

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

2 9:59 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 19-CC-00048, Los
5 Cuates Restaurant, License No. 79261.

6 Will the parties, please, approach and
7 identify themselves for the record, please?

8 MS. MARKS: Lindsay Marks for the
9 District of Columbia.

10 CHAIRPERSON ANDERSON: Good morning,
11 Ms. Marks.

12 MR. KLINE: Good morning. Andrew
13 Kline on behalf of the applicant.

14 CHAIRPERSON ANDERSON: Good morning,
15 Mr. Kline.

16 Are there any preliminary matters in
17 this case?

18 MS. MARKS: Yes, Mr. Chairman, the
19 parties have an Offer in Compromise for the Board
20 today.

21 CHAIRPERSON ANDERSON: And what is
22 that, please?

1 MS. MARKS: For Charge 1, which is a
2 sale to minor, a \$3,000 fine payable within 30
3 days or the license shall be suspended
4 indefinitely until the fine is paid.

5 The license shall be suspended for
6 five days with all five days stayed for one year.

7 And all employees who serve alcoholic
8 beverages in the licensed establishment shall
9 complete alcohol training program within three
10 months of the OIC date.

11 CHAIRPERSON ANDERSON: Thank you. Mr.
12 Kline, it's my understanding that there is an
13 Offer in Compromise and the Offer in Compromise
14 is that for Charge 1 there is a fine of \$3,000
15 payable within 30 days. That there is a five day
16 suspension, all five days will be stayed for one
17 year. And all employees who sell or serve
18 alcohol will undergo training within 90 days.

19 Is this your understanding of the
20 Offer in Compromise?

21 MR. KLINE: Yes, it is, Mr. Chairman.

22 CHAIRPERSON ANDERSON: Your client is

1 aware that by accepting an Offer in Compromise,
2 that they are giving up their right to a hearing?

3 MR. KLINE: Yes.

4 CHAIRPERSON ANDERSON: Is your client
5 also aware that by accepting an Offer in
6 Compromise, that they are giving up their right
7 to appeal this matter?

8 MR. KLINE: Yes.

9 CHAIRPERSON ANDERSON: All right.
10 With this said, I then make a motion that the
11 Offer in Compromise of a fine of \$3,000 payable
12 in 30 days be accepted, that there is also a part
13 of the Offer in Compromise that there is a five
14 day suspension, all five days will be stayed for
15 one year, and all employees who undergo -- all
16 employees who sell or serve alcohol will undergo
17 training within 90 days.

18 Is there a second?

19 MEMBER CATO: Second.

20 CHAIRPERSON ANDERSON: Mr. Cato has
21 seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 4-0-0.

4 Thank you.

5 MR. KLINE: Thank you.

6 MEMBER CROCKETT: We will have a Board
7 Order?

8 CHAIRPERSON ANDERSON: We will issue
9 a Board Order in this matter, but you will see,
10 Mr. Kline, why I was somewhat unnerved by -- in
11 the middle of my thought process. I do apologize
12 to the forum for my behavior. All right.

13 (Whereupon, the Show Cause (Status)
14 Hearing was concluded at 10:02 a.m.)

15

16

17

18

19

20

21

22

<p style="text-align: center;">A</p> <p>a.m 2:2 5:14 accepted 4:12 accepting 4:1,5 Age 1:10 alcohol 3:9,18 4:16 alcoholic 1:2,13,14 3:7 ANC 1:7 Anderson 1:15,18 2:3 2:10,14,21 3:11,22 4:4,9,20 5:2,8 Andrew 1:22 2:12 apologize 5:11 appeal 4:7 applicant 1:22 2:13 approach 2:6 Ascertain 1:10 Avenue 1:6 aware 4:1,5 aye 4:22 5:1</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:13 behavior 5:12 Beverage 1:2,13,14 beverages 3:8 Board 1:2,13 2:19 5:6,9 BOBBY 1:18 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 1:8 2:3,4,17 Cato 1:18 4:19,20 Cause 1:6 5:13 Chairman 2:18 3:21 Chairperson 1:15,18 2:3,10,14,21 3:11,22 4:4,9,20 5:2,8 Charge 3:1,14 client 3:22 4:4 Columbia 1:1 2:9 complete 3:9 Compromise 2:19 3:13 3:13,20 4:1,6,11,13 concluded 5:14 Control 1:2,13,14 COUNSEL 1:22 CR 1:7 CROCKETT 1:19 5:6 Cuates 1:5,6 2:5</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:15 date 3:10 day 3:15 4:14 days 3:3,6,6,15,16,18 4:12,14,17</p>	<p>DC 1:21 District 1:1 2:9 Donovan 1:15,18 Drinking 1:10</p> <hr/> <p style="text-align: center;">E</p> <p>employees 3:7,17 4:15 4:16 establishment 3:8</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9 favor 4:22 fine 3:2,4,14 4:11 five 3:6,6,15,16 4:13,14 forum 5:12</p> <hr/> <p style="text-align: center;">G</p> <p>giving 4:2,6 Good 2:10,12,14</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,14 4:2 5:14</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:7 indefinitely 3:4 issue 5:8</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 JR 1:18</p> <hr/> <p style="text-align: center;">K</p> <p>Kline 1:22 2:12,13,15 3:12,21 4:3,8 5:5,10</p> <hr/> <p style="text-align: center;">L</p> <p>Legal 1:10 license 1:7 2:5 3:3,5 licensed 3:8 Lindsay 1:21 2:8 Los 1:5,6 2:4</p> <hr/> <p style="text-align: center;">M</p> <p>Marks 1:21 2:8,8,11,18 3:1 matter 1:4 4:7 5:3,9 matters 2:16 MEETING 1:3 Member 1:18,19,19 4:19 5:6 met 1:14 middle 5:11 minor 1:9 3:2 months 3:10 morning 2:10,12,14 motion 4:10,21</p>	<p style="text-align: center;">N</p> <p>N.W 1:14 Necessary 1:10 NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:21 Offer 2:19 3:13,13,20 4:1,5,11,13 OIC 3:10 opposed 5:2 Order 5:7,9</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 3:4 part 4:12 parties 2:6,19 passes 5:3 payable 3:2,15 4:11 please 2:6,7,22 preliminary 2:16 PRESENT 1:17,20 presiding 1:15 process 5:11 program 3:9</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>RAFI 1:19 record 2:7 Reeves 1:14 Restaurant 1:5,6 2:5 Retailer 1:7 right 4:2,6,9 5:12 Room 1:14</p> <hr/> <p style="text-align: center;">S</p> <p>sale 1:9 3:2 second 4:18,19 seconded 4:21 see 5:9 sell 3:17 4:16 September 1:12 serve 3:7,17 4:16 SHORT 1:19 Show 1:6 5:13 somewhat 5:10 Status 1:7 5:13 stayed 3:6,16 4:14 Steps 1:9 Street 1:14 Suite 1:15 suspended 3:3,5 suspension 3:16 4:14</p>	<p style="text-align: center;">T</p> <p>t/a 1:6 Take 1:9 Thank 3:11 5:4,5 thought 5:11 three 3:9 today 2:20 training 3:9,18 4:17</p> <hr/> <p style="text-align: center;">U</p> <p>undergo 3:18 4:15,16 understanding 3:12,19 unnerved 5:10</p> <hr/> <p style="text-align: center;">V</p> <p>Violation 1:9</p> <hr/> <p style="text-align: center;">W</p> <p>W 1:15,18 Washington 1:15 Wednesday 1:12 Wisconsin 1:6</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>year 3:6,17 4:15</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>1 3:1,14 10:02 5:14 14th 1:14 1564 1:6 18 1:12 19-CC-00048 1:8 2:4</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:14 20009 1:15 2019 1:12 2E 1:7</p> <hr/> <p style="text-align: center;">3</p> <p>3,000 3:2,14 4:11 30 3:2,15 4:12</p> <hr/> <p style="text-align: center;">4</p> <p>4-0-0 5:3 400S 1:15</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p>
--	---	--	--

7

79261 1:7 2:5

8

9

9:59 2:2

90 3:18 4:17

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Hearing

Before: Alcoholic Beverage Control Board

Date: 09-18-19

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