

VICTOR LIQUORS

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 6220 Georgia, LLC,
 8 t/a Victor Liquors Case Number 14-CMP-00903
 9 6220 Georgia Avenue NW
 10 License Number 88173
 11 Retailer A
 12 ANC 4A
 13 SHOW CAUSE HEARING

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15 Wednesday, May 18, 2016

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

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

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7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

10 NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: Our next case on our
3 show cause calendar is Case Number 14-CMP-00903, Victor
4 Liquors, License Number 88173. Would the parties please
5 approach. And I know there is an interpreter here too
6 also.

7 INTERPRETER GONZALEZ: Good morning,
8 commissioners, my name is Julian Gonzalez, and I will be
9 the interpreter. Good morning, commissioners. I'm
10 Julian Gonzalez, and I will interpreting today.

11 CHAIRPERSON ANDERSON: Okay. Fine. Thanks.

12 MS. ZANIEL: Good morning. Maureen Zaniel
13 on behalf of the District of Columbia.

14 MR. WHELAN: Good morning, Members of the
15 Board. Steven Whelan from the Veritas Law Firm on
16 behalf of Victor Liquors. I have also with me Teofilo
17 Ayala from Victor Liquors. Can you spell your name.

18 [The witness, Mr. J. Ayala speaking through
19 an interpreter.]

20 MR. J. AYALA: Jose Ayala.

21 CHAIRPERSON ANDERSON: Can -- I did not
22 catch the name of the interpreter. Can you please stand

1 and raise your hand please.

2 INTERPRETER GONZALEZ: Good morning,
3 Commissioners. My name is Julian Gonzalez, and I will
4 be helping with the interpretation this morning.

5 CHAIRPERSON ANDERSON: Good morning,
6 Mr. Gonzalez. Can you -- I need to swear you in. Can
7 you raise your right hand. Do you swear or affirm that
8 you will translate from English to Spanish --

9 INTERPRETER GONZALEZ: Yes, sir.

10 CHAIRPERSON ANDERSON: -- and from Spanish
11 to English to the best of your abilities.

12 INTERPRETER GONZALEZ: I do.

13 CHAIRPERSON ANDERSON: All right. Thank
14 you. You may have a seat, sir. Thank you.

15 MR. WHELAN: And my apologies. This is Jose
16 Ayala, not Teofilo Ayala.

17 CHAIRPERSON ANDERSON: I'm not going to -- I
18 am not going to -- I will leave that alone. But I --
19 the representation is fine. So The Board did not hear
20 that. Ms. -- Ms. Zaniel, good morning. Are there any
21 preliminary matters in this case?

22 MS. ZANIEL: Yes. And -- and the first

1 would be that I believe the correct cite for the case is
2 that it's a 15 case -- 15-CMP-00903.

3 CHAIRPERSON ANDERSON: On -- on the calendar
4 that I have here -- and let me look at The Board
5 briefing. Let me look at -- the -- the calendar that's
6 published that I have in front of me says it's
7 14-CMP-00903. That is a --

8 MR. ALBERTI: That's a typo.

9 CHAIRPERSON ANDERSON: So -- no, I'm just
10 saying. So -- but I want to -- since everything is
11 being recorded, so -- so the -- the recorded -- the --
12 I'm sorry. The calendar that was recorded -- I'm sorry
13 -- that was published says it's Case Number
14 14-CMP-00903. However, this case however is --

15 MR. ALBERTI: Which one is it? Even the
16 charging document does.

17 MR. SHORT: Yeah.

18 MR. ALBERTI: So -- so Ms. Zaniel, the
19 charging document says 14.

20 MS. ZANIEL: Mea culpa I suspect.

21 MR. ALBERTI: That's okay. I'm just --

22 MS. ZANIEL: But let's correct it. I

1 believe it's 15.

2 MR. ALBERTI: Absolutely. Absolutely. But
3 I just wanted to point that out so we get that corrected
4 also.

5 MS. ZANIEL: And I appreciate that.

6 CHAIRPERSON ANDERSON: So I -- I then
7 need -- since I don't have whatever number you have,
8 Ms. Zaniel. So what is this case number for the record
9 please?

10 MS. ZANIEL: The -- the only thing that
11 differs in what is on the calendar is the year of the
12 case, and of course, that's dictated by when the events
13 occurred. And it's accurate that it's a 15 case. So
14 it's 15-CMP-00903.

15 CHAIRPERSON ANDERSON: All right. Thank
16 you. Then the record is therefore -- is corrected that
17 this case number is 15-CMP-00903. And that should
18 correct the record, although the -- the -- the calendar
19 for today states 14 and the charging document says 14,
20 but the record should be correct that it's a 15 case.
21 All right. Thank you, Ms. Zaniel.

22 MS. ZANIEL: Thank you. And there is yet

1 another preliminary matter --

2 CHAIRPERSON ANDERSON: Yes, ma'am.

3 MS. ZANIEL: -- that we have an Offer in
4 Compromise to give to The Board.

5 CHAIRPERSON ANDERSON: And what is this
6 Offer in Compromise?

7 MS. ZANIEL: The Offer in Compromise is that
8 the licensee will pay a \$300 fine within 30 days. If
9 the fine is not paid within 30 days, it will be an
10 automatic suspension of the license.

11 CHAIRPERSON ANDERSON: All right. All
12 right. So the -- the Offer in Compromise is that there
13 is a -- the Government is proposing -- proposing that
14 the fine be \$300 payable in 30 days. Mr. --

15 MR. WHELAN: Whelan. We are in agreement.

16 CHAIRPERSON ANDERSON: All right. I know
17 that -- Mr. Whelan, I know that you're also in agreement
18 too. But I also -- I am very much familiar with
19 Mr. Jose Ayala. In my short time on this Board he has
20 appeared in front of me several times, and I need to
21 make sure that Mr. Jose Ayala clearly understands what
22 is being represented today. I do not have an issue with

1 your representation, Mr. Whelan. But based on how these
2 cases have been appearing I -- I need to make sure that
3 the licensee is aware of what it is that he purports to
4 agree to. So, Mr. Jose Ayala, it's my understanding,
5 sir, that the Government -- that there is an Offer in
6 Compromise of a \$300 fine payable in 30 days, and if the
7 fine is not payable in 30 days, the license to establish
8 this establishment will be suspended until the fine is
9 paid. Is this your understanding, sir, of the Offer in
10 Compromise?

11 MR. J. AYALA: Yes.

12 CHAIRPERSON ANDERSON: And, sir, are you
13 keenly aware that by accepting an Offer in Compromise
14 you are giving up your right to a hearing? I'm waiting
15 for an answer, sir.

16 MR. J. AYALA: Yes. Yes.

17 CHAIRPERSON ANDERSON: And are you also
18 aware, sir, that by accepting the Offer in Compromise
19 that you remember giving up your right to appeal this
20 matter, sir?

21 MR. J. AYALA: Is the case suspended? Do I
22 need to come back again?

1 CHAIRPERSON ANDERSON: No. No. No, sir.
2 What I'm asking you is that there are some preliminary
3 things that I'm saying to you and so I want to know -- I
4 want to make sure that you know what you're agreeing to.

5 MR. J. AYALA: Yes.

6 CHAIRPERSON ANDERSON: All right. All
7 right. Prior to making a motion are there any
8 discussions by any board members? Yes, Mr. Alberti.

9 MR. ALBERTI: I just want to put something
10 on the record before we take this vote, it's sort of an
11 associated issue. Mr. Whelan, your associate Mr. Kline
12 had represented to us that certain banking documents
13 would be submitted to this Board. That was well over a
14 month ago. That was in a case where we were collecting
15 facts to determine who the true and accurate owner was
16 of this establishment. We have not made the -- a
17 determination based on our findings because we don't
18 have all of the documents that we need. We were relying
19 on your firm to -- to submit them, and they haven't
20 been. So I'm hopeful that we'll get those soon. But I
21 wanted to put that on the record before we just move
22 forward. And I want the record to reflect that there is

1 still some question of ownership with this establishment
2 that hasn't been settled. But I'm agreeable to settling
3 this case, but I just want to put that on the record.

4 MR. WHELAN: I -- I understand that and
5 appreciate that. We're working with the general
6 counsel's office. So we hope to have that very soon.

7 MR. ALBERTI: Okay. Thank you.

8 CHAIRPERSON ANDERSON: Are there any other
9 comments by any of the board members? Hearing none,
10 then I make a motion then that we -- that this Offer in
11 Compromise of a fine of \$300 be acceptable, that it's
12 payable in 30 days. If it's not payable in 30 days,
13 that the license will be suspended until the fine has
14 been paid. Is there a second?

15 MR. SILVERSTEIN: Second.

16 CHAIRPERSON ANDERSON: Mr. Silverstein has
17 seconded the motion. All those in favor say aye.
18 [Chorus of ayes]. Those opposed. [No audible
19 response]. The matter passed 5-zero-zero. Thank you
20 very much.

21 MR. WHELAN: Thank you very much.

22 CHAIRPERSON ANDERSON: We'll have you sign

1 some -- Mr. -- hold on a minute, Mr. -- don't --
2 don't -- don't leave us quickly. We're going to have
3 you sign something, sir. All right.

4 Are the parties here for Pacifico Cantina?

5 All right. The Board will be in recess until 11:00.

6 All right. Thank you.

7 (Whereupon the above-entitled matter was
8 concluded.)

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