

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
: :
Case# 11-CMP-00275 :
Daisuke Utagawa :
t/a Sushi-ko : Show
2309 Wisconsin Avenue NW : Cause
License #12457 : Hearing
Retailer CR : (Status)
ANC-3B :
Failed to File Quarterly :
Statements :

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January 18, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

- RUTHANNE MILLER, Chairperson
- CALVIN NOPHLIN, Member
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HERMAN JONES, Member

JEANNETTE MOBLEY, Member

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

11:44 a.m.

CHAIRPERSON MILLER: We are going to call case #11-CMP-00275, Daisuke Utagawa, trading as Sushi-ko at 2309 Wisconsin Avenue NW, License #12457, ANC-3B.

Would you introduce yourself for the record, please?

MR. GRAVATT: My name is Russell Gravatt. That's G-R-A-V-A-T-T. I'm the manager and the bookkeeper for Sushi-ko. Mr. Utagawa is in Sibley Hospital in Labor and Delivery. His wife is giving birth as we speak so I'm here on his behalf.

CHAIRPERSON MILLER: Do you have any letter of authorization or anything?

MR. GRAVATT: No. I just got the phone call early this morning. They were in Labor and Delivery at 6:30 this morning.

CHAIRPERSON MILLER: Let's see where we're going with this.

Mr. Stern.

1 MR. STERN: Yes. Michael Stern
2 representing the District of Columbia standing
3 in for Amy Schmidt who is assigned to this
4 case.

5 CHAIRPERSON MILLER: Do you have
6 any objections to Mr. Gravatt representing the
7 licensee here?

8 MR. STERN: Well, the parties had
9 entered into an agreement to resolve this
10 matter. I would represent to the Board unless
11 there is some written authorization for him to
12 accept the agreement, I am wary about having
13 proceeding with the Offer-in-Compromise in
14 this case at this time.

15 We have neither no objection to
16 rehearing this in a week or moving it over to
17 the trial date. As I said, there is an
18 agreement in place that would resolve this.

19 CHAIRPERSON MILLER: So you're
20 suggesting that we move this status to next
21 week?

22 MR. STERN: That would be fine

1 with the Government.

2 Let me ask the representative. Is
3 it likely you can get an authorization by
4 then?

5 MR. GRAVATT: Absolutely. I can
6 have it this afternoon.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Can I say
9 something?

10 CHAIRPERSON MILLER: Sure. Go
11 ahead.

12 MEMBER ALBERTI: Mr. Gravatt.

13 MR. GRAVATT: Yes.

14 MEMBER ALBERTI: Mr. Stern, if Mr.
15 Gravatt is able to provide that by this
16 afternoon, could we consider an OIC contingent
17 upon receiving that or would you rather wait
18 until he has that?

19 The Board may have some time this
20 afternoon. I don't know what your schedule is
21 like. I'm suggesting that maybe we can just
22 do this this afternoon because Mr. Gravatt

1 wants to come back this afternoon. I'm just
2 throwing this out there.

3 MR. STERN: I can be available for
4 the Board.

5 MR. GRAVATT: If it works for him,
6 we can do this next Wednesday morning.

7 MEMBER ALBERTI: I'm sorry. My
8 apologies.

9 CHAIRPERSON MILLER: Mr. Jones.

10 MEMBER JONES: Is the Board
11 considering postponing a status hearing?

12 CHAIRPERSON MILLER: I think it's
13 an Offer-in-Compromise.

14 MEMBER ALBERTI: A status hearing.

15 MEMBER JONES: And if we don't
16 postpone the status hearing, what is the next
17 logical step in the process?

18 MEMBER ALBERTI: Set the show
19 cause date.

20 MEMBER JONES: And if we set the
21 show cause date, does that preclude the
22 parties from entering into an OIC and

1 presenting that at the show cause date?

2 MEMBER ALBERTI: I think what Mr.
3 Jones is suggesting here is that we go ahead
4 and set the show cause date and then allow the
5 parties in the interim can speak with our
6 general counsel and reschedule a status
7 hearing. We would have a date for the status
8 hearing set. I think that is what is being
9 suggested.

10 MR. STERN: I don't have an
11 objection either way. I am more concerned
12 about the Board's time in having this set for
13 a trial and then it turning into an OIC.

14 MEMBER ALBERTI: It's fine with
15 us. Why don't we go ahead and do that.

16 CHAIRPERSON MILLER: Okay. The
17 show cause date -- the show cause hearing date
18 is February 15, 2012 at 11:00 a.m. I
19 understand that, you know, if you come to an
20 agreement earlier you can bring it to our
21 attention and we can address it -- we can
22 schedule a status hearing then.

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MEMBER ALBERTI: That concludes
that matter.

CHAIRPERSON MILLER: Okay.
Anything else on this matter?

MR. STERN: Nothing on this
matter.

CHAIRPERSON MILLER: Okay. Thank
you very much.

(Whereupon, at 11:51 a.m. the
hearing was adjourned.)

<p style="text-align: center;">A</p> <p>able 4:15 Absolutely 4:5 accept 3:12 address 6:21 adjourned 7:10 afternoon 4:6,16 4:20,22 5:1 agreement 3:9,12 3:18 6:20 ahead 4:11 6:3,15 ALBERTI 1:22 4:8 4:12,14 5:7,14,18 6:2,14 7:1 Alcoholic 1:3,16,17 allow 6:4 Amy 3:3 ANC-3B 1:12 2:6 apologies 5:8 assigned 3:3 attention 6:21 authorization 2:16 3:11 4:3 available 5:3 Avenue 1:10 2:5 a.m 2:2 6:18 7:9</p>	<p>1:21 2:3,15,20 3:5 3:19 4:7,10 5:9,12 6:16 7:3,7 Columbia 1:1 3:2 come 5:1 6:19 concerned 6:11 concludes 7:1 consider 4:16 considering 5:11 contingent 4:16 Control 1:3,16,17 counsel 6:6 CR 1:12</p>	<p style="text-align: center;">H</p> <p>hearing 1:11,17 5:11,14,16 6:7,8 6:17,22 7:10 HERMAN 1:23 Hospital 2:12</p> <p style="text-align: center;">I</p> <p>interim 6:5 introduce 2:7</p> <p style="text-align: center;">J</p> <p>January 1:15 JEANNETTE 1:24 Jones 1:23 5:9,10 5:15,20 6:3</p>	<p>move 3:20 moving 3:16</p> <p style="text-align: center;">N</p> <p>name 2:9 neither 3:15 NICK 1:22 NOPHLIN 1:21 NW 1:10 2:6 N.W 1:18</p> <p style="text-align: center;">O</p> <p>objection 3:15 6:11 objections 3:6 Offer-in-Compr... 3:13 5:13 OIC 4:16 5:22 6:13 Okay 4:7 6:16 7:3 7:7</p>	<p>reschedule 6:6 resolve 3:9,18 Retailer 1:12 Room 1:17 Russell 2:9 Ruthanne 1:18,21</p> <p style="text-align: center;">S</p> <p>schedule 4:20 6:22 Schmidt 3:3 see 2:20 set 5:18,20 6:4,8,12 show 1:10 5:18,21 6:1,4,17,17 Sibley 2:12 SILVERSTEIN 1:23 sorry 5:7 speak 2:14 6:5 standing 3:2 Statements 1:13 status 1:12 3:20 5:11,14,16 6:6,7 6:22 step 5:17 Stern 2:22 3:1,1,8 3:22 4:14 5:3 6:10 7:5 Street 1:18 suggested 6:9 suggesting 3:20 4:21 6:3 Sure 4:10 Sushi-ko 1:10 2:5 2:11</p>
<p style="text-align: center;">B</p> <p>back 5:1 behalf 2:14 Beverage 1:3,16,17 birth 2:13 Board 1:3,17 3:10 4:19 5:4,10 Board's 6:12 bookkeeper 2:11 bring 6:20 BROOKS 1:22 Building 1:17</p>	<p style="text-align: center;">D</p> <p>Daisuke 1:9 2:4 date 3:17 5:19,21 6:1,4,7,17,17 Delivery 2:13,19 District 1:1 3:2 DONALD 1:22 D.C 1:18</p> <p style="text-align: center;">E</p> <p>earlier 6:20 early 2:18 either 6:11 entered 3:9 entering 5:22</p>	<p style="text-align: center;">K</p> <p>know 4:20 6:19</p> <p style="text-align: center;">L</p> <p>Labor 2:12,19 letter 2:16 Let's 2:20 License 1:11 2:6 licensee 3:7 logical 5:17</p> <p style="text-align: center;">M</p> <p>manager 2:11 matter 1:8 3:10 7:2 7:4,6 MEETING 1:5 Member 1:21,22 1:22,23,23,24 4:8 4:12,14 5:7,10,14 5:15,18,20 6:2,14 7:1 met 1:17 Michael 3:1 MIKE 1:23 Miller 1:18,21 2:3 2:15,20 3:5,19 4:7 4:10 5:9,12 6:16 7:3,7 MOBLEY 1:24 morning 2:18,19 5:6</p>	<p style="text-align: center;">P</p> <p>parties 3:8 5:22 6:5 phone 2:18 place 3:18 please 2:8 postpone 5:16 postponing 5:11 preclude 5:21 PRESENT 1:19 presenting 6:1 presiding 1:18 proceeding 3:13 process 5:17 provide 4:15 P-R-O-C-E-E-D-... 2:1</p> <p style="text-align: center;">Q</p> <p>Quarterly 1:13</p> <p style="text-align: center;">R</p> <p>receiving 4:17 record 2:8 Reeves 1:17 rehearing 3:16 represent 3:10 representative 4:2 representing 3:2,6</p>	<p style="text-align: center;">T</p> <p>Thank 7:7 think 5:12 6:2,8 throwing 5:2 time 3:14 4:19 6:12 trading 2:5 trial 3:17 6:13 turning 6:13 t/a 1:10</p> <p style="text-align: center;">U</p> <p>understand 6:19</p>
<p style="text-align: center;">C</p> <p>call 2:4,18 CALVIN 1:21 case 1:9 2:4 3:4,14 cause 1:10 5:19,21 6:1,4,17,17 Chairperson 1:18</p>	<p style="text-align: center;">F</p> <p>Failed 1:13 February 6:18 File 1:13 fine 3:22 6:14</p> <p style="text-align: center;">G</p> <p>general 6:6 giving 2:13 go 4:10 6:3,15 going 2:3,21 Government 4:1 Gravatt 2:9,10,17 3:6 4:5,12,13,15 4:22 5:5 G-R-A-V-A-T-T 2:10</p>	<p style="text-align: center;">M</p> <p>manager 2:11 matter 1:8 3:10 7:2 7:4,6 MEETING 1:5 Member 1:21,22 1:22,23,23,24 4:8 4:12,14 5:7,10,14 5:15,18,20 6:2,14 7:1 met 1:17 Michael 3:1 MIKE 1:23 Miller 1:18,21 2:3 2:15,20 3:5,19 4:7 4:10 5:9,12 6:16 7:3,7 MOBLEY 1:24 morning 2:18,19 5:6</p>	<p style="text-align: center;">Q</p> <p>Quarterly 1:13</p> <p style="text-align: center;">R</p> <p>receiving 4:17 record 2:8 Reeves 1:17 rehearing 3:16 represent 3:10 representative 4:2 representing 3:2,6</p>	<p style="text-align: center;">U</p> <p>understand 6:19</p>

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