

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

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IN THE MATTER OF: :  
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Sierra Catering :  
1354 Leegate Road, NW :  
Retailer G : Show Cause  
License No. 86514 : Hearing  
Case No. 11-CMP-00141 :  
Temporary License Application; :  
Event Held at The Historical :  
Society of Washington, D.C., :  
on March 26, 2011 :  
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NOVEMBER 28, 2012

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

Miller, Chairperson, presiding.

PRESENT

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT

- AMY SCHMIDT, OAG
- WILLIAM HAGER, ABRA

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

10:11 a.m.

CHAIRPERSON MILLER: Next case on our calendar is a show cause hearing scheduled for 10:00. It's Case No. 11-CMP-00141, Sierra Catering.

MS. SCHMIDT: Good morning. Amy Schmidt, Assistant Attorney General on behalf of the District of Columbia.

CHAIRPERSON MILLER: Good morning. I notice that no one is here on behalf of the Licensee. Ms. Schmidt, have you had any communications?

MS. SCHMIDT: The date of the last status hearing she called me in the afternoon. And I returned her call, but she never called back. And Ms. Jenkins informed me that she may have called the Board this morning.

CHAIRPERSON MILLER: Okay. Hold on. All right. Okay. No, she hasn't called today to talk to Ms. Jenkins.

So anyway, so we haven't had any

1       indication that she's running late. We  
2       haven't heard from her at all.

3                   MS. SCHMIDT: The Government's  
4       ready to proceed.

5                   CHAIRPERSON MILLER: Yes, I think  
6       that that would be the appropriate action at  
7       this point.

8                   MS. SCHMIDT: This is a case where  
9       based on the Respondent's failure to comply  
10      with the Board order by failing to pay a fine  
11      of \$2,600, which was due on or about the 20th  
12      day of April, 2012. And to this date the  
13      Respondent has shown a blatant disregard to  
14      the orders of this Board. In fact she did not  
15      even appear for the original -- it should be  
16      noted that the original hearing was ex parte.  
17      She is taking this matter seriously.

18                   The Government will call William  
19      Hager right now as its witness.

20                   CHAIRPERSON MILLER: Okay. I also  
21      want to note that Board Member Mike  
22      Silverstein has just joined us.

1                   MEMBER SILVERSTEIN: Thank you,  
2                   Madam Chair.

3                   CHAIRPERSON MILLER: Good morning.  
4                   Mr. Hager, do you swear to tell the truth, the  
5                   whole truth, nothing but the truth?

6                   MR. HAGER: I do.

7                   CHAIRPERSON MILLER: Okay. Thank  
8                   you. Have a seat.

9                   MS. SCHMIDT: Good morning. Would  
10                  you state your name for the record?

11                  MR. HAGER: William Hager.

12                  MS. SCHMIDT: And what is your  
13                  position?

14                  MR. HAGER: I am the Supervisory  
15                  Records and Data Management Specialist for the  
16                  Alcohol Beverage Regulation Administration.

17                  MS. SCHMIDT: And have you had a  
18                  chance to review the records concerning Sierra  
19                  Catering and Joanie Morris?

20                  MR. HAGER: I have.

21                  MS. SCHMIDT: And are you aware of  
22                  an outstanding Board order in this matter,

1 Board Order No. 2012-115?

2 MR. HAGER: Yes.

3 MS. SCHMIDT: And do you remember  
4 what the terms of that order were?

5 MR. HAGER: One of the terms was  
6 that a \$2,600 fine was imposed on March 20th,  
7 2012 with 30 days to pay.

8 MS. SCHMIDT: And is there any  
9 record of that payment being made?

10 MR. HAGER: To date no payment has  
11 been received.

12 MS. SCHMIDT: And do you remember  
13 the second term of that Board order?

14 MR. HAGER: Something to the  
15 effect of no additional temporary licenses  
16 issued for a one-year period.

17 MS. SCHMIDT: And has the  
18 Respondent applied for that temporary one-year  
19 license?

20 MR. HAGER: Not to my knowledge.

21 MS. SCHMIDT: No further questions  
22 at this time.

1 CHAIRPERSON MILLER: Okay. Thank  
2 you. Any Board questions? Mr. Alberti?

3 MEMBER ALBERTI: Mr. Hager, are  
4 you the person to ask about whether the  
5 payment was made and can we verify that  
6 payment wasn't made?

7 MR. HAGER: I can --

8 MEMBER ALBERTI: Do you have  
9 knowledge of the Agency's record keeping on  
10 payments being made?

11 MR. HAGER: Right, I can find out  
12 whether or not a record has been made for a  
13 certain matter, or a payment has been made for  
14 a certain matter.

15 MEMBER ALBERTI: And do you have  
16 knowledge of whether this payment has been  
17 made or not?

18 MR. HAGER: Correct, I do, and it  
19 has not been received.

20 MEMBER ALBERTI: Okay. Thank you.

21 CHAIRPERSON MILLER: Others?

22 (No audible response.)

1 CHAIRPERSON MILLER: Mr. Hager,  
2 how do you verify whether a payment's been  
3 made?

4 MR. HAGER: I check with the  
5 adjudication specialists that are assigned for  
6 processing the payments and confirm that  
7 nothing has been received in this matter.

8 CHAIRPERSON MILLER: Okay. Thank  
9 you.

10 MEMBER ALBERTI: And just real  
11 quick.

12 CHAIRPERSON MILLER: Yes.

13 MEMBER ALBERTI: When's the last  
14 time you checked on this?

15 MR. HAGER: Yesterday before I  
16 left for the day.

17 MEMBER ALBERTI: Okay. So that  
18 would have been November 27th?

19 MR. HAGER: Right.

20 MEMBER ALBERTI: Thank you.

21 CHAIRPERSON MILLER: Any other  
22 questions?

1 (No audible response.)

2 CHAIRPERSON MILLER: Okay. Thank  
3 you.

4 MS. SCHMIDT: Consequently, the  
5 Government has shown that no payment has been  
6 made on this matter. And more importantly, it  
7 is very patently clear that Ms. Morris does  
8 not have any regard for this Board's orders.  
9 Again as I stated previously, she has not  
10 appeared for any of the hearings in this  
11 matter and she has not attempted to  
12 communicate. She's only made one small  
13 attempt to communicate with me in both  
14 hearings. I never heard from again the first  
15 hearing for her underlying case either.

16 Therefore, the Government's  
17 requesting that an additional \$2,000 fine be  
18 imposed for this violation and that her  
19 ability to obtain temporary licenses be  
20 revoked at this time and she is no longer able  
21 to obtain any temporary licenses.

22 CHAIRPERSON MILLER: I don't have

1 the Board's underlying order in front of me,  
2 but I believe that you asked Mr. Hager about  
3 the provision in the Board order dealing with  
4 that issue?

5 MS. SCHMIDT: Yes.

6 CHAIRPERSON MILLER: What was  
7 that?

8 MS. SCHMIDT: I can read from the  
9 order.

10 CHAIRPERSON MILLER: Because I'm  
11 interested in what your new condition is in  
12 relation to that.

13 MS. SCHMIDT: The previous  
14 condition was that, "The Board hereby orders  
15 that: (2) neither the Respondent or any entity  
16 or licensee that the Respondent is affiliated  
17 with shall be approved for a temporary one-day  
18 or substantial change licenses for one year  
19 from the date of this order."

20 And I am stating I wish to go one  
21 step further, that the Board should go one  
22 step further and revoke the privileges

1 altogether based on the Respondent's disregard  
2 of this Board's authority.

3 CHAIRPERSON MILLER: Revoke  
4 altogether for a period of time, or just  
5 forever? Is that what you're saying?

6 MS. SCHMIDT: I'd ask forever.  
7 And if she wants to reapply, she can reapply.  
8 But at this point she should be revoked.

9 CHAIRPERSON MILLER: Okay. Other  
10 questions from Board Members?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. Not  
13 hearing any, that concludes this case. Thank  
14 you very much.

15 Okay. Our next hearing is not  
16 until 11:00 a.m., so we're going to recess and  
17 return at that time.

18 (Whereupon, the hearing was  
19 concluded at 10:19 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 8:19  <b>able</b> 8:20  <b>ABRA</b> 1:22  <b>action</b> 3:6  <b>additional</b> 5:15  8:17  <b>adjudication</b> 7:5  <b>Administration</b>  4:16  <b>affiliated</b> 9:16  <b>afternoon</b> 2:15  <b>Agency's</b> 6:9  <b>Alberti</b> 1:18 6:2,3,8  6:15,20 7:10,13  7:17,20  <b>Alcohol</b> 4:16  <b>Alcoholic</b> 1:2,14,14  <b>altogether</b> 10:1,4  <b>Amy</b> 1:21 2:7  <b>anyway</b> 2:22  <b>appear</b> 3:15  <b>appeared</b> 8:10  <b>Application</b> 1:9  <b>applied</b> 5:18  <b>appropriate</b> 3:6  <b>approved</b> 9:17  <b>April</b> 3:12  <b>asked</b> 9:2  <b>assigned</b> 7:5  <b>Assistant</b> 2:8  <b>attempt</b> 8:13  <b>attempted</b> 8:11  <b>Attorney</b> 2:8  <b>audible</b> 6:22 8:1  10:11  <b>authority</b> 10:2  <b>aware</b> 4:21  <b>a.m</b> 2:2 10:16,19</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 2:17  <b>based</b> 3:9 10:1  <b>behalf</b> 2:8,11  <b>believe</b> 9:2  <b>Beverage</b> 1:2,14,14  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<p> <b>payment</b> 5:9,10 6:5  6:6,13,16 8:5  <b>payments</b> 6:10 7:6  <b>payment's</b> 7:2  <b>period</b> 5:16 10:4  <b>person</b> 6:4  <b>point</b> 3:7 10:8  <b>position</b> 4:13  <b>PRESENT</b> 1:17,21  <b>presiding</b> 1:16  <b>previous</b> 9:13  <b>previously</b> 8:9  <b>privileges</b> 9:22  <b>proceed</b> 3:4  <b>processing</b> 7:6  <b>provision</b> 9:3  <b>P-R-O-C-E-E-D-...</b>  2:1  <hr/> <b>Q</b>  <hr/> <b>questions</b> 5:21 6:2  7:22 10:10  <b>quick</b> 7:11  <hr/> <b>R</b>  <hr/> <b>read</b> 9:8  <b>ready</b> 3:4  <b>real</b> 7:10  <b>reapply</b> 10:7,7  <b>received</b> 5:11 6:19  7:7  <b>recess</b> 10:16  <b>record</b> 4:10 5:9 6:9  6:12  <b>records</b> 4:15,18  <b>Reeves</b> 1:15  <b>regard</b> 8:8  <b>Regulation</b> 4:16  <b>relation</b> 9:12  <b>remember</b> 5:3,12  <b>requesting</b> 8:17  <b>Respondent</b> 3:13  5:18 9:15,16  <b>Respondent's</b> 3:9  10:1  <b>response</b> 6:22 8:1  10:11  <b>Retailer</b> 1:8 </p>	<p> <b>return</b> 10:17  <b>returned</b> 2:16  <b>review</b> 4:18  <b>revoke</b> 9:22 10:3  <b>revoked</b> 8:20 10:8  <b>right</b> 2:20 3:19  6:11 7:19  <b>Road</b> 1:7  <b>Room</b> 1:15  <b>running</b> 3:1  <b>Ruthanne</b> 1:15,18  <hr/> <b>S</b>  <hr/> <b>saying</b> 10:5  <b>scheduled</b> 2:4  <b>Schmidt</b> 1:21 2:7,8  2:12,14 3:3,8 4:9  4:12,17,21 5:3,8  5:12,17,21 8:4 9:5  9:8,13 10:6  <b>seat</b> 4:8  <b>second</b> 5:13  <b>seriously</b> 3:17  <b>show</b> 1:8 2:4  <b>shown</b> 3:13 8:5  <b>Sierra</b> 1:6 2:5 4:18  <b>Silverstein</b> 1:19  3:22 4:1  <b>small</b> 8:12  <b>Society</b> 1:10  <b>Specialist</b> 4:15  <b>specialists</b> 7:5  <b>state</b> 4:10  <b>stated</b> 8:9  <b>stating</b> 9:20  <b>status</b> 2:15  <b>step</b> 9:21,22  <b>Street</b> 1:15  <b>substantial</b> 9:18  <b>Supervisory</b> 4:14  <b>swear</b> 4:4  <hr/> <b>T</b>  <hr/> <b>talk</b> 2:21  <b>tell</b> 4:4  <b>temporary</b> 1:9 5:15  5:18 8:19,21 9:17  <b>term</b> 5:13 </p>	<p> <b>terms</b> 5:4,5  <b>Thank</b> 4:1,7 6:1,20  7:8,20 8:2 10:13  <b>think</b> 3:5  <b>time</b> 5:22 7:14 8:20  10:4,17  <b>today</b> 2:21  <b>truth</b> 4:4,5,5  <hr/> <b>U</b>  <hr/> <b>underlying</b> 8:15  9:1  <hr/> <b>V</b>  <hr/> <b>verify</b> 6:5 7:2  <b>violation</b> 8:18  <hr/> <b>W</b>  <hr/> <b>want</b> 3:21  <b>wants</b> 10:7  <b>Washington</b> 1:10  1:15  <b>wasn't</b> 6:6  <b>we're</b> 10:16  <b>When's</b> 7:13  <b>William</b> 1:22 3:18  4:11  <b>wish</b> 9:20  <b>witness</b> 3:19  <hr/> <b>Y</b>  <hr/> <b>year</b> 9:18  <b>Yesterday</b> 7:15  <hr/> <b>P</b>  <hr/> <b>p</b> 1:5,12  <hr/> <b>\$</b>  <hr/> <b>\$2,000</b> 8:17  <b>\$2,600</b> 3:11 5:6  <hr/> <b>1</b>  <hr/> <b>10:00</b> 2:5  <b>10:11</b> 2:2  <b>10:19</b> 10:19  <b>11-CMP-00141</b> 1:9  2:5  <b>11:00</b> 10:16 </p>	<p> <b>1354</b> 1:7  <b>14th</b> 1:15  <hr/> <b>2</b>  <hr/> <b>2</b> 9:15  <b>20th</b> 3:11 5:6  <b>2000</b> 1:15  <b>2011</b> 1:11  <b>2012</b> 1:13 3:12 5:7  <b>2012-115</b> 5:1  <b>26</b> 1:11  <b>27th</b> 7:18  <b>28</b> 1:13  <hr/> <b>3</b>  <hr/> <b>30</b> 5:7  <hr/> <b>8</b>  <hr/> <b>86514</b> 1:8 </p>
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