

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

Eclipse Restaurant & Nightclub, Inc.	
t/a Eclipse Restaurant & Nightclub	Show
2820 Bladensburg Road, NE	Cause
Retailer CN - ANC-5C	Hearing
License No. 75424	(Status)
Case #14-251-00171	

(Substantial Change in Operation
 Without Board Approval, Violation
 of Settlement Agreement)

March 25, 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
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 9:42 a.m.

3 CHAIRPERSON MILLER: The next case is
4 Case No. 14-251-00171, Eclipse Restaurant &
5 Nightclub located at 2820 Bladensburg Road, N.E.,
6 License No. 75424, in ANC-5C.

7 Good morning.

8 MR. RIVERO: Good morning, Board
9 Members. Fernando Rivero for the District of
10 Columbia standing in for Maureen Zaniel.

11 MR. FONSECA: Michael Fonseca on
12 behalf of the licensee. With me is James
13 Bardwell. He is one of the shareholders and
14 officers of the corporation.

15 CHAIRPERSON MILLER: Good morning.

16 MR. BARDWELL: Good morning.

17 CHAIRPERSON MILLER: Mr. Fonseca, did
18 your client receive notice of this hearing?

19 MR. FONSECA: We have. It has been
20 read. It's been understood by the client. And
21 we waive reading.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Rivero, are there any preliminary matters?

2 MR. RIVERO: There are.

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: The parties have an Offer
5 in Compromise to present to the Board at this
6 time.

7 CHAIRPERSON MILLER: Okay.

8 MR. RIVERO: And that consists of:
9 For Charge 1 a fine of \$1,750; for Charge 2 a
10 fine of \$500 for a total of \$2,250 to be payable
11 within 30 days or the license will be suspended
12 until the fine is paid. That is the Offer in
13 Compromise.

14 CHAIRPERSON MILLER: Okay.

15 MR. FONSECA: We are in agreement with
16 that offer.

17 CHAIRPERSON MILLER: You're in
18 agreement with the offer as just stated by Mr.
19 Rivero?

20 MR. FONSECA: Yes.

21 MR. BARDWELL: Yes.

22 CHAIRPERSON MILLER: Okay. You

1 understand that you waive your right to a hearing
2 and your right to appeal this penalty?

3 MR. BARDWELL: Yes.

4 CHAIRPERSON MILLER: Okay. Are there
5 any questions by Board Members?

6 All right. Not hearing any, then I
7 would move that we approve this Offer in
8 Compromise of a total of \$2,250 to be paid within
9 30 days. And if not paid within 30 days, the
10 license will be suspended until it is paid. And
11 that breaks down to \$1,750 for the first
12 violation or charge and the second charge of
13 \$500.

14 Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 seconded the motion. Any other comments? Not
18 hearing any, then all those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? Okay. The
22 motion passes then to approve the Offer in

1 Compromise by a vote of 6-0-0.

2 We will get that to you shortly.

3 MR. FONSECA: Thank you.

4 CHAIRPERSON MILLER: Thank you.

5 (Whereupon, the Show Cause (Status)

6 Hearing in the above-entitled matter was

7 concluded at 9:45 a.m.)

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A	favor 4:18	4:22	total 3:10 4:8
\$1,750 3:9 4:11	Fernando 1:21 2:9	officers 2:14	U
\$2,250 3:10 4:8	fine 3:9,10,12	Okay 2:22 3:3,7,14,22	understand 4:1
\$500 3:10 4:13	first 4:11	4:4,21	understood 2:20
a.m 2:2 5:7	Fonseca 2:11,11,17,19	Operation 1:9	V
above-entitled 5:6	3:15,20 5:3	opposed 4:21	violation 1:10 4:12
abstaining 4:21	G	P	vote 5:1
agreement 1:10 3:15,18	Good 2:7,8,15,16	P-R-O-C-E-E-D-I-N-G-S	W
ALBERTI 1:17	H	2:1	waive 2:21 4:1
Alcoholic 1:2,13,13	hearing 1:7,13 2:18 4:1	paid 3:12 4:8,9,10	Washington 1:14
ANC-5C 1:7 2:6	4:6,18 5:6	parties 3:4	X
appeal 4:2	HECTOR 1:19	passes 4:22	Y
Approval 1:10	I	payable 3:10	Z
approve 4:7,22	J	penalty 4:2	Zaniel 2:10
aye 4:18,19	James 1:19 2:12	preliminary 3:1	0
B	K	present 1:16,20 3:5	1
Bardwell 2:13,16 3:21	L	presiding 1:15	1 3:9
4:3	license 1:8 2:6 3:11	Q	14-251-00171 1:8 2:4
behalf 2:12	4:10	questions 4:5	14th 1:14
Beverage 1:2,13,13	licensee 2:12	R	2
Bladensburg 1:7 2:5	located 2:5	read 2:20	2 3:9
Board 1:2,10,13 2:8 3:5	M	reading 2:21	2000 1:14
4:5	March 1:12	receive 2:18	20009 1:14
breaks 4:11	matter 1:5 5:6	Reeves 1:14	2015 1:12
Brooks 1:18 4:15,16	matters 3:1	Restaurant 1:6,6 2:4	25 1:12
Building 1:14	Maureen 2:10	Retailer 1:7	2820 1:7 2:5
C	MEETING 1:3	right 4:1,2,6	3
case 1:8 2:3,4	Member 1:17,18,18,19	Rivero 1:21 2:8,9 3:1,2	30 3:11 4:9,9
Cause 1:7 5:5	1:19 4:15	3:4,8,19	4
Chairperson 1:14,17	Members 2:9 4:5	Road 1:7 2:5	400S 1:14
2:3,15,17,22 3:3,7,14	met 1:13	RODRIGUEZ 1:19	5
3:17,22 4:4,16,20 5:4	Michael 2:11	Room 1:14	6
Change 1:9	MIKE 1:18	Ruthanne 1:15,17	6-0-0 5:1
charge 3:9,9 4:12,12	Miller 1:15,17 2:3,15,17	S	7
client 2:18,20	2:22 3:3,7,14,17,22	second 4:12,14,15	75424 1:8 2:6
CN 1:7	4:4,16,20 5:4	seconded 4:17	8
Columbia 1:1 2:10	morning 2:7,8,15,16	Settlement 1:10	9
comments 4:17	motion 4:17,22	shareholders 2:13	
Compromise 3:5,13 4:8	move 4:7	SHORT 1:19	
5:1	N	shortly 5:2	
concluded 5:7	N.E 2:5	Show 1:6 5:5	
consists 3:8	N.W 1:14	SILVERSTEIN 1:18	
Control 1:2,13,13	NE 1:7	standing 2:10	
corporation 2:14	NICK 1:17	stated 3:18	
D	Nightclub 1:6,6 2:5	Status 1:8 5:5	
D.C 1:14	notice 2:18	Street 1:14	
days 3:11 4:9,9	O	Substantial 1:9	
District 1:1 2:9	OAG 1:21	Suite 1:14	
DONALD 1:18	offer 3:4,12,16,18 4:7	suspended 3:11 4:10	
E		T	
Eclipse 1:6,6 2:4		t/a 1:6	
F		Thank 5:3,4	
		time 3:6	