

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF: :

Queen of Sheba, Inc., :  
 t/a Queen of Sheba :  
 1503 9th Street NW : Show Cause  
 Retailer CR - ANC 6E : Hearing  
 License No. 73644 :  
 Case #18-CMP-00247 :  
 (Allowed a Patron to :  
 Leave the Establishment :  
 with an Alcoholic :  
 Beverage in an Open :  
 Container, Failed to have :  
 a Sidewalk Café :  
 Endorsement) :

Wednesday,  
 May 1, 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  
 NICK ALBERTI, Member  
 BOBBY CATO, JR., Member  
 MIKE SILVERSTEIN, Member  
 JAMES SHORT, Member  
 REMA WAHABZADAH, Member

**ALSO PRESENT:**

**FERNANDO RIVERO, OAG**

**BERNARD C. DIETZ, Licensee's Attorney**

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

2 10:20 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 18-CMP-00247, Queen  
5 of Sheba, License No. 73644.

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

8 MR. RIVERO: Good morning, Board  
9 Members. Fernando Rivero for the District of  
10 Columbia.

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

13 MR. RIVERO: The Government has  
14 learned that the licensee appeared to be under  
15 the impression that the hearing was scheduled at  
16 11:00, because there was a Show Cause Hearing  
17 scheduled at 11:00. There may have been a  
18 miscommunication about the move of that hearing  
19 from 11:00 to 9:30 to present an Offer in  
20 Compromise.

21 So I'm willing to wait until they  
22 arrive at 11:00, so that we can present the Offer

1 in Compromise, at that time.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you, Mr. Rivero.

4 So the case -- fine. We will recall  
5 that case then.

6 MR. RIVERO: And if I may take a  
7 Government's prerogative, I would like to thank  
8 Mr. Alberti for his service and indicate that I  
9 have actually enjoyed, this might be a little  
10 unusual to say, our disagreements, because they  
11 have prompted me in part to explain myself when  
12 things I thought were obvious, were probably not.

13 CHAIRPERSON ANDERSON: Well, thank  
14 you, Mr. Rivero. And if you remember earlier  
15 that I said that having Mr. Alberti here, that  
16 whatever rulings I make, based on his  
17 questioning, then it makes -- it made me a better  
18 advocate or should I say a better decision maker,  
19 because you had to think about the decisions that  
20 you are making because of the questions and I do  
21 enjoy that. I do enjoy when someone challenges  
22 you, because it makes you a better advocate or

1 whatever role you are.

2 And so that is the ultimate compliment  
3 though from Mr. Rivero to you, Mr. Alberti.

4 MR. RIVERO: Well, I had the reasons,  
5 I just realized I need to explain them.

6 CHAIRPERSON ANDERSON: Right. I know.  
7 And that --

8 MEMBER ALBERTI: You always had done  
9 it very well.

10 CHAIRPERSON ANDERSON: Yes.

11 MEMBER ALBERTI: Mr. Rivero, I thank  
12 you very much for that. And I have always enjoyed  
13 seeing you and I have to tell you that I have  
14 learned a lot by watching you. So thank you.

15 MR. RIVERO: Thank you very much.  
16 Thank you.

17 CHAIRPERSON ANDERSON: All right. We  
18 are off the record.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:23 a.m. and resumed at  
21 10:40 a.m.)

22 CHAIRPERSON ANDERSON: All right.

1 We're back on the record.

2 The next case is Case No. 18-CMP-  
3 00247, Queen of Sheba, License No. 73644.

4 Will the parties, please, approach and  
5 identify themselves for the record, please?

6 MR. RIVERO: Good morning, Board  
7 Members. Fernando Rivero for the District of  
8 Columbia.

9 CHAIRPERSON ANDERSON: Good morning,  
10 Mr. Rivero.

11 MR. DIETZ: Good morning. I'm Bernard  
12 C. Dietz. I'm here for Queen of Sheba, Inc.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Mr. Dietz. Mr. Rivero, are there any preliminary  
15 matters in this case?

16 MR. RIVERO: Yes, the parties have an  
17 Offer in Compromise to present to the Board, at  
18 this time.

19 CHAIRPERSON ANDERSON: Yes, sir.

20 MR. RIVERO: And that offer consists  
21 of a fine for Charge 1 of \$1,250 payable within  
22 30 days. And if the payment is not made within

1 30 days, the license will be suspended until  
2 payment is received. And dismissal of Charge 2.  
3 That's the offer.

4 CHAIRPERSON ANDERSON: All right.  
5 Thank you. Mr. Dietz, it's my understanding that  
6 there is an Offer in Compromise and the Offer in  
7 Compromise is that for -- that there is a fine of  
8 \$1,250 payable in 30 days. If the fine is not  
9 payable in 30 days, the license will be suspended  
10 until the fine has been paid. And that Charge 2  
11 will be dismissed.

12 Is this your understanding of the  
13 Offer in Compromise?

14 MR. DIETZ: Yes, it is.

15 CHAIRPERSON ANDERSON: Is your client  
16 aware that by accepting an Offer in Compromise,  
17 that they are giving up their right to a hearing?

18 MR. DIETZ: Yes. And my client has  
19 instructed me to accept it on her behalf.

20 CHAIRPERSON ANDERSON: And is your  
21 client also aware that by accepting an Offer in  
22 Compromise, that they are giving up their right

1 to appeal this matter?

2 MR. DIETZ: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 With that said, I then make a motion that the  
5 Offer in Compromise of a fine of \$1,250 payable  
6 in 30 days be accepted. That Charge 2 will be  
7 dismissed. If the fine is not payable within 30  
8 days, the license will be suspended until the  
9 fine has been paid. Is there a second?

10 MEMBER SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has  
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON ANDERSON: Those opposed?

16 The matter passes 6-0-0.

17 The Board will be issuing a Board  
18 Order in this matter.

19 MR. RIVERO: Thank you.

20 CHAIRPERSON ANDERSON: Thank you.

21 (Whereupon, the Show Cause Hearing was  
22 concluded at 10:42 a.m.)

<b>A</b>	<b>Container</b> 1:11 <b>Control</b> 1:2,15,15 <b>CR</b> 1:7	8:8 <b>licensee</b> 3:14 <b>Licensee's</b> 2:12 <b>little</b> 4:9 <b>lot</b> 5:14	<b>prompted</b> 4:11	
<b>a.m</b> 3:2 5:20,21 8:22 <b>above-entitled</b> 5:19 <b>accept</b> 7:19 <b>accepted</b> 8:6 <b>accepting</b> 7:16,21 <b>advocate</b> 4:18,22 <b>Alberti</b> 1:19 4:8,15 5:3 5:8,11 <b>Alcoholic</b> 1:2,10,15,15 <b>Allowed</b> 1:9 <b>ANC</b> 1:7 <b>Anderson</b> 1:17,19 3:3 3:11 4:2,13 5:6,10,17 5:22 6:9,13,19 7:4,15 7:20 8:3,11,15,20 <b>appeal</b> 8:1 <b>appeared</b> 3:14 <b>approach</b> 3:6 6:4 <b>arrive</b> 3:22 <b>Attorney</b> 2:12 <b>aware</b> 7:16,21 <b>aye</b> 8:13,14	<b>D</b>	<b>M</b>	<b>Q</b>	
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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: Queen of Sheba

Before: DC ABRA

Date: 05-01-19

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.



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Court Reporter

**NEAL R. GROSS**

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