

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

IN THE MATTER OF:

Juanita's, Inc.
t/a Juanita's Restaurant Fact-
3521 14th Street, NW Finding
Retailer CT - ANC-1A Hearing
License No. 91432
Case #15-CMP-00057

(Operating After Hours,
Provided False or Misleading
Information)

June 10, 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:

FELICIA DANTZLER, ABRA Investigator

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

2 3:33 p.m.

3 CHAIRPERSON MILLER: I'm going to call
4 Case No. 15-CMP-00057, Juanita's Restaurant
5 located at 3521 14th Street, N.W., License No.
6 91432, in ANC-1A. And this is a Fact-Finding
7 Hearing.

8 First, why don't we get introductions
9 on the record. And also, there should be a piece
10 of paper for you to sign-in, so that way we make
11 sure we get the spelling of your name right.

12 Okay. Sir, yes?

13 MR. JACKSON: Yes, my name is Jeff
14 Jackson and I'm representing the applicant, Cesar
15 Baruca, who is the owner of Juanita's Restaurant.

16 CHAIRPERSON MILLER: Okay.

17 MR. JACKSON: Go ahead.

18 MR. BARUCA: Cesar Baruca.

19 CHAIRPERSON MILLER: Okay.

20 MS. DANTZLER: Good afternoon. My
21 name is Felicia Dantzler, Investigator with ABRA.

22 CHAIRPERSON MILLER: All right. So

1 first of all, I want to say that this is what is
2 called a Fact-Finding Hearing. This is not a
3 Show Cause Hearing, otherwise, we would be taking
4 testimony and taking evidence. And we are --
5 and, you know, other Board Members can correct me
6 if I'm wrong, but we are not going to be focusing
7 on all the alleged violations that may have
8 occurred on December 31, 2014 or January 1, 2015,
9 but I believe and others can again correct me if
10 I'm wrong, but that the focus here is how our
11 Investigators were treated by the establishment
12 and that particular interaction between employees
13 and ABRA Investigators.

14 So, Ms. Dantzler, are you prepared to
15 address facts that go to that issue?

16 MS. DANTZLER: Yes, I am.

17 CHAIRPERSON MILLER: Okay. All right.
18 Are there any questions before we start?

19 MR. JACKSON: No.

20 CHAIRPERSON MILLER: All right. Thank
21 you.

22 MS. DANTZLER: Can I start?

1 CHAIRPERSON MILLER: Yes.

2 MS. DANTZLER: Okay. On New Year's
3 Eve 2014 into 2015, ABRA Investigator Earl Jones
4 and I were assigned to a two-man unit and we were
5 given a list of establishments who were approved
6 to work beyond the regular -- their regular
7 operating hours.

8 And who was not on my list was
9 Juanita's Restaurant. Investigator Jones and
10 myself were traveling southbound in the 3500
11 Block of 14th Street, N.W., and I happened to look
12 to my left and saw that Juanita's Restaurant was
13 operating and I observed several patrons. From
14 the roadway, I can see the front of the
15 establishment. There was like a curtain that
16 came down that covered part of the patron's
17 torso, so I could see them sitting at the tables
18 in through the window.

19 So Investigator Jones and myself
20 decided to enter and to ascertain whether or not
21 the establishment just probably didn't make our
22 list. So upon entry we noticed that the lights

1 were on, music was playing. There were two
2 security guards at the entrance. And I asked the
3 security guard if -- we identified ourselves to
4 the security guard and I asked the security guard
5 if the owner or the ABC Manager was present.

6 He stated that the owner was at the
7 rear of the establishment. So there on the first
8 floor there were, approximately, 14 or so patrons
9 on the first floor. I could also see,
10 approximately, eight patrons on the second floor.

11 And when I asked the security person
12 who was the owner, could he give me -- identify
13 features of the owner, he just stated that it's
14 the guy in the back with the bald head.

15 So Investigator Jones and myself made
16 it to the back of the establishment. Who we
17 first encountered was Mr. Cesar Baruca here. And
18 I asked Mr. Baruca if he was the owner and Mr.
19 Baruca stated no. He -- Mr. Baruca pointed out a
20 female who was behind the bar and stated that she
21 was the owner.

22 I then took -- I then asked her was

1 she the ABC Manager or the owner and she stated--
2 she actually didn't state anything, I don't
3 believe. Instead a gentleman stepped forward who
4 was standing next to her and stated that the
5 owner was upstairs.

6 So at that time, he has told me he
7 would go upstairs to get her and bring her to us.
8 So meanwhile, I guess about three minutes or so,
9 five minutes or so later, the male returned with
10 a female with him and I then asked her if she was
11 the ABC Manager or the owner. She didn't respond
12 and then Mr. Baruca actually stepped forward and
13 stated that he was the owner.

14 So Investigator Jones and myself asked
15 Mr. Baruca so, you know, why did you just tell us
16 that you weren't? For some odd reason, Mr.
17 Baruca was very irritated. And Investigator
18 Jones asked Mr. Baruca for a photo identification
19 at which time Mr. Baruca complied. However, when
20 he passed the identification, his identification
21 to Investigator Jones, he actually threw it on
22 the bar.

1 So almost immediately Investigator
2 Jones and myself told Mr. Baruca hey, look, you
3 don't have to throw anything at us. Then at
4 which time Investigator Jones took the
5 identification and the license to the
6 establishment. He took it to the front of the
7 establishment and was working on writing some
8 information down.

9 So I was left with Mr. Baruca and some
10 other members of the staff in the establishment.
11 And I was back there speaking to Mr. Baruca. So
12 I asked Mr. Baruca about the -- did he have the
13 license, the extended hours license, so perhaps
14 our Agency may have overlooked him on our list?
15 And Mr. Baruca was just very agitated and still I
16 don't know to this day why he was so agitated.

17 So I tried to calm Mr. Baruca down,
18 just tell him just calm down. Just let me get
19 the license and he cut me short and said I gave
20 it to him, you know. I said I understand that,
21 but I need you to answer the questions that I'm
22 asking of you.

1 And so shortly thereafter some guy who
2 was a patron there tapped me on my shoulder and I
3 looked over my shoulder. He threw something at
4 me, which happened -- it was a napkin or a piece
5 of paper and then he gave me the finger.

6 So I don't know what precipitated
7 that. I don't know if Mr. Baruca's demeanor,
8 because you can clearly see his irritation in his
9 face, in his body that he was highly agitated.

10 And so Investigator Jones felt a little
11 uncomfortable having me in the rear of the
12 establishment with Mr. Baruca and the other, it
13 appeared to be, employees and the patrons, so he
14 came back to get me and have me come with him
15 instead of having me along back there.

16 So we completed our investigation. We
17 saw that he should have been closed at 3:00. We
18 entered his establishment at, approximately, 42
19 to 45 minutes after he should have closed. I
20 advised Mr. Baruca hey, this is going to be a
21 violation. We will reduce our findings to a
22 written report and then we will contact him as

1 the next step. So that's the end of my
2 testimony.

3 CHAIRPERSON MILLER: Okay. Thank you.
4 Would you all like to respond to that?

5 MR. JACKSON: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MR. JACKSON: Speaking with Mr.
8 Baruca, first of all, Mr. Baruca owned this
9 establishment for about four years and he hadn't
10 had any violations. And I pride myself on my
11 clients to make sure that they stay in
12 compliance. And since I have worked with ABRA,
13 one thing I told them I always tell my clients, I
14 don't care who you disrespect, just don't
15 disrespect ABRA.

16 So in saying that, Mr. Baruca does
17 admit he was agitated on that night. And the
18 reason why he was agitated is because he was
19 under the assumption that he was being harassed,
20 first of all. I'm not saying that that was the
21 case.

22 He stated that he felt that he was

1 being harassed and Ms. Dantzler was correct that
2 she did identify herself at the front door, but
3 according to Mr. Baruca when she asked were you
4 the owner, she never identified herself as an ABC
5 Investigator, so that's why he told her no.

6 So he didn't have any knowledge at
7 first who she was until one of the patrons in
8 there spoke to him in Spanish and told him that
9 was ABC.

10 Now, Mr. Baruca does speak some
11 Spanish, but he is -- I mean, excuse me, some
12 English, but understanding English is where he
13 has some difficulties.

14 And he was agitated like I said, so he
15 is not defending that. And he did toss his
16 license down. He is admitting that because he
17 was agitated over the fact that he felt that he
18 was being harassed, because he felt that he were
19 -- he did have permission to operate to 4:00 in
20 the morning, because he had the holiday extension
21 and also he felt that the regulations gave him
22 permission to operate to 4:00 in the morning.

1 CHAIRPERSON MILLER: Okay. So I
2 appreciate what you said. I would prefer if we
3 could hear a little bit from Mr. Baruca himself.

4 MR. JACKSON: Sure.

5 CHAIRPERSON MILLER: It depends on his
6 English though. You are saying there is a --
7 just a --

8 MR. JACKSON: He can try, I mean.

9 CHAIRPERSON MILLER: I'm interested to
10 know, you know, why you would feel harassed?
11 Have ABRA Investigators come in your
12 establishment before?

13 MR. BARUCA: Yes. You know, I was
14 work all night on the case, you know, and know
15 who was here when he go over there and asked me
16 for the owner. I said I don't know. And then
17 when he say he is the ABC Investigator, then I
18 said I'm the owner.

19 And I never throw the license. I keep
20 the liquor license with that and then we put it
21 in the bar.

22 MR. JACKSON: And to make a

1 clarification, he don't feel -- he didn't feel
2 that he was being harassed by ABRA.

3 CHAIRPERSON MILLER: Oh, okay.

4 MR. JACKSON: He just felt that it was
5 New Year's Eve and some customers was coming in,
6 maybe neighbors or somebody just wanting to start
7 something.

8 CHAIRPERSON MILLER: He didn't --

9 MR. JACKSON: So it wasn't ABRA
10 Investigators that he felt that he was being
11 harassed by.

12 CHAIRPERSON MILLER: Oh, okay. But
13 did you know they were ABRA Investigators?

14 MR. BARUCA: I don't know that.

15 CHAIRPERSON MILLER: You didn't know
16 that?

17 MR. BARUCA: Don't --

18 CHAIRPERSON MILLER: You didn't see
19 the ID?

20 MR. BARUCA: I don't know it was ABRA
21 in club. The lady told me was ABRA, that's -- I
22 said I'm the owner.

1 CHAIRPERSON MILLER: Okay. All right.
2 Others? Mr. Brooks?

3 MEMBER BROOKS: Yes. Who told you she
4 was ABRA?

5 MR. BARUCA: Huh?

6 MEMBER BROOKS: Who told you she was
7 ABRA?

8 MR. BARUCA: Lady here.

9 MEMBER BROOKS: Well, I thought you
10 said someone else told you that she was ABRA?

11 MR. BARUCA: No. I was in the back
12 working and my employee would say somebody
13 looking for the owner.

14 MEMBER BROOKS: Yes.

15 MR. BARUCA: But I don't -- never said
16 it was ABRA. They say it's ABRA on the door.
17 I'm not in the bar.

18 MEMBER BROOKS: Oh, I don't
19 understand, but thank you, Madam Chair.

20 CHAIRPERSON MILLER: Others? Mr.
21 Alberti?

22 MEMBER ALBERTI: So, Mr. Baruca, first

1 of all, Mr. Baruca, let me advise you that this
2 case has been sent over to the Office of the
3 Attorney General already, so you should know that
4 going into this.

5 So when they first approached you,
6 they did not show their badges to you?

7 MR. BARUCA: Nope.

8 MEMBER ALBERTI: Not at all? All
9 right. Ms. Dantzler, did you show your badges?

10 MS. DANTZLER: Yes. I had my ID and
11 my lanyard that has my badge on it.

12 MEMBER ALBERTI: It was around your
13 neck?

14 MS. DANTZLER: It was, yes.

15 MEMBER ALBERTI: So, Mr. Baruca, I'm
16 not really buying your story that you didn't know
17 they were Investigators. I have seen them with
18 their badges. They are pretty visible. All
19 right.

20 MR. BARUCA: No.

21 MEMBER ALBERTI: Well, look, let me
22 finish. Let me finish. I was upset when I read

1 this report. I'm doubly upset right now that you
2 come in here and deny, deny or give excuses for
3 the way you treated our Investigators. I would
4 have rather you come in and say, yes, I did it.
5 My mistake. I understand that I did wrong. I
6 won't do it again.

7 But you know, what I'm hearing, and
8 maybe I'm wrong, and you can argue with me and
9 tell me I'm wrong, but what I'm seeing is that
10 you don't understand what you did wrong. Let me
11 tell you what you did wrong.

12 It was not fully complying with the
13 requests of our Investigators. When our
14 Investigators go into an establishment, we expect
15 full compliance. You may not like what they are
16 asking you to do and if you have problems with
17 that, then you talk to our Director, but you do
18 not, you do not confront or disobey the requests
19 of our Investigators.

20 Even though you think it may be
21 completely wrong, you take that up with the
22 Director if you have a problem with that. But

1 while they are there, we expect full compliance
2 and respect with our Investigators.

3 Do you understand that?

4 MR. BARUCA: Yes.

5 MEMBER ALBERTI: Do you understand
6 that?

7 MR. BARUCA: Yes.

8 MEMBER ALBERTI: Okay. Our
9 Investigators do a very tough job. They go in.
10 The only defense they have is their badge. It's
11 my understanding that they felt rather threatened
12 in your establishment. That should never be the
13 case. It should never be the case where they
14 have to encounter that kind of situation where
15 the owner is complacent with it.

16 I will tell you that you are now on my
17 radar. And your lack of willingness to own up to
18 your mistake has not helped you in my eyes.

19 I have nothing else. Thank you.

20 CHAIRPERSON MILLER: Okay. Others?
21 Mr. Short?

22 MEMBER SHORT: Thank you. Mr.

1 Alberti, I would just like to reiterate what you
2 simply said to the licensee.

3 Having an ABC License in the District
4 of Columbia is a privilege. When these
5 Investigators or Inspectors come in and identify
6 themselves, you will treat them with respect.
7 There are ways to deal with people who don't
8 respect Government or respect our Investigators
9 and you are on my radar screen also.

10 Thank you, Madam Chair.

11 CHAIRPERSON MILLER: Mr. Rodriguez?

12 MEMBER RODRIGUEZ: Mr. Baruca, we have
13 a lot of confidence and respect in our
14 Investigators. They are top notch professional
15 people. And they are not going to the
16 establishments to harass you. They are going
17 there to really work with the owners to make sure
18 that their customers are protected and that even
19 your interests are protected.

20 I know of no Investigator in this
21 Agency that does not have that attitude, a
22 positive attitude, a respectful attitude. All of

1 them are very respectful or they would not be
2 working here in this Board, because we would not
3 tolerate that.

4 So we expect that our Investigators in
5 any establishment have respect when they go in
6 and meet with a licensee. And we want to make
7 sure that this does not happen again, sir. Okay?

8 MR. BARUCA: Okay.

9 CHAIRPERSON MILLER: Any other Board
10 questions? Anything else you all want, either of
11 you, to say?

12 MR. JACKSON: I just want to -- in
13 reference to Mr. Alberti, that's correct. He
14 does admit that he did act out of aggressive, so
15 he did admit to that.

16 MEMBER ALBERTI: But he also told me
17 that he did not believe that they were
18 Investigators.

19 MR. JACKSON: Oh.

20 MEMBER ALBERTI: And I find that -- I
21 don't buy that.

22 MR. JACKSON: Okay.

1 MEMBER ALBERTI: I don't buy that. I
2 know, as Mr. Rodriguez said, we have the utmost
3 confidence that our Investigators go in
4 appropriately. Mr. Jackson, you work here. You
5 know the protocol.

6 MR. JACKSON: Right, right. I told --

7 MEMBER ALBERTI: You go in with a
8 badge around your neck.

9 MR. JACKSON: You're absolutely right.

10 MEMBER ALBERTI: The first thing you
11 do is you show your badge when you ask those
12 questions. You know the protocol.

13 MR. JACKSON: Correct. And that's
14 what I told him. I said if any Agency you need
15 to respect ABRA.

16 MEMBER ALBERTI: So when someone tells
17 me that no, I had no idea who they were when they
18 asked for the owner and, you know, they are
19 pretty obvious.

20 MR. JACKSON: Yes.

21 MEMBER ALBERTI: They walk in together
22 and they walk up. They are very respectful.

1 They have asked several people who the owner is.
2 It's hard not to -- it's hard to believe that
3 someone didn't know that they were ABRA
4 Investigators.

5 MR. JACKSON: But you can be sure he
6 won't do it again.

7 MEMBER ALBERTI: I hope not. I hope
8 not for his sake.

9 MR. BARUCA: Yes.

10 CHAIRPERSON MILLER: Okay. Anything
11 else? Okay. As I said, we wanted this brief
12 Fact-Finding Hearing to, you know, hear your side
13 and hear from our Investigator and for the Board
14 to express its concerns and that has all been
15 done.

16 So anything else related to the case,
17 as Mr. Alberti alluded to, you know, will be, if
18 there is one, in a Show Cause action, you know,
19 that the Attorney General's Office would proceed
20 on.

21 So that concludes this case. Thank
22 you very much.

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MS. DANTZLER: Thank you.

CHAIRPERSON MILLER: Okay.

MR. JACKSON: Thank you.

CHAIRPERSON MILLER: All right.

(Whereupon, the Fact-Finding Hearing
in the above-entitled matter was concluded at
3:53 p.m.)

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