

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

IN THE MATTER OF:

Venus Indo Services, Inc.  
t/a Pan Mar Liquors  
1926 I Street, NW  
Retailer CR - ANC-2B  
License No. 60242  
Case #13-CC- 00102

Show Cause  
Hearing

(Sale to Minor, Failed to  
Take Steps Necessary to  
Ascertain Legal Drinking Age)

March 28, 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

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

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

(4:16 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record for our afternoon hearing. And I'm calling Case No. 13-CC-00102, Pan Mar Liquors located at 1926 I Street, N.W., License No. 60242, in ANC-2B.

And would the parties introduce themselves for the record, please?

MS. GEPHARDT: Chrissy Gephardt on behalf of the Office of the Attorney General for the District of Columbia.

MR. KLINE: Andrew Kline on behalf of the licensee.

MR. CHATWAL: Baljeet Chatwal.

MR. KLINE: Baljeet Chatwal.

COURT REPORTER: Sir, could you use your microphone?

MR. KLINE: Oh.

CHAIRPERSON MILLER: Okay.

COURT REPORTER: Sir, could you restate your name?

1 MR. CHATWAL: Baljeet Chatwal.

2 MR. KLINE: That's B-A-L-J-E-E-T  
3 Chatwal, C-H-A-T-W-A-L.

4 CHAIRPERSON MILLER: Okay. So  
5 this is a Show Cause Hearing. Are there any  
6 preliminary matters?

7 MR. KLINE: Yes.

8 CHAIRPERSON MILLER: Good. Okay.

9 MS. GEPHARDT: One preliminary  
10 matter.

11 CHAIRPERSON MILLER: Good.

12 MS. GEPHARDT: And that is that  
13 the parties have reached an offer in  
14 compromise that we would like to present to  
15 the Board today.

16 There are two charges in this  
17 case. One is a violation of 25-781. The  
18 other one is a violation of 783. For Charge  
19 1, which is 781, we are proposing a \$4,000  
20 fine with a 10 day suspension. And of those  
21 days, five of them will be served and five of  
22 them will be stayed.

1                   For Charge 2, which is 783, we  
2 propose a \$4,000 fine and a 10 day suspension  
3 with four days served, six days stayed.

4                   MEMBER SILVERSTEIN: Four served,  
5 six stayed?

6                   MS. GEPHARDT: Correct. And then  
7 there will also be 10 suspension days that  
8 need to be served, which are triggered from  
9 Case 11-251-00074.

10                   So what we have here then is a  
11 total of 19 days served, 11 days stayed and an  
12 \$8,000 fine.

13                   MR. KLINE: And one more thing  
14 which is the requirement consistent with the  
15 statute that the applicant complete and all  
16 employees complete Alcohol Awareness training  
17 within three months.

18                   MS. GEPHARDT: And the days it  
19 would be served, I believe, the licensee has  
20 indicated and we have agreed upon the dates of  
21 June 2nd and I believe that is through the 20th  
22 of June. I think that's 19 days.

1 MR. KLINE: I believe that is  
2 correct, yes.

3 MS. GEPHARDT: And the 2nd of June  
4 is a Monday and the licensee is open on that  
5 day.

6 CHAIRPERSON MILLER: What was the  
7 last thing you said?

8 MS. GEPHARDT: I just said that  
9 the suspension days would start on June 2nd,  
10 which is a Monday. It's a day they typically  
11 would be open.

12 CHAIRPERSON MILLER: Okay.

13 MS. GEPHARDT: And the fine would  
14 be payable within 60 days.

15 CHAIRPERSON MILLER: Okay. I'm  
16 going to read it back to the licensee. Make  
17 sure I get it right and then you can confirm  
18 whether you agree to it.

19 The OIC would be for Charge 1,  
20 which is 25-781 a fine of \$4,000, 10 days  
21 suspension with five days served and five days  
22 suspended. Okay. This is for a year, pending

1 no further violations. Okay.

2 783 would be a \$4,000 fine, 10  
3 days suspension with four days served and six  
4 days stayed. Okay.

5 Plus, serving 10 suspension days  
6 from Case No. 11-251-00074.

7 In total, it's 19 days served, 11  
8 stayed and an \$8,000 fine to be paid within 60  
9 days. The applicant will attend Alcohol  
10 Awareness training within three months and the  
11 dates served will be June 2nd -- the dates  
12 suspended will be June 2nd through June 28th  
13 and payment is within 60 days.

14 MR. KLINE: June 2nd --

15 MS. GEPHARDT: June --

16 MR. KLINE: -- through June 20th.

17 CHAIRPERSON MILLER: June 20th,  
18 yes. Sorry, thank you.

19 MR. KLINE: Okay.

20 CHAIRPERSON MILLER: Okay. Do you  
21 agree to that offer in compromise?

22 MR. KLINE: Yes. And I would like

1 to say a few words about it, if I could?

2 CHAIRPERSON MILLER: Okay. And  
3 your client knows or understands that he  
4 waives his right to a hearing by entering into  
5 an offer in compromise?

6 MR. KLINE: Yes, waives his right  
7 to a hearing and will waive his right to  
8 appeal.

9 CHAIRPERSON MILLER: Okay. So  
10 then you would like to speak to it?

11 MR. KLINE: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MR. KLINE: The applicant  
14 acknowledges that his record with respect to  
15 compliance is less than stellar and that's  
16 being kind. We do want the Board to know that  
17 this offer in compromise does not, for this  
18 store, represent "the cost of doing business."

19 This is not a high-volume store.  
20 This is a substantial penalty for this  
21 operation. Our statute, as you know, provides  
22 the same penalties for a store doing, I'll

1 just pick numbers out of the air, \$500,000 in  
2 gross sales per year to \$25 million in gross  
3 sales per year. And the effect on the store  
4 is certainly different given their volume.

5 This is not one of the higher-  
6 volume stores, so this does represent a very  
7 substantial penalty for this store.

8 The other thing that we want the  
9 Board to know is that Mr. Chatwal recognizes,  
10 given his record, that he has not done as well  
11 as he should. Perhaps his business is not for  
12 him and he is actively marketing the store for  
13 sale and you may, at some point, see a  
14 transferee.

15 So we hope that the Board will  
16 take all of that in consideration. We have  
17 worked hard. The fine is consistent with what  
18 is required by the statute, that's what took  
19 us so long to make sure that we were satisfied  
20 and hopefully he would be satisfied that the  
21 fine schedule and the suspension that is being  
22 required is consistent with what is required

1 in the statute.

2 We did not want to bring you  
3 something that didn't meet the statutory  
4 requirements, because we know the Board is  
5 concerned in making sure that offers in  
6 compromise do meet those requirements.

7 So, you know, I want the Board to  
8 know all that, that we did make sure that  
9 that's the case and the Board, obviously, will  
10 look at it and make sure that that's the case.  
11 But we are confident having three of us look  
12 at it that it is correct and we hope the Board  
13 will accept it.

14 CHAIRPERSON MILLER: Okay.

15 Questions?

16 MEMBER BROOKS: Yes.

17 CHAIRPERSON MILLER: Mr. Brooks?

18 MEMBER BROOKS: Is he open seven  
19 days a week?

20 MR. CHATWAL: Six.

21 MR. KLINE: Six days a week.

22 MR. CHATWAL: Six days.

1                   MEMBER BROOKS: Okay. So is there  
2 going to be a day that -- on the dates I want  
3 to be sure that we are talking about what 19  
4 days?

5                   MR. KLINE: 19 days consecutively.

6                   MEMBER BROOKS: Consecutively.

7                   MR. KLINE: Correct.

8                   MEMBER BROOKS: Okay. So you are  
9 closed on Sundays, I suppose?

10                  MR. KLINE: Yes.

11                  MEMBER BROOKS: Okay. So you are  
12 not serving that Sunday, but you pick up that  
13 Monday and it will still include the 19 days?

14                  MR. KLINE: Correct. I'm not  
15 aware of a situation and I'm not aware of  
16 every case, obviously, but I'm not aware of a  
17 situation in which the Board has added days  
18 based upon days that are closed, but that may  
19 not be just within my knowledge. I haven't  
20 seen it, but, obviously, we have to leave that  
21 to the Board.

22                  CHAIRPERSON MILLER: Other

1 questions? Mr. Alberti?

2 MEMBER ALBERTI: Yes. The Board  
3 issued an order in a previous case, five  
4 months before this violation. And we had a  
5 hearing on that just a couple of weeks, I  
6 think. Well, it was actually quite a while,  
7 probably three or four months prior to that.

8 So we had a hearing on that three  
9 or four months prior to that order, when that  
10 order was signed. So I want to satisfy myself  
11 that the promises made in that hearing and the  
12 conditions of the order were met.

13 So first of all, Mr. Chatwal --  
14 when did Mr. Chatwal take training on service  
15 of alcohol, Alcohol Awareness training?

16 MR. KLINE: June 9th of 2013.

17 MEMBER ALBERTI: Okay. June 9th of  
18 2013. Okay. That didn't occur within 90 days  
19 of the order. Why now? It didn't occur until  
20 after this violation. And, in fact, it  
21 probably didn't occur until the report was  
22 written for this violation and was known, but

1 I can't -- I don't know from the records. Why  
2 not? Why wasn't the terms of the last order  
3 met?

4 MR. KLINE: Do you have an  
5 explanation about what happened? Tell them.

6 MR. CHATWAL: Sir, when I received  
7 letter from ABRA, they told me only this date  
8 available for training, you know, that's why  
9 I came, you know. They don't have any other  
10 date.

11 MEMBER ALBERTI: I would have to  
12 check that with our Director, because it  
13 bothers me that it was nine months after, nine  
14 months after, the order. Six months after it  
15 was due and it appears to me coincidentally  
16 after this violation.

17 The other thing is, Mr. Chatwal,  
18 do you have a blacklight?

19 MR. CHATWAL: Yes, sir.

20 MEMBER ALBERTI: Okay. Great.

21 Thank you. I have no further questions.

22 MR. KLINE: Nothing further.

1 MEMBER ALBERTI: Can we talk?

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: Before we decide?

4 CHAIRPERSON MILLER: Very well.

5 We are waiting for something.

6 MEMBER ALBERTI: I don't know if  
7 we are waiting for anything.

8 CHAIRPERSON MILLER: Oh. Are we  
9 waiting --

10 MEMBER ALBERTI: They answered my  
11 questions.

12 CHAIRPERSON MILLER: Oh, I thought  
13 you were looking for something to bring to our  
14 attention. Okay. All right. So what we are  
15 going to do is go into closed session and  
16 consider the offer in compromise before us.

17 As Chairperson of the Alcoholic  
18 Beverage Control Board for the District of  
19 Columbia and in accordance with Section 405 of  
20 the Open Meetings Amendment Act of 2010, I  
21 move that the ABC Board hold a closed meeting  
22 for the purpose of seeking legal advice from

1 our counsel on Case No. 13-CC-00102, Pan Mar  
2 Liquors, per Section 405(b)(4) of the Open  
3 Meetings Amendment Act of 2010, and  
4 deliberating upon this case for the reasons  
5 cited in Section 405(b)(13) of the Open  
6 Meetings Amendment Act of 2010.

7 Is there a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks  
10 has seconded the motion. I'll now take a roll  
11 call vote on the motion now that it has been  
12 seconded.

13 Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Mr.

18 Rodriguez?

19 MEMBER RODRIGUEZ: I agree.

20 CHAIRPERSON MILLER: Ms. Miller

21 agrees.

22 Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: Okay. It  
3 appears that the motion has passed by a vote  
4 of 5-0-0, so we will now go into Executive  
5 Session to consider it and we will come back  
6 and then state on the record our views and  
7 take a vote. Okay. Thank you.

8 MR. KLINE: Thank you.

9 (Whereupon, at 4:30 p.m. a recess  
10 until 4:52 p.m.)

11 CHAIRPERSON MILLER: All right.  
12 The Board is back on the record after  
13 considering in closed session the offer in  
14 compromise presented by the parties. And I am  
15 going to move that we approve the offer in  
16 compromise and I will try to articulate it  
17 again. If anybody catches an error, please,  
18 correct me.

19 The offer in compromise is for  
20 Charge 1, which is 25-781, a \$4,000 fine, 10  
21 days suspension of the license with five days  
22 served and five days stayed for a year pending

1 no further violations.

2 Charge 2 is 25-783, a \$4,000 fine,  
3 10 days suspension, four days served, six days  
4 stayed.

5 And serving 10 days suspension  
6 pursuant to Board Order 11-251-00074.

7 It is a suspension of the license  
8 for 19 days to be served from June 2nd through  
9 June 20th consecutively and 11 days are  
10 stayed. The total fine is \$8,000 to be paid  
11 within 60 days. And the owner is to attend  
12 Alcohol Awareness training within three  
13 months.

14 Okay. That's how I understand it.  
15 Do I have a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON MILLER: Okay. Any  
18 comments?

19 All those in favor say aye.

20 MEMBER SILVERSTEIN: Aye.

21 CHAIRPERSON MILLER: Aye.

22 MEMBER RODRIGUEZ: Aye.

1 MEMBER BROOKS: No.

2 CHAIRPERSON MILLER: All those  
3 opposed?

4 MEMBER ALBERTI: No. Opposed.

5 CHAIRPERSON MILLER: All those  
6 abstaining?

7 MEMBER ALBERTI: I think Mr.  
8 Brooks was a dissent. Is that correct --

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER ALBERTI: -- Mr. Brooks?

11 MEMBER BROOKS: That's correct.

12 MEMBER ALBERTI: Thank you.

13 CHAIRPERSON MILLER: Okay. Am I  
14 correct that the vote is 3-2-0 to approve the  
15 offer in compromise with Mr. Brooks and Mr.  
16 Alberti dissenting? Okay.

17 The other thing I --

18 MEMBER SILVERSTEIN: Comments?

19 CHAIRPERSON MILLER: Well, I have  
20 a comment. Do you have comments?

21 MEMBER SILVERSTEIN: Do you want  
22 to start, Mr. Alberti?

1 MEMBER ALBERTI: Who?

2 MEMBER SILVERSTEIN: Do you want  
3 to -- got any comments?

4 MEMBER ALBERTI: I think I  
5 signaled my displeasure through my dissent.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER SILVERSTEIN: Very well.

8 CHAIRPERSON MILLER: Oh, go ahead.

9 MEMBER SILVERSTEIN: Go ahead.

10 CHAIRPERSON MILLER: Well, my  
11 simple comment and I may have made one similar  
12 last time, but this order calls for Alcohol  
13 Awareness training, but I want to bring to  
14 your attention that on top of what you have  
15 agreed to, that there is an ID Compliance  
16 training that is being conducted by ABRA April  
17 25th through 27th that I would encourage you to  
18 attend, that's just encourage. Okay.

19 MEMBER ALBERTI: Ms. Miller, just  
20 on that topic.

21 CHAIRPERSON MILLER: Um-hum.

22 MEMBER ALBERTI: Just while we are

1 on that topic, I want to note for the licensee  
2 that the certificate -- for the course you  
3 took for which you showed the certificate is  
4 not Alcohol Awareness training. This Fake ID  
5 Checking, I'll give you some credit for your  
6 half-hearted effort of doing this late, but  
7 you even took the wrong course.

8 The course was Alcohol Awareness  
9 training. I suggest that you consult with  
10 your attorney. And if you have, well, you can  
11 blame him for giving you the wrong advice.

12 CHAIRPERSON MILLER: Did you want  
13 to say something?

14 MEMBER SILVERSTEIN: Yes, I do.  
15 Mr. Chatwal, I understand that your  
16 establishment is very close to George  
17 Washington University. And while that makes  
18 it more difficult for you in some ways,  
19 because, obviously, you are going to have the  
20 challenge of people between the ages of 18 and  
21 21 who may seek alcohol, it also places a  
22 greater burden on you and a greater

1 responsibility.

2 And the actions that were outlined  
3 in the report on this case were deeply  
4 troubling, deeply troubling. And I had  
5 wrestled with whether I should accept this or  
6 not. Our main concern all of us here is the  
7 safety of people in the city. And that comes  
8 above all else and your counsel says that your  
9 record is less than stellar and that's clear.

10 And he says that this is not the  
11 cost of doing business. Well, pal, the cost  
12 of doing business has just gotten a lot  
13 higher. And we can't have this and I don't  
14 want to see you again. No further comments.

15 CHAIRPERSON MILLER: Okay. Any  
16 other comments? All right then. Thank you  
17 very much.

18 MR. KLINE: Thank you.

19 CHAIRPERSON MILLER: Thank you.  
20 Okay.

21 MS. GEPHARDT: Two seconds.

22 (Whereupon, off the record for a

1 recess.)

2 CHAIRPERSON MILLER: What I want  
3 to do now is take a vote on holding a closed  
4 meeting on the case we heard earlier, Case No.  
5 13-PRO-00132, Chi Cha Lounge.

6 Pursuant to DC Official Code 2-  
7 574(b) of the Open Meetings Act, I move that  
8 the ABC Board hold a closed meeting for the  
9 purpose of seeking legal advice from our  
10 counsel on Case No. 13-PRO-00132, Chi Cha  
11 Lounge, pursuant to Section 2-574(b)(4) of the  
12 Open Meetings Act and/or deliberating upon  
13 this case today for the reasons cited in  
14 Section 2-574(b)(13) of the Open Meetings Act.

15 Is there a second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez  
18 has seconded the motion. I'll now take a roll  
19 call vote on the motion now that it has been  
20 seconded.

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr.

2 Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIRPERSON MILLER: Ms. Miller  
5 agrees.

6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: It appears  
9 that the motion has passed by a vote of 4-0-0.

10 I hereby give notice that the ABC  
11 Board will hold a closed meeting on this case  
12 in the ABC Board conference room pursuant to  
13 Section 2-574(b) of the Open Meetings Act  
14 today.

15 So okay, that concludes our  
16 business for today, March 28, 2014. And we  
17 are adjourned. Thank you.

18 MS. GEPHARDT: Thank you.

19 MR. KLINE: Thank you.

20 MR. CHATWAL: Thank you.

21 CHAIRPERSON MILLER: You didn't  
22 have to stay for that.

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MR. KLINE: Oh, I'm waiting for an  
order.

CHAIRPERSON MILLER: Oh, yeah,  
right.

(Whereupon, the Show Cause Hearing  
in the above-entitled matter was concluded at  
5:00 p.m.)

<b>A</b>				
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