DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:	**:**	
	:	
3566 14th Street, LLC,	**:**	
t/a La Dulce Noche	**:**	
3566 14th Street, NW	**:**	**Show Cause**
Retailer CR - ANC 1A	**:**	**Hearing**
License No. 92426	**:**	
Case #18-AUD-00027	**:**	
	:	
(Failed to Meet Food	**:**	
Sales Requirements)	**:**	

Wednesday,
October 24, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, Member
DONALD ISAAC, Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JOSE SOLLOSO, APPLICANT
AMY SCHMIDT, DC OAG

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

10:55 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is a Show Cause Hearing, Case No. 18-AUD-00027, La Dulce Noche, License No. 92426.

Will the parties, please, approach and identify themselves for the record, please?

MS. SCHMIDT: Good morning. Amy Schmidt, Assistant Attorney General for the District of Columbia.

CHAIRPERSON ANDERSON: Good morning, Ms. Schmidt.

MR. SOLLOSO: Good morning. Jose Solloso, the owner.

CHAIRPERSON ANDERSON: I'm sorry, sir, I did not get your last name.

MR. SOLLOSO: Jose Solloso.

CHAIRPERSON ANDERSON: Mr. Solloso?

MR. SOLLOSO: Solloso.

CHAIRPERSON ANDERSON: Solloso.

MR. SOLLOSO: Yes.

CHAIRPERSON ANDERSON: Good morning,

sir. All right. So this is a Show Cause Hearing.

Are there any preliminary matters in this case?

MS. SCHMIDT: Yes. In this matter, Mr. Solloso has indicated that he is going to stipulate to the facts of the report and he just wishes to make a statement concerning these facts.

CHAIRPERSON ANDERSON: All right. So why don't you tell me what is it that Mr. Solloso is stipulating to, please.

MS. SCHMIDT: He is stipulating -- he will be stipulating to Charge 1, which is failure to comply with retail requirements as mandated by DC Code § 25-113(b)(3)(B) and in other words, he failed to comply with the food sales percentages that are mandated by the statute.

CHAIRPERSON ANDERSON: All right. So he is going to make a statement. So what is it that you are -- what is it that you recommend that the Board do?

MS. SCHMIDT: We recommend that the

Board fine Mr. Solloso, this is his third primary, $4,000 and that this -- his license shall be suspended indefinitely until this fine is paid. And he can have up to 90 days to pay it.

CHAIRPERSON ANDERSON: All right. All right. Mr. Solloso, can you raise your right hand, please?

Whereupon,

JOSE SOLLOSO

was called as a witness by Counsel for the Government, and having been first duly sworn, assumed the witness stand and was examined and testified as follows:

MR. SOLLOSO: Yes, sir, I do.

CHAIRPERSON ANDERSON: All right. So can you -- there is a sign-in sheet, so make sure that you sign in your name, so we have the proper spelling of your name.

MR. SOLLOSO: Yes, sir.

CHAIRPERSON ANDERSON: So what is it that you want to say, sir?

MR. SOLLOSO: Well, I go to plead

guilty with explanation.

I try -- the numbers they have is correct. I do the number to give it to the booking person. And well, I try hard to do the correct thing, but in my establishment, my menu is very low price and the liquor is not low, but it's, you know, beer. I don't serve too much liquor anyhow.

And the thing is any person who said, you know, a couple customers go to there, ask for a plate, divide the plate. The plate cost sample $20. Divide the plate and ask for two, three, bills, that's the same price. That mean for, you know, balance and the price of the liquor and the food, sometimes I have a problem.

And especially, you know, sometimes in the summer, sometimes in the winter. I do now is I lower the price of the menu, the food, I do a little better, but, you know, still that's just my explanation.

CHAIRPERSON ANDERSON: So let me ask you a question, sir. Are you -- what are you?

Are you a restaurant? I'm not being facetious. Are you a restaurant? Are you a bar? I mean, what are you?

MR. SOLLOSO: Well, I have both. I have a little bar that a little bar like seven booths. I sell -- like angled seven booths by four. Four for one side, seven booths for the other side. I mean, the bar is not big. They don't drink at the bar. They drink at the tables. But everybody when go to eating there, especially the Spanish people, they ask for, you know, an entertainment for the (speaks in Spanish), that's a little thing cost $10.99, $9.99 a small plate. And ask for four bills, two and two. And the price of beer go up and the food to go low, you know. And that's my numbers.

CHAIRPERSON ANDERSON: That's what I'm asking you. That's what I'm asking you, sir.

MR. SOLLOSO: But what can I say to the customer? No, you cannot drink four beers? You -- I need to sell more food?

CHAIRPERSON ANDERSON: But that's why

I'm asking you. Are you -- because if you are saying that you have a little bar --

MR. SOLLOSO: Yes, the bar is --

CHAIRPERSON ANDERSON: -- if you have a little bar, a little bar should not mess up your food sale, because when I see a little bar, I see a little bar.

MR. SOLLOSO: Yes.

CHAIRPERSON ANDERSON: Now, if you had a big bar and a little --

MR. SOLLOSO: No, I don't.

CHAIRPERSON ANDERSON: -- and two tables -- yeah, but you are saying to me you have a little bar, so maybe you need to look to see are you really a restaurant or are you a tavern.

MR. SOLLOSO: Well, it's not a tavern. It's a restaurant, but I don't know.

CHAIRPERSON ANDERSON: I'm not -- I'm just saying to you you are telling me you have a little bar and so if you have a little bar, then you shouldn't be generating that much money from a little bar, because you should be generating a

lot of food.

MR. SOLLOSO: I understand, but the bar is not the big, you know, sale that gets the bar. The most problem we have is when they eat. At the bar, they drink one, two beers and go. The thing is when they eat. When they eat, they ask for food, okay, but the food test -- well, you know, you saw the check. The food is lower sometimes than beverage.

But right now because the bar is a small bar, the bar is not raise much money anyhow. But it's not much -- you know, it's not much explanation, you know. That's why I plead guilty, because my -- I understand my beverage go up and the food sometimes, sometimes not always.

MEMBER ALBERTI: May I ask him?

CHAIRPERSON ANDERSON: Go ahead, Mr. Alberti.

MEMBER ALBERTI: Mr. Solloso?

MR. SOLLOSO: Yes.

MEMBER ALBERTI: Is there some reason that you can't be a tavern? That you couldn't

get a Tavern License?

MR. SOLLOSO: No. No, there's not some reason. The thing is I don't know the -- where I have the establishment good to have a problem for having dancing. I don't know. But I never applied for it.

MEMBER ALBERTI: My suggestion to you, I mean, well, I'll take that back.

I will just tell you that one of the ways to solve your problem --

MR. SOLLOSO: Yeah, I understand.

MEMBER ALBERTI: -- would be to ask for a class change and become a tavern. Now, I understand the licensing fee is a bit higher, but it's marginally. I mean, we are talking a couple hundred dollars, which is cheaper than this -- much cheaper than this fine.

MR. SOLLOSO: I understand. Well, that's why this thing is not happening all -- you know, they happening now. Yeah, I tried to figure out why.

MEMBER ALBERTI: Yeah, no, I

understand.

MR. SOLLOSO: Because of the food too high or what, but, you know, this not happen before. I hope that now I think it's correct. I hope we going the right way. Probably won't need to change the license, because, you know, I tried the solution to trouble.

MEMBER ALBERTI: And I understand the problem that you face, but again --

MR. SOLLOSO: Yeah, okay. Thank you.

MEMBER ALBERTI: -- one of the solutions is --

MR. SOLLOSO: Thank you. Thank you.

MEMBER ALBERTI: -- to apply for a Tavern License. It doesn't -- the only obstacle is dealing with the community probably and that--

MR. SOLLOSO: Yeah, well, things happen. And I, you know, understand.

MEMBER ALBERTI: All right. Thank you.

CHAIRPERSON ANDERSON: Mr. Solloso, did you own this establishment in August of 2015?

MR. SOLLOSO: Yes.

CHAIRPERSON ANDERSON: All right. Because you had this same issue in August of 2015. All right. So what is it that you are asking us to do, sir? What do you want us to do?

The Government told us that they need to -- we need to charge you -- how much did you say?

MS. SCHMIDT: $4,000.

CHAIRPERSON ANDERSON: $4,000 and give you 90 days to pay.

MR. SOLLOSO: Well, if you don't have other consideration, what can I do?

MEMBER ALBERTI: Well, this is a Show Cause, so --

CHAIRPERSON ANDERSON: I'm --

MEMBER ALBERTI: -- we don't have to announce the --

CHAIRPERSON ANDERSON: No, I know.

MEMBER ALBERTI: -- penalty.

CHAIRPERSON ANDERSON: I know. I'm asking him, I mean, they agreed to the penalty,

to the facts. The Government told me what they want. He said he wanted explanation, so I'm asking him what is it that you want me to do. What decision do you want the Board to make?

MR. SOLLOSO: Like I say, I agree. You know, I pled guilty in the situation. I mean, I have always a situation.

CHAIRPERSON ANDERSON: All right. Okay. Anything else you want to say, sir?

MR. SOLLOSO: No. Thank you.

CHAIRPERSON ANDERSON: All right. All right. As Chairperson of the Alcoholic Beverage Control Board for the District of Columbia and in accordance with DC Official Code Section 2-574(b) of the Open Meetings Act, I move that the ABC Board hold a closed meeting for the purpose of seeking legal advice from our counsel on Case No. 18-AUD-00027, La Dulce Noche, pursuant to DC Official Code Section 2-574(b)(4) of the Open Meetings Act and deliberating upon Case No. 18-AUD-00027, La Dulce Noche, for the reasons cited in DC Official Code Section 2-574(b)(13) of the

Open Meetings Act.

Is there a second?

MEMBER SHORT: Second.

CHAIRPERSON ANDERSON: Mr. Short has seconded the motion. I will now take a roll call vote on the motion before us now that it has been seconded.

Ms. Wahabzadah? Oh, I didn't realize she was not here.

Mr. Silverstein?

MEMBER SILVERSTEIN: I agree.

CHAIRPERSON ANDERSON: Mr. Short?

MEMBER SHORT: I agree.

CHAIRPERSON ANDERSON: Mr. Alberti?

MEMBER ALBERTI: I agree.

CHAIRPERSON ANDERSON: Mr. Cato?

MEMBER CATO: I agree.

CHAIRPERSON ANDERSON: Mr. Isaac?

MEMBER ISAAC: I agree.

CHAIRPERSON ANDERSON: Mr. Anderson? I agree.

As it appears that the motion has

passed, I hereby give notice that the ABC Board will recess these proceedings to hold a closed meeting in the ABC Board conference room pursuant to Section 2-574(b) of the Open Meetings Act.

Thank you. This matter is in recess.

Mr. Solloso, what I'll ask you to do and maybe you can just investigate, maybe before you leave here today, you can talk to someone in the Licensing Office who can give you at least some preliminary information about maybe if you want to consider changing -- investigating a class change.

Meaning that to change from a restaurant to a tavern, what that consists of and whether or not you believe -- and then you will make a decision whether or not it is worthwhile making that -- whether or not you believe your community would agree to a class change from a restaurant to a tavern, because at least if you have -- if -- as you are saying, you are truly a restaurant, but you are selling food.

With food, the food price is not a

while lot and people are coming in buying beers. I don't know, but so at least you can sit down with someone from the Agency who will explain to you the different classes and then you can make a decision whether or not you want to approach the community just to make the change.

And if you have been a good operator, if you have a good relationship with the ANC, maybe they won't fight it. I don't know. But that's a decision that you have to make. But I would say since you are here, you can just stop by the front desk and just ask to speak with someone in licensing, so they can give you information about what a tavern is and whether or not you -- and for you to decide if that's something you want to consider. Okay, sir?

MR. SOLLOSO: Okay. Thank you.

CHAIRPERSON ANDERSON: All right. Thank you very much. Have a good day. All right. That's it.

(Whereupon, the Show Cause Hearing was concluded at 11:06 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: La Dulce Noche

Before: DC ABRA

Date: 10-24-18

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.

Neal R Gross

Court Reporter