

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

IN THE MATTER OF: :
: :
Acostas Group Corporation, :
t/a DC Grill Express :
1917 18th Street, N.W. : Cease and Desist
Retailer CR - ANC 2B : Hearing
License No. 99452 :
Case #17-CMP-00688 :
: :
(No ABC Manager on Duty, :
Operating After Board :
Approved Hours, Transfer :
of Ownership Without Board :
Approval) :

Wednesday

February 14, 2018

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
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

JOSE ACOSTA, Owner
INVESTIGATOR MARK BRASHEARS, ABRA
INVESTIGATOR KEVIN PUENTE, ABRA

T-A-B-L-E O-F C-O-N-T-E-N-T-S

STATEMENTS

Jose Acosta, Owner 4
Kevin Puente, ABRA Investigator. 9
Mark Brashears, ABRA Investigator.11

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

2 3:18 p.m.

3 CHAIRPERSON ANDERSON: Okay. We are
4 back on the record. Our next case is Case No.
5 17-CMP-00688, DC Grill Express, License No.
6 99452.

7 Will the parties, please, approach and
8 identify themselves for the record, please? Yes,
9 sir, go ahead.

10 MR. ACOSTA: Yes, my name is Jose
11 Acosta.

12 CHAIRPERSON ANDERSON: Mr. Acosta?
13 Can you spell your name for the record and there
14 is also a sign-in sheet, could you also write
15 your name down on that sheet, too, please?

16 MR. ACOSTA: That's fine?

17 CHAIRPERSON ANDERSON: I'm sorry?

18 MR. ACOSTA: That's okay?

19 CHAIRPERSON ANDERSON: What is okay,
20 sir? I -- no, I said spell your name for the
21 record.

22 MR. ACOSTA: My name?

1 CHAIRPERSON ANDERSON: Yes.

2 MR. ACOSTA: Jose Acosta.

3 CHAIRPERSON ANDERSON: Spell it.

4 MEMBER SILVERSTEIN: Spell it.

5 MR. ACOSTA: J-O-S-E A -- J-O-S-E A-

6 C-O-S-T-A.

7 CHAIRPERSON ANDERSON: And you are the

8 owner?

9 MR. ACOSTA: Yes.

10 CHAIRPERSON ANDERSON: All right.

11 Thank you, sir.

12 INVESTIGATOR BRASHEARS: Investigator

13 Mark Brashears, ABRA. M-A-R-K last name B-R-A-S-

14 H-E-A-R-S.

15 INVESTIGATOR PUENTE: Investigator

16 Kevin Puente, K-E-V-I-N Puente, P-U-E-N-T-E.

17 CHAIRPERSON ANDERSON: All right. Mr.

18 Acosta, do you know why you are here, Mr. Acosta?

19 MR. ACOSTA: Say again?

20 CHAIRPERSON ANDERSON: Do you know why

21 you are here?

22 MR. ACOSTA: Yes.

1 CHAIRPERSON ANDERSON: Why are you
2 here?

3 MR. ACOSTA: Because I have a
4 complaint involving my liquor license.

5 CHAIRPERSON ANDERSON: All right.
6 And --

7 MR. ACOSTA: So we request the hiding,
8 you know, for --

9 CHAIRPERSON ANDERSON: You are -- I'm
10 sorry, I'm not following you, sir.

11 MR. ACOSTA: Okay. I'm here, you
12 know, because my liquor license was suspended.

13 CHAIRPERSON ANDERSON: Right.

14 MR. ACOSTA: Okay.

15 CHAIRPERSON ANDERSON: And do you know
16 why your liquor license was suspended?

17 MR. ACOSTA: Yes, I received the, you
18 know, all the information I have in this file. I
19 have all information. I have everything. Just
20 to recast, you know, this hiding because I have a
21 couple things explain, you know, to you about the
22 -- what happened in the with -- that's the

1 problem we are having right now.

2 CHAIRPERSON ANDERSON: Well, so
3 explain to us, from your perspective, what is
4 going on with this business.

5 MR. ACOSTA: The business is -- we are
6 trying to sell the business. So we are trying to
7 sell with the Mr. Aziz. We have not contract
8 with him about the no sell, because the problem,
9 we have a problem with the landlord, because they
10 don't approve the transfer of the lease, so it's
11 still waiting for that.

12 So when the landlord say still we need
13 to make estimation to Mr. Aziz with every, you
14 know, paperwork, so we making a contract, to sell
15 contract. Here is -- Mr. Aziz is our consortium.
16 So we having a contract of consortium/manager.
17 So he is trying and -- he is working right now.
18 He is just a manager right now, because until
19 don't have any -- our paperwork for the finish
20 the sale of the business.

21 CHAIRPERSON ANDERSON: So do you still
22 own the business?

1 MR. ACOSTA: Yes, sir. We are -- it's
2 a small corporation. It's me and my son, my
3 daughter. She is here also.

4 CHAIRPERSON ANDERSON: So you are
5 still the owner and you are still the one running
6 the business?

7 MR. ACOSTA: Yeah.

8 CHAIRPERSON ANDERSON: Who --

9 MR. ACOSTA: No, no, the money,
10 because the money coming is for the manager right
11 now, because that's just the contract we have, we
12 having with him. That all money it starting in
13 September, all money he collect is for him,
14 because he have paying to me \$5,000 every month
15 for, you know, the amount we pact for to sell the
16 business. Because we don't have any -- now, we
17 are ready for, you know, the landlord.

18 We are ready for the transfer of the
19 lease. Now, we are ready for filling out all
20 paperwork, for filling out the trust, you know,
21 for making transfer everything to him. But it
22 still don't make any paper, because we now are

1 short with the landlord. Because if the landlord
2 now approve the lease, we can sell the business.

3 CHAIRPERSON ANDERSON: No, but are you
4 aware that -- are you aware what -- in order to
5 transfer the license to someone else, do you know
6 what you need to do as far as ABRA in concerned?

7 MR. ACOSTA: Yeah, we been talking
8 about that, you know, because when they talk to
9 make, you know, the deal, he say, you know, you
10 having a liquor license? Yes, we have it. Is it
11 included in the price? Yes, included in the
12 price. But we don't -- we want to know if we can
13 transfer the license, you know.

14 So he say, yes, it's possible. We
15 going to the ABRA and fill out the application
16 for transfer the license. I think it is now -- I
17 think it's now in the process.

18 CHAIRPERSON ANDERSON: All right. Now
19 --

20 MR. ACOSTA: Now, we don't fill
21 nothing, you know, just the contract, just
22 contract. The sale contract, that's it.

1 CHAIRPERSON ANDERSON: All right. Mr.
2 Brashears and Mr. Puente, who wants to talk about
3 it?

4 INVESTIGATOR PUENTE: I will first.

5 CHAIRPERSON ANDERSON: Go ahead, Mr.
6 Puente. Tell, from your perspective, us what is
7 going on.

8 INVESTIGATOR PUENTE: So on Saturday,
9 October 28th, about 1:00 a.m., we were driving
10 down 18th Street monitoring establishments in the
11 Adams Morgan area and we immediately noticed DC
12 Grill Express having about 6 to 8 patrons outside
13 consuming alcohol. There was hookahs out on the
14 sidewalk cafe as well.

15 From myself and Mr. Brashears past
16 experiences, we knew that establishment to close
17 at 10:00 or 11:00 every day of the week, so we
18 were shocked when we saw everyone outside still
19 consuming and smoking hookah.

20 So we immediately stopped and went
21 inside. I spoke with Mr. Aziz and he had told me
22 that he is the owner, new owner of the

1 establishment. He has a management agreement
2 with Mr. Acosta. And he didn't know anything
3 about the liquor license. I advised him -- I
4 showed him the liquor license, told him that his
5 hours of sale and operation were 10:00 or 11:00
6 throughout the week and he has to abide by them.

7 He stated he did not know that. He
8 figured if he wanted to stay open late, because
9 he wanted to do carry-out business for Ubers and
10 other delivery drivers in the area and he still
11 wanted people to come in and have a good time
12 still.

13 I advised him he needed to get a
14 change of ownership paper submitted to ABRA. He
15 needed to get an ABC Manager's License
16 application, because he wasn't an ABC Manager.
17 And he was operating outside the scope of his
18 hours of sale and business.

19 So I advised him he was in violation
20 of that as well as the sidewalk cafe operating
21 past the hours as well, because that was until
22 10:00 or 11:00. And I advised him that he needed

1 to go get a new C of O and basic business
2 license, because all the permits and licenses
3 were still in Acostas' Corporation name.

4 So then on Monday, October 30th, I
5 came back and spoke with Mr. Aziz. Again, Mr.
6 Ahmed. I provided him with an ABC Manager
7 application paperwork as well as the change of
8 ownership paperwork to him. He said he will take
9 care of that and would follow through with it.

10 And as to date, that still hasn't been
11 followed through with ABRA.

12 CHAIRPERSON ANDERSON: You want to add
13 anything, Mr. Brashears?

14 INVESTIGATOR BRASHEARS: Yes, sir.
15 Myself and Investigator Puente -- well, I'll back
16 up a little bit. I did the final inspection for
17 the establishment. I have never met Mr. Acosta.
18 I remember dealing with -- is it Carmen? So I
19 dealt with her. I knew her to be one of the
20 owners.

21 And myself and Investigator Puente
22 frequented the establishment to dine and then

1 when we ran across Mr. Aziz, we could immediately
2 tell -- we came in one day, equipment was
3 missing. The menu was changed. Everything was
4 different. We knew something had happened,
5 weren't sure what.

6 So when I was asking, hey, did the --
7 what is going on here? Are you changing the
8 menu? Are you new ownership? And he said yeah,
9 you know, we are the new owners. They bought the
10 place, taking over. So that kind of touched us
11 off as to that things had obviously changed.

12 And then I want to say it was just a
13 day or so after that that we drove by and saw the
14 establishment operating after hours. So it was
15 clear to us or it seemed clear to us that the
16 establishment had changed hands.

17 CHAIRPERSON ANDERSON: So, Mr. Acosta,
18 what do you have to say? I mean, the
19 Investigators stated that it's apparent to them
20 that you are no longer there, that someone else
21 is there. It's a new menu, new -- and you are --
22 so who is right?

1 MR. ACOSTA: Yeah, we talking about
2 with him about that, you know. He know that we
3 can -- you can make a couple -- we talked to him
4 about that we can -- he can make a couple changes
5 in the menu, you know, because he is the new
6 owner. He has new ideas. So that's why, you
7 know, but everything inspection or the landlord
8 also because we can do making change if the
9 landlord don't know about that.

10 CHAIRPERSON ANDERSON: But this is the
11 question, sir. You are saying to me that you --
12 that it has not been approved through the
13 landlord. So what that says and what that says
14 to us, you are still the owner.

15 MR. ACOSTA: Yes.

16 CHAIRPERSON ANDERSON: You are still
17 responsible --

18 MR. ACOSTA: Yes.

19 CHAIRPERSON ANDERSON: -- for
20 everything that is going on there.

21 MR. ACOSTA: Yes, sir.

22 CHAIRPERSON ANDERSON: But that's not

1 what I'm hearing from the Investigator.

2 MR. ACOSTA: Yes, yes.

3 CHAIRPERSON ANDERSON: I'm hearing
4 that, you know, there is someone else there in
5 the shop to say I'm now the owner. I'm running
6 the -- they are not -- they have changed the
7 hours. They have changed their menu and what I'm
8 hearing is that you are not there.

9 MR. ACOSTA: Yeah, I know. I know
10 that. I know that's your -- that's what I
11 explain to you, we talked to him about it, the
12 responsibilities. And not him, because all
13 responsibilities is for me and the corporation.
14 You know, everything you break is my
15 responsibility, not you. We talked to him about
16 that, you know.

17 How I explain it, I asked him how you
18 sell liquor at 1:00 in the morning? This is --
19 the restaurant is open 11:00 to 10:00. You can't
20 do that. You can do that outside also, because
21 you can sell liquor, but inside, not outside,
22 because this is not correct.

1 CHAIRPERSON ANDERSON: Yeah, but I
2 still think that you are missing the point, sir.
3 It's not you are -- he can't do nothing.

4 MR. ACOSTA: I know.

5 CHAIRPERSON ANDERSON: You are the one
6 doing it.

7 MR. ACOSTA: Yeah, you're right.

8 CHAIRPERSON ANDERSON: So you can't
9 say to me that he is doing this. He is doing
10 this. He is doing that, because ABRA doesn't
11 know who he is. The only person that ABRA knows
12 is you.

13 MR. ACOSTA: Yeah.

14 CHAIRPERSON ANDERSON: And the license
15 that you have clearly states that the business
16 was supposed to be closed at a certain time.

17 MR. ACOSTA: Yes, you are right.

18 CHAIRPERSON ANDERSON: This is what is
19 going to be done. And no changes can be made
20 until you --

21 MR. ACOSTA: Okay.

22 CHAIRPERSON ANDERSON: -- file a

1 transfer application to us.

2 MR. ACOSTA: Okay.

3 CHAIRPERSON ANDERSON: And so because
4 it is clear to the Agency that you are no longer
5 there having responsibility over this business --

6 MR. ACOSTA: All right. Yeah.

7 CHAIRPERSON ANDERSON: -- that's why
8 we issued a Cease & Desist to let you know that
9 you are not living up to your obligation as far
10 as this Agency is concerned.

11 So I guess what I'm asking you is if
12 I was to -- if anyone was to go to this
13 restaurant today, what's the change? What's the
14 difference? What are we going to see if we go
15 there today?

16 MR. ACOSTA: No different?

17 CHAIRPERSON ANDERSON: Huh?

18 MR. ACOSTA: No difference.

19 CHAIRPERSON ANDERSON: What do you
20 mean no different? No difference from when you--
21 how long have you -- all right. How long have
22 you not been there day-to-day, when this -- he

1 has been -- how long have you been missing from--

2 MR. ACOSTA: It start today.

3 CHAIRPERSON ANDERSON: I'm sorry? No,
4 no. This is the question I'm asking you. When
5 is it that he started doing these things?

6 MR. ACOSTA: September.

7 CHAIRPERSON ANDERSON: September. So
8 you are telling me that you have not been in the
9 restaurant since September?

10 MR. ACOSTA: Yeah, we start the deal
11 in September. He going to take vacation. He
12 went to his country for one month. After that,
13 you know, the landlord take vacation also another
14 month. It just started you, it worked out that
15 we are having a long time don't finish, you know.

16 I talked to my lawyer, but my lawyer
17 she work for the Government, she going to London.
18 She never make it, you know, the contract, you
19 know. I waited three, four months for to finish
20 the contract.

21 CHAIRPERSON ANDERSON: Okay. But
22 that's not --

1 MR. ACOSTA: I know. I know it's not
2 my fault, you know.

3 CHAIRPERSON ANDERSON: But it's not
4 ABRA's fault. I mean, you can't just leave the
5 business to somebody else and he is doing
6 whatever he wants to do.

7 MR. ACOSTA: Yes.

8 CHAIRPERSON ANDERSON: And that's what
9 you are doing.

10 MR. ACOSTA: Yes, I understand, sir.
11 My responsibility, you know, it's just -- that's
12 -- you are right.

13 CHAIRPERSON ANDERSON: So if we were
14 to lift this Cease & Desist, you tell us what is
15 it that you are going to do tomorrow or if I was
16 to go tonight, if we were to lift this order,
17 what is going to happen tonight in the
18 restaurant?

19 MR. ACOSTA: I know, I understand, you
20 know, but we, you know, believe, you know, and
21 people, you know, making a good thing, you know,
22 but by -- I can't stay in the restaurant, because

1 this is -- I can have entire and live or stop, so
2 that's just -- for that way, we take the decision
3 to sell the business, because I don't have the
4 time, you know, because it's --

5 CHAIRPERSON ANDERSON: No, no, no. I
6 know you don't have any time. This is the
7 question I'm asking you.

8 In order to life the Cease & Desist
9 Order, you need to make a recommendation -- you
10 need to say to the Board this is what is going to
11 happen, because the Board would not be inclined
12 to lift the order if, as you say, this guy is
13 still running it.

14 MEMBER ALBERTI: We have no choice.

15 CHAIRPERSON ANDERSON: So you need to
16 tell us -- all I'm doing is asking questions. I
17 didn't say what. I'm just saying I'm asking -- I
18 think that the issue -- this is the issue, at
19 least from what I'm seeing and the reason why you
20 were brought here is that you were brought here
21 because the Investigator went to the
22 establishment.

1 MR. ACOSTA: Yes.

2 CHAIRPERSON ANDERSON: And it appears
3 that you are no longer there. That -- and the
4 implication that someone else is running the
5 restaurant and that you have not provided this
6 Board with any information stating that there is
7 a change in ownership.

8 MR. ACOSTA: Yes, I understand. Just
9 want you give me, you know, the opportunity
10 again, you know, for make a -- well, you know,
11 everything, you know. I understand you are not
12 breaking, you know, the -- many articles, you
13 know, but just want to give me another
14 opportunity to make it different, you know, this
15 thing. That's just I want.

16 CHAIRPERSON ANDERSON: What are the --
17 do we have -- I mean, this is questions and then
18 we are going to discuss it and make a decision
19 around back. So are there any questions, other
20 questions by Board Members? Mr. Alberti?

21 MEMBER ALBERTI: So, Mr. Acosta.

22 MR. ACOSTA: Yes, sir.

1 MEMBER ALBERTI: First of all, I think
2 the Chairman has made it pretty clear that you
3 are responsible.

4 MR. ACOSTA: Yes, sir.

5 MEMBER ALBERTI: But I want to make
6 sure you understand what that means.

7 MR. ACOSTA: Yeah.

8 MEMBER ALBERTI: You are responsible
9 for any mistake that Mr. Aziz makes.

10 MR. ACOSTA: Right. Yes, sir.

11 MEMBER ALBERTI: So he was open after
12 hours. If we choose to bring that case and we
13 choose to seek a fine for that case, you are
14 responsible.

15 MR. ACOSTA: Yes.

16 MEMBER ALBERTI: You are responsible
17 for paying it.

18 MR. ACOSTA: Yes, sir, yes.

19 MEMBER ALBERTI: You are responsible
20 for satisfying any penalties that we levy because
21 Mr. Aziz made a mistake.

22 MR. ACOSTA: Yes.

1 MEMBER ALBERTI: Do you understand
2 that?

3 MR. ACOSTA: Yes, sir.

4 MEMBER ALBERTI: Okay. As long --
5 until you -- until the transfer, until the
6 ownership issues are -- ownership changes, you
7 are responsible.

8 MR. ACOSTA: Okay.

9 MEMBER ALBERTI: You understand that?

10 MR. ACOSTA: Yes, sir.

11 MEMBER ALBERTI: Okay. Great.

12 MR. ACOSTA: Yes.

13 MEMBER ALBERTI: So --

14 MR. ACOSTA: Yes.

15 MEMBER ALBERTI: -- I'm guessing from
16 what you have been telling me that this is of
17 concern to you. You seem like an astute
18 businessman and I'll bet this is of concern to
19 you. So --

20 MR. ACOSTA: Yes.

21 MEMBER ALBERTI: -- how soon do you --
22 so you are telling me you have got these issues

1 that won't allow the sale or the transfer to be
2 completed. I don't want to -- I don't care what
3 those issues are, but how long do you think that
4 is going to take before those are resolved?

5 MR. ACOSTA: Now I all ready for make
6 everything, you know, this week. Yeah, this
7 week, this week.

8 MEMBER ALBERTI: Can we have a copy of
9 the management agreement?

10 MR. ACOSTA: Yes, sir.

11 MEMBER ALBERTI: Can someone get that
12 and make a copy? So, Mr. Acosta, there may be --
13 this is me speaking. It's not the Board.

14 MR. ACOSTA: A copy here and this is
15 the contract, the lease, the new lease.

16 MEMBER ALBERTI: So I'm a little
17 concerned from what you told me about that
18 management agreement. There may be some
19 technicalities in there that aren't appropriate.
20 For instance if Mr. Aziz is actually getting the
21 profits, that may not be appropriate. And so I--
22 we will have our legal staff look at this

1 management agreement and we will get back to you.

2 But if it isn't appropriate, then we
3 will let you know and you are going to have to do
4 something about this.

5 MR. ACOSTA: Okay.

6 MEMBER ALBERTI: All right. And maybe
7 legal staff will talk to you. This is me
8 talking. This isn't the rest of the Board. This
9 is my position, because if this goes on, you
10 know, it has gone on for how many months now?
11 How many months has this gone on?

12 MR. ACOSTA: Since September.

13 MEMBER SILVERSTEIN: How many months?

14 MEMBER ALBERTI: Since September Mr.
15 Aziz has been there?

16 MR. ACOSTA: Yes, yeah.

17 MEMBER ALBERTI: Okay.

18 MR. ACOSTA: Yeah.

19 MEMBER ALBERTI: If this goes on for
20 another six months, I'm going to be really
21 concerned.

22 MR. ACOSTA: Yeah.

1 MEMBER ALBERTI: All right. And I'm
2 concerned that this -- that you operate within
3 the bounds of the laws like everyone else is
4 expected to. So we are going to take a close
5 look at this management agreement. We are going
6 to -- someone will get back to you. But just be
7 prepared and remember from now until you
8 consummate that sale and transfer, you are
9 responsible for anything that Mr. Aziz does.

10 MR. ACOSTA: Yes.

11 MEMBER ALBERTI: And we will be out
12 there.

13 MR. ACOSTA: Yeah. Okay. Thank you.

14 CHAIRPERSON ANDERSON: Well, we will
15 discuss it. Do you have any -- does any other
16 Board Members have any --

17 MR. ACOSTA: I deal with the license
18 now, you know.

19 CHAIRPERSON ANDERSON: Pardon?

20 MR. ACOSTA: The Cease given now, you
21 know, the manner your license --

22 CHAIRPERSON ANDERSON: Well --

1 MR. ACOSTA: -- you don't have him
2 before license, manager's license. You give him
3 right now, yeah.

4 MEMBER ALBERTI: That's good, that's
5 good, because that protects you.

6 MR. ACOSTA: Yeah.

7 MEMBER ALBERTI: All right.

8 MR. ACOSTA: Yeah. That's what I talk
9 to him.

10 MEMBER ALBERTI: Yes.

11 MR. ACOSTA: Because you need to, you
12 know --

13 MEMBER ALBERTI: So if he continues to
14 operate at 1:00, you are going to be on the hook
15 for any fines.

16 MR. ACOSTA: Okay.

17 MEMBER ALBERTI: And you know that,
18 right?

19 MR. ACOSTA: Yeah.

20 MEMBER ALBERTI: All right.

21 MR. ACOSTA: Yes, sir, yeah, thank
22 you.

1 MEMBER ALBERTI: All right. Our
2 General Counsel is saying that everybody in the
3 back is nodding, too.

4 CHAIRPERSON ANDERSON: Do we have any
5 other questions by any other Board Members? I'm
6 going to go around back and discuss this for a
7 minute, sir, because I'm confused.

8 Any -- is there anything else you want
9 to say?

10 MR. ACOSTA: No, sir, that's it.

11 CHAIRPERSON ANDERSON: Investigators?

12 INVESTIGATOR PUENTE: Yeah, just one
13 thing. Just to relay to Mr. Aziz, I know he
14 stressed to me that he wants to do a carry-out
15 business late into the early morning until about
16 4:00 or 5:00 in the morning. I told him he
17 cannot do that unless he gets his hours of
18 operation changed. It has been brought to our
19 attention that he may be still operating that
20 late and still doing carry-out that late.

21 So you just need to convey to him at
22 11:00 on the weekends, that's when your operation

1 stops.

2 MEMBER ALBERTI: I mean --

3 INVESTIGATOR PUENTE: Unless you get
4 a change of hours.

5 MEMBER ALBERTI: -- that is Mr.
6 Acosta's responsibility. Mr. Acosta, that's your
7 responsibility to make sure Mr. Aziz operates as
8 he is supposed to.

9 MR. ACOSTA: Okay.

10 MEMBER ALBERTI: Because again, if he
11 doesn't, you are going to be -- and Mr. Aziz and
12 Mr. Acosta, you could very well lose this license
13 if this continues.

14 MR. ACOSTA: Hum.

15 MEMBER ALBERTI: You could very well
16 lose this license. I just -- you need to know
17 that.

18 INVESTIGATOR PUENTE: Thank you.

19 MEMBER ALBERTI: All right.

20 CHAIRPERSON ANDERSON: All right.

21 Hold on. As Chairperson of the Alcoholic
22 Beverage Control Board for the District of

1 Columbia and in accordance with DC Official Code
2 Section 2-574(b) of the Open Meetings Act, I move
3 that the ABC Board hold a closed meeting for the
4 purpose of seeking legal advice from our counsel
5 on Case No. 17-CMP-00688, DC Grill Express,
6 pursuant to DC Official Code Section 2-574(b)(4)
7 of the Open Meetings Act and deliberating upon
8 Case No. 17-CMP-00688, DC Grill Express, for the
9 reasons cited in DC Official Code Section 2-
10 574(b)(13) of the Open Meetings Act. Is there a
11 second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 seconded the motion. I will now take a roll call
15 vote on the motion before us now that it has been
16 seconded.

17 Ms. Wahabzadah?

18 MEMBER WAHABZADAH: I agree.

19 CHAIRPERSON ANDERSON: Mr.
20 Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRPERSON ANDERSON: Mr. Short?

1 MEMBER SHORT: I agree.

2 CHAIRPERSON ANDERSON: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: I agree.

6 CHAIRPERSON ANDERSON: Mr. Anderson?

7 I agree.

8 As it appears that the motion has
9 passed, I hereby give notice that the ABC Board
10 will recess these proceedings to hold a closed
11 meeting in the ABC Board conference room pursuant
12 to Section 2-574(b) of the Open Meetings Act.

13 Stay put and we will be right back.
14 Okay. Thank you.

15 INVESTIGATOR PUENTE: Thank you.

16 (Whereupon, the above-entitled matter
17 went off the record at 3:41 p.m. and resumed at
18 3:51 p.m.)

19 CHAIRPERSON ANDERSON: Okay. We are
20 back on the record. I am going to make a
21 recommendation to the Board what is it that needs
22 to be done regarding the Cease & Desist.

1 But prior to making the
2 recommendation, I wanted to -- for you, Mr.
3 Acosta, to be aware that this is still your
4 establishment. That you are responsible for
5 everything that goes on there. You are also
6 responsible for any fines that -- any infraction
7 that is -- if the Investigator has issued an
8 infraction or a fine, that you are responsible
9 for paying for it.

10 And also, if at such time that you
11 provide a transfer application, that the Board
12 would not approve the transfer until and unless
13 whatever fines that are there are paid.

14 So I think that the representation
15 that you have made is that Mr. Aziz -- did you
16 state that he now has an ABC Manager's License?
17 Did you state that? Huh? Yes?

18 MR. ACOSTA: Yes.

19 CHAIRPERSON ANDERSON: Yes. So you
20 stated that Mr. Aziz has an ABC Manager's
21 License, so therefore I guess when we -- if the
22 Investigator was to go back there, if you are not

1 there, at least there is an ABC Manager there.
2 But until and unless that time when you submit a
3 transfer application, you have to -- it's your
4 business.

5 And one of the things that you can
6 also do is that once you submit a transfer
7 application, you can ask for a TORP, a temporary
8 -- the new owner can ask for a Temporary
9 Operating Retail Permit, so our Agency can
10 provide more information to you about that
11 process.

12 Okay. So I just wanted you to -- but
13 I want you to know that it is your business. The
14 hours of operation cannot change. So if -- when
15 you were there, if it was -- if the place was
16 closed -- if your license says that the sales and
17 service ends at 11:00, it has to -- that's what
18 it is.

19 MR. ACOSTA: Okay.

20 CHAIRPERSON ANDERSON: He cannot
21 decide. It cannot be that they are open until
22 1:00 or 2:00 or whatever. It has to be and we

1 will -- if the Investigators go there and there
2 is an infraction, you are responsible. You are
3 the one that will come back here to pay it.

4 MR. ACOSTA: Yes.

5 CHAIRPERSON ANDERSON: All right.

6 With that said, I then make a motion that we lift
7 the Cease and Desist Order on this establishment
8 effective today so, therefore, that you can go
9 back in operation and running your business. Is
10 there a second?

11 MEMBER SILVERSTEIN: Second.

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

14 All those in favor say aye.

15 MEMBER SILVERSTEIN: Aye.

16 MEMBER ALBERTI: Aye.

17 CHAIRPERSON ANDERSON: Aye.

18 MEMBER WAHABZADAH: Aye.

19 MEMBER CATO: Aye.

20 CHAIRPERSON ANDERSON: All those
21 opposed?

22 MEMBER SHORT: Opposed.

1 CHAIRPERSON ANDERSON: The matter
2 passes 5-1-0 with Mr. Short in opposition. So
3 therefore we are issuing a Board Order today
4 stating that we -- that you can go back to
5 operate your business, sir.

6 Do you have any questions?

7 MR. ACOSTA: No, sir. No, sir. Thank
8 you.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you.

11 MR. ACOSTA: No, thank you. Thank
12 you.

13 CHAIRPERSON ANDERSON: All right.

14 (Whereupon, the Cease & Desist Hearing
15 was concluded at 3:55 p.m.)

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Before: DC ABRA

Date: 02-14-18

Place: Washington, DC

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