

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :
: :
Case# 11-CMP-00340 :
Guerra, LLC :
t/a The Meeting Place :
1100 17th Street NW : Show Cause
License #74661 : Hearing
Retailer CR : (Status)
ANC-2B :
Permitted Employees to Engage:
in Sexual Acts at the :
Establishment, Failed to :
Obtain an Entertainment :
Endorsement :
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January 18, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
CALVIN NOPHLIN, Member
NICK ALBERTI, Member
DONALD BROOKS, Member

MIKE SILVERSTEIN, Member
HERMAN JONES, Member
JEANNETTE MOBLEY, Member

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

12:07 p.m.

CHAIRPERSON MILLER: The next case on the calendar is case #11-CMP-00340, Guerra, LLC trading as The Meeting Place, 1100 17th Street NW, License #74661 in ANC-2B.

Good afternoon. Would you introduce yourself for the record, please?

MR. GUERRA: I'm Ricardo Guerra, owner and manager of The Meeting Place.a

MR. BEMPAH: Hi. My name is Patrick Bempah. I'm head of security.

CHAIRPERSON MILLER: Okay. Thank you.

MR. STERN: Michael Stern representing the District of Columbia.

CHAIRPERSON MILLER: Okay. May I ask you, Mr. Guerra -- Guerra?

MR. GUERRA: Yes, Guerra.

CHAIRPERSON MILLER: Did you receive a Notice to Show Cause?

MR. GUERRA: Yes.

1 CHAIRPERSON MILLER: And did you
2 read the notice?

3 MR. GUERRA: Um-hum.

4 CHAIRPERSON MILLER: Did you
5 understand it?

6 MR. GUERRA: Yes.

7 CHAIRPERSON MILLER: Do you waive
8 my reading of the notice into the record? Do
9 you waive my reading of the notice into this
10 record?

11 MR. GUERRA: Yes. I'm sorry.

12 CHAIRPERSON MILLER: It's somewhat
13 of a formality but -- okay.

14 Mr. Stern.

15 MR. STERN: Yes. The parties have
16 entered into an agreement which we hope will
17 resolve this and the Board will accept as an
18 Offer-in-Compromise.

19 The respondent will pay a fine of
20 \$3,250 within 60 days and have their license
21 suspended for two days, both days being stayed
22 for a period of one year if there are no

1 further violations during that one year
2 period. At the end of the year the suspension
3 would be dismissed if there are no further
4 violations.

5 CHAIRPERSON MILLER: Could you
6 repeat that? It is stayed for two days up to
7 one year and then?

8 MR. STERN: It's stayed for two
9 days for a period of one year.

10 CHAIRPERSON MILLER: Right.

11 MR. STERN: And if there are no
12 further violations during that time period,
13 the two days would be dismissed.

14 CHAIRPERSON MILLER: Right. Okay.
15 Yes, Mr. Jones.

16 MEMBER JONES: Thank you.

17 Mr. Stern, what is the breakdown?

18 MR. STERN: That this would be
19 \$2,000 for count 1 and \$1,250 for the second
20 count.

21 MEMBER ALBERTI: I'm sorry. Mr.
22 Stern, the second count being -- could you

1 actually read it?

2 MR. STERN: I'm sorry. The first
3 count being allowing employees to engage in
4 sexual acts or sexual contact as defined in
5 22301. The second count being failure to
6 obtain an entertainment endorsement.

7 CHAIRPERSON MILLER: There is no
8 prior during the last two years?

9 MR. STERN: Right.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Guerra, do you understand the Offer-in-
12 Compromise that Mr. Stern just presented, that
13 being \$2,000 for the first offense dealing
14 with sexual contact, \$1,250 dealing with
15 failure to obtain an entertainment
16 endorsement, payment within 60 days, two-day
17 suspension. Yes, two-day suspension stayed
18 for a period of one year and then dismissed if
19 there is no further violation.

20 MR. GUERRA: Yes.

21 CHAIRPERSON MILLER: Yes, sir.a

22 MR. BEMPAH: Yes, ma'am. May I

1 speak?

2 CHAIRPERSON MILLER: Yes.a

3 MR. BEMPAH: During the incident
4 Mr. Guerra back in 2010 actually --

5 MEMBER ALBERTI: We don't need an
6 explanation at this point. This is not
7 testimony.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: I'm sorry, sir.
10 Really this is not the time to present
11 evidence or explanation. We are really not at
12 that point. That is not the purpose of this
13 hearing. I apologize for cutting you off but
14 it's not efficient for our time to hear that
15 at this point. I'm sorry.

16 Continue, Madam Chair.

17 CHAIRPERSON MILLER: So you
18 understand the Offer-in-Compromise?

19 MR. GUERRA: Yes.

20 CHAIRPERSON MILLER: Okay. Do you
21 accept that? Okay. Go ahead.

22 MR. GUERRA: As the owner I accept

1 my mistake because I really didn't know about
2 it. At one time I was approved with an
3 entertainment license for every Monday --
4 every other Monday to have a male dancer.
5 Then it didn't work out so I switched
6 somebody. A DJ offered me to have girls.

7 CHAIRPERSON MILLER: Okay. We're
8 not going to get into evidence at this point.
9 My question to you is Mr. Stern has presented
10 an Offer-in-Compromise in place of going to a
11 hearing on this. Do you understand what the
12 offer is and accept it?

13 MR. GUERRA: Yes.

14 CHAIRPERSON MILLER: And you know
15 you're waiving your right to a hearing if you
16 accept this?

17 MR. GUERRA: Yes.

18 CHAIRPERSON MILLER: Okay. I
19 think the Board wants to take another quick
20 recess and consider this case. I'm going to
21 read the Open Meetings Act instructions again.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with Section 405 of
3 the Open Meetings Amendment Act of 2010, I
4 move that the ABC Board hold a closed meeting
5 for the purpose of seeking legal advice from
6 our counsel on case #11-CMP-00340 and possibly
7 deliberating upon that.

8 Is there a second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: All those in
11 favor say aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The vote is
15 seven zero zero. We'll take a quick recess
16 pursuant to the Open Meetings Act. We are now
17 off the record. We'll be back shortly.

18 (Whereupon, at 12:15 p.m. off the
19 record until 12:36 p.m.)

20 CHAIRPERSON MILLER: We are back
21 on the record. Before the Board acts, do the
22 parties have anything else they want to say to

1 the Board?

2 MR. STERN: Yes.

3 CHAIRPERSON MILLER: Mr. Stern.

4 MR. STERN: Madam Chair, there was
5 some miscommunication between myself and the
6 agency and the amount that I gave you exceeds
7 the statutory maximum so we are revising our
8 Offer-in-Compromise. It would be \$2,000 for
9 the first offense which is a primary, and \$500
10 for the second offense which is secondary. As
11 I said, there are no priors. The two days
12 will remain stayed.

13 CHAIRPERSON MILLER: So the total
14 would be \$2,500.

15 MR. STERN: \$2,500 instead of
16 \$3,250.

17 MEMBER ALBERTI: This is to be
18 paid when? Did you say that?

19 MR. STERN: Within 60 days.

20 MEMBER ALBERTI: Within 60 days?

21 CHAIRPERSON MILLER: Yes.

22

1 Mr. Guerra, are you in agreement
2 with what Mr. Stern just said? And I will
3 repeat it one more time.

4 MR. GUERRA: Yes.

5 CHAIRPERSON MILLER: Okay. So
6 what I understand now is that the Offer-in-
7 Compromise is for a total of \$2,500, \$2,000
8 allocated to the first offense dealing with
9 sexual contact, and the \$500 for the failure
10 to obtain an entertainment endorsement.

11 This \$2,500 will be paid within 60
12 days and that there is -- 60 days from today.
13 And that there is a suspension for two days
14 but that will be stayed for one year pending
15 no further violation. Suspension of your
16 license. Okay. That's it. Are you in
17 agreement with that?

18 MR. GUERRA: Yes.

19 CHAIRPERSON MILLER: Okay. Is the
20 Board ready to vote on this?

21 MEMBER MOBLEY: Yes, Madam Chair.

22 CHAIRPERSON MILLER: Okay. Then I

1 would move that we accept this Offer-in-
2 Compromise. Do I have a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: All those in
5 favor say aye.

6 BOARD MEMBERS: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The vote is
9 seven zero zero to accept the Offer-in-
10 Compromise. Thank you. That concludes this
11 case.

12 (Whereupon, at 12:38 p.m. the
13 hearing was adjourned.)

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