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

- - - - -X

IN THE MATTER OF :
Nispero, LLC, t/a El Nuevo : Show Cause Hearing
Migueleno :
1721 Columbia Road NW : Case #15-AUD-00060
License #ABRA-75403 :
Retailer Class CR :
ANC-1C :
Failed to File Quarterly :
Statements (4th Quarter 2014):

- - - - -X

Wednesday, December 2, 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.

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CHAIRPERSON:

DONOVAN ANDERSON, Presiding

BOARD MEMBERS:

RUTHANNE MILLER

NICK ALBERTI

MICHAEL SILVERSTEIN

JAMES SHORT

ALSO PRESENT - Case #15-AUD-00060

FERNANDO RIVERO,

On behalf of District of Columbia

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

2 [11:45 a.m.]

3 CHAIRMAN ANDERSON: Okay.

4 The next case on the agenda is Case No.

5 15-AUD-000630 -- I'm sorry. Start over.

6 Case No. 15-AUD-00060. El Salvador Nuevo

7 Migueleno, License No. 75403.

8 Will the parties please appear?

9 MR. RIVERO: Good morning, board members.

10 Fernando Rivero for the District of

11 Columbia.

12 CHAIRMAN ANDERSON: And can you state

13 your name and also spell it for her, please, sir.

14 Okay?

15 MALE SPEAKER: Jose (Inaudible portion).

16 REPORTER: Spell?

17 (Foreign language not transcribed)

18 REPORTER: Can you spell it please, for

19 me?

20 MR. RIVERO: He'll sign it on there.

21 REPORTER: Okay.

22 MR. RIVERO: We have a language issue.

1 REPORTER: Oh, I see.

2 MR. RIVERO: So, he can just sign it
3 legibly --

4 REPORTER: Jose.

5 MR. RIVERO: -- and we'll provide it.
6 (Discussion off the record)

7 CHAIRMAN ANDERSON: Well --
8 (Pause)

9 CHAIRMAN ANDERSON: Since you -- do you
10 need a translator, sir?

11 MR. RIVERO: If I may, the government has
12 a (Inaudible).

13 We have preliminary matters.

14 (Discussion off the record)

15 (Pause)

16 CHAIRMAN ANDERSON: All right. Are there
17 any preliminary matters?

18 MR. RIVERO: Yes. The government has
19 just become aware that the licensee, who is
20 present today for the show cause hearing, is in
21 need of an interpreter.

22 Obviously, there is not sufficient time

1 now to implement one under the Language Access
2 Act, so the government will be requesting, at
3 this time, a continuance to a future date to
4 allow for the provision of a Spanish language
5 interpreter.

6 CHAIRMAN ANDERSON: Okay. Okay, that's
7 fine.

8 MR. RIVERO: I believe there will be no
9 opposition to this.

10 CHAIRMAN ANDERSON: Okay. Okay.

11 And you have -- and one of the reasons
12 why I ask the question is because I was told
13 there is a language issue, so I wanted to make
14 sure that you understood.

15 And even if there was an offer in
16 compromise, it would be difficult for me to
17 explain what the offer is. So, I'm fine with the
18 --

19 (Simultaneous discussion)

20 MR. RIVERO: The licensee and I had not
21 had contact until today, so I became aware of the
22 language issue immediately.

1 CHAIRMAN ANDERSON: Right.

2 MR. ALBERTI: Was there a -- this is a
3 show cause hearing, isn't it?

4 MR. RIVERO: Yes.

5 MR. ALBERTI: Was there a status hearing
6 in this case?

7 MR. RIVERO: I believe there was a status
8 hearing in this case. And that --

9 (Simultaneous discussion)

10 MR. ALBERTI: And what was the contact
11 with the licensee at that point?

12 MR. RIVERO: I'm actually not aware.
13 What I do is, I call, and if I don't get an
14 answer, I don't call twice.

15 MR. ALBERTI: So, we don't know whether
16 or not the licensee showed up for that status
17 hearing.

18 MR. RIVERO: No. The licensee did not
19 appear at the status hearing on September 7th.

20 MR. ALBERTI: Okay. Thank you.

21 MR. RIVERO: No, the licensee speaks some
22 English, but I believe that an interpreter is

1 appropriate for a proceeding.

2 MR. ALBERTI: Right.

3 MR. RIVERO: For a legal proceeding.

4 MR. ALBERTI: Thank you for that
5 admission.

6 MR. RIVERO: Sure.

7 (Discussion off the record)

8 CHAIRMAN ANDERSON: All right.

9 I will grant the motion for continuance,
10 and we will get back to you with the hearing
11 date, and also, with a translator; that we will
12 provide a translator.

13 Now, do you understand, at least, what I
14 just stated, sir?

15 MALE SPEAKER: Yes, I understand.
16 Something -- I don't understand some words, but -
17 -

18 CHAIRMAN ANDERSON: But you --

19 MALE SPEAKER: I mean, it sounded very
20 clear, you know, about this case.

21 CHAIRMAN ANDERSON: So tell me, based on
22 what was discussed today, what's your

1 understanding?

2 MALE SPEAKER: That --

3 (Simultaneous discussion)

4 CHAIRMAN ANDERSON: Not about the case
5 itself, but basically, what happened today.

6 MALE SPEAKER: I speak English --
7 Fernando -- (Inaudible portion) a sketch (sic)
8 for a new hearing. Plus, this is the case for
9 the (Inaudible).

10 CHAIRMAN ANDERSON: Okay.

11 MALE SPEAKER: So, (Inaudible portion) --
12 so he make it many problems to me. So, I have
13 new account right now. He's fixing this
14 (Inaudible) what I have now -- is what I needed
15 like a new schedule (Inaudible).

16 CHAIRMAN ANDERSON: Okay, all right. I
17 just want to make sure that --

18 MALE SPEAKER: Yeah.

19 CHAIRMAN ANDERSON: -- you understand
20 that --

21 MALE SPEAKER: Yes.

22 CHAIRMAN ANDERSON: -- we're continuing

1 the hearing to a different date.

2 MALE SPEAKER: Yes.

3 CHAIRMAN ANDERSON: Okay. Then I'm fine
4 with that.

5 MALE SPEAKER: Thank you.

6 CHAIRMAN ANDERSON: Then, is there --
7 well, I'll make a motion that we grant the
8 continuance.

9 And is there a second?

10 MR. RIVERO: The government had moved,
11 for the record.

12 CHAIRMAN ANDERSON: Yes, that -- and you
13 do not oppose having a -- the -- having the
14 matter continued. Right?

15 MALE SPEAKER: Yes.

16 CHAIRMAN ANDERSON: And so therefore --

17 MR. ALBERTI: Second.

18 CHAIRMAN ANDERSON: Mr. ALBERTI has
19 seconded it.

20 (Simultaneous discussion)

21 MALE SPEAKER: The motion.

22 CHAIRMAN ANDERSON: Seconded the motion

1 to continue the hearing. Those are -- are there
2 -- those in favor of granting the motion, say
3 aye.

4 ALL: Aye.

5 CHAIRMAN ANDERSON: The matter is passed,
6 five-zero. Thank you, sir.

7 MALE SPEAKER: Thank you.

8 CHAIRMAN ANDERSON: All right.

9 MR. RIVERO: Thank you.

10 [Whereupon, at 11:50 a.m. the
11 above-entitled matter concluded.]

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