

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Case #11-CMP-00057 :

Jo Jo Development, Inc. :

t/a Jo Jo Restaurant & Bar : Show

1518 U Street NW : Cause

License #60737 : Hearing

Retailer CT :

ANC-2B :

Violation of Voluntary :

Agreement :

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January 25, 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

JEANNETTE MOBLEY, Member

HERMAN JONES, Member

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

1:47 p.m.

CHAIRPERSON MILLER: Good afternoon. We are back on the record with Case #11-CMP-00057, Jo Jo Development, Inc., trading as Jo Jo Restaurant and Bar at 1518 U Street, N.W., License #60737 in ANC-2B. I see the parties are at the table. Would you introduce yourself, please, for the record.

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

MR. JUDD: Good afternoon. Kevin Judd on behalf of Jo Jo Development, Inc.

MR. KIBOUR: Hi. My name is Ben Kibour, Jo Jo Restaurant and Bar.

CHAIRPERSON MILLER: I'm sorry. I didn't catch your name.

MR. KIBOUR: Ben Kibour.

CHAIRPERSON MILLER: Kibour. Okay. Thank you.

You are here for a show cause

1 hearing. Are there any preliminary matters?

2 MR. RIVERO: Yes, Madam

3 Chairperson, there are. In fact, the parties
4 are bringing an Offer-in-Compromise to the
5 Board at this time.

6 The offer presented today will
7 cover the instant case which is 11-CMP-00057,
8 and another pending case which is 11-CMP-
9 00217. Both of these cases present virtually
10 the same facts which are noise complaints
11 alleged to be violations of the licensee's
12 Voluntary Agreement.

13 The offer consist of a suspension
14 of the license to be served on February 6,
15 2012, this date being a date that the licensee
16 normally operates.

17 The Government considered a number
18 of factors in arriving at this offer. We
19 considered the licensee's investigative
20 history. We considered the testimony of the
21 Government's witness, a proffer of which I can
22 make to the effect that the testimony would

1 show that the noise heard in the complainant's
2 property was quite low.

3 And, importantly, the nature of
4 this Voluntary Agreement approved by the Board
5 in comparison to other agreements also
6 approved by the Board containing the same
7 prohibition. Essentially the licensee's VA
8 provides for basic strict liability.

9 MEMBER SILVERSTEIN: Say again,
10 please?

11 MR. RIVERO: The licensee's VA
12 provides for basic strict liability. The
13 Board has approved many agreements that
14 require a complainant to advise the licensee
15 of a noise violation in order to afford an
16 opportunity to cure the violation before
17 resorting to ABRA.

18 The VA here lacks the language.
19 VAs also allow for noise made by patrons
20 entering and exiting an establishment through
21 an open door. The VA here lacks that
22 language.

1 Thus, for instance, the report in
2 the pending case notes that the music from the
3 establishment is more prominently heard when
4 persons entered and exit the establishment and
5 partly on that basis alleged a violation of
6 the Voluntary Agreement.

7 We understand that the licensee
8 has sent the Board a request for a
9 modification of the VA. Given the nature of
10 the evidence in this case and the pending
11 case, and the nature of the VA, we apply a
12 reasonable reading to D.C. Code 25-446 to
13 arrive at this suspension as an appropriate
14 penalty.

15 Finally, the Board is aware that a
16 penalty in this case does not have to include
17 a fine. The Board has the power to suspend,
18 or fine the licensee, or both. Or revoke a
19 license for violations of Title 25 of the D.C.
20 Code under D.C. Code 25-823(1) of the 2001
21 addition.

22 That is the background information

1 I wanted to provide the Board to interpret
2 this particular Offer-in-Compromise. Thank
3 you.

4 CHAIRPERSON MILLER: Thank you.

5 Any questions from the Board?

6 MEMBER ALBERTI: Go ahead, Mr.
7 Jones.

8 MEMBER JONES: Just for
9 clarification purposes, the OIC is for a
10 single day served?

11 MR. RIVERO: That is correct.

12 MEMBER JONES: Okay. And does the
13 OIC -- by its not being included does the OIC
14 imply that the five days that would have
15 appeared to have been triggered by this are
16 not included as part of the OIC and, thus,
17 will not be served?

18 MR. RIVERO: That's correct. We
19 determined that this particular -- the nature
20 of the case for the reasons I've stated would
21 exclude the five days that are held in
22 reserve.

1 MEMBER JONES: Thank you.

2 Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Alberti.

5

6 MEMBER ALBERTI: Thank you for
7 your presentation.

8 MR. RIVERO: My pleasure.

9 MEMBER ALBERTI: In the end are
10 there two violations here or is it one
11 violation as to what would be on the
12 licensee's record?

13 MR. RIVERO: That's a good
14 question.

15 MEMBER ALBERTI: I know.

16 MR. RIVERO: That would be a good
17 question. The licensee may pipe up at a
18 moment in which case I will have to ask for an
19 indulgence, but my preliminary answer would be
20 that there would be two secondary violations
21 as part of this Offer-in-Compromise. Can I
22 have an indulgence if you do not mind?

1 MEMBER ALBERTI: Sure.

2 MR. RIVERO: Thank you.

3 MEMBER ALBERTI: I'm sure the
4 Chair is okay with that.

5 CHAIRPERSON MILLER: That's fine.
6 Go ahead.

7
8 MEMBER ALBERTI: I'm sorry.

9 MR. RIVERO: I suppose I should
10 add that the licensee has taken the necessary
11 actions to soundproof -- to create the
12 conditions such that the noise is not heard
13 anymore.

14 In the instant case, part of the
15 problem, as the report reflects, had to do
16 with the fact that a door had been damaged and
17 it was in the process of being repaired and
18 there was some space through which sound could
19 escape.

20 That is no longer the case. But,
21 of course, I don't purport to speak for the
22 licensee, If there are any questions

1 concerning that, I would be happy to have them
2 directed.

3 CHAIRPERSON MILLER: I was going
4 to turn to the licensee anyway to hear what
5 you have to say about the OIC, whether it was
6 acceptable to you. I also would be interested
7 in what measures you have taken to mitigate
8 future --

9 MEMBER ALBERTI: May I ask my
10 question of Mr. Rivero before you do that
11 because it may -- they may want to speak to
12 the answer to my question.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Mr. Rivero, I
15 have another question about the Offer-in-
16 Compromise.

17 MR. RIVERO: Sure.

18 MEMBER ALBERTI: I think Mr. Jones
19 asked was this -- in the Offer-in-Compromise
20 as it stands, the five days from the prior
21 violation would not be served.

22 MR. RIVERO: Right.

1 MEMBER ALBERTI: Does that mean
2 that if there is -- if tomorrow there is
3 another violation, how -- what is the status
4 of those five days that are pending?

5 MR. RIVERO: Okay. I can answer
6 that question.

7 MEMBER ALBERTI: Thank you.

8 MR. RIVERO: As you would know,
9 there isn't anything in Title 25 that
10 obligates these five days to be triggered
11 right now if the Board accepted the terms of
12 this Offer-in-Compromise.

13 MEMBER ALBERTI: Right.

14 MR. RIVERO: If the Board accepts
15 the terms of this Offer-in-Compromise there is
16 nothing in Title 25 that obligates the service
17 of those five days.

18 Tomorrow there may be another
19 violation. That is a completely separate
20 matter and the five days would normally be
21 triggered. The only reason why I am coming to
22 you today and indicating that exclusion is

1 part of the Offer-in-Compromise is because of
2 the nature of the case.

3 MEMBER ALBERTI: Okay.

4 MR. RIVERO: If I answered your
5 question, I would be getting into
6 hypotheticals. Assuming it's a straight-up
7 easy case, the five days --

8 MEMBER ALBERTI: The five days are
9 still pending and still remain pending.

10 MR. RIVERO: Right. In your
11 hypothetical if there was a violation tomorrow
12 and it was a straight up easy case that didn't
13 warrant this kind of treatment that we're
14 getting at then, yes, it would be served.

15 MEMBER ALBERTI: Thank you.

16 MR. RIVERO: You're welcome.

17 MEMBER ALBERTI: Thank you, Madam
18 Chair.

19 CHAIRPERSON MILLER: Yes. Would
20 you like to say whether it's acceptable to
21 you? Then we also talked about the measures
22 you have taken to mitigate.

1 MR. JUDD: Yes. Thank you. My
2 client and I we did meet in the Government's
3 office. We explained the facts of this case,
4 this pending case. We also went through his
5 investigative history. My client, and myself,
6 we felt that this was a fair agreement.

7 In regards to this pending action
8 right here, what my client did to mitigate the
9 damages is that he went ahead and caulked the
10 window that was broken. The window was broken
11 and it was vandalized.

12 Then he had a window company come
13 and fix the window. However, it wasn't
14 caulked so the following two days the company
15 came back and caulked the window and now it's
16 soundproof.

17 CHAIRPERSON MILLER: Okay.

18 MR. KIBOUR: I would just like to
19 say one thing real quick if it's not too much.
20 Basically, I mean, I live in the neighborhood.
21 I've lived in that building for 10 years
22 myself. I wouldn't want to bother anybody and

1 I wouldn't want anybody to be bothered by the
2 fact that we're there.

3 The only simple thing I ask is, I
4 mean, this complaint is coming from the same
5 guy which is understandable. All I'm asking
6 is to give us a call and tell us, you know,
7 whatever the case may be just to talk to me
8 personally. I have given him my phone number.
9 I sent him a letter. That is why I actually
10 went and I did send a letter to the Board
11 stating that -- you know, an addition to the
12 Voluntary Agreement stating that, you know,
13 just give me a call. I have a lot of
14 neighbors that live around there and I haven't
15 had any complaint by anybody else but this
16 young man.

17 I mean, I don't know if you guys
18 have this letter that was presented to the
19 Board about two months ago. It just states to
20 give me a call so we can solve this matter.
21 That's all I have to say.

22 MR. JUDD: Let me also indicate

1 what other measures he's taken, too. He also
2 bought a machine that measures the noise
3 inside the establishment. Once that meter
4 hits a certain number, then the band
5 automatically will reduce the sound in the
6 establishment. He went ahead and bought this
7 machine in order to control the noise so there
8 wouldn't be any more complaints.

9 CHAIRPERSON MILLER: Mr.
10 Silverstein.

11 MEMBER SILVERSTEIN: Mr. Rivero,
12 do you agree with everything that the licensee
13 and his representative said?

14 MR. RIVERO: That is correct. We
15 have as part of the negotiation process
16 inquired into all the various things that may
17 have been done to prevent the noise from
18 getting out of control. I understand that he
19 has taken those measures.

20 Those are actually appropriate
21 measures. They are basically best practices
22 because the same facts have been present in

1 similar cases that deal with noise, with
2 machines that control the volume, insulation
3 of some kind, mechanisms for communication
4 first before resorting to Government
5 intervention.

6 All of those are basic practices
7 that have been present in cases of this type
8 before the Board since I've been practicing
9 for the last number of years.

10 MEMBER SILVERSTEIN: To what
11 extent has this broken window played into this
12 and the improper fix and the supposed fix that
13 was proper?

14 MR. RIVERO: Well, my
15 understanding is that I guess the licensee was
16 unlucky when this window was broken there was
17 a performance and the noise came out and then
18 there was a complaint and it just snowballed
19 from there.

20 My understanding is there is no
21 broken window anymore and that there is no
22 noise emanating from there. I am not aware of

1 any recent, for example, calls concerning
2 noise complaints from that establishment.

3 MEMBER SILVERSTEIN: Fair enough.

4 MEMBER ALBERTI: May I ask a
5 question?

6 CHAIRPERSON MILLER: Go ahead, Mr.
7 Alberti.

8 MEMBER ALBERTI: Mr. Rivero, since
9 these mitigating repairs, or whatever you want
10 to call them, measures have been implemented,
11 has an ABRA investigator gone out to assess
12 the effect of those measures?

13 MR. RIVERO: I'm not aware. I
14 don't think so.

15 MEMBER ALBERTI: Thank you.

16 MR. RIVERO: But they would
17 probably just respond on the basis of a
18 complaint so they may not have gone out.

19 MEMBER ALBERTI: I understand but
20 we have no basis to know.

21 MR. RIVERO: Other than the lack
22 of complaints that have come in, no.

1 MEMBER ALBERTI: Thank you.

2 CHAIRPERSON MILLER: Yes, Mr.

3 Nophlin.

4 MEMBER NOPHLIN: Thank you, Madam
5 Chair.

6 To piggy-back on the Board
7 member's question, Mr. Rivero, how many
8 complaints did we actually get from the
9 licensee roughly?

10 MR. RIVERO: Complaints against
11 the licensee for noise?

12 MEMBER NOPHLIN: Yes.

13 MR. RIVERO: That I'm aware there
14 were two because there are two different
15 cases.

16 MEMBER NOPHLIN: Okay.

17 MR. RIVERO: The one case is this
18 instant case and then the other one is a
19 pending matter which has not been charged but
20 for judicial economy purposes we just lumped
21 them together because they deal with the same
22 facts, the same situation.

1 MEMBER NOPHLIN: Same situation.
2 And according to the licensee, he said it was
3 a tenant who provided the complaint.

4 MR. RIVERO: The complainant is a
5 resident across the street from the
6 establishment.

7 MEMBER NOPHLIN: Across the
8 street. So you're not sure if anybody else
9 complained?

10 MR. RIVERO: Based on my own
11 assessment, the Government's own witness would
12 proffer that the Governmental witness did not
13 receive any other complaints.

14 MEMBER NOPHLIN: Thank you.

15 MR. RIVERO: I hope that answers
16 your question.

17 MEMBER NOPHLIN: It did. Thank
18 you very much.

19 MEMBER ALBERTI: Mr. Rivero,
20 another question. Has the licensee waived
21 service on the pending charge 00217?

22 MR. RIVERO: I believe the

1 licensee would be happy to waive service on
2 the pending charge.

3 MEMBER ALBERTI: Are you waiving
4 service on the charge ending in 00217?

5 MR. JUDD: Yes, we are.

6 MEMBER ALBERTI: Thank you.

7 CHAIRPERSON MILLER: Mr. Rivero, I
8 just want to clarify. There are two
9 complaints by the same person?

10 MR. RIVERO: Correct.

11 CHAIRPERSON MILLER: Same day?

12 MR. RIVERO: No. They were
13 different days.

14 CHAIRPERSON MILLER: How far apart
15 are those days?

16 MR. RIVERO: I want to say some
17 months apart.

18 CHAIRPERSON MILLER: Months apart.
19 The window wasn't broken for both of them.

20
21 MR. RIVERO: That's correct. In
22 that case the Government's own witness, who is

1 a different witness, but an investigator
2 nonetheless, would proffer the same thing,
3 that the noise was actually quite low. It is
4 for that reason, as I explained to the Board,
5 that the Government undertakes a reasonable
6 interpretation of 25-446. In other words,
7 what is the kind of noise level that was
8 contemplated by a provision of this type in a
9 Voluntary Agreement such that the Board then
10 can hold it against a licensee by attaching it
11 as a condition to the license. In their
12 exercise of prosecutorial discretion, we
13 interview our witnesses and we decide this is
14 probably the best way to go.

15 MR. JUDD: May I have the Board's
16 indulgence?

17 CHAIRPERSON MILLER: Yes.

18 MR. JUDD: Thank you.

19 CHAIRPERSON MILLER: Are there
20 other questions?

21 I just want to ask you is there
22 coming before the Board a request to modify

1 the Voluntary Agreement?

2 MR. RIVERO: I would defer to the
3 licensee. I believe he wrote the Board a
4 letter.

5 CHAIRPERSON MILLER: To add that
6 notice to you first?

7 MR. KIBOUR: Right. Exactly.

8 CHAIRPERSON MILLER: An
9 opportunity to cure?

10 MR. KIBOUR: Exactly. Exactly.
11 Just a phone call and that's all it is.

12 CHAIRPERSON MILLER: So is that on
13 its way or are you negotiating that?

14 MR. KIBOUR: It's been presented
15 to the Board. I don't know if you guys had it
16 already but I sent it to you guys about two
17 months ago.

18 MEMBER SILVERSTEIN: Madam Chair.
19 Is your license up for renewal at
20 this moment?

21 MR. KIBOUR: In about two years.
22 No, it's not.

1 MEMBER SILVERSTEIN: Then you
2 can't come to us for it. You have to go to
3 whoever signed the --

4 MR. KIBOUR: The ANC.

5 MEMBER SILVERSTEIN: Which ANC is
6 that?

7 MR. KIBOUR: 2B. ANC-2B. Which I
8 also sent them a letter, too, the same copy.
9 I sent one to you guys and the other one to
10 the ANC.

11 MEMBER SILVERSTEIN: You have to
12 deal with them.

13 CHAIRPERSON MILLER: Is this
14 neighbor a party to that agreement as well or
15 no? The complainant in this case.

16 MR. KIBOUR: Is he -- I'm sorry.
17 I didn't hear you.

18 CHAIRPERSON MILLER: Is he
19 involved at all with your Voluntary Agreement
20 and modification?

21 MR. KIBOUR: The neighborhood?

22 CHAIRPERSON MILLER: Your neighbor

1 that you said could you ask me first.

2 MR. KIBOUR: The guy that
3 complained? Oh, I should actually send him
4 this letter, too. I actually made a phone
5 call and spoke to him and, you know, just
6 -- I mean, there's a grudge obviously that
7 happened way back with this young man.

8 It just -- I mean, I have other
9 neighbors right in front that live closer to
10 the establishment and I asked them you know.
11 I go inside and I ask everybody if there is
12 any problem and he is the only one that is not
13 responding back to me.

14 CHAIRPERSON MILLER: Okay. All
15 right.

16 MEMBER ALBERTI: Mr. Kibour, just
17 to make sure it's perfectly clear, the Board
18 is now allowed to modify the voluntary
19 agreement --

20 MR. KIBOUR: That is what I
21 understood.

22 MEMBER ALBERTI: -- in your case

1 unless you have agreement from the ANC who is
2 a party to that agreement.

3 MR. KIBOUR: Right.

4 MEMBER ALBERTI: It's imperative
5 that you get agreement from the ANC and any
6 other parties who are signatures of the
7 Voluntary Agreement. If all parties come
8 together, then the Board can modify the
9 Voluntary Agreement. I want to make sure you
10 understand that.

11 MR. KIBOUR: I later on understood
12 that but I know I need to do more work with
13 the ANC.

14 CHAIRPERSON MILLER: Do you
15 understand that if you accept this Offer-in-
16 Compromise you waive the right to a hearing?

17 MR. KIBOUR: Right. Correct.

18 CHAIRPERSON MILLER: Okay.

19 Any other questions? The Board is
20 going to take a short recess and then we'll be
21 back.

22 I'm going to read some

1 instructions with respect to our going into
2 closed meeting.

3 As Chairperson of the Alcoholic
4 Beverage Control Board for the District of
5 Columbia and in accordance with Section 405 of
6 the Open Meetings Amendment Act of 2010, I
7 move that the ABC Board hold a closed meeting
8 for the purpose of seeking legal advice from
9 our counsel on case #11-CMP-00057 and 11-CMP-
10 00217 per Section 405(b)(4) of the Open
11 Meetings Amendment Act of 2010 and
12 deliberating on such case for the reason cited
13 in Section 405(b)(13) of the Open Meetings
14 Amendment Act of 2010.

15 Is there a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: I'll now call
18 the roll.

19 Mr. Nophlin.

20 MEMBER NOPHLIN: I agree.

21 CHAIRPERSON MILLER: Mr. Brooks.

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti.

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Ms. Miller, I
4 agree.

5 Mr. Silverstein.

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON MILLER: Ms. Mobley.

8 MEMBER MOBLEY: I agree.

9 CHAIRPERSON MILLER: Mr. Herman --
10 Jones. Herman Jones.

11 MEMBER JONES: I agree.

12 CHAIRPERSON MILLER: Okay. Then
13 the vote is seven zero. We'll be back
14 shortly.

15 (Whereupon, at 2:10 p.m. off the
16 record until 2:19 p.m.)

17 CHAIRPERSON MILLER: Okay. We are
18 back on the record. The Board was presented
19 with an Offer-in-Compromise for two cases and
20 they are 11-CMP-00057 and 11-CMP-00217. The
21 Offer-in-Compromise, as I understand it, is
22 for one day served, that day being February

1 6th.

2 The Board had an opportunity to
3 consider that. Are there any comments the
4 Board wants to make on this? Otherwise, I
5 will make a motion. Not hearing any, I would
6 move that we reject the Offer-in-Compromise
7 and I'm going to poll the Board. Do I have a
8 second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: Mr. Nophlin.

11 MEMBER NOPHLIN: I agree.

12 CHAIRPERSON MILLER: Mr. Brooks.

13 MEMBER BROOKS: I agree.

14 CHAIRPERSON MILLER: Mr. Alberti.

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON MILLER: Ms. Miller, I
17 agree.

18 Mr. Silverstein.

19 MEMBER SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Ms. Mobley.

21 MEMBER MOBLEY: I agree.

22 CHAIRPERSON MILLER: Mr. Jones.

1 MEMBER JONES: I agree.

2 CHAIRPERSON MILLER: The vote is
3 seven -- oh, all those opposed? All those
4 abstaining? Okay. Seven zero zero to reject
5 the Offer-in-Compromise.

6 However, at this point I have
7 another motion based on what the parties
8 presented today and that would be to dismiss
9 the case. Do I have a second?

10 MEMBER NOPHLIN: Second.

11 CHAIRPERSON MILLER: Anybody want
12 to speak to the motion?

13 MEMBER ALBERTI: Madam Chair, this
14 is specifically dismissing case number?

15 CHAIRPERSON MILLER: 11-CMP-00057
16 and 11-CMP-00217.

17 MEMBER ALBERTI: Thank you.

18 CHAIRPERSON MILLER: Is there a
19 second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: Any Board
22 Members want to speak to the motion? I'll

1 poll the Board then.

2 Mr. Nophlin.

3 MEMBER NOPHLIN: I agree.

4 CHAIRPERSON MILLER: Mr. Brooks.

5 MEMBER BROOKS: I agree.

6 CHAIRPERSON MILLER: Mr. Alberti.

7 MEMBER ALBERTI: I agree.

8 CHAIRPERSON MILLER: Ms. Miller, I
9 agree.

10 Mr. Silverstein.

11 MEMBER SILVERSTEIN: I agree.

12 Madam Chair, the thought of not enforcing days
13 that are hanging over someone is extremely
14 distasteful to this Board Member and others.
15 We felt it better to dismiss rather than to
16 set that precedent.

17 CHAIRPERSON MILLER: Ms. Mobley.

18 MEMBER MOBLEY: I agree.

19 CHAIRPERSON MILLER: Mr. Jones.

20 MEMBER JONES: I disagree.

21 Although the licensee didn't have an
22 opportunity to present a case or his side of

1 the story specifically, based on the charges
2 here before us it appears there is a valid
3 charge. For that reason I am not in agreement
4 with dismissing this case.

5 CHAIRPERSON MILLER: The vote is
6 six one, I believe, in favor of dismissing the
7 case. I would just like to say that I voted
8 this way because I was impressed with the
9 mitigation matters that the licensee presented
10 that's taken and willing to take and
11 everything else that was presented with
12 respect to the extent of the violation.

13 Any other comments? Then this
14 case is concluded. Thank you very much.

15 MR. RIVERO: And the companion
16 case as well. Right?

17 CHAIRPERSON MILLER: Yes.

18 MR. RIVERO: Thank you.

19 (Whereupon, at 2:23 p.m. the
20 hearing was adjourned.)

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