

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MIKE SILVERSTEIN

8 JAMES SHORT

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1 representing the District of Columbia. And
2 please pardon me, Mr. Chairman, for running
3 behind tonight.

4 CHAIRMAN ANDERSON: You are right on
5 time, Mr. Adams.

6 MR. ADAMS: I'm trying not to be late.

7 CHAIRMAN ANDERSON: And you are on time.
8 Yes, sir.

9 MR. CONVERSE: Good morning. My name is
10 Doug Converse. I'm the director of operations
11 for Fuel & Pizza.

12 CHAIRMAN ANDERSON: You need a moment?

13 MR. ADAMS: No. I'm fine.

14 CHAIRMAN ANDERSON: All right. Are there
15 any preliminary matters?

16 MR. ADAMS: Yes, there are, Mr. Chairman.
17 There is a preliminary matters in this case or
18 the cases that are involved. Actually, we would
19 like to (inaudible). The parties have discussed
20 it, and we'd like to offer an offer in compromise
21 that covers all cases involving Fuel Pizza &
22 Wings.

1 For the license at 1606 K, LLC, there are
2 two cases that are open. Both of them are up for
3 show causes today.

4 For Case 15-CMP-00058, there are two
5 charges on that case. One for the establishment
6 not properly maintaining their trash, and the
7 second for not having ABC manager on the
8 premises.

9 For charge one, which is a trash charge,
10 the District is recommending a written warning,
11 and for charge two, for not having ABC manager,
12 we're asking for a \$2,000 fine to be paid within
13 -- I apologize -- 45 days, 45 days.

14 For Case No. 15-CMP-00359, there's only
15 one charge for \$2,000 -- for no ABC manager, and
16 the parties are proposing a fine for \$2,000 to be
17 paid within 45 days. So for that license we're -
18 - for the two cases combined, we're asking for a
19 written warning and a \$4,000 fine to be paid
20 within -- within a 45-day period.

21 For the other license, which is the 600 F
22 D.C., LLC license, we have two -- again, two show

1 cause hearings that were scheduled today. For
2 Case 15-CMP-00341, the first charge -- the only
3 charge is for not having ABC manager on the
4 premises, and the parties are asking -- or
5 recommending a \$2,000 fine to be paid within 60
6 days.

7 For Case No. 15-AUD-00054, with a single
8 charge for the party not filing a timely
9 quarterly statement, we've agreed to -- I propose
10 a \$2,000 fine, again, to be paid within 60 days.

11 There's a couple cases that are not on
12 today's calendar, but the first one is Case 15-
13 CC-00089. This case involves two charges, one
14 for them selling to a minor, underage minors, and
15 the second charge for there being no ABC manager.

16 For charge one, which is the underage
17 charge, we are recommending a \$3,000 fine to be
18 paid within a 60-day period, a 5-day suspension
19 of their license with all-day stay for a period
20 of a year on a condition that the establishment
21 does not have any further ABC violations within a
22 one-year period. And further, the establishment

1 is willing to have all employees that serve
2 alcohol to complete TIPS training.

3 For charge two, which is no ABC manager,
4 we're recommending a \$2,000 fine to be paid
5 within 60 days.

6 In addition, there's two charges, cases
7 that have not -- the OAG has not yet issued a
8 notice yet, but the board has forwarded the cases
9 the OAG for charges.

10 First case is Case 15-CMP-0076, which is
11 no ABC -- which would have been a no ABC manager
12 charge. We're recommending a \$2,000 fine to be
13 paid within 60 days.

14 And for Case 15-CMP-00765, the District
15 will -- I don't know if you want to say dismiss
16 or decline to charge the case, but that's what
17 we're recommending.

18 CHAIRMAN ANDERSON: I'm sorry, Mr. Adams.
19 Can you go back to the first case? What is it
20 that they're recommending?

21 MR. ADAMS: The first case?

22 CHAIRMAN ANDERSON: No, 00766.

1 MR. ADAMS: 00766?

2 CHAIRMAN ANDERSON: Yeah.

3 MR. ADAMS: We're recommending a \$2,000
4 fine for that case.

5 CHAIRMAN ANDERSON: All right. And the
6 second case you're -- you're asking that it be
7 dismissed?

8 MR. ADAMS: For 765 we're recommending
9 both that there be dismissal or no further action
10 in that matter. Just as a -- for the board's
11 background, that investigation happened within 24
12 hours after the first case, the 766 case. So
13 that's the reason we're asking for there to be no
14 charges there because of the timing.

15 CHAIRMAN ANDERSON: Just -- Ms. Zadah,
16 right?

17 MS. WAHABZADAH: Yes.

18 CHAIRMAN ANDERSON: Yes. Do you name
19 Case No. 15-CMP-00766 and Case No. 15-CMP-00765 -
20 - do you waive service?

21 MS. WAHABZADAH: Yes.

1 CHAIRMAN ANDERSON: All right. Thank
2 you.

3 MR. ADAMS: And just for clarity, for all
4 fines, is the idea that for the cases for the
5 1606 K Street license, LLC license, there's an
6 understanding that if the fine is not paid within
7 45 days, that the board can -- will suspend the
8 license indefinitely until the fine is paid.

9 And further, for the 600 K D.C., LLC,
10 license, if the fine isn't paid within 60 days,
11 that the license can be -- will be suspended by
12 the board until such fine is paid.

13 In total for the -- again, for the 1606
14 K, LLC license, we're looking at a \$4,000 fine.
15 For the -- the total amount of fine for the 600 F
16 D.C., LLC license is \$11,000 plus the suspension
17 and the alcohol awareness training -- or TIPS
18 training for the employees, but that is the
19 nature of the proposed offer in compromise, Mr.
20 Chairman.

21 CHAIRMAN ANDERSON: All right.

1 I know it's a lot, but let me try to go
2 through it. So, Ms. Zadah, it's my understanding
3 Case No. 15-CMP-00558 -- 00058, for the first
4 case, charge one, that a written warning will be
5 issued.

6 And for charge two, that a \$2,000 is
7 assessed, and that the fine will be paid within
8 45 days; is that correct?

9 MS. WAHABZADAH: That's correct.

10 CHAIRMAN ANDERSON: And for Case No.
11 15-CMP-00359, that there is a \$2,000 fine, and
12 that the fine will be within 45 days. And if it
13 not paid within 45 days, then the license will be
14 suspended; is that correct?

15 MS. WAHABZADAH: Correct.

16 CHAIRMAN ANDERSON: And for Case No. 15-
17 CMP-00341, that there is a \$2,000 fine that will
18 be paid within 60 days, and if that fine is not
19 paid within 60 days, the license will be
20 suspended.

21 MS. WAHABZADAH: Initially, when we were
22 in discussions regarding this case, we had

1 requested 90 days. So I'm not sure if that
2 changed between --

3 MR. ADAMS: I apologize. For -- I agree.
4 For 1606 K Street -- so I think we're still --
5 we're talking about 45 days. But for 600 F D.C.,
6 LLC that was 90 days. I apologize.

7 CHAIRMAN ANDERSON: Okay. So 90 days for
8 Case No. 15-CMP-00341.

9 And for Case No. 15-AUD-00059 regarding
10 quarterly statement, that the fine will be
11 \$2,000, and I guess this one is also paid within
12 90 days; is that correct?

13 MR. ADAMS: Yes, that's correct. Yes,
14 sir.

15 CHAIRMAN ANDERSON: And for Case No. 15-
16 CC-00089, that first fine, underage sale, the
17 fine is a \$3,000 fine, 5-day suspension, and all-
18 day stay for one year on the condition that all
19 employees who serve alcoholic beverages complete
20 the TIPS training. And that for -- that you
21 receive a written violation for the first
22 violation.

1 And for the second case and no ABC
2 management duty, that there is a \$2,000 fine; is
3 that correct? And I guess it's also paid within
4 90 days; is that correct?

5 MS. WAHABZADAH: That's correct.

6 CHAIRMAN ANDERSON: And for the two
7 cases, Case No. 15-CMP-00766, that there will be
8 a \$2,000 fine; is that correct?

9 MS. WAHABZADAH: That's correct.

10 CHAIRMAN ANDERSON: And for Case No. 15-
11 CMP-00765, that the case will be dismissed.

12 MS. WAHABZADAH: That's correct.

13 CHAIRMAN ANDERSON: And just
14 clarification, for the \$2,000, when will this --
15 the time period to pay this one?

16 MR. ADAMS: We are proposing 90 days.

17 CHAIRMAN ANDERSON: Ninety days. All
18 right.

19 MR. ADAMS: I apologize for the
20 miscommunications. We're also proposing 90 days.

21 CHAIRMAN ANDERSON: All right, 90 days.

1 So there's a grand total for this -- for
2 the F Street location is \$11,000 payable within
3 90 days.

4 And for the 6th Street locations, it's --
5 yeah. My math is bad, so I'm not going to -- I'm
6 not going to add it.

7 All right.

8 MR. ADAMS: Mr. Chairman --

9 CHAIRMAN ANDERSON: Yes, sir.

10 MR. ADAMS: Brief board indulgence.

11 Thank you, Mr. Chairman, we're set.

12 CHAIRMAN ANDERSON: All right. Are there
13 any questions by any board members regarding this
14 offer in compromise?

15 Yes, Mr. Alberti.

16 MR. ALBERTI: I have a question for the
17 licensee and for Mr. Adams.

18 But for the licensee, for the 600 F
19 Street location, you're admitting to three no ABC
20 managers, and there's an alleged fourth no ABC
21 manager all within six months of 2015. What are

1 you doing going forward to make sure that this
2 doesn't happen in the future?

3 MR. CONVERSE: We currently have four --
4 I'm sorry -- we currently have 10 certified ABC
5 managers for three locations. So each location
6 has three ABC managers, and we've got one that
7 can float around, and I have two more scheduled
8 to come in and get their manager license this
9 week.

10 MR. ALBERTI: Great. I'm glad to hear
11 that because we really don't want to see you
12 under these circumstances. It's an easy enough
13 remedy.

14 But, Mr. Adams, I'm not sure I understand
15 your explanation on the charges not being
16 prosecuted on the one that's being dismissed.

17 MR. ADAMS: Right.

18 MR. ALBERTI: The licensee is admitting
19 to liability for two previous -- three previous
20 no ABC managers, two of them which happened less
21 than five months prior to this or less than six
22 months prior to this. So they were certainly on

1 notice that an ABC manager was required. So I'm
2 not understanding your explanation for this
3 second one that happened within 24 hours, and
4 somehow that excuses it.

5 MR. ADAMS: Right.

6 MR. ALBERTI: Could you maybe enumerate
7 on that a little bit.

8 MR. ADAMS: It's not necessarily an
9 excuse, Mr. Alberti. What it is, is trying to
10 more or less trying to form an equity in terms of
11 working out an agreement. In this -- in total
12 with this package for this establishment, we're
13 already talking about an \$11,000 fine plus a
14 major -- imposing a suspension. So more or less
15 in order to craft a deal -- yes.

16 What we're saying is that with it being a
17 fairly close amount of period that, yes, although
18 the establishment was on notice, the one that the
19 establishment made certain representations about
20 how much knowledge was known about that
21 violation, at least from the management level,
22 and also just, number one, that, you know, there

1 wasn't a great amount of period for them to
2 necessarily adjust.

3 So just as a matter of equity in this
4 case in terms of crafting an agreement between
5 the parties where we were -- you know, it's not
6 always easy to craft these agreements. This came
7 to be a point where in order for us to be able to
8 settle a mass of cases, we were able to be
9 willing just to compromise on that one single
10 case.

11 MR. ALBERTI: Thank you, Mr. Adams. I
12 understand your point of crafting the offer in
13 compromise as a total package. I understand that
14 point.

15 MR. ADAMS: Thank you.

16 MR. ALBERTI: So I will support it on
17 that basis, but I -- please understand, I do not
18 buy the excuse that you didn't know on the second
19 day, 24 hours after the first one, that you
20 needed a manager, just not buying it. So -- but
21 hopefully you'll take care of this in the future.
22 Thank you.

1 MS. WAHABZADAH: Which is exactly what
2 the licensee is doing in its issue. And not to
3 completely try the cases right now because we're
4 at a status, but the facts of three of the
5 different violations of the investigation were a
6 particular employee who did not relay any sort of
7 information regarding ABRA investigator coming in
8 or any sort of paperwork that was given to
9 management.

10 In addition, the ABC manager that was to
11 be on duty has been fired.

12 MR. ALBERTI: Okay.

13 MS. WAHABZADAH: So the fact that an
14 investigation included a certain employee, a
15 certain ABC manager, now they have a bulk of ABC
16 managers and ones that are also going to be
17 licensed for the establishment.

18 MR. ALBERTI: Thank you.

19 CHAIRMAN ANDERSON: Yes, Mr. Silverstein.

20 MR. SILVERSTEIN: I just want to say that
21 this is an establishment I'm quite familiar with.
22 That 95, 97 percent of your business is food.

1 That liquor is incidental, but we have to treat
2 everyone the same. And when these particular
3 infractions are spotted, we have to enforce them.
4 And it is also our policy that when a place has
5 had an infraction, that we return to make sure
6 that it has been corrected. We've not been
7 piling on you. We've just been doing what we do
8 everywhere.

9 And the fact that you guys have great
10 pizza and you have great wings doesn't, in any
11 way, eliminate the fact that you also sell \$3
12 margaritas that are real good, but that you have
13 to abide by the same rules as everyone else.

14 And that's why I'm going to accept this
15 offer in compromise. I don't -- you know,
16 there's not bar fights going on in your place.
17 There's not horrible things going on, but we
18 can't let you have some kind of special
19 dispensation or treatment simply because you've
20 got a great bunch of garlic rolls or whatever.

21 MR. CONVERSE: Understand.

1 CHAIRMAN ANDERSON: I don't think you can
2 pay for the free add you just got.

3 Do we have any other board members who
4 have --

5 MR. ALBERTI: I think they just paid for
6 it.

7 MR. SILVERSTEIN: You'll pay for it. I
8 think that's going to cost you \$11,000 and five
9 days.

10 CHAIRMAN ANDERSON: -- with questions?

11 MS. WAHABZADAH: Broadcast it, okay.

12 CHAIRMAN ANDERSON: All right. Hearing
13 none, I move that the offer in compromise be
14 accepted. Is there a second?

15 MR. SILVERSTEIN: I'll second it, Mr.
16 Chairman.

17 CHAIRMAN ANDERSON: Mr. Alberti -- I'm
18 sorry. Mr. Silverstein will second the motion.
19 Those in favor say aye.

20 [Chorus of Ayes.]

21 Those opposed? The matter has passes 5-
22 0-0.

1 The board will issue a board order in
2 this matter. Thank you very much.

3 MR. ADAMS: Thank you very much.

4 [Whereupon, the above-entitled
5 matter was concluded.]

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