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

IN THE MATTER OF: : : Half Smoke, LLC, : t/a Half Smoke : 651 Florida Avenue, NW : Show Cause Retailer CR - ANC 1B : Hearing (Status) License No. 100855 : Case #17-CMP-00642 : (Failed to File Quarterly: Statement) :

> Wednesday January 24, 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 DONALD ISAAC, SR., Member MIKE SILVERSTEIN, Member JAMES SHORT, Member REMA WAHABZADAH, Member

ALSO PRESENT:

ANDRE MCCAIN, Licensee AMY SCHMIDT, OAG

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| 1 | P-R-O-C-E-E-D-I-N-G-S |
| 2 | 10:10 a.m. |
| 3 | CHAIRPERSON ANDERSON: The next matter |
| 4 | on our Show Cause Hearing (Status) Calendar is |
| 5 | Case No. 17-CMP-00642, Half Smoke, License No. |
| 6 | 100855. |
| 7 | Will the parties, please, approach and |
| 8 | identify themselves for the record, please? Ms. |
| 9 | Schmidt? |
| 10 | MS. SCHMIDT: Yes, good morning. Amy |
| 11 | Schmidt, Assistant Attorney General on behalf of |
| 12 | the District of Columbia. |
| 13 | CHAIRPERSON ANDERSON: Good morning, |
| 14 | Ms. Schmidt. Yes, sir? |
| 15 | MR. McCAIN: Good morning, Andre |
| 16 | McCain, owner of Half Smoke. |
| 17 | CHAIRPERSON ANDERSON: Good morning, |
| 18 | Mr. McCain. |
| 19 | Are there any preliminary matters in |
| 20 | this case? |
| 21 | MS. SCHMIDT: No, there are not. |
| 22 | CHAIRPERSON ANDERSON: Hearing none, |
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1 this matter then is scheduled for a Show Cause 2 Hearing on February 28th at 10:00 a.m. Can I ask a quick 3 MEMBER ALBERTI: 4 question? 5 CHAIRPERSON ANDERSON: Yes, go ahead, Mr. Alberti. 6 7 MEMBER ALBERTI: Mr. McCain, have you 8 had an opportunity to talk to the Attorney General's Office? 9 10 MS. SCHMIDT: He spoke to Mr. Chattrabhuti yesterday in my office. 11 12 MEMBER ALBERTI: Okay. Okay. And so 13 -- all right. Fine. 14 CHAIRPERSON ANDERSON: Then --MEMBER ALBERTI: You understood their 15 16 offer, at that time? 17 MR. McCAIN: I did. I just wanted --18 MEMBER ALBERTI: And you are not 19 accepting it. Is that correct? 20 MR. McCAIN: I just --21 MEMBER ALBERTI: There just seemed to be some doubt in your eyes and that's why I'm 22

1 asking, but if you are okay with moving forward, 2 I have no questions. MR. McCAIN: Well, I just wanted some 3 time to better understand their offer. It was --4 5 MS. SCHMIDT: We can pass this matter and I can --6 7 CHAIRPERSON ANDERSON: Oh, so you want 8 to -- do you want to -- do you want me to come 9 back to it? So I'll recall this matter, so you 10 guys --11 MEMBER ALBERTI: They can let us know 12 if they want it recalled. 13 CHAIRPERSON ANDERSON: Well, no. **All** 14 right. Hold on. Let me ask a question. Hold 15 I'm going to recall this case, okay, because on. 16 I think there are some -- it appears that there 17 is some confusion there. 18 Is the next case your case, Ms. 19 Schmidt? 20 MS. SCHMIDT: All of them are my 21 cases. This is 22 CHAIRPERSON ANDERSON: Oh.

| 1 | what I'm going to do, because we have a short |
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| 2 | calendar today and I apologize to the parties, |
| 3 | let me take a 10 minute break. |
| 4 | MS. SCHMIDT: Okay. |
| 5 | CHAIRPERSON ANDERSON: So you guys can |
| 6 | talk and then we can move forward. Okay. So |
| 7 | let's recess for 10 minutes. Okay. All right. |
| 8 | Thanks. All right. |
| 9 | (Whereupon, the above-entitled matter |
| 10 | went off the record at 10:12 a.m. and resumed at |
| 11 | 10:26 a.m.) |
| 12 | CHAIRPERSON ANDERSON: All right. |
| 13 | We're back on the record. I'm recalling Case No. |
| 14 | 17-CMP-00642, Half Smoke, License No. 100855. |
| 15 | Would the parties identify themselves |
| 16 | for the record, please? |
| 17 | MS. SCHMIDT: Amy Schmidt, Assistant |
| 18 | Attorney General on behalf of the District of |
| 19 | Columbia. |
| 20 | CHAIRPERSON ANDERSON: Ms. Schmidt. |
| 21 | MR. McCAIN: Andre McCain, owner of |
| 22 | Half Smoke Restaurant. |
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| 1 | CHAIRPERSON ANDERSON: Mr. McCain, |
|----|---|
| 2 | good morning. |
| 3 | Are there any preliminary matters in |
| 4 | this case? |
| 5 | MS. SCHMIDT: Yes, there are. |
| 6 | CHAIRPERSON ANDERSON: And what are |
| 7 | the preliminary matters? |
| 8 | MS. SCHMIDT: The preliminary matter |
| 9 | is that there is an Offer in Compromise that the |
| 10 | Licensee shall pay \$600 within 30 days or its |
| 11 | license will be suspended indefinitely until this |
| 12 | fine is paid. |
| 13 | And if the quarterly statement has not |
| 14 | been submitted, to submit it at this time. |
| 15 | CHAIRPERSON ANDERSON: What do you |
| 16 | mean submit this time? Is there a time line to |
| 17 | submit it or |
| 18 | MS. SCHMIDT: Submit it, just submit |
| 19 | it if it has not been submitted. There is no |
| 20 | MEMBER SILVERSTEIN: By when? |
| 21 | MS. SCHMIDT: By within |
| 22 | MR. McCAIN: Well, it has been |
| | |

Neal R. Gross and Co., Inc. Washington DC

1 submitted, so --2 MS. SCHMIDT: -- 10 days then. CHAIRPERSON ANDERSON: All right. 3 Mr. McCain, it's my understanding that there is an 4 5 Offer in Compromise and the Offer in Compromise is that there is a fine of \$600 payable in -- I'm 6 7 sorry, payable in how many days? 8 MS. SCHMIDT: 30 days. 9 CHAIRPERSON ANDERSON: Payable in 30 If the fine is not paid within 30 days, 10 days. 11 then the license will be suspended until the fine 12 has been paid. And secondly that if the quarterly 13 statement has not been submitted, it will be 14 15 submitted within the next 10 days. 16 Is this your understanding, sir, of 17 the Offer in Compromise? 18 MR. McCAIN: Yes. 19 CHAIRPERSON ANDERSON: Are you aware 20 that by accepting an Offer in Compromise, that 21 you are giving up your right to a hearing? 22 MR. McCAIN: Yes.

| 1 | CHAIRPERSON ANDERSON: You're also |
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| 2 | aware that by accepting an Offer in Compromise, |
| 3 | you are giving up your right to appeal this |
| 4 | matter? |
| 5 | MR. McCAIN: Yes. |
| 6 | CHAIRPERSON ANDERSON: Okay. With |
| 7 | this said, I then make a motion that the Offer in |
| 8 | Compromise of a fine of \$600 payable in 30 days |
| 9 | would be accepted, that the quarterly statement, |
| 10 | if it has not been submitted, will be submitted |
| 11 | within 10 days and that the license will be |
| 12 | suspended if the fine is not paid in 30 days. Is |
| 13 | there a second? |
| 14 | MEMBER SHORT: Second. |
| 15 | CHAIRPERSON ANDERSON: Mr. Short has |
| 16 | seconded the motion. |
| 17 | Those in favor say aye. |
| 18 | ALL: Aye. |
| 19 | CHAIRPERSON ANDERSON: Those opposed? |
| 20 | The matter passes 7-0-0. Thank you. |
| 21 | MEMBER ALBERTI: Can I ask a quick |
| 22 | question? |
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| 1 | CHAIRPERSON ANDERSON: Yes, Mr. |
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| 2 | Alberti. |
| 3 | MEMBER ALBERTI: Mr. McCain, I just |
| 4 | want to make sure, are you aware that you can |
| 5 | file your quarterly reports online? |
| 6 | MR. McCAIN: We are now, yes. |
| 7 | MEMBER ALBERTI: Okay. Very good. I |
| 8 | just wanted to make sure you were aware of that. |
| 9 | Okay. |
| 10 | CHAIRPERSON ANDERSON: Thank you. Mr. |
| 11 | McCain, you signed the little document? All |
| 12 | right. Okay. Thanks. |
| 13 | (Whereupon, the Show Cause (Status) |
| 14 | Hearing was concluded at 10:28 a.m.) |
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Half Smoke, LLC

Before: DC ABRA

Date: 01-24-18

Place: Washington, DC

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