

ANACOSTIA MARKET

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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. We now
3 move on to a -- our show cause hearing status Case
4 Number 15-CC-00136, Anacostia Market, License Number
5 86470. Would the parties please approach and identify
6 themselves for the record.

7 MS. GEPHARDT: Mr. Chairman, my name is
8 Chrissy Gephardt with the Office of the Attorney
9 General.

10 MR. GIRMAY: My name is Ephrem Girmay.

11 CHAIRPERSON ANDERSON: Good morning,
12 Mr. Girmay. All right. Ms. Gephardt, are there any
13 preliminary matters in this case?

14 MS. GEPHARDT: Yes, there is a preliminary
15 matter. For this case there are three charges, and the
16 parties have agreed to an Offer in Compromise consisting
17 of a total of \$5,000 fine plus five days stayed, plus
18 alcohol awareness training for servers. So that's
19 the -- the overall breakdown. But the actual -- excuse
20 me. That's the overall. But then the breakdown is a
21 \$3,000 fine and five days stayed plus alcohol awareness
22 training for servers for Charge 1, a written warning for

1 Charge 2, and a \$2,000 fine for Charge 3. If the fine
2 is not paid within 60 days, the license would be
3 suspended immediately until the fine is paid.

4 CHAIRPERSON ANDERSON: All right. All
5 right. Mr. Girmay, it's as -- as presented by Ms. --
6 Ms. Schmidt -- I'm sorry, Ms. Gephardt, I apologize --
7 that -- it's my understanding that there is an Offer in
8 Compromise, and the Offer in Compromise is that on
9 Charge 1 there is a \$3,000 fine with -- with five days
10 stayed and alcohol training for all servers, then on
11 Charge 2 that there's a written warning, and on Charge 3
12 that there is a \$2,000 fine and that the total of \$5,000
13 fine will be payable within 60 days. If it's not
14 payable in 60 days, that the license will be suspended
15 until such time as it -- the fine has been paid. Is
16 this your understanding, sir, of the Offer in
17 Compromise?

18 MR. GIRMAI: Yes, sir.

19 CHAIRPERSON ANDERSON: And are you aware
20 that by accepting the Offer in Compromise that you're
21 giving up your right to a hearing?

22 MR. GIRMAI: Yes, sir.

1 CHAIRPERSON ANDERSON: And are you also
2 aware that by accepting this Offer in Compromise that
3 you are giving up your right to appeal this matter?

4 MR. GIRMAY: Yes, sir.

5 CHAIRPERSON ANDERSON: All right. I then
6 make a --

7 MS. MILLER: Mr. Chairman --

8 CHAIRPERSON ANDERSON: Yes.

9 MS. MILLER: -- excuse me. I'm not sure
10 whether I heard you correctly, but I didn't think that I
11 heard days that were suspended.

12 CHAIRPERSON ANDERSON: It's just all --
13 there are no days suspended. It's five --

14 MS. MILLER: But there were days --

15 CHAIRPERSON ANDERSON: -- days stayed plus
16 five days -- the days were not given by -- Ms. Gephardt
17 did not provide. She stated it was five days stayed.

18 MS. GEPHARDT: I presume that five days
19 stayed means five days suspended but stayed. I mean is
20 that --

21 MS. MILLER: You presume?

22 CHAIRPERSON ANDERSON: There are five days

1 stayed. That's what --

2 MS. GEPHARDT: I'm sorry. This is -- this
3 is not my case. But that's --

4 CHAIRPERSON ANDERSON: That's what I --
5 there was no -- Ms. Gephardt presented the Offer in
6 Compromise of \$3,000 -- a \$3,000 fine on the first
7 charge --

8 MS. MILLER: Okay.

9 CHAIRPERSON ANDERSON: -- with five days
10 stayed and alcohol training. On Charge 2 it was a
11 written warning, and Charge 3 \$2,000. So there --
12 that's the Offer in Compromise that was presented to me
13 by the Government.

14 MS. GEPHARDT: Correct.

15 MS. MILLER: Okay. So then you're -- you're
16 clarifying for me that there were five days suspended?

17 MS. GEPHARDT: I mean the -- the -- I mean I
18 guess --

19 MS. MILLER: It's got to be some --

20 MS. GEPHARDT: -- the -- the correct wording
21 would be five days suspension, all days stayed. And
22 then if there's a violation, those days would be served.

1 MS. MILLER: Okay. Thank you.

2 MS. GEPHARDT: That's -- I guess it
3 wasn't -- I was just sort of shortening it. Sorry.

4 CHAIRPERSON ANDERSON: Is there any other
5 confusion by -- Mr. Girmay, do you -- do you understand
6 what you just agreed to with the Government, sir?

7 MR. GIRMAY: Five days means any violation
8 in the future.

9 CHAIRPERSON ANDERSON: Yes, sir.

10 MR. GIRMAY: Yeah. I understood that.

11 CHAIRPERSON ANDERSON: All right.

12 MS. MILLER: Okay.

13 CHAIRPERSON ANDERSON: I then make a motion
14 that this Offer in Compromise of a fine -- fine of
15 \$3,000 for Charge 1 and five days stayed and alcohol
16 training -- that Charge 2, a written warning, Charge 3 a
17 \$2,000 fine and that the total fine of \$5,000 payable in
18 60 days. If it's not payable in 60 days, the license
19 will be suspended until compliance is brought. Is there
20 a second?

21 MR. SILVERSTEIN: Second.

22 CHAIRPERSON ANDERSON: Mr. Silverstein has

1 seconded the motion. Are there any discussions on this
2 issue? Hearing none, all those in favor say aye.
3 [Chorus of ayes]. All those opposed. [No audible
4 response]. Then the matter passed 5-zero-zero. Thank
5 you very much for working this out. Just -- do we know
6 when the -- the training is going to occur,
7 Ms. Gephardt?

8 MS. GEPHARDT: That has not been discussed.
9 I do -- we talked about that or do you have any ideas
10 about that? Does the Board have any -- anything that
11 they would suggest or -- or mandate for the licensee in
12 terms of timing?

13 CHAIRPERSON ANDERSON: I -- I mean I -- I'll
14 just this for the record and I'll say this to
15 Mr. Girmay. And I've been on this board for seven
16 months and I think I've said to him that he's one
17 licensee that I've seen too many times in the seven
18 months I've been here. And so therefore --

19 MS. GEPHARDT: Okay. Okay.

20 CHAIRPERSON ANDERSON: And so -- I'm sorry.

21 MS. GEPHARDT: Oh, it's my understanding
22 that the training has to be completed within three

1 months.

2 CHAIRPERSON ANDERSON: Okay.

3 MS. GEPHARDT: The alcohol awareness
4 training.

5 MR. GIRMAY: [Inaudible 26:35.]

6 MS. GEPHARDT: Well, that has to be with
7 your -- your staff, your servers.

8 MR. GIRMAY: Okay.

9 CHAIRPERSON ANDERSON: And all I will -- I
10 will just say to Mr. Girmay that he needs to make him --
11 make himself available for whatever training that ABRA
12 provides because we expect all our applicants -- all our
13 licensees to comply with the law. And I just want to
14 make sure that he is complying with the law so therefore
15 I don't see him as many times as I have in my short
16 tenure on this -- on this board.

17 MS. GEPHARDT: Okay.

18 CHAIRPERSON ANDERSON: Okay. All right.

19 MR. GIRMAY: All right. Thank you.

20 CHAIRPERSON ANDERSON: Thank you, sir. Is
21 this -- all right. So we'll have you sign -- thank you.
22 We'll have you sign an order, and thank you very much.

1 (Whereupon the above-entitled matter was
2 concluded.)

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