

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Bread & Chocolate, Inc. :
t/a Bread & Chocolate : Show Cause
5542 Connecticut Ave., NW : Hearing
Retailer CR - ANC-3G : (Status)
License No. 7792 :
Case# 12-CMP-00735 :
: :
(No ABC Manager on Duty, :
Failed to Post ABC License, :
Substantial Change in :
Operation (No Summer Garden :
Endorsement) :

b-----1/4

May 22, 2013

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

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

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

(9:36 a.m.)

CHAIRPERSON MILLER: Moving along to our next case, No. 12-CMP--00735, Bread & Chocolate located at 5542 Connecticut Avenue, N.W., License No. 7792 in ANC-3G.

Good morning.

MR. COOK: Good morning.

MS. GEPHARDT: Good morning, Chrissy Gephardt on behalf of the Office of the Attorney General.

MR. COOK: And I'm Andy Cook on behalf of Bread & Chocolate.

CHAIRPERSON MILLER: Okay. And could you tell us what your affiliation is with Bread & Chocolate?

MR. COOK: I'm the Chief Operating Officer.

CHAIRPERSON MILLER: Okay. And would you mind spelling your last name?

MR. COOK: C-O-O-K.

CHAIRPERSON MILLER: All right.

1 Are there any preliminary matters in this
2 case?

3 CHAIRPERSON MILLER: To my
4 knowledge, there are no preliminary matters in
5 this case. We will proceed to the Shoe Cause
6 Hearing.

7 MR. COOK: Well, I'm going to have
8 to have somebody explain that to me. We had
9 a chance to talk briefly on the phone, but we
10 hadn't really circled up. There is three
11 issues here and one of them we certainly -- it
12 was our fault. We had a manager without a
13 license and that has since been corrected.

14 CHAIRPERSON MILLER: Okay.

15 MR. COOK: No. 2, we had some
16 conversation where there is some point to
17 make.

18 MS. GEPHARDT: I think since we
19 haven't resolved that --

20 MR. COOK: Okay.

21 MS. GEPHARDT: -- we will proceed
22 with the Show Cause and maybe in the meantime

1 you and I can talk and see if we can work it
2 out.

3 MR. COOK: If that works for you,
4 that works for us.

5 CHAIRPERSON MILLER: Okay. So
6 right. So if you haven't come to any
7 agreement yet, at this point, we will put you
8 on the calendar for a Show Cause Hearing. You
9 will still have time, if you come to an
10 agreement beforehand.

11 MR. COOK: Okay.

12 CHAIRPERSON MILLER: All right.
13 So that date will be July 17, 2013 at 11:00
14 a.m.

15 MR. COOK: Okay.

16 CHAIRPERSON MILLER: All right.

17 MEMBER ALBERTI: Ms. Miller,
18 before we let Mr. Cook go --

19 CHAIRPERSON MILLER: Yes?

20 MEMBER ALBERTI: Mr. Cook --

21 MR. COOK: Yes, sir?

22 MEMBER ALBERTI: -- are you an

1 owner or part-owner of this --

2 MR. COOK: I am a very, very minor
3 portion.

4 MEMBER ALBERTI: Okay. So do you
5 have a letter?

6 MR. COOK: Actually, I presented
7 that before the Board previously and I have
8 appeared.

9 MEMBER ALBERTI: So that's in our
10 file?

11 MR. COOK: It should be.

12 MEMBER ALBERTI: Okay. Just
13 wanted to make sure.

14 MR. COOK: Okey-doke. I
15 appreciate the question.

16 MEMBER ALBERTI: Yes. Fine.
17 Thank the owner. Thanks.

18 CHAIRPERSON MILLER: So I mean, I
19 think, you know, you are fine for being here
20 to get the date for the Show Cause Hearing,
21 but if you were to represent that you had a
22 settlement agreement, we would need to know

1 that you are authorized to enter into one.

2 MR. COOK: Understood. So --

3 CHAIRPERSON MILLER: It's okay.

4 MR. COOK: -- if I filed that
5 previously, should I refile or --

6 MEMBER ALBERTI: He says it is in
7 our records.

8 CHAIRPERSON MILLER: I don't know
9 what it says, so -- whether it says for one
10 case or in general or whatever.

11 MR. COOK: Sure.

12 CHAIRPERSON MILLER: So you can
13 just check on that in the meantime as though--
14 as long as it, you know, is clear that you are
15 authorized.

16 MR. COOK: I would be happy to do
17 so.

18 CHAIRPERSON MILLER: All right.
19 Great. All right. Then that's that unless
20 you have any questions.

21 MR. COOK: No, I don't think I do.

22 CHAIRPERSON MILLER: And you can

1 always ask Ms. Gephardt or our general
2 counsel, Ms. Jenkins.

3 MR. COOK: All right.

4 CHAIRPERSON MILLER: All right.

5 Thank you very much.

6 MR. COOK: Thank you.

7 MEMBER BROOKS: Thank you.

8 (Whereupon, the Show Cause
9 (Status) Hearing in the above-entitled matter
10 was concluded at 9:40 a.m.)
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<p style="text-align: center;">A</p> <p>ABC 1:10,10 above-entitled 7:9 affiliation 2:15 agreement 4:7,10 5:22 ALBERTI 1:21 4:17,20,22 5:4,9 5:12,16 6:6 Alcoholic 1:2,15,15 ANC-3G 1:8 2:6 Andy 2:12 appeared 5:8 appreciate 5:15 Attorney 2:11 authorized 6:1,15 Ave 1:7 Avenue 2:5 a.m 2:2 4:14 7:10</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:10,13 Beverage 1:2,15,15 Board 1:2,15 5:7 Bread 1:6,6 2:4,13 2:16 briefly 3:9 BROOKS 1:22 7:7 Building 1:16</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 4:8 case 1:9 2:4 3:2,5 6:10 Cause 1:6 3:5,22 4:8 5:20 7:8 certainly 3:11 Chairperson 1:17 1:21 2:3,14,19,22 3:3,14 4:5,12,16 4:19 5:18 6:3,8,12 6:18,22 7:4 chance 3:9 Change 1:11 check 6:13 Chief 2:17 Chocolate 1:6,6 2:5</p>	<p>2:13,16 Chrissy 1:25 2:10 circled 3:10 clear 6:14 COLUMBIA 1:1 come 4:6,9 concluded 7:10 Connecticut 1:7 2:5 Control 1:2,15,15 conversation 3:16 Cook 2:8,12,12,17 2:21 3:7,15,20 4:3 4:11,15,18,20,21 5:2,6,11,14 6:2,4 6:11,16,21 7:3,6 corrected 3:13 counsel 7:2 CR 1:8 C-O-O-K 2:21</p> <hr/> <p style="text-align: center;">D</p> <p>date 4:13 5:20 DISTRICT 1:1 DONALD 1:22 Duty 1:10 D.C 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>Endorsement 1:12 enter 6:1 explain 3:8</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 fault 3:12 file 5:10 filed 6:4 fine 5:16,19</p> <hr/> <p style="text-align: center;">G</p> <p>Garden 1:12 general 2:11 6:10 7:1 Gephardt 1:25 2:9 2:10 3:18,21 7:1 go 4:18 going 3:7</p>	<p>Good 2:7,8,9 Great 6:19</p> <hr/> <p style="text-align: center;">H</p> <p>happy 6:16 Hearing 1:7,16 3:6 4:8 5:20 7:9</p> <hr/> <p style="text-align: center;">I</p> <p>issues 3:11</p> <hr/> <p style="text-align: center;">J</p> <p>Jenkins 7:2 July 4:13</p> <hr/> <p style="text-align: center;">K</p> <p>know 5:19,22 6:8 6:14 knowledge 3:4</p> <hr/> <p style="text-align: center;">L</p> <p>letter 5:5 license 1:8,10 2:6 3:13 located 2:5 long 6:14</p> <hr/> <p style="text-align: center;">M</p> <p>manager 1:10 3:12 matter 1:5 7:9 matters 3:1,4 mean 5:18 MEETING 1:3 Member 1:21,22 1:22 4:17,20,22 5:4,9,12,16 6:6 7:7 met 1:15 MIKE 1:22 Miller 1:17,21 2:3 2:14,19,22 3:3,14 4:5,12,16,17,19 5:18 6:3,8,12,18 6:22 7:4 mind 2:20 minor 5:2 morning 2:7,8,9 Moving 2:3</p>	<p style="text-align: center;">N</p> <p>name 2:20 need 5:22 NICK 1:21 NW 1:7 N.W 1:17 2:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25 Office 2:10 Officer 2:18 okay 2:14,19 3:14 3:20 4:5,11,15 5:4 5:12 6:3 Okey-doke 5:14 Operating 2:17 Operation 1:12 owner 5:1,17</p> <hr/> <p style="text-align: center;">P</p> <p>part-owner 5:1 phone 3:9 point 3:16 4:7 portion 5:3 Post 1:10 preliminary 3:1,4 PRESENT 1:19,23 presented 5:6 presiding 1:18 previously 5:7 6:5 proceed 3:5,21 put 4:7 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>question 5:15 questions 6:20</p> <hr/> <p style="text-align: center;">R</p> <p>really 3:10 records 6:7 Reeves 1:16 refile 6:5 represent 5:21 resolved 3:19 Retailer 1:8 right 2:22 4:6,12</p>	<p>4:16 6:18,19 7:3,4 Room 1:16 Ruthanne 1:17,21</p> <hr/> <p style="text-align: center;">S</p> <p>says 6:6,9,9 see 4:1 settlement 5:22 Shoe 3:5 Show 1:6 3:22 4:8 5:20 7:8 SILVERSTEIN 1:22 sir 4:21 somebody 3:8 spelling 2:20 Status 1:8 7:9 Street 1:17 Substantial 1:11 Suite 1:17 Summer 1:12 sure 5:13 6:11</p> <hr/> <p style="text-align: center;">T</p> <p>talk 3:9 4:1 tell 2:15 Thank 5:17 7:5,6,7 Thanks 5:17 think 3:18 5:19 6:21 three 3:10 time 4:9 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>Understood 6:2</p> <hr/> <p style="text-align: center;">W</p> <p>wanted 5:13 Washington 1:17 work 4:1 works 4:3,4</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,13</p> <hr/> <p style="text-align: center;">O</p> <p>00735 2:4</p>
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