

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD
+ + + + +
PUBLIC HEARING

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IN THE MATTER OF:	:
	:
Justin's Caf,, LLC, t/a	:
Justin's Caf,	:
1025 First Street, S.E.	:
	: Show Cause
License No. 83690	: Hearing (Status)
Retailer CR	:
Case No. 12-CMP-00233	:
	:

Wednesday,
January 16, 2013

ABRA Hearing Room
Suite 400 South
Reeves Municipal Center

2000 - 14th Street, N.W.
Washington, DC 20009

The above-entitled matter convened
at 9:53 a.m. before the District of Columbia
Alcoholic Beverage Regulation Administration
Board.

BEFORE:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD C. BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

The transcript constitutes the minutes
from the Public Hearing held on January 16,
2013.

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

2 9:53 a.m.

3 CHAIRPERSON MILLER: The next case
4 on the calendar is Case No. 12-CMP-00233,
5 Justin's Caf,, located at 1025 First Street,
6 S.E., License No. 83690 in ANC 6D. Are the
7 parties here on this case? Okay.

8 MS. GEPHARDT: Good morning.
9 Chrissy Gephardt, on behalf of the Office of
10 the Attorney General.

11 MR. ROSS: Justin Ross, owner of
12 Justin's Caf,.

13 CHAIRPERSON MILLER: Okay, good
14 morning. When you have the opportunity, sign
15 in on that piece of paper. Great. Mr. Ross,
16 this is a Show Cause hearing, a status
17 hearing, and I just need to ask you the
18 preliminary questions, whether you received
19 notice of the hearing?

20 MR. ROSS: Yes.

21 CHAIRPERSON MILLER: And did you
22 read it?

1 MR. ROSS: Yes.

2 CHAIRPERSON MILLER: Did you
3 understand it?

4 MR. ROSS: Yes.

5 CHAIRPERSON MILLER: And do you
6 waive the Board's reading of the Notice into
7 the record?

8 MR. ROSS: I'm sorry?

9 CHAIRPERSON MILLER: Do you waive
10 the Board's reading of the Notice into the
11 record? That means do you forego the Board's
12 actually reading the specific notice that you
13 received into the record today?

14 MR. ROSS: Yes.

15 CHAIRPERSON MILLER: Okay. It is in
16 the record anyway. Okay. Ms. Gephardt, do we
17 have any preliminary matters?

18 MR. ROSS: Yes we do, Board members.
19 In this case, the parties have reached an
20 offer and compromise, and the offer is as
21 follows:

22 For Charge 1, which is exceeding the

1 capacity of the sidewalk area, the government
2 agrees to drop that charge. For Charge 2, the
3 parties have agreed on a \$1,500 fine for
4 exceeding the occupancy indoors, and then for
5 Charge 3, the government is dropped that
6 charge, based on a misunderstanding of what
7 actually occurred and the facts of the case.

8 It was our understanding that to go
9 cups were being provided. However, this was
10 more of a situation where people were walking
11 off premises with their drinks, beer bottles
12 and what-not. So the government has agreed to
13 drop that charge.

14 So the total would be a \$1,500 fine,
15 to be payable within -- payable today or
16 within 30 days.

17 CHAIRPERSON MILLER: Payable within
18 -- which is it?

19 MR. ROSS: Within 30 days.

20 CHAIRPERSON MILLER: Within, okay.
21 Okay. Let me just repeat this, so that I make
22 sure that the Board understands the offer and

1 compromise. The first violation of the
2 voluntary agreement is dropped.

3 MS. GEPHARDT: That's correct.

4 CHAIRPERSON MILLER: Okay, the
5 second violation regarding substantial change
6 in the interior is being offered a penalty of
7 \$1,500 in settlement, and the third violation
8 regarding go cups is being dropped.

9 MS. GEPHARDT: That's correct.

10 CHAIRPERSON MILLER: Okay. So the
11 fine I see is for \$1,500 to be payable within
12 the 30 days.

13 MS. GEPHARDT: Correct.

14 CHAIRPERSON MILLER: Okay, Mr. Ross,
15 is that your understanding of the offer and
16 compromise?

17 MR. ROSS: Yes.

18 CHAIRPERSON MILLER: And do you
19 understand that you waive your right to a
20 hearing by accepting an offer and compromise?

21 MR. ROSS: Yes.

22 CHAIRPERSON MILLER: Okay. Do Board

1 members have any questions?

2 MEMBER ALBERTI: I do.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Alberti.

5 MEMBER ALBERTI: Ms. Gephardt?

6 MS. GEPHARDT: Yes.

7 MEMBER ALBERTI: You represented the
8 facts of the third charge as having to do with
9 people taking drinks off premise?

10 MS. GEPHARDT: That's correct.

11 MEMBER ALBERTI: And that's the way
12 I remember the report, my interpretation of
13 the report. So that begs the question to me
14 as to why wasn't that charge brought? It's a
15 very serious charge, for an establishment to
16 allow people to carry beverages off premise.

17 MS. GEPHARDT: Absolutely.

18 MEMBER ALBERTI: So why wasn't that
19 brought?

20 MS. GEPHARDT: What happened in this
21 case was it was a misunderstanding on the part
22 of the government as to what actually had

1 happened. It was our understanding, so we
2 thought, that the establishment was actually
3 providing to go cups to patrons take off the
4 premises.

5 This was a situation where, and it
6 should have been charged this way but it was
7 not, where patrons were taking the drinks off
8 premises, either with or without the knowledge
9 of the establishment. So it was a mistake of
10 the government to not charge it appropriately.

11 MEMBER ALBERTI: I would ask that
12 the government please be more mindful of the
13 charges in the future, and I'm sorry, Mr.
14 Ross, that's a very serious allegation, and if
15 true, I would hope that you would, in the
16 future, be mindful of controlling your
17 patrons, actually controlling how the
18 beverages are handled, and whether or not
19 they're taken off premises.

20 MR. ROSS: Since this date, on home
21 games, we had a second doorman, a completely
22 barricaded area. So we're going to try to

1 stronger measures to handle that. But yeah.

2 MEMBER ALBERTI: We appreciate that.

3 Thank you, sir.

4 CHAIRPERSON MILLER: Yes, Mr.

5 Silverstein.

6 SS Yes. Mr. Ross, I'd like to
7 associate myself with the remarks of my
8 colleague, Mr. Alberti. You are somewhat of
9 a pioneer down there. There aren't a whole
10 lot of other places where there are things
11 going on. You say we can't do this, because
12 they can't.

13 You have to sort of set the
14 standard, and I think we all understand that
15 it's a difficult situation, because these are
16 baseball fans, and they're in a celebratory
17 mood and it's, you know, how do you tell
18 somebody you can't do this, you can't do that.

19 And we certainly wish you well. We
20 just hope that what you're doing to try to
21 stop this, people going off premise, will
22 work, and we wish you well. But we are

1 concerned about that.

2 We can't allow this to continue
3 there, and just a reminder. This is an area
4 that is growing, where other things are going
5 to happen. You are the pioneer. You are
6 setting the standard for everyone, and we hope
7 that we can work with you to make that a good,
8 safe standard. Good luck.

9 MR. ROSS: Thank you very much.

10 CHAIRPERSON MILLER: Okay. Any
11 other questions?

12 (No response.)

13 CHAIRPERSON MILLER: All right.
14 Then I'm going to move that we accept this
15 offer and compromise, which consists of
16 dropping the first violation regarding the
17 voluntary agreement and the third violation
18 regarding go cups, and the offer is a fine of
19 \$1,500 payable within 30 days, with respect to
20 the failure to obtain approval for a
21 substantial change in operation violation. Do
22 I have a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks has
3 seconded the motion. All those in favor say
4 aye?

5 (Chorus of ayes.)

6 CHAIRPERSON MILLER: All those
7 opposed?

8 (No response.)

9 CHAIRPERSON MILLER: All those
10 abstaining.

11 (No response.)

12 CHAIRPERSON MILLER: Then the motion
13 passes, and the offer and compromise is
14 approved. So that concludes this case. Thank
15 you.

16 (Whereupon, at 10:02 a.m., the
17 hearing was concluded.)

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<p style="text-align: center;">A</p> <p>above-entitled 1:22</p> <p>ABRA 1:18</p> <p>Absolutely 7:17</p> <p>abstaining 11:10</p> <p>accept 10:14</p> <p>accepting 6:20</p> <p>Administration 1:5 1:23</p> <p>agreed 5:3,12</p> <p>agreement 6:2 10:17</p> <p>agrees 5:2</p> <p>Alberti 2:6 7:2,4,5 7:7,11,18 8:11 9:2 9:8</p> <p>Alcoholic 1:4,23</p> <p>allegation 8:14</p> <p>allow 7:16 10:2</p> <p>ANC 3:6</p> <p>anyway 4:16</p> <p>appreciate 9:2</p> <p>appropriately 8:10</p> <p>approval 10:20</p> <p>approved 11:14</p> <p>area 5:1 8:22 10:3</p> <p>associate 9:7</p> <p>Attorney 3:10</p> <p>aye 11:4</p> <p>eyes 11:5</p> <p>a.m 1:22 3:2 11:16</p> <hr/> <p style="text-align: center;">B</p> <p>barricaded 8:22</p> <p>baseball 9:16</p> <p>based 5:6</p> <p>beer 5:11</p> <p>begs 7:13</p> <p>behalf 3:9</p> <p>Beverage 1:4,23</p> <p>beverages 7:16 8:18</p> <p>Board 1:5,23 4:18 5:22 6:22</p> <p>Board's 4:6,10,11</p> <p>bottles 5:11</p> <p>Brooks 2:7 11:1,2</p>	<p>brought 7:14,19</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:7 3:1</p> <p>Caf 1:12,12 3:5,12</p> <p>calendar 3:4</p> <p>capacity 5:1</p> <p>carry 7:16</p> <p>case 1:15 3:3,4,7 4:19 5:7 7:21 11:14</p> <p>Cause 1:13 3:16</p> <p>celebratory 9:16</p> <p>Center 1:19</p> <p>certainly 9:19</p> <p>Chairperson 2:5 3:3,13,21 4:2,5,9 4:15 5:17,20 6:4 6:10,14,18,22 7:3 9:4 10:10,13 11:2 11:6,9,12</p> <p>change 6:5 10:21</p> <p>charge 4:22 5:2,2,5 5:6,13 7:8,14,15 8:10</p> <p>charged 8:6</p> <p>charges 8:13</p> <p>Chorus 11:5</p> <p>Chrissy 3:9</p> <p>colleague 9:8</p> <p>Columbia 1:2,22</p> <p>completely 8:21</p> <p>compromise 4:20 6:1,16,20 10:15 11:13</p> <p>concerned 10:1</p> <p>concluded 11:17</p> <p>concludes 11:14</p> <p>consists 10:15</p> <p>constitutes 2:20</p> <p>continue 10:2</p> <p>controlling 8:16,17</p> <p>convened 1:22</p> <p>correct 6:3,9,13 7:10</p> <p>CR 1:14</p> <p>cups 5:9 6:8 8:3</p>	<p>10:18</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:1</p> <p>date 8:20</p> <p>days 5:16,19 6:12 10:19</p> <p>DC 1:21</p> <p>difficult 9:15</p> <p>District 1:2,22</p> <p>doing 9:20</p> <p>DONALD 2:7</p> <p>doorman 8:21</p> <p>drinks 5:11 7:9 8:7</p> <p>drop 5:2,13</p> <p>dropped 5:5 6:2,8</p> <p>dropping 10:16</p> <hr/> <p style="text-align: center;">E</p> <p>E 3:1,1</p> <p>either 8:8</p> <p>establishment 7:15 8:2,9</p> <p>exceeding 4:22 5:4</p> <hr/> <p style="text-align: center;">F</p> <p>facts 5:7 7:8</p> <p>failure 10:20</p> <p>fans 9:16</p> <p>favor 11:3</p> <p>fine 5:3,14 6:11 10:18</p> <p>first 1:13 3:5 6:1 10:16</p> <p>follows 4:21</p> <p>forego 4:11</p> <p>future 8:13,16</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:1</p> <p>games 8:21</p> <p>General 3:10</p> <p>Gephardt 3:8,9 4:16 6:3,9,13 7:5 7:6,10,17,20</p> <p>go 5:8 6:8 8:3 10:18</p> <p>going 8:22 9:11,21 10:4,14</p>	<p>good 3:8,13 10:7,8</p> <p>government 1:1 5:1,5,12 7:22 8:10 8:12</p> <p>Great 3:15</p> <p>growing 10:4</p> <hr/> <p style="text-align: center;">H</p> <p>handle 9:1</p> <p>handled 8:18</p> <p>happen 10:5</p> <p>happened 7:20 8:1</p> <p>hearing 1:7,14,18 2:21 3:16,17,19 6:20 11:17</p> <p>held 2:21</p> <p>HERMAN 2:9</p> <p>home 8:20</p> <p>hope 8:15 9:20 10:6</p> <hr/> <p style="text-align: center;">I</p> <p>indoors 5:4</p> <p>interior 6:6</p> <p>interpretation 7:12</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:17 2:21</p> <p>JONES 2:9</p> <p>Justin 3:11</p> <p>Justin's 1:12,12 3:5 3:12</p> <hr/> <p style="text-align: center;">K</p> <p>know 9:17</p> <p>knowledge 8:8</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:14 3:6</p> <p>LLC 1:12</p> <p>located 3:5</p> <p>lot 9:10</p> <p>luck 10:8</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:10,22</p> <p>matters 4:17</p> <p>means 4:11</p> <p>measures 9:1</p>	<p>Member 2:6,7,9,10 7:2,5,7,11,18 8:11 9:2 11:1</p> <p>members 4:18 7:1</p> <p>MIKE 2:10</p> <p>MILLER 2:5 3:3 3:13,21 4:2,5,9,15 5:17,20 6:4,10,14 6:18,22 7:3 9:4 10:10,13 11:2,6,9 11:12</p> <p>mindful 8:12,16</p> <p>minutes 2:20</p> <p>mistake 8:9</p> <p>misunderstanding 5:6 7:21</p> <p>mood 9:17</p> <p>morning 3:8,14</p> <p>motion 11:3,12</p> <p>move 10:14</p> <p>Municipal 1:19</p> <hr/> <p style="text-align: center;">N</p> <p>N 3:1</p> <p>need 3:17</p> <p>NICK 2:6</p> <p>notice 3:19 4:6,10 4:12</p> <p>N.W 1:20</p> <hr/> <p style="text-align: center;">O</p> <p>O 3:1</p> <p>obtain 10:20</p> <p>occupancy 5:4</p> <p>occurred 5:7</p> <p>offer 4:20,20 5:22 6:15,20 10:15,18 11:13</p> <p>offered 6:6</p> <p>Office 3:9</p> <p>okay 3:7,13 4:15,16 5:20,21 6:4,10,14 6:22 10:10</p> <p>operation 10:21</p> <p>opportunity 3:14</p> <p>opposed 11:7</p> <p>owner 3:11</p>
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