

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
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6 IN THE MATTER OF: :  
7 Amaya-1, LLC, :  
8 t/a La Cabana Restaurant : Show Cause  
9 3614 14th Street, NW : Hearing (Status)  
10 License #ABRA-74849 :  
11 Retailer Class CR :  
12 ANC-1A :  
13 No ABC Manager on Duty :

14 - - - - -X

15 Wednesday, September 07, 2016  
16

17 Whereupon, the above-referenced matter  
18 came on for hearing at the Alcoholic Beverage  
19 Control Board, Reeves Center, 2000 14th Street,  
20 N.W., Suite 400S, Washington, D.C. 20009.  
21  
22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8

9 ALSO PRESENT:

10

11 ZACHARY SHAPIRO

12 On behalf of the District of Columbia

13 ISIDORO AMAYA,

14 On behalf of La Cabana Restaurant

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

2 [10:20 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. The  
4 next case on our show cause hearing status  
5 calendar is Case #16-CMP-00405, La Cabana  
6 Restaurant, License #74849. Will the parties  
7 please approach and identify themselves for the  
8 record?

9 MR. ZACHARY SHAPIRO: Zachary Shapiro,  
10 Assistant Attorney General, on behalf of the  
11 District of Columbia.

12 MR. DONOVAN W. ANDERSON: Could you spell  
13 your --

14 (Off-mic speaking)

15 MR. DONOVAN W. ANDERSON: Hold on one  
16 minute, please.

17 (Off-mic speaking)

18 MR. DONOVAN W. ANDERSON: What case?

19 (Off-mic speaking)

20 MR. DONOVAN W. ANDERSON: I'm sorry, what  
21 case is he here for?

22 (Off-mic speaking)

1 MALE SPEAKER: The last one.

2 MR. DONOVAN W. ANDERSON: All right. Sir,  
3 the -- Can you -- Mr. Rivero, this is the owner  
4 of Casa Lebar --

5 MALE SPEAKER: Lebrato.

6 MR. DONOVAN W. ANDERSON: Leberto.

7 MALE SPEAKER: Lebrato?

8 MR. DONOVAN W. ANDERSON: Lebrato.

9 MR. FERNANDO RIVERO: Yeah.

10 MR. DONOVAN W. ANDERSON: He's here.

11 MR. FERNANDO RIVERO: You'd be happy to  
12 speak with him.

13 (Off-mic speaking)

14 MR. DONOVAN W. ANDERSON: And so,  
15 therefore, if you have an opportunity to speak to  
16 him, I will recall the case since he's here, and  
17 I don't know why he never showed up when the case  
18 -- So, you guys can take a couple of minutes to  
19 speak --

20 MR. FERNANDO RIVERO: Sure.

21 MR. DONOVAN W. ANDERSON: -- and I will  
22 recall the case. I -- I'm not -- you know, the

1 Board has been on recess for 3 weeks, and I have  
2 no idea what is going on this morning, but ...  
3 All right. All right.

4 I am now -- Let me -- Just for -- to  
5 clarify the record, show cause hearing status  
6 Case #16-CMP-00405, La -- La Cabana Restaurant,  
7 uh, License #74849, and what I'm also going to  
8 do: There is also another case for the same  
9 establishment, which is Case #16-CMP-00406, La  
10 Cabana Restaurant, License #74849, and so, the  
11 parties, can you please, again, identify  
12 yourselves for the record, and please spell your  
13 name, and also, there is a sign-in sheet in front  
14 of you. Please sign your name on that sheet. Mr.  
15 Shapiro.

16 MR. ZACHARY SHAPIRO: Thank you, Mr.  
17 Chairman, Zachary Shapiro, Assistant Attorney  
18 General, on behalf of the District of Columbia.  
19 That's spelled Z-a-c-h-a-r-y S-h-a-p-i-r-o.

20 MR. ISIDORO AMAYA: Hi, uh, Board  
21 members, uh, uh, my name is Isidoro Amaya, and  
22 I'm the owner of La Cabana Restaurant. Uh, I

1 spell my name -- My name is, uh, I-s-i-d-o-r-o,  
2 last name Amaya -- A-m-a-y-a.

3 MR. DONOVAN W. ANDERSON: All right. Good  
4 morning, sir.

5 MR. ISIDORO AMAYA: Good morning.  
6 (Off-mic speaking)

7 MR. ISIDORO AMAYA: I could write it. I  
8 can repeat it again for you.

9 (Off-mic speaking)

10 MR. DONOVAN W. ANDERSON: Can you, again,  
11 sir -- please, slowly -- spell your first name,  
12 and then spell your last name, sir.

13 MR. ISIDORO AMAYA: I-s-i-d-o-r-o A-m-a-  
14 y-a.

15 (Off-mic speaking)

16 MR. DONOVAN W. ANDERSON: Mr. Shapiro,  
17 are there any preliminary matters in the first  
18 case, which is, um, Case # -- Case #, um, 16-CMP-  
19 00405?

20 MR. ZACHARY SHAPIRO: Yes, there is, Mr.  
21 Chairman, members of the Board. And -- and the  
22 negotiation for the two cases was somewhat

1 incestuous, so I don't know if you want me to go  
2 over it.

3 MR. DONOVAN W. ANDERSON: Is -- um, I --  
4 I need to -- just to clarify the record --

5 MR. ZACHARY SHAPIRO: Okay.

6 MR. DONOVAN W. ANDERSON: -- you can --  
7 you can go about them separately, but I  
8 understand.

9 MR. ZACHARY SHAPIRO: Okay. So, in Case  
10 16-CMP-00405, there's an offer in compromise of a  
11 fine of \$850, payable in 30 days or the license  
12 will be suspended. In the other case, 16-CMP-  
13 00406, the District is dismissing this charge.

14 MR. DONOVAN W. ANDERSON: All right. Mr.  
15 Amaya, it's my understanding that -- that in Case  
16 #16-CMP-00405, that the -- that there is an offer  
17 in compromise of an \$850 fine, payable in 30  
18 days. If it's not payable in 30 days, your  
19 license will be suspended. In the second case,  
20 Case #16-CMP-00406, that the District is  
21 proposing that this matter be dismissed. Is this  
22 your understanding, sir, of the offer in

1 compromise?

2 MR. ISIDORO AMAYA: Yes.

3 MR. DONOVAN W. ANDERSON: Now, are you  
4 aware that by accepting an offer in compromise  
5 that you're giving up your right to a hearing on  
6 both cases?

7 MR. ISIDORO AMAYA: Yes.

8 MR. DONOVAN W. ANDERSON: Are you also  
9 aware that by accepting the offer in compromise  
10 that you're giving up your right to appeal this  
11 matter?

12 MR. ISIDORO AMAYA: Yes.

13 MR. DONOVAN W. ANDERSON: Then, I, then,  
14 make a motion that the offer in compromise in the  
15 first case, 16-CMP-00405, offer \$850 fine,  
16 payable in 30 days. If it's not payable in 30  
17 days, your license will be suspended, and in Case  
18 #16-CMP-00406, that the matter be dismissed. I  
19 make a motion that the -- that the offer in  
20 compromise for both cases be accepted. Is there a  
21 second?

22 MR. MIKE SILVERSTEIN: Second, Mr. Chair.

1 MR. DONOVAN W. ANDERSON: Mr. Silverstein  
2 has seconded the motion. Is there any discussion  
3 by any Board members?

4 MS. RUTHANNE MILLER: Um, procedurally --

5 MR. DONOVAN W. ANDERSON: Yes, Ms. --  
6 Yes, Ms. Miller?

7 MS. RUTHANNE MILLER: I'm not sure that  
8 the, um -- that the second case was clarified.

9 MR. DONOVAN W. ANDERSON: I'm sorry?

10 MS. RUTHANNE MILLER: Is there in  
11 compromise --

12 MR. DONOVAN W. ANDERSON: Yes.

13 MS. RUTHANNE MILLER: -- or was there a  
14 dismissal?

15 MR. DONOVAN W. ANDERSON: It's part of  
16 the offer in compromise, and both cases are tied  
17 together --

18 MR. ZACHARY SHAPIRO: Correct. We felt --

19 MR. DONOVAN W. ANDERSON: -- but they're  
20 separate cases. But the -- Yes, Mr. Shapiro. Go.

21 MR. ZACHARY SHAPIRO: Obviously, if the  
22 offer in compromise is not accepted, then we will

1 pursue both claims.

2 MR. DONOVAN W. ANDERSON: Yes. Do you  
3 have any further questions, Ms. Miller?

4 MS. RUTHANNE MILLER: Okay. I just wasn't  
5 clear on -- on -- on the vote. I -- I -- if we  
6 vote to approve the first case, with the \$850  
7 fine, then is the second case dismissed or is the  
8 dismissal a part of the offer in compromise  
9 (inaudible) think that it's the latter, that the  
10 dismissal is part of an offer in compromise. But  
11 I'm just -- Could I just get a clarification?

12 MR. ZACHARY SHAPIRO: It was the latter  
13 scenario which you just described.

14 MS. RUTHANNE MILLER: It's part of the  
15 offer in compromise.

16 MR. ZACHARY SHAPIRO: It's part of the  
17 offer in compromise, correct.

18 MS. RUTHANNE MILLER: Thank you. Okay.

19 MR. DONOVAN W. ANDERSON: Any -- any  
20 further questions by any of the Board members?

21 (No audible response)

22 MR. DONOVAN W. ANDERSON: Hearing none,

1 all those in favor, say "aye."

2 (Chorus of "ayes")

3 MR. DONOVAN W. ANDERSON: All those  
4 opposed?

5 (No audible response)

6 MR. DONOVAN W. ANDERSON: The matter  
7 passed 4-0-0. Thank you very much for agreeing to  
8 settle this matter. We just have some paperwork  
9 for you to sign. Thank you, sir.

10 MR. ISIDORO AMAYA: Thank you.

11 MR. ZACHARY SHAPIRO: Thank you, Mr.  
12 Chairman, members of the Board.

13 MR. DONOVAN W. ANDERSON: Thank you, Mr.  
14 Shapiro.

15 (Whereupon, the above-entitled matter was  
16 concluded.)