

AMERICAN CITY DINER

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

American City Diner, Inc.

t/a American City Diner Case Number 15-CMP-00915

5532 Connecticut Avenue NW

License Number 94922

Retailer DR

ANC 3G

SHOW CAUSE HEARING (STATUS)

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Wednesday, June 22, 2016

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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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

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7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

10 NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. Our next  
3 case is Case Number CMP -- 15-CMP-00915, American City  
4 Diner, License Number 94922. Will the parties approach.  
5 Is anyone here from American City Diner? All right.  
6 This hearing -- this matter was scheduled for 9:30.  
7 It's now 10:30. I'm sorry. It's now 10 --

8 MR. PASCAL: I got interrupted by an  
9 investigator. Sorry.

10 CHAIRPERSON ANDERSON: Can you identify  
11 yourself for the record, sir, please.

12 MR. PASCAL: Paul L. Pascal.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Mr. Pascal. I just want to let you know that I'm trying  
15 to be timely. It's -- it's -- this case was scheduled  
16 for 9:30. It's 10:14, and you weren't here when I  
17 called the case. And I just want to make sure that all  
18 lawyers know that I am trying to keep on a schedule.  
19 And so if the case is scheduled for a specific time, I  
20 need you to be here because I'm going to move on if  
21 you're not here when your case is called especially if  
22 the case is called 45 minutes after the scheduled time.

1 MR. PASCAL: I apologize. And I appreciate  
2 the fact that you started on time. It's just at the  
3 moment when they were finishing the other case two  
4 investigators asked me to come out and ask about another  
5 matter pending. So I apologize.

6 CHAIRPERSON ANDERSON: Thank you for your  
7 explanation, sir. I -- I was not aware that you're  
8 representing this case. So -- but I -- I appreciate it.  
9 All right. Ms. Gephardt, are there any preliminary  
10 matters in this case?

11 MS. GEPHARDT: Yes, there is a preliminary  
12 matter in this case. The -- the licensee and the  
13 Government have agreed on an Offer in Compromise that  
14 consists of a \$300 fine to be paid within 30 days.

15 CHAIRPERSON ANDERSON: All right.  
16 Mr. Pascal, it's my understanding that there -- your --  
17 the licensee has agreed to pay a \$300 fine payable in 30  
18 days. If the fine is not payable in 30 days, the  
19 license will be in -- will be suspended until compliance  
20 is brought forth. Is this your understanding, sir, of  
21 the Offer in Compromise?

22 MR. PASCAL: Yes. As a matter of fact, I'm

1 going to pay the \$300 right now.

2 CHAIRPERSON ANDERSON: Well, thank you, sir.

3 And does -- you're aware that by accepting the Offer in  
4 Compromise that you're giving up your right to a  
5 hearing?

6 MR. PASCAL: Yes, sir, I am. And the record  
7 should note that I'm here at the behest of  
8 Mr. Gildenhorn, the owner who is wheelchair bound and  
9 was physically unable to be here. And I had notified  
10 The Board that I would be here in his stead and I have  
11 the authority to bind him on that.

12 CHAIRPERSON ANDERSON: All right. Thank  
13 you, sir. All right. Then I then make a motion that  
14 the fine -- that the Offer in Compromise of a \$300 fine  
15 payable in 30 days as -- as represented will be payable  
16 today, but payable in 30 days. If it's not payable in  
17 30 days, the license will be suspended. Is there a  
18 second?

19 MS. MILLER: Second.

20 CHAIRPERSON ANDERSON: Ms. Miller has  
21 seconded the motion. I'm sorry. Is there any  
22 discussion? Hearing none, all those in favor say aye.

1 [Chorus of ayes]. Those opposed. [No audible  
2 response]. The matter passed 5-zero-zero. Thank you  
3 very much, sir.

4 MR. PASCAL: Thank you.

5 (Whereupon the above-entitled matter was  
6 concluded.)

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