

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Good Neighbors, LLC	
t/a Salt & Pepper	Show Cause
5125 MacArthur Blvd., NW	Hearing
Retailer CR - ANC-3D	(Status)
License No. 86790	
Case #14-CMP-00023	

(Failed to File Quarterly
Statements-3rd Quarter 2013)

May 1, 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
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(11:06 a.m.)

CHAIRPERSON MILLER: So our last Show Cause (Status) Hearing case, I believe, is Case No. 14-CMP-00023, Salt & Pepper located at 5125 MacArthur Boulevard, N.W., License No. 86790, in ANC-3D.

MEMBER ALBERTI: Keep moving, keep moving and we'll get through it quicker.

CHAIRPERSON MILLER: We are waiting until 11:00 on another case.

MEMBER SILVERSTEIN: It's 11:06.

CHAIRPERSON MILLER: But --

MEMBER ALBERTI: Keep moving and we will get to them.

CHAIRPERSON MILLER: Okay. I think I'm in the middle of calling this case. License No. 86790, in ANC-3D. Good morning.

MR. RIVERO: Fernando Rivero for the District of Columbia standing in for Michael Stern.

CHAIRPERSON MILLER: Okay.

1 MR. ABBARIKI: Good morning, Mike
2 Abbariki with Good Neighbors, LLC t/a Salt &
3 Pepper Restaurant.

4 CHAIRPERSON MILLER: Okay. This
5 is a Show Cause (Status) Hearing. Did you
6 receive notice of this hearing?

7 MR. ABBARIKI: Yes, I did.

8 CHAIRPERSON MILLER: Did you read
9 it and understand it?

10 MR. ABBARIKI: Yes, I do.

11 CHAIRPERSON MILLER: Okay. So
12 that notice will be part of the record.

13 (Whereupon, the document was
14 marked for identification as
15 Exhibit 1 and was received in
16 evidence.)

17 CHAIRPERSON MILLER: And are there
18 any preliminary matters?

19 MEMBER ALBERTI: Before we see
20 the --

21 CHAIRPERSON MILLER: What?

22 MEMBER ALBERTI: -- licensee's

1 representative, your name again, sir?

2 MR. ABBARIKI: Mike Abbariki.

3 MEMBER ALBERTI: Abbariki?

4 MR. ABBARIKI: Yes.

5 MEMBER ALBERTI: And what is your
6 position?

7 MR. ABBARIKI: I'm the owner of
8 the restaurant.

9 MEMBER ALBERTI: Okay. I'll have
10 to check our records. Our records say
11 something different. I'm not sure why. And
12 it may be the Agency's fault, but, you know,
13 whenever I see that, I have to ask.

14 MR. ABBARIKI: Yes.

15 MEMBER ALBERTI: So, Mr. Rivero,
16 you don't -- you see this as correct?

17 MR. RIVERO: I have no reason to
18 doubt the representations --

19 MEMBER ALBERTI: Okay. Fine.

20 MR. RIVERO: -- today.

21 MEMBER ALBERTI: We will proceed
22 and I will make sure our records get

1 corrected.

2 MR. RIVERO: Right.

3 MEMBER ALBERTI: Thank you. Sorry
4 for that.

5 CHAIRPERSON MILLER: Any
6 preliminary matters?

7 MR. RIVERO: I don't know if the
8 licensee has put on the record that he
9 understood the notice and received it.

10 CHAIRPERSON MILLER: He did.

11 MR. RIVERO: Did? Okay. Yes, we
12 do actually have a preliminary matter.

13 CHAIRPERSON MILLER: Okay.

14 MR. RIVERO: The offer in
15 compromise

16 CHAIRPERSON MILLER: Okay.

17 MR. RIVERO: The offer in
18 compromise consists of a mandatory warning,
19 similar to the explanation I provided two
20 cases ago with respect to the change in the
21 law. I turn to 23 DCMR 805, in particular,
22 which indicates that a first violation --

1 "Someone who receives a written warning for a
2 first violation shall not be entitled to a
3 second subsequent violation of the same
4 offense."

5 And so that written language there
6 underscores the intent of this provision,
7 which is to provide notice. And this is the
8 licensee's first violation with respect to
9 filing of quarterly statements.

10 MEMBER RODRIGUEZ: Mandatory
11 warning.

12 MR. RIVERO: So it's not the case
13 that your first violation ever of any kind
14 entitles you to a mandatory warning.

15 CHAIRPERSON MILLER: Um-hum.

16 MR. RIVERO: And/or it is also not
17 the case that if you have prior violations,
18 that have nothing to do with the violation in
19 this case, that suddenly you are not entitled
20 to a mandatory warning. That's not what the
21 law says.

22 So this is the licensee's first

1 such violation. And under the change in the
2 law, which became effective in September, the
3 licensee is entitled to a mandatory warning.

4 MEMBER ALBERTI: He's right.

5 CHAIRPERSON MILLER: This is his
6 first quarterly statement violation, correct?

7 MR. RIVERO: Correct.

8 CHAIRPERSON MILLER: Okay. All
9 right. Any --

10 MR. RIVERO: The report has been
11 filed, by the way.

12 MEMBER RODRIGUEZ: Okay.

13 MR. RIVERO: To ensure the Board
14 is notified.

15 CHAIRPERSON MILLER: Okay. Any
16 questions?

17 MEMBER ALBERTI: No.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I believe Mr.
20 Rivero is correct.

21 CHAIRPERSON MILLER: Yeah. Okay.
22 So are you agreeable to that offer in

1 compromise of a warning?

2 MR. ABBARIKI: Yes.

3 CHAIRPERSON MILLER: Do you know
4 that you waive your right to a hearing?

5 MR. ABBARIKI: Yes.

6 CHAIRPERSON MILLER: Okay. All
7 right. Then I would move that we approve this
8 offer in compromise of a warning for the
9 violation. Do I have a second?

10 MEMBER RODRIGUEZ: Second.

11 MEMBER ALBERTI: Second.

12 CHAIRPERSON MILLER: Mr. Rodriguez
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 4-0-0.

19 Okay. Thank you.

20 MEMBER ALBERTI: I'll just note
21 that our records are correct as having you as
22 the owner.

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MR. ABBARIKI: All right.

MEMBER ALBERTI: Just something
got transcribed separately on the
Investigative report.

CHAIRPERSON MILLER: You just need
to wait a minute for --

MEMBER ALBERTI: Thank you.

CHAIRPERSON MILLER: -- a signed--
okay.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 11:11 a.m.)

<p style="text-align: center;">A</p> <p>a.m 2:2 9:12</p> <p>Abbariki 3:1,2,7,10 4:2,2,3,4,7,14 8:2 8:5 9:1</p> <p>above-entitled 9:11</p> <p>abstaining 8:17</p> <p>Agency's 4:12</p> <p>ago 5:20</p> <p>agreeable 7:22</p> <p>ALBERTI 1:17 2:8 2:14 3:19,22 4:3,5 4:9,15,19,21 5:3 7:4,17,19 8:11,20 9:2,7</p> <p>Alcoholic 1:2,12,12</p> <p>ANC-3D 1:7 2:7,18</p> <p>And/or 6:16</p> <p>approve 8:7</p> <p>aye 8:14,15</p> <hr/> <p style="text-align: center;">B</p> <p>believe 2:4 7:19</p> <p>Beverage 1:2,12,12</p> <p>Blvd 1:6</p> <p>Board 1:2,12 7:13</p> <p>Boulevard 2:6</p> <p>Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>calling 2:17</p> <p>case 1:8 2:4,5,11,17 6:12,17,19</p> <p>cases 5:20</p> <p>Cause 1:6 2:4 3:5 9:10</p> <p>Chairperson 1:14 1:16 2:3,10,13,16 2:22 3:4,8,11,17 3:21 5:5,10,13,16 6:15 7:5,8,15,18 7:21 8:3,6,12,16 9:5,8</p> <p>change 5:20 7:1</p> <p>check 4:10</p> <p>Columbia 1:1 2:20</p> <p>compromise 5:15</p>	<p>5:18 8:1,8</p> <p>concluded 9:12</p> <p>consists 5:18</p> <p>Control 1:2,12,12</p> <p>correct 4:16 7:6,7 7:20 8:21</p> <p>corrected 5:1</p> <p>CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:13</p> <p>DCMR 5:21</p> <p>different 4:11</p> <p>District 1:1 2:20</p> <p>document 3:13</p> <p>doubt 4:18</p> <hr/> <p style="text-align: center;">E</p> <p>effective 7:2</p> <p>ensure 7:13</p> <p>entitled 6:2,19 7:3</p> <p>entitles 6:14</p> <p>evidence 3:16</p> <p>Exhibit 3:15</p> <p>explanation 5:19</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9</p> <p>fault 4:12</p> <p>favor 8:14</p> <p>Fernando 1:20 2:19</p> <p>File 1:9</p> <p>filed 7:11</p> <p>filing 6:9</p> <p>Fine 4:19</p> <p>first 5:22 6:2,8,13 6:22 7:6</p> <hr/> <p style="text-align: center;">G</p> <p>Good 1:5 2:18 3:1,2</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:6,13 2:4 3:5,6 8:4 9:11</p> <p>HECTOR 1:18</p> <hr/> <p style="text-align: center;">I</p>	<p>identification 3:14</p> <p>indicates 5:22</p> <p>intent 6:6</p> <p>Investigative 9:4</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p style="text-align: center;">K</p> <p>keep 2:8,8,14</p> <p>kind 6:13</p> <p>know 4:12 5:7 8:3</p> <hr/> <p style="text-align: center;">L</p> <p>language 6:5</p> <p>law 5:21 6:21 7:2</p> <p>License 1:7 2:7,18</p> <p>licensee 5:8 7:3</p> <p>licensee's 3:22 6:8 6:22</p> <p>LLC 1:5 3:2</p> <p>located 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>MacArthur 1:6 2:6</p> <p>mandatory 5:18 6:10,14,20 7:3</p> <p>marked 3:14</p> <p>matter 1:4 5:12 9:11</p> <p>matters 3:18 5:6</p> <p>MEETING 1:3</p> <p>Member 1:17,17,18 2:8,12,14 3:19,22 4:3,5,9,15,19,21 5:3 6:10 7:4,12,17 7:19 8:10,11,20 9:2,7</p> <p>met 1:12</p> <p>Michael 2:21</p> <p>middle 2:17</p> <p>Mike 1:17 3:1 4:2</p> <p>Miller 1:14,16 2:3 2:10,13,16,22 3:4 3:8,11,17,21 5:5 5:10,13,16 6:15 7:5,8,15,18,21 8:3 8:6,12,16 9:5,8</p>	<p>minute 9:6</p> <p>morning 2:18 3:1</p> <p>motion 8:13,17</p> <p>move 8:7</p> <p>moving 2:8,9,14</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:6</p> <p>name 4:1</p> <p>need 9:5</p> <p>Neighbors 1:5 3:2</p> <p>NICK 1:17</p> <p>note 8:20</p> <p>notice 3:6,12 5:9 6:7</p> <p>notified 7:14</p> <p>NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:20</p> <p>offense 6:4</p> <p>offer 5:14,17 7:22 8:8</p> <p>okay 2:16,22 3:4,11 4:9,19 5:11,13,16 7:8,12,15,18,21 8:6,19 9:9</p> <p>opposed 8:17</p> <p>owner 4:7 8:22</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1</p> <p>part 3:12</p> <p>particular 5:21</p> <p>passes 8:18</p> <p>Pepper 1:6 2:5 3:3</p> <p>position 4:6</p> <p>preliminary 3:18 5:6,12</p> <p>PRESENT 1:15,19</p> <p>presiding 1:14</p> <p>prior 6:17</p> <p>proceed 4:21</p> <p>provide 6:7</p> <p>provided 5:19</p> <p>provision 6:6</p>	<p>put 5:8</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarter 1:9</p> <p>quarterly 1:9 6:9 7:6</p> <p>questions 7:16</p> <p>quicker 2:9</p> <hr/> <p style="text-align: center;">R</p> <p>read 3:8</p> <p>reason 4:17</p> <p>receive 3:6</p> <p>received 3:15 5:9</p> <p>receives 6:1</p> <p>record 3:12 5:8</p> <p>records 4:10,10,22 8:21</p> <p>Reeves 1:13</p> <p>report 7:10 9:4</p> <p>representations 4:18</p> <p>representative 4:1</p> <p>respect 5:20 6:8</p> <p>restaurant 3:3 4:8</p> <p>Retailer 1:7</p> <p>right 5:2 7:4,9 8:4 8:7 9:1</p> <p>Rivero 1:20 2:19 2:19 4:15,17,20 5:2,7,11,14,17 6:12,16 7:7,10,13 7:20</p> <p>Rodriguez 1:18 6:10 7:12 8:10,12</p> <p>Room 1:13</p> <p>Ruthanne 1:14,16</p> <hr/> <p style="text-align: center;">S</p> <p>Salt 1:6 2:5 3:2</p> <p>says 6:21</p> <p>second 6:3 8:9,10 8:11</p> <p>seconded 8:13</p> <p>see 3:19 4:13,16</p> <p>separately 9:3</p> <p>September 7:2</p>
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<p>Show 1:6 2:4 3:5 9:10 signed 9:8 SILVERSTEIN 1:17 2:12 similar 5:19 sir 4:1 Sorry 5:3 standing 2:20 statement 7:6 statements 6:9 Statements-3rd 1:9 Status 1:7 2:4 3:5 9:11 Stern 2:21 Street 1:13 subsequent 6:3 suddenly 6:19 Suite 1:13 sure 4:11,22</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 3:2 Thank 5:3 8:19 9:7 think 2:17 today 4:20 transcribed 9:3 turn 5:21 two 5:19</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Um-hum 6:15 underscores 6:6 understand 3:9 understood 5:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>violation 5:22 6:2,3 6:8,13,18 7:1,6 8:9 violations 6:17</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 9:6 waiting 2:11 waive 8:4 warning 5:18 6:1</p>	<p>6:11,14,20 7:3 8:1 8:8 Washington 1:13 way 7:11 we'll 2:9 written 6:1,5</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 7:21</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 1:11 3:15 11:00 2:11 11:06 2:2,12 11:11 9:12 14-CMP-00023 1:8 2:5 14th 1:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:13 20009 1:14 2013 1:9 2014 1:11 23 5:21</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4-0-0 8:18 400S 1:13</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5125 1:6 2:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>805 5:21 86790 1:7 2:7,18</p>			
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