

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

2 (10:22 a.m.)

3 MEMBER ANDERSON: All right. I'm
4 going to go out of order. So our next case, it's
5 show cause hearing case number 19-CC-00099, Texas
6 Grocery Store, license number 94776. Would the
7 parties please approach and identify themselves
8 for the record, please?

9 MR. FACCI: Good morning, Mr. Chairman
10 and members of the Board. Jason Facci on behalf
11 of the District of Columbia.

12 MEMBER ANDERSON: Good morning, Mr.
13 Facci.

14 MR. DIETZ: Good morning. I'm Bernard
15 Dietz. I represent the licensee.

16 MEMBER ANDERSON: Good morning, Mr.
17 Dietz. Is the licensee here today?

18 MR. DIETZ: No, I --

19 MEMBER ANDERSON: No, I was just
20 asking.

21 MR. DIETZ: I spoke with him yesterday
22 and asked him to be here by 10:30. It's 10:20
23 now. We were scheduled for 11:00 a.m.

24 MEMBER ANDERSON: Is the licensee
25 going to be here today?

1 MR. DIETZ: I expect him to be here in
2 about 10 minutes.

3 MEMBER ANDERSON: Well, then if the
4 licensee is going to be here, then I will -- why
5 not recall the case when -- you tell me. I was
6 told that you guys have a preliminary matter, but
7 should I move forward or should I wait for your
8 client to show up, sir?

9 MR. FACCI: I'm fine either way, Mr.
10 Chairman.

11 MEMBER ANDERSON: You tell me, Mr.
12 Dietz. Do you want to wait for your client, or
13 do you want to move forward without him since you
14 told your client at 10:30? It's not 10:30 yet.

15 MR. DIETZ: I've discussed this matter
16 with my client in great detail as late as
17 yesterday evening. He's fully aware of the offer
18 in compromise and he's agreed to the terms.

19 MEMBER ANDERSON: So you want to move
20 forward without your client being here?

21 MR. DIETZ: Yes.

22 MEMBER ANDERSON: All right. Are
23 there any preliminary matters, Mr. Facci?

24 MEMBER ANDERSON: Yes, Mr. Chairman.
25 We have an offer in compromise.

1 MEMBER ANDERSON: And what is that,
2 please?

3 MR. FACCI: So with respect to charge
4 1, a \$4,000 fine to be paid within 60 days or the
5 license shall be suspended indefinitely until the
6 fine is paid.

7 The license shall be suspended for 10
8 days with four days to be served and six days
9 stayed for one year. And that four-day
10 suspension is to begin on February 24, 2020. All
11 employees who served alcoholic beverages --

12 MEMBER ANDERSON: What are the
13 specific days?

14 MR. FACCI: That would be -- brief
15 indulgence for a calendar -- February 24th, 25th,
16 26th and 27th, 2020.

17 MEMBER ANDERSON: Okay.

18 MR. FACCI: In addition, all employees
19 who serve alcoholic beverages in the licensed
20 establishment will complete alcohol training
21 within three months from the date of today's
22 offer in compromise.

23 And in addition, the establishment
24 shall serve a five-day suspension which is
25 activated from case number 19-CC-00035. And that

1 five-day suspension is begin on March 23rd and
2 continue on March 24th, 25th, 26th and March
3 27th.

4 In addition, there is a second charge
5 in this case. With respect to charge number 2,
6 the offer in compromise is for a \$2,500 fine to
7 be paid within 60 days or the license shall be
8 suspended indefinitely until the fine is paid.

9 MEMBER ANDERSON: Mr. Dietz, it's my
10 understanding that there's an offer in
11 compromise. And the offer in compromise is that
12 for charge 1, there is a \$4,000 fine payable
13 within 60 days.

14 If the fine is not payable within 60
15 days, the license will be suspended indefinitely
16 until the fine has been paid. That along with
17 this charge, the license will be suspended for 10
18 days, four days to be served and six days will be
19 stayed for one year.

20 The four days to be served are
21 February 24th, February 25th, February 26th and
22 February 27th, that all employees who serve
23 alcoholic beverages in the licensed establishment
24 complete an alcohol awareness training within
25 three months from today's date.

1 And that based on this violation, the
2 respondent shall serve an additional five days,
3 which were activated from case number 19-CC-
4 00035. Therefore, the establishment will be --
5 their license will be suspended again from March
6 23rd, on March 23rd, March 24th, March 25th,
7 March 26th and March 27th.

8 Charge 2, that there is a \$2,500 fine
9 that must be paid within 60 days. If the fine is
10 not paid within 60 days, the license will be
11 suspended indefinitely. Is this your
12 understanding? Is this you and your client's
13 understanding, sir, of the offer in compromise?

14 MR. DIETZ: Yes. It's my
15 understanding, and it's my client's
16 understanding.

17 MEMBER ANDERSON: And is your client
18 aware that by accepting an offer in compromise
19 that they're giving up their right to a hearing?

20 MR. DIETZ: Yes.

21 MEMBER ANDERSON: And is your client
22 aware that by accepting the offer in compromise
23 that they're giving up their right to appeal this
24 matter?

25 MR. DIETZ: Yes, he does.

1 MEMBER ANDERSON: All right. With
2 that said, I make a motion that the offer in
3 compromise be accepted. For charge 1, there is a
4 \$4,000 fine payable within 60 days.

5 If the fine is not paid within 60
6 days, the license shall be suspended indefinitely
7 until the fine has been paid, that the licensee
8 shall -- the license shall also be suspended for
9 10 days with four days to be served and six days
10 to be stayed for one year provided there are no
11 further violation.

12 The four days to be served are
13 February 24th, February 25th, February 26th and
14 February 27, 2020, that all employees who serve
15 alcoholic beverages in the licensed establishment
16 complete an alcohol awareness training within
17 three months from the date of the OIC and that as
18 a result of this infraction that the respondent
19 shall serve an additional five days, which are
20 activated from case number 19-CC-00035.

21 The five days that the license will be
22 suspended are March 23rd, March 24th, March 25th,
23 March 26th and March 27, 2020. For charge 2,
24 that there is a \$2,500 fine payable within 60
25 days.

1 If the fine is not payable within 60
2 days, the license will be suspended indefinitely
3 until the fine has been paid. Is there a second?

4 MEMBER SHORT: Second.

5 MEMBER ANDERSON: Mr. Short has
6 seconded the motion. All those in favor, say
7 aye.

8 (Chorus of ayes)

9 MEMBER ANDERSON: Those opposed? The
10 matter passed 6-0-0. The Board will issue a
11 Board order within this matter, sir. However,
12 please ensure that your client is aware of the
13 suspension days, that even if the Board order is
14 not issued that the license will be suspended --
15 is being suspended February 24th, February 25th,
16 February 26th and February 27, 2020 and also
17 March 23rd, March 24th, March 25th, March 26th
18 and March 27.

19 And what this means is that the
20 license -- the establishment can be open.
21 However, they cannot serve, sell alcohol.

22 And I hope that is clear that if
23 there's any alcohol in the establishment, it
24 needs to be secured because they cannot sell any
25 alcohol during that period of time. Thank you.

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Have a good day.

MR. DIETZ: Thank you.

(Whereupon, the above-entitled matter
went off the record at 10:30 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2,23 9:4 above-entitled 9:3 accepted 7:3 accepting 6:18,22 activated 4:25 6:3 7:20 addition 4:18,23 5:4 additional 6:2 7:19 Age 1:11 agreed 3:18 alcohol 4:20 5:24 7:16 8:21,23,25 alcoholic 1:2,15,15 4:11,19 5:23 7:15 ALIYA 1:21 ANC 1:8 Anderson 1:17,19 2:3 2:12,16,19,24 3:3,11 3:19,22,24 4:1,12,17 5:9 6:17,21 7:1 8:5,9 appeal 6:23 Applicant 1:24 approach 2:7 Ascertain 1:11 asked 2:22 asking 2:20 Avenue 1:7 aware 3:17 6:18,22 8:12 awareness 5:24 7:16 aye 8:7 eyes 8:8</p>	<p>6:17,21 8:12 client's 6:12,15 Columbia 1:1 2:11 complete 4:20 5:24 7:16 compromise 3:18,25 4:22 5:6,11,11 6:13 6:18,22 7:3 continue 5:2 Control 1:2,15,15 Convenience 1:6 Counsel 1:24,24 CROCKETT 1:21</p>	<p>four-day 4:9 fully 3:17 further 7:11</p>	<p>months 4:21 5:25 7:17 morning 2:9,12,14,16 motion 7:2 8:6 move 3:7,13,19</p>
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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: Texas Grocery

Before: DCABRA

Date: 02-12-20

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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