

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

2 (10:06 a.m.)

3 CHAIRPERSON MILLER: The next case
4 on our agenda is another Show Cause (Status)
5 Hearing, Case No. 11-CMP-00227, M St.
6 Enterprises, Inc. t/a Churreria Madrid
7 Restaurant at 2505 Champlain Street, N.W.,
8 License No. 60806.

9 MR. RIVERO: Good morning, Board
10 Members, Fernando Rivero for the District of
11 Columbia standing in for Louise Phillips.

12 MR. GIRON: Ernesto Giron, Vice
13 President of M Street Enterprises t/a
14 Churreria Madrid.

15 CHAIRPERSON MILLER: Mr. Sumarin?

16 MR. GIRON: Ernesto. I'm the vice
17 president.

18 CHAIRPERSON MILLER: You're the --
19 oh, Ernesto Giron?

20 MR. GIRON: The latter is my wife.

21 CHAIRPERSON MILLER: Okay. Got
22 it. Did you receive notice of the Show Cause?

1 MR. GIRON: Yes, I did.

2 CHAIRPERSON MILLER: Did you read
3 it?

4 MR. GIRON: Yes.

5 CHAIRPERSON MILLER: Did you
6 understand it?

7 MR. GIRON: Yes, I did.

8 CHAIRPERSON MILLER: And do you
9 waive our reading notice into the record?

10 MR. GIRON: Yes, I do.

11 CHAIRPERSON MILLER: Okay. Fine.
12 And do have preliminary matters on this case?

13 MR. RIVERO: Indulgence, please?

14 CHAIRPERSON MILLER: Okay.

15 MR. RIVERO: Thank you. We now
16 have an offer in compromise.

17 CHAIRPERSON MILLER: Okay.

18 MR. RIVERO: And the offer is as
19 follows: A fine of \$6,000 payable in 60 days.
20 That's the offer.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Is that the offer as you understand it?

1 MR. GIRON: Yes.

2 CHAIRPERSON MILLER: \$6,000

3 payable within 60 days?

4 MR. GIRON: Yes.

5 CHAIRPERSON MILLER: And do you
6 also understand that if you accept this, you
7 waive your right to a hearing?

8 MR. GIRON: Yes, I do.

9 CHAIRPERSON MILLER: Okay. For
10 the record, have you filed your quarterly
11 statement?

12 MR. GIRON: Yes, I have.

13 CHAIRPERSON MILLER: Okay. Okay.
14 All right. At this point then, I'm going to
15 move that the Board accept the offer in
16 compromise of \$6,000 payable in 60 days.

17 Do I have a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Okay. Then
20 the motion is before us.

21 Mr. Nophlin, how say you?

22 MEMBER NOPHLIN: I agree.

1 CHAIRPERSON MILLER: Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Ms. Miller
6 agrees. Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: Ms. Mobley?

9 MEMBER MOBLEY: I agree, but I do
10 have a question. I'm looking at your record
11 and you have a long history of delinquent
12 filed quarterly reports. Why is that?

13 MR. GIRON: Yes. We had a problem
14 with our accountant for quite a while and we
15 weren't aware that he wasn't filing the
16 quarterly statements until it was too late and
17 we had the fines. And we paid them. So we
18 pretty much what we do is changed accountants.

19 MEMBER MOBLEY: Okay. This is
20 2012 and you have been failing to file
21 quarterly reports since 2007. The Board does
22 not shine highly on that, so I'm going to

1 agree this time, but I hope that we don't see
2 you again for failing to file quarterly
3 reports.

4 MR. GIRON: Yes, thank you.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: I disagree. I
7 believe that it's below the statutory minimum.
8 For that reason, I'm not in favor of accepting
9 the OIC.

10 CHAIRPERSON MILLER: Okay. Then
11 the vote is 6-1 to accept the offer in
12 compromise.

13 MR. GIRON: Thank you.

14 CHAIRPERSON MILLER: Thank you.

15 (Whereupon, the Show Cause
16 (Status) Hearing in the above-entitled matter
17 was concluded at 10:11 a.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 6:16 accept 4:6,15 6:11 accepting 6:8 accountant 5:14 accountants 5:18 agenda 2:4 agree 4:22 5:2,4,7,9 6:1 agrees 5:6 Alberti 1:19 5:3,4 Alcoholic 1:2,14,15 ANC-1C 1:8 aware 5:15 a.m 2:2 6:17</p> <hr/> <p style="text-align: center;">B</p> <p>believe 6:7 Beverage 1:2,14,15 Board 1:2,15 2:9 4:15 5:21 Brooks 1:20 4:18 5:1,2</p> <hr/> <p style="text-align: center;">C</p> <p>CALVIN 1:21 case 1:9 2:3,5 3:12 Cause 1:6 2:4,22 6:15 Chairperson 1:16 1:19 2:3,15,18,21 3:2,5,8,11,14,17 3:21 4:2,5,9,13,19 5:1,3,5,8 6:5,10 6:14 Champlain 1:7 2:7 changed 5:18 Churreria 1:6 2:6 2:14 Columbia 1:1 2:11 compromise 3:16 4:16 6:12 concluded 6:17 Control 1:2,14,15 CR 1:8</p> <hr/> <p style="text-align: center;">D</p>	<p>days 3:19 4:3,16 delinquent 5:11 disagree 6:6 District 1:1 2:10 DONALD 1:20 D.C 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>Enterprises 1:6 2:6 2:13 Ernesto 2:12,16,19</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 failing 5:20 6:2 favor 6:8 February 1:13 Fernando 1:24 2:10 file 1:10 5:20 6:2 filed 4:10 5:12 filing 5:15 fine 3:11,19 finest 5:17 follows 3:19</p> <hr/> <p style="text-align: center;">G</p> <p>Giron 2:12,12,16 2:19,20 3:1,4,7,10 4:1,4,8,12 5:13 6:4,13 going 4:14 5:22 Good 2:9</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,15 2:5 4:7 6:16 HERMAN 1:21 highly 5:22 history 5:11 hope 6:1</p> <hr/> <p style="text-align: center;">I</p> <p>Indulgence 3:13</p> <hr/> <p style="text-align: center;">J</p> <p>JEANNETTE 1:22 Jones 1:21 6:5,6</p>	<p style="text-align: center;">L</p> <p>late 5:16 License 1:8 2:8 long 5:11 looking 5:10 Louise 2:11</p> <hr/> <p style="text-align: center;">M</p> <p>M 1:6 2:5,13 Madrid 1:6 2:6,14 matter 1:5 6:16 matters 3:12 MEETING 1:3 Member 1:19,20 1:21,21,22,22 4:18,22 5:2,4,7,9 5:19 6:6 Members 2:10 met 1:15 MIKE 1:22 Miller 1:17,19 2:3 2:15,18,21 3:2,5,8 3:11,14,17,21 4:2 4:5,9,13,19 5:1,3 5:5,5,8 6:5,10,14 minimum 6:7 Mobley 1:22 5:8,9 5:19 morning 2:9 motion 4:20 move 4:15</p> <hr/> <p style="text-align: center;">N</p> <p>NICK 1:19 Nophlin 1:21 4:21 4:22 notice 2:22 3:9 NW 1:7 N.W 1:15 2:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:24 offer 3:16,18,20,22 4:15 6:11 oh 2:19 OIC 6:9 Okay 2:21 3:11,14</p>	<p>3:17,21 4:9,13,13 4:19 5:19 6:10</p> <hr/> <p style="text-align: center;">P</p> <p>paid 5:17 payable 3:19 4:3,16 Phillips 2:11 please 3:13 point 4:14 preliminary 3:12 PRESENT 1:18,23 president 2:13,17 presiding 1:17 pretty 5:18 problem 5:13 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>quarterly 1:10 4:10 5:12,16,21 6:2 question 5:10 quite 5:14</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:2 reading 3:9 reason 6:8 receive 2:22 record 3:9 4:10 5:10 Report 1:10 reports 5:12,21 6:3 Restaurant 1:6 2:7 Retailer 1:8 right 4:7,14 Rivero 1:24 2:9,10 3:13,15,18 Room 1:15 Ruthanne 1:17,19</p> <hr/> <p style="text-align: center;">S</p> <p>second 4:17,18 see 6:1 shine 5:22 Show 1:6 2:4,22 6:15 Silverstein 1:22 5:6</p>	<p>5:7 St 1:6 2:5 standing 2:11 statement 4:11 statements 5:16 Status 1:8 2:4 6:16 statutory 6:7 Street 1:7,15 2:7,13 Suite 1:15 Sumarin 2:15</p> <hr/> <p style="text-align: center;">T</p> <p>thank 3:15,21 6:4 6:13,14 time 6:1 t/a 1:6 2:6,13</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:6,22 4:6</p> <hr/> <p style="text-align: center;">V</p> <p>vice 2:12,16 vote 6:11</p> <hr/> <p style="text-align: center;">W</p> <p>waive 3:9 4:7 Washington 1:16 wasn't 5:15 weren't 5:15 wife 2:20</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,11</p> <hr/> <p style="text-align: center;">\$</p> <p>\$6,000 3:19 4:2,16</p> <hr/> <p style="text-align: center;">#</p> <p>#11-CMP-00227 1:9</p> <hr/> <p style="text-align: center;">1</p> <p>1 1:13 10:06 2:2 10:11 6:17 11-CMP-00227 2:5 14th 1:15</p>
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