

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

p-----»
IN THE MATTER OF: :
: :
Bhuller's Corporation :
t/a JJ Mutt Wine & Spirits : Show Cause
643 Pennsylvania Avenue, SE : Hearing
Retailer A - ANC-6B :
License No. 25523 :
Case #11-CMP-00059 :
: :
(Failed to Obtain Importation :
Permit, Failed to Maintain :
Books and Records) :
p-----¼

February 8, 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:

AMY SCHMIDT, OAG

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

2 (2:22 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record for the afternoon hearings.
5 Our first hearing in the afternoon is a Show
6 Cause Hearing, Case No. 11-CMP-00059, JJ Mutt
7 Wine & Spirits, License No. 25523 in ANC-6B.

8 And I can see that the parties
9 have already come forward to the table. And
10 can you introduce yourselves for the record,
11 please?

12 MS. SCHMIDT: Good afternoon, Amy
13 Schmidt, Assistant Attorney General, on behalf
14 of the District of Columbia.

15 CHAIRPERSON MILLER: Sir?

16 MR. BHULLER: My name is Amarjit
17 Bhuller from JJ Mutt Wine & Spirits.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Did you receive notice of this Show
20 Cause Hearing?

21 MR. BHULLER: Yes, ma'am.

22 CHAIRPERSON MILLER: And did you

1 read it and understand it?

2 MR. BHULLER: Yes.

3 CHAIRPERSON MILLER: Okay. And
4 would you also waive my reading the notice
5 into the record?

6 MR. BHULLER: Yes.

7 CHAIRPERSON MILLER: Okay. Ms.
8 Schmidt, do we have any preliminary matters?

9 MS. SCHMIDT: Yes, we do. First
10 of all, I'm making a motion to amend the
11 notice to read February 18th instead of
12 October 2011. That was a mistake and an
13 oversight, I just noticed it the other day.
14 The point is it should be on February 18,
15 2011, Charge 1.

16 CHAIRPERSON MILLER: What are you
17 reading from?

18 MS. SCHMIDT: In Charge 1.

19 CHAIRPERSON MILLER: Yes.

20 MS. SCHMIDT: It says on Thursday,
21 October 25, 2010.

22 CHAIRPERSON MILLER: Oh.

1 MS. SCHMIDT: I would like to
2 amend that to read on Tuesday, February 18,
3 2011.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Okay. So you are
6 amending --

7 MS. SCHMIDT: And the other --

8 MEMBER ALBERTI: -- the charging
9 document?

10 MS. SCHMIDT: Yes, we are.

11 MEMBER ALBERTI: Okay.

12 MS. SCHMIDT: But then we also
13 have an offer in compromise.

14 We will be dismissing Charge 1 of
15 this charging document and we will -- and Mr.
16 -- and the licensee has agreed to pay \$2,000
17 within 60 days for Charge 2 for failure to
18 maintain for a period of three years books and
19 records.

20 CHAIRPERSON MILLER: And 60 days
21 to begin when?

22 MS. SCHMIDT: 60 days to pay

1 beginning today.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: 60 days to pay.

4 CHAIRPERSON MILLER: Okay. Right.

5 Okay. And, Mr. Bhuller, do you agree to this
6 offer in compromise? And I'm just going to
7 repeat it.

8 MR. BHULLER: Yes.

9 CHAIRPERSON MILLER: Which is a
10 dismissal of the first charge regarding
11 importation permits and a penalty of \$2,000 on
12 the second charge dealing with maintenance of
13 books and records and that \$2,000 to be paid
14 within 60 days from today.

15 MR. BHULLER: Yes, ma'am.

16 CHAIRPERSON MILLER: Okay. And do
17 you understand that if you accept this offer
18 in compromise and we, the Board, approves it,
19 that you would be waiving your rights to a
20 hearing?

21 MR. BHULLER: Yes, fine.

22 CHAIRPERSON MILLER: Okay. Okay.

1 Are there any questions from Board Members?
2 Okay. Then I would move that we approve this
3 offer in compromise and I'll repeat it one
4 more time, which dismisses the first charge
5 regarding importation permits and suffers a
6 penalty of \$2,000 on the second charge dealing
7 with maintenance of books and records and that
8 the \$2,000 will be paid within 60 days of
9 today.

10 Do I have a second?

11 MEMBER NOPHLIN: Second.

12 CHAIRPERSON MILLER: Okay. I
13 think I'll poll the Board.

14 Mr. Nophlin, how say you?

15 MEMBER NOPHLIN: I agree.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CHAIRPERSON MILLER: Ms. Mobley?

MEMBER MOBLEY: I agree.

CHAIRPERSON MILLER: Mr. Jones?

MEMBER JONES: I agree.

CHAIRPERSON MILLER: Okay. Then
the motion passes by a vote of 7-0. The OIC
is approved. Thank you very much.

MR. BHULLER: Thank you.

MEMBER ALBERTI: Thank you.

(Whereupon, the Show Cause Hearing
in the above-entitled matter was concluded at
2:25 p.m.)

<p style="text-align: center;">A</p> <p>above-entitled 7:11 accept 5:17 afternoon 2:4,5,12 agree 5:5 6:15,17 6:19,22 7:2,4 agreed 4:16 agrees 6:21 Alberti 1:20 4:5,8 4:11 5:3 6:18,19 7:9 Alcoholic 1:2,15,15 Amarjit 2:16 amend 3:10 4:2 amending 4:6 Amy 1:25 2:12 ANC-6B 1:8 2:7 approve 6:2 approved 7:7 approves 5:18 Assistant 2:13 Attorney 2:13 Avenue 1:7</p> <hr/> <p style="text-align: center;">B</p> <p>back 2:4 beginning 5:1 behalf 2:13 Beverage 1:2,15,15 Bhuller 2:16,17,21 3:2,6 5:5,8,15,21 7:8 Bhuller's 1:6 Board 1:2,15 5:18 6:1,13 books 1:11 4:18 5:13 6:7 Brooks 1:21 6:16 6:17</p> <hr/> <p style="text-align: center;">C</p> <p>CALVIN 1:22 Case 1:9 2:6 Cause 1:6 2:6,20 7:10 Chairperson 1:17 1:19 2:3,15,18,22</p>	<p>3:3,7,16,19,22 4:4 4:20 5:2,4,9,16,22 6:12,16,18,20 7:1 7:3,5 charge 3:15,18 4:14,17 5:10,12 6:4,6 charging 4:8,15 Columbia 1:1 2:14 come 2:9 compromise 4:13 5:6,18 6:3 concluded 7:11 Control 1:2,15,15 Corporation 1:6</p> <hr/> <p style="text-align: center;">D</p> <p>day 3:13 days 4:17,20,22 5:3 5:14 6:8 dealing 5:12 6:6 dismissal 5:10 dismisses 6:4 dismissing 4:14 District 1:1 2:14 document 4:9,15 DONALD 1:21 D.C 1:17</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10,10 failure 4:17 February 1:13 3:11 3:14 4:2 fine 5:21 first 2:5 3:9 5:10 6:4 forward 2:9</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:13 going 5:6 Good 2:12</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,16 2:5 2:6,20 5:20 7:10 hearings 2:4</p>	<p>HERMAN 1:21</p> <hr/> <p style="text-align: center;">I</p> <p>importation 1:10 5:11 6:5 introduce 2:10</p> <hr/> <p style="text-align: center;">J</p> <p>JEANNETTE 1:23 JJ 1:6 2:6,17 Jones 1:21 7:3,4</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:8 2:7 licensee 4:16</p> <hr/> <p style="text-align: center;">M</p> <p>maintain 1:10 4:18 maintenance 5:12 6:7 making 3:10 matter 1:5 7:11 matters 3:8 ma'am 2:21 5:15 MEETING 1:3 Member 1:20,21 1:21,22,22,23 4:5 4:8,11 5:3 6:11,15 6:17,19,22 7:2,4,9 Members 6:1 met 1:15 MIKE 1:22 Miller 1:17,19 2:3 2:15,18,22 3:3,7 3:16,19,22 4:4,20 5:2,4,9,16,22 6:12 6:16,18,20,20 7:1 7:3,5 mistake 3:12 Mobley 1:23 7:1,2 motion 3:10 7:6 move 6:2 Mutt 1:6 2:6,17</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:16 NICK 1:20 Nophlin 1:22 6:11</p>	<p>6:14,15 notice 2:19 3:4,11 noticed 3:13 N.W 1:16</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25 Obtain 1:10 October 3:12,21 offer 4:13 5:6,17 6:3 Oh 3:22 OIC 7:6 Okay 2:3,18 3:3,7 4:4,5,11 5:2,4,5 5:16,22,22 6:2,12 7:5 oversight 3:13</p> <hr/> <p style="text-align: center;">P</p> <p>paid 5:13 6:8 parties 2:8 passes 7:6 pay 4:16,22 5:3 penalty 5:11 6:6 Pennsylvania 1:7 period 4:18 Permit 1:10 permits 5:11 6:5 please 2:11 point 3:14 poll 6:13 preliminary 3:8 PRESENT 1:18,24 presiding 1:17 P-R-O-C-E-E-D-... 2:1 p.m 2:2 7:12</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 6:1</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:1,11 4:2 reading 3:4,17 receive 2:19 record 2:4,10 3:5 records 1:11 4:19</p>	<p>5:13 6:7 regarding 5:10 6:5 repeat 5:7 6:3 Retailer 1:8 Right 5:4 rights 5:19 Room 1:16 Ruthanne 1:17,19</p> <hr/> <p style="text-align: center;">S</p> <p>says 3:20 Schmidt 1:25 2:12 2:13 3:8,9,18,20 4:1,7,10,12,22 SE 1:7 second 5:12 6:6,10 6:11 see 2:8 Show 1:6 2:5,19 7:10 Silverstein 1:22 6:21,22 Sir 2:15 Spirits 1:6 2:7,17 Street 1:16 suffers 6:5 Suite 1:16</p> <hr/> <p style="text-align: center;">T</p> <p>table 2:9 Thank 2:18 7:7,8,9 think 6:13 three 4:18 Thursday 3:20 time 6:4 today 5:1,14 6:9 Tuesday 4:2 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:1 5:17</p> <hr/> <p style="text-align: center;">V</p> <p>vote 7:6</p> <hr/> <p style="text-align: center;">W</p> <p>waive 3:4</p>
--	--	---	--	---

waiving 5:19
Washington 1:17
Wine 1:6 2:7,17

Y

years 4:18

P

p 1:4,12

\$

\$2,000 4:16 5:11,13
6:6,8

#

#11-CMP-00059
1:9

1

1 3:15,18 4:14
11-CMP-00059 2:6
14th 1:16
18 3:14 4:2
18th 3:11

2

2 4:17
2:22 2:2
2:25 7:12
2000 1:16
20009 1:17
2010 3:21
2011 3:12,15 4:3
2012 1:13
25 3:21
25523 1:8 2:7

4

400S 1:17

6

60 4:17,20,22 5:3
5:14 6:8
643 1:7

7

7-0 7:6

8

8 1:13