

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
MT 617 Corporation :
t/a Ming's : Show Cause
617 H Street, NW : Hearing
Retailer CR - ANC-2C : (Status)
License No. 83415 :
Case #12-CMP-00398 :
: :
(Substantial Change - :
Operating After Hours) :
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March 13, 2013

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

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

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

(10:02 a.m.)

CHAIRPERSON MILLER: The next case on our morning calendar is Case No. 12-CMP-00398, Ming's located at 617 H Street, N.W., License No. 83415 in ANC-2C.

MS. GEPHARDT: Good morning, Chrissy Gephardt on behalf of the District of Columbia.

MR. MARK: Good morning, Gene Mark for the licensee.

CHAIRPERSON MILLER: And good morning, Mr. Mark. What's your affiliation with the licensee?

MR. MARK: Legal counsel.

CHAIRPERSON MILLER: You are counsel. And have you filed a Notice of Appearance?

MR. MARK: Yes, I actually did.

CHAIRPERSON MILLER: Okay.

MEMBER JONES: Does that mean he has filed a Notice of Appearance in this

1 application?

2 CHAIRPERSON MILLER: You are on
3 record as being counsel for -- yes, I think
4 that would be.

5 Okay. Did your client receive
6 notice of the hearing?

7 MR. MARK: Yes.

8 CHAIRPERSON MILLER: And did your
9 client read and understand it?

10 MR. MARK: Yes.

11 CHAIRPERSON MILLER: Okay. And
12 then we are going to enter that notice into
13 the record, unless there is an objection.

14 MR. MARK: Yes.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. Do we have any preliminary matters in
17 this matter?

18 MS. GEPHARDT: Yes, we do.

19 CHAIRPERSON MILLER: Okay.

20 MS. GEPHARDT: Board Members, we
21 have an offer in compromise to present to the
22 Board and that would be a \$1,500 fine for

1 Charge 1 to be payable within 30 days.

2 CHAIRPERSON MILLER: And, Mr.
3 Mark, do you agree to this offer in compromise
4 on behalf of your client for a \$1,500 penalty
5 for Charge 1 payable within 30 days?

6 MR. MARK: Yes.

7 CHAIRPERSON MILLER: And your
8 client understands that it waives its right to
9 a hearing by accepting this?

10 MR. MARK: Yes.

11 CHAIRPERSON MILLER: Okay. Any
12 questions by Board Members?

13 Not hearing any, I move to accept
14 this offer in compromise of a penalty of
15 \$1,500 for Charge 1 payable within 30 days.

16 Do I have a second?

17 MEMBER BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks
19 has seconded the motion.

20 All those in favor say aye.

21 MEMBER ALBERTI: Aye.

22 CHAIRPERSON MILLER: Aye.

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MEMBER SILVERSTEIN: Aye.

MEMBER BROOKS: Aye.

CHAIRPERSON MILLER: All those
opposed?

MEMBER JONES: Oppose.

CHAIRPERSON MILLER: All those
abstaining? The vote then is 4-1-0 to accept
the offer in compromise. Okay. Thank you.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 10:05 a.m.)

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| <p style="text-align: center;">A</p> <p>above-entitled 5:10 abstaining 5:7 accept 4:13 5:7 accepting 4:9 affiliation 2:13 agree 4:3 ALBERTI 1:21 4:21 Alcoholic 1:2,14,15 ANC-2C 1:8 2:6 Appearance 2:18 2:22 application 3:1 aye 4:20,21,22 5:1 5:2 a.m 2:2 5:11</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:8 4:4 Beverage 1:2,14,15 Board 1:2,15 3:20 3:22 4:12 Brooks 1:21 4:17 4:18 5:2 Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 1:9 2:3,4 Cause 1:6 5:9 Chairperson 1:17 1:20 2:3,12,16,20 3:2,8,11,15,19 4:2 4:7,11,18,22 5:3,6 Change 1:10 Charge 4:1,5,15 Chrissy 1:25 2:8 client 3:5,9 4:4,8 Columbia 1:1 2:9 compromise 3:21 4:3,14 5:8 concluded 5:11 Control 1:2,14,15 Corporation 1:6 counsel 2:15,17 3:3 CR 1:8</p> | <p style="text-align: center;">D</p> <p>days 4:1,5,15 District 1:1 2:8 DONALD 1:21 D.C 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>enter 3:12</p> <hr/> <p style="text-align: center;">F</p> <p>favor 4:20 filed 2:17,22 fine 3:22</p> <hr/> <p style="text-align: center;">G</p> <p>Gene 2:10 Gephardt 1:25 2:7 2:8 3:18,20 going 3:12 good 2:7,10,12</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:7 2:5 hearing 1:7,15 3:6 4:9,13 5:10 HERMAN 1:22 Hours 1:10</p> <hr/> <p style="text-align: center;">J</p> <p>JONES 1:22 2:21 5:5</p> <hr/> <p style="text-align: center;">L</p> <p>Legal 2:15 License 1:8 2:6 licensee 2:11,14 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>March 1:13 Mark 2:10,10,13 2:15,19 3:7,10,14 4:3,6,10 matter 1:5 3:17 5:10 matters 3:16 mean 2:21 MEETING 1:3</p> | <p>Member 1:21,21 1:22,22 2:21 4:17 4:21 5:1,2,5 Members 3:20 4:12 met 1:15 MIKE 1:22 Miller 1:17,20 2:3 2:12,16,20 3:2,8 3:11,15,19 4:2,7 4:11,18,22 5:3,6 Ming's 1:6 2:5 morning 2:4,7,10 2:13 motion 4:19 move 4:13 MT 1:6</p> <hr/> <p style="text-align: center;">N</p> <p>NICK 1:21 notice 2:17,22 3:6 3:12 NW 1:7 N.W 1:16 2:5</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25 objection 3:13 offer 3:21 4:3,14 5:8 Okay 2:20 3:5,11 3:15,19 4:11 5:8 Operating 1:10 Oppose 5:5 opposed 5:4</p> <hr/> <p style="text-align: center;">P</p> <p>payable 4:1,5,15 penalty 4:4,14 preliminary 3:16 present 1:19,23 3:21 presiding 1:17 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 4:12</p> | <p style="text-align: center;">R</p> <p>read 3:9 receive 3:5 record 3:3,13 Reeves 1:15 Retailer 1:8 right 4:8 Room 1:15 Ruthanne 1:17,20</p> <hr/> <p style="text-align: center;">S</p> <p>second 4:16,17 seconded 4:19 Show 1:6 5:9 SILVERSTEIN 1:22 5:1 Status 1:8 5:10 Street 1:7,16 2:5 Substantial 1:10 Suite 1:16</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 3:15 5:8 think 3:3 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:9 understands 4:8</p> <hr/> <p style="text-align: center;">V</p> <p>vote 5:7</p> <hr/> <p style="text-align: center;">W</p> <p>waives 4:8 Washington 1:16</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,11</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,500 3:22 4:4,15</p> <hr/> <p style="text-align: center;">#</p> <p>#12-CMP-00398 1:9</p> <hr/> <p style="text-align: center;">0</p> | <p>00398 2:5</p> <hr/> <p style="text-align: center;">1</p> <p>1 4:1,5,15 10:02 2:2 10:05 5:11 12-CMP 2:4 13 1:13 14th 1:15</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:15 20009 1:17 2013 1:13</p> <hr/> <p style="text-align: center;">3</p> <p>30 4:1,5,15</p> <hr/> <p style="text-align: center;">4</p> <p>4-1-0 5:7 400S 1:16</p> <hr/> <p style="text-align: center;">6</p> <p>617 1:6,7 2:5</p> <hr/> <p style="text-align: center;">8</p> <p>83415 1:8 2:6</p> |
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