

Capital Reporting Company
In the Matter of: 2333, Inc. t/a Tom-Tom 07-18-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
2333, Inc. :
t/a Tom-Tom :
2333 18th Street, NW :
Retailer CR : Show Cause
License No. 60401 : Hearing
ANC 1C : (Status)
Case No. 11-CMP-00465 :
Violation of Voluntary Agreement:
Failed to Produce a Copy of the :
Voluntary Agreement :
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July 18, 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 10:18 a.m.

3 CHAIRPERSON MILLER: Okay. So now that takes
4 us to our show cause status hearing, Case No. 11-CMP-
5 00465, Tom-Tom, at 2333 18th Street, N.W., License No.
6 60401, in
7 ANC 1C.

8 Okay. Would the parties introduce themselves
9 when we're ready?

10 MR. RIVERO: Good morning, Board members.
11 Fernando Rivero for the District of Columbia.

12 MR. ASKARINAM: Iraj Askarinam from Tom-Tom.
13 Good morning.

14 CHAIRPERSON MILLER: I can't hear you, sir.

15 MR. BROOKS: Can you speak in the mike,
16 please?

17 CHAIRPERSON MILLER: Yeah.

18 MR. ASKARINAM: Iraj Askarinam, owner of Tom-
19 Tom Restaurant.

20 MR. ALBERTI: Is your -- the green light on?
21 Is the green light on the mike?

22 MR. RIVERO: No.

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1 MR. ASKARINAM: No. I'm sorry about that.

2 MR. ALBERTI: Thank you.

3 CHAIRPERSON MILLER: Press -- push the
4 button.

5 MR. RIVERO: There's a little bar. It says,
6 "Push." No, no. On the -- on the very edge. Yes,
7 there you go. Thank you, Ms. Green.

8 MR. ASKARINAM: Good morning, gentlemen,
9 ladies. My name's Iraj Askarinam, owner of 2323 18th
10 Street, N.W., Tom-Tom's.

11 CHAIRPERSON MILLER: That's much better.
12 Thank you. Okay. This is a show cause status hearing.
13 And so I need to ask you, Mr. Askarinam -- how do I
14 pronounce your name?

15 MR. ASKARINAM: Yes, Askarinam.

16 CHAIRPERSON MILLER: Askarinam. Okay. Did
17 you receive notice of this hearing?

18 MR. ASKARINAM: Yes.

19 CHAIRPERSON MILLER: And did you read it?

20 MR. ASKARINAM: Yes.

21 CHAIRPERSON MILLER: Did you understand it?

22 MR. ASKARINAM: Yes.

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1 CHAIRPERSON MILLER: Okay. And do you waive
2 the Board's reading of the notice into the record?

3 MR. ASKARINAM: Yeah, I do.

4 CHAIRPERSON MILLER: Okay. Good. All right.
5 Mr. Rivero?

6 MR. RIVERO: We have offer in compromise to
7 present to the Board at this time.

8 CHAIRPERSON MILLER: Okay.

9 MR. RIVERO: The offer consists of a fine of
10 \$1000 payable immediately. We believe this is an
11 adequate OIC that takes into account the facts of the
12 case. And we also know if Jackie (ph) -- the Licensee
13 has not been opened for quite some time.

14 CHAIRPERSON MILLER: Okay. Why is that? The
15 Licensee has not been opened?

16 MR. RIVERO: Right. The Licensee --

17 CHAIRPERSON MILLER: How many days?

18 MR. RIVERO: About three.

19 CHAIRPERSON MILLER: Okay.

20 MR. ASKARINAM: It's been about seven months
21 we are closed.

22 CHAIRPERSON MILLER: Oh, okay. Okay. All

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1 right. Mr. Askarinam, is that -- I have heard the
2 government present an OIC for a fine of \$1000 payable
3 immediately. Is -- are you agreeable to that?

4 MR. ASKARINAM: I agree actually.

5 CHAIRPERSON MILLER: Okay. And you
6 understand that you waive your right to a hearing by
7 accepting it?

8 MR. ASKARINAM: I do.

9 CHAIRPERSON MILLER: Okay. Anything else?

10 MR. ALBERTI: Yes, a quick question.

11 CHAIRPERSON MILLER: All right. Yes? Uh-
12 huh.

13 MR. ALBERTI: Mr. Rivero, just for the
14 record, how does that break down those two charges, the
15 \$1000? How does it break down?

16 MR. RIVERO: It was broken down to \$500 per
17 charge.

18 MR. ALBERTI: Thank you very much.

19 CHAIRPERSON MILLER: Any other questions?
20 Okay. I would move that we accept this offer in
21 compromise, a fine of \$1000, payable immediately. Do I
22 have a second?

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1 BOARD MEMBER: Second.

2 CHAIRPERSON MILLER: Any comments? All those
3 in favor, say aye?

4 (Chorus of ayes.)

5 CHAIRPERSON MILLER: All those opposed?

6 (No audible response.)

7 CHAIRPERSON MILLER: All those abstaining?

8 (No audible response.)

9 CHAIRPERSON MILLER: Then the vote is 6-0-0
10 to accept the offer in compromise. Thank you.

11 MR. RIVERO: Thank you.

12 MR. ASKARINAM: Thank you.

13 CHAIRPERSON MILLER: Okay.

14 (WHEREUPON, at 10:18 a.m., the hearing was
15 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, BRADLEY ANGLIN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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BRADLEY ANGLIN

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Notary Public in and for

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DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

Date

MIRANDA PENNACHI

Transcriptionist

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| <hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$1000 4:10 5:2,15,21</p> <p>\$500 5:16</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00465 2:5</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:18 2:2 6:14</p> <p>11-CMP 2:4</p> <p>11-CMP-00465 1:8</p> <p>14th 1:14</p> <p>18 1:11</p> <p>18th 1:6 2:5 3:9</p> <p>1C 1:8 2:7</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:14</p> <p>2012 1:11</p> <p>2323 3:9</p> <p>2333 1:5,6 2:5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6-0-0 6:9</p> <p>60401 1:7 2:6</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 6:14</p> <p>abstaining 6:7</p> <p>accept 5:20 6:10</p> <p>accepting 5:7</p> <p>account 4:11</p> <p>action 7:10,14</p> <p>actually 5:4</p> | <p>adequate 4:11</p> <p>agreeable 5:3</p> <p>Agreement 1:9,10</p> <p>ALBERTI 1:17 2:20 3:2 5:10,13,18</p> <p>Alcoholic 1:2,12,13</p> <p>am 7:9,11 8:3</p> <p>ANC 1:8 2:7</p> <p>ANGLIN 7:3,19</p> <p>Anything 5:9</p> <p>appearing 7:5</p> <p>Askarinam 2:12,18 3:1,8,9,13,15,16, 18,20,22 4:3,20 5:1,4,8 6:12</p> <p>attorney 7:12</p> <p>audible 6:6,8</p> <p>aye 6:3</p> <p>ayes 6:4</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bar 3:5</p> <p>believe 4:10</p> <p>better 3:11</p> <p>Beverage 1:2,12,13</p> <p>Board 1:2,13 2:10 4:7 6:1</p> <p>Board's 4:2</p> <p>BRADLEY 7:3,19</p> <p>break 5:14,15</p> <p>broken 5:16</p> <p>BROOKS 1:17</p> | <p>2:15</p> <p>Building 1:14</p> <p>button 3:4</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>CALVIN 1:18</p> <p>case 1:8 2:4 4:12</p> <p>cause 1:7 2:4 3:12</p> <p>CERTIFICATE 7:1 8:1</p> <p>certify 7:4 8:3</p> <p>Chairperson 1:14,16 2:3,14,17 3:3,11,16,19,21 4:1,4,8,14,17,19, 22 5:5,9,11,19 6:2,5,7,9,13</p> <p>charge 5:17</p> <p>charges 5:14</p> <p>Chorus 6:4</p> <p>closed 4:21</p> <p>Columbia 1:1 2:11 7:21</p> <p>comments 6:2</p> <p>complete 8:8</p> <p>compromise 4:6 5:21 6:10</p> <p>concluded 6:15</p> <p>consists 4:9</p> <p>Control 1:2,12,13</p> <p>Copy 1:9</p> <p>correct 8:8</p> <p>counsel 7:9,12</p> <p>Court 8:4,6</p> <p>CR 1:7</p> | <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:14</p> <p>Date 8:16</p> <p>days 4:17</p> <p>direction 7:7</p> <p>District 1:1 2:11 7:21</p> <p>DONALD 1:17</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>edge 3:6</p> <p>else 5:9</p> <p>employed 7:9,12</p> <p>employee 7:11</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facts 4:11</p> <p>Failed 1:9</p> <p>favor 6:3</p> <p>Fernando 1:20 2:11</p> <p>financially 7:13</p> <p>fine 4:9 5:2,21</p> <p>foregoing 7:4,5</p> <p>foregoing/ attached 8:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gentlemen 3:8</p> <p>given 7:8</p> <p>government 5:2</p> <p>green 2:20,21 3:7</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hear 2:14</p> |
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