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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
6220 Georgia, LLC, : Case # 15-CMP-00867
t/a Victor Liquors :
6220 Georgia Ave Northwest :
License #88173 :
Wednesday, March 2, 2016 :

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Wednesday, March 2, 2016

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

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CHAIRPERSON:

DONOVAN W. ANDERSON, Presiding

BOARD MEMBERS PRESENT:

NICK ALBERTI, BOARD MEMBER

RUTHANNE MILLER, BOARD MEMBER

JAMES SHORT, BOARD MEMBER

MIKE SILVERSTEIN, BOARD MEMBER

OTHER PERSONS PRESENT

JOSE AYALA

TEOFILO AYALA

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

2 CHAIRPERSON ANDERSON: We now have a fact
3 finding hearing for Victor Liquors, Case #15-CMP-
4 00867. Will the parties please approach? Will
5 you please identify yourself for the record,
6 please, starting with Mr. Brashears.

7 MR. BRASHEARS: Investigator Mark
8 Brashears, ABRA.

9 MR. J. AYALA: Jose Ayala.

10 CHAIRPERSON ANDERSON: I'm sorry.

11 MR. J. AYALA: Jose Ayala.

12 CHAIRPERSON ANDERSON: Jose Ayala, and
13 your name, sir?

14 MR. T. AYALA: Teofilo Ayala.

15 CHAIRPERSON ANDERSON: Teofilo? Okay.
16 There's a sign-in sheet in front of you, can you
17 please sign both of your names there, please? All
18 right. Do you know why you're here, sir?

19 MR. J. AYALA: Yes.

20 CHAIRPERSON ANDERSON: Now, this is a
21 fact finding hearing. This is not an adversarial
22 hearing. You're not under -- you're not under

1 oath. The board is just trying to find -- gather
2 some information just to get some clarification
3 again regarding who is the actual owner of this
4 establishment and so this is the information that
5 we're trying to gather today and based on the
6 information that's presented today that we will
7 make a decision what further action we will
8 take.

9 MR. J. AYALA: Okay.

10 CHAIRPERSON ANDERSON: So, there's --
11 there's no language, so you understand what I'm
12 saying and you understand -- I just want to
13 clarify that you understand English well so there
14 should be no issue with translation or anything
15 like, sir?

16 MR. J. AYALA: No, it is fine, I
17 understand basically. If I don't understand, I
18 ask you a question.

19 CHAIRPERSON ANDERSON: Well, the reason
20 that I'm asking is I want to make sure that you
21 know that if a translator is needed you can
22 request it and we'll provide that to you. Well,

1 of course we couldn't do that now because -- but
2 I just want to make sure that you both understand
3 what is going -- the nature of this proceeding
4 today. Okay?

5 MR. J. AYALA: Okay.

6 CHAIRPERSON ANDERSON: All right. And
7 based on the information that's found, if it's
8 found that -- if the records are not clear who
9 the actual owner of the establishment then the
10 board can make certain recommendations what
11 further actions are. Nothing's going to happen
12 today. It's just for you to provide information
13 and for us to move forward, okay? All right, Mr.
14 Brashears can you tell us what it is that -- did
15 you write a report for this?

16 MR. BRASHEARS: Yes, sir.

17 CHAIRPERSON ANDERSON: Do you have a copy
18 of the report that Mr. Brashears wrote? All
19 right. So, can you there, Mr. Brashears, tell us
20 what it is that you're able to ascertain.

21 MR. BRASHEARS: Yes sir. I visited
22 Victor Liquors on November 17, 2015, to conduct a

1 regulatory inspection. I walked in, introduced
2 myself as an ABRA investigator and asked to speak
3 with the ABC manager or owner of the
4 establishment. At that time, Mr. -- I apologize
5 -- Teopilo?

6 MR. T. AYALA: Teofilo.

7 MR. BRASHEARS: Teofilo basically
8 approached me and stated that the owner of the
9 establishment was not there. He stated that his
10 brother was the owner and that he was away. But
11 then he further relayed that he was technically
12 the owner of the establishment and when I asked
13 him what "technically" meant, he stated he had
14 invested money and did all the work to open the
15 establishment but the ABC board would not allow
16 him to own two ABRA establishments so he stated
17 that since he owned an ABC Class CR license, he
18 could not be on the incorporation or ownership
19 documents for Victor Liquors. He also stated he
20 would like to put his wife on the incorporation
21 documents but was not allowed to do that as well.
22 So, basically I advised him of a no ABC manager

1 violation. That information went into a separate
2 report. I came back to ABRA and conducted a
3 review of the records relevant to Victor Liquors
4 and the articles of incorporation, the claimed
5 hand documents and virtually every document that
6 I found in ABRA records for Victor's Liquors
7 basically had Mr. Jose Ayala's information on it.
8 So then I contacted the wholesaler
9 representatives to find out who's name was on the
10 documents as far as -- you know -- alcohol being
11 delivered to the establishment. I got
12 information back from one of the wholesalers
13 basically stating that the documents that they
14 had on file listed 6220 Georgia LLC, Victor
15 Liquors, which Mr. Jose Ayala is listed on;
16 however, in their contacts they have Mr. Teofilo
17 Ayala.

18 So a few more days pass. I go back to
19 issue the citation for the no ABC manager, I meet
20 Mr. Jose Ayala who is on all the documentation as
21 the owner. I asked him point-blank who owns
22 Victor Liquors and he stated that his brother,

1 Mr. Teofilo Ayala, actually owned the
2 establishment and that he, Mr. Jose, ran it. And
3 I said, "well, can you explain further?" and he
4 stated that Mr. Teofilo had a lot invested in the
5 establishment but his name, Mr. Jose Ayala's was
6 on all the ownership documents. So, I asked him
7 "what is the financial arrangement here?" and he
8 stated that it was just a business -- typical
9 business/financial arrangement and that he was on
10 the paperwork. They listed the standard
11 partnership and did not elaborate any further.
12 So, basically from what I could uncover, Mr.
13 Teofilo Ayala looks to be the owner whereas Mr.
14 Jose Ayala is the one on the paperwork.

15 CHAIRPERSON ANDERSON: All right. So you
16 were, Mr. -- sorry --

17 MR. T. AYALA: Teofilo.

18 CHAIRPERSON ANDERSON: -- Teofilo, all
19 right. Can you give -- well -- all right who is
20 Jose?

21 MR. T. AYALA: He's Jose.

22 MR. ALBERTI: Okay, thank you.

1 CHAIRPERSON ANDERSON: All right, who
2 wants to speak first?

3 MR. T. AYALA: I'd like to speak first.

4 CHAIRPERSON ANDERSON: You're Mr.
5 Teofilo.

6 MR. T. AYALA: Yes, I am.

7 CHAIRPERSON ANDERSON: Okay, go ahead
8 sir.

9 MR. T. AYALA: What I said to him is I
10 work on the beginning of the liquor store and I
11 own the building. He don't say that. He told me
12 I can own a whole block of the building but I'm
13 not on the license I can't be representative of
14 ABC. I say, yes, and that's the first time he
15 came. So, then I say I work with my family and
16 we have shared this as a family business, that's
17 what I say to him. I know that why he says that
18 it's difficult to get a license, I know from my
19 lawyer who explained that when you have a
20 license, even if I invest, if you have another
21 license like a restaurant license, I cannot keep
22 the liquor store license, and that's what I tried

1 to explain. And I tried next time we're going to
2 put in the incorporation my wife [inaudible
3 47:00] I don't say it's difficult, going to say
4 So I'm going to try to get the money and license
5 for her which is cheaper already, a month ago or
6 maybe more. So, we can be on the correct work,
7 so whenever he's not there my wife is there so we
8 have the money license. On the other hand with
9 the -- Mr. Brashear is -- knows basically the
10 rules of the alcoholic beverage -- that's what I
11 tried to explain to him, basically what I say at
12 that time. And when I say -- whenever the is to
13 claim the place

14 CHAIRPERSON ANDERSON: But you're still
15 not telling us, which is -- and I'm confused --
16 who owns Victor Liquors?

17 MR. T. AYALA: He's running it. He's the
18 owner.

19 CHAIRPERSON ANDERSON: I'm going to have
20 him -- I'm going to have him speak. That's why I
21 was asking who -- that's what --

22 MR. BRASHEARS: You asked me and you know

1 that's what I asked.

2 CHAIRPERSON ANDERSON: Well, no, actually
3 I said who wants to speak first? I guess, I mean,
4 so -- all right, so Mr. Jose Ayala. Right? Who
5 is Jose? Can you explain to us who owns this
6 liquor store and what's this all about? What --
7 I mean from your perspective what's this report -
8 - if what Mr. Brashears says, is this fabricated?
9 You'll provide some clarification based on what
10 Mr. Brashears wrote in his report. Sir, do you
11 need someone --

12 MR. J. AYALA: I understand but I can't
13 explain it --

14 CHAIRPERSON ANDERSON: All right. So, I
15 need to hear from him -- so we need to postpone
16 this hearing and get you a translator. I can't
17 have -- the bottom line is that you're two
18 brothers and all the documents say that Mr. Jose
19 Ayala is the owner of the liquor store. I need
20 him to tell us and I need him to provide
21 information to us. You can't speak for him. He
22 has to speak for himself. So, if he doesn't

1 understand English to speak, then I -- we need to
2 get someone who can translate for him and then he
3 needs to tell us.

4 MR. J. AYALA: Okay.

5 CHAIRPERSON ANDERSON: Okay? So, I think
6 that's what we're going to do. Okay. Let me
7 find out the process. And sir, remember at the
8 beginning at the hearing I did ask are there any
9 needs -- is there any need to have a translator?
10 You can't speak for him. He has to speak for
11 himself.

12 MR. T. AYALA: I do speak for myself and
13 he understands you when you speak.

14 CHAIRPERSON ANDERSON: But, you're still
15 speaking for him. He has not opened his mouth
16 today to say anything and I have no idea whether
17 Mr. Jose Ayala --

18 MR. J. AYALA: Yes.

19 CHAIRPERSON ANDERSON: What can you --
20 Can you tell me what is going on?

21 MR. J. AYALA: Well, I'm the owner. You
22 asking me --

1 CHAIRPERSON ANDERSON: No, I'm not asking
2 what he's asking you, sir. Do you know why
3 you're here today?

4 MR. J. AYALA: Yes.

5 CHAIRPERSON ANDERSON: Why are you here
6 today?

7 MR. J. AYALA: For -- again, I understand
8 but I can't explain it to you.

9 CHAIRPERSON ANDERSON: I need you to
10 understand and explain.

11 MR. J. AYALA: Yes.

12 CHAIRPERSON ANDERSON: You have to
13 understand and explain to us why you're here
14 today and you're saying to me that you can't
15 explain to us why you're here today, so therefore
16 you need -- I know that Mr. -- and I'm not
17 telling you what to do but Mr. Teofilo Ayala had
18 talked about that you had an attorney that you
19 worked with an attorney before working on things,
20 so maybe -- this isn't -- I'm not giving you
21 legal advice but if you're -- since he said
22 before you had an attorney who was working on

1 documentation, maybe you need to talk to your
2 attorney about what's going on.

3 MR. J. AYALA: What I'm saying is --

4 CHAIRPERSON ANDERSON: I'm not -- I'm
5 just saying you had mentioned in your opening
6 that you were working with an attorney, that's
7 all I'm saying. You don't need to explain that.

8 But what we're going to do today is that
9 we're going to get a translator because I need
10 you, Mr. Jose Ayala, to explain to us, I need you
11 to read that report that was done by Mr.
12 Brashears and I need you to explain to us what's
13 in this report and the nature of the business
14 that you're actually an owner of the business and
15 how the business is incorporated.

16 And I need when I speak to you for you to
17 understand and respond back to the board, because
18 it doesn't make sense for us to ask questions if
19 you don't understand. And I don't want you to
20 sit here today and you say things that you don't
21 really understand and then the board takes
22 actions against you to say we may make

1 recommendations that you might lose your license
2 or whatever. Okay? So that's why I need you to
3 understand, so we're -- just give me a minute,
4 just let me figure out what the process is to get
5 you a translator and to reschedule this hearing.
6 All right. Well you can ask -- April -- okay the
7 hearing is going to be April 6 at 1:30, okay?
8 You understand? And we will have a translator
9 here for that day.

10 MR. J. AYALA: Okay.

11 CHAIRPERSON ANDERSON: April 6 at 1:30.
12 Mr. Alberti has some questions. Mr. Alberti is
13 just going to give you a preview of some of the
14 questions that he is going to ask and so Mr.
15 Teofilo Ayala you can let Mr. Jose Ayala know
16 what are some of the questions the board has.

17 MR. T. AYALA: Okay. So, what about this
18 is clear, you know? But we say you know, this is
19 pretty clear, these papers saying he is the owner
20 and nobody ever gonna say, ever gonna --

21 CHAIRPERSON ANDERSON: Mr. -- let's not
22 start. It might be clear but he needs to tell

1 us.

2 MR. J. AYALA: Okay.

3 CHAIRPERSON ANDERSON: You're speaking --
4 the entire hearing that we're having today,
5 you're speaking for him. He is the owner. He
6 needs to speak for himself and so to me, and I'm
7 not making a judgment, it appears that you're the
8 owner. I'm just saying because -- no I'm not --
9 I'm not making the judgment.

10 MR. J. AYALA: Seem to [inaudible 50:33]
11 fake the orders and everything.

12 CHAIRPERSON ANDERSON: No, this is what
13 I'm saying, sir. I can't talk to him. I need
14 him to tell me -- he's not telling me. And so
15 until I'm able to speak to him that's what -- he
16 needs to come and make all the representation to
17 say "I'm the owner, this is my business
18 structure, this is where the money goes to, this
19 is not -- it's clear to everyone because clearly
20 it is not that clear because Mr. Brashears went
21 to the establishment and he was confused. Yes
22 sir.

1 MR. BRASHEARS: Sir, I think I can sum up
2 how we came to be here. All the documentation
3 that I ran across listed Mr. Jose Ayala as the
4 owner. However, statements you made to me and
5 statements he made to me led me to believe you
6 were possibly the owner behind the scenes.
7 That's what brought me to write the report and
8 brought us here today.

9 MR. T. AYALA: So basically anybody can
10 say, you know I'm the owner and the person's
11 gotta be here.

12 CHAIRPERSON ANDERSON: And that's --
13 that's -- and Mr. T. Ayala -- and the reason why
14 you're here today is because I need Mr. Jose
15 Ayala to say "I am the owner, this is my
16 establishment. Mr. T. Ayala didn't know what he
17 was talking about because he just works here,
18 he's not the owner." That's what I need him to
19 tell me. He is unable to tell me that today.
20 This entire time, the discourse we're having is
21 between me and you, and you're telling me that
22 he's the owner but he's not telling MS. LEWIS:

1 that and so basically what you're saying here
2 today, you're leaving me with the same conclusion
3 that Mr. Brashears had. Because you're speaking
4 as the owner, and the owner is not speaking up to
5 say, "I am the owner" because T. Ayala doesn't
6 know what he's talking about, he's an employee of
7 the agency.

8 MR. T. AYALA: Okay, then the first time
9 he came he say I cannot speak directly owner, but
10 now you say you listen to me like I'm the owner,
11 so what is your point on it?

12 CHAIRPERSON ANDERSON: The point is that
13 you're here today to tell us who is the owner and
14 we're going to get a translator for him, he needs
15 to say that, and once he has said to you is that
16 you said you have an attorney that you are
17 working with, then maybe you need to have the
18 attorney who comes here who can explain to you
19 what is going on. What I'll say to you is you
20 take this report and share it with your attorney
21 and then you can let us know what -- April 6th at
22 1:30 is when we will have a translator if we need

1 one for him, and I'm going to also ask that we
2 have a translator for both of you because I want
3 to make sure that both of you understand what
4 we're trying to get at.

5 MR. T. AYALA: I understand bitterly what
6 he's saying.

7 CHAIRPERSON ANDERSON: You don't
8 understand -- sir, you don't understand because -
9 -

10 MR. T. AYALA: I understand --

11 CHAIRPERSON ANDERSON: You don't
12 understand because the more you open your mouth
13 the more you're telling me that you're the owner.

14 MR. SILVERSTEIN: Mr. Chairman.

15 CHAIRPERSON ANDERSON: Yes.

16 MR. SILVERSTEIN: If I could, I'd like to
17 speak in both languages. [Speaking Spanish] This
18 is a legal matter. This is a serious matter. We
19 need to understand completely in the words of
20 both Jose and Teofilo. It's possible you may
21 need a lawyer. You understand? Serious matter.

22 CHAIRPERSON ANDERSON: So, April 6 at

1 1:30 we have a translator. We'll have a
2 translator. And I'll make sure there's a
3 translator for both of you so both of you
4 understand why you're here. As I said before,
5 this hearing here, we're trying to gather
6 information and you have left me more confused
7 today. I'm serious, you have. Because you're
8 saying you're not the owner but you're speaking
9 for the owner.

10 MR. T. AYALA: All the time we have to be

11 --

12 CHAIRPERSON ANDERSON: I'm sorry, what?

13 MR. T. AYALA: All the time we have to
14 come there, who make the orders, and things like
15 that, but that's why --

16 CHAIRPERSON ANDERSON: And he needs to
17 tell me that okay? Yes, Mr. Short.

18 MR. SHORT: I'd like to ask Mr. Brashear
19 a question.

20 CHAIRPERSON ANDERSON: Go ahead, Mr.
21 Short.

22 MR. SHORT: Mr. Brashears, when you were

1 there during your off duties, did you have any
2 problems communicating with the persons you
3 identified in your report?

4 MR. BRASHEARS: No, sir.

5 MR. SHORT: And can you point out for us
6 now.

7 MR. BRASHEARS: Mr. T. Ayala was there
8 the first time I went. The second time I went,
9 Mr. Jose Ayala was there.

10 MR. SHORT: And they both spoke English
11 well enough for you to communicate?

12 MR. BRASHEARS: Yes, sir.

13 MR. SHORT: Okay, that's all I have.

14 CHAIRPERSON ANDERSON: All right. Okay.
15 April 6th at 1:30. Okay? All right thank you.
16

17 (Whereupon, the above-entitled matter was
18 concluded.)

19