



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

2 9:43 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 in our calendar is a show cause hearing status  
5 for Case No. 19-CIT-00379, El Rinconcito Café,  
6 License No. 24338. Will the parties please  
7 approach and identify themselves for the record.

8 Hold on one moment. Do we have a  
9 translator here?

10 MR. SCARBOROUGH: I'm here.

11 CHAIRPERSON ANDERSON: And what is the  
12 language, please?

13 MR. SCARBOROUGH: Scarborough and I'm  
14 translating Spanish.

15 CHAIRPERSON ANDERSON: I'm sorry?

16 MR. SCARBOROUGH: Spanish.

17 CHAIRPERSON ANDERSON: Just Spanish?

18 MEMBER SHORT: Yes, sir.

19 CHAIRPERSON ANDERSON: There's a --  
20 can you turn on the microphone right -- no, no,  
21 not that one, the other one. Just press.

22 There's a button. You should see a green light.

23 Can you raise your right hand, sir,  
24 please?

25 (Translator sworn.)

1                   CHAIRPERSON ANDERSON: Can you state  
2 your name for the record, please?

3                   MR. SCARBOROUGH: William Scarborough,  
4 Spanish interpreter.

5                   CHAIRPERSON ANDERSON: Good morning.  
6 Thank you. Make sure that everyone signs in on a  
7 sign-in sheet, please. Go ahead, Mr. Lui.

8                   MR. LUI: Good morning, Board members.  
9 John Lui on behalf of the District.

10                  CHAIRPERSON ANDERSON: Good morning,  
11 Mr. Lui. And then I can have everyone introduce  
12 themselves, please.

13                  MR. SCARBOROUGH: Should they sign in?

14                  CHAIRPERSON ANDERSON: Yes.

15                  (Pause.)

16                  CHAIRPERSON ANDERSON: Mr. Lui, are  
17 there any preliminary matters in this case?

18                  MR. LUI: Yes, Mr. Chairperson.

19                  CHAIRPERSON ANDERSON: And what are  
20 they?

21                  MR. LUI: There is an offer in  
22 compromise to present to the Board. However, it  
23 is my understanding that the establishment owner  
24 would like to say something for the record.

25                  CHAIRPERSON ANDERSON: Well, shouldn't

1 we just provide the offer first and then they  
2 can? Or why don't you put forward whatever the  
3 offer is and they can explain what it is. Are  
4 they -- all right. You tell -- well, you tell  
5 me. Tell me what's going on, and then I'll see  
6 where we go.

7 MR. LUI: Sure. The establishment  
8 owner had an issue with one of the investigators  
9 and just wanted to make that known. But they are  
10 accepting the offer in compromise.

11 CHAIRPERSON ANDERSON: They can make  
12 whatever representation they want to make on the  
13 record once we have accepted and voted on the  
14 offer.

15 MR. LUI: Okay. Mr. Chairperson, at  
16 this time, we have an offer in compromise to  
17 present. For Charge 1, no ABC manager in  
18 violation of D.C. Office Code Section 25-701.  
19 This is a second-tier violation.

20 The offer in compromise is a fine of  
21 1,250 dollars payable within 30 days or its  
22 license shall be suspended indefinitely till this  
23 fine is paid.

24 CHAIRPERSON ANDERSON: We never had --  
25 we didn't have the licensee introduce himself for

1 the record. Let me have the licensee introduce  
2 himself for the record, please. Have them --

3 MR. SCARBOROUGH: Mr. Chairman, what  
4 would you like them to do?

5 CHAIRPERSON ANDERSON: To introduce  
6 themselves for the record. I did not have them  
7 do that.

8 MR. ARIAS: My name is Mauricio Arias,  
9 A-R-I-A-S.

10 CHAIRPERSON ANDERSON: And who is he?

11 MR. ARIAS: And I'm the owner of the  
12 Rinconcito Café.

13 CHAIRPERSON ANDERSON: And who is he?

14 MS. SILVA: My name is Ledy Silva.  
15 The last name is S-I-L-V-A. And I'm the manager  
16 of the Rinconcito Café.

17 CHAIRPERSON ANDERSON: Okay. All  
18 right. Mr. Arias, right? It's my understanding  
19 that there's an offer in compromise between  
20 yourself and the government. And the offer in  
21 compromise is that there is a fine of 1,250  
22 dollars payable in 30 days. If the fine is not  
23 payable in 30 days, the license will suspended  
24 until the fine has been paid.

25 Is this your understanding of the

1 offer in compromise?

2 MR. ARIAS: Yes.

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

6 MR. ARIAS: Yes.

7 CHAIRPERSON ANDERSON: Are you also  
8 aware that by accepting an offer in compromise  
9 that you're giving up your right to appeal this  
10 matter?

11 MR. ARIAS: Yes.

12 CHAIRPERSON ANDERSON: All right.  
13 Thank you. With that said, I then make a motion  
14 that the offer in compromise of a fine of 1,250  
15 dollars be accepted payable within 30 days. If  
16 the fine is not payable in 30 days, the license  
17 will be suspended until the fine has been paid.  
18 Is there a second?

19 MEMBER CROCKETT: Second.

20 CHAIRPERSON ANDERSON: Ms. Crockett  
21 has seconded the motion. All those in favor, say  
22 aye.

23 (Chorus of aye.)

24 CHAIRPERSON ANDERSON: All those  
25 opposed.

1 (No audible response.)

2 CHAIRPERSON ANDERSON: The matter  
3 passed 4-0-0.

4 It's my understanding that you want to  
5 make some type of representation. Is that  
6 correct?

7 MR. ARIAS: Yes.

8 CHAIRPERSON ANDERSON: What is it that  
9 you want to say?

10 MR. ARIAS: Well, my problem starts  
11 from the day that he arrived to inspect the  
12 premises.

13 CHAIRPERSON ANDERSON: Who is he? Who  
14 is he?

15 MR. ARIAS: The inspector.

16 CHAIRPERSON ANDERSON: Okay.

17 MR. ARIAS: I was coming from the  
18 outside part of the restaurant and from the back  
19 part. And when he arrived, one of the -- Ledy  
20 was working. And he came with this highly --  
21 high -- high-handed -- with his high-handed  
22 attitude.

23 I've been working in this business for  
24 24 years. And, you know, this time -- this is  
25 the first time that I felt that an inspector

1 didn't treat me in a correct manner. I just  
2 arrived. I'd been there seven minutes. And he  
3 told the waitress, so if I didn't appear that  
4 moment before he finished the report, he would  
5 immediately issue the ticket.

6 So I arrived, like, about seven  
7 minutes after he had arrived. And he said, well,  
8 you haven't appeared. You haven't been present.  
9 I told him I was on the outside part of the  
10 restaurant.

11 And he repeated the same thing again.  
12 So I, again, repeated the same thing to him. We  
13 did that three times. And he repeated again that  
14 if he -- if I had not arrived by the report -- he  
15 had finished the report, he will issue the  
16 ticket.

17 I personally did not hear that. The  
18 waitress told me. And then he asked me for my  
19 name. I gave him the license so that he could  
20 write down my name. At no time did he signal the  
21 fact that he spoke Spanish. In fact, I didn't  
22 know that he did speak Spanish.

23 And when he arrived again the next  
24 day, I wasn't present but my wife was there. But  
25 before that, he told me, I'm going to speak to my



1 inspector so that his supervisor would tell him  
2 whether there should be a ticket or not issued.

3 MR. SCARBOROUGH: And then Ms. Silva  
4 is asking permission to speak about what  
5 happened.

6 CHAIRPERSON ANDERSON: She can, yes.

7 MS. SILVA: So the next day this  
8 gentleman arrived, I was present. I was at the  
9 worksite. And when he introduced himself as an  
10 ABC inspector, I showed him the license. And he  
11 delivered a ticket.

12 Why are you giving me a ticket? I'm  
13 here. I'm showing you the license. I don't  
14 speak much English, but I spoke to him in English  
15 because he had spoke to me only in English.

16 And there was a client at the bar.  
17 And he turned out. He says, what's going on?  
18 I'm a relative of the owner. And so the  
19 inspector turned towards the client and explained  
20 everything to him, ignored me.

21 When I tried to speak to him again, he  
22 showed me his hand and he said, excuse me. And  
23 so my face, what? I'm the manager of the liquor  
24 here in the premises. You have to explain to me.  
25 You have to tell me what the problem is.

1           So when he turns again and he asked me  
2 to sign the ticket, I told him, I'm not going to  
3 sign. You haven't explained anything to me. I'm  
4 the restaurant's manager. You explained  
5 everything to a client.

6           And at no time did I learn that he  
7 spoke Spanish. He could've made it easier for  
8 me. And I was surprised a few days later. And I  
9 found out he was bilingual, and I don't think  
10 that's correct that he doesn't let me know. And  
11 that day he made -- he disrespected me, made me  
12 feel inferior.

13           And I don't think that's the correct  
14 attitude for someone that represents this entity  
15 because all the others are very civil and kind.  
16 And to this day, I still feel upset. That's all.

17           CHAIRPERSON ANDERSON: Thank you for  
18 bringing that to the attention of the Board  
19 because none of -- I wasn't there. So I can't  
20 say the interaction of the investigator with you  
21 whether or not it was appropriate or not. So I  
22 don't know. But I will apologize on behalf of  
23 the Board if you felt that the investigator did  
24 not treat you the way you wanted to be treated.

25           And so as I said before, I don't know

1 what happened. But I'm hoping that the  
2 interaction between the agency and the licensee  
3 is always a positive, whether or not there's  
4 infraction or not.

5 But I think what I got from it was  
6 that at least from the owner is that the  
7 investigator came on the 23rd. And I guess the  
8 owner was not there or the owner or the ABC  
9 manager was not there on the 23rd. And then I  
10 guess on the 24th when the investigator came to  
11 deliver the infraction, the ticket or citation,  
12 that's when you had that interaction, is that  
13 correct, the next day?

14 But as I said before, I don't know  
15 what happened and I wasn't there. But we'll make  
16 sure that I'll bring this to the attention of the  
17 director just to make sure that the interaction  
18 between the investigators and the licensee, that  
19 is it done in a professional manner.

20 And thank you for bring that to our  
21 attention today. All right. And have a good  
22 day. Thank you.

23 (Whereupon, the above-entitled matter  
24 went off the record at 10:02 a.m.)

25

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**9**


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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: El Rinconcinto Cafe

Before: DCABRA

Date: 10-30-19

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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