

Capital Reporting Company
In the Matter of: Island Cafe, Inc. 10-24-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Island Cafe, Inc. :
t/a Island Cafe :
829 Upshur Street, NW :
Retailer CT :
License No.60578 : Show Cause
ANC 4C : Hearing
Case No. 12-251-00384 : (Status)
Allowed the Establishment to be :
Used for an Unlawful or :
Disorderly Purpose :
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October 24, 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

MICHAEL STERN, OAG

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

2 9:47 a.m.

3 CHAIRPERSON MILLER: So we're passing that
4 case, which takes us to Case No. 12-251-00384, Island
5 Cafe, located at 829 Upshur Street, N.W., License No.
6 60578, in ANC 4C. Good morning. When you're ready,
7 would you introduce yourselves for the record, please?

8 MR. BAILEY: My name is Nevaldo Bailey --

9 CHAIRPERSON MILLER: Okay.

10 MR. BAILEY: -- owner of Island Cafe.

11 MR. FONSECA: Michael Fonseca on behalf of
12 the Licensee.

13 MR. STERN: Michael Stern representing the
14 District of Columbia.

15 CHAIRPERSON MILLER: Okay. Good morning.
16 Mr. Bailey, did you receive notice of this hearing?

17 MR. BAILEY: Yes, ma'am.

18 CHAIRPERSON MILLER: Did you read it?

19 MR. BAILEY: Yes, ma'am.

20 CHAIRPERSON MILLER: Understand it?

21 (No audible response.)

22 CHAIRPERSON MILLER: Waive notice of -- waive

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1 the Board's reading it into the record?

2 MR. FONSECA: We waive reading.

3 CHAIRPERSON MILLER: Okay. So are there any
4 preliminary matters in this case?

5 MR. STERN: Yes, there are. The parties have
6 entered into an agreement, which we hope the Board will
7 accept as an offer in compromise. The respondent will
8 pay a fine of 40 -- of \$5000 within 45 days and will
9 have his license suspended for five days. Those five
10 days will be stayed for a period of one year. If they
11 -- and if there are no further violations, the days
12 will be dismissed. There were -- the days would --
13 could be imposed by the Board.

14 MR. NOPHLIN: Could you speak -- I'm sorry,
15 could you speak a little louder? I missed your last
16 statement.

17 MR. STERN: I'm sorry. Saying if I -- the
18 days suspension would be stayed for a period of a year.
19 If they had no further violations, the days would be
20 dismissed. If there were further violations, the Board
21 could then impose those five days.

22 MR. NOPHLIN: Thank you.

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1 CHAIRPERSON MILLER: Okay. So Mr. Fonseca,
2 is your client agreeable to the offer in compromise as
3 I heard it? It's \$5000 to be paid within 45 days, the
4 license suspended for five days, but that's stayed for
5 a year pending no further violations?

6 MR. FONSECA: It is.

7 CHAIRPERSON MILLER: Okay. And does he
8 understand that he waives his right to a hearing by
9 entering into an offer in compromise?

10 MR. FONSECA: We do.

11 CHAIRPERSON MILLER: Oh, okay. Are there any
12 Board questions on this offer in compromise? Okay.
13 Then I would move that we accept this offer in
14 compromise of a penalty of \$5000 to be paid within 45
15 days, license suspended for five days, stayed for one
16 year pending no further violations.

17 Do I have a second?

18 MR. NOPHLIN: Second.

19 CHAIRPERSON MILLER: Any comments?

20 (No audible response.)

21 CHAIRPERSON MILLER: Okay. We have a motion
22 that's been seconded. All those in favor, say aye?

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1 (Chorus of ayes.)

2 CHAIRPERSON MILLER: All those opposed?

3 MR. ALBERTI: Opposed.

4 CHAIRPERSON MILLER: All those abstaining?

5 (No audible response.)

6 CHAIRPERSON MILLER: Then the vote is 4-1-0

7 to accept the offer in compromise. Okay.

8 MR. BAILEY: Thank you, members of the Board.

9 CHAIRPERSON MILLER: Thank you.

10 (WHEREUPON, at 9:51 a.m., the hearing was
11 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, LINDA METCALF, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

LINDA METCALF

Notary Public in and for the
District of Columbia

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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>_____</p> <p>\$</p> <p>\$5000 3:8 4:3,14</p> <p>_____</p> <p>1</p> <p>12-251-00384 1:8 2:4</p> <p>14th 1:15</p> <p>_____</p> <p>2</p> <p>2000 1:15</p> <p>2012 1:12</p> <p>24 1:12</p> <p>_____</p> <p>4</p> <p>40 3:8</p> <p>4-1-0 5:6</p> <p>45 3:8 4:3,14</p> <p>4C 1:8 2:6</p> <p>_____</p> <p>6</p> <p>60578 2:6</p> <p>_____</p> <p>8</p> <p>829 1:6 2:5</p> <p>_____</p> <p>9</p> <p>9:47 2:2</p> <p>9:51 5:10</p> <p>_____</p> <p>A</p> <p>a.m 2:2 5:10</p> <p>abstaining 5:4</p> <p>accept 3:7 4:13 5:7</p> <p>action 6:10,14</p> <p>agreeable 4:2</p> <p>agreement 3:6</p> <p>ALBERTI 1:18</p>	<p>5:3</p> <p>Alcoholic 1:2,13,14</p> <p>Allowed 1:9</p> <p>am 6:8,11 7:3</p> <p>ANC 1:8 2:6</p> <p>appearing 6:5</p> <p>attorney 6:12</p> <p>audible 2:21 4:20 5:5</p> <p>aye 4:22</p> <p>eyes 5:1</p> <p>_____</p> <p>B</p> <p>Bailey 2:8,10,16,17,19 5:8</p> <p>behalf 2:11</p> <p>Beverage 1:2,13,14</p> <p>Board 1:2,14 3:6,13,20 4:12 5:8</p> <p>Board's 3:1</p> <p>BROOKS 1:18</p> <p>Building 1:15</p> <p>_____</p> <p>C</p> <p>Cafe 1:5,6 2:5,10</p> <p>CALVIN 1:19</p> <p>case 1:8 2:4 3:4</p> <p>Cause 1:7</p> <p>CERTIFICATE 6:1 7:1</p> <p>certify 6:4 7:3</p> <p>Chairperson 1:15,17</p>	<p>2:3,9,15,18,20,2 2 3:3 4:1,7,11,19,21 5:2,4,6,9</p> <p>Chorus 5:1</p> <p>client 4:2</p> <p>Columbia 1:1 2:14 6:20</p> <p>comments 4:19</p> <p>complete 7:8</p> <p>compromise 3:7 4:2,9,12,14 5:7</p> <p>concluded 5:11</p> <p>Control 1:2,13,14</p> <p>correct 7:7</p> <p>counsel 6:9,12</p> <p>Court 7:4,6</p> <p>CT 1:7</p> <p>_____</p> <p>D</p> <p>D.C 1:15</p> <p>Date 7:14</p> <p>days 3:8,9,10,11,12,1 8,19,21 4:3,4,15</p> <p>direction 6:7</p> <p>dismissed 3:12,20</p> <p>Disorderly 1:10</p> <p>District 1:1 2:14 6:20</p> <p>DONALD 1:18</p> <p>_____</p> <p>E</p> <p>employed 6:9,12</p> <p>employee 6:11</p> <p>entered 3:6</p>	<p>entering 4:9</p> <p>Establishment 1:9</p> <p>_____</p> <p>F</p> <p>favor 4:22</p> <p>financially 6:13</p> <p>fine 3:8</p> <p>five 3:9,21 4:4,15</p> <p>Fonseca 2:11 3:2 4:1,6,10</p> <p>foregoing 6:4,5</p> <p>foregoing/ attached 7:7</p> <p>_____</p> <p>G</p> <p>given 6:8</p> <p>_____</p> <p>H</p> <p>heard 4:3</p> <p>hearing 1:8,14 2:16 4:8 5:10 6:4,10</p> <p>hereby 6:4 7:3</p> <p>hereto 6:12</p> <p>HERMAN 1:19</p> <p>hope 3:6</p> <p>_____</p> <p>I</p> <p>I'm 3:14,17</p> <p>impose 3:21</p> <p>imposed 3:13</p> <p>Inc 1:5</p> <p>interested 6:13</p> <p>introduce 2:7</p> <p>Island 1:5,6 2:4,10</p> <p>It's 4:3</p>
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