

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :

Guapo's Restaurant, Inc. :
t/a Guapo's Restaurant :
4515 Wisconsin Ave NW : Show Cause
Retailer CR - ANC 3E : Hearing (Status)
License No. 16332 :
Case #19-AUD-00081 :
(Failed to File Quarterly:
Statement) :

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
BARRY MARKOWITZ, CPA, Licensee's Representative
FRED MOOSALLY, Director, DC ABRA
STEPHEN ORTIZ, DC OAG

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

2 10:45 a.m.

3 CHAIRPERSON ANDERSON: Alright. The
4 next case in our calendar is Case No. 19-AUD-
5 00081. Guapo's Restaurant. License No. 16332.
6 The Government's microphone is -- his is already
7 on.

8 And, Ms. Andrews, if we have the
9 licensee for Guapo's Restaurant, could you please
10 elevate their rights, please.

11 MS. ANDREWS: Mr. Markowitz, your
12 rights have been elevated.

13 MR. MARKOWITZ: Okay. I am here.

14 CHAIRPERSON ANDERSON: Good morning.

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

18 Mr. Ortiz?

19 MR. ORTIZ: Yes. My apologies. Steve
20 Ortiz on behalf of the District of Columbia.

21 CHAIRPERSON ANDERSON: And can we have
22 you, Mr. Markowitz, can you please say and spell
23 your name for the record, please, and identify
24 your affiliation?

25 MR. MARKOWITZ: Yes, sir. Barry

1 Markowitz, B-A-R-R-Y, M-A-R-K-O-W-I-T-Z. I am
2 their CPA for the business and that's my
3 association with Guapo's Restaurant.

4 CHAIRPERSON ANDERSON: Who is the owner
5 of the restaurant? Is there -- normally we need
6 to have an owner, someone who's on the -- let me
7 ask a question.

8 Mr. Ortiz, is there any preliminary
9 matters in this case?

10 MR. ORTIZ: There are no preliminary
11 matters at this time.

12 CHAIRPERSON ANDERSON: Alright. Thank
13 you, Mr. Ortiz.

14 Mr. Markowitz, and anyone, if you are
15 on to represent this establishment, you need to
16 provide a -- and I don't know. I've not been
17 told whether or not this has been done, but you
18 need to provide the Agency with a letter of
19 authorization from the establishment stating that
20 you are authorized to speak -- to represent
21 Guapo's Restaurant at this ABC hearing.

22 MR. MARKOWITZ: Yes, sir.

23 That has been provided to Mr. Ortiz.

24 CHAIRPERSON ANDERSON: I'm sorry.

25 Mr. Ortiz, have you been provided a

1 letter saying that Mr. Markowitz is able to
2 represent the establishment?

3 MR. ORTIZ: Yes. So, I'll just give
4 you a brief history on this. This case derived
5 from -- prior to the pandemic.

6 So, we were in negotiations and then
7 he -- Mr. Markowitz did provide me with the
8 letter from Guapo's back in March.

9 CHAIRPERSON ANDERSON: Alright. Then
10 what I'll ask, Mr. Ortiz, is that, in the future,
11 please let me know because normally, if we
12 meeting in person, then I would ask that I would
13 ask that it be provided to me and I would just
14 ask that I be informed.

15 If the person does not identify as the
16 owner, I need the record that an authorization --
17 Mr. Markowitz, please mute your phone, please.

18 MR. MARKOWITZ: I apologize. I
19 couldn't -- there was something going on with the
20 video -- I mean, the audio. I couldn't really
21 hear what you said. I apologize.

22 CHAIRPERSON ANDERSON: That's what --
23 I'm asking you to mute your phone. Then you will
24 be able to hear me. That's better.

25 So, I was just saying to Mr. Ortiz

1 that -- just let me know that the representative
2 of the establishment has provided authorization
3 so I will know to move forward.

4 Alright. Thank you, then, Mr. Ortiz,
5 and for the representation. And you have stated
6 that there are no preliminary matters; is that
7 correct?

8 MR. ORTIZ: That is correct.

9 CHAIRPERSON ANDERSON: Then this matter
10 is then -- it will be scheduled for a show cause
11 hearing at a date to be determined and we will
12 contact both the licensee -- the licensee and the
13 Government.

14 I will -- if you're able to continue
15 speaking about this case to see if it can be
16 settled -- if it's not settled, then we will
17 provide some dates when we will have the show
18 cause hearing (status).

19 And what I'll ask, Mr. Ortiz, if you
20 have not provided the letter of authorization to
21 the Agency, can you please provide the Agency
22 with a copy of the authorization so at least the
23 Agency will share with me so that if we do move
24 forward with an OIC oral hearing, I don't have to
25 ask that question again. Okay?

1 MR. ORTIZ: Understood. I will give
2 that to you during the break.

3 CHAIRPERSON ANDERSON: Alright. Thank
4 you very much.

5 If there are no other concerns, then
6 this matter is adjourned. Thank you very much.

7 MR. MARKOWITZ: Okay. So, then we will
8 be notified when the date is that we're supposed
9 to appear later on; is that correct?

10 CHAIRPERSON ANDERSON: Yes. The Agency
11 will notify if there is no -- if this is going to
12 go into a show cause hearing, the Agency will
13 notify you when the date of the hearing --
14 because of the pandemic, we are not -- normally
15 at a show cause hearing we'll let you know when
16 the next hearing is, but we're still trying to
17 figure out how to do this.

18 So, this is actually the first full
19 day since the pandemic has started. This is
20 actually the first full day that we're having a
21 full calendar of hearings.

22 So, we'll let you know when the date
23 -- the next date of the hearing. If there is
24 some type of conflict, you can work with Mr.
25 Ortiz and the Agency if the date is not a date

1 that works for you, sir. Okay?

2 MR. MARKOWITZ: Okay. Alright. Thank
3 you very much and -- so, we don't need to do
4 anything else at this time until we receive the
5 date?

6 CHAIRPERSON ANDERSON: Right. However,
7 you and Mr. Ortiz, if you guys want to come up to
8 some agreement, you can continue talking --

9 MR. MARKOWITZ: Okay.

10 CHAIRPERSON ANDERSON: -- if you
11 believe an agreement will be reached. If not,
12 you will be notified when the next hearing is.
13 Alright. Thank you very much.

14 MR. MARKOWITZ: So, Mr. Ortiz then will
15 notify me or contact me or --

16 CHAIRPERSON ANDERSON: No. The Agency
17 -- the same way you got notice today -- for
18 today's hearing, the Agency will notify you when
19 the show cause hearing is scheduled for.

20 MR. MARKOWITZ: Okay.

21 CHAIRPERSON ANDERSON: So, we will
22 serve on the establishment the date when the show
23 cause hearing is scheduled for.

24 The same way the establishment was
25 notified that this hearing was scheduled for

1 today, you will also be notified in that same
2 manner when the show cause hearing is scheduled
3 for.

4 MR. MARKOWITZ: Right. But you had
5 said that if me and Mr. Ortiz can come up to a
6 solution prior to that, then we would not have
7 the hearing; is that correct?

8 CHAIRPERSON ANDERSON: That is -- what
9 would occur if you and Mr. Ortiz have a -- come
10 up with an agreement, then the hearing -- we'd
11 schedule the hearing and -- we'd schedule the
12 hearing and you would come to an agreement on the
13 record because you have to appear at another
14 hearing.

15 Even if you have an agreement --

16 MR. MARKOWITZ: Okay.

17 CHAIRPERSON ANDERSON: -- you have to
18 appear at a hearing to put that on the record.

19 MR. MARKOWITZ: Okay. Alright. Thank
20 you, sir.

21 CHAIRPERSON ANDERSON: Alright.

22 MR. MARKOWITZ: Is Mr. Ortiz then going
23 to contact me if we can then come to a solution
24 or is his offer from before the only solution?

25 MR. ORTIZ: I will contact you and we

1 will continue our negotiations.

2 MR. MARKOWITZ: Okay. Alright. Thank
3 you very much, sir. Appreciate it.

4 CHAIRPERSON ANDERSON: Have a great day
5 then. Thanks.

6 MR. MARKOWITZ: Okay.

7 (Whereupon, the above entitled matter
8 went off the record at 10:53 o'clock a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 9:8 ABC 3:21 able 4:1,24 5:14 ABRA 1:22,23 adjourned 6:6 affiliation 2:24 Agency 3:18 5:21,21,23 6:10,12,25 7:16,18 agreement 7:8,11 8:10 8:12,15 Alcoholic 1:2,13 ALIYA 1:18 Alright 2:3 3:12 4:9 5:4 6:3 7:2,13 8:19,21 9:2 ANC 1:7 Anderson 1:14,17 2:3 2:14,21 3:4,12,24 4:9 4:22 5:9 6:3,10 7:6,10 7:16,21 8:8,17,21 9:4 Andrews 1:22 2:8,11 apologies 2:19 apologize 4:18,21 appear 6:9 8:13,18 Appreciate 9:3 asking 4:23 association 3:3 audio 4:20 authorization 3:19 4:16 5:2,20,22 authorized 3:20 Ave 1:7</p>	<p>9:4 Columbia 1:1 2:20 come 7:7 8:5,9,12,23 concerns 6:5 conflict 6:24 contact 5:12 7:15 8:23 8:25 continue 5:14 7:8 9:1 Control 1:2,13 copy 5:22 correct 5:7,8 6:9 8:7 CPA 1:22 3:2 CR 1:7 CROCKETT 1:18</p>	<p>6:23 7:12,18,19,23,25 8:2,7,10,11,12,14,18 hearings 6:21 history 4:4</p>	<p>OAG 1:23 occur 8:9 offer 8:24 OIC 5:24 oral 5:24 Ortiz 1:23 2:18,19,20 3:8,10,13,23,25 4:3 4:10,25 5:4,8,19 6:1 6:25 7:7,14 8:5,9,22 8:25 owner 3:4,6 4:16</p>
<p style="text-align: center;">B</p> <p>B-A-R-R-Y 3:1 back 4:8 Barry 1:22 2:25 behalf 2:20 believe 7:11 better 4:24 Beverage 1:2,13 Board 1:2,13 BOBBY 1:17 break 6:2 brief 4:4 business 3:2</p>	<p style="text-align: center;">D</p> <p>date 5:11 6:8,13,22,23 6:25,25 7:5,22 dates 5:17 day 6:19,20 9:4 DC 1:22,23,23 derived 4:4 determined 5:11 Director 1:23 District 1:1 2:20 Donovan 1:14,17</p>	<p style="text-align: center;">I</p> <p>identify 2:23 4:15 informed 4:14 introduce 2:16</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 pandemic 4:5 6:14,19 parties 2:15 person 4:12,15 phone 4:17,23 please 2:9,10,15,17,22 2:23 4:11,17,17 5:21 preliminary 3:8,10 5:6 PRESENT 1:16,21 presiding 1:14 prior 4:5 8:6 provide 3:16,18 4:7 5:17,21 provided 3:23,25 4:13 5:2,20 put 8:18</p>
<p style="text-align: center;">C</p> <p>calendar 2:4 6:21 case 1:8 2:4,4 3:9 4:4 5:15 CATO 1:17 cause 1:7 5:10,18 6:12 6:15 7:19,23 8:2 Chairperson 1:14,17 2:3,14,21 3:4,12,24 4:9,22 5:9 6:3,10 7:6 7:10,16,21 8:8,17,21</p>	<p style="text-align: center;">E</p> <p>EDWARD 1:18 elevate 2:10 elevated 2:12 entitled 9:7 establishment 3:15,19 4:2 5:2 7:22,24</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19 JENI 1:19 JR 1:17,19</p>	<p style="text-align: center;">Q</p> <p>Quarterly 1:9 question 3:7 5:25</p>
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<p style="text-align: center;">C</p> <p>calendar 2:4 6:21 case 1:8 2:4,4 3:9 4:4 5:15 CATO 1:17 cause 1:7 5:10,18 6:12 6:15 7:19,23 8:2 Chairperson 1:14,17 2:3,14,21 3:4,12,24 4:9,22 5:9 6:3,10 7:6 7:10,16,21 8:8,17,21</p>	<p style="text-align: center;">G</p> <p>give 4:3 6:1 Government 2:17 5:13 Government's 2:6 GRANDIS 1:18 Guapo's 1:6,6 2:5,9 3:3 3:21 4:8</p>	<p style="text-align: center;">M</p> <p>M-A-R-K-O-W-I-T-Z 3:1 manner 8:2 March 4:8 Markowitz 1:22 2:11,13 2:22,25 3:1,14,22 4:1 4:7,17,18 6:7 7:2,9,14 7:20 8:4,16,19,22 9:2 9:6 matter 1:5 5:9 6:6 9:7 matters 3:9,11 5:6 mean 4:20 meeting 1:3 4:12 Member 1:17,18,18,19 1:19,20 met 1:14 microphone 2:6 MOOSALLY 1:23 morning 2:14 move 5:3,23 mute 4:17,23</p>	<p style="text-align: center;">S</p> <p>S 1:18 saying 4:1,25 schedule 8:11,11 scheduled 5:10 7:19,23 7:25 8:2 serve 7:22 settled 5:16,16</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: Guapo's Restaurant

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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