

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

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Gabriel, Inc. t/a :

Potomac Wines and Spirits : Show Cause

3100 M Street, NW : Hearing

Retailer A - ANC-2E : (Status)

License No. 1926 :

Case #14-CMP-00197 :

:

(A Sealed Bottle of Alcohol :
 Was Opened and Consumed at :
 the Establishment, Operating :
 After Hours, Interfered With :
 an Investigation) :

January 7, 2015

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, Chairperson
 Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

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

10:09 a.m.

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3 CHAIRPERSON MILLER: The next case is
4 Case No. 14-CMP-00197, Potomac Wines and Spirits
5 located at 3100 M Street, N.W., License No. 1926,
6 in ANC-2E.

7 MS. PHILLIPS: Good morning, Madam
8 Chair. Louise Phillips, Assistant Attorney
9 General for the District of Columbia.

10 CHAIRPERSON MILLER: Good morning.

11 MR. FONSECA: Michael Fonseca on
12 behalf of the licensee.

13 MR. STEPHEN FELDMAN: Stephen Feldman,
14 owner.

15 MR. JOSH FELDMAN: Josh Feldman,
16 owner.

17 CHAIRPERSON MILLER: Mr. Fonseca,
18 happy new year.

19 MR. FONSECA: Happy new year, Board
20 Members.

21 CHAIRPERSON MILLER: Did your clients
22 receive notice of this hearing?

1 MR. FONSECA: Yes. And we were at a
2 previous status and we put that into the record
3 that they received it, read it, understood it.

4 CHAIRPERSON MILLER: Great. All
5 right. Are there any preliminary matters then in
6 this case?

7 MS. PHILLIPS: There are, Madam Chair.
8 The parties have an OIC to present to the Board.
9 It's a fine of \$6,000 to be paid on the 7th it
10 says. And a five day suspension, two days stayed
11 and three days served. The store will serve the
12 three days suspension on Friday, Saturday and
13 Sunday, January 9th, 10th and 11th. I think I have
14 that right.

15 MR. FONSECA: For the record, they do
16 have Sunday hours and they regularly operate on
17 Sundays.

18 CHAIRPERSON MILLER: Okay. And is
19 there a breakdown of fines between the charges
20 that you want to put on the record?

21 MS. PHILLIPS: I think it's \$2,000 on
22 each, Madam Chair.

1 CHAIRPERSON MILLER: Okay. All right.
2 Mr. Fonseca, then does -- do your clients agree
3 to this Offer in Compromise, as I understand it
4 to be, a fine in total of \$6,000 to be paid
5 today? Also, the license will be suspended for
6 five days, three days served, two days stayed and
7 the suspension will be Friday, Saturday, Sunday,
8 January 9th, 10th and 11, 2015.

9 MR. STEPHEN FELDMAN: We agree.

10 CHAIRPERSON MILLER: Okay. Are there
11 any questions by Board Members?

12 MEMBER ALBERTI: No. But I would like
13 to make a comment after we vote.

14 CHAIRPERSON MILLER: Okay. All right.
15 Then I move that we approve this Offer in
16 Compromise of a fine of \$6,000 to be paid today
17 and the license suspended for five days with
18 three days served, two days stayed. The license
19 will be suspended on Friday, Saturday and Sunday,
20 January 9, 10 and 11, 2015. Do I have a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Mr. Silverstein

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 6-0-0.

7 Okay. Mr. Alberti, did you wish to
8 say something?

9 MEMBER ALBERTI: I will be brief. I
10 just -- in cases like this, I think it's
11 important for the Board to remind the license and
12 everyone that what is one of the most egregious
13 things that this Board views is not cooperating
14 with our Investigators.

15 So I just want to remind everyone of
16 that. That we expect everyone, regardless of
17 what the Investigators are asking, just to
18 cooperate. I mean, if you feel the Investigator
19 is wrong, you can contact our Director, but we
20 expect -- our Investigators go out there. It's a
21 tough job. They are facing very dangerous
22 situations sometimes. We expect everybody to

1 cooperate with them.

2 Okay. Thank you. And thank you for
3 your willingness to settle this case. Okay.

4 MR. STEPHEN FELDMAN: Thank you.

5 CHAIRPERSON MILLER: Okay. Thank you
6 very much, Mr. Alberti.

7 MR. JOSH FELDMAN: We appreciate it.

8 CHAIRPERSON MILLER: Okay.

9 (Whereupon, the Show Cause (Status)

10 Hearing in the above-entitled matter was

11 concluded at 10:14 a.m.)

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