

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

IN THE MATTER OF:

El Tamarindo Wisconsin, Inc. t/a Casa Fiesta II 4910 Wisconsin Ave., NW Retailer CR - ANC-3E License No. 24766 Case #14-CMP-00321	Show Cause Hearing (Status)
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(No Manager On Duty)

December 10, 2014

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
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 (10:03 a.m.)

3 CHAIRPERSON MILLER: Well, next on
4 our calendar is 14-CMP-00321, Casa Fiesta II,
5 okay, located at 4910 Wisconsin Avenue, N.W.,
6 License No. 24766.

7 MR. RIVERO: Good morning, Board
8 Members, Fernando Rivero for the Government.

9 CHAIRPERSON MILLER: Good morning.
10 Good morning, could you identify yourself for
11 the record?

12 MR. ENAMBRE: Good morning.
13 Carlos Enambre.

14 MR. REYES: Francisco Reyes.

15 CHAIRPERSON MILLER: Okay. What's
16 this --

17 MR. ALFARO: Conrado Alfaro.

18 CHAIRPERSON MILLER: I'm sorry?

19 MEMBER RODRIGUEZ: Speak up.

20 CHAIRPERSON MILLER: Yes. We're
21 having trouble hearing you. Could you repeat?

22 MR. ALFARO: Conrado Alfaro.

1 MR. REYES: Francisco Reyes.

2 CHAIRPERSON MILLER: Francisco

3 what?

4 MR. REYES: Reyes.

5 CHAIRPERSON MILLER: Reyes?

6 MR. REYES: Reyes. Francisco

7 Reyes.

8 CHAIRPERSON MILLER: Okay. And

9 you are the owner?

10 MR. REYES: Yes.

11 CHAIRPERSON MILLER: And you are?

12 MR. ALFARO: A manager, Conrado

13 Alfaro.

14 CHAIRPERSON MILLER: Could you

15 spell your last name?

16 MR. ALFARO: A-L-F-A-R-O, Alfaro,

17 Conrado.

18 CHAIRPERSON MILLER: Did you get

19 that one? What's his last name?

20 MEMBER SILVERSTEIN: Conrado

21 Alfaro, of the Lighthouse.

22 MR. ALFARO: A-L-F-A-R-O.

1 CHAIRPERSON MILLER: Alfaro, okay.
2 Do we have a language issue? Can Mr. Reyes
3 understand English?

4 MR. REYES: A little bit.

5 CHAIRPERSON MILLER: A little.
6 Mr. Fernando?

7 MR. RIVERO: We do have some
8 preliminary matters.

9 CHAIRPERSON MILLER: You have a
10 preliminary matter regarding the notice issue?
11 Okay.

12 MR. RIVERO: My understanding,
13 records show that this has not been affected
14 for whatever reason. I picked up the phone
15 and called the establishment and persons
16 answered the phone. So I explained to them
17 about this hearing today, which is the reason
18 they are here.

19 However, if I understand
20 correctly, they need to be served with the
21 notice. And therefore, I will ask for another
22 Status Hearing date and a subsequent change in

1 the Show Cause Hearing date, so that we can
2 have the proper --

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: -- number of hearings
5 for this matter, number one.

6 Number two, I have -- there was
7 some representation that there might have been
8 a license transfer and that's another reason
9 why I'm asking for these additional dates,
10 because I do not know that that's the case and
11 we need to ascertain whether that happened.

12 CHAIRPERSON MILLER: Okay. So,
13 yes, sir?

14 MR. ALFARO: Yes, I have a
15 question. The reason we are here is because--

16 COURT REPORTER: Please speak up.
17 I'm sorry.

18 CHAIRPERSON MILLER: The mike --

19 MR. ALFARO: There was no manager.

20 CHAIRPERSON MILLER: -- is on the
21 table actually.

22 MR. ALFARO: There was no manager.

1 COURT REPORTER: Just speak
2 louder.

3 MR. ALFARO: Okay. The reason
4 they got it was it was a coincidence because
5 there was no manager there during -- back in
6 June. And however, he paid the ticket. Was
7 it \$1,000? Yes, he was on delivery that day
8 and that day I see the notice says the reason
9 we are here because no manager on duty back in
10 June. But however, he paid the ticket. I
11 don't know why they asking us to come back
12 today.

13 And he said --

14 CHAIRPERSON MILLER: Okay.

15 MR. ALFARO: -- no service.

16 CHAIRPERSON MILLER: Okay. All
17 right. Let me tell you. This is not the
18 hearing to argue, you know, the case.
19 Actually, it's what is called just a Status
20 Hearing. So I understand. Usually my first
21 question is, you know, did you receive notice
22 and from what I hear Mr. Rivero saying was

1 that notice wasn't served.

2 And so we are going to schedule
3 another Status Hearing for January 14, 2015 at
4 9:30 p.m. In the meantime, there are -- a.m.
5 And in the meantime, there are issues that you
6 perhaps can work out with Mr. Rivero, you
7 know, beforehand. And there may or may not be
8 a hearing on the merits, but this is not that
9 hearing.

10 MR. REYES: Okay. So January 15th?

11 CHAIRPERSON MILLER: Well, January
12 14th will be another status. We always have a
13 status before the hearing on the merits. Some
14 times things are resolved at the Status
15 Hearing or by the time of the Status Hearing
16 and there never is a hearing.

17 MR. ALFARO: But it's continued to
18 the case about the no manager on duty or
19 something else?

20 CHAIRPERSON MILLER: Well, that's
21 what the --

22 MR. ALFARO: The particular case.

1 CHAIRPERSON MILLER: Yes, no
2 manager on duty is the case that this
3 involves.

4 MR. ALFARO: But they said that
5 was incorrect. That was the case.

6 CHAIRPERSON MILLER: Okay. You
7 may resolve it ahead of time, but not in this
8 -- not today, not before us. We are not
9 hearing that. We have a lot of Status
10 Hearings.

11 So you can talk to Mr. Rivero
12 about this. Okay. So all I'm going to do at
13 this point is schedule another status for
14 January 14th at 9:30 a.m.

15 MR. ALFARO: Okay.

16 CHAIRPERSON MILLER: Okay.

17 MR. RIVERO: Thank you.

18 CHAIRPERSON MILLER: Excuse me,
19 Mr. Rivero, did you ask them to wait for you?

20 MR. RIVERO: Yes, I have asked
21 them to wait.

22 CHAIRPERSON MILLER: Okay. We

1 need --

2 MR. ALFARO: Okay.

3 CHAIRPERSON MILLER: Okay. For
4 the notice, right? So yes, if you will take
5 a seat and wait for the written notice? Thank
6 you.

7 (Whereupon, the above-entitled
8 matter went off the record at 10:08 a.m. and
9 resumed at 10:33 a.m.)

10 MR. RIVERO: Also on an unrelated
11 matter, I may recall the Casa Fiesta case.

12 CHAIRPERSON MILLER: You're ready
13 for the Casa Fiesta case?

14 MR. RIVERO: I may recall it if
15 there is an Offer in Compromise that might
16 appear. That case was already called -- had
17 been called.

18 CHAIRPERSON MILLER: Okay.

19 MR. RIVERO: It had an additional
20 date set. But if I can provide an Offer in
21 Compromise now, I might recall it.

22 CHAIRPERSON MILLER: The other

1 side is still here?

2 MR. RIVERO: Yes.

3 CHAIRPERSON MILLER: All right.

4 We've got a couple more cases, I think, but we
5 can go back to that if the other side is here
6 and waiting.

7 MR. RIVERO: Okay. But not yet,
8 obviously. Understand, I may do that.

9 CHAIRPERSON MILLER: Oh, you may
10 do that.

11 MR. RIVERO: We're working on it
12 right now.

13 CHAIRPERSON MILLER: Oh, okay.
14 Sorry. So let me go to the next case then.

15 MR. RIVERO: Yes. Thank you.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER SHORT: Madam Chair, which
18 case was that he was speaking about?

19 CHAIRPERSON MILLER: We are going
20 to go back to Casa Fiesta maybe, is what he
21 said, but not at this point.

22 (Whereupon, the above-entitled

1 matter went off the record at 10:34 a.m. and
2 resumed at 10:48 a.m.)

3 CHAIRPERSON MILLER: All right.
4 Mr. Rivero, we can go back to Casa Fiesta.
5 Why don't you all identify yourselves for the
6 record again, please?

7 MR. RIVERO: Fernando Rivero for
8 the District of Columbia.

9 MR. ALFARO: Conrado Alfaro, Casa
10 Fiesta.

11 MR. REYES: Francisco Reyes, Casa
12 Fiesta.

13 CHAIRPERSON MILLER: All right.
14 Mr. Rivero, where are we on this case?

15 MR. RIVERO: Thank you. We have
16 had the benefit of some time to figure out
17 some of these questions that I had articulated
18 earlier.

19 The first thing that we learned is
20 that the licensee had been confused, because
21 he had paid a fine in a different case.

22 CHAIRPERSON MILLER: Okay.

1 MR. RIVERO: And that gave him the
2 impression he had paid it in this case, so we
3 established that was not the case.

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: Next, there is a
6 statement about a license transfer. There has
7 been no license transfer. There is an
8 interest in purchasing -- an interest in the
9 corporation. I have directed the licensee to
10 deal with the ABRA folks at the counter about
11 that question, because that question is not
12 related to this hearing.

13 CHAIRPERSON MILLER: Okay.

14 MR. RIVERO: Finally, we had an
15 opportunity to talk about an Offer in
16 Compromise in this case and the parties have
17 agreed to pay a fine of \$650. The licensee is
18 prepared to pay for it today, but I would
19 rather give him the 30 days in case he goes to
20 the counter with a credit card and there may
21 be some issue with respect to that.

22 So, yes, he intends to pay today,

1 but the term is 30 days.

2 CHAIRPERSON MILLER: And is it 30
3 days and if not paid within 30 days, the
4 license will be suspended or is it just 30
5 days?

6 MR. RIVERO: Oh, you know what,
7 one second.

8 CHAIRPERSON MILLER: Okay.

9 MR. RIVERO: Thank you. Yes,
10 that's correct, the licensee understands that
11 if the fine is not paid within the 30 days,
12 that the license would be suspended until the
13 payment of the fine is made.

14 CHAIRPERSON MILLER: Okay. All
15 right. I just want to ask you directly again
16 then, do you agree to this Offer in Compromise
17 of \$650 to be paid within 30 days? If it's
18 not paid within 30 days, the license will be
19 suspended until the fine is paid?

20 MR. ALFARO: Yes, Your Honor.
21 Yes, we agree.

22 CHAIRPERSON MILLER: Okay. And

1 you understand you waive your right to a
2 hearing?

3 MR. ALFARO: Yes, we do.

4 CHAIRPERSON MILLER: And to an
5 appeal? You waive your right to an appeal,
6 too.

7 MR. ALFARO: Yes, yes, we agree.

8 CHAIRPERSON MILLER: Okay. All
9 right.

10 MR. ALFARO: That's fine.

11 CHAIRPERSON MILLER: Any
12 questions? All right. Then I would move that
13 we accept this Offer in Compromise of \$650 to
14 be paid within 30 days. And if not paid
15 within 30 days, then the license will be
16 suspended until payment. Do I have a second?

17 MEMBER RODRIGUEZ: Second.

18 CHAIRPERSON MILLER: Mr. Rodriguez
19 has seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 6-0-0. Okay.

3 MR. ALFARO: Yes.

4 CHAIRPERSON MILLER: Good. If you
5 will just wait for your paperwork, and then
6 you can go.

7 MR. ALFARO: Thank you.
8 Felicidades.

9 MR. RIVERO: Thank you.

10 (Whereupon, the Show Cause
11 (Status) Hearing in the above-entitled matter
12 was concluded at 10:52 a.m.)

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