

Capital Reporting Company
In the Matter of: West End Bar & Grill t/a Marshall's 07-11-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
: :
West End Bar & Grill, :
t/a Marshall's :
2524 L Street, NW :
Retailer CT : Show Cause
License No. 23505 : Hearing
ANC 2A : (Status)
Case No. 12-CMP-00057 :
Operating After Hours :
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July 11, 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

MICHAEL STERN, OAG

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<p style="text-align: right;">2</p> <p>1 P R O C E E D I N G S</p> <p>2 10:09 a.m.</p> <p>3 CHAIRPERSON MILLER: Okay. The next case is</p> <p>4 12- CMP-00057, Marshall's, 2524 L Street, N.W., License</p> <p>5 No. 23505 and ANC 2A.</p> <p>6 MR. STERN: Good morning.</p> <p>7 CHAIRPERSON MILLER: Good morning.</p> <p>8 MR. STERN: I'm one Michael Stern</p> <p>9 representing the District of Columbia.</p> <p>10 MR. MOUKALLED: My name is Tarek Moukalled.</p> <p>11 I'm the owner of Marshall's Bar and Grill.</p> <p>12 CHAIRPERSON MILLER: Okay. And this is a</p> <p>13 show cause status hearing and I just need to ask you if</p> <p>14 you received notice of the hearing.</p> <p>15 MR. MOUKALLED: Yes.</p> <p>16 CHAIRPERSON MILLER: And did you read it?</p> <p>17 MR. MOUKALLED: Yes, I did.</p> <p>18 CHAIRPERSON MILLER: Okay. And did you</p> <p>19 understand it?</p> <p>20 MR. MOUKALLED: Yes, ma'am.</p> <p>21 CHAIRPERSON MILLER: And do you waive our</p> <p>22 reading that notice into the record?</p>	<p style="text-align: right;">4</p> <p>1 MR. MOUKALLAD: Yes, ma'am.</p> <p>2 CHAIRPERSON MILLER: Okay. And do you</p> <p>3 understand that by accepting the offer in compromise,</p> <p>4 you waive your right to a hearing?</p> <p>5 MR. MOUKALLAD: Yes, ma'am.</p> <p>6 CHAIRPERSON MILLER: Okay. I would move that</p> <p>7 we accept this offer in compromise of \$3000 to be paid</p> <p>8 today. Do I have a second?</p> <p>9 MALE BOARD MEMBER: Second.</p> <p>10 CHAIRPERSON MILLER: Any comments or</p> <p>11 questions? All those in favor, say aye?</p> <p>12 (Chorus of ayes.)</p> <p>13 CHAIRPERSON MILLER: All those opposed?</p> <p>14 (No audible response.)</p> <p>15 CHAIRPERSON MILLER: All those abstaining?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: Okay. Then the motion</p> <p>18 passes by a vote of 6-0-0 to approve the offer in</p> <p>19 compromise.</p> <p>20 MR. MOUKALLAD: Thank you very much.</p> <p>21 CHAIRPERSON MILLER: Thank you.</p> <p>22 (WHEREUPON, at 10:11 a.m., the hearing was</p>
<p style="text-align: right;">3</p> <p>1 MR. MOUKALLED: Yes.</p> <p>2 CHAIRPERSON MILLER: Okay. Mr. Stern?</p> <p>3 MR. STERN: I actually think this is the</p> <p>4 second time this has been up. And this is -- the</p> <p>5 reason this was brought back was because there is an</p> <p>6 agreement between the parties, which we hope the Board</p> <p>7 will accept as an officer in compromise. The</p> <p>8 respondent would pay a fine of \$3000 today to resolve</p> <p>9 this matter. I should tell the Board also his</p> <p>10 background.</p> <p>11 There's -- there is a pending transfer of the</p> <p>12 license, which is another reason why this was advanced,</p> <p>13 and one of the reasons why a suspension was not</p> <p>14 requested otherwise. So that's --</p> <p>15 CHAIRPERSON MILLER: Okay.</p> <p>16 MR. STERN: -- (inaudible) government stands.</p> <p>17 CHAIRPERSON MILLER: Okay. So the government</p> <p>18 has represented and offered compromise of \$3000 to be</p> <p>19 paid today?</p> <p>20 MR. MOUKALLAD: Yes, ma'am.</p> <p>21 CHAIRPERSON MILLER: Are you agreeable to</p> <p>22 that?</p>	<p style="text-align: right;">5</p> <p>1 concluded.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

Capital Reporting Company
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<p style="text-align: right;">6</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2</p> <p>3 I, NATALIA THOMAS, the officer before whom the</p> <p>4 foregoing hearing was taken, do hereby certify that the</p> <p>5 testimony appearing in the foregoing transcript was</p> <p>6 recorded by me and thereafter reduced to typewriting</p> <p>7 under my direction; that said transcription is a true</p> <p>8 record of the testimony given by said parties; that I</p> <p>9 am neither counsel for, related to, nor employed by any</p> <p>10 of the parties to the action in which this was taken;</p> <p>11 and, further, that I am not a relative or employee of</p> <p>12 any counsel or attorney employed by the parties hereto,</p> <p>13 nor financially or otherwise interested in the outcome</p> <p>14 of this action.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 NATALIA THOMAS</p> <p>21 Notary Public in and for</p> <p>22 DISTRICT OF COLUMBIA</p>	
<p style="text-align: right;">7</p> <p>1 CERTIFICATE OF TRANSCRIPTION</p> <p>2</p> <p>3 I, MIRANDA PENNACHI, hereby certify that I am not</p> <p>4 the Court Reporter who reported the following</p> <p>5 proceeding and that I have typed the transcript of this</p> <p>6 proceeding using the Court Reporter's notes and</p> <p>7 recordings. The foregoing/attached transcript is a</p> <p>8 true, correct and complete transcription of said</p> <p>9 proceeding.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 Date MIRANDA PENNACHI</p> <p>16 Transcriptionist</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	

Capital Reporting Company
 In the Matter of: West End Bar & Grill t/a Marshall's 07-11-2012
 Page 1

<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$3000 3:8,18 4:7</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10:09 2:2 10:11 4:22 11 1:10 12 2:4 12-CMP-00057 1:8 14th 1:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2000 1:13 2012 1:10 23505 1:7 2:5 2524 1:6 2:4 2A 1:8 2:5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6-0-0 4:18</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 2:2 4:22 abstaining 4:15 accept 3:7 4:7 accepting 4:3 action 6:10,14 actually 3:3 advanced 3:12 agreeable 3:21 agreement 3:6 ALBERTI 1:15 Alcoholic 1:2,11,12 am 6:9,11 7:3</p>	<p>ANC 1:8 2:5 appearing 6:5 approve 4:18 attorney 6:12 audible 4:14,16 aye 4:11 eyes 4:12</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>background 3:10 Bar 1:5 2:11 Beverage 1:2,11,12 Board 1:2,12 3:6,9 4:9 BROOKS 1:16 brought 3:5 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>CALVIN 1:17 case 1:8 2:3 cause 1:7 2:13 CERTIFICATE 6:1 7:1 certify 6:4 7:3 Chairperson 1:13,15 2:3,7,12,16,18,2 1 3:2,15,17,21 4:2,6,10,13,15,1 7,21 Chorus 4:12 CMP-00057 2:4 Columbia 1:1 2:9 6:21</p>	<p>comments 4:10 complete 7:8 compromise 3:7,18 4:3,7,19 concluded 5:1 Control 1:2,11,12 correct 7:8 counsel 6:9,12 Court 7:4,6 CT 1:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:13 Date 7:15 direction 6:7 District 1:1 2:9 6:21 DONALD 1:16</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>employed 6:9,12 employee 6:11</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>favor 4:11 financially 6:13 fine 3:8 foregoing 6:4,5 foregoing/ attached 7:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>given 6:8 government 3:16,17 Grill 1:5 2:11</p>	<hr/> <p style="text-align: center;">H</p> <hr/> <p>hearing 1:7,12 2:13,14 4:4,22 6:4 hereby 6:4 7:3 hereto 6:12 HERMAN 1:16 hope 3:6 Hours 1:9</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'm 2:8,11 inaudible 3:16 interested 6:13</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JONES 1:16 July 1:10</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>license 1:7 2:4 3:12</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 2:20 3:20 4:1,5 MALE 4:9 Marshall's 1:6 2:4,11 matter 1:4 3:9 MEETING 1:3 Member 1:15,16,17 4:9 met 1:12 Michael 1:18 2:8 MIKE 1:17</p>
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Capital Reporting Company
 In the Matter of: West End Bar & Grill t/a Marshall's 07-11-2012
 Page 2

<p>Miller 1:13,15 2:3,7,12,16,18,2 1 3:2,15,17,21 4:2,6,10,13,15,1 7,21 MIRANDA 7:3,15 morning 2:6,7 motion 4:17 MOUKALLAD 3:20 4:1,5,20 Moukalled 2:10,15,17,20 3:1 move 4:6</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:13 2:4 NATALIA 6:3,19 neither 6:9 NICK 1:15 NOPHLIN 1:17 nor 6:9,13 Notary 6:1,20 notes 7:6 notice 2:14,22 NW 1:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OAG 1:18 offer 4:3,7,18 offered 3:18 officer 3:7 6:3 Operating 1:9 opposed 4:13 otherwise 3:14 6:13</p>	<p>outcome 6:13 owner 2:11</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paid 3:19 4:7 parties 3:6 6:8,10,12 passes 4:18 pay 3:8 pending 3:11 PENNACHI 7:3,15 PRESENT 1:14,18 presiding 1:13 proceeding 7:5,6,9 Public 6:1,20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 4:11</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>reading 2:22 reason 3:5,12 reasons 3:13 received 2:14 record 2:22 6:8 recorded 6:6 recordings 7:7 reduced 6:6 Reeves 1:13 related 6:9 relative 6:11 reported 7:4 Reporter 7:4</p>	<p>Reporter's 7:6 represented 3:18 representing 2:9 requested 3:14 resolve 3:8 respondent 3:8 response 4:14,16 Retailer 1:7 Room 1:12 Ruthanne 1:13,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>second 3:4 4:8,9 SILVERSTEIN 1:17 stands 3:16 status 1:8 2:13 Stern 1:18 2:6,8 3:2,3,16 Street 1:6,13 2:4 suspension 3:13</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 Tarek 2:10 testimony 6:5,8 Thank 4:20,21 that's 3:14 thereafter 6:6 There's 3:11 THOMAS 6:3,19 today 3:8,19 4:8 transcript 6:5 7:5,7 transcription 6:7</p>	<p>7:1,8 Transcriptionist 7:16 transfer 3:11 true 6:7 7:8 typed 7:5 typewriting 6:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 2:19 4:3</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vote 4:18</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 2:21 4:4 Washington 1:13 West 1:5 WHEREUPON 4:22 whom 6:3</p>
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