

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

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6 IN THE MATTER OF: :
7 Arzo Amin, :
8 t/a Grace Period : Show Cause
9 350 G Street, SW : Hearing
10 License #ABRA-99262 :
11 Retailer Class Caterer :
12 ANC-6D :
13 Failed to Use Caterer's :
14 License in the Authorized :
15 Manner, No ABC Manager on :
16 Duty, Failed to Provide :
17 Records for Purchased :
18 Alcoholic Beverages :

19 - - - - -X

20 Wednesday, September 07, 2016

21

22 Whereupon, the above-referenced matter

1 came on for hearing at the Alcoholic Beverage
2 Control Board, Reeves Center, 2000 14th Street,
3 N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 GRACE AMIN,

13 On behalf of Grace Period

14 AMY SCHMIDT,

15 On behalf of the District of Columbia

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

2 [10:59 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. The
4 next case on our show cause hearing calendar is
5 Case #16-251-00031, Grace Period, License #99262.
6 Will the parties approach and identify themselves
7 for the record, please?

8 MS. GRACE AMIN: Hello, Grace Amin from
9 Grace Period.

10 MR. DONOVAN W. ANDERSON: I'm sorry?

11 MS. GRACE AMIN: Grace Amin with Grace
12 Period.

13 MR. DONOVAN W. ANDERSON: Excuse me, can
14 you spell your name for the record, please?

15 MS. GRACE AMIN: G-r-a-c-e A-m-i-n.

16 MR. DONOVAN W. ANDERSON: Thank you. And
17 can you also write your name on the sheet in
18 front of you, please?

19 MS. AMY SCHMIDT: And good morning, Amy
20 Schmidt, Assistant Attorney General, on behalf of
21 the District of Columbia.

22 MR. DONOVAN W. ANDERSON: Uh, Ms.

1 Schmidt, can you please spell your name for the
2 record, please?

3 MS. AMY SCHMIDT: S-c-h-m-i-d-t.

4 MR. DONOVAN W. ANDERSON: Are there any
5 preliminary matters in this case?

6 MS. AMY SCHMIDT: Um, there is a -- there
7 is a preliminary matter. It is not an -- it's not
8 an offer in compromise; however, Ms. Amin will
9 admit to the three violations and will just --
10 we'd -- and she would like to address the Board
11 concerning the penalties.

12 MR. DONOVAN W. ANDERSON: I'm sorry?

13 MS. AMY SCHMIDT: She'd like -- she is
14 admitting to three -- Ms. Amin said she's --

15 MALE SPEAKER: Ms. Schmidt, could you
16 please speak into your mic?

17 MS. AMY SCHMIDT: Oh, sorry. Ms. Amin,
18 um, said that without -- that she will admit to
19 the -- she admits to the three -- to the three
20 violations, and -- and that she would like to
21 address the Board concerning the penalties for
22 these violations.

1 MR. DONOVAN W. ANDERSON: So, rather than
2 -- So, what is it that -- Since -- Since we have
3 now moved that -- The -- the licensee is agreeing
4 that they did commit the infraction, so what is
5 it that the -- What is it that the Government is
6 recommending to the Board?

7 So, what I would ask the -- the
8 Government to do is to -- is to -- Let me -- Let
9 me do it this way: What I'll ask the Government
10 to do is to let the Board know, if we were to
11 move forward to a hearing, what the charges are,
12 what the evidence that supports it, and what is
13 it that the Government is asking the Board to do.
14 And then, once the Government provides that to
15 us, then the licensee can tell us what it -- why
16 is it that she wants -- what is it that she's
17 asking the Board to do regarding the penalty.

18 MS. AMY SCHMIDT: If this matter
19 proceeded to a hearing, the Government would show
20 that on Friday, February 05, 2016, at
21 approximately 10:40 p.m., ABRA investigators
22 Jason Peru and Shawn Townsend went to 2419 Edward

1 Street, NW, in response to a telephone call made
2 by a member of the -- um, member of the D.C.
3 Metropolitan Police Department to the ABRA
4 hotline, which requested ABRA's assistance with
5 respect to an unlicensed establishment.

6 And when the investigators arrived, they
7 went -- they went into the establishment, and
8 they saw a well-stocked bar with alcoholic
9 beverages, and there were about 200 patrons
10 there, and some of them were consuming alcoholic
11 beverages, and they saw no food being served. And
12 the Government would also introduce, with that --
13 with that respect, which is part of the record,
14 Government's Exhibit #5 and #6, which would show
15 that there's no food and only a bar menu posted
16 that day.

17 And the Government would also -- the
18 Government would also show that, um -- that --
19 that they were -- that the -- the investigators
20 were directed to a -- to a person who -- to a
21 manager, who said he was not an ABC manager, and
22 -- and that his -- and that he was told that, um,

1 Ms. Amin's company was -- was to provide alcohol
2 to -- alcohol for the event using her -- which
3 was a violation of her caterer's license, which,
4 um -- which is D.C. -- D.C. Official Code dash --
5 25-113(i)(1).

6 And he also -- the manager that night
7 also directed them to -- to Ms., um, Amin's
8 representative, Lenward Campbell (phonetic), who
9 said he was neither a ABC manager nor was he the
10 owner of the -- of the -- of the company, and he
11 told the -- he told the investigators the food
12 trucks had not -- the food had not yet, uh -- had
13 not yet arrived.

14 And this -- and at the time the -- 12:15
15 a.m., two, um -- an hour and a half after the
16 investigators arrived, the food had still not
17 arrived, and given the fact that it was 12:15 in
18 the morning, it's -- the Government would show --
19 would -- would -- would ask that the Board draw
20 the inference that no food was going to arrive at
21 that late hour.

22 Um, and the second charge -- the second

1 charge, um, was that they failed to superintend
2 or keep -- that -- that Ms. Amin failed to
3 superintend or keep an ABC-licensed manager on
4 duty at all times, and that was shown by the fact
5 that neither -- neither the manager nor Mr.
6 Campbell said that they were an ABC manager, and
7 Ms. Amin -- and Ms. Amin was not there to be --
8 to act as the ABC manager. And also -- and also
9 that, um, during the event -- during the event,
10 in violation of 20 -- I'm sorry, and not to have
11 an ABC manager was in violation of 25-701 -- 2 --
12 25-2,701 and 23 D.C. DCMR-707.1.

13 And the third violation is that there's a
14 violation of 23 DCMR 2002.2 because, um, at the
15 event that night, there were no alcohol record --
16 there were no records showing that -- showing
17 that Ms. -- showing that there was, um -- there
18 were no invoices for the alcohol being served
19 that night.

20 And it should also be noted that when
21 Investigator Peru tried to speak to Ms. -- to Ms.
22 Amin, um, she spoke to him, and he would testify

1 that when she -- when he called her and -- she
2 said that she had an emergency phone call, but
3 she never called him back, and she would call him
4 back, and she never called him back.

5 MR. DONOVAN W. ANDERSON: So, what is it
6 that -- what -- what fine, then, is the
7 Government proposing on each charge?

8 MS. AMY SCHMIDT: For Charge 1, which is
9 -- which is a violation of 23 -- 25-113(i), um,
10 the Government is asking for a \$2,000 fine. And
11 for Charge 2, which is a violation of 25-701 and
12 23 DCMR 707.1, the Government's asking for a \$350
13 fine, and for Charge 3, which is a violation of
14 23 DCMR 23-2002.2, the -- um, the -- the fine
15 would be a \$1,500 fine, so a total of 3,850.

16 MR. DONOVAN W. ANDERSON: All right.
17 Okay. So, um, Ms. Amin, it's my understanding
18 that you have agreed to the violation, that the
19 violation occurred, um, that for Charge -- I'm
20 sorry, let me make sure that I -- that the first
21 violation is that failure to use the caterer's
22 license in an authorized manner pursuant to D.C.

1 -- D.C. Code Section 25, um, 113(i), and that
2 you're agreeing that you have not complied with
3 that provision. Is that correct?

4 MS. GRACE AMIN: I agree with an
5 explanation.

6 MR. DONOVAN W. ANDERSON: Well -- well,
7 yeah, I'm going to -- I just want to get some
8 things clear first. I'm going to give you a
9 chance to do that.

10 MS. GRACE AMIN: Okay.

11 MR. DONOVAN W. ANDERSON: That you're
12 also agreeing to Charge 2, that there were no --
13 there was no ABC manager on duty pursuant to D.C.
14 Official Code Section 25-701 and 23 DCMR Section
15 707.1. Is that correct? You're agreeing? And it's
16 also correct that you're agreeing that Charge 3,
17 failure to provide records for purchased alcohol
18 beverages pursuant to 23 DCMR Section 2002.1. Is
19 that correct?

20 (No audible response)

21 MR. DONOVAN W. ANDERSON: All right. So,
22 your goal, then, is that -- and the Government

1 has proposed to the Board that they should fine
2 you \$3,850. That's what the Government has
3 proposed to the Board. You do not agree with
4 that, so you are -- your goal is to provide an
5 explanation to the Board, and you're saying --
6 and you're -- you're going to say, why is that
7 you should not be fined, uh, the -- the proposed
8 -- what the Government has proposed.

9 MS. GRACE AMIN: Correct.

10 MR. DONOVAN W. ANDERSON: Go ahead,
11 ma'am.

12 MS. GRACE AMIN: Um, first of all, um,
13 I'm a non-profit, and --

14 MR. DONOVAN W. ANDERSON: Let me -- let
15 me, um -- You know what? Let me swear you in. So,
16 can you stand --

17 MS. GRACE AMIN: Sure.

18 MR. DONOVAN W. ANDERSON: -- and raise
19 your right hand? Do you swear or affirm to tell
20 the truth and nothing but the truth?

21 MS. GRACE AMIN: I do.

22 MR. DONOVAN W. ANDERSON: Okay, thank

1 you. Go ahead, please.

2 MS. GRACE AMIN: Um, I'm on -- I have a
3 non-profit organization, and a non-profit
4 organization based on -- is based on Washington,
5 D.C. --

6 (Off-mic speaking)

7 MS. GRACE AMIN: -- and, um, I don't get
8 any grants or fundings and stuff for my
9 organization, so my missions are, um, the
10 catering business to help fund for my
11 organization.

12 Um, I'm -- this is all very new to me,
13 um, so I'm still learning the process. Um, the
14 owner for this event reached out to me very last
15 minute, 3 days before the event, and said he has
16 an organization, but his organization does not
17 have a catering license, and he is going to an
18 event, and he was going to donate his proceeds to
19 the organization of his son-in-law -- which I
20 have, um, copies of everything for each one of
21 you guys. Would you like me to bring that up?

22 MALE SPEAKER: No.

1 MS. GRACE AMIN: Um, and if I could cater
2 the event. Um, I was under the impression that if
3 the food is being -- the food is being served,
4 long as, you know, a manager from the
5 organization is there, that's sufficient. Again,
6 I'm very new to this. You know, I haven't been --

7 MR. DONOVAN W. ANDERSON: What do you
8 mean by "if food is being served"? I don't --
9 Explain that.

10 MS. GRACE AMIN: Just the food. I -- I
11 wasn't aware that it has -- a managers has to
12 have a -- a manager's alcohol license.

13 MR. DONOVAN W. ANDERSON: No, I just want
14 to -- No, I'm just saying, you -- you stated that
15 -- And I didn't understand. I'm not questioning
16 it; I just didn't understand "if food was being
17 served." So, because the allegation is that there
18 was no food, so -- so that's why I didn't
19 understand when you said "if food was being
20 served." You need to explain that to me.

21 MS. GRACE AMIN: If -- if you look at
22 Exhibit 6, you'll see that there was food there.

1 The food just got there late, and that was the
2 problem. The food wasn't there at the time --

3 MR. DONOVAN W. ANDERSON: The Government
4 said --

5 MS GRACE AMIN: -- when they got there.

6 MR. DONOVAN W. ANDERSON: The Government
7 said that the investigator -- What time did the
8 event start?

9 MS. GRACE AMIN: Um, I -- I believe it --
10 it was supposed to start at 11:00, but I believe
11 the investigator showed up at, like, 10:40 or
12 something.

13 MR. DONOVAN W. ANDERSON: All right.
14 Well, it's -- well I -- what I need you to do is
15 not say what "I believe." I need you to tell me,
16 because this is you. You have admitted to the
17 violation, and you're giving an explanation. So,
18 I need -- When you're giving the explanation,
19 then you need to be specific in the sense that --

20 I think what the Government stated that
21 as late as 12:15, there was no food. So, if
22 you're saying the food was there, then you need

1 to say what food and when the food was provided,
2 because I'm not -- because we -- the -- so,
3 you're agreeing that at 12:15, which is what the
4 Government stated, there was no food. So, as part
5 of your explanation -- I'm not clear. So, that's
6 what I'm asking.

7 MS. GRACE AMIN: Because I wasn't there -
8 - my manager was there -- that's why I'm saying
9 "I believe," because I wasn't exactly there. But
10 like -- again, with Exhibit 6, you'll see the
11 food did arrive, it just arrived late. Maybe it
12 --

13 MR. DONOVAN W. ANDERSON: And what's
14 late?

15 MS. GRACE AMIN: -- didn't arrive at
16 12:15, but it -- it -- it did arrive there, and
17 the picture shows that.

18 MR. DONOVAN W. ANDERSON: Do you know
19 when?

20 MS. GRACE AMIN: I believe it was 12:30.

21 MR. DONOVAN W. ANDERSON: Well -- All
22 right. This is a hearing. Okay? It can't be "I

1 believe," "I think." If this was earlier in the
2 proceedings, then we can do that, but we're in a
3 hearing today, and the Government has basically
4 put on a case, and to say, "This is what they did
5 not do."

6 In your response, you can't say "I
7 believe," "I think." It has to be "The food
8 arrived at 12:00. We had food at 12:00." But
9 again, you have already -- you've stated that at
10 12:15, there was no food. So, when did the food
11 arrive? Um, at 12:15, when the -- the
12 investigator was there, there was no ABC manager
13 at 12:15. "The ABC manager showed up at 12:30."
14 Or, um, "When the investigator asked me for the
15 receipts for the alcohol, I didn't have it at
16 this time to give it to him. However, I gave it
17 Mr. Peru on this date."

18 So, it has to be -- it -- it can't be "I
19 believe." If you're -- because you're trying to
20 convince us. The Government has put on a strong
21 case to say, "These -- these are the facts." You
22 have agreed to the facts. You're now appealing to

1 the Board to say to the Board, "I don't -- um, I
2 don't -- I don't have \$3,800 to pay, so this is
3 what I want you to do," and you're giving --
4 giving the Board a plausible explanation why the
5 Board should take the facts as presented by the
6 Government, but we should show you leniency.

7 That's -- So, it can't be "I believe," "I
8 think." That's not -- that -- that -- that's a
9 waste of our time because I can say, well, if you
10 don't believe your -- We're at a hearing here.
11 And if you don't know, it's going to be a waste
12 of time, because I'll let you know that you have
13 not said anything to me right now to dispute any
14 of the facts that the Government has put on. You
15 have to be specific with -- and provide the Board
16 with explanation if you're trying to sway us.

17 MS. GRACE AMIN: I apologize. I'm only
18 saying that because I wasn't there, so I didn't
19 want to say 12:20 --

20 MR. DONOVAN W. ANDERSON: But --

21 MS. GRACE AMIN: -- and they didn't
22 arrive 'til 12:22.

1 MR. DONOVAN W. ANDERSON: I -- I hear
2 what you're saying, but you need to talk to your
3 manager, should have spoken to your manager. So,
4 you're telling the Board that when -- "Yes, I
5 wasn't there, and then that was -- I had my ABC
6 manager there. This is when they brought the
7 food. The event was supposed to be from 11:00 to
8 4:00. Food we had -- We had food there. It's a
9 late crowd. I didn't -- we didn't bring the --
10 the food there at 11:00" -- if this is what it
11 was -- "but we had sufficient food, and I told
12 that to the investigator. I contacted the
13 investigator after the fact, and I said to him
14 that we didn't provide the food at 11:00, but we
15 had food there at -- if you had come at 2:00
16 a.m." -- because I know this is a late crowd --
17 "the food showed up at 2:00 a.m. And we had more
18 than sufficient food at the end of the day.
19 Because folks didn't eat all the food, we had to
20 throw away all the food."

21 I'm -- I'm just saying, this is what --
22 if you're presenting your case, this is what you

1 need to prevent -- provide to us to convince us
2 that, um, "Yes, when the investigator was here,
3 we didn't do this, but this is what we did. And I
4 know that I was wrong before, but this is why --
5 this is what we did after." So, that's all I'm
6 just saying is that if you're trying to convince
7 the Board, this is what -- because if not, the
8 Board is just going to take yours and the
9 Government as stated --

10 And there's -- for all -- for each
11 charge, there is a fine range. For the first
12 charge is 1,000 to 2,000, for the second charge,
13 it's 250 to 500. For the third charge, it's 1,000
14 to 2,000. And the Government has not charged the
15 -- they have not -- they -- they have not fined
16 you the maximum; they have fined you something in
17 the middle. But the Board can decide that, "You
18 know, what? Forget the Government. We're going to
19 fine you \$2,000 for the first, 500 for the
20 second, and 2,000 for the fourth," which is more
21 than what the Government is.

22 And so, that's what you have to present

1 to the Board. I -- I -- I understand, but that's
2 what you have to present to the Board for the
3 Board to listen and for us to make a decision. I
4 mean, the facts are facts. We're at the penalty
5 stage, where they can't be "I believe," "This is
6 what I think." It has to be --

7 (Off-mic speaking)

8 MS. GRACE AMIN: Would you like me to
9 continue?

10 MR. DONOVAN W. ANDERSON: Yes.

11 MS. GRACE AMIN: Um, so the food did
12 arrive, um, 12:25, 12:30. Um, so the food -- what
13 did come, it wasn't there when it should have
14 been. So, I -- I admit to that. Um, it was a
15 Friday. The kitchen we use is overbooked.
16 They're, you know, making their own stuff, so the
17 person was late bringing the food. So, that's why
18 I admit with an explanation for that.

19 Um, the building, I wasn't aware that it
20 didn't -- had all those violations. Um, even
21 though on the paperwork, it says that I said I
22 didn't have a contract, I actually do have a

1 contract, um, with, uh, the owners, showing that,
2 you know, he's responsible for the building
3 having its permits, licensing, code -- you know
4 making sure it's up to date with fire code
5 violations and everything. Um, you know, even the
6 building in itself has promotions that they
7 promote to rent the building, the venue, for
8 events and such. And these are the -- some of the
9 documents that I had brought to show you guys.
10 So, I wasn't aware of all these, uh, violations
11 and issues with the building.

12 Um, again, very last minute. He asked me
13 3 days prior. He's a non-profit organization,
14 and, you know, I thought I was doing something
15 good. I was helping him out, you know, was going
16 back to help Senegal (phonetic), so I -- I was,
17 "Okay, I'll do it," you know, "I'll make a
18 donation, as well." And, you know, that's really
19 what it all -- it -- all it is.

20 You know, again, this is not something
21 that I've been doing for a very long time. I
22 wasn't aware of, you know, a lot of the -- the,

1 um, ABRA laws. I have looked over some of them
2 online, and I fully understand that what I did
3 was wrong and that it won't happen again. But I'm
4 a small-business owner, and, you know, I'm not
5 financially stable. You know, I have a lot of,
6 uh, personal bills and such -- mortgage, being
7 that I'm behind and -- and whatnot, that I can't
8 afford a fine like that.

9 MR. DONOVAN W. ANDERSON: So, what is it
10 you're --

11 MS. GRACE AMIN: If I was a nightclub or,
12 you know, a big business and I made tons of
13 money, I could -- I could see it. but this was a
14 honest mistake and, you know, will never happen
15 again. Now I know better and going forward, I
16 will make sure that, you know, I'm a hundred
17 percent there all the time, the food is there
18 before the liquor arrives, um, and I have my
19 license with me, and this just won't happen
20 again.

21 MR. DONOVAN W. ANDERSON: So, what about
22 the receipts? Why is it that you -- What happened

1 to the receipts, and -- Uh, it's my understanding
2 the -- the -- the Government stated that you told
3 Mr. Peru that you had an emergency, but you never
4 called him back. So, how do you -- how do you
5 respond to that?

6 MS. GRACE AMIN: Okay, well, um, I
7 couldn't figure -- I -- me and the promoter were
8 having communication, um -- miscommunication. I
9 didn't know exactly what he wanted me to bring at
10 the event, so by the time I got ahold of him and
11 got understanding, RNDC was closed. So, I went to
12 a liquor store at, like, 7:00 p.m. and purchased
13 the liquor. And I understand that I'm supposed to
14 buy it from a wholesaler to -- for anything that
15 I do. So, that's what happened with that.

16 Um, Lenward Campbell is my manager. He
17 didn't have these things with him because, again,
18 you know, we're a small, non-profit organization.
19 The catering is something that I use to help with
20 the organization, and that's why he didn't have
21 it.

22 Um, when Mr. Peru called me, I had to

1 speak to him, um, I did have an emergency call
2 come from somewhere else, and I told him I'd call
3 him back. I did call back, and I left a message,
4 and I never heard back from him. So, because I
5 didn't hear back from him, I was under the
6 assumption everything was okay, maybe there was
7 no issues. And then, like, a month and a half
8 later, I received a letter from ABRA in the mail,
9 and that's when I looked over everything. I was
10 like, "Oh, okay."

11 MR. DONOVAN W. ANDERSON: So, why are we
12 here today? I mean, we have had -- before --
13 before we come to a hearing, we have -- I guess
14 we're -- we have had status hearings, so -- so,
15 why are we here today? Why --

16 (Off-mic speaking)

17 MR. DONOVAN W. ANDERSON: I -- I'm not --
18 'm going to get there.

19 MS. GRACE AMIN: Well, I tried to speak
20 to, um, Ms. Schmidt on several occasions to try
21 to come to, uh, some kind of agreement, and she
22 denied my offer, um, both times and said she

1 wasn't interested in it.

2 MR. DONOVAN W. ANDERSON: All right. So,
3 what is it that you're asking the Board -- So,
4 what offer -- the Government is asking for \$3,800
5 -- \$3,800. What is it that you're telling the
6 Board to do based on the fine range and -- and --
7 wWat -- what is it you're asking the Government
8 to do -- the -- the -- the Board to do?

9 MS. GRACE AMIN: Um, I'm asking if the
10 Board can take my, uh -- my explanation in, you
11 know, my case and just give me another
12 opportunity, um, and perhaps reduce my fine and
13 allow me to do a payment plan --

14 MR. DONOVAN W. ANDERSON: To what?

15 MS. GRACE AMIN: -- so that I can try to
16 pay it back.

17 MR. DONOVAN W. ANDERSON: To what? What
18 are you proposing?

19 MS. GRACE AMIN: I don't want to say
20 anything.

21 MR. DONOVAN W. ANDERSON: You have to
22 say. If you don't say, the Board -- the -- I --

1 This is what I said to you: On Charge 1, the fine
2 range is -- I -- I -- I repeated to you what the
3 fine range was, what the statutory fine range
4 was, and I'm not sure if -- if for any of the
5 charges, if we can just give a warn -- I don't
6 know if we can give a warning, or the law says
7 that we have to fine you. So, what -- so --
8 That's what I said to you. This is what she's
9 proposing.

10 You're throwing your -- As I said, you're
11 asking the Court to make a decision. What is it
12 you want us to do? You want -- you're -- you're -
13 - Are you asking the Board to say, "I can't pay
14 no money, so therefore I don't need you to fine
15 me," or, "I can pay \$1,000 or \$2,000 or \$3,000.
16 Give me 60 days to pay." "Give me 90 days." "Give
17 me 120 days." You need to tell us: What is it you
18 want us to do?

19 MS. GRACE AMIN: Well, I can't -- I -- I
20 -- Again, I actually am struggling myself, so I'm
21 not in a position to really pay anything. But I
22 don't want to -- you know, I don't know. This is

1 something new to me, so I -- I don't know what to
2 ask for, and I don't know --

3 MR. DONOVAN W. ANDERSON: You have to --

4 MS. GRACE AMIN: -- how the Board might
5 feel. It might take it --

6 MR. DONOVAN W. ANDERSON: You have --

7 MS. GRACE AMIN: -- as an insult.

8 MR. DONOVAN W. ANDERSON: You -- Miss?
9 Miss, you're here. You're asking the Board to do
10 something. You have to give us -- you have to
11 give us some instruction, because -- This is
12 where we -- this is -- this is what we have,
13 okay? We charge you the maximum fine that the law
14 requires. We accept the Government's offer, but
15 the Board is not going to sit back there and say,
16 "Well, we're not going to fine you," because you
17 haven't told me.

18 So, you tell me -- you put it on the
19 table, you give us an explanation, and when we go
20 back there, we'll decide whether or not we
21 believe -- whether we believe that this is what
22 we should do, or we're going to say, "You know

1 what? Tough luck. You should have known better.
2 This is what the law is. You asked for a license.
3 We -- we entrusted you with a license, and so
4 therefore, this is what we're going to fine you,"
5 say that you have to pay it in 30 days. You have
6 to pay it in 30 days or whatever period of time,
7 and that if you don't pay it, you lose your
8 license.

9 That's basically where you are. I mean,
10 if -- Because there's going to be some
11 consequences. Whatever the decision the Board
12 makes, it's going to be that this is the
13 decision. This is when you need to pay it. If
14 it's not paid, your license is in -- is going to
15 be -- your license will be suspended, and that
16 means that you cannot have -- because you don't
17 have a license.

18 So, this is your opportunity to tell us,
19 what is it you want us to do, so when we go to
20 discuss it, we will discuss it and make a
21 decision, because if you don't give us any
22 options, I'm letting you know right now, it's

1 either going to be the maximum fine or what the
2 Government -- what the Government requests, and
3 more likely than not, the Board will probably say
4 you've got to pay this in 30 days.

5 MS. RUTHANNE MILLER: Mr. Chairman, I'm
6 going to --

7 MR. DONOVAN W. ANDERSON: Yes, Ms. --
8 Yes, Ms. Miller.

9 MS. RUTHANNE MILLER: If I could
10 interject just a minute, because I -- I'm hearing
11 from, um, Ms. Amin that she's not all that well
12 versed in, um, ABC law, and I'm wondering if she
13 even knows, you know, what the minimum, um, uh,
14 amount, a penalty could be for this (inaudible)--

15 MR. DONOVAN W. ANDERSON: I --

16 MS. RUTHANNE MILLER: -- or what --

17 MR. DONOVAN W. ANDERSON: I --

18 MS. RUTHANNE MILLER: -- you know, she
19 could make (inaudible).

20 MR. DONOVAN W. ANDERSON: I --

21 MR. JAMES SHORT: You did read it. He
22 read it.

1 MR. DONOVAN W. ANDERSON: I -- I -- I sat
2 here today --

3 MS. RUTHANNE MILLER: Okay.

4 MR. DONOVAN W. ANDERSON: -- Ms. Miller,
5 and I specifically told -- I went through each
6 charge, and I told Ms. Amin what the minimum fine
7 was, what the maximum fine was --

8 MS. GRACE AMIN: I'm sorry --

9 MR. DONOVAN W. ANDERSON: I also -- All
10 right. Let -- let me go back again. For the --

11 MR. NICK ALBERTI: May I just -- May I
12 just quickly interject --

13 MR. DONOVAN W. ANDERSON: Yes, Mr.
14 Alberti.

15 MR. NICK ALBERTI: -- and -- and -- to
16 this point, Ms. Amin has had several discussions
17 with, um, the OAG's office. I'm sure they have
18 talked to her about what the fine levels are.

19 MS. GRACE AMIN: Actually, I don't know
20 what the minimum fine level --

21 MALE SPEAKER: Well, you --

22 MS. GRACE AMIN: We haven't discussed it.

1 MR. DONOVAN W. ANDERSON: All right. Ms.
2 Amin -- All right. All right. For the first
3 charge, failure to use caterer's license in -- in
4 an authorized manner, pursuant to D.C. Official
5 Code Section 25-113(i)(1), it's a first primary
6 tier violation. The fine range is \$1,000 to
7 \$2,000. That is what the law says that we need to
8 fine you. Based on what is presented to me on
9 this first charge, the Government is charging you
10 the maximum, which is \$2,000. The fine range is
11 1,000 to 2,000, but the Government is stating
12 that they -- we should recommend a \$2,000 fine.

13 (Off-mic speaking)

14 MR. DONOVAN W. ANDERSON: Right. So --

15 MS. RUTHANNE MILLER: Wait a second. I
16 think it's also -- I think that you made
17 reference to this in passing, but that, you know,
18 there may be a possibility for a warning so that
19 I think that -- that --

20 MR. DONOVAN W. ANDERSON: I -- I don't
21 know. I said -- I do not know, Ms. Miller.

22 MS. RUTHANNE MILLER: I know, but --

1 MR. DONOVAN W. ANDERSON: I -- I -- I --
2 And I cannot -- This is what I'm stating to -- to
3 the licensee. I am looking in front of me, the
4 charges and what the fine ranges are. I do not
5 know whether or not I currently -- once I speak
6 to legal, I'll find out -- I do not know if the
7 Board can state that we're not going to fine you;
8 we can give you a warning. I don't know that.
9 That's -- Legal will provide that information
10 later on.

11 What I'm saying to you today is, for the
12 first charge, this is what the law says; this is
13 what the Government -- You tell me, what is it
14 you want the Board to do, to consider, for the
15 first charge? The first charge is a fine range of
16 1,000 to 2,000. Government said \$2,000. So, you
17 need to say to me --

18 MS. AMY SCHMIDT: I'm sorry, we said --
19 we said 1,500.

20 MR. DONOVAN W. ANDERSON: I'm sorry?

21 MS. AMY SCHMIDT: We said 1,500.

22 MR. NICK ALBERTI: The Government's

1 recommendation is 2,000, is that correct?

2 MS. AMY SCHMIDT: No, no, it's 1,500.

3 MR. DONOVAN W. ANDERSON: That was, uh --

4 MR. NICK ALBERTI: For Charge 1?

5 MS. AMY SCHMIDT: Yes.

6 MR. DONOVAN W. ANDERSON: Okay.

7 MR. NICK ALBERTI: That's not what you
8 told us.

9 MS. AMY SCHMIDT: All right.

10 MR. NICK ALBERTI: I'm positive that's
11 not what you told us.

12 MR. DONOVAN W. ANDERSON: Well, I have --

13 MALE SPEAKER: We're getting off track.

14 (Off-mic speaking)

15 MR. DONOVAN W. ANDERSON: All right. Hold
16 on. Hold on. All right. Let me -- I thought -- I
17 -- I thought the total fine range was \$3,850 --

18 MS. AMY SCHMIDT: Yes.

19 MR. DONOVAN W. ANDERSON: -- \$2,000 on
20 Charge 1, 350 on Charge 2, and 1,500 on Charge 3.
21 And that adds up to --

22 MS. AMY SCHMIDT: I'm sorry.

1 MR. DONOVAN W. ANDERSON: -- \$3,850.

2 MR. NICK ALBERTI: She may have -- You
3 may have misspoken, Ms. -- Ms. Schmidt.

4 MS. AMY SCHMIDT: I may have misspoken.

5 MR. NICK ALBERTI: That's what we were
6 told earlier.

7 MS. AMY SCHMIDT: Yeah. Let me just check
8 again, just to make sure. I'm sorry, just a
9 second.

10 MR. DONOVAN W. ANDERSON: I didn't write
11 it down, but it was consistent with -- with the
12 information I was presented.

13 (Off-mic speaking)

14 MS. AMY SCHMIDT: I'm sorry, you -- you
15 are correct. It was \$2,000. I -- I misspoke. It
16 is \$2,000, because it was less than -- than we
17 have charged before.

18 MR. DONOVAN W. ANDERSON: All right. Um -
19 - Hold (inaudible).

20 (Off-mic speaking)

21 MR. DONOVAN W. ANDERSON: All right.

22 (Off-mic speaking)

1 MR. DONOVAN W. ANDERSON: All right. Hold
2 on. Hold on.

3 (Off-mic speaking)

4 MR. DONOVAN W. ANDERSON: All right. Hold
5 on.

6 MS. AMY SCHMIDT: No, I -- I apologize. I
7 -- I misspoke. It's 2,000 for Charge 1, 350 for
8 Charge 2, and 1,500 for Charge 3.

9 MR. DONOVAN W. ANDERSON: Thank you, Ms.
10 Schmidt.

11 (Off-mic speaking)

12 MR. DONOVAN W. ANDERSON: As chairperson
13 of the Alcoholic -- Mr., um, Short has requested
14 a break to discuss some matters, so as
15 chairperson of the Alcoholic Beverage Control
16 Board for the District of Columbia, in accordance
17 with Section 405 of the Open Meetings Amendment
18 Act of 2010, I move that the ABC Board hold a
19 closed meeting for the purpose of seeking legal
20 advice from our counsel on Case #16-251-00031,
21 Grace Period, per Section 405(d)(4) of the Open
22 Meetings Amendment Act of 2010 and deliberating

1 on -- upon Case #16-251-00031, um, Grace Period,
2 for the reasons cited in Section 405(b)(13) of
3 the Open Meetings Amendment Act of 2010. Is there
4 a second?

5 MR. JAMES SHORT: Second.

6 MR. DONOVAN W. ANDERSON: Mr. Short has
7 seconded the motion. I'll now take a roll call
8 vote on the motion that -- motion before us that
9 now has been seconded. Ms. Miller?

10 MS. RUTHANNE MILLER: Agree.

11 MR. DONOVAN W. ANDERSON: Ms. Alberti?

12 MR. NICK ALBERTI: Agree.

13 MR. DONOVAN W. ANDERSON: Mr. Short?

14 MR. JAMES SHORT: I agree.

15 MR. DONOVAN W. ANDERSON: Mr.

16 Silverstein?

17 MR. MIKE SILVERSTEIN: I agree.

18 MR. DONOVAN W. ANDERSON: Uh, Mr.

19 Anderson? I will -- I agree.

20 We're going to take a break. Um, give us
21 about, um, 10 minutes.

22 (Off-mic speaking)

1 MR. DONOVAN W. ANDERSON: Um, no, we'll -
2 - we'll come back. Just stay there. We're not
3 making a decision now. This is interim, so just
4 give us about 10 minutes, and we'll come back,
5 okay? All right. Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record.)

8 MR. DONOVAN W. ANDERSON: All right,
9 we're back on the record. Um, we were -- we took
10 a short break. All right, Ms. Amin. Um,
11 basically, this is where we are: You -- I need
12 you to tell us -- On Charge 1, the fine range is
13 1,000 to 2,000. I need you to tell the Board, on
14 Charge 1, what is it you want us to do on Charge
15 1? Since you have agreed to the facts, so it's a
16 fine, and what is it you want us to do?

17 MS. GRACE AMIN: I would like to ask the
18 Board to pardon me on Charge 1 --

19 MR. DONOVAN W. ANDERSON: So --

20 MS. GRACE AMIN: -- and give me a
21 warning.

22 MR. DONOVAN W. ANDERSON: That's what you

1 want us --

2 MS. GRACE AMIN: And this will never
3 happen again.

4 MR. DONOVAN W. ANDERSON: All right. On
5 Charge 2, the fine range is -- is -- For having
6 no ABC manager on duty, the first secondary tier
7 violation, the fine range is \$250 to \$500. What
8 is it you want the Board to do?

9 MS. GRACE AMIN: I would like the Board
10 to either, um, pardon that, as well, because I
11 wasn't aware that a licensed, um, manager --
12 manager has to have a license to be there because
13 I'm always responsible for everything. So, I
14 would ask the Board if they could pardon me or
15 give me the minimum fine.

16 MR. DONOVAN W. ANDERSON: Which is \$250.

17 MS. GRACE AMIN: Yes, sir.

18 MR. DONOVAN W. ANDERSON: For Charge 3,
19 failure to provide records for purchased
20 alcoholic record -- alcoholic beverage, the fine
21 range of a first primary tier violation -- the
22 fine range is 1,000 to 2,000 dollars.

1 MS. GRACE AMIN: I would ask the Board to
2 pardon me on that, as well, and forgive the fine
3 because, again, it was very last minute when I
4 did this, and I didn't have access to go to the
5 wholesaler's to get it. And, again, this is a
6 lesson learned, and it'll never happen again.

7 MR. DONOVAN W. ANDERSON: Um, so what --
8 what happened to the records? You never had them?
9 It's your -- you -- this is -- What you're saying
10 to me is that, "I didn't -- I shouldn't have
11 bought it from a certain place," but at least
12 what I'm reading with, it's not that you -- it's
13 not from where you bought it from; it's that you
14 never provided the records. So, what happened to
15 the records?

16 MS. GRACE AMIN: It was last minute, and,
17 again, I couldn't get ahold -- I couldn't speak
18 to the promoter prior to find out what he wanted,
19 and it was a Friday. I was running around, taking
20 care of a whole bunch of things, and then when
21 Mr., uh, Peru asked me, um, if I had some -- some
22 documents, I was -- I think he asked me if I had

1 a contract with the venue, and I said no. But I
2 wasn't aware of all the documents that I needed.

3 And I think I have some receipts. I
4 actually have a couple of receipts, but I wasn't
5 sure -- that one didn't say the date on it, so I
6 didn't know if that was sufficient enough for me
7 to bring to show you.

8 MR. DONOVAN W. ANDERSON: All right. Do
9 you have anything further to say?

10 MS. GRACE AMIN: Um, I don't have
11 anything further to say. Um, I -- I would like to
12 provide some documents for each of the Board
13 members to consider, and that's all I would like
14 to do.

15 MR. DONOVAN W. ANDERSON: I mean, the
16 documents -- to show what? To say that there was
17 food there? Right?

18 MS. GRACE AMIN: Uh, no, actually --
19 Well, that is -- I already explained that part,
20 but --

21 MR. DONOVAN W. ANDERSON: Right.

22 MS. GRACE AMIN: -- more in the sense of,

1 just so you could see, you know, I'm very active
2 in my community, the things that I do in my
3 community, what my organization --

4 MR. DONOVAN W. ANDERSON: Tell me.

5 MS. GRACE AMIN: Okay. Um, I just did a
6 back-to-school event with Community Partnership,
7 um, for the homeless in D.C. Um, I do projects
8 twice a month over there with the women, the
9 homeless women, um, called the Street Guidance
10 Project, where I teach them about the, uh, laws
11 of attraction, making positive life choices, uh,
12 entrepreneurship.

13 Um, when I was younger, I was homeless at
14 one time, too, so it's my way of giving back to
15 the women that may be going through the same
16 experiences that I went through. So, I do a lot
17 of great things in the community.

18 I just -- Last week, I did an event
19 called, uh, Street Boutique for the Homeless, um,
20 free shopping for the homeless. You come donate
21 your clothes and shoes, and the homeless get to
22 come shop for free; they can take it for free.

1 MR. DONOVAN W. ANDERSON: All right.

2 MS. GRACE AMIN: Um, I also do, again,
3 regular workshops all the time, um, for -- in --
4 in schools and, um, at the Days Inn. Again, uh,
5 the D.C. General with, uh, Community Partnership
6 and D.C. Human Services.

7 So, I do a lot of great things in the
8 community, and nobody funds my -- any of my
9 projects. I don't get any government grants. I
10 don't get donations. I use my own money to buy
11 tools, supplies, um, gas. You know, all my
12 expenses are paid by me.

13 So, me being able to fund these events,
14 the money comes from me doing, you know, little
15 events like my catering, and, you know, using
16 some of my own money, which I'm not in a
17 financially great place, either. I work for
18 myself. I mean, I've got documents, bank
19 statements, everything, so you can see, you know,
20 everything I'm saying is accurate.

21 Um, so, again, this was a, you know,
22 mistake that I made. I wasn't aware of all the

1 laws of ABRA. I definitely went online and read a
2 lot of the laws, and I have a understanding, and
3 I take it very seriously.

4 Uh, I don't want the Board to think that,
5 you know, I don't take this -- these -- this
6 matter serious. I do, and that's the reason why
7 I'm asking the Board to just pardon me and give
8 me another opportunity, because I, you know -- I
9 this -- I'm an entrepreneur; I'm single. I know -
10 - You know, I don't happen to have -- I do
11 everything by myself. So, it just won't happen
12 again, and I just hope the Board will accept my
13 offer.

14 MR. DONOVAN W. ANDERSON: Thank you.

15 MS. GRACE AMIN: Thank you.

16 MR. DONOVAN W. ANDERSON: All right --

17 MS. RUTHANNE MILLER: (Off-mic speaking)?

18 MR. DONOVAN W. ANDERSON: Yes, Ms.

19 Miller.

20 MS. RUTHANNE MILLER: Um, how long have
21 you been in the area?

22 MS. GRACE AMIN: Uh, a year.

1 MS. RUTHANNE MILLER: A year.

2 MS. GRACE AMIN: A year.

3 MS. RUTHANNE MILLER: And about how many
4 events have you done?

5 MS. GRACE AMIN: Uh, four.

6 MS. RUTHANNE MILLER: And the other ones
7 were no -- no problem?

8 MS. GRACE AMIN: Yeah, no problem. I -- I
9 don't have any history with the, um, ABRA
10 investigation, um, team. I don't have any records
11 of doing anything, you know -- This is a one-time
12 incident and, again, it was -- You know, I have
13 all the documents, contracts, paperwork,
14 everything that shows the building had its
15 licensing.

16 Um, and going forward, you know, I'm
17 going to make sure that they actually provide me
18 with that actual paperwork that shows, you know,
19 the permit and licensing from the venue, because
20 they provided me, um, a flyer that shows, you
21 know, "Have your events here" and that kind of a
22 thing. So, I'm going to make even more -- take

1 more precaution going forward.

2 MS. RUTHANNE MILLER: Thank you.

3 MR. DONOVAN W. ANDERSON: Any final
4 words, Ms. Schmidt?

5 MS. AMY SCHMIDT: No, no -- no final
6 words.

7 MR. DONOVAN W. ANDERSON: All right.
8 Thank you. As chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia, in accordance with D.C. -- with Section
11 405 of the Open Meetings Amendment Act of 2010, I
12 move that the ABC Board hold a closed meeting for
13 the purpose of seeking legal advice from our
14 counsel on Case #16-251-00031, Grace Period, per
15 Section 45(b)(4) of the Open Meetings Amendment
16 Act of 2010 and deliberating upon Case #16-251-
17 00031, Grace Period, in Section 45(b)(13) of the
18 Open Meetings Amendment Act of 2010. Is there a
19 second?

20 MR. MIKE SILVERSTEIN: Second.

21 MR. DONOVAN W. ANDERSON: Mr. Silverstein
22 has seconded the motion. I will now take a roll-

1 call vote on the motion before us now that it has
2 been seconded. Ms. Miller?

3 MS. RUTHANNE MILLER: Agree.

4 MR. DONOVAN W. ANDERSON: Mr. Alberti?

5 MR. NICK ALBERTI: Agree.

6 MR. DONOVAN W. ANDERSON: Mr. Short?

7 MR. JAMES SHORT: I agree.

8 MR. DONOVAN W. ANDERSON: Mr.

9 Silverstein?

10 MR. MIKE SILVERSTEIN: I agree.

11 MR. DONOVAN W. ANDERSON: Mr. Anderson? I
12 agree.

13 As it appears that the motion has passed
14 five to nothing, I hereby give notice that the
15 ABC Board will hold a closed meeting in the ABC
16 Board conference room, pursuant to the Open
17 Meetings Amendment Act of 2010, and will issue an
18 order within 90 days. Thank you very much.

19 MALE SPEAKER: That's it.

20 MS. GRACE AMIN: Would you still like me
21 to give you copies?

22 MR. DONOVAN W. ANDERSON: No, ma'am,

1 that's fine. That's one of the reasons why I
2 asked you to explain, to tell me what it is. Mr.
3 Short.

4 (Off-mic speaking)

5 MR. DONOVAN W. ANDERSON: No.

6 (Off-mic speaking)

7 (Laughter)

8 MS. AMY SCHMIDT: Thank you.

9 (Off-mic speaking)

10 (Whereupon, the above-entitled matter was
11 concluded.)