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

3:30 p.m.

CHAIRPERSON MILLER: Okay. The next case on the Board's calendar is Case No. 11-CC-00073, Gee's Market at 3583 Warder Street Northwest, License No. 83125, located in ANC 1A.

Would the parties please come sit at the table. Yes, if you can sign in when you have a chance. And then introduce yourselves for the record.

MS. ZANIEL: Good afternoon. Maureen Zaniel on behalf of the District of Columbia

CHAIRPERSON MILLER: I'm sorry, we couldn't hear that.

MS. ZANIEL: You couldn't hear me?

CHAIRPERSON MILLER: Yes, you.

MS. ZANIEL: Boy, that's different.

Good afternoon. Maureen Zaniel for the District of Columbia.

1 MS. OUTLAW: Good afternoon.
2 Phyllis J. Outlaw for Shitu, Inc.

3 CHAIRPERSON MILLER: And you?

4 MR. YAHYA: Good afternoon. My
5 name is Abdulkdar Yahya on this matter.

6 MS. OUTLAW: And the other
7 gentleman right behind us is Abera Tafa.

8 MR. Tafa: (Off microphone.)

9 CHAIRPERSON MILLER: We need to
10 get him on the record. Can you come forward?

11 MR. Tafa: Good afternoon. My name
12 is Abera Tafa.

13 CHAIRPERSON MILLER: Mr. Tafa, is
14 that what you're saying? Tafa? Okay.

15 MS. OUTLAW: Tafa, yes, T-A-F-A.

16 CHAIRPERSON MILLER: Okay. So
17 this is a Show Cause Hearing. Are there any
18 preliminary matters?

19 MS. ZANIEL: Yes. We have an Offer
20 in Compromise to recommend to the Board.

21 CHAIRPERSON MILLER: Okay.

22 MS. ZANIEL: You ready for the

1 terms?

2 The compromise is that the
3 licensee shall pay a \$2,000 fine for Charge 1.
4 That he be suspended, the licensee suspended
5 for five days with three suspension days
6 served and two days stayed to be dismissed at
7 the end of the year if there are no further
8 charges during that time.

9 The licensee shall have 60 days in
10 which to pay the \$2,000 fine. And the
11 suspension shall be served Saturday, Sunday
12 and Monday, May 5, 6 and 7. And that Charge 2
13 will be dismissed as part of this compromise.

14 CHAIRPERSON MILLER: Okay. Let me
15 see if I can repeat that for the licensee also
16 and see if you agree with that.

17 \$2,000 penalty to be paid within
18 60 days. License suspended for five days.
19 Three will be served, two will be stayed
20 pending no further violation for a year. And
21 the days in which the license will be
22 suspended is May 5, 6 and 7. And Charge 2

1 will be dismissed.

2 MS. ZANIEL: That's correct.

3 CHAIRPERSON MILLER: And does the
4 licensee agree to that?

5 MS. OUTLAW: Yes.

6 CHAIRPERSON MILLER: And do you
7 know that that waives your right to a hearing?

8 MS. OUTLAW: Can you repeat it?

9 CHAIRPERSON MILLER: That by
10 accepting the OIC you would be waiving your
11 right to a hearing?

12 MR. YAHYA: That's fine.

13 MS. OUTLAW: That's fine.

14 CHAIRPERSON MILLER: Okay. Okay.
15 Go ahead.

16 MEMBER SILVERSTEIN: Question for
17 the Assistant Attorney General.

18 Without getting into the facts of
19 the case are there any circumstances or any or
20 anything that we should know about steps that
21 they have taken or anything that influence why
22 we should accept or not this offer?

1 MS. ZANIEL: I haven't heard from
2 them of a specific plan, but I have certainly
3 indicated from my perspective both to the
4 gentlemen -- I think I've spoken to both of
5 them and to Ms. Outlaw, that indeed they will
6 have to be very strict and very rigid with
7 ensuring that people have proper
8 identification and that they not sell to
9 minors because such an offense is intolerable.

10 Does that respond to your
11 question, sir?

12 MEMBER SILVERSTEIN: Yes.

13 CHAIRPERSON MILLER: My question
14 is is this the second time they've sold to
15 minor or is --

16 MS. ZANIEL: It is the second
17 time.

18 CHAIRPERSON MILLER: The first was
19 a warning?

20 MS. ZANIEL: But by statute they
21 get a warning.

22 CHAIRPERSON MILLER: Right. Okay.

1 So this was their second time. Okay.

2 All right. I recommend that we
3 accept the Offer in Compromise, which is a
4 \$2,000 penalty to be paid within 60 days,
5 license suspended for five days; three days
6 served, to days suspended pending no further
7 violations within a year. The days served will
8 be May 5th, 6th and 7th. The second charge
9 will be dismissed.

10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: All those in
13 favor say aye.

14 MEMBER ALBERTI: I would oppose.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed?

18 MEMBER JONES: Yes, I would oppose
19 and may ask to speak to my position.

20 CHAIRPERSON MILLER: Yes, let me
21 just call the vote. One opposed. Anyone
22 abstaining?

1 Okay. So the vote is five in
2 favor -- four in favor?

3 MEMBER ALBERTI: Yes, I'm voting
4 against it.

5 CHAIRPERSON MILLER: Okay. Four
6 in favor, two against. So four to zero.

7 And I believe Mr. Alberti would
8 like to make a comment. Okay.

9 MEMBER ALBERTI: Yes. My
10 opposition to this motion is based on the
11 dismissal of Charge 2, the failure to require
12 a valid ID.

13 The report that we have is very
14 clear that the undercover person went to the
15 establishment and was not shown an ID before
16 they purchased the alcohol. So if that
17 allegation is true, then the licensee would be
18 in violation of failure to require a valid ID.

19 So I cannot accept this Offer in
20 Compromise with the dismissal of that charge.

21 CHAIRPERSON MILLER: Okay. What
22 else?

1 MEMBER JONES: I align myself to
2 Board Member Alberti.

3 CHAIRPERSON MILLER: Okay. All
4 right.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: Although I
7 voted to accept this, I would also express the
8 concerns that of Messrs. Alberti and Jones.
9 And tell the licensee that you are very
10 fortunate. And if this were to happen again,
11 the fortunes will turn the other direction.
12 It's simply not acceptable. All of us, I'm
13 sure, feel that way.

14 Ma'am Chair.

15 CHAIRPERSON MILLER: Okay. Right.
16 I mean, I voted for it as well and I would
17 just say that that doesn't mean that I don't
18 think that this is a serious offense. I think
19 that the Offer in Compromise an appropriate
20 Offer in Compromise.

21 Okay. Well, thank you very much.

22 MS. OUTLAW: Thank you.

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MEMBER MOBLEY: Hopefully, we
won't see you again.
(Whereupon at 3:49 p.m. the Show
Cause Hearing was adjourned.)

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