

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
I Ricchi, Inc. :
t/a I Ricchi : Show Cause
1220 19th Street, NW : Hearing
Retailer CR - ANC-2B : (Status)
License No. 12545 :
Case #12-CMP-00469 :
 :
(Failed to File Quarterly :
Statements(2nd Quarter 2012) :
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September 11, 2013
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
HERMAN JONES, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(10:28 a.m.)

CHAIRPERSON MILLER: In which case, I'm going to call Case No. 12-CMP-00469, I Ricchi, located at 1220 19th Street, N.W., License No. 12545, in ANC-2B. Good morning.

MS. ROSE: I'm Rebecca Rose for I Ricchi.

MR. RIVERO: Fernando Rivero for the District of Columbia.

CHAIRPERSON MILLER: I'm sorry, you are Rebecca who?

MS. ROSE: Rose.

CHAIRPERSON MILLER: Rose?

MS. ROSE: Yes.

CHAIRPERSON MILLER: Okay. And what's your position with --

MS. ROSE: I'm the treasurer.

CHAIRPERSON MILLER: -- licensee? What?

MS. ROSE: Treasurer.

CHAIRPERSON MILLER: Treasurer.

1 MS. ROSE: Of the corporation. I
2 have a letter of authorization from the owner.

3 CHAIRPERSON MILLER: From whom?

4 MS. ROSE: The owner.

5 CHAIRPERSON MILLER: Oh, good.

6 Very good.

7 MEMBER SILVERSTEIN: There we go.

8 CHAIRPERSON MILLER: Very good.

9 MEMBER SILVERSTEIN: We were
10 waiting for that.

11 CHAIRPERSON MILLER: One second.
12 Okay. Ms. Rose, did you receive notice of
13 this hearing?

14 MS. ROSE: Yes.

15 CHAIRPERSON MILLER: And did you
16 read it and understand it?

17 MS. ROSE: Yes.

18 CHAIRPERSON MILLER: Okay. Fine.
19 Then that notice is part of the record.

20 (Whereupon, the document was
21 marked as Exhibit 1 for
22 identification.)

1 CHAIRPERSON MILLER: Mr. Fernando,
2 do we have any -- I mean, Mr. Rivero --

3 MEMBER ALBERTI: Mr. Rivero did
4 you resolve this?

5 MR. RIVERO: I did.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: Do we have
8 any preliminary issues?

9 MR. RIVERO: The parties have an
10 offer in compromise to present to the Board,
11 at this time.

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: The offer is a part
14 of negotiations with -- and it's also a part
15 of the Government's view of the evidence in
16 this case. And having concluded about the
17 evidence in this case, we present an offer in
18 compromise of a fine of \$250 to be paid today.

19 CHAIRPERSON MILLER: Okay. Ms.
20 Rose, I have to ask you, do you agree to that
21 offer in compromise of a fine of \$250 to be
22 paid today?

1 MS. ROSE: We do.

2 CHAIRPERSON MILLER: Okay. Any
3 questions from Board Members?

4 MEMBER ALBERTI: Mr. Rivero, I
5 really couldn't hear your explanation. Could
6 you -- I apologize. Could you repeat it,
7 please?

8 MR. RIVERO: Right. As I have
9 explained to the Board before, whenever I
10 engage in negotiations for an offer in
11 compromise, I obviously look at my own
12 evidence, as it is my job to prove by a
13 preponderance of the evidence that what I say
14 in the notice is true.

15 And so there was some evidentiary
16 issues and really the offer is a part of the
17 negotiations, having looked at the
18 investigative history, the facts of the case,
19 and so I have provided that. I mean, I'm
20 actually not in the habit of describing what
21 the actual --

22 MEMBER ALBERTI: Oh, no, no. I

1 wasn't expecting you to. I just --

2 MR. RIVERO: But I wanted the
3 Board to understand that it was the conclusion
4 of a thought process --

5 MEMBER ALBERTI: Okay. Thank you
6 very much.

7 MR. RIVERO: -- of an assessment
8 of the case.

9 MEMBER ALBERTI: Yes, thank you
10 very much for that.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Jones?

13 MEMBER JONES: Thank you, Madam
14 Chair. Mr. Rivero?

15 MR. RIVERO: Yes.

16 MEMBER JONES: Just for
17 clarification purposes, how many -- what --
18 this is their how many primary, secondary
19 tiers and how many in whatever period of time?
20 Is this their first, second, third, according
21 to your recollection, according to your review
22 of their assessment -- assessment of their

1 history?

2 MR. RIVERO: I believe this is
3 their -- let's see what I have got here. I
4 believe this is their first.

5 MEMBER JONES: Do you have --

6 MR. RIVERO: I have an
7 investigative history that indicates a warning
8 was issued once and then a citation was issued
9 for a violation of August 1, 2012.

10 MEMBER JONES: Okay. Thank you.
11 Thank you, Madam Chair.

12 CHAIRPERSON MILLER: Okay. Any
13 other questions? Ms. Rose, I just want to
14 make sure I asked you if you understand that
15 by entering into this offer in compromise that
16 you waive your right to a hearing?

17 MS. ROSE: Right. Okay.

18 CHAIRPERSON MILLER: All right
19 then. I move that we accept this offer in
20 compromise of a penalty of \$250 to be paid
21 today.

22 Do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti
3 seconded the motion.

4 All those in favor say aye.

5 MEMBER ALBERTI: Aye.

6 CHAIRPERSON MILLER: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 MEMBER BROOKS: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed?

11 MEMBER JONES: Opposed.

12 CHAIRPERSON MILLER: All those
13 abstaining? The motion passes 4-1-0 to accept
14 the offer in compromise of \$250 to be paid
15 today. Okay. Thank you.

16 (Whereupon, the Show Cause
17 (Status) hearing in the above-entitled matter
18 was concluded at 10:33 a.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 8:17 abstaining 8:13 accept 7:19 8:13 actual 5:21 agree 4:20 Alberti 1:20 4:3,6 5:4,22 6:5,9 8:1,2 8:5 Alcoholic 1:2,14,14 ANC-2B 1:8 2:6 apologize 5:6 asked 7:14 assessment 6:7,22 6:22 August 7:9 authorization 3:2 aye 8:4,5,6,7,8 a.m 2:2 8:18</p>	<p>8:18 conclusion 6:3 Control 1:2,14,14 corporation 3:1 CR 1:8</p> <p style="text-align: center;">D</p> <p>describing 5:20 District 1:1 2:10 document 3:20 DONALD 1:21 D.C 1:15</p> <p style="text-align: center;">E</p> <p>engage 5:10 entering 7:15 evidence 4:15,17 5:12,13 evidentiary 5:15 Exhibit 3:21 expecting 6:1 explained 5:9 explanation 5:5</p>	<p style="text-align: center;">I</p> <p>identification 3:22 indicates 7:7 investigative 5:18 7:7 issued 7:8,8 issues 4:8 5:16</p> <p style="text-align: center;">J</p> <p>job 5:12 Jones 1:21 6:12,13 6:16 7:5,10 8:11</p> <p style="text-align: center;">L</p> <p>letter 3:2 let's 7:3 License 1:8 2:6 licensee 2:19 located 2:5 look 5:11 looked 5:17</p>	<p>5:10,17 NICK 1:20 notice 3:12,19 5:14 NW 1:7 N.W 1:15 2:5</p> <p style="text-align: center;">O</p> <p>OAG 1:24 obviously 5:11 offer 4:10,13,17,21 5:10,16 7:15,19 8:14 Oh 3:5 5:22 Okay 2:16 3:12,18 4:6,12,19 5:2 6:5 6:11 7:10,12,17 8:15 once 7:8 opposed 8:10,11 owner 3:2,4</p>	<p>Quarterly 1:10 questions 5:3 7:13</p> <p style="text-align: center;">R</p> <p>read 3:16 really 5:5,16 Rebecca 2:7,12 receive 3:12 recollection 6:21 record 3:19 Reeves 1:15 repeat 5:6 resolve 4:4 Retailer 1:8 review 6:21 Ricchi 1:6,6 2:5,8 right 5:8 7:16,17 7:18 Rivero 1:24 2:9,9 4:2,3,5,9,13 5:4,8 6:2,7,14,15 7:2,6</p>
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