

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

p-----»
 IN THE MATTER OF: :
 :
 Peacock Cafe, Inc. :
 t/a Peacock Cafe : Show Cause
 3251 Prospect Street, NW : Hearing
 Retailer CR - ANC-2E : (Status)
 License No. 25832 :
 Case #13-AUD-00033 :
 :
 (Failed to File Quarterly :
 Statements(4th Quarter 2012) :
 p-----¼

September 11, 2013
 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
 HERMAN JONES, Member
 MIKE SILVERSTEIN, Member
 ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 (10:28 a.m.)

3 CHAIRPERSON MILLER: All right.

4 The next Show Cause (Status) Hearing is Case
5 No. 13-AUD-00033, Peacock Cafe located at 3251
6 Prospect Street, N.W.

7 MR. RIVERO: I would like this
8 case to pass for a moment. I've got to reach
9 the Director who is standing in the back
10 speaking with a Council Member and I'm unable
11 to do that.

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: That would be great.

14 CHAIRPERSON MILLER: All right.

15 (Whereupon, at 10:28 a.m. a recess
16 until 11:12 a.m.)

17 CHAIRPERSON MILLER: All right.

18 I'm going to recall the case of Peacock Cafe,
19 that's Case No. 13-AUD-00033. Peacock Cafe is
20 located at 3251 Prospect Street, N.W., License
21 No. 25832, in ANC-2E.

22 MR. RIVERO: Good morning, Board

1 Members. Fernando Rivero for the District of
2 Columbia.

3 MR. FONSECA: Michael Fonseca on
4 behalf of the licensee. It's F-O-N-S-E-C-A.

5 MR. FARIVAR: Good morning, Board.
6 Shahar Farivar, owner of the establishment,
7 Peacock Cafe.

8 MR. FONSECA: Spell it.

9 MR. FARIVAR: F, as in Frank, A-R-
10 I-V, as in Victor, A-R.

11 CHAIRPERSON MILLER: Okay. Good
12 morning, Mr. Farivar. Is that right? All
13 right. I would like to ask you if you
14 received notice of this hearing?

15 MR. FARIVAR: Yes.

16 CHAIRPERSON MILLER: And did you
17 read it?

18 MR. FARIVAR: Yes, ma'am.

19 CHAIRPERSON MILLER: Did you
20 understand it?

21 MR. FARIVAR: Yes, I consulted our
22 legal counsel.

1 MR. FONSECA: And we waive
2 reading.

3 CHAIRPERSON MILLER: Okay. Good.
4 All right. It's part of our record now.
5 (Whereupon, the document was
6 marked as Exhibit 1 for
7 identification.)

8 CHAIRPERSON MILLER: Mr. Rivero,
9 do we have any preliminary issues?

10 MR. RIVERO: Actually not an
11 issue, but the parties do have an offer in
12 compromise to present to the Board, at this
13 time.

14 CHAIRPERSON MILLER: Okay.

15 MR. RIVERO: And that offer exists
16 of a fine of \$2,000 payable by September 20,
17 2013.

18 CHAIRPERSON MILLER: Okay. And
19 let me ask you, do you agree to that offer in
20 compromise of \$2,000 to be paid by September
21 20, 2013?

22 MR. FARIVAR: Yes, Madam Chair.

1 CHAIRPERSON MILLER: And do you
2 understand that you waive your right to a
3 hearing by accepting that offer?

4 MR. FARIVAR: Yes, I do.

5 CHAIRPERSON MILLER: All right.
6 Are there other questions by Board Members?

7 Okay. Not hearing any, then I
8 move that we approve this offer in compromise
9 of \$2,000 to be paid by September 20, 2013.

10 Do I have a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr.
13 Silverstein seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 5-0-0.

19 MR. RIVERO: Thank you.

20 MR. FONSECA: Thank you.

21 CHAIRPERSON MILLER: Thank you.
22 Wait a second. Thank you.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 11:14 a.m.)

A	DONALD 1:21 D.C 1:15	located 2:5,20	2:18,19 3:7 preliminary 4:9 present 1:18,23 4:12 presiding 1:17 Prospect 1:7 2:6,20 P-R-O-C-E-E-D... 2:1	Suite 1:15
above-entitled 6:2 abstaining 5:17 accepting 5:3 agree 4:19 ALBERTI 1:20 Alcoholic 1:2,14,14 ANC-2E 1:8 2:21 approve 5:8 aye 5:14,15 A-R 3:9,10 a.m 2:2,15,16 6:3	E establishment 3:6 Exhibit 4:6 exists 4:15	M Madam 4:22 marked 4:6 matter 1:5 6:2 ma'am 3:18 MEETING 1:3 Member 1:20,21 1:21,22 2:10 5:11 Members 3:1 5:6 met 1:14 Michael 3:3 MIKE 1:22 Miller 1:16,19 2:3 2:12,14,17 3:11 3:16,19 4:3,8,14 4:18 5:1,5,12,16 5:21 moment 2:8 morning 2:22 3:5 3:12 motion 5:13,17 move 5:8	Q Quarter 1:10 Quarterly 1:10 questions 5:6	T Thank 5:19,20,21 5:22 time 4:13 t/a 1:6
B	F F 3:9 Failed 1:10 Farivar 3:5,6,9,12 3:15,18,21 4:22 5:4 favor 5:14 Fernando 1:24 3:1 File 1:10 fine 4:16 Fonseca 3:3,3,8 4:1 5:20 Frank 3:9 F-O-N-S-E-C-A 3:4	N NICK 1:20 notice 3:14 NW 1:7 N.W 1:15 2:6,20	R reach 2:8 read 3:17 reading 4:2 recall 2:18 received 3:14 recess 2:15 record 4:4 Reeves 1:15 Retailer 1:8 right 2:3,14,17 3:12,13 4:4 5:2,5 Rivero 1:24 2:7,13 2:22 3:1 4:8,10,15 5:19 Room 1:15 Ruthanne 1:16,19	U unable 2:10 understand 3:20 5:2
C	G going 2:18 Good 2:22 3:5,11 4:3 great 2:13	O OAG 1:24 offer 4:11,15,19 5:3 5:8 Okay 2:12 3:11 4:3 4:14,18 5:7 opposed 5:17 owner 3:6	S second 5:10,11,22 seconded 5:13 September 1:13 4:16,20 5:9 Shahar 3:6 Show 1:6 2:4 6:1 Silverstein 1:22 5:11,13 speaking 2:10 Spell 3:8 standing 2:9 Statements(4th 1:10 Status 1:8 2:4 6:2 Street 1:7,15 2:6,20	V Victor 3:10
D	I identification 4:7 issue 4:11 issues 4:9 I-V 3:10	P paid 4:20 5:9 part 4:4 parties 4:11 pass 2:8 passes 5:18 payable 4:16 Peacock 1:6,6 2:5	W Wait 5:22 waive 4:1 5:2 Washington 1:15	W Wait 5:22 waive 4:1 5:2 Washington 1:15
Director 2:9 District 1:1 3:1 document 4:5	J JONES 1:21		Victor 3:10	W Wait 5:22 waive 4:1 5:2 Washington 1:15
	L legal 3:22 License 1:8 2:20 licensee 3:4		reach 2:8 read 3:17 reading 4:2 recall 2:18 received 3:14 recess 2:15 record 4:4 Reeves 1:15 Retailer 1:8 right 2:3,14,17 3:12,13 4:4 5:2,5 Rivero 1:24 2:7,13 2:22 3:1 4:8,10,15 5:19 Room 1:15 Ruthanne 1:16,19	p p 1:4,11
			right 2:3,14,17 3:12,13 4:4 5:2,5 Rivero 1:24 2:7,13 2:22 3:1 4:8,10,15 5:19 Room 1:15 Ruthanne 1:16,19	\$ \$2,000 4:16,20 5:9
			second 5:10,11,22 seconded 5:13 September 1:13 4:16,20 5:9 Shahar 3:6 Show 1:6 2:4 6:1 Silverstein 1:22 5:11,13 speaking 2:10 Spell 3:8 standing 2:9 Statements(4th 1:10 Status 1:8 2:4 6:2 Street 1:7,15 2:6,20	# #13-AUD-00033 1:9
			speaking 2:10 Spell 3:8 standing 2:9 Statements(4th 1:10 Status 1:8 2:4 6:2 Street 1:7,15 2:6,20	1 1 4:6 10:28 2:2,15 11 1:13 11:12 2:16 11:14 6:3 13-AUD-00033 2:5 2:19 14th 1:15
			Street 1:7,15 2:6,20	2 20 4:16,21 5:9 2000 1:15 20009 1:16 2012 1:10 2013 1:13 4:17,21 5:9 25832 1:8 2:21

<div><div>3</div><div>3251 1:7 2:5,20</div><div>4</div><div>400S 1:15</div><div>5</div><div>5-0-0 5:18</div></div>				
--	--	--	--	--