

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
Juanita's Inc., :
t/a Juanita's Restaurant :
3521 14th Street NW : Fact Finding
Retailer CT - ANC 1A : Hearing
License No. 91432 :
 :
(Voluntary Transfer :
Application) :

Wednesday
December 4, 2019

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
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JEFF JACKSON, Counsel for Applicant
CESOR BURUCA, Applicant
GLADYS NUNEZ, Transferee
FRANCISCO NUNEZ, Transferee

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

2 9:57 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is a fact-finding
5 hearing on Juanita's Restaurant, License Number
6 91432. Are the parties here for Juanita's
7 Restaurant?

8 Could the parties please introduce
9 themselves for the record, please.

10 MS. NUNEZ: Good morning. Gladys
11 Nunez for Juanita's.

12 CHAIRPERSON ANDERSON: And who are
13 you, ma'am?

14 MS. NUNEZ: I'm the property owner.

15 CHAIRPERSON ANDERSON: All right.
16 Good morning, Ms. Nunez.

17 MR. NUNEZ: Francisco Nunez.

18 CHAIRPERSON ANDERSON: You're who,
19 sir?

20 MR. NUNEZ: Francisco Nunez.

21 CHAIRPERSON ANDERSON: Good morning,
22 Mr. Nunez. There's a sign-in sheet. Please
23 sign-in.

24 MR. JACKSON: Jeff Jackson. Represent
25 the Applicant.

1 CHAIRPERSON ANDERSON: Mr. Jackson.

2 And who are you, sir?

3 MR. BURUCA: Cesor Buruca.

4 CHAIRPERSON ANDERSON: I'm sorry, your
5 last name, sir?

6 MR. BURUCA: Buruca, B-U-R-U-C-A.

7 CHAIRPERSON ANDERSON: Mr. Buruca,
8 good morning. There's a sign-in sheet. Please
9 sign-in. All right. Mr. Buruca, the Board is in
10 receipt of your letter received by the agency on
11 November 5, 2019, challenging the authenticity of
12 the transfer consent form you executed to your
13 former landlord, Gladys Nunez.

14 For the record, the ABC Board received
15 -- ABRA received a transfer application by --
16 filed by Gladys Nunez on September 9, 2019, and
17 has since that time, been processing that
18 application because ABRA recognizes your transfer
19 consent form to be valid, notarized document.

20 Ms. Nunez' application is complete and
21 as a result, the Board will be moving forward
22 regarding processing this transfer application.

23 We granted this hearing for you to
24 give you an opportunity to speak, but it is
25 important for you to clarify -- clearly

1 understand that any dispute you have with Ms.
2 Nunez regarding your business relationship, your
3 landlord/tenant relationship, or whether you were
4 mistaken when you executed the transfer consent
5 form, is a matter of litigation for the courts.

6 The Board does not address those
7 issues. We have what we need to process the
8 application, so what is it that you want to raise
9 with the Board today?

10 MR. BURUCA: So I don't give a
11 transfer to her, you know? They let me sign a
12 paper, when we signed the lease, they give me
13 payment to sell legal property, but I want to
14 bring this paper from this of ABC Liquor Board.

15 There is a lady over there, name is
16 Frieda, that he told me it was a transfer --
17 liquor license transfer to her. I don't give a
18 transfer to the license.

19 So we wrote this paper put them in a
20 trap, and we called her, and tell her I don't
21 give a transfer to my license.

22 CHAIRPERSON ANDERSON: Well, as I
23 said, sir, the Board doesn't get involved in
24 disputes. What we do is that, if someone
25 provides us a consent, a valid consent, to say

1 that whatever your lease is arrangement is, I
2 don't know, because we don't get involved in
3 that, information is presented to us, and we move
4 forward towards processing that information.

5 So I don't know -- it appears to us
6 that whatever documented that was provided to us
7 by Ms. Nunez, it's a legitimate document.

8 I don't know what it is that you might
9 or might not have signed, but I can't question
10 that information. The Board can't question it,
11 so I'm not quite sure, when you say you didn't
12 give a transfer to her.

13 I mean, I don't understand what you're
14 saying, you didn't give a transfer to her. I
15 don't understand that, sir.

16 MR. JACKSON: Mr. Donovan, Chairman
17 Donovan --

18 CHAIRPERSON ANDERSON: Mr. Anderson.

19 MR. JACKSON: -- I was told that he
20 never submitted the transfer consent form. That
21 was my understanding. And he never signed the
22 bill of sale, he never signed a settlement
23 agreement, nor did he sign the -- none of the
24 agreements to transfer the license.

25 Now, that's my understanding.

1 CHAIRPERSON ANDERSON: Well, wasn't
2 that -- it's my understanding, and I'll just --
3 and I'm glad that you're here, Ms. Nunez, and I'm
4 not here to get into the minutiae of what's going
5 on, but maybe you can tell us what is it that --
6 I don't care about whatever dispute that you
7 might have with him, if there is any, but why
8 don't you just, for the record, inform the Board
9 what it is that you did in a plan for a transfer.

10 MS. NUNEZ: When Mr. Buruca did
11 business with the Nunez entity, he came over to
12 do business with us, and we transferred a liquor
13 license over to Mr. Buruca, along with all the
14 business licenses for the restaurant.

15 And it was agreed, under that leasing
16 agreement, that when he -- his lease expired, he
17 would turn over all the licenses with the key, or
18 if he breaches the contract, and he did sign a
19 contract, and he also signed a notarized transfer
20 form.

21 CHAIRPERSON ANDERSON: And you
22 provided that information?

23 MS. NUNEZ: And I provided that to the
24 ABC Board.

25 CHAIRPERSON ANDERSON: Well, Mr.

1 Buruca, I don't know what's -- I'm not seeing the
2 document. The representation that's been made is
3 that you signed a lease, in the lease itself, it
4 specifies that, at least that's the
5 representation that I'm being told, that at the
6 end of the lease, or if there's some violation of
7 the lease, your license reverts back to the
8 landlord, and so the landlord is moving forward.

9 I mean, that's the information that
10 the landlord provides to us, unless you're saying
11 that there's no lease or -- that's not something
12 for the Board to be involved with, sir.

13 MR. JACKSON: May I ask, was the lease
14 provided with that application?

15 CHAIRPERSON ANDERSON: It is my
16 understanding that the landlord has provided this
17 agency with sufficient information to process the
18 transfer application, and this Board doesn't --
19 the agency does not -- we do not go beyond the
20 documents that are provided.

21 So it's my understanding that a valid
22 notarized consent was provided to this agency and
23 based on the information that was provided to the
24 agency, the agency is moving forward with
25 processing the application.

1 So I don't know what was -- as a
2 courtesy to you, because I believe that when this
3 matter came up a couple weeks back, you had said
4 that you did not agree to the transfer, you
5 didn't sign a transfer, and so we're giving you a
6 hearing, but I don't know -- didn't you look at
7 the lease? Do you have a copy of the lease?

8 And, Mr. Jackson, you're here as his
9 representative, I would assume that you'd have
10 asked for a copy of the lease. I know that
11 you're not an attorney, but if you're
12 representing him, I would have hoped that you
13 would have asked for a copy of the lease that was
14 provided, whatever the information was, to at
15 least make this a clearer process.

16 MR. JACKSON: Yes, I did, and he said
17 he never received a copy of the lease. And I was
18 just informed that he never even turned in his
19 transfer consent form, so this is new to me that
20 there was a lease and inside the lease, that it
21 was agreed upon that he must transfer the
22 license. I wasn't aware of that.

23 CHAIRPERSON ANDERSON: So that's the
24 information that I have and that information was
25 given to the landlord. And as I said before,

1 we're not -- I'm not involved -- the Board
2 doesn't get itself involved in the minutiae of
3 whatever dispute.

4 All we can go by is whether or not
5 we're given sufficient documents or the
6 appropriate documents to process a transfer
7 application.

8 MR. JACKSON: I understand. If that
9 was disclosed to me, I would have instructed him
10 differently.

11 CHAIRPERSON ANDERSON: Any other
12 comments, questions, that needs to be raised?
13 Mr. Buruca, do you have any questions that you
14 need to say, sir, or any final comments you want
15 to make?

16 Any final comments you want to make,
17 sir?

18 MR. JACKSON: No.

19 CHAIRPERSON ANDERSON: All right.
20 Well, thank you. The Board will -- we will look
21 at the information that's provided to us and make
22 a determination whether or not sufficient
23 information was provided to us to approve the
24 transfer.

25 If sufficient information is provided,

1 then -- well, I mean, the Board, the agency, will
2 move on in the process of reviewing this
3 application. Have a good day. Thank you.

4 MS. NUNEZ: Thank you very much to
5 everyone. Have a good holiday.

6 CHAIRPERSON ANDERSON: You too. Thank
7 you.

8 (Whereupon, the above-entitled matter
9 went off the record at 10:07 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: Juanita's Restaurant

Before: DCABRA

Date: 12-04-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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