

Capital Reporting Company

In the Matter of: Esteban Ramirez & Francisco Nunez t/a Carolina Palace 11-14-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Esteban Ramirez & Francisco :
Nunez :
t/a Carolina Palace :
3700 14th Street, NW :
Retailer CR : Show Cause
License No. 76011 : Hearing
ANC 4-C : (Status)
Case No. 11-CMP-00308 :
Failed to File Quarterly :
Statements (1st Quarter 2011, :
2nd Quarter 2011 :
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November 14, 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
MIKE SILVERSTEIN, Member

ALSO PRESENT

FERNANDO RIVERO, OAG

(866) 448 - DEPO

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

2 10:35 a.m.

3 CHAIRPERSON MILLER: Next case on our
4 calendar is a show cause hearing. It's Case Number 11-
5 CMP-00308, Carolina Palace, or Carolina, 3700 14th
6 Street Northwest, License Number 76011, in ANC 4-C.

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

9 MR. RAMIREZ: Esteban Ramirez, Carolina
10 Restaurant, 3700 14th Street Northwest.

11 CHAIRPERSON MILLER: Okay. One second.

12 Mr. Rivero, are there any preliminary matters
13 in this case?

14 MR. RIVERO: Yes, there are.

15 CHAIRPERSON MILLER: Okay.

16 MR. RIVERO: We are here actually on a
17 consent motion for continuance that I filed late
18 yesterday, and I sent it to Ms. Jenkins. It was very,
19 very, very late yesterday.

20 On Monday, the licensee's witness left me a
21 phone message, which I received, of course, on Tuesday,
22 yesterday. The message indicated that the licensee's

1 witness had been testifying in court last week, and had
2 anticipated ending his participation on Friday, but
3 learned that the court has been extended, and so that
4 he is testifying in Superior Court all of this week.
5 So I received this notice message on Monday, over the
6 holiday.

7 Yesterday, in reaction to that message, I
8 contacted the licensee's witness, who was in the middle
9 of court. He called me during the lunch break, and I
10 indicated to him that I needed to see a subpoena,
11 because I wanted to understand with certainty that this
12 was the case. He indicated that he would get it to me
13 as soon as he ended, but this was yesterday around
14 lunchtime and he ended at 4:45 or 5:00 or something
15 like that.

16 So sometime -- what I did is I went ahead and
17 at the end of the day I filed the motion in
18 anticipation of this document that I would have
19 received. Early this morning I saw that he had, in
20 fact, faxed the document to me, it appears, as an
21 email, and then I forwarded that document early this
22 morning to your general council.

1 It turns out not really to be a subpoena.
2 It's in fact a court order from Judge Laura Cordero.
3 His voicemail message to me on Monday called her Laura
4 Rosario, but there is no Judge Laura Rosario. Her name
5 is Laura Cordero, and the actual subpoena turns out to
6 be a court order to testify this week, and he's not a
7 witness. He's actually the defendant. So, he's being
8 sued, and he is testifying in court, and, therefore,
9 unable to appear today.

10 That document does, in fact, exist. I have
11 confirmed it and have forwarded it to your general
12 council early this morning. Naturally, she has not
13 seen it. But in anticipation of this document very
14 late yesterday, which it could not be helped, I filed
15 that motion, which is an obvious consent motion for
16 continuance. What we would like, given the lateness
17 and I've got another appointment I've got to be at, is
18 that we could consult offline on a date, and we can
19 work with your general council for the available date.
20 We don't have to do this right now.

21 CHAIRPERSON MILLER: Okay.

22 MR. RIVERO: But, obviously, the next date

1 will take into account the fact that this individual is
2 no longer in a court proceeding. And hope -- I mean
3 last --

4 CHAIRPERSON MILLER: Or flood.

5 MR. RIVERO: Last time it was an Act of God,
6 and this time it's an act of the Superior Court.
7 Hopefully there will be no more acts.

8 CHAIRPERSON MILLER: Okay. That's -- Mr. Ray
9 Ramirez. Do you have anything else you want to add to
10 that? I think Mr. Rivera has covered it very
11 thoroughly.

12 MR. RAMIREZ: No.

13 CHAIRPERSON MILLER: Okay. Any questions by
14 Board members? All right.

15 Then I would move to grant the continuance.
16 Do I have a second?

17 MR. BROOKS: Second.

18 CHAIRPERSON MILLER: Okay. All those in
19 favor, say aye.

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those opposed?
22 Abstaining?

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1 (No audible response.)

2 CHAIRPERSON MILLER: Motion passes 4-0-0.

3 Okay. Thank you very much.

4 MR. RIVERO: We will work with your general
5 counsel on the next available date.

6 CHAIRPERSON MILLER: And here she is.

7 MR. RIVERO: Thank you.

8 CHAIRPERSON MILLER: Okay.

9 MR. RAMIREZ: Thank you.

10 CHAIRPERSON MILLER: You're welcome. Have a
11 good day.

12 (The hearing concluded at 10:45 a.m.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, ANDREW KNOUS, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing 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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18

ANDREW KNOUS

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Notary Public in and for the

20

District of Columbia

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CERTIFICATE OF TRANSCRIPTION

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

Date

SUSAN LaPOOH

Transcriptionist

<p style="text-align: center;"><u>1</u></p> <p>10:35 2:2 10:45 6:12 11 2:4 11-CMP-00308 1:9 14 1:12 14th 1:7,15 2:5,10 1st 1:10</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2000 1:15 2011 1:10 2012 1:12 2nd 1:10</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>3700 1:7 2:5,10</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>4:45 3:14 4-0-0 6:2 4-C 1:8 2:6</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p>5:00 3:14</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>76011 1:8 2:6</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>a.m 2:2 6:12 Abstaining 5:22 account 5:1 act 5:5,6 action 7:10,14 acts 5:7</p>	<p>actual 4:5 actually 2:16 4:7 add 5:9 ahead 3:16 ALBERTI 1:18 Alcoholic 1:2,13,14 am 7:8,11 8:3 ANC 1:8 2:6 ANDREW 7:3,18 anticipated 3:2 anticipation 3:18 4:13 anything 5:9 appear 4:9 appearing 7:5 appears 3:20 appointment 4:17 attorney 7:12 audible 6:1 available 4:19 6:5 aye 5:19 ayes 5:20</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p>Beverage 1:2,13,14 Board 1:2,14 2:7 5:14 break 3:9 BROOKS 1:18 5:17 Building 1:15</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p>calendar 2:4</p>	<p>Carolina 1:6 2:5,9 case 1:9 2:3,4,13 3:12 cause 1:7 2:4 certainty 3:11 CERTIFICATE 7:1 8:1 certify 7:4 8:3 Chairperson 1:15,17 2:3,11,15 4:21 5:4,8,13,18,21 6:2,6,8,10 Chorus 5:20 CMP-00308 2:5 Columbia 1:1 2:8 7:20 complete 8:8 concluded 6:12 confirmed 4:11 consent 2:17 4:15 consult 4:18 contacted 3:8 continuance 2:17 4:16 5:15 Control 1:2,13,14 Cordero 4:2,5 correct 8:7 council 3:22 4:12,19 counsel 6:5 7:9,12 course 2:21 court 3:1,3,4,9 4:2,6,8 5:2,6 8:4,6 covered 5:10</p>	<p>CR 1:7</p> <hr/> <p style="text-align: center;"><u>D</u></p> <p>D.C 1:15 date 4:18,19,22 6:5 8:14 day 3:17 6:11 defendant 4:7 direction 7:7 District 1:1 2:8 7:20 document 3:18,20,21 4:10,13 DONALD 1:18 during 3:9</p> <hr/> <p style="text-align: center;"><u>E</u></p> <p>early 3:19,21 4:12 else 5:9 email 3:21 employed 7:9,12 employee 7:11 Esteban 1:5 2:9 exist 4:10 extended 3:3</p> <hr/> <p style="text-align: center;"><u>F</u></p> <p>fact 3:20 4:2,10 5:1 Failed 1:9 favor 5:19 faxed 3:20 Fernando 1:21 2:8 File 1:9 filed 2:17 3:17 4:14</p>
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<p>financially 7:13 flood 5:4 foregoing 7:4,5 foregoing/ attached 8:7 forwarded 3:21 4:11 Francisco 1:5 Friday 3:2</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>general 3:22 4:11,19 6:4 given 4:16 7:8 God 5:5 grant 5:15</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hearing 1:8,14 2:4 6:12 7:4,10 helped 4:14 hereby 7:4 8:3 hereto 7:12 HERMAN 1:19 he's 4:6,7 holiday 3:6 hope 5:2 Hopefully 5:7</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>indicated 2:22 3:10,12 individual 5:1 interested 7:13 it's 2:4 4:2 5:6 I've 4:17</p>	<hr/> <p style="text-align: center;">J</p> <hr/> <p>Jenkins 2:18 JONES 1:19 Judge 4:2,4</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>KNOUS 7:3,18</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>LaPOOH 8:3,14 last 3:1 5:3,5 late 2:17,19 4:14 lateness 4:16 Laura 4:2,3,4,5 learned 3:3 License 1:8 2:6 licensee's 2:20,22 3:8 longer 5:2 lunch 3:9 lunchtime 3:14</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>MATTER 1:4 matters 2:12 mean 5:2 MEETING 1:3 Member 1:18,19 members 2:7 5:14 message 2:21,22 3:5,7 4:3 met 1:14 middle 3:8 MIKE 1:19 Miller 1:15,17 2:3,11,15 4:21</p>	<p>5:4,8,13,18,21 6:2,6,8,10 Monday 2:20 3:5 4:3 morning 2:7 3:19,22 4:12 motion 2:17 3:17 4:15 6:2 move 5:15</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:15 Naturally 4:12 neither 7:8 NICK 1:18 nor 7:9,13 Northwest 2:6,10 Notary 7:1,19 notes 8:6 notice 3:5 November 1:12 Nunez 1:6 NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OAG 1:21 obvious 4:15 obviously 4:22 officer 7:3 offline 4:18 Okay 2:11,15 4:21 5:8,13,18 6:3,8 opposed 5:21 order 4:2,6 otherwise 7:13 outcome 7:13</p>	<hr/> <p style="text-align: center;">P</p> <hr/> <p>pages 7:5 Palace 1:6 2:5 participation 3:2 parties 7:8,10,12 passes 6:2 phone 2:21 preliminary 2:12 PRESENT 1:17,20 presiding 1:15 proceeding 5:2 8:4,5 proceedings 8:8 Public 7:1,19</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Quarter 1:10 Quarterly 1:9 questions 5:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Ramirez 1:5 2:9 5:9,12 6:9 Ray 5:8 reaction 3:7 really 4:1 received 2:21 3:5,19 record 7:7 recorded 7:5 recordings 8:6 reduced 7:6 Reeves 1:15 related 7:9</p>
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<p>relative 7:11 reported 8:4 Reporter 8:4 Reporter's 8:6 response 6:1 Restaurant 2:10 Retailer 1:7 Rivera 5:10 Rivero 1:21 2:7,8,12,14,16 4:22 5:5 6:4,7 Room 1:14 Rosario 4:4 Ruthanne 1:15,17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>saw 3:19 second 2:11 5:16,17 seen 4:13 sent 2:18 SILVERSTEIN 1:19 sometime 3:16 Statements 1:10 Status 1:8 Street 1:7,15 2:6,10 subpoena 3:10 4:1,5 sued 4:8 Superior 3:4 5:6 SUSAN 8:3,14</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6</p>	<p>testify 4:6 testifying 3:1,4 4:8 testimony 7:5,8 Thank 6:3,7,9 That's 5:8 thereafter 7:6 therefore 4:8 thoroughly 5:11 today 4:9 transcript 8:5,7 transcription 7:7 8:1,8 Transcriptionist 8:15 true 7:7 8:7 Tuesday 2:21 turns 4:1,5 typed 8:5 typewriting 7:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unable 4:9 understand 3:11</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>voicemail 4:3</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:15 week 3:1,4 4:6 welcome 6:10 whom 7:3 witness 2:20 3:1,8 4:7 work 4:19 6:4</p>	<hr/> <p style="text-align: center;">Y</p> <hr/> <p>yesterday 2:18,19,22 3:7,13 4:14</p>	
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