



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

2 10:10 a.m.

3 CHAIRPERSON ANDERSON: The next matter  
4 on our Show Cause Hearing (Status) Calendar is  
5 Case No. 17-CMP-00642, Half Smoke, License No.  
6 100855.

7 Will the parties, please, approach and  
8 identify themselves for the record, please? Ms.  
9 Schmidt?

10 MS. SCHMIDT: Yes, good morning. Amy  
11 Schmidt, Assistant Attorney General on behalf of  
12 the District of Columbia.

13 CHAIRPERSON ANDERSON: Good morning,  
14 Ms. Schmidt. Yes, sir?

15 MR. McCAIN: Good morning, Andre  
16 McCain, owner of Half Smoke.

17 CHAIRPERSON ANDERSON: Good morning,  
18 Mr. McCain.

19 Are there any preliminary matters in  
20 this case?

21 MS. SCHMIDT: No, there are not.

22 CHAIRPERSON ANDERSON: Hearing none,

1 this matter then is scheduled for a Show Cause  
2 Hearing on February 28th at 10:00 a.m.

3 MEMBER ALBERTI: Can I ask a quick  
4 question?

5 CHAIRPERSON ANDERSON: Yes, go ahead,  
6 Mr. Alberti.

7 MEMBER ALBERTI: Mr. McCain, have you  
8 had an opportunity to talk to the Attorney  
9 General's Office?

10 MS. SCHMIDT: He spoke to Mr.  
11 Chattrabhuti yesterday in my office.

12 MEMBER ALBERTI: Okay. Okay. And so  
13 -- all right. Fine.

14 CHAIRPERSON ANDERSON: Then --

15 MEMBER ALBERTI: You understood their  
16 offer, at that time?

17 MR. MCCAIN: I did. I just wanted --

18 MEMBER ALBERTI: And you are not  
19 accepting it. Is that correct?

20 MR. MCCAIN: I just --

21 MEMBER ALBERTI: There just seemed to  
22 be some doubt in your eyes and that's why I'm

1 asking, but if you are okay with moving forward,  
2 I have no questions.

3 MR. McCAIN: Well, I just wanted some  
4 time to better understand their offer. It was --

5 MS. SCHMIDT: We can pass this matter  
6 and I can --

7 CHAIRPERSON ANDERSON: Oh, so you want  
8 to -- do you want to -- do you want me to come  
9 back to it? So I'll recall this matter, so you  
10 guys --

11 MEMBER ALBERTI: They can let us know  
12 if they want it recalled.

13 CHAIRPERSON ANDERSON: Well, no. All  
14 right. Hold on. Let me ask a question. Hold  
15 on. I'm going to recall this case, okay, because  
16 I think there are some -- it appears that there  
17 is some confusion there.

18 Is the next case your case, Ms.  
19 Schmidt?

20 MS. SCHMIDT: All of them are my  
21 cases.

22 CHAIRPERSON ANDERSON: Oh. This is

1 what I'm going to do, because we have a short  
2 calendar today and I apologize to the parties,  
3 let me take a 10 minute break.

4 MS. SCHMIDT: Okay.

5 CHAIRPERSON ANDERSON: So you guys can  
6 talk and then we can move forward. Okay. So  
7 let's recess for 10 minutes. Okay. All right.  
8 Thanks. All right.

9 (Whereupon, the above-entitled matter  
10 went off the record at 10:12 a.m. and resumed at  
11 10:26 a.m.)

12 CHAIRPERSON ANDERSON: All right.  
13 We're back on the record. I'm recalling Case No.  
14 17-CMP-00642, Half Smoke, License No. 100855.

15 Would the parties identify themselves  
16 for the record, please?

17 MS. SCHMIDT: Amy Schmidt, Assistant  
18 Attorney General on behalf of the District of  
19 Columbia.

20 CHAIRPERSON ANDERSON: Ms. Schmidt.

21 MR. McCAIN: Andre McCain, owner of  
22 Half Smoke Restaurant.

1 CHAIRPERSON ANDERSON: Mr. McCain,  
2 good morning.

3 Are there any preliminary matters in  
4 this case?

5 MS. SCHMIDT: Yes, there are.

6 CHAIRPERSON ANDERSON: And what are  
7 the preliminary matters?

8 MS. SCHMIDT: The preliminary matter  
9 is that there is an Offer in Compromise that the  
10 Licensee shall pay \$600 within 30 days or its  
11 license will be suspended indefinitely until this  
12 fine is paid.

13 And if the quarterly statement has not  
14 been submitted, to submit it at this time.

15 CHAIRPERSON ANDERSON: What do you  
16 mean submit this time? Is there a time line to  
17 submit it or --

18 MS. SCHMIDT: Submit it, just submit  
19 it if it has not been submitted. There is no--

20 MEMBER SILVERSTEIN: By when?

21 MS. SCHMIDT: By -- within --

22 MR. MCCAIN: Well, it has been

1 submitted, so --

2 MS. SCHMIDT: -- 10 days then.

3 CHAIRPERSON ANDERSON: All right. Mr.  
4 McCain, it's my understanding that there is an  
5 Offer in Compromise and the Offer in Compromise  
6 is that there is a fine of \$600 payable in -- I'm  
7 sorry, payable in how many days?

8 MS. SCHMIDT: 30 days.

9 CHAIRPERSON ANDERSON: Payable in 30  
10 days. If the fine is not paid within 30 days,  
11 then the license will be suspended until the fine  
12 has been paid.

13 And secondly that if the quarterly  
14 statement has not been submitted, it will be  
15 submitted within the next 10 days.

16 Is this your understanding, sir, of  
17 the Offer in Compromise?

18 MR. McCAIN: Yes.

19 CHAIRPERSON ANDERSON: Are you aware  
20 that by accepting an Offer in Compromise, that  
21 you are giving up your right to a hearing?

22 MR. McCAIN: Yes.

1                   CHAIRPERSON ANDERSON: You're also  
2 aware that by accepting an Offer in Compromise,  
3 you are giving up your right to appeal this  
4 matter?

5                   MR. MCCAIN: Yes.

6                   CHAIRPERSON ANDERSON: Okay. With  
7 this said, I then make a motion that the Offer in  
8 Compromise of a fine of \$600 payable in 30 days  
9 would be accepted, that the quarterly statement,  
10 if it has not been submitted, will be submitted  
11 within 10 days and that the license will be  
12 suspended if the fine is not paid in 30 days. Is  
13 there a second?

14                  MEMBER SHORT: Second.

15                  CHAIRPERSON ANDERSON: Mr. Short has  
16 seconded the motion.

17                  Those in favor say aye.

18                  ALL: Aye.

19                  CHAIRPERSON ANDERSON: Those opposed?  
20 The matter passes 7-0-0. Thank you.

21                  MEMBER ALBERTI: Can I ask a quick  
22 question?

1 CHAIRPERSON ANDERSON: Yes, Mr.  
2 Alberti.

3 MEMBER ALBERTI: Mr. McCain, I just  
4 want to make sure, are you aware that you can  
5 file your quarterly reports online?

6 MR. McCAIN: We are now, yes.

7 MEMBER ALBERTI: Okay. Very good. I  
8 just wanted to make sure you were aware of that.  
9 Okay.

10 CHAIRPERSON ANDERSON: Thank you. Mr.  
11 McCain, you signed the little document? All  
12 right. Okay. Thanks.

13 (Whereupon, the Show Cause (Status)  
14 Hearing was concluded at 10:28 a.m.)  
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16  
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20  
21  
22

<b>A</b>	<b>Control</b> 1:2,12,13 <b>correct</b> 3:19 <b>CR</b> 1:7	<b>LLC</b> 1:5	<b>quarterly</b> 1:9 6:13 7:13 8:9 9:5 <b>question</b> 3:4 4:14 8:22 <b>questions</b> 4:2 <b>quick</b> 3:3 8:21
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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: Half Smoke, LLC

Before: DC ABRA

Date: 01-24-18

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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