

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:	:
	:
Vira 1, LLC,	:
t/a RASA Indian Grill	:
1247 First Street SE	: Show Cause
Retailer CR - ANC 6D	: Hearing
License No. 106768	:
Case #18-CMP-00111	:
	:
(Substantial Change -	:
Sidewalk Café - Two	:
Counts)	:

Wednesday,
November 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, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JESSICA GUNZEL, OAG

AMY SCHMIDT, OAG

RAHUL VINOD, Licensee

KEVIN PUENTE, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Opening Statement by Government.	5
Closing Statement by Government.36
Closing Statement by Licensee.36

WITNESS	DIRECT	CROSS	REDIR	RECROSS	BOARD
Kevin Puente	8				
Rahul Vinod	16	21			23

EXHIBITS	IDENTIFIED	RECEIVED
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GOVERNMENT

4 - ABC License	12
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LICENSEE

1 - Email/Letter	34	34
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1 P-R-O-C-E-E-D-I-N-G-S

2 4:18 p.m.

3 CHAIRPERSON ANDERSON: Okay. We are
4 back on the record. Our next case is Case No.
5 18-CMP-00111, RASA Indian Grill, License No.
6 106768.

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

9 MS. GUNZEL: Good afternoon, Jessica
10 Gunzel, Assistant Attorney General for the
11 District of Columbia.

12 CHAIRPERSON ANDERSON: Good morning --
13 good afternoon, Ms. Gunzel.

14 MS. SCHMIDT: Good afternoon. Amy
15 Schmidt, Assistant Attorney General, on behalf of
16 the District of Columbia.

17 CHAIRPERSON ANDERSON: Good afternoon,
18 Ms. Schmidt.

19 MR. VINOD: Hi. My name is Rahul
20 Vinod. I'm one of the co-owners of RASA Indian
21 Grill.

22 CHAIRPERSON ANDERSON: Your last --

1 spell your last name.

2 MR. VINOD: My name is Rahul, R-A-H-U-
3 L, last name Vinod, V, as in Victor, I-N-O-D.

4 CHAIRPERSON ANDERSON: Thank you.
5 There is a sign-in sheet. I would like everyone
6 to, please, sign-in.

7 This is a Show Cause Hearing. Are
8 there any preliminary matters in this case?

9 MS. GUNZEL: No, Mr. Chair, there
10 aren't.

11 CHAIRPERSON ANDERSON: Okay. Does the
12 Government wish to make an opening statement?

13 MS. GUNZEL: Yes. And in the
14 Government's case in chief, we will have one
15 witness.

16 Good afternoon, Board Members. In
17 this case there are two charges before the Board,
18 both of which pertain to the establishment's
19 operation of a sidewalk cafe.

20 The District will be dismissing Charge
21 1, which pertains to the establishment making a
22 substantial change without the Board's approval

1 and we will proceed forward with Charge 2, which
2 pertains to the operation of a sidewalk cafe
3 without an endorsement.

4 The evidence will show that on
5 Thursday, May 3, 2018, at approximately 11:00
6 a.m., the establishment, RASA Indian Grill, was
7 operating a sidewalk cafe without an endorsement
8 in violation of DC Official Code 25-113(a)(C).

9 Thank you.

10 CHAIRPERSON ANDERSON: Mr. Vinod?

11 MR. VINOD: Vinod, yeah.

12 CHAIRPERSON ANDERSON: Do you wish to
13 make an opening statement now or do you want to
14 wait until you present your case? And opening
15 statement is basically you can say this is what
16 the case is about and this is what you are going
17 to approve and these are the witnesses you are
18 going to call.

19 You don't have to do that now. You
20 can do it after the Government has presented its
21 case. Then you can -- do you have any witnesses
22 or is it just you alone?

1 MR. VINOD: No, just me.

2 CHAIRPERSON ANDERSON: All right. So
3 once the Government has presented -- have you
4 ever been at a hearing before?

5 MR. VINOD: No, I haven't.

6 CHAIRPERSON ANDERSON: Okay. What is
7 going to happen is that the Government has made
8 its opening statement. They are going to call a
9 witness. The witness will testify. Once the
10 witness has testified, you will have an
11 opportunity to cross-examine the witness based on
12 the testimony that he gave.

13 And once you have done that, then the
14 Board will ask questions of the witness. I will
15 come back to you to say do you have any
16 additional questions to ask of the witness based
17 on the questions that were asked of the Board.
18 Then Ms. Gunzel would have a chance to -- she
19 will close the matter.

20 Once she has introduced her documents
21 and witnesses, then you can call your case. You
22 will -- you can present your case. And since you

1 are the only witness, then I will swear you in
2 and then you can testify. Okay?

3 MR. VINOD: Sounds good.

4 CHAIRPERSON ANDERSON: All right. Who
5 is the Government's first witness?

6 MS. GUNZEL: The Government's first
7 witness is Investigator Kevin Puente.

8 Whereupon,

9 INVESTIGATOR KEVIN PUENTE
10 was called as a witness by Counsel for the
11 Government, and having been first duly sworn,
12 assumed the witness stand and was examined and
13 testified as follows:

14 INVESTIGATOR PUENTE: Yes.

15 CHAIRPERSON ANDERSON: Okay. Thank
16 you. Have a seat. Your witness.

17 DIRECT EXAMINATION

18 BY MS. GUNZEL:

19 Q Good afternoon, Investigator. Please,
20 state your name again and spell it for the
21 record.

22 A Kevin Puente, K-E-V-I-N P-U-E-N-T-E.

1 Q Okay. Are you currently employed?

2 A Yes.

3 Q Where do you work?

4 A The Alcoholic Beverage Regulation
5 Administration.

6 Q Okay. What is your title?

7 A Investigator.

8 Q And how long have you worked for ABRA?

9 A About three and a half years.

10 Q And how long have you been an
11 Investigator for ABRA?

12 A Three and a half years.

13 Q What are your primary job
14 responsibilities as an Investigator?

15 A To conduct inspections and
16 investigations of licensed ABC establishments in
17 the District of Columbia.

18 Q Okay. And as an Investigator, do you
19 typically write investigative reports after you
20 conduct those inspections?

21 A Yes.

22 Q Okay. Are you familiar with an ABC

1 establishment by the name of RASA Indian Grill?

2 A Yes.

3 Q Did you have an occasion to visit RASA
4 Indian Grill on Thursday, May 3, 2018?

5 A Yes.

6 Q And what was the purpose of your visit
7 that day?

8 A To conduct a regulatory inspection.

9 Q Okay. Did you subsequently write an
10 investigative report after your visit?

11 A Yes.

12 MS. GUNZEL: The Government would like
13 to make a note that I will be using the case
14 report written by Investigator Puente in its case
15 in chief.

16 CHAIRPERSON ANDERSON: That's fine.

17 BY MS. GUNZEL:

18 Q Okay. I am going to hand you your
19 investigative report.

20 MS. GUNZEL: I have one for the
21 licensee and the Board Members as well, if it is
22 needed.

1 CHAIRPERSON ANDERSON: No, we -- if
2 it's the same, then we have a copy.

3 MS. GUNZEL: Okay.

4 CHAIRPERSON ANDERSON: Do you --

5 MS. GUNZEL: It's the same.

6 CHAIRPERSON ANDERSON: All right.
7 Okay. Fine.

8 BY MS. GUNZEL:

9 Q Okay. So what happened when you
10 arrived at the establishment that day?

11 A I entered the establishment,
12 identified myself as an ABRA Investigator to a
13 Mr. Rahul Vinod. He stated he was the owner.
14 While I conducted the regulatory inspection, I
15 observed a sidewalk cafe set up outside of the
16 establishment.

17 Q Okay. During your inspection, did you
18 have a chance to observe the establishment's ABC
19 license?

20 A Yes.

21 Q Okay. Is the license attached to your
22 investigative report as Exhibit 4, the same

1 license you observed that day?

2 A Yes.

3 (Whereupon, the above-
4 referred to document was
5 marked as Government Exhibit
6 No. 4 for identification.)

7 BY MS. GUNZEL:

8 Q Okay. Did the establishment have an
9 endorsement for a sidewalk cafe on its license on
10 May 3, 2018?

11 A No.

12 Q Okay. So you were there to conduct a
13 regulatory inspection. Did you notice any
14 violations while you were there?

15 A Yes. Since the establishment didn't
16 have an endorsement for the sidewalk cafe, they
17 were in violation.

18 Q All right. What did you do after you
19 concluded your inspection?

20 A I spoke with Mr. Vinod. He was able
21 to produce the District of Columbia
22 Transportation DDOT permit for the sidewalk cafe.

1 I advised him that he needed to bring that down
2 to DCRA to get his Certificate of Use, then bring
3 both that DDOT permit and the COU down to ABRA to
4 get the endorsement added to the license.

5 Q And using your knowledge as an
6 Investigator, is simply having a DDOT permit
7 sufficient in order to operate a sidewalk cafe in
8 the District of Columbia?

9 A For ABC licensees, they need to get
10 Board approval.

11 Q Okay. Did you have an opportunity to
12 review ABRA's records after your visit to the
13 establishment?

14 A Yes. When I returned back to the
15 office, I conducted a records check. I found out
16 that RASA Indian Grill applied and was approved
17 for a sidewalk cafe pending that they bring the
18 DDOT permit down to ABRA.

19 Q Okay. So based on your review of the
20 record, it was not clear that the establishment
21 had received an endorsement for a sidewalk cafe
22 as of May 3rd?

1 A Yes. The Licensing Division sent them
2 a letter saying that they were -- the sidewalk
3 cafe endorsement was approved based on the --
4 bringing down the DDOT permit.

5 Q Okay. And to your knowledge as an
6 ABRA Investigator, if an establishment applies
7 for, but does not receive an endorsement, is it a
8 violation of District Law to operate a sidewalk
9 cafe without that endorsement?

10 A Yes.

11 MS. GUNZEL: The District has no
12 further questions.

13 CHAIRPERSON ANDERSON: It's your
14 witness, sir. So you can ask him questions based
15 on the testimony that he just gave.

16 MR. VINOD: I agree with everything he
17 says, so I'm just ready to put my case on and not
18 waste any time.

19 CHAIRPERSON ANDERSON: So you don't
20 have any questions to ask of him?

21 MR. VINOD: No. I mean, he -- I was
22 the one who met him, so I agree with everything

1 he said.

2 CHAIRPERSON ANDERSON: All right. Do
3 we have any questions of the witness from any
4 Board Members? You can step down, sir. Thank
5 you for your testimony.

6 (Whereupon, the witness was excused.)

7 CHAIRPERSON ANDERSON: Does the
8 Government rest?

9 MS. GUNZEL: Yes, the Government
10 rests.

11 CHAIRPERSON ANDERSON: And you are
12 ready to present your case, sir?

13 MR. VINOD: Sure.

14 CHAIRPERSON ANDERSON: Can you stand,
15 please?

16 MR. VINOD: Sorry?

17 CHAIRPERSON ANDERSON: Can you stand,
18 please?

19 MR. VINOD: Yes.

20 CHAIRPERSON ANDERSON: Can you raise
21 your right hand?
22 Whereupon,

1 RAHUL VINOD

2 was called as a witness by the Licensee, and
3 having been first duly sworn, assumed the witness
4 stand and was examined and testified as follows:

5 MR. VINOD: I do.

6 CHAIRPERSON ANDERSON: Why don't you
7 present your case, sir, in the best -- in they
8 you want to present your case?

9 DIRECT EXAMINATION

10 MR. VINOD: Sure. So I'm one of -- as
11 I mentioned, I'm one of the co-owners and co-
12 founders of RASA Indian Grill, which is an Indian
13 fine fast casual restaurant located in the Navy
14 Yard neighborhood of D.C. We just opened last
15 December, so we have been open almost exactly 11
16 months to the day.

17 And this was a vision that me and my
18 partner had you know growing up and it was kind
19 of following after a dream. We left our
20 corporate jobs, moved back home to D.C. where we
21 were from and spent three years kind of putting
22 everything together from raising the funding,

1 from angel investigators in the area, finding the
2 location, pitching landlords, getting the
3 approval, finding a construction company and
4 opening up the business.

5 As such, we are just two guys in our
6 early -- middle to late 20s, so we don't have a
7 lot of fun. So unlike most restaurants who apply
8 for ABRA permits, we didn't hire and pay a
9 counsel \$5,000 to file the permits for them. I
10 myself filled out the ABRA application myself,
11 did some research online and then I was in touch
12 with Michael Stewart who is the ABRA
13 representative, who was assigned to my case at
14 that time.

15 So because it was me, myself, you
16 know, all correspondence were between us. There
17 was no third-party lawyer that he was going to
18 and speaking with and then passing that along to
19 me. So whenever he was like hey, I need some
20 more documents or I need your EIN number, it was
21 very easy. He would call me or he would send me
22 an email if he needed more documentation to get

1 my ABRA license approved.

2 So when it did come time to him
3 finally moving to approve my license, he sent me
4 an email on October 20th asking for two more
5 documents. And basically said -- and I can
6 provide a copy of the email to you guys in a
7 second, but basically said when you provide me
8 with the two other documents next week, you will
9 be able to get your license. Once you receive
10 your public space permit, we will put that
11 endorsement on your license, signed Michael.

12 So obviously opening up a restaurant,
13 there is 100 different things going on, hiring
14 employees, training staff, coming up with the
15 menu, all of which we were doing ourselves.

16 So he sent me that email. I was like
17 all right, cool, we got our ABRA license. I know
18 that we don't have our patio permit yet, so, you
19 know, we are not going to -- plus we are opening
20 in December, so we weren't putting out any patio
21 seating outside at that time.

22 But he just made it seem as that once

1 we got the patio permit that as part of the D.C.
2 Government that both, you know, parties would
3 sync up or there is something that like notifies
4 ABRA that okay, I have gotten my patio permit
5 now, so now I'm good.

6 So again, we didn't operate any patio
7 permit until April 9th. Once we actually
8 received the patio permit from DDOT, plus it was
9 pretty cold outside, so, you know, we had no
10 seats outside. And then we starting operating
11 the patio at that time and we thought that we
12 were good, because we had the patio permit. We
13 had sent everything to ABRA, as per Mr. Stewart,
14 who I had been dealing with.

15 And then when I met with -- when Keith
16 came in on May 3rd he was like look, I see that
17 you have the patio permit and I see that it's not
18 actually on your license and you need to actually
19 get this put onto your license. And so he was
20 like look, as advice to you, I would just say
21 like try to do that as soon as possible, and
22 maybe you will get off with a warning or

1 something that you are not doing it out of
2 contempt. You just didn't know that was the
3 case.

4 And I would have gone that very day
5 itself to ABRA to turn that in, but May 3rd
6 actually was my birthday, so it was like the
7 first time since we opened that we actually took
8 -- I took a few hours off from the business. We
9 don't have a general manager to this date, so if
10 you go to RASA any time since we have been open,
11 either me, myself, or my business partner are
12 there every single day of the year.

13 So I didn't go that day, but the very
14 next day I did come and get the public space
15 approval from DDOT, come over to ABRA, because I
16 had initially put that I wanted the sidewalk
17 endorsement on my initial application, it took a
18 mere, you know, one minute or two minutes, I came
19 to this office here, handed in the papers, within
20 five minutes I was out with the endorsement.

21 Later in the afternoon, I put it up in
22 the restaurant and that was it.

1 CHAIRPERSON ANDERSON: Do you have
2 anything else you want to -- is that it?

3 THE WITNESS: That's it.

4 CHAIRPERSON ANDERSON: Ms. Gunzel, any
5 questions you want to ask him?

6 MS. GUNZEL: A few questions.

7 CROSS-EXAMINATION

8 BY MS. GUNZEL:

9 Q Okay. So it's my understanding that
10 as of April 2018 of this year, you received the
11 Dig-Out Permit?

12 A Um-hum.

13 Q Based on your conversations with
14 someone here at ABRA that you believe --

15 MEMBER SILVERSTEIN: Ms. Gunzel,
16 please, speak into the microphone. I can't hear
17 you.

18 MS. GUNZEL: My apologies. I'll
19 withdraw that question.

20 BY MS. GUNZEL:

21 Q More specifically, did you have an
22 ABRA license on May 3, 2018 that said you had a

1 sidewalk cafe endorsement on it?

2 A No, it did not.

3 Q Did you have any other documentation
4 from the ABC Board or ABRA that stated that you
5 had the proper endorsement in place for a
6 sidewalk cafe?

7 A I mean, so from my perspective, I
8 thought endorsement can be a pretty general term.
9 I don't know if it's a sticker or it's just a
10 verbal, you know, they endorse it or you are
11 allowed to have a sidewalk cafe. And his
12 response to me and the conversation I had with
13 Mr. Stewart were that you are approved for the
14 outdoor patio permit, but once you get it,
15 obviously, you can't be approved if DDOT denies
16 me to have a patio permit, then I can't. It
17 doesn't matter what happens next.

18 Q So is it correct to say that you
19 didn't have anything from the Board that stated
20 that you had the endorsement in place on May 3rd?

21 A I guess so, but I didn't know if
22 Michael Stewart was on the Board or not, to be

1 honest.

2 MS. GUNZEL: No further questions.

3 CHAIRPERSON ANDERSON: All right. Mr.
4 Vinod, you said -- where is -- do you have this
5 email that --

6 THE WITNESS: Sure.

7 CHAIRPERSON ANDERSON: Can you show it
8 to her, please, and then can you provide us a
9 copy? No, you need to show it to her first
10 before you show me anything, you show it to the
11 Government first. And then you can share it with
12 us.

13 THE WITNESS: Sure.

14 CHAIRPERSON ANDERSON: So let me see.

15 THE WITNESS: Yes. I have a few
16 copies.

17 MS. SCHMIDT: Okay. Thanks.

18 CHAIRPERSON ANDERSON: Thank you. All
19 right. So you got an email on October 20, 2017
20 and it said "Once you receive the public space
21 permit, we will put the endorsement on your
22 license."

1 So why were you confused about it?
2 Because did you have -- was there -- was such an
3 endorsement on your license?

4 THE WITNESS: No. No, so it says
5 "once you receive the public space permit."

6 CHAIRPERSON ANDERSON: And it says "We
7 will put the endorsement on your license."

8 THE WITNESS: Sure.

9 CHAIRPERSON ANDERSON: What does that
10 mean? So what does that mean to you that we will
11 put the endorsement on your license?

12 THE WITNESS: I mean, I thought just
13 like internally that now my license has something
14 that says that I'm allowed a patio space permit.

15 CHAIRPERSON ANDERSON: Okay.

16 MEMBER ALBERTI: May I ask a quick
17 question?

18 CHAIRPERSON ANDERSON: Go ahead, sure,
19 Mr. Alberti.

20 MEMBER ALBERTI: I don't want to put
21 you on the spot, but --

22 THE WITNESS: Sure.

1 MEMBER ALBERTI: -- have you learned
2 anything from this experience?

3 THE WITNESS: Of course. So like if
4 we go to open up a second restaurant, I can
5 guarantee that same mistake won't happen again,
6 you know. That before we open the like patio
7 permit, before we open the patio area, we've got
8 to make sure we actually have the little box on
9 there that has the -- physically on board. But
10 at the time, I didn't know that.

11 MEMBER ALBERTI: My advice to you is
12 don't assume anything and don't assume that
13 agencies talk to each other.

14 THE WITNESS: Ever.

15 MEMBER ALBERTI: So that's --
16 hopefully that will be helpful to you in the
17 future.

18 THE WITNESS: Yes.

19 MEMBER ALBERTI: Always ask.

20 MEMBER SHORT: I have one question.

21 CHAIRPERSON ANDERSON: Mr. Short?

22 MEMBER SHORT: Good afternoon. I hear

1 you and I'm trying to figure, you're a new guy.
2 You just don't -- excited, just -- you know, if
3 you were driving your car and didn't have your
4 driver's license and you told the cops hey,
5 listen, you know, my driver's license is at home,
6 but hey, listen, I'm a good guy. Look at me.
7 I'm a young guy, I'm trying to -- I have a new
8 car, what do you think the cop is going to tell
9 you?

10 THE WITNESS: Sure. He is going to
11 say that that doesn't matter, that's like that's
12 the law you have to have your license.

13 MEMBER SHORT: And you just showed us
14 an email where somebody told you that last year.

15 THE WITNESS: Sure.

16 MEMBER SHORT: And so here we are a
17 year later and when did you get it done?

18 THE WITNESS: So we only opened last
19 December and then we got the patio permit April
20 of this year and then the violation occurred in
21 May of this year.

22 MEMBER SHORT: You got your

1 endorsement in April and you got a violation in
2 May? Is that what you are saying?

3 THE WITNESS: No, no, no. I'm saying
4 we got the actual patio permit. We didn't have a
5 patio permit when we opened the restaurant. So
6 we got the patio permit from DDOT in April, but
7 it was never communicated with ABRA that we had
8 that, because --

9 MEMBER SHORT: Why not?

10 THE WITNESS: -- I never realized I
11 had to communicate it.

12 MEMBER SHORT: Let me ask you a
13 question. You sell alcohol here in Washington,
14 D.C., right?

15 THE WITNESS: Right.

16 MEMBER SHORT: What do you know about
17 the laws in selling alcohol?

18 THE WITNESS: Don't sell to minors.
19 Don't sell to someone who is drunk.

20 MEMBER SHORT: Do you have a book?
21 You know, there is a regulation book.

22 THE WITNESS: Sure.

1 MEMBER SHORT: Do you think you could
2 stop by the front desk and get one before you
3 leave here today or try to apply to get one?

4 THE WITNESS: Yes.

5 MEMBER SHORT: Because I can't speak
6 for the other Board Members, but you come again
7 with that same I just didn't know, look at me I'm
8 a young guy, and I didn't pay a lot of attention
9 and here I get caught and so now I'm before you
10 and I'm not pleading anything. I think you need
11 to get the laws down pat if you're going to be
12 running your business.

13 THE WITNESS: Sure.

14 MEMBER SHORT: Because you can run
15 into a lot of snags and some people are going to
16 say hey, yeah, he is a nice looking little guy.
17 He looks like he has just come to tell anybody,
18 the Government doesn't function like that.

19 THE WITNESS: Sure. I understand.

20 MEMBER SHORT: How old are you? How
21 old are you, if you don't mind me asking?

22 THE WITNESS: I'm 28 years-old.

1 MEMBER SHORT: How old?

2 THE WITNESS: 28.

3 MEMBER SHORT: 28, okay. All right.

4 Well, good, that means a little something,
5 because a long time ago I was 28. I have learned
6 a lot of lessons. I learned a lot of lessons in
7 life. But I'll just say this to you, you need to
8 get whatever it is, so that you know the laws.
9 Not only alcohol, just business laws in
10 Washington, D.C.

11 THE WITNESS: Sure.

12 MEMBER SHORT: That's all I have, Mr.
13 Chair. Thank you very much. That's all I have.

14 CHAIRPERSON ANDERSON: Mr. Vinod, what
15 training have you or your partners taken towards
16 ABRA? Have you taken any ABRA training?

17 THE WITNESS: Yes, sir.

18 CHAIRPERSON ANDERSON: What training?
19 When was the last training you went to?

20 THE WITNESS: I haven't taken one
21 through ABRA, but I did one of the like alcohol
22 manager license, you know, exams online. Even

1 though -- and to get my alcohol, you know --

2 CHAIRPERSON ANDERSON: So you --

3 THE WITNESS: -- manager's license, so
4 only to find out that I don't actually need it
5 because I'm an owner.

6 CHAIRPERSON ANDERSON: All right. So
7 you have not come to ABRA for training? Is that
8 correct?

9 THE WITNESS: Not directly, but I have
10 gone through one of the --

11 CHAIRPERSON ANDERSON: You have not
12 come to ABRA? Because -- and I'm asking you that
13 for a specific -- and I think, sir, you should
14 need to just answer the question. So you haven't
15 been to ABRA. And I'm asking you this question
16 specifically, because you got your license. You
17 opened up in December.

18 THE WITNESS: Correct.

19 CHAIRPERSON ANDERSON: And I'm looking
20 at your history, on May 1st you got a warning for
21 failure to file a quarterly statement.

22 THE WITNESS: So --

1 CHAIRPERSON ANDERSON: So you didn't
2 file a quarterly statement. You operated a
3 sidewalk cafe without the endorsement. And I
4 don't know what other violation that you have
5 committed.

6 So irrespective of whatever decision
7 that the Board makes today, it behooves you and
8 your partner to come to ABRA for training,
9 because clearly since your restaurant is not even
10 open a year, you have two violations already on
11 your -- and we gave you a warning the first time
12 for the failure to file a quarterly statement.

13 I'm just looking at the record that is
14 here, sir, so that's something that we will be
15 taking into consideration.

16 THE WITNESS: And to respond to your
17 point on that matter, I mean, there was no
18 intention that we were like oh, we are just not
19 going to file it, because we don't want to or we
20 don't want to, you know, have this endorsement.

21 CHAIRPERSON ANDERSON: And it was
22 never any intention on your part, sir, to operate

1 a sidewalk cafe without the endorsement. So it's
2 not the intention, sir, it's -- and that's one of
3 the reasons why I asked you what specific
4 training have you come down to this Agency for?
5 Because I would hope that as a businessman, that
6 you do not intentionally break the law. And I
7 would hope.

8 And so what I will say to you, sir,
9 there is a training here on December 13th. And
10 you and -- a licensed orientation training and
11 you and your partner should come to ABRA to
12 participate in this training, sir. It is
13 December 13th. You can find out exactly what
14 time it is, but that is something that you need
15 to participate in.

16 THE WITNESS: Okay.

17 CHAIRPERSON ANDERSON: Because in less
18 than a year, you have two violations on your --
19 if -- depending on what decision the Board makes
20 today, this matter is a primary tier violation
21 and the other one, the quarterly statement was a
22 secondary, which we gave you a warning. Meaning

1 that if you commit it again, we are going to fine
2 you.

3 And primary tier violations, you can
4 say as you continue to get them, they cost more.
5 If you get five primary tier violations, it's a
6 \$30,000 fine or revocation of your license.

7 THE WITNESS: Understood.

8 CHAIRPERSON ANDERSON: So anyway, does
9 any other Board Members have any other questions?

10 MEMBER ALBERTI: I'm just going to
11 mention the training is only two hours. So --

12 THE WITNESS: I mean and --

13 MEMBER ALBERTI: -- we are not going
14 to bore you to death.

15 THE WITNESS: No, no. I'm happy to
16 attend. I honestly didn't know there was an ABRA
17 training.

18 MEMBER ALBERTI: All right. Good.

19 CHAIRPERSON ANDERSON: All right. Do
20 you want introduce this letter into the record?
21 Do you want to introduce this document as an
22 exhibit into the record?

1 MR. VINOD: Sure.

2 CHAIRPERSON ANDERSON: All right. So
3 moved. Do you have any objection? Since it's an
4 ABRA record also, so I think that one is -- that
5 would -- that's fine. So I'll move this into
6 evidence.

7 (Whereupon, the above-
8 referred to document was
9 marked as Licensee Exhibit
10 No. 1 for identification and
11 was received into evidence.)

12 CHAIRPERSON ANDERSON: Do you have
13 anything else you need to say, sir? Well, no.
14 Well, I'm sorry. Do you have a question, Mr.
15 Silverstein? Go ahead, sir.

16 MEMBER SILVERSTEIN: I just fully
17 understand when you are starting a business sort
18 of on a shoestring and you don't want to spend
19 thousands of dollars for a lawyer that you might
20 not be able to afford because you are doing
21 things on your credit cards. And we do provide
22 this training, which is going to end up saving

1 you a lot of heartache, a lot of money and will
2 make things a whole lot easier for you.

3 I genuinely feel for the situation and
4 this is probably like the last day in the world
5 that you want to do this. I want to wish you a
6 Happy Holiday.

7 THE WITNESS: Thank you.

8 MEMBER SILVERSTEIN: And wish you good
9 luck.

10 THE WITNESS: Thank you.

11 MEMBER SILVERSTEIN: Thank you.

12 CHAIRPERSON ANDERSON: Any other
13 questions by any of the Board Members? Any
14 questions you need to ask based on the questions
15 that we asked?

16 MS. GUNZEL: No follow-up questions.

17 CHAIRPERSON ANDERSON: All right. All
18 right. What is it that the Government -- so you
19 are -- you rest? Meaning that you have nothing
20 else to say?

21 MR. VINOD: Correct.

22 CHAIRPERSON ANDERSON: All right.

1 What is it that the Government is asking us to
2 do?

3 MS. GUNZEL: The Government recommends
4 a fine in this matter and also ABRA training, as
5 the Board Members just spoke of.

6 With regard to the amount of the fine,
7 the District defers to the Board's judgment on
8 what would be appropriate.

9 CHAIRPERSON ANDERSON: All right.
10 Thanks. What is it that you are asking us to do,
11 sir?

12 MR. VINOD: Sure. So again, like I
13 said, I would be happy to attend this ABRA
14 training on December 13th with my business
15 partner as well, so that, you know, we are
16 apprised of all the various optics and things
17 that we need to do on our end to uphold this
18 license.

19 And then we just ask that we on this
20 specific incident, if we can get a warning
21 instead of a fine, just due to the nature of our
22 small business and running a fast casual where

1 margins are slim. It's tough for us to stomach
2 even a small fine, at this time.

3 And you know, we employ 25 D.C.
4 employees here and we would, you know, love to
5 continue to stay in business. And the reality is
6 in the Navy Yard after the baseball season is
7 over, sales are down from the salt line to a
8 declaration 20 to 30 percent, including
9 ourselves.

10 So we ask that, in terms of the fine
11 we ask for a warning. And I can guarantee you
12 that if and when we open up future locations,
13 that you won't see me here ever again.

14 CHAIRPERSON ANDERSON: All right. All
15 right. Thank you. The record is now closed.

16 Do the parties wish to file proposed
17 findings of fact and conclusions of law or waive
18 their right to do so?

19 MS. GUNZEL: We waive our right.

20 CHAIRPERSON ANDERSON: Meaning that do
21 you want to just -- we will make the decision on
22 the document and what was presented today.

1 MR. VINOD: Yep.

2 CHAIRPERSON ANDERSON: Okay. So you
3 waive your right. All right.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with DC Official Code
7 Section 2-574(b) of the Open Meetings Act, I move
8 that the ABC Board hold a closed meeting for the
9 purpose of seeking legal advice from our counsel
10 on Case No. 18-CMP-00111, RASA Indian Grill,
11 pursuant to DC Official Code Section 2-574(b)(4)
12 of the Open Meetings Act and deliberating upon
13 Case No. 18-CMP-00111, RASA Indian Grill, for the
14 reasons cited in DC Official Code Section 2-
15 574(b)(13) of the Open Meetings Act.

16 Is there a second?

17 MEMBER SILVERSTEIN: Second.

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON ANDERSON: Mr. Silverstein
20 and Mr. Alberti have seconded the motion.

21 I will now take a roll call vote on
22 the motion before us now that it has been

1 seconded.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON ANDERSON: Mr. Alberti?

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: I agree.

10 CHAIRPERSON ANDERSON: Mr. Anderson?

11 I agree.

12 As it appears that the motion has
13 passed, I hereby give notice that the ABC Board
14 will recess these proceedings to hold a closed
15 meeting in the ABC Board conference room pursuant
16 to Section 2-574(b) of the Open Meetings Act and
17 we will issue a decision within 90 days.

18 Thank you for being here today, sir,
19 and we will issue a decision accordingly.

20 MR. VINOD: Thank you.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you.

1 MS. GUNZEL: Thank you.

2 CHAIRPERSON ANDERSON: All right.

3 (Whereupon, the Show Cause Hearing was
4 concluded at 4:48 p.m.)

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In the matter of: Vira 1, LLC

Before: Alcoholic Beverage Control Board

Date: 11-07-18

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