DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

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6220 Georgia, LLC, : t/a Victor Liquors :

6220 Georgia Ave, NW, : Show Cause

Retailer A - ANC 4A : Hearing (Status)

License No. 88173 : Case #18-CMP-00117 :

:

(Failed to Follow :
Security Plan) :

Wednesday, October 3, 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, Member MIKE SILVERSTEIN, Member JAMES SHORT, Member

ALSO PRESENT:

TEOFILO AYALA, Applicant GARRETT BRADFORD, Interpreter CHRISTINE GEPHARDT, OAG

1	P-R-O-C-E-E-D-I-N-G-S
2	9:49 a.m.
3	CHAIRPERSON ANDERSON: The next case
4	on our Show Cause Hearing (Status) Calendar is
5	Case No. 18-CMP-00117, Victor Liquors, License
6	No. 88173.
7	Would the parties, please, approach
8	and identify themselves for the record, please?
9	MS. GEPHARDT: Chrissy Gephardt here
10	on behalf of the Office of the Attorney General.
11	CHAIRPERSON ANDERSON: Good morning,
12	Ms. Gephardt.
13	INTERPRETER BRADFORD: Garrett
14	Bradford, Spanish Interpreter, if needed.
15	CHAIRPERSON ANDERSON: Can you raise
16	your right hand, sir? All right. Let me make
17	sure that I find the hold on, give me one
18	minute.
19	INTERPRETER BRADFORD: May the
20	Interpreter inquire if this needs interpreted?
21	CHAIRPERSON ANDERSON: You know what,
22	sir, I'm going to I'm not even going to ask

We have had this controversy before and so, 1 him. 2 therefore, yes. So I'm not going to -- so since the Agency requested you, I'm going to have you 3 4 do it, because this licensee has appeared before us, before the Board and that was an issue. 5 made a specific request for an Interpreter. 6 7 So being consistent with Board 8 policies, I don't want to ask him if he wants one 9 today, because it might be problematic for the 10 Agency. So stand up and raise your right hand, sir, please. 11 12 Do you solemnly affirm that you will 13 faithfully and accurately interpret the 14 proceedings in this matter from English to Spanish and from Spanish to English to the best 15 16 of your ability? 17 INTERPRETER BRADFORD: I do. 18 CHAIRPERSON ANDERSON: Yes, again, 19 identify yourself for the record, please, sir. 20 INTERPRETER BRADFORD: Garrett 21 Bradford. Good morning, 22 CHAIRPERSON ANDERSON:

1	Mr. Bradford. Can you ask him to identify
2	himself for the record, please?
3	MR. AYALA: Teofilo Ayala.
4	CHAIRPERSON ANDERSON: Good morning,
5	Mr. Ayala.
6	MR. AYALA: Good morning, Your Honor.
7	CHAIRPERSON ANDERSON: Could you ask
8	Mr. Ayala to sign-in? There is a sign-in sheet
9	on the table. Could you ask him to sign-in,
10	please? Did he sign it already?
11	MR. AYALA: Yes.
12	CHAIRPERSON ANDERSON: Okay.
13	MR. AYALA: Here it is.
14	CHAIRPERSON ANDERSON: Fine. Ms.
15	Gephardt, are there any preliminary matters in
16	this case?
17	MS. GEPHARDT: The only matter in this
18	case that is preliminary is that the Government
19	would like to propose an amendment to the charge.
20	And that would be instead of violating the
21	security plan, that should have been settlement
22	agreement.

1 MR. AYALA: An agreement on what? 2 MS. GEPHARDT: Settlement agreement. CHAIRPERSON ANDERSON: I think we need 3 to -- I don't think -- I'm not sure if he 4 5 understands. Let him know that the -- what was the specific charge that he was charged with? 6 7 MS. GEPHARDT: You violated your 8 settlement agreement. 9 CHAIRPERSON ANDERSON: No, what was 10 the -- you said he was initially charged with the 11 security plan. 12 MS. GEPHARDT: Right. 13 CHAIRPERSON ANDERSON: So right. I 14 don't think he understands what you are talking about, so that's why I was asking you to repeat 15 16 it, so he could -- because I don't think he had 17 understood what you were asking. 18 MS. GEPHARDT: Okay. So there -- so 19 currently the charge says you violated your 20 security plan. Do you know what the security 21 plan is? 22 MR. AYALA: Yes, I have an idea.

1	MS. GEPHARDT: Okay. The notice
2	incorrectly said you violated your security plan.
3	It should have stated you violated your
4	settlement agreement.
5	MR. AYALA: It didn't say that.
6	MS. GEPHARDT: No, it said security
7	plan. So we
8	MR. AYALA: Okay.
9	MS. GEPHARDT: Okay.
LO	CHAIRPERSON ANDERSON: So you are
L1	asking to change the to just change the
L2	charge?
L3	MS. GEPHARDT: Change the charge,
L 4	correct, as a charge for violation of the
L5	security or excuse me, of the settlement
L6	agreement versus the security plan. So no longer
L7	the security plan, now it's settlement agreement.
L8	CHAIRPERSON ANDERSON: Hold on one
L9	minute. I want to make sure he is done first,
20	hold on.
21	MEMBER ALBERTI: So, Ms. Gephardt, I
22	understand that the description may be wrong, but
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1	in the charging document, did you state the
2	correct statute?
3	MS. GEPHARDT: This is a case given to
4	me. I have to be honest with you, I'm not
5	MEMBER ALBERTI: So, you know, I have
6	no problem with changing the description if
7	that's an error, I understand.
8	MS. GEPHARDT: Okay.
9	MEMBER ALBERTI: It's just the
10	MS. GEPHARDT: But the statute, yeah.
11	MEMBER ALBERTI: it could be a
12	typo.
13	MS. GEPHARDT: Right.
14	MEMBER ALBERTI: But as long what
15	my concern is is that the correct statute was
16	stated in the charging document and that's the
17	important part here.
18	MS. GEPHARDT: Right. That's exactly
19	right. I did not bring my code book with me.
20	823.6.
21	CHAIRPERSON ANDERSON: The charge was
22	section

1	MS. GEPHARDT: That's security plan
2	apparently. So the settlement agreement, like I
3	said I need I would need the code book.
4	MEMBER ALBERTI: So maybe we ought to
5	take a pause here, because I'm going to I am
6	not comfortable with this, if the charging
7	document has the wrong statute in it. I think
8	that that's just a given that we have to do that.
9	MS. GEPHARDT: Um-hum, right.
10	MEMBER ALBERTI: So
11	CHAIRPERSON ANDERSON: It doesn't
12	matter. In this particular case, the statute
13	it's 25-823.6. He was charged with 25-82
14	section a violation of 25-823.6. The licensee
15	fails to follow settlement agreement, settlement
16	plan or Board Order. So all three provisions are
17	in that same statute.
18	MEMBER ALBERTI: Okay. So okay, all
19	right.
20	CHAIRPERSON ANDERSON: But it doesn't
21	matter.
22	MEMBER ALBERTI: Okay. We're good.

1	CHAIRPERSON ANDERSON: It's correct.
2	MEMBER ALBERTI: We're good.
3	CHAIRPERSON ANDERSON: So the correct
4	statute was charged, just the wrong word was in
5	the description.
6	MEMBER ALBERTI: She has clarified for
7	the record.
8	CHAIRPERSON ANDERSON: All right.
9	MEMBER ALBERTI: Thank you, Chairman
LO	Anderson.
L1	CHAIRPERSON ANDERSON: You're welcome.
L2	MEMBER ALBERTI: That clarifies it for
L3	me. Thank you.
L 4	MS. GEPHARDT: And then also there is
L 5	no notice problem, correct, because it's the same
L6	provision of the statute, it's just the word is
L 7	settlement agreement and not security plan.
L8	MEMBER ALBERTI: Okay. Thank you. I
L9	just wanted to make sure it was clear for the
20	record.
21	MS. GEPHARDT: No, that's I
22	thank you.

1	MEMBER ALBERTI: And that's all I
2	wanted to do.
3	MS. GEPHARDT: You're absolutely
4	correct about that.
5	MEMBER ALBERTI: Thank you.
6	CHAIRPERSON ANDERSON: All right.
7	With that clarification, I make a motion that we
8	accept that the change be made since it is the
9	correct statutory violation with charge. Just
10	the incorrect word was utilized in the charging
11	document.
12	MEMBER SHORT: I second.
13	CHAIRPERSON ANDERSON: Mr. Short has
14	seconded the motion.
15	All those in favor say aye.
16	ALL: Aye.
17	CHAIRPERSON ANDERSON: Those opposed?
18	MR. AYALA: Why?
19	CHAIRPERSON ANDERSON: I'm sorry, the
20	matter passes 5-0-0.
21	Yes, sir, do you have something to
22	say?

MR. AYALA: Why are they -- why are 1 2 you changing it after six months? I don't understand. 3 4 MS. GEPHARDT: Because the wrong word 5 It was security plan, but it was was used. supposed to be settlement agreement. 6 However, it is the same charge in terms of the -- the same 7 8 statute was violated. It was the way it was 9 described as the security plan and should have 10 been the settlement agreement. 11 MR. AYALA: But that should have 12 already been put in there if there was a mistake. 13 MS. GEPHARDT: Well, that's up to the 14 Board. MR. AYALA: And that's what I was 15 16 thinking, you know, coming here and then 17 everything changes. 18 CHAIRPERSON ANDERSON: You came here 19 today to -- sir, today is just a preliminary 20 It's just -- what happens at, at least, matter. 21 the hearing today is that you don't contest the

This is the matter of being here today.

matter.

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1 At the Show Cause Hearing, that is 2 when you would bring your documents and witnesses if you are contest this matter. 3 4 Did you understand that, what occurs 5 today at today's hearing? 6 MR. AYALA: Okay. 7 CHAIRPERSON ANDERSON: All right. So 8 this matter is scheduled for a Show Cause Hearing 9 on October 7 -- I'm sorry, on November 7the at 4:30. 10 11 So are you aware then on November 7the 12 at 4:30, if you contest this charge, that's when 13 you can bring your witnesses and whatever 14 documents that you have to dispute the charge. And the charge is that whatever the 15 16 infraction is is that you have been charged with 17 now violating the terms of your settlement 18 agreement. All right? Okay. Thank you. 19 So October 7the at 4:30. 20 MR. AYALA: Thank you. 21 INTERPRETER BRADFORD: Chairman, 22 November 7the?

1	CHAIRPERSON ANDERSON: I'm sorry,
2	November 7the at 4:30. I apologize. Okay. All
3	right. Thank you.
4	INTERPRETER BRADFORD: Chairman, may
5	the Interpreter be dismissed?
6	CHAIRPERSON ANDERSON: Yes, you can
7	be.
8	(Whereupon, the Show Cause (Status)
9	Hearing was concluded at 9:59 a.m.)
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Victor's Liquors

Before: DCABRA

Date: 10-03-18

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

near Nous &