

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :

GC Latin Productions, LLC :
t/a Sabor Latino Bar & Grill : Show Cause
3910 14th Street NW : Hearing
Retailer CR, ANC 4C : (Status)
License No. 84113 :
Case No. 13-AUD-00042 :

Failed to Qualify as a :
Restaurant :

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Wednesday,
November 20, 2013

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control
Hearing Room, 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
- MIKE SILVERSTEIN, Member

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P R O C E E D I N G S

9:54 A.M.

CHAIRPERSON MILLER: Okay, the next Status Hearing we have is Show Cause Status Hearing on Sabor Latino Bar & Grill. It's Case No. 13-AUD-00042 located at 3910 14th Street, N.W., License No. 84113 in ANC 4C.

MR. RIVERO: Good morning, Board members, Fernando Rivero, standing in for Christine Gephardt for the District of Columbia.

CHAIRPERSON MILLER: Okay.

MR. KLINE: Good morning, Andrew Kline on behalf of the licensee.

MR. CLIMACO: Good morning. My name is German Climaco.

CHAIRPERSON MILLER: Okay, good morning. And you're the owner?

MR. CLIMACO: Yes.

CHAIRPERSON MILLER: Okay. And Mr. Kline, did your client receive notice of

1 this hearing?

2 MR. KLINE: He did receive notice
3 of this hearing and Mr. Rivero, who is much
4 better versed in Spanish than I am, and I have
5 reviewed it with my client. He understands
6 that we waive any required formal reading.

7 CHAIRPERSON MILLER: Okay. And
8 are there any preliminary issues, Mr. Rivero?

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

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: And the offer is a
14 fine of \$1,500, payable in 60 days.

15 CHAIRPERSON MILLER: Mr. Kline, I
16 want to confirm with you that your client is
17 agreeable to the offer and compromise of a
18 fine of \$1500 payable within 60 days?

19 MR. KLINE: Yes, and I would like
20 to make a brief comment with the Board's
21 permission.

22 CHAIRPERSON MILLER: Okay.

1 MR. KLINE: This applicant has
2 struggled to meet the food minimum. We will
3 be filing an application for conversion to a
4 tavern as is contemplated by the law in
5 situations where it's close and difficult and
6 we'll certainly reach out to the ANC to
7 address whatever concerns that they may have.

8 This is a very unusual situation
9 where this licensee is very close on the
10 percentage number. He's at 40 percent, but
11 falls way short on the per seat number and I
12 think the Board will know from their
13 experience that it's usually the reverse.
14 It's very unusual that we have someone who's
15 that close on the percentage number and falls
16 that short on the per seat number. Clearly,
17 there's a structural business problem there
18 and that's the best way to address it. I
19 wanted the Board to know all that because I
20 know the Board is concerned about the minimum
21 food service requirement when it's not met so
22 I wanted to offer an explanation. And the

1 offer is acceptable. Thank you.

2 CHAIRPERSON MILLER: And your
3 client knows that he waives his right to a
4 hearing if he accepts the offer and
5 compromise?

6 MR. KLINE: Yes.

7 CHAIRPERSON MILLER: Are there
8 Board questions?

9 MEMBER ALBERTI: I just want to
10 make sure -- one comment. I want to make sure
11 -- does your client understand that if he
12 doesn't do a class change and doesn't meet the
13 requirements next year, he will be subject to
14 revocation? Because it would be two years in
15 a row for which he had failed. I know you
16 have represented he's going to do the class
17 change, but I just want to make it clear that
18 the Board looks at this very seriously and in
19 other cases we have seriously considered
20 revocation for establishments who haven't met
21 the requirements two years in a row and I just
22 want to make sure that that's clear to

1 everyone.

2 MR. KLINE: We understand that.
3 I'm not sure that I completely agree with that
4 characterization, but it's not something we
5 need to fight about now because that would be
6 a year away. As the Board knows, there's a
7 difference between substantial noncompliance
8 and minimal noncompliance and at 40 percent,
9 this is minimal noncompliance. This doesn't
10 rise to the level of substantial
11 noncompliance.

12 MEMBER ALBERTI: I stand by what I
13 said. We've applied that policy in past
14 cases.

15 MR. KLINE: Understood.

16 CHAIRPERSON MILLER: Any other
17 questions? Okay. Then I move that we approve
18 this offer and compromise of \$1500 payable
19 within 60 days.

20 Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. All those in favor
2 say aye.

3 (Chorus of ayes.)

4 All those apposed?

5 (No response.)

6 All those abstaining?

7 (No response.)

8 Motion passes, 4-0-0.

9 CHAIRPERSON MILLER: Thank you.

10 MR. CLIMACO: Thank you.

11 (Whereupon, at 9:59 a.m., the Show

12 Cause Hearing (Status) was concluded.)

<p style="text-align: center;">A</p> <p>\$1,500 3:14 \$1500 3:18 6:18 a.m 2:2 7:11 abstaining 7:6 acceptable 5:1 accepts 5:4 address 4:7,18 agree 6:3 agreeable 3:17 ALBERTI 1:21 5:9 6:12 Alcoholic 1:2,15,16 ANC 1:9 2:7 4:6 Andrew 2:14 applicant 4:1 application 4:3 applied 6:13 apposed 7:4 approve 6:17 aye 7:2 eyes 7:3</p>	<p>6:16,22 7:9 change 5:12,17 characterization 6:4 Chorus 7:3 Christine 2:11 class 5:12,16 clear 5:17,22 Clearly 4:16 client 2:22 3:5,16 5:3,11 Climaco 2:16,17,20 7:10 close 4:5,9,15 Columbia 1:1 2:12 comment 3:20 5:10 completely 6:3 compromise 3:10 3:17 5:5 6:18 concerned 4:20 concerns 4:7 concluded 7:12 confirm 3:16 considered 5:19 contemplated 4:4 Control 1:2,15,16 conversion 4:3 CR 1:9</p>	<p>favor 7:1 Fernando 2:10 fight 6:5 filing 4:3 fine 3:14,18 food 4:2,21 formal 3:6</p>	<p>MEETING 1:3 Member 1:21,21,22 5:9 6:12,21 members 2:10 met 1:16 4:21 5:20 MIKE 1:22 Miller 1:18,20 2:3 2:13,18,21 3:7,12 3:15,22 5:2,7 6:16 6:22 7:9 minimal 6:8,9 minimum 4:2,20 morning 2:9,14,16 2:19 motion 7:1,8 move 6:17</p>	<p>policy 6:13 preliminary 3:8 present 1:19 3:11 presiding 1:18 problem 4:17 Productions 1:7</p>
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<p style="text-align: center;">C</p> <p>C 2:1 Case 1:10 2:6 cases 5:19 6:14 Cause 1:8 2:4 7:12 certainly 4:6 Chairperson 1:17 1:20 2:3,13,18,21 3:7,12,15,22 5:2,7</p>	<p style="text-align: center;">E</p> <p>E 2:1,1 establishments 5:20 experience 4:13 explanation 4:22</p>	<p style="text-align: center;">H</p> <p>hearing 1:8,17 2:4 2:5 3:1,3 5:4 7:12</p> <p style="text-align: center;">I</p> <p>issues 3:8</p> <p style="text-align: center;">J</p> <p style="text-align: center;">K</p> <p>Kline 2:14,15,22 3:2,15,19 4:1 5:6 6:2,15 know 4:12,19,20 5:15 knows 5:3 6:6</p>	<p style="text-align: center;">N</p> <p>N 2:1 N.W 1:17 2:7 name 2:17 need 6:5 NICK 1:21 noncompliance 6:7 6:8,9,11 notice 2:22 3:2 November 1:14 number 4:10,11,15 4:16 NW 1:8</p>	<p style="text-align: center;">R</p> <p>R 2:1 reach 4:6 reading 3:6 receive 2:22 3:2 represented 5:16 required 3:6 requirement 4:21 requirements 5:13 5:21 response 7:5,7 Restaurant 1:12 Retailer 1:9 reverse 4:13 reviewed 3:5 revocation 5:14,20 right 5:3 rise 6:10 Rivero 2:9,10 3:3,8 3:9,13 Room 1:17 row 5:15,21 Ruthanne 1:18,20</p>
<p style="text-align: center;">C</p> <p>C 2:1 Case 1:10 2:6 cases 5:19 6:14 Cause 1:8 2:4 7:12 certainly 4:6 Chairperson 1:17 1:20 2:3,13,18,21 3:7,12,15,22 5:2,7</p>	<p style="text-align: center;">F</p> <p>failed 1:11 5:15 falls 4:11,15</p>	<p style="text-align: center;">L</p> <p>Latin 1:7 Latino 1:8 2:5 law 4:4 level 6:10 License 1:9 2:7 licensee 2:15 4:9 LLC 1:7 located 2:6 looks 5:18</p>	<p style="text-align: center;">O</p> <p>O 2:1 offer 3:10,13,17 4:22 5:1,4 6:18 Okay 2:3,13,18,21 3:7,12,22 6:17 owner 2:19</p> <p style="text-align: center;">P</p> <p>P 2:1 parties 3:10 passes 7:8 payable 3:14,18 6:18 percent 4:10 6:8 percentage 4:10,15 permission 3:21</p>	<p style="text-align: center;">S</p> <p>S 2:1 Sabor 1:8 2:5 seat 4:11,16 second 6:20,21 seconded 7:1 seriously 5:18,19 service 4:21 short 4:11,16 Show 1:8 2:4 7:11 SILVERSTEIN 1:22 situation 4:8</p>

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