

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
 :  
Sweet Mango Cafe Corporation : Show Cause  
t/a Sweet Mango Cafe : Hearing  
3701 New Hampshire Ave., NW :  
Retailer CR - ANC-4C :  
License No. 72512 :  
Case #12-CMP-00010 and :  
Case #12-AUD-00030 :  
 :  
(Violation of Voluntary :  
Agreement. Failed to Obtain :  
Entertainment Endorsement. :  
Failed to File Quarterly :  
Statements (1st & 4th :  
Quarters 2011.) :

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January 9, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

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

(10:21 a.m.)

CHAIRPERSON MILLER: Okay. The next case on our calendar is Case No. 12-AUD-00030. This is Sweet Mango Cafe located at 3701 New Hampshire Avenue, N.W., License No. 72512. And this is a Show Cause Hearing.

MS. GEPHARDT: That is correct. My name is Chrissy Gephardt. I'm here on behalf of the District of Columbia.

CHAIRPERSON MILLER: Wait. Okay.

MR. R. JAMES: I'm Reginald James. The owner of Sweet Mango Cafe.

CHAIRPERSON MILLER: I'm sorry. I missed your name.

MR. R. JAMES: Reginald James. R-E-G-I-N-A-L-D.

CHAIRPERSON MILLER: Right.

MR. R. JAMES: J-A-M-E-S.

CHAIRPERSON MILLER: And you are?

MR. B. JAMES: I'm Brandon James, the bar manager at Sweet Mango Cafe.

1                   CHAIRPERSON MILLER: Okay. And I  
2 also -- there are two cases involving this  
3 establishment, so I'm going to call the other  
4 case number as well, Case No. 12-CMP-00010.  
5 The same parties?

6                   MS. GEPHARDT: That's correct.

7                   CHAIRPERSON MILLER: Okay. All  
8 right. This is a Show Cause Hearing. Are  
9 there any preliminary matters? Ms. Gephardt?

10                  MS. GEPHARDT: Thank you, Madam  
11 Chairperson. In this case, the preliminary  
12 matter, the parties have agreed to stipulate  
13 to the facts in this case. And therefore we  
14 do have an offer in compromise in terms of the  
15 penalty.

16                  The parties have agreed for the  
17 Case No. 12-AUD-00030 -- actually  
18 preliminarily, the Government would like to  
19 amend the charge in this case. In this case,  
20 the Government charged a violation of two  
21 quarterly statements, one being failure to  
22 file with the Board the quarterly statement

1 for the first quarter of 2011.

2 And then the second one was the  
3 fourth quarter of 2011. The licensee pointed  
4 out to me yesterday that the quarterly  
5 statement violation for the first quarter of  
6 2011 was actually dismissed by the Board in  
7 September of 2011.

8 There was a Fact-Finding Hearing  
9 and, at that time, the Board decided to  
10 dismiss the charges. Let's see, it says "On  
11 premise retailers license quarterly  
12 statement," this was on March 9, 2011, "on  
13 3/30/2011, the Board requested a Show Cause  
14 and on September 14, 2011, the Board dismissed  
15 the charges."

16 So this was an erroneous charge by  
17 the Government.

18 In terms of the second violation,  
19 the Government proposed a \$2,000 fine for  
20 failure to file the quarterly statement for  
21 the fourth quarter of 2011.

22 And then if we turn your attention

1 to Case No. 12-CMP-00010, which is the  
2 violation of the voluntary agreement, and also  
3 for failure to have -- or excuse me for  
4 violating the entertainment endorsement by  
5 playing amplified music, the agreement that  
6 the parties have reached is for each of those  
7 charges a \$4,000 fine.

8 And for this whole package it  
9 would be a \$10,000 fine payable within 60  
10 days.

11 CHAIRPERSON MILLER: Okay. Mr.  
12 James, the owner. There are two Mr. James  
13 here, correct? Okay. I want to just  
14 reiterate that the OIC that the Government is  
15 presenting, make sure that that is what you,  
16 in fact, agreed to before the Board will take  
17 any vote on it.

18 It would be a total penalty of  
19 \$10,000. \$2,000 for the quarterly statement  
20 violation and \$8,000 for the case dealing with  
21 violation of a voluntary agreement and the  
22 failure to obtain an entertainment

1 endorsement.

2 Are you agreeable to -- and it  
3 would be paid within 60 days. So that's  
4 \$10,000 payable within 60 days. Are you  
5 agreeable to that? Is that your  
6 understanding?

7 MR. R. JAMES: I agree.

8 CHAIRPERSON MILLER: Okay. And  
9 you also agree that by accepting an offer in  
10 compromise, you waive your right to a hearing?

11 MR. R. JAMES: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay. Any  
13 questions by Board Members? Okay.

14 MEMBER JONES: Madam Chair?

15 CHAIRPERSON MILLER: Yes?

16 MEMBER JONES: This is my fault.  
17 Could you just do the breakdown again of what  
18 the OIC is?

19 CHAIRPERSON MILLER: Okay.

20 MEMBER JONES: Just so I'm clear.

21 CHAIRPERSON MILLER: \$2,000  
22 penalty for the failure to file the quarterly

1 statement of Case 12-CMP -- 12-AUD-00030. So  
2 it's \$2,000 for that case. The second case  
3 would be \$4,000 penalty for each violation in  
4 Case 12-CMP-00010. \$4,000 for violation of  
5 the voluntary agreement and \$4,000 for failure  
6 to obtain an entertainment endorsement.

7 MEMBER JONES: Okay.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER JONES: Can I just add and  
10 maybe I misunderstood what you said at the  
11 very, very beginning. I'm sorry, may I?

12 CHAIRPERSON MILLER: Yes.

13 MEMBER JONES: Okay.

14 CHAIRPERSON MILLER: Please, yes.

15 MEMBER JONES: Okay. At the very,  
16 very beginning you mentioned that there was  
17 clarification and that there was information  
18 that you had received from the licensee that  
19 helped you make a decision regarding quarterly  
20 statements filed. Is that not related to the  
21 AUD-00030?

22 MS. GEPHARDT: If you look at the

1 way that the case was charged or that the  
2 violation was charged, there were two  
3 quarterly statement violations.

4 MEMBER JONES: Okay. That was one  
5 of them.

6 MS. GEPHARDT: But we have  
7 dismissed one of them or we moved to dismiss  
8 one of them because of the fact that the  
9 Board, in looking back at the investigative  
10 history, did actually dismiss that in  
11 September of 2011.

12 MEMBER JONES: Fair enough.

13 MS. GEPHARDT: Yes.

14 MEMBER JONES: I'm clear.

15 MS. GEPHARDT: No problem.

16 CHAIRPERSON MILLER: Anybody else  
17 have a question?

18 All right. Then I would move  
19 approval of the offer in compromise, which is  
20 a total penalty of \$10,000 to settle both  
21 cases, 12-AUD-00030 and 12-CMP-00010, to be  
22 paid within 60 days. \$2,000 for the first

1 case and \$8,000 for the second case.

2 Do I have a second?

3 MEMBER BROOKS: Second.

4 CHAIRPERSON MILLER: Mr. Brooks  
5 has seconded the motion. Any other comments  
6 or questions?

7 All those in favor then of the  
8 offer in compromise say aye.

9 MEMBER BROOKS: Aye.

10 CHAIRPERSON MILLER: Aye.

11 MEMBER ALBERTI: Aye.

12 MEMBER SILVERSTEIN: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed?

15 MEMBER JONES: Oppose.

16 CHAIRPERSON MILLER: All those  
17 abstaining? Then the vote is 4-1-0 to approve  
18 the offer in compromise.

19 So that concludes this case.

20 (Whereupon, the Show Cause Hearing  
21 in the above-entitled matter was concluded at  
22 10:30 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>above-entitled</b> 9:21  <b>abstaining</b> 9:17  <b>accepting</b> 6:9  <b>add</b> 7:9  <b>agree</b> 6:7,9  <b>agreeable</b> 6:2,5  <b>agreed</b> 3:12,16  5:16  <b>agreement</b> 1:11 5:2  5:5,21 7:5  <b>ALBERTI</b> 1:21  9:11  <b>Alcoholic</b> 1:2,16,17  <b>amend</b> 3:19  <b>amplified</b> 5:5  <b>ANC-4C</b> 1:8  <b>Anybody</b> 8:16  <b>approval</b> 8:19  <b>approve</b> 9:17  <b>attention</b> 4:22  <b>AUD-00030</b> 7:21  <b>Ave</b> 1:7  <b>Avenue</b> 2:6  <b>aye</b> 9:8,9,10,11,12  <b>a.m</b> 2:2 9:22</p>	<p>3:4,11,13,17,19  3:19 5:1,20 7:1,2  7:2,4 8:1 9:1,1,19  <b>cases</b> 3:2 8:21  <b>Cause</b> 1:6 2:7 3:8  4:13 9:20  <b>Chair</b> 6:14  <b>Chairperson</b> 1:18  1:21 2:3,11,14,18  2:20 3:1,7,11 5:11  6:8,12,15,19,21  7:8,12,14 8:16 9:4  9:10,13,16  <b>charge</b> 3:19 4:16  <b>charged</b> 3:20 8:1,2  <b>charges</b> 4:10,15 5:7  <b>Chrissy</b> 1:25 2:9  <b>clarification</b> 7:17  <b>clear</b> 6:20 8:14  <b>Columbia</b> 1:1 2:10  <b>comments</b> 9:5  <b>compromise</b> 3:14  6:10 8:19 9:8,18  <b>concluded</b> 9:21  <b>concludes</b> 9:19  <b>Control</b> 1:2,16,17  <b>Corporation</b> 1:6  <b>correct</b> 2:8 3:6 5:13  <b>CR</b> 1:8</p>	<p><b>erroneous</b> 4:16  <b>establishment</b> 3:3  <b>excuse</b> 5:3  <b>E-G-I-N-A-L-D</b>  2:17</p> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 5:16 8:8  <b>facts</b> 3:13  <b>Fact-Finding</b> 4:8  <b>Failed</b> 1:11,12  <b>failure</b> 3:21 4:20  5:3,22 6:22 7:5  <b>Fair</b> 8:12  <b>fault</b> 6:16  <b>favor</b> 9:7  <b>file</b> 1:12 3:22 4:20  6:22  <b>filed</b> 7:20  <b>fine</b> 4:19 5:7,9  <b>first</b> 4:1,5 8:22  <b>fourth</b> 4:3,21</p>	<p><b>January</b> 1:15  <b>JONES</b> 1:22 6:14  6:16,20 7:7,9,13  7:15 8:4,12,14  9:15  <b>J-A-M-E-S</b> 2:19</p> <p style="text-align: center;"><b>L</b></p> <p><b>Let's</b> 4:10  <b>license</b> 1:8 2:6 4:11  <b>licensee</b> 4:3 7:18  <b>located</b> 2:5  <b>look</b> 7:22  <b>looking</b> 8:9</p> <p style="text-align: center;"><b>M</b></p> <p><b>Madam</b> 3:10 6:14  <b>manager</b> 2:22  <b>Mango</b> 1:6,6 2:5,13  2:22  <b>March</b> 4:12  <b>matter</b> 1:5 3:12  9:21  <b>matters</b> 3:9  <b>ma'am</b> 6:11  <b>MEETING</b> 1:3  <b>Member</b> 1:21,22  1:22,23 6:14,16  6:20 7:7,9,13,15  8:4,12,14 9:3,9,11  9:12,15  <b>Members</b> 6:13  <b>mentioned</b> 7:16  <b>met</b> 1:17  <b>MIKE</b> 1:23  <b>Miller</b> 1:18,21 2:3  2:11,14,18,20 3:1  3:7 5:11 6:8,12,15  6:19,21 7:8,12,14  8:16 9:4,10,13,16  <b>missed</b> 2:15  <b>misunderstood</b>  7:10  <b>motion</b> 9:5  <b>move</b> 8:18  <b>moved</b> 8:7  <b>music</b> 5:5</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:9,15  <b>New</b> 1:7 2:6  <b>NICK</b> 1:21  <b>number</b> 3:4  <b>NW</b> 1:7  <b>N.W</b> 1:17 2:6</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:25  <b>obtain</b> 1:11 5:22  7:6  <b>offer</b> 3:14 6:9 8:19  9:8,18  <b>OIC</b> 5:14 6:18  <b>Okay</b> 2:3,11 3:1,7  5:11,13 6:8,12,13  6:19 7:7,8,13,15  8:4  <b>Oppose</b> 9:15  <b>opposed</b> 9:14  <b>owner</b> 2:13 5:12</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B</b> 2:21  <b>back</b> 8:9  <b>bar</b> 2:22  <b>beginning</b> 7:11,16  <b>behalf</b> 2:10  <b>Beverage</b> 1:2,16,17  <b>Board</b> 1:2,17 3:22  4:6,9,13,14 5:16  6:13 8:9  <b>Brandon</b> 2:21  <b>breakdown</b> 6:17  <b>Brooks</b> 1:22 9:3,4,9</p>	<p style="text-align: center;"><b>D</b></p> <p><b>days</b> 5:10 6:3,4  8:22  <b>dealing</b> 5:20  <b>decided</b> 4:9  <b>decision</b> 7:19  <b>dismiss</b> 4:10 8:7,10  <b>dismissed</b> 4:6,14  8:7  <b>District</b> 1:1 2:10  <b>DONALD</b> 1:22  <b>D.C</b> 1:18</p>	<p style="text-align: center;"><b>G</b></p> <p><b>Gephardt</b> 1:25 2:8  2:9 3:6,9,10 7:22  8:6,13,15  <b>going</b> 3:3  <b>Government</b> 3:18  3:20 4:17,19 5:14</p> <p style="text-align: center;"><b>H</b></p> <p><b>Hampshire</b> 1:7 2:6  <b>hearing</b> 1:6,17 2:7  3:8 4:8 6:10 9:20  <b>helped</b> 7:19  <b>HERMAN</b> 1:22  <b>history</b> 8:10</p>	<p style="text-align: center;"><b>I</b></p> <p><b>information</b> 7:17  <b>investigative</b> 8:9  <b>involving</b> 3:2</p>	<p style="text-align: center;"><b>P</b></p> <p><b>package</b> 5:8  <b>paid</b> 6:3 8:22  <b>parties</b> 3:5,12,16  5:6  <b>payable</b> 5:9 6:4  <b>penalty</b> 3:15 5:18  6:22 7:3 8:20  <b>playing</b> 5:5  <b>Please</b> 7:14  <b>pointed</b> 4:3  <b>preliminarily</b> 3:18  <b>preliminary</b> 3:9,11  <b>premise</b> 4:11  <b>PRESENT</b> 1:19,24  <b>presenting</b> 5:15  <b>presiding</b> 1:18  <b>problem</b> 8:15  <b>proposed</b> 4:19  <b>P-R-O-C-E-E-D-...</b>  2:1</p>
<p style="text-align: center;"><b>C</b></p> <p><b>Cafe</b> 1:6,6 2:5,13  2:22  <b>calendar</b> 2:4  <b>call</b> 3:3  <b>case</b> 1:9,9 2:4,4 3:4</p>	<p style="text-align: center;"><b>E</b></p> <p><b>endorsement</b> 1:12  5:4 6:1 7:6  <b>entertainment</b> 1:12  5:4,22 7:6</p>	<p style="text-align: center;"><b>J</b></p> <p><b>James</b> 2:12,12,16  2:16,19,21,21  5:12,12 6:7,11</p>	<p style="text-align: center;"><b>M</b></p> <p><b>Madam</b> 3:10 6:14  <b>manager</b> 2:22  <b>Mango</b> 1:6,6 2:5,13  2:22  <b>March</b> 4:12  <b>matter</b> 1:5 3:12  9:21  <b>matters</b> 3:9  <b>ma'am</b> 6:11  <b>MEETING</b> 1:3  <b>Member</b> 1:21,22  1:22,23 6:14,16  6:20 7:7,9,13,15  8:4,12,14 9:3,9,11  9:12,15  <b>Members</b> 6:13  <b>mentioned</b> 7:16  <b>met</b> 1:17  <b>MIKE</b> 1:23  <b>Miller</b> 1:18,21 2:3  2:11,14,18,20 3:1  3:7 5:11 6:8,12,15  6:19,21 7:8,12,14  8:16 9:4,10,13,16  <b>missed</b> 2:15  <b>misunderstood</b>  7:10  <b>motion</b> 9:5  <b>move</b> 8:18  <b>moved</b> 8:7  <b>music</b> 5:5</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>quarter</b> 4:1,3,5,21</p>

<b>quarterly</b> 1:12 3:21 3:22 4:4,11,20 5:19 6:22 7:19 8:3	<b>Sweet</b> 1:6,6 2:5,13 2:22	1:9 <b>#12-CMP-00010</b> 1:9		
<b>Quarters</b> 1:13	<b>take</b> 5:16	<b>0</b>		
<b>question</b> 8:17	<b>terms</b> 3:14 4:18	<b>00030</b> 2:5		
<b>questions</b> 6:13 9:6	<b>Thank</b> 3:10	<b>1</b>		
<b>R</b>	<b>time</b> 4:9	<b>1st</b> 1:13		
<b>R</b> 2:12,16,16,19 6:7	<b>total</b> 5:18 8:20	<b>10:21</b> 2:2		
6:11	<b>turn</b> 4:22	<b>10:30</b> 9:22		
<b>reached</b> 5:6	<b>two</b> 3:2,20 5:12 8:2	<b>12-AUD</b> 2:4		
<b>received</b> 7:18	<b>t/a</b> 1:6	<b>12-AUD-00030</b> 3:17 7:1 8:21		
<b>regarding</b> 7:19	<b>U</b>	<b>12-CMP</b> 7:1		
<b>Reginald</b> 2:12,16	<b>understanding</b> 6:6	<b>12-CMP-00010</b> 3:4 5:1 7:4 8:21		
<b>reiterate</b> 5:14	<b>V</b>	<b>14</b> 4:14		
<b>related</b> 7:20	<b>violating</b> 5:4	<b>14th</b> 1:17		
<b>requested</b> 4:13	<b>violation</b> 1:10 3:20 4:5,18 5:2,20,21 7:3,4 8:2	<b>2</b>		
<b>Retailer</b> 1:8	<b>violations</b> 8:3	<b>2000</b> 1:17		
<b>retailers</b> 4:11	<b>voluntary</b> 1:10 5:2 5:21 7:5	<b>20009</b> 1:18		
<b>right</b> 2:18 3:8 6:10 8:18	<b>vote</b> 5:17 9:17	<b>2011</b> 1:13 4:1,3,6,7 4:12,14,21 8:11		
<b>Room</b> 1:17	<b>W</b>	<b>2013</b> 1:15		
<b>Ruthanne</b> 1:18,21	<b>Wait</b> 2:11	<b>3</b>		
<b>S</b>	<b>waive</b> 6:10	<b>3/30/2011</b> 4:13		
<b>says</b> 4:10	<b>want</b> 5:13	<b>3701</b> 1:7 2:6		
<b>second</b> 4:2,18 7:2 9:1,2,3	<b>Washington</b> 1:18	<b>4</b>		
<b>seconded</b> 9:5	<b>way</b> 8:1	<b>4th</b> 1:13		
<b>see</b> 4:10	<b>Y</b>	<b>4-1-0</b> 9:17		
<b>September</b> 4:7,14 8:11	<b>yesterday</b> 4:4	<b>400S</b> 1:18		
<b>settle</b> 8:20	<b>P</b>	<b>6</b>		
<b>Show</b> 1:6 2:7 3:8 4:13 9:20	<b>p</b> 1:4,14	<b>60</b> 5:9 6:3,4 8:22		
<b>SILVERSTEIN</b> 1:23 9:12	<b>\$</b>	<b>7</b>		
<b>sorry</b> 2:14 7:11	<b>\$10,000</b> 5:9,19 6:4 8:20	<b>72512</b> 1:8 2:7		
<b>statement</b> 3:22 4:5 4:12,20 5:19 7:1 8:3	<b>\$2,000</b> 4:19 5:19 6:21 7:2 8:22	<b>9</b>		
<b>statements</b> 1:13 3:21 7:20	<b>\$4,000</b> 5:7 7:3,4,5	<b>9</b> 1:15 4:12		
<b>stipulate</b> 3:12	<b>\$8,000</b> 5:20 9:1			
<b>Street</b> 1:17	<b>#</b>			
<b>Suite</b> 1:17	<b>#12-AUD-00030</b>			
<b>sure</b> 5:15				