

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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Les Deux Garcons, LLC :
t/a Bistrot Le Zinc :
3712 Macomb Street, NW : Show Cause
Retailer CR : Hearing
License No. 86355 : (Status)
Case No. 13-AUD-00008 :
ANC 3C :
Failed to File Quarterly :
Statements (3rd Quarter 2012):
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JUNE 26, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Nick Alberti, Acting Chairman, presiding.

PRESENT
NICK ALBERTI, Acting Chairman
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
MICHAEL STERN, OAG

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

9:49 a.m.

ACTING CHAIRMAN ALBERTI: The next case I'm going to call is Case No. 13-AUD-00008, Les Deux Garcons, LLC, trading as Bistrot Le Zinc, License No. 86355.

I see the parties have come forward. Introductions, please?

MR. WARNER: My name is John Warner, the owner.

ACTING CHAIRMAN ALBERTI: Good morning, Mr. Warner.

MR. STERN: Michael Stern representing the District of Columbia.

ACTING CHAIRMAN ALBERTI: Good morning, Mr. Stern.

All right. This is a show cause status hearing, Mr. Warner. Did you receive notice of show cause?

MR. WARNER: I did, and when I received it I put it in my liquor license file and it just didn't register. And then my

1 attorney Stephen O'Brien called me 10 days ago
2 and said are you aware that you're to appear
3 before the hearing today? And I said no. And
4 then I looked at this document and it just --
5 you know, I'm a one-man band. I run the shift
6 by myself. I answer the phones. I see
7 people. I bus. I dish wash.

8 And prior to my March 31st liquor
9 license renewal -- it was just a case of
10 blatant procrastination. Filing the seven
11 previously quarterly reports -- and I dealt
12 with Monica Clark about -- back in early
13 March. And I thought the matter was taken
14 care of with all my quarterly --

15 ACTING CHAIRMAN ALBERTI: Wait,
16 wait, wait. Before we get to that, let's --
17 I just want to go --

18 MR. WARNER: All right.

19 ACTING CHAIRMAN ALBERTI: There's
20 just one administrative matter I have to take
21 care of. I just have to ask you did you read
22 and understand the show cause --

1 MR. WARNER: Yes.

2 ACTING CHAIRMAN ALBERTI: Yes?

3 MR. WARNER: At first I did not
4 and I called Yazmin Delgado, because we had
5 settled one late quarterly report --

6 ACTING CHAIRMAN ALBERTI: Yes.

7 MR. WARNER: -- by me agreeing to
8 pay a \$1,000 fine in June. And she said to me
9 -- she -- I finally understood that this is a
10 separate late quarterly report. And that's
11 why I'm here.

12 ACTING CHAIRMAN ALBERTI: Okay.

13 MR. WARNER: And I had spoken to
14 the Assistant Attorney General Wash last week,
15 who said this case could be settled with a
16 \$650 fine.

17 ACTING CHAIRMAN ALBERTI: Okay.
18 We're going to get to that. All right. So
19 without any objection, we're going to enter
20 that document into the record.

21 MR. WARNER: By all means.

22 ACTING CHAIRMAN ALBERTI: All

1 right. Thank you. So thank you for that, Mr.
2 Warner.

3 And, Mr. Stern, are there any
4 preliminary matters?

5 MR. STERN: Yes, there are. The
6 parties have entered into an agreement which
7 we hope the Board will adopt as an Offer in
8 Compromise. The Respondent will pay a fine of
9 \$650 within two weeks to resolve this case.

10 ACTING CHAIRMAN ALBERTI: Okay.
11 All right. So the Offer in Compromise as we
12 hear it is a fine of \$650 to be paid in 14
13 days.

14 Mr. Warner, you've heard the Offer
15 in Compromise. Do you understand it?

16 MR. WARNER: I understand it and
17 I --

18 ACTING CHAIRMAN ALBERTI: Do you
19 agree to it?

20 MR. WARNER: I heartily accept it
21 and I thank you.

22 ACTING CHAIRMAN ALBERTI: Okay.

1 And do you waive your right to a hearing based
2 on that Offer in Compromise?

3 MR. WARNER: I'm sorry?

4 ACTING CHAIRMAN ALBERTI: Do you
5 waive your right to a hearing based on that
6 Offer in Compromise?

7 MR. WARNER: Do indeed, and I
8 thank you.

9 ACTING CHAIRMAN ALBERTI: Thank
10 you. Okay. My recommendation to the Board is
11 that we accept the Offer in Compromise for a
12 fine of \$650 to be paid in 14 days.

13 MEMBER SILVERSTEIN: Second.

14 ACTING CHAIRMAN ALBERTI: Thank
15 you, Mr. Silverstein. All those in favor, say
16 aye?

17 (Chorus of ayes.)

18 ACTING CHAIRMAN ALBERTI: All
19 those opposed?

20 (No audible response.)

21 ACTING CHAIRMAN ALBERTI: The
22 motion carries 3-0.

1 MR. WARNER: Who shall I send it
2 to, just ABRA?

3 ACTING CHAIRMAN ALBERTI: Oh, yes,
4 actually if you have a question -- someone's
5 going to have a form for you to sign, so if
6 you sit in the back for a few moments,
7 somebody will bring a form and you can ask
8 them your questions. Thank you, Mr. Warner.

9 (Whereupon, the hearing was
10 concluded at 9:52 a.m.)

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