

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :

7 Maggiano's HLG Corporation: Case # 16-CC-00052

8 t/a Maggiano's :
 9 5333 Wisconsin Ave NW :
 10 License #72256 :
 11 ANC 3E :
 12 No ABC Manager on Duty :
 13 - - - - -X

14 Wednesday, November 2, 2016

15

16 Whereupon, the above-referenced matter
 17 came on for hearing at the Alcoholic Beverage
 18 Control Board, Reeves Center, 2000 14th Street,
 19 N.W., Suite 400S, Washington, D.C. 20009.

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1 BOARD MEMBERS PRESENT

2 NICK ALBERTI, BOARD MEMBER

3 JAMES SHORT, BOARD MEMBER

4 MIKE SILVERSTEIN, BOARD MEMBER

5 JAKE PERRY, BOARD MEMBER

6 MAFARA HOBSON

7

8 ALSO PRESENT:

9 ZACHARY SHAPIRO

10 MICHAEL FONSECA

11 JENNIFER ZIELINSKI

12

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

2 SHOW CAUSE HEARING

3 CHAIRPERSON ANDERSON: Our next -- we are
4 moving in to our show cause calendar and the
5 first case on our show cause calendar is case
6 #16-CC-00052, Maggiano's, license #72256. Will
7 the parties please approach and identify
8 themselves for the record, please?

9 Thank you and good morning. Zachary Shapiro,
10 assistant attorney general for the District of
11 Columbia.

12 CHAIRPERSON ANDERSON: Good morning, Mr.
13 Shapiro.

14 MR. SHAPIRO: Good morning.

15 MR. FONSECA: Good morning board members.
16 Michael Fonseca on behalf of the licensee.

17 CHAIRPERSON ANDERSON: Good morning, Mr.
18 Fonseca.

19 MS. ZIELINSKI: Jennifer Zielinski, managing
20 partner of Maggiano's.

21 CHAIRPERSON ANDERSON: Good morning, Ms.
22 Zielinski. Are there any preliminary matters in

1 this case?

2 MR. SHAPIRO: Yes, there is, Mr. Chairman.
3 There is an offer in compromise.

4 CHAIRPERSON ANDERSON: And what is the offer
5 in compromise?

6 MR. SHAPIRO: The terms of the offer in
7 compromise are \$350 fine payable in 30 days or
8 the license will be suspended.

9 MR. FONSECO: Mr. Chair, we're amenable to
10 that. We will pay it today, I have a check.

11 CHAIRPERSON ANDERSON: All right. It is my
12 understanding that there is an offer in
13 compromise of a fine of \$350 payable in 30 days
14 and if it is not payable in 30 days the license
15 will be suspended. I know, Ms. Zielinski, that
16 you are the authorized representative. Is this
17 your understanding of the offer in compromise?

18 MS. ZIELINSKI: Yes.

19 CHAIRPERSON ANDERSON: And was it explained
20 to you by your attorney that by accepting this
21 offer in compromise that the licensee gives up
22 their rights to have a hearing?

1 MS. ZIELINSKI: Yes.

2 CHAIRPERSON ANDERSON: And you are also
3 giving up a right to appeal this matter?

4 MS. ZIELINSKI: Yes.

5 CHAIRPERSON ANDERSON: Hearing that, I make a
6 motion that an offer in compromise of a fine of
7 \$350 payable in 30 days be accepted and if it is
8 not payable in 30 days that the license will be
9 suspended. Is there a second?

10 MR. SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has seconded
12 the motion. Those in favor say aye. (Chorus of
13 ayes.) Those opposed? (No audible response.)
14 The matter passed 6-zero-zero.

15 MR. ALBERTI: May I?

16 CHAIRPERSON ANDERSON: Yes, Mr. Alberti?

17 MR. ALBERTI: I would like to first say I
18 [inaudible 6:12].

19 MR. FONSECO: If I may, before -- before I
20 let you do a sidebar, they currently have ten
21 licensed managers and we know that there's one in
22 the pipeline and we and we're not happy with that

1 but we'll just have to deal with that when it
2 comes up.

3 MR. ALBERTI: Okay, so you understand the
4 reason that I'm asking is that this is the fourth
5 adjudicated "no ABC manager" and you have a fifth
6 one, which is pending, all since April, so I'm a
7 little curious as to what you're doing to remedy
8 this.

9 MS. ZIELINSKI: Certainly. So, we have
10 everyone from our banquet sales managers to our
11 chefs that have all gotten licenses.
12 Unfortunately, due to having managers from other
13 locations and so forth, it's been a difficult
14 situation, we've put ourselves in the situation,
15 so we are currently making sure that everyone --
16 and if we have someone that visits us from
17 another location we have an ABC manager on
18 premises from our location.

19 MR. ALBERTI: Yeah, I'm familiar with the
20 business. You have a reputable, great
21 restaurant. But it is important to us to have
22 someone there who we know is responsible.

1 MS. ZIELINSKI: Absolutely.

2 MR. ALBERTI: All right? You know, that is
3 authorized in that position. It's important when
4 our inspectors go in and need to make sure that
5 everyone does this, so I encourage you to figure
6 out how to make it happen in the future.

7 MS. ZIELINSKI: Yes, sir.

8 MR. FONSECO: Thank you member Alberti, and
9 I'm happy to see the two new board members. Good
10 luck. Thank you.

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12 (Whereupon, the above-entitled matter was
13 concluded.)

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