

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

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IN THE MATTER OF: :  
: :  
The Public Group, LLC :  
t/a Public Bar :  
1214 18th Street, NW : Show Cause  
Retailer Class CT : Hearing  
License No. 81238 : (Status)  
Case No. 11-251-00270 :  
ANC 2B :  
Allowed the Establishment to be :  
Used for an Unlawful or :  
Disorderly Purpose :  
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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

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

9:59 a.m.

CHAIRPERSON MILLER: The next case on our agenda is case No. 11-251-00270, Public Bar, located at 1214 18th Street, N.W., License No. 81238, located in ANC 2B.

MR. STERN: Good morning. Michael Stern representing the District of Columbia.

MR. FONSECA: Michael Fonseca on behalf of the Licensee.

MR. VILLEGAS: Edwin Villegas, managing member.

CHAIRPERSON MILLER: Okay. Edwin Villegas?

MR. VILLEGAS: Yes.

CHAIRPERSON MILLER: Okay. Good morning.

MR. FONSECA: Madam Chairman, for the record, we did receive the show cause notice. The Licensee has read it, understands it and waives reading.

CHAIRPERSON MILLER: Thank you.

1 Okay. Then, Mr. Stern, are there preliminary  
2 matters in this case?

3 MR. STERN: Yes, the parties have  
4 discussed an Offer in Compromise which we hope  
5 the Board will accept. The Respondent will  
6 pay a \$1,500 fine today. I would note that  
7 though this is a somewhat serious violation  
8 the employee involved in the altercation was  
9 fired immediately and this is a first offense.

10 CHAIRPERSON MILLER: Okay.

11 MR. FONSECA: May we add to that?

12 CHAIRPERSON MILLER: Yes.

13 MR. FONSECA: The employee also is  
14 being prosecuted criminally, as he well  
15 should. And the security plan I believe was  
16 adhered to and there was ample video coverage.  
17 We believe under the circumstances this is --  
18 it's a fine, however -- it's punishment, but  
19 not for actions that the establishment  
20 necessarily did not, you know, take seriously.  
21 It was just circumstances where you had an  
22 errant employee.

1 CHAIRPERSON MILLER: Okay. Any  
2 questions from Board members on this?

3 MEMBER ALBERTI: Can I make a  
4 quick comment?

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: Mr. Fonseca,  
7 since you added that, I just want to remind  
8 the Licensee that it's their responsibility to  
9 train your security staff. So even though he  
10 may have been a rogue security staff member,  
11 as you seem to be implying, it's still your  
12 responsibility to make sure they're amply  
13 trained. And I want to make sure that's  
14 understood.

15 MR. FONSECA: Understood. And  
16 that has -- training has -- it's been  
17 completed, right?

18 MR. VILLEGAS: Yes.

19 MR. FONSECA: Additional training.  
20 So those things would have come out if we had  
21 to go to a hearing, but all of that was  
22 followed through long before we reached this

1 status hearing.

2 MEMBER ALBERTI: Thank you.

3 CHAIRPERSON MILLER: Okay. Any  
4 other questions or comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: Given what  
7 we've heard today then and the facts that we  
8 have before us, I would move that we accept  
9 this Offer in Compromise of a \$1,500 fine to  
10 be paid today.

11 Let me just back up because after  
12 all that discussion I want to make sure that  
13 -- did I ask you, Mr. Fonseca, whether that's  
14 your understanding of the Offer in Compromise  
15 and if you accept it?

16 MR. FONSECA: That is our  
17 understanding and if the Board accepts this,  
18 we would waive appeal under the circumstances.

19 CHAIRPERSON MILLER: Right. Okay.  
20 So then the motion before the Board is to  
21 accept the Offer in Compromise of \$1,500 to be  
22 paid today. Do I have a second?

1 MEMBER MOBLEY: Second.

2 CHAIRPERSON MILLER: All those in  
3 favor, say aye? Aye.

4 MEMBER ALBERTI: Aye.

5 MEMBER BROOKS: Aye.

6 MEMBER JONES: Aye.

7 MEMBER MOBLEY: Aye.

8 MEMBER NOPHLIN: Aye.

9 MEMBER SILVERSTEIN: Aye.

10 CHAIRPERSON MILLER: All those  
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those  
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. The  
17 vote is 7-0-0 to accept that Offer in  
18 Compromise.

19 Thank you.

20 (Whereupon, the hearing was  
21 concluded at 10:03 a.m.)

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