

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

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

- - - - -X

IN THE MATTER OF: :
Los Cuates Restaurant, Inc., :
t/a Los Cuates Restaurant :
1564 Wisconsin Ave NW : Case #15-CC-00027
License #79261 : Show Cause Hearing
Retailer CR : (Status)
ANC 2E :
Sale to Minor, No ABC Manager:

- - - - -X

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

CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

NICK ALBERTI

JAMES SHORT

RUTHANNE MILLER

MIKE SILVERSTEIN

ALSO PRESENT:

FERNANDO RIVERO, ESQ.

On behalf of District of Columbia

ANDREW KLINE, ESQ.

On behalf of the Licensee

1

2

[9:59 a.m.]

3

P R O C E E D I N G S

4

5

6

CHAIRMAN ANDERSON: The next case on the calendar is Case No. 15-CC-00027, Los Cuates Restaurant; License No. 79261.

7

Would the parties please approach.

8

9

MR. RIVERO: Good morning, Board Members.

Fernando Rivero for the District of Columbia.

10

11

MR. KLINE: Good morning. Andrew Kline

on behalf of the licensee.

12

13

NAME 2: Good morning. Mauricio

Sepulveda, the owner.

14

15

CHAIRMAN ANDERSON: Can you spell your

first and last name, please.

16

17

18

MR. SEPULVEDA: Yes. Mauricio, M-a-u-r-

i-c-i-o. Sepulveda, S-e-p-u-l-v, as victor, e-d-

a.

19

20

CHAIRMAN ANDERSON: Are there any

preliminary matters?

21

22

MR. RIVERO: Yes. The parties have an

offer in compromise to present to the Board at

OLENDER REPORTING, INC.

1100 Connecticut Avenue N.W., #810, Washington, D.C. 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 this time.

2 And the offer is as follows: It is a
3 \$4,400 fine with 5 suspension days staid for one
4 year pending no further violations.

5 That fine breaks down as follows: For
6 Charge 1, the \$3,000 fine with the 5 days I
7 mentioned. For Charges 2, 3, and 4, a \$350 fine
8 for each of those charges.

9 The payment of the fine will be made in
10 30 days. And, if that payment is not made in 30
11 days, the license will be suspended until the
12 payment is received.

13 CHAIRMAN ANDERSON: Is there more, or is
14 that it?

15 MR. RIVERO: Actually, I have a clerical
16 correction. It's five charges. So it's one
17 charge of sale to minor. And it's four charges
18 of no ABC manager on duty. There's a typo on the
19 notice that says Charge 3 twice. So I'm just
20 correcting that.

21 CHAIRMAN ANDERSON: Okay.

22 MR. RIVERO: That's the offer.

1 CHAIRMAN ANDERSON: Okay. Thank you.
2 Mr. Kline, on behalf of your client, it's my
3 understanding that the parties have agreed to an
4 offer in compromise for \$4,400 fine with 5-day
5 stay set on Charge 1 -- \$3,000 all of those 5
6 days -- Charge 2, \$350; Charge 3, \$350; Charge 4,
7 \$350, and Charge 5, \$350 which is a total of
8 \$4,400.

9 MR. KLINE: Yeah. That is acceptable. I
10 would like to make a couple comments, if I may,
11 concerning this offer in compromise.

12 We were before you recently with respect
13 to this licensee's first sale to minor violation
14 which resulted in a warning. That was -- I think
15 it was about a month ago. And that actually --
16 this incident occurred before that last
17 adjudication. And I think we told you when we
18 were before you then. I know we told you when we
19 were before you then that training has already
20 been done.

21 And there are a couple other points that
22 I would like to make. One, with respect to the

1 license manager charges, Mr. Sepulveda has
2 arranged for the hiring of other managers. And
3 we have temporary manager's licenses that have
4 been applied for, been approved, and will be
5 finalized once the police reports and the alcohol
6 awareness training of these new employees has
7 been completed. That's No. 1.

8 No. 2, with respect to this issue of sale
9 to minors, we told you last time that this
10 licensee takes this very seriously and has taken
11 steps. And I want to advise the Board that the
12 licensee has bought an ID scanner, because one of
13 the issues in this case were multiple instances
14 of fraudulent IDs that were produced by persons
15 attempting to purchase alcohol. So, to aid them,
16 they understand that the ID machine -- the ID
17 scanner machine -- is not foolproof. But, to aid
18 them, they did spend a couple thousand dollars
19 buying this machine as a backup to try to do
20 better with respect to this rash of fake IDs that
21 have been presented in their establishment.

22 And the offer is acceptable. And we

1 would ask for [indiscernible].

2 CHAIRMAN ANDERSON: All right. Now, do
3 you understand, sir, that by accepting this offer
4 in compromise that you have waived your right to
5 a hearing and that you also waive your right to
6 an appeal?

7 MR. KNIESER: I need an answer please.

8 MR. SEPULVEDA: Yes.

9 MR. KNIESER: Thank you.

10 MS. MILLER: Can I ask a question, then,
11 just a follow-up question to Mr. Kline? I'm just
12 wondering if the establishment is doing anything
13 else other than using the scanner to try to
14 counteract fraudulent IDs or be sure that they're
15 serving 21 and up?

16 MR. KLINE: Yes. They've heightened
17 awareness among all their staff as we expressed
18 to you the last time we were here. All the staff
19 had already completed alcohol awareness training
20 after the incident and even prior to entering
21 into the last offer in compromise which involved
22 a warning. So, yes. I mean, they are very

1 sensitive to this issue at this point having had
2 these two incidents relatively close together,
3 and they remain very concerned about it.

4 CHAIRMAN ANDERSON: Yes, Mr. Alberti.

5 MR. ALBERTI: Mr. Kline and your client,
6 I appreciate all the effort you've made. But the
7 ID scanner is not going to be the end-all and be-
8 all of solving your problem. Because, as the
9 report that we have says that several of the
10 minors who were there were using IDs that
11 belonged to someone else. So the training that
12 you are taking and your conscientious efforts
13 will go a long way toward solving your problems.
14 Please take note of that.

15 MR. KLINE: We appreciate that. Thank
16 you.

17 CHAIRMAN ANDERSON: Any other Board
18 Members have any comments they want to make
19 before we --? No. All right.

20 The offer in compromise is for, again,
21 \$4,400 fine with 5 days' stay. I'll move that
22 the Board accept this offer in compromise. Is

1 there a second?

2 MR. SHORT: Second.

3 CHAIRMAN ANDERSON: Mr. Short has
4 seconded the motion. Those in favor say, aye.

5 [Chorus of ayes.]

6 CHAIRMAN ANDERSON: The matter has been
7 accepted by a vote of five, zero, zero. Ms.
8 Walker [ph] will bring you and [indiscernible].
9 And I hope that the process that you now decide
10 to undertake will insure that we don't see you
11 here again, okay?

12 MR. SEPULVEDA: Yeah.

13 CHAIRMAN ANDERSON: Thank you very much.

14 MR. KLINE: Thank you.

15 MR. SEPULVEDA: Thank you very much.

16 [Whereupon, at 10:07 a.m., the
17 above-entitled matter concluded.]