

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

2 (10:30 a.m.)

3 CHAIRPERSON MILLER: So I was just
4 asking if people were here on the Panache
5 case? It's not scheduled until 11:00, but if
6 people were here, we would hear it. I don't
7 think they are, so it's 10:30 and the Board
8 can take a recess now and come back at 11:00
9 for the 11:00 hearing.

10 (Whereupon, at 10:30 a.m. a recess
11 until 11:07 a.m.)

12 CHAIRPERSON MILLER: Okay. We are
13 back on the record and calling Case No. 13-
14 AUD-00023, Panache located at 1725 Desales
15 Street, N.W., License No. 60754, in ANC-2B.

16 MR. ADAMS: Good morning, Madam
17 Chairman.

18 CHAIRPERSON MILLER: Yes, take a
19 seat. Um-hum. Good morning.

20 MR. ADAMS: Good morning.

21 CHAIRPERSON MILLER: Do you want
22 to give your name for the record, please?

1 MR. ADAMS: Good morning, Madam
2 Chairman and Members of the Board, I'm Walter
3 Adams. I represent the District of Columbia.

4 CHAIRPERSON MILLER: Thank you.

5 MR. SAFI: Good morning. This is
6 Aziz Safi from Panache Restaurant, 1725
7 Desales Street, N.W., Washington, D.C.

8 CHAIRPERSON MILLER: Okay. And
9 are you the owner?

10 MR. SAFI: Yes, I am.

11 CHAIRPERSON MILLER: Okay. This
12 is a Show Cause Hearing. Are there any
13 preliminary matters?

14 MR. ADAMS: There are preliminary
15 matters, Madam Chairman.

16 The District proposes actually to
17 have this matter and a couple of other matters
18 resolved today.

19 For this case, which is for a
20 quarterly statement violation, this
21 establishment has had several quarterly
22 statement violations in the past. And so they

1 are willing to pay a fine of \$2,000.

2 However, we would also like to
3 propose the offer in compromise is for two
4 other cases.

5 The first case being 13-AUD-00039,
6 which is also a quarterly statement case for
7 failure to adequately file a quarterly
8 statement. And for that we also -- plus a
9 \$2,000 fine.

10 And lastly, there is a third case,
11 13-AUD-00051. This is an audit case in which
12 the establishment did not provide proper
13 information as part of the audit. That case
14 would be the establishment's first primary
15 tier offense and as a result, the District
16 would impose a \$1,500 fine to resolve that
17 matter.

18 So in total for the three cases,
19 the parties would propose a payment for the
20 fine in the total of \$5,500 to be paid within
21 a period of 45 days. And -- okay, 45 days to
22 be paid. And again, it will cover the case

1 that -- for Show Cause Hearing and the two
2 other cases for the establishment that are
3 before -- that are pending before the Board,
4 currently pending before the Board.

5 CHAIRPERSON MILLER: And have the
6 quarterly statements been filed?

7 MR. ADAMS: The quarterly
8 statements have been, I believe, filed for
9 AUD-23 and the second case of 39. The
10 quarterly statements were filed, I believe, on
11 April of 2013.

12 CHAIRPERSON MILLER: And 51? Do
13 you know?

14 MR. ADAMS: 51 was the audit case.

15 CHAIRPERSON MILLER: Oh, audit,
16 okay, right. Thank you. Okay.

17 MEMBER BROOKS: Madam Chair?

18 CHAIRPERSON MILLER: Yes.

19 MEMBER BROOKS: I just wanted to
20 just reiterate now. So as of today, they are
21 up to date, the quarterly reports?

22 MR. ADAMS: I want to make sure.

1 One moment --

2 MEMBER BROOKS: Yes.

3 MR. ADAMS: -- Mr. Brooks. May I
4 get the Board's indulgence for just one
5 moment?

6 CHAIRPERSON MILLER: Sure.

7 MR. ADAMS: Let me correct myself.
8 Okay. The one -- they are not up to date.
9 The one quarterly report that is missing is
10 for the first quarter of 2013. That case is
11 not pending for the quarterly statement. I,
12 obviously, would amend the offer in compromise
13 that would require them to file the quarterly
14 statement for the first quarter of 2013 within
15 seven days.

16 MR. SAFI: Yeah, I didn't even
17 know we are missing in 2013 the first quarter,
18 but definitely, I can provide a copy of it.

19 CHAIRPERSON MILLER: Okay. That
20 quarterly statement that is covered by one of
21 these cases?

22 MR. ADAMS: The quarterly

1 statement that is outstanding --

2 CHAIRPERSON MILLER: Yeah.

3 MR. ADAMS: -- is not covered by
4 one of the three cases. It's a separate
5 matter.

6 CHAIRPERSON MILLER: Oh, in
7 addition?

8 MR. ADAMS: In addition.

9 CHAIRPERSON MILLER: Oh, okay.

10 MR. ADAMS: Right.

11 CHAIRPERSON MILLER: Okay. So you
12 are going to add that one though that it be
13 filed?

14 MR. ADAMS: Yes. I would add that
15 that be filed.

16 CHAIRPERSON MILLER: Okay. So as
17 I understand it then, the offer in compromise
18 would be a total of \$5,500 to be paid within
19 45 days. \$2,000 would be for this case.
20 \$2,000 would be for Case 13-AUD-00039, another
21 quarterly statement case. And then 00051 is
22 an audit case and the quarterly statement that

1 is outstanding for the first quarter of 2013
2 would be filed within seven days.

3 MR. ADAMS: That is the District's
4 understanding.

5 CHAIRPERSON MILLER: Okay. Is
6 that -- are you agreeable to that?

7 MR. SAFI: Yes, I am.

8 CHAIRPERSON MILLER: Okay. And
9 you understand that you waive your right to a
10 hearing if you enter into an offer in
11 compromise?

12 MR. SAFI: I do.

13 CHAIRPERSON MILLER: Okay. Are
14 there Board questions? Okay. Then I would
15 move that we approve this offer in compromise
16 of \$5,500 to be paid within 45 days. \$2,000
17 for this case, \$2,000 for Case No. 0039 and
18 \$1,500 for Case 0051. And the quarterly
19 statement that is outstanding for the first
20 quarter of 2013 will be filed within seven
21 days.

22 MEMBER SILVERSTEIN: I second,

1 Madam Chair.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Silverstein has seconded the motion.
4 Comments?

5 MEMBER ALBERTI: I would like to
6 speak to the motion.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: I will not be
9 voting in favor of this motion. When I look
10 at the history of noncompliance for this
11 establishment, it is worse than some other
12 establishments that we, in the past, have
13 agreed to a \$2,000 fine. And here for one of
14 these we are not giving a \$2,000 fine.

15 I will note that the statutory
16 range here is \$4,000 to \$6,000 given the
17 history of noncompliance. So given our past
18 policies towards these types of cases and
19 given the nature and the history of
20 noncompliance of this establishment, I cannot
21 accept that offer in compromise.

22 CHAIRPERSON MILLER: Other

1 comments? Okay. I would just disagree that
2 it is within the range of offer in compromises
3 that we have approved for these kind of
4 violations. So okay. Anything else?

5 All those in favor say aye.

6 MEMBER BROOKS: Aye.

7 CHAIRPERSON MILLER: Aye.

8 MEMBER SILVERSTEIN: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed?

11 MEMBER ALBERTI: Opposed.

12 CHAIRPERSON MILLER: Okay. Then
13 the motion passes to approve the offer in
14 compromise by a vote of 3-1-0. Okay. Thank
15 you.

16 MR. ADAMS: Thank you very much.

17 CHAIRPERSON MILLER: I'm about to
18 say though that that completes our morning
19 hearings and so the Board will be in recess
20 until 1:00 p.m. Now, we're off the record.

21 MR. ADAMS: Okay.

22 (Whereupon, the Show Cause Hearing

1 in the above-entitled matter was concluded at
2 11:16 a.m.)

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