

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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SBI, LLC, :
t/a Touchdown : Show Cause
1334 U Street, NW : Hearing
Retailer CT : (Status)
License No. 86233 :
Case No. 13-CMP-00166 :
ANC 1B :
Allowed the Establishment to :
Operate During Extended :
Hours Without a Permit :
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JUNE 12, 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

MAUREEN ZANIEL, OAG

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

9:38 a.m.

CHAIRPERSON MILLER: Good morning, ladies and gentlemen. I'd like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board.

Today is June 12th, 2013. My name is Ruthanne Miller. I'm the chairperson. Joining me today to my far right is Mr. Donald Brooks. And to my immediate right is Mr. Nick Alberti. And to my immediate left Mr. Mike Silverstein. We have four members in attendance for the conduct of business today, with three constituting a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist's desk.

Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions

1 in the hearing room. If you have any
2 electronic devices; pagers, cell phones or
3 such, please make certain that they're turned
4 off to avoid any interruption of the
5 proceedings.

6 Please note when I call your case,
7 if you'd come take a seat at the table.
8 You'll see that there is a piece of paper on
9 that table. Please sign in on that piece of
10 paper to ensure the correct spelling of your
11 name for the record.

12 The Open Meetings Act requires
13 that the public hearing on each case be open
14 to the public. The Board may, consistent with
15 Section 405(b) of the Open Meetings Act enter
16 a closed meeting during or after the public
17 hearing on a case to consult with an attorney
18 to obtain legal advice, discuss settlement
19 agreements or deliberate upon a decision in an
20 adjudication proceeding.

21 Okay. We'll now turn to our
22 morning calendar. First case on the calendar

1 is Case No. 13-CMP-00166, Touchdown, located
2 at 1334 U Street, N.W., License No. 86233 in
3 ANC 1B.

4 When you're ready, would you
5 introduce yourselves for the record?

6 MS. ZANIEL: Good morning.
7 Maureen Zaniel on behalf of the District of
8 Columbia.

9 MR. FONSECA: Michael Fonseca on
10 behalf of the Licensee.

11 MR. BUYUKBAYRAK: I'm Omer
12 Buyukbayrak, managing member.

13 MR. FONSECA: And Michael Fonseca,
14 F-O-N-S-E-C-A, counsel to the Licensee.

15 CHAIRPERSON MILLER: Okay. Good
16 morning. This is a show cause status hearing.
17 Mr. Fonseca, I just want to ask if your client
18 received notice of this hearing and read it
19 and understood it?

20 MR. FONSECA: Yes, he has and --

21 CHAIRPERSON MILLER: Okay.

22 MR. FONSECA: -- we'll waive

1 reading.

2 CHAIRPERSON MILLER: Okay. Great.
3 And are there any preliminary matters in this
4 case?

5 MS. ZANIEL: Yes, the parties have
6 agreed with an Offer in Compromise and would
7 recommend that the Board accept it. It's a
8 \$1,500 fine for the charge and that they would
9 be allowed 30 days within which to pay that.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Fonseca, if your client agreeable to that OIC
12 of a \$1,500 fine within 30 days?

13 MR. FONSECA: Yes, he is.

14 CHAIRPERSON MILLER: Okay. And do
15 you understand that you waive your right to a
16 hearing if you accept this Offer in
17 Compromise?

18 MR. FONSECA: Yes, ma'am.

19 CHAIRPERSON MILLER: Okay. Any
20 questions by Board Members?

21 (No audible response.)

22 CHAIRPERSON MILLER: Then I move

1 that the Board accept this Offer in Compromise
2 of a \$1,500 fine payable within 30 days. Is
3 there a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. All those in favor,
7 say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Motion passes
16 4-0-0 to accept the Offer in Compromise, a
17 \$1,500 fine payable within 30 days.

18 MR. FONSECA: Thank you.

19 CHAIRPERSON MILLER: Thank you.

20 MR. BUYUKBAYRAK: Thank you.

21 CHAIRPERSON MILLER: Okay.

22 MR. FONSECA: I'm going to remain

1 seated.

2 CHAIRPERSON MILLER: For the next
3 case?

4 MR. FONSECA: For the next case.

5 CHAIRPERSON MILLER: All right.

6 (Whereupon, the hearing was
7 concluded at 9:41 a.m.)

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<p style="text-align: center;">A</p> <p>abstaining 6:13 accept 5:7,16 6:1 6:16 Act 3:12,15 actions 2:22 adjudication 3:20 advice 3:18 agenda 2:17 agreeable 5:11 agreed 5:6 agreements 3:19 Alberti 1:19 2:12 Alcoholic 1:2,14,15 2:6 allowed 1:10 5:9 ANC 1:10 4:3 attendance 2:14 attorney 3:17 audible 5:21 6:11 6:14 available 2:17 avoid 3:4 aware 2:19 aye 6:7 eyes 6:8 a.m 2:2 7:7</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 4:7,10 Beverage 1:2,14,15 2:6 Board 1:2,15 2:7 3:14 5:7,20 6:1 Brooks 1:19 2:11 6:4,5 Building 1:15 business 2:14 Buyukbayrak 4:11 4:12 6:20</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:16 3:22 3:22 call 3:6 case 1:9 3:6,13,17 3:22 4:1 5:4 7:3,4</p>	<p>cause 1:7 4:16 cell 3:2 certain 3:3 chairperson 1:17 1:18 2:3,9 4:15,21 5:2,10,14,19,22 6:5,9,12,15,19,21 7:2,5 charge 5:8 Chorus 6:8 client 4:17 5:11 closed 3:16 Columbia 1:1 2:6 4:8 come 3:7 Compromise 5:6 5:17 6:1,16 concluded 7:7 conduct 2:14 consistent 3:14 constituting 2:15 consult 3:17 Control 1:2,14,15 2:7 Copies 2:16 correct 3:10 counsel 4:14 court 2:20 CT 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>days 5:9,12 6:2,17 decision 3:19 deliberate 3:19 desk 2:18 devices 3:2 discuss 3:18 disruptive 2:22 District 1:1 2:6 4:7 Donald 1:19 2:10 D.C 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>electronic 3:2 ensure 3:10 enter 3:15 Establishment 1:10 Extended 1:11</p>	<p style="text-align: center;">F</p> <p>far 2:10 favor 6:6 fine 5:8,12 6:2,17 First 3:22 Fonseca 4:9,9,13 4:13,17,20,22 5:11,13,18 6:18 6:22 7:4 four 2:13 F-O-N-S-E-C-A 4:14</p> <hr/> <p style="text-align: center;">G</p> <p>gentlemen 2:4 going 6:22 Good 2:3 4:6,15 Great 5:2</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:8,15 2:16 3:1,13,17 4:16,18 5:16 7:6 Hours 1:12</p> <hr/> <p style="text-align: center;">I</p> <p>immediate 2:11,12 interruption 3:4 introduce 4:5</p> <hr/> <p style="text-align: center;">J</p> <p>Joining 2:10 June 1:13 2:8</p> <hr/> <p style="text-align: center;">L</p> <p>ladies 2:4 left 2:12 legal 3:18 License 1:9 4:2 Licensee 4:10,14 LLC 1:6 located 4:1</p> <hr/> <p style="text-align: center;">M</p> <p>managing 4:12 MATTER 1:5 matters 5:3 Maureen 1:22 4:7</p>	<p>ma'am 5:18 meeting 1:3 2:5 3:16 Meetings 3:12,15 member 1:19,19,20 4:12 6:4 members 2:13 5:20 met 1:15 Michael 4:9,13 Mike 1:20 2:12 Miller 1:17,18 2:3 2:9 4:15,21 5:2,10 5:14,19,22 6:5,9 6:12,15,19,21 7:2 7:5 morning 2:3 3:22 4:6,16 motion 6:6,15 move 5:22</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:8 3:11 Nick 1:19 2:11 noises 2:22 note 3:6 notice 4:18 NW 1:8 N.W 1:16 4:2</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 obtain 3:18 Offer 5:6,16 6:1,16 OIC 5:11 Okay 3:21 4:15,21 5:2,10,14,19 6:21 Omer 4:11 open 3:12,13,15 Operate 1:11 opposed 6:10</p> <hr/> <p style="text-align: center;">P</p> <p>paggers 3:2 paper 3:8,10 parties 5:5 passes 6:15 pay 5:9 payable 6:2,17</p>	<p>Permit 1:12 phones 3:2 piece 3:8,9 please 2:19 3:3,6,9 preliminary 5:3 PRESENT 1:18,22 presiding 1:17 proceeding 3:20 proceedings 2:20 3:5 public 3:13,14,16 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:20 quorum 2:15</p> <hr/> <p style="text-align: center;">R</p> <p>read 4:18 reading 5:1 ready 4:4 received 4:18 receptionist's 2:17 recommend 5:7 record 3:11 4:5 recorded 2:20 Reeves 1:15 refrain 2:22 regularly 2:5 remain 6:22 reporter 2:21 requires 3:12 response 5:21 6:11 6:14 Retailer 1:8 right 2:10,11 5:15 7:5 room 1:15 3:1 Ruthanne 1:16,18 2:9</p> <hr/> <p style="text-align: center;">S</p> <p>SBI 1:6 scheduled 2:5 seat 3:7 seated 7:1 second 6:3,4</p>
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