

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

9:55 a.m.

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2
3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is a Fact-Finding
5 Hearing for a Manager's License for Jacqueline M.
6 Toth. Can you state your name for the record,
7 ma'am?

8 MS. TOTH: Jacqueline Toth.

9 CHAIRPERSON ANDERSON: All right.
10 Good morning.

11 MS. TOTH: Good morning.

12 CHAIRPERSON ANDERSON: You were
13 brought here today, ma'am, because you had filed
14 an application for a Manager's License. And as
15 part of the process, there is a background check
16 information that is necessary.

17 When your background check came back,
18 we saw some issues that we just need some
19 clarification from you.

20 MS. TOTH: Sure.

21 CHAIRPERSON ANDERSON: I think -- I
22 don't have the application in front of me, but I

1 -- my assumption is that you did check the
2 correct box to say that, which I think is a plus,
3 because at least when we bring folks in, it's
4 worse if you say no.

5 MS. TOTH: Right.

6 CHAIRPERSON ANDERSON: And then when
7 you -- when the background check comes in and it
8 says yes, so I do applaud you for checking the
9 correct box. So there are some issues with -- I
10 think there are some DUI.

11 MS. TOTH: That is correct.

12 CHAIRPERSON ANDERSON: And I think
13 there are some DUIs within five years and so
14 maybe you can explain to us then what is going on
15 and why is it that, based on your record, and the
16 Board -- if the Board was to grant you a license,
17 you would be one of the people to make sure that
18 folks do not do what you do.

19 So can you explain to us those
20 situations and why you believe that the Board
21 should give you -- grant your application.

22 MS. TOTH: Absolutely. So I mean,

1 obviously, there is no explanation why I got a
2 DUI. That was a poor choice on my behalf of
3 getting behind the wheel of a vehicle after
4 consuming alcohol.

5 My last one was actually on
6 Valentine's Day, which the majority of the night
7 was -- I was Ubering to and from restaurants and
8 then when I was driving home, I was going over
9 the speed limit, I did not feel as if I was
10 intoxicated, but according to the BAC, you know,
11 measurements, I was. So that is how the second
12 one happened.

13 As far as being able to be granted the
14 ability to have this license, you know, I have
15 been -- I have already gone to Court for both of
16 them. I have already been sentenced for both of
17 the DUIs. At this point, I'm really facing a lot
18 of issues with them. I'm really realizing how
19 much they really affect your life and at this
20 point, like all I can do is try to educate people
21 as much as possible of why it is not a good idea
22 to be drinking and driving.

1 You know, with what I have
2 experienced, I want to be able to put that into
3 play and try to give back and learn from my
4 mistakes and try to help others not be in the
5 position that I was in.

6 CHAIRPERSON ANDERSON: So you are
7 saying this -- was it this previous -- this past
8 Valentine's Day? So when was it? When was the
9 one prior to this one?

10 MS. TOTH: 2013.

11 CHAIRPERSON ANDERSON: 2013.

12 MS. TOTH: Um-hum.

13 CHAIRPERSON ANDERSON: And what was --
14 what were you supposed to have done for the 2013
15 one?

16 MS. TOTH: It was --

17 CHAIRPERSON ANDERSON: No, not -- I'm
18 saying what type -- what is it that you were
19 ordered to do? That's what I'm trying to find
20 out.

21 MS. TOTH: I had a year of restricted
22 driver's license with it being restricted and

1 then I attended ASAP and AA meetings.

2 CHAIRPERSON ANDERSON: And so you
3 completed that without any problems?

4 MS. TOTH: Yes, sir.

5 CHAIRPERSON ANDERSON: So with this
6 one from Valentine's Day, where are you then in
7 the process?

8 MS. TOTH: I have already been
9 convicted. It was dropped down to a first, so
10 it's --

11 CHAIRPERSON ANDERSON: What do you
12 mean a first? What's that?

13 MS. TOTH: Oh, a first DUI, so 12
14 months of restricted driving. I have six months
15 of hard-no license right now. I do not have a
16 driver's license. I will be able to be eligible
17 for one November 2nd. And then I am required to
18 do ASAP as well as therapy counseling or
19 addiction counseling, which is a 16 week program.

20 CHAIRPERSON ANDERSON: And where is it
21 that you are applying for a job at? I don't
22 remember from the application.

1 MS. TOTH: I am at Archibalds in D.C.

2 CHAIRPERSON ANDERSON: Okay. Okay.

3 All right. And I'm with you. I'm familiar with
4 the place.

5 (Laughter.)

6 CHAIRPERSON ANDERSON: No, not from
7 that perspective, because we are --

8 MS. TOTH: It's the name that
9 everybody --

10 CHAIRPERSON ANDERSON: No. And I'll
11 say this to you, I had no idea what the place
12 was, but we have had some Fact-Finding Hearings
13 because they were asking for extended hours. And
14 that was recently.

15 MS. TOTH: Yeah.

16 CHAIRPERSON ANDERSON: And that's how
17 I'm now familiar with the place. So that's why
18 I'm so familiar.

19 MS. TOTH: Okay.

20 CHAIRPERSON ANDERSON: Are they aware
21 of these concerns?

22 MS. TOTH: Yes. Yes, they knew about

1 them before I was considered to be hired.

2 CHAIRPERSON ANDERSON: All right. Any
3 questions by any other Board Members? Yes, Mr.
4 Short?

5 MEMBER SHORT: How long have you been
6 with Archibalds?

7 MS. TOTH: I have been with Archibalds
8 for about a month and a half.

9 MEMBER SHORT: And before that, were
10 you working any place else before that?

11 MS. TOTH: Yes, I was working for an
12 oral surgeon and then before that I was with
13 Paper Moon in Virginia.

14 MEMBER SHORT: Paper Moon?

15 MS. TOTH: Um-hum.

16 MEMBER SHORT: So where were you
17 working when you had the DUI, the first one and
18 the second one?

19 MS. TOTH: For the second one, I was
20 working with the oral surgeon. The first one, I
21 was with Paper Moon.

22 MEMBER SHORT: And how old are you?

1 If you don't mind me asking again.

2 MS. TOTH: 29.

3 MEMBER SHORT: 29. You realize how
4 dangerous it is being out here on the road, DUI?

5 MS. TOTH: Now.

6 MEMBER SHORT: You do now.

7 MS. TOTH: I do now.

8 MEMBER SHORT: Well, I'll just say
9 this for the record, I was a former first
10 responder for the city for 33 years and,
11 unfortunately, I saw some end results of DUIs
12 that didn't work out too well. And most people
13 survive them, they are very sorry, they are very
14 a lot of things, but that doesn't bring back a
15 life or somebody's head stuck in a windshield or
16 somebody's child loses a life.

17 And it's very serious to me. It's a
18 very -- I have five grandchildren and one great
19 grand and I would just hate to think that someone
20 carelessly would -- but I'm not going to cast any
21 stones, I have been a young person before, 29 is
22 a lot of years ago, but I'll just say this,

1 should you get this license, what could you say
2 to someone who came to be served who you thought
3 maybe shouldn't be served? And maybe they -- you
4 would be concerned about over-servicing them.
5 What would you say to them?

6 MS. TOTH: That we would not be
7 serving them. I'm not going to take the risk on
8 myself. I'm not going to take the risk on them
9 or anybody else that's on the streets.

10 MEMBER SHORT: Because you do realize
11 that with your Manager's License, you could be
12 charged with servicing someone --

13 MS. TOTH: Absolutely.

14 MEMBER SHORT: -- who leaves your
15 establishment and so you -- do you still drink?

16 MS. TOTH: No.

17 MEMBER SHORT: Okay. Good. All
18 right. Okay. Thank you. That's all I have, Mr.
19 Chair.

20 CHAIRPERSON ANDERSON: Any other
21 questions by any of the -- any other Members?
22 Mr. Alberti?

1 MEMBER ALBERTI: Good morning, Ms.
2 Toth.

3 MS. TOTH: Good morning.

4 MEMBER ALBERTI: You mentioned
5 counseling as part of your agreement --

6 MS. TOTH: Correct.

7 MEMBER ALBERTI: -- with the state.
8 What is the status of that?

9 MS. TOTH: So it starts this week. I
10 went for the evaluation last week. Virginia
11 State Law now requires you to be evaluated by an
12 addiction counselor to see if there is any other
13 outside services that can be provided during the
14 probational periods. AA is not part of that any
15 more, so this is the other part. So that does
16 start this week.

17 MEMBER ALBERTI: Okay. And how often
18 is that?

19 MS. TOTH: It's twice a week for two
20 hours per session.

21 MEMBER ALBERTI: For how long?

22 MS. TOTH: 16 weeks.

1 MEMBER ALBERTI: Okay. And do you
2 plan to continue with that? Do you promise us
3 that you will continue with that?

4 MS. TOTH: Well, no, I have to. It's
5 required by the ASAP probation.

6 MEMBER ALBERTI: Required by ASAP.

7 MS. TOTH: So I will be fulfilling the
8 full 32 classes or, you know, 32 classes.

9 MEMBER ALBERTI: Very good, very good.

10 MS. TOTH: Yes.

11 MEMBER ALBERTI: Thank you.

12 CHAIRPERSON ANDERSON: Any other
13 questions by any other Board Members? Yes, Mr.
14 Silverstein.

15 MEMBER SILVERSTEIN: Thanks for
16 coming, Ms. Toth. You may want to know or may
17 wonder why we are so concerned about this and
18 it's because when bad things happen, they end up
19 not just on our laps, but on our conscience.

20 Mr. Short spent all those years and he
21 pulled dead bodies out of cars, those of us on
22 this Board, we have never done that, but I don't

1 know how you would feel if the parents of someone
2 of a young woman who died wrote a letter to you
3 that almost had tears on it on why did you allow
4 this establishment to operate the way that it
5 did, our daughter is dead.

6 And we have had Fact-Finding Hearings
7 as well on cases where there have been terrible
8 automobile accidents because an establishment
9 over-served. And this was like a D.C.
10 establishment and the young people died in
11 Virginia.

12 And we have also had to look at
13 coroner's reports that -- and the reason I bring
14 this up is that I'm not terribly concerned about
15 what you may have done five years ago. But you
16 have the opportunity to stop dangerous behavior
17 in the bud, so that these young people can get
18 home safely.

19 All of us on this Board were young and
20 we all did stupid things. And fortunately in
21 some cases, people stopped us and that's the
22 opportunity that is given to you.

1 We want you to know that this isn't a
2 wink and a nod oh, you had a good time, now get
3 your license.

4 MS. TOTH: Right.

5 MEMBER SILVERSTEIN: But rather that
6 you have a solemn opportunity to make sure that
7 people who are taking advantage of our
8 hospitality and our good times in this city get
9 home safely. And good luck with that.

10 CHAIRPERSON ANDERSON: Do we have any
11 other questions by any of the Board Members?

12 Hearing none, before we take a vote,
13 Ms. Toth, I want you to know that if the Board
14 grants you this license, that -- well, you
15 already know the cost that this has cost you.
16 And in -- that's your personal cost. But we want
17 to make sure that you don't put someone else in
18 that position that you are responsible.

19 One of the things that I also want you
20 to -- and I probably -- that your establishment
21 probably doesn't have that, because they probably
22 have strict compliance with an age, but if we

1 were also to grant a license and if you were the
2 person who serves a minor alcohol, that that's a
3 mark against your personal license, not just the
4 establishment, but also your license if we are to
5 grant it.

6 So I want you to think about this. I
7 will vote to grant you the license. But I want
8 you to know that the Board thinks it serious. We
9 brought you in here today to hear -- for you to
10 give us an explanation.

11 I believe that you have given a
12 reasonable explanation and my colleague, Mr.
13 Short, if he says that give this person a chance,
14 I will agree to that.

15 So with that said, I make a motion
16 that we grant the license. Is there a second?

17 MEMBER SILVERSTEIN: I second.

18 CHAIRPERSON ANDERSON: Mr. Silverstein
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: Those opposed?

1 The matter passes 6-0-0.

2 You can take this to the front desk
3 and get your license. Okay?

4 MS. TOTH: Thanks, guys.

5 MEMBER SILVERSTEIN: Good luck.

6 CHAIRPERSON ANDERSON: All right.

7 Okay. All right.

8 MS. TOTH: Do I need to sign-in on
9 this form?

10 CHAIRPERSON ANDERSON: You can sign-in
11 your name there, please, yeah.

12 MEMBER ALBERTI: If you would, please,
13 so that the spelling is right for the court
14 reporter.

15 CHAIRPERSON ANDERSON: As Chairperson
16 of the Alcoholic Beverage Control Board for the
17 District of Columbia and in accordance with DC
18 Official Code Section 2-574(b), closed meetings,
19 and Section 2-574, Notice of Meetings, of the
20 Open Meetings Act, I move that the ABC Board hold
21 a closed meeting on May 16, 2018 for the purpose
22 of discussing and hearing reports concerning

1 ongoing or planned investigations of alleged
2 criminal or civil misconduct or violations of law
3 or regulations and seeking legal advice from our
4 counsel on the Board's Investigative, Legal and
5 Licensing Agenda for May 16, 2018 as published in
6 the DC Register on May 11, 2018.

7 Is there a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON ANDERSON: Mr. Silverstein
10 has seconded the motion. I will now take a roll
11 call vote on the motion before us now that it has
12 been seconded.

13 Mr. Short?

14 MEMBER SHORT: I agree.

15 CHAIRPERSON ANDERSON: Mr.
16 Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON ANDERSON: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON ANDERSON: Mr. Cato?

21 MEMBER CATO: I agree.

22 CHAIRPERSON ANDERSON: Mr. Isaac?

1 MEMBER ISAAC: I agree.

2 CHAIRPERSON ANDERSON: Mr. Anderson?

3 I agree.

4 As it appears that the motion has
5 passed, I hereby give notice that the ABC Board
6 will hold this aforementioned closed meeting
7 pursuant to the Open Meetings Act. Notice will
8 also be posted on the ABC Board hearing room
9 bulletin board, placed on the electronic calendar
10 on ABRA's website and published in the DC
11 Register in as timely a manner as practicable.

12 It is 10:10 a.m. and we are adjourned
13 for the day. Thank you.

14 (Whereupon, the Fact-Finding Hearing
15 was concluded at 10:10 a.m.)

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A			F
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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: Jacqueline M. Toth

Before: Alcoholic Beverage Control Board

Date: 05-09-2018

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

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