

UNION KITCHEN, LLC

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

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Union Kitchen, LLC,

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t/a Union Kitchen Case Number 15-CMP-00662

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538 3rd Street NE

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License Number 98204

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Retailer B

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ANC 6C

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SHOW CAUSE HEARING

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Wednesday, April 6, 2016

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Whereupon, the above referenced matter came on for

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hearing at the Alcoholic Beverage Control Board, Reeves

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Center, 2000 14th Street, N.W., Suite 400S, Washington,

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D.C. 20009.

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3 CHAIRPERSON:

4 DONOVAN W. ANDERSON, Presiding

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6 OTHER PERSONS PRESENT:

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8 NICK ALBERTI, BOARD MEMBER

9 RUTHANNE MILLER, BOARD MEMBER

10 JAMES SHORT, BOARD MEMBER

11 MIKE SILVERSTEIN, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. We're
3 now -- we now move to the show cause hearing status,
4 Case Number 15-CMP-00662, Union Kitchen, License Number
5 98204. Oh, my God, there is an applicant here this
6 morning. Licensee, good morning. Good morning. How
7 are you doing?

8 MR. SINGER: Doing very well. How are you?

9 CHAIRPERSON ANDERSON: I'm fine. Thank you.
10 Can you -- there's a sign-in sheet. Please sign in.
11 And can you also identify yourself for the record
12 please.

13 MR. SINGER: Sure. I'm Jonas Singer. I'm
14 the CEO of Union Kitchen.

15 MS. HALFPAP: My name is Rachel Halfpap.
16 I'm the finance --

17 CHAIRPERSON ANDERSON: I'm sorry. I didn't
18 hear you, ma'am.

19 MS. HALFPAP: Rachel Halfpap. I'm the
20 finance manager at Union Kitchen.

21 CHAIRPERSON ANDERSON: Good morning.

22 MS. HALFPAP: Good morning.

1 MS ZANIEL: Maureen Zaniel on behalf of the
2 District of Columbia.

3 CHAIRPERSON ANDERSON: Good morning. Are
4 there any preliminary matters in this case?

5 MS ZANIEL: I believe there was
6 communication, and my understanding is that the licensee
7 declined the offer. And I don't know if we're in that
8 same posture.

9 MR. SINGER: Yes. We -- we are here to
10 request a dismissal.

11 CHAIRPERSON ANDERSON: Well, this is -- this
12 is just a status hearing. And so this is something you
13 need to work out the Government. And if you can't work
14 it out with the Government, then this case is scheduled
15 for hearing on May 4th, 2016 at 3:30.

16 MR. SINGER: Why not? You just did the last
17 one.

18 MS ZANIEL: Yeah. Because I have no
19 information, and the attorney --

20 MR. SINGER: Do you have information on our
21 case?

22 MR. ALBERTI: Sir, just -- just FYI.

1 MR. SINGER: Sorry.

2 MR. ALBERTI: So -- so -- because I know
3 you're concerned about the dismissal of the last one,
4 and it wasn't said. But the last one was dismissed
5 because the licensee paid the fine before the hearing.

6 MR. SINGER: Oh.

7 MR. ALBERTI: Just so you understand.

8 MR. SINGER: Understood.

9 MR. ALBERTI: All right. So that's an
10 avenue that you can pursue too.

11 CHAIRPERSON ANDERSON: But this is just a
12 preliminary matters hearing. So therefore, if -- if say
13 for example -- and I don't think this is -- although
14 Ms. Zaniel is the attorney for the month, I'm not -- I
15 don't know if this is her case. But one of the -- when
16 the -- during the period you can have the conversation
17 with the attorney and if you guys agree, then it can be
18 dismissed. But all that we do here today is I'll ask
19 the Government if there's any preliminary matters, they
20 say yes or no.

21 MR. SINGER: What constitute preliminary
22 matters?

1 CHAIRPERSON ANDERSON: That there's a
2 settlement that you guys -- that they made you an offer,
3 you accepted it, and we'll vote on it or that they
4 decide to dismiss the charge or anything like that. But
5 in a sense of having -- taking testimony about whether
6 or not this charge is right or wrong, we don't do that
7 today. That's -- that happens at the next hearing.

8 MR. SINGER: Is the representative for the
9 Government allowed to make a decision on dismissal
10 today?

11 CHAIRPERSON ANDERSON: As she stated --

12 MR. SINGER: If I asked her to review our
13 case for a minute and then come back and re-adjourn,
14 could she make the decision to dismiss right now?

15 CHAIRPERSON ANDERSON: That's up to her,
16 sir. And I don't -- that's her call.

17 MR. SINGER: Would you be willing to review
18 and confer so we don't all have to come back in a month?

19 MS ZANIEL: Only if I'm able to make contact
20 with the attorney to whom the case is assigned. I have
21 no reason to think any --

22 MR. SINGER: That's Fernando Rivero. I'm

1 happy to make the call.

2 MS ZANIEL: I said I would talk to you if I
3 can make a call to that person and have contact with
4 him.

5 MR. SINGER: Okay.

6 MS ZANIEL: So I am willing to try that.

7 MR. SINGER: I appreciate that.

8 CHAIRPERSON ANDERSON: All right. We
9 have -- let me ask -- let me -- Ms. Zaniel, you're doing
10 the next cases, right?

11 MS ZANIEL: No, sir.

12 CHAIRPERSON ANDERSON: Oh, no. You're not
13 doing the next case. All right. Are you -- is this --
14 you tell me what you want to do. I will work with your
15 schedule. If you're willing to do that, fine. If not,
16 I'll set this case for hearing. So you tell me what you
17 want to do.

18 MS ZANIEL: I appreciate it. I have nothing
19 further on the calendar.

20 CHAIRPERSON ANDERSON: Okay.

21 MS ZANIEL: So I'm happy to engage in a
22 discussion. I don't know whether it will be fruitful or

1 not obviously. But I'm willing to do that, and we can
2 have the matter recalled --

3 CHAIRPERSON ANDERSON: All right.

4 MS ZANIEL: -- if that's convenient for The
5 Board.

6 CHAIRPERSON ANDERSON: Fine. What I will
7 do, sir, I will recall this case. And I'm going to move
8 on to -- we're having a hearing next -- at the next case
9 with a show cause hearing. I'm not sure how long it's
10 going to be. But you can have conversations and -- and
11 prior to the -- once the other case is over someone
12 should -- should signal me and let me know whether or
13 not -- and then we will -- I'll recall the case. Okay?

14 MR. SINGER: Thank you very much. I
15 appreciate the opportunity.

16 (Whereupon, the above-entitled matter was
17 recalled.)

18 [On the record at 10:08 a.m.]

19 CHAIRPERSON ANDERSON: I'm sorry for our
20 tardiness. We're back on the record. I'm going to
21 call -- I'm going to recall -- I'm going to recall Case
22 Number 15-CMP-00662. Will the parties please -- the

1 Union Market (sic) License Number 98204. Good morning
2 again. Are there any preliminary matters in this case.

3 MS ZANIEL: Maureen Zaniel on behalf of the
4 District of Columbia. No. We've not reached a
5 compromise, and I would ask The Board just to set the
6 matter for -- or continue for the show cause hearing.

7 CHAIRPERSON ANDERSON: All right. So this
8 hearing is scheduled for a show cause hearing on May 4th
9 at 3:30 p.m. And so basically, sir, at this hearing
10 you -- if you and the Government cannot come to some
11 agreement, then you will come forward with your evidence
12 and witnesses to prove why you believe that -- that this
13 is not a case that the Government can win. Okay?

14 MR. SINGER: Understood. And, you know,
15 before we would depart I would like to observe that you
16 know when we walked up here you celebrated our
17 attendance.

18 CHAIRPERSON ANDERSON: Yes, sir.

19 MR. SINGER: I think it's worth noting that
20 the counsel on the Government's side who actually is
21 managing this case is not here in attendance. And so
22 one of the challenges Ms. -- Ms. -- I'm sorry I've

1 forgotten her last name --

2 CHAIRPERSON ANDERSON: Zaniel.

3 MR. SINGER: -- Zaniel was very helpful, but
4 she was unable to make a decision because she's not the
5 representative. And so I do think it's worth -- if we
6 stand here accused even if this is procedural the
7 representative of the Government should be here. We
8 should have someone who we can speak with to negotiate
9 the matters so that we do not have to move on to a
10 second hearing. It's I think going to be frankly a
11 waste of everyone's time and money, but we will all do
12 it anyway. So I just wanted to make that observation.

13 CHAIRPERSON ANDERSON: Well, one thing I'll
14 say -- one thing I'll say, sir. It is up to the parties
15 to speak.

16 MR. SINGER: Yes.

17 CHAIRPERSON ANDERSON: And so I think it
18 would have been incumbent upon you to make contact with
19 the attorney. You've -- since you received the
20 citation, then it's incumbent upon you to -- to contact
21 the attorney to try to come to some settlement.
22 Ms. Zaniel, she is the attorney for the month. This is

1 just a procedural -- these are just preliminary matters.
2 So the obligation is not on her.

3 MR. SINGER: Another process matter, when we
4 were given the violation initially here at ABRA they
5 informed us that we would be reached out to by the
6 attorney. Now, we spoke with our attorney, Mr. Rivero
7 who represents us on this matter a couple times. But I
8 do think that you should inform the person who's accused
9 that they -- it's incumbent on them because that's not
10 what they tell you here. They tell you that you will be
11 reached out to to be informed of what the process will
12 be. And at the same time we spoke with him several
13 times then we are asked to come here. We are asked to
14 take our time up. And the fact that then our
15 representative is not here is frustrating.

16 CHAIRPERSON ANDERSON: But -- but -- but you
17 have spoken to him but you have not come to an
18 agreement. So it doesn't -- it's irrelevant. You have
19 to spoken to him. And so we all have conversations.
20 And so therefore, if you -- if you don't have an
21 agreement with him, then and it is not a waste of time.
22 This is just -- this is what everyone does in court. We

1 have a -- we have a calender. We set the calender, and
2 it's up to you. You have spoken to him. So -- you talk
3 to him some more. Clearly you have not come to an
4 agreement. And so therefore that's one of the reasons
5 why he informed Ms. Zaniel there's no agreement, it's
6 just a status hearing, we'll set the schedule for next
7 time. What I'm asking you to do --

8 MR. SINGER: Yes.

9 CHAIRPERSON ANDERSON: -- whether or not you
10 know Mr. Rivero, it's his case. And so if you believe
11 that he doesn't have a case, then you need to contact
12 him. You need to call him every day until you reach
13 him. And then if you come to this hearing -- if you
14 come to the hearing next time and if you tell me that
15 I've reached out to Mr. Rivero for five times to talk to
16 him about this and he never returned my phone call,
17 maybe I'll be a little bit sympathetic.

18 MR. SINGER: Okay.

19 CHAIRPERSON ANDERSON: But I'm just saying
20 for the next case you need to -- if you need to call him
21 today, tomorrow, everyday to convince him that he
22 doesn't have a case, then maybe -- maybe he'll dismiss

1 it. But that's not -- that's not Ms. Zaniel's fault. I
2 mean --

3 MR. SINGER: I understand. Ms. Zaniel has
4 been very helpful.

5 CHAIRPERSON ANDERSON: I know. But I'm just
6 saying -- but I'm saying to you though she's the
7 attorney for the day, she's representing the Government.
8 She is moving forward with the information the attorney
9 whose case -- the attorney who this case was assigned to
10 basically have told her that we have not come to an
11 agreement so basically just schedule for the next case.

12 MR. SINGER: Understood. Ms. Zaniel was
13 wonderful. I think the Government as it is should take
14 seriously the fact that it accuses citizens of things.
15 I do not think that I'm guilty of this. I think the
16 burden of proof is on the Government to prove it. But
17 when the Government is not here to then process my case
18 in a way that I feel is adequate, I think it's worth
19 stating so that at least we're all holding up a mirror
20 to how this process works. But I appreciate my time
21 here. I don't want to take up any more of it. I will
22 be back on -- I believe it's May 4th.

1 CHAIRPERSON ANDERSON: May 4th at 3:30. But
2 what I'm saying to you though, sir, today it is just a
3 status. We don't do arguments. That's -- so there as
4 such, it's -- so whether or not Mr. Rivero is here or
5 not, it's the same end result because you would have had
6 the same conversation with him and he said no, I don't
7 agree with you, I'm going to go to a hearing. So
8 it's -- it's just a process. Okay.

9 MR. SINGER: Okay.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. SINGER: Thank you. I appreciate it.

12 CHAIRPERSON ANDERSON: All right.

13 MR. SINGER: Thank you. I appreciate it.

14 MS ZANIEL: You're welcome.

15 CHAIRPERSON ANDERSON: Thank you,

16 Ms. Zaniel.

17 MS ZANIEL: Thank you.

18 CHAIRPERSON ANDERSON: So all right. All
19 right. Thank you. All right. Thank you, Ms. Zaniel
20 for -- for that.

21 MS ZANIEL: Thank you.

22 (Whereupon the above-entitled matter was

1 concluded.)
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