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

10:13 a.m.

CHAIR MILLER: The next case on our calendar is Case Number 11-251-00201, Eye Bar/Garden of Eden at 1716 I Street, N.W., License Number 83133 in ANC 2B.

And I see the parties are at the table. Would you introduce yourselves?

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

MR. MPRAS: Emanuel Mpras representing 1716 I, LLC.

MR. ZHOU: Zhou, managing member for 1716 I, LLC.

CHAIR MILLER: Okay. And I want to ask the Licensee if he received notice of the show cause.

MR. MPRAS: Yes, ma'am, we received notice and we waive reading thereof.

CHAIR MILLER: Okay. And did he read it and understand it?

1 MR. MPRAS: Yes, ma'am.

2 CHAIR MILLER: Okay. Good. And  
3 are there any preliminary matters in this  
4 case?

5 MR. RIVERO: Yes, Madam  
6 Chairperson. The parties have an offer in  
7 compromise to present to the Board at this  
8 time that consists of a fine of \$1,500 payable  
9 in 60 days. This charge is being fined as a  
10 primary and treated as a secondary as it does  
11 not appear on the list of violations in  
12 Chapter 800.

13 CHAIR MILLER: Okay. I'm going to  
14 ask the Licensee that is your understanding of  
15 the offer in compromise that it is for a fine  
16 of \$1500 to be payable within 60 days. Fined  
17 as a primary and -- what did you say, Mr.  
18 Rivero?

19 MR. RIVERO: Yes, it's fined as a  
20 primary because it can be --

21 CHAIR MILLER: No, I know the  
22 because.

1 MR. RIVERO: And it's treated as a  
2 secondary.

3 CHAIR MILLER: Treated as a  
4 secondary. Fined as a primary and treated as  
5 a secondary.

6 MR. RIVERO: For purposes of  
7 escalated penalty.

8 CHAIR MILLER: Okay. Is that your  
9 understanding of the settlement offer?

10 MR. ZHOU: Yes.

11 CHAIR MILLER: And if you accept  
12 it, you waive your right to a hearing and  
13 appeal?

14 MR. ZHOU: Yes.

15 CHAIR MILLER: Okay. So, the  
16 Board has before it the offer in compromise  
17 for \$1500 payable within 60 days, fined as a  
18 primary and treated as a secondary.

19 Are there any comments?

20 I would move that we reject this  
21 offer in compromise. Do I have a second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIR MILLER: Okay. So, what's  
2 before the Board is a motion to reject the  
3 offer in compromise.

4 All those in favor say aye.

5 (Ayes.)

6 CHAIR MILLER: All those opposed.  
7 All those abstaining. The vote is 5 to 0 to  
8 reject this offer in compromise.

9 So, this matter will go for a show  
10 cause hearing on March 28th, 2012 at 11:00  
11 a.m.

12 MR. MPRAS: Okay.

13 CHAIR MILLER: Thank you very  
14 much.

15 (Whereupon, at 10:16 a.m., the  
16 hearing was adjourned.)

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<b>A</b>	<b>E</b>	<b>ma'am</b> 2:19 3:1	<b>read</b> 2:22	<b>Z</b>
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