

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF: :  
: :  
Love Des, LLC :  
t/a Love : Show Cause  
1350 Okie Street, NE : Hearing  
Retailer CN - ANC-5B : (Status)  
License No. 84726 :  
Case #11-251-00218 :  
: :  
(Permitted Employees to :  
Engage in Sexual Acts in :  
the Establishment; Permitted :  
Nude Dancers in the :  
Establishment) :  
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February 1, 2012

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:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member
- JEANNETTE MOBLEY, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(9:51 a.m.)

CHAIRPERSON MILLER: The next case on our agenda is another Show Cause (Status) Hearing. It is Case No. 11-251-00218, Love, License No. 84726 in ANC-5B.

Would the parties in the case come to the table, please?

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

CHAIRPERSON MILLER: Okay.

MR. MPRAS: Good morning, Emanuel Mpras for Love Des, LLC.

CHAIRPERSON MILLER: I'm sorry, what's your name?

MR. MPRAS: Emanuel Mpras.

CHAIRPERSON MILLER: Okay. And you are the attorney?

MR. MPRAS: Yes, I am. I am the attorney.

CHAIRPERSON MILLER: Okay.

1 MR. MPRAS: And this is the  
2 respondent.

3 MS. LATIMA: Tina Latima.

4 CHAIRPERSON MILLER: Okay. Good  
5 morning. And you are?

6 MS. LATIMA: A manager.

7 CHAIRPERSON MILLER: You're a  
8 manager. Right. Okay. Are you authorized to  
9 appear for the owner or where is the owner in  
10 this case?

11 MR. MPRAS: Ma'am, the owner, he  
12 is a D.C. Fire Fighter and he is attending  
13 mandatory training this week for  
14 recertification.

15 CHAIRPERSON MILLER: Okay.

16 MR. MPRAS: I've provided  
17 verification of that to Mr. Rivero.

18 MR. RIVERO: Yes, we don't have  
19 any concerns about proceeding today.

20 CHAIRPERSON MILLER: Okay.

21 MR. MPRAS: And I did notify the  
22 Board through its counsel Monday when I

1 received notice myself.

2 CHAIRPERSON MILLER: Okay. All  
3 right. I didn't see that in our record, but  
4 thank you. Okay. That's on the record now.

5 Did you receive notice of this  
6 Show Cause?

7 MS. LATIMA: Yes.

8 CHAIRPERSON MILLER: Okay. And  
9 did you read the notice?

10 MS. LATIMA: I did.

11 CHAIRPERSON MILLER: Okay. And  
12 you understand that?

13 MS. LATIMA: Yes.

14 CHAIRPERSON MILLER: Okay. And do  
15 you waive the Board reading the notice into  
16 the record?

17 MS. LATIMA: Yes.

18 CHAIRPERSON MILLER: Okay. All  
19 right. Then we can proceed.

20 Mr. Rivero, is there a -- are  
21 there any preliminary matters?

22 MR. RIVERO: Yes. Board Members,

1 the parties have an offer in compromise to  
2 present, at this time.

3 That offer consists of a fine of  
4 \$4,000 payable in 60 days and a five day  
5 suspension of the license to be served March  
6 6th through March 10th inclusive, that's a  
7 Tuesday through a Saturday. That's the offer.

8 CHAIRPERSON MILLER: Okay. Do you  
9 want to say anything about that offer? Is  
10 that the offer as you understand it, number  
11 one?

12 MR. MPRAS: Yes, ma'am, it is.

13 CHAIRPERSON MILLER: Okay. And  
14 any comments before the Board considers that?

15 MR. MPRAS: Um --

16 CHAIRPERSON MILLER: You don't  
17 have to, I'm just asking.

18 MR. MPRAS: No, ma'am.

19 CHAIRPERSON MILLER: Okay. Okay.  
20 As I understand it, the offer in compromise is  
21 a \$4,000 penalty to be paid within 60 days and  
22 license suspended for March 6th through 10,

1 inclusive, and those are Tuesday through  
2 Saturday.

3 Okay. Okay. I think we will take  
4 a quick recess and contemplate this one. So  
5 we will be going off the record. Obviously,  
6 I'm going to read the closed meeting  
7 instructions to that.

8 As Chairperson of the Alcoholic  
9 Beverage Control Board for the District of  
10 Columbia and in accordance with ^U 405 of the  
11 Open Meetings Amendment Act of 2010, I move  
12 that the ABC Board hold a closed meeting on  
13 Case No. 11-251-00218 for the purpose of  
14 seeking legal advice from our counsel in the  
15 matters identified on the Board's agenda for  
16 today regarding this offer in compromise.

17 So we will be taking a short  
18 recess.

19 MEMBER NOPHLIN: I'll second the  
20 motion.

21 CHAIRPERSON MILLER: Okay. And so  
22 there is a motion. It has been seconded. And

1 I'm going to poll the Board on that.

2 Mr. Nophlin, do you agree?

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

9 agrees. Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Ms. Mobley?

12 MEMBER MOBLEY: I agree.

13 CHAIRPERSON MILLER: Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: So it's 7-0

16 and we will take this short recess to consider

17 the offer in compromise.

18 (Whereupon, at 9:56 a.m. a recess

19 until 10:01 a.m.)

20 CHAIRPERSON MILLER: Okay. We are

21 back on the record. And we have -- the Board

22 has before it an offer in compromise in this

1 case. And I'm going to repeat what it is and  
2 anyone can correct me if I'm mistaken.

3 But it's for a fine of \$4,000 to  
4 be paid within 60 days, license suspended for  
5 five days, those days being March 6th through  
6 10th, inclusive, and those are a Tuesday  
7 through Saturday.

8 At this point, I would move that  
9 we accept the offer in compromise. Do I have  
10 a second?

11 MEMBER MOBLEY: I'll second.

12 CHAIRPERSON MILLER: Okay. Any  
13 comments before we vote on it? Mr. Jones?

14 MEMBER JONES: Just for  
15 clarification.

16 CHAIRPERSON MILLER: Yes.

17 MEMBER JONES: The two charges as  
18 far as the OIC, they are both primary tier  
19 violations as part of the OIC?

20 CHAIRPERSON MILLER: I think I'll  
21 let Mr. Rivero clarify. It looks that way.

22 MR. RIVERO: Yes, they are being

1 fined as primary tier violations under DC Code  
2 25-830 in the record.

3 MEMBER JONES: Thank you, Madam  
4 Chair.

5 CHAIRPERSON MILLER: Okay.  
6 Anything else? Then there is a motion on the  
7 table to accept the offer in compromise and it  
8 has been seconded.

9 Mr. Nophlin, how say you?

10 MEMBER NOPHLIN: I agree.

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON MILLER: Ms. Miller  
16 agrees. Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Ms. Mobley?

19 MEMBER MOBLEY: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MEMBER JONES: I disagree.

22 CHAIRPERSON MILLER: Okay. Then

1 the vote is 6-1 to accept the offer in  
2 compromise.

3 MR. MPRAS: Thank you.

4 CHAIRPERSON MILLER: It's  
5 accepted. Thank you. That concludes this  
6 case.

7 (Whereupon, the Show Cause  
8 (Status) Hearing in the above-entitled matter  
9 was concluded at 10:03 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p><b>ABC</b> 6:12  <b>above-entitled</b> 10:8  <b>accept</b> 8:9 9:7 10:1  <b>accepted</b> 10:5  <b>Act</b> 6:11  <b>Acts</b> 1:10  <b>advice</b> 6:14  <b>agenda</b> 2:4 6:15  <b>agree</b> 7:2,3,5,7,10  7:12,14 9:10,12  9:14,17,19  <b>agrees</b> 7:9 9:16  <b>Alberti</b> 1:21 7:6,7  9:13,14  <b>Alcoholic</b> 1:2,15,16  6:8  <b>Amendment</b> 6:11  <b>ANC-5B</b> 1:8 2:6  <b>appear</b> 3:9  <b>asking</b> 5:17  <b>attending</b> 3:12  <b>attorney</b> 2:19,21  <b>authorized</b> 3:8  <b>a.m</b> 2:2 7:18,19  10:9</p>	<p>1:20 2:3,12,15,18  2:22 3:4,7,15,20  4:2,8,11,14,18 5:8  5:13,16,19 6:8,21  7:4,6,8,11,13,15  7:20 8:12,16,20  9:5,11,13,15,18  9:20,22 10:4  <b>charges</b> 8:17  <b>clarification</b> 8:15  <b>clarify</b> 8:21  <b>closed</b> 6:6,12  <b>CN</b> 1:8  <b>Code</b> 9:1  <b>Columbia</b> 1:1 2:11  6:10  <b>come</b> 2:7  <b>comments</b> 5:14  8:13  <b>compromise</b> 5:1,20  6:16 7:17,22 8:9  9:7 10:2  <b>concerns</b> 3:19  <b>concluded</b> 10:9  <b>concludes</b> 10:5  <b>consider</b> 7:16  <b>considers</b> 5:14  <b>consists</b> 5:3  <b>contemplate</b> 6:4  <b>Control</b> 1:2,15,16  6:9  <b>correct</b> 8:2  <b>counsel</b> 3:22 6:14</p>	<p><b>Employees</b> 1:10  <b>Engage</b> 1:10  <b>Establishment</b> 1:11  1:12</p> <p style="text-align: center;"><b>F</b></p> <p><b>far</b> 8:18  <b>February</b> 1:14  <b>Fernando</b> 1:25  2:10  <b>Fighter</b> 3:12  <b>fine</b> 5:3 8:3  <b>fined</b> 9:1  <b>Fire</b> 3:12  <b>five</b> 5:4 8:5</p> <p style="text-align: center;"><b>G</b></p> <p><b>going</b> 6:5,6 7:1 8:1  <b>Good</b> 2:9,13 3:4</p> <p style="text-align: center;"><b>H</b></p> <p><b>Hearing</b> 1:7,17 2:5  10:8  <b>HERMAN</b> 1:22  <b>hold</b> 6:12</p> <p style="text-align: center;"><b>I</b></p> <p><b>identified</b> 6:15  <b>inclusive</b> 5:6 6:1  8:6  <b>instructions</b> 6:7</p>	<p style="text-align: center;"><b>M</b></p> <p><b>Madam</b> 9:3  <b>manager</b> 3:6,8  <b>mandatory</b> 3:13  <b>March</b> 5:5,6,22 8:5  <b>matter</b> 1:5 10:8  <b>matters</b> 4:21 6:15  <b>ma'am</b> 3:11 5:12  5:18  <b>meeting</b> 1:3 6:6,12  <b>Meetings</b> 6:11  <b>Member</b> 1:21,21  1:22,22,23,23  6:19 7:3,5,7,10,12  7:14 8:11,14,17  9:3,10,12,14,17  9:19,21  <b>Members</b> 2:10 4:22  <b>met</b> 1:16  <b>Michael</b> 2:11  <b>MIKE</b> 1:23  <b>Miller</b> 1:18,20 2:3  2:12,15,18,22 3:4  3:7,15,20 4:2,8,11  4:14,18 5:8,13,16  5:19 6:21 7:4,6,8  7:8,11,13,15,20  8:12,16,20 9:5,11  9:13,15,15,18,20  9:22 10:4  <b>mistaken</b> 8:2  <b>Mobley</b> 1:23 7:11  7:12 8:11 9:18,19  <b>Monday</b> 3:22  <b>morning</b> 2:9,13 3:5  <b>motion</b> 6:20,22 9:6  <b>move</b> 6:11 8:8  <b>Mpras</b> 2:13,14,17  2:17,20 3:1,11,16  3:21 5:12,15,18  10:3</p>	<p>7:2,3 9:9,10  <b>notice</b> 4:1,5,9,15  <b>notify</b> 3:21  <b>Nude</b> 1:12  <b>number</b> 5:10  <b>N.W</b> 1:17</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:25  <b>Obviously</b> 6:5  <b>offer</b> 5:1,3,7,9,10  5:20 6:16 7:17,22  8:9 9:7 10:1  <b>OIC</b> 8:18,19  <b>Okay</b> 2:12,18,22  3:4,8,15,20 4:2,4  4:8,11,14,18 5:8  5:13,19,19 6:3,3  6:21 7:20 8:12  9:5,22  <b>Okie</b> 1:7  <b>Open</b> 6:11  <b>owner</b> 3:9,9,11</p>
<p style="text-align: center;"><b>B</b></p> <p><b>back</b> 7:21  <b>Beverage</b> 1:2,15,16  6:9  <b>Board</b> 1:2,16 2:9  3:22 4:15,22 5:14  6:9,12 7:1,21  <b>Board's</b> 6:15  <b>Brooks</b> 1:21 7:4,5  9:11,12</p>	<p style="text-align: center;"><b>D</b></p> <p><b>Dancers</b> 1:12  <b>day</b> 5:4  <b>days</b> 5:4,21 8:4,5,5  <b>DC</b> 9:1  <b>Des</b> 1:6 2:14  <b>disagree</b> 9:21  <b>District</b> 1:1 2:10  6:9  <b>DONALD</b> 1:21  <b>D.C</b> 1:17 3:12</p>	<p style="text-align: center;"><b>J</b></p> <p><b>JEANNETTE</b> 1:23  <b>Jones</b> 1:22 7:13,14  8:13,14,17 9:3,20  9:21</p>	<p style="text-align: center;"><b>L</b></p> <p><b>Latima</b> 3:3,3,6 4:7  4:10,13,17  <b>legal</b> 6:14  <b>license</b> 1:8 2:6 5:5  5:22 8:4  <b>LLC</b> 1:6 2:14  <b>looks</b> 8:21  <b>Love</b> 1:6,6 2:5,14</p>	<p style="text-align: center;"><b>P</b></p> <p><b>paid</b> 5:21 8:4  <b>part</b> 8:19  <b>parties</b> 2:7 5:1  <b>payable</b> 5:4  <b>penalty</b> 5:21  <b>Permitted</b> 1:10,11  <b>please</b> 2:8  <b>point</b> 8:8  <b>poll</b> 7:1  <b>preliminary</b> 4:21  <b>present</b> 1:19,25 5:2  <b>presiding</b> 1:18  <b>primary</b> 8:18 9:1  <b>proceed</b> 4:19  <b>proceeding</b> 3:19  <b>provided</b> 3:16  <b>purpose</b> 6:13  <b>P-R-O-C-E-E-D-...</b>  2:1</p>
<p style="text-align: center;"><b>C</b></p> <p><b>CALVIN</b> 1:22  <b>case</b> 1:9 2:3,5,7  3:10 6:13 8:1  10:6  <b>Cause</b> 1:6 2:4 4:6  10:7  <b>Chair</b> 9:4  <b>Chairperson</b> 1:17</p>	<p style="text-align: center;"><b>E</b></p> <p><b>Emanuel</b> 2:13,17</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:16  <b>NE</b> 1:7  <b>NICK</b> 1:21  <b>Nophlin</b> 1:22 6:19</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name</b> 2:16  <b>NE</b> 1:7  <b>NICK</b> 1:21  <b>Nophlin</b> 1:22 6:19</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>quick</b> 6:4</p>

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