

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

p-----»
IN THE MATTER OF: :
 :
Jose A. Carcamo and Maria R. :
Carcamo t/a El Sauce : Show Cause
Restaurant and Carry-Out : Hearing
1227 11th Street, NW :
Retailer DR - ANC-2F :
License No. 72654 :
Case #12-AUD-00025 and :
Case #12-AUD-00025(a) :
 :
(Failed to File Quarterly :
Statements 1st Quarter 2009, :
4th Quarter 2009, 2nd Quarter :
2011 and 4th Quarter 2011) :
p-----¼

February 20, 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:
Louise Phillips, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(10:34 a.m.)

MEMBER ALBERTI: So that's it for
the morning?

CHAIRPERSON MILLER: No, we have
one other case. We skipped one to go to
Corner Market.

MEMBER ALBERTI: Skipped what?

CHAIRPERSON MILLER: We have --

MEMBER ALBERTI: Oh, right.

CHAIRPERSON MILLER: -- El Sauce
Restaurant and Carry-Out.

MEMBER ALBERTI: Okay.

CHAIRPERSON MILLER: Cases No. 12-
AUD-00025 and 12-AUD-00025(a), El Sauce
Restaurant and Carry-Out located at 1227 11th
Street, N.W., License No. 72654 in ANC-2F.
Okay.

MS. PHILLIPS: Board Members, the
interpreter was very late and just came here
as I was getting off the dias. I have trouble
and he cannot speak English at all. He can't

1 read or write. I have to have an interpreter
2 to explain this to him and I haven't been able
3 to do it before.

4 We can either continue it, so you
5 can continue your work or we can stay here,
6 because I'm going to stay here, because
7 otherwise I won't have an interpreter.

8 CHAIRPERSON MILLER: Okay. Well,
9 how much time do you think you need if you
10 work with them here, in the event that --

11 MS. PHILLIPS: I'm staying -- I'm
12 hoping for 15 minutes.

13 CHAIRPERSON MILLER: Oh, okay.

14 MS. PHILLIPS: Take 20? Okay.

15 CHAIRPERSON MILLER: Would you
16 like half an hour? You can let Ms. Jenkins
17 know.

18 MS. PHILLIPS: Just let you know?

19 CHAIRPERSON MILLER: Yes.

20 MS. PHILLIPS: Okay.

21 CHAIRPERSON MILLER: Actually, we
22 don't have anything else on our morning

1 calendar, so we will just recess and take care
2 of other matters.

3 MS. PHILLIPS: I was sure they
4 were coming. All right.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: All right. I'll do
7 my best, you know.

8 CHAIRPERSON MILLER: Okay. You
9 can let her know what the status is.

10 MS. PHILLIPS: All right. And so
11 I just knock or come around?

12 CHAIRPERSON MILLER: Ms. Jenkins,
13 how can she reach you?

14 MS. JENKINS: All you have to do
15 is --

16 CHAIRPERSON MILLER: Knock?

17 MS. PHILLIPS: I'll just come
18 through and knock.

19 MS. JENKINS: Right.

20 MS. PHILLIPS: All right. Thank
21 you.

22 CHAIRPERSON MILLER: Okay. All

1 right. So the Board is going to recess right
2 now and we will be back to resolve this case
3 within half an hour or so.

4 (Whereupon, at 10:36 a.m. a recess
5 until 11:07 a.m.)

6 CHAIRPERSON MILLER: All right.
7 We are back on the record with the cases for
8 El Sauce Restaurant and Carry-Out, Case No.
9 12-AUD-00025 and 12-AUD-00025(a).

10 All right. Would you introduce
11 yourselves for the record, please?

12 MS. PHILLIPS: Louise Phillips,
13 Assistant Attorney General for the District of
14 Columbia.

15 INTERPRETER BARRELA: Sherine
16 Barrela, Spanish Interpreter.

17 CHAIRPERSON MILLER: Okay.

18 MR. CARCAMO: Jose Carcamo.

19 INTERPRETER BARRELA: And Jose A.
20 Carcamo.

21 CHAIRPERSON MILLER: What's your
22 last -- what's his last name?

1 MR. CARCAMO: Carcamo.

2 MS. PHILLIPS: C-A-R-C-A-M-A.

3 INTERPRETER BARRELA: Yes.

4 CHAIRPERSON MILLER: Carcamo,
5 okay. I'm just going to swear in the
6 Interpreter. What language is this?

7 INTERPRETER BARRELA: Spanish.

8 CHAIRPERSON MILLER: Spanish,
9 okay.

10 Do you solemnly affirm that you
11 will faithfully and accurately interpret the
12 proceedings in this matter from Spanish into
13 English and from English into Spanish to the
14 best of your ability?

15 INTERPRETER BARRELA: Yes, I do.

16 CHAIRPERSON MILLER: Thank you.

17 All right. This is a Show Cause Hearing.

18 Ms. Phillips, do we have any
19 preliminary matters?

20 MS. PHILLIPS: Yes, we do, Madam
21 Chair. And for the record, I want to state
22 that I have a Service Form for this, I believe

1 it is for this, notice and I know, from
2 previous cases with Mr. Carcamo, that he
3 probably didn't sign this. And I checked with
4 him and he said that he didn't sign the
5 Service Forms. It was not delivered to him,
6 but somebody at the establishment.

7 Mr. Carcamo can neither read nor
8 write Spanish. He --

9 CHAIRPERSON MILLER: English, you
10 mean?

11 MS. PHILLIPS: My understanding
12 from confirming with ABRA is that this was
13 served by Ms. McKenzie, Investigator McKenzie.
14 I have been told she speaks fluent Spanish.
15 So I just wanted to let somebody know that it
16 is difficult for him if he doesn't get it, get
17 the notice and somebody else gets it and it
18 doesn't come in Spanish.

19 Sometimes he can get somebody to
20 read the English that we send him and
21 translate it, but he can't read Spanish,
22 either.

1 So I just wanted to put that in
2 the record, because I think it is so
3 important, because part of the problem is is
4 that he doesn't understand and the other
5 problem is an accountant problem, which I
6 think we have discussed and he will resolve.

7 This is a case where the quarterly
8 statement was filed 22 days late. This is a
9 multiple quarterly statement late issue for
10 this establishment. Part of it is the
11 Spanish/English conundrum that I have
12 explained and part of it is the accountant,
13 but right now he understands that if the
14 accountant makes an error, it comes to the
15 owner.

16 And he has -- we have met with the
17 accountant here, Mr. Neal and we have all
18 explained it to him with the interpreter here.
19 And I think he understands it.

20 He has agreed to, which we will
21 present to you, a fine of \$2,000 to be paid in
22 60 days.

1 CHAIRPERSON MILLER: And I'll
2 probably confirm this with Mr. --

3 MS. PHILLIPS: Carcamo.

4 CHAIRPERSON MILLER: -- Carcamo,
5 but were you saying that he did receive the
6 notice and Ms. McKenzie, who speaks fluent
7 Spanish, explained it to him?

8 MS. PHILLIPS: No.

9 CHAIRPERSON MILLER: No?

10 MS. PHILLIPS: That's not what I'm
11 saying.

12 CHAIRPERSON MILLER: Okay.

13 MS. PHILLIPS: I'm saying somebody
14 received the notice. It was served by a
15 Spanish-speaking investigator.

16 CHAIRPERSON MILLER: Oh.

17 MS. PHILLIPS: But it wasn't given
18 to him.

19 CHAIRPERSON MILLER: I see.

20 MS. PHILLIPS: And once that
21 investigator leaves, I don't know how anyone
22 can guarantee that he understands what is

1 happening.

2 But at a previous meeting, we had
3 an interpreter and we spent half an hour
4 explaining the situation. And today, we have
5 done the same thing while you graciously, you
6 know, took a recess so that we could go
7 through this.

8 And I believe now he understands
9 what he needs to do. He has been informed
10 that there is soon to be a Spanish-speaking
11 training that he should attend and some other
12 issues that will -- that he is going to take
13 care of and he has always asked for somebody
14 to speak Spanish here when he calls.

15 MR. CARCAMO: Yes.

16 INTERPRETER BARRELA: Yes.

17 MS. PHILLIPS: Okay.

18 CHAIRPERSON MILLER: Okay. Okay.

19 Mr. Carcamo?

20 MR. CARCAMO: Yes?

21 CHAIRPERSON MILLER: Ms. Phillips
22 has presented to the Board that you have had

1 a chance to talk and come to an agreement of
2 an offer in compromise to resolve this case
3 and that is a \$2,000 fine.

4 MR. CARCAMO: Yes.

5 CHAIRPERSON MILLER: I'm sorry,
6 Ms. Phillips, did you say when it would be
7 paid?

8 MS. PHILLIPS: 60 days.

9 CHAIRPERSON MILLER: Okay. Within
10 60 days. And have the statements been filed?

11 MS. PHILLIPS: I have been told by
12 the accountant that it has been. It was filed
13 22 days late.

14 CHAIRPERSON MILLER: All right.
15 Okay. Okay.

16 MR. CARCAMO: Yes.

17 MS. PHILLIPS: You filed. Okay.
18 So to resolve this case, it has been presented
19 that you agree to pay \$2,000 within 60 days.

20 MR. CARCAMO: Yes, yes.

21 CHAIRPERSON MILLER: Okay. And
22 you understand that if you accept this offer

1 in compromise, that you waive your right to a
2 hearing?

3 MR. CARCAMO: Yes, I'm paying,
4 yes.

5 CHAIRPERSON MILLER: Okay. Other
6 questions by Board Members? Okay.

7 I would move that we accept this
8 offer in compromise of a \$2,000 penalty to be
9 paid within 60 days.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks
13 has seconded the motion. Any comments or
14 questions? Okay. Then there is a motion
15 before us that has been seconded.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? Then the
20 motion passes 4-0-0.

21 MS. PHILLIPS: Thank you, Board
22 Members.

1 CHAIRPERSON MILLER: Thank you.

2 And thank you for that explanation, Ms.

3 Phillips, and we will pass that along to our

4 enforcement.

5 Mr. Silverstein would like to say

6 a few words.

7 MEMBER SILVERSTEIN: Señor

8 Carcamo?

9 MR. CARCAMO: Yes?

10 MEMBER SILVERSTEIN: Understand

11 that all businesses must fill out these forms

12 and we need these forms not to cause you

13 problems, but to make sure the taxes are paid

14 and things are done legally.

15 We are not your adversary. We are

16 not your enemy.

17 MR. CARCAMO: Okay.

18 MEMBER SILVERSTEIN: And we hope

19 to work with you and be your friend.

20 There are people in this Agency

21 who speak fluent Spanish.

22 MR. CARCAMO: Okay.

1 MEMBER SILVERSTEIN: What I would
2 advise you is to find out today a person who
3 can be your point of contact.

4 MR. CARCAMO: Yes.

5 MEMBER SILVERSTEIN: So that if
6 you have a question, if you need to know
7 something, you can talk to someone who speaks
8 Spanish.

9 COURT REPORTER: Sir, I'm sorry,
10 you are breaking in and out.

11 MEMBER SILVERSTEIN: You can speak
12 to someone who speaks Spanish and have your
13 questions answered. I wish you good luck
14 buenos fuerte. I'm sorry that this -- that
15 you have to file this and have to pay this,
16 but I hope that now we can begin and this can
17 be more helpful to you.

18 MR. CARCAMO: Thank you.

19 MEMBER SILVERSTEIN: Thank you.

20 CHAIRPERSON MILLER: Okay. Thank
21 you.

22 MS. PHILLIPS: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CHAIRPERSON MILLER: That
completes our morning calendar. And actually,
we though are ready to do our agenda. Okay.

(Whereupon, the Show Cause Hearing
in the above-entitled matter was concluded at
11:16 a.m.)

A	calendar 4:1 15:2 calls 10:14 Carcamo 1:6,6 5:18,18,20 6:1,1,4 7:2,7 9:3,4 10:15 10:19,20 11:4,16 11:20 12:3 13:8,9 13:17,22 14:4,18 care 4:1 10:13 Carry-Out 1:7 2:12,16 5:8 case 1:9,10 2:6 5:2 5:8 8:7 11:2,18 cases 2:14 5:7 7:2 cause 1:6 6:17 13:12 15:4 Chair 6:21 Chairperson 1:17 1:19 2:5,9,11,14 3:8,13,15,19,21 4:5,8,12,16,22 5:6 5:17,21 6:4,8,16 7:9 9:1,4,9,12,16 9:19 10:18,21 11:5,9,14,21 12:5 12:12,18 13:1 14:20 15:1 chance 11:1 checked 7:3 Columbia 1:1 5:14 come 4:11,17 7:18 11:1 comes 8:14 coming 4:4 comments 12:13 completes 15:2 compromise 11:2 12:1,8 concluded 15:5 confirm 9:2 confirming 7:12 contact 14:3 continue 3:4,5 Control 1:2,15,16 conundrum 8:11 Corner 2:7 COURT 14:9	C-A-R-C-A-M-A	fuerte 14:14 <hr/> G General 5:13 getting 2:21 given 9:17 go 2:6 10:6 going 3:6 5:1 6:5 10:12 good 14:13 graciously 10:5 guarantee 9:22 <hr/> H half 3:16 5:3 10:3 happening 10:1 hearing 1:7,17 6:17 12:2 15:4 helpful 14:17 hope 13:18 14:16 hoping 3:12 hour 3:16 5:3 10:3 <hr/> I important 8:3 informed 10:9 interpret 6:11 interpreter 2:20 3:1,7 5:15,16,19 6:3,6,7,15 8:18 10:3,16 introduce 5:10 investigator 7:13 9:15,21 issue 8:9 issues 10:12 <hr/> J Jenkins 3:16 4:12 4:14,19 Jose 1:6 5:18,19 <hr/> K knock 4:11,16,18 know 3:17,18 4:7,9 7:1,15 9:21 10:6 14:6	L	language 6:6 late 2:20 8:8,9 11:13 leaves 9:21 legally 13:14 License 1:9 2:17 located 2:16 Louise 1:22 5:12 luck 14:13 <hr/> M Madam 6:20 Maria 1:6 Market 2:7 matter 1:5 6:12 15:5 matters 4:2 6:19 McKenzie 7:13,13 9:6 mean 7:10 meeting 1:3 10:2 Member 1:20,21 1:21 2:3,8,10,13 12:11 13:7,10,18 14:1,5,11,19 Members 2:19 12:6 12:22 met 1:16 8:16 MIKE 1:21 Miller 1:18,19 2:5 2:9,11,14 3:8,13 3:15,19,21 4:5,8 4:12,16,22 5:6,17 5:21 6:4,8,16 7:9 9:1,4,9,12,16,19 10:18,21 11:5,9 11:14,21 12:5,12 12:18 13:1 14:20 15:1 minutes 3:12 morning 2:4 3:22 15:2 motion 12:13,14,20 move 12:7 multiple 8:9
B	back 5:2,7 Barrela 5:15,16,19 6:3,7,15 10:16 believe 6:22 10:8 best 4:7 6:14 Beverage 1:2,15,16 Board 1:2,16 2:19 5:1 10:22 12:6,21 breaking 14:10 Brooks 1:21 12:11 12:12 buenos 14:14 businesses 13:11 <hr/> C	D	days 8:8,22 11:8,10 11:13,19 12:9 delivered 7:5 dias 2:21 difficult 7:16 discussed 8:6 District 1:1 5:13 DONALD 1:21 DR 1:8 D.C 1:17 <hr/> E either 3:4 7:22 El 1:6 2:11,15 5:8 enemy 13:16 enforcement 13:4 English 2:22 6:13 6:13 7:9,20 error 8:14 establishment 7:6 8:10 event 3:10 explain 3:2 explained 8:12,18 9:7 explaining 10:4 explanation 13:2 <hr/> F Failed 1:11 faithfully 6:11 favor 12:16 February 1:14 file 1:11 14:15 filed 8:8 11:10,12 11:17 fill 13:11 find 14:2 fine 8:21 11:3 fluent 7:14 9:6 13:21 Form 6:22 forms 7:5 13:11,12 friend 13:19	K	knock 4:11,16,18 know 3:17,18 4:7,9 7:1,15 9:21 10:6 14:6

N	preliminary 6:19 present 1:19,22 8:21 presented 10:22 11:18 presiding 1:18 previous 7:2 10:2 probably 7:3 9:2 problem 8:3,5,5 problems 13:13 proceedings 6:12 put 8:1 P-R-O-C-E-E-D-... 2:1	S	Suite 1:17 sure 4:3 13:13 swear 6:5	#	
name 5:22 Neal 8:17 need 3:9 13:12 14:6 needs 10:9 neither 7:7 NICK 1:20 notice 7:1,17 9:6,14 NW 1:8 N.W 1:17 2:17	Q	Sauce 1:6 2:11,15 5:8 saying 9:5,11,13 Senior 13:7 second 12:10,11 seconded 12:13,15 see 9:19 send 7:20 served 7:13 9:14 Service 6:22 7:5 Sherine 5:15 Show 1:6 6:17 15:4 sign 7:3,4 Silverstein 1:21 13:5,7,10,18 14:1 14:5,11,19 Sir 14:9 situation 10:4 skipped 2:6,8 solemnly 6:10 somebody 7:6,15 7:17,19 9:13 10:13 soon 10:10 sorry 11:5 14:9,14 Spanish 5:16 6:7,8 6:12,13 7:8,14,18 7:21 9:7 10:14 13:21 14:8,12 Spanish-speaking 9:15 10:10 Spanish/English 8:11 speak 2:22 10:14 13:21 14:11 speaks 7:14 9:6 14:7,12 spent 10:3 state 6:21 statement 8:8,9 statements 1:12 11:10 status 4:9 stay 3:5,6 staying 3:11 Street 1:8,17 2:17	T	take 3:14 4:1 10:12 talk 11:1 14:7 taxes 13:13 thank 4:20 6:16 12:21 13:1,2 14:18,19,20,22 thing 10:5 things 13:14 think 3:9 8:2,6,19 time 3:9 today 10:4 14:2 told 7:14 11:11 training 10:11 translate 7:21 trouble 2:21 t/a 1:6	#12-AUD-00025 1:9 #12-AUD-00025(a) 1:10
O	R	U	1		
OAG 1:22 offer 11:2,22 12:8 Oh 2:10 3:13 9:16 okay 2:13,18 3:8,13 3:14,20 4:5,8,22 5:17 6:5,9 9:12 10:17,18,18 11:9 11:15,15,17,21 12:5,6,14 13:17 13:22 14:20 15:3 once 9:20 opposed 12:19 owner 8:15	Quarter 1:12,12,12 1:13 quarterly 1:11 8:7 8:9 question 14:6 questions 12:6,14 14:13	understand 8:4 11:22 13:10 understanding 7:11 understands 8:13 8:19 9:22 10:8	1st 1:12 10:34 2:2 10:36 5:4 11th 1:8 2:16 11:07 5:5 11:16 15:6 12 2:14 12-AUD-00025 5:9 12-AUD-00025(a) 2:15 5:9 1227 1:8 2:16 14th 1:17 15 3:12		
P	R	W	2		
paid 8:21 11:7 12:9 13:13 part 8:3,10,12 pass 13:3 passes 12:20 pay 11:19 14:15 paying 12:3 penalty 12:8 people 13:20 person 14:2 Phillips 1:22 2:19 3:11,14,18,20 4:3 4:6,10,17,20 5:12 5:12 6:2,18,20 7:11 9:3,8,10,13 9:17,20 10:17,21 11:6,8,11,17 12:21 13:3 14:22 please 5:11 point 14:3	R 1:6 reach 4:13 read 3:1 7:7,20,21 ready 15:3 receive 9:5 received 9:14 recess 4:1 5:1,4 10:6 record 5:7,11 6:21 8:2 REPORTER 14:9 resolve 5:2 8:6 11:2 11:18 Restaurant 1:7 2:12,16 5:8 Retailer 1:8 right 2:10 4:4,6,10 4:19,20 5:1,1,6,10 6:17 8:13 11:14 12:1 Room 1:17 Ruthanne 1:18,19	waive 12:1 want 6:21 wanted 7:15 8:1 Washington 1:17 wasn't 9:17 wish 14:13 words 13:6 work 3:5,10 13:19 write 3:1 7:8	2nd 1:12 20 1:14 3:14 2000 1:17 20009 1:17 2009 1:12,12 2011 1:13,13 2013 1:14 22 8:8 11:13		
P	R	P	4		
		waive 12:1 want 6:21 wanted 7:15 8:1 Washington 1:17 wasn't 9:17 wish 14:13 words 13:6 work 3:5,10 13:19 write 3:1 7:8	4th 1:12,13 4-0-0 12:20 400S 1:17		
		\$	6		
		\$2,000 8:21 11:3,19 12:8	60 8:22 11:8,10,19 12:9		
			7		
			72654 1:9 2:17		