

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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Taj Mahal Enterprises, Ltd., :
t/a Fiesta Restaurant & Lounge:
1327 Connecticut Avenue, NW :
Retailer CR :
License No. 882 : Show Cause
Case No. 12-AUD-00047 : Hearing
ANC 2B :
Failed to File Quarterly :
Statements (3rd Quarter 2012) :
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APRIL 17, 2013

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

MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OAG

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

11:07 a.m.

CHAIRPERSON MILLER: Okay. The next case on our calendar is Case No. 12-AUD-00047, Fiesta Restaurant and Lounge.

MR. RIVERO: I think maybe we should recall the New York Liquors case. The Licensee is here.

CHAIRPERSON MILLER: Oh, all right. We'll go back to that then.

Okay. We're going to go back to a case that we passed earlier because the Licensee wasn't here. And I understand that the Licensee is here now.

(Whereupon, at 11:07 a.m. off the record until 11:16 a.m.)

CHAIRPERSON MILLER: All right. I think that we've gone a little bit out of order. I think at this point we are at Case No. 12-AUD-00047, Fiesta Restaurant and Lounge, located at 1327 Connecticut Avenue, N.W., License No. 882 in ANC 2B.

1 MR. RIVERO: Good morning, Board
2 Members. Fernando Rivero for the District of
3 Columbia standing in for Senior Assistant
4 Attorney General Mike Stern.

5 CHAIRPERSON MILLER: Okay. I
6 don't know if you have this. Did you get an
7 email from the Licensee today?

8 MR. RIVERO: No.

9 CHAIRPERSON MILLER: Okay. We
10 have got an email at 8:26 a.m.

11 MR. RIVERO: I was en route at
12 that point.

13 CHAIRPERSON MILLER: Okay. And it
14 went to Mr. Stern.

15 MR. RIVERO: Who is not available.
16 He's out of town.

17 CHAIRPERSON MILLER: Right, and
18 Ms. Jenkins. And I'm going to read it for the
19 record and then if you want to respond, you
20 may.

21 It says, "In reference to the
22 above, I beg your pardon, but I, Nutyk Tuli,

1 will not be able to make it as I had an acute
2 asthma attack last night and I'm suffering
3 from acute sinusitis.

4 "However, please note when the
5 alcohol license was renewed, we submitted all
6 documents showing that I, Nutyk Tuli, was the
7 president of Taj Mahal Enterprises along with
8 Mr. Raj Mallik.

9 "I agree to the offense of not
10 submitting the quarterly report on time and
11 had agreed with Mr. Stern to pay in the amount
12 of \$1,000 within 45 days, and I will make that
13 payment within the stipulated time.

14 "The asthma will take a day or two
15 to subside and I can be present at ABRA on
16 Friday morning to meet with you. Please be
17 kind enough to advise the correct course of
18 action so as not to be out of line in any way.
19 I would greatly appreciate that. Yours
20 sincerely, Mr. Nutyk Tuli."

21 MR. RIVERO: The parties had an
22 Offer in Compromise to present had the

1 Licensee physically appeared because Mr. Stern
2 negotiated that Offer in Compromise with the
3 Licensee. So I can tell you that my
4 understanding reflects the email that you got.

5 CHAIRPERSON MILLER: Okay.

6 MR. RIVERO: However, it remains
7 for the Board to proceed how it sees fit. And
8 obviously the Licensee is not here to be
9 questioned. You presume that she did in fact
10 send that. And as to questions as to whether
11 the Licensee understands that she's giving up
12 her hearing rights are not reflected in that
13 email. So if the Board wants to put this over
14 for another opportunity for Mr. Stern and the
15 Licensee to present the Offer in Compromise,
16 I would not have an objection to that course
17 of action. Otherwise, the only option open to
18 me would be to proceed forward, and it seems
19 to be counter to the email that you got today.
20 I don't mind having another date set forward
21 and I will advise Mr. Stern that he can be
22 present with the Licensee at that time to

1 present the offer.

2 CHAIRPERSON MILLER: Okay. Thank
3 you. Right, as Mr. Rivero basically stated,
4 we have a choice I think either to continue
5 this case until another date and Mr. Tuli will
6 then be here with the attorney from Office of
7 the Attorney General to present an Offer in
8 Compromise based on this or we can allow Mr.
9 Rivero ex parte.

10 MEMBER ALBERTI: Madam Chair, just
11 since it was read into the record, I will
12 state for the record that I will disregard any
13 information in that email regarding the
14 negotiations between the Licensee and Mr.
15 Stern.

16 CHAIRPERSON MILLER: Okay. Any
17 other comments?

18 MEMBER SILVERSTEIN: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MEMBER SILVERSTEIN: The pollen
21 count is above 300. It is the middle of the
22 allergy season. If this gentleman says he is

1 suffering from these problems, I can certainly
2 sympathize with him for do as well, and many
3 of us do. This is his first complaint of this
4 type and as such I'm certainly willing to give
5 him the benefit of the doubt. We are required
6 under the Americans with Disabilities Act to
7 provide a reasonable accommodation to anybody
8 with any illness or any ailment or any
9 disability of any kind, and severe allergy and
10 sinusitis is under that. I would at this
11 point urge that we reset the hearing.

12 CHAIRPERSON MILLER: Okay. I
13 would concur with you. I don't see any reason
14 why he wouldn't have been here if he could
15 have, given they seem to have come to an
16 agreement that he would have liked to present
17 to the Board.

18 So I guess I will make a motion
19 then that we continue this hearing. Do I have
20 a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Brooks seconded the motion. Any other
2 comments?

3 (No audible response.)

4 CHAIRPERSON MILLER: All those in
5 favor, say aye?

6 (Chorus of ayes.)

7 CHAIRPERSON MILLER: All those
8 opposed?

9 (No audible response.)

10 CHAIRPERSON MILLER: All those
11 abstaining?

12 (No audible response.)

13 CHAIRPERSON MILLER: How did you
14 vote? Did you vote aye?

15 MEMBER ALBERTI: Yes, I did.

16 CHAIRPERSON MILLER: Okay. Then
17 the vote is 4-0-0. We'll continue this
18 hearing to another date. April 24, 9:30 a.m.

19 MR. RIVERO: What was that date?

20 CHAIRPERSON MILLER: April 24th,
21 9:30 a.m.

22 MR. RIVERO: Thank you.

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(Whereupon, the hearing was
concluded at 11:22 a.m.)

A	Board 1:2,15 3:1 5:7,13 7:17 Brooks 1:19 7:21 8:1 Building 1:15	documents 4:6 DONALD 1:19 doubt 7:5 D.C 1:16	K	NW 1:8 N.W 1:16 2:22
able 4:1 ABRA 4:15 abstaining 8:11 accommodation 7:7 Act 7:6 action 4:18 5:17 acute 4:1,3 advise 4:17 5:21 agree 4:9 agreed 4:11 agreement 7:16 ailment 7:8 ALBERTI 1:19 6:10 8:15 alcohol 4:5 Alcoholic 1:2,14,15 allergy 6:22 7:9 allow 6:8 Americans 7:6 amount 4:11 ANC 1:10 2:22 anybody 7:7 appeared 5:1 appreciate 4:19 April 1:13 8:18,20 Assistant 3:3 asthma 4:2,14 attack 4:2 attorney 3:4 6:6,7 audible 8:3,9,12 available 3:15 Avenue 1:8 2:21 aye 8:5,14 eyes 8:6 a.m 2:2,15,16 3:10 8:18,21 9:2	C	E	L	O
B	calendar 2:4 case 1:9 2:4,4,7,12 2:19 6:5 Cause 1:9 certainly 7:1,4 Chair 6:10,18 Chairperson 1:17 1:18 2:3,9,17 3:5 3:9,13,17 5:5 6:2 6:16,19 7:12,22 8:4,7,10,13,16,20 choice 6:4 Chorus 8:6 Columbia 1:1 3:3 come 7:15 comments 6:17 8:2 complaint 7:3 Compromise 4:22 5:2,15 6:8 concluded 9:2 concur 7:13 Connecticut 1:8 2:21 continue 6:4 7:19 8:17 Control 1:2,14,15 correct 4:17 count 6:21 counter 5:19 course 4:17 5:16 CR 1:8	F	M	OAG 1:22 objection 5:16 obviously 5:8 offense 4:9 offer 4:22 5:2,15 6:1,7 Office 6:6 Oh 2:9 Okay 2:3,11 3:5,9 3:13 5:5 6:2,16 7:12,22 8:16 open 5:17 opportunity 5:14 opposed 8:8 option 5:17 order 2:19
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B	date 5:20 6:5 8:18 8:19 day 4:14 days 4:12 Disabilities 7:6 disability 7:9 disregard 6:12 District 1:1 3:2	H	N	pardon 3:22 parte 6:9 parties 4:21 passed 2:12 pay 4:11 payment 4:13 physically 5:1 please 4:4,16 point 2:19 3:12 7:11 pollen 6:20 present 1:18,21 4:15,22 5:15,22 6:1,7 7:16 president 4:7 presiding 1:17 presume 5:9 problems 7:1 proceed 5:7,18 provide 7:7 put 5:13 P-R-O-C-E-E-D-... 2:1
B	D	I	N	Q
hearing 1:9,15 5:12 7:11,19 8:18 9:1	illness 7:8 information 6:13	General 3:4 6:7 gentleman 6:22 give 7:4 given 7:15 giving 5:11 go 2:10,11 going 2:11 3:18 Good 3:1 greatly 4:19 guess 7:18	negotiated 5:2 negotiations 6:14 New 2:7 NICK 1:19 night 4:2 note 4:4 Nutyk 3:22 4:6,20	Quarter 1:11
J	J	H	N	Q
Jenkins 3:18	hearing 1:9,15 5:12 7:11,19 8:18 9:1	illness 7:8 information 6:13	negotiated 5:2 negotiations 6:14 New 2:7 NICK 1:19 night 4:2 note 4:4 Nutyk 3:22 4:6,20	Quarter 1:11

<p>quarterly 1:10 4:10 questioned 5:9 questions 5:10</p> <hr/> <p style="text-align: center;">R</p> <p>Raj 4:8 read 3:18 6:11 reason 7:13 reasonable 7:7 recall 2:7 record 2:16 3:19 6:11,12 Reeves 1:15 reference 3:21 reflected 5:12 reflects 5:4 regarding 6:13 remains 5:6 renewed 4:5 report 4:10 required 7:5 reset 7:11 respond 3:19 response 8:3,9,12 Restaurant 1:7 2:5 2:20 Retailer 1:8 right 2:10,17 3:17 6:3 rights 5:12 Rivero 1:22 2:6 3:1 3:2,8,11,15 4:21 5:6 6:3,9 8:19,22 Room 1:15 route 3:11 Ruthanne 1:16,18</p> <hr/> <p style="text-align: center;">S</p> <p>says 3:21 6:22 season 6:22 second 7:20,21 seconded 8:1 see 7:13 sees 5:7 send 5:10 Senior 3:3 set 5:20 severe 7:9</p>	<p>Show 1:9 showing 4:6 SILVERSTEIN 1:20 6:18,20 sincerely 4:20 sinusitis 4:3 7:10 standing 3:3 state 6:12 stated 6:3 Statements 1:11 Stern 3:4,14 4:11 5:1,14,21 6:15 stipulated 4:13 Street 1:16 submitted 4:5 submitting 4:10 subside 4:15 suffering 4:2 7:1 sympathize 7:2</p> <hr/> <p style="text-align: center;">T</p> <p>Taj 1:6 4:7 take 4:14 tell 5:3 Thank 6:2 8:22 think 2:6,18,19 6:4 time 4:10,13 5:22 today 3:7 5:19 town 3:16 Tuli 3:22 4:6,20 6:5 two 4:14 type 7:4 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p> <p>understand 2:13 understanding 5:4 understands 5:11 urge 7:11</p> <hr/> <p style="text-align: center;">V</p> <p>vote 8:14,14,17</p> <hr/> <p style="text-align: center;">W</p> <p>want 3:19 wants 5:13 Washington 1:16 wasn't 2:13</p>	<p>way 4:18 went 3:14 We'll 2:10 8:17 We're 2:11 we've 2:18 willing 7:4 wouldn't 7:14</p> <hr/> <p style="text-align: center;">Y</p> <p>York 2:7</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,000 4:12</p> <hr/> <p style="text-align: center;">0</p> <p>00047 2:5</p> <hr/> <p style="text-align: center;">1</p> <p>11:07 2:2,15 11:16 2:16 11:22 9:2 12-AUD 2:4 12-AUD-00047 1:9 2:20 1327 1:8 2:21 14th 1:15 17 1:13</p> <hr/> <p style="text-align: center;">2</p> <p>2B 1:10 2:22 2000 1:15 2012 1:11 2013 1:13 24 8:18 24th 8:20</p> <hr/> <p style="text-align: center;">3</p> <p>3rd 1:11 300 6:21</p> <hr/> <p style="text-align: center;">4</p> <p>4-0-0 8:17 45 4:12</p> <hr/> <p style="text-align: center;">8</p> <p>8:26 3:10</p>	<p>882 1:9 2:22</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:30 8:18,21</p>
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