

Capital Reporting Company  
In the Matter of Sierra Catering 10-17-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Sierra Catering :  
1354 Leegate Road, NW :  
Retailer G :  
License No. 86514 : Show Cause  
ANC 4A : Hearing  
Case No. 11-CMP-00141 : (Status)  
Temporary License Application; :  
Event held at The Historical :  
Society of Washington, D.C., on :  
March 26, 2011 :  
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October 17, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
CALVIN NOPHLIN, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT

AMY SCHMIDT, OAG

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

2 9:44 a.m.

3 CHAIRPERSON MILLER: Good morning, ladies and  
4 gentlemen. I'd want to welcome you to the regularly  
5 scheduled meeting of the District of Columbia Alcoholic  
6 Beverage Control Board. Today is October 17, 2012. My  
7 name is Ruthanne Miller. I'm the chairperson. Joining  
8 me today to my far right is Mr. Calvin Nophlin. To his  
9 immediately left is Mr. Donald Brooks. To my immediate  
10 right is Mr. Nick Alberti. To my far left is Mr.  
11 Herman Jones. And to my immediate left is Mr. Mike  
12 Silverstein.

13 The Board has six members in attendance for  
14 the conduct of business today, with three constituting  
15 a quorum. Copies of today's hearing calendar and  
16 agenda are available at the receptionist's desk.  
17 Please be aware that these proceedings are being  
18 recorded by a court reporter. Accordingly, we must ask  
19 you to refrain from any disruptive noises or actions in  
20 the hearing room.

21 If you have any electronic devices, pagers,  
22 cell phones or such, please make certain that they're

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1 turned off to avoid any interruption of the  
2 proceedings. Please note when you come forward to the  
3 tables in the front, you'll find a piece of paper on  
4 the table. This is for you to sign in to ensure that  
5 we have the correct spelling of your name for the  
6 record.

7           The Open Meetings Act requires that the  
8 public hearing on each case be open to the public. The  
9 Board may, consistent with Section 405(b) of the Open  
10 Meetings Act, enter a closed meeting during or after  
11 the public hearing on a case to consult with an  
12 attorney, to obtain legal advice, discuss settlement  
13 agreements or deliberate upon a decision in an  
14 adjudication proceeding.

15           Okay. This morning we have a lot of show  
16 cause status hearings. I'm going to call the first  
17 case and that is Case No. 11-CMP-00141, Sierra  
18 Catering, License No. 86514, in ANC 4A. And would the  
19 parties introduce themselves for the record?

20           MS. SCHMIDT: Good morning. Amy Schmidt,  
21 assistant attorney general on behalf of the District of  
22 Columbia.

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1           CHAIRPERSON MILLER: Good morning. And we  
2 had a call that the Licensee will not be here. So I'm  
3 just going to schedule this case for a show cause  
4 hearing November 28th, 2012 at 10:00 a.m. Okay.

5           (WHEREUPON, at 9:47 a.m., the hearing was  
6 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, ERICK McNAIR, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing pages was recorded  
6 by me and thereafter reduced to typewriting under my  
7 direction; that said transcription is a true record of  
8 the testimony given by said parties; that I am neither  
9 counsel for, related to, nor employed by any of the  
10 parties to the action in which this hearing was taken;  
11 and, further, that I am not a relative or employee of  
12 any counsel or attorney employed by the parties hereto,  
13 nor financially or otherwise interested in the outcome  
14 of this action.

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ERICK McNAIR

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Notary Public in and for the

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District of Columbia

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22 My commission expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

\_\_\_\_\_

Date

\_\_\_\_\_

MIRANDA PENNACHI

Transcriptionist

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<p><u>1</u>  <b>10:00</b> 4:4  <b>11-CMP-00141</b>                  1:8 3:17  <b>1354</b> 1:6  <b>14</b> 5:22  <b>14th</b> 1:14  <b>17</b> 1:12 2:6</p> <hr/> <p><u>2</u>  <b>2000</b> 1:14  <b>2011</b> 1:10  <b>2012</b> 1:12 2:6 4:4  <b>2016</b> 5:22  <b>26</b> 1:10  <b>28th</b> 4:4</p> <hr/> <p><u>4</u>  <b>405(b)</b> 3:9  <b>4A</b> 1:7 3:18</p> <hr/> <p><u>8</u>  <b>86514</b> 1:7 3:18</p> <hr/> <p><u>9</u>  <b>9:44</b> 2:2  <b>9:47</b> 4:5</p> <hr/> <p><u>A</u>  <b>a.m</b> 2:2 4:4,5  <b>Accordingly</b> 2:18  <b>Act</b> 3:7,10  <b>action</b> 5:10,14  <b>actions</b> 2:19  <b>adjudication</b> 3:14  <b>advice</b> 3:12</p>	<p><b>agenda</b> 2:16  <b>agreements</b> 3:13  <b>Alberti</b> 1:18 2:10  <b>Alcoholic</b>                  1:2,13,14 2:5  <b>am</b> 5:8,11 6:3  <b>Amy</b> 1:21 3:20  <b>ANC</b> 1:7 3:18  <b>appearing</b> 5:5  <b>Application</b> 1:8  <b>assistant</b> 3:21  <b>attendance</b> 2:13  <b>attorney</b> 3:12,21                  5:12  <b>available</b> 2:16  <b>avoid</b> 3:1  <b>aware</b> 2:17</p> <hr/> <p><u>B</u>  <b>behalf</b> 3:21  <b>Beverage</b>                  1:2,13,14 2:6  <b>Board</b> 1:2,14                  2:6,13 3:9  <b>Brooks</b> 1:18 2:9  <b>Building</b> 1:14  <b>business</b> 2:14</p> <hr/> <p><u>C</u>  <b>calendar</b> 2:15  <b>Calvin</b> 1:19 2:8  <b>case</b> 1:8 3:8,11,17                  4:3  <b>Catering</b> 1:5 3:18  <b>cause</b> 1:7 3:16 4:3</p>	<p><b>cell</b> 2:22  <b>certain</b> 2:22  <b>CERTIFICATE</b>                  5:1 6:1  <b>certify</b> 5:4 6:3  <b>chairperson</b>                  1:15,17 2:3,7 4:1  <b>closed</b> 3:10  <b>Columbia</b> 1:1 2:5                  3:22 5:20  <b>commission</b> 5:22  <b>complete</b> 6:8  <b>concluded</b> 4:6  <b>conduct</b> 2:14  <b>consistent</b> 3:9  <b>constituting</b> 2:14  <b>consult</b> 3:11  <b>Control</b> 1:2,13,14                  2:6  <b>Copies</b> 2:15  <b>correct</b> 3:5 6:7  <b>counsel</b> 5:9,12  <b>court</b> 2:18 6:4,6</p> <hr/> <p><u>D</u>  <b>D.C</b> 1:9,15  <b>Date</b> 6:14  <b>decision</b> 3:13  <b>deliberate</b> 3:13  <b>desk</b> 2:16  <b>devices</b> 2:21  <b>direction</b> 5:7  <b>discuss</b> 3:12  <b>disruptive</b> 2:19  <b>District</b> 1:1 2:5</p>	<p>3:21 5:20  <b>Donald</b> 1:18 2:9  <b>during</b> 3:10</p> <hr/> <p><u>E</u>  <b>electronic</b> 2:21  <b>employed</b> 5:9,12  <b>employee</b> 5:11  <b>ensure</b> 3:4  <b>enter</b> 3:10  <b>ERICK</b> 5:3,18  <b>Event</b> 1:9  <b>expires</b> 5:22</p> <hr/> <p><u>F</u>  <b>financially</b> 5:13  <b>first</b> 3:16  <b>foregoing</b> 5:4,5  <b>foregoing/                  attached</b> 6:7  <b>forward</b> 3:2  <b>front</b> 3:3</p> <hr/> <p><u>G</u>  <b>general</b> 3:21  <b>gentlemen</b> 2:4  <b>given</b> 5:8</p> <hr/> <p><u>H</u>  <b>hearing</b> 1:7,14                  2:15,20 3:8,11                  4:4,5 5:4,10  <b>hearings</b> 3:16  <b>held</b> 1:9  <b>hereby</b> 5:4 6:3  <b>hereto</b> 5:12</p>
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<p><b>Herman</b> 1:19 2:11  <b>Historical</b> 1:9</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I'd</b> 2:4  <b>I'm</b> 2:7 3:16 4:2  <b>immediate</b> 2:9,11  <b>immediately</b> 2:9  <b>interested</b> 5:13  <b>interruption</b> 3:1  <b>introduce</b> 3:19</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Joining</b> 2:7  <b>Jones</b> 1:19 2:11  <b>July</b> 5:22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>ladies</b> 2:3  <b>Leegate</b> 1:6  <b>legal</b> 3:12  <b>License</b> 1:7,8 3:18  <b>Licensee</b> 4:2  <b>lot</b> 3:15</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>March</b> 1:10  <b>MATTER</b> 1:4  <b>may</b> 3:9  <b>McNAIR</b> 5:3,18  <b>meeting</b> 1:3 2:5 3:10  <b>Meetings</b> 3:7,10  <b>Member</b> 1:18,19,20  <b>members</b> 2:13</p>	<p><b>met</b> 1:14  <b>Mike</b> 1:20 2:11  <b>Miller</b> 1:15,17 2:3,7 4:1  <b>MIRANDA</b> 6:3,14  <b>morning</b> 2:3 3:15,20 4:1</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N.W</b> 1:14  <b>neither</b> 5:8  <b>Nick</b> 1:18 2:10  <b>noises</b> 2:19  <b>Nophlin</b> 1:19 2:8  <b>nor</b> 5:9,13  <b>Notary</b> 5:1,19  <b>note</b> 3:2  <b>notes</b> 6:6  <b>November</b> 4:4  <b>NW</b> 1:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>OAG</b> 1:21  <b>obtain</b> 3:12  <b>October</b> 1:12 2:6  <b>officer</b> 5:3  <b>Okay</b> 3:15 4:4  <b>open</b> 3:7,8,9  <b>otherwise</b> 5:13  <b>outcome</b> 5:13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>paggers</b> 2:21  <b>pages</b> 5:5  <b>paper</b> 3:3</p>	<p><b>parties</b> 3:19 5:8,10,12  <b>PENNACHI</b> 6:3,14  <b>phones</b> 2:22  <b>piece</b> 3:3  <b>please</b> 2:17,22 3:2  <b>PRESENT</b> 1:17,21  <b>presiding</b> 1:15  <b>proceeding</b> 3:14 6:4,5  <b>proceedings</b> 2:17 3:2 6:8  <b>public</b> 3:8,11 5:1,19</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quorum</b> 2:15</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>receptionist's</b> 2:16  <b>record</b> 3:6,19 5:7  <b>recorded</b> 2:18 5:5  <b>recordings</b> 6:6  <b>reduced</b> 5:6  <b>Reeves</b> 1:14  <b>refrain</b> 2:19  <b>regularly</b> 2:4  <b>related</b> 5:9  <b>relative</b> 5:11  <b>reported</b> 6:4  <b>reporter</b> 2:18 6:4  <b>Reporter's</b> 6:6  <b>requires</b> 3:7  <b>Retailer</b> 1:6</p>	<p><b>Road</b> 1:6  <b>room</b> 1:14 2:20  <b>Ruthanne</b> 1:15,17 2:7</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>schedule</b> 4:3  <b>scheduled</b> 2:5  <b>Schmidt</b> 1:21 3:20  <b>Section</b> 3:9  <b>settlement</b> 3:12  <b>Sierra</b> 1:5 3:17  <b>sign</b> 3:4  <b>Silverstein</b> 1:20 2:12  <b>six</b> 2:13  <b>Society</b> 1:9  <b>spelling</b> 3:5  <b>status</b> 1:8 3:16  <b>Street</b> 1:14</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>table</b> 3:4  <b>tables</b> 3:3  <b>Temporary</b> 1:8  <b>testimony</b> 5:5,8  <b>themselves</b> 3:19  <b>thereafter</b> 5:6  <b>they're</b> 2:22  <b>today</b> 2:6,8,14  <b>today's</b> 2:15  <b>transcript</b> 6:5,7  <b>transcription</b> 5:7 6:1,8  <b>Transcriptionist</b></p>
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<p>6:15 <b>true</b> 5:7 6:7 <b>turned</b> 3:1 <b>typed</b> 6:5 <b>typewriting</b> 5:6</p> <hr/> <p>U</p> <hr/> <p><b>upon</b> 3:13</p> <hr/> <p>W</p> <hr/> <p><b>Washington</b> 1:9,15 <b>welcome</b> 2:4 <b>WHEREUPON</b> 4:5 <b>whom</b> 5:3</p> <hr/> <p>Y</p> <hr/> <p><b>you'll</b> 3:3</p>			
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