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

(10:49 a.m.)

CHAIRPERSON MILLER: The next case is Case No. 11-CC-00142. No? Did I skip one? I'm sorry, scratch that.

MEMBER ALBERTI: No, okay, that is. I'm sorry. My mistake.

CHAIRPERSON MILLER: Oh, okay. Okay.

MEMBER ALBERTI: Yes, continue.

CHAIRPERSON MILLER: It is the case. Yes, it is the case. Okay. 11-CC-00142, Wines & Spirits Expo, LLC t/a Cork N Bottle, License No. 74582.

MR. RIVERO: Good morning, Board Members, Fernando Rivero for the District of Columbia.

CHAIRPERSON MILLER: Good morning. It looks like we don't have the licensee here.

MR. RIVERO: Yes, the licensee will not be appearing.

CHAIRPERSON MILLER: Okay. Do you

1 have some preliminary matters to address?

2 MR. RIVERO: We do.

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: This case originally
5 came to the Board's attention and was resolved
6 in April of last year through an offer in
7 compromise. The underlying violation was a
8 sale to minor. It required that the licensee
9 pay a \$3,000 fine.

10 The licensee ultimately did not
11 pay that fine and so it came back before the
12 Board, which is the case that we have today.

13 In the course of the prosecution,
14 it was discovered that the licensee is
15 actually in bankruptcy. Moreover, the
16 licensee, basically, abandoned the premises.
17 The establishment is not in business.

18 The Government had asked for a
19 Status Hearing, which is today's date, in
20 order to ascertain the feasibility of trying
21 to recover the \$3,000 fine through the
22 bankruptcy proceeding.

1 In the interim, we have learned
2 that there is actually very little chance of
3 that, because of the asset situation.
4 Moreover, the District of Columbia has a tax
5 lien against the licensee, which would take
6 precedence over this particular fine.

7 Given the facts of the situation
8 as they are, the Government will be dismissing
9 the case today, because there is actually
10 nothing to accomplish.

11 If there are any questions, I
12 would be glad to answer them.

13 CHAIRPERSON MILLER: Okay. Any
14 questions by the Board Members?

15 MEMBER BROOKS: Yes, thank you,
16 Madam Chair.

17 Do you have any idea how long they
18 were claiming bankruptcy? How long has it
19 been since the place has been vacant?

20 MR. RIVERO: I want to say some
21 time in the summer or late summer, early fall,
22 the licensee -- the bankruptcy proceeding was

1 instituted. You know, as you might be aware,
2 the bankruptcy proceedings -- all other
3 proceedings are automatically on hold. So
4 it's not like we could proceed in this
5 particular Show Cause proceeding to try to get
6 the \$3,000, we are just, basically, on hold,
7 if we wanted to do that.

8 But because there aren't any
9 assets to recover now, the Government would be
10 dismissing the case, at this time.

11 MEMBER BROOKS: That's the only
12 option you have, at this point?

13 MR. RIVERO: Or we could just
14 simply stay the actual proceeding until the
15 bankruptcy concludes at some unknown point in
16 time.

17 I am, however, aware in relation
18 to that that there is a possible purchaser for
19 the license, so the license will likely be
20 transferred involuntarily and that matter may
21 come to the Board at some point. I'm not sure
22 when. But there is someone who is interested

1 in purchasing the license. I was just
2 speaking with that person outside.

3 MEMBER BROOKS: Okay. Thank you.
4 Thank you, Mr. Chair.

5 MEMBER ALBERTI: Madam Chairman?

6 CHAIRPERSON MILLER: Yes.

7 MEMBER ALBERTI: Yes. Mr. Rivero?

8 MR. RIVERO: Yes?

9 MEMBER ALBERTI: Just I'm a little
10 confused as to the Government's position here.
11 Are you suggesting that you dismiss the case
12 or just not prosecute it or is there a motion
13 before us to dismiss the case?

14 MR. RIVERO: Yes. The action of
15 the Government today is to dismiss the case,
16 because we know that the \$3,000 are not there
17 to recover.

18 MEMBER ALBERTI: Okay. So --

19 MR. RIVERO: From this particular
20 licensee.

21 MEMBER ALBERTI: So do we take
22 that as a motion to dismiss this case?

1 MR. RIVERO: Right.

2 MEMBER ALBERTI: All right. Thank
3 you. So you need to --

4 CHAIRPERSON MILLER: Yes.

5 MEMBER ALBERTI: We need to vote
6 on that.

7 CHAIRPERSON MILLER: Yes, okay.
8 Any other questions or comments? Okay. I
9 think we understand it.

10 I would then move to grant the
11 motion to dismiss and I'll poll the Board.

12 Mr. Nophlin?

13 MEMBER NOPHLIN: I agree, Madam
14 Chair.

15 CHAIRPERSON MILLER: Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRPERSON MILLER: Ms. Mobley?

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MEMBER MOBLEY: I agree.

CHAIRPERSON MILLER: Mr. Jones?

MEMBER JONES: I agree.

CHAIRPERSON MILLER: And I agree.

And the vote is 7-0 to grant the motion to
dismiss.

MR. RIVERO: Thank you.

CHAIRPERSON MILLER: Thank you. I
think that completes our Show Cause (Status)
Hearings.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:53 a.m.)

<p style="text-align: center;">A</p> <p>abandoned 3:16 above-entitled 8:12 accomplish 4:10 action 6:14 actual 5:14 address 3:1 agree 7:13,16,18,21 8:1,3,4 Alberti 1:19 2:6,10 6:5,7,9,18,21 7:2 7:5,17,18 Alcoholic 1:2,13,14 ANC-4B 1:8 answer 4:12 appearing 2:21 April 3:6 ascertain 3:20 asked 3:18 asset 4:3 assets 5:9 attention 3:5 automatically 5:3 Avenue 1:7 aware 5:1,17 a.m 2:2 8:13</p> <hr/> <p style="text-align: center;">B</p> <p>back 3:11 bankruptcy 3:15 3:22 4:18,22 5:2 5:15 basically 3:16 5:6 Beverage 1:2,13,14 Board 1:2,10,14 2:15 3:12 4:14 5:21 7:11 Board's 3:5 Bottle 1:6 2:14 Brooks 1:19 4:15 5:11 6:3 7:15,16 business 3:17</p> <hr/> <p style="text-align: center;">C</p> <p>CALVIN 1:21 case 1:9 2:3,4,12,12 3:4,12 4:9 5:10</p>	<p>6:11,13,15,22 Cause 1:6 5:5 8:9 8:11 Chair 4:16 6:4 7:14 Chairman 6:5 Chairperson 1:15 1:18 2:3,8,11,18 2:22 3:3 4:13 6:6 7:4,7,15,17,19,22 8:2,4,8 chance 4:2 claiming 4:18 Columbia 1:1 2:17 4:4 come 5:21 comments 7:8 completes 8:9 Comply 1:10 compromise 3:7 concluded 8:13 concludes 5:15 confused 6:10 continue 2:10 Control 1:2,13,14 Cork 1:6 2:13 course 3:13</p> <hr/> <p style="text-align: center;">D</p> <p>date 3:19 discovered 3:14 dismiss 6:11,13,15 6:22 7:11 8:6 dismissing 4:8 5:10 District 1:1 2:16 4:4 DONALD 1:19 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>early 4:21 establishment 3:17 Expo 1:6 2:13</p> <hr/> <p style="text-align: center;">F</p> <p>facts 4:7 Failed 1:10 fall 4:21 feasibility 3:20</p>	<p>Fernando 1:24 2:16 fine 3:9,11,21 4:6</p> <hr/> <p style="text-align: center;">G</p> <p>Georgia 1:7 Given 4:7 glad 4:12 Good 2:15,18 Government 3:18 4:8 5:9 6:15 Government's 6:10 grant 7:10 8:5</p> <hr/> <p style="text-align: center;">H</p> <p>Hearing 1:7,14 3:19 8:12 Hearings 8:10 HERMAN 1:20 hold 5:3,6</p> <hr/> <p style="text-align: center;">I</p> <p>idea 4:17 instituted 5:1 interested 5:22 interim 4:1 involuntarily 5:20</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:12 JEANNETTE 1:22 Jones 1:20 8:2,3</p> <hr/> <p style="text-align: center;">K</p> <p>know 5:1 6:16</p> <hr/> <p style="text-align: center;">L</p> <p>late 4:21 learned 4:1 license 1:8 2:14 5:19,19 6:1 licensee 2:19,20 3:8 3:10,14,16 4:5,22 6:20 lien 4:5 little 4:2 6:9 LLC 1:6 2:13 long 4:17,18</p>	<p>looks 2:19</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 4:16 6:5 7:13 matter 1:5 5:20 8:12 matters 3:1 MEETING 1:3 Member 1:19,19 1:20,21,21,22 2:6 2:10 4:15 5:11 6:3,5,7,9,18,21 7:2,5,13,16,18,21 8:1,3 Members 2:16 4:14 met 1:14 MIKE 1:21 Miller 1:15,18 2:3 2:8,11,18,22 3:3 4:13 6:6 7:4,7,15 7:17,19,22 8:2,4,8 minor 3:8 mistake 2:7 Mobley 1:22 7:22 8:1 morning 2:15,18 motion 6:12,22 7:11 8:5 move 7:10</p> <hr/> <p style="text-align: center;">N</p> <p>N 1:6 2:13 need 7:3,5 NICK 1:19 Nophlin 1:21 7:12 7:13 NW 1:7 N.W 1:14</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:24 offer 3:6 Oh 2:8 okay 2:6,8,9,12,22 3:3 4:13 6:3,18 7:7,8 option 5:12</p>	<p>order 1:10 3:20 originally 3:4 outside 6:2</p> <hr/> <p style="text-align: center;">P</p> <p>particular 4:6 5:5 6:19 pay 3:9,11 person 6:2 place 4:19 point 5:12,15,21 poll 7:11 position 6:10 possible 5:18 precedence 4:6 preliminary 3:1 premises 3:16 PRESENT 1:17,23 presiding 1:15 proceed 5:4 proceeding 3:22 4:22 5:5,14 proceedings 5:2,3 prosecute 6:12 prosecution 3:13 purchaser 5:18 purchasing 6:1 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 4:11,14 7:8</p> <hr/> <p style="text-align: center;">R</p> <p>recover 3:21 5:9 6:17 relation 5:17 required 3:8 resolved 3:5 Retailer 1:8 right 7:1,2 Rivero 1:24 2:15 2:16,20 3:2,4 4:20 5:13 6:7,8,14,19 7:1 8:7 Room 1:14 Ruthanne 1:15,18</p>
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