

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Armand's Chicago Pizzeria, :
Inc. t/a Armand's Chicago : Show Cause
Pizzeria : Hearing
4231 Wisconsin Avenue, NW : (Status)
Retailer CR - ANC-3F :
License No. 826 :
Case #11-CMP-00323 :
 :
(Failed to File Quarterly :
Statement, No ABC Manager :
on Duty) :
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January 11, 2012

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
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member
- JEANNETTE MOBLEY, Member

ALSO PRESENT:

MICHAEL STERN, OAG

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

(10:28 a.m.)

CHAIRPERSON MILLER: The next two cases are Show Cause (Status) Hearings. And a Show Cause (Status) Hearing is a non-adversarial proceeding where the Board will ask whether the licensed establishment is contesting the charge or charges.

If you are not contesting the charge, you will have the opportunity to present to the Board any offer in compromise you reach with the Office of Attorney General pursuant to 23 DCMR ^U 1604.5.

The offer in compromise will be based upon the statutory fine range for the specific violation pursuant to 23 DCMR ^U 800 through ^U 802. The Board may, in its discretion, accept or deny any offer in compromise tendered by the licensee and Office of Attorney General.

An offer submitted by the parties and accepted by the Board shall constitute a

1 waiver of appeal and judicial review.

2 If you choose to contest the
3 charge at the Status Hearing, the matter will
4 be continued until your scheduled Show Cause
5 Hearing date to show cause why the license
6 should not be fined, suspended or revoked
7 pursuant to D.C. Official Code ^U 25-823, 830
8 and 23 DCMR 1604.

9 The District of Columbia is
10 represented by the Office of Attorney General
11 in these proceedings and must show that there
12 is substantial evidence to support the charge.

13 According to 23 DCMR ^U 1604.2, the
14 licensee shall appear at the Show Cause
15 Hearing in his or her defense and may have
16 representation by counsel or other designated
17 representative and shall be entitled to offer
18 evidence before the Board with respect to
19 these charges.

20 Okay. Would parties in Case No.
21 11-CMP-00323, Armand's Chicago Pizzeria,
22 License No. 826, come forward?

1 MR. STERN: Good morning, Madam
2 Chair, Members of the Board, Michael Stern
3 representing the District of Columbia.

4 MR. EVERETT: Good morning, Cal
5 Everett representing Armand's Chicago
6 Pizzeria.

7 CHAIRPERSON MILLER: Okay. Are
8 there any preliminary matters, Mr. Stern?

9 MR. STERN: There are none.

10 CHAIRPERSON MILLER: There are
11 none?

12 MR. STERN: Nope.

13 CHAIRPERSON MILLER: No.

14 MR. STERN: We have a trial date
15 set, if that is still a good date with the
16 Board.

17 CHAIRPERSON MILLER: Okay. I'm
18 sorry, sir, could I get your name again,
19 please?

20 MR. EVERETT: My name is Cal
21 Everett. C-A-L E-V-E-R-E-T-T.

22 CHAIRPERSON MILLER: Everett?

1 MR. EVERETT: Everett.

2 CHAIRPERSON MILLER: Okay. And
3 what's your relationship to Armand's Pizzeria?

4 MR. EVERETT: I am chief financial
5 officer on this day.

6 CHAIRPERSON MILLER: Do you have a
7 letter of representation from the owner?

8 MR. EVERETT: No, not on me.

9 CHAIRPERSON MILLER: Any letter --

10 MR. EVERETT: But I --

11 CHAIRPERSON MILLER: --

12 authorizing you --

13 MR. EVERETT: -- the owner is my
14 father-in-law. He is 89 and has dementia and
15 cancer and diabetes, so he hasn't been
16 operating in any capacity for years. So my
17 brother-in-law and I have pretty much been
18 representing the company in all corporate
19 matters.

20 CHAIRPERSON MILLER: Okay. We are
21 going to need and at the end of the day, if
22 you could submit a letter which shows that you

1 are authorized to speak on behalf of the
2 company.

3 MR. EVERETT: Easily done.

4 CHAIRPERSON MILLER: Okay. Thank
5 you. So has there been an offer in compromise
6 or where are we?

7 MR. EVERETT: We have discussed
8 it. We don't have any agreements.

9 CHAIRPERSON MILLER: Okay. So
10 there is no agreement. Okay. So, at this
11 point then, we are just setting this for a
12 hearing?

13 MR. EVERETT: Yes.

14 CHAIRPERSON MILLER: Okay. We are
15 going to set this for February 8, 2012 at
16 11:00 a.m. Okay.

17 MR. EVERETT: When you say this,
18 what is this?

19 CHAIRPERSON MILLER: Okay. Yes.

20 MR. EVERETT: What does that mean?

21 CHAIRPERSON MILLER: Let's go over
22 this.

1 MR. EVERETT: So I know.

2 CHAIRPERSON MILLER: We are
3 setting this case for hearing because there
4 hasn't been an agreement to settle.

5 MR. EVERETT: Okay.

6 CHAIRPERSON MILLER: Did you talk
7 about settlement?

8 MR. EVERETT: Briefly.

9 CHAIRPERSON MILLER: Okay. So if
10 there is no settlement, then at today's date
11 we set a hearing date. And the hearing is
12 February 8, 2012.

13 MR. EVERETT: Okay.

14 CHAIRPERSON MILLER: At 11:00
15 here.

16 MR. EVERETT: Right.

17 CHAIRPERSON MILLER: Okay. If you
18 have some questions, you know, real specific
19 about how to prepare for that hearing or
20 anything, you can consult with our attorney.
21 Is that correct? If you have question. I
22 mean, I read some general information, but if

1 you want to call the office if you are not
2 sure about what is expected or anything like
3 that, you can follow-up then.

4 MR. EVERETT: I can probably
5 figure it out, but, yes.

6 CHAIRPERSON MILLER: Okay.

7 MR. EVERETT: I will call
8 somebody.

9 CHAIRPERSON MILLER: Okay.

10 MR. EVERETT: I have enough to
11 deal with without trying to be a lawyer at the
12 same time, so I'll call somebody.

13 CHAIRPERSON MILLER: It's a very
14 helpful office.

15 MR. EVERETT: Fine, yes.

16 CHAIRPERSON MILLER: Okay. All
17 right. Do you have any other questions on
18 this?

19 MR. STERN: Nothing from the
20 Government.

21 CHAIRPERSON MILLER: Okay. Then
22 we will see you then.

1 MR. EVERETT: Thank you.

2 CHAIRPERSON MILLER: Thank you.

3 MEMBER ALBERTI: Mr. Everett?

4 MR. EVERETT: Yes?

5 MEMBER ALBERTI: Can you come back
6 for a moment, please?

7 MR. EVERETT: Sure.

8 MEMBER ALBERTI: There was one
9 other formality that needs to be taken care
10 of. Do you want to?

11 CHAIRPERSON MILLER: No, go ahead.

12 MEMBER ALBERTI: Okay. Did you
13 receive Notice of Show Cause?

14 MR. EVERETT: Is that this?

15 MEMBER ALBERTI: Yes.

16 MR. EVERETT: Then yes.

17 MEMBER ALBERTI: Okay.

18 MR. EVERETT: I can't see from
19 here, but --

20 MEMBER ALBERTI: No, that's all
21 right. All right.

22 MR. EVERETT: I was told that that

1 is the correct document.

2 MEMBER ALBERTI: Did you read it?
3 Did you read it and do you have any --

4 MR. EVERETT: Well, I have now.
5 At the time that I got it, there was some
6 confusion because I had other Show Cause
7 Hearings prior to that that kept getting
8 postponed, postponed, postponed.

9 MEMBER ALBERTI: Okay.

10 MR. EVERETT: So when this one
11 came, I saw the date and just thought oh my,
12 God, they have postponed it again until
13 January. It turns out it was a different
14 subject altogether, so I missed my November
15 Show Cause Hearing thinking it had been
16 postponed --

17 MEMBER ALBERTI: Oh, okay.

18 MR. EVERETT: -- to January, but
19 that's a whole other movie.

20 MEMBER ALBERTI: Yes.

21 MR. EVERETT: And I'm going to
22 talk to Jasmine about that.

1 MEMBER ALBERTI: Okay. But you
2 understand it, yes?

3 MR. EVERETT: Yes.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: You do
6 understand it and you --

7 MR. EVERETT: I -- yes.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: And you will
10 waive me having to read it into the record
11 today?

12 MR. EVERETT: No, I've got it.

13 MEMBER ALBERTI: Great. Thank you
14 very much. Okay. That concludes this matter.
15 Thank you for coming.

16 MR. EVERETT: Thank you.

17 MEMBER ALBERTI: I'm sorry for the
18 interruption. Thank you for coming down.

19 MR. EVERETT: I didn't have
20 anything else to do.

21 MEMBER ALBERTI: Well, I'm sure
22 you did.

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(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:35 a.m.)

A	<p>case 1:9 3:20 7:3 cases 2:4 cause 1:6 2:4,5 3:4 3:5,14 9:13 10:6 10:15 12:1 Chair 4:2 Chairperson 1:16 1:19 2:3 4:7,10,13 4:17,22 5:2,6,9,11 5:20 6:4,9,14,19 6:21 7:2,6,9,14,17 8:6,9,13,16,21 9:2 9:11 11:5,8 charge 2:8,10 3:3 3:12 charges 2:8 3:19 Chicago 1:6,6 3:21 4:5 chief 5:4 choose 3:2 Code 3:7 Columbia 1:1 3:9 4:3 come 3:22 9:5 coming 11:15,18 company 5:18 6:2 compromise 2:11 2:14,19 6:5 concluded 12:3 concludes 11:14 confusion 10:6 constitute 2:22 consult 7:20 contest 3:2 contesting 2:8,9 continued 3:4 Control 1:2,14,15 corporate 5:18 correct 7:21 10:1 counsel 3:16 CR 1:8 C-A-L 4:21</p>	<p>DCMR 2:13,16 3:8 3:13 deal 8:11 defense 3:15 dementia 5:14 deny 2:18 designated 3:16 diabetes 5:15 different 10:13 discretion 2:18 discussed 6:7 District 1:1 3:9 4:3 document 10:1 DONALD 1:21 Duty 1:12 D.C 1:16 3:7</p>	<p>general 2:12,20 3:10 7:22 getting 10:7 go 6:21 9:11 God 10:12 going 5:21 6:15 10:21 good 4:1,4,15 Government 8:20 Great 11:13</p>	<p>11:14 12:2 matters 4:8 5:19 mean 6:20 7:22 MEETING 1:3 Member 1:20,21 1:21,22,22,23 9:3 9:5,8,12,15,17,20 10:2,9,17,20 11:1 11:4,9,13,17,21 Members 4:2 met 1:15 Michael 1:25 4:2 MIKE 1:22 Miller 1:17,19 2:3 4:7,10,13,17,22 5:2,6,9,11,20 6:4 6:9,14,19,21 7:2,6 7:9,14,17 8:6,9,13 8:16,21 9:2,11 11:5,8 missed 10:14 MOBLEY 1:23 moment 9:6 morning 4:1,4 movie 10:19</p>
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<p>Failed 1:10 father-in-law 5:14 February 6:15 7:12 figure 8:5 File 1:10 financial 5:4 fine 2:15 8:15 fined 3:6 follow-up 8:3 formality 9:9 forward 3:22</p>	<p>Madam 4:1 Manager 1:11 matter 1:5 3:3</p>	<p>lawyer 8:11 letter 5:7,9,22 Let's 6:21 license 1:9 3:5,22 licensed 2:7 licensee 2:19 3:14</p>	<p>missed 10:14 MOBLEY 1:23 moment 9:6 morning 4:1,4 movie 10:19</p>	<p>OAG 1:25 offer 2:11,14,18,21 3:17 6:5 office 2:12,19 3:10 8:1,14 officer 5:5 Official 3:7 oh 10:11,17</p>

<p>okay 3:20 4:7,17 5:2,20 6:4,9,10,14 6:16,19 7:5,9,13 7:17 8:6,9,16,21 9:12,17 10:9,17 11:1,4,8,14 operating 5:16 opportunity 2:10 owner 5:7,13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>parties 2:21 3:20 Pizzeria 1:6,7 3:21 4:6 5:3 please 4:19 9:6 point 6:11 postponed 10:8,8,8 10:12,16 preliminary 4:8 prepare 7:19 present 1:18,24 2:11 presiding 1:17 pretty 5:17 prior 10:7 probably 8:4 proceeding 2:6 proceedings 3:11 pursuant 2:13,16 3:7 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Quarterly 1:10 question 7:21 questions 7:18 8:17</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>range 2:15 reach 2:12 read 7:22 10:2,3 11:10 real 7:18 receive 9:13 record 11:10 relationship 5:3 representation</p>	<p>3:16 5:7 representative 3:17 represented 3:10 representing 4:3,5 5:18 respect 3:18 Retailer 1:8 review 3:1 revoked 3:6 right 7:16 8:17 9:21,21 Room 1:15 Ruthanne 1:17,19</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>saw 10:11 scheduled 3:4 see 8:22 9:18 set 4:15 6:15 7:11 setting 6:11 7:3 settle 7:4 settlement 7:7,10 show 1:6 2:4,5 3:4 3:5,11,14 9:13 10:6,15 12:1 shows 5:22 SILVERSTEIN 1:22 sir 4:18 somebody 8:8,12 sorry 4:18 11:17 speak 6:1 specific 2:16 7:18 Statement 1:11 Status 1:8 2:4,5 3:3 12:2 statutory 2:15 Stern 1:25 4:1,2,8,9 4:12,14 8:19 Street 1:15 subject 10:14 submit 5:22 submitted 2:21 substantial 3:12 Suite 1:15 support 3:12 sure 8:2 9:7 11:21</p>	<p>suspended 3:6</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>taken 9:9 talk 7:6 10:22 tendered 2:19 Thank 6:4 9:1,2 11:13,15,16,18 thinking 10:15 thought 10:11 time 8:12 10:5 today 11:11 today's 7:10 told 9:22 trial 4:14 trying 8:11 turns 10:13 two 2:3 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U 2:13,16,17 3:7,13 understand 11:2,6</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>violation 2:16</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 11:10 waiver 3:1 want 8:1 9:10 Washington 1:16 Wisconsin 1:8</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>years 5:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 1:4,12</p> <hr/> <p style="text-align: center;">#</p> <hr/> <p>#11-CMP-00323 1:9</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:28 2:2 10:35 12:3 11 1:13 11-CMP-00323</p>	<p>3:21 11:00 6:16 7:14 14th 1:15 1604 3:8 1604.2 3:13 1604.5 2:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:15 20009 1:16 2012 1:13 6:15 7:12 23 2:13,16 3:8,13 25-823 3:7</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>400S 1:16 4231 1:8</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 6:15 7:12 800 2:16 802 2:17 826 1:9 3:22 830 3:7 89 5:14</p>
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