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

(9:54 a.m.)

CHAIRPERSON MILLER: Next case on the calendar is Case Number 13-CMP-00339, Tortilla Coast, located at 1454 P Street NW, license number 86859, in ANC 2F.

MS. COLLAR: I'm Victoria Collar from Tortilla Coast.

CHAIRPERSON MILLER: And could you identify your position with Tortilla Coast?

MS. COLLAR: Human resources manager for the company.

CHAIRPERSON MILLER: You're human resources? Do you have any ownership?

MS. COLLAR: Operations. I do work in operations as well.

CHAIRPERSON MILLER: Right, but do you have any ownership in the --

MS. COLLAR: I do not.

CHAIRPERSON MILLER: No. Do you have a letter of authorization to represent the --

1 MS. COLLAR: I do not.

2 CHAIRPERSON MILLER: No. Okay.

3 I'll get back to that. All right. But let me
4 ask you this, do you know -- well, let's have
5 Ms. Gephardt introduce herself for the record.

6 MS. GEPHARDT: Yes, hi. Chrissie
7 Gephardt on behalf of the Office of the
8 Attorney General.

9 CHAIRPERSON MILLER: Okay, good
10 morning.

11 MS. GEPHARDT: Good morning.

12 CHAIRPERSON MILLER: What's your
13 last name? I'm sorry.

14 MS. COLLAR: Collar.

15 CHAIRPERSON MILLER: Collar?

16 MS. COLLAR: Yes.

17 CHAIRPERSON MILLER: So Ms.
18 Collar, do you know whether the restaurant or
19 establishment received notice of this hearing?

20 MS. COLLAR: We did.

21 CHAIRPERSON MILLER: Okay. And
22 did you know whether that notice was read or

1 understood?

2 MS. COLLAR: Yes, it is.

3 CHAIRPERSON MILLER: By whom?

4 MS. COLLAR: Brian Sullivan. He's
5 the owner of the company.

6 CHAIRPERSON MILLER: All right,
7 then I'm going to make that notice a part of
8 the record. So, well, Ms. Gephardt, I don't
9 assume then there are any preliminary matters,
10 are there?

11 MS. GEPHARDT: Well, there are.
12 We have come to an offer in compromise.

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: But I don't know
15 how the Board would like to deal with the
16 representation issue. Should we go ahead and
17 discuss the offer and the Board can vote on
18 it? And then get a letter of authorization?

19 CHAIRPERSON MILLER: Right. Let
20 me explain that, you know, what Ms. Gephardt
21 is saying. It sounds like that she has an
22 offer in compromise, an agreement to settle

1 this case that you all agreed to, but we need
2 somebody who has the authority to enter into
3 that agreement.

4 MS. COLLAR: Okay.

5 CHAIRPERSON MILLER: And it
6 doesn't sound like you have that authority in
7 writing, or do you want to address how you may
8 have that authority?

9 MS. COLLAR: I don't have it in
10 writing. I've been given permission to attend
11 the hearing today and to discuss the matter,
12 by the president, verbally.

13 CHAIRPERSON MILLER: Okay. So you
14 don't have authority to settle the case, do
15 you?

16 MS. COLLAR: I have authority just
17 verbally from him to settle and pay for a fine
18 today.

19 CHAIRPERSON MILLER: Okay, so Ms.
20 Gephardt --

21 MS. GEPHARDT: I know in other
22 situations what we've done is we've discussed

1 the offer in compromise, the Board has voted
2 on it, and then, you know, within a few hours
3 or later this afternoon she would get a letter
4 from the president and fax it over to the
5 Board. And then dependent upon whether
6 authorization is given or not, then the OIC
7 will go forward or not.

8 CHAIRPERSON MILLER: Right. I
9 think that's true.

10 MS. COLLAR: And I can do that
11 pretty quickly.

12 CHAIRPERSON MILLER: You can do
13 that quickly? You mean a letter could be
14 faxed to the Board?

15 MS. COLLAR: Absolutely.

16 CHAIRPERSON MILLER: Within an
17 hour.

18 MS. GEPHARDT: Yes, that's exactly
19 what the government --

20 CHAIRPERSON MILLER: Okay. All
21 right, why don't we hear it then.

22 MS. GEPHARDT: Okay. The parties

1 have come to an offer in compromise as
2 previously stated. In this case there are two
3 charges. The total for both charges would be
4 a fine of \$400. That would be a \$100 fine for
5 the no pregnancy sign, and a \$300 fine for
6 Charge 2, the legal drinking age sign. Again,
7 for a total of \$400, and that can be paid
8 today.

9 CHAIRPERSON MILLER: Let me just
10 ask you this. Paid today, does that mean, do
11 you have a company check to pay?

12 MS. COLLAR: I have a company
13 credit card.

14 CHAIRPERSON MILLER: You have a
15 company credit card, okay.

16 MS. COLLAR: If you take credit
17 card.

18 CHAIRPERSON MILLER: Okay, I was
19 checking with legal counsel to make sure that
20 we take credit cards and this is an acceptable
21 practice that if you get the letter or
22 authorization in, you know, within a few hours

1 and pay today, we can vote on this offer in
2 compromise.

3 Okay, so the offer in compromise
4 as I've heard from the government is for a
5 total of \$400. \$100 for the failure to post
6 pregnancy sign charge, and \$300 for the
7 failure to post the legal drinking age sign,
8 to be paid today. Do you agree to that?

9 MS. COLLAR: I do.

10 CHAIRPERSON MILLER: Okay. And do
11 you understand you waive your right to a
12 hearing by entering into an offer in
13 compromise?

14 MS. COLLAR: I do.

15 CHAIRPERSON MILLER: Okay. Do
16 other Board members have any questions?

17 MEMBER ALBERTI: Just for clarity,
18 it's my understanding that this offer in
19 compromise is contingent upon us receiving the
20 letter of authorization by close of business
21 today? Is that correct?

22 MS. GEPHARDT: Yes, that is

1 correct.

2 MEMBER ALBERTI: Thank you, Ms.
3 Gephardt.

4 MS. GEPHARDT: Yes.

5 CHAIRPERSON MILLER: And Ms.
6 Collar, is that correct?

7 MS. COLLAR: Yes, it is.

8 CHAIRPERSON MILLER: Okay. All
9 right, any other questions? Okay, then I
10 would move that the Board accept this offer in
11 compromise of a total of \$400. \$100 for the
12 pregnancy sign violation and \$300 for the
13 legal drinking age sign violation to be paid
14 today and contingent upon a letter of
15 authorization coming into ABRA before close of
16 business, from the establishment.

17 Is there a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion. All those in favor
21 say aye.

22 (Chorus of ayes)

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CHAIRPERSON MILLER: All those
opposed? All those abstaining? Motion passes
6-0-0.

MS. GEPHARDT: Will she be signing
something today? Will she sign the OIC today?

CHAIRPERSON MILLER: Yes, she
should. Yes.

Okay, thank you.

(Whereupon, the foregoing matter
went off the record at 10:02 a.m.)

<p style="text-align: center;">A</p> <p>\$100 7:4 8:5 9:11 \$300 7:5 8:6 9:12 \$400 7:4,7 8:5 9:11 a.m 2:2 10:10 ABRA 1:22 9:15 Absolutely 6:15 abstaining 10:2 accept 9:10 acceptable 7:20 address 5:7 afternoon 6:3 age 7:6 8:7 9:13 agree 8:8 agreed 5:1 agreement 4:22 5:3 ahead 4:16 ALBERTI 1:17 8:17 9:2 Alcoholic 1:2,12,13 Amy 1:21 ANC 2:6 assume 4:9 attend 5:10 Attorney 3:8 authority 5:2,6,8 5:14,16 authorization 2:21 4:18 6:6 7:22 8:20 9:15 aye 9:21 eyes 9:22</p>	<p>calendar 2:4 card 7:13,15,17 cards 7:20 case 1:9 2:3,4 5:1 5:14 7:2 Cause 1:7 Chairperson 1:14 1:16 2:3,9,13,17 2:20 3:2,9,12,15 3:17,21 4:3,6,13 4:19 5:5,13,19 6:8 6:12,16,20 7:9,14 7:18 8:10,15 9:5,8 9:19 10:1,6 charge 7:6 8:6 charges 7:3,3 check 7:11 checking 7:19 Chorus 9:22 Chrissie 1:22 3:6 Circle 1:6 clarity 8:17 close 8:20 9:15 Clover 1:6 Coast 1:7 2:5,8,10 Collar 2:7,7,11,15 2:19 3:1,14,14,15 3:16,18,20 4:2,4 5:4,9,16 6:10,15 7:12,16 8:9,14 9:6 9:7 COLUMBIA 1:1 come 4:12 7:1 coming 9:15 company 2:12 4:5 7:11,12,15 compromise 4:12 4:22 6:1 7:1 8:2,3 8:13,19 9:11 contingent 8:19 9:14 Control 1:2,12,13 correct 8:21 9:1,6 counsel 7:19 CR 1:8 credit 7:13,15,16 7:20</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 deal 4:15 dependent 6:5 discuss 4:17 5:11 discussed 5:22 DISTRICT 1:1 DONALD 1:17 drinking 7:6 8:7 9:13</p> <p style="text-align: center;">E</p> <p>Earl 1:22 enter 5:2 entering 8:12 establishment 3:19 9:16 exactly 6:18 explain 4:20</p> <p style="text-align: center;">F</p> <p>failure 8:5,7 favor 9:20 fax 6:4 faxed 6:14 fine 5:17 7:4,4,5 foregoing 10:9 forward 6:7</p> <p style="text-align: center;">G</p> <p>General 3:8 Gephardt 1:22 3:5 3:6,7,11 4:8,11,14 4:20 5:20,21 6:18 6:22 8:22 9:3,4 10:4 given 5:10 6:6 go 4:16 6:7 going 4:7 good 3:9,11 government 6:19 8:4</p>	<p>HECTOR 1:18 hi 3:6 hour 6:17 hours 6:2 7:22 human 2:11,13</p> <p style="text-align: center;">I</p> <p>identify 2:10 introduce 3:5 Investigator 1:22 issue 4:16</p> <p style="text-align: center;">J</p> <p>JAMES 1:18 January 1:11 Jones 1:22</p> <p style="text-align: center;">K</p> <p>know 3:4,18,22 4:14,20 5:21 6:2 7:22</p> <p style="text-align: center;">L</p> <p>legal 7:6,19 8:7 9:13 let's 3:4 letter 2:21 4:18 6:3 6:13 7:21 8:20 9:14 license 1:9 2:6 LLC 1:6 located 2:5 Logan 1:6</p> <p style="text-align: center;">M</p> <p>manager 2:12 matter 1:5 5:11 10:9 matters 4:9 mean 6:13 7:10 MEETING 1:3 Member 1:17,17,18 1:18,19 8:17 9:2 9:18 members 8:16 met 1:13 MICHAEL 1:19 Miller 1:14,16 2:3</p>	<p>2:9,13,17,20 3:2,9 3:12,15,17,21 4:3 4:6,13,19 5:5,13 5:19 6:8,12,16,20 7:9,14,18 8:10,15 9:5,8,19 10:1,6 morning 3:10,11 motion 9:20 10:2 move 9:10</p> <p style="text-align: center;">N</p> <p>N.W 1:14 name 3:13 need 5:1 NICK 1:17 notice 3:19,22 4:7 number 2:4,6 NW 1:8 2:5</p> <p style="text-align: center;">O</p> <p>OAG 1:21,22 offer 4:12,17,22 6:1 7:1 8:1,3,12,18 9:10 Office 3:7 OIC 6:6 10:5 okay 3:2,9,21 4:13 5:4,13,19 6:20,22 7:15,18 8:3,10,15 9:8,9 10:8 operations 2:15,16 opposed 10:2 owner 4:5 ownership 2:14,18</p>
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