

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
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Case# 11-CMP-00141 :
Sierra Catering :
1354 Leegate Road, NW : Show Cause
License #86514 : Hearing
Retailer G : (Status)
ANC-2C :
Temporary License Application:
Event held at the Historical :
Society of Washington, D.C., :
on March 26, 2011. :
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January 18, 2012

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

PRESENT

RUTHANNE MILLER, Chairperson
CALVIN NOPHLIN, Member
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

HERMAN JONES, Member
JEANNETTE MOBLEY, Member

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

1:18 p.m.

CHAIRPERSON MILLER: Case #11-CMP-00141, Sierra Catering, License #86514 in ANC-2C.

Will the parties in this case come forward, please.

Good afternoon.

MS. MORSE: Good afternoon.

CHAIRPERSON MILLER: Would you introduce yourself for the record, please?

MS. MORSE: Yes. My name is Jonai Morse, Sierra Catering.

MR. STERN: Michael Stern representing the District of Columbia.

CHAIRPERSON MILLER: Did you say your name was Ms. Morse?

MS. MORSE: I'm sorry?

CHAIRPERSON MILLER: Ms. Morse?

MS. MORSE: Yes.

CHAIRPERSON MILLER: Okay. Did you receive notice of the show cause hearing?

1 MS. MORSE: Yes.

2 CHAIRPERSON MILLER: And did you
3 read it and understand it?

4 MS. MORSE: I read it and I
5 understand it but I have some questions. I
6 don't know if this is the right forum for me
7 to ask the questions that I have.

8 CHAIRPERSON MILLER: I believe so
9 because -- is there going to be an Offer-in-
10 Compromise in this case?

11 MR. STERN: Yes.

12 CHAIRPERSON MILLER: Okay. So
13 then we would want to make sure that you
14 understand it. Do you want to ask whatever
15 question you may have?

16 MS. MORSE: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MS. MORSE: The charges that I
19 received, charge 1 saying that I made false
20 statements about my application. I'm just
21 confused as to considering it was a one-day
22 temporary license. It was for a party.

1 What happened -- I mean, that was
2 a guesstimate that I put on there that there
3 would be 600 people in attendance. I mean,
4 what happens when more people show up? I
5 mean, am I suppose to leave a message on
6 voicemail that there are more people?

7 I don't see how that was wrong or
8 how they could say I falsified, you know, the
9 information that I put on there. What I put
10 on there was a guesstimate.

11 Then also -- I mean, I do agree
12 with some of these charges. And then as there
13 was going to be -- oh, the building holds
14 1,800 people so it wasn't in violation of the
15 building requirements.

16 CHAIRPERSON MILLER: Would you
17 wait a second? Ms. Morse, I'm just having
18 them pull the notice for me to look at. The
19 point is whether you understand the notice,
20 not whether you might want to challenge the
21 charges.

22 For instance, if you want to

1 challenges the charges, you can have a
2 hearing. If you want to settle with whatever
3 the Government might be offering, that's a
4 different issue. I want to make sure that you
5 understand the notice. You might not agree
6 that you're guilty or whatever. Do you
7 understand the notice that came to you?

8 MS. MORSE: I do.

9 CHAIRPERSON MILLER: Because it
10 also, I think -- I'm checking to look at the
11 notice but do you understand the question if
12 I say would you mind waiving the right to have
13 that notice read into the record?

14 MS. MORSE: Yes.

15 CHAIRPERSON MILLER: It is in the
16 record but it's not read in right now. That's
17 okay with you?

18 MS. MORSE: That's fine.

19 CHAIRPERSON MILLER: Okay. The
20 basic question is if you enter into an
21 agreement, then you do waive your right to a
22 hearing.

1 MS. MORSE: Right, which is why I
2 initially told Amy Schmidt that I would settle
3 because I figure it was the easiest way to get
4 it over with. But then when I started looking
5 at it, I just didn't think it was totally
6 fair, or I just needed more clarification as
7 to why the charges are so excessive just for
8 a couple of things that I mentioned already.

9 Like as far as I wasn't on the
10 premises when they came. I understand that.
11 I understand as far as not posting the sign
12 about pregnancy, which I did not know about
13 but when I read it, I see it there. I mean,
14 I agree with those things because it's plain.

15 I guess the \$2,000 fine I think is
16 a bit excessive and I just need more
17 clarification. That is why I was asking I
18 don't know if this is the setting for which to
19 ask these questions or to even discuss it.
20 Maybe I need to go back and talk with Amy.

21 CHAIRPERSON MILLER: I think that
22 the clarification regarding the charges or

1 what they want you to settle for, and if
2 you're not sure you want to settle for that,
3 that is not really for this Board at this
4 time. What we would look at is what is
5 presented to us and then determine if we think
6 it's acceptable. We don't at this point get
7 into evidence or the circumstances.

8 MS. MORSE: So basically my only
9 options today are to accept the fine or take
10 it to trial?

11 CHAIRPERSON MILLER: Mr. Stern?

12 MR. STERN: Right. You can either
13 agree to the Offer-in-Compromise or not. As
14 I explained to her previously, the Government
15 takes no position one way or the other whether
16 she wants to do that or she doesn't want to do
17 that. It's her choice.

18 CHAIRPERSON MILLER: So you don't
19 have an agreement yet?

20 MR. STERN: I thought we did have
21 an agreement.

22 CHAIRPERSON MILLER: Oh, you

1 thought you did?

2 MS. MORSE: Well, we did. I've
3 only spoken with Amy once and then after that
4 I started thinking about it and I figured
5 today I would tell you because I just spoke
6 with her yesterday --

7 CHAIRPERSON MILLER: Okay.

8 MS. MORSE: -- for the first time.

9 CHAIRPERSON MILLER: It sounds
10 like you don't have an agreement. I don't
11 know. I don't want to -- is that correct?

12 MS. MORSE: Correct.

13 CHAIRPERSON MILLER: So we can set
14 this for a show cause hearing. If between now
15 and that day if you do come to an agreement,
16 then we can set another status and it can be
17 presented to the Board.

18 MS. MORSE: Okay.

19 MEMBER MOBLEY: Madam Chair, I
20 think --

21 CHAIRPERSON MILLER: Questions?

22 MEMBER MOBLEY: I think there's a

1 show cause hearing scheduled for 2:15, 2012,
2 11:00 a.m.

3 CHAIRPERSON MILLER: While we are
4 looking at the show cause -- what date for the
5 show cause hearing.

6 MR. STERN: February 15th, I
7 believe.

8 MEMBER ALBERTI: May I ask the
9 licensee a question? This is more out of
10 curiosity, Madam Chair.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: Ms. Morse, are
13 you an ABC licensed caterer?

14 MS. MORSE: No. It was a one-day
15 thing.

16 MEMBER ALBERTI: Thank you. I was
17 just wondering by the name. I could check our
18 records but I thought I would ask you. Thank
19 you.

20 CHAIRPERSON MILLER: Okay. So the
21 show cause hearing date is February 15, 2012,
22 at 11:00 a.m.

1 MS. MORSE: You also mentioned
2 that I could discuss with the Government and
3 possibly get another status hearing?

4 CHAIRPERSON MILLER: What I said
5 is that, yes, before the February 15th date,
6 or whenever you have time to come to an
7 agreement. If you do, contact our office, our
8 attorney, and we'll get you on the calendar
9 for another status.

10 Mr. Jones.

11 MEMBER JONES: Thank you, Madam
12 Chair.

13 Just for clarification, if you
14 have questions regarding ABRA laws,
15 regulations you can always feel free to call
16 ABRA itself and inquire about anything you may
17 have questions on. We, or they, may not be
18 able to speak on the merits of your particular
19 situation but if there is a general
20 clarification question, feel free to call if
21 that will facilitate your discussions with the
22 OAG. Thank you.

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Thank you, Madam Chair.

CHAIRPERSON MILLER: Okay. Thank
you.

Any other questions? You're all
set? Okay.

That concludes this case.

(Whereupon, at 1:28 p.m. the
hearing was adjourned.)

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