

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF: :

Pure Hospitality, LLC :
 t/a Bandolero : Show Cause
 3241 M Street, NW : Hearing
 Retailer CR - ANC-2E :
 License No. 75631 :
 Case #14-CMP-00081 :
 (Sale to Minor Violation, :
 Failed to Take Steps Necessary :
 to Ascertain Legal Drinking :
 Age, Provided Entertainment :
 Without an Entertainment :
 Endorsement) :

February 4, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 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
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

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

2 11:14 a.m.

3 CHAIRPERSON MILLER: Okay. I'm
4 calling Case No. 14-CMP-00081, Bandolero located
5 at 3241 M Street, N.W., License No. 75631.

6 Good morning. Would the parties
7 introduce themselves for the record?

8 MS. GEPHARDT: Chrissy Gephardt on
9 behalf of the Office of the Attorney General.

10 MR. KLINE: Good morning, Andrew Kline
11 on behalf of the licensee.

12 MR. UMBEL: Jonathan Umbel, a managing
13 member of Pure Hospitality, LLC.

14 CHAIRPERSON MILLER: Okay. We have
15 scheduled a Show Cause Hearing. And do you have
16 any preliminary matters first?

17 MS. GEPHARDT: Yes, we do.

18 CHAIRPERSON MILLER: Okay.

19 MS. GEPHARDT: We have reached an
20 Offer in Compromise that we would like to present
21 to the Board, at this time.

22 In this matter, Case No. 14-CMP-00081,

1 we have reached an Offer in Compromise consisting
2 of a \$5,000 fine and a five day suspension, all
3 days stayed for one year. And that OIC consists
4 of a \$3,000 fine, five days stayed for one year,
5 for Charge 1. Charge 2 would be dropped. And
6 then a \$2,000 fine for Charge 3.

7 If the fine is not paid within 30
8 days, the license will be immediately suspended
9 until the fine is paid. So the total fine is
10 \$5,000, five days suspension, all days stayed for
11 one year.

12 CHAIRPERSON MILLER: Okay. Mr. Kline,
13 is your client agreeable to an Offer in
14 Compromise consisting of a \$5,000 fine total to
15 be paid within 30 days or else the license will
16 be suspended pending payment of the fine and five
17 days suspended license with the five days stayed
18 pending no further violations within a year and
19 that consists of Charge 1 would be \$3,000 with
20 the five days suspension and Charge 2 is
21 dismissed and Charge 3 is a \$2,000 fine.

22 MR. KLINE: Yes. The Offer in

1 Compromise is agreeable to the licensee and the
2 licensee understands that if the OIC is accepted
3 by the Board that it waives its right to hearing
4 and its right to appeal.

5 CHAIRPERSON MILLER: Okay. Thank you.
6 Any questions by Board Members? Anything else
7 you want to add before we vote on this?

8 MR. KLINE: No. The only thing I
9 would is this case like many if it went to
10 hearing would be subject to proof and there are
11 always uncertainties with respect to that. We
12 respectfully request that the Board approve the
13 Offer in Compromise.

14 CHAIRPERSON MILLER: Okay. I'm going
15 to move that the Board approve this Offer in
16 Compromise and I'm going to repeat it one more
17 time. It's a \$5,000 total penalty to be paid
18 within 30 days. And if it isn't paid within 30
19 days, then the license will be suspended pending
20 payment of the fine.

21 It includes five days suspension, but
22 the five days are stayed pending no further

1 violation within one year.

2 It breaks down to Charge 1 a \$3,000
3 penalty with the five day suspension. Charge 2
4 is dismissed and Charge 3 is a \$2,000 fine.

5 That is it. Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 All those in favor say aye.

10 MEMBER ALBERTI: Can I make a comment?

11 CHAIRPERSON MILLER: Sure.

12 MEMBER ALBERTI: I will be opposing
13 this motion --

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: -- because Charge 3
16 is providing entertainment without an
17 entertainment endorsement. This is the second
18 violation within three months, so I cannot accept
19 that penalty. I think that their penalty -- a
20 more severe penalty is in order for a violation
21 of the same infraction in such a short period.

22 CHAIRPERSON MILLER: Okay. Did you

1 have a comment, Mr. Silverstein?

2 MEMBER SILVERSTEIN: I would share
3 Board Member Alberti's concern that there may be
4 a pattern in this regard here.

5 MEMBER ALBERTI: Thank you, Mr.
6 Silverstein.

7 MEMBER SHORT: Madam Chair?

8 CHAIRPERSON MILLER: Yes?

9 MEMBER SHORT: Although I will be
10 voting to approve this OIC, I, too, have some
11 concerns and would like to say to this licensee
12 that maybe he needs to tighten up the ship a
13 little as far as management of his establishment
14 is concerned.

15 Underage drinking is a real major
16 problem in the city and we would like to have you
17 on our side keeping these young people from doing
18 that rather than on the other side. That's all I
19 have. Thank you, Madam Chair.

20 MR. UMBEL: Thank you.

21 CHAIRPERSON MILLER: Okay. Anything
22 else? All right.

1 Then all those in favor of the Offer
2 in Compromise say aye.

3 MEMBER BROOKS: Aye.

4 CHAIRPERSON MILLER: Aye.

5 MEMBER SHORT: Aye.

6 MEMBER SILVERSTEIN: Aye.

7 MEMBER RODRIGUEZ: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed?

10 MEMBER ALBERTI: Opposed.

11 CHAIRPERSON MILLER: All those
12 abstaining? The motion passes 5-1-0 with Mr.
13 Alberti opposed.

14 All right. Okay. A Board Order then
15 will issue on this, the Board's approve of this
16 Offer in Compromise. Thank you.

17 Okay. So that completes the morning
18 calendar and we are going to recess now. We have
19 a 1:30 Fact-Finding Hearing that we will return
20 for, but we may return a little earlier if our
21 agendas are ready. Okay. Thank you.

22 MEMBER ALBERTI: So we may return

1 before lunch?

2 CHAIRPERSON MILLER: We may.

3 MEMBER ALBERTI: Okay. I just wanted
4 to let the court reporter know that.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: If that's what you
7 are saying, okay, so he can stay tuned.

8 CHAIRPERSON MILLER: Yes.

9 MEMBER ALBERTI: All right.

10 (Whereupon, the Show Cause Hearing in
11 the above-entitled matter was concluded at 11:21
12 a.m.)

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