

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Narveer, Inc. :
t/a Cafe of India : Show Cause
4909 Wisconsin Ave., NW : Hearing
Retailer CR - ANC-3E : (Status)
License No. 83570 :
Case #11-CMP-00525 :
: :
(Failed to File Quarterly :
Statements) :
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May 16, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
JEANNETTE MOBLEY, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(9:39 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 11-CMP-00525 for Cafe of India located at 4909 Wisconsin Avenue, N.W., License No. 83570 in ANC-3E.

Good morning. Have a seat at the table.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the District of Columbia.

CHAIRPERSON MILLER: Good morning. And when you are ready, sir, if you will identify yourself for the record?

MR. JOSEPH: My name is Pramod Joseph and I'm the manager of the Cafe of India.

CHAIRPERSON MILLER: You are Mr. Joseph and you are the manager?

MR. JOSEPH: Yes.

CHAIRPERSON MILLER: Okay. Are you authorized to represent the licensee in

1 this case?

2 MR. JOSEPH: Yes.

3 CHAIRPERSON MILLER: Are you
4 authorized in writing or anything?

5 MR. JOSEPH: Yes.

6 CHAIRPERSON MILLER: In writing?

7 MR. JOSEPH: I mean, he did have
8 me to come in and speak to you because the day
9 of the hearing, he was not able to come.

10 CHAIRPERSON MILLER: Okay.

11 MR. JOSEPH: And he has send me
12 with some papers regarding the issue that was
13 there. And so personally I came to inform you
14 and the Board what's happened. So I have some
15 records on that.

16 CHAIRPERSON MILLER: Okay. You
17 don't have anything in writing saying you are
18 authorized to represent him?

19 MR. JOSEPH: No, I don't.

20 CHAIRPERSON MILLER: But you are
21 the manager?

22 MR. JOSEPH: Yes, ma'am.

1 CHAIRPERSON MILLER: Do you have
2 any interest in the restaurant, any equity,
3 any financial interest?

4 MR. JOSEPH: Nothing.

5 CHAIRPERSON MILLER: Okay. Okay.
6 Yes, Mr. Fernando?

7 MR. RIVERO: Thank you. On May
8 10th, I actually called the establishment and
9 left a message for the licensee to return my
10 call, so that we can discuss this case. I did
11 not receive a return call. I don't -- I'm not
12 so sure that I'm in a position right now to
13 produce an OIC, since this is the first time
14 I am meeting with a representative of the
15 establishment.

16 CHAIRPERSON MILLER: Okay.

17 MR. RIVERO: Therefore, I am
18 perfectly happy to do one of two things. If
19 either the licensee can get here and we can
20 pass and I can maybe talk to them, fine.

21 CHAIRPERSON MILLER: Yes.

22 MR. RIVERO: But otherwise, there

1 is no OIC to report and we can move to the
2 next hearing date. And should we have an
3 agreement prior to the next hearing date, we
4 will advise the Board to get on the calendar.

5 CHAIRPERSON MILLER: Okay. Mr.
6 Joseph, unless you think that the owner is
7 going to get in touch with Mr. Fernando or
8 come down here, what we will do is just set
9 this for a hearing date.

10 MR. JOSEPH: Sure.

11 CHAIRPERSON MILLER: And between
12 now and then, they can talk.

13 MR. JOSEPH: Okay.

14 CHAIRPERSON MILLER: Okay. So I
15 think that's what we should do.

16 MR. JOSEPH: The thing here, they
17 asked me to deliver is that they are finding
18 on-line and it says there is some --

19 MR. RIVERO: Actually, I'm sorry,
20 but this -- this is a Status Hearing. We are
21 really not supposed to lay out the facts at
22 this point.

1 CHAIRPERSON MILLER: I just
2 thought that was the status fact.

3 MR. RIVERO: No. The Status
4 Hearing is simply just to indicate whether we
5 have an offer in compromise or not. Not for
6 the licensee to lay out his or her facts in
7 front of the Board, at this time. We don't
8 even have a representative who can do this
9 properly, I don't believe.

10 CHAIRPERSON MILLER: Okay. So you
11 object to --

12 MR. RIVERO: We very much do.

13 CHAIRPERSON MILLER: Okay. All
14 right. So then that won't --

15 MR. JOSEPH: But I am totally for
16 that.

17 CHAIRPERSON MILLER: What?

18 MR. JOSEPH: Because I have to
19 tell as to what happened.

20 CHAIRPERSON MILLER: No, this
21 isn't the hearing.

22 MR. JOSEPH: Because they fine

1 him.

2 CHAIRPERSON MILLER: No, this is
3 really just a status.

4 MR. JOSEPH: So we can't --

5 CHAIRPERSON MILLER: And this --

6 MR. JOSEPH: -- discuss anything
7 here?

8 MR. RIVERO: Yes.

9 CHAIRPERSON MILLER: No, it's not
10 an evidentiary hearing at all. So we are
11 going to set it for an evidentiary hearing and
12 then if there were some kind of a settlement
13 that the owner makes with the Government, we
14 could have heard that, but the owner isn't
15 here. There is no settlement to hear.

16 So we are just going to set this
17 for a hearing. But in the meantime, Mr.
18 Fernando, try to reach the owner and you can
19 tell the owner to try and get in touch with
20 Mr. Fernando before the hearing.

21 MR. JOSEPH: Okay.

22 CHAIRPERSON MILLER: In the event

1 they can come to a settlement before then.

2 Okay. So we are going to set this
3 for a Show Cause Hearing for June 27, 2012 at
4 10:00 a.m. Okay.

5 MR. RIVERO: Thank you.

6 MR. JOSEPH: Thank you.

7 CHAIRPERSON MILLER: Okay. Thank
8 you very much.

9 (Whereupon, the Show Cause
10 (Status) Hearing in the above-entitled matter
11 was concluded at 9:43 a.m.)

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<p style="text-align: center;">A</p> <p>able 3:9 above-entitled 8:10 advise 5:4 agreement 5:3 ALBERTI 1:19 Alcoholic 1:2,13,14 ANC-3E 1:8 2:6 asked 5:17 authorized 2:22 3:4 3:18 Ave 1:7 Avenue 2:6 a.m 2:2 8:4,11</p> <hr/> <p style="text-align: center;">B</p> <p>believe 6:9 Beverage 1:2,13,14 Board 1:2,14 2:9 3:14 5:4 6:7 BROOKS 1:19</p> <hr/> <p style="text-align: center;">C</p> <p>Cafe 1:6 2:5,16 calendar 2:4 5:4 call 4:10,11 called 4:8 CALVIN 1:20 case 1:9 2:3,4 3:1 4:10 Cause 1:6 8:3,9 Chairperson 1:15 1:18 2:3,12,18,21 3:3,6,10,16,20 4:1 4:5,16,21 5:5,11 5:14 6:1,10,13,17 6:20 7:2,5,9,22 8:7 Columbia 1:1 2:11 come 3:8,9 5:8 8:1 compromise 6:5 concluded 8:11 Control 1:2,13,14 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>date 5:2,3,9</p>	<p>day 3:8 deliver 5:17 discuss 4:10 7:6 District 1:1 2:10 DONALD 1:19 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>either 4:19 equity 4:2 establishment 4:8 4:15 event 7:22 evidentiary 7:10,11</p> <hr/> <p style="text-align: center;">F</p> <p>fact 6:2 facts 5:21 6:6 Failed 1:10 Fernando 1:23 2:10 4:6 5:7 7:18 7:20 File 1:10 financial 4:3 finding 5:17 fine 4:20 6:22 first 4:13 front 6:7</p> <hr/> <p style="text-align: center;">G</p> <p>going 5:7 7:11,16 8:2 Good 2:7,9,12 Government 7:13</p> <hr/> <p style="text-align: center;">H</p> <p>happened 3:14 6:19 happy 4:18 hear 7:15 heard 7:14 hearing 1:7,14 3:9 5:2,3,9,20 6:4,21 7:10,11,17,20 8:3 8:10</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:14</p>	<p>India 1:6 2:5,17 indicate 6:4 inform 3:13 interest 4:2,3 issue 3:12</p> <hr/> <p style="text-align: center;">J</p> <p>JEANNETTE 1:21 Joseph 2:15,16,19 2:20 3:2,5,7,11,19 3:22 4:4 5:6,10,13 5:16 6:15,18,22 7:4,6,21 8:6 June 8:3</p> <hr/> <p style="text-align: center;">K</p> <p>kind 7:12</p> <hr/> <p style="text-align: center;">L</p> <p>lay 5:21 6:6 left 4:9 License 1:8 2:6 licensee 2:22 4:9,19 6:6 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>manager 2:16,19 3:21 matter 1:5 8:10 ma'am 3:22 mean 3:7 meeting 1:3 4:14 Member 1:19,19 1:20,21,21 Members 2:10 message 4:9 met 1:14 MIKE 1:21 Miller 1:15,18 2:3 2:12,18,21 3:3,6 3:10,16,20 4:1,5 4:16,21 5:5,11,14 6:1,10,13,17,20 7:2,5,9,22 8:7 MOBLEY 1:21 morning 2:7,9,12 move 5:1</p>	<p style="text-align: center;">N</p> <p>name 2:15 Narveer 1:6 NICK 1:19 NOPHLIN 1:20 NW 1:7 N.W 1:14 2:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:23 object 6:11 offer 6:5 OIC 4:13 5:1 Okay 2:21 3:10,16 4:5,5,16 5:5,13,14 6:10,13 7:21 8:2,4 8:7 on-line 5:18 owner 5:6 7:13,14 7:18,19</p> <hr/> <p style="text-align: center;">P</p> <p>papers 3:12 pass 4:20 perfectly 4:18 personally 3:13 point 5:22 position 4:12 Pramod 2:15 PRESENT 1:17,22 presiding 1:15 prior 5:3 produce 4:13 properly 6:9 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarterly 1:10</p> <hr/> <p style="text-align: center;">R</p> <p>reach 7:18 ready 2:13 really 5:21 7:3 receive 4:11 record 2:14 records 3:15 regarding 3:12</p>	<p>report 5:1 represent 2:22 3:18 representative 4:14 6:8 restaurant 4:2 Retailer 1:8 return 4:9,11 right 4:12 6:14 Rivero 1:23 2:9,10 4:7,17,22 5:19 6:3 6:12 7:8 8:5 Room 1:14 Ruthanne 1:15,18</p> <hr/> <p style="text-align: center;">S</p> <p>saying 3:17 says 5:18 seat 2:7 send 3:11 set 5:8 7:11,16 8:2 settlement 7:12,15 8:1 Show 1:6 8:3,9 SILVERSTEIN 1:21 simply 6:4 sir 2:13 sorry 5:19 speak 3:8 Statements 1:10 status 1:8 5:20 6:2 6:3 7:3 8:10 Street 1:14 Suite 1:14 supposed 5:21 sure 4:12 5:10</p> <hr/> <p style="text-align: center;">T</p> <p>table 2:8 talk 4:20 5:12 tell 6:19 7:19 Thank 4:7 8:5,6,7 thing 5:16 things 4:18 think 5:6,15 thought 6:2 time 4:13 6:7 totally 6:15</p>
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