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

- - - - -X

IN THE MATTER OF: :

MST Enterprises, Inc.

t/a Churreria Madrid Restaurant:

2505 Chaplain Street NW: Case #15-AUD-000061

License #60806 :

Retailer CR :

:

Wednesday, January 6, 2016 :

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Monday, January 6, 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: DONOVAN ANDERSON

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5 ERNESTO JIRON, ESQ.,

6 on behalf of churreria Madrid Restaurant

7 FERNANDO RIVERO, ESQ.,

8 On behalf of ANC 6C 06

9 OTHER PERSONS PRESENT

10 NICK ALBERTI, BOARD MEMBER

11 RUTHANNE MILLER, BOARD MEMBER

12 JAMES SHORT, BOARD MEMBER

13 MIKE SILVERSTEIN, BOARD MEMBER

14 MARTHA JENKINS, GENERAL COUNSEL

15 DANETTE WALKER, LEGAL SPECIALIST

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17 ERMIYAS ASFAW

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P R O C E E D I N G S

4 CHAIRPERSON ANDERSON: The next case on our
5 show cause hearing status is #15-AUD-00061,
6 Churreria Madrid Restaurant, License #60806.
7 Would the parties please approach?

8 MR. RIVERO: Good morning, board members.
9 Fernando Rivero for the District of Columbia,
10 standing in for Louise Phillips.

11 MR. JIRON: Good morning. Ernesto Jiron from
12 Churreria Madrid.

13 CHAIRPERSON ANDERSON: Are there any -- are
14 there any --

15 MR. RIVERO: Preliminary matters? Yes, of
16 course, there are.

17 CHAIRPERSON ANDERSON: Preliminary matters.
18 Yes. What are they?

19 MR. RIVERO: The licensee has received the --

1 CHAIRPERSON ANDERSON: Hold on, please. So,
2 what's your name again, sir?

3 MR. JIRON: Ernesto Jiron.

4 CHAIRPERSON ANDERSON: Alright. Did you
5 receive notice of this hearing today?

6 MR. JIRON: Yes, I did.

7 CHAIRPERSON ANDERSON: And you understood the
8 notice?

9 MR. JIRON: I did.

10 CHAIRPERSON ANDERSON: Okay. Alright, go
11 ahead. What's the preliminary issue?

12 MR. RIVERO: Okay, the parties have an offer
13 of compromise to present to the board today. The
14 offer in compromise consists of a fine of \$2000
15 payable within thirty days. If payment is not
16 made in that --

17 CHAIRPERSON ANDERSON: I'm sorry. Go ahead.
18 Mm hmm.

19 MR. RIVERO: The fine is \$2000 payable within
20 thirty days. If the fine is not paid within that

1 time, the license will be suspended until payment
2 is received. Also, there -- I think there might
3 be some miscommunication. The matter also
4 requires that the licensee file the quarterly
5 report that is outstanding which is the subject
6 of this case. A licensee just now appeared and
7 showed me a copy of the report, but it looks like
8 the wrong quarter, so I'll need a brief
9 indulgence. I want to make sure that we're all
10 on the same page about that.

11 CHAIRPERSON ANDERSON: Is there -- is there
12 any agreement of when this outstanding report --

13 MR. RIVERO: That's why I'm requesting a
14 brief indulgence since the licensee thirty
15 seconds ago just showed up and appears to be
16 showing me the wrong quarter.

17 CHAIRPERSON ANDERSON: Okay, fine.

18 MR. RIVERO: According to the licensee he has
19 filed a 2014 year end quarter report but I'll
20 have him, after the meeting, after this hearing,

1 speak to the ABRA staff member who seems to be
2 having some difficulty finding it so it's not
3 clear to me right now. But the contingency is
4 that also the report has to be filed. So, in the
5 event that the report is not actually filed at
6 this time, it can be filed in two days. That's
7 part of the OIC.

8 CHAIRPERSON ANDERSON: Okay. Alright. It's
9 my understanding that you will be ordered to pay
10 a \$2000 fine, that the fine will be payable
11 within thirty days. If it's not payable within
12 thirty days your license will be suspended and
13 that the outstanding quarterly file will be filed
14 within the next two days. Is this your
15 understanding of the agreement, sir?

16 MR. JIRON: It is.

17 CHAIRPERSON ANDERSON: So, he understands
18 what you're agreeing today, okay?

19 MR. RIVERO: Yes.

1 CHAIRPERSON ANDERSON: Now, do you understand
2 that by accepting this offer in compromise that
3 you waive your right to a hearing?

4 MR. JIRON: Yes.

5 CHAIRPERSON ANDERSON: And that you also
6 waive your right to an appeal?

7 MR. JIRON: Yes. That's fine.

8 CHAIRPERSON ANDERSON: Now, does the board
9 have any questions regarding this offer in
10 compromise?

11 MS. MILLER: I do.

12 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

13 MS. MILLER: What happens if the quarterly
14 report is not found within two days?

15 MR. RIVERO: If the quarterly report is not
16 filed within two days, that will be a violation
17 of a board order. This offer in compromise will
18 become a board order upon approval of the board.
19 That is a separate and additional and distinct
20 violation under the D.C. Code and it would be

1 enforceable by the office of the attorney
2 general.

3 MS. MILLER: Okay, thank you.

4 MR. RIVERO: That's the answer.

5 MS. MILLER: Thank you very much.

6 CHAIRPERSON ANDERSON: Any other questions?

7 Then I make a motion that we approve this offer
8 in compromise of a \$2000 fine payable in thirty
9 days and that if the fine is not paid within
10 thirty days the license will be suspended and
11 that the licensee will file the quarterly report
12 within the next two days.

13 MR. SHORT: Second.

14 CHAIRPERSON ANDERSON: Yes, Mr. Short. Mr.
15 Short has seconded the motion. Those in favor,
16 say aye. The matter passes 5-0-0. Ms. Jenkins
17 will provide you the order to sign. Okay? Thank
18 you.