

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

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IN THE MATTER OF: :  
 :  
Armand's Chicago Pizzeria, Inc.:  
t/a Armand's Chicago Pizzeria :  
4231 Wisconsin Ave., NW :  
Retailer CR - ANC-3F :  
License No. 826 :  
Case #12-AUD-00003 :  
 :  
(Failed to File Quarterly :  
Statements) :  
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June 6, 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

HERMAN JONES, Member  
CALVIN NOPHLIN, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT:  
MICHAEL STERN, OAG

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

2 (10:42 a.m.)

3 CHAIRPERSON MILLER: Are you  
4 ready? Okay. Good. Okay. So the next case  
5 on our calendar is Case No. 12-AUD-00003,  
6 Armand's Chicago Pizzeria at 4231 Wisconsin  
7 Avenue, N.W., License No. 826, located in ANC-  
8 3F.

9 MR. STERN: Michael Stern  
10 representing the District of Columbia.

11 CHAIRPERSON MILLER: Good morning,  
12 Mr. Stern. Do you have any knowledge about  
13 anyone representing the licensee being on  
14 their way or anything like that?

15 MR. STERN: I can only tell the  
16 Board that I heard on the radio that this  
17 establishment was closing and/or closed. So  
18 I -- and they did not show up for the Status  
19 Hearing.

20 CHAIRPERSON MILLER: Yes.

21 MR. STERN: I don't expect them to  
22 be here.

1 CHAIRPERSON MILLER: Yes. Okay.

2 And it is 10:42 now and the office hasn't  
3 received any word that they are on their way.  
4 So I guess we will just set this for a Show  
5 Cause Hearing.

6 MR. STERN: Well, this actually  
7 was the Show Cause date.

8 CHAIRPERSON MILLER: It wasn't?

9 MR. STERN: But I don't mind  
10 continuing it --

11 MEMBER ALBERTI: Oh, it was.

12 MR. STERN: -- if the Board wishes  
13 to avoid --

14 MEMBER ALBERTI: It was a Show  
15 Cause Hearing.

16 MR. STERN: Okay. That's fine.

17 CHAIRPERSON MILLER: Oh, this is  
18 the Show Cause Hearing?

19 MR. STERN: Yes.

20 CHAIRPERSON MILLER: Excuse me.  
21 I'm sorry.

22 MR. STERN: This was the Show

1 Cause date. We're prepared to go forward.

2 CHAIRPERSON MILLER: Oh, okay. Go  
3 ahead. You are prepared to go forward?

4 MR. STERN: Yes.

5 CHAIRPERSON MILLER: Okay. I'm  
6 sorry. We have so many Show Cause (Status)  
7 this morning. All right. You can proceed.

8 MR. STERN: Should we proceed?

9 CHAIRPERSON MILLER: Yes.

10 MR. STERN: By way of opening  
11 statement, the District of Columbia intends to  
12 call the auditor from the Alcohol Beverage  
13 Regulation Authority -- Administration who  
14 examined the records of the administration and  
15 determined that for the period of July through  
16 September 2011, the quarterly report, which  
17 was due October 31, 2011, was never filed for  
18 Armand's Pizzeria.

19 CHAIRPERSON MILLER: Okay.

20 (Whereupon, Investigator was  
21 sworn.)

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 MR. STERN: Good morning. Can you  
3 give us your name and spell your last name for  
4 the court reporter, please?

5 INVESTIGATOR ADEJUNMOBI: Adeniyi  
6 Adejunmobi. A-D-E-N-I-Y-I A-D-E-J-U-N-M-O-B-  
7 I.

8 MR. STERN: And are you employed?

9 INVESTIGATOR ADEJUNMOBI: Yes.

10 MR. STERN: How are you employed?

11 INVESTIGATOR ADEJUNMOBI: As a  
12 compliance analyst for ABRA in D.C.

13 MR. STERN: And what does a  
14 compliance analyst -- what do you do as a  
15 compliance analyst?

16 INVESTIGATOR ADEJUNMOBI: I'm  
17 responsible for reviewing quarterly statements  
18 of ABRA establishments and licenses issued by  
19 ABRA.

20 MR. STERN: And as part of your  
21 duties, did you become familiar with an  
22 establishment known to you as Armand's Chicago

1 Pizzeria with an address of 4231 Wisconsin  
2 Avenue?

3 INVESTIGATOR ADEJUNMOBI: Yes.

4 MR. STERN: What did your -- did  
5 you conduct an investigation regarding their  
6 filing quarterly reports?

7 INVESTIGATOR ADEJUNMOBI:  
8 Actually, I conducted a review.

9 MR. STERN: A review?

10 INVESTIGATOR ADEJUNMOBI: Yes.

11 MR. STERN: And what did your  
12 review reveal?

13 INVESTIGATOR ADEJUNMOBI: My  
14 review revealed that for the period April  
15 through June 2011, they failed to file their  
16 quarterly statement.

17 MR. STERN: Okay. Now, if I can  
18 go back and ask you regarding the period July  
19 through September 2011, did you also review  
20 those records?

21 INVESTIGATOR ADEJUNMOBI: Yes.

22 MR. STERN: And what did your

1 review reveal from those records?

2 INVESTIGATOR ADEJUNMOBI: For that  
3 period, they failed to file the quarterly  
4 statement.

5 MR. STERN: And when would the  
6 quarterly statement be due if it was for the  
7 period ending September 2011?

8 INVESTIGATOR ADEJUNMOBI: October  
9 30, 2011.

10 MR. STERN: Okay. And as of that  
11 date, was there any records filed by Armand's?

12 INVESTIGATOR ADEJUNMOBI: No.

13 MR. STERN: Thank you. That's all  
14 the questions I have.

15 CHAIRPERSON MILLER: Any Board  
16 questions?

17 MR. STERN: Actually, let me amend  
18 that. As of October 31, 2011, was there any  
19 records filed by Armand's?

20 INVESTIGATOR ADEJUNMOBI: No.

21 MR. STERN: Okay. Thank you.  
22 That's all the questions I have.

1 CHAIRPERSON MILLER: Okay. Thank  
2 you. Any Board questions? No Board  
3 questions. Thank you.

4 INVESTIGATOR ADEJUNMOBI: Can I  
5 say something, ma'am?

6 CHAIRPERSON MILLER: Sure.

7 INVESTIGATOR ADEJUNMOBI: I have  
8 to correct myself.

9 CHAIRPERSON MILLER: Yes, okay.

10 INVESTIGATOR ADEJUNMOBI: On --  
11 for the period April through June, Armand's  
12 did file -- they did file on time in 2011.

13 CHAIRPERSON MILLER: Okay. Thank  
14 you. Any other witnesses?

15 MR. STERN: There are no other  
16 witnesses.

17 CHAIRPERSON MILLER: Okay.

18 MR. STERN: As the Board will note  
19 from the charging document, this case involves  
20 from July to September 2011 period not the  
21 June ending period. And the evidence has  
22 established that Armand's failed to file a

1 quarterly report for that -- the relevant time  
2 period.

3 With this violation, we would ask  
4 the Board to propose a \$2,000 fine. However--  
5 and to suspend the license of Armand's. This  
6 is actually, I believe, the eighth quarterly  
7 file -- report that Armand's has not filed on  
8 time. And I know that there are at least two  
9 others pending in the system waiting to be  
10 discussed and approved potentially by the  
11 Board.

12 In light of the information that  
13 they may well also be going out of business,  
14 I think that a revocation of the license and  
15 a \$2,000 fine is appropriate. Thank you.

16 CHAIRPERSON MILLER: Do you think  
17 the revocation is appropriate just because  
18 they are going out of business or --

19 MR. STERN: No.

20 CHAIRPERSON MILLER: No.

21 MR. STERN: Because they  
22 completely ignored the requirements of the

1 Act.

2 CHAIRPERSON MILLER: Okay.

3 MR. STERN: And shown contempt for  
4 the Board by failing to appear in any --  
5 numerous hearings regarding the establishment.

6 CHAIRPERSON MILLER: All right.  
7 Any other questions? Okay. Then I guess I'll  
8 just propose this --

9 MR. STERN: We would waive --

10 CHAIRPERSON MILLER: Proposed  
11 findings of fact?

12 MR. STERN: Yes.

13 CHAIRPERSON MILLER: And  
14 conclusions of law, okay.

15 MR. STERN: Findings of facts.

16 CHAIRPERSON MILLER: Thank you.

17 MR. STERN: Thank you.

18 CHAIRPERSON MILLER: As  
19 Chairperson of the Alcoholic Beverage Control  
20 Board for the District of Columbia and in  
21 accordance with ^U 405 of the Open Meetings  
22 Amendment Act of 2010, I move that the ABC

1 Board hold a closed meeting for the purpose of  
2 seeking legal advice from our counsel on Case  
3 No. 12-AUD-00003, Armand's Chicago Pizzeria,  
4 per ^U 405(b)(4) of the Open Meetings Amendment  
5 Act of 2010 and deliberating upon Case No. 12-  
6 AUD-00003, Armand's Chicago Pizzeria, for the  
7 reasons cited in ^U 405(b)(13) of the Open  
8 Meetings Amendment Act of 2010.

9 Is there a second?

10 MEMBER NOPHLIN: Second.

11 CHAIRPERSON MILLER: And I'll take  
12 a roll call on the motion before us, now that  
13 it has been seconded.

14 Mr. Nophlin?

15 MEMBER NOPHLIN: I agree.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr.  
21 Silverstein?

22 MEMBER SILVERSTEIN: I agree.

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CHAIRPERSON MILLER: Mr. Jones?

MEMBER JONES: I agree.

CHAIRPERSON MILLER: Ms. Miller  
agrees. The vote is 6-0-0 to close that  
meeting.

(Whereupon, the Show Cause Hearing  
in the above-entitled matter was concluded at  
10:50 a.m.)

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