

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

2 11:51 a.m.

3 CHAIRPERSON ANDERSON: All right, we're
4 back on the record. Our next case is Case No.
5 18-CIT-00595, Katherine's Catering, License No.
6 93580. Will the parties appear and identify
7 themselves for the record, please?

8 MR. LUI: Good morning, Board members.
9 John Lui on behalf of the Government.

10 CHAIRPERSON ANDERSON: Good morning,
11 Mr. Lui. I see that the Licensee is not here
12 today. Are we expecting them, do you know?

13 MR. LUI: No.

14 CHAIRPERSON ANDERSON: No? Is the
15 Government prepared to move forward ex parte?

16 MR. LUI: Yes.

17 CHAIRPERSON ANDERSON: Pursuant to DC
18 Official Code Section 25447, the Board has
19 authority to proceed ex parte where the Licensee
20 waives the hearing or fails to appear unless the
21 hearing is extended for good and sufficient
22 cause. The Board's record reflect that the
23 Licensee was properly served on November 26,
24 2019. Seeing no Licensee here today, and having
25 no good and sufficient cause to extend the

1 hearing, the Board will proceed with a show cause
2 hearing. Does the Government wish to make an
3 opening statement?

4 MR. LUI: Yes, very briefly.

5 CHAIRPERSON ANDERSON: Go ahead,
6 please.

7 MR. LUI: Good morning, Board members.
8 We are here today in the show cause matter of
9 Ugly Mug, LLC, trading as Katherine's Catering,
10 which is located at 5018 Connecticut Avenue NW.
11 The show cause notice issued in this matter
12 concerns one charge, the charge that the Licensee
13 failed to file a caterer's report for the first
14 half of 2018, which is violation of 23 DCMR
15 Section 2006.1.

16 The evidence will show that the
17 Licensee failed to file a caterer's report for
18 2018. The Government will be calling one
19 witness, compliance analyst Monica Clark, to
20 demonstrate this violation, to prove this
21 violation.

22 CHAIRPERSON ANDERSON: All right. Call
23 your first witness.

24 MR. LUI: I'd like to call Ms. Clark.

25 CHAIRPERSON ANDERSON: Could you please

1 raise your right hand? Do you swear or affirm to
2 tell the truth and nothing but the truth?

3 MS. CLARK: I do.

4 CHAIRPERSON ANDERSON: Your witness.

5 MR. LUI: Could you please state and
6 spell your full name?

7 MS. CLARK: Monica Clark, M-O-N-I-C-A
8 C-L-A-R-K.

9 MR. LUI: And Ms. Clark, where are you
10 employed?

11 MS. CLARK: The Alcoholic Beverage
12 Regulation Administration.

13 MR. LUI: What do you do there?

14 MS. CLARK: I'm a compliance analyst.

15 MR. LUI: And how long have you been a
16 compliance analyst?

17 MS. CLARK: Since July 2012.

18 MR. LUI: What are your roles and
19 responsibilities as a compliance analyst?

20 MS. CLARK: Well, I receive, review and
21 report quarterly and semi-annual reports and
22 other documents from the licensees that have
23 liquor licenses within the District of Columbia.

24 MR. LUI: What are your other roles and
25 responsibilities?

1 MS. CLARK: To prepare reports for
2 those establishments that do not file their
3 reports either on time or at all.

4 MR. LUI: And what happens when an
5 establishment doesn't file a report?

6 MS. CLARK: When an establishment
7 doesn't file a report, I prepare a report for the
8 Chief of Enforcement of all those establishments
9 that didn't file either timely or at all, and
10 that's given to the Chief of Enforcement, who in
11 turns assigns those cases to investigators.

12 MR. LUI: Are you familiar with the
13 caterer's report?

14 MS. CLARK: Yes, I am.

15 MR. LUI: How are you familiar with
16 these reports?

17 MS. CLARK: The caterer reports are one
18 of the reports that I receive on a semi-annual
19 basis.

20 MR. LUI: And what is in a caterer's
21 report?

22 MS. CLARK: A caterer's report is a
23 summary of the amount of food and the amount of
24 alcohol that was sold within a six-month period.

25 MR. LUI: Directing your attention now

1 to the establishment, are you familiar with
2 Katherine's Catering?

3 MS. CLARK: I am.

4 MR. LUI: And how are you familiar with
5 this establishment?

6 MS. CLARK: Katherine's Catering is one
7 of the catering establishments that is part of
8 our listing within DC.

9 MR. LUI: What else about Katherine's
10 Catering?

11 MS. CLARK: Katherine's Catering is
12 also an establishment who has not filed a
13 catering report to date.

14 MR. LUI: To date, so going back to
15 your audit of this establishment, was there a
16 report filed for the first half of 2018?

17 MS. CLARK: There was not.

18 MR. LUI: And how do you know this?

19 MS. CLARK: I run a query of all
20 reports received, and it was not part of that
21 query.

22 MR. LUI: What period of time covers
23 the first half of 2018?

24 MS. CLARK: That would cover the months
25 January through June 2018.

1 MR. LUI: And when would the report
2 would've been due?

3 MS. CLARK: The report would've been
4 due by the 30th of July in 2018.

5 MR. LUI: And when did you run that
6 report again?

7 MS. CLARK: I run the report after the
8 due date to, you know, to ensure who has filed
9 and who hasn't. So by August 1st I would know
10 who had filed and who hadn't.

11 MR. LUI: Filed a?

12 MS. CLARK: A semi-annual report.

13 MR. LUI: Mr. Chairperson, at this
14 time, the Government would like the Board to take
15 administrative notice of the case report and
16 investigation 18-CIT-00595.

17 CHAIRPERSON ANDERSON: All right, so
18 moved.

19 MR. LUI: I have no more further
20 questions for the witness.

21 CHAIRPERSON ANDERSON: Any questions by
22 any Board members? Are there any other
23 outstanding filings by this company?

24 MS. CLARK: Yes. Katherine's Catering
25 has never filed a semi-annual report.

1 CHAIRPERSON ANDERSON: All right.

2 MR. SHORT: I have a follow-up.

3 CHAIRPERSON ANDERSON: Go ahead, Mr.
4 Short.

5 MR. SHORT: Thank you for an excellent
6 report. I'd just like to ask have you ever had
7 any other business or licensee to caterer not to
8 ever file a report?

9 MS. CLARK: I have, but usually those,
10 you know, go out of business soon thereafter.

11 MR. SHORT: So is this Katherine's
12 still in business?

13 MS. CLARK: To my knowledge.

14 MR. SHORT: And still have not filed
15 anything since they've been open?

16 MS. CLARK: No, sir. And I did check
17 this morning just to confirm.

18 MR. SHORT: Thank you very much.
19 That's all I have, Mr. Chair.

20 CHAIRPERSON ANDERSON: Any questions by
21 any other Board members? Any re-direct, Mr. Lui?
22 Thank you, Ms. Clark. You can step down.

23 MS. CLARK: Thank you.

24 CHAIRPERSON ANDERSON: Do you wish to
25 make a closing?

1 MR. LUI: Yes, briefly. The
2 Government has provided sufficient evidence for
3 the Board to find that the Licensee, Katherine's
4 Catering, failed to file a caterer's report for
5 the first half of 2018, which is in violation of
6 23 DCMR Section 2006.1. We heard from compliance
7 analyst Monica Clark. She testified that the
8 establishment failed to file this required
9 caterer's report for the first half of 2018, but
10 also, in fact, that this establishment has never
11 filed a caterer's report to date.

12 The Government has therefore met its
13 burden by a preponderance of the evidence and has
14 proven the charge. The Government asks the Board
15 to impose a fine as provided under DC Code
16 Section 25-830.

17 CHAIRPERSON ANDERSON: Do you wish to
18 file a proposed finding of fact and conclusion of
19 law or waive the right to do so?

20 MR. LUI: The Government waives. Thank
21 you.

22 CHAIRPERSON ANDERSON: The record is
23 now closed. All right, as Chairperson of the
24 Alcohol Beverage Control Board for the District
25 of Columbia, and in accordance with DC Official

1 Code Section 2574(b) of the Open Meetings Act, I
2 move that the ABC Board will hold a closed
3 meeting for the purpose of seeking legal advice
4 from our counsel on Case No. 18-CIT-00595,
5 Katherine's Catering, pursuant to DC Official
6 Code Section 2574(b)(4) of the Open Meetings Act,
7 and deliberating upon Case No. 18-CIT-00595,
8 Katherine's Catering, for the reasons cited in DC
9 Official Code Section 2574(b)(13) of the Open
10 Meetings Act. Is there a second?

11 MR. SHORT: Second.

12 CHAIRPERSON ANDERSON: Mr. Short has
13 second the motion. I will now take a roll-call
14 vote to the motion in force now that it has been
15 second. Ms. Wahabzadah?

16 MS. WAHABZADAH: I agree.

17 CHAIRPERSON ANDERSON: Mr. Short?

18 MR. SHORT: I agree.

19 CHAIRPERSON ANDERSON: Mr. Cato?

20 MR. CATO: I agree.

21 CHAIRPERSON ANDERSON: Ms. Crockett?

22 MS. CROCKETT: I agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MS. HANSEN: I agree.

25 CHAIRPERSON ANDERSON: Mr. Anderson, I

1 agree. As it appears that the motion has passed,
2 I hereby give notice that the ABC Board will
3 recess these proceedings to hold a closed meeting
4 in the ABC Board conference room, pursuant to
5 Section 2574(b) of the Open Meetings Act. Thank
6 you. Thank you, Mr. Lui.

7 MR. LUI: Thank you.

8 CHAIRPERSON ANDERSON: Have a good day.

9 MR. LUI: Thank you. See you this
10 afternoon.

11 CHAIRPERSON ANDERSON: Okay, the Board
12 is in recess until our 1:30 hearing.

13 (Whereupon, the above-entitled matter
14 went off the record at 12:00:31 p.m.)

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22
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24
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A	case 1:9 2:4,4 7:15 10:4 10:7	District 1:1 4:23 9:24	hearing 1:8,14 2:20,21 3:1,2 11:12
a.m 2:2	cases 5:11	documents 4:22	hold 10:2 11:3
ABC 10:2 11:2,4	caterer 1:8 5:17 8:7	Donovan 1:16,18	I
above-entitled 11:13	caterer's 3:13,17 5:13 5:20,22 9:4,9,11	due 7:2,4,8	identify 2:6
Act 10:1,6,10 11:5	Caterers 1:10	E	impose 9:15
Administration 4:12	catering 1:6 2:5 3:9 6:2 6:6,7,10,11,13 7:24 9:4 10:5,8	either 5:3,9	investigation 7:16
administrative 7:15	Cato 1:19 10:19,20	employed 4:10	investigators 5:11
advice 10:3	cause 1:7 2:22,25 3:1,8 3:11	Enforcement 5:8,10	issued 3:11
affirm 4:1	Chair 8:19	ensure 7:8	J
afternoon 11:10	Chairperson 1:15,18 2:3,10,14,17 3:5,22 3:25 4:4 7:13,17,21 8:1,3,20,24 9:17,22 9:23 10:12,17,19,21 10:23,25 11:8,11	establishment 5:5,6 6:1 6:5,12,15 9:8,10	JAMES 1:20
agree 10:16,18,20,22 10:24 11:1	charge 3:12,12 9:14	establishments 5:2,8 6:7	January 6:25
ahead 3:5 8:3	check 8:16	evidence 3:16 9:2,13	JENI 1:19
alcohol 5:24 9:24	Chief 5:8,10	ex 2:15,19	John 1:23 2:9
Alcoholic 1:2,14,14 4:11	cited 10:8	excellent 8:5	JR 1:19,20
ALIYA 1:20	Clark 1:23 3:19,24 4:3,7 4:7,9,11,14,17,20 5:1 5:6,14,17,22 6:3,6,11 6:17,19,24 7:3,7,12 7:24 8:9,13,16,22,23 9:7	expecting 2:12	July 4:17 7:4
amount 5:23,23	closed 9:23 10:2 11:3	extend 2:25	June 6:25
analyst 3:19 4:14,16,19 9:7	closing 8:25	extended 2:21	K
ANC 1:8	Code 2:18 9:15 10:1,6,9	F	Katherine's 1:6 2:5 3:9 6:2,6,9,11 7:24 8:11 9:3 10:5,8
Anderson 1:16,18 2:3 2:10,14,17 3:5,22,25 4:4 7:17,21 8:1,3,20 8:24 9:17,22 10:12,17 10:19,21,23,25,25 11:8,11	Columbia 1:1 4:23 9:25	fact 9:10,18	knowledge 8:13
appear 2:6,20	company 7:23	failed 1:10 3:13,17 9:4 9:8	L
appears 11:1	compliance 3:19 4:14 4:16,19 9:6	fails 2:20	law 9:19
asks 9:14	concerns 3:12	familiar 5:12,15 6:1,4	legal 10:3
assigns 5:11	conclusion 9:18	February 1:12	License 1:8 2:5
attention 5:25	conference 11:4	file 1:10 3:13,17 5:2,5,7 5:9 8:8 9:4,8,18	licensee 2:11,19,23,24 3:12,17 8:7 9:3
audit 6:15	confirm 8:17	filed 6:12,16 7:8,10,11 7:25 8:14 9:11	licensees 4:22
August 7:9	Connecticut 1:7 3:10	filings 7:23	licenses 4:23
authority 2:19	Control 1:2,14,14 9:24	find 9:3	liquor 4:23
Avenue 1:7 3:10	counsel 10:4	finding 9:18	listing 6:8
B	cover 6:24	fine 9:15	LLC 1:6 3:9
back 2:4 6:14	covers 6:22	first 3:13,23 6:16,23 9:5 9:9	located 3:10
basis 5:19	Crockett 1:20 10:21,22	follow-up 8:2	long 4:15
behalf 2:9	D	food 5:23	Lui 1:23 2:8,9,11,13,16 3:4,7,24 4:5,9,13,15 4:18,24 5:4,12,15,20 5:25 6:4,9,14,18,22 7:1,5,11,13,19 8:21 9:1,20 11:6,7,9
Beverage 1:2,14,14 4:11 9:24	D.C 1:15	force 10:14	M
Board 1:2,14 2:8,18 3:1 3:7 7:14,22 8:21 9:3 9:14,24 10:2 11:2,4 11:11	date 6:13,14 7:8 9:11	forward 2:15	M-O-N-I-C-A 4:7
Board's 2:22	day 11:8	full 4:6	matter 1:5 3:8,11 11:13
BOBBY 1:19	DC 1:23 2:17 6:8 9:15 9:25 10:5,8	further 7:19	meeting 1:3 10:3 11:3
briefly 3:4 9:1	DCMR 3:14 9:6	G	Meetings 10:1,6,10 11:5
Building 1:15	deliberating 10:7	give 11:2	Member 1:19,19,20,20 1:21
burden 9:13	demonstrate 3:20	given 5:10	members 2:8 3:7 7:22 8:21
business 8:7,10,12	Directing 5:25	Government 2:9,15 3:2 3:18 7:14 9:2,12,14 9:20	met 1:14 9:12
C		H	Monica 1:23 3:19 4:7
C-L-A-R-K 4:8		half 3:14 6:16,23 9:5,9	
call 3:22,24		hand 4:1	
calling 3:18		Hansen 1:19 10:23,24	
		happens 5:4	
		heard 9:6	

9:7
months 6:24
morning 2:8,10 3:7
 8:17
motion 10:13,14 11:1
move 2:15 10:2
moved 7:18
Mug 1:6 3:9

N

N.W 1:15
name 4:6
never 7:25 9:10
notice 3:11 7:15 11:2
November 2:23
NW 1:7 3:10

O

OAG 1:23
Official 2:18 9:25 10:5,9
open 8:15 10:1,6,9 11:5
opening 3:3
outstanding 7:23

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 11:14
part 6:7,20
parte 2:15,19
parties 2:6
passed 11:1
period 5:24 6:22
please 2:7 3:6,25 4:5
prepare 5:1,7
prepared 2:15
preponderance 9:13
PRESENT 1:17,22
presiding 1:16
proceed 2:19 3:1
proceedings 11:3
properly 2:23
proposed 9:18
prove 3:20
proven 9:14
provided 9:2,15
purpose 10:3
pursuant 2:17 10:5
 11:4

Q

quarterly 4:21
query 6:19,21
questions 7:20,21 8:20

R

RAFI 1:20
raise 4:1

re-direct 8:21
reasons 10:8
receive 4:20 5:18
received 6:20
recess 11:3,12
record 2:4,7,22 9:22
 11:14
Reeves 1:15
reflect 2:22
Regulation 4:12
REMA 1:21
report 1:10 3:13,17
 4:21 5:5,7,7,13,21,22
 6:13,16 7:1,3,6,7,12
 7:15,25 8:6,8 9:4,9,11
reports 4:21 5:1,3,16
 5:17,18 6:20
required 9:8
responsibilities 4:19
 4:25
Retailer 1:8
review 4:20
roles 4:18,24
roll-call 10:13
room 1:15 11:4
run 6:19 7:5,7

S

second 10:10,11,13,15
Section 2:18 3:15 9:6
 9:16 10:1,6,9 11:5
Seeing 2:24
seeking 10:3
semi-annual 4:21 5:18
 7:12,25
served 2:23
Short 1:20 8:2,4,5,11
 8:14,18 10:11,12,17
 10:18
show 1:7 3:1,8,11,16
sir 8:16
six-month 5:24
sold 5:24
soon 8:10
spell 4:6
state 4:5
statement 3:3
step 8:22
Street 1:15
sufficient 2:21,25 9:2
Suite 1:15
summary 5:23
swear 4:1

T

t/a 1:6
tell 4:2
testified 9:7

Thank 8:5,18,22,23
 9:20 11:5,6,7,9
timely 5:9
today 2:12,24 3:8
trading 3:9
truth 4:2,2
turns 5:11

U

Ugly 1:6 3:9
usually 8:9

V

violation 3:14,20,21 9:5
vote 10:14

W

W 1:16,18
Wahabzadah 1:21
 10:15,16
waive 9:19
waives 2:20 9:20
Washington 1:15
Wednesday 1:12
went 11:14
wish 3:2 8:24 9:17
witness 1:23 3:19,23
 4:4 7:20
would've 7:2,3

X

Y

Z

0

1

1:30 11:12
11:51 2:2
12:00:31 11:14
14th 1:15
18-CIT-00595 1:9 2:5
 7:16 10:4,7
1st 7:9

2

2000 1:15
20009 1:15
2006.1 3:15 9:6
2012 4:17
2018 3:14, 18 6:16,23,25
 7:4 9:5,9
2019 2:24
2020 1:12
23 3:14 9:6
25-830 9:16

25447 2:18
2574(b) 10:1 11:5
2574(b)(13) 10:9
2574(b)(4) 10:6
26 1:12 2:23

3

30th 7:4
3F 1:8

4

400S 1:15

5

5018 1:7 3:10

6

7

8

9

93580 1:8 2:6

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Katherine's Catering

Before: DCABRA

Date: 02-26-20

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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