

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 ZG Market Inc :
 t/a Jubilee Market : Show Cause
 2316 4th Street, NE : Hearing
 Retailer B : (Status)
 License No. 74162 :
 No ABC Manager on duty, :
 Violation of Settlement :
 Agreement, sale to minor :
 Violation, failed to take :
 Steps necessary to :
 Ascertain legal drinking :
 Age :
 Case No. 14-CC-00049 :
 Case No. 12-CC-00101 :
 -----:

NOVEMBER 19, 2014

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

PRESENT

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 HERMAN JONES, Member
 JAMES SHORT, Member
 MICHAEL SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member

ALSO PRESENT:

MR. MICHAEL STERN

P R O C E E D I N G S

(9:53 a.m.)

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3 MS. MILLER: Next case is Case number
4 14-CC-00049, Jubilee Market located at 2316 4th
5 Street Northeast, license number 74162 and ANC
6 5E. Will the parties in that case please come
7 forward. I'm sorry, could you repeat that?

8 MR. STERN: Yes, Michael Stern
9 representing the District of Columbia. Good
10 morning.

11 MS. MILLER: Good morning.

12 MR. MERAMO: Good morning. Zergevatro
13 Meramo representing Jubilee Market, ZG Market,
14 Incorporated.

15 MS. MILLER: Okay, you're Mr. Meramo?

16 MR. MERAMO: Yes, ma'am.

17 MS. MILLER: And are you the owner?

18 MR. MERAMO: Yes.

19 MS. MILLER: Okay, good. And did you
20 receive notice of this hearing?

21 MR. MERAMO: Yes.

22 MS. MILLER: Did you read it and

1 understand it?

2 MR. MERAMO: Yes.

3 MS. MILLER: Okay, so there are no
4 notice issues? All right. Are there any
5 preliminary matters?

6 MR. STERN: There are. The parties
7 have entered into an agreement which we hope the
8 Board will accept as an offer in compromise. The
9 respondent seeks to resolve both the outstanding
10 matters.

11 MS. MILLER: I only called one case.
12 Do you want me to call the other case as well?

13 MR. STERN: That, I think, yes.

14 MS. MILLER: If you're going to
15 address them together. Okay, there's a second
16 Jubilee Market case on the calendar which follows
17 this one and its Case number 12-CC-00101. Okay.

18 MR. STERN: Thank you.

19 MS. MILLER: Yes.

20 MR. STERN: In either event, the
21 respondent hopes to resolve both matters. In
22 total, the respondent would pay a fine of \$4650

1 within 90 days and his license would be suspended
2 for five days. All five of those days would be
3 stayed so he would not have to serve any days for
4 a period of one year.

5 Presuming there's no further
6 violations, the suspension would be lifted. And
7 if the fines are not paid within 90 days, the
8 license would be immediately suspended. As to
9 12-CC-00101, to break out the charges that would
10 be consistent with an \$1800 fine. This would
11 include a \$650 fine for charges one and three,
12 \$500 fine for charge two, charge four would be
13 dismissed. As to 14-CC-00049, the respondent
14 would pay a total fine of \$2850. That would
15 include \$350 charge one, \$500 for charge two,
16 \$2000 for charge three and charge four would be
17 dismissed. For charge three of 12-CC-00101,
18 there would also be the five day suspension that
19 I mentioned earlier, again all of which would be
20 stayed for a period of one year and as with the
21 other one, all of these violations would be paid
22 within 90 days or the --

1 UNKNOWN MALE: Would be paid within?

2 MR. STERN: Ninety days.

3 MS. MILLER: Okay, Mr. Meramo, I'm
4 going to try to read this back to you and you
5 tell me whether you agree with it. The total
6 fines would be \$4650 dollars to be paid within 90
7 days and if not paid within 90 days, your license
8 will be suspended until the fines are paid.
9 You'll serve, your license will be suspended for
10 five days but those days will be stayed pending
11 no further violation within one year and breaking
12 it down, Case number 00049, the fines are \$2850
13 total; \$350 first charge, \$500 second charge,
14 third charge \$2000 plus the five days suspended
15 and then stayed and then fourth charge dismissed.
16 Case number 00101, the fine total is \$1800.
17 Breaking it down, first charge \$660, second
18 charge \$500, third charge \$650, fourth charge
19 dismissed. Do you agree to that?

20 MR. MERAMO: I have one question.

21 MS. MILLER: Did I leave some, yeah,
22 go ahead.

1 MR. MERAMO: The collective charge
2 would be \$4600 something.

3 MS. MILLER: And fifty.

4 MR. MERAMO: Yeah, I have no choice.

5 MS. MILLER: Well, you have a choice.
6 You can go to hearing. This means that you can
7 either, you're either saying you'd like to go
8 into this offer and compromise or you can go to
9 hearing.

10 MR. MERAMO: Yeah, I compromise. I
11 agree to pay.

12 MS. MILLER: You agree? You
13 understand this does waive your right to a
14 hearing?

15 MR. MERAMO: Yes, ma'am.

16 MS. MILLER: And also to appeal.

17 MR. MERAMO: And I agree to pay.

18 MS. MILLER: So, and, Mr. Stern are
19 you asking the Board to vote on this as a global
20 settlement together, the two cases as opposed to
21 individually?

22 MR. STERN: Yes, I believe that was

1 the understanding the respondent and I had when
2 we entered into it.

3 MS. MILLER: Okay. Any questions by
4 Board members? Yeah, Mr. Short.

5 MR. SHORT: Again the total offer of
6 compromise would be for both cases?

7 MS. MILLER: Total fine is \$4650 to be
8 paid within 90 days. If not paid within 90 days,
9 the total the license will be suspended until the
10 total fine is paid after the 90 days, plus five
11 days, the license will be suspended for five days
12 but that will be stayed pending no further
13 violations within a year. If they do commit, if
14 he does commit a violation within a year, then
15 those five days will have to be served.

16 MR. SHORT: As long as the penalties
17 would go along with that?

18 MS. MILLER: Yes. Right.

19 MR. SHORT: Thank you, madam.

20 MS. MILLER: Any other questions?

21 Comments?

22 MR. SILVERSTEIN: I have comments but

1 I'll wait until you make a motion.

2 MS. MILLER: Okay. Then I would move
3 that we approve this offer in compromise and I'll
4 just repeat the total together, the \$4650 fine
5 within 90 days and license suspended five days,
6 five days stayed pending no further violation.
7 Okay, Mr. Silverstein has seconded the motion.
8 Any comments, questions?

9 MR. ALBERTI: I am not going to accept
10 this offer and compromise. I am troubled by the
11 minimum fine for a sale to minor violation when
12 this is accompanied by repeated failure to have a
13 licensed manager on duty. It shows a lack of
14 responsibility not only toward supervising the
15 sale but the willingness to sell to minors, so, I
16 will not accept this offer and compromise.

17 MS. MILLER: Okay. There's been a
18 motion that's been seconded. All those in favor
19 say aye.

20 (Chorus of ayes).

21 MS. MILLER: All those opposed?

22 MR. ALBERTI: Opposed.

1 MS. MILLER: All those abstaining? I
2 believe the motion passes 5 to 1 to 0 with Mr.
3 Alberti opposed.

4 MR. SHORT: Since the motion's already
5 passed and it's been accepted I'd just like to
6 say for the record sales to minors is something
7 very serious, serious, serious to this Board and
8 to this city, and persons who allow it to happen
9 in their establishments where ABC licenses are
10 issued should be on notice that if we see them
11 again it will be a lot more severe.

12 I'm along with Mr. Alberti in that we
13 need to crack down on this. We promised
14 different communities that we would and we are. I
15 want the owner to know that we are watching, sir,
16 and we'll be hoping that you become a good
17 citizen and a good business but selling to minors
18 and I can see that you're probably my age or
19 maybe a little younger, in this city and if I had
20 a business and I sold to your children you
21 wouldn't like it, would you?

22 MR. MERAMO: Yes, sir, I understand.

1 MR. SHORT: No problem, no, no, thank
2 you very much. You don't have to answer that.

3 Thank you Madam Chair.

4 MS. MILLER: Okay. So the Board is
5 going to be issuing a written order on this case
6 so you don't need to wait for anything for today.

7 MR. MERAMO: Okay.

8 MS. MILLER: Thank you. Thank you
9 very much.

10 MR. MERAMO: Thank you very much.

11 MS. MILLER: So that concludes this
12 case.

13 (Whereupon, the above-entitled matter
14 was concluded at 10:03 a.m.)
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A	Chair	five	M
<p>\$1800 4:10 5:16 \$2000 4:16 5:14 \$2850 4:14 5:12 \$350 4:15 5:13 \$4600 6:2 \$4650 3:22 5:6 7:7 8:4 \$500 4:12,15 5:13,18 \$650 4:11 5:18 \$660 5:17 a.m 2:2 10:14 ABC 1:8 9:9 above-entitled 10:13 abstaining 9:1 accept 3:8 8:9,16 accepted 9:5 accompanied 8:12 address 3:15 age 1:11 9:18 agree 5:5,19 6:11,12,17 agreement 1:9 3:7 ahead 5:22 Alberti 1:18 8:9,22 9:3 9:12 Alcoholic 1:2,14,15 allow 9:8 ANC 2:5 answer 10:2 appeal 6:16 approve 8:3 Ascertain 1:10 asking 6:19 aye 8:19 eyes 8:20</p>	<p>10:3 Chairperson 1:16,17 charge 4:12,12,15,15 4:16,16,17 5:13,13,14 5:15,17,18,18,18 6:1 charges 4:9,11 children 9:20 choice 6:4,5 Chorus 8:20 citizen 9:17 city 9:8,19 collective 6:1 Columbia 1:1 2:9 come 2:6 comments 7:21,22 8:8 commit 7:13,14 communities 9:14 compromise 3:8 6:8,10 7:6 8:3,10,16 concluded 10:14 concludes 10:11 consistent 4:10 Control 1:2,14,15 crack 9:13</p>	<p>4:2,2,18 5:10,14 7:10,11,15 8:5,6 follows 3:16 forward 2:7 four 4:12,16 fourth 5:15,18 further 4:5 5:11 7:12 8:6</p>	<p>ma'am 2:16 6:15 madam 7:19 10:3 MALE 5:1 manager 1:8 8:13 Market 1:5,6 2:4,13,13 3:16 matter 1:4 10:13 matters 3:5,10,21 means 6:6 MEETING 1:3 Member 1:18,18,19,19 1:20,20 members 7:4 mentioned 4:19 Meramo 2:12,13,15,16 2:18,21 3:2 5:3,20 6:1 6:4,10,15,17 9:22 10:7,10 met 1:14 Michael 1:20,22 2:8 Miller 1:16,17 2:3,11,15 2:17,19,22 3:3,11,14 3:19 5:3,21 6:3,5,12 6:16,18 7:3,7,18,20 8:2,17,21 9:1 10:4,8 10:11 minimum 8:11 minor 1:9 8:11 minors 8:15 9:6,17 morning 2:10,11,12 motion 8:1,7,18 9:2 motion's 9:4 move 8:2</p>
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