

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF:

Woodward Bros., Inc. t/a	
The Rhino Bar and Pumphouse	Show Cause
3295 M Street, NW	Hearing
Retailer CT - ANC-2E	(Status)
License No. 523	
Case #13-CMP-00161	

(Sale to Minor, Failed to Take  
 Steps Necessary to Ascertain  
 Legal Drinking Age)

March 11, 2015

The Alcoholic Beverage Control Board  
 met in the Alcoholic Beverage Control Hearing  
 Room, Reeves Building, 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  
 HECTOR RODRIGUEZ, Member  
 JAMES SHORT, Member

ALSO PRESENT:

AMY SCHMIDT, OAG

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

2 10:19 a.m.

3 CHAIRPERSON MILLER: Okay. Good  
4 morning. Mr. Jones has just joined us at the  
5 dias.

6 The next case on our calendar is Case  
7 No. 13-CMP-00151, Rhino Bar and Pumphouse located  
8 at 3295 M Street, N.W., License No. 523, in ANC-  
9 2E.

10 MS. SCHMIDT: Good morning. Amy  
11 Schmidt, Assistant Attorney General standing in  
12 for Walter Adams today.

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

15 MR. SWAN: Good morning. Charles  
16 Swan, owner of Rhino Bar.

17 CHAIRPERSON MILLER: Good morning.  
18 Okay. This is a Show Cause (Status) Hearing.

19 Mr. Kline, did your client get notice  
20 of this hearing?

21 MR. KLINE: Yes. Actually, to be  
22 clear, yes.

1                   CHAIRPERSON MILLER: Okay.

2                   MR. KLINE: Received notice, this  
3 matter has already been adjudicated. It is --  
4 there is an appeal pending. We are here today to  
5 discuss an Offer in Compromise which would  
6 involve resolution of the charge and dismissal of  
7 the appeal.

8                   So yes, the clients received it and we  
9 are long past having read it and understood it.

10                  CHAIRPERSON MILLER: All right.

11                  MR. KLINE: It's already decided.

12                  CHAIRPERSON MILLER: Got it. All  
13 right. We got that for the record. All right.

14                  MS. SCHMIDT: Yes, there is an Offer  
15 in Compromise which the Government will present  
16 at this time and the terms are:

17                         The establishment agrees to pay a  
18 \$3,000 fine within 15 days.

19                         The establishment must submit the  
20 license to safekeeping.

21                         The establishment will immediately  
22 withdraw its appeal of the Board's Order in the

1 disciplinary case.

2 And the license cannot be removed from  
3 safekeeping unless the fine is paid.

4 CHAIRPERSON MILLER: Okay. \$3,000 to  
5 be paid within 15 days?

6 MS. SCHMIDT: Yes.

7 CHAIRPERSON MILLER: Can't remove the  
8 license -- the license is going into safekeeping?

9 MS. SCHMIDT: Yes.

10 CHAIRPERSON MILLER: Today? When?

11 MS. SCHMIDT: The establishment closed  
12 at the end of February, so the license will go  
13 into safekeeping.

14 CHAIRPERSON MILLER: Okay. And can't  
15 be, what did you say, removed until the fine is  
16 paid?

17 MS. SCHMIDT: Until the fine is paid,  
18 yes.

19 CHAIRPERSON MILLER: And then dismiss  
20 the --

21 MS. SCHMIDT: The establishment will  
22 withdraw its appeal.

1                   CHAIRPERSON MILLER: Establishment  
2 will withdraw its appeal of what?

3                   MS. SCHMIDT: The Board's Order in the  
4 disciplinary case.

5                   MR. KLINE: In this case. In other  
6 words, this case was already adjudicated. There  
7 is an appeal pending. As part of this Offer in  
8 Compromise, the licensee will withdraw its appeal  
9 and this will resolve the matter once and for  
10 all. The licensee understands that he doesn't  
11 have a right to appeal and there is no further  
12 right to a hearing if the Offer in Compromise is  
13 accepted.

14                   CHAIRPERSON MILLER: Okay. Thank you.  
15 All right. Are there questions by Board Members?  
16 Okay. Not hearing any, then I would move that we  
17 approve this Offer in Compromise of \$3,000 to be  
18 paid within 15 days. The license will be put  
19 into safekeeping today. Is that right?

20                   MR. KLINE: It may have been done. I  
21 have to check with my --

22                   CHAIRPERSON MILLER: All right.

1 MR. KLINE: -- license administrator.  
2 I know he had the form signed. The issue is we  
3 can't find the license because it was stolen --

4 CHAIRPERSON MILLER: Oh.

5 MR. KLINE: -- at the last point of  
6 operation, so it will be accompanied by a letter  
7 asking if the Board would accept it.

8 CHAIRPERSON MILLER: I see. It can't  
9 be removed from safekeeping until the fine is  
10 paid. And the licensee will withdraw its appeal  
11 of the Board's decision that is pending in the  
12 Court of Appeals.

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Okay.

15 All those in favor say aye.

16 MEMBER ALBERTI: Aye.

17 CHAIRPERSON MILLER: Aye.

18 MEMBER BROOKS: Aye.

19 MEMBER SILVERSTEIN: Aye.

20 MEMBER RODRIGUEZ: Aye.

21 MEMBER SHORT: Aye.

22 CHAIRPERSON MILLER: All those

1       opposed? All those abstaining? The motion  
2       passes --

3               MEMBER JONES: Abstain.

4               CHAIRPERSON MILLER: -- 6-0-1 with Mr.  
5       Jones abstaining. Okay.

6               MR. KLINE: Thank you.

7               CHAIRPERSON MILLER: Thank you.

8               MR. KLINE: Do we need an order?

9               CHAIRPERSON MILLER: Yes, we will be  
10       issuing an order on this one.

11              MR. KLINE: Okay. Great. Thank you.

12              CHAIRPERSON MILLER: Okay. Thank you  
13       very much.

14              MR. SWAN: Thank you.

15                       (Whereupon, the Show Cause (Status)  
16       Hearing in the above-entitled matter was  
17       concluded at 10:24 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>\$3,000</b> 3:18 4:4 5:17  <b>a.m</b> 2:2 7:17  <b>above-entitled</b> 7:16  <b>Abstain</b> 7:3  <b>abstaining</b> 7:1,5  <b>accept</b> 6:7  <b>accepted</b> 5:13  <b>accompanied</b> 6:6  <b>Adams</b> 2:12  <b>adjudicated</b> 3:3 5:6  <b>administrator</b> 6:1  <b>Age</b> 1:10  <b>agrees</b> 3:17  <b>ALBERTI</b> 1:17 6:16  <b>Alcoholic</b> 1:2,13,13  <b>Amy</b> 1:22 2:10  <b>ANC</b> 2:8  <b>ANC-2E</b> 1:7  <b>Andrew</b> 2:13  <b>appeal</b> 3:4,7,22 4:22  5:2,7,8,11 6:10  <b>Appeals</b> 6:12  <b>approve</b> 5:17  <b>Ascertain</b> 1:10  <b>asking</b> 6:7  <b>Assistant</b> 2:11  <b>Attorney</b> 2:11  <b>aye</b> 6:15,16,17,18,19,20  6:21</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>Bar</b> 1:6 2:7,16  <b>behalf</b> 2:14  <b>Beverage</b> 1:2,13,13  <b>Board</b> 1:2,13 5:15 6:7  <b>Board's</b> 3:22 5:3 6:11  <b>BROOKS</b> 1:18 6:18  <b>Bros</b> 1:6  <b>Building</b> 1:14</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:6  <b>case</b> 1:8 2:6,6 4:1 5:4,5  5:6  <b>Cause</b> 1:6 2:18 7:15  <b>Chairperson</b> 1:14,17  2:3,17 3:1,10,12 4:4,7  4:10,14,19 5:1,14,22  6:4,8,14,17,22 7:4,7,9  7:12  <b>charge</b> 3:6  <b>Charles</b> 2:15  <b>check</b> 5:21  <b>clear</b> 2:22  <b>client</b> 2:19  <b>clients</b> 3:8  <b>closed</b> 4:11</p>	<p><b>COLUMBIA</b> 1:1  <b>Compromise</b> 3:5,15 5:8  5:12,17  <b>concluded</b> 7:17  <b>Control</b> 1:2,13,13  <b>Court</b> 6:12  <b>CT</b> 1:7</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:14  <b>days</b> 3:18 4:5 5:18  <b>decided</b> 3:11  <b>decision</b> 6:11  <b>dias</b> 2:5  <b>disciplinary</b> 4:1 5:4  <b>discuss</b> 3:5  <b>dismiss</b> 4:19  <b>dismissal</b> 3:6  <b>DISTRICT</b> 1:1  <b>DONALD</b> 1:18  <b>Drinking</b> 1:10</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>establishment</b> 3:17,19  3:21 4:11,21 5:1</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>Failed</b> 1:9  <b>favor</b> 6:15  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<b>licensee</b> 2:14 5:8,10  6:10  <b>located</b> 2:7  <b>long</b> 3:9</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 1:7 2:8  <b>March</b> 1:12  <b>matter</b> 1:5 3:3 5:9 7:16  <b>MEETING</b> 1:3  <b>Member</b> 1:17,18,18,19  1:19,20 6:13,16,18,19  6:20,21 7:3  <b>Members</b> 5:15  <b>met</b> 1:13  <b>MIKE</b> 1:19  <b>Miller</b> 1:15,17 2:3,17  3:1,10,12 4:4,7,10,14  4:19 5:1,14,22 6:4,8  6:14,17,22 7:4,7,9,12  <b>Minor</b> 1:9  <b>morning</b> 2:4,10,13,15  2:17  <b>motion</b> 7:1  <b>move</b> 5:16</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:14 2:8  <b>Necessary</b> 1:10  <b>need</b> 7:8  <b>NICK</b> 1:17  <b>notice</b> 2:19 3:2  <b>NW</b> 1:7</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:22  <b>Offer</b> 3:5,14 5:7,12,17  <b>Oh</b> 6:4  <b>Okay</b> 2:3,18 3:1 4:4,14  5:14,16 6:14 7:5,11  7:12  <b>once</b> 5:9  <b>operation</b> 6:6  <b>opposed</b> 7:1  <b>order</b> 3:22 5:3 7:8,10</p>	<p><b>owner</b> 2:16</p> <hr/> 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