

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Louis and Associates, Inc.
t/a Magic Gourd Restaurant Show Cause
528 23rd Street, NW Hearing
Retailer CR - ANC-2A (Status)
License No. 1015
Case #14-CC-00025

(Sale to Minor Violation)

September 10, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

MAUREEN ZANIEL, OAG

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

(9:57 a.m.)

CHAIRPERSON MILLER: The next case is Case No. 14-CC-00025, Magic Gourd Restaurant located at 528 23rd Street, N.W., License No. 1015, in ANC-2A.

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

MR. VASSAR: Good morning, Members of the Board, Thomas W. Vassar on behalf of Louis and Associates t/a The Magic Gourd.

MS. LOUIS: I'm Deborah Louis, Magic Gourd.

CHAIRPERSON MILLER: Okay. Good morning.

MS. LOUIS: Good morning.

MR. VASSAR: My clients have received and understood the notice and waive reading.

CHAIRPERSON MILLER: Great. Thank you. All right. So are there any preliminary matters in this case?

1 MS. ZANIEL: I know a compromise
2 offer has been discussed and I don't know
3 whether it has been --

4 MR. VASSAR: And it has been
5 agreed to. I just don't think it caught up to
6 your file. I finalized it, I think, my email
7 with Mr. Rivero last night for sure.

8 MS. ZANIEL: Oh, excellent.

9 MR. VASSAR: I can tell you the
10 terms if you want.

11 MS. ZANIEL: Or I can.

12 MR. VASSAR: Or you can.

13 MS. ZANIEL: The terms, as I
14 understand them, subject to --

15 MR. VASSAR: Yes, ma'am.

16 MS. ZANIEL: -- edit --

17 CHAIRPERSON MILLER: Okay.

18 MS. ZANIEL: -- are a \$4,000 fine,
19 a 10 day suspension, four of those days served
20 and six stayed pending no other violation
21 during the one year stay period.

22 MR. VASSAR: I couldn't have said

1 it better myself.

2 MS. ZANIEL: And does the Board
3 want us to determine the served days? Which
4 dates?

5 CHAIRPERSON MILLER: Oh, yes.

6 MS. ZANIEL: I believe --

7 CHAIRPERSON MILLER: Do you have
8 that worked out or not?

9 MR. VASSAR: We haven't had a
10 chance really to talk about that. Do you know
11 which days you want, ma'am?

12 MS. LOUIS: Well, according to --

13 MEMBER ALBERTI: Could we pause
14 and not do this on the record?

15 MR. VASSAR: My apologies.

16 CHAIRPERSON MILLER: Do you want
17 to --

18 MR. VASSAR: Yes.

19 MEMBER ALBERTI: I think that
20 would be better --

21 MR. VASSAR: No problem.

22 MEMBER ALBERTI: -- if we took a

1 pause.

2 MS. ZANIEL: We could just get
3 recalled then.

4 MEMBER ALBERTI: Just turn your --

5 CHAIRPERSON MILLER: Yes. We can
6 recall.

7 MEMBER ALBERTI: Can you discuss
8 this real quickly?

9 MR. VASSAR: Yes.

10 MEMBER ALBERTI: Thank you.

11 MR. VASSAR: Sure. Sorry. Thank
12 you.

13 MEMBER ALBERTI: That's all right.
14 That's okay. I just want to make sure we are
15 of the right decorum.

16 CHAIRPERSON MILLER: Okay.

17 MR. VASSAR: Can we pass for five
18 minutes?

19 MS. ZANIEL: If it would be more
20 efficient, we will pass.

21 MR. VASSAR: And not waste your
22 time.

1 CHAIRPERSON MILLER: Yes, go
2 ahead. Are you on the next case though?

3 MS. ZANIEL: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MS. ZANIEL: But --

6 CHAIRPERSON MILLER: Why don't we
7 do the next case? Why don't we do the next
8 case and then they can go and then we will go
9 to another case that you are not on.

10 MS. ZANIEL: Okay.

11 CHAIRPERSON MILLER: And you can
12 come back after that case. Is that all right
13 with you?

14 MS. ZANIEL: Certainly.

15 CHAIRPERSON MILLER: Okay. So the
16 next -- so we are going to come back to Magi
17 Gourd.

18 (Whereupon, the above-entitled
19 matter went off the record at 10:00 a.m. and
20 resumed at 10:17 a.m.)

21 CHAIRPERSON MILLER: Okay. Okay.
22 I want to just go back to that one Show Cause

1 Hearing. I believe it is Magic Gourd
2 Restaurant. Are you ready? Okay.

3 I think you should introduce
4 yourselves on the record again, if that's all
5 right.

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

8 MR. VASSAR: Thomas W. Vassar on
9 behalf of Magic Gourd.

10 MS. LOUIS: Deborah Louis, Magic
11 Gourd.

12 CHAIRPERSON MILLER: Okay. Good.
13 Okay. So where we left off was you had an
14 Offer in Compromise and you were just working
15 out some details.

16 MS. LOUIS: Right.

17 CHAIRPERSON MILLER: All right.
18 So do you want to present that again, if you
19 are ready?

20 MS. ZANIEL: Absolutely.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: The entire

1 compromise consists of this and we would ask
2 the Board to approve it: A \$4,000 fine due
3 within 60 days. If not paid within the 60
4 days, there would be an automatic suspension
5 of the license.

6 In addition, the compromise calls
7 for a 10 day suspension, four served days on
8 the follow dates: September 20, 21, 22 and
9 September 23. The other six days would be
10 stayed pending no further violation for one
11 year.

12 CHAIRPERSON MILLER: Okay. I'm
13 going to repeat it and then ask you if this is
14 what you agreed to.

15 A penalty of \$4,000 to be paid
16 within 60 days. If not paid within 60 days,
17 then license will automatically be suspended
18 until payment.

19 10 days suspension of license,
20 four days served, September 20, 21, 22 and 23,
21 six days stayed pending no further violation
22 within a year.

1 MR. VASSAR: That is correct. And
2 it is agreed.

3 CHAIRPERSON MILLER: Okay. And do
4 you know that you or understand that you waive
5 your right to a hearing by entering into this
6 Offer in Compromise?

7 MR. VASSAR: Yes, we do.

8 MS. LOUIS: Yes.

9 CHAIRPERSON MILLER: And appeal of
10 that?

11 MR. VASSAR: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay. Okay.
13 Any questions by Board Members?

14 MEMBER ALBERTI: One quick
15 question.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: The 20th through
18 the 23rd, are those days that the
19 establishment is normally open?

20 MR. VASSAR: Yes, sir.

21 MEMBER ALBERTI: Okay. Thank you.

22 MR. VASSAR: Yes. Thank you.

1 CHAIRPERSON MILLER: What days of
2 the week is it?

3 MR. VASSAR: Saturday, Sunday,
4 Monday, Tuesday.

5 MS. ZANIEL: Saturday.

6 CHAIRPERSON MILLER: Okay. All
7 right. Okay. Then any other questions?

8 I move that we approve this Offer
9 in Compromise of a \$4,000 penalty to be paid
10 within 60 days. If not paid within that time,
11 then the license will automatically be
12 suspended until payment is made. 10 days
13 suspension of license, four days served on
14 September 20, 21, 22, 23, six days stayed
15 pending no further violations within a year.

16 MR. VASSAR: Yes.

17 CHAIRPERSON MILLER: Do I have a
18 second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON MILLER: Mr. Short has
21 seconded the motion.

22 All those in favor say aye.

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ALL: Aye.

CHAIRPERSON MILLER: All those
opposed? All those abstaining? The motion
passes 6-0-0.

Okay. Thank you.

MR. VASSAR: Thank you.

CHAIRPERSON MILLER: We will be
getting that form to you.

MR. VASSAR: Okay.

CHAIRPERSON MILLER: Okay.

MR. VASSAR: Thank you, Members of
the Board.

MS. ZANIEL: Thank you.

MS. LOUIS: Thank you.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:21 a.m.)

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