

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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19TH & k, Inc. t/a : Show
Ozio Martini & Cigar Lounge : Cause
1813 M Street, N.W. : Hearing
Retailer CN - ANC-2B :
License No. 23167 :
Case #12-CMP-00235 :
 :
(Violation of Voluntary :
Agreement, Substantial :
Change (Sidewalk Cafe) :
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January 30, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite

400S Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

DONALD BROOKS, Acting Chair
NICK ALBERTI, Member

HERMAN JONES, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

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

(2:22 p.m.)

CHAIRPERSON MILLER: Okay. I'm going to start and I'm sure our other Members will be joining us very shortly.

The first case on the afternoon calendar is Case No. 12-CMP-00235, Ozio Martini & Cigar Lounge located at 1813 M Street, N.W., License No. 23167 in ANC-2B.

Would the parties introduce themselves for the record?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. Good afternoon.

CHAIRPERSON MILLER: Good afternoon.

MR. FONSECA: Michael Fonseca on behalf of the licensee.

MR. CHRISTACOS: Steven Christacos representing Ozio.

CHAIRPERSON MILLER: Okay. As I have done in previous cases involving Ozio,

1 I'm going to be recusing myself, as I had some
2 participation in the voluntary agreement prior
3 to my coming on the Board.

4 And Mr. Brooks is going to handle
5 chairing the proceeding from here on.

6 ACTING CHAIR BROOKS: Okay. Thank
7 you, Madam Chair. Good afternoon and this is
8 a Show Cause Hearing.

9 Ms. Phillips, are there any
10 preliminary matters?

11 MS. PHILLIPS: There are indeed,
12 Mr. Chair. We have an offer in compromise to
13 present to the Board, which has been agreed
14 upon by the parties.

15 This is a two-count matter. The
16 first is a voluntary agreement violation and
17 the second one is a, remind me what it is,
18 let's see, failure to have -- having a
19 sidewalk cafe without an endorsement. I
20 apologize.

21 The total fine is \$1,750 to be
22 paid in 30 days.

1 ACTING CHAIR BROOKS: Okay. Mr.
2 Fonseca, does your client agree with the OIC?

3 MR. FONSECA: He does. And if I
4 could add for purposes of mitigation, after
5 the fact, the sidewalk cafe has been approved
6 by the Public Space Committee. We are
7 awaiting still, because I'm not handling that
8 aspect of it, for the Public Space permit to
9 issue.

10 We understand the application has
11 been reviewed and approved by the Board. So
12 as far as awaiting actually the endorsement
13 being put on the license, we need the Public
14 Space commitment.

15 ACTING CHAIR BROOKS: Okay.

16 MR. FONSECA: That for all intents
17 and purposes has been mitigated.

18 ACTING CHAIR BROOKS: Right. And
19 he knows that by agreeing to the OIC, he
20 waives the right to a hearing?

21 MR. FONSECA: Yes.

22 ACTING CHAIR BROOKS: Okay.

1 MR. FONSECA: Yes.

2 ACTING CHAIR BROOKS: Board
3 Members, any questions? Okay. Hearing none,
4 do I have a second?

5 MEMBER SILVERSTEIN: Second.

6 ACTING CHAIR BROOKS: All those in
7 favor say aye.

8 ALL: Aye.

9 ACTING CHAIR BROOKS: All those
10 opposed? All those abstaining? The motion
11 passes 4-0. And that concludes this case.

12 MS. PHILLIPS: Thank you, Mr.
13 Brooks.

14 MR. CHRISTACOS: Thank you.

15 MS. PHILLIPS: Thank you, Board
16 Members.

17 (Whereupon, the Show Cause Hearing
18 in the above-entitled matter was concluded at
19 2:25 p.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 5:18 abstaining 5:10 Acting 1:19 3:6 4:1 4:15,18,22 5:2,6,9 add 4:4 afternoon 2:6,14 2:16 3:7 agree 4:2 agreed 3:13 agreeing 4:19 agreement 1:11 3:2 3:16 ALBERTI 1:19 Alcoholic 1:2,14,15 ANC-2B 1:8 2:9 apologize 3:20 application 4:10 approved 4:5,11 aspect 4:8 Assistant 2:13 Attorney 2:13 awaiting 4:7,12 aye 5:7,8</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:18 Beverage 1:2,14,15 Board 1:2,15 3:3 3:13 4:11 5:2,15 Brooks 1:19 3:4,6 4:1,15,18,22 5:2,6 5:9,13</p> <hr/> <p style="text-align: center;">C</p> <p>cafe 1:12 3:19 4:5 calendar 2:7 case 1:9 2:6,7 5:11 cases 2:22 Cause 1:7 3:8 5:17 Chair 1:19 3:6,7,12 4:1,15,18,22 5:2,6 5:9 chairing 3:5 Chairperson 1:16 2:3,15,21 Change 1:12</p>	<p>Christacos 2:19,19 5:14 Cigar 1:7 2:8 client 4:2 CN 1:8 Columbia 1:1 2:14 coming 3:3 commitment 4:14 Committee 4:6 compromise 3:12 concluded 5:18 concludes 5:11 Control 1:2,14,15</p> <hr/> <p style="text-align: center;">D</p> <p>days 3:22 District 1:1 2:13 DONALD 1:19 D.C 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>endorsement 3:19 4:12</p> <hr/> <p style="text-align: center;">F</p> <p>fact 4:5 failure 3:18 far 4:12 favor 5:7 fine 3:21 first 2:6 3:16 Fonseca 2:17,17 4:2,3,16,21 5:1</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:13 going 2:4 3:1,4 Good 2:14,15 3:7</p> <hr/> <p style="text-align: center;">H</p> <p>handle 3:4 handling 4:7 hearing 1:8,15 3:8 4:20 5:3,17 HERMAN 1:20</p> <hr/> <p style="text-align: center;">I</p> <p>intents 4:16</p>	<p>introduce 2:10 involving 2:22 issue 4:9</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:13 joining 2:5 JONES 1:20</p> <hr/> <p style="text-align: center;">K</p> <p>k 1:6 knows 4:19</p> <hr/> <p style="text-align: center;">L</p> <p>let's 3:18 license 1:9 2:9 4:13 licensee 2:18 located 2:8 Louise 1:23 2:12 Lounge 1:7 2:8</p> <hr/> <p style="text-align: center;">M</p> <p>M 1:8 2:8 Madam 3:7 Martini 1:7 2:8 matter 1:5 3:15 5:18 matters 3:10 MEETING 1:3 Member 1:19,20 1:21 5:5 Members 2:4 5:3 5:16 met 1:15 Michael 2:17 MIKE 1:21 Miller 1:17 2:3,15 2:21 mitigated 4:17 mitigation 4:4 motion 5:10</p> <hr/> <p style="text-align: center;">N</p> <p>need 4:13 NICK 1:19 N.W 1:8,15 2:9</p> <hr/> <p style="text-align: center;">O</p>	<p>OAG 1:23 offer 3:12 OIC 4:2,19 Okay 2:3,21 3:6 4:1,15,22 5:3 opposed 5:10 Ozio 1:7 2:7,20,22</p> <hr/> <p style="text-align: center;">P</p> <p>paid 3:22 participation 3:2 parties 2:10 3:14 passes 5:11 permit 4:8 Phillips 1:23 2:12 2:12 3:9,11 5:12 5:15 preliminary 3:10 present 1:18,22 3:13 presiding 1:17 previous 2:22 prior 3:2 proceeding 3:5 Public 4:6,8,13 purposes 4:4,17 put 4:13 P-R-O-C-E-E-D-... 2:1 p.m 2:2 5:19</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:3</p> <hr/> <p style="text-align: center;">R</p> <p>record 2:11 recusing 3:1 remind 3:17 representing 2:20 Retailer 1:8 reviewed 4:11 right 4:18,20 Room 1:15 Ruthanne 1:17</p> <hr/> <p style="text-align: center;">S</p> <p>second 3:17 5:4,5 see 3:18</p>	<p>shortly 2:5 Show 1:6 3:8 5:17 sidewalk 1:12 3:19 4:5 SILVERSTEIN 1:21 5:5 Space 4:6,8,14 start 2:4 Steven 2:19 Street 1:8,15 2:9 Substantial 1:11 Suite 1:15 sure 2:4</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 3:6 5:12,14 5:15 total 3:21 two-count 3:15 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 4:10</p> <hr/> <p style="text-align: center;">V</p> <p>violation 1:10 3:16 voluntary 1:10 3:2 3:16</p> <hr/> <p style="text-align: center;">W</p> <p>waives 4:20 Washington 1:16</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,750 3:21</p> <hr/> <p style="text-align: center;">#</p> <p>#12-CMP-00235 1:9</p> <hr/> <p style="text-align: center;">1</p> <p>12-CMP-00235 2:7 14th 1:15 1813 1:8 2:8 19TH 1:6</p>
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