

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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Umana's, Inc. t/a Gloria's :
Restaurant & Carry Out : Summary
3411 14th Street, NW : Suspension
Retailer DR - ANC-1A : Hearing
License No. 70623 : (Status)
Case #12-251-00383 :
 :
(Update from License on :
Compliance with Board Order) :
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January 23, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

ALSO PRESENT:

AMY SCHMIDT, OAG

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

(9:46 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is Case No. 12-251-00383, Gloria's Restaurant & Carry out located at 3411 14th Street, N.W., License No. 70623.

MS. SCHMIDT: Good morning, Amy Schmidt, Assistant Attorney General, on behalf of the District of Columbia.

MR. FONSECA: Michael Fonseca on behalf of the licensee. With me the licensee, principal and owner, Gloria Umana and her daughter --

CHAIRPERSON MILLER: Good morning.

MR. FONSECA: -- Jennifer Reeves.

CHAIRPERSON MILLER: Okay. Good morning. Be sure to sign-in.

MR. FONSECA: Ms. Reeves will, to the extent necessary, translate for the Status Hearing.

CHAIRPERSON MILLER: And she is the owner's daughter, correct?

1 MR. FONSECA: Yes.

2 CHAIRPERSON MILLER: Okay. This
3 is a Summary Suspension (Status) Hearing. Do
4 you have anything you want to tell us before
5 we ask you any questions?

6 MR. FONSECA: Yes. I believe we
7 complied with both the -- everything that was
8 required under the Board's lifting order to
9 lift the Summary Suspension and then post-
10 lifting items. I have provided a report to
11 the Board and I apologize to the Office of the
12 Attorney General. At the time I transmitted
13 that to the Board's general counsel, I failed
14 to send it to Ms. Schmidt. But I did cure
15 that before this hearing. And I have
16 apologized for that oversight.

17 MS. SCHMIDT: It has been
18 accepted.

19 MR. FONSECA: Yes, it was an
20 oversight that just wasn't one that I should
21 have done. It just happened.

22 CHAIRPERSON MILLER: So you have

1 it now?

2 MS. SCHMIDT: Yes, I do.

3 MR. FONSECA: Yes. So with that,
4 we have presented Ms. Umana's Serve-Safe
5 Trainer Alcohol Awareness Training. And we
6 have provided the translated security plan.
7 Those were all done within the time frame
8 required by the Board.

9 If the Board recalls, both at the
10 hearing, I believe we provided the two
11 additional servers, current servers. Their
12 Serve-Safe Certificates that were in 2011, but
13 they were still current. And we understood in
14 the Board's order, it was consistent with
15 that, that the owner and all servers shall
16 complete Alcohol Awareness Training unless
17 they are currently certified.

18 So those are one of the two items.
19 And then the security plan being translated
20 into Spanish had to happen within 45 days.
21 Those all occurred by January 15th and the
22 Board has those or at least were transmitted

1 through general counsel to the Board.

2 We did one other thing that was
3 effective by January 15th and I'll provide it
4 wasn't necessary to comply with what was going
5 on, but if you recall, with this particular
6 licensee, the other than usual 30 day
7 recording capability of the video surveillance
8 was allowed to be 15, that is still met, but
9 there was an update to the programming of the
10 system and we have the specs from the
11 contractor. And it is 18 days and just some
12 other information.

13 So I'll provide this for the
14 Board. Again, I don't believe it was
15 required, but do understand we are trying to
16 do everything else. I will add that there was
17 also required, although this is quite
18 simplistic, an incident log.

19 I want to put on the record that,
20 you know, all the employees, everyone is both
21 Spanish-speaking and Spanish-writing, so if
22 the record will note and seeing the

1 investigative staff be told if they are ever
2 doing regulatory inspections, that every day
3 something should be included in hearing and
4 signage with what the Board required, even if
5 it was just to the extent to say that nothing
6 happened.

7 So in very simple Spanish, there
8 is three words to nothing happened, which is
9 no paso nada, that's what you are going to see
10 written through here all the way through
11 yesterday on the first four pages of the log.
12 So nothing has happened since the 20th of
13 December when this was put into practice to
14 date.

15 So I believe we have done
16 everything that was mandated by the Board and
17 that we think that is prudent for this
18 restaurant operation, which is not an
19 entertainment venue under the circumstances.

20 Despite the fact that there was an
21 incident and we are held onto a bit of a more
22 stringent requirement. That's all I have to

1 say and we're prepared for any questions.

2 CHAIRPERSON MILLER: And, Ms.
3 Schmidt, do you have any comments?

4 MS. SCHMIDT: None.

5 CHAIRPERSON MILLER: Okay. Are
6 you satisfied that --

7 MS. SCHMIDT: I'm sorry. We are
8 satisfied everything has been done that can --
9 as far as this proceeding goes.

10 CHAIRPERSON MILLER: Okay. Board
11 Members have any questions? Mr. Alberti?

12 MEMBER ALBERTI: Mr. Fonseca,
13 thank you and thank you for coming. You think
14 you said that the other servers, the
15 certificates were submitted to us at the --

16 MR. FONSECA: I believe so. I
17 know one for certain, if not both.

18 MEMBER ALBERTI: Okay.

19 MR. FONSECA: I believe.

20 MEMBER ALBERTI: And that rings a
21 bell with me. But I'm not sure that we have
22 them here. So I just want to say that what

1 I'll suggest is that staff follow-up with you
2 and make sure we have copies on the record,
3 just to make our records complete.

4 I'm not going to suggest we hold
5 up anything. I'm just suggesting that --

6 MR. FONSECA: Understood.

7 MEMBER ALBERTI: -- staff follow-
8 up with you to make sure we have those in our
9 records. And they will be in touch with you
10 and let you know where we are at. So it's
11 just, I think, prudent that we have them in
12 our record.

13 MR. FONSECA: I agree.

14 MEMBER ALBERTI: Okay.

15 MR. FONSECA: We will do that.

16 CHAIRPERSON MILLER: Oh, okay.

17 Right. Okay. Okay.

18 MEMBER ALBERTI: Mr. Fonseca, can
19 we have the names of the other two employees
20 that are certified?

21 MR. FONSECA: Juana, J-U-A-N-A.

22 Well, what's Juana's last name? Juana Reyes,

1 R-E-Y-E-S and Lisette Bonilla, B-O-N-I-L-L-A.

2 Has she taken her's?

3 MS. UMANA: Yes.

4 MR. FONSECA: What's her name? We
5 understand there is one new server that is
6 taking training. And then it's Santos Reyes.

7 MEMBER ALBERTI: And --

8 MR. FONSECA: I may actually have
9 a copy here. No, no, no, this is her's.

10 MEMBER ALBERTI: Okay.

11 MR. FONSECA: As a matter of fact,
12 I've got explaining to her -- the owner got a
13 manager's license. Everybody is doing
14 everything they possibly can.

15 MEMBER ALBERTI: All right. No, I
16 understand that.

17 MR. FONSECA: We understand. I
18 explained that to them.

19 MEMBER ALBERTI: So is it Mr. and
20 Mrs. or Ms. Bonilla? And her first --

21 MR. FONSECA: Yes.

22 MEMBER ALBERTI: -- name?

1 MR. FONSECA: Is Juana Santos
2 married or are they related?

3 MS. UMANA: No, no. Juana is
4 Reyes. Lisette is Bonilla.

5 MR. FONSECA: And what's Santos?

6 MS. UMANA: Santos is Reyes. My
7 sister is Reyes because of her husband.

8 MR. FONSECA: Okay. There is no
9 relationship.

10 MEMBER ALBERTI: I know that, but
11 I just didn't catch the first name for that
12 second one.

13 MR. FONSECA: Of which one? The
14 Juana? The female or the male?

15 MEMBER ALBERTI: I have Juana
16 Reyes.

17 MR. FONSECA: The male is Santos.

18 MEMBER ALBERTI: Here is what I
19 have so far.

20 MR. FONSECA: Okay.

21 MEMBER ALBERTI: I have Juana
22 Reyes.

1 MR. FONSECA: Correct.

2 MEMBER ALBERTI: I have Santos
3 Reyes.

4 MR. FONSECA: And then Lisette
5 Bonilla.

6 MEMBER ALBERTI: Oh, Lisette,
7 okay.

8 MR. FONSECA: Lisette. It could
9 be -- we will do -- it is three names.
10 Lisette is the middle name. It's Elba.

11 MEMBER ALBERTI: Okay.

12 MR. FONSECA: E-L-B-A Lisette
13 Bonilla.

14 MEMBER ALBERTI: Okay. Just so we
15 know what to look for.

16 MR. FONSECA: Yes, I'll send an
17 email with these to the --

18 MEMBER ALBERTI: Okay.

19 MR. FONSECA: -- general counsel.

20 MEMBER ALBERTI: Very good.

21 MR. FONSECA: Okay. And the
22 Attorney General.

1 MEMBER ALBERTI: Thank you. Okay.
2 Is there any other questions from the Board?
3 So I think that concludes this matter. Thank
4 you all for coming. Thank you.

5 MR. FONSECA: Thank you.

6 MEMBER ALBERTI: Thank you, Ms.
7 Umana. Okay. And just a formality to note
8 that we will be taking no further action on
9 this case.

10 MR. FONSECA: We thank you.

11 MEMBER ALBERTI: I wanted to get
12 that on the record.

13 MR. FONSECA: We were trying to
14 take care of what will occur eventually with
15 this matter before the Board.

16 MEMBER ALBERTI: Right, right.

17 MR. FONSECA: Which has nothing to
18 do with the summary suspension, but it's the
19 Show Cause that is to follow.

20 MEMBER ALBERTI: Right. Okay.

21 MR. FONSECA: Sorry for turning
22 our shoulders.

1 MEMBER ALBERTI: That's all right.
2 No, no, no. That's okay. But I think this
3 concludes the matter.

4 MR. FONSECA: Thank you very much.

5 MEMBER ALBERTI: Thank you all for
6 coming. It's good to see you.

7 MS. UMANA: Thank you. Thank you.

8 (Whereupon, the Summary Suspension
9 (Status) Hearing in the above-entitled matter
10 was concluded at 9:57 a.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 13:9 accepted 3:18 action 12:8 add 5:16 additional 4:11 agree 8:13 Alberti 1:19 7:11 7:12,18,20 8:7,14 8:18 9:7,10,15,19 9:22 10:10,15,18 10:21 11:2,6,11 11:14,18,20 12:1 12:6,11,16,20 13:1,5 Alcohol 4:5,16 Alcoholic 1:2,13,14 allowed 5:8 Amy 1:22 2:7 ANC-1A 1:8 apologize 3:11 apologized 3:16 Assistant 2:8 Attorney 2:8 3:12 11:22 Awareness 4:5,16 a.m 2:2 13:10</p>	<p>capability 5:7 care 12:14 Carry 1:6 2:5 case 1:9 2:3,4 12:9 catch 10:11 Cause 12:19 certain 7:17 certificates 4:12 7:15 certified 4:17 8:20 Chairperson 1:15 1:18 2:3,14,16,21 3:2,22 7:2,5,10 8:16 circumstances 6:19 Columbia 1:1 2:9 coming 7:13 12:4 13:6 comments 7:3 complete 4:16 8:3 Compliance 1:10 complied 3:7 comply 5:4 concluded 13:10 concludes 12:3 13:3 consistent 4:14 contractor 5:11 Control 1:2,13,14 copies 8:2 copy 9:9 correct 2:22 11:1 counsel 3:13 5:1 11:19 cure 3:14 current 4:11,13 currently 4:17</p>	<p>DONALD 1:19 DR 1:8 D.C 1:15</p> <p style="text-align: center;">E</p> <p>effective 5:3 Elba 11:10 email 11:17 employees 5:20 8:19 entertainment 6:19 eventually 12:14 Everybody 9:13 explained 9:18 explaining 9:12 extent 2:19 6:5 E-L-B-A 11:12</p> <p style="text-align: center;">F</p> <p>fact 6:20 9:11 failed 3:13 far 7:9 10:19 female 10:14 first 6:11 9:20 10:11 follow 8:7 12:19 follow-up 8:1 Fonseca 2:10,10,15 2:18 3:1,6,19 4:3 7:12,16,19 8:6,13 8:15,18,21 9:4,8 9:11,17,21 10:1,5 10:8,13,17,20 11:1,4,8,12,16,19 11:21 12:5,10,13 12:17,21 13:4 formality 12:7 four 6:11 frame 4:7 further 12:8</p>	<p>good 2:7,14,16 11:20 13:6</p> <p style="text-align: center;">H</p> <p>happen 4:20 happened 3:21 6:6 6:8,12 hearing 1:8,14 2:20 3:3,15 4:10 6:3 13:9 held 6:21 her's 9:2,9 hold 8:4 husband 10:7</p> <p style="text-align: center;">I</p> <p>incident 5:18 6:21 included 6:3 information 5:12 inspections 6:2 investigative 6:1 items 3:10 4:18</p> <p style="text-align: center;">J</p> <p>January 1:12 4:21 5:3 Jennifer 2:15 Juana 8:21,22 10:1 10:3,14,15,21 Juana's 8:22 J-U-A-N-A 8:21</p>	<p style="text-align: center;">M</p> <p>male 10:14,17 manager's 9:13 mandated 6:16 married 10:2 matter 1:5 9:11 12:3,15 13:3,9 MEETING 1:3 Member 1:19,19 1:20 7:12,18,20 8:7,14,18 9:7,10 9:15,19,22 10:10 10:15,18,21 11:2 11:6,11,14,18,20 12:1,6,11,16,20 13:1,5 Members 7:11 met 1:14 5:8 Michael 2:10 middle 11:10 MIKE 1:20 Miller 1:15,18 2:3 2:14,16,21 3:2,22 7:2,5,10 8:16 morning 2:7,14,17</p>
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