

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Lucky Strike :
Washington, D.C., LLC :
t/a Lucky Strike :
701 7th Street, NW : Show Cause
Retailer Class CN : Hearing
License No. 73809 : (Status)
Case No. 11-251-00206 :
ANC 2C :
Failed to Follow Security Plan :
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FEBRUARY 29, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th

Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

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

HERMAN JONES, Member
JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

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

2 9:54 a.m.

3 CHAIRPERSON MILLER: Next case is
4 case No. 11-251-00206, Lucky Strike located at
5 701 7th Street, N.W., License No. 73809 in ANC
6 2C.

7 Would the parties introduce
8 themselves for the record, please?

9 MR. STERN: Yes, Michael Stern
10 representing the District of Columbia,
11 standing in for Louise Phillips who's the
12 attorney of record.

13 MR. KLINE: Good morning. Andrew
14 Kline on behalf of the Licensee.

15 MR. GREENE: Nelson Greene, III.

16 MR. KLINE: Mr. Greene is a
17 manager. I have a letter of authorization
18 from Stephen Foster which authorizes Mr.
19 Greene to attend the status along with me as
20 the Applicant's representative.

21 CHAIRPERSON MILLER: Okay.

22 MR. KLINE: It's been emailed to

1 legal and I have a copy.

2 CHAIRPERSON MILLER: Okay. Good.
3 Thank you.

4 Okay. Mr. Stern, do we have any
5 preliminary matters?

6 MR. STERN: Yes, the parties have
7 negotiated an Offer in Compromise which they
8 hope the Board will accept. The establishment
9 will pay a fine of \$1,000 within 30 days to
10 resolve the violation.

11 CHAIRPERSON MILLER: I'm sorry,
12 \$1,000 within 30 days. Did you say something
13 else?

14 MR. STERN: To resolve the
15 violation.

16 CHAIRPERSON MILLER: The resolve
17 the violation. Okay.

18 Okay. Mr. Kline, is that your
19 understanding of the Offer in Compromise,
20 \$1,000 to be paid within 30 days, and do you
21 accept that?

22 MR. KLINE: Yes, we understand the

1 offer. It's acceptable. Waive any right to
2 a hearing or any right to appeal if it's
3 accepted by the Board. I would add briefly
4 two things. One is if one looks at the
5 investigative history of this Licensee, it's
6 fortunately relatively sparse. And second is
7 immediately upon -- after this event the
8 security plan was revised and filed and I
9 understand it's been approved by the Board.
10 There's a revised security plan on file that
11 more accurately reflects the procedures that
12 they have in place.

13 CHAIRPERSON MILLER: Okay. Any
14 questions or comments from the Board?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. Then I
17 would move to accept this Offer in Compromise
18 of \$1,000 to be paid within 30 days. Do I
19 have a second?

20 MEMBER NOPHLIN: Second.

21 CHAIRPERSON MILLER: All those in
22 favor, say aye? Aye.

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MEMBER ALBERTI: Aye.

MEMBER BROOKS: Aye.

MEMBER JONES: Aye.

MEMBER MOBLEY: Aye.

MEMBER NOPHLIN: Aye.

MEMBER SILVERSTEIN: Aye.

CHAIRPERSON MILLER: All those

opposed?

(No audible response.)

CHAIRPERSON MILLER: All those

abstaining?

(No audible response.)

CHAIRPERSON MILLER: The motion

passes 7-0-0 to accept the Offer in

Compromise.

Thank you.

MR. KLINE: Thank you.

(Whereupon, the hearing was

concluded at 9:59 a.m.)

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| <p style="text-align: center;">A</p> <p>abstaining 5:11 accept 3:8,21 4:17 5:14 acceptable 4:1 accepted 4:3 accurately 4:11 add 4:3 ALBERTI 1:19 5:1 Alcoholic 1:2,14,15 ANC 1:10 2:5 Andrew 2:13 appeal 4:2 Applicant's 2:20 approved 4:9 ard 1:15 aring 1:15 attend 2:19 attorney 2:12 audible 4:15 5:9,12 authorization 2:17 authorizes 2:18 aye 4:22,22 5:1,2,3 5:4,5,6 a.m 2:2 5:19</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:14 Beverage 1:2,14,15 Bo 1:14 Board 1:2 3:8 4:3,9 4:14 briefly 4:3 BROOKS 1:19 5:2 Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>CALVIN 1:21 case 1:10 2:3,4 Cause 1:8 Chairperson 1:17 1:18 2:3,21 3:2,11 3:16 4:13,16,21 5:7,10,13 Class 1:9 CN 1:9 Columbia 1:1 2:10</p> | <p>comments 4:14 Compromise 3:7 3:19 4:17 5:15 concluded 5:19 Control 1:2,14,15 copy 3:1</p> <hr/> <p style="text-align: center;">D</p> <p>days 3:9,12,20 4:18 District 1:1 2:10 DONALD 1:19 D.C 1:7,16</p> <hr/> <p style="text-align: center;">E</p> <p>emailed 2:22 establishment 3:8 event 4:7</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:11 favor 4:22 FEBRUARY 1:13 file 4:10 filed 4:8 fine 3:9 Follow 1:11 fortunately 4:6 Foster 2:18</p> <hr/> <p style="text-align: center;">G</p> <p>Good 2:13 3:2 Greene 2:15,15,16 2:19</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:9 4:2 5:18 HERMAN 1:20 history 4:5 hope 3:8</p> <hr/> <p style="text-align: center;">I</p> <p>III 2:15 immediately 4:7 introduce 2:7 investigative 4:5</p> <hr/> <p style="text-align: center;">J</p> | <p>JEANNETTE 1:21 JONES 1:20 5:3</p> <hr/> <p style="text-align: center;">K</p> <p>Kline 2:13,14,16,22 3:18,22 5:17</p> <hr/> <p style="text-align: center;">L</p> <p>legal 3:1 letter 2:17 License 1:9 2:5 Licensee 2:14 4:5 LLC 1:7 located 2:4 looks 4:4 Louise 2:11 Lucky 1:6,8 2:4</p> <hr/> <p style="text-align: center;">M</p> <p>manager 2:17 MATTER 1:5 matters 3:5 MEETING 1:3 Member 1:19,19 1:20,21,21,22 4:20 5:1,2,3,4,5,6 met 1:15 Michael 1:23 2:9 MIKE 1:22 Miller 1:17,18 2:3 2:21 3:2,11,16 4:13,16,21 5:7,10 5:13 MOBLEY 1:21 5:4 morning 2:13 motion 5:13 move 4:17</p> <hr/> <p style="text-align: center;">N</p> <p>negotiated 3:7 Nelson 2:15 NICK 1:19 NOPHLIN 1:21 4:20 5:5 NW 1:8 N.W 1:16 2:5</p> <hr/> <p style="text-align: center;">O</p> | <p>OAG 1:23 offer 3:7,19 4:1,17 5:14 Okay 2:21 3:2,4,17 3:18 4:13,16 opposed 5:8</p> <hr/> <p style="text-align: center;">P</p> <p>paid 3:20 4:18 parties 2:7 3:6 passes 5:14 pay 3:9 Phillips 2:11 place 4:12 plan 1:11 4:8,10 please 2:8 preliminary 3:5 PRESENT 1:18,23 presiding 1:17 procedures 4:11 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 4:14</p> <hr/> <p style="text-align: center;">R</p> <p>record 2:8,12 Reeves 1:15 reflects 4:11 relatively 4:6 representative 2:20 representing 2:10 resolve 3:10,14,16 response 4:15 5:9 5:12 Retailer 1:9 revised 4:8,10 right 4:1,2 Room 1:15 Ruthanne 1:16,18</p> <hr/> <p style="text-align: center;">S</p> <p>second 4:6,19,20 security 1:11 4:8 4:10 Show 1:8 SILVERSTEIN</p> | <p>1:22 5:6 sorry 3:11 sparse 4:6 standing 2:11 status 1:9 2:19 Stephen 2:18 Stern 1:23 2:9,9 3:4,6,14 Street 1:8,16 2:5 Strike 1:6,8 2:4</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 3:3 5:16,17 things 4:4 two 4:4 t/a 1:8</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:22 4:9 understanding 3:19</p> <hr/> <p style="text-align: center;">V</p> <p>violation 3:10,15 3:17</p> <hr/> <p style="text-align: center;">W</p> <p>Waive 4:1 Washington 1:7,16</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,000 3:9,12,20 4:18</p> <hr/> <p style="text-align: center;">1</p> <p>11-251-00206 1:10 2:4 14th 1:15</p> <hr/> <p style="text-align: center;">2</p> <p>2C 1:10 2:6 2000 1:15 2012 1:13 29 1:13</p> |
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