

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 :
8 t/a Malbee Restaurant :
9 (formerly Divino Grill) : Case #15-CMP-00284
10 1633 17th Street NW : Show Cause
11 License #93308, Retailer CR : (status)
12 ANC-2B :
13 No ABC Manager on duty, :
14 et. al :

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17 Wednesday, January 20, 2016

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

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

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10 ALSO PRESENT:

11 CHRISSY GEPHARDT

12 on behalf of District of Columbia

13 FELIX NELSON AYALA

14 on behalf of the Applicant

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

2 [10:04 a.m.]

3 CHAIRMAN ANDERSON: Okay. I'm going to
4 move around on the calendar, and I would like to
5 call our first show cause hearing. And this case
6 is 15-CMP-00284, Divino Grill, license number
7 93308. Would the parties please approach?

8 [Pause.]

9 CHAIRMAN ANDERSON: Please sign your
10 name. And once you've signed your name, please
11 identify yourself for the record, please.

12 MR. AYALA: Felix Nelson Ayala.

13 CHAIRMAN ANDERSON: And would you please
14 spell your name for the record, please, as he did
15 not catch it.

16 MR. AYALA: F-e-l-i-x N-e-l-s-o-n A-y-a-
17 l-a.

18 MS. GEPHARDT: I'm Chrissy Gephardt on
19 behalf of the Office of the Attorney General.
20 Good morning.

21 THE COURT REPORTER: Spell your last
22 name, please.

1 MS. GEPHARDT: G-e-p-h-a-r, D as in dog,
2 T as in Tom.

3 CHAIRMAN ANDERSON: All right. Good
4 morning, everyone. Are there any preliminary
5 matters today?

6 MS. GEPHARDT: Yes. We do have a
7 preliminary matter that we would like to present
8 to the board. It's an offer in compromise. And
9 that consists of a fine of \$350, for charge one.
10 Charges two and three would be dismissed, because
11 a written warning, citation, was previously
12 given.

13 And the fine should be paid within 30
14 days. If not paid within 30 days, the license
15 would be suspended.

16 CHAIRMAN ANDERSON: That's it? All
17 right.

18 Sir, it's my understanding, as reported
19 by the Government, that there's an offer in
20 compromise. And the offer is that, on charge
21 one, there will be a fine of \$350, and that that
22 fine will be paid within 30 days. And if it's

1 not paid within 30 days, your license would be
2 suspended; and that charge number two and charge
3 number three are dismissed.

4 Is this your understanding of the offer
5 in compromise, the agreement that was made with
6 the Government?

7 MR. AYALA: Yes, sir.

8 CHAIRMAN ANDERSON: Do you understand
9 that by accepting this offer in compromise, that
10 you waive your right to a hearing?

11 MR. AYALA: Yes, sir.

12 CHAIRMAN ANDERSON: And do you also
13 understand that, also by accepting this offer,
14 that if -- that you've also waived your right to
15 an appeal?

16 MR. AYALA: I do.

17 CHAIRMAN ANDERSON: Okay, thank you.

18 Hearing none -- do we have any board
19 members who have any questions regarding this
20 offer in compromise?

21 [No audible response.]

22 CHAIRMAN ANDERSON: Hearing none, I make

1 a motion that the offer in compromise be
2 accepted. Is there a second?

3 MR. SILVERSTEIN: Second.

4 CHAIRMAN ANDERSON: Mr. Silverstein has
5 second the motion. Those in favor, say Aye.

6 [Chorus of Ayes.]

7 CHAIRMAN ANDERSON: Those opposed?

8 [No audible response.]

9 CHAIRMAN ANDERSON: Hearing none, the
10 matter passes 5-0-0. Thank you. And we'll bring
11 some papers for you to sign, shortly. Thank you.

12 MR. AYALA: Thank you.

13 [Whereupon, at 10:06 a.m., the
14 above-entitled matter concluded.]

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