

Capital Reporting Company

In the Matter of: 1414 U Street Restaurant, Inc. t/a Coppi's Pizza 08-08-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
1414 U Street Restaurant, Inc. :  
t/a Coppi's Pizza :  
1414 U Street, NW :  
Retailer CR : Show Cause  
License No. 19269 : Hearing  
ANC 2B : (Status)  
Case No. 12-CMP-00109 :  
Substantial Change (Operating :  
After Hours) :  
-----x

August 8, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Washington, D.C., Ruthanne Miller, Chairperson,  
presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OAG

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

2 10:04 a.m.

3 CHAIRPERSON MILLER: The next case on our  
4 calendar is Case Number 12-CMP-00109 Coppi's Pizza,  
5 located at 1414 U Street NW, License Number 19269,  
6 located in ANC 2B.

7 MR. RIVERO: Good morning board members,  
8 Fernando Rivero for the District of Columbia.

9 CHAIRPERSON MILLER: Good morning.

10 CARLOS AMAYA: Carlos Amaya, Owner of 1414 U  
11 Street Restaurant, Incorporated, Coppi's Pizza.

12 CHAIRPERSON MILLER: Good morning. Mr.  
13 Amaya, you may have heard me ask these questions. I'm  
14 going to ask the same of you.

15 Did you receive notice of this hearing?

16 CARLOS AMAYA: Yes.

17 CHAIRPERSON MILLER: Did you read it?

18 CARLOS AMAYA: Yes.

19 CHAIRPERSON MILLER: Understand it?

20 CARLOS AMAYA: Yes.

21 CHAIRPERSON MILLER: And do you wave the  
22 Board's reading of the notice into the record?

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1 CARLOS AMAYA: Yes.

2 CHAIRPERSON MILLER: Okay, great. All right,  
3 Mr. Rivero, do we have any preliminary matters in this  
4 case?

5 MR. RIVERO: We do, actually. The terms of  
6 the offer, right now, are a \$1,500 fine, payable in 60  
7 days, and the submission of the license to ABRA for  
8 safekeeping beginning today. I will drop a little  
9 footnote as to why that term is in there.

10 In this particular case, the Licensee has  
11 been, essentially, involuntarily closed by the  
12 landlord. There's a lease in place with a clause that  
13 allows the landlord, essentially, to shut down the  
14 business for building renovations, which is what is in  
15 effect at this time. And so looking at the offense,  
16 taking these facts into account, it made more sense to  
17 have the license turned in for safekeeping than to have  
18 any suspension date attached, for instance. So that  
19 explains the nature of this particular offer in  
20 compromise today.

21 CHAIRPERSON MILLER: Is there a term though,  
22 for this safekeeping, be it six months or four months?

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1 MR. RIVERO: Well, the term -- we understand  
2 that the Licensee will be closed approximately 15  
3 months? Fifteen months.

4 CHAIRPERSON MILLER: Fifteen months.

5 MR. RIVERO: Yes. So there is no  
6 anticipation that the license will be in operation  
7 before that. So we're satisfied that that is a  
8 sufficient period of time, basically. So once the  
9 Licensee resumes operation, some time in 2013, the  
10 license will be retrieved from safekeeping.

11 CHAIRPERSON MILLER: Mr. Amaya, I just want  
12 to ask you about that, how long you anticipate the  
13 license would be in safekeeping.

14 CARLOS AMAYA: Fifteen months, at a minimum.

15 CHAIRPERSON MILLER: Fifteen months.

16 CARLOS AMAYA: If you're not aware, across  
17 the street, the JVG project, that's -- I'm part of that  
18 project. So they don't have a specific date set up,  
19 right now. It could be longer than 15 months. As of  
20 now, I'm out of business.

21 CHAIRPERSON MILLER: Okay. Are you asking --  
22 are you asking for an OIC that's -- you're asking for

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1 an OIC that doesn't have a limit on the safekeeping  
2 period. Is that correct?

3 MR. RIVERO: That is correct because if I was  
4 to indicate, you know, a year, the license would  
5 probably just sit here longer than that. And so we  
6 don't -- we're not concerned about the Licensee  
7 resuming operations within any reasonably immediate  
8 time that would affect a just punishment in this case.  
9 So we're not concerned about that.

10 CHAIRPERSON MILLER: Okay.

11 (Whispered conversation.)

12 MR. RIVERO: We don't have a problem  
13 attaching a period of time if that helps the Board.

14 CHAIRPERSON MILLER: No.

15 MR. RIVERO: We don't think it's required,  
16 but we, again, don't have a problem attaching it, given  
17 the facts of this case. We can state six months -- a  
18 period of safekeeping for six months, although we know  
19 that it will be longer than that. And the Licensee  
20 would not have a problem with that term, if attaching  
21 that term to the offer is helpful to the Board.

22 CHAIRPERSON MILLER: Okay.

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1 MR. ALBERTI: May I speak?

2 CHAIRPERSON MILLER: Sure.

3 MR. ALBERTI: To Mr. --

4 CHAIRPERSON MILLER: Rivero?

5 MR. ALBERTI: Mr. Rivero, I think my  
6 preference, as a board member, is that we bifurcate the  
7 issue of the penalty and safekeeping. So if the Board  
8 -- because safekeeping -- the Licensee -- our  
9 procedures is the Licensee would have to submit an  
10 application for safekeeping. And the Board would take  
11 that up as part of its regular agenda. And I think my  
12 preference would be that we bifurcate the issue so that  
13 we deal with the penalty for the violation and then  
14 we'll allow the Licensee to submit --

15 MR. RIVERO: Sure.

16 MR. ALBERTI: -- an application for  
17 safekeeping that the Board will take up and discuss at  
18 a later date.

19 MR. RIVERO: And that's fine. You know, I  
20 understand that the safekeeping procedure is a separate  
21 administrative matter. We have had offers in  
22 compromise where the Licensee would be required to file

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1 an application. And we can amend the offer in  
2 compromise to state that the Licensee is required to  
3 file an application. We've had offers in compromise  
4 that have mirrored that term. So we will do that at  
5 this time.

6 I don't think the Licensee will object to  
7 indicating that we have a fine of \$1,500, and that the  
8 Licensee will be required to file an application for  
9 submission of the license into safekeeping. So that  
10 would obligate the Licensee to do so and in fact, we  
11 would like the Licensee to do that today. And the  
12 Licensee is prepared to file that application today.  
13 And that will be a term of the offer in compromise.

14 CHAIRPERSON MILLER: Okay, any other Board  
15 questions or comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: Okay, Mr. Amaya, then as  
18 I understand the --

19 MR. JONES: Madam Chair. I'd be interested  
20 in discussing this, in the back if possible.

21 CHAIRPERSON MILLER: Okay. Do you want to  
22 make a motion to do that?

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1 MR. JONES: I don't think it requires a  
2 motion.

3 BOARD MEMBER: Yes, it does.

4 MR. JONES: It does.

5 CHAIRPERSON MILLER: It does to deliberate  
6 behind closed doors.

7 BOARD MEMBER: Um hmm. Sure.

8 MR. JONES: Oh, okay, I apologize. Madam  
9 Chair, I move that we take this in the back so that we  
10 can discuss it further.

11 MR. ALBERTI: I'll second the motion.

12 CHAIRPERSON MILLER: Okay. Roll call.

13 Mr. Nophlin?

14 MR. NOPHLIN: I agree.

15 CHAIRPERSON MILLER: Mr. Brooks?

16 MR. BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MR. ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr. Silverstein?

20 MR. SILVERSTEIN: I agree.

21 CHAIRPERSON MILLER: Mr. Jones?

22 MR. JONES: I agree.

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1           CHAIRPERSON MILLER: Okay, and Ms. Miller  
2 will agree then. As chairperson of the Alcoholic  
3 Beverage Control Board, of the District of Columbia, in  
4 accordance with Section 405 of the Open Meetings  
5 Amendment Act of 2010, I -- it's been moved that the  
6 ABC Board hold a closed meeting for the purpose of  
7 seeking legal advice from our council on Case Number  
8 12-CMP-00109, Coppi's Pizza. Per section 405(b) of the  
9 Open Meetings Amendment Act of 2010, in deliberating  
10 upon that case just with respect to this OIC that's  
11 been offered, for the reason cited in 405(b) 13 of the  
12 Open Meetings Amendment Act Of 2010, the motion was  
13 seconded and voted on, and therefore -- and it passed,  
14 and therefore, we will take a quick recess to the ABC  
15 executive room and come back very shortly and continue  
16 this conversation. Okay.

17           (WHEREUPON, at 10:12 a.m., the hearing went  
18 off record.)

19           CHAIRPERSON MILLER: Okay, we're back on the  
20 record. I want to repeat what I understand the offer  
21 in compromise to be then at this point. And Mr. Amaya,  
22 you can confirm whether you agree to it, and Mr.

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1 Rivero, of course, can let me know if I don't  
2 characterize it correctly.

3 All right, so as I understand, it's an offer  
4 in compromise for a \$1,500 fine, to be paid within 60  
5 days, and Licensee shall file an application for  
6 safekeeping ABRA today (inaudible) 35:14. Okay.

7 MR. RIVERO: That is correct. Thank you.

8 CHAIRPERSON MILLER: Okay, Mr. Amaya?

9 CARLOS AMAYA: Yes. That's correct.

10 CHAIRPERSON MILLER: Is that your  
11 understanding?

12 CARLOS AMAYA: Yes.

13 CHAIRPERSON MILLER: And you understand you  
14 wave your right to a hearing by accepting an offer in  
15 compromise?

16 CARLOS AMAYA: Yes.

17 CHAIRPERSON MILLER: Okay. And I will make a  
18 motion at this point to approve the offer in  
19 compromise, for a fine of \$1,500, to be paid within 60  
20 days, and Licensee to submit an application for  
21 safekeeping of the license with ABRA today. Is there a  
22 second?

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1 BOARD MEMBER: Second.

2 CHAIRPERSON MILLER: Any other comments or  
3 questions? Okay, all those in favor of the offer in  
4 compromise, as presented in the motion, say aye.

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those opposed?

7 MR. JONES: Opposed.

8 CHAIRPERSON MILLER: All those abstaining?

9 (No audible response.)

10 CHAIRPERSON MILLER: Then the motion passes  
11 by a vote of five, to one, to zero, to approve the  
12 offer in compromise. Thank you.

13 (WHEREUPON, at 10:23 a.m., the hearing was  
14 concluded.)

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<p style="text-align: center;"><u>§</u></p> <p><b>\$1,500</b> 3:6 7:7 10:4,19</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p><b>10:04</b> 2:2 <b>10:12</b> 9:17 <b>10:23</b> 11:13 <b>12-CMP-00109</b> 1:9 2:4 9:8 <b>13</b> 9:11 <b>1414</b> 1:6,7 2:5,10 <b>14th</b> 1:15 <b>15</b> 4:2,19 <b>19269</b> 1:8 2:5</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2000</b> 1:15 <b>2010</b> 9:5,9,12 <b>2012</b> 1:12 <b>2013</b> 4:9 <b>2B</b> 1:8 2:6</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p><b>35:14</b> 10:6</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>405</b> 9:4 <b>405(b)</b> 9:8,11</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>60</b> 3:6 10:4,19</p> <hr/> <p style="text-align: center;"><u>8</u></p> <p><b>8</b> 1:12</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m</b> 2:2 9:17 11:13</p>	<p><b>ABC</b> 9:6,14 <b>ABRA</b> 3:7 10:6,21 <b>abstaining</b> 11:8 <b>accepting</b> 10:14 <b>accordance</b> 9:4 <b>account</b> 3:16 <b>across</b> 4:16 <b>Act</b> 9:5,9,12 <b>actually</b> 3:5 <b>administrative</b> 6:21 <b>advice</b> 9:7 <b>affect</b> 5:8 <b>agenda</b> 6:11 <b>Alberti</b> 1:18 6:1,3,5,16 8:11,17,18 <b>Alcoholic</b> 1:2,13,14 9:2 <b>allow</b> 6:14 <b>allows</b> 3:13 <b>Amaya</b> 2:10,13,16,18,20 3:1 4:11,14,16 7:17 9:21 10:8,9,12,16 <b>amend</b> 7:1 <b>Amendment</b> 9:5,9,12 <b>ANC</b> 1:8 2:6 <b>anticipate</b> 4:12 <b>anticipation</b> 4:6 <b>apologize</b> 8:8 <b>application</b> 6:10,16 7:1,3,8,12</p>	<p>10:5,20 <b>approve</b> 10:18 11:11 <b>approximately</b> 4:2 <b>attached</b> 3:18 <b>attaching</b> 5:13,16,20 <b>audible</b> 7:16 11:9 <b>August</b> 1:12 <b>aware</b> 4:16 <b>aye</b> 11:4 <b>ayes</b> 11:5</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p><b>basically</b> 4:8 <b>beginning</b> 3:8 <b>behind</b> 8:6 <b>Beverage</b> 1:2,13,14 9:3 <b>bifurcate</b> 6:6,12 <b>board</b> 1:2,14 2:7 5:13,21 6:6,7,10,17 7:14 8:3,7 9:3,6 11:1 <b>Board's</b> 2:22 <b>Brooks</b> 1:19 8:15,16 <b>building</b> 1:15 3:14 <b>business</b> 3:14 4:20</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p><b>calendar</b> 2:4 <b>CALVIN</b> 1:20 <b>Carlos</b> 2:10,16,18,20 3:1 4:14,16 10:9,12,16</p>	<p><b>case</b> 1:9 2:3,4 3:4,10 5:8,17 9:7,10 <b>Cause</b> 1:7 <b>Chair</b> 7:19 8:9 <b>chairperson</b> 1:15,18 2:3,9,12,17,19,2 1 3:2,21 4:4,11,15,21 5:10,14,22 6:2,4 7:14,17,21 8:5,12,15,17,19, 21 9:1,2,19 10:8,10,13,17 11:2,6,8,10 <b>Change</b> 1:9 <b>characterize</b> 10:2 <b>Chorus</b> 11:5 <b>clause</b> 3:12 <b>closed</b> 3:11 4:2 8:6 9:6 <b>Columbia</b> 1:1 2:8 9:3 <b>comments</b> 7:15 11:2 <b>compromise</b> 3:20 6:22 7:2,3,13 9:21 10:4,15,19 11:4,12 <b>concerned</b> 5:6,9 <b>concluded</b> 11:14 <b>confirm</b> 9:22 <b>continue</b> 9:15 <b>Control</b> 1:2,13,14 9:3 <b>conversation</b> 5:11 9:16 <b>Coppi's</b> 1:6 2:4,11</p>
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