



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

2 9:42 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our Show Cause Hearing Status Calendar is Case  
5 No. 18-CMP-00090, Panda Gourmet, License No.  
6 86961.

7 Would the parties, please, approach  
8 and identify themselves for the record, please?

9 MR. SOUSA: Good morning. Christopher  
10 Sousa for the District of Columbia.

11 CHAIRPERSON ANDERSON: Good morning,  
12 Mr. Sousa.

13 MR. JONES: Good morning. Mark Jones,  
14 T & L Hospitality and Panda Gourmet.

15 CHAIRPERSON ANDERSON: And who are  
16 you, sir?

17 MR. JONES: I am the bar manager and  
18 general manager of the property.

19 CHAIRPERSON ANDERSON: Have -- is  
20 there any preliminary matters in this case, Mr.  
21 Sousa?

22 MR. SOUSA: Yes, there is an OIC to

1 present to the Board.

2 CHAIRPERSON ANDERSON: Have you  
3 provided, sir, the Agency with a letter  
4 authorizing you to represent the --

5 MR. JONES: There is a Power of  
6 Attorney on file.

7 CHAIRPERSON ANDERSON: I'm sorry, sir?

8 MR. JONES: There is a Power of  
9 Attorney on file with the Agency.

10 CHAIRPERSON ANDERSON: With your name  
11 on it?

12 MR. JONES: Yes.

13 CHAIRPERSON ANDERSON: I haven't seen  
14 it, so that's why and it's not just you, I ask  
15 everyone who shows up in -- before me to say  
16 whether or not -- if they don't state that they  
17 are the owner or they are not an attorney, then I  
18 always make sure that we have something in the  
19 record that says that you are authorized to  
20 represent this company.

21 Okay. All right. Thank you. Yes,  
22 Mr. Sousa, you said that -- are there any

1 preliminary matters in this case?

2 MR. SOUSA: Yes, there is an Offer in  
3 Compromise to present to the Board.

4 CHAIRPERSON ANDERSON: And what is  
5 that, sir?

6 MR. SOUSA: For Charge No. 1, No ABC  
7 Manager on the premises, the Offer in Compromise  
8 is \$2,000 to be paid within 30 days or the  
9 establishment's license shall be suspended  
10 indefinitely until the fine is paid.

11 CHAIRPERSON ANDERSON: All right.  
12 Thank you. Give me your name again, sir.

13 MR. JONES: Mark Jones.

14 CHAIRPERSON ANDERSON: Good morning,  
15 again, Mr. Jones. All right. It's my  
16 understanding, sir, that there is an Offer in  
17 Compromise and the Offer in Compromise is that  
18 there is a fine of \$2,000 payable in 30 days. If  
19 the fine is not payable in 30 days, the license  
20 will be suspended.

21 Is this your understanding of the  
22 Offer in Compromise?

1 MR. JONES: Yeah, it is, but I want to  
2 make clear when I spoke to his colleague that  
3 there are actually two violations that were given  
4 to us. One for \$1,000 for no bar manager license  
5 on-site.

6 CHAIRPERSON ANDERSON: Well, on this,  
7 at least on this case that is before us --

8 MR. JONES: The amount was correct,  
9 \$2,000, but it was for actual two violations at  
10 \$1,000 each.

11 CHAIRPERSON ANDERSON: Well, on the  
12 Board briefing that we do have, sir, it is one  
13 violation, so it's one charge. And so it's one  
14 charge and it's for \$2,000, so we will have this  
15 case. I mean, I'll have the Board vote on the  
16 Offer in Compromise, but you need to make sure  
17 that whatever infractions -- I'm sorry.

18 You need to make sure that whatever  
19 violation that you are settling today, that that  
20 clears your record. So you need to maybe have a  
21 conversation with the Agency to make sure that  
22 they will check to see are there any other

1 violations that are not covered and with the  
2 Agency and the Attorney General's Office you can  
3 clarify that.

4 But what I have in front of me today--

5 MEMBER SHORT: What does the  
6 Government have to say?

7 CHAIRPERSON ANDERSON: Well, this is  
8 not Mr. Sousa's case, so I think it appears that  
9 there is some confusion.

10 MR. SOUSA: Yes, I have been informed  
11 that there is one charge and --

12 CHAIRPERSON ANDERSON: Right.

13 MR. SOUSA: -- it's \$2,000. So I see  
14 it as one charge.

15 CHAIRPERSON ANDERSON: Right. So  
16 yeah, that's why when he said it was referred, I  
17 knew it was just not his case. So as an  
18 attorney, we are only going by what our  
19 colleagues tell us.

20 MR. SOUSA: Yes, that's right.

21 CHAIRPERSON ANDERSON: So what -- all  
22 I'm saying, sir, it's only one charge that is in

1 front of us and the charge that is in front of us  
2 is that there was no ABC Manager on Duty. And  
3 I'm trying to figure out when that violation was  
4 given. I'm not sure when it was given, but I  
5 will ask you to make sure you talk to the Agency  
6 to make sure that if it's this violation, that it  
7 is covered.

8 Because I think what -- at least the  
9 information that was given to me, it said that  
10 this violation was the fifth time that this  
11 establishment has had this type of violation.  
12 And the violation would be for -- at least  
13 because of the fifth, it's \$2,000 to \$4,000.

14 And so if it's two different  
15 violations, then the other one would probably be  
16 around the same amount of money. So it wouldn't  
17 be \$2,000 for two. It would have --

18 MR. JONES: I just recall when they  
19 gave me the document it listed \$1,000.

20 MEMBER ALBERTI: Chairman Anderson?  
21 Chairman Anderson, just to be helpful, our  
22 records here, as I have in my notes, that we all

1 have, show that this is a violation from last  
2 March.

3 MR. JONES: And this -- yes.

4 MEMBER ALBERTI: Our notes show that--

5 MR. JONES: 2018.

6 MEMBER ALBERTI: Yes, from March. Let  
7 me just finish, please. All right. My notes  
8 show that there are two pending violations from  
9 May. And our notes say citations were issued.  
10 So that may be your confusion. You may be  
11 thinking about those pending violations where  
12 citations were issued, but this is a violation  
13 from last March.

14 And you should have gotten a Notice of  
15 Show Cause. I don't know when it was served.

16 MR. JONES: Yes.

17 MEMBER ALBERTI: Do you know when it  
18 was served?

19 MR. SOUSA: I do not know when it was  
20 served, but if there is a separate charge, he  
21 would have received the notice.

22 MEMBER ALBERTI: So this is actually



1 a separate case.

2 MR. JONES: Well, I'm, Mr. Alberti,  
3 fully aware of that. I know there is different  
4 servers, but the misunderstanding is the number.

5 MR. SOUSA: You know, my concern is  
6 that the licensed establishment thinks he is  
7 settling more than he is actually settling with  
8 agreeing to the \$2,000. So my suggestion to the  
9 Board would be to hold this over for a Show Cause  
10 Hearing, so that we can --

11 CHAIRPERSON ANDERSON: Right. So I  
12 was going to suggest that.

13 MR. SOUSA: Yes.

14 CHAIRPERSON ANDERSON: So this is what  
15 we will do. Because there is confusion, we are  
16 not going to -- I think that the Offer in  
17 Compromise that are being -- that is being  
18 presented today will not be presented.

19 This matter then is scheduled for a  
20 Show Cause Hearing on September 12 at 11:00 a.m.  
21 And between now and September, between now and  
22 the Show Cause Hearing, I want you to get

1 together -- whose case is this?

2 MR. SOUSA: Louise Phillips.

3 CHAIRPERSON ANDERSON: Then you need  
4 to contact Ms. Phillips to make sure that you  
5 know exactly what case that has been talked  
6 about. And I will make sure that if you come  
7 back to a Show Cause Hearing in September and the  
8 Government is still recommending a \$2,000 fine at  
9 the Show Cause Hearing, then the Board accepts  
10 that, because I don't want it to be some Board  
11 Members might believe that well, you know, you  
12 didn't pay the fine and you are holding off on  
13 coming to a hearing. And that's not my view.

14 So I understand that this is presented  
15 at the Status Hearing, but because there is some  
16 confusion, I'm asking that you go back to Ms.  
17 Phillips. Make sure that you and her -- it's  
18 that you're talking about the same cases and that  
19 you know exactly what it is that is being  
20 settled. Okay? Is that acceptable?

21 MR. JONES: Yes, that's acceptable.

22 CHAIRPERSON ANDERSON: So September

1 12, so then this matter then is scheduled for a  
2 Show Cause Hearing on September 12 at 11:00. All  
3 right. Thank you.

4 MR. JONES: Thank you.

5 MR. SOUSA: Okay. Thank you.

6 (Whereupon, the Show Cause (Status)  
7 Hearing was concluded at 9:49 a.m.)  
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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 9:20 11:7  <b>ABC</b> 1:9 4:6 7:2  <b>acceptable</b> 10:20,21  <b>accepts</b> 10:9  <b>actual</b> 5:9  <b>Agency</b> 3:3,9 5:21 6:2 7:5  <b>agreeing</b> 9:8  <b>Alberti</b> 1:17 7:20 8:4,6 8:17,22 9:2  <b>Alcoholic</b> 1:2,13,13  <b>amount</b> 5:8 7:16  <b>ANC</b> 1:7  <b>Anderson</b> 1:15,17 2:3 2:11,15,19 3:2,7,10 3:13 4:4,11,14 5:6,11 6:7,12,15,21 7:20,21 9:11,14 10:3,22  <b>appears</b> 6:8  <b>approach</b> 2:7  <b>asking</b> 10:16  <b>attorney</b> 3:6,9,17 6:2,18  <b>August</b> 1:11  <b>authorized</b> 3:19  <b>authorizing</b> 3:4  <b>Avenue</b> 1:7  <b>aware</b> 9:3</p>	<p><b>Christopher</b> 1:21 2:9  <b>citations</b> 8:9,12  <b>clarify</b> 6:3  <b>clear</b> 5:2  <b>clears</b> 5:20  <b>colleague</b> 5:2  <b>colleagues</b> 6:19  <b>Columbia</b> 1:1 2:10  <b>come</b> 10:6  <b>coming</b> 10:13  <b>company</b> 3:20  <b>Compromise</b> 4:3,7,17 4:17,22 5:16 9:17  <b>concern</b> 9:5  <b>concluded</b> 11:7  <b>confusion</b> 6:9 8:10 9:15 10:16  <b>contact</b> 10:4  <b>Control</b> 1:2,13,13  <b>conversation</b> 5:21  <b>correct</b> 5:8  <b>covered</b> 6:1 7:7  <b>CR</b> 1:7</p>	<p style="text-align: center;"><b>H</b></p> <p><b>hearing</b> 1:7,13 2:4 9:10 9:20,22 10:7,9,13,15 11:2,7  <b>helpful</b> 7:21  <b>hold</b> 9:9  <b>holding</b> 10:12  <b>Hospitality</b> 2:14</p> <p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 2:8  <b>indefinitely</b> 4:10  <b>information</b> 7:9  <b>informed</b> 6:10  <b>infractions</b> 5:17  <b>Investment</b> 1:5  <b>ISAAC</b> 1:18  <b>issued</b> 8:9,12</p> <p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:19  <b>Jones</b> 1:22 2:13,13,17 3:5,8,12 4:13,13,15 5:1,8 7:18 8:3,5,16 9:2 10:21 11:4  <b>JR</b> 1:18</p>	<p><b>money</b> 7:16  <b>morning</b> 2:9,11,13 4:14</p> <p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:14  <b>name</b> 3:10 4:12  <b>NE</b> 1:7  <b>need</b> 5:16,18,20 10:3  <b>New</b> 1:7  <b>NICK</b> 1:17  <b>notes</b> 7:22 8:4,7,9  <b>notice</b> 8:14,21  <b>number</b> 9:4</p>
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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: Panda Gourmet

Before: DC ABRA

Date: 08-01-18

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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