

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :
7 1606 K, LLC :
8 t/a Fuel Pizza & Wings : Case #15-AUD-00053
9 1606 K Street NW : Show Cause Hearing
10 License #88452, Retailer CR : (status)
11 Retailer CR :
12 ANC-2B :
13 Failed to File Quarterly :
14 Statements (4th Quarter 2014):

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16 Wednesday, November 18, 2015

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18 Whereupon, the above-referenced matter
19 came on for hearing at the Alcoholic Beverage
20 Control Board, Reeves Center, 2000 14th Street,
21 N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 WALTER ADAMS, ESQ.,

12 on behalf of the District of Columbia

13 REMA ZADAH, ESQ.,

14 on behalf of the Licensee

15 DOUG CONVERSE

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

2 [10:25 a.m.]

3 CHAIRMAN ANDERSON: The next case on our
4 show cause hearing status is Case No. 15-AUD-
5 00053, 1606 K, LLC, t/a Fuel Pizza and Wings,
6 1606 K Street, Northwest; License No. 88452,
7 Retailer CR.

8 Will the parties please identify
9 themselves and also sign in in the sign-in sheet,
10 please.

11 MR. ADAMS: Good morning again, Mr.
12 Chairman. Walter Adams, representing the
13 District of Columbia.

14 MS. ZADAH: Good morning, Board members.
15 Rema Zadah, counsel on behalf of the Licensee.
16 Sitting to my left is Mr. Doug Converse,
17 [inaudible] operations [inaudible].

18 CHAIRMAN ANDERSON: And are there any
19 notice issues? Did you receive notice for this
20 hearing today?

21 MR. ADAMS: Yes.

22 MS. ZADAH: [Inaudible.]

1 CHAIRMAN ANDERSON: And, Mr. Adams, are
2 there any preliminary matters?

3 MR. ADAMS: There are preliminary
4 matters, Mr. Chairman. The parties have
5 discussed the case and are able to propose an
6 Office in Compromise.

7 In this case, there's a single charge for
8 the establishment not filing a quarterly
9 statement in a timely manner for the fourth
10 quarter 2014. To resolve that, the parties have
11 -- are willing to propose a \$2,000 fine, a fine
12 in the amount of \$2,000 that will be payable
13 within 45 days, and that the -- and if the fine
14 is not paid within the 45-day period, then the
15 parties agree that the license would be subject
16 to immediate suspension.

17 And just for the Board's information,
18 this would be considered this establishment's
19 fifth secondary tier violation within a 5-year
20 period.

21 CHAIRMAN ANDERSON: All right. So the
22 Offer in Compromise is a \$2,000 fine that's

1 payable within 45 days, and if it's not paid
2 within the 45 days, the license will be
3 suspended, and the Licensee has agreed that it's
4 their fifth secondary tier violation within -- is
5 that 7?

6 MR. ADAMS: Five years.

7 CHAIRMAN ANDERSON: Within 5 years?

8 MR. ADAMS: Yes.

9 CHAIRMAN ANDERSON: Is this the agreement
10 that you -- do you understand this agreement?
11 And this is the agreement that you have agreed
12 to?

13 MS. ZADAH: Yes.

14 MS. MILLER: Could I ask for a
15 clarification, though? The license would be
16 suspended if not paid within 40 days, but it
17 would be suspended until the fine is paid; is
18 that correct?

19 MR. ADAMS: I apologize.

20 MS. MILLER: It's not indefinitely
21 suspended. I mean, until the fine is paid --

22 MR. ADAMS: Exactly. It will be

1 suspended -- if they don't pay within the 45-day
2 period, they will be suspended until the fine is
3 paid.

4 MS. MILLER: Thank you.

5 MR. ADAMS: That is my understanding.

6 MS. MILLER: Okay.

7 CHAIRMAN ANDERSON: All right. Now, do
8 you understand that by accepting an Offer in
9 Compromise that you waive your right to a
10 hearing?

11 MS. ZADAH: Yes.

12 MR. CONVERSE: Yes.

13 CHAIRMAN ANDERSON: That you also waive
14 your right to an appeal?

15 MS. ZADAH: Yes.

16 CHAIRMAN ANDERSON: Now, does any board
17 member have any questions?

18 [No audible response.]

19 CHAIRMAN ANDERSON: Then I move -- I move
20 to accept the Offer in Compromise. Is there a
21 second?

22 MR. SILVERSTEIN: Second.

1 CHAIRMAN ANDERSON: Mr. Silverstein has
2 seconded the motion.

3 All those in favor say "aye."

4 [Chorus of ayes.]

5 CHAIRPERSON ANDERSON: All right. We --
6 the vote -- the vote -- all right.

7 [Laughter.]

8 CHAIRMAN ANDERSON: The vote -- all
9 opposed?

10 [No audible response.]

11 CHAIRMAN ANDERSON: The vote, therefore,
12 is 5-zero-zero, and we will accept the Offer in
13 Compromise.

14 Yes, Mr. Silverstein.

15 MR. SILVERSTEIN: I'd like to address a
16 question or two, now that we've accepted this, to
17 Mr. Clarke or the attorney.

18 This is the fifth secondary, and we've
19 had a number of these cases. Early on, the
20 reason given was that the gentleman who was in
21 charge of this was grievously ill, had a brain
22 tumor. You folks, 97 percent or 98 percent of

1 your business is food. Liquor seems to be
2 incidental. What's the problem in taking care of
3 this? Is there some way that you can fix this
4 that we don't see you again? It's not like you
5 folks are causing any uproar in our districts, in
6 our neighborhoods. This is simply a matter where
7 you're not fulfilling your obligation. What's
8 the problem, sir?

9 MR. CONVERSE: Well, I think that this
10 came at the end of the same issue that we had
11 last year. Our CFO was ill and fighting a
12 cancer, and I think this was at the very end of
13 that. It did not get addressed the last time we
14 were here.

15 MR. SILVERSTEIN: Very well. You know,
16 frankly, I enjoy your pizza. I enjoy your place.
17 I'll put that right out on the line. I just
18 don't understand why we're seeing a pizza place
19 time after time that causes no disruption, and I
20 hope that you're able to correct this. And I
21 wish you well, sir.

22 MR. CONVERSE: Thank you.

1 CHAIRMAN ANDERSON: All right. Well,
2 thank you. Ms. Walker will bring you some orders
3 to sign, the order to sign, and thank you, and
4 good luck.

5 MR. CONVERSE: Thank you.

6 [Whereupon, at 10:32 a.m., the above-
7 entitled matter concluded.]

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