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

9:53 a.m.

CHAIRPERSON MILLER: So, when you are ready, will you introduce yourselves for the record.

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia.

MR. FONSECA: Michael Fonseca, on behalf of the Licensee. With me is the general manager. Before I introduce him, I have given staff an original letter from Jeff Hogan who an approved officer. This corporate licensee is based in Dallas and the two approved officers were unavailable for today. I have been authorized as long-term counsel to settle this matter and the letter so states.

With me is the general manager who can introduce himself.

MR. PAINE: Bruce Paine, the general manager of the Maggiano's in Chevy Chase.

1 CHAIRPERSON MILLER: I'm sorry,
2 sir, what's your last name?

3 MR. PAINE: Bruce Paine, P-A-I-N-
4 E.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. I don't know who got the notice.

7 Did you read the notice --

8 MR. FONSECA: Yes.

9 CHAIRPERSON MILLER: -- of the
10 Show Cause Hearing? Did you get notice? I
11 know you did, Mr. Fonseca.

12 MR. FONSECA: Yes.

13 MR. PAINE: Yes, absolutely.

14 CHAIRPERSON MILLER: You did, did
15 you read it?

16 MR. PAINE: Mostly, yes.

17 CHAIRPERSON MILLER: And you
18 understand it?

19 MR. PAINE: Kind of.

20 MR. FONSECA: With authorization
21 I've had conversations with the legal staff at
22 corporate headquarters. They are well aware

1 that you retain copies. I've advised them on
2 what I've negotiated with the Attorney
3 General. So, we waive reading. We fully
4 comprehend with the client -- the licensee
5 through his officers and fully understand the
6 charges and, frankly, the severity of the
7 consequences.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 So, are there any preliminary
11 matters in this case?

12 MS. PHILLIPS: Yes, Madam Chair,
13 there are.

14 CHAIRPERSON MILLER: Okay.

15 MS. PHILLIPS: There is an Offer
16 in Compromise that the parties have agreed
17 upon that we present to the Board which is a
18 \$3,000 fine, payable within 30 days.

19 CHAIRPERSON MILLER: Okay.

20 Mr. Fonseca, is it your
21 understanding and agreement on behalf of your
22 client to a fine of \$3,000 to be paid within

1 30 days?

2 MR. FONSECA: That is correct.

3 CHAIRPERSON MILLER: And your
4 client understands that it waives its right to
5 a hearing on this matter?

6 MR. FONSECA: Yes.

7 CHAIRPERSON MILLER: Okay. Any
8 questions, Board Members?

9 Yes?

10 MEMBER ALBERTI: Mr. Paine might
11 not know the answer but my question is, how
12 many licensed ABC managers do you employ
13 currently?

14 MR. FONSECA: We're prepared for
15 that and Mr. Paine is here, although he's only
16 the general manager to take the Board's
17 consternation over repeated failures to have
18 licensed managers. I was brought aware of
19 this when it occurred and advised both the
20 general manager and corporate of the need to
21 have multiple licensed managers. The fact is
22 the misnomer to think that an ABC manager must

1 be a manage supervisory employee. They now
2 have five licensed managers which I could
3 provide copies to the Board. I do have here
4 five and Mr. Paine is well aware of this and
5 this behavior will not be seen.

6 MEMBER ALBERTI: Thank you for
7 that.

8 CHAIRPERSON MILLER: Okay. Any
9 other questions? Mr. Jones?

10 MEMBER JONES: Just one for
11 clarification purposes.

12 You obviously realize this isn't
13 your first time for no ABC manager on duty.
14 Correct. So, you're saying that you are well
15 aware of it now and you put the necessary
16 changes in place now so that it won't happen
17 in the future.

18 MR. PAINE: Right, in taking over
19 -- in taking over this location in this past
20 year and finding out the hard way of the
21 history and as far as this issue goes, we
22 immediately went after it, you know to be

1 compliant with whatever necessary means that
2 we needed to be.

3 And so this current team, there
4 are no members of the former leadership team
5 in the restaurant. Of the current team that
6 I've hired and in place, we all are completely
7 compliant.

8 MEMBER JONES: Okay. Thank you.

9 CHAIRPERSON MILLER: Thank you.

10 Any other questions?

11 Okay. We have before us then an
12 Offer in Compromise for \$3,000 payable within
13 30 days.

14 I would move that we approve this
15 Offer in Compromise.

16 MEMBER MOBLEY: I'll second.

17 CHAIRPERSON MILLER: Any other
18 comments?

19 All those in favor of approving
20 the Offer in Compromise say aye.

21 (AYES)

22 CHAIRPERSON MILLER: All those

1 opposed?

2 MEMBER JONES: Opposed.

3 CHAIRPERSON MILLER: All those
4 abstaining?

5 CHAIRPERSON MILLER: Then the vote
6 is 6-1-0 to approve the Offer in Compromise.

7 Thank you.

8 (Whereupon, the above matter was
9 concluded at 9:58 a.m.)

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