



**ALSO PRESENT:**

**FERNANDO RIVERO, DC OAG**

**TOLGA IRBUTUSH, Licensee**

**MAKI PLAVSIC, Licensee**

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

2 (10:06 a.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is now Case Number 18-CMP-00063,  
5 The Codmother, License Number 86231. Will the  
6 parties please approach and identify themselves  
7 for the record please?

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

11 CHAIRPERSON ANDERSON: Mr. Rivero.

12 MR. PLAVSIC: I'm Maki Plavsic.

13 CHAIRPERSON ANDERSON: I'm sorry, sir?

14 MR. PLAVSIC: Maki Plavsic.

15 CHAIRPERSON ANDERSON: Mr. -- Excuse  
16 me and who are you, sir?

17 MR. PLAVSIC: Acting manager.

18 CHAIRPERSON ANDERSON: You're who?

19 MR. PLAVSIC: The acting manager.

20 CHAIRPERSON ANDERSON: The acting  
21 manager? And who are you, sir?

22 MR. IRBUTUSH: My name is Tolga

1 Irbutush.

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

4 MR. IRBUTUSH: Acting manager also.

5 CHAIRPERSON ANDERSON: Are you acting  
6 manager of the establishment or are you part of  
7 the -- are you part of the ownership -- Are  
8 either one of you part of the ownership team?

9 MR. IRBUTUSH: No.

10 CHAIRPERSON ANDERSON: Is there any  
11 pertinent matters in this case?

12 MR. RIVERO: There are. The parties  
13 have reached an offer in compromise at this  
14 point. I want to note that the government has  
15 agreed with the licensee that by the close of  
16 business today, 5:00 p.m., the manager will send  
17 to both counsel for the board and myself, a power  
18 of attorney that has been executed by one of the  
19 owners whose name appears on the license in order  
20 to appear today.

21 CHAIRPERSON ANDERSON: All right.

22 Thank you, Mr. Rivero.

1 MR. RIVERO: I wanted to get that  
2 point addressed.

3 CHAIRPERSON ANDERSON: All right. So  
4 what's the preliminary matter in this case?

5 MR. RIVERO: So the offer in  
6 compromise that we present has the following  
7 terms. For Charge 1, a fine of \$1,500. For  
8 Charge 2, a fine of \$850. For a total fine of  
9 \$2,350 payable in 60 days. And if the fine is  
10 not paid in 60 days or within 60 days, the  
11 license will be suspended until the payment is  
12 received. That is the offer in compromise.

13 CHAIRPERSON ANDERSON: All right.  
14 It's my understanding that there is an offer in  
15 compromise. And the offer in compromise is that  
16 for Charge 1, there's a fine of \$1,500. For  
17 Charge 2, there is a fine of \$850. For a total  
18 fine of \$2,350 payment in 60 days. If the fine  
19 is not paid within 60 days, the license will be  
20 suspended until the fine is paid. Is this your  
21 understanding of the offer in compromise?

22 MR. PLAVSIC: Yes, sir.

1                   CHAIRPERSON ANDERSON: Are you aware  
2 that by accepting the offer in compromise that  
3 you're giving up your right to a hearing?

4                   MR. PLAVSIC: Yes, sir.

5                   CHAIRPERSON ANDERSON: And you're also  
6 -- Are you also aware that by accepting the offer  
7 in compromise that you're giving up your right to  
8 appeal this matter?

9                   MR. PLAVSIC: Yes, sir.

10                  CHAIRPERSON ANDERSON: With this said,  
11 I then make a motion that the offer in compromise  
12 of the fine for Charge 1 of \$1,500. For Charge  
13 2, a fine of \$850. For a total fine of \$2,350  
14 paid within 60 days of the fine. If it's not  
15 paid within 60 days, the license will be  
16 suspended. Is there a second?

17                  MEMBER SHORT: Second.

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

20                               (Ayes all around)

21                  CHAIRPERSON ANDERSON: Those opposed?  
22 The matter passed 6-0-0. It is now this offer in

1       compromise is accepted by the board, but it's  
2       with the understanding that within -- by close of  
3       business today, you will provide both the board  
4       and Mr. Rivero a notarized letter authorizing you  
5       to enter this offer in compromise.  If this  
6       information is not provided, then we are  
7       reverting back to an active case.  And we will go  
8       to a Show Cause Hearing.  Is that clear?

9                       MR. PLAVSIC:  Yes, sir.

10                      MR. RIVERO:  The government has no  
11       objection.

12                      CHAIRPERSON ANDERSON:  Thank you.

13                      (Whereupon, the meeting in the above-  
14       entitled matter was concluded at 10:10 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 3:2 7:14  <b>ABC</b> 1:10  <b>above-</b> 7:13  <b>accepted</b> 7:1  <b>accepting</b> 6:2,6  <b>acting</b> 3:17,19,20 4:4,5  <b>active</b> 7:7  <b>addressed</b> 5:2  <b>agreed</b> 4:15  <b>ALBERTI</b> 1:19  <b>Alcoholic</b> 1:2,14,15  <b>ANC</b> 1:7  <b>Anderson</b> 1:16,19 3:3  3:11,13,15,18,20 4:2  4:5,10,21 5:3,13 6:1,5  6:10,18,21 7:12  <b>appeal</b> 6:8  <b>appear</b> 4:20  <b>appears</b> 4:19  <b>approach</b> 3:6  <b>approval</b> 1:10  <b>attorney</b> 4:18  <b>authorizing</b> 7:4  <b>aware</b> 6:1,6  <b>aye</b> 6:19  <b>Ayes</b> 6:20</p>	<p><b>Control</b> 1:2,14,15  <b>counsel</b> 4:17  <b>CT</b> 1:7</p> <p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:16  <b>days</b> 5:9,10,10,18,19  6:14,15  <b>DC</b> 2:11  <b>District</b> 1:1 3:9  <b>Donovan</b> 1:16,19  <b>Duty</b> 1:11</p> <p style="text-align: center;"><b>E</b></p> <p><b>either</b> 4:8  <b>enter</b> 7:5  <b>entitled</b> 7:14  <b>establishment</b> 4:6  <b>Excuse</b> 3:15  <b>executed</b> 4:18</p> <p style="text-align: center;"><b>F</b></p> <p><b>Failure</b> 1:9  <b>favor</b> 6:19  <b>Fernando</b> 2:11 3:9  <b>fine</b> 5:7,8,8,9,16,17,18  5:18,20 6:12,13,13,14  <b>following</b> 5:6</p>	<p style="text-align: center;"><b>M</b></p> <p><b>Maki</b> 2:13 3:12,14  <b>manager</b> 1:11 3:17,19  3:21 4:4,6,16  <b>matter</b> 1:5 5:4 6:8,22  7:14  <b>matters</b> 4:11  <b>meeting</b> 1:3 7:13  <b>Member</b> 1:19,20,20,21  1:21 6:17  <b>members</b> 3:9  <b>met</b> 1:15  <b>MIKE</b> 1:20  <b>morning</b> 3:8  <b>motion</b> 6:11,19</p> <p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:15  <b>name</b> 3:22 4:19  <b>NICK</b> 1:19  <b>notarized</b> 7:4  <b>note</b> 4:14  <b>Number</b> 3:4,5  <b>NW</b> 1:7</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 2:11  <b>objection</b> 7:11  <b>Obtain</b> 1:9  <b>Occupancy</b> 1:10  <b>offer</b> 4:13 5:5,12,14,15  5:21 6:2,6,11,22 7:5  <b>opposed</b> 6:21  <b>order</b> 4:19  <b>owners</b> 4:19  <b>ownership</b> 4:7,8</p>	<p><b>provide</b> 7:3  <b>provided</b> 7:6</p> <p style="text-align: center;"><b>Q</b></p> <p style="text-align: center;"><b>R</b></p> <p><b>reached</b> 4:13  <b>received</b> 5:12  <b>record</b> 3:7  <b>Reeves</b> 1:15  <b>REMA</b> 1:21  <b>Retailer</b> 1:7  <b>reverting</b> 7:7  <b>right</b> 4:21 5:3,13 6:3,7  <b>Rivero</b> 2:11 3:8,9,11  4:12,22 5:1,5 7:4,10  <b>Room</b> 1:15</p> <p style="text-align: center;"><b>S</b></p> <p><b>SBII</b> 1:6  <b>second</b> 6:16,17  <b>seconded</b> 6:19  <b>send</b> 4:16  <b>Short</b> 1:21 6:17,18  <b>Show</b> 1:7 7:8  <b>SILVERSTEIN</b> 1:20  <b>sir</b> 3:13,16,21 4:3 5:22  6:4,9 7:9  <b>sorry</b> 3:13  <b>Status</b> 1:7  <b>Street</b> 1:7,15  <b>Suite</b> 1:16  <b>suspended</b> 5:11,20  6:16</p>
<p style="text-align: center;"><b>B</b></p> <p><b>back</b> 7:7  <b>Beverage</b> 1:2,14,15  <b>board</b> 1:2,14 3:8 4:17  7:1,3  <b>Board-</b> 1:9  <b>BOBBY</b> 1:20  <b>Building</b> 1:15  <b>business</b> 4:16 7:3</p>	<p style="text-align: center;"><b>G</b></p> <p><b>giving</b> 6:3,7  <b>go</b> 7:7  <b>Good</b> 3:8  <b>government</b> 4:14 7:10</p> <p style="text-align: center;"><b>H</b></p> <p><b>hearing</b> 1:7,15 6:3 7:8</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b>  3:1  <b>p.m</b> 4:16  <b>paid</b> 5:10,19,20 6:14,15  <b>part</b> 4:6,7,8  <b>parties</b> 3:6 4:12  <b>passed</b> 6:22  <b>payable</b> 5:9  <b>payment</b> 5:11,18  <b>pertinent</b> 4:11  <b>Plavsic</b> 2:13 3:12,12,14  3:14,17,19 5:22 6:4,9  7:9  <b>please</b> 3:6,7  <b>point</b> 4:14 5:2  <b>power</b> 4:17  <b>preliminary</b> 5:4  <b>present</b> 1:18 2:9 5:6  <b>presiding</b> 1:16</p>	<p style="text-align: center;"><b>T</b></p> <p><b>t/a</b> 1:6  <b>team</b> 4:8  <b>terms</b> 5:7  <b>Thank</b> 4:22 7:12  <b>today</b> 4:16,20 7:3  <b>Tolga</b> 2:12 3:22  <b>total</b> 5:8,17 6:13</p>
<p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 3:4  <b>case</b> 1:8 3:3,4 4:11 5:4  7:7  <b>CATO</b> 1:20  <b>Cause</b> 1:7 7:8  <b>Chairperson</b> 1:16,19  3:3,11,13,15,18,20  4:2,5,10,21 5:3,13 6:1  6:5,10,18,21 7:12  <b>Charge</b> 5:7,8,16,17  6:12,12  <b>clear</b> 7:8  <b>close</b> 4:15 7:2  <b>Codmother</b> 1:6 3:5  <b>Columbia</b> 1:1 3:10  <b>compromise</b> 4:13 5:6  5:12,15,15,21 6:2,7  6:11 7:1,5  <b>concluded</b> 7:14</p>	<p style="text-align: center;"><b>I</b></p> <p><b>identify</b> 3:6  <b>Increase</b> 1:10  <b>information</b> 7:6  <b>Irbutush</b> 2:12 3:22 4:1  4:4,9</p> <p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:21  <b>JR</b> 1:20  <b>July</b> 1:13</p> <p style="text-align: center;"><b>K</b></p> <p style="text-align: center;"><b>L</b></p> <p><b>letter</b> 7:4  <b>license</b> 1:8 3:5 4:19  5:11,19 6:15  <b>licensee</b> 2:12,13 4:15  <b>LLC</b> 1:6</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b>  3:1  <b>p.m</b> 4:16  <b>paid</b> 5:10,19,20 6:14,15  <b>part</b> 4:6,7,8  <b>parties</b> 3:6 4:12  <b>passed</b> 6:22  <b>payable</b> 5:9  <b>payment</b> 5:11,18  <b>pertinent</b> 4:11  <b>Plavsic</b> 2:13 3:12,12,14  3:14,17,19 5:22 6:4,9  7:9  <b>please</b> 3:6,7  <b>point</b> 4:14 5:2  <b>power</b> 4:17  <b>preliminary</b> 5:4  <b>present</b> 1:18 2:9 5:6  <b>presiding</b> 1:16</p>	<p style="text-align: center;"><b>U</b></p> <p><b>U</b> 1:7  <b>understanding</b> 5:14,21  7:2</p> <p style="text-align: center;"><b>V</b></p> <p style="text-align: center;"><b>W</b></p> <p><b>W</b> 1:16,19  <b>WAHABZADAH</b> 1:21  <b>want</b> 4:14  <b>wanted</b> 5:1  <b>Washington</b> 1:16  <b>Wednesday</b> 1:12</p>

<b>X</b>
<b>Y</b>
<b>Z</b>
<b>0</b>
<b>1</b>
<b>1</b> 5:7,16 6:12
<b>1,500</b> 5:7,16 6:12
<b>10:06</b> 3:2
<b>10:10</b> 7:14
<b>1334</b> 1:7
<b>14th</b> 1:15
<b>18</b> 1:13
<b>18-CMP-00063</b> 1:8 3:4
<b>1B</b> 1:7
<b>2</b>
<b>2</b> 5:8,17 6:13
<b>2,350</b> 5:9,18 6:13
<b>2000</b> 1:15
<b>20009</b> 1:16
<b>2018</b> 1:13
<b>3</b>
<b>4</b>
<b>400S</b> 1:16
<b>5</b>
<b>5:00</b> 4:16
<b>6</b>
<b>6-0-0</b> 6:22
<b>60</b> 5:9,10,10,18,19 6:14
6:15
<b>7</b>
<b>8</b>
<b>850</b> 5:8,17 6:13
<b>86231</b> 1:8 3:5

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: SBII, LLC

Before: Alcoholic Beverage Control Board

Date: 07-18-18

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.



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Court Reporter

**NEAL R. GROSS**

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