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

(10:04 a.m.)

CHAIRPERSON MILLER: Moving on in our calendar, we now have several Show Cause (Status) Hearings. The first Show Cause (Status) Hearing is Case No. 12-AUD-00070, El Tamarindo Adams Morgan located at 1785 Florida Avenue, N.W., License No. 71179, in ANC-1C.

MS. GEPHARDT: Good morning, Board Members. This is Chrissy Gephardt on behalf of the Office of the Attorney General.

CHAIRPERSON MILLER: Good morning.

MR. LEE: Good morning, Board Members. My name is Kevin Lee. I'm representing El Tamarindo, Inc. trade name El Tamarindo Adams Morgan. Next to me is president of El Tamarindo, Inc., Jose Reyes. And the general manager Ana Reyes.

CHAIRPERSON MILLER: Okay. So you are Mr. Lee. You are representing the licensee?

MR. LEE: El Tamarindo, yes.

1 CHAIRPERSON MILLER: And is it Mr.  
2 Reyes and Ms. Reyes? Okay. And who is the  
3 owner?

4 MR. LEE: President.

5 CHAIRPERSON MILLER: President?

6 MR. LEE: Yes.

7 CHAIRPERSON MILLER: And manager?

8 MR. LEE: And general manager.

9 CHAIRPERSON MILLER: Okay. Thank  
10 you.

11 MR. LEE: And the daughter.

12 CHAIRPERSON MILLER: Okay. Good.  
13 Okay. I first want to ask you if your clients  
14 received notice of this hearing?

15 MR. LEE: Yes.

16 CHAIRPERSON MILLER: And --

17 MR. LEE: They receive it and they  
18 read and they understood and they will waive  
19 to read.

20 CHAIRPERSON MILLER: Okay. Good.  
21 All right. And are there any preliminary  
22 matters to bring to our attention in this

1 case?

2 MS. GEPHARDT: Yes. There is a  
3 preliminary matter.

4 CHAIRPERSON MILLER: Okay.

5 MS. GEPHARDT: In this case, the  
6 parties have agreed on an offer in compromise,  
7 which consists of a dismissal of Charge 1.  
8 And a \$1,500 fine for Charge 2.

9 MR. LEE: Within a week.

10 MS. GEPHARDT: And that would be  
11 payable within one week.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Lee, I want to ask if your clients are  
14 agreeable to this offer in compromise of  
15 paying a penalty of \$1,500 within seven days?

16 MR. LEE: Yes.

17 CHAIRPERSON MILLER: Okay. And do  
18 you understand that you waive your right to a  
19 hearing by accepting this agreement?

20 MR. LEE: Yes, I understand.

21 CHAIRPERSON MILLER: Okay. Ms.  
22 Gephardt, I just want to ask you and you can

1 feel free to answer or not answer, however you  
2 are comfortable. Can you enlighten us as to  
3 why Charge 1 has been dismissed in any way?

4 MS. GEPHARDT: Well, this is not  
5 my case.

6 CHAIRPERSON MILLER: Okay.

7 MS. GEPHARDT: I'm representing  
8 Mr. Adams. I'm not sure.

9 CHAIRPERSON MILLER: Mr. Lee?

10 MR. LEE: Yes. Actually, we have  
11 a meeting. We had a meeting with Adams last  
12 Friday afternoon at his office and we present  
13 and we -- he is going to present some kind of  
14 evidence, you know. So we don't come.

15 CHAIRPERSON MILLER: Compromise?

16 MR. LEE: Yes.

17 CHAIRPERSON MILLER: Okay. Okay.

18 Okay. Thank you. All right. Then I would  
19 move that we accept this offer in compromise  
20 of \$1,500 to be paid within seven days. Do I  
21 have a second?

22 MEMBER BROOKS: Second.

1                   CHAIRPERSON MILLER: Mr. Brooks  
2                   has seconded the motion. Any other comments  
3                   or questions before we vote? This is El  
4                   Tamarindo.

5                   MEMBER ALBERTI: Just an aside.  
6                   May I ask the Chair a question?

7                   CHAIRPERSON MILLER: Yes.

8                   MEMBER ALBERTI: Was one of the  
9                   charges dropped and which one?

10                  CHAIRPERSON MILLER: Yes, you were  
11                  back there. I'll repeat for you. Charge 1  
12                  was dismissed and it's --

13                  MEMBER ALBERTI: Which is?

14                  CHAIRPERSON MILLER: Which is  
15                  failure to establish qualifications as a  
16                  restaurant. And the penalty for Charge 2 was  
17                  failure to maintain books and records. And  
18                  the offer in compromise is \$1,500 payable  
19                  within seven days.

20                  I asked Mr. Gephardt about the  
21                  rational for dropping the first charge and she  
22                  indicated that she was not the attorney on the

1 case and really couldn't respond to the  
2 rational and Mr. Lee just indicated that in  
3 negotiations that were -- was what was agreed  
4 upon.

5 MEMBER ALBERTI: I will not agree  
6 to this. I will not be agreeing to this offer  
7 in compromise. The Board in the past has  
8 levied a fine for \$2,000 for failure to file  
9 books and records, to maintain books and  
10 records. It's a very serious offense, so I  
11 will not be voting to approve that motion.

12 CHAIRPERSON MILLER: Okay. Other  
13 comments? All right. Then there is a motion  
14 that has been seconded to accept the offer in  
15 compromise.

16 All those in favor say aye.

17 MEMBER SILVERSTEIN: Aye.

18 CHAIRPERSON MILLER: Aye.

19 MEMBER BROOKS: Aye.

20 CHAIRPERSON MILLER: All those  
21 opposed?

22 MEMBER ALBERTI: Opposed.

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CHAIRPERSON MILLER: Then the  
motion passes by a vote of 3-1-0. And I'll  
just sign off on that. Okay. Thank you.

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

<b>A</b>	<b>Chair</b> 6:6 <b>Chairperson</b> 1:17 1:21 2:3,12,19 3:1 3:5,7,9,12,16,20 4:4,12,17,21 5:6,9 5:15,17 6:1,7,10 6:14 7:12,18,20 8:1 <b>charge</b> 4:7,8 5:3 6:11,16,21 <b>charges</b> 6:9 <b>Chrissy</b> 1:24 2:10 <b>clients</b> 3:13 4:13 <b>COLUMBIA</b> 1:1 <b>come</b> 5:14 <b>comfortable</b> 5:2 <b>comments</b> 6:2 7:13 <b>compromise</b> 4:6,14 5:15,19 6:18 7:7 7:15 <b>concluded</b> 8:6 <b>consists</b> 4:7 <b>Control</b> 1:2,15,15 <b>CR</b> 1:8	<b>feel</b> 5:1 <b>file</b> 7:8 <b>fine</b> 4:8 7:8 <b>first</b> 2:5 3:13 6:21 <b>Florida</b> 1:7 2:7 <b>Food</b> 1:12 <b>free</b> 5:1 <b>Friday</b> 5:12	<b>matter</b> 1:5 4:3 8:5 <b>matters</b> 3:22 <b>meeting</b> 1:3 5:11 5:11 <b>Member</b> 1:21,22 1:22 5:22 6:5,8,13 7:5,17,19,22 <b>Members</b> 2:10,14 <b>met</b> 1:15 <b>MIKE</b> 1:22 <b>Miller</b> 1:17,21 2:3 2:12,19 3:1,5,7,9 3:12,16,20 4:4,12 4:17,21 5:6,9,15 5:17 6:1,7,10,14 7:12,18,20 8:1 <b>Morgan</b> 1:6 2:7,16 <b>morning</b> 2:9,12,13 <b>motion</b> 6:2 7:11,13 8:2 <b>move</b> 5:19 <b>Moving</b> 2:3	<b>payable</b> 4:11 6:18 <b>paying</b> 4:15 <b>penalty</b> 4:15 6:16 <b>preliminary</b> 3:21 4:3 <b>present</b> 1:19,23 5:12,13 <b>president</b> 2:17 3:4 3:5 <b>presiding</b> 1:18 <b>Provide</b> 1:11 <b>Purchased</b> 1:12 <b>P-R-O-C-E-E-D-...</b> 2:1
<b>B</b>	<b>D</b>	<b>G</b>	<b>Q</b>	
<b>above-entitled</b> 8:5 <b>accept</b> 5:19 7:14 <b>accepting</b> 4:19 <b>Adams</b> 1:6 2:7,16 5:8,11 <b>afternoon</b> 5:12 <b>agree</b> 7:5 <b>agreeable</b> 4:14 <b>agreed</b> 4:6 7:3 <b>agreeing</b> 7:6 <b>agreement</b> 4:19 <b>ALBERTI</b> 1:21 6:5 6:8,13 7:5,22 <b>Alcoholic</b> 1:2,12,15 1:15 <b>Ana</b> 2:18 <b>ANC-1C</b> 1:8 2:8 <b>answer</b> 5:1,1 <b>approve</b> 7:11 <b>aside</b> 6:5 <b>asked</b> 6:20 <b>attention</b> 3:22 <b>attorney</b> 2:11 6:22 <b>Ave</b> 1:7 <b>Avenue</b> 2:8 <b>aye</b> 7:16,17,18,19 <b>a.m</b> 2:2 8:6	<b>E</b>	<b>general</b> 2:11,18 3:8 <b>Gephardt</b> 1:24 2:9 2:10 4:2,5,10,22 5:4,7 6:20 <b>going</b> 5:13 <b>Good</b> 2:9,12,13 3:12,20	<b>qualifications</b> 6:15 <b>Qualify</b> 1:10 <b>question</b> 6:6 <b>questions</b> 6:3	
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<b>calendar</b> 2:4 <b>case</b> 1:9 2:6 4:1,5 5:5 7:1 <b>Cause</b> 1:6 2:4,5 8:4	<b>daughter</b> 3:11 <b>days</b> 4:15 5:20 6:19 <b>dismissal</b> 4:7 <b>dismissed</b> 5:3 6:12 <b>DISTRICT</b> 1:1 <b>DONALD</b> 1:22 <b>dropped</b> 6:9 <b>dropping</b> 6:21 <b>D.C</b> 1:17	<b>hearing</b> 1:7,16 2:6 3:14 4:19 8:5 <b>Hearings</b> 2:5	<b>rational</b> 6:21 7:2 <b>read</b> 3:18,19 <b>really</b> 7:1 <b>receive</b> 3:17 <b>received</b> 3:14 <b>records</b> 6:17 7:9,10 <b>Reeves</b> 1:16 <b>repeat</b> 6:11 <b>representing</b> 2:15 2:20 5:7 <b>respond</b> 7:1 <b>restaurant</b> 1:10 6:16 <b>Retailer</b> 1:8 <b>Reyes</b> 2:17,18 3:2,2 <b>right</b> 3:21 4:18 5:18 7:13 <b>Room</b> 1:16 <b>Ruthanne</b> 1:17,21	
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<b>Kevin</b> 2:14 <b>kind</b> 5:13 <b>know</b> 5:14	<b>Lee</b> 2:13,14,20,22 3:4,6,8,11,15,17 4:9,13,16,20 5:9 5:10,16 7:2 <b>levied</b> 7:8 <b>License</b> 1:8 2:8 <b>licensee</b> 2:21 <b>located</b> 2:7	<b>Jose</b> 2:17	<b>OAG</b> 1:24 <b>offense</b> 7:10 <b>offer</b> 4:6,14 5:19 6:18 7:6,14 <b>office</b> 2:11 5:12 <b>Okay</b> 2:19 3:2,9,12 3:13,20 4:4,12,17 4:21 5:6,17,17,18 7:12 8:3 <b>opposed</b> 7:21,22 <b>owner</b> 3:3	
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<b>maintain</b> 6:17 7:9 <b>manager</b> 2:18 3:7,8	<b>name</b> 2:14,15 <b>negotiations</b> 7:3 <b>NICK</b> 1:21 <b>notice</b> 3:14 <b>NW</b> 1:7 <b>N.W</b> 1:17 2:8	<b>Kevin</b> 2:14 <b>kind</b> 5:13 <b>know</b> 5:14	<b>paid</b> 5:20 <b>parties</b> 4:6 <b>passes</b> 8:2	

<p>6:19  <b>Show</b> 1:6 2:4,5 8:4  <b>sign</b> 8:3  <b>SILVERSTEIN</b>  1:22 7:17  <b>Status</b> 1:8 2:5,6 8:5  <b>Street</b> 1:17  <b>Suite</b> 1:17  <b>sure</b> 5:8</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>Tamarindo</b> 1:6,6  2:7,15,16,17,22  6:4  <b>Thank</b> 3:9 5:18 8:3  <b>trade</b> 2:15  <b>t/a</b> 1:6</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>understand</b> 4:18  4:20  <b>understood</b> 3:18</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vote</b> 6:3 8:2  <b>voting</b> 7:11</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>waive</b> 3:18 4:18  <b>want</b> 3:13 4:13,22  <b>Washington</b> 1:17  <b>way</b> 5:3  <b>week</b> 4:9,11</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p</b> 1:4,13</p> <hr/> <p style="text-align: center;"><b>\$</b></p> <hr/> <p><b>\$1,500</b> 4:8,15 5:20  6:18  <b>\$2,000</b> 7:8</p> <hr/> <p style="text-align: center;"><b>#</b></p> <hr/> <p><b>#12-AUD-00070</b>  1:9</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1</b> 4:7 5:3 6:11  <b>10:04</b> 2:2</p>	<p><b>10:10</b> 8:6  <b>12-AUD-00070</b> 2:6  <b>14th</b> 1:16  <b>1785</b> 1:7 2:7  <b>18</b> 1:14</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 4:8 6:16  <b>2000</b> 1:16  <b>20009</b> 1:17  <b>2013</b> 1:14</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3-1-0</b> 8:2</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>400S</b> 1:17</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>71179</b> 1:8 2:8</p>			
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