

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

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<p style="text-align: right;">2</p> <p>1 PROCEEDINGS 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</p>	<p style="text-align: right;">4</p> <p>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.</p>
<p style="text-align: right;">3</p> <p>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,</p>	<p style="text-align: right;">5</p> <p>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</p>

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<p style="text-align: right;">6</p> <p>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.</p>	<p style="text-align: right;">8</p> <p style="text-align: center;">1 CERTIFICATE OF NOTARY PUBLIC 2 3 I, RICK SANBORN, 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. 15 16 17 18 _____ 19 RICK SANBORN 20 Notary Public in and for the 21 District of Columbia 22</p>
<p style="text-align: right;">7</p> <p>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.)</p>	<p style="text-align: right;">9</p> <p style="text-align: center;">1 CERTIFICATE OF TRANSCRIPTION 2 3 I, MIRANDA PENNACHI, hereby certify that I am not 4 the Court Reporter who reported the proceeding and that 5 I have typed the transcript of the proceeding using the 6 Court Reporter's notes and recordings. The 7 foregoing/attached transcript is a true, correct and 8 complete transcription of the proceedings. 9 10 11 12 13 _____ 14 Date MIRANDA PENNACHI 15 Transcriptionist 16 17 18 19 20 21 22</p>

<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>eyes 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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<p>records 5:7,18,21 reduced 8:6 Reeves 1:14 related 8:9 relation 3:19 relative 8:11 reported 5:14 9:4 Reporter 9:4 Reporter's 9:6 reports 6:1 request 5:2 requested 4:4 requesting 2:20 research 4:21 resolution 6:17 response 7:12,14 Restaurant 2:14 Retailer 1:7 RICK 8:3,18 Rivero 1:21 2:8,10,19 3:13 4:6,9,14,17 5:1,20 6:10,12,16,20 7:18 Room 1:14 rules 3:6 Ruthanne 1:15,17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>SANBORN 8:3,18 second 7:6,7 seconded 7:9 seemed 4:19 side's 3:13 Silverstein 1:20</p>	<p>7:7,8 sir 2:12 sole 3:13 Statements 1:10 storm 3:21,22 4:12 Street 1:7,14 2:6 sure 3:6 5:15 system 3:7</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 testify 5:13,22 testimony 8:5,8 Thank 6:3 7:17,18 that's 5:12 thereafter 8:6 there's 5:20 tight 6:15 today 5:17 transcript 9:5,7 transcription 8:7 9:1,8 Transcriptionist 9:15 true 8:7 9:7 typed 9:5 typewriting 8:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 4:16 unavailability 4:4 uncomfortable 3:9 understand 3:4 6:6</p> <hr/> <p style="text-align: center;">V</p> <hr/>	<p>value 4:12 violate 3:5 vote 7:2,15</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:15 water 3:1,20 Weather.com 4:21 we're 2:3 5:13 7:2 WHEREUPON 7:21 whom 8:3 witness 2:22 3:2,3,8,13,16 4:4,8,15 5:7,17 witness's 3:1 5:22 works 3:7</p>	
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