

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

p-----»
IN THE MATTER OF: :
 :
Bread & Chocolate, Inc. :
t/a Bread & Chocolate :
5542 Connecticut Avenue, N.W.: Show
Retailer CR : Cause
License No. 7792 : Hearing
ANC 3G :
No ABC Manager on Duty, :
Failed to Post ABC License, :
Substantial Change in :
Operation (No Summer Garden :
Endorsement) :
Case No. 12-CMP-00735 :
p-----¼

July 17, 2013

The Alcoholic Beverage Control

Board met in Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street N.W., Washington, D.C., Chairperson
Ruthanne Miller presiding.

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

11:23 a.m.

CHAIRPERSON MILLER: Okay. We have one more case on our morning calendar. That is Case Number 12-CMP-00735, Bread & Chocolate located at 5542 Connecticut Avenue, N.W., License Number 7792 in ANC 3G.

If you're here, come forward. Take a seat at the table.

MR. COOK: Good morning.

CHAIRPERSON MILLER: Good morning.

MS. GEPHARDT: Good morning. How are you?

MR. COOK: Good.

MS. GEPHARDT: Good.

MR. COOK: Andy Cook for Bread & Chocolate.

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

CHAIRPERSON MILLER: Okay. What's your position, sir, with Bread & Chocolate?

MR. COOK: I'm the Chief Operating

1 Officer.

2 CHAIRPERSON MILLER: Okay. And I
3 have a Theodore Manousakis in my file.

4 MR. COOK: Theodore Manousakis is
5 the owner of the company.

6 CHAIRPERSON MILLER: Okay. And as
7 Chief Operating Officer, do you have any
8 interest in the company?

9 MR. COOK: We previously submitted
10 a letter --

11 CHAIRPERSON MILLER: You did?

12 MR. COOK: -- January 25 of 2012
13 stating that I was allowed to speak for Bread
14 & Chocolate.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. That just wasn't on my piece of paper
17 here. Good. All right.

18 So, this is a show cause hearing
19 and are there any preliminary matters in this
20 case?

21 MS. GEPHARDT: Yes, there are
22 preliminary matters.

1 CHAIRPERSON MILLER: Okay.

2 MS. GEPHARDT: In this case, the
3 parties have agreed on an offer in compromise
4 that we'd like to present to the Board.

5 In this case, for charge 1, we are
6 proposing a fine of \$850 and for charge 2, a
7 fine of \$750 for a total fine of \$1600.

8 CHAIRPERSON MILLER: And what's
9 happening to charge 3?

10 MS. GEPHARDT: Oh, I apologize. I
11 believe, yes, charge 3 would be dropped.

12 CHAIRPERSON MILLER: Okay. And
13 when would this be payable by?

14 MS. GEPHARDT: Within 30 days.

15 CHAIRPERSON MILLER: Okay. All
16 right. What did you say your name was again?
17 Sorry.

18 MR. COOK: Andy Cook.

19 CHAIRPERSON MILLER: Cook. Okay.
20 Mr. Cook, I want to make sure that you are
21 agreeable to this offer in compromise which is
22 as I heard it \$850 for charge 1, \$750 for

1 charge 2, totaling \$1600 to be paid within 30
2 days and charge 3 would be dismissed.

3 MR. COOK: Yes, ma'am.

4 CHAIRPERSON MILLER: Or dropped.

5 Okay. Are there any Board questions?

6 Okay. In which case, I would move
7 then to approve this offer in compromise of
8 \$1600 to be paid within 30 days. That's
9 representing \$850 for the first offense and
10 \$750 for the second and the third offense is
11 being dropped by OAG.

12 Do I have a second.

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr.

15 Silverstein seconded the motion. All those in
16 favor say aye.

17 (Ayes.)

18 CHAIRPERSON MILLER: All those
19 opposed?

20 MEMBER ALBERTI: Opposed.

21 CHAIRPERSON MILLER: All those
22 abstaining? Okay.

1 MEMBER ALBERTI: You haven't
2 introduced --

3 CHAIRPERSON MILLER: Is it four?
4 Did Mr. --

5 MEMBER ALBERTI: It's four. You
6 haven't introduced Mr. Jones yet.

7 CHAIRPERSON MILLER: Oh, Mr. Jones
8 has just recently arrived on the dais and I'm
9 sorry. I didn't hear whether you voted in
10 this one.

11 MEMBER JONES: I didn't vote until
12 I got recognized and I choose to abstain.

13 CHAIRPERSON MILLER: Okay. Then
14 the vote is 3-1-1 and the motion then passes
15 to approve the offer in compromise. Okay.
16 Thank you.

17 MS. GEPHARDT: Thank you.

18 CHAIRPERSON MILLER: Okay. Thank
19 you very much.

20 MS. GEPHARDT: Thank you.

21 MR. COOK: Thank you.

22 CHAIRPERSON MILLER: And that

1 concludes then our calendar for this morning.
2 So, the Board will take a recess and then come
3 back this afternoon for the afternoon hearings
4 and the agenda. Thank you.

5 (Whereupon, at 11:28 a.m., the
6 hearing was adjourned.)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A	Change 1:11 charge 4:5,6,9,11 4:22 5:1,2 Chief 2:22 3:7 Chocolate 1:6,7 2:6 2:17,21 3:14 choose 6:12 Chrissy 1:25 2:18 COLUMBIA 1:1 come 2:8 7:2 company 3:5,8 compromise 4:3,21 5:7 6:15 concludes 7:1 Connecticut 1:8 2:6 Control 1:2,15,16 Cook 2:10,14,16,16 2:22 3:4,9,12 4:18 4:18,19,20 5:3 6:21 CR 1:8	General 2:19 Gephardt 1:25 2:12,15,18,18 3:21 4:2,10,14 6:17,20 Good 2:10,11,12,14 2:15 3:17	morning 2:4,10,11 2:12 7:1 motion 5:15 6:14 move 5:6	R
ABC 1:10,10 abstain 6:12 abstaining 5:22 adjourned 7:6 afternoon 7:3,3 agenda 7:4 agreeable 4:21 agreed 4:3 ALBERTI 1:21 5:20 6:1,5 Alcoholic 1:2,15,16 allowed 3:13 ANC 1:9 2:7 Andy 2:16 4:18 apologize 4:10 approve 5:7 6:15 arrived 6:8 Attorney 2:19 Avenue 1:8 2:6 aye 5:16 Ayes 5:17 a.m 2:2 7:5	D	H	N	recess 7:2 recognized 6:12 Reeves 1:17 representing 5:9 Retailer 1:8 right 3:17 4:16 Room 1:17 Ruthanne 1:18,20
B	dais 6:8 days 4:14 5:2,8 dismissed 5:2 DISTRICT 1:1 DONALD 1:21 dropped 4:11 5:4 5:11 Duty 1:10 D.C 1:17	happening 4:9 hear 6:9 heard 4:22 hearing 1:9,17 3:18 7:6 hearings 7:3 HERMAN 1:22	name 4:16 NICK 1:21 Number 2:5,7 N.W 1:8,17 2:7	S
back 7:3 behalf 2:19 believe 4:11 Beverage 1:2,15,16 Board 1:2,16 4:4 5:5 7:2 Bread 1:6,7 2:5,16 2:21 3:13 BROOKS 1:21 Building 1:17	E	I	O	seat 2:9 second 5:10,12,13 seconded 5:15 show 1:8 3:18 Silverstein 1:22 5:13,15 sir 2:21 sorry 4:17 6:9 speak 3:13 stating 3:13 Street 1:17 submitted 3:9 Substantial 1:11 Summer 1:12 sure 4:20
C	F	interest 3:8 introduced 6:2,6	OAG 1:25 5:11 offense 5:9,10 offer 4:3,21 5:7 6:15 Office 2:19 Officer 3:1,7 Oh 4:10 6:7 Okay 2:3,20 3:2,6 3:15 4:1,12,15,19 5:5,6,22 6:13,15 6:18 Operating 2:22 3:7 Operation 1:12 opposed 5:19,20 owner 3:5	T
calendar 2:4 7:1 case 1:13 2:4,5 3:20 4:2,5 5:6 cause 1:8 3:18 Chairperson 1:17 1:20 2:3,11,20 3:2 3:6,11,15 4:1,8,12 4:15,19 5:4,14,18 5:21 6:3,7,13,18 6:22	Failed 1:10 favor 5:16 file 3:3 fine 4:6,7,7 first 5:9 forward 2:8 four 6:3,5	J	paid 5:1,8 paper 3:16 parties 4:3 passes 6:14 payable 4:13 piece 3:16 position 2:21 Post 1:10 preliminary 3:19 3:22 present 1:19,24 4:4 presiding 1:18 previously 3:9 proposing 4:6 P-R-O-C-E-E-D-... 2:1	table 2:9 take 2:9 7:2 Thank 3:15 6:16,17 6:18,20,21 7:4 Theodore 3:3,4 third 5:10 total 4:7 totaling 5:1 t/a 1:7
G	P	January 3:12 Jones 1:22 6:6,7,11 July 1:14	Operating 2:22 3:7 Operation 1:12 opposed 5:19,20 owner 3:5	V
Garden 1:12	Manager 1:10 Manousakis 3:3,4 MATTER 1:5 matters 3:19,22 ma'am 5:3 MEETING 1:3 Member 1:21,21 1:22,22 5:13,20 6:1,5,11 met 1:16 MICHAEL 1:22 Miller 1:18,20 2:3 2:11,20 3:2,6,11 3:15 4:1,8,12,15 4:19 5:4,14,18,21 6:3,7,13,18,22	L	Operating 2:22 3:7 Operation 1:12 opposed 5:19,20 owner 3:5	vote 6:11,14 voted 6:9
	M	letter 3:10 License 1:9,10 2:7 located 2:6	paid 5:1,8 paper 3:16 parties 4:3 passes 6:14 payable 4:13 piece 3:16 position 2:21 Post 1:10 preliminary 3:19 3:22 present 1:19,24 4:4 presiding 1:18 previously 3:9 proposing 4:6 P-R-O-C-E-E-D-... 2:1	W
	N	Manager 1:10 Manousakis 3:3,4 MATTER 1:5 matters 3:19,22 ma'am 5:3 MEETING 1:3 Member 1:21,21 1:22,22 5:13,20 6:1,5,11 met 1:16 MICHAEL 1:22 Miller 1:18,20 2:3 2:11,20 3:2,6,11 3:15 4:1,8,12,15 4:19 5:4,14,18,21 6:3,7,13,18,22	paid 5:1,8 paper 3:16 parties 4:3 passes 6:14 payable 4:13 piece 3:16 position 2:21 Post 1:10 preliminary 3:19 3:22 present 1:19,24 4:4 presiding 1:18 previously 3:9 proposing 4:6 P-R-O-C-E-E-D-... 2:1	want 4:20 Washington 1:17 wasn't 3:16
	O	January 3:12 Jones 1:22 6:6,7,11 July 1:14	paid 5:1,8 paper 3:16 parties 4:3 passes 6:14 payable 4:13 piece 3:16 position 2:21 Post 1:10 preliminary 3:19 3:22 present 1:19,24 4:4 presiding 1:18 previously 3:9 proposing 4:6 P-R-O-C-E-E-D-... 2:1	P
	P	January 3:12 Jones 1:22 6:6,7,11 July 1:14	paid 5:1,8 paper 3:16 parties 4:3 passes 6:14 payable 4:13 piece 3:16 position 2:21 Post 1:10 preliminary 3:19 3:22 present 1:19,24 4:4 presiding 1:18 previously 3:9 proposing 4:6 P-R-O-C-E-E-D-... 2:1	questions 5:5
	Q			P

p 1:5,13

\$

\$1600 4:7 5:1,8

\$750 4:7,22 5:10

\$850 4:6,22 5:9

1

1 4:5,22

11:23 2:2

11:28 7:5

12-CMP-00735

1:13 2:5

14th 1:17

17 1:14

2

2 4:6 5:1

2000 1:17

2012 3:12

2013 1:14

25 3:12

3

3 4:9,11 5:2

3G 1:9 2:7

3-1-1 6:14

30 4:14 5:1,8

5

5542 1:8 2:6

7

7792 1:9 2:7