

IN THE MATTER OF: :
:
Miku, LLC, :
t/a J&D Market :
2201 Minnesota Avenue SE : Show Cause
Retailer B - ANC 8A : Hearing
License No. 103723 :
Case #19-CC-00093 :
:
(Sale to Minor Violation, :
Failed to Take Steps :
Necessary to Ascertain :
Legal Drinking Age) :

Wednesday
January 15, 2020

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.

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

BERNARD DIETZ, Counsel for Licensee
ABYE BGASHAW, Licensee
JOHN LUI, DC OAG

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

10:17 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case Number 19-CC-00093, J&D Market, License Number 103723.

Would the parties please approach and identify themselves for the record, please?

MR. LUI: Good morning, Mr. Chairperson. John Lui, on behalf of the Government.

CHAIRPERSON ANDERSON: Mr. Lui.

MR. BGASHAW: Good morning, my name is Abye Bgashaw.

CHAIRPERSON ANDERSON: Mr. Bgashaw.

MR. DIETZ: Good morning, I'm Bernard C. Dietz, representing the licensee.

CHAIRPERSON ANDERSON: Mr. Dietz. And Mr. Bgashaw, you are J&D Market?

MR. BGASHAW: Owner.

CHAIRPERSON ANDERSON: All right. Yes, Mr. Lui?

MR. LUI: There are preliminary matters to present.

CHAIRPERSON ANDERSON: What is that, please?

1 MR. LUI: There is an offer in
2 compromise.

3 CHAIRPERSON ANDERSON: And what is
4 that, please?

5 MR. LUI: For Charge 1, sale to a
6 minor, a \$3,000 fine, made payable within 30
7 days or its license shall be suspended
8 indefinitely until this fine is paid.

9 And also, the license shall be
10 suspended for five days, with all five days
11 stayed for one year.

12 And for Charge 2, the failure to
13 take reasonable steps necessary to ascertain the
14 legal drinking age, the offer in compromise is a
15 warning.

16 CHAIRPERSON ANDERSON: Mr. Dietz,
17 it's my understanding that there is an offer in
18 compromise.

19 And the offer in compromise is that
20 for Charge 1, there is a fine of \$3,000, payable
21 within 30 days.

22 And along with the fine, there is a
23 five-day suspension and all five days are stayed
24 for one year.

25 Meaning that, if another, what that

1 means is that if another violation occurs within
2 one year, you will serve a five-day suspension,
3 sir. So, all five days will be stayed for one
4 year.

5 And that for Charge 2, there is a
6 warning.

7 Mr. Dietz, is this you and your
8 client's understanding of the offer in
9 compromise?

10 MR. DIETZ: Yes, it is. And we
11 accept the offer and my client is prepared to
12 make the payment now.

13 CHAIRPERSON ANDERSON: All right.
14 Well, that's -- I'm going to put that on the
15 record, but you can go pay the check if you so
16 desire right now.

17 But is your client aware that by
18 accepting the offer in compromise that they're
19 giving up their -- he's giving up his right to a
20 hearing?

21 MR. DIETZ: Yes, I have advised him
22 accordingly.

23 CHAIRPERSON ANDERSON: And your
24 client is also aware that by accepting the offer
25 in compromise that he's giving up his right to

1 appeal this matter?

2 MR. DIETZ: Yes, he's aware of that.

3 CHAIRPERSON ANDERSON: And with that
4 said, I make a motion that the offer in
5 compromise of the fine of \$3,000 be accepted,
6 payable within 30 days.

7 If the fine is not paid within 30
8 days, the license will be suspended.

9 Along with Charge 1, there is a
10 five-day suspension. All five days are stayed
11 for one year.

12 And Charge 2, a warning will be
13 issued.

14 Is there a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. All those in favor, say
18 aye.

19 (Chorus of ayes.)

20 CHAIRPERSON ANDERSON: Those opposed?
21 The matter passes, 4-0-0. And the Board will
22 issue a Board Order.

23 If you want to go pay the fine
24 today, sir, the agency will gladly take your
25 money. Have a great day. Thank you.

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MR. DIETZ: Thank you.

(Whereupon, the above-entitled
matter went off the record at 10:20 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: J&D Market

Before: DCABRA

Date: 01-15-20

Place: Washington, DC

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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