

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
Li, LLC :
t/a Mason Inn :
2408 Wisconsin Avenue NW : Show Cause
Retailer CT - ANC 3B : Hearing (Status)
License No. 104588 :
Case #17-CC-00117 :
 :
(Sale to Minor Violation):

Wednesday
August 15, 2018

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
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

FERNANDO RIVERO, DC OAG
RICHARD IBARGUENGOITIA, Licensee

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

2 10:22 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case number 17-CC-00117, Mason
5 Inn, License number 104588. Will the parties
6 please approach and identify themselves for the
7 record, please?

8 MR. RIVERO: Good morning, Board
9 Members. Fernando Rivero for the District of
10 Columbia, standing in for Assistant Attorney
11 General Gephardt.

12 CHAIRPERSON ANDERSON: Good morning
13 again, Mr. Rivero.

14 MR. IBARGUENGOITIA: Good morning.
15 I'm Richard Ibarguengoitia, the owner of Mason
16 Inn. I apologize. I appreciate your desire to
17 be formal. But please just call me Richard.

18 CHAIRPERSON ANDERSON: Now, give me
19 your name one more time. I was looking around at
20 our own back. And I said that if, I know I have
21 problems with names. And I asked Mr.
22 Silverstein, who always says that he knows how to

1 pronounce names to pronounce it for me. And he
2 was having -- So, one more time for me, please,
3 sir.

4 MR. IBARGUENGOITIA: It's
5 Iburguengoitia.

6 CHAIRPERSON ANDERSON: Iburguengoitia.

7 MR. IBARGUENGOITIA: Good.

8 CHAIRPERSON ANDERSON: All right.

9 Thank you.

10 MR. IBARGUENGOITIA: Thank you.

11 MEMBER SILVERSTEIN: Mr. Chairman --

12 CHAIRPERSON ANDERSON: Don't ask me to
13 do it one more time. Yes, Mr. Silverstein.

14 MEMBER SILVERSTEIN: I told you so.

15 CHAIRPERSON ANDERSON: And, yes, Mr.
16 Silverstein was correct when he tried to assist
17 me in the pronunciation of your name, sir.

18 MR. IBARGUENGOITIA: Nice work.

19 CHAIRPERSON ANDERSON: Well, I
20 appreciate that. But just for that I need you to
21 sign in on the record there.

22 MR. IBARGUENGOITIA: Of course, sir.

1 CHAIRPERSON ANDERSON: So, at least
2 for the transcript it will be spelled correctly.
3 Thank you.

4 MR. IBARGUENGOITIA: Not a problem.

5 CHAIRPERSON ANDERSON: All right.

6 (Off the record comments)

7 CHAIRPERSON ANDERSON: Mr. Rivero, are
8 there any preliminary matters in this case?

9 MR. RIVERO: Yes. The parties have an
10 offer in compromise to present to the Board at
11 this time. The offer is as follows. First, I
12 note that the license is currently in
13 safekeeping.

14 The offer in compromise is a fine of
15 \$3,000 dollars payable within 60 days. And then,
16 upon removal of the license from safekeeping the
17 following terms.

18 A suspension of the license for five
19 days. All five days stayed for a period of one
20 year, pending no further violations. And the
21 provision of training for employees who serve
22 alcoholic beverages. That training to take place

1 within 90 days.

2 If the fine is not paid, well, this is
3 still in safekeeping. So that normally the fine,
4 the license would be suspended until the payment
5 is received.

6 But please note that the, functionally
7 it's the same. The license would not be able to
8 be withdrawn from safekeeping until the fine is
9 paid, if it's not paid within 60 days. That is
10 the offer in compromise.

11 CHAIRPERSON ANDERSON: All right. Mr.
12 Richard, so I'm now, I'll stay while I'm ahead.
13 It's my understanding that there's an offer in
14 compromise. And the offer in compromise is that
15 there is a fine of \$3,000 dollars. And the fine
16 of \$3,000 dollars will be payable within 60 days.

17 If the fine is not payable within 60
18 days the license will remain in safekeeping, and
19 cannot be removed from safekeeping until the fine
20 has been paid. That's my understanding, that the
21 license is currently in safekeeping.

22 Also, along with this fine, once the

1 license is removed from safekeeping there is a
2 five day suspension. And all five days are
3 stayed for one year.

4 And along with this charge is that
5 within 90 days of the removal of the license from
6 safekeeping all employees will undergo training,
7 alcohol training, the employees who serve alcohol
8 will undergo training. Is this your
9 understanding, sir, of the offer in compromise?

10 MR. IBARGUENGOITIA: Yes, sir.

11 CHAIRPERSON ANDERSON: Are you aware
12 that by accepting an offer in compromise that you
13 are giving up your right to a hearing?

14 MR. IBARGUENGOITIA: Yes.

15 CHAIRPERSON ANDERSON: And are you
16 also aware that by accepting an offer in
17 compromise that you have given up your right to
18 appeal this matter?

19 MR. IBARGUENGOITIA: Yes.

20 CHAIRPERSON ANDERSON: With this said
21 I then make a motion that the offer in compromise
22 of a fine of \$3,000 dollars, payable in 60 days.

1 If the fine is not payable in 60 days the license
2 will, the license which is currently in
3 safekeeping will remain in safekeeping. And the
4 license cannot be removed from safekeeping until
5 the fine has been paid.

6 Secondly that within, once the license
7 has been removed from safekeeping the license
8 will be suspended for five days. And all five
9 days are stayed for one year.

10 Thirdly, that within 90 days after the
11 removal of the license from safekeeping all
12 employees who serve alcohol will undergo
13 training. Is there a second?

14 MEMBER SHORT: Second.

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

17 (Chorus of aye.)

18 CHAIRPERSON ANDERSON: Those opposed?

19 (No response)

20 CHAIRPERSON ANDERSON: The matter
21 passed 6-0-0. The Board will issue a Board Order
22 on this matter, meaning that we'll issue the

1 Board Order, and the 90 days will start the
2 effective date of the Board Order. Okay? Thank
3 you, sir.

4 MR. RIVERO: Sixty days, actually.

5 CHAIRPERSON ANDERSON: Yes. I'm
6 sorry, within 60 days. Sixty days after the
7 issuance of the Board Order. All right. Thank
8 you.

9 MR. IBARGUENGOITIA: Yes, sir. Thank
10 you for your time. And enjoy your vacation.

11 CHAIRPERSON ANDERSON: Well, the Board
12 is going on a recess. It's, we come back after
13 Labor Day. So it's, we'll see how much we enjoy
14 our recess. But thank you. Thank you, sir.

15 (Whereupon, the above-entitled matter
16 went off the record at 10:28 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: Li, LLC

Before: Alcoholic Beverage Control Board

Date: 08-15-18

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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