

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Occasions Caterers, Inc. :
t/a Occasions Caterers :
5458 3rd Street, NE : Show Cause
Retailer Class Caterer : Hearing
License No. 72482 : (Status)
Case No. 11-CMP-00183 :
ANC 5A :
No ABC Manager on Duty; Failed: :
to Post Legal Drinking Age :
Sign; Failed to Post Pregnancy: :
Sign :
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FEBRUARY 15, 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

NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OIG

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

9:47 a.m.

CHAIRPERSON MILLER: Okay. I believe that concludes our protest status hearings. We're moving into our show cause status hearings.

Our first show cause status is case No. 11-CMP-00183, Occasions Caterers. They are located at 5458 3rd Street, N.E., License No. 72482 in ANC 5A.

And I see that some parties have come to the table.

Could you introduce yourselves for the record?

MR. RIVERO: Good morning, Board members. Fernando Rivero for the District of Columbia standing in for Walter Adams.

CHAIRPERSON MILLER: Sir.

MR. GARRUBA: Hi, Russell Garruba, vice-president for Occasions Caterers.

CHAIRPERSON MILLER: Okay. And I want to ask you -- it's Mr. Garruba?

1 MR. GARRUBA: Yes, Garruba.

2 CHAIRPERSON MILLER: Did you
3 receive notice of the show cause hearing?

4 MR. GARRUBA: I did.

5 CHAIRPERSON MILLER: And did you
6 read it?

7 MR. GARRUBA: Yes.

8 CHAIRPERSON MILLER: You
9 understand it?

10 MR. GARRUBA: Yes.

11 CHAIRPERSON MILLER: And would you
12 waive the Board's reading the notice into the
13 record?

14 MR. GARRUBA: Yes.

15 CHAIRPERSON MILLER: Okay. So,
16 Mr. Fernando, are there any preliminary
17 matters? Rivero. I'm so sorry.

18 MR. RIVERO: That's all right.
19 Yes, Board members, the parties have an Offer
20 in Compromise to present to the Board at this
21 time, and the offer consists of a fine of \$850
22 payable today and a dismissal of charge 3. In

1 addition, we would like to note that the
2 Licensee has secured eight ABC managers in
3 response to the issues of the case.

4 CHAIRPERSON MILLER: I just want
5 to ask, their security -- ABC managers, how
6 many did they have before?

7 MR. RIVERO: I believe what
8 happened before is that they thought that
9 having been TIPS trained would somehow be
10 equivalent, which was not the case.

11 CHAIRPERSON MILLER: Okay.

12 MR. RIVERO: But I would defer to
13 the Licensee.

14 CHAIRPERSON MILLER: All right.
15 Do you want to just speak to that?

16 MR. GARRUBA: Sure. It's very
17 clear in the law as it reads today regarding
18 the -- what we were cited for, the ABC
19 licensed manager, as well as the signage.

20 When we first acquired a catering
21 license back in 2004, we actually were
22 suggested by Fred Moosally at ABRA to make

1 comment on the law and what it should read and
2 prices and all of that. There was sort of a
3 gray around -- it designated -- at one point
4 it was a designated manager. Then it became
5 a company manager. Then it was an ABRA
6 manager. But now it's an ABC licensed
7 manager.

8 So I remember specifically asking
9 that question to Margie Fowler, who was our
10 rep at the time, what does this actually mean
11 and how can we comply? I said if a company
12 manager who is certified in TIPS attended
13 every event where there was service of
14 alcohol, would that satisfy this requirement?
15 And the answer was, yes, it would. This was
16 back in 2003 or '4, I'm guessing. So on that
17 premise that's pretty much what we've done.

18 I became certified as a TIPS
19 trainer and we train all of our managers, our
20 owners, our contractors, our account managers.
21 And so when we were cited in May, there was a
22 red flag. Well, we thought we were complying.

1 So, you know, not having read the
2 law, since I actually became a certified ABC
3 manager, which is a requirement, I had a
4 couple questions about sort of housekeeping on
5 how -- what mechanism is involved for
6 licensees to know what changes may have been
7 made going forward. But apparently whatever
8 happened between 2004 and when Council passed
9 the law had changed. And I don't have it on
10 my calendar to go back to read the law every
11 January. So it would be helpful to know that
12 if there's any changes that occur that affects
13 a different class of licensee, we'd get
14 notification of that.

15 So that said, we then proposed
16 that -- you know, we have ABC managers on
17 board, so we're compliant there.

18 CHAIRPERSON MILLER: Okay. I hear
19 what you're saying and, you know, I'll take
20 that back to the Agency. And also we do have
21 a newsletter. I don't know if you're signed
22 up to get it, but I think it's by email. So

1 then that might be one way to stay on top of
2 changes. So if you're interested, you contact
3 our staff.

4 MR. GARRUBA: Thank you.

5 CHAIRPERSON MILLER: Okay. So let
6 me repeat what the OIC is. And at this point
7 I heard it as \$850 payable today and the third
8 charge is dismissed.

9 MR. RIVERO: Correct.

10 CHAIRPERSON MILLER: Okay. And
11 does the Licensee agree to that?

12 MR. GARRUBA: (No audible
13 response.)

14 CHAIRPERSON MILLER: All right.
15 Well, we've just been joined by Mr. Jones, our
16 seventh Board member.

17 MEMBER JONES; Thank you, Madam
18 Chair.

19 CHAIRPERSON MILLER: You're
20 welcome. And I didn't notice exactly when you
21 got here, but we are considering an OIC on the
22 Occasions Caterers case of \$850 payable today,

1 and the third charge is dismissed.

2 Okay. Do Board members have any
3 questions?

4 MEMBER MOBLEY: No, Madam Chair.

5 CHAIRPERSON MILLER: Okay. Then
6 I'm going to call a vote on this.

7 I would move that we accept the
8 OIC as presented, and I just stated what it
9 was. Eight hundred and fifty dollars payable
10 today and the third charge is dismissed. Do
11 I have a second?

12 MEMBER NOPHLIN: Second.

13 CHAIRPERSON MILLER: All those in
14 favor, say aye? Aye.

15 MEMBER ALBERTI: Aye.

16 MEMBER BROOKS: Aye.

17 MEMBER MOBLEY: Aye.

18 MEMBER NOPHLIN: Aye.

19 MEMBER SILVERSTEIN: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed?

22 (No audible response.)

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CHAIRPERSON MILLER: All those
abstaining?

MEMBER JONES: Abstention.

CHAIRPERSON MILLER: Okay. Then
the vote is 6-0-1 and the motion passes and
the OIC is accepted. Thank you very much.

(Whereupon, the hearing was
concluded at 9:54 a.m.)

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| A | 7:22 Caterer 1:8 Caterers 1:6,7 2:8 2:20 7:22 catering 4:20 cause 1:8 2:5,7 3:3 certified 5:12,18 6:2 Chair 7:18 8:4 Chairperson 1:18 1:19 2:3,18,21 3:2 3:5,8,11,15 4:4,11 4:14 6:18 7:5,10 7:14,19 8:5,13,20 9:1,4 changed 6:9 changes 6:6,12 7:2 charge 3:22 7:8 8:1 8:10 cited 4:18 5:21 class 1:8 6:13 clear 4:17 Columbia 1:1 2:17 come 2:12 comment 5:1 company 5:5,11 compliant 6:17 comply 5:11 complying 5:22 Compromise 3:20 concluded 9:8 concludes 2:4 considering 7:21 consists 3:21 contact 7:2 contractors 5:20 Control 1:2,15,16 Correct 7:9 Council 6:8 couple 6:4 | B | C | D | E | F | G | H | Hi 2:19 housekeeping 6:4 hundred 8:9 | I | J | K | L | N | O | P |
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