

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Chateau, Inc.
t/a Chateau
3439 Benning Road, NE
Retailer CR - ANC-7D
License No. 10574
Case #14-AUD-00106

Show Cause
Hearing

(Failed to Maintain Books
and Records)

April 22, 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:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 10:59 a.m.

3 CHAIRPERSON MILLER: We are back on
4 schedule. Case No. 14-AUD-00106, Chateau located
5 at 3439 Benning Road, N.E., License No. 10574, in
6 ANC-7D.

7 MR. RIVERO: Good morning, Board
8 Members.

9 CHAIRPERSON MILLER: Good morning.

10 MR. RIVERO: Fernando Rivero for the
11 District of Columbia.

12 CHAIRPERSON MILLER: Okay. When you
13 are ready, if you could introduce yourself for
14 the record?

15 MR. MACK: Good morning, Board. Kevin
16 Mack representing Chateau. The licensee is
17 present, Mr. Coleman is the owner, proprietor.

18 CHAIRPERSON MILLER: Okay. Good
19 morning. This is a Show Cause Hearing. Are
20 there any preliminary matters?

21 MR. RIVERO: Yes, there are. The
22 parties have an Offer in Compromise to present to

1 the Board, at this time.

2 CHAIRPERSON MILLER: Oh, okay.

3 MR. RIVERO: And that offer consists
4 of a fine of \$3,250 payable immediately.

5 CHAIRPERSON MILLER: Okay. Mr. Mack?

6 MR. MACK: That's correct.

7 CHAIRPERSON MILLER: Is your client
8 agreeable to a fine of \$3,250 payable immediately
9 to resolve this matter?

10 MR. MACK: Yes, ma'am. I have been
11 authorized to accept such an offer and we are
12 willing to make payment immediately.

13 CHAIRPERSON MILLER: And you -- does
14 he understand that he waives his right to a
15 hearing?

16 MR. MACK: Yes, ma'am, he understands
17 that.

18 CHAIRPERSON MILLER: And also to
19 appeal of this matter?

20 MR. MACK: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. Are there
22 any questions by Board Members?

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Okay. Mr.

3 Alberti?

4 MEMBER ALBERTI: I do. Do you want to
5 go ahead? Please, go ahead.

6 CHAIRPERSON MILLER: Mr. Short?

7 MEMBER SHORT: I'm very familiar with
8 this business and business owner and --

9 CHAIRPERSON MILLER: You're familiar
10 with this business owner?

11 MEMBER SHORT: Yes. I have had
12 several events there, but I'll just simply state
13 for the record, I recuse myself from this.

14 CHAIRPERSON MILLER: Oh, okay.

15 MEMBER SHORT: But Mr. Coleman runs a
16 very good business over there on Benning Road.

17 CHAIRPERSON MILLER: Okay. Mr.

18 Alberti?

19 MEMBER ALBERTI: I have heard nothing
20 but good things about your business. However,
21 this is the second report and the second case we
22 have settled here where you haven't had your

1 invoices for alcohol beverage purchases. They
2 must be kept. Alcohol beverage invoices,
3 purchase invoices must be kept for three years
4 on-premise.

5 Do you understand that? All right?

6 CHAIRPERSON MILLER: Wait he -- can he
7 speak?

8 MR. COLEMAN: (No audible answer.)

9 MEMBER ALBERTI: So --

10 CHAIRPERSON MILLER: Can he say it for
11 the record or no?

12 MR. MACK: Say yes.

13 MR. COLEMAN: Yes, I do.

14 MEMBER ALBERTI: Okay.

15 CHAIRPERSON MILLER: Okay. Thank you.

16 MEMBER ALBERTI: So we expect in the
17 future if an Investigator comes out there next
18 week, that you will have your alcohol beverage
19 purchase invoices on-site. All right.

20 Do you have the -- do you have stored
21 anywhere the invoices for the last three years?

22 MR. COLEMAN: No.

1 MEMBER ALBERTI: You don't have them
2 at all?

3 MR. COLEMAN: No.

4 MR. MACK: We could recreate the file.
5 However, we do not have original copies.

6 MEMBER ALBERTI: Okay. Okay. So the
7 reason I asked is so we know what to expect going
8 forward. All right? I mean, I'm not going to go
9 out there and say oh, you didn't have them two
10 years ago. You are telling us now that you don't
11 have them. All right. I get that. All right.

12 But if we go out there six months from
13 now, we're going to expect them, because this is
14 -- I believe this Offer in Compromise is a pretty
15 lenient penalty for your lack of attention to
16 what is required of this establishment. You were
17 told the first time. This is the second time.
18 You still don't have your invoices on-site.

19 All right. Six months from now, if we
20 don't find them there, I'm not going to accept
21 such a lenient penalty, but that will be my
22 recommendation. Just to put you on notice.

1 Okay. Thank you. That's all I have.

2 CHAIRPERSON MILLER: Okay. And I
3 would just say that if you don't know how to do
4 it, you need to get the right help to get your
5 invoices in order in the future. Okay. Anything
6 else? All right.

7 Then I am going to move that we
8 approve this Offer in Compromise of \$3,250
9 payable immediately. Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks has
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 4-0-0. Mr. Short is recused. Okay.

18 MR. RIVERO: Thank you.

19 CHAIRPERSON MILLER: Thank you. We
20 are just going to give you the form. Thank you.
21 Okay.

22 Okay. That concludes our morning

1 hearings, so we will recess and return later for
2 our protest and our agendas.

3 (Whereupon, the Show Cause Hearing in
4 the above-entitled matter was concluded at 11:04
5 a.m.)

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