

Capital Reporting Company
In the Matter of: Sami Restaurant, LLC t/a Bistro 18 11-14-2012

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Sami Restaurant, LLC :
t/a Bistro 18 :
2420 18th Street, NW :
Retailer CR : Show Cause
License No. 86876 : Hearing
ANC 1-C : (Status)
Case Nos. 11-CMP-00324, :
11-CMP-00331, 11-CMP-00457 :
Substantial Change (Sidewalk :
Cafe), No ABC Manager on Duty :
Substantial Change (Sidewalk :
Cafe), No ABC Manager on Duty :
Failed to Obtain an :
Entertainment Endorsement, :
Operating After Board Approved :
Hours :
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November 14, 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
MIKE SILVERSTEIN, Member

ALSO PRESENT
AMY SCHMIDT, OAG

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2	<p>1 PROCEEDINGS 2 4:21 p.m. 3 CHAIRPERSON MILLER: The next case on our 4 calendar and the last case for today is Case Number 11- 5 CMP-00324, 11-CMP-00331 and 11-CMP-00457, Bistro 18, 6 located at 2420 18th Street, NW, License Number 86876 7 in ANC-1C. 8 MR. GHULAS: Good afternoon. 9 CHAIRPERSON MILLER: Good afternoon. 10 MR. GHULAS: Sami Ghulas, represent Bistro 11 18. 12 CHAIRPERSON MILLER: I'm sorry, I missed your 13 name. 14 MR. GHULAS: Sami Ghulas. 15 CHAIRPERSON MILLER: Okay. 16 MS. SCHMIDT: Amy Schmidt, Assistant 17 Attorney General on behalf of The District of Columbia. 18 CHAIRPERSON MILLER: Okay. Good afternoon. 19 This is a show case hearing. Are there any preliminary 20 matters? 21 MS. SCHMIDT: Yes, there is -- yes, we do 22 have an offer in compromise for consideration by the</p>	4	<p>1 MR. JONES: Okay. 2 MS. SCHMIDT: 2011. And I should premise 3 this by saying that in the investigative history there 4 have been -- there were two quarterly statement 5 violations that were fined -- that were fined in the 6 case, this is why we're treating this as a third 7 violation, but that will come into effect later. 8 And the second charge under 11-CMP -- on July 9 31st also, that same violation, a substantial -- there 10 was a substantial change which is based on the fact 11 that they were served alcohol after hours, and that's a 12 primary charge. 13 MR. ALBERTI: And that's how much? 14 MS. SCHMIDT: That's for \$2,000. And that's 15 where the one day served and the one day stayed comes 16 in. 17 CHAIRPERSON MILLER: I'm really -- I'm sorry, 18 I'm totally lost here. 19 MR. BROOKS: I'm not following this. 20 MR. ALBERTI: I'm not. 21 MR. JONES: I am as well. Could you make 22 sure you denote which page number and which --</p>
3	<p>1 board at this time. And that offer is -- I'll give the 2 total first and then I'll break it down individually. 3 It would be a \$6,500 fine and two days 4 suspended, one day to be served on November -- 5 Thursday, November 29th and the other day to be stayed 6 for a period of one year. 7 Now, I'm trying to break this down as easily 8 as I can. Going to the first charge, 11-CMP-00324, the 9 first charge there is 25-113(A) permitting dancing and 10 -- let me give you the official name. I have these 11 short- handed in my purposes. Failure to obtain a 12 sidewalk endorsement cafe, that -- I'm sorry. 25-113 13 is -- I just want to make sure I have that correct. 14 The first charge is providing entertainment 15 permitted dancing and charge a cover charge in 16 violation of 25-113(A). That would be a fine of 17 \$1,000. 18 And then -- 19 MR. ALBERTI: What case is this again, Ms. 20 Schmidt? 21 MS. SCHMIDT: 11-CMP-00324. These are the 22 events that happened on July 31st.</p>	5	<p>1 MS. SCHMIDT: I'm doing one case at a time. 2 The first case, 11-CMP-00324. There are two charges in 3 that case. 4 MR. ALBERTI: That begin -- just for my board 5 members, that begins on Page 38 of the briefing that 6 you have and continues to Page 39. 7 MS. SCHMIDT: Okay. And those events 8 happened on July 31st, if that helps. 9 MR. ALBERTI: Yes. 10 MS. SCHMIDT: Okay. The first charge is -- 11 again, is a violation of 25-113(A) and that is a fine 12 of \$1,000. 13 MR. JONES: 25-113(A)? 14 CHAIRPERSON MILLER: Where is that? 15 MS. SCHMIDT: Yes. 16 MR. ALBERTI: Yeah, we don't see that here. 17 MR. JONES: That's why I'm not following. 18 MR. ALBERTI: No, that's the different -- 19 that's a different date. 20 MS. SCHMIDT: And the charges -- 21 MR. SILVERSTEIN: 113(A) was -- 22 MS. SCHMIDT: In the charging document itself</p>

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<p style="text-align: right;">6</p> <p>1 that's what --</p> <p>2 MR. JONES: What charging document?</p> <p>3 CHAIRPERSON MILLER: Okay, let's see.</p> <p>4 MR. SILVERSTEIN: Are we on Page 37 --</p> <p>5 MR. ALBERTI: Can we have --</p> <p>6 CHAIRPERSON MILLER: Do we have the charging</p> <p>7 document?</p> <p>8 MR. ALBERTI: Just one moment, please. We're</p> <p>9 going to get copies of the charging document.</p> <p>10 CHAIRPERSON MILLER: Oh, yeah. Okay.</p> <p>11 (Pause in proceedings.)</p> <p>12 MR. ALBERTI: Okay, so Ms. Schmidt?</p> <p>13 MS. SCHMIDT: Yes.</p> <p>14 MR. ALBERTI: This is -- Case Number 11-CMP-</p> <p>15 MS. SCHMIDT: 324.</p> <p>16 MR. ALBERTI: 324?</p> <p>17 MS. SCHMIDT: Yes.</p> <p>18 MR. ALBERTI: I see two charges.</p> <p>19 MS. SCHMIDT: Yes. And so the first charge</p> <p>20 is 113(A), 25-113(A).</p> <p>21 MR. ALBERTI: No. Okay, yes. You permitted</p> <p>22 entertainment?</p>	<p style="text-align: right;">8</p> <p>1 MR. ALBERTI: One thousand?</p> <p>2 MS. SCHMIDT: Yes.</p> <p>3 MR. ALBERTI: Okay.</p> <p>4 MS. SCHMIDT: And the second charge is no ABC</p> <p>5 manager, so that would be a fine of \$750.</p> <p>6 MR. ALBERTI: Okay. Now --</p> <p>7 MS. SCHMIDT: Okay and the last charge, the</p> <p>8 last -- and the last set of charges is 11-CMP-457 and</p> <p>9 these events are obtained September 22nd, 2011. And</p> <p>10 the first charge is, again, operating a sidewalk cafe</p> <p>11 without obtaining the permit. That's a fine of \$1,000.</p> <p>12 And then no ABC manager, a fine of \$750 again. And if</p> <p>13 you total that up that's \$6,500 and that is to be paid</p> <p>14 within 90 days.</p> <p>15 CHAIRPERSON MILLER: I'm going to ask Mr.</p> <p>16 Ghulas if it's your understanding and agreement to the</p> <p>17 offer in compromise that's been articulated by Ms.</p> <p>18 Schmidt, on behalf of the government. And that being a</p> <p>19 penalty of \$6,500 to be paid within 90 days plus two</p> <p>20 days your license suspended, one served on November 29</p> <p>21 --</p> <p>22 MR. GHULAS: One serving the 29th and one for</p>
<p style="text-align: right;">7</p> <p>1 MS. SCHMIDT: Yes.</p> <p>2 MR. ALBERTI: Okay.</p> <p>3 MS. SCHMIDT: And that's -- that we're asking</p> <p>4 for a charge -- that's the fine of \$1,000. I</p> <p>5 apologize. I think we all have different documents</p> <p>6 we're working off of and I think it just makes it a</p> <p>7 little confusing.</p> <p>8 CHAIRPERSON MILLER: But we have the charging</p> <p>9 documents now, so that helps.</p> <p>10 MS. SCHMIDT: Okay. And then for Charge 2 on</p> <p>11 that document, that's the substantial charge by serving</p> <p>12 alcohol after hours.</p> <p>13 MR. ALBERTI: Okay.</p> <p>14 MS. SCHMIDT: That would be a fine of \$2,000</p> <p>15 and that's where the one day is to be served on</p> <p>16 November 29th and another day served -- and another day</p> <p>17 stayed for one year.</p> <p>18 MR. ALBERTI: Okay.</p> <p>19 MS. SCHMIDT: No, okay. The next -- now to</p> <p>20 go to 11-CMP-331, the first charge, again, is operating</p> <p>21 a sidewalk cafe, another violation of 25-113(A) and</p> <p>22 that would be a fine of \$1,000.</p>	<p style="text-align: right;">9</p> <p>1 a year, I think, that's what the penalty.</p> <p>2 CHAIRPERSON MILLER: Right. One served at</p> <p>3 November 29th and one stayed for a year, I assume</p> <p>4 pending no violations, further violations. Is that</p> <p>5 correct? Pending no further --</p> <p>6 MS. SCHMIDT: Yes.</p> <p>7 CHAIRPERSON MILLER: -- violations?</p> <p>8 MS. SCHMIDT: Yes.</p> <p>9 CHAIRPERSON MILLER: Okay.</p> <p>10 MR. GHULAS: I agree.</p> <p>11 CHAIRPERSON MILLER: You agree? Okay. And</p> <p>12 do you understand that you waive your right to a</p> <p>13 hearing by offering -- by entering into an offer in</p> <p>14 compromise?</p> <p>15 (No audible response.)</p> <p>16 CHAIRPERSON MILLER: Okay. Board members</p> <p>17 have any questions on the offer in compromise?</p> <p>18 MR. ALBERTI: Yeah.</p> <p>19 MR. GHULAS: I just --</p> <p>20 MR. ALBERTI: I would like to talk, and I</p> <p>21 will tell you why, if you can just give me a moment?</p> <p>22 CHAIRPERSON MILLER: I guess so.</p>

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<p style="text-align: right;">10</p> <p>1 MR. ALBERTI: You want to go --</p> <p>2 CHAIRPERSON MILLER: Wait a second. He has a --</p> <p>3 (Members confer off microphone.)</p> <p>4 CHAIRPERSON MILLER: Mr. Ghulas, did you want</p> <p>5 to say -- ask a question?</p> <p>6 MR. GHULAS: Yeah. For all those cases I was</p> <p>7 -- I wasn't denying them the first time when the board</p> <p>8 called me and now I'm not denying, but all my question,</p> <p>9 the investigator, they come to me like -- right now</p> <p>10 they come to me three times a week or two times a week.</p> <p>11 And I feel like I'm being harassing, that was 2011. In</p> <p>12 the beginning of this year I'm trying to do my better,</p> <p>13 maybe there's some mistakes, but I'm trying to do my</p> <p>14 best. I have the manager, I've been there all the</p> <p>15 time, but I feel like I've been harassed.</p> <p>16 Every time they come to me, it's two or three</p> <p>17 times a week. So, if they want to do, like, even</p> <p>18 undercover it's better for me, because they've been</p> <p>19 harassing me with the -- I mean, with my customer.</p> <p>20 Last time, last Sunday I had, like, they were, like,</p> <p>21 almost going to fight with the customer and that's</p> <p>22 another case coming on the way. So, that's all my</p>	<p style="text-align: right;">12</p> <p>1 reasons cited in 405(B)13 of the Open Meetings</p> <p>2 Amendment Act of 2010.</p> <p>3 Is there a second?</p> <p>4 MR. BROOKS: Second.</p> <p>5 CHAIRPERSON MILLER: Mr. Brooks has seconded</p> <p>6 the motion. I'll now take a roll call vote on the</p> <p>7 motion before us.</p> <p>8 Mr. Brooks?</p> <p>9 MR. BROOKS: I agree.</p> <p>10 CHAIRPERSON MILLER: Mr. Alberti?</p> <p>11 MR. ALBERTI: I agree.</p> <p>12 CHAIRPERSON MILLER: Ms. Miller agrees.</p> <p>13 Mr. Silverstein?</p> <p>14 MR. SILVERSTEIN: I agree.</p> <p>15 CHAIRPERSON MILLER: Mr. Jones?</p> <p>16 MR. JONES: I agree.</p> <p>17 CHAIRPERSON MILLER: It appears the motion</p> <p>18 has passed by a 5 to 0 to 0 vote and I hereby give</p> <p>19 notice that the ABC Board will hold a closed meeting in</p> <p>20 the ABC Board conference room now to consider this,</p> <p>21 pursuant to the Open Meetings Amendment Act of 2010.</p> <p>22 So, we will be back shortly.</p>
<p style="text-align: right;">11</p> <p>1 concern here.</p> <p>2 CHAIRPERSON MILLER: Okay.</p> <p>3 MR. GHULAS: I'll try my best not to do any</p> <p>4 other mistake. And this -- that was my first, it was</p> <p>5 lack of knowledge and I explain it to the board, if you</p> <p>6 guys remember that. But all I need, I just need the</p> <p>7 board to concern that I need just some time maybe, the</p> <p>8 amount of the money I need, 90 days to pay that. So,</p> <p>9 that's all. Thank you very much.</p> <p>10 CHAIRPERSON MILLER: There's -- I think a</p> <p>11 couple board members want to just take a moment and</p> <p>12 perhaps consult with counsel. And so we're going to</p> <p>13 recess and consider this offer in compromise and we</p> <p>14 will return shortly.</p> <p>15 As chairperson of the Alcoholic Beverage</p> <p>16 Control Board for the District of Columbia, and in</p> <p>17 accordance with Section 405 of the Opening Meetings</p> <p>18 Amendment Act of 2010, I move that the ABC Board hold a</p> <p>19 closed meeting for the purpose of seeking legal advice</p> <p>20 from our counsel on Case Number 11-CMP-0047 and</p> <p>21 incorporating those -- the cases that have been</p> <p>22 mentioned here and deliberating upon them for the</p>	<p style="text-align: right;">13</p> <p>1 (Recess)</p> <p>2 CHAIRPERSON MILLER: On the record to</p> <p>3 consider an offer in compromise from the parties. So,</p> <p>4 I'm going to bring a motion, unless there's been any</p> <p>5 change in the meantime.</p> <p>6 MS. SCHMIDT: It depends on what the motion</p> <p>7 is. I'm sorry, what do you mean by change in the</p> <p>8 meantime?</p> <p>9 CHAIRPERSON MILLER: I'm sorry, we are going</p> <p>10 to consider the parties offer in compromise, but I'm</p> <p>11 just asking if there has been any change in the offer</p> <p>12 while we're gone -- while we were back there, before we</p> <p>13 vote on what was before us.</p> <p>14 MS. SCHMIDT: Not at this time. No.</p> <p>15 CHAIRPERSON MILLER: Okay. Okay. All right,</p> <p>16 then we have before us an offer in compromise of \$6,500</p> <p>17 to be paid within 90 days and two days license</p> <p>18 suspended, one day will be served on November 29th and</p> <p>19 one day will be stayed for a year, pending no further</p> <p>20 violations.</p> <p>21 So, I would move that we accept this offer in</p> <p>22 compromise. Do I have a second?</p>

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<p style="text-align: right;">14</p> <p>1 MR. SILVERSTEIN: I second. 2 CHAIRPERSON MILLER: Any comments? All those 3 in favor say aye. 4 MR. SILVERSTEIN: Aye. 5 CHAIRPERSON MILLER: Aye. 6 All those opposed? 7 MR. JONES: Oppose. 8 MR. ALBERTI: I oppose. 9 CHAIRPERSON MILLER: I'm going to take a roll 10 call vote. 11 Mr. Brooks? 12 MR. BROOKS: I agree. 13 CHAIRPERSON MILLER: Okay, Mr. Alberti? 14 MR. ALBERTI: I oppose it because I think 15 some of the fines are above statutory limits, based on 16 my count of previous violations. 17 CHAIRPERSON MILLER: Miller agrees. 18 Silverstein? 19 MR. SILVERSTEIN: I agree. 20 CHAIRPERSON MILLER: Mr. Silverstein agrees. 21 Mr. Jones? 22 MR. JONES: I disagree. I think the time</p>	<p style="text-align: right;">16</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, ANDREW KNOUS, 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. 15 16 17 _____ 18 ANDREW KNOUS 19 Notary Public in and for the 20 District of Columbia 21 22</p>
<p style="text-align: right;">15</p> <p>1 period for payment is too long. 2 CHAIRPERSON MILLER: Okay. All right, then 3 the vote is 3 to 2 to 0 to approve the offer in 4 compromise. 5 MR. GHULAS: Thank you. 6 CHAIRPERSON MILLER: Okay, thank you. We'll 7 sign it. 8 So, I think that that concludes our hearings 9 for today, November 14th, 2012. The board will recess 10 and then we will be back one more time to deal with our 11 agenda. Thank you. 12 (The hearing was concluded at 4:44 p.m.) 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">17</p> <p>1 CERTIFICATE OF TRANSCRIPTION 2 3 I, SUSAN LaPOOH, hereby certify that I am not the 4 Court Reporter who reported the proceeding and that I 5 have typed the transcript of the proceeding using the 6 Court Reporter's notes and recordings. The 7 foregoing/attached transcript is a true, correct and 8 complete transcription of the proceedings. 9 10 11 12 13 _____ 14 Date SUSAN LaPOOH 15 Transcriptionist 16 17 18 19 20 21 22</p>

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<p style="text-align: center;"><u> </u> \$</p> <p>\$1,000 3:17 5:12 7:4,22 8:11</p> <p>\$2,000 4:14 7:14</p> <p>\$6,500 3:3 8:13,19 13:16</p> <p>\$750 8:5,12</p> <p style="text-align: center;"><u> </u> 0</p> <p>0 12:18 15:3</p> <p style="text-align: center;"><u> </u> 1</p> <p>11 2:4</p> <p>113(A) 5:21 6:20</p> <p>11-CMP 4:8 6:14</p> <p>11-CMP-00324 1:8 3:8,21 5:2</p> <p>11-CMP-00331 1:9 2:5</p> <p>11-CMP-00457 1:9 2:5</p> <p>11-CMP-0047 11:20</p> <p>11-CMP-331 7:20</p> <p>11-CMP-457 8:8</p> <p>14 1:14</p> <p>14th 1:16 15:9</p> <p>18 1:6 2:5,11</p> <p>18th 1:6 2:6</p> <p>1-C 1:8</p> <p style="text-align: center;"><u> </u> 2</p> <p>2 7:10 15:3</p> <p>2000 1:16</p> <p>2010 11:18 12:2,21</p> <p>2011 4:2 8:9 10:11</p>	<p>2012 1:14 15:9</p> <p>22nd 8:9</p> <p>2420 1:6 2:6</p> <p>25-113 3:12</p> <p>25-113(A) 3:9,16 5:11,13 6:20 7:21</p> <p>29 8:20</p> <p>29th 3:5 7:16 8:22 9:3 13:18</p> <p style="text-align: center;"><u> </u> 3</p> <p>3 15:3</p> <p>31st 3:22 4:9 5:8</p> <p>324 6:15,16</p> <p>37 6:4</p> <p>38 5:5</p> <p>39 5:6</p> <p style="text-align: center;"><u> </u> 4</p> <p>4:21 2:2</p> <p>4:44 15:12</p> <p>405 11:17</p> <p>405(B)13 12:1</p> <p style="text-align: center;"><u> </u> 5</p> <p>5 12:18</p> <p style="text-align: center;"><u> </u> 8</p> <p>86876 1:7 2:6</p> <p style="text-align: center;"><u> </u> 9</p> <p>90 8:14,19 11:8 13:17</p> <p style="text-align: center;"><u> </u> A</p> <p>ABC 1:10,11 8:4,12 11:18</p>	<p>12:19,20</p> <p>accept 13:21</p> <p>accordance 11:17</p> <p>Act 11:18 12:2,21</p> <p>action 16:10,14</p> <p>advice 11:19</p> <p>afternoon 2:8,9,18</p> <p>agenda 15:11</p> <p>agreement 8:16</p> <p>Alberti 1:19 3:19 4:13,20 5:4,9,16,18 6:5,8,12,14,16,1 8,21 7:2,13,18 8:1,3,6 9:18,20 10:1 12:10,11 14:8,13,14</p> <p>alcohol 4:11 7:12</p> <p>Alcoholic 1:2,15,16 11:15</p> <p>am 4:21 16:8,11 17:3</p> <p>Amendment 11:18 12:2,21</p> <p>amount 11:8</p> <p>Amy 1:22 2:16</p> <p>ANC 1:8</p> <p>ANC-1C 2:7</p> <p>ANDREW 16:3,18</p> <p>apologize 7:5</p> <p>appearing 16:5</p> <p>appears 12:17</p> <p>approve 15:3</p> <p>Approved 1:12</p> <p>articulated 8:17</p> <p>Assistant 2:16</p>	<p>assume 9:3</p> <p>attorney 2:17 16:12</p> <p>audible 9:15</p> <p>aye 14:3,4,5</p> <p style="text-align: center;"><u> </u> B</p> <p>based 4:10 14:15</p> <p>begin 5:4</p> <p>beginning 10:12</p> <p>begins 5:5</p> <p>behalf 2:17 8:18</p> <p>best 10:14 11:3</p> <p>better 10:12,18</p> <p>Beverage 1:2,15,16 11:15</p> <p>Bistro 1:6 2:5,10</p> <p>board 1:2,12,16 3:1 5:4 9:16 10:7 11:5,7,11,16,18 12:19,20 15:9</p> <p>break 3:2,7</p> <p>briefing 5:5</p> <p>bring 13:4</p> <p>Brooks 1:20 4:19 12:4,5,8,9 14:11,12</p> <p>Building 1:16</p> <p style="text-align: center;"><u> </u> C</p> <p>cafe 1:10,11 3:12 7:21 8:10</p> <p>calendar 2:4</p> <p>case 1:8 2:3,4,19 3:19 4:6 5:1,2,3 6:14 10:22 11:20</p> <p>cases 10:6 11:21</p>
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