

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

AG Corporation
t/a Fairmont Liquor and
Grocery
2633 Sherman Avenue, NW
Retailer A
License No. 80900
Case No. 14-CC-00003
ANC 1B
Sale to Minor Violation,
Failed to Take Steps
Necessary to Ascertain Legal
Drinking Age

Show Cause
Hearing
(Status)

JUNE 25, 2014

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
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
AMY SCHMIDT, OAG

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

9:54 a.m.

CHAIRPERSON MILLER: All right.

The next case is also Fairmont Liquor and Grocery, Case No. 14-CC-00003. Anybody here for Fairmont Liquor and Grocery?

(No audible response)

CHAIRPERSON MILLER: Not seeing anyone. And for the District?

MS. SCHMIDT: Amy Schmidt, Assistant Attorney General on behalf of the District of Columbia.

CHAIRPERSON MILLER: Okay. My notes reflect the notice was served on May 29th, 2014. And the Respondent is not here, so I'm going to schedule the show cause hearing for September 24th, 2014 at 10:00 a.m.

MS. SCHMIDT: Excuse me. You're having two different -- the same case, but one at 10:00 in the morning and one at 3:30 in the afternoon? Okay. Okay. Okay. All right. Martha just waved at me.

1 CHAIRPERSON MILLER: Okay. So if
2 you have any concerns with the schedule, you
3 can contact our general counsel, Martha
4 Jenkins.

5 (Whereupon, the above-entitled
6 matter went off the record at 9:55 a.m. and
7 resumed at 10:07 a.m.)

8 CHAIRPERSON MILLER: I think that
9 concludes all our status cases, so what's the
10 status with --

11 MS. SCHMIDT: I also see -- I
12 believe Ms. Garay is here. If I may have 10
13 minutes just to speak to both. If you take a
14 10 minute break before the show cause I might
15 like to speak to her also, if possible. Or if
16 not, we could just continue this. It
17 shouldn't take too long once it goes.

18 CHAIRPERSON MILLER: Let me look
19 at the schedule now.

20 MS. SCHMIDT: Now we can proceed.
21 It's not going to be an issue. Let's go to
22 hearing.

1 CHAIRPERSON MILLER: I'm sorry?

2 MS. SCHMIDT: If we could just go
3 to hearing with Fairmont. It's not resolved.
4 Let's set it down for hearing if the Board
5 doesn't have time to hear it now.

6 CHAIRPERSON MILLER: Well, we have
7 a hearing scheduled next.

8 MS. SCHMIDT: I know. I have the
9 hearing.

10 CHAIRPERSON MILLER: Oh, you have
11 the hearing?

12 MS. SCHMIDT: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Ms. Schmidt, you
15 realize that at some time in the future, today
16 or whatever, that you come to -- want to
17 rescheduled the status, the Board is open to
18 that? So it doesn't have to be today.

19 MS. SCHMIDT: No, but I thought --

20 MEMBER ALBERTI: I mean, you could
21 reschedule it for next week if you have an
22 agreement.

1 MS. SCHMIDT: Okay. Thank you.

2 All right.

3 MEMBER ALBERTI: But I would
4 encourage you to continue talking if you think
5 that would be fruitful.

6 MS. SCHMIDT: Yes. Okay.

7 CHAIRPERSON MILLER: Okay. But I
8 don't think we're going to be in session next
9 week, but the following week.

10 MS. SCHMIDT: Okay.

11 CHAIRPERSON MILLER: All right.
12 So why don't we schedule these cases for --

13 MS. SCHMIDT: No, I'm sorry.
14 Let's just keep it in the show cause. If I
15 need, I'll contact your general counsel.

16 CHAIRPERSON MILLER: Right. So
17 I'm going to schedule them for show cause
18 hearings. Is he here?

19 MS. SCHMIDT: You have to go to
20 hearing.

21 CHAIRPERSON MILLER: Okay. Come
22 -- you're the --

1 MS. SCHMIDT: Yes, he's --

2 CHAIRPERSON MILLER: -- licensee?

3 Come forward again. I think you already
4 introduced yourself, but why don't you do it
5 again for the record?

6 MR. GIZACHEW: First name is Aiel.
7 Last name is Gizachew.

8 CHAIRPERSON MILLER: Okay.

9 MR. GIZACHEW: AG Corporation,
10 trading as Fairmont Liquor and Grocery.

11 CHAIRPERSON MILLER: Now I can't
12 remember, because we keep coming back to you.
13 Did I ask if you received notice of the case?

14 MR. GIZACHEW: Yes.

15 CHAIRPERSON MILLER: Of the
16 hearing? Yes, you read and understood it
17 and --

18 MR. GIZACHEW: Yes.

19 CHAIRPERSON MILLER: Okay.
20 There's no notice issue. All right. So what
21 we're going to do here is give you a date for
22 a show cause hearing.

1 MR. GIZACHEW: Okay.

2 CHAIRPERSON MILLER: However, if
3 you and the Government come to some agreement
4 beforehand --

5 MR. GIZACHEW: Yes.

6 CHAIRPERSON MILLER: -- you can
7 request another status hearing and present
8 that agreement to us at that date some date
9 before the hearing. Okay?

10 MR. GIZACHEW: All right.

11 CHAIRPERSON MILLER: All right.
12 So your date is September 24th, 2014 at 10:00
13 a.m.

14 MS. SCHMIDT: The 24th.

15 MEMBER ALBERTI: Those are two
16 cases.

17 MS. SCHMIDT: (Simultaneous
18 speaking)

19 CHAIRPERSON MILLER: Okay. That's
20 the first one.

21 MS. SCHMIDT: One is the 17th.
22 The 24th is not a good date. Neither day.

1 CHAIRPERSON MILLER: Neither day
2 for you? So what I'm going to do is have you
3 be in touch with Ms. Jenkins to reschedule.
4 She's not here right now, so this is --

5 MS. SCHMIDT: It's the eve of Rosh
6 Hashanah, the Jewish holiday.

7 CHAIRPERSON MILLER: Oh, yes.
8 Okay. We won't have it then. So make a note
9 of that, though. It's September 24th --

10 MS. SCHMIDT: (Simultaneous
11 speaking)

12 CHAIRPERSON MILLER: -- so that
13 you can then ask to change it. And I'll make
14 a note also, but I know you'll be in touch
15 with Ms. Jenkins. Got that written down, Ms.
16 Schmidt? Okay. So the first hearing is
17 scheduled for September 24th, 2014 at 10:00
18 a.m. and Ms. Schmidt is going to ask that it
19 be changed because of a religious holiday.
20 And that's very likely to be granted. And the
21 next case is scheduled -- okay. That was Case
22 No. 14-CC-00003. And the other case is 13-

1 251-00113. That's scheduled for September
2 17th, 2014 at 3:30 p.m.

3 Okay. Any questions?

4 (No audible response)

5 CHAIRPERSON MILLER: If you do
6 have any, feel free to call our general
7 counsel, Ms. Jenkins.

8 MR. GIZACHEW: All right. Thank
9 you.

10 CHAIRPERSON MILLER: Okay. Thank
11 you very much.

12 MR. GIZACHEW: Thank you.

13 (Whereupon, the above-entitled
14 matter went off the record at 10:11 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2,17 3:6,7 7:13 8:18 9:14 above-entitled 3:5 9:13 afternoon 2:21 AG 1:6 6:9 Age 1:11 agreement 4:22 7:3 7:8 Aiel 6:6 ALBERTI 1:18 4:14,20 5:3 7:15 Alcoholic 1:2,14,14 Amy 1:21 2:10 ANC 1:9 Anybody 2:5 Ascertain 1:11 Assistant 2:11 Attorney 2:11 audible 2:7 9:4 Avenue 1:7</p>	<p>9:5,10 change 8:13 changed 8:19 Columbia 1:1 2:12 come 4:16 5:21 6:3 7:3 coming 6:12 concerns 3:2 concludes 3:9 contact 3:3 5:15 continue 3:16 5:4 Control 1:2,14,14 Corporation 1:6 6:9 counsel 3:3 5:15 9:7</p>	<p>give 6:21 Gizachew 6:6,7,9 6:14,18 7:1,5,10 9:8,12 go 3:21 4:2 5:19 goes 3:17 going 2:16 3:21 5:8 5:17 6:21 8:2,18 good 7:22 Government 7:3 granted 8:20 Grocery 1:7 2:5,6 6:10</p>	<p>look 3:18</p> <p style="text-align: center;">M</p> <p>Martha 2:22 3:3 matter 1:5 3:6 9:14 mean 4:20 MEETING 1:3 Member 1:18,18 1:19,19,20 4:14 4:20 5:3 7:15 met 1:14 MIKE 1:20 Miller 1:16,17 2:3 2:8,13 3:1,8,18 4:1,6,10,13 5:7,11 5:16,21 6:2,8,11 6:15,19 7:2,6,11 7:19 8:1,7,12 9:5 9:10 Minor 1:10 minute 3:14 minutes 3:13 morning 2:20</p>	<p>P-R-O-C-E-E-D-... 2:1 p.m 9:2 possible 3:15 present 1:17,21 7:7 presiding 1:16 proceed 3:20</p>
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