

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
DANIELLE TOVAR : Fact Finding
 : Hearing
(Manager's Application) :

Wednesday
April 11, 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
- BOBBY CATO, JR., Member
- DONALD ISAAC, SR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member
- REMA WAHABZADAH, Member

ALSO PRESENT:

- DANIELLE TOVAR, Applicant

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

2 2:24 p:m.

3 CHAIRPERSON ANDERSON: The next case is
4 a fact finding hearing on Danielle Tovar,
5 submitting application for manager's license.
6 Come up, please, ma'am. Please state your name
7 for the record.

8 MS. TOVAR: Danielle Tovar.

9 CHAIRPERSON ANDERSON: I'm going to
10 swear you in. I'm not sure if I need to do it but
11 just for the record, do you swear to tell the
12 truth and nothing but the truth?

13 MS. TOVAR: Mm-hmm.

14 CHAIRPERSON ANDERSON: All right.
15 You're here today, you're applied for a manager's
16 license and you were truthful on your
17 application. A lot of times we bring folks here
18 because as you know when you apply for a
19 manager's license, one of the questions was have
20 you been convicted, and a lot of people say no.
21 And then when their criminal background check
22 comes, then it said something else completely. We

1 drag them in because they have been untruthful.

2 However, you did own up to that and I
3 commend you for that, so that's not bad. But we
4 saw some questions to ask on your background
5 check, and so maybe you can provide us some
6 information on what's going on.

7 I know that, well, the law says, I
8 mean for a felony it's ten years. If it's within
9 the past five years then the board can consider
10 whether or not we will grant it or not grant it.
11 So we had some concerns. We would just like for
12 you to tell us from your perspective, explain to
13 us what does the record state?

14 MS. TOVAR: Sure. As of 2013 I was a
15 heroin addict and in 2015 I got into a lot of
16 trouble. I was dating somebody who had crashed my
17 car into another car and drove away, so that was
18 what the passenger hit and run --

19 CHAIRPERSON ANDERSON: Well, explain it
20 to me because I was an attorney and I was
21 scratching my head what that is, so explain that
22 to me.

1 MS. TOVAR: He had hit my car at a
2 movie theater and then picked me up and drove
3 away. What ended up happening is that he passed
4 away, but that was still my car so my attorney, I
5 guess, made a deal with the prosecution at the
6 time that it would be charged as a passenger hit
7 and run, which I'd never heard of, and I was very
8 confused when I got that. But that's what I was
9 let off with at the time.

10 So yes, I was in the car when he, not
11 when he drove away but when he came to get me and
12 then drove off without reporting it. And then I
13 did get a DUI.

14 CHAIRPERSON ANDERSON: I'm sorry. It
15 happened in Virginia. I'm sorry.

16 MS. TOVAR: Yes, all this is Virginia.
17 I got a DUI in September of 2015. I have since
18 been to rehab. I have been clean for two years,
19 it'll be three years in December of this year,
20 and I've since tried to turn my life around in
21 school and the general manager for a restaurant
22 here in DC. If you have any more questions I'll

1 be --

2 CHAIRPERSON ANDERSON: What restaurant?

3 MS. TOVAR: Red Apron, Union Market.

4 CHAIRPERSON ANDERSON: Because you

5 yourself have seen the dangers of your past

6 actions, we are, if we were to give you a

7 license, what assurances can you give the board

8 that you don't serve or sell alcohol who was in

9 your position so they can go down this road that

10 you went through.

11 MS. TOVAR: I took this bar over as of

12 January, and we still had an ABC manager at the

13 time so a lot of it was me retraining and

14 rehiring staff. It was me going from ground zero

15 and being like, hey, these are mistakes that were

16 happening before here, because management had

17 explained to me after I visited several times the

18 year before and I guess three charges, or three,

19 what is the word I'm looking for, we had gotten

20 fined three times for not having a licensed

21 manager on duty.

22 So it's really important to me that my

1 staff knows that I'm there for them and that
2 they're trained correctly and anyone who looks
3 even, if they look like they're under 40 just
4 check their IDs, make sure. We don't want to get
5 caught, we don't want to be caught with fake IDs,
6 nothing like that.

7 It's been a process of making sure
8 everyone is on the same page. Going forward, that
9 is something that is important to me. I also want
10 to know that everyone's getting home safe, we
11 offer Uber rides for people who are too
12 intoxicated, something that does mean something
13 to me.

14 CHAIRPERSON ANDERSON: Any questions by
15 the board members? Yes, Mr. Alberti?

16 MEMBER ALBERTI: I'm impressed that you
17 have come so far.

18 MS. TOVAR: Thank you.

19 MEMBER ALBERTI: You have gotten your
20 act together, so to speak.

21 MS. TOVAR: Trying, yes.

22 MEMBER ALBERTI: It appears that you're

1 doing really well, and I'm impressed that you're
2 now sort of training other people in the
3 restaurant, so congratulations.

4 MS. TOVAR: Thank you very much.

5 CHAIRPERSON ANDERSON: Any other
6 questions by any other board members? Do you have
7 any final comments, anything you want to say?

8 MS. TOVAR: No, I just don't want my
9 restaurant to get in trouble.

10 CHAIRPERSON ANDERSON: As I said, I
11 commend you that we did not bring you in here
12 because you failed to check that box on your
13 application, and it's not the board's position to
14 be in judgement of anyone. That's not, we didn't
15 call you in for that reason, is that when we see
16 something, we're asking questions. We want to
17 make sure that if we're going to sign off on a
18 license application is that we need to make sure
19 that this person, because they are in charge of
20 putting other people in the position that you are
21 in, to make sure that you're cognizant of what
22 the law says and what your responsibility is to

1 the general public to make sure that you do not
2 sell or serve to any individual in your
3 establishment that when they leave that they're
4 not in control. That's one of the reasons why we
5 have brought you here to give an explanation of
6 what was happening.

7 And also, as I said before, I'm an
8 attorney and I did not know what that charge was
9 --

10 MS. TOVAR: I didn't know it was a
11 thing, either.

12 CHAIRPERSON ANDERSON: And I was like,
13 okay, it's Virginia. With that said, I then make
14 a motion that the grant the manager's license. Is
15 there a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON ANDERSON: Mr. Short has
18 seconded, and I'll say this to you, Mr. Short is
19 law and order public safety man, and Mr. Short, I
20 made a motion and Mr. Short gladly seconded it so
21 that says a whole lot to me and that should say a
22 whole lot to you that the person who would give

1 you the most difficult time on this board as far
2 as public safety is concerned, that he has judged
3 you to be deserving of granting a license.

4 And so I'll say this to you, I don't
5 take it personally -- Let me let the board vote.
6 All those in favor say aye.

7 (Chorus of ayes.)

8 CHAIRPERSON ANDERSON: All those
9 opposed? The matter passed six-zero-zero so I'm
10 going to sign off on this, you can go and get
11 your license, but as I said, it's the people, you
12 know me when they come to see me, it's never
13 positive, and I say this to folks, "I hope this
14 is the first and the last time that I see you
15 sitting in front of me." And -- Yes, Mr. Short.
16 Go ahead.

17 MEMBER SHORT: I'm going to say to you
18 I believe in people having redemption, second
19 chances, you have a great opportunity. Please
20 take advantage of it.

21 MS. TOVAR: Yes, sir. I'm currently
22 getting my master's, so it's been a long road.

1 MEMBER SHORT: Oh, that's good.

2 MS. TOVAR: Thank you.

3 CHAIRPERSON ANDERSON: So we'll give
4 you the application, you can take it to the front
5 desk and get your license.

6 MS. TOVAR: Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:34 p.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: Danielle Tovar

Before: DC ABRA

Date: 04-11-18

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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