

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
:
Madaket, LLC, :
t/a Surfside :
2444 Wisconsin Avenue NW : Show Cause
Retailer CR - ANC 3B : Hearing (Status)
License No. 78406 :
Case #19-CMP-00025 :
:
(No ABC Manager on Duty) :

Wednesday
February 5, 2020

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
RAFI ALIYA CROCKETT, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOHN LUI, DC OAG
CHARLES BANKS, APPLICANT

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

2 10:06 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case Number 19-CMP-00025,
5 Surfside, License Number 78406. Will the parties
6 please approach and identify themselves for the
7 record, please.

8 MR. BANKS: Charles Bank, Director of
9 Operations.

10 CHAIRPERSON ANDERSON: Charles who,
11 sir?

12 MR. BANKS: Charles Banks.

13 CHAIRPERSON ANDERSON: Good morning,
14 Mr. Banks.

15 MR. BANKS: How are you.

16 MR. LUI: And good morning, John Lui,
17 on behalf of the Government.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Lui. Are there any preliminary matters in
20 this case?

21 MR. LUI: Yes, there's an offer in
22 compromise.

23 CHAIRPERSON ANDERSON: And what is
24 that, sir?

25 MR. LUI: The offer in compromise for

1 one charge of no ABC manager is a \$350 fine, made
2 payable within 30 days, or the license shall be
3 suspended indefinitely until this fine is paid.

4 CHAIRPERSON ANDERSON: Mr. Banks, it's
5 my understanding that there is an offer in
6 compromise and the offer in -- I'm sorry, what's
7 your relationship to this establishment, sir?

8 MR. BANKS: I'm the Director of
9 Operations for the company.

10 CHAIRPERSON ANDERSON: Is your name on
11 the -- I'm sorry, hold on. Let's just certify.
12 Do you have a letter authorizing you to -- are
13 you on the license?

14 MR. BANKS: I'm not on this license.
15 I'm partners with the gentleman, and I have
16 authority in all matters, I come to the ABRA
17 hearings all the time --

18 CHAIRPERSON ANDERSON: But have you
19 provided our agency with authorization to say
20 that you can enter into agreements as --

21 MR. BANKS: No, sir.

22 CHAIRPERSON ANDERSON: I'm sorry?

23 MR. BANKS: No, sir.

24 CHAIRPERSON ANDERSON: I need you to
25 provide us that information, but because there is

1 an offer in compromise, so all right. Let me --
2 and I'm going to let you know what I need to get
3 from you, hopefully, by close of business today.

4 All right. It's my understanding
5 there's an offer in compromise and the offer in
6 compromise is that there is a fine of \$350,
7 payable within 30 days. If the fine is not paid
8 within 30 days, the license will be suspended.
9 Is this your understanding of the offer in
10 compromise?

11 MR. BANKS: Yes.

12 CHAIRPERSON ANDERSON: Are you aware
13 that by accepting an offer in compromise that
14 you're giving up your right to a hearing?

15 MR. BANKS: Yes.

16 CHAIRPERSON ANDERSON: Are you also
17 aware that by accepting an offer in compromise,
18 you're giving your right to appeal this matter?

19 MR. BANKS: Yes.

20 CHAIRPERSON ANDERSON: All right.
21 With this said, I then make a motion that the
22 offer in compromise of a fine of \$350 be
23 accepted, payable within 30 days. If the fine is
24 not paid within 30 days, the license will be
25 suspended until the fine has been paid. Is there

1 a second?

2 MEMBER CROCKETT: Second.

3 CHAIRPERSON ANDERSON: Ms. Crockett
4 has seconded the motion. All those in favor,
5 say, aye.

6 (Chorus of ayes)

7 CHAIRPERSON ANDERSON: Those opposed.
8 The matter passes 4-0-0. What I also need you to
9 do, Mr. Banks, is for you to provide this agency,
10 hopefully by close of business today, with a
11 letter authorizing you to represent the agency.

12 MR. BANKS: Sure.

13 CHAIRPERSON ANDERSON: I do not want
14 for you to be here and then because on my
15 records, it has Robert Blair as the president,
16 who's on the license, and Mr. Blair can, at some
17 point, say, I don't know who Mr. Banks is. Mr.
18 Banks showed up, made representation, and he
19 wasn't authorized to do that, so I'm not going to
20 pay the fine.

21 So we need to get that information
22 from you by -- on the letterhead from the agency
23 saying that you can represent this establishment,
24 and as a general matter, I would say, since you
25 have stated that you have always done that --

1 MR. BANKS: Bring that letter with me.

2 CHAIRPERSON ANDERSON: Right, to make
3 sure that it's in the file.

4 MR. BANKS: No problem.

5 CHAIRPERSON ANDERSON: All right.

6 MR. BANKS: Thank you.

7 CHAIRPERSON ANDERSON: Thank you.

8 (Whereupon, the hearing in the above-
9 entitled matter was concluded at 10:09 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: Surfside

Before: DCABRA

Date: 02-05-20

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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