

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

----- :
IN THE MATTER OF: :
 :
El Atardecer, LLC :
t/a El Atardecer : Show Cause
3475 14th Street, NW : Hearing
Retailer DR - ANC-1A : (Status)
License No. 92346 :
Case #15-CMP-00227 :
 :
(Failed to File Quarterly :
Statements-4th Quarter 2014) :
----- :

July 22, 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

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

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

2 9:45 a.m.

3 CHAIRPERSON MILLER: The next case is
4 another Show Cause (Status) Hearing case. It's
5 Case No. 15-CMP-00227, El Atardecer located at
6 3475 14th Street, N.W., License No. 92346, in
7 ANC-1A. Good morning.

8 MS. GEPHARDT: Good morning. Chrissy
9 Gephardt on behalf of the Office of the Attorney
10 General.

11 MR. AMAYA: I'm Isidoro Amaya with El
12 Atardecer.

13 CHAIRPERSON MILLER: I'm sorry, could
14 you speak up a little?

15 MR. AMAYA: Isidoro Amaya.

16 CHAIRPERSON MILLER: Could you spell
17 your last name?

18 MR. AMAYA: A-M-A-Y-A.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER RODRIGUEZ: Isidoro Amaya.

21 CHAIRPERSON MILLER: Amaya. Thank
22 you.

1 MEMBER RODRIGUEZ: Amaya.

2 CHAIRPERSON MILLER: And what's your
3 relation to the establishment?

4 MR. AMAYA: We bought this business --

5 CHAIRPERSON MILLER: No. Are you the
6 owner?

7 MR. AMAYA: Yes.

8 CHAIRPERSON MILLER: Okay.

9 MR. AMAYA: We -- I'm the owner now,
10 but when we got the -- when the fine was issued
11 it was under the previous owner.

12 CHAIRPERSON MILLER: Okay.

13 MR. AMAYA: So I'm here because she
14 couldn't come and I spoke to her what the
15 situation was.

16 CHAIRPERSON MILLER: Can I ask you,
17 did you get the notice or did you see the notice
18 for the hearing?

19 MR. AMAYA: We got the notice.

20 CHAIRPERSON MILLER: You got the
21 notice. Okay. And did you read it and
22 understand it?

1 MR. AMAYA: Yes.

2 CHAIRPERSON MILLER: Okay. All right.

3 So there is no question about the notice here.

4 All right. So, Ms. Gephardt, are there any
5 preliminary matters?

6 MS. GEPHARDT: Yes, there is a
7 preliminary matter. In this case, the parties
8 have reached an Offer in Compromise and that is
9 since this is the first quarterly statement
10 violation, that it would be a mandatory warning
11 and that's what we have agreed upon.

12 CHAIRPERSON MILLER: Is that right?

13 MR. AMAYA: Yes.

14 CHAIRPERSON MILLER: Okay. Could you
15 just address, is the -- did some of this
16 violation occur under this establishment's
17 ownership? Were you saying you -- when you first
18 came in you said this occurred under the previous
19 owner?

20 MR. AMAYA: Yes. We bought the
21 business after she got the fine, but I'm coming
22 here to, you know, make sure that this is taken

1 care of and this is clear.

2 CHAIRPERSON MILLER: Okay.

3 MR. AMAYA: I spoke to her and we
4 agreed that I was coming on her behalf and also
5 on my behalf.

6 CHAIRPERSON MILLER: Okay. All right.
7 So there is an Offer in Compromise of a mandatory
8 warning. Is that right?

9 MS. GEPHARDT: Right. A first
10 quarterly statement violation, yes.

11 MEMBER ALBERTI: So, Ms. Miller?

12 CHAIRPERSON MILLER: Yes, go ahead,
13 yes.

14 MEMBER ALBERTI: I'm still trying to
15 sort this out.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: So I think we need --
18 I would suggest we check our records and find out
19 when the transfer happened.

20 Sir, do you know the date that you
21 took ownership, approximately? That you took
22 ownership, approximately.

1 MR. AMAYA: It would be between 2 and
2 3 months.

3 MEMBER ALBERTI: About 2 or 3 months
4 ago?

5 MR. AMAYA: It's between 2 and 3
6 months back.

7 MEMBER ALBERTI: Okay. And your name
8 again?

9 MR. AMAYA: Isidoro Amaya.

10 MEMBER ALBERTI: Amaya? Okay. Thank
11 you, Mr. Amaya.

12 MR. AMAYA: And now --

13 MEMBER ALBERTI: Okay. Thank you. I
14 just needed that, so I can check our records.

15 MR. AMAYA: Okay.

16 MEMBER ALBERTI: So can we pause for
17 a moment?

18 CHAIRPERSON MILLER: Yes, I think we
19 should. Okay. All right. Okay. So the
20 situation is that, you know, we are concerned
21 that it's not clear who committed the violation,
22 you or the previous owner.

1 MR. AMAYA: It was the previous owner.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER RODRIGUEZ: So what's he doing
4 here?

5 CHAIRPERSON MILLER: So I think it's
6 the consensus of the Board that we are not ready
7 to go ahead and vote on this Offer in Compromise
8 until we have checked our facts and given this a
9 little more consideration, because if it was the
10 previous owner, then it may not be appropriate to
11 have that on your record.

12 So we just want to -- it may be a
13 mandatory warning for the previous owner. So we
14 want to sort this out. We don't want to just
15 address the Offer in Compromise right now.

16 MR. AMAYA: Okay.

17 CHAIRPERSON MILLER: So we are going
18 to continue this. The Board will take a look at
19 it. We will see whether we need another status
20 or not or whether the Board will just rule on it.

21 MS. GEPHARDT: Okay.

22 MEMBER ALBERTI: So --

1 MS. GEPHARDT: So --

2 CHAIRPERSON MILLER: We are going to
3 take it under advisement.

4 MS. GEPHARDT: -- what you will do is
5 set a new Status Hearing for August the 5th?

6 CHAIRPERSON MILLER: Okay.

7 MS. GEPHARDT: To work this out and to
8 try and contact the previous owner and try to
9 figure out what we need to do.

10 CHAIRPERSON MILLER: Okay. Does
11 August the 5th work?

12 MEMBER SILVERSTEIN: Yes.

13 CHAIRPERSON MILLER: Yes, okay. Let's
14 do that then.

15 MEMBER SILVERSTEIN: Mr. Amaya,
16 speaking only for myself, we want to be fair to
17 you.

18 MR. AMAYA: Okay.

19 MEMBER SILVERSTEIN: This is not any
20 additional punishment. This is to determine
21 whether this would be appropriate.

22 MR. AMAYA: Okay.

1 MEMBER ALBERTI: Just so Mr. Amaya
2 understands it, if in fact you are correct and
3 this was committed by the previous owner, you
4 won't have to return.

5 MR. AMAYA: Okay.

6 MEMBER ALBERTI: So --

7 CHAIRPERSON MILLER: Stay tuned.

8 MEMBER ALBERTI: -- just stay tuned
9 and we will let you know.

10 MR. AMAYA: Okay.

11 MEMBER ALBERTI: So there may be -- we
12 will let you know. Okay.

13 MR. AMAYA: Thank you.

14 CHAIRPERSON MILLER: Okay.

15 MR. AMAYA: The thing -- one of the
16 things is that I am take responsibility, because
17 we bought her license. Okay.

18 MEMBER ALBERTI: Right. And I
19 appreciate that and I understand that.

20 MR. AMAYA: We just don't want
21 anything to follow, anything after we took
22 ownership.

1 MEMBER ALBERTI: And you were doing
2 the right thing.

3 CHAIRPERSON MILLER: Right.

4 MEMBER ALBERTI: So we are going to
5 make sure that everything is done correctly here.

6 MR. AMAYA: Okay.

7 MEMBER ALBERTI: So thank you so much
8 for coming.

9 MR. AMAYA: Thank you.

10 MEMBER RODRIGUEZ: Thank you.

11 CHAIRPERSON MILLER: Okay.

12 MS. GEPHARDT: Thank you.

13 CHAIRPERSON MILLER: Thank you very
14 much. So as of now, there is a status scheduled
15 for August 5th.

16 MS. GEPHARDT: Okay.

17 CHAIRPERSON MILLER: To resolve this.
18 Okay. Thank you.

19 MR. AMAYA: Okay.

20 (Whereupon, the Show Cause (Status)
21 Hearing in the above-entitled matter was
22 concluded at 9:51 a.m.)

A	C	F	
A-M-A-Y-A 2:18 a.m 2:2 10:22 above-entitled 10:21 additional 8:20 address 4:15 7:15 advisement 8:3 ago 6:4 agreed 4:11 5:4 ahead 5:12 7:7 ALBERTI 1:17 5:11 5:14,17 6:3,7,10 6:13,16 7:22 9:1,6 9:8,11,18 10:1,4,7 Alcoholic 1:2,12,13 Amaya 2:11,11,15 2:15,18,20,21 3:1 3:4,7,9,13,19 4:1 4:13,20 5:3 6:1,5 6:9,9,10,11,12,15 7:1,16 8:15,18,22 9:1,5,10,13,15,20 10:6,9,19 ANC-1A 1:7 2:7 appreciate 9:19 appropriate 7:10 8:21 approximately 5:21 5:22 Atardecer 1:6,6 2:5 2:12 Attorney 2:9 August 8:5,11 10:15	care 5:1 case 1:8 2:3,4,5 4:7 Cause 1:6 2:4 10:20 Chairperson 1:14 1:17 2:3,13,16,19 2:21 3:2,5,8,12,16 3:20 4:2,12,14 5:2 5:6,12,16 6:18 7:2 7:5,17 8:2,6,10,13 9:7,14 10:3,11,13 10:17 check 5:18 6:14 checked 7:8 Chrissy 1:21 2:8 clear 5:1 6:21 COLUMBIA 1:1 come 3:14 coming 4:21 5:4 10:8 committed 6:21 9:3 Compromise 4:8 5:7 7:7,15 concerned 6:20 concluded 10:22 consensus 7:6 consideration 7:9 contact 8:8 continue 7:18 Control 1:2,12,13 correct 9:2 correctly 10:5	fact 9:2 facts 7:8 Failed 1:9 fair 8:16 figure 8:9 File 1:9 find 5:18 fine 3:10 4:21 first 4:9,17 5:9 follow 9:21	mandatory 4:10 5:7 7:13 matter 1:5 4:7 10:21 matters 4:5 MEETING 1:3 Member 1:17,18,18 1:19 2:20 3:1 5:11 5:14,17 6:3,7,10 6:13,16 7:3,22 8:12,15,19 9:1,6,8 9:11,18 10:1,4,7 10:10
B back 6:6 behalf 2:9 5:4,5 Beverage 1:2,12,13 Board 1:2,12 7:6,18 7:20 bought 3:4 4:20 9:17 BROOKS 1:18 Building 1:13 business 3:4 4:21	D D.C 1:14 date 5:20 determine 8:20 DISTRICT 1:1 doing 7:3 10:1 DONALD 1:18 DR 1:7 E EI 1:6,6 2:5,11 establishment 3:3 establishment's 4:16	G General 2:10 Gephardt 1:21 2:8 2:9 4:4,6 5:9 7:21 8:1,4,7 10:12,16 given 7:8 go 5:12 7:7 going 7:17 8:2 10:4 Good 2:7,8	met 1:13 MIKE 1:18 Miller 1:14,17 2:3 2:13,16,19,21 3:2 3:5,8,12,16,20 4:2 4:12,14 5:2,6,11 5:12,16 6:18 7:2,5 7:17 8:2,6,10,13 9:7,14 10:3,11,13 10:17
		H happened 5:19 hearing 1:7,13 2:4 3:18 8:5 10:21 HECTOR 1:19	moment 6:17 months 6:2,3,6 morning 2:7,8
		I Isidoro 2:11,15,20 6:9 issued 3:10	N N.W 1:13 2:6 name 2:17 6:7 need 5:17 7:19 8:9 needed 6:14 new 8:5 NICK 1:17 notice 3:17,17,19 3:21 4:3 NW 1:7
		J July 1:11 K know 4:22 5:20 6:20 9:9,12	O OAG 1:21 occur 4:16 occurred 4:18 Offer 4:8 5:7 7:7,15 Office 2:9 okay 2:19 3:8,12,21 4:2,14 5:2,6 6:7 6:10,13,15,19,19 7:2,16,21 8:6,10
		L Let's 8:13 license 1:8 2:6 9:17 little 2:14 7:9 LLC 1:6 located 2:5 look 7:18 M	

8:13,18,22 9:5,10
 9:12,14,17 10:6
 10:11,16,18,19
owner 3:6,9,11
 4:19 6:22 7:1,10
 7:13 8:8 9:3
ownership 4:17
 5:21,22 9:22

P

P-R-O-C-E-E-D-I-...
 2:1
parties 4:7
pause 6:16
preliminary 4:5,7
PRESENT 1:16,20
presiding 1:14
previous 3:11 4:18
 6:22 7:1,10,13 8:8
 9:3
punishment 8:20

Q

Quarter 1:10
quarterly 1:9 4:9
 5:10
question 4:3

R

reached 4:8
read 3:21
ready 7:6
record 7:11
records 5:18 6:14
Reeves 1:13
relation 3:3
resolve 10:17
responsibility 9:16
Retailer 1:7
return 9:4
right 4:2,4,12 5:6,8
 5:9 6:19 7:15 9:18
 10:2,3
RODRIGUEZ 1:19
 2:20 3:1 7:3 10:10
Room 1:13
rule 7:20
Ruthanne 1:14,17

S

saying 4:17
scheduled 10:14
see 3:17 7:19
set 8:5
Show 1:6 2:4 10:20
SILVERSTEIN 1:18
 8:12,15,19
Sir 5:20
situation 3:15 6:20
sorry 2:13
sort 5:15 7:14
speak 2:14
speaking 8:16
spell 2:16
spoke 3:14 5:3
statement 4:9 5:10
Statements-4th
 1:10
status 1:7 2:4 7:19
 8:5 10:14,20
stay 9:7,8
Street 1:7,13 2:6
suggest 5:18
Suite 1:14
sure 4:22 10:5

T

t/a 1:6
take 7:18 8:3 9:16
taken 4:22
thank 2:21 6:10,13
 9:13 10:7,9,10,12
 10:13,18
thing 9:15 10:2
things 9:16
think 5:17 6:18 7:5
transfer 5:19
try 8:8,8
trying 5:14
tuned 9:7,8

U

understand 3:22
 9:19
understands 9:2

V

violation 4:10,16
 5:10 6:21
vote 7:7

W

want 7:12,14,14
 8:16 9:20
warning 4:10 5:8
 7:13
Washington 1:14
work 8:7,11

X

Y

Z

0

1

14th 1:7,13 2:6
15-CMP-00227 1:8
 2:5

2

2 6:1,3,5
2000 1:13
20009 1:14
2014 1:10
2015 1:11
22 1:11

3

3 6:2,3,5
3475 1:7 2:6

4

400S 1:14

5

5th 8:5,11 10:15

6

7

8

9

9:45 2:2
9:51 10:22
92346 1:8 2:6