 60 days, the license will be suspended until the
18 fine has been paid. Is this your understanding
19 of the offer in compromise?

20 MS. BADR: Yes.

21 CHAIRPERSON ANDERSON: Is your client
22 aware that by accepting the offer in compromise
23 that they're giving up their right to a hearing?

24 MS. BADR: Yes.

25 CHAIRPERSON ANDERSON: Is your client

1 also aware that by accepting an offer in
2 compromise that they're giving up their right to
3 appeal this matter?

4 MS. BADR: yes.

5 CHAIRPERSON ANDERSON: With that said,
6 I make a motion that the offer in compromise of a
7 fine of 2,000 dollars payable within 60 days be
8 accepted. If the fine is not paid within 60
9 days, the license will be suspended until the
10 fine has been paid and that all outstanding
11 quarterly payments -- quarterly filings will be
12 made within the next 30 days. Is there a second?

13 MEMBER CATO: Second.

14 CHAIRPERSON ANDERSON: Mr. Cato has
15 seconded the motion. All those in favor, say
16 aye.

17 (Chorus of aye.)

18 CHAIRPERSON ANDERSON: Those opposed.

19 MEMBER CROCKETT: Nay.

20 CHAIRPERSON ANDERSON: The matter
21 passes 3 to 1 with Ms. Crockett against. Yes,
22 Mr. Short?

23 MEMBER SHORT: Yes, I'd like to ask
24 the establishment, what is the reason of all
25 these fail to file quarterly statements?

1 MR. AGUILAR: Well, the thing is the
2 company has been downsizing. So they let go a
3 lot of people. So the person that was in charge
4 of filing the statements kind of left. So
5 they've been trying to keep up with everything.
6 So that's why they've been having a hard time
7 trying to keep up with everything.

8 MEMBER CROCKETT: So your failure to
9 file quarterly statements dates back to 2013.
10 Have you been downsizing for six years?

11 MR. AGUILAR: I've only been there for
12 three years, so you know.

13 MEMBER CROCKETT: So this is not a new
14 issue. And so the reason that I did not vote in
15 favor of this offer in compromise -- and you were
16 here for the previous case. As you see that
17 these violations warrant a fine in a much higher
18 range, between four and six thousand dollars.
19 Yet you've been taking offers in compromise for
20 2,000 dollars for at least the last five years.

21 To me, that's unacceptable because
22 you're not actually learning the lesson. You're
23 not changing your behavior. And so that is why I
24 today voted against this offer in compromise
25 because I want to see your behavior change rather

1 than just simply accepting a 2,000-dollar fine as
2 a cost of doing business.

3 CHAIRPERSON ANDERSON: And I second
4 Ms. Crockett. I also second Mr. Short. This is
5 two -- and these are two establishments. And
6 since I've been Chair, this is not the first time
7 that these two establishments have appeared in
8 front of me. And it appears that you accept a
9 2,000-dollar fine which it appears that, okay,
10 it's a cost of doing business.

11 If the establishment doesn't know how
12 to file the quarterly statements when their due,
13 our agency provides guidance. We have training.
14 We have training where we'll teach you how to do
15 it. We send notices out to tell you when it's
16 due. It's due every quarter. It can't be that
17 difficult.

18 And so I'll let you know that this has
19 to stop. And moving forward, if you come back,
20 I'm not going to accept the 2,000-dollar payment
21 because it cannot be, okay, we'll just pay a
22 2,000-dollar fine and move on. The fine range is
23 four to six thousand dollars.

24 This is not -- we're not here trying
25 to collect fines. Our job is to ensure that you

1 comply with the law. And so clearly moving
2 forward, I don't know what the Attorney General's
3 office is going to do. They can negotiate. But
4 you can sign an agreement with the office of
5 Attorney General. It will come to us and the
6 Board will either accept it or reject it.

7 But if this continues, I'm not going
8 to accept it because there is no incentive for
9 companies to file. It can -- there's one, two,
10 three, four, five, six of this establishment.
11 And it's probably the same on the other
12 establishment. These are two separate
13 businesses.

14 Okay. So she'll have me sign off on
15 it. Have a great day. Thank you.

16 (Whereupon, the above-entitled matter
17 went off the record at 9:57 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.



Court Reporter

NEAL R. GROSS

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