

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Nispero, LLC
t/a El Nuevo Migueleno
1721 Columbia Road, NW
Retailer CR - ANC-1C
License No. 75403
Case #14-CMP-00497

Show Cause
Hearing
(Status)

(Operating After Hours)

February 25, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

NICK ALBERTI, Acting Chairman
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HERMAN JONES, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 11:09 a.m.

3 ACTING CHAIRMAN ALBERTI: The next
4 case is a Show Cause (Status) Hearing, Case No.
5 14-CMP-00497. This is a Show Cause (Status)
6 Hearing regarding Nispero, LLC t/a El Nuevo
7 Migueleno.

8 MEMBER RODRIGUEZ: Migueleno.

9 ACTING CHAIRMAN ALBERTI: Migueleno.
10 Thank you, Mr. Rodriguez.

11 MR. RIVERO: Well, Migueleno, but
12 Migueleno is close enough.

13 ACTING CHAIRMAN ALBERTI: Okay. All
14 right. Migueleno. All right. This is License
15 No. 75403.

16 I see the parties have come forward.
17 Introductions, please.

18 MR. RIVERO: Good morning, Board
19 Members. Fernando Rivero for the District of
20 Columbia.

21 MR. LARIOS: Jose Larios for Nispero,
22 LLC.

1 ACTING CHAIRMAN ALBERTI: Mr. Larios?

2 MR. LARIOS: Yes.

3 ACTING CHAIRMAN ALBERTI: Okay. Very
4 good. Okay. Mr. Larios, this is a Show Cause
5 (Status) Hearing.

6 Did you receive Notice of Show Cause?

7 MR. LARIOS: Yes.

8 ACTING CHAIRMAN ALBERTI: And have you
9 read it and do you understand it?

10 MR. LARIOS: Yes.

11 ACTING CHAIRMAN ALBERTI: Okay. And
12 if there is no objection, I'll forego reading the
13 notice into the record? Okay. Great. I hear no
14 objection.

15 So, Mr. Rivero, are there any
16 preliminary matters in this case?

17 MR. RIVERO: The parties have an Offer
18 in Compromise to present to the Board, at this
19 time.

20 The offer is a fine of \$1,250 payable
21 within 45 days with the understanding that the
22 license will be suspended if payment if not made

1 within 45 days.

2 ACTING CHAIRMAN ALBERTI: Okay. The
3 Offer in Compromise, as I hear, is a fine of
4 \$1,250 to be paid within 45 days. And the
5 license will be suspended if the fine -- and
6 remain in suspension until the fine is paid, if
7 it is not paid within 45 days.

8 Mr. Larios, you have heard the Offer
9 in Compromise. Do you understand it?

10 MR. LARIOS: Yes.

11 ACTING CHAIRMAN ALBERTI: Do you agree
12 to it?

13 MR. LARIOS: Yes.

14 ACTING CHAIRMAN ALBERTI: All right.
15 And do you waive your right to a hearing based on
16 that Offer in Compromise?

17 MR. LARIOS: (No audible answer.)

18 ACTING CHAIRMAN ALBERTI: Okay. You
19 have to say yes or no.

20 MR. LARIOS: No.

21 ACTING CHAIRMAN ALBERTI: Pardon?

22 MR. LARIOS: Yes.

1 ACTING CHAIRMAN ALBERTI: Do you --

2 MEMBER RODRIGUEZ: Ask him again.

3 ACTING CHAIRMAN ALBERTI: Do you
4 understand you waive your right to a hearing
5 based on this Offer in Compromise? If you agree,
6 you need to say yes.

7 MR. LARIOS: (No audible answer.)

8 ACTING CHAIRMAN ALBERTI: Okay.
9 Great. I just wanted to make sure that you -- I
10 saw you nod your head. I just wanted to make
11 sure it was vocalized and in the record. Okay.

12 So I move that we accept the Offer in
13 Compromise for a fine of \$1,250 to be paid in 45
14 days with the understanding the license will be
15 suspended if it's not paid within 45 days. Is
16 there a second?

17 MEMBER RODRIGUEZ: Second.

18 ACTING CHAIRMAN ALBERTI: Mr.
19 Rodriguez seconds it.

20 All those in favor say aye.

21 ALL: Aye.

22 ACTING CHAIRMAN ALBERTI: All those

1 opposed? The motion carries 6-0.

2 That concludes this matter. Thank you
3 all for coming. Thank you.

4 (Whereupon, the Show Cause (Status)

5 Hearing in the above-entitled matter was

6 concluded at 11:12 a.m.)

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