

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

9:52 a.m.

CHAIRPERSON MILLER: The next case is Case No. 14-CC-00141, We, the Pizza located at 305 Pennsylvania Avenue, S.E., License No. 82062, in ANC-6B.

MR. RIVERO: Fernando Rivero for the District of Columbia standing in for Assistant Attorney General Phillips. Good morning.

CHAIRPERSON MILLER: Good morning. Is anybody here for We, the Pizza?

MR. RIVERO: I understand the licensee is aware of this hearing, but I cannot say where he or she is.

CHAIRPERSON MILLER: Okay. Why don't we pass on this case and come back to it. If the licensee -- well, we will come back to it and see if in the meantime the licensee doesn't appear.

(Whereupon, the above-entitled matter went off the record at 9:53 a.m. and resumed at 9:55 a.m.)

CHAIRPERSON MILLER: We don't have

1 very many statuses on this morning's calendar.

2 And has anyone come in from We, the
3 Pizza? He is here. Terrific. Okay.

4 So I will recall that case, that is
5 Case No. 14-CC-00141, We, the Pizza located at
6 305 Pennsylvania Avenue, S.E., License No. 82062,
7 in ANC-6B.

8 MR. RIVERO: Fernando Rivero for the
9 District of Columbia standing in for Assistant
10 Attorney General Phillips.

11 CHAIRPERSON MILLER: Sir, when you
12 have a chance, would you identify yourself for
13 the record?

14 MR. MENDELSON: Harvey Mendelson.

15 CHAIRPERSON MILLER: Okay. And are
16 you the owner?

17 MR. MENDELSON: Yes, I am.

18 CHAIRPERSON MILLER: All right. And
19 did you receive notice of this hearing?

20 MR. MENDELSON: No.

21 CHAIRPERSON MILLER: You didn't
22 receive notice?

1 MR. MENDELSON: No, I didn't. As a
2 matter of fact, somebody called me yesterday.

3 CHAIRPERSON MILLER: You got notice by
4 a phone call yesterday?

5 MR. MENDELSON: Yes.

6 CHAIRPERSON MILLER: Okay. Have you
7 seen the written notice of the hearing?

8 MR. MENDELSON: No.

9 CHAIRPERSON MILLER: Oops, my machine
10 is not on. Oops, do you have a copy?

11 MR. RIVERO: Indulgence, please?

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: Can I have the file,
14 please?

15 CHAIRPERSON MILLER: Do you have the
16 file?

17 Mr. Brooks has just joined us.
18 Welcome, Mr. Brooks.

19 MEMBER BROOKS: Thank you.

20 CHAIRPERSON MILLER: I think our
21 General Counsel is checking the file for an
22 Affidavit of Service. Okay.

1 Are you ready?

2 MR. RIVERO: We sure are.

3 CHAIRPERSON MILLER: Okay. So do you
4 want to clear up the question about service?

5 MR. RIVERO: My understanding from the
6 licensee, and of course you are welcome to ask
7 questions, there was proper service. It was
8 served on an employee of the establishment. The
9 licensee himself appears not to have received
10 that copy from the employee. Nevertheless, a copy
11 has been provided now.

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: And what we have is no
14 Offer in Compromise to present, at this time, and
15 the Government will move to the scheduled Show
16 Cause Hearing.

17 CHAIRPERSON MILLER: Okay. Do you
18 want to say anything?

19 MR. MENDELSON: Well --

20 CHAIRPERSON MILLER: Mr. Mendelson?

21 MR. MENDELSON: If I understand
22 correctly --

1 CHAIRPERSON MILLER: What?

2 MR. MENDELSON: -- when I spoke to
3 the lady yesterday, they are coming down to make
4 -- to pay the fine, etcetera, whatever it was. I
5 understood that I am coming down to discuss it in
6 relation there is some -- there are a couple of
7 things that are wrong with this here that
8 shouldn't be there where I'm being penalized.

9 And the second thing to discuss, the
10 amount of the fine I find is excessive.

11 CHAIRPERSON MILLER: Okay. So we are
12 not here to --

13 MR. MENDELSON: Oh, okay.

14 CHAIRPERSON MILLER: -- do that today.

15 MR. MENDELSON: So you know what, if
16 that's the case, the gentleman mentioned to me
17 February the 11th at 3:30, I can come back and
18 discuss this properly. There seems to be an
19 error in one of the -- the gentleman is -- it
20 says in the -- on the --

21 MR. RIVERO: The licensee has a
22 dispute with the Statement of Facts.

1 MR. MENDELSON: Yes, that's it.

2 That's it.

3 MR. RIVERO: And the proper venue for
4 that would be the Show Cause Hearing.

5 MR. MENDELSON: Yes, yes.

6 CHAIRPERSON MILLER: To dispute the
7 facts. So you can discuss it ahead of time with
8 the -- Mr. Rivero or whoever before.

9 MR. RIVERO: We will discuss it later.

10 CHAIRPERSON MILLER: But not at this--

11 MR. RIVERO: Not now.

12 CHAIRPERSON MILLER: -- not at this
13 hearing. The hearings are for discussion, you
14 know.

15 MR. MENDELSON: All right.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: Mr. Mendelsohn, I
18 advise that you either talk to Mr. Rivero or our
19 General Counsel about the format for that next
20 hearing.

21 MR. MENDELSON: Yes.

22 MEMBER ALBERTI: It is not an informal

1 discussion. It is a formal hearing.

2 MR. MENDELSON: I --

3 MEMBER ALBERTI: No. I don't need you
4 to --

5 MR. MENDELSON: No, no, no. It's not
6 that --

7 MEMBER ALBERTI: Mr. Mendelsohn, you
8 do not need to respond. I'm just advising you
9 for your best interest to speak to one of those
10 attorneys, so that you understand the format for
11 the next hearing.

12 CHAIRPERSON MILLER: Mr. Mendelsohn,
13 I just want to ask you just for my knowledge, how
14 did you find out about the hearing today?

15 MR. MENDELSON: She called me, the
16 lady.

17 CHAIRPERSON MILLER: You got a phone
18 call?

19 MR. MENDELSON: I got a phone call
20 yesterday.

21 CHAIRPERSON MILLER: Okay.

22 MR. MENDELSON: I wasn't even aware

1 that anything was happening.

2 CHAIRPERSON MILLER: Okay. So your
3 employee didn't give you the notice?

4 MR. MENDELSON: I didn't get the
5 notice. I got, you know, some information was
6 left that somebody came in and they -- from ABRA
7 and that they had given somebody, I guess, a
8 drink without permission or they didn't do the
9 age.

10 CHAIRPERSON MILLER: Okay. So that's
11 -- we don't want to get into the substance.

12 MR. MENDELSON: No, I won't get there.

13 CHAIRPERSON MILLER: All right.

14 MR. MENDELSON: That's it.

15 CHAIRPERSON MILLER: Okay.

16 MR. MENDELSON: Because I've been
17 dealing with you people now seven years --

18 CHAIRPERSON MILLER: Okay. So --

19 MR. MENDELSON: -- in my business.

20 CHAIRPERSON MILLER: -- you have
21 notice of the hearing now for the Show Cause
22 Hearing?

1 MR. MENDELSON: Of course, yes, I do.

2 CHAIRPERSON MILLER: Okay.

3 MR. MENDELSON: No problem.

4 CHAIRPERSON MILLER: All right.

5 MR. MENDELSON: Okay.

6 CHAIRPERSON MILLER: Thank you very
7 much.

8 MR. MENDELSON: You're welcome.

9 CHAIRPERSON MILLER: Sir, wait a
10 minute. Did I say when the Show Cause Hearing is
11 set for?

12 MR. RIVERO: February 11th.

13 CHAIRPERSON MILLER: February 11th at
14 3:30 p.m.

15 MR. RIVERO: Correct.

16 CHAIRPERSON MILLER: Okay. Thank you.

17 MR. RIVERO: Thank you.

18 CHAIRPERSON MILLER: All right. That
19 completes our statuses.

20 (Whereupon, the Show Cause (Status)
21 Hearing in the above-entitled matter was
22 concluded at 10:05 a.m.)

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|---|---|--|---|
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