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10:15 a.m.

CHAIRPERSON MILLER: All right, next. Case Number 13-CMP-00006, Masa 14, located at 1845 14th Street NW, License Number 81469 in ANC 1B.

MS. SCHMIDT: I apologize. I did not know that anyone was here from the establishment. May I have two minutes to confer with --

CHAIRPERSON MILLER: Sure.

(Pause)

MS. SCHMIDT: All right. Okay, we have a little bit of a glitch today.

CHAIRPERSON MILLER: Why don't you both introduce yourselves for the record.

MS. SCHMIDT: Oh, I'm sorry. Amy Schmidt, Assistant Attorney General on behalf of the District of Columbia.

CHAIRPERSON MILLER: Okay.

MR. DANIELS: Arthur Daniels on behalf of Masa 14.

1 CHAIRPERSON MILLER: What's your
2 name, sir?

3 MR. DANIELS: Arthur Daniels.

4 CHAIRPERSON MILLER: Arthur
5 Daniels?

6 MR. DANIELS: Yes, ma'am. Good
7 morning.

8 CHAIRPERSON MILLER: You're the
9 owner?

10 MR. DANIELS: No. I'm a regional
11 controller.

12 CHAIRPERSON MILLER: And do you
13 have some authority to act on behalf of the
14 establishment?

15 MR. DANIELS: Written authority.

16 CHAIRPERSON MILLER: Regular,
17 what?

18 MR. DANIELS: Written authority.

19 CHAIRPERSON MILLER: Any written
20 authority or --

21 MR. DANIELS: I don't have it with
22 me. But yes, I do have authority. I control

1 their financial matters within the District.

2 I also am responsible for filing
3 their quarterly statements, filing their taxes
4 as well, sales and use tax, quarterly
5 statements.

6 CHAIRPERSON MILLER: Okay. And
7 have you entered anything in the record here
8 with respect to that responsibility or
9 authority?

10 MR. DANIELS: No, ma'am. I have
11 not.

12 CHAIRPERSON MILLER: Okay. Well,
13 let me just hear what Ms. Schmidt has to say.
14 We may not be able to bind the --

15 MR. DANIELS: Yes, ma'am.

16 CHAIRPERSON MILLER: -- bind them
17 at this point.

18 MS. SCHMIDT: Apparently, Mr. --
19 I'm sorry --

20 MR. DANIELS: Daniels.

21 MS. SCHMIDT: -- Mr. Daniels paid
22 the citation this morning. However, ABRA was

1 in error in accepting that citation this
2 morning.

3 Because it's my understanding that
4 once the matter has gone to my office, that
5 they should not be accepting the citation
6 amount.

7 So a payment has been made. But
8 we do have an OIC, additional amount to be
9 paid, in addition to the citation if the Board
10 wishes to entertain the OIC.

11 CHAIRPERSON MILLER: Wait a
12 second.

13 (Off the record discussion)

14 CHAIRPERSON MILLER: Did you file
15 the quarterly statement?

16 MR. DANIELS: Yes, ma'am. It has
17 been filed.

18 When I came in on January 4th to
19 actually make the payment, the ticket hadn't
20 been submitted. So I could not pay the \$250
21 fine at that time.

22 So I was here to turn it in late.

1 It was filed. I did try to attempt to pay it
2 the first time.

3 And then it had slipped my mind to
4 make the payment once the ticket had been
5 submitted to the ABRA office here. But I did
6 attempt to pay it on the 4th of January.

7 CHAIRPERSON MILLER: So you filed
8 it January 4th?

9 MR. DANIELS: No. It was actually
10 filed before then. But the ticket had already
11 been written. It was filed, I want to say,
12 end of November, ma'am.

13 CHAIRPERSON MILLER: You filed it
14 in November?

15 MR. DANIELS: Yes.

16 CHAIRPERSON MILLER: And when was
17 it due?

18 MR. DANIELS: 31st of October.
19 The third quarter statement, I think, is due
20 on the end of the following month.

21 CHAIRPERSON MILLER: Do you know
22 what day filed it in November?

1 MR. DANIELS: I apologize, ma'am.

2 CHAIRPERSON MILLER: Okay.

3 MR. DANIELS: But I can definitely
4 submit that with written permission to speak
5 upon their behalf if you would like for me to.

6 CHAIRPERSON MILLER: We just
7 wanted to gather a few of the facts right now
8 to decide how we want to proceed.

9 MR. DANIELS: I do believe it was
10 in the end of November, yes, ma'am. As soon
11 as we received the ticket, I think it was
12 7145, I had spoken with the bookkeeper.

13 The bookkeeper had not done it. I
14 went online and submitted it, accepted the
15 responsibility to submit since then, which
16 we've done on time.

17 And I came over here to pay the
18 fine, but the fine had not made it to the
19 office to match the payment against. So I was
20 told that I did need to come back and make the
21 payment.

22 CHAIRPERSON MILLER: Could you

1 repeat that again. I don't follow. When you
2 tried to pay the fine what happened?

3 MR. DANIELS: I came in on the 4th
4 of January to make the payment, on or about
5 the 4th. And the ticket from, I guess, the
6 field officer, had not been turned into ABRA
7 at that time.

8 So when I went to make the payment
9 they said they did not receive the ticket. So
10 there was no way the payment could be applied.
11 But I did attempt to make that payment that
12 day, ma'am.

13 CHAIRPERSON MILLER: How much was
14 that payment?

15 MR. DANIELS: \$250.

16 CHAIRPERSON MILLER: Okay. So you
17 attempted, and they didn't accept it because
18 they didn't have the citation form in the
19 office.

20 MR. DANIELS: To my understanding,
21 yes, ma'am.

22 CHAIRPERSON MILLER: Okay.

1 MR. DANIELS: And then I
2 subsequently had forgotten about that
3 responsibility, ma'am. But I did make the
4 payment yesterday.

5 CHAIRPERSON MILLER: So yesterday
6 you paid \$250 at the office?

7 MR. DANIELS: Yes, ma'am.

8 CHAIRPERSON MILLER: Okay. And
9 they accepted it yesterday?

10 MR. DANIELS: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay.

12 MR. ALBERTI: Mr. Daniels, you
13 have there with you, I think you said it was
14 a receipt?

15 MR. DANIELS: Yes, sir.

16 MR. ALBERTI: May we see that?

17 MR. DANIELS: By all means, yes.

18 MR. ALBERTI: That would be
19 helpful if someone would get that. We have it
20 in our records if it's there. It's just since
21 you have it, it'd be great.

22 MR. DANIELS: Certainly.

1 (Off the record comments)

2 CHAIRPERSON MILLER: Okay. This
3 is an unusual situation. And we actually do
4 have a new employee in our office. And so
5 that may not have been the practice to accept
6 when it's already been papered at OAG.

7 But apparently it has been
8 accepted. And from what you've stated, you
9 tried to pay a long time ago, in January.

10 So I would suggest that we accept
11 the \$250 payment for the violation. Does
12 anyone have another comment?

13 MR. ALBERTI: I think we need to
14 find out whether the Government's agreement
15 would, who has that --

16 MS. SCHMIDT: I have no objection.

17 CHAIRPERSON MILLER: Okay.

18 MR. ALBERTI: Thank you, Ms.
19 Schmidt.

20 CHAIRPERSON MILLER: All right.

21 MEMBER SILVERSTEIN: I'll second
22 that motion.

1 CHAIRPERSON MILLER: Okay, good.

2 Any other comments? All right.

3 Then there's been a motion to
4 accept the \$250 as payment for this violation.
5 It's been seconded. All those in favor say
6 aye?

7 (Multiple ayes)

8 CHAIRPERSON MILLER: All those
9 opposed, all those abstaining? Motion passes,
10 4-0-0.

11 MR. ALBERTI: Ms. Miller, may I
12 ask Mr. Daniels one more question?

13 MR. DANIELS: Yes, sir?

14 MR. ALBERTI: Now I have not
15 checked with our staff. We get notes and I
16 haven't checked the status.

17 But I have a note here that says
18 that the fourth quarter wasn't filed on time
19 or hasn't been filed. Do you know about that?

20 MR. DANIELS: No, sir.

21 MR. ALBERTI: And that may be a
22 mistake. I don't know. I have to double

1 check that.

2 MR. DANIELS: No, sir. I'm not
3 aware about that.

4 MR. ALBERTI: Did you file the
5 fourth quarter?

6 MR. DANIELS: Yes, sir.

7 MR. ALBERTI: You have filed it?

8 MR. DANIELS: Yes, sir.

9 MR. ALBERTI: Okay, great.

10 MR. DANIELS: I do have copies as
11 well.

12 MR. ALBERTI: Great, great.

13 MR. DANIELS: But I, okay.

14 MR. ALBERTI: All right. I just
15 want to make sure we're on the same page here
16 and that you're here.

17 MS. SCHMIDT: The fourth quarter
18 was filed.

19 MR. ALBERTI: It was filed, great.
20 Thank you very much.

21 CHAIRPERSON MILLER: I also want
22 to just say that, explain a little bit what we

1 did, in that you paid and the office accepted
2 the payment.

3 We were able to resolve this case
4 today. But if you were to enter into an Offer
5 in Compromise, we would not have been able to
6 resolve it, because you wouldn't have been
7 authorized to represent the establishment in
8 that capacity.

9 So if you want to put something on
10 file in the future, or if you ever have to
11 come again to appear before us, you should
12 have something in writing so that you will
13 have authority recognized to be able to enter
14 into an Offer in Compromise or any other legal
15 issue like that.

16 MR. DANIELS: Yes, ma'am. I'll
17 make sure I speak with the managing partner on
18 that and get that rectified.

19 MR. ALBERTI: Mr. Daniels, it's
20 just a letter from the owner saying that
21 you're authorized to represent them. It's
22 just a simple matter.

1 MR. DANIELS: Thank you.

2 MR. ALBERTI: Thank you.

3 CHAIRPERSON MILLER: Okay, thank
4 you very much.

5 MR. DANIELS: Thank you. You all
6 have a good day.

7 CHAIRPERSON MILLER: You too.

8 (Off the record comments)

9 MS. SCHMIDT: I believe that
10 concludes my matters for this morning with
11 that.

12 (Laughter)

13 CHAIRPERSON MILLER: Good job, Ms.
14 Schmidt, thank you very much. And I think
15 that concludes our matters up until our next
16 matter at the 11 o'clock hearing. So we will
17 adjourn until 11:00.

18 (Whereupon, the hearing was
19 concluded at 10:26 a.m.)

20

21

22

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