

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

IN THE MATTER OF: :

La Morenita Restaurant :
t/a La Morenita :
Restaurant :
3539 Georgia Ave NW :
Retailer CR - ANC 1A : Show Cause Hearing
License No. 86595 : (Status)
Case #18-251-00183 :
(Interfered with an :
Investigation, Failed to :
Frame and Post the :
License in a Conspicuous :
Place, Failed to Post the:
Correct Name) :

Wednesday
December 11, 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
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member
REMA WAHABZADAH, Member

ALSO PRESENT:

BIANCA AVIRES, Applicant
LAURA CASTRO, Interpreter
JASON FACCI, OAG

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

2 9:59 a.m.

3 MR. ANDERSON: Let me go out of order.

4 And so the next case I am going to call -- it's a
5 show cause hearing status case number 18-251-
6 00183, La Morenita Restaurant, license number 86
7 -- 86595. Will the parties please approach and
8 identify themselves for the record? It's my
9 understanding there's an interpreter. Can you --
10 can you please stand and raise your right hand?
11 Not you, ma'am. What -- what language is this,
12 ma'am?

13 MS. CASTRO: Spanish.

14 MR. ANDERSON: Do you swear and affirm
15 that you will faithfully translate these
16 proceedings from English into Spanish and from
17 Spanish into English?

18 MR. CASTRO: Yes, I do.

19 MR. ANDERSON: Thank you. Can you
20 state your name for the record, please?

21 MS. CASTRO: Laura Castro.

22 MR. ANDERSON: Ms. Casa?

23 MS. CASTRO: Castro.

24 MR. ANDERSON: Castro. Good morning,
25 Ms. Castro. There's a sign-in sheet. Please

1 sign in. You'll also sign in and -- introduce
2 and sign in as the interpreter.

3 MS. AVIRES: Bianca Avires.

4 MR. ANDERSON: Ms. Avires?

5 MS. AVIRES: Yes.

6 MR. ANDERSON: Good morning, Ms.

7 Avires.

8 MR. FACCI: Good morning, Jason Facci
9 on behalf of the District.

10 MR. ANDERSON: Good morning, Mr.
11 Facci. Are there any preliminary matters in this
12 case?

13 MR. FACCI: Yes, Mr. Chairman. We do
14 have an offer in compromise.

15 MR. ANDERSON: And what is the offer
16 in compromise?

17 MR. FACCI: With respect to charge 1,
18 will be a \$1500 fine to be paid within 30 days or
19 the establishment's license will be suspended
20 indefinitely until the fine is paid.

21 MR. ANDERSON: Okay.

22 MR. FACCI: With respect to charge 2,
23 a mandatory warning. And charge 3, a mandatory
24 warning.

25 (Pause.)

1 PARTICIPANT: No, she -- she can
2 finish.

3 (Pause.)

4 MR. ANDERSON: Ms. Avires, it is my
5 understanding that there is an offer in
6 compromise. And the offer in compromise is that
7 you have agreed to pay a fine of \$1500 within the
8 next 30 days. If the fine is not paid within the
9 next 30 days your license will be suspended until
10 the fine has been paid. For charge 2, you have
11 agreed to a mandatory warning. And for charge 3
12 you have also agreed to a mandatory warning. Is
13 this your understanding of the offer in
14 compromise.

15 MS. AVIRES: Yes, I do.

16 MR. ANDERSON: Are you aware that by
17 accepting an offer in compromise, that you're
18 giving up your right to a hearing?

19 MS. AVIRES: Yes.

20 MR. ANDERSON: Are you aware that by
21 accepting an offer in compromise, that you're
22 giving up your right to appeal this matter?

23 MS. AVIRES: Yes.

24 MR. ANDERSON: Yes?

25 MR. FACCI: Mr. Chairman?

1 MR. ANDERSON: Yes?

2 MR. FACCI: Would you mind just
3 briefly explaining the significance of the waiver
4 of appeal rights to the Establishment?

5 MR. ANDERSON: In what sense?

6 MR. FACCI: Just to clarify what it
7 means to waive appeal rights.

8 MR. ANDERSON: Oh, what it says is
9 that you have voluntarily agreed not to go to a
10 hearing to challenge this matter.

11 MS. AVIRES: Okay.

12 MR. ANDERSON: Because, whenever one
13 of our investigators come to your establishment,
14 and if we find an infraction, you have the right
15 to come before the board to bring your evidence
16 and your witnesses to state that what the
17 investigator stated, or saw, was not correct.
18 But in this case, you are voluntarily agreeing not
19 to challenge that infraction. And since you're
20 voluntarily agreeing not to challenge that
21 infraction, that's one of the reasons why it's my
22 understanding you have agreed with the Government
23 not to put testimony on evidence to say what the
24 investigator saw, and what's correct or
25 incorrect. Is that correct? Do you understand?

1 MS. AVIRES: Yes.

2 MR. ANDERSON: All right, thank you
3 then.

4 MS. AVIRES: But I do have a question.

5 MR. ANDERSON: Yes?

6 MS. AVIRES: My lease expires in
7 December. I am negotiating with the owner. I
8 don't know if she will renew my lease or not.
9 What happen in the event that she doesn't renew
10 my lease?

11 MR. ANDERSON: Well, that's not
12 something that I can be involved in. That's
13 between you and your landlord. And if you have
14 to find another place, then you can -- you can
15 ask, say --

16 MS. AVIRES: That's what I wanted to
17 know?

18 MR. ANDERSON: If -- what was that?

19 MS. AVIRES: If I happen to find a
20 different location, I would be using the same
21 license?

22 MR. ANDERSON: All right, what I am
23 going to do before you leave here today, I am
24 going to have you sit down and speak to someone
25 from our licensing division. And since the

1 translator is here, we'll utilize that so you can
2 talk with that person and they will let you know
3 what -- what your options are. Okay? So -- so I
4 will make sure that you have that conversation
5 before you leave here today, okay?

6 MS. AVIRES: Thank you.

7 MR. ANDERSON: Okay, with that said,
8 I then make a motion that the offer in compromise
9 of a fine of \$1500, payable within 30 days, be
10 accepted for charge 1. If the fine is not paid
11 within 30 days, the license will be suspended
12 until the fine has been paid. For charge 2 that
13 it is amended to a written warning. And for
14 charge 3, there is amended to a written warning.
15 Is there a second?

16 MS. CROCKETT: Second.

17 MR. ANDERSON: Ms. Crockett has
18 seconded the motion. All those in favor, say
19 aye.

20 (Chorus of aye.)

21 MR. ANDERSON: Those opposed?

22 (No audible response.)

23 MR. ANDERSON: The matter passes, 4-0-
24 0.

25 (Pause.)

1 MR. SHORT: Mr. Chair?

2 MR. ANDERSON: Hold on one minute, Mr.
3 Short. Before you leave here today we'll have
4 someone from Licensing speak to you, okay?

5 MS. AVIRES: Thank you.

6 MR. ANDERSON: Yes, Mr. Short?

7 MR. SHORT: This is to the owner.

8 MR. ANDERSON: Hold on -- Ms. Avires?
9 Hold on one minute. Mr. Short has something to
10 say.

11 MR. SHORT: Good morning, Ms. Avires.

12 MS. AVIRES: Good morning.

13 MR. SHORT: The charge you are here
14 for this morning, interference with an
15 investigation, is a very serious allegation. And
16 it's something that we take very seriously here
17 on the board. Please be more cooperative the
18 next time investigators come to your
19 establishment. Thank you.

20 MS. AVIRES: May we be dismissed?

21 MR. ANDERSON: Yes, thank you.

22 (Whereupon, the above-entitled matter
23 went off the record at 10:08 a.m.)
24
25

<p style="text-align: center;">A</p> <p>a.m 2:2 8:23 above-entitled 8:22 accepted 7:10 accepting 4:17,21 affirm 2:14 agreed 4:7,11,12 5:9,22 agreeing 5:18,20 Alcoholic 1:2,16,16 ALIYA 1:20 allegation 8:15 amended 7:13,14 ANC 1:8 Anderson 1:18,20 2:3 2:14,19,22,24 3:4,6 3:10,15,21 4:4,16,20 4:24 5:1,5,8,12 6:2,5 6:11,18,22 7:7,17,21 7:23 8:2,6,8,21 appeal 4:22 5:4,7 Applicant 1:23 approach 2:7 audible 7:22 Ave 1:7 Avires 1:23 3:3,3,4,5,7 4:4,15,19,23 5:11 6:1 6:4,6,16,19 7:6 8:5,8 8:11,12,20 aware 4:16,20 aye 7:19,20</p>	<p>4:6,6,14,17,21 7:8 Conspicuous 1:11 Control 1:2,16,16 conversation 7:4 cooperative 8:17 correct 1:12 5:17,24,25 CR 1:8 Crockett 1:20 7:16,17</p>	<p>Interfered 1:10 interference 8:14 interpreter 1:24 2:9 3:2 introduce 3:1 investigation 1:10 8:15 investigator 5:17,24 investigators 5:13 8:18 involved 6:12</p>	<p>options 7:3 order 2:3 owner 6:7 8:7</p>
<p style="text-align: center;">B</p> <p>behalf 3:9 Beverage 1:2,16,16 Bianca 1:23 3:3 board 1:2,16 5:15 8:17 briefly 5:3 bring 5:15 Building 1:17</p>	<p style="text-align: center;">D</p> <p>D.C 1:17 days 3:18 4:8,9 7:9,11 December 1:14 6:7 different 6:20 dismissed 8:20 District 1:1 3:9 division 6:25 Donovan 1:18,20</p>	<p style="text-align: center;">J</p> <p>JAMES 1:21 Jason 1:25 3:8 JR 1:21</p> <p style="text-align: center;">K</p> <p style="text-align: center;">L</p> <p>La 1:6,6 2:6 landlord 6:13 language 2:11 Laura 1:24 2:21 lease 6:6,8,10 leave 6:23 7:5 8:3 license 1:8,11 2:6 3:19 4:9 6:21 7:11 licensing 6:25 8:4 location 6:20</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 3:18,20 4:8,10 7:10,12 PARTICIPANT 4:1 parties 2:7 passes 7:23 Pause 3:25 4:3 7:25 pay 4:7 payable 7:9 person 7:2 place 1:12 6:14 please 2:7,10,20,25 8:17 Post 1:11,12 preliminary 3:11 PRESENT 1:19,22 presiding 1:18 proceedings 2:16 put 5:23</p>
<p style="text-align: center;">C</p> <p>call 2:4 Casa 2:22 case 1:9 2:4,5 3:12 5:18 Castro 1:24 2:13,18,21 2:21,23,23,24,25 cause 1:8 2:5 Chair 8:1 Chairman 3:13 4:25 Chairperson 1:17,20 challenge 5:10,19,20 charge 3:17,22,23 4:10 4:11 7:10,12,14 8:13 Chorus 7:20 clarify 5:6 COLUMBIA 1:1 come 5:13,15 8:18 compromise 3:14,16</p>	<p style="text-align: center;">E</p> <p>English 2:16,17 establishment 5:4,13 8:19 establishment's 3:19 event 6:9 evidence 5:15,23 expires 6:6 explaining 5:3</p>	<p style="text-align: center;">M</p> <p>ma'am 2:11,12 mandatory 3:23,23 4:11,12 matter 1:5 4:22 5:10 7:23 8:22 matters 3:11 means 5:7 MEETING 1:3 Member 1:20,21,21 met 1:16 mind 5:2 minute 8:2,9 Morenita 1:6,6 2:6 morning 2:24 3:6,8,10 8:11,12,14 motion 7:8,18</p>	<p style="text-align: center;">Q</p> <p>question 6:4</p> <p style="text-align: center;">R</p> <p>RAFI 1:20 raise 2:10 reasons 5:21 record 2:8,20 8:23 Reeves 1:17 REMA 1:21 renew 6:8,9 respect 3:17,22 response 7:22 Restaurant 1:6,7 2:6 Retailer 1:8 rights 5:4,7 Room 1:17</p>
	<p style="text-align: center;">F</p> <p>Facci 1:25 3:8,8,11,13 3:17,22 4:25 5:2,6 Failed 1:10,12 faithfully 2:15 favor 7:18 find 5:14 6:14,19 fine 3:18,20 4:7,8,10 7:9,10,12 finish 4:2 Frame 1:11</p> <p style="text-align: center;">G</p> <p>Georgia 1:7 giving 4:18,22 Government 5:22</p>	<p style="text-align: center;">N</p> <p>N.W 1:17 name 1:12 2:20 negotiating 6:7 number 2:5,6 NW 1:7</p> <p style="text-align: center;">O</p> <p>OAG 1:25 offer 3:14,15 4:5,6,13 4:17,21 7:8 opposed 7:21</p>	<p style="text-align: center;">S</p> <p>saw 5:17,24 says 5:8 second 7:15,16 seconded 7:18 sense 5:5 serious 8:15 seriously 8:16 sheet 2:25 Short 1:21 8:1,3,6,7,9 8:11,13 show 1:8 2:5 sign 3:1,1,2 sign-in 2:25</p>

significance 5:3	10:08 8:23	
sit 6:24	11 1:14	
Spanish 2:13,16,17	14th 1:17	
speak 6:24 8:4	1500 3:18 4:7 7:9	
stand 2:10	18-251- 2:5	
state 2:20 5:16	18-251-00183 1:9	
stated 5:17	1A 1:8	
status 1:8 2:5		
Street 1:17	2	
Suite 1:17	2 3:22 4:10 7:12	
suspended 3:19 4:9	2000 1:17	
7:11	20009 1:17	
swear 2:14	2019 1:14	
T	3	
t/a 1:6	3 3:23 4:11 7:14	
talk 7:2	30 3:18 4:8,9 7:9,11	
testimony 5:23	3539 1:7	
thank 2:19 6:2 7:6 8:5		
8:19,21	4	
today 6:23 7:5 8:3	4-0- 7:23	
translate 2:15	400S 1:17	
translator 7:1		
U	5	
understand 5:25		
understanding 2:9 4:5	6	
4:13 5:22		
utilize 7:1	7	
V	8	
voluntary 5:9,18,20	86 2:6	
	86595 1:8 2:7	
W	9	
W 1:18,20	9:59 2:2	
WAHABZADAH 1:21		
waive 5:7		
waiver 5:3		
wanted 6:16		
warning 3:23,24 4:11		
4:12 7:13,14		
Washington 1:17		
Wednesday 1:14		
went 8:23		
witnesses 5:16		
written 7:13,14		
X		
Y		
Z		
0		
0 7:24		
00183 2:6		
1		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: La Morenita

Before: DCABRA

Date: 12-11-19

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

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701