

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Atside Corporation t/a :
Nile Market & Kitchen : Show Cause
7815 Georgia Ave., NW : Hearing
Retailer CR - ANC-4B :
License No. 60432 :
Case #12-CMP-00385 :
:
(Failed to Maintain Books :
and Records, Failed to :
Obtain Importation Permits :
Failed to Make a Copy of :
Settlement Agreement :
Immediately Accessible) :
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April 10, 2013

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:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

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

(11:05 a.m.)

CHAIRPERSON MILLER: Okay. Good morning. We are back on the record for our 11:00 hearing and that is Case No. 12-CMP-00385, Nile Market & Kitchen located at 7815 Georgia Avenue, N.W., License No. 60432 in ANC-4B.

MS. GEPHARDT: Good morning, Chrissy Gephardt on behalf of the District.

CHAIRPERSON MILLER: Good morning.

MS. MACONNEN: Retta Maconnen for Nile Market and Restaurant.

CHAIRPERSON MILLER: Could you repeat your name? I didn't --

MS. MACONNEN: Maconnen.

CHAIRPERSON MILLER: Okay. Got it. All right. And you are an owner, correct?

MS. MACONNEN: (No audible answer.)

CHAIRPERSON MILLER: You're an

1 owner?

2 MS. MACONNEN: Yes.

3 CHAIRPERSON MILLER: Okay.

4 MS. MACONNEN: Yes, ma'am.

5 CHAIRPERSON MILLER: All right.

6 So this is a Show Cause Hearing.

7 Do we have any preliminary
8 matters?

9 MS. GEPHARDT: Yes, we do have a
10 preliminary matter. In this case, the parties
11 have agreed to an offer in compromise we would
12 like to present to the Board.

13 In this case, we have agreed on a
14 \$2,200 fine, so \$2,200 which the breakdown
15 would be a \$1,500 fine for Charge 1 and \$350
16 for Charges 2 and 3. And that will be payable
17 within 90 days.

18 CHAIRPERSON MILLER: Mr. Maconnen,
19 I just want to double check with you that you
20 agree to the offer in compromise of a penalty
21 of \$2,200, broken down it would be \$1,500 for
22 Charge 1, \$350 for Charge 2 and 3 each, \$350/

1 \$350, and that would be payable within 90
2 days.

3 MS. MACONNEN: Yes.

4 CHAIRPERSON MILLER: Okay. And do
5 you also understand that you waive your right
6 to a hearing if you accept the offer in
7 compromise?

8 MS. MACONNEN: Yes.

9 CHAIRPERSON MILLER: Okay. Do
10 Board Members have any questions regarding
11 this offer in compromise?

12 Okay. Not hearing any then, I
13 would move that the Board approve this offer
14 in compromise of a penalty of \$2,200, broken
15 down \$1,500 for Charge 1 and \$350 for Charge
16 2 and \$350 for Charge 3, all payable within 90
17 days.

18 Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr.

21 Silverstein has seconded the motion. Any
22 comments before we vote? Okay. Then there is

1 a motion that has been seconded to accept the
2 offer in compromise.

3 All those in favor say aye.

4 MEMBER BROOKS: Aye.

5 CHAIRPERSON MILLER: Aye.

6 MEMBER ALBERTI: Aye.

7 MEMBER SILVERSTEIN: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed?

10 MEMBER JONES: Opposed.

11 CHAIRPERSON MILLER: All those
12 abstaining? Then the vote is 4-1-0 to accept
13 this offer in compromise. Okay.

14 MEMBER JONES: Question?

15 CHAIRPERSON MILLER: Yes?

16 MEMBER JONES: I'm not sure if it
17 was stated before I came to the dias, so I
18 apologize if it was, but has the situation
19 been rectified?

20 MS. MACONNEN: What do you mean?

21 MEMBER JONES: Books and records?

22 MS. MACONNEN: Yeah, yeah.

1 MEMBER JONES: So they are now--

2 MS. MACONNEN: Yes, everything is
3 -- it's -- actually, for your information,
4 this is second time I'm paying same charge,
5 because the inspector came the second day or
6 third day, so the books were not there for
7 him, but now we have everything.

8 MEMBER JONES: Okay. Thank you.

9 CHAIRPERSON MILLER: Okay. That
10 then completes the hearings on the morning
11 calendar. And the Board will take a recess.
12 Thank you.

13 (Whereupon, the Show Cause Hearing
14 in the above-entitled matter was concluded at
15 11:09 a.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 6:14 abstaining 5:12 accept 4:6 5:1,12 Accessible 1:13 agree 3:20 agreed 3:11,13 Agreement 1:12 ALBERTI 1:21 5:6 Alcoholic 1:2,15,16 ANC-4B 1:8 2:8 answer 2:21 apologize 5:18 approve 4:13 April 1:14 Atsede 1:6 audible 2:20 Ave 1:7 Avenue 2:7 aye 5:3,4,5,6,7 a.m 2:2 6:15</p> <hr/> <p style="text-align: center;">B</p> <p>back 2:4 behalf 2:10 Beverage 1:2,15,16 Board 1:2,16 3:12 4:10,13 6:11 books 1:10 5:21 6:6 breakdown 3:14 broken 3:21 4:14 BROOKS 1:22 5:4 Building 1:17</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 6:11 case 1:9 2:5 3:10,13 Cause 1:6 3:6 6:13 Chairperson 1:18 1:21 2:3,11,14,17 2:22 3:3,5,18 4:4 4:9,20 5:5,8,11,15 6:9 charge 3:15,22,22 4:15,15,16 6:4 Charges 3:16 check 3:19</p>	<p>Chrissy 1:25 2:10 COLUMBIA 1:1 comments 4:22 completes 6:10 compromise 3:11 3:20 4:7,11,14 5:2 5:13 concluded 6:14 Control 1:2,15,16 Copy 1:12 Corporation 1:6 correct 2:19 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>day 6:5,6 days 3:17 4:2,17 dias 5:17 District 1:1 2:10 DONALD 1:22 double 3:19 D.C 1:17</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10,10,12 favor 5:3 fine 3:14,15</p> <hr/> <p style="text-align: center;">G</p> <p>Georgia 1:7 2:7 Gephardt 1:25 2:9 2:10 3:9 Good 2:3,9,11</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,17 2:5 3:6 4:6,12 6:13 hearings 6:10 HERMAN 1:22</p> <hr/> <p style="text-align: center;">I</p> <p>Immediately 1:13 Importation 1:11 information 6:3 inspector 6:5</p> <hr/> <p style="text-align: center;">J</p> <p>JONES 1:22 5:10</p>	<p>5:14,16,21 6:1,8</p> <hr/> <p style="text-align: center;">K</p> <p>Kitchen 1:6 2:6</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:8 2:7 located 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>Maconnen 2:12,12 2:16,16,20 3:2,4 3:18 4:3,8 5:20,22 6:2 Maintain 1:10 Market 1:6 2:6,13 matter 1:5 3:10 6:14 matters 3:8 ma'am 3:4 mean 5:20 MEETING 1:3 Member 1:21,22 1:22,23 4:19 5:4,6 5:7,10,14,16,21 6:1,8 Members 4:10 met 1:16 MIKE 1:23 Miller 1:18,21 2:3 2:11,14,17,22 3:3 3:5,18 4:4,9,20 5:5,8,11,15 6:9 morning 2:4,9,11 6:10 motion 4:21 5:1 move 4:13</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:15 NICK 1:21 Nile 1:6 2:6,13 NW 1:7 N.W 1:17 2:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25 Obtain 1:11</p>	<p>offer 3:11,20 4:6,11 4:13 5:2,13 Okay 2:3,17 3:3 4:4,9,12,22 5:13 6:8,9 opposed 5:9,10 owner 2:18 3:1</p> <hr/> <p style="text-align: center;">P</p> <p>parties 3:10 payable 3:16 4:1,16 paying 6:4 penalty 3:20 4:14 Permits 1:11 preliminary 3:7,10 present 1:19,24 3:12 presiding 1:18 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Question 5:14 questions 4:10</p> <hr/> <p style="text-align: center;">R</p> <p>recess 6:11 record 2:4 records 1:10 5:21 rectified 5:19 Reeves 1:17 regarding 4:10 repeat 2:15 Restaurant 2:13 Retailer 1:8 Retta 2:12 right 2:18 3:5 4:5 Room 1:17 Ruthanne 1:18,21</p> <hr/> <p style="text-align: center;">S</p> <p>second 4:18,19 6:4 6:5 seconded 4:21 5:1 Settlement 1:12 Show 1:6 3:6 6:13 Silverstein 1:23 4:19,21 5:7</p>	<p>situation 5:18 stated 5:17 Street 1:17 Suite 1:17 sure 5:16</p> <hr/> <p style="text-align: center;">T</p> <p>take 6:11 Thank 6:8,12 third 6:6 time 6:4 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 4:5</p> <hr/> <p style="text-align: center;">V</p> <p>vote 4:22 5:12</p> <hr/> <p style="text-align: center;">W</p> <p>waive 4:5 want 3:19 Washington 1:17</p> <hr/> <p style="text-align: center;">Y</p> <p>yeah 5:22,22</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,13</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,500 3:15,21 4:15 \$2,200 3:14,14,21 4:14 \$350 3:15,22,22 4:1 4:15,16</p> <hr/> <p style="text-align: center;">#</p> <p>#12-CMP-00385 1:9</p> <hr/> <p style="text-align: center;">0</p> <p>00385 2:6</p> <hr/> <p style="text-align: center;">1</p> <p>1 3:15,22 4:15 10 1:14 11:00 2:5 11:05 2:2</p>
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