

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
: :
MIO D.C., LLC :
t/a Mio Restaurant : Show Cause
1110 Vermont Ave., NW : Hearing
Retailer CR - ANC-2F : (Status)
License No. 76072 :
Case #12-AUD-00012 :
: :
(Failed to File Quarterly :
Statements) :
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May 16, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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

CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
JEANNETTE MOBLEY, Member

ALSO PRESENT:
MICHAEL STERN, OAG

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

2 (9:33 a.m.)

3 CHAIRPERSON MILLER: Good morning,
4 ladies and gentlemen. I would like to welcome
5 you to the regularly scheduled meeting of the
6 District of Columbia Alcoholic Beverage
7 Control Board.

8 Today is May 16, 2012. My name is
9 Ruthanne Miller. I'm the Chair. Joining me
10 today to my far right is Mr. Calvin Nophlin.
11 To his immediate left is Mr. Donald Brooks.
12 To my immediate right is Mr. Nick Alberti. To
13 my far left is Ms. Jeannette Mobley and to my
14 immediate left is Mr. Mike Silverstein.

15 The Board has six Members in
16 attendance for the conduct of business today
17 with three constituting a quorum.

18 Copies of today's hearing calendar
19 and agenda are available at the receptionist
20 desk. Please be aware that these proceedings
21 are being recorded by a court reporter.
22 Accordingly, we must ask you to refrain from

1 any disruptive noises or actions in the
2 hearing room.

3 If you have any electronic
4 devices, pagers, cell phones and such, please,
5 make certain that they are turned off to avoid
6 any interruption of the proceedings.

7 Please note that there is a piece
8 of paper on each table in the front. When you
9 come forward as your case is called, please,
10 take a seat at the table and sign-in. This is
11 to ensure the correct spelling of your name
12 for the record.

13 The record will be closed at the
14 conclusion of each case, except for any
15 material specifically requested by the Board
16 or if the parties elect to submit proposed
17 findings of fact and conclusions of law within
18 30 calendar days after the conclusion of the
19 hearing as permitted by 23 DCMR ^U 1717.2.

20 After the record is closed, no
21 other information will be accepted by the
22 Board.

1 Copies of transcripts are
2 available by contacting ABRA's Records
3 Manager, Bill Hager, and it is the sole
4 responsibility of the parties to make this
5 request.

6 The Open Meetings Act requires
7 that the public hearing on each case be open
8 to the public. The Board may, consistent with
9 ^U 405(b) of the Open Meetings Act, enter a
10 closed meeting during or after the public
11 hearing on a case to consult with an attorney,
12 to obtain legal advice, discuss settlement
13 agreements or deliberate upon a decision in an
14 adjudication proceeding.

15 So now, we will move to the cases
16 on our calendar this morning. The first case
17 is Case No. 12-AUD-00012, Mio Restaurant at
18 1110 Vermont Avenue, N.W., License No. 76072,
19 in ANC-2F.

20 And I noticed the parties have
21 come to the table. Could you identify
22 yourselves for the record, please?

1 MR. IGUINA: My name is Manuel
2 Iguina.

3 MR. STERN: Good morning, Michael
4 Stern representing the District of Columbia.

5 CHAIRPERSON MILLER: Okay. This
6 is a Show Cause (Status) Hearing. Mr. Iguina?

7 MR. IGUINA: Yes.

8 CHAIRPERSON MILLER: Yes. Did you
9 receive notice of this hearing?

10 MR. IGUINA: Yes.

11 CHAIRPERSON MILLER: And did you
12 read it?

13 MR. IGUINA: Yes, I did.

14 CHAIRPERSON MILLER: Did you
15 understand it?

16 MR. IGUINA: Yes.

17 CHAIRPERSON MILLER: Okay. And do
18 you waive the Board's reading the notice into
19 the record?

20 MR. IGUINA: Yes.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Are there any preliminary matters, Mr.

1 Stern?

2 MR. STERN: Yes. In this case,
3 the parties have discussed a resolution, which
4 we hope the Board will adopt as an offer in
5 compromise.

6 The respondent will pay a fine of
7 \$3,000 within 60 days to resolve this
8 allegation.

9 CHAIRPERSON MILLER: Mr. Iguina,
10 do you agree to that that the LLC pay \$3,000
11 within 60 days?

12 MR. IGUINA: Yes, ma'am.

13 CHAIRPERSON MILLER: Okay. And my
14 understanding is that a quarterly statement
15 has been filed? Is that correct?

16 MR. IGUINA: Yes. They were
17 filed. And they were filed late. I did find
18 one of the 2008. Still I'm searching for the
19 other two, but, at this point, still I have
20 not find them.

21 CHAIRPERSON MILLER: Okay.

22 MR. IGUINA: And the 2011 also was

1 filed and I have a copy here that it was
2 filed.

3 CHAIRPERSON MILLER: Okay. And
4 the one at issue right here has definitely
5 been filed?

6 MR. IGUINA: I'm sorry?

7 CHAIRPERSON MILLER: The one at
8 issue right here has definitely been filed?

9 MR. IGUINA: Yes.

10 MR. STERN: Yes.

11 CHAIRPERSON MILLER: Okay. Board
12 Members have any questions? Yes, Mr. Alberti?

13 MEMBER ALBERTI: Mr. Iguina, I
14 just want to clarify, get clarification on
15 what you have filed, because my notes show
16 that the second quarter of the school year of
17 2011, the quarterly report for that quarter
18 has not been filed.

19 Now, are you saying that you have
20 filed it?

21 MR. IGUINA: Yes, sir.

22 MEMBER ALBERTI: You have it?

1 MR. IGUINA: Yes, sir. We filed
2 it and I have a copy here.

3 MEMBER ALBERTI: You have a copy
4 there?

5 MR. IGUINA: Yes, sir.

6 MEMBER ALBERTI: Okay. And will
7 you make sure that we have a copy?

8 MR. IGUINA: Of course, I can
9 leave one. I can leave this one here.

10 MEMBER ALBERTI: Okay. Great.

11 MR. IGUINA: And I'll tell you, we
12 have been through a lot of reorganization.
13 I'm current now, but --

14 MEMBER ALBERTI: Okay. I thank
15 you. I appreciate that.

16 MR. IGUINA: Honest mistake.

17 MEMBER ALBERTI: I just wanted to
18 make sure I understood you.

19 MR. IGUINA: Right.

20 MEMBER ALBERTI: Thank you very
21 much.

22 MR. IGUINA: Thank you.

1 CHAIRPERSON MILLER: She can make
2 a copy of it.

3 MEMBER ALBERTI: Ms. Fashbaugh
4 will get a copy from you.

5 MR. IGUINA: Yes, sir.

6 CHAIRPERSON MILLER: Okay. Thank
7 you.

8 MR. IGUINA: Thank you.

9 MEMBER ALBERTI: Thank you, Mr.
10 Iguina.

11 MR. IGUINA: Thank you, sir.

12 CHAIRPERSON MILLER: Any other
13 questions? Okay. Then we have before us an
14 offer in compromise in the amount of \$3,000 to
15 be paid within 60 days.

16 I would move that we accept this
17 offer in compromise. Do I have a second?

18 MEMBER MOBLEY: Second.

19 CHAIRPERSON MILLER: Any other
20 comments?

21 All those in favor of the offer in
22 compromise say aye.

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ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? Then the motion to approve the offer in compromise of \$3,000 to be paid within 60 days passes by a vote of 6-0-0.

MR. IGUINA: All right. Thank you.

CHAIRPERSON MILLER: Thank you very much.

MEMBER ALBERTI: Thank you.

(Whereupon, the Show Cause (Status) Hearing in the above-entitled matter was concluded at 9:39 a.m.)

A	C	E	I	M
above-entitled 10:13 ABRA's 4:2 abstaining 10:3 accept 9:16 accepted 3:21 Act 4:6,9 actions 3:1 adjudication 4:14 adopt 6:4 advice 4:12 agenda 2:19 agree 6:10 agreements 4:13 Alberti 1:19 2:12 7:12,13,22 8:3,6 8:10,14,17,20 9:3 9:9 10:11 Alcoholic 1:2,13,14 2:6 allegation 6:8 amount 9:14 ANC-2F 1:8 4:19 appreciate 8:15 approve 10:4 attendance 2:16 attorney 4:11 available 2:19 4:2 Ave 1:7 Avenue 4:18 avoid 3:5 aware 2:20 aye 9:22 10:1 a.m 2:2 10:14	calendar 2:18 3:18 4:16 called 3:9 Calvin 1:20 2:10 case 1:9 3:9,14 4:7 4:11,16,17 6:2 cases 4:15 Cause 1:6 5:6 10:12 cell 3:4 certain 3:5 Chair 2:9 Chairperson 1:15 1:18 2:3 5:5,8,11 5:14,17,21 6:9,13 6:21 7:3,7,11 9:1 9:6,12,19 10:2,9 clarification 7:14 clarify 7:14 closed 3:13,20 4:10 Columbia 1:1 2:6 5:4 come 3:9 4:21 comments 9:20 compromise 6:5 9:14,17,22 10:4 concluded 10:14 conclusion 3:14,18 conclusions 3:17 conduct 2:16 consistent 4:8 constituting 2:17 consult 4:11 contacting 4:2 Control 1:2,13,14 2:7 Copies 2:18 4:1 copy 7:1 8:2,3,7 9:2 9:4 correct 3:11 6:15 course 8:8 court 2:21 CR 1:8 current 8:13	days 3:18 6:7,11 9:15 10:5 DCMR 3:19 decision 4:13 definitely 7:4,8 deliberate 4:13 desk 2:20 devices 3:4 discuss 4:12 discussed 6:3 disruptive 3:1 District 1:1 2:6 5:4 Donald 1:19 2:11 D.C 1:6,15	Honest 8:16 hope 6:4	Members 2:15 7:12 met 1:14 Michael 1:23 5:3 Mike 1:21 2:14 Miller 1:15,18 2:3 2:9 5:5,8,11,14,17 5:21 6:9,13,21 7:3 7:7,11 9:1,6,12,19 10:2,9 Mio 1:6,6 4:17 mistake 8:16 Mobley 1:21 2:13 9:18 morning 2:3 4:16 5:3 motion 10:4 move 4:15 9:16
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Beverage 1:2,13,14 2:6 Bill 4:3 Board 1:2,14 2:7 2:15 3:15,22 4:8 6:4 7:11 Board's 5:18 Brooks 1:19 2:11 business 2:16	fact 3:17 Failed 1:10 far 2:10,13 Fashbaugh 9:3 favor 9:21 File 1:10 filed 6:15,17,17 7:1 7:2,5,8,15,18,20 8:1 find 6:17,20 findings 3:17 fine 6:6 first 4:16 forward 3:9 front 3:8	elect 3:16 electronic 3:3 ensure 3:11 enter 4:9	Jeannette 1:21 2:13 Joining 2:9	ladies 2:4 late 6:17 law 3:17 leave 8:9,9 left 2:11,13,14 legal 4:12 License 1:8 4:18 LLC 1:6 6:10 lot 8:12
		G	L	N
		gentlemen 2:4 Good 2:3 5:3 Great 8:10	Manager 4:3 Manuel 5:1 material 3:15 matter 1:5 10:13 matters 5:22 ma'am 6:12 meeting 1:3 2:5 4:10 Meetings 4:6,9 Member 1:19,19 1:20,21,21 7:13 7:22 8:3,6,10,14 8:17,20 9:3,9,18 10:11	name 2:8 3:11 5:1 Nick 1:19 2:12 noises 3:1 Nophlin 1:20 2:10 note 3:7 notes 7:15 notice 5:9,18 noticed 4:20 NW 1:7 N.W 1:14 4:18
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		Hager 4:3 hearing 1:7,14 2:18 3:2,19 4:7,11 5:6 5:9 10:13	OAG 1:23 obtain 4:12 offer 6:4 9:14,17,21 10:4 Okay 5:5,17,21 6:13,21 7:3,11 8:6 8:10,14 9:6,13 open 4:6,7,9 opposed 10:3	paggers 3:4 paid 9:15 10:5 paper 3:8 parties 3:16 4:4,20 6:3 passes 10:5

<p>pay 6:6,10 permitted 3:19 phones 3:4 piece 3:7 please 2:20 3:4,7,9 4:22 point 6:19 preliminary 5:22 PRESENT 1:17,22 presiding 1:15 proceeding 4:14 proceedings 2:20 3:6 proposed 3:16 public 4:7,8,10 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quarter 7:16,17 quarterly 1:10 6:14 7:17 questions 7:12 9:13 quorum 2:17</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>read 5:12 reading 5:18 receive 5:9 receptionist 2:19 record 3:12,13,20 4:22 5:19 recorded 2:21 Records 4:2 refrain 2:22 regularly 2:5 reorganization 8:12 report 7:17 reporter 2:21 representing 5:4 request 4:5 requested 3:15 requires 4:6 resolution 6:3 resolve 6:7 respondent 6:6 responsibility 4:4</p>	<p>Restaurant 1:6 4:17 Retailer 1:8 right 2:10,12 7:4,8 8:19 10:7 room 1:14 3:2 Ruthanne 1:15,18 2:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>saying 7:19 scheduled 2:5 school 7:16 searching 6:18 seat 3:10 second 7:16 9:17 9:18 settlement 4:12 show 1:6 5:6 7:15 10:12 sign-in 3:10 Silverstein 1:21 2:14 sir 7:21 8:1,5 9:5 9:11 six 2:15 sole 4:3 sorry 7:6 specifically 3:15 spelling 3:11 statement 6:14 Statements 1:10 Status 1:8 5:6 10:13 Stern 1:23 5:3,4 6:1,2 7:10 Street 1:14 submit 3:16 Suite 1:14 sure 8:7,18</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 3:8,10 4:21 take 3:10 tell 8:11 thank 5:21 8:14,20 8:22 9:6,8,9,11 10:7,9,11</p>	<p>three 2:17 today 2:8,10,16 today's 2:18 transcripts 4:1 turned 3:5 two 6:19 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U 3:19 4:9 understand 5:15 understanding 6:14 understood 8:18</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Vermont 1:7 4:18 vote 10:6</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 5:18 want 7:14 wanted 8:17 Washington 1:15 welcome 2:4</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 7:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 1:4,11</p> <hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$3,000 6:7,10 9:14 10:5</p> <hr/> <p style="text-align: center;">#</p> <hr/> <p>#12-AUD-00012 1:9</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1110 1:7 4:18 12-AUD-00012 4:17 14th 1:14 16 1:12 2:8 1717.2 3:19</p> <hr/> <p style="text-align: center;">2</p>	<p>2000 1:14 20009 1:15 2008 6:18 2011 6:22 7:17 2012 1:12 2:8 23 3:19</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 3:18</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>400S 1:15 405(b) 4:9</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6-0-0 10:6 60 6:7,11 9:15 10:5</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>76072 1:8 4:18</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:33 2:2 9:39 10:14</p>
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