

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

IN THE MATTER OF:                   :  
  :  
Family's Corporation,               :  
t/a My Canton Restaurant         :  
1772 Columbia Road NW         : Show Cause  
Retailer CR - ANC 1C             : Hearing (Status)  
License No. 75479                 :  
Case #19-CMP-00058               :  
  :  
(Substantial Change               :  
Without Board Approval         :  
[Increase in Occupancy]         :  
Violation of Settlement         :  
Agreement)                         :

Wednesday  
October 23, 2019

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 Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
RAFI ALIYA CROCKETT, Member  
BOBBY CATO, JR., Member  
JAMES SHORT, Member  
REMA WAHABZADAH, Member

ALSO PRESENT:

MARIA CLAUDIA SIEGRIST, INTERPRETER FOR APPLICANT  
JOSE ALMIDES POLIO, APPLICANT  
STEPHEN ORTIZ, DC OAG

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

2 9:43 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our show cause hearing status calendar is Case  
5 Number 19-CMP-00058, My Canton Restaurant. And I  
6 was also informed that we -- is the licensee  
7 here? I was told that we have a translator and  
8 the translator is running late. But I'm trying  
9 to find out -- is the licensee here?

10 MR. ORTIZ: Not that I know of.

11 CHAIRPERSON ANDERSON: All right. I  
12 will recall this case once the translator shows  
13 up. I don't know what -- I don't know about the  
14 licensee. But we'll find out once the -- so I'll  
15 recall this case. All right. Thank you, Mr.  
16 Ortiz.

17 MR. ORTIZ: Thank you.

18 (Whereupon, the above-entitled matter  
19 went off the record at 9:44 a.m. and resumed at  
20 10:04 a.m.)

21 CHAIRPERSON ANDERSON: Our next case  
22 on the calendar I'm recalling Case Number 19-CMP-  
23 00058, My Canton Restaurant. Will the parties  
24 please approach and identify themselves for the  
25 record?

1 MR. ORTIZ: Stephen Ortiz on behalf of  
2 the District of Columbia.

3 CHAIRPERSON ANDERSON: Mr. Ortiz.

4 MR. ORTIZ: Good morning.

5 CHAIRPERSON ANDERSON: Do we have a  
6 translator here? All right. Come forward. And  
7 what language is this, ma'am?

8 MS. SIEGRIST: Spanish.

9 CHAIRPERSON ANDERSON: Can you raise  
10 your right hand, please?

11 MS. SIEGRIST: Sure.

12 CHAIRPERSON ANDERSON: Do you swear or  
13 affirm that you will faithfully translate these  
14 proceedings from English into Spanish and from  
15 Spanish to English?

16 MS. SIEGRIST: I do.

17 CHAIRPERSON ANDERSON: All right. Can  
18 you state your name for the record please?

19 MS. SIEGRIST: My name is Maria  
20 Claudia Siegrist.

21 CHAIRPERSON ANDERSON: Good morning.  
22 There's a sign-in sheet. Can you sign in?

23 MS. SIEGRIST: Yes.

24 CHAIRPERSON ANDERSON: And also have  
25 Mr. -- have the licensee sign and introduce

1 himself for the record, please.

2 (Foreign language spoken.)

3 MR. POLIO: Yes. My name is Jose. I  
4 am the owner of My Canton Restaurant.

5 CHAIRPERSON ANDERSON: What is your  
6 full name, sir?

7 MR. POLIO: Jose Almides Polio.

8 CHAIRPERSON ANDERSON: Mr. -- I  
9 didn't.

10 MS. SIEGRIST: Jose Almides Polio.

11 CHAIRPERSON ANDERSON: Polio, good  
12 morning, sir.

13 MR. POLIO: Polio. Good morning.

14 CHAIRPERSON ANDERSON: And translator,  
15 also you should also sign in on the sign-in  
16 sheet, too.

17 (Foreign language spoken.)

18 CHAIRPERSON ANDERSON: All right. Are  
19 there any preliminary matters in this case?

20 (Foreign language spoken.)

21 MR. ORTIZ: Yes. The parties have  
22 agreed to an offer in compromise. As to charge  
23 one, the offer in compromise is that the  
24 establishment shall pay \$2,500 within 30 days or  
25 its license shall be suspended indefinitely until

1 this fine is paid.

2 As to charge two, we are dismissing  
3 that charge.

4 (Foreign language spoken.)

5 CHAIRPERSON ANDERSON: All right. Mr.  
6 Polio --

7 MR. POLIO: Polio.

8 CHAIRPERSON ANDERSON: It's my  
9 understanding there's an offer in compromise.

10 (Foreign language spoken.)

11 CHAIRPERSON ANDERSON: And the offer  
12 in compromise -- I'm sorry?

13 MS. SIEGRIST: Yes, I understand.

14 CHAIRPERSON ANDERSON: And the offer  
15 in compromise is that there is a fine of \$2,500  
16 payable within 30 days.

17 (Foreign language spoken.)

18 CHAIRPERSON ANDERSON: And if the fine  
19 is not paid within 30 days, the license will be  
20 suspended until the fine has been paid.

21 (Foreign language spoken.)

22 CHAIRPERSON ANDERSON: And that charge  
23 two will be dismissed.

24 (Foreign language spoken.)

25 CHAIRPERSON ANDERSON: Is this your

1 understanding of the offer in compromise?

2 (Foreign language spoken.)

3 MS. SIEGRIST: Yes, I do understand.

4 CHAIRPERSON ANDERSON: Are you aware  
5 that by accepting an offer in compromise that you  
6 are giving up your right to a hearing?

7 (Foreign language spoken.)

8 MS. SIEGRIST: I have never been to a  
9 hearing before.

10 CHAIRPERSON ANDERSON: No, no, I'm  
11 saying, no. Does he know that you can request a  
12 hearing in front of the Board? You don't have to  
13 settle this matter. So do you know that by  
14 accepting this offer that you're giving up your  
15 right to have a full Board hearing on this  
16 matter?

17 (Foreign language spoken.)

18 MS. SIEGRIST: So this penalty is  
19 supposedly due to some discrepancy with the  
20 certificate of occupation.

21 CHAIRPERSON ANDERSON: All right.  
22 Hold on. Let's recess this matter.

23 (Foreign language spoken.)

24 CHAIRPERSON ANDERSON: I would like  
25 the government and the licensee to again discuss

1 this offer in compromise. And then you can come  
2 back to us and let us know whether or not you  
3 want to move forward with this offer in  
4 compromise or whether or not you want a hearing.  
5 So I would like Mr. Ortiz in the discussion, you  
6 explain to him that he is giving up his right to  
7 a hearing and he is also giving up his right to  
8 appeal this matter by accepting an offer in  
9 compromise.

10 MR. ORTIZ: Understood.

11 CHAIRPERSON ANDERSON: So we will  
12 recess this matter, and you can let me know when  
13 you're ready to be recalled.

14 MR. ORTIZ: Thank you.

15 (Whereupon, the above-entitled matter  
16 went off the record at 10:11 a.m.)

17 CHAIRPERSON ANDERSON: All right,  
18 thank you. We are -- let's recall Case No.  
19 19-CMP-00058, My Canton Restaurant, License No.  
20 75479. Would the parties identify themselves for  
21 the record, please?

22 MR. ORTIZ: Stephen Ortiz, on the  
23 behalf of the District of Columbia.

24 CHAIRPERSON ANDERSON: Mr. Ortiz.

25 MR. ALMIDES POLIO: My name is Jose

1 Almidés Polio.

2 CHAIRPERSON ANDERSON: Good morning,  
3 Mr. Polio.

4 MS. CLAUDIA SIEGRIST: My name is  
5 Maria Claudia Siegrist. I'm the interpreter.

6 CHAIRPERSON ANDERSON: Good morning.

7 MS. CLAUDIA SIEGRIST: Good morning.

8 CHAIRPERSON ANDERSON: I've already --  
9 you're the Spanish interpreter, so I've already  
10 sworn you in. Is there any preliminary matters  
11 in this case?

12 MR. ORTIZ: Yes, the parties have  
13 agreed to an offer in compromise.

14 CHAIRPERSON ANDERSON: What's the  
15 offer in compromise?

16 MR. ORTIZ: As to Charge 1, it would  
17 be -- the establishment will pay \$2,500 within 60  
18 days, or his license shall be suspended  
19 indefinitely until this fine is paid. As to  
20 Charge 2, that charge will be dismissed.

21 CHAIRPERSON ANDERSON: Thank you. Mr.  
22 Polio, it's my understanding that there is an  
23 offer in compromise. The offer in compromise is  
24 that there's a fine of \$2,500 payable in 60 days.  
25 If the fine is not paid within 60 days, the

1 license will be suspended until the fine has been  
2 paid, and Charge 2 will be dismissed. Is this  
3 your understanding of the offer in compromise?

4 MR. ALMIDES POLIO: Correct.

5 CHAIRPERSON ANDERSON: Are you aware  
6 that by accepting an offer in compromise, you're  
7 giving up your right to a hearing?

8 MR. ALMIDES POLIO: If I accept, I pay  
9 the fine.

10 CHAIRPERSON ANDERSON: I'm sorry?

11 MR. ALMIDES POLIO: If I accept, I pay  
12 the fine.

13 CHAIRPERSON ANDERSON: So the answer  
14 is yes?

15 MR. ALMIDES POLIO: Yes.

16 CHAIRPERSON ANDERSON: Are you also  
17 aware that by accepting the offer in compromise,  
18 you're giving up your right to appeal this  
19 matter?

20 MR. ALMIDES POLIO: If I accept to  
21 pay, then I'm accepting it all.

22 CHAIRPERSON ANDERSON: I'm sorry?

23 MR. ALMIDES POLIO: Okay, if I accept  
24 the pay, I'm supposedly accepting it all.

25 CHAIRPERSON ANDERSON: You have to --

1 I can't hear you ma'am.

2 MS. CLAUDIA SIEGRIST: I'm sorry.

3 MR. ALMIDES POLIO: If I am accepting  
4 to pay the fine, then I am accepting it all,  
5 correct?

6 CHAIRPERSON ANDERSON: Yes, meaning  
7 that you cannot appeal, but you can go to court  
8 and say you change to appeal it.

9 MR. ALMIDES POLIO: That's fine.

10 CHAIRPERSON ANDERSON: The answer is  
11 yes?

12 MR. ALMIDES POLIO: Yes.

13 CHAIRPERSON ANDERSON: With that said,  
14 I make a motion that the offer in compromise of  
15 the fine of \$2,500, payable in 60 days, is  
16 accepted, that Charge 2 is dismissed. Is there a  
17 second?

18 MEMBER CROCKETT: Second.

19 CHAIRPERSON ANDERSON: Ms. Crockett  
20 has seconded the motion.

21 MR. ALMIDES POLIO: Okay.

22 CHAIRPERSON ANDERSON: All those in  
23 favor say aye.

24 (Chorus of ayes.)

25 CHAIRPERSON ANDERSON: Those opposed.

1 (No audible response.)

2 CHAIRPERSON ANDERSON: The matter  
3 passed, 5-0-0. Thank you -- 4-0-0. Hold on a  
4 minute, Mr. Ortiz. For Mr. Polio, the Board does  
5 not get involved in the negotiations. All that  
6 we do is that the parties negotiate, and we say  
7 yay or nay.

8 That's one of the reasons why whatever  
9 negotiation that you have with the government,  
10 that's between you and the government. We don't  
11 get involved within it. I just ask the questions  
12 to make sure that you know, that you understand  
13 what is it that you agreed to. Okay? All right,  
14 thank you, sir. We just ask for you to sign off  
15 on this paperwork. That's all.

16 (Whereupon, the above-entitled matter  
17 went off the record at 11:20 a.m.)  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: My Canton Restaurant

Before: DCABRA

Date: 10-23-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

  
-----  
Court Reporter

**NEAL R. GROSS**

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