

Capital Reporting Company

In the Matter of: Esteban Ramirez & Francisco Nunez t/a Carolina Palace 10-31-2012

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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 : Show Cause
Retailer CR : Hearing
License No. 21055 :
ANC 4C :
Case No. 11-CMP-00308 :
Failed to File Quarterly :
Statements :
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October 31, 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

(866) 448 - DEPO

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

2 11:28 a.m.

3 CHAIRPERSON MILLER: Okay. We're back on the
4 record for the last case of the -- on the morning's
5 calendar, which is Case No. 11-CMP-00308, Carolina
6 Place, located at 3700 14th Street, N.W., License No.
7 76011.

8 MR. RIVERO: Good morning, Board members.

9 CHAIRPERSON MILLER: Good morning.

10 MR. RIVERO: Fernando Rivero for the District
11 of Columbia.

12 CHAIRPERSON MILLER: And, sir, you are?

13 MR. RAMIREZ: Esteban Ramirez, Carolina
14 Restaurant, the owner.

15 CHAIRPERSON MILLER: Mr. Ramirez?

16 MR. RAMIREZ: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay. All right. Are
18 there any preliminary matters in this case?

19 MR. RIVERO: Yes, Madam Chairperson. There
20 actually are. The government is going to be requesting
21 a continuance at this time. The Licensee has just
22 informed me that his witness has a house -- his

1 witness's house is full of water. I got a proffer from
2 the witness that the -- from the Licensee that the
3 witness lives in Potomac, Maryland.

4 Now, I understand that my job is to go after
5 folks who violate the laws but I also have some ethical
6 rules that govern my behavior. I want to make sure
7 that the system works for everybody. So the Licensee
8 is essentially coming here without a witness. And for
9 that reason, I'm not uncomfortable asking for a
10 continuance of available date for that purpose. I'm
11 ready but the --

12 CHAIRPERSON MILLER: Okay.

13 MR. RIVERO: -- other side's sole witness is
14 not available.

15 CHAIRPERSON MILLER: Mr. Ramirez, your
16 witness is not available because he's having problems
17 with his home in --

18 MR. RAMIREZ: Yeah.

19 CHAIRPERSON MILLER: -- relation to the --

20 MR. RAMIREZ: His house is full of water.

21 CHAIRPERSON MILLER: -- storm?

22 MR. RAMIREZ: Raining, the storm we have,

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1 yes.

2 CHAIRPERSON MILLER: Okay. Board members
3 have any questions? Okay. So a continuance is being
4 requested because of unavailability of the witness,
5 correct?

6 MR. RIVERO: The Licensee is --

7 CHAIRPERSON MILLER: Of the Licensee's
8 witness. Okay.

9 MR. RIVERO: -- for the reasons the Licensee
10 proffered to me that I'm providing to the Board.

11 CHAIRPERSON MILLER: Okay. All right. I'll
12 take it at face value. I mean, there was a storm where
13 some of us didn't have any problems at all. Some of us --

14 MR. RIVERO: Right. And which is why I asked
15 the question where the witness lived.

16 CHAIRPERSON MILLER: Uh-huh.

17 MR. RIVERO: Because I personally didn't have
18 much of a problem where I live in down -- near Downtown
19 DC. But Potomac, Maryland seemed plausible to me. I'm
20 not going to go out there. I'm not going to do
21 Weather.com research. So --

22 CHAIRPERSON MILLER: Right, exactly.

1 MR. RIVERO: -- I'm comfortable making that
2 request.

3 CHAIRPERSON MILLER: Okay. Mr. Jones?

4 MR. JONES: Just for clarification purposes,
5 are you saying that you're not able to -- you're not
6 comfortable proceeding at this time because your
7 witness cannot be present or because the records have
8 been destroyed?

9 MR. RAMIREZ: No. Because he's my accountant
10 and he have all of my information and everything. And
11 he's had all of the -- all of the facts in front of
12 him. Like, I -- and that's why the reasons for to be
13 here to testify is -- explain the reason why we're not
14 -- reported all of this paper on time.

15 MR. JONES: So just to make sure I'm hearing
16 you correctly, you're saying you're not comfortable
17 proceeding because your witness cannot be here today,
18 not because your records were destroyed?

19 MR. RAMIREZ: No, no, no.

20 MR. RIVERO: Yeah, there's no -- I'm not
21 aware of any destruction of records. It's the
22 witness's job to testify as to what he did as the

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1 person who filed the reports. And that person is not
2 available.

3 MR. JONES: Okay. Thank you. Thank you,
4 Madam Chair.

5 CHAIRPERSON MILLER: Okay. Any other
6 questions? All right. I understand that November 14th
7 at 10:00 a.m.

8 is available.

9 MR. RAMIREZ: For me to call him and --

10 MR. RIVERO: Well, yeah. Fine.

11 CHAIRPERSON MILLER: Okay.

12 MR. RIVERO: The government has no problem
13 with --

14 CHAIRPERSON MILLER: Okay. And our
15 calendar's pretty tight. So you --

16 MR. RIVERO: Well, I mean, if there is a
17 resolution of this case, obviously we will advise the
18 Board that we would like to present that.

19 CHAIRPERSON MILLER: Right.

20 MR. RIVERO: But absent that, the government
21 will be prepared to go on November 14th.

22 CHAIRPERSON MILLER: At 10:00 a.m. Okay, Mr.

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1 Ramirez? Okay. To continue? All right. Right. Pull
2 that off. Okay. We're going to do an official vote on
3 it. Okay. I move to grant the motion to continue this
4 case and the case would be continued to November 14th,
5 10:00 a.m.

6 Do I have a second?

7 MR. SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr. Silverstein has
9 seconded. All those in favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The vote is 5-0-0 to
16 continue this case to 10:00 a.m. on November 14th.

17 Okay. Thank you very much.

18 MR. RIVERO: Thank you.

19 CHAIRPERSON MILLER: Okay. That concludes
20 our morning calendar and the Board will go into recess.

21 (WHEREUPON, at 11:34 a.m., the hearing was
22 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, RICK SANBORN, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

RICK SANBORN

Notary Public in and for the
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 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

MIRANDA PENNACHI

Transcriptionist

<p style="text-align: center;"><u>1</u></p> <p>10:00 6:7,22 7:5,16</p> <p>11:28 2:2</p> <p>11:34 7:21</p> <p>11-CMP-00308 1:9 2:5</p> <p>14th 1:7,14 2:6 6:6,21 7:4,16</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2000 1:14</p> <p>2012 1:12</p> <p>21055 1:8</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>31 1:12</p> <p>3700 1:7 2:6</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>4C 1:8</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p>5-0-0 7:15</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>76011 2:7</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>a.m 2:2 6:7,22 7:5,16,21</p> <p>able 5:5</p> <p>absent 6:20</p> <p>abstaining 7:13</p> <p>accountant 5:9</p> <p>action 8:10,14</p> <p>actually 2:20</p> <p>advise 6:17</p>	<p>ALBERTI 1:18</p> <p>Alcoholic 1:2,13,14</p> <p>am 8:8,11 9:3</p> <p>ANC 1:8</p> <p>appearing 8:5</p> <p>attorney 8:12</p> <p>audible 7:12,14</p> <p>available 3:10,14,16 6:2,8</p> <p>aware 5:21</p> <p>aye 7:9</p> <p>ayes 7:10</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p>behavior 3:6</p> <p>Beverage 1:2,13,14</p> <p>Board 1:2,14 2:8 4:2,10 6:18 7:20</p> <p>BROOKS 1:18</p> <p>Building 1:14</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p>calendar 2:5 7:20</p> <p>calendar's 6:15</p> <p>CALVIN 1:19</p> <p>Carolina 1:6 2:5,13</p> <p>case 1:9 2:4,5,18 6:17 7:4,16</p> <p>Cause 1:7</p> <p>CERTIFICATE 8:1 9:1</p> <p>certify 8:4 9:3</p> <p>Chair 6:4</p> <p>Chairperson</p>	<p>1:15,17 2:3,9,12,15,17,1 9 3:12,15,19,21 4:2,7,11,16,22 5:3 6:5,11,14,19,22 7:8,11,13,15,19</p> <p>Chorus 7:10</p> <p>clarification 5:4</p> <p>Columbia 1:1 2:11 8:20</p> <p>comfortable 5:1,6,16</p> <p>coming 3:8</p> <p>complete 9:8</p> <p>concluded 7:22</p> <p>concludes 7:19</p> <p>continuance 2:21 3:10 4:3</p> <p>continue 7:1,3,16</p> <p>continued 7:4</p> <p>Control 1:2,13,14</p> <p>correct 4:5 9:7</p> <p>correctly 5:16</p> <p>counsel 8:9,12</p> <p>Court 9:4,6</p> <p>CR 1:7</p> <hr/> <p style="text-align: center;"><u>D</u></p> <p>D.C 1:15</p> <p>date 3:10 9:14</p> <p>DC 4:19</p> <p>destroyed 5:8,18</p> <p>destruction 5:21</p> <p>direction 8:7</p> <p>District 1:1 2:10 8:20</p>	<p>DONALD 1:18</p> <p>Downtown 4:18</p> <hr/> <p style="text-align: center;"><u>E</u></p> <p>employed 8:9,12</p> <p>employee 8:11</p> <p>essentially 3:8</p> <p>Esteban 1:5 2:13</p> <p>ethical 3:5</p> <p>everybody 3:7</p> <p>everything 5:10</p> <p>exactly 4:22</p> <p>explain 5:13</p> <hr/> <p style="text-align: center;"><u>F</u></p> <p>face 4:12</p> <p>facts 5:11</p> <p>Failed 1:9</p> <p>favor 7:9</p> <p>Fernando 1:21 2:10</p> <p>File 1:9</p> <p>filed 6:1</p> <p>financially 8:13</p> <p>Fine 6:10</p> <p>folks 3:5</p> <p>foregoing 8:4,5</p> <p>foregoing/ attached 9:7</p> <p>Francisco 1:5</p> <p>front 5:11</p> <p>full 3:1,20</p> <hr/> <p style="text-align: center;"><u>G</u></p> <p>given 8:8</p> <p>govern 3:6</p>
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<p>government 2:20 6:12,20</p> <p>grant 7:3</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>having 3:16</p> <p>hearing 1:7,14 5:15 7:21 8:4,10</p> <p>hereby 8:4 9:3</p> <p>hereto 8:12</p> <p>HERMAN 1:19</p> <p>he's 3:16 5:9,11</p> <p>home 3:17</p> <p>house 2:22 3:1,20</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'll 4:11</p> <p>I'm 3:9,10 4:10,19,20 5:1,15,20</p> <p>information 5:10</p> <p>informed 2:22</p> <p>interested 8:13</p> <p>It's 5:21</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>job 3:4 5:22</p> <p>Jones 1:19 5:3,4,15 6:3</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>last 2:4</p> <p>laws 3:5</p> <p>License 1:8 2:6</p> <p>Licensee 2:21 3:2,7 4:6,9</p> <p>Licensee's 4:7</p>	<p>live 4:18</p> <p>lived 4:15</p> <p>lives 3:3</p> <p>located 2:6</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 2:16</p> <p>Madam 2:19 6:4</p> <p>Maryland 3:3 4:19</p> <p>MATTER 1:4</p> <p>matters 2:18</p> <p>mean 4:12 6:16</p> <p>MEETING 1:3</p> <p>Member 1:18,19,20</p> <p>members 2:8 4:2</p> <p>met 1:14</p> <p>MIKE 1:20</p> <p>Miller 1:15,17 2:3,9,12,15,17 3:12,15,19,21 4:2,7,11,16,22 5:3 6:5,11,14,19,22 7:8,11,13,15,19</p> <p>MIRANDA 9:3,14</p> <p>morning 2:8,9 7:20</p> <p>morning's 2:4</p> <p>motion 7:3</p> <p>move 7:3</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:14 2:6</p> <p>neither 8:8</p> <p>NICK 1:18</p> <p>NOPHLIN 1:19</p>	<p>nor 8:9,13</p> <p>Notary 8:1,19</p> <p>notes 9:6</p> <p>November 6:6,21 7:4,16</p> <p>Nunez 1:6</p> <p>NW 1:7</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OAG 1:21</p> <p>obviously 6:17</p> <p>October 1:12</p> <p>officer 8:3</p> <p>official 7:2</p> <p>Okay 2:3,17 3:12 4:2,3,8,11 5:3 6:3,5,11,14,22 7:1,2,3,17,19</p> <p>opposed 7:11</p> <p>otherwise 8:13</p> <p>outcome 8:13</p> <p>owner 2:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pages 8:5</p> <p>Palace 1:6</p> <p>paper 5:14</p> <p>parties 8:8,10,12</p> <p>PENNACHI 9:3,14</p> <p>person 6:1</p> <p>personally 4:17</p> <p>plausible 4:19</p> <p>Potomac 3:3 4:19</p> <p>preliminary 2:18</p> <p>prepared 6:21</p>	<p>present 1:17,21 5:7 6:18</p> <p>presiding 1:15</p> <p>pretty 6:15</p> <p>problem 4:18 6:12</p> <p>problems 3:16 4:13</p> <p>proceeding 5:6,17 9:4,5</p> <p>proceedings 9:8</p> <p>proffer 3:1</p> <p>proffered 4:10</p> <p>providing 4:10</p> <p>Public 8:1,19</p> <p>Pull 7:1</p> <p>purpose 3:10</p> <p>purposes 5:4</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Quarterly 1:9</p> <p>question 4:15</p> <p>questions 4:3 6:6</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Raining 3:22</p> <p>Ramirez 1:5 2:13,15,16 3:15,18,20,22 5:9,19 6:9 7:1</p> <p>ready 3:11</p> <p>reason 3:9 5:13</p> <p>reasons 4:9 5:12</p> <p>recess 7:20</p> <p>record 2:4 8:7</p> <p>recorded 8:5</p> <p>recordings 9:6</p>
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