

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

Big Cheese, LLC	
t/a Comet Pizza	Show Cause
5037 Connecticut Ave., NW	Hearing
Retailer CR - ANC-3F	(Status)
License No. 74897	
Case #15-AUD-00013	

(Failed to File Quarterly
 Statements-3rd Quarter 2014)

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:

WALTER ADAMS, OAG

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

10:02 a.m.

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3 CHAIRPERSON MILLER: The next case is
4 Case No. 15-AUD-00013, Comet Pizza located at
5 5037 Connecticut Avenue, N.W., License No. 74897,
6 in ANC-3F.

7 MR. ADAMS: Good morning, Madam
8 Chairman. Walter Adams representing the District
9 of Columbia.

10 MR. KLINE: Good morning. Andrew
11 Kline on behalf of the licensee. Seated to my
12 left is James Alefantis, principal of the
13 licensee.

14 CHAIRPERSON MILLER: Okay. And did
15 you receive notice of this hearing?

16 MR. KLINE: Yes. We received it, read
17 it, understood it and we waive any required
18 formal reading.

19 CHAIRPERSON MILLER: Okay. Are there
20 any preliminary matters?

21 MR. ADAMS: Yes, there is, Madam
22 Chairman. The parties have discussed the case

1 and would like to propose an Offer in Compromise.

2 CHAIRPERSON MILLER: Okay.

3 MR. ADAMS: For this case, there is a
4 single charge of -- for the establishment not
5 filing a quarterly statement, I believe, in the
6 third quarter of 2014 on a timely basis, at
7 least.

8 The parties would offer to settle this
9 matter for a fine of \$500. In accordance with
10 our records, this would be the establishment's
11 first secondary tier violation.

12 MR. KLINE: In two years.

13 MR. ADAMS: In two years. I
14 apologize.

15 MR. KLINE: Yes.

16 CHAIRPERSON MILLER: Okay. Mr. Kline,
17 does your client accept that Offer in Compromise
18 of \$500?

19 MR. KLINE: Yes. Accept the offer and
20 waive hearing and right for appeal, if the Board
21 accepts it.

22 CHAIRPERSON MILLER: And is there a

1 time by when this \$500 would be paid?

2 MR. KLINE: Payable within 30 days,
3 although we expect that it will be paid much
4 sooner than that. And we understand, of course,
5 if it is not paid within 30 days, that the
6 license will be suspended.

7 CHAIRPERSON MILLER: Okay. Then I
8 would move to approve this Offer in Compromise of
9 \$500 to be paid within 30 days. If not paid
10 within 30 days, the license will be suspended
11 until payment is made.

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Mr. Rodriguez
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 6-0-0. Okay.

20 MR. KLINE: Thank you. And, Madam
21 Chair, that will be done by acknowledgement form?

22 CHAIRPERSON MILLER: I am signing a

1 form right now --

2 MR. KLINE: Great.

3 CHAIRPERSON MILLER: -- momentarily,
4 yes.

5 MR. KLINE: All right. Then we will
6 wait for it.

7 CHAIRPERSON MILLER: Yes, wait for
8 that.

9 MR. KLINE: Great. Thank you.

10 CHAIRPERSON MILLER: Okay.

11 (Whereupon, the Show Cause (Status)
12 Hearing in the above-entitled matter was
13 concluded at 10:05 a.m.)

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<p style="text-align: center;">A</p> <p>\$500 3:9,18 4:1,9 a.m 2:2 5:13 above-entitled 5:12 abstaining 4:18 accept 3:17,19 accepts 3:21 acknowledgement 4:21 Adams 1:21 2:7,8,21 3:3,13 ALBERTI 1:17 Alcoholic 1:2,12,13 Alefantis 2:12 ANC-3F 1:7 2:6 Andrew 2:10 apologize 3:14 appeal 3:20 approve 4:8 Ave 1:7 Avenue 2:5 aye 4:15,16</p> <hr/> <p style="text-align: center;">B</p> <p>basis 3:6 behalf 2:11 believe 3:5 Beverage 1:2,12,13 Big 1:6 Board 1:2,12 3:20 BROOKS 1:17 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>case 1:8 2:3,4,22 3:3 Cause 1:6 5:11 Chair 4:21 Chairman 2:8,22 Chairperson 1:14,16 2:3,14,19 3:2,16,22 4:7,13,17,22 5:3,7,10 charge 3:4 Cheese 1:6 client 3:17 Columbia 1:1 2:9 Comet 1:6 2:4 Compromise 3:1,17 4:8 concluded 5:13 Connecticut 1:7 2:5 Control 1:2,12,13 course 4:4 CR 1:7</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:14 days 4:2,5,9,10 discussed 2:22 District 1:1 2:8</p>	<p>DONALD 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>establishment 3:4 establishment's 3:10 expect 4:3</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9 favor 4:15 File 1:9 filing 3:5 fine 3:9 first 3:11 form 4:21 5:1 formal 2:18</p> <hr/> <p style="text-align: center;">G</p> <p>Good 2:7,10 Great 5:2,9</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,13 2:15 3:20 5:12 HECTOR 1:18</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p style="text-align: center;">J</p> <p>James 1:19 2:12</p> <hr/> <p style="text-align: center;">K</p> <p>Kline 2:10,11,16 3:12 3:15,16,19 4:2,20 5:2 5:5,9</p> <hr/> <p style="text-align: center;">L</p> <p>left 2:12 license 1:8 2:5 4:6,10 licensee 2:11,13 LLC 1:6 located 2:4</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 2:7,21 4:20 matter 1:5 3:9 5:12 matters 2:20 MEETING 1:3 Member 1:17,17,18,18 1:19 4:12 met 1:13 MIKE 1:18 Miller 1:14,16 2:3,14,19 3:2,16,22 4:7,13,17 4:22 5:3,7,10 momentarily 5:3 morning 2:7,10 motion 4:14,18</p>	<p>move 4:8</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 2:5 NICK 1:17 notice 2:15 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:21 offer 3:1,8,17,19 4:8 Okay 2:14,19 3:2,16 4:7 4:19 5:10 opposed 4:18</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 paid 4:1,3,5,9,9 parties 2:22 3:8 passes 4:19 Payable 4:2 payment 4:11 Pizza 1:6 2:4 preliminary 2:20 PRESENT 1:15,20 presiding 1:14 principal 2:12 propose 3:1</p> <hr/> <p style="text-align: center;">Q</p> <p>quarter 1:10 3:6 quarterly 1:9 3:5</p> <hr/> <p style="text-align: center;">R</p> <p>read 2:16 reading 2:18 receive 2:15 received 2:16 records 3:10 Reeves 1:13 representing 2:8 required 2:17 Retailer 1:7 right 3:20 5:1,5 Rodriguez 1:18 4:12,13 Room 1:13 Ruthanne 1:14,16</p> <hr/> <p style="text-align: center;">S</p> <p>Seated 2:11 Second 4:12 secondary 3:11 seconded 4:14 settle 3:8 SHORT 1:19 Show 1:6 5:11 signing 4:22</p>	<p>SILVERSTEIN 1:18 single 3:4 sooner 4:4 statement 3:5 Statements-3rd 1:10 Status 1:7 5:11 Street 1:13 Suite 1:14 suspended 4:6,10</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 Thank 4:20 5:9 third 3:6 tier 3:11 time 4:1 timely 3:6 two 3:12,13</p> <hr/> <p style="text-align: center;">U</p> <p>understand 4:4 understood 2:17</p> <hr/> <p style="text-align: center;">V</p> <p>violation 3:11</p> <hr/> <p style="text-align: center;">W</p> <p>wait 5:6,7 wave 2:17 3:20 Walter 1:21 2:8 Washington 1:14</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>years 3:12,13</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>10:02 2:2 10:05 5:13 14th 1:13 15-AUD-00013 1:8 2:4</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:13 20009 1:14 2014 1:10 3:6 2015 1:11</p> <hr/> <p style="text-align: center;">3</p> <p>30 4:2,5,9,10</p> <hr/> <p style="text-align: center;">4</p> <p>400S 1:14</p>
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