

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :
 :
 Partners at 723 8th :
 Street SE, LLC :
 t/a The Ugly Mug Dining :
 Saloon :
 723 8th Street SE : Show Cause
 Retailer CR - ANC 6B : Hearing
 License No. 71793 :
 Case #17-CMP-00368 :
 :
 (Failed to File Quarterly:
 Statement) :

Wednesday
 January 10, 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
 DONALD ISAAC, SR., Member
 MIKE SILVERSTEIN, Member
 JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG
 GAYNER JEBLONSKI, Licensee

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

2 10:19 a.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is a Show Cause Hearing Case No. 17-
5 CMP-00368, The Ugly Mug Dining Saloon, License
6 No. 71793.

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

9 MR. RIVERO: Good morning, Board
10 Members. Fernando Rivero for the District of
11 Columbia.

12 CHAIRPERSON ANDERSON: Mr. Rivero.

13 MR. JEBLONSKI: Good morning. Gayner
14 Jeblonski, owner of The Ugly Mug.

15 CHAIRPERSON ANDERSON: Your last name,
16 sir?

17 MR. JEBLONSKI: Jeblonski.

18 CHAIRPERSON ANDERSON: Mr. Jeblonski.

19 MR. JEBLONSKI: Yes.

20 CHAIRPERSON ANDERSON: Good morning.
21 How are you? Good morning.

22 All right. We have a Show Cause

1 Hearing (Status). Before we start, are there any
2 preliminary matters in this case?

3 MR. RIVERO: There are actually, Board
4 Members. The parties have an Offer in Compromise
5 to present to the Board, at this time.

6 The offer consists of a fine of \$1,250
7 payable in 30 days.

8 I do want to note something about this
9 Offer in Compromise. It appears that, in this
10 particular case, the Investigator had cited the
11 Licensee. The citation was in the amount of
12 \$1,000. The Offer in Compromise before you is
13 \$1,250, which would be normal given the
14 underlying amount in the citation.

15 However, it appears that the
16 investigative history of the establishment was
17 misread and so -- however, ethical obligations
18 require us to, once we provide an Offer in
19 Compromise, stick to it. It's not -- we cannot
20 retract it.

21 And so for that reason, we maintain
22 the offer in front of the Board, number one.

1 Number two, I have discussed the
2 underlying violation with the Licensee, because
3 the Licensee does have a history of having not
4 filed a quarterly statement on time. And we have
5 come to an agreement on a system whereby this
6 won't happen again.

7 So he is to immediately email the
8 compliance specialist upon filing to ensure that
9 any question about a malfunction of the system is
10 eliminated by having an immediate confirmation
11 from the compliance specialist. And if one is
12 not forthcoming, he will simply walk in and file
13 it in person.

14 So with that in mind, it's also the
15 Government's view that this Offer in Compromise
16 does present an efficient use of Government
17 resources in terms of avoiding a hearing, because
18 this would not be an actual short hearing, since
19 there would be a lot of --

20 MEMBER SILVERSTEIN: I'm sorry,
21 because there should not be?

22 MR. RIVERO: It wouldn't be a short

1 hearing. There would be a lot of information to
2 -- technical information to present about how the
3 system works. And so I do believe that the Offer
4 in Compromise is a good resolution, given where
5 we are.

6 Naturally, I would not have -- the
7 offer would not have been extended had there --
8 had the citation properly been fined, but because
9 we are here and I believe that I'm ethically-
10 bound to stick with the -- in other words, it's
11 the Government's error. And the Licensee
12 shouldn't be punished because of the Government's
13 error.

14 That's what I wanted to say about the
15 particular offer.

16 CHAIRPERSON ANDERSON: I'm sorry, your
17 name again, sir? Mister?

18 MR. JEBLONSKI: Gayner Jeblonski.

19 CHAIRPERSON ANDERSON: Mister?

20 MR. JEBLONSKI: Jeblonski.

21 CHAIRPERSON ANDERSON: Jeblonski.

22 Now, oh, Mr. Rivero, so has the quarterly

1 statement been filed?

2 MR. RIVERO: Um, I think --

3 MR. JEBLONSKI: Yes.

4 MR. RIVERO: -- so.

5 MR. JEBLONSKI: Yes, we have.

6 CHAIRPERSON ANDERSON: Okay. I'm
7 getting confirmation that the statement was
8 filed. Okay.

9 MR. JEBLONSKI: Yes, sir.

10 MR. RIVERO: I'm going to satisfy
11 myself after the hearing and if it --

12 CHAIRPERSON ANDERSON: I think I --

13 MR. RIVERO: -- if there is any
14 question about it, I'll make sure that I resolve
15 it with the Licensee.

16 MEMBER SHORT: They have --

17 CHAIRPERSON ANDERSON: I got a yes
18 from a staff member in the audience, a shaking of
19 the head. That is a staff member of the Agency
20 kind of shook their head to say it was filed.
21 Then I take it that it was filed.

22 Mr. Jeblonski, it's my understanding

1 that there is an Offer in Compromise. There is--
2 that there is a fine of \$1,250 payable in 30
3 days. If the fine is not paid within 30 days,
4 the license will be suspended as -- until payment
5 has been made.

6 Is this your understanding, sir, of
7 the Offer in Compromise?

8 MR. JEHLONSKI: Yes, it is.

9 CHAIRPERSON ANDERSON: Are you aware
10 that by accepting an Offer in Compromise, that
11 you are giving up your right to a hearing?

12 MR. JEHLONSKI: I do.

13 CHAIRPERSON ANDERSON: Are you also
14 aware that by accepting this Offer in Compromise,
15 that you are giving up your right to appeal this
16 matter?

17 MR. JEHLONSKI: I do.

18 CHAIRPERSON ANDERSON: I then make a
19 motion that the Offer in Compromise of a fine of
20 \$1,250 be accepted. Is there a second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion. Any questions by any Board
2 Members?

3 All those in favor of the Offer in
4 Compromise say aye.

5 MEMBER SHORT: Aye.

6 CHAIRPERSON ANDERSON: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 MEMBER ISAAC: Aye.

9 CHAIRPERSON ANDERSON: All those
10 opposed?

11 MEMBER ALBERTI: Opposed.

12 CHAIRPERSON ANDERSON: The matter
13 passed 5-1 with Mr. Alberti in opposition.

14 MEMBER ALBERTI: 4-1.

15 CHAIRPERSON ANDERSON: I'm sorry? I'm
16 sorry?

17 MEMBER SILVERSTEIN: 4-1.

18 CHAIRPERSON ANDERSON: Oh, I didn't
19 hear you, Mr. Silverstein. The matter passed 4-2
20 with Mr. --

21 MEMBER SILVERSTEIN: 4-1.

22 MEMBER SHORT: 4-1.

1 CHAIRPERSON ANDERSON: Maybe I can't
2 vote. I don't --

3 MEMBER ALBERTI: There is only five of
4 us.

5 CHAIRPERSON ANDERSON: There is five
6 of us. So four -- oh, it's --

7 MEMBER ISAAC: 4-1.

8 CHAIRPERSON ANDERSON: You know, the
9 next meeting, we're going to have to say -- this
10 is what it is. This is what it is. The next
11 time we meet, there are going to be seven
12 Members, so that's why I'm a little -- and I'm a
13 little confused to how many Members we have here.

14 So it's 4-1 with Mr. Alberti in
15 opposition.

16 MEMBER ALBERTI: Um-hum.

17 MEMBER ISAAC: It passed.

18 CHAIRPERSON ANDERSON: It passed 4-1
19 with Mr. Alberti in opposition.

20 MEMBER ISAAC: That's good.

21 CHAIRPERSON ANDERSON: Thank you. So
22 in two weeks when we get back here and then we

1 have seven Members for the first time, then I'm
2 going to be even more confused.

3 MEMBER ISAAC: Then it will be 4-3.

4 CHAIRPERSON ANDERSON: All right.

5 MEMBER SHORT: Before you go, Mr.

6 Chair?

7 CHAIRPERSON ANDERSON: Hold on, Mr. --

8 MEMBER SHORT: Mr. Jeblonski.

9 CHAIRPERSON ANDERSON: -- Jeblonski,
10 Mr. Short has a statement to make.

11 MEMBER SHORT: So apparently you have
12 talked with the Government and so now there
13 shouldn't be any more problems with quarterly
14 reports?

15 MR. JEBLONSKI: So we have devised a
16 system where I will email Monica as soon as I do
17 the system on-line. And if I do not respond --
18 hear a response back from Monica, I will email
19 Mr. Rivero and also I will physically print a
20 copy out of it, refile it on-line again and print
21 a copy out and bring it in.

22 MEMBER SHORT: Okay. So it has been

1 solved?

2 MR. JEBLONSKI: Yes.

3 MEMBER SHORT: Thank you.

4 MR. JEBLONSKI: Yes.

5 MEMBER SHORT: Hope we don't see you

6 again, Mr. Jeblonski.

7 MR. JEBLONSKI: Thank you.

8 MEMBER SHORT: Thank you.

9 CHAIRPERSON ANDERSON: All right.

10 Thank you. All right. The Board will be in

11 recess until our 11:00 hearing. Okay. All

12 right. Thanks.

13 (Whereupon, the Show Cause Hearing was

14 concluded at 10:27 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 11:14 accepted 7:20 accepting 7:10,14 actual 4:18 Agency 6:19 agreement 4:5 Alberti 1:18 8:11,13,14 9:3,14,16,19 Alcoholic 1:2,13,14 amount 3:11,14 ANC 1:8 Anderson 1:15,17 2:3 2:12,15,18,20 5:16,19 5:21 6:6,12,17 7:9,13 7:18,22 8:6,9,12,15 8:18 9:1,5,8,18,21 10:4,7,9 11:9 apparently 10:11 appeal 7:15 appears 3:9,15 approach 2:7 audience 6:18 avoiding 4:17 aware 7:9,14 aye 8:4,5,6,7,8</p> <hr/> <p style="text-align: center;">B</p> <p>back 9:22 10:18 believe 5:3,9 Beverage 1:2,13,14 Board 1:2,13 2:9 3:3,5 3:22 8:1 11:10 bound 5:10 bring 10:21 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>case 1:9 2:4,4 3:2,10 Cause 1:8 2:4,22 11:13 Chair 10:6 Chairperson 1:15,17 2:3,12,15,18,20 5:16 5:19,21 6:6,12,17 7:9 7:13,18,22 8:6,9,12 8:15,18 9:1,5,8,18,21 10:4,7,9 11:9 citation 3:11,14 5:8 cited 3:10 CMP-00368 2:5 Columbia 1:1 2:11 come 4:5 compliance 4:8,11 Compromise 3:4,9,12 3:19 4:15 5:4 7:1,7,10 7:14,19 8:4 concluded 11:14 confirmation 4:10 6:7</p>	<p>confused 9:13 10:2 consists 3:6 Control 1:2,13,14 copy 10:20,21 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:15 days 3:7 7:3,3 devised 10:15 Dining 1:7 2:5 discussed 4:1 District 1:1 2:10 DONALD 1:18 Donovan 1:15,17</p> <hr/> <p style="text-align: center;">E</p> <p>efficient 4:16 eliminated 4:10 email 4:7 10:16,18 ensure 4:8 error 5:11,13 establishment 3:16 ethical 3:17 ethically- 5:9 extended 5:7</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 favor 8:3 Fernando 1:21 2:10 file 1:10 4:12 filed 4:4 6:1,8,20,21 filing 4:8 fine 3:6 7:2,3,19 fined 5:8 first 10:1 five 9:3,5 forthcoming 4:12 four 9:6 front 3:22</p> <hr/> <p style="text-align: center;">G</p> <p>Gayner 1:22 2:13 5:18 getting 6:7 given 3:13 5:4 giving 7:11,15 go 10:5 going 6:10 9:9,11 10:2 good 2:9,13,20,21 5:4 9:20 Government 4:16 10:12 Government's 4:15 5:11,12</p> <hr/> <p style="text-align: center;">H</p> <p>happen 4:6 head 6:19,20</p>	<p>hear 8:19 10:18 hearing 1:8,14 2:4 3:1 4:17,18 5:1 6:11 7:11 11:11,13 history 3:16 4:3 Hold 10:7 Hope 11:5</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:8 immediate 4:10 immediately 4:7 information 5:1,2 investigative 3:16 Investigator 3:10 is-- 7:1 ISAAC 1:18 8:8 9:7,17 9:20 10:3</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:19 January 1:12 Jablonski 1:22 2:13,14 2:17,17,18,19 5:18,18 5:20,20,21 6:3,5,9,22 7:8,12,17 10:8,9,15 11:2,4,6,7</p> <hr/> <p style="text-align: center;">K</p> <p>kind 6:20 know 9:8</p> <hr/> <p style="text-align: center;">L</p> <p>license 1:9 2:5 7:4 Licensee 1:22 3:11 4:2 4:3 5:11 6:15 little 9:12,13 LLC 1:6 lot 4:19 5:1</p> <hr/> <p style="text-align: center;">M</p> <p>maintain 3:21 malfunction 4:9 matter 1:5 7:16 8:12,19 matters 3:2 meet 9:11 meeting 1:3 9:9 member 1:18,18,19,19 4:20 6:16,18,19 7:21 8:5,7,8,11,14,17,21 8:22 9:3,7,16,17,20 10:3,5,8,11,22 11:3,5 11:8 Members 2:10 3:4 8:2 9:12,13 10:1 met 1:14 MIKE 1:19 mind 4:14</p>	<p>misread 3:17 Mister 5:17,19 Monica 10:16,18 morning 2:9,13,20,21 motion 7:19 8:1 Mug 1:7 2:5,14</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:14 name 2:15 5:17 Naturally 5:6 NICK 1:18 normal 3:13 note 3:8 number 3:22 4:1</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:21 obligations 3:17 offer 3:4,6,9,12,18,22 4:15 5:3,7,15 7:1,7,10 7:14,19 8:3 oh 5:22 8:18 9:6 Okay 6:6,8 10:22 11:11 on-line 10:17,20 once 3:18 opposed 8:10,11 opposition 8:13 9:15 9:19 owner 2:14</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 7:3 particular 3:10 5:15 parties 2:7 3:4 Partners 1:6 passed 8:13,19 9:17,18 payable 3:7 7:2 payment 7:4 person 4:13 physically 10:19 please 2:7,8 preliminary 3:2 present 1:16,20 3:5 4:16 5:2 presiding 1:15 print 10:19,20 problems 10:13 properly 5:8 provide 3:18 punished 5:12</p> <hr/> <p style="text-align: center;">Q</p> <p>quarterly 1:10 4:4 5:22 10:13 question 4:9 6:14</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: Partners at 723 8th Street SE, LLC
t/a The Ugly Mug Dining Saloon

Before: DC Alcoholic Beverage Control Board

Date: 01-10-18

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.



Court Reporter

NEAL R. GROSS

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