

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF: :

600 F.D., Inc. :

t/a Fuel Pizza & Wings : Show Cause

600 F Street, NW : Hearing

Retailer CR - ANC-2C : (Status)

License No. 88727 :

Case #13-AUD-00066 :

(Failed to File Quarterly :  
 Statements-2nd Quarter 2013) :

Case #14-AUD-00067 :

(Failed to File Quarterly :  
 Statements-1st Quarter 2014) :

Case #14-AUD-00103 :

(Failed to File Quarterly :  
 Statements-2nd Quarter 2014) :

January 7, 2015

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  
 Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

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

2 10:03 a.m.

3 CHAIRPERSON MILLER: Next we have  
4 several cases involving Fuel Pizza & Wings. Is  
5 the representative for Fuel Pizza & Wings here?

6 MS. PHILLIPS: They are here.

7 CHAIRPERSON MILLER: Oh.

8 MS. PHILLIPS: At least I met with  
9 them. They are outside.

10 CHAIRPERSON MILLER: Okay. Good  
11 morning. Okay. So I'm calling the case of Fuel  
12 Pizza & Wings. And I note that there are one,  
13 two --

14 MS. PHILLIPS: There are two different  
15 locations and six cases, Madam Chair.

16 CHAIRPERSON MILLER: Thank you.

17 MS. PHILLIPS: Three in each, I  
18 believe.

19 CHAIRPERSON MILLER: Okay. So I think  
20 that you two are here for all of the cases?

21 MS. PHILLIPS: Yes, Madam Chair.

22 CHAIRPERSON MILLER: Well, let me ask

1       you necessarily how you wanted to proceed.  
2       Should I call the cases for each address  
3       separately or do you want me to call all the  
4       cases together?

5                   MS. PHILLIPS: I think that what we  
6       should do is call the three for the first  
7       address. And I have them listed at the F Street  
8       address the first three and then as the K Street  
9       address the next three. And we call them --

10                   CHAIRPERSON MILLER: Right.

11                   MS. PHILLIPS: -- I have Offers in  
12       Compromises for all six.

13                   CHAIRPERSON MILLER: Right.

14                   MS. PHILLIPS: But it would make sense  
15       to call them in that address grouping, because  
16       you also put in the address when you announce the  
17       cases.

18                   CHAIRPERSON MILLER: Right. That's  
19       exactly what I thought, but I just wanted to  
20       check with you. Okay.

21                   MR. TABIEI: Madam Chair?

22                   CHAIRPERSON MILLER: Yes?

1 MR. TABIEI: I apologize for  
2 interrupting. First of all, good morning.

3 CHAIRPERSON MILLER: You might as well  
4 introduce yourself now. I was going to call the  
5 case and then have you introduce yourselves.

6 MR. TABIEI: I apologize.

7 CHAIRPERSON MILLER: But for the  
8 record, you are?

9 MR. TABIEI: My name is Omeed. I am  
10 the agent for Fuel Pizza & Wings.

11 CHAIRPERSON MILLER: Okay.

12 MR. TABIEI: We actually are in the  
13 process of coming to a resolution in -- coming to  
14 a settlement agreement with opposing counsel. If  
15 we actually just may pass this case very briefly,  
16 we can come back to the table with an agreement  
17 that we can bring before you.

18 CHAIRPERSON MILLER: Okay. Is that  
19 agreeable to you, Ms. Phillips?

20 MS. PHILLIPS: That's agreeable with  
21 me. We have tried to resolve it before and  
22 during --

1 CHAIRPERSON MILLER: Okay.

2 MS. PHILLIPS: -- and there are six  
3 cases, so we might as well knock them out if we  
4 possibly can.

5 CHAIRPERSON MILLER: Okay. But my  
6 question is then, are you the attorney though on  
7 the other cases this morning, such as the next  
8 one?

9 MS. PHILLIPS: I'm the attorney on all  
10 of them, so they would have to be called after  
11 the first Show Cause is my suspicion.

12 CHAIRPERSON MILLER: Okay. All right.  
13 So we will continue with you can we will come  
14 back to your case, these cases. All right. So  
15 you can be excused and you are going to wait to  
16 discuss with the Government.

17 MR. TABIEI: Thank you, Madam Chair.

18 CHAIRPERSON MILLER: Okay.

19 MR. TABIEI: Appreciate it.

20 CHAIRPERSON MILLER: All right.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:06 a.m. and resumed at

1 11:02 a.m.)

2 CHAIRPERSON MILLER: Okay. As we  
3 discussed, I'm going to call separately the Fuel  
4 Pizza & Wings cases by address. So we have three  
5 Fuel Pizza & Wings cases at one address and three  
6 at another.

7 So the first three cases then that I'm  
8 calling, at this time, are Case No. 13-AUD-00066,  
9 14-AUD-00067 and 14-AUD-00103, that is for Fuel  
10 Pizza & Wings located at 600 F Street, N.W.,  
11 License No. 88727, in ANC-2C.

12 So if the parties would introduce  
13 themselves for the record?

14 MS. PHILLIPS: Louise Phillips,  
15 Assistant Attorney General for the District of  
16 Columbia.

17 MR. TABIEI: Omeed Tabiei, agent for  
18 Fuel Pizza & Wings, 1606 K Street, LLC.

19 MR. CONVERSE: Doug Converse, Director  
20 of Operation and partner of Fuel Pizza.

21 CHAIRPERSON MILLER: Okay. And so we  
22 know you were here before the winter break and

1 you got notice and you are authorized to  
2 represent the company, correct?

3 MR. TABIEI: I am.

4 CHAIRPERSON MILLER: Okay. All right.  
5 Good. So we can then proceed. If you all have  
6 some preliminary issues you want to bring to the  
7 Board's attention?

8 MS. PHILLIPS: Madam Chair, the  
9 parties have Offers in Compromises on all three  
10 cases at, I believe, 600 F Street, N.W.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: We would like the Board  
13 to consider. I can do it case-by-case, but the  
14 payment time will be reflective of the fact that  
15 there are six cases and it's a lot of money.

16 CHAIRPERSON MILLER: Okay.

17 MS. PHILLIPS: So we will start with  
18 66, if that's okay with the Board?

19 CHAIRPERSON MILLER: Yes.

20 MS. PHILLIPS: The Offer in Compromise  
21 that we would like to present is a \$1,000 fine to  
22 be paid within 90 days or the license will be

1 suspended.

2 CHAIRPERSON MILLER: Yes.

3 MS. PHILLIPS: Do you vote on them  
4 individually or do all three at once?

5 CHAIRPERSON MILLER: I think that we  
6 were going to vote on, unless my colleagues  
7 disagree, the three together, if the three are  
8 related to the one address.

9 MEMBER RODRIGUEZ: The three.

10 CHAIRPERSON MILLER: Okay.

11 MS. PHILLIPS: Okay. The next case  
12 would be 103.

13 CHAIRPERSON MILLER: Unless someone  
14 wants to pull one. You know, the Board has --  
15 unless a Board Member has a specific concern.

16 MEMBER ALBERTI: No, I agree. Let's  
17 hear the Offer in Compromise on all three.

18 MS. PHILLIPS: Okay.

19 CHAIRPERSON MILLER: Yes, we want to  
20 hear all three. Correct?

21 MS. PHILLIPS: All right.

22 CHAIRPERSON MILLER: Yes.

1 MS. PHILLIPS: So the next case is  
2 103.

3 CHAIRPERSON MILLER: I just wanted to  
4 make sure that my colleagues agreed. All right.  
5 All right.

6 MS. PHILLIPS: The next case would be  
7 103 and that fine would consist of \$2,000 and  
8 again 90 days to pay. The license would be  
9 suspended.

10 MEMBER SILVERSTEIN: Say again for the  
11 fine.

12 MS. PHILLIPS: \$2,000. The next case  
13 is 67. Again, the fine would be \$2,000 and again  
14 the same time to pay, 90 days. And for the --

15 CHAIRPERSON MILLER: Wait. What is  
16 the number on that one?

17 MS. PHILLIPS: \$2,000.

18 CHAIRPERSON MILLER: I thought we just  
19 did 67?

20 MEMBER RODRIGUEZ: 66.

21 MS. PHILLIPS: I started with 66 and  
22 then I went to 103 and now I'm on 67.

1 CHAIRPERSON MILLER: Oh, 103 you did.

2 Okay.

3 MEMBER ALBERTI: Okay. That's right.

4 Okay.

5 CHAIRPERSON MILLER: So 103 was

6 \$2,000?

7 MS. PHILLIPS: Yes, ma'am.

8 CHAIRPERSON MILLER: And 67 is what?

9 MS. PHILLIPS: \$2,000.

10 CHAIRPERSON MILLER: \$2,000. Okay.

11 MS. PHILLIPS: And I have the total  
12 for those three as fine of \$5,000.

13 CHAIRPERSON MILLER: Okay. Mr.  
14 Tabiei?

15 MR. TABIEI: Yes, ma'am.

16 CHAIRPERSON MILLER: Does your client  
17 agree to an Offer in Compromise of \$5,000 total  
18 for the three cases: 66, 67 and 103?

19 MR. TABIEI: Yes, my client does agree  
20 to the Offer in Compromise of \$5,000 to be paid  
21 within 90 days for the three cases relating to  
22 600 F Street, yes.

1                   CHAIRPERSON MILLER: Okay. And the 90  
2 days, if not paid within the 90 days, the license  
3 would be suspended.

4                   MR. TABIEI: We do agree to this.

5                   CHAIRPERSON MILLER: Okay. Okay. And  
6 does he understand that he waives his right to a  
7 hearing and appeal of this penalty?

8                   MR. TABIEI: Yes.

9                   CHAIRPERSON MILLER: Okay. Are there  
10 any Board questions?

11                  MEMBER ALBERTI: Have the quarterly  
12 reports all been filed?

13                  MS. PHILLIPS: My understanding is  
14 that all the audit reports have been filed. I  
15 haven't gotten that officially from the Agency,  
16 however.

17                  MR. CONVERSE: It's my understanding  
18 that they have, yes.

19                  MEMBER ALBERTI: Okay. So to the best  
20 of your knowledge, you have filed all of them?

21                  MR. CONVERSE: Yes, sir.

22                  MEMBER ALBERTI: Fine.

1 MR. CONVERSE: And not only that, but  
2 if I may say to the Board that, you know, the  
3 client is sincerely apologetic at having dropped  
4 the ball in this case. As you can see, all of  
5 the charges came down within, you know, a  
6 specific period of time, about a year.

7 And as we discussed last time, it was  
8 because -- and this is not meant to be offered as  
9 an excuse or anything, but the Chief Financial  
10 Officer did come down with brain cancer and when  
11 he came down with brain cancer, the company was  
12 left, you know, scrambling, trying to get their  
13 operations together and it's my understanding the  
14 Chief Financial Officer is recovering from the  
15 brain cancer.

16 But regardless, the company has put  
17 systems in place to ensure full compliance moving  
18 forward and you will not be seeing them before  
19 the Board in relation to these issues again.

20 CHAIRPERSON MILLER: Okay. Thank you.  
21 All right. Then at this time, I would like to  
22 move approval of the Offer in Compromise of a

1 \$5,000 penalty for the three cases: 66, 67 and  
2 103. And the \$5,000 will be paid within 90 days  
3 or the license will be suspended until full  
4 payment.

5 MEMBER SILVERSTEIN: I second the  
6 motion.

7 MEMBER RODRIGUEZ: Was that your  
8 motion?

9 CHAIRPERSON MILLER: Yes. Okay.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? The motion  
14 passes 5-0-0.

15 I will just say at this time because  
16 this involves six cases, the Board is going to  
17 issue a written order after the hearing. Okay.  
18 We won't be handing you a piece of paper.

19 MS. PHILLIPS: That makes a lot of  
20 sense.

21 MR. TABIEI: I understand.

22 CHAIRPERSON MILLER: Okay. Now, that

1 takes us to the other Fuel Pizza & Wings cases  
2 located at 1606 K Street.

3 MEMBER ALBERTI: But just out of --  
4 for my own edification, so the agreement is that  
5 the payment will be due 90 days from today, not  
6 90 days from the issuance of the order?

7 MS. PHILLIPS: Well, that was my  
8 understanding.

9 MEMBER ALBERTI: Because I don't know  
10 when the order will be -- it might be a couple of  
11 days.

12 MS. PHILLIPS: That was my  
13 understanding it would be 90 days. I don't know  
14 whether their corporation requires something in  
15 writing before they can issue a check. Most  
16 corporations that are out of state that I have  
17 dealt with in the past, they require something in  
18 writing --

19 CHAIRPERSON MILLER: Oh.

20 MS. PHILLIPS: -- before --

21 MEMBER ALBERTI: That's okay. But  
22 there is a 90 day window for them to get that.

1 CHAIRPERSON MILLER: Okay.

2 MS. PHILLIPS: Don't ask me how long  
3 it takes to cut a check.

4 MEMBER ALBERTI: My question is when  
5 does this start tolling?

6 MS. PHILLIPS: Whenever the Board  
7 prefers, I assume.

8 MEMBER ALBERTI: I would prefer today.

9 MEMBER RODRIGUEZ: Madam Chair, I  
10 recommend that it start today.

11 MEMBER ALBERTI: All right.

12 CHAIRPERSON MILLER: That was the  
13 representation.

14 MEMBER ALBERTI: Okay. Very good.

15 CHAIRPERSON MILLER: That --

16 MEMBER ALBERTI: Thank you.

17 CHAIRPERSON MILLER: -- certainly the  
18 corporation would have a written order before it  
19 is obligated to pay the fine.

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: And it will have  
22 it well before the 90 days, I would think.

1 MEMBER ALBERTI: Right.

2 CHAIRPERSON MILLER: So all right. We  
3 will make that clear in the order though 90 days  
4 from today. Okay.

5 (Whereupon, the Show Cause (Status)  
6 Hearings in the above-entitled matters were  
7 concluded at 11:11 a.m.)

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