

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Acacia Skylan, Inc. t/a
Acacia Wellness Bistro
4340 Connecticut Ave., NW
Retailer CR - ANC-3F
License No. 80916
Case #13-CMP-00501

Show Cause
Hearing
(Status)

(Failed to Post License in a
Conspicuous Place)

March 12, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 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
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, OAG

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

(10:09 a.m.)

CHAIRPERSON MILLER: The next case is Case No. 13-CMP-00501, Acacia Wellness Bistro located at 4340 Connecticut Avenue, N.W., License No. 80916, in ANC-3F.

MR. ADAMS: Good morning, Walter Adams representing the District of Columbia.

MR. TURKER: Good morning, Uzay Turker of the Acacia Wellness Bistro.

CHAIRPERSON MILLER: Okay. Are you the owner?

MR. TURKER: Yes.

CHAIRPERSON MILLER: Yes, okay. Did you receive notice of this hearing?

MR. TURKER: I did receive it.

CHAIRPERSON MILLER: Okay.

MR. TURKER: One thing I didn't understand the increase of the fine.

CHAIRPERSON MILLER: Okay.

MR. ADAMS: He is referring to settlement, which is not really something that

1 can be addressed by the Board.

2 MR. TURKER: Are you able to make
3 a decision now or we have to go to Show Cause
4 Hearing? I don't want to take your time.

5 CHAIRPERSON MILLER: Okay. All
6 right. Let's just establish, so you had
7 notice of this hearing and so we can go
8 forward with this hearing, in any event.
9 Okay.

10 Well, are there -- today is just a
11 status. Today is not the hearing. If there
12 are any preliminary issues that can resolve
13 this case, it won't go to hearing, but I'm not
14 sure where you are at. So, Mr. Adams, are
15 there some --

16 MR. ADAMS: There are no
17 preliminary matters, Madam Chairman.

18 CHAIRPERSON MILLER: There aren't
19 any?

20 MR. ADAMS: There are not. We are
21 -- the District will go forward with the
22 hearing. Let's go to hearing.

1 CHAIRPERSON MILLER: Okay. Let me
2 say this. The Show Cause Hearing is set for
3 May 14, 2014 at 10:00 a.m. Do you have any
4 questions about that?

5 MR. TURKER: If I can pay a \$250
6 fine today, then we don't have to go to Show
7 Cause Hearing on May 14th?

8 CHAIRPERSON MILLER: Okay. So --

9 MR. TURKER: Like I said I don't
10 want to take your time again and again.

11 MEMBER ALBERTI: He missed that
12 opportunity a long time ago.

13 MR. TURKER: The fine was \$250 and
14 I thought the hearing for that to be able to
15 waive the amount and I didn't pay. I'm not
16 stupid. September was the ticket I will say
17 and until today, I would pay five times,
18 that's not a problem, but I didn't know it
19 should be increasing double and over and over
20 again.

21 CHAIRPERSON MILLER: Okay.

22 MR. ADAMS: If I may, and I want

1 to clarify this for the record. This case
2 involves a citation. A citation was issued in
3 a certain amount by the investigator, at that
4 time. However, the citation wasn't paid
5 within the allotted amount of time. The case
6 was presented by the Board to the Office of
7 the Attorney General for formal charges. As
8 a result, it has been formally charged and our
9 findings regarding the amount of -- I guess,
10 the charge, at this point, is actually
11 different than what was done at the time of
12 the citation.

13 So we can't agree, at this point.
14 I mean, what he is talking about is in terms
15 of settlement issues, which, obviously, isn't
16 before the Board. So he can -- as I spoke
17 with the owner, if he wants -- since we do not
18 have an agreement, he can have the opportunity
19 under the Administrative Procedures Act to
20 bring those issues forward to the Board at the
21 Show Cause Hearing, that's the purpose of the
22 Show Cause Hearing.

1 CHAIRPERSON MILLER: Okay. And
2 let me just tell you this also. If you don't
3 have an agreement today, it doesn't mean that
4 the Board -- at the Show Cause Hearing you
5 can't meet with Mr. Adams and see if you can
6 work out an agreement. You have that
7 opportunity, you know, up until the hearing.
8 So I just want you to know that. If you do --
9 if you are able to come to some agreement,
10 fine, but we don't hear the merits of the case
11 today.

12 We would hear it May 14th if you
13 don't come to an agreement. Okay?

14 MEMBER ALBERTI: Ms. Miller, may I
15 make one remark?

16 CHAIRPERSON MILLER: Sure.

17 MEMBER ALBERTI: Mr. Tucker, you
18 should know that the level of the citation was
19 below the statutory guidelines. Just for your
20 information. The level that was assigned for
21 that citation, the amount, was below the
22 statutory guidelines.

1 MR. TURKER: Which is \$250.

2 MEMBER ALBERTI: No. It was --

3 \$250 is below the statutory guidelines, at

4 that point in time, because that was your

5 third violation. The fine should have --

6 citation, if it had been within the

7 guidelines, would have been higher. So you

8 should just note that for your information.

9 And you can discuss that more with Mr. Adams.

10 He will explain it to you.

11 MR. TURKER: Okay. Thanks.

12 CHAIRPERSON MILLER: Okay.

13 MR. TURKER: Thank you.

14 CHAIRPERSON MILLER: Thank you

15 very much. Good luck. I did tell you May 14,

16 2014 at 10:00 a.m., if you don't resolve it.

17 MR. TURKER: Okay.

18 CHAIRPERSON MILLER: Okay. Thank

19 you.

20 MR. TURKER: Thank you.

21 (Whereupon, the Show Cause

22 (Status) Hearing in the above-entitled matter

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was concluded at 10:14 a.m.)

<p>A</p> <p>\$250 4:5,13 7:1,3 a.m 2:2 4:3 7:16 8:1 able 3:2 4:14 6:9 above-entitled 7:22 Acacia 1:5,6 2:4,10 Act 5:19 Adams 1:21 2:7,8 2:21 3:14,16,20 4:22 6:5 7:9 addressed 3:1 Administrative 5:19 ago 4:12 agree 5:13 agreement 5:18 6:3 6:6,9,13 ALBERTI 1:17 4:11 6:14,17 7:2 Alcoholic 1:2,12,12 allotted 5:5 amount 4:15 5:3,5 5:9 6:21 ANC-3F 1:7 2:6 assigned 6:20 Attorney 5:7 Ave 1:6 Avenue 2:5</p>	<p>Chairperson 1:14 1:17 2:3,11,14,17 2:20 3:5,18 4:1,8 4:21 6:1,16 7:12 7:14,18 charge 5:10 charged 5:8 charges 5:7 citation 5:2,2,4,12 6:18,21 7:6 clarify 5:1 Columbia 1:1 2:8 come 6:9,13 concluded 8:1 Connecticut 1:6 2:5 Conspicuous 1:9 Control 1:2,12,12 CR 1:7</p>	<p>General 5:7 go 3:3,7,13,21,22 4:6 Good 2:7,9 7:15 guess 5:9 guidelines 6:19,22 7:3,7</p>	<p>meet 6:5 MEETING 1:3 Member 1:17,18,18 1:19,19 4:11 6:14 6:17 7:2 merits 6:10 met 1:12 MIKE 1:18 Miller 1:14,17 2:3 2:11,14,17,20 3:5 3:18 4:1,8,21 6:1 6:14,16 7:12,14 7:18 missed 4:11 morning 2:7,9</p>	<p>presiding 1:14 problem 4:18 Procedures 5:19 purpose 5:21</p>
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