

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

IN THE MATTER OF:   :  
   :  
La Trattoria, LLC,   :  
t/a Siroc   :  
915 15th Street NW   : Show Cause  
Retailer CR - ANC 2F   : Hearing  
License No. 80975   :  
Case #19-CIT-00025   :  
   :  
(No ABC Manager on Duty) :

Wednesday  
June 5, 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  
BOBBY CATO, JR., Member  
JAMES SHORT, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT:

MARTIN LACKOVIC, APPLICANT  
LINDSAY MARKS, DC OAG

C-O-N-T-E-N-T-S

Opening Statement by the Government . . . . . 5

Closing Argument by the Government . . . . . 17

WITNESS:                      DIRECT    CROSS    REDIRECT    RECROSS

Kevin Puente	6		
Martin Lackovic	14	15	16

EXHIBITS:    IDENTIFIED    RECEIVED

Government

1 Investigative Report	10
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## P-R-O-C-E-E-D-I-N-G-S

10:36 a.m.

1  
2  
3 CHAIRMAN ANDERSON: We have now moved  
4 to our show cause hearing calendar, Case No. 19-  
5 CIT-00025, Siroc, License No. 80975.

6 Would the parties please approach and  
7 identify themselves for the record, please.

8 MS. MARKS: Lindsay Marks for the  
9 District.

10 CHAIRMAN ANDERSON: I'm sorry, I  
11 didn't hear your name, ma'am.

12 MS. MARKS: Lindsay Marks for the  
13 District.

14 CHAIRMAN ANDERSON: Good morning, Ms.  
15 Marks.

16 MR. LACKOVIC: Martin Lackovic.

17 CHAIRMAN ANDERSON: Good morning, sir.  
18 What is your relationship with the establishment,  
19 sir?

20 MR. LACKOVIC: I'm the owner.

21 CHAIRMAN ANDERSON: Good morning.

22 Are there any preliminary matters in

1 this case?

2 MS. MARKS: No, Mr. Chairman.

3 CHAIRMAN ANDERSON: All right.

4

5 Your name again, sir, please?

6 MR. LACKOVIC: Martin Lackovic.

7 CHAIRMAN ANDERSON: Lackovic. How do  
8 you spell your last name, please?

9 MR. LACKOVIC: L-A-C-K-O-V-I-C.

10 CHAIRMAN ANDERSON: Okay, thank you.

11 Does the Government wish to make an  
12 opening statement?

13 MS. MARKS: Yes, a brief opening.

14 CHAIRMAN ANDERSON: Yes, go ahead.

15 MS. MARKS: Good morning, Board  
16 members. In this matter there is one charge in  
17 front of the Board. The evidence will show that  
18 on Thursday, January 10, 2019 Siroc failed to  
19 have an owner or superintendent person, or have a  
20 Board-approved ABC manager, on duty during its  
21 licensed hours of sale. During this time the  
22 establishment was opened to the public and had

1 alcohol unsecured behind the bar. Thank you.

2 CHAIRMAN ANDERSON: Mr. Lackovic, have  
3 you ever participated in a show cause hearing  
4 before?

5 MR. LACKOVIC: I'm sorry?

6 CHAIRMAN ANDERSON: Have you ever  
7 participated in this type of hearing before?  
8

9 MR. LACKOVIC: No, I have not.

10 CHAIRMAN ANDERSON: All right. The  
11 Government has just made its opening statement  
12 and the Government will call its witness to prove  
13 that you committed the -- to try to prove that  
14 you committed the infraction.

15 At this juncture you can make an  
16 opening statement, or you can wait until the  
17 Government presents its case and then you can  
18 make an opening statement. You can also have  
19 your witnesses. Are you the only witness?

20 MR. LACKOVIC: I am.

21 CHAIRMAN ANDERSON: So do you wish to  
22 make an opening statement?

1 MR. LACKOVIC: I'll wait.

2 CHAIRMAN ANDERSON: You'll wait? All  
3 right. Fine.

4 Does the Government have a witness it  
5 wishes to call?

6 MS. MARKS: Yes, the Government calls  
7 Investigator Kevin Puente.

8 CHAIRMAN ANDERSON: Mr. Puente, can  
9 you raise your right hand, please?

10 Whereupon,

11 Kevin Puente  
12 a witness, was called by Counsel for the  
13 Government and, after having been first duly  
14 sworn, assumed the witness stand and was examined  
15 and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. MARKS:

18 Q Good morning, Investigator Puente.  
19 Can you please state your name again and spell it  
20 for the record.

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

22 Q Are you currently employed?

1 A Yes.

2 Q Where do you work?

3 A The Alcoholic Beverage Regulation  
4 Administration.

5 Q What's your title?

6 A Investigator.

7 Q How long have you worked at the  
8 Alcoholic Beverage Regulation Administration?

9 A Approximately four years.

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

12 A Approximately four years.

13 Q What's your primary job responsibility  
14 as an investigator?

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

18 Q And do you typically write  
19 investigative reports after you conduct  
20 inspections?

21 A Yes.

22 Q Are you familiar with the ABC

1 establishment by the name of Siroc?

2 A Yes.

3 Q And did you have the occasion to visit  
4 Siroc on January 10, 2019?

5 A Yes.

6 Q At approximately what time did you  
7 visit Siroc?

8 A About 10:12 p.m.

9 Q What were Siroc's hours of operation?

10 A 11:30 a.m. to 10:30 p.m.

11 Q And what was the purpose of your visit  
12 that day?

13 A Conduct a regulatory inspection.

14 Q So what happened when you first  
15 arrived at the establishment?

16 A I walked in. I went through the front  
17 door and was met by a server/hostess. I  
18 identified myself as an ABRA investigator and  
19 asked to speak to an ABC manager/owner. They  
20 advised me that the person in charge would be  
21 back soon and just to kind of wait until he gets  
22 back.



1           Q       So there was no ABC manager present  
2 when you arrived?

3           A       Yes. No, there was not.

4           Q       And there was no owner present when  
5 you arrived?

6           A       No.

7           Q       And the establishment was opened for  
8 business?

9           A       Yes, it was pretty crowded. There was  
10 people waiting. I overheard the person at the  
11 front door tell a group of people they could sit  
12 at the bar because they didn't have reservations  
13 or something.

14          Q       So was the establishment full when you  
15 arrived?

16          A       Yes.

17          Q       And what else did you observe about  
18 the establishment when you arrived?

19          A       I observed everyone was sitting down  
20 eating. It was very crowded. There was a bar to  
21 the left of the front entrance and alcohol was  
22 out unsecured.

1 Q And did an owner eventually arrive?

2 A Yes. Approximately 25 minutes later  
3 I left to go next door to conduct another  
4 regulatory inspection. When I got back he still  
5 hadn't arrived. A couple minutes later the owner  
6 came in.

7 Q And did you observe any other  
8 violations while you were at the establishment?

9 A No.

10 Q Did you subsequently write an  
11 investigative report?

12 A Yes.

13 Q All right. I'm going to hand you what  
14 has been marked as Exhibit 1 and I have extra  
15 copies for the Board.

16 CHAIRMAN ANDERSON: Is it the report?

17 MS. MARKS: It's the report, yes.

18 CHAIRMAN ANDERSON: We have it.

19 (Whereupon, the above-referred to  
20 document was marked as Exhibit 1 for  
21 identification.)

22 BY MS. MARKS:

1 Q Can you identify this document?

2 A Yes, that's my report.

3 Q Turning to Exhibit 2 of your report,  
4 please describe what's in this photo.

5 A The ABC license.

6 Q What are the hours of operation listed  
7 on the license for Thursdays?

8 A 11:30 a.m. to 10:30 p.m.

9 Q And turning to Exhibit 3 of your  
10 report, please describe what's in this photo.

11 A The picture of the bar and the alcohol  
12 behind the bar.

13 Q And turning to Exhibit 4 please  
14 describe what's in this photo.

15 A Picture of the bar area as well as  
16 people inside the dining room area through the  
17 little hallway.

18 MS. MARKS: The District has no  
19 further questions.

20 CHAIRMAN ANDERSON: This is your  
21 opportunity, sir. to ask him question based on  
22 the testimony that he just gave. Do you have any

1 questions?

2 MR. LACKOVIC: I have no questions.

3 CHAIRMAN ANDERSON: Mr. Puente, during  
4 the time you were there, did you observe anyone  
5 maybe drinking alcohol -- what appeared to be  
6 alcohol?

7 MR. PUENTE: No, I didn't walk through  
8 the restaurant. It was fairly crowded so I just  
9 stood by the bar area.

10 CHAIRMAN ANDERSON: What do you mean  
11 fairly crowded?

12 MR. PUENTE: The restaurant was packed  
13 because it's right near the White House during  
14 lunch time so I just stood by the bar area  
15 because the servers were running around busy so I  
16 didn't want to distract them or walk through.

17 CHAIRMAN ANDERSON: Approximately --  
18 I mean, about how many people -- do you know what  
19 the capacity is? When you said packed, I'm just  
20 trying to figure it out.

21 MR. PUENTE: Occupancy is 99 and all  
22 the tables were filled with patrons eating.

1 CHAIRMAN ANDERSON: Okay.

2 Any other questions?

3 Do you have any questions, Ms. Marks,  
4 of the witness based on the questions I asked?

5 MS. MARKS: No additional questions.

6 CHAIRMAN ANDERSON: Mr. Puente, you  
7 can step down. Thank you very much for your  
8 testimony.

9 Does the Government have any other  
10 witnesses?

11 MS. MARKS: No, Your Honor.

12 CHAIRMAN ANDERSON: Does the  
13 Government rest?

14 MS. MARKS: Yes, Your Honor.

15 CHAIRMAN ANDERSON: Mr. Lackovic.

16 MR. LACKOVIC: Yes, sir.

17 CHAIRMAN ANDERSON: All right. So  
18 you're the only witness. Is that correct?

19 MR. LACKOVIC: That's correct, yes.

20 CHAIRMAN ANDERSON: All right. Will  
21 you raise your right hand, please.  
22 Whereupon,

1 MARTIN LACKOVIC

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

6 DIRECT EXAMINATION

7 BY CHAIRMAN ANDERSON:

8 Q How will you defend yourself in this  
9 matter, sir?

10 A We've been there 10 years and we take  
11 our responsibility for alcohol very seriously.  
12 There are lots of times because of a small  
13 business we run out for small errands. We could  
14 paid the fine and moved on but I wanted to show  
15 that we've had three of my servers certified -- I  
16 have their documentation here -- to make sure  
17 this doesn't happen again.

18 I'm here to hopefully try and convince  
19 you to waive the fine to show that we do take  
20 this responsibility and we are going to be  
21 proactive so it doesn't happen again.

22 Q Is that all you have to say?

1           A           That's all I have to say, yes.

2                       CHAIRMAN ANDERSON: Ms. Marks, do you  
3 have any questions you want to ask him?

4                       The reason why is because you  
5 testified and she has an opportunity to cross-  
6 examine you on your testimony and then the Board  
7 will also have an opportunity to do that, too.

8                       MS. MARKS: Just a few questions, Mr.  
9 Chair.

10                      CROSS-EXAMINATION

11           Q           So on the day of January 10th you were  
12 open and operating?

13           A           I believe so, yes.

14           Q           Those three additional servers you had  
15 certified, when was that?

16           A           They got their licenses -- they passed  
17 their certification on 12th of February.

18           Q           Okay. When Investigator Puente  
19 arrived there was no ABC manager on duty?

20           A           There was not, no. I was at the bank.  
21 That's what I told the investigator when I  
22 arrived. It's in the statement.

1 Q Okay. No further questions.

2 REDIRECT EXAMINATION

3 BY CHAIRMAN ANDERSON:

4 Q I'm looking at -- how long were you  
5 gone, sir? How long were you gone from the  
6 establishment since it's the heart of lunchtime?

7 A I was -- well, when we opened up and  
8 they found out that we didn't have enough change  
9 in the register, because our bank that was two  
10 doors down has since closed, I had to go up to  
11 Dupont Circle branch. I was probably gone for  
12 maybe a little bit more than an hour to get in my  
13 car, find parking, walk over, do my transaction,  
14 and come back.

15 CHAIRMAN ANDERSON: Any questions by  
16 any of the Board members?

17 Any questions you wish to ask him on  
18 the questions that I asked?

19 MS. MARKS: No, Mr. Chair.

20 CHAIRMAN ANDERSON: Any clarification  
21 that you wish to make, sir?

22 MR. LACKOVIC: I'm sorry.



1 CHAIRMAN ANDERSON: Any  
2 clarification --

3 MR. LACKOVIC: I'm a little bit hard  
4 of hearing.

5 CHAIRMAN ANDERSON: I apologize. Any  
6 clarification that you need to make based on the  
7 questions that I asked?

8 MR. LACKOVIC: No.

9 CHAIRMAN ANDERSON: Do you have  
10 anything else to day?

11 MR. LACKOVIC: No, sir.

12 CHAIRMAN ANDERSON: All right.

13 Does the Government wish to make a  
14 closing argument?

15 MS. MARKS: Yes, Mr. Chair. Brief  
16 closing argument.

17 Board members, today the Government  
18 has provided sufficient evidence to show that on  
19 January 10, 2019 Siroc failed to have either an  
20 owner, superintendent person, or ABC manager on  
21 duty during the licensed hours of sale.

22 We heard from ABRA investigator Kevin

1 Puente that on January 10, 2019 he visited the  
2 establishment during the lunch hour.

3 Investigator Puente said he observed that the  
4 establishment was full. When he spoke with a  
5 female employee, he asked to speak to the ABC  
6 manager or owner and none was present.

7 Investigator Puente waited roughly 20  
8 minutes before the owner of the establishment  
9 arrived. During that time the establishment was  
10 opened for business and had alcohol behind the  
11 bar that was unsecured and accessible to the  
12 public for sale, service, and consumption.

13 The District has, therefore, met its  
14 burden and proven the charge. The Government  
15 asks for the Board's discretion on what penalty  
16 to assess to this establishment for this charge.

17 CHAIRMAN ANDERSON: Thank you.

18 What is it you want us to do, sir?

19 MR. LACKOVIC: I wanted to come in and  
20 show how proactive --

21 CHAIRMAN ANDERSON: What is it you  
22 want the Board to do?

1                   MR. LACKOVIC: Oh, to waive the fine  
2 that was presented to us. I think we've taken  
3 some corrective measures and I've come here to  
4 show you that we've done that.

5                   CHAIRMAN ANDERSON: Again, what are  
6 the corrective measures that you said you have  
7 taken?

8                   MR. LACKOVIC: I've got three of my  
9 employees to obtain their alcohol beverage  
10 handlers license so that anytime an inspector  
11 comes in, someone who is certified, an alcohol  
12 beverage handler, will be on premise. That's it.

13                   CHAIRMAN ANDERSON: All right. Thank  
14 you.

15                   The record is now closed. Do the  
16 parties wish to file proposed findings of fact  
17 and conclusion of law or waive their right to do  
18 so?

19                   MS. MARKS: The Government waives its  
20 right to do so.

21                   CHAIRMAN ANDERSON: Meaning that you  
22 want to write something or do you want the Board

1 to make a decision on the presentation that was  
2 made today?

3 MR. LACKOVIC: You can make a decision.

4 CHAIRMAN ANDERSON: The Board will  
5 issue a decision within 90 days.

6 As Chairperson of the Alcohol Beverage  
7 Control Board for the District of Columbia in  
8 accordance with D.C. Official Code Section  
9 2574(b) of the Open Meetings Act, I move that ABC  
10 Board hold a closed meeting for the purpose of  
11 seeking legal advice from our counsel on Case No.  
12 19-CIT-00025, Siroc, pursuant to D.C. Official  
13 Code Section 2574(b)(4) of the Open Meetings Act  
14 and deliberate upon Case No. 19-CiT-00025, Siroc,  
15 for the reasons cited in D.C. Official Code  
16 Section 2574(b)(13) of the Open Meetings Act.

17 Is there a second?

18 MEMBER SHORT: Second.

19 CHAIRMAN ANDERSON: Mr. Short has  
20 seconded the motion. I will now take a roll call  
21 and vote on the motion now that it has been  
22 seconded.

1 Mr. Silverstein.

2 MEMBER SILVERSTEIN: I agree.

3 CHAIRMAN ANDERSON: Mr. Short.

4 MEMBER SHORT: I agree.

5 CHAIRMAN ANDERSON: Mr. Cato.

6 MEMBER CATO: I agree.

7 CHAIRMAN ANDERSON: Mr. Anderson. I

8 agree. As it appears that the motion has passed,

9 I hereby give notice that the ABC Board will

10 recess these proceedings to hold a closed meeting

11 in the ABC Board conference room pursuant to

12 Section 2574(b) of the Open Meetings Act.

13 Thank you. We'll issue a decision in

14 90 days.

15 MR. LACKOVIC: Thank you.

16 CHAIRMAN ANDERSON: The Board will

17 then be in recess until 11:00.

18 (Whereupon, the above-entitled matter

19 went off the record at 10:54 a.m.)

20

21

22

**A**

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Before: DC ABRA

Date: 06-05-19

Place: Washington, DC

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