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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
Kookoovaya, Inc., : Show Cause Hearing
t/a We, The Pizza : Case # 15-CC-00101
306 Pennsylvania Avenue :
License # 82062 :
Retailer Class CR :
ANC-6B :
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Wednesday, February 3, 2016

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

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 FERNANDO RIVERO, Assistant Attorney General

12 On Behalf of the District of Columbia

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14 KARINA WILKEY,

15 On Behalf of We, The Pizza

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17 JOHN RENNINGER,

18 On Behalf of Sunnyside Restaurant Group

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

2 CHAIRMAN ANDERSON: I want to move on to the next
3 case on our calendar, case number 15-CC-00101, We, The
4 Pizza, license number 82062. Will the parties please
5 approach and identify yourselves for the record, please?

6 MR. RIVERO: Good morning, board members.
7 Fernando Rivero for the District of Columbia standing in for
8 Louise Phillips.

9 MS. WILKEY: Good morning. My name is Karina
10 Wilkey, Controller of We, The Pizza.

11 MR. RENNINGER: I'm John Renninger. I'm Director
12 of Operations of Sunnyside Restaurant Group, which oversees
13 We, The Pizza.

14 CHAIRMAN ANDERSON: Thank you. Are there any
15 preliminary matters?

16 MR. RIVERO: The parties have an offer in
17 compromise to present to the board at this time.

18 CHAIRMAN ANDERSON: Yes. Go ahead, please.

19 MR. RIVERO: The offer consists as follows: A
20 \$6,000 fine, a suspension of 25 days of which 14 will be
21 served, February 8 through February 21, 2016, those being
22 dates that the licensee is regularly open, and the other 11

1 days are stayed for a period of one year pending no further
2 violations. Charges two and four are dismissed, and alcohol
3 awareness training will be required of employees serving or
4 selling alcoholic beverages, said training to be completed
5 within 90 days. The fine and suspension dates break down as
6 follows: Charge one, \$2,000 and five-day stay; charge three,
7 \$4,000 plus 10 days, four of which are served, six of which
8 are stayed; and that leaves five days from a prior case that
9 were stayed and must be served. That prior case was
10 14-CC-00141. I am happy to repeat any of these terms or
11 answer questions about them.

12 CHAIRMAN ANDERSON: When will the fine be paid?

13 MR. RIVERO: The fine is payable --

14 Indulgence.

15 The fine is payable in 60 days.

16 CHAIRMAN ANDERSON: And?

17 MR. RIVERO: And the license will be suspended
18 until payment is received, if the payment is not received by
19 the 60th day.

20 CHAIRMAN ANDERSON: Okay. All right. This is my
21 understanding of the offer in compromise. It's my
22 understanding that the total fine to be paid is \$6,000; is

1 that correct?

2 MS. WILKEY: Yes, sir.

3 CHAIRMAN ANDERSON: And that there's a suspension
4 of 25 days. 14 days will be served, and the 14 days that
5 will be served are February 8th through the 21st 2016; is
6 that correct?

7 MR. REMMINGER: Yes.

8 CHAIRMAN ANDERSON: And that 11 days are stayed
9 for a period of one year pending no further violation; is
10 that correct?

11 MR. REMMINGER: Yes, sir.

12 CHAIRMAN ANDERSON: And that charges two and
13 charge four are dismissed; is that correct?

14 MR. REMMINGER: Correct.

15 CHAIRMAN ANDERSON: And that alcohol awareness
16 training will be required of all employees, and that will be
17 completed in 90 days; is that correct?

18 MR. REMMINGER: Correct.

19 CHAIRMAN ANDERSON: And I know that it said that
20 charge one is basically \$2,000, five-day stay; is that
21 correct?

22 MR. REMMINGER: Yes.

1 CHAIRMAN ANDERSON: Charge three, \$4,000 with 10
2 days stayed?

3 MR. REMMINGER: Yes.

4 CHAIRMAN ANDERSON: And that you're serving the
5 days based on a violation of a prior board order; is that
6 correct?

7 MR. REMMINGER: Yes.

8 CHAIRMAN ANDERSON: And that it's agreeable that
9 the fine will be paid within 60 days; and if not paid within
10 60 days that your license will be suspended until you have
11 paid the fine; is that correct?

12 MR. REMMINGER: Yes, sir.

13 CHAIRMAN ANDERSON: All right.

14 Now, does any board members have any questions
15 regarding --

16 Yes, Mr. Alberti?

17 MR. ALBERTI: Just for the record, I believe that
18 you have filed a letter of representation in previous cases;
19 is that correct?

20 MS. WILKEY: Yes.

21 MR. ALBERTI: Okay. I just want to make sure we
22 were --

1 MR. RIVERO: They actually have one today.

2 MR. ALBERTI: Oh, you have one today? Great. So
3 do you have a copy for us here?

4 MS. WILKEY: Yes, I have three copies.

5 MR. ALBERTI: Thank you. I just wanted to make
6 sure we had that on the record.

7 CHAIRMAN ANDERSON: Do we have any other board
8 members with questions?

9 MS. MILLER: I just want to --

10 CHAIRMAN ANDERSON: Ms. Miller.

11 MS. MILLER: Could Mr. Rivero just clarify the
12 days served and stayed with each count?

13 CHAIRMAN ANDERSON: Do we have any other
14 questions by any other board member?

15 MR. RIVERO: A question was asked.

16 CHAIRMAN ANDERSON: I'm sorry.

17 MR. RIVERO: To clarify the dates served and the
18 days stayed.

19 So we have 14 days -- we have a total of 20 days
20 of this particular case.

21 MS. MILLER: Hm-hm.

22 MR. RIVERO: And then I said 25 because of a

1 prior case tacking on five days.

2 CHAIRMAN ANDERSON: Okay.

3 MR. RIVERO: And I mentioned the case number of
4 that. So those five days have to be served on the prior
5 case.

6 To focus on the 20 days that we have here, we've
7 got 11 stayed, and the 11 stayed break down as five from
8 charge one and six from charge three. So that takes care of
9 the 11-day stay.

10 MS. MILLER: Hm-hm.

11 MR. RIVERO: And then we've got nine served, and
12 those nine days are five from that prior case and four that
13 attach to charge three.

14 MS. MILLER: Okay. Thank you.

15 CHAIRMAN ANDERSON: Do we have any other
16 questions by any other board members?

17 (No response heard.)

18 CHAIRMAN ANDERSON: Then I move that the OIC is
19 approved, basically a \$6,000 fine, suspension of a total of
20 25 days, because five days was from the previous case, 14
21 will be served from February the 8th through February 21st.
22 11 days are stayed for a period of one year pending further

1 violation. Charge two and four are dismissed. Alcohol
2 awareness training will be provided to all employees within
3 90 days. And the fine will be paid within 60 days. If the
4 fine is not paid within 60 days, the license will be
5 suspended.

6 Is there a second?

7 MR. SHORT: Second.

8 CHAIRMAN ANDERSON: Mr. Short has seconded the
9 motion. Those in favor say aye.

10 GROUP: Aye.

11 CHAIRMAN ANDERSON: Those opposed?

12 (No response heard.)

13 CHAIRMAN ANDERSON: The matter passes five, zero,
14 zero. Thank you very much. The board will be issuing a
15 board order incorporating the terms of the agreement. All
16 right? Thank you very much.

17 MR. RIVERO: Thank you for your time.

18 (Whereupon, the above-entitled matter concluded.)

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