

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

2 10:18 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case Number 19-CC-00036, DC
5 Food Market, License Number 106962. Would the
6 parties please approach and identify themselves
7 for the record, please?

8 MR. ORTIZ: Stephen Ortiz on behalf of
9 the District of Columbia.

10 CHAIRPERSON ANDERSON: Mr. Ortiz.

11 MR. DIETZ: Good morning. Bernard
12 Dietz on behalf of the licensee. I have with me
13 Mr. Ephraem Kassaye who is present and a DC
14 Market owner.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Dietz and Mr. Kassaye?

17 MR. KASSAYE: Yes.

18 CHAIRPERSON ANDERSON: There's a sign
19 in sheet so sign in, please. Parties please sign
20 in.

21 MR. DIETZ: All right.

22 CHAIRPERSON ANDERSON: All right.
23 We're off the record.

24 (Whereupon, the above-entitled matter
25 went off the record at 10:20 a.m. and resumed at

1 10:21 a.m.)

2 CHAIRPERSON ANDERSON: We're back on
3 the record. Mr. Ortiz, are there any preliminary
4 matters? This matter was scheduled for a show
5 cause hearing.

6 Are we moving forward with our show
7 cause hearing or are there any preliminary
8 matters?

9 MR. ORTIZ: No. We have entered, the
10 parties have entered into an offer in compromise.
11 As to Charge 1 --

12 CHAIRPERSON ANDERSON: Let's get off
13 the record one more time before we go.

14 (Whereupon, the above-entitled matter
15 went off the record at 10:22 a.m. and resumed at
16 10:22 a.m.)

17 CHAIRPERSON ANDERSON: All right, I'm
18 sorry. We're back on the record. Go ahead.

19 MR. ORTIZ: As to Charge 1, the
20 establishment shall pay \$3,000 within 60 days or
21 his license shall be suspended indefinitely until
22 this fine is paid.

23 And the license shall be suspended for
24 five days with all five days stayed for one year.
25 Also, all employees who serve alcohol will take a

1 course within 90 days.

2 As to Charge 2, the establishment
3 shall pay \$2,000 within 60 days or its license
4 shall be suspended indefinitely until this fine
5 is paid.

6 CHAIRPERSON ANDERSON: Mr. Dietz, it's
7 my understanding that there is an offer in
8 compromise. And the offer in compromise is that
9 there is a fine, for Charge 1 there is a fine of
10 \$3,000 payable in 60 days.

11 If the fine is not paid within 60 days
12 the license will be suspended until the fine has
13 been paid. Along with the \$3,000, also as part
14 of Charge 1, there's a five day suspension.

15 All five days are stayed for one year
16 pending their, provided that there are no further
17 infractions within the next year. And all
18 employees who sell or serve, who sell or serve
19 alcohol will undergo a mandatory training within
20 90 days.

21 For Charge 2, there is a fine of
22 \$2,000 payable within 60 days. If the fine is
23 not paid within 60 days the license will be
24 suspended until the fine has been paid.

25 Is this your client's understanding of

1 the offer in compromise?

2 MR. DIETZ: Yes, it is.

3 CHAIRPERSON ANDERSON: Is your client
4 aware that by accepting an offer in compromise
5 that they give up their right to a hearing?

6 MR. DIETZ: Yes.

7 CHAIRPERSON ANDERSON: And is your
8 client also, are you and your client also aware
9 that by accepting an offer in compromise that
10 they're giving up their right to appeal this
11 matter?

12 MR. DIETZ: Yes.

13 CHAIRPERSON ANDERSON: With that said,
14 I make a motion that the offer in compromise of a
15 fine for Charge 1, a fine of \$3,000 payable
16 within 60 days be accepted. If the fine is not
17 paid within 60 days the license will be
18 suspended.

19 Along with Charge 1, there is a five
20 day suspension. All five days are stayed for one
21 year provided that no further infractions are
22 committed and that all employees who sell or
23 serve alcohol will undergo mandatory training
24 within the next 90 days.

25 For Charge 2, there is also a fine of

1 \$2,000 payable within 60 days. If the fine is
2 not paid within 60 days the license will be
3 suspended. Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion. All those in favor say aye.

7 (Chorus of aye)

8 Those opposed. The matter passed 5-0-
9 0. Thank you very much. The Board will issue a
10 Board order in this matter. Thank you. The
11 Board then will be in recess until our 11 o'clock
12 hearing.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:25 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: DC Food Market

Before: DCABRA

Date: 01-29-20

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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