

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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Kartik, Incorporated :
t/a New York Liquors : Show Cause
1447 Maryland Avenue, NE : Hearing
Retailer A : (Status)
License No. 76234 :
Case No. 12-CMP-00472 :
ANC 6A :
Sold Go-Cups :
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APRIL 17, 2013

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

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
FERNANDO RIVERO, OAG

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

9:42 a.m.

CHAIRPERSON MILLER: So moving on then to Case No. 12-CMP-00472, New York Liquors located at 1447 Maryland Avenue, N.E., License No. 76234 in ANC 6A.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the District of Columbia standing in for Assistant Attorney General Louise Phillips.

CHAIRPERSON MILLER: Good morning. Have you heard anything from the Licensee? Do you expect to see the Licensee this morning?

MR. RIVERO: I do expect actually. I understand that there is an Offer in Compromise to present.

CHAIRPERSON MILLER: Okay.

MR. RIVERO: But I don't see the Licensee.

CHAIRPERSON MILLER: All right. Then why don't we pass this case for now.

MR. RIVERO: Sure.

1 CHAIRPERSON MILLER: See if the
2 Licensee shows up shortly. It's 9:43 and the
3 statuses are called for 9:30.

4 MR. RIVERO: Okay. Thank you.

5 CHAIRPERSON MILLER: Thank you.

6 (Whereupon, at 9:43 a.m. off the
7 record until 11:07 a.m.)

8 CHAIRPERSON MILLER: Okay. We're
9 going to go back to a case that we passed
10 earlier because the Licensee wasn't here. And
11 I understand that the Licensee is here now.
12 And that is Case No. 12-CMP-00472, New York
13 Liquors located at 1447 Maryland Avenue, N.E.,
14 License No. 76234 in ANC 6A.

15 MR. RIVERO: Good morning, Board
16 Members. Fernando Rivero standing in for
17 Louise Phillips for the District of Columbia.

18 CHAIRPERSON MILLER: Good morning.

19 MR. CHOUDHARY: Manesh Choudhary.

20 CHAIRPERSON MILLER: I'm sorry, I
21 can't hear you.

22 MR. CHOUDHARY: Manesh Choudhary.

1 CHAIRPERSON MILLER: Could you
2 spell your last name?

3 MR. CHOUDHARY: Choudhary, C-H-O-
4 U-D-H-A-R-Y.

5 CHAIRPERSON MILLER: Okay. And
6 how are you related to the --

7 MR. CHOUDHARY: President of the
8 company.

9 CHAIRPERSON MILLER: You're
10 president?

11 MR. CHOUDHARY: (No audible
12 response.)

13 CHAIRPERSON MILLER: Okay. All
14 right.

15 MEMBER SILVERSTEIN: If you could
16 move the microphone -- you can move that a
17 little closer to you and we'll hear you
18 better. I apologize.

19 CHAIRPERSON MILLER: This is a
20 show cause status hearing. Did you receive
21 notice of this hearing?

22 MR. CHOUDHARY: Yes, ma'am.

1 CHAIRPERSON MILLER: And did you
2 read it and understand it?

3 MR. CHOUDHARY: Yes, I did.

4 CHAIRPERSON MILLER: Okay. Then
5 I'm going to move that notice into the record,
6 unless there's an objection.

7 (No audible response.)

8 CHAIRPERSON MILLER: Okay. Are
9 there any preliminary matters?

10 MR. RIVERO: Yes, Board Members,
11 the parties have an Offer in Compromise to
12 present at this time. The offer consists of
13 a fine of \$350 payable in 60 days.

14 CHAIRPERSON MILLER: Okay. And I
15 need to ask you are you agreeable to that
16 Offer in Compromise of a fine of \$350 payable
17 within 60 days?

18 MR. CHOUDHARY: Yes, ma'am.

19 CHAIRPERSON MILLER: Yes?

20 MR. CHOUDHARY: (No audible
21 response.)

22 CHAIRPERSON MILLER: Okay. Any

1 questions by Board Members?

2 MEMBER ALBERTI: Yes.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: Madam Chair, can
5 we just take a moment to look at our records
6 in terms of ownership? We may have some old
7 information here, and I'm waiting for someone
8 to get the license folder for New York
9 Liquors. The information I have before me
10 indicates a different president of the
11 corporation. Are there any other partners in
12 your corporation?

13 MR. CHOUDHARY: Yes.

14 MEMBER ALBERTI: And who are they?

15 MR. CHOUDHARY: Veena DUTta.

16 MEMBER ALBERTI: Veena? Okay.
17 And that person is what percentage partner?

18 MR. CHOUDHARY: Fifty percent.

19 MEMBER ALBERTI: What?

20 MR. CHOUDHARY: She's owner of 50
21 percent.

22 MEMBER ALBERTI: How much?

1 MR. CHOUDHARY: Fifty percent.

2 MEMBER ALBERTI: Okay. That
3 clears up my confusion. That's all right.
4 Thank you. Thank you for that.

5 MR. CHOUDHARY: No problem.

6 MEMBER ALBERTI: Just wanted to
7 make sure our records are up to date. I thank
8 you for that.

9 CHAIRPERSON MILLER: Okay. Any
10 other questions?

11 (No audible response.)

12 CHAIRPERSON MILLER: All right. I
13 believe there's been a motion to approve the
14 Offer in Compromise that's been seconded for
15 a fine of \$350 payable within 60 days. All
16 those in favor, say aye? Aye.

17 MEMBER SILVERSTEIN: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed?

20 MEMBER ALBERTI: Opposed.

21 MEMBER BROOKS: No.

22 CHAIRPERSON MILLER: I believe the

1 vote then is 2-2-0 and the motion fails.

2 I need to get a hearing date then.

3 MEMBER ALBERTI: Did we originally
4 have a hearing date that was set at the last
5 status hearing?

6 MEMBER BROOKS: Should be.

7 MEMBER ALBERTI: Do we have a
8 hearing date from the last status hearing?

9 MS. WALKER: Yes, it's this
10 afternoon.

11 MEMBER ALBERTI: Oh, that's this
12 afternoon? Okay. So I'll leave that up to
13 the Chair to work out.

14 MR. RIVERO: Yes, I understand the
15 Licensee is not able to participate this
16 afternoon.

17 CHAIRPERSON MILLER: Yes.

18 MR. RIVERO: I spoke with
19 Assistant Attorney General Louise Phillips.

20 CHAIRPERSON MILLER: Okay.

21 MR. RIVERO: And she's fine with
22 whatever date you select.

1 CHAIRPERSON MILLER: Okay. I
2 think Ms. Walker is looking for a date now.

3 MEMBER ALBERTI: I think, yes,
4 that's when it was scheduled for. I think so.

5 CHAIRPERSON MILLER: Okay. We
6 have a hearing date of May 29th at 1:30 p.m.
7 Is that a problem?

8 MR. CHOUDHARY: Can you give me
9 something in the morning? Because I am by
10 myself in the store. I have to close the
11 store and come down here. So if it's possible
12 in the morning, that will be better for me.
13 Before I go to the store, I can come here and
14 then I can go to the store.

15 CHAIRPERSON MILLER: Yes, I hear you.
16 Okay. There isn't another morning date right
17 now. Okay? So I'm going to set this for May
18 29th at 1:30. It's possible that a morning
19 could open up, you know, if another case
20 settles or something or, you know, it's
21 possible that something else could happen
22 before this date. So I hear your concerns.

1 I don't have another date and time to offer at
2 this moment, but we'll keep that in mind.

3 MR. CHOUDHARY: Shall I check with
4 Miss Louise again?

5 CHAIRPERSON MILLER: What?

6 MR. CHOUDHARY: Shall I check with
7 Miss Louise for the date or --

8 CHAIRPERSON MILLER: We'll let you
9 know. But you could talk to Ms. Jenkins, you
10 know, in a few weeks or something if you don't
11 hear anything.

12 Okay. That concludes this
13 hearing. Thank you.

14 (Whereupon, the hearing was
15 concluded at 11:15 a.m.)

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|---|---|--|---|---|
| A | 10:8 check 10:3,6 Choudhary 3:19,19 3:22,22 4:3,3,7,11 4:22 5:3,18,20 6:13,15,18,20 7:1 7:5 9:8 10:3,6 clears 7:3 close 9:10 closer 4:17 Columbia 1:1 2:9 3:17 come 9:11,13 company 4:8 Compromise 2:16 5:11,16 7:14 concerns 9:22 concluded 10:15 concludes 10:12 confusion 7:3 consists 5:12 Control 1:2,13,14 corporation 6:11 6:12 C-H-O 4:3 | 8:21 folder 6:8 | Louise 2:10 3:17 8:19 10:4,7 | O |
| able 8:15 afternoon 8:10,12 8:16 agreeable 5:15 Alberti 1:18 6:2,3,4 6:14,16,19,22 7:2 7:6,20 8:3,7,11 9:3 Alcoholic 1:2,13,14 ANC 1:10 2:6 3:14 apologize 4:18 approve 7:13 APRIL 1:12 Assistant 2:9 8:19 Attorney 2:9 8:19 audible 4:11 5:7,20 7:11 Avenue 1:8 2:5 3:13 aye 7:16,16,17 a.m 2:2 3:6,7 10:15 | B | G | M | OAG 1:22 objection 5:6 offer 2:15 5:11,12 5:16 7:14 10:1 Oh 8:11 Okay 2:17 3:4,8 4:5,13 5:4,8,14,22 6:16 7:2,9 8:12,20 9:1,5,16,17 10:12 old 6:6 open 9:19 opposed 7:19,20 originally 8:3 owner 6:20 ownership 6:6 |
| back 3:9 believe 7:13,22 better 4:18 9:12 Beverage 1:2,13,14 Board 1:2,14 2:7 3:15 5:10 6:1 BROOKS 1:18 7:21 8:6 Building 1:14 | D | H | Madam 6:4 Manesh 3:19,22 Maryland 1:8 2:5 3:13 MATTER 1:5 matters 5:9 ma'am 4:22 5:18 MEETING 1:3 Member 1:18,18 1:19 4:15 6:2,4,14 6:16,19,22 7:2,6 7:17,20,21 8:3,6,7 8:11 9:3 Members 2:8 3:16 5:10 6:1 met 1:14 microphone 4:16 MIKE 1:19 Miller 1:15,17 2:3 2:11,17,20 3:1,5,8 3:18,20 4:1,5,9,13 4:19 5:1,4,8,14,19 5:22 6:3 7:9,12,18 7:22 8:17,20 9:1,5 9:15 10:5,8 mind 10:2 moment 6:5 10:2 morning 2:7,11,13 3:15,18 9:9,12,16 9:18 motion 7:13 8:1 move 4:16,16 5:5 moving 2:3 | P |
| C | date 7:7 8:2,4,8,22 9:2,6,16,22 10:1,7 days 5:13,17 7:15 different 6:10 District 1:1 2:8 3:17 DONALD 1:18 DUTta 6:15 D.C 1:15 | I | N | participate 8:15 parties 5:11 partner 6:17 partners 6:11 pass 2:21 passed 3:9 payable 5:13,16 7:15 percent 6:18,21 7:1 percentage 6:17 person 6:17 Phillips 2:10 3:17 8:19 possible 9:11,18,21 preliminary 5:9 present 1:17,21 2:16 5:12 president 4:7,10 6:10 presiding 1:15 problem 7:5 9:7 P-R-O-C-E-E-D-... 2:1 p.m 9:6 |
| called 3:3 case 1:9 2:4,21 3:9 3:12 9:19 cause 1:7 4:20 Chair 6:4 8:13 Chairperson 1:15 1:17 2:3,11,17,20 3:1,5,8,18,20 4:1 4:5,9,13,19 5:1,4 5:8,14,19,22 6:3 7:9,12,18,22 8:17 8:20 9:1,5,15 10:5 | E | J | name 4:2 NE 1:8 need 5:15 8:2 New 1:7 2:4 3:12 6:8 NICK 1:18 notice 4:21 5:5 N.E 2:5 3:13 N.W 1:15 | Q |
| F | earlier 3:10 expect 2:13,14 | K | R | questions 6:1 7:10 |
| fails 8:1 favor 7:16 Fernando 1:22 2:8 3:16 Fifty 6:18 7:1 fine 5:13,16 7:15 | L | L | | |
| | | leave 8:12 license 1:9 2:6 3:14 6:8 Licensee 2:12,13 2:19 3:2,10,11 8:15 Liquors 1:7 2:5 3:13 6:9 little 4:17 located 2:5 3:13 look 6:5 looking 9:2 | | |

| | | | | |
|----------------------------|---------------------------|---------------------------|--|--|
| read 5:2 | think 9:2,3,4 | 5 | | |
| receive 4:20 | time 5:12 10:1 | 50 6:20 | | |
| record 3:7 5:5 | t/a 1:7 | 6 | | |
| records 6:5 7:7 | U | 6A 1:10 2:6 3:14 | | |
| Reeves 1:14 | understand 2:15 | 60 5:13,17 7:15 | | |
| related 4:6 | 3:11 5:2 8:14 | 7 | | |
| response 4:12 5:7 | U-D-H-A-R-Y 4:4 | 76234 1:9 2:6 3:14 | | |
| 5:21 7:11 | V | 9 | | |
| Retailer 1:8 | Veena 6:15,16 | 9:30 3:3 | | |
| right 2:20 4:14 7:3 | vote 8:1 | 9:42 2:2 | | |
| 7:12 9:16 | W | 9:43 3:2,6 | | |
| Rivero 1:22 2:7,8 | waiting 6:7 | | | |
| 2:14,18,22 3:4,15 | Walker 8:9 9:2 | | | |
| 3:16 5:10 8:14,18 | wanted 7:6 | | | |
| 8:21 | Washington 1:15 | | | |
| Room 1:14 | wasn't 3:10 | | | |
| Ruthanne 1:15,17 | weeks 10:10 | | | |
| S | we'll 4:17 10:2,8 | | | |
| scheduled 9:4 | We're 3:8 | | | |
| seconded 7:14 | work 8:13 | | | |
| see 2:13,18 3:1 | Y | | | |
| select 8:22 | York 1:7 2:4 3:12 | | | |
| set 8:4 9:17 | 6:8 | | | |
| settles 9:20 | P | | | |
| shortly 3:2 | p 1:5,11 | | | |
| show 1:7 4:20 | \$ | | | |
| shows 3:2 | \$350 5:13,16 7:15 | | | |
| SILVERSTEIN | 1 | | | |
| 1:19 4:15 7:17 | 1:30 9:6,18 | | | |
| Sold 1:10 | 11:07 3:7 | | | |
| sorry 3:20 | 11:15 10:15 | | | |
| spell 4:2 | 12-CMP-00472 1:9 | | | |
| spoke 8:18 | 2:4 3:12 | | | |
| standing 2:9 3:16 | 14th 1:14 | | | |
| status 1:8 4:20 8:5 | 1447 1:8 2:5 3:13 | | | |
| 8:8 | 17 1:12 | | | |
| statuses 3:3 | 2 | | | |
| store 9:10,11,13,14 | 2-2-0 8:1 | | | |
| Street 1:15 | 2000 1:14 | | | |
| sure 2:22 7:7 | 2013 1:12 | | | |
| T | 29th 9:6,18 | | | |
| take 6:5 | | | | |
| talk 10:9 | | | | |
| terms 6:6 | | | | |
| thank 3:4,5 7:4,4,7 | | | | |
| 10:13 | | | | |