

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

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IN THE MATTER OF: :  
 :  
Big Bear Caf,, LLC, :  
t/a Big Bear Caf, :  
1700 1st Street, NW : Show Cause  
Retailer CR : Hearing  
License No. 84379 : (Status)  
Case No. 12-AUD-00068(a) :  
ANC 5E :  
Failed to Obtain Importation :  
Permits; Failed to Maintain :  
Books and Records :  
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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

9:44 a.m.

CHAIRPERSON MILLER: Next case on the calendar is Case No. 12-AUD-00068(a), Big Bear Caf,, located at 1700 1st Street, N.W., License No. 84379 in ANC 5E.

And when you're ready, if you'd identify yourselves for the record, please?

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

MR. KLINE: Good morning. Andrew Kline on behalf of the Licensee. And seated to my left is Stuart Davenport. He's a principal of the Licensee.

CHAIRPERSON MILLER: Okay. This is a show cause status hearing. Did the Licensee receive notice of this hearing, read it and understand it?

MR. KLINE: Yes, we received it, read it, understood it and we waive any required formal reading.

1                   CHAIRPERSON MILLER: All right.  
2                   And are there any preliminary matters in this  
3                   case?

4                   MS. ZANIEL: Yes, we do have an  
5                   Offer in Compromise to recommend to the Board.  
6                   In this matter the Government would move to  
7                   dismiss charge 1, and for charge 2 the  
8                   Licensee will accept a fine of \$3,000.

9                   MR. KLINE: Payable within 10  
10                  days.

11                  CHAIRPERSON MILLER: Okay. I just  
12                  want to confirm that the Licensee agrees to  
13                  this Offer in Compromise, which is a dismissal  
14                  of charge 1 and a fine of \$3,000 for charge 2  
15                  payable within 10 days.

16                  MR. KLINE: Yes, that's understood  
17                  and is acceptable. And if it's agreed to or  
18                  accepted by the Board, the Licensee will waive  
19                  its right to a hearing and right to appeal.

20                  I did want to add that, No. 1, we  
21                  certainly appreciate the Government amending  
22                  the charges to conform to the actual evidence

1 in terms of what's at issue here. And Mr.  
2 Davenport, I want to make clear to you that,  
3 No. 1, he had his import permits. They just  
4 weren't on premises, as were provided to the  
5 investigator.

6 And No. 2, that he understands his  
7 responsibility for keeping records related to  
8 the sale of food. He had a problem with the  
9 system that he was using and he's converted to  
10 a Micros POS point of sale system with which  
11 he's had no problem since he's instituted that  
12 system that replaced the previous iPad-based  
13 system.

14 CHAIRPERSON MILLER: Okay. Are  
15 there any Board questions?

16 (No audible response.)

17 CHAIRPERSON MILLER: All right.  
18 Thank you. If there's nothing else, then I  
19 would move that the Board accept this Offer in  
20 Compromise, which is a dismissal of charge 1  
21 and a penalty of \$3,000 for charge 2, payable  
22 within 10 days. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded the motion. All  
4 those in favor, say aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those  
7 opposed?

8 (No audible response.)

9 CHAIRPERSON MILLER: All those  
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Then the  
13 motion passes to accept the Offer in  
14 Compromise by a vote of 4-0-0.

15 MR. KLINE: Thank you.

16 CHAIRPERSON MILLER: Thank you.

17 (Whereupon, the hearing was  
18 concluded at 9:47 a.m.)

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<p><b>A</b></p> <p>abstaining 5:10  accept 3:8 4:19  5:13  acceptable 3:17  accepted 3:18  actual 3:22  add 3:20  agreed 3:17  agrees 3:12  ALBERTI 1:19  Alcoholic 1:2,14,15  amending 3:21  ANC 1:10 2:6  Andrew 2:12  appeal 3:19  appreciate 3:21  audible 4:16 5:8,11  aye 5:4  eyes 5:5  a.m 2:2 5:18</p>	<p>clear 4:2  Columbia 1:1 2:11  Compromise 3:5  3:13 4:20 5:14  concluded 5:18  confirm 3:12  conform 3:22  Control 1:2,14,15  converted 4:9  CR 1:8</p> <p><b>D</b></p> <p>Davenport 2:14 4:2  days 3:10,15 4:22  dismiss 3:7  dismissal 3:13 4:20  District 1:1 2:10  DONALD 1:19  D.C 1:16</p> <p><b>E</b></p> <p>evidence 3:22</p>	<p><b>J</b></p> <p>JUNE 1:13</p> <p><b>K</b></p> <p>keeping 4:7  Kline 2:12,13,20  3:9,16 5:15</p> <p><b>L</b></p> <p>left 2:14  License 1:9 2:6  Licensee 2:13,15  2:18 3:8,12,18  LLC 1:6  located 2:5</p> <p><b>M</b></p> <p>Maintain 1:11  matter 1:5 3:6  matters 3:2  Maureen 1:22 2:10  MEETING 1:3  Member 1:19,19  1:20 5:1  met 1:15  Micros 4:10  MIKE 1:20  Miller 1:17,18 2:3  2:16 3:1,11 4:14  4:17 5:2,6,9,12,16  morning 2:9,12  motion 5:3,13  move 3:6 4:19</p>	<p><b>P</b></p> <p>passes 5:13  payable 3:9,15 4:21  penalty 4:21  permits 1:11 4:3  please 2:8  point 4:10  POS 4:10  preliminary 3:2  premises 4:4  PRESENT 1:18,22  presiding 1:17  previous 4:12  principal 2:15  problem 4:8,11  provided 4:4  P-R-O-C-E-E-D-...  2:1</p> <p><b>Q</b></p> <p>questions 4:15</p> <p><b>R</b></p> <p>read 2:18,21  reading 2:22  ready 2:7  receive 2:18  received 2:20  recommend 3:5  record 2:8  records 1:12 4:7  Reeves 1:15  related 4:7  replaced 4:12  required 2:22  response 4:16 5:8  5:11  responsibility 4:7  Retailer 1:8  right 3:1,19,19  4:17  Room 1:15  Ruthanne 1:16,18</p> <p><b>S</b></p> <p>sale 4:8,10  seated 2:13</p>	<p>second 4:22 5:1  seconded 5:3  show 1:8 2:17  Silverstein 1:20 5:1  5:3  status 1:9 2:17  Street 1:8,16 2:5  Stuart 2:14  system 4:9,10,12  4:13</p> <p><b>T</b></p> <p>terms 4:1  Thank 4:18 5:15,16  t/a 1:7</p> <p><b>U</b></p> <p>understand 2:19  understands 4:6  understood 2:21  3:16</p> <p><b>V</b></p> <p>vote 5:14</p> <p><b>W</b></p> <p>waive 2:21 3:18  want 3:12,20 4:2  Washington 1:16  weren't 4:4</p> <p><b>Z</b></p> <p>Zaniel 1:22 2:9,10  3:4</p>
<p><b>B</b></p> <p>Bear 1:6,7 2:5  behalf 2:10,13  Beverage 1:2,14,15  Big 1:6,7 2:4  Board 1:2,15 3:5  3:18 4:15,19  Books 1:12  BROOKS 1:19  Building 1:15</p> <p><b>C</b></p> <p>Caf 1:6,7 2:5  calendar 2:4  case 1:9 2:3,4 3:3  cause 1:8 2:17  certainly 3:21  Chairperson 1:17  1:18 2:3,16 3:1,11  4:14,17 5:2,6,9,12  5:16  charge 3:7,7,14,14  4:20,21  charges 3:22  Chorus 5:5</p>	<p><b>F</b></p> <p>Failed 1:10,11  favor 5:4  fine 3:8,14  food 4:8  formal 2:22</p> <p><b>G</b></p> <p>Good 2:9,12  Government 3:6  3:21</p> <p><b>H</b></p> <p>hearing 1:8,15 2:17  2:18 3:19 5:17</p> <p><b>I</b></p> <p>identify 2:8  import 4:3  Importation 1:10  instituted 4:11  investigator 4:5  iPad-based 4:12  issue 4:1</p>	<p><b>N</b></p> <p>NICK 1:19  notice 2:18  NW 1:8  N.W 1:16 2:5</p> <p><b>O</b></p> <p>OAG 1:22  Obtain 1:10  Offer 3:5,13 4:19  5:13  Okay 2:16 3:11  4:14  opposed 5:7</p>	<p>read 2:18,21  reading 2:22  ready 2:7  receive 2:18  received 2:20  recommend 3:5  record 2:8  records 1:12 4:7  Reeves 1:15  related 4:7  replaced 4:12  required 2:22  response 4:16 5:8  5:11  responsibility 4:7  Retailer 1:8  right 3:1,19,19  4:17  Room 1:15  Ruthanne 1:16,18</p> <p><b>S</b></p> <p>sale 4:8,10  seated 2:13</p>	<p><b>V</b></p> <p>vote 5:14</p> <p><b>W</b></p> <p>waive 2:21 3:18  want 3:12,20 4:2  Washington 1:16  weren't 4:4</p> <p><b>Z</b></p> <p>Zaniel 1:22 2:9,10  3:4</p> <p><b>P</b></p> <p>p 1:5,12</p> <p><b>\$</b></p> <p>\$3,000 3:8,14 4:21</p> <p><b>1</b></p> <p>1 3:7,14,20 4:3,20  1st 1:8 2:5  10 3:9,15 4:22  12 1:13  12-AUD-00068(a)  1:9 2:4  14th 1:15</p>

**1700** 1:8 2:5

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**2** 3:7,14 4:6,21

**2000** 1:15

**2013** 1:13

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**5E** 1:10 2:6

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**9:44** 2:2

**9:47** 5:18