

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 Ultimo, LLC : Case: #16-CMP-000238
8 t/a Malbec Restaurant :
9 1633 17th Street Northwest :
10 License #93308 :
11 Retailer CR :
12 ANC 2B :
13 No ABC Manager :

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15 Wednesday, July 13, 2016

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

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2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 RUTHANNE MILLER, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7

8 ALSO PRESENT:

9 FELIX NELSON AYALA, JR

10 ZACHARY SHAPIRO

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

2 SHOW CAUSE HEARING (STATUS)

3 CHAIRPERSON ANDERSON: Okay, the next
4 case is Case #16-CMP-00238, Malbec Restaurant,
5 license #93308. Will the parties please approach
6 and identify themselves for the record?

7 MR. SHAPIRO: Zachary Shapiro on behalf of
8 the District of Columbia.

9 CHAIRPERSON ANDERSON: Good morning, again,
10 Mr. Shapiro.

11 MR. AYALA: Felix Nelson Ayala Jr., one of
12 the owners.

13 CHAIRPERSON ANDERSON: I'm sorry, your name
14 sir?

15 MR. AYALA: Felix Nelson Ayala, Jr., one of
16 the owners.

17 CHAIRPERSON ANDERSON: Okay, Mr. Ayala.
18 Thanks. Are there any preliminary matters in
19 this case?

20 MR. SHAPIRO: Yes, there is, there's an offer
21 in compromise.

22 CHAIRPERSON ANDERSON: And what is the offer

1 in compromise, please?

2 MR. SHAPIRO: The offer in compromise is a
3 fine of \$800 --

4 CHAIRPERSON ANDERSON: Of how much?

5 MR. SHAPIRO: \$800 for charge 1 --

6 CHAIRPERSON ANDERSON: Okay.

7 MR. SHAPIRO: -- payable in 30 days or the
8 license will be suspended, charge 2 will be
9 dismissed as the agency previously issued a
10 mandatory written warning for that, for charge 2.

11 CHAIRPERSON ANDERSON: All right. Mr. Ayala,
12 it's my understanding that there is an offer in
13 compromise of an \$800 fine for charge 1, payable
14 in 30 -- you said how many days? I'm sorry.

15 MR. SHAPIRO: Thirty days.

16 CHAIRPERSON ANDERSON: Payable in 30 days.
17 Is this your -- and if it's not paid -- that
18 charge 2 will be dismissed with just a warning
19 that was already issued. Is this your
20 understanding of the offer in compromise?

21 MR. AYALA: Yes, sir.

22 CHAIRPERSON ANDERSON: Are you aware that by

1 accepting this offer that you're giving up your
2 right to a hearing?

3 MR. TESFAYE: Yes, sir.

4 CHAIRPERSON ANDERSON: And are you also aware
5 that you are giving up your right to appeal this
6 matter?

7 MR. TESFAYE: Yes, sir.

8 CHAIRPERSON ANDERSON: All right. Do we have
9 Any other questions by any of the Board members
10 on this issue: Hearing none, I then make a
11 motion that this offer in compromise of a fine of
12 \$800 payable in 30 days for charge 1 be accepted
13 and that charge 2 be dismissed, that if the fine
14 is not payable in 30 days that the license will
15 be suspended until they have come in compliance.
16 Is there a second?

17 MR. ALBERTI: Second.

18 CHAIRPERSON ANDERSON: Mr. Alberti has
19 seconded the motion. Those in favor say Aye.
20 [Chorus of ayes] Those opposed? [No audible
21 response.] The matter passed 5-zero-zero. Thank
22 you very much. We'll have you sign. Ms. Walker

1 will have you sign some documents, sir, before
2 you leave. So, don't run out of the room too
3 quickly.

4 (Whereupon, the above-entitled matter was
5 concluded.)

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