

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

1

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

-----x
IN THE MATTER OF: :
 :
Shaybuy, Inc. :
t/a Tabaq Bistro :
1336 U Street, NW :
Retailer C : Show Cause
License No. 70707 : Hearing
ANC 1B : (Status)
Case No. 12-251-00065 :
Case No. 12-251-00065(a) :
Allowed the Establishment to be :
Used for an Unlawful or :
Disorderly Purpose; Violation :
Of Voluntary Agreement :
-----x

July 11, 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

FERNANDO RIVERO, OAG

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

2

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

2 9:58 a.m.

3 CHAIRPERSON MILLER: Okay. The next case is
4 a show cause status hearing. It's Case No. 12-251-
5 00065 and 12-251-00065(a), Tabaq Bistro, 1336 U Street,
6 N.W., License No. 70707 and ANC 1B.

7 MR. RIVERO: Good morning, Board members.
8 Fernando Rivero for the District of Columbia.

9 CHAIRPERSON MILLER: Good morning.

10 MR. FONSECA: Good morning. Michael Fonseca
11 on behalf of the Licensee.

12 MR. BUYUKBAYRAK: Omer Buyukbayrak. I'm for
13 the restaurant.

14 CHAIRPERSON MILLER: And what's your position
15 with the restaurant?

16 MR. BUYUKBAYRAK: I'm the owner.

17 CHAIRPERSON MILLER: Okay. Good. And did
18 you receive notice of this hearing?

19 MR. FONSECA: We have, yes.

20 CHAIRPERSON MILLER: Did you read it?

21 MR. FONSECA: Yes, it's understood. And
22 we'll waive reading.

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

3

1 CHAIRPERSON MILLER: Okay. Good. All right.
2 Are there any preliminary matters in this case?

3 MR. RIVERO: Yes. There is -- there are
4 preliminary matters. The parties have a -- offered a
5 compromise to present to the Board at this time. And
6 that officer consists of a fine of \$3000 payable in 30
7 days and a suspension of the license for 3 days stayed
8 for a period of one year, pending no further
9 violations. This establishment was previously the
10 subject of a summary suspension proceeding and, in
11 fact, was closed for a period of 11 days consecutive.

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: So our office took that closure
14 into account in formulating the terms of this offer
15 that we present to the Board today.

16 CHAIRPERSON MILLER: Okay. And let me ask
17 the applicant, do you agree to this offer in
18 compromise, which I understand to be a fine of \$3000
19 payable within 30 days, license suspended for 3 days
20 stayed for one year, pending no further violations?

21 MR. BUYUKBAYRAK: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay. And you

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

4

1 understand that you waive your right to a hearing by
2 accepting this
3 OIC?

4 MR. BUYUKBAYRAK: Yes, ma'am.

5 CHAIRPERSON MILLER: Okay. Any Board
6 questions? Okay, okay. Then I would move that we
7 approve this offer in compromise. The \$3000 should be
8 paid within 30 days, the license suspended for 3 days
9 but stayed, for one year pending no further violations.
10 Can I have a second?

11 MALE: Second.

12 CHAIRPERSON MILLER: Any comments and --
13 okay. All those in favor, say aye?

14 (Chorus of ayes.)

15 CHAIRPERSON MILLER: All those opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: Those abstaining?

18 (No audible response.)

19 CHAIRPERSON MILLER: Then the motion is
20 approved by a vote of 6-0-0.

21 MR. RIVERO: Thank you.

22 CHAIRPERSON MILLER: Thank you.

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

5

1 MR. FONSECA: Thank you.

2 (WHEREUPON, at 10:01 a.m., the hearing was
3 concluded.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATE OF NOTARY PUBLIC

I, NATALIA THOMAS, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript 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 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.

NATALIA THOMAS
Notary Public in and for
DISTRICT OF COLUMBIA

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATE OF TRANSCRIPTION

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

Date
MIRANDA PENNACHI
Transcriptionist

Capital Reporting Company
 In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012
 Page 1

<p>_____</p> <p style="text-align: center;">\$</p> <hr/> <p>\$3000 3:6,18 4:7</p> <p>_____</p> <p style="text-align: center;">0</p> <hr/> <p>00065 2:5</p> <p>_____</p> <p style="text-align: center;">1</p> <hr/> <p>10:01 5:2</p> <p>11 1:12 3:11</p> <p>12-251 2:4</p> <p>12-251-00065 1:8</p> <p>12-251-00065(a) 1:9 2:5</p> <p>1336 1:6 2:5</p> <p>14th 1:15</p> <p>1B 1:8 2:6</p> <p>_____</p> <p style="text-align: center;">2</p> <hr/> <p>2000 1:15</p> <p>2012 1:12</p> <p>_____</p> <p style="text-align: center;">3</p> <hr/> <p>3 3:7,19 4:8</p> <p>30 3:6,19 4:8</p> <p>_____</p> <p style="text-align: center;">6</p> <hr/> <p>6-0-0 4:20</p> <p>_____</p> <p style="text-align: center;">7</p> <hr/> <p>70707 1:7 2:6</p> <p>_____</p> <p style="text-align: center;">9</p> <hr/> <p>9:58 2:2</p> <p>_____</p> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 5:2</p> <p>abstaining 4:17</p> <p>accepting 4:2</p>	<p>account 3:14</p> <p>action 6:10,14</p> <p>Agreement 1:11</p> <p>ALBERTI 1:17</p> <p>Alcoholic 1:2,13,14</p> <p>Allowed 1:9</p> <p>am 6:9,11 7:3</p> <p>ANC 1:8 2:6</p> <p>appearing 6:5</p> <p>applicant 3:17</p> <p>approve 4:7</p> <p>approved 4:20</p> <p>attorney 6:12</p> <p>audible 4:16,18</p> <p>aye 4:13</p> <p>ayes 4:14</p> <p>_____</p> <p style="text-align: center;">B</p> <hr/> <p>behalf 2:11</p> <p>Beverage 1:2,13,14</p> <p>Bistro 1:6 2:5</p> <p>Board 1:2,14 2:7 3:5,15 4:5</p> <p>BROOKS 1:18</p> <p>Building 1:15</p> <p>Buyukbayrak 2:12,16 3:21 4:4</p> <p>_____</p> <p style="text-align: center;">C</p> <hr/> <p>CALVIN 1:19</p> <p>case 1:8,9 2:3,4 3:2</p> <p>cause 1:7 2:4</p> <p>CERTIFICATE</p>	<p>6:1 7:1</p> <p>certify 6:4 7:3</p> <p>Chairperson 1:15,17 2:3,9,14,17,20 3:1,12,16,22 4:5,12,15,17,19, 22</p> <p>Chorus 4:14</p> <p>closed 3:11</p> <p>closure 3:13</p> <p>Columbia 1:1 2:8 6:21</p> <p>comments 4:12</p> <p>complete 7:8</p> <p>compromise 3:5,18 4:7</p> <p>concluded 5:3</p> <p>consecutive 3:11</p> <p>consists 3:6</p> <p>Control 1:2,13,14</p> <p>correct 7:8</p> <p>counsel 6:9,12</p> <p>Court 7:4,6</p> <p>_____</p> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:15</p> <p>Date 7:15</p> <p>days 3:7,11,19 4:8</p> <p>direction 6:7</p> <p>Disorderly 1:10</p> <p>District 1:1 2:8 6:21</p> <p>DONALD 1:18</p> <p>_____</p> <p style="text-align: center;">E</p> <hr/>	<p>employed 6:9,12</p> <p>employee 6:11</p> <p>establishment 1:9 3:9</p> <p>_____</p> <p style="text-align: center;">F</p> <hr/> <p>fact 3:11</p> <p>favor 4:13</p> <p>Fernando 1:20 2:8</p> <p>financially 6:13</p> <p>fine 3:6,18</p> <p>Fonseca 2:10,19,21 5:1</p> <p>foregoing 6:4,5</p> <p>foregoing/ attached 7:7</p> <p>formulating 3:14</p> <p>_____</p> <p style="text-align: center;">G</p> <hr/> <p>given 6:8</p> <p>_____</p> <p style="text-align: center;">H</p> <hr/> <p>hearing 1:7,14 2:4,18 4:1 5:2 6:4</p> <p>hereby 6:4 7:3</p> <p>hereto 6:12</p> <p>HERMAN 1:18</p> <p>_____</p> <p style="text-align: center;">I</p> <hr/> <p>I'm 2:12,16</p> <p>Inc 1:5</p> <p>interested 6:13</p> <p>it's 2:4,21</p> <p>_____</p> <p style="text-align: center;">J</p> <hr/> <p>JONES 1:18</p>
--	---	---	---

Capital Reporting Company
 In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012
 Page 2

<p>July 1:12</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>license 1:7 2:6 3:7,19 4:8</p> <p>Licensee 2:11</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 3:21 4:4</p> <p>MALE 4:11</p> <p>MATTER 1:4</p> <p>matters 3:2,4</p> <p>MEETING 1:3</p> <p>Member 1:17,18,19</p> <p>members 2:7</p> <p>met 1:14</p> <p>Michael 2:10</p> <p>MIKE 1:19</p> <p>Miller 1:15,17 2:3,9,14,17,20 3:1,12,16,22 4:5,12,15,17,19, 22</p> <p>MIRANDA 7:3,15</p> <p>morning 2:7,9,10</p> <p>motion 4:19</p> <p>move 4:6</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:15 2:6</p> <p>NATALIA 6:3,19</p> <p>neither 6:9</p> <p>NICK 1:17</p> <p>NOPHLIN 1:19</p> <p>nor 6:9,13</p>	<p>Notary 6:1,20</p> <p>notes 7:6</p> <p>notice 2:18</p> <p>NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OAG 1:20</p> <p>offer 3:14,17 4:7</p> <p>offered 3:4</p> <p>office 3:13</p> <p>officer 3:6 6:3</p> <p>OIC 4:3</p> <p>Omer 2:12</p> <p>opposed 4:15</p> <p>otherwise 6:13</p> <p>outcome 6:13</p> <p>owner 2:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paid 4:8</p> <p>parties 3:4 6:8,10,12</p> <p>payable 3:6,19</p> <p>pending 3:8,20 4:9</p> <p>PENNACHI 7:3,15</p> <p>period 3:8,11</p> <p>position 2:14</p> <p>preliminary 3:2,4</p> <p>present 1:16,20 3:5,15</p> <p>presiding 1:15</p> <p>previously 3:9</p> <p>proceeding 3:10 7:5,6,9</p>	<p>Public 6:1,20</p> <p>Purpose 1:10</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 4:6</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reading 2:22</p> <p>receive 2:18</p> <p>record 6:8</p> <p>recorded 6:6</p> <p>recordings 7:7</p> <p>reduced 6:6</p> <p>Reeves 1:15</p> <p>related 6:9</p> <p>relative 6:11</p> <p>reported 7:4</p> <p>Reporter 7:4</p> <p>Reporter's 7:6</p> <p>response 4:16,18</p> <p>restaurant 2:13,15</p> <p>Retailer 1:7</p> <p>Rivero 1:20 2:7,8 3:3,13 4:21</p> <p>Room 1:14</p> <p>Ruthanne 1:15,17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>second 4:10,11</p> <p>Shaybuy 1:5</p> <p>SILVERSTEIN 1:19</p> <p>status 1:8 2:4</p> <p>stayed 3:7,20 4:9</p> <p>Street 1:6,15 2:5</p>	<p>subject 3:10</p> <p>summary 3:10</p> <p>suspended 3:19 4:8</p> <p>suspension 3:7,10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6</p> <p>Tabaq 1:6 2:5</p> <p>terms 3:14</p> <p>testimony 6:5,8</p> <p>Thank 4:21,22 5:1</p> <p>thereafter 6:6</p> <p>THOMAS 6:3,19</p> <p>today 3:15</p> <p>transcript 6:5 7:5,7</p> <p>transcription 6:7 7:1,8</p> <p>Transcriptionist 7:16</p> <p>true 6:7 7:8</p> <p>typed 7:5</p> <p>typewriting 6:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 3:18 4:1</p> <p>understood 2:21</p> <p>Unlawful 1:10</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Violation 1:10</p> <p>violations 3:9,20 4:9</p> <p>Voluntary 1:11</p>
--	---	---	---

Capital Reporting Company
In the Matter of: Shaybuy, Inc. t/a Tabaq Bistro 07-11-2012
Page 3

<p>vote 4:20</p> <hr/> <p>W</p> <hr/> <p>waive 2:22 4:1</p> <p>Washington 1:15</p> <p>we'll 2:22</p> <p>WHEREUPON 5:2</p> <p>whom 6:3</p>			
--	--	--	--