

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

K & Y Beer, Wine and Groceries
LLC t/a Benning Heights Market Show Cause
547 42nd Street, NE Hearing
Retailer B - ANC-7D (Status)
License No. 87328
Case #14-CC-00162

(Sale to Minor Violation,
No ABC Manager on Duty)

May 6, 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
MIKE SILVERSTEIN, 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 10:05 a.m.

3 CHAIRPERSON MILLER: Okay. The next
4 case is Case No. 14-CC-00162, Benning Heights
5 Market located at 547 42nd Street, N.E., License
6 No. 87328, in ANC-7D.

7 MR. RIVERO: Good morning, Board
8 Members. Fernando Rivero for the District of
9 Columbia.

10 MS. GHEBRESELASE: Good morning. My
11 name is Lyousalem Ghebreselase.

12 CHAIRPERSON MILLER: I'm sorry, could
13 you say that a little louder?

14 MS. GHEBRESELASE: Lyousalem
15 Ghebreselase.

16 CHAIRPERSON MILLER: Okay. And are
17 you the owner?

18 MS. GHEBRESELASE: Yes.

19 CHAIRPERSON MILLER: Okay. I'm going
20 to ask you the same questions I ask everybody
21 that comes here.

22 Did you receive notice of this

1 hearing?

2 MS. GHEBRESELASE: Yes.

3 CHAIRPERSON MILLER: Did you read it
4 and understand it?

5 MS. GHEBRESELASE: Yes, I did.

6 CHAIRPERSON MILLER: Okay. And you
7 don't have any notice issues. All right. Are
8 there any preliminary matters?

9 MR. RIVERO: Yes, there are. The
10 parties would like to present an Offer in
11 Compromise for the Board's consideration today.
12 We do have one administrative matter and that is
13 that apparently the Agency records or at least
14 the Investigator report included an incorrect
15 last name for the licensee, which is listed as
16 Hailu, H-A-I-L-U. That is incorrect and I would
17 like to move that the Notice to Show Cause be
18 amended to reflect the licensee's correct last
19 name and I will spell that for the record now.

20 CHAIRPERSON MILLER: Could you spell
21 that again?

22 MR. RIVERO: Yes. I will -- I just

1 said what the incorrect name was.

2 CHAIRPERSON MILLER: Oh, you gave the
3 incorrect. Would you give the correct one?

4 MR. RIVERO: I will give you now the
5 correct one.

6 CHAIRPERSON MILLER: Thank you.

7 MR. RIVERO: So that the Notice to
8 Show Cause can be amended to reflect the correct
9 last name. The last name is spelled G-H-E-B-R-E-
10 S-E-L-A-S-E, Ghebreselase.

11 CHAIRPERSON MILLER: Is that correct?

12 MS. GHEBRESELASE: Yes.

13 CHAIRPERSON MILLER: Okay. So I'll
14 grant your request and the notice will be
15 amended.

16 MR. RIVERO: Thank you.

17 CHAIRPERSON MILLER: Okay. Now, any
18 other preliminary matters?

19 MR. RIVERO: We do.

20 CHAIRPERSON MILLER: Okay.

21 MR. RIVERO: The offer that the
22 parties will present to the Board consists of a

1 fine of \$300 -- excuse me, \$3,650 payable in 60
2 days and a suspension of the license for five
3 days stayed for one year. The fine corresponds
4 to \$3,000 for Charge 1.

5 CHAIRPERSON MILLER: Yes.

6 MR. RIVERO: And \$650 for Charge 2.

7 CHAIRPERSON MILLER: Yes.

8 MR. RIVERO: Provided that the license
9 will be suspended if the licensee does not pay
10 the fine in the 60 days.

11 CHAIRPERSON MILLER: How many days?

12 MR. RIVERO: 60 days.

13 CHAIRPERSON MILLER: 60 days, okay.

14 And with respect to Charge 1, the five days
15 stayed for one year --

16 MR. RIVERO: Correct. Pending no
17 further violations.

18 CHAIRPERSON MILLER: Thank you. Okay.
19 That's what my question was. All right.

20 MR. RIVERO: The suspension attaches
21 to Charge 1.

22 CHAIRPERSON MILLER: Yes.

1 MR. RIVERO: Per the statute.

2 CHAIRPERSON MILLER: Okay. I'm not
3 sure how to pronounce your last name. But
4 anyway, I'm talking to the respondent. And I
5 want to ask you if you agree to this Offer in
6 Compromise of a total of \$3,650 to be paid in 60
7 days. If not paid within 60 days, your license
8 will be suspended until paid.

9 MS. GHEBRESELASE: Yes.

10 CHAIRPERSON MILLER: Yes?

11 MS. GHEBRESELASE: Yes.

12 CHAIRPERSON MILLER: And also that
13 your license will be suspended for five days, but
14 the suspension will be stayed for a year pending
15 no further violations. Do you agree to that?

16 MS. GHEBRESELASE: (No audible
17 answer.)

18 CHAIRPERSON MILLER: Okay. Do you
19 know if you accept this Offer in Compromise, you
20 waive your right to a hearing?

21 MS. GHEBRESELASE: Yes.

22 CHAIRPERSON MILLER: And you waive

1 your right to appeal?

2 MS. GHEBRESELASE: Yes.

3 CHAIRPERSON MILLER: Okay. Any
4 questions by Board Members?

5 Okay. Then I'm going to move that we
6 approve this Offer in Compromise of \$3,650 to be
7 paid within 60 days. If not paid within 60 days,
8 then the license will be suspended until it is
9 paid. And also the license will be suspended for
10 five days, but that those five days will be
11 stayed for a year pending no further violations.

12 This will dispose of Charges 1 and 2
13 of the case, which is the whole case. Do I have
14 a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 6-0-0.

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MR. RIVERO: Thank you.

CHAIRPERSON MILLER: Okay. Thank you.

(Whereupon, the Show Cause (Status)

Hearing in the above-entitled matter was
concluded at 10:11 a.m.)

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