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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X
IN THE MATTER OF: :
Theodore G. Sampel : Fact Finding
Manager's License Renewal : Hearing
Application :
- - - - -X

Wednesday, November 4, 2015

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

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10 ALSO PRESENT:

11 THEODORE SAMPEL

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

2 [10:14 a.m.]

3 MS. MILLER: Okay. That concludes our
4 status cases, I believe. I don't think anyone in
5 here is here for a status anymore.

6 We had a fact finding case with respect
7 to a manager's license renewal for Mr. Sample.
8 And can I inquire who else is in the audience.
9 Is he with you?

10 MR. SAMPEL: Theodore Sampel.

11 MS. MILLER: Sir, are you with Mr.
12 Sampel?

13 [Audience speaking off mic.]

14 MS. MILLER: Okay. So I'm going to ask
15 if you wouldn't mind stepping out for this case
16 because this involves personnel records and
17 stuff. Thank you. Okay.

18 MR. SAMPEL: Good morning.

19 MS. MILLER: Good morning. Why don't you
20 put your -- well, identify yourself for the
21 record.

22 MR. SAMPEL: My name is Theodore Sampel.

1 I work for BRG Hospitality.

2 MS. MILLER: You work for which? I'm
3 sorry this time.

4 MR. SAMPEL: BRG.

5 MS. MILLER: BRG?

6 MR. SAMPEL: Yeah.

7 MS. MILLER: Okay. So I know that you
8 applied for a manager -- you applied for a
9 manager permit, license.

10 MR. SAMPEL: Yes, ma'am.

11 MS. MILLER: And your application came to
12 the Board because you had a conviction.

13 MR. SAMPEL: Yes, ma'am.

14 MS. MILLER: And I believe it's for
15 driving under the influence.

16 MR. SAMPEL: Yes, ma'am.

17 MS. MILLER: Can you give us a little bit
18 more information about that conviction?

19 MR. SAMPEL: Well, I mean, I can tell you
20 the story, obviously.

21 MS. MILLER: Okay.

22 MR. SILVERSTEIN: Please speak up and --

1 MR. SAMPEL: Yeah.

2 MR. SILVERSTEIN: -- closer to the
3 microphone.

4 MR. SAMPEL: Certainly. On, what was it,
5 the morning of the 18th, 2014, August, I had my
6 Sunday normal day off.

7 MS. MILLER: Which year was this?

8 MR. SAMPEL: 2014.

9 MS. MILLER: 2014. Okay. Uh-huh.

10 MR. SAMPEL: I don't want to give a sob
11 story but it was the morning of my father's
12 birthday, I worked a lot, I did my traditional go
13 to dinner, had a couple glasses of wine. I
14 proceeded to another venue, had two beers, and it
15 was time to go home and I smarted off to a
16 doorman and -- which I shouldn't have, and I
17 apologize. But as I was proceeding to drive home
18 I was -- I mean, I'm going to be honest, I was
19 dragged out of my car, I was severely beaten, I
20 was put in the hospital, concussion, arms.

21 As they dragged me out of the car I, you
22 know, I saw the flash and I woke up in the back

1 of the officer's car, bleeding out of my head. I
2 have pictures and everything if you want. It was
3 just, you know, it was a horrible mistake. I
4 should not have been driving. My lawyer and I,
5 we -- they gave me a DWI but never -- I was,
6 basically went to the hospital, then I was
7 processed, and then I was let go. I was never --
8 had the opportunity to do a Breathalyzer. There
9 was a lot of lies involved. They chopped the DWI
10 to a DUI and with all my probational periods I
11 paid my fine, I did all my courses, I went
12 through the system, and I thought that nightmare
13 was over until I renewed my manager's license.

14 MS. MILLER: Okay.

15 MR. SAMPEL: Brings me here. So,
16 personally with 20 years working in this town,
17 have never had even a moving violation, and I'm
18 still a little shaken. But you know, we all, I
19 think, make some mistakes. My mistake was I
20 should have never gotten behind the wheel of a
21 car of course. It was a Sunday evening and I was
22 never really actually pulled over for any

1 violation. It was he called his friends,
2 obviously, and they swarmed my car and the rest
3 was history.

4 MS. MILLER: Who called his friends?

5 MR. SAMPEL: I would assume the doorman
6 at --

7 MS. MILLER: The doorman. Oh, you said
8 something to the doorman that --

9 MR. SAMPEL: Yeah.

10 MS. MILLER: Okay.

11 MR. SAMPEL: Yeah, I shouldn't have, you
12 know, it was kind of a little alcohol talking
13 this time. I just smarted off.

14 MS. MILLER: Okay. And you've had all
15 those alcohol courses?

16 MR. SAMPEL: Oh, yes.

17 MS. MILLER: Okay.

18 MR. SAMPEL: Everything has been
19 resolved. And I was off the -- I did my
20 probatoinal period, everything like that.

21 MS. MILLER: Do you think that
22 experience, I mean it sounds like a very rough

1 experience, but do you think that experience at
2 all sensitized you with respect to serving drinks
3 in restaurants?

4 MR. SAMPEL: I've been at it, you know,
5 my whole life. No, not really. I mean, I'm a
6 little more upset with the, you know, the
7 District of Columbia police officers, which I've
8 always supported and hired over the years before
9 they couldn't work for you, you know, decades of
10 that. And I've always been, you know, the guy --
11 I've had only a few jobs in this town and it's my
12 home, so.

13 MS. MILLER: I guess my question was,
14 does this make you at all more sensitive to
15 serving drinks to people who may be almost
16 intoxicated or something so that you --

17 MR. SAMPEL: Well, we always want to be
18 aware of that.

19 MS. MILLER: Yeah.

20 MR. SAMPEL: I'm kind of out of the night
21 life business now, which is kind of nice. I'm
22 just --

1 MS. MILLER: Oh, so what are you doing?

2 MR. SAMPEL: Just mainly restaurants.

3 I'm at Lincoln now and so we don't really have a
4 big bar, bar crowd, anything like that.

5 MS. MILLER: Okay.

6 MR. SAMPEL: It's mainly food, family, we
7 shut down early now, which is kind of nice. I'm
8 not getting home at the 6:00 a.m. mark because,
9 you know, when I was at City's at that time where
10 it became a club and then you stay all night.

11 MS. MILLER: So how long have you been a
12 manager?

13 MR. SAMPEL: Over 20 years.

14 MS. MILLER: Okay. All right. Do others
15 have questions?

16 MR. SHORT: I have questions.

17 MS. MILLER: Yes, Mr. Short.

18 MR. SHORT: Good morning, sir.

19 MS. MILLER: Good morning.

20 MR. SHORT: Are you taking any
21 responsibility at all that this happened? I
22 understand you're saying that you were brutalized

1 by the police officers --

2 MR. SAMPEL: Oh, yeah.

3 MR. SHORT: -- and you were --

4 MR. SAMPEL: Do I take any -- yeah.

5 Obviously I was drinking and driving. I mean,
6 that as the mistake.

7 MR. SHORT: How far were you away from
8 the last establishment where you had the two
9 beers before the police officers pulled you over?

10 MR. SAMPEL: A few miles.

11 MR. SHORT: A few miles?

12 MR. SAMPEL: Yeah.

13 MR. SHORT: Have you ever seen the
14 results of someone driving under the influence?

15 MR. SAMPEL: Yes, sir.

16 MR. SHORT: And the damage it can cause?

17 MR. SAMPEL: Yes, sir.

18 MR. SHORT: And so let me understand.

19 You said the doorman had some people -- but you
20 were three miles or several miles away from the -
21 - where the doorman was. So you mean that the
22 police officers followed you those several miles?

1 MR. SAMPEL: Yeah. Well, yes.

2 MR. SHORT: Did you see them behind you?

3 MR. SAMPEL: No, sir. I mean, when I
4 pulled over, obviously, the lights came on.

5 MR. SHORT: Yeah, that's very obvious.
6 But you were several miles away from the
7 establishment when you had the last couple of
8 beers. Police officers pulled you over.

9 MR. SAMPEL: Yes, sir.

10 MR. SHORT: Did they ask you to get out
11 of the car or did you --

12 MR. SAMPEL: They pulled me out of the
13 car pretty much.

14 MR. SHORT: Did they ask you to get out
15 of the car before they pulled you out?

16 MR. SAMPEL: Not that I was aware of at
17 the time.

18 MR. SHORT: So they just pulled up and
19 just yanked you out of the car?

20 MR. SAMPEL: He was a little upset. I
21 have an old diesel and he said, turn off the car.
22 And an old diesel will not shut off, so when I

1 shut the key off he was like, I said turn off the
2 car and I was trying to at the moment and the car
3 remained running. And that was part of the case,
4 you know, the --

5 MR. SHORT: What kind of condition is
6 that automobile in that you were driving that --
7 is it --

8 MR. SAMPEL: It's in perfect condition.

9 MR. SHORT: Perfect condition?

10 MR. SAMPEL: Yeah.

11 MR. SHORT: But you couldn't cut the
12 ignition off?

13 MR. SAMPEL: No, no, certain diesels,
14 diesels -- there's a cutoff switch under the --
15 it's designed that way. I mean, they do error.
16 And so when you turn the key off, occasionally
17 they stay running. Inside the motor there's
18 actually an emergency stop button for that
19 reason, and it happens once in a blue moon, and
20 it just happened that night.

21 MR. SHORT: Well, just follow me with
22 this now. You're several miles away from the

1 place that you had your last drink.

2 MR. SAMPEL: Yes, sir.

3 MR. SHORT: The police officers did pull
4 you over. They did say to you, cut the engine
5 off.

6 MR. SAMPEL: Yes, sir.

7 MR. SHORT: Did they ask you to get out
8 of the car?

9 MR. SAMPEL: No, sir.

10 MR. SHORT: They just told you to cut the
11 car off and then they just proceeded to --

12 MR. SAMPEL: Yes, sir. He pulled me out.
13 He actually opened my door and they pulled me
14 out.

15 MR. SHORT: And the car was still
16 running?

17 MR. SAMPEL: Yes. Yes, sir.

18 MR. SHORT: No further questions.

19 MS. MILLER: Okay. Anybody else? The
20 Board ready to rule on this?

21 CHAIRPERSON ANDERSON: No, I guess --

22 MS. MILLER: Okay. Oh, Mr. Donovan.

1 CHAIRPERSON ANDERSON: I'm sorry. I
2 just --

3 MS. MILLER: Mr. Anderson, go ahead.

4 CHAIRPERSON ANDERSON: I just have a
5 question. I don't quite understand this
6 memorandum that we have, so I'm not quite sure
7 what happened, in the sense of the memorandum had
8 basically stated that the -- I think the order
9 was asking for, I guess end of probation. And
10 the judge didn't sign off on it so I'm just quite
11 -- at least the document that I have in front of
12 us so I'm just trying to figure out is this
13 matter over? I mean, I don't have anything in
14 front of us to say that you have -- that this
15 matter is completely over.

16 MR. SAMPEL: Oh, everything is -- when I
17 applied for my manager's license I attached all
18 the Court's papers that says, you know, all the
19 obligations are fulfilled, I've completed all my
20 courses, I paid the fine.

21 CHAIRPERSON ANDERSON: The document I'm
22 looking at, because it says that it approved by,

1 I guess there is a probation officer then. But
2 it says judicial approval. The judge didn't
3 approve it and judicial denial June 5th, 2015.
4 So but it said see order of today's date. I
5 don't know what that is. Because it doesn't say
6 -- like the document that I have in front of
7 me --

8 MR. SAMPEL: Yes, sir.

9 CHAIRPERSON ANDERSON: -- it doesn't say
10 that the matter is over because whatever it said
11 that you completed all these things but then the
12 judge did not sign off on it. So that's why I'm
13 asking -- I don't have anything in front of me
14 that says that you have complied with all the
15 conditions and that the Court had agreed. And so
16 you were -- I mean, you're in compliance with
17 everything the court had ordered.

18 MR. SAMPEL: Right. Well, it was a one
19 year probation, which I'm technically still on.

20 CHAIRPERSON ANDERSON: So you're still on
21 probation.

22 MR. SAMPEL: On a probation, yeah. But

1 I'm not on -- I've completed everything. I'm not
2 on, you know, where you have to go drug test and
3 meet the probation officer I did for the six
4 months prior. But --

5 CHAIRPERSON ANDERSON: So when does that
6 one year --

7 MR. SAMPEL: That would be January.

8 CHAIRPERSON ANDERSON: In January?

9 MR. SAMPEL: Yes.

10 MR. SHORT: Madame Chair.

11 MS. MILLER: Yes.

12 MR. SHORT: Are you finished?

13 CHAIRPERSON ANDERSON: Sure.

14 MR. SHORT: Can you ask that we let him
15 see this document and (indiscernible)**44:59.

16 MS. MILLER: He submitted it, yeah.

17 MR. SHORT: But it says on here, judicial
18 denied.

19 MS. MILLER: Do you know what docket? Do
20 you have an extra copy for him?

21 MR. SAMPEL: Oh, no. They weren't trying
22 to just drop all the probation. And the judge

1 said -- put me on my -- kept everything, the one
2 year probation and let me -- so I didn't have to
3 meet with the probation officer or actually take
4 the drug testings, and all that.

5 MR. SHORT: But your testimony is that
6 everything was finished.

7 MR. SAMPEL: Yeah. She wrote here --
8 well, they, the probation officer tried to, I
9 guess, drop everything. And she said, no,
10 continue the one year probation period, but
11 everything else is in compliance. So that's
12 where it stands.

13 MR. SHORT: You're still on probation so
14 everything isn't finished, correct?

15 MR. SAMPEL: Right.

16 MR. SHORT: Okay. I was just wondering.

17 MR. SAMPEL: Well, yes. Yes.

18 MR. SHORT: All right. Thank you.

19 MR. SAMPEL: Which is, you know, I cannot
20 have a felony or any sort of misdemeanor in this
21 one year probation.

22 CHAIRPERSON ANDERSON: And I mean, I

1 guess just clarification. So is your current
2 license expired? I'm talking about your
3 manager's license.

4 MR. SAMPEL: Yeah, it just expired. I
5 just renewed it. Yes.

6 CHAIRPERSON ANDERSON: I'm sorry. When
7 was --

8 MS. MILLER: Did you get a temporary
9 renewal, or what did you get?

10 MR. SAMPEL: I just applied for my
11 renewal and they gave me the 30 day extension and
12 said this was going to -- to bring these
13 documents in. They were just going to submit it
14 to the Board and until we got here, I guess.

15 MS. MILLER: Yes, that's good. So if we
16 weren't to approve your license you would lose
17 your job at this point. Is that right?

18 MR. SAMPEL: Pretty much so. I mean I
19 would like to continue working, of course.

20 MS. MILLER: Okay. I just want to get
21 your status.

22 MR. SAMPEL: Right.

1 MS. MILLER: Correct.

2 MR. ALBERTI: May I ask?

3 MS. MILLER: Yes, Mr. Alberti.

4 MR. ALBERTI: So, Mr. Sampel, just to
5 review, I think what you said, you've been in the
6 business what, 20 years? You've had a manager's
7 license for 20 years?

8 MR. SAMPEL: Yes, sir.

9 MR. ALBERTI: And so this is the first --

10 MR. SAMPEL: Ever ticket in Washington.

11 MR. ALBERTI: Okay. I was going to say,
12 infraction that you've had --

13 MR. SAMPEL: Have any --

14 MR. ALBERTI: -- while you've been --

15 MR. SAMPEL: No.

16 MR. ALBERTI: Okay. So I mean, to be
17 honest when you said -- when the question was
18 asked to you, did this sensitize you any more
19 to --

20 MR. SAMPEL: Well, of course I'm very
21 aware.

22 MR. ALBERTI: I'm going to give you the

1 benefit of the doubt. I'm assuming that what you
2 meant was, you've always been -- you know, you
3 have 20 years in the business. You probably have
4 had a level of sensitivity, hopefully --

5 MR. SAMPEL: Yes.

6 MR. ALBERTI: -- to what it means to
7 serve people -- to over serve people. So am I
8 interpreting that correctly?

9 MR. SAMPEL: Yes.

10 MR. ALBERTI: All right. Thank you. I
11 have no further questions.

12 MR. SHORT: One last --

13 MS. MILLER: Okay, Mr. Short.

14 MR. SHORT: You said you've never been
15 arrested in Washington, D.C. for that. Have you
16 ever been arrested any other place?

17 MR. SAMPEL: No. When I was young, about
18 19, there was an incident, you know, there was a
19 guy that -- it was a dropped charge. I had been
20 arrested. Guy grabbed my girlfriend's purse and
21 I chased him and caught him and it was a young
22 kid.

1 MR. SHORT: They charged you for --

2 MR. SAMPEL: No, they gave me a -- they
3 just locked me up for that because there were
4 four or five --

5 MR. SHORT: For chasing someone down who
6 robbed your girlfriend?

7 MR. SAMPEL: Yes, sir. And then --

8 MR. SHORT: And that was where?

9 MR. SAMPEL: That was back when I was a
10 kid in the '80s.

11 MR. SHORT: Where was it at?

12 MR. SAMPEL: St. Louis.

13 MR. SHORT: Where?

14 MR. SAMPEL: St. Louis.

15 MR. SHORT: St. Louis Missouri?

16 MR. SAMPEL: Yes, sir. When I was young.
17 We got in a fight, you know, and it was -- and
18 they just let me go. I went through processing
19 as they called it back then and then they just
20 let me go.

21 MR. SHORT: Okay.

22 MR. SAMPEL: Never any charges.

1 MR. SHORT: I understand. Thank you.

2 MS. MILLER: Okay. Any other questions?

3 All right. I think that we've gotten a lot of
4 information from meeting with you and I think I'm
5 prepared to call a vote on your application. And
6 I'm going to move to approve based on your long
7 length of managerial practice and that this
8 sounds like a one thing operation. And I don't
9 see that interfering with your responsibilities
10 at work. So I move to approve. Do I have a
11 second?

12 MR. SILVERSTEIN: Second.

13 MR. ALBERTI: Second.

14 MS. MILLER: Mr. Alberti seconded the
15 motion. Any other comments? All right.

16 [Vote taken.]

17 MS. MILLER: Okay. Then the vote is
18 three to two to zero. The motion passes with Mr.
19 Short and Mr. Anderson dissenting.

20 Okay. So we have approved your
21 application.

22 MR. SHORT: I'd like to make a comment

1 for the record. I understand it's been approved.

2 MS. MILLER: Okay.

3 MR. SHORT: I'd just like to make a
4 comment for the record, and say to the applicant.
5 DUIs are very serious business. People get
6 killed every day on the roads of the United
7 States. People get injured every day in
8 Washington, D.C. You have an awesome
9 responsibility because some of these board
10 members see that they want you to continue on
11 your job and your occupation.

12 What I'd like to say to you, I hope we
13 don't see you again for anything. Okay?

14 MR. SAMPEL: No, sir. I promise.

15 MR. SHORT: I believe in second chances.

16 MR. SAMPEL: Thank you.

17 MR. SHORT: But you need to realize I, as
18 a board member, I can't speak for the other board
19 members, speak for the citizens of Washington,
20 D.C. who don't tolerate DUIs, and be careful out
21 there, please.

22 MR. SAMPEL: Yes, sir.

1 MR. SHORT: You have awesome
2 responsibility.

3 MR. SAMPEL: I know. I know better, sir.
4 I'm sorry about that.

5 CHAIRPERSON ANDERSON: And I would also
6 make a comment. One of my reasons for voting
7 against you because you are still on probation.
8 And so my recommendation would have you complete
9 the terms of your probation before you come back.
10 But this board has spoken. But my view will be
11 that if you're going to apply for a license you
12 should have -- once you come to us you should
13 have a clean record.

14 MR. SILVERSTEIN: Madam Chair.

15 MS. MILLER: Yes, Mr. Silverstein.

16 MR. SILVERSTEIN: I would point out the
17 gentleman, I'm' for you and I believe you've done
18 what you could do, what you need to do to move
19 this past you. But the gentleman to my right, my
20 dear friend, Mr. Short, spent 33 years in the
21 fire department and he pulled a lot of people out
22 of cars, some alive, some dead, and he has an

1 extreme sensitivity to this issue because when
2 you've touched and you know, watched people take
3 their last breath, it's a whole different
4 perspective. Good luck to you, sir.

5 MR. SAMPEL: All right. Thank you so
6 much, guys.

7 MS. MILLER: So you can take a seat in
8 the audience but I think we need to sign off on
9 the order and you can then take it to the office.

10 MR. SAMPEL: Okay.

11 MS. MILLER: But we're waiting for our
12 staff.

13 MR. SAMPEL: Do I need to sign here?

14 MS. MILLER: Sign there though, yes,
15 please.

16 [Recess.]

17 [Whereupon, the above-entitled matter
18 concluded at 12:24 p.m.]

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