

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Red Line DC, LLC :
t/a Red Line : Show Cause
707 G Street, NW : Hearing
Retailer CR - ANC-2C : (Status)
License No. 85225 :
Case #12-CMP-00225 :
: :
(Failed to Obtain :
Importation Permits, :
Failed to Maintain Books & :
Records, Transfer of :
Ownership Without Board :
Approval) :
b-----1/4

February 13, 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:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, 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

(10:12 a.m.)

CHAIRPERSON MILLER: Okay. The next case I have here is Case No. 12-CMP-00225, Red Line, located at 707 G Street, N.W., License No. 85225 in ANC-2C.

Oh, I would like to note that Mr. Alberti has joined us on the dias. Good morning.

MEMBER ALBERTI: Good morning.

CHAIRPERSON MILLER: Okay.

MS. PHILLIPS: Louise Phillips, Assistant --

CHAIRPERSON MILLER: So would you introduce yourselves for the record, please?

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

MR. FONSECA: Michael Fonseca on behalf of the licensee. With me is Fabrice Reymond, who is a licensed manager. We have given staff for the Board's record a

1 prosecutor Letter of Designation, the managing
2 member and sole member of the licensee,
3 McDevlin. He is out of town, so he has
4 authorized Mr. Reymond to accept an OIC.

5 CHAIRPERSON MILLER: And you are
6 authorized to represent them as well?

7 MR. FONSECA: I am of record and
8 we have appeared here before. As a matter of
9 fact, this matter was referred after a Fact-
10 Finding under such circumstances here.

11 CHAIRPERSON MILLER: Okay. So I
12 would like to ask you if your client got
13 notice of the hearing?

14 MR. FONSECA: We have. Read it,
15 understands it, we communicated about it, and
16 we waive reading.

17 CHAIRPERSON MILLER: Okay. Ms.
18 Phillips, are there any preliminary matters?

19 MS. PHILLIPS: Yes, Madam Chair,
20 there are. The parties have an offer in
21 compromise to present to the Board. This
22 matter comes to hearing on a three charge

1 notice.

2 And I have been informed and I'm
3 going to start with the third charge first,
4 that the Charge 3 was -- we will be dismissing
5 because this matter came before the Board and
6 I'm reading from the attorney's note.

7 "During a Fact-Finding Hearing on
8 8/15/2012 and the Board declined to pursue
9 it," and apparently when the notice was
10 written this was not realized, and so, at this
11 time, we are dismissing Charge 3.

12 And then there are -- is a fine
13 for Charge 1, \$750; for Charge 2 \$1,500, which
14 I am told adds up to \$2,250 for a fine to be
15 paid?

16 MR. FONSECA: Today.

17 MS. PHILLIPS: Today.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Fonseca then as I understand the OIC and I
20 would ask whether you and your client are
21 agreeable to that is dismiss the Charge 3, a
22 fine of \$750 for the first violation, a fine

1 of \$1,500 for the second violation, totalling
2 \$2,250 to be paid today.

3 MR. FONSECA: That is correct.

4 CHAIRPERSON MILLER: Okay. And
5 does your client understand that he waives his
6 right to a hearing by accepting the offer in
7 compromise?

8 MR. FONSECA: Yes.

9 CHAIRPERSON MILLER: Okay. Are
10 there any questions by Board Members?

11 All right. At this point then, I
12 would move that we accept this offer in
13 compromise of \$2,250 to be paid today,
14 dismissal of Charge 3.

15 Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: All those in
18 favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? And the
22 motion passes 5-0-0 to accept the offer in

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compromise.

Okay. Thank you very much.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:16 a.m.)

<p style="text-align: center;">A</p> <p>above-entitled 6:4 abstaining 5:21 accept 3:4 5:12,22 accepting 5:6 adds 4:14 agreeable 4:21 Alberti 1:21 2:8,10 Alcoholic 1:2,15,16 ANC-2C 1:8 2:6 apparently 4:9 appeared 3:8 Approval 1:13 Assistant 2:13,17 Attorney 2:17 attorney's 4:6 authorized 3:4,6 aye 5:18,19 a.m 2:2 6:5</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:20 Beverage 1:2,15,16 Board 1:2,12,16 3:21 4:5,8 5:10 Board's 2:22 Books 1:11 BROOKS 1:21 5:16</p> <hr/> <p style="text-align: center;">C</p> <p>case 1:9 2:4,4 Cause 1:6 6:3 Chair 3:19 Chairperson 1:17 1:20 2:3,11,14 3:5 3:11,17 4:18 5:4,9 5:17,20 charge 3:22 4:3,4 4:11,13,13,21 5:14 circumstances 3:10 client 3:12 4:20 5:5 Columbia 1:1 2:18 comes 3:22 communicated 3:15</p>	<p>compromise 3:21 5:7,13 6:1 concluded 6:5 Control 1:2,15,16 correct 5:3 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>DC 1:6 declined 4:8 Designation 3:1 dias 2:8 dismiss 4:21 dismissal 5:14 dismissing 4:4,11 District 1:1 2:17 DONALD 1:21 D.C 1:17</p> <hr/> <p style="text-align: center;">F</p> <p>Fabrice 2:20 fact 3:9,9 Fact-Finding 4:7 Failed 1:10,11 favor 5:18 February 1:14 Finding 3:10 fine 4:12,14,22,22 first 4:3,22 Fonseca 2:19,19 3:7,14 4:16,19 5:3 5:8</p> <hr/> <p style="text-align: center;">G</p> <p>G 1:7 2:5 General 2:17 given 2:22 going 4:3 Good 2:8,10</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,17 3:13 3:22 4:7 5:6 6:4 HERMAN 1:22</p> <hr/> <p style="text-align: center;">I</p> <p>Importation 1:10 informed 4:2</p>	<p>introduce 2:15</p> <hr/> <p style="text-align: center;">J</p> <p>joined 2:8 JONES 1:22</p> <hr/> <p style="text-align: center;">L</p> <p>Letter 3:1 License 1:8 2:6 licensed 2:21 licensee 2:20 3:2 Line 1:6,6 2:5 LLC 1:6 located 2:5 Louise 1:25 2:12,16</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 3:19 Maintain 1:11 manager 2:21 managing 3:1 matter 1:5 3:8,9,22 4:5 6:4 matters 3:18 McDevlin 3:3 MEETING 1:3 member 1:21,21,22 1:22 2:10 3:2,2 5:16 Members 5:10 met 1:16 Michael 2:19 MIKE 1:22 Miller 1:18,20 2:3 2:11,14 3:5,11,17 4:18 5:4,9,17,20 morning 2:9,10 motion 5:22 move 5:12</p> <hr/> <p style="text-align: center;">N</p> <p>NICK 1:21 note 2:7 4:6 notice 3:13 4:1,9 NW 1:7 N.W 1:17 2:6</p> <hr/> <p style="text-align: center;">O</p>	<p>OAG 1:25 Obtain 1:10 offer 3:20 5:6,12,22 Oh 2:7 OIC 3:4 4:19 Okay 2:3,11 3:11 3:17 4:18 5:4,9 6:2 opposed 5:21 Ownership 1:12</p> <hr/> <p style="text-align: center;">P</p> <p>paid 4:15 5:2,13 parties 3:20 passes 5:22 Permits 1:10 Phillips 1:25 2:12 2:12,16,16 3:18 3:19 4:17 please 2:15 point 5:11 preliminary 3:18 present 1:19,23 3:21 presiding 1:18 prosecutor 3:1 pursue 4:8 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:10</p> <hr/> <p style="text-align: center;">R</p> <p>Read 3:14 reading 3:16 4:6 realized 4:10 record 2:15,22 3:7 Records 1:12 Red 1:6,6 2:5 referred 3:9 represent 3:6 Retailer 1:8 Reymond 2:21 3:4 right 5:6,11 Room 1:17 Ruthanne 1:18,20</p>	<p style="text-align: center;">S</p> <p>second 5:1,15,16 Show 1:6 6:3 SILVERSTEIN 1:22 sole 3:2 staff 2:22 start 4:3 Status 1:8 6:4 Street 1:7,17 2:5 Suite 1:17</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 6:2 third 4:3 three 3:22 time 4:11 today 4:16,17 5:2 5:13 told 4:14 totalling 5:1 town 3:3 Transfer 1:12 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 4:19 5:5 understands 3:15</p> <hr/> <p style="text-align: center;">V</p> <p>violation 4:22 5:1</p> <hr/> <p style="text-align: center;">W</p> <p>waive 3:16 waives 5:5 Washington 1:17 written 4:10</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,13</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,500 4:13 5:1 \$2,250 4:14 5:2,13 \$750 4:13,22</p> <hr/> <p style="text-align: center;">#</p>
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