

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Cucina Moderna, LLC :
t/a Elisir : Show Cause
427 11th Street, NW : Hearing
Retailer CR : (Status)
License No. 87031 :
ANC 2C :
Case No. 12-CMP-00509 :
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June 19th, 2013
The Alcoholic Beverage Control
Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Chairperson
Nick Alberti presiding.

PRESENT:
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:
CHRISSY GEPHARDT, District of Columbia

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

(10:26 a.m.)

CHAIRMAN ALBERTI: Okay, the next case I'm going to call is Case Number 12, we are four minutes early on this case. This case, next case is scheduled for 10:30 a.m.

So I'm going to ask, are the parties present for the case regarding Elisir? Elisir rather, I'm sorry. Cucina Moderna, I'm sorry.

(Off the record comment.)

CHAIRMAN ALBERTI: Pardon?

MALE PARTICIPANT: We don't have the parties.

CHAIRMAN ALBERTI: I don't think the parties are here for this next case, so we're going to adjourn till 10:30.

(Whereupon, the foregoing matter went off the record at 10:26 a.m. and went back on the record at 10:31.)

CHAIRMAN ALBERTI: Okay, we're back on the record. Are any parties here for

1 the case involving Elisir?

2 MS. GEPHARDT: The Government is
3 here.

4 CHAIRMAN ALBERTI: The Government
5 is here. Is the Licensee here?

6 (Off record comment)

7 CHAIRMAN ALBERTI: Okay, it is
8 10:31. I will give the Licensee ten minutes,
9 if they are not here by 10:40 we will proceed
10 without them. We are off the record.

11 (Whereupon, the foregoing matter
12 went off the record at 10:31 and went back on
13 the record at 10:33 a.m.)

14 CHAIRMAN ALBERTI: Okay, we're
15 back on the record and I'm going to call Case
16 Number 12-CMP-00509 Cucina Moderna, LLC
17 trading as Elisir, License Number 87031. This
18 is a show cause hearing.

19 I see the parties have come
20 forward. Introductions please?

21 MS. GEPHARDT: Chrissy Gephardt on
22 behalf of the District of Columbia.

1 MS. SAAH: Julia Saah on behalf of
2 Cucina Moderna.

3 CHAIRMAN ALBERTI: Your last name
4 again?

5 MS. SAAH: Saah.

6 CHAIRMAN ALBERTI: Can you spell
7 it please?

8 MS. SAAH: S-A-A-H.

9 CHAIRMAN ALBERTI: Okay, S-A-A-H.
10 Okay, Ms. Saah, what is your position with
11 this license?

12 MS. SAAH: I sent the second
13 quarter in, then we had an investigator come
14 in and I sent it again to him.

15 CHAIRMAN ALBERTI: Are you an
16 owner?

17 MS. SAAH: Yes.

18 CHAIRMAN ALBERTI: Okay, just want
19 to make sure.

20 MS. SAAH: Oh, I'm sorry.

21 CHAIRMAN ALBERTI: We want to make
22 sure that the Licensee is properly

1 represented, so we always check to see. So
2 you are an owner --

3 MS. SAAH: Yes, I am.

4 CHAIRMAN ALBERTI: -- of the
5 license, okay. I think I will change this.
6 So let's proceed.

7 This is a Show Cause hearing, so
8 before we begin I will ask, are there any
9 preliminary matters?

10 MS. GEPHARDT: Yes, there is a
11 preliminary matter. The parties have agreed
12 to an Offer-In-Compromise which consists of a
13 \$350 fine provided that the quarterly
14 statement is filed. And in this case it has
15 been filed.

16 CHAIRMAN ALBERTI: Great. And the
17 fine would be paid when?

18 MS. GEPHARDT: I believe it can be
19 paid today, is that correct?

20 MS. SAAH: Yes.

21 MS. GEPHARDT: Okay.

22 CHAIRMAN ALBERTI: The Offer-In-

1 Compromise, as I hear it, is a \$350 fine to be
2 paid today. Ms. Saah, you've heard the Offer-
3 In-Compromise, do you understand it and do you
4 accept it?

5 MS. SAAH: Yes, I do.

6 CHAIRMAN ALBERTI: Okay. And will
7 you waive your right to a hearing based on the
8 acceptance of this Offer-In-Compromise?

9 MS. SAAH: Yes, Your Honor.

10 CHAIRMAN ALBERTI: Okay, thank
11 you. I move that we accept an Offer-In-
12 Compromise for a fine of \$350 to be paid
13 today. All those in favor say aye?

14 (Chorus of ayes)

15 CHAIRMAN ALBERTI: All those
16 opposed? Abstaining?

17 MEMBER JONES: I abstain.

18 CHAIRMAN ALBERTI: Okay, the vote
19 is 3 to 0 to 1 and the motion is accepted.
20 Thank you, that concludes this case. Ms.
21 Saah, if you have a seat in the back we'll
22 have a form for you to sign momentarily.

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MS. SAAH: Thank you for your
time.

CHAIRMAN ALBERTI: Thank you for
coming.

(Whereupon, the hearing in the
above-mentioned matter was adjourned at 10:35
a.m.)

<p style="text-align: center;">A</p> <p>above-mentioned 7:6</p> <p>abstain 6:17</p> <p>Abstaining 6:16</p> <p>accept 6:4,11</p> <p>acceptance 6:8</p> <p>accepted 6:19</p> <p>adjourn 2:17</p> <p>adjourned 7:6</p> <p>agreed 5:11</p> <p>Alberti 1:15,17 2:3 2:12,15,21 3:4,7 3:14 4:3,6,9,15,18 4:21 5:4,16,22 6:6 6:10,15,18 7:3</p> <p>Alcoholic 1:2,13,13</p> <p>ANC 1:9</p> <p>aye 6:13</p> <p>eyes 6:14</p> <p>a.m 2:2,6,19 3:13 7:7</p>	<p>check 5:1</p> <p>Chorus 6:14</p> <p>Chrissy 1:22 3:21</p> <p>Columbia 1:1,22 3:22</p> <p>come 3:19 4:13</p> <p>coming 7:4</p> <p>comment 2:11 3:6</p> <p>Compromise 6:1 6:12</p> <p>concludes 6:20</p> <p>consists 5:12</p> <p>Control 1:2,13,13</p> <p>correct 5:19</p> <p>CR 1:8</p> <p>Cucina 1:6 2:9 3:16 4:2</p>	<p>heard 6:2</p> <p>hearing 1:8,14 3:18 5:7 6:7 7:5</p> <p>HERMAN 1:18</p> <p>Honor 6:9</p>	<p>N.W 1:14</p>	<p style="text-align: center;">O</p> <p>Offer 6:2</p> <p>Offer-In 5:22 6:11</p> <p>Offer-In-Compr... 5:12 6:8</p> <p>Oh 4:20</p> <p>okay 2:3,21 3:7,14 4:9,10,18 5:5,21 6:6,10,18</p> <p>opposed 6:16</p> <p>owner 4:16 5:2</p>	<p>Saah 4:1,1,5,5,8,10 4:12,17,20 5:3,20 6:2,5,9,21 7:1</p> <p>scheduled 2:6</p> <p>seat 6:21</p> <p>second 4:12</p> <p>see 3:19 5:1</p> <p>sent 4:12,14</p> <p>show 1:7 3:18 5:7</p> <p>sign 6:22</p> <p>SILVERSTEIN 1:18</p> <p>sorry 2:9,10 4:20</p> <p>spell 4:6</p> <p>statement 5:14</p> <p>Status 1:8</p> <p>Street 1:8,14</p> <p>sure 4:19,22</p> <p>S-A-A-H 4:8,9</p>
<p style="text-align: center;">B</p> <p>back 2:20,22 3:12 3:15 6:21</p> <p>based 6:7</p> <p>behalf 3:22 4:1</p> <p>believe 5:18</p> <p>Beverage 1:2,13,13</p> <p>Board 1:2,13</p> <p>BROOKS 1:17</p> <p>Building 1:14</p>	<p style="text-align: center;">D</p> <p>District 1:1,22 3:22</p> <p>DONALD 1:17</p> <p>D.C 1:14</p>	<p style="text-align: center;">I</p> <p>Introductions 3:20</p> <p>investigator 4:13</p> <p>involving 3:1</p> <p>In-Compromise 6:3</p>	<p style="text-align: center;">P</p> <p>paid 5:17,19 6:2,12</p> <p>Pardon 2:12</p> <p>PARTICIPANT 2:13</p> <p>parties 2:8,14,16 2:22 3:19 5:11</p> <p>please 3:20 4:7</p> <p>position 4:10</p> <p>preliminary 5:9,11</p> <p>present 1:16,21 2:8</p> <p>presiding 1:15</p> <p>proceed 3:9 5:6</p> <p>properly 4:22</p> <p>provided 5:13</p> <p>P-R-O-C-E-E-D-... 2:1</p>	<p style="text-align: center;">T</p> <p>ten 3:8</p> <p>thank 6:10,20 7:1,3</p> <p>think 2:15 5:5</p> <p>till 2:17</p> <p>time 7:2</p> <p>today 5:19 6:2,13</p> <p>trading 3:17</p> <p>t/a 1:7</p>	
<p style="text-align: center;">C</p> <p>call 2:4 3:15</p> <p>case 1:10 2:4,4,5,6 2:6,8,16 3:1,15 5:14 6:20</p> <p>cause 1:7 3:18 5:7</p> <p>CHAIRMAN 2:3 2:12,15,21 3:4,7 3:14 4:3,6,9,15,18 4:21 5:4,16,22 6:6 6:10,15,18 7:3</p> <p>Chairperson 1:14</p> <p>change 5:5</p>	<p style="text-align: center;">E</p> <p>early 2:5</p> <p>Elisir 1:7 2:8,9 3:1 3:17</p>	<p style="text-align: center;">J</p> <p>JONES 1:18 6:17</p> <p>Julia 4:1</p> <p>June 1:12</p>	<p style="text-align: center;">Q</p> <p>quarter 4:13</p> <p>quarterly 5:13</p>	<p style="text-align: center;">U</p> <p>understand 6:3</p>	
<p style="text-align: center;">F</p> <p>favor 6:13</p> <p>filed 5:14,15</p> <p>fine 5:13,17 6:1,12</p> <p>foregoing 2:18 3:11</p> <p>form 6:22</p> <p>forward 3:20</p> <p>four 2:5</p>	<p style="text-align: center;">G</p> <p>Gephardt 1:22 3:2 3:21,21 5:10,18 5:21</p> <p>give 3:8</p> <p>going 2:4,7,17 3:15</p> <p>Government 3:2,4</p> <p>Great 5:16</p>	<p style="text-align: center;">L</p> <p>let's 5:6</p> <p>license 1:9 3:17 4:11 5:5</p> <p>Licensee 3:5,8 4:22</p> <p>LLC 1:6 3:16</p>	<p style="text-align: center;">R</p> <p>record 2:11,19,20 2:22 3:6,10,12,13 3:15</p> <p>Reeves 1:14</p> <p>regarding 2:8</p> <p>represented 5:1</p> <p>Retailer 1:8</p> <p>right 6:7</p> <p>Room 1:14</p>	<p style="text-align: center;">V</p> <p>vote 6:18</p>	
<p style="text-align: center;">H</p> <p>hear 6:1</p>	<p style="text-align: center;">M</p> <p>MALE 2:13</p> <p>matter 1:5 2:18 3:11 5:11 7:6</p> <p>matters 5:9</p> <p>MEETING 1:3</p> <p>Member 1:17,17 1:18,18 6:17</p> <p>met 1:13</p> <p>MICHAEL 1:18</p> <p>minutes 2:5 3:8</p> <p>Moderna 1:6 2:9 3:16 4:2</p> <p>momentarily 6:22</p> <p>motion 6:19</p> <p>move 6:11</p>	<p style="text-align: center;">N</p> <p>name 4:3</p> <p>Nick 1:15,17</p> <p>Number 2:4 3:16 3:17</p> <p>NW 1:8</p>	<p style="text-align: center;">S</p>	<p style="text-align: center;">W</p> <p>waive 6:7</p> <p>want 4:18,21</p> <p>Washington 1:14</p> <p>went 2:19,19 3:12 3:12</p> <p>we'll 6:21</p> <p>we're 2:17,21 3:14</p>	
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