

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
Angel N. Portillo :
Manager's Application : Fact Finding
 :
 :
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Wednesday
February 7, 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
NICK ALBERTI, Member
BOBBY CATO, Member
DONALD ISAAC, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

PEYTON SHERWOOD, Applicant
ANGEL PORTILLO, Applicant

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

2 (10:05 a.m.)

3 CHAIRPERSON ANDERSON: The next matter
4 we have in our calendar, we have the application,
5 a Fact Finding Hearing Application for Manger's
6 License for a Mr. Angel Portillo.

7 And if you are not here with Mr.
8 Portillo, I will ask that everyone leave the room
9 except Mr., if you're here with Mr. Portillo you
10 can stay. If you're not here with Mr. Portillo,
11 please exit the room and you can come back once
12 this case has been, is over. Thank you.

13 (Off the record comments.)

14 CHAIRPERSON ANDERSON: Gentlemen, can
15 I ask you to remove your hats, please, and
16 introduce yourself for the record? Introduce
17 yourself for the record, please?

18 MR. PORTILLO: Angel Portillo, last
19 name P-O-R-T-I-L-L-O.

20 CHAIRPERSON ANDERSON: Good morning,
21 sir.

22 MR. SHERWOOD: Peyton Sherwood, S-H-E-

1 R-W-O-O-D.

2 CHAIRPERSON ANDERSON: And who are
3 you, sir? Who are you?

4 MR. SHERWOOD: I'm the owner of the
5 establishment that's trying to get a liquor
6 license.

7 CHAIRPERSON ANDERSON: All right. Now
8 Mr. Portillo, do you know why you're here today?
9 Do you know why we're asking, we brought you in
10 for a Fact Finding Hearing?

11 MR. PORTILLO: Not fully.

12 CHAIRPERSON ANDERSON: Not fully?
13 Well, as you are aware, when you apply for a
14 manager's license, you have to, as a part of the
15 application, we have to do a criminal background
16 check.

17 MR. PORTILLO: Yes.

18 CHAIRPERSON ANDERSON: And you did
19 provide a background check and we did see that
20 there are some infractions on the background
21 check.

22 And one of the things that I would ask

1 you and I'm not sure if you have -- I would like
2 you to look at Number 8. Look at the application
3 and I would like you to look at Number 8 and tell
4 us if anything is wrong with what's on Box 8 of
5 the application, sir.

6 What was your answer and in light of
7 your history, can you tell us, is there a problem
8 with Number 8, sir?

9 PARTICIPANT: 8-C.

10 CHAIRPERSON ANDERSON: 8-C. What's
11 the answer that you provided on the application?

12 MR. PORTILLO: That was a mistake on
13 the application.

14 CHAIRPERSON ANDERSON: What do you
15 mean that was a mistake on the application, sir?

16 MR. PORTILLO: Because I was breezing
17 through it. I saw felony and not misdemeanor.

18 CHAIRPERSON ANDERSON: And so one of
19 the issues, I mean, this is for the Board.

20 MR. PORTILLO: Yes.

21 CHAIRPERSON ANDERSON: And I think,
22 I'm not sure if you were here before and we've

1 had cases regarding underage drinking.

2 And one of the things that as a
3 manager or an ABC manager is that someone comes
4 in your establishment, then you need to check
5 their license to see whether or not they're the
6 proper age.

7 How can the Board trust you to make
8 the proper determination on that if you have an
9 application that you are applying to us for a
10 manager's license and you're breezing through it,
11 it asks the questions and you answer the question
12 wrong?

13 We got your -- and you're not here
14 because of what's on your criminal record.
15 That's not why you're here.

16 MR. PORTILLO: Correct.

17 CHAIRPERSON ANDERSON: You're here
18 because of what you placed on this application.
19 And your response can't be well, I, you know, I
20 breezed through it and I didn't see that.

21 And so because you're going to tell us
22 that when a minor comes in your establishment and

1 then they give you, you ask, you're either not
2 going to ask them for an ID or if they give an
3 ID, you're going to breeze through it and serve
4 underage.

5 So what kind of assurances are you
6 going to give us? And I appreciate the fact that
7 the owner of the establishment is here because
8 you understand why he is here. He's not here
9 because of what is on his -- it's an issue but
10 it's not an issue for the Board.

11 MR. SHERWOOD: You're making a very
12 valid point. I understand what you're saying.

13 CHAIRPERSON ANDERSON: And so I'm glad
14 that you're here and I'm glad that you're here
15 that you see how important the Board takes the
16 information that is given to us.

17 And so what explanation outside of,
18 you know, I just breezed through it, but what
19 explanation can you give the Board to say that
20 your taking, you're going to take, if we were to
21 give you this manager's license, that you're
22 going to take it serious?

1 MR. PORTILLO: Well, I would like to
2 say that I feel like these two situations, being
3 an application and my actual job and the duties
4 required for my job, are completely separate. I
5 take my job extremely seriously.

6 MR. SHORT: Didn't hear you. Speak
7 up.

8 MR. PORTILLO: Should I lean in? Is
9 it the mic?

10 CHAIRPERSON ANDERSON: You can pull
11 the microphone to you.

12 MR. PORTILLO: Oh, all right. All
13 right. Great. Well, I feel like the context
14 between this application and what I do in my job
15 are completely different. I'm very professional
16 when it comes to what I do for a living and it's
17 day and night. It's a completely different
18 situation.

19 I take my job extremely serious. I
20 mean, I've been working for --

21 MR. SHERWOOD: He's been working for
22 me for quite a few years.

1 MR. PORTILLO: Heading on, what,
2 eight, nine years now?

3 MR. SHERWOOD: Yes.

4 MR. PORTILLO: And I've shown up to
5 work on time. I've been excellent. Everything I
6 do follows the rules that are provided and I
7 excel.

8 CHAIRPERSON ANDERSON: Well, -- go
9 ahead, sir.

10 MR. SHERWOOD: He's been a bartender
11 with me for a while now and I mean, I watch the
12 man. He does, when we don't have bouncers at our
13 front door, he does take IDs. I mean, and I
14 believe that he is following, I mean, we haven't
15 had any issues and you can look at the record of
16 the restaurant.

17 CHAIRPERSON ANDERSON: Well, that's
18 because we haven't been there. I'm not sure if
19 we've been there.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Let me ask you,
22 how many certificates have you gotten from us to

1 say that we've come to your place and we have
2 tried, we have done under --

3 MR. SHERWOOD: I think at least two
4 times that, we've had every year.

5 MR. PORTILLO: In the last year.

6 MR. SHERWOOD: We've only been open,
7 this establishment that I've had has only been
8 open for a year.

9 CHAIRPERSON ANDERSON: Okay.

10 MR. SHERWOOD: But he's also, was with
11 me at the Kangaroo Boxing Club as well which has
12 now since been closed.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. SHORT: Okay. Give us the names
15 of the establishments again, please?

16 MR. SHERWOOD: The Kangaroo Boxing
17 Club was at, what was it, 3410 11th Street.

18 MR. SHORT: Northwest?

19 MR. SHERWOOD: Northwest, yes, sir.
20 And the Midlands Beer Garden is the one we're at
21 right now. That's 3333 Georgia Northwest.

22 MR. SHORT: Okay. So you've been in

1 business how many years over the years in
2 Washington, D.C.?

3 MR. SHERWOOD: I opened my first
4 establishment in 2006.

5 MR. SHORT: And he worked for that
6 establishment?

7 MR. SHERWOOD: No, sir, he did not.
8 I didn't know him at the time.

9 MR. SHORT: So which establishment has
10 he worked? Which establishment has he worked in?

11 MR. SHERWOOD: The Kangaroo Boxing
12 Club which I said which is now closed, and the
13 Midlands Beer Garden which is down --

14 MR. SHORT: Okay. Do you realize how
15 serious this is because if he's your ABC manager
16 --

17 MR. SHERWOOD: Oh, I'm the one that's
18 going to take --

19 MR. SHORT: And you, wait a minute,
20 and you're not there --

21 MR. SHERWOOD: Right.

22 MR. SHORT: And he happens to say,

1 well, I'm breezing through something, I'm just --
2 that attitude just doesn't ring well with me as a
3 Board member. I don't know how seriously he
4 takes this coming here before us.

5 MR. SHERWOOD: I'd like to believe
6 that sitting here before you guys is going to
7 reinforce the fact how serious this is.

8 MR. SHORT: Let me hear him say that.

9 MR. PORTILLO: Absolutely.

10 MR. SHORT: Absolutely what, sir?

11 MR. PORTILLO: That I agree, that this
12 is in fact serious and that I should be a little
13 bit more keen to detail when filling out
14 paperwork, for sure.

15 MR. SHORT: Thank you. That's all I
16 have, Mr. Chair.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any of the Board members? Not just
19 filling out paperwork but also take your
20 responsibility as an ABC. You can be a great
21 employee for the licensee but at the same time,
22 when someone comes into your establishment for

1 you to be keen that they're the proper age, for
2 you to be keen that you're not over serving them.

3 MR. PORTILLO: Absolutely.

4 CHAIRPERSON ANDERSON: And that is
5 what we're requesting from you. And that's one
6 of the reasons why the Board, I take it seriously
7 that if you're filling application because to us,
8 some people believe that, well, you know, they're
9 not going to ask for a background check so I'll
10 put it on, I'll check on the form. And so it's
11 over and no one's going to catch it. And but we
12 take what we do seriously. Every license that is
13 issued here, every member of the Board has to
14 sign off on it.

15 MR. PORTILLO: Right.

16 CHAIRPERSON ANDERSON: So we take our
17 responsibility seriously and we expect for you to
18 take your responsibility seriously, sir.

19 And I do hope and I'm going to
20 recommend to the Board that we give you this
21 license. One of the things that I'm not, I also
22 want you to be aware, that if you are responsible

1 for selling or serving alcohol to an underage,
2 that's also going to be reflected on your license
3 also. So it's not just the owners license, also
4 on your license.

5 MR. PORTILLO: Okay.

6 CHAIRPERSON ANDERSON: And I do hope
7 that I don't have the pleasure of seeing you here
8 again, sir, because I will let you know that if
9 it comes back again and it's a matter of taking
10 your license away, I will recommend to the Board
11 that we do that. Okay?

12 MR. PORTILLO: Okay.

13 CHAIRPERSON ANDERSON: So hearing no
14 other questions, I now make a motion that we
15 approve this application. Is there a second?

16 MR. SILVERSTEIN: Second.

17 CHAIRPERSON ANDERSON: Mr. Silverstein
18 has seconded the motion. All those in favor say
19 aye?

20 (Chorus of ayes.)

21 CHAIRPERSON ANDERSON: All those
22 opposed? The matter passed 6-0-0. I'm signing

1 off on it. Sir, I'll give you this application
2 and you can go to the front desk and apply for
3 your license and get your license so.

4 MR. PORTILLO: Thank you very much.

5 CHAIRPERSON ANDERSON: And so three
6 members will sign off on it. She'll give it to
7 you and you can take the front desk, sir. Have a
8 good day.

9 MR. PORTILLO: Thank you.

10 CHAIRPERSON ANDERSON: Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:15 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: Angel N. Portillo
Manager's Application

Before: Alcoholic Beverage Control Board

Date: 02-07-18

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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