

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 #12-CMP-00215(a) :

Justin's Caf,, LLC :Show

t/a Justin's Caf, :Cause

1025 1st Street, S.E. :Hearing

License # 83690 :(Status)

Retailer CR :

ANC 6D :

Violation of Voluntary :

Agreement, No ABC Manager on :

Duty :

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FEBRUARY 6, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT

LOUISE PHILLIPS, OAG

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

9:52 a.m.

CHAIRPERSON MILLER: All right.

The next case on our calendar is Case Number 12-CMP-00215(a), Justin's Caf, located at 1025 1st Street, S.E., License Number 83690 in ANC 6D.

So, would the parties introduce themselves for the record?

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

MR. ROSS: I'm Justin Ross, owner of Justin's Caf,.

CHAIRPERSON MILLER: Mr. Ross, you're the owner?

MR. ROSS: Yes, ma'am.

CHAIRPERSON MILLER: Okay. I'm just going to start by asking you the questions I asked the previous party. Did you receive notice of this hearing?

MR. ROSS: Yes.

1 CHAIRPERSON MILLER: Did you read
2 it? You have to say it on the record.

3 MR. ROSS: Yes.

4 CHAIRPERSON MILLER: Yes. Okay.
5 And did you understand it?

6 MR. ROSS: Yes.

7 CHAIRPERSON MILLER: And do you
8 waive the Board's reading of the notice into
9 the record?

10 MR. ROSS: Yes.

11 CHAIRPERSON MILLER: Okay. Are
12 there any preliminary matters in this case?

13 MS. PHILLIPS: Yes, indeed, Madam
14 Chair.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: The parties have an
17 offer in compromise to present to the Board
18 for acceptance and we have agreed that there
19 will be a fine of \$1,000. I think there are
20 two charges. Yes, there are.

21 CHAIRPERSON MILLER: One thousand
22 dollars total?

1 MS. PHILLIPS: Total.

2 CHAIRPERSON MILLER: Total.

3 MS. PHILLIPS: Divided equally.

4 CHAIRPERSON MILLER: Okay.

5 MS. PHILLIPS: And to be paid in
6 30 days?

7 MR. ROSS: Yes, that's fine.

8 MS. PHILLIPS: Thirty days.

9 CHAIRPERSON MILLER: So, Mr. Ross,
10 are you agreeable to this offer in compromise
11 of \$1,000 to be paid within 30 days?

12 MR. ROSS: Yes, ma'am.

13 CHAIRPERSON MILLER: And do you
14 understand that you waive your right to a
15 hearing if you accept this offer in
16 compromise?

17 MR. ROSS: Yes.

18 CHAIRPERSON MILLER: Okay. Are
19 there Board questions on this offer in
20 compromise?

21 MEMBER ALBERTI: No questions, but
22 I have a comment.

1 CHAIRPERSON MILLER: Comment.

2 MEMBER ALBERTI: After you make
3 your motion, I'll make the comment.

4 CHAIRPERSON MILLER: Okay. Any
5 other questions at this point before I make a
6 motion?

7 All right. Then I move to accept
8 this offer in compromise of \$1,000 to be paid
9 within 30 days.

10 MEMBER SILVERSTEIN: Second the
11 motion.

12 CHAIRPERSON MILLER: Motion's been
13 seconded by Mr. Silverstein. Any comments or
14 questions? Comments.

15 MEMBER ALBERTI: Yes, Ms. Miller.

16 Mr. Ross, I'm troubled by the
17 allegations here. This is charged as a
18 voluntary agreement, in fact, in charge one.
19 But, the facts of the case allege that you
20 were serving outside the area of your sidewalk
21 caf,. In fact, there's some allegations that
22 you actually had kegs stationed outside of

1 that area. Well, maybe not. Well, maybe I'm
2 mixing this up with another report I read.

3 But, we did have people sitting
4 outside of the area of your sidewalk caf,,
5 That troubles me. You're serving off of your
6 legal premises.

7 However, this is a first secondary
8 tier violation and it is the maximum fine.
9 So, I will be accepting it.

10 MR. ROSS: Just to be clear, we
11 got stanchions that completely enclose the
12 caf,, the sidewalk area. So, that, you know,
13 only our space will be used.

14 MEMBER ALBERTI: Okay.

15 CHAIRPERSON MILLER: I'm sorry. I
16 didn't hear that. What did you say?

17 MR. ROSS: Oh, I'm sorry. Losing
18 my voice. We got stanchions that enclose so
19 that people can't go outside the area and it
20 was during baseball season. Yes, I had the
21 second doorman to kind of, you know, keep
22 crowd control and keep everybody in line.

1 CHAIRPERSON MILLER: Okay. All
2 right. Anything else? Yes, Mr. Silverstein.

3 MEMBER SILVERSTEIN: Yes, I'd like
4 to echo the comments of my friend and
5 colleague, Mr. Alberti.

6 You run a place that's well
7 respected and you are a pioneer in that area
8 and there are a lot of things going on there
9 that are new.

10 Do you have anything else in the
11 pipeline with us, Mr. Ross? Are there any
12 other violations that are pending or anything
13 like that?

14 I know that's not necessarily --I
15 just don't want to see you again.

16 MR. ROSS: I don't want you to.

17 MEMBER SILVERSTEIN: You're
18 wasting our precious time as we sit here right
19 now and your previous money and, you know, we
20 wish you well down there and we just hope that
21 you get this all straightened out.

22 I know it's been difficult because

1 I know you have big crowds that want to go
2 down there before a ball game and they may be
3 a little difficult to handle and, you know,
4 it's like herding cats. But, let's just work
5 a little harder on it and thank you very much.

6 MR. ROSS: Really appreciate it.

7 CHAIRPERSON MILLER: Okay.

8 There's a motion that's been seconded to
9 accept this offer in compromise.

10 If there are no further comments,
11 I'll take a vote. All those in favor say aye.

12 (Ayes.)

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? Mr. Alberti,
15 did you vote?

16 MEMBER ALBERTI: Oh, I voted.

17 Yes.

18 CHAIRPERSON MILLER: Okay. So,
19 the vote is 4-0-0 to accept the offer in
20 compromise. Okay. Thank you.

21 (Whereupon, at 9:58 a.m., the
22 hearing was adjourned.)

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