

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Case #11-CMP-00446 :
Billy Martin Tavern, LLC :Show
t/a Billy Martin Tavern :Cause
1264 Wisconsin Avenue, N.W. :Hearing
License #60407 :(Status)
Retailer CR :
ANC 2E :
No ABC Manager on Duty, Failed:
to File Quarterly Statements :
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APRIL 4, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
CALVIN NOPHLIN, Member
MICHAEL SILVERSTEIN, Member

JEANNETTE MOBLEY, Member

ALSO PRESENT

FERNANDO RIVERO, OAG

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

2 9:41 a.m.

3 CHAIRPERSON MILLER: Good morning,
4 ladies and gentlemen.

5 I'd like to welcome you to the
6 regularly scheduled meeting of the District of
7 Columbia Alcoholic Beverage Control Board.
8 Today is April 4th, 2011.

9 My name is Ruthanne Miller. I'm
10 the Chairperson.

11 Joining me today to my far right
12 is Mr. Calvin Nophlin. To his immediate left
13 is Mr. Donald Brooks. To my immediate right
14 is Mr. Nick Alberti. To my far left is Ms.
15 Jeannette Mobley and to my immediate left is
16 Mr. Mike Silverstein.

17 The Board has six members in
18 attendance for the conduct of business today
19 with three constituting a quorum.

20 Copies of today's hearing calendar
21 and agenda are available at the receptionist's
22 desk.

1 Please be aware that these
2 proceedings are being recorded by a court
3 reporter. Accordingly, we must ask you to
4 refrain from any disruptive noises or actions
5 in the hearing room.

6 If you have any electronic
7 devices, pagers, cell phones or such, please
8 make certain that they're turned off to avoid
9 any interruption of the proceedings.

10 Please note that there's a piece
11 of paper on each table at the front. When you
12 come forward as your case is called, please
13 take a seat at the table and sign in. This is
14 to insure the correct spelling of your name
15 for the record.

16 The record will be closed at the
17 conclusion of each case except for any
18 material specifically requested by the Board
19 or if the parties elect to submit proposed
20 findings of fact and conclusions of law within
21 30 calendar days after the conclusion of the
22 hearing as permitted by 23 DCMR Section

1 1717.2.

2 After the record is closed, no
3 other information will be accepted by the
4 Board.

5 Copies of transcripts are
6 available by contacting ABRA's Records Manager
7 Bill Hager and it's the sole responsibility of
8 the parties to make this request.

9 The Open Meetings Act requires
10 that the public hearing on each case be open
11 to the public. The Board may, consistent with
12 Section 405(b) of the Open Meetings Act, enter
13 a closed meeting during or after the public
14 hearing on a case to consult with an attorney
15 to obtain legal advice, discuss settlement
16 agreements or deliberate upon a decision in an
17 adjudication proceeding.

18 The Board's calendar this morning
19 includes show cause status hearings, show
20 cause hearings and a fact finding hearing.

21 Okay. I'm going to call the first
22 case on the calendar this morning. That's

1 Case Number 11-CMP-00446 of Billy Martin
2 Tavern at 1264 Wisconsin Avenue, N.W., License
3 Number 60407 in ANC 2E.

4 MR. RIVERO: Good morning, Board
5 Members. Fernando Rivero for the District of
6 Columbia.

7 CHAIRPERSON MILLER: Good morning.

8 MR. MARTIN: Good morning.
9 William Martin for Martin's Tavern.

10 CHAIRPERSON MILLER: Good morning.

11 Mr. Martin, let me just ask you.
12 Did you receive notice of this show cause
13 hearing?

14 MR. MARTIN: Yes, I did.

15 CHAIRPERSON MILLER: Okay. Did
16 you read it?

17 MR. MARTIN: Yes, I did.

18 CHAIRPERSON MILLER: And
19 understand it?

20 MR. MARTIN: I did.

21 CHAIRPERSON MILLER: Okay. And do
22 you waive the Board's reading of the notice

1 into the record?

2 MR. MARTIN: Yes.

3 CHAIRPERSON MILLER: All right.

4 Are there any preliminary matters?

5 MR. RIVERO: Yes, Board Members.

6 CHAIRPERSON MILLER: Okay.

7 MR. RIVERO: The parties have an
8 offer in compromise to present to the Board at
9 this time.

10 CHAIRPERSON MILLER: All right.

11 MR. RIVERO: The offer consists of
12 the dismissal of charge one.

13 CHAIRPERSON MILLER: Is your
14 microphone on?

15 MR. RIVERO: I'm not sure.
16 There's a red light.

17 CHAIRPERSON MILLER: Instead of a
18 green light?

19 MR. RIVERO: Instead of a green
20 light. There's a green light over here.

21 CHAIRPERSON MILLER: Okay.
22 Sounded kind of soft to me this morning.

1 Okay.

2 MR. RIVERO: Maybe I'm just tired.

3 CHAIRPERSON MILLER: All right.

4 Sorry. Go ahead.

5 MR. RIVERO: The offer in
6 compromise consists of the dismissal of charge
7 one and a fine of \$500 payable immediately for
8 charge two.

9 The offer in compromise is
10 tendered in part because evidence would show
11 that the Licensee was actually in the kitchen
12 at the time and he has since instructed his
13 employees that whenever anyone asks from ABRA
14 or enters the premises that he is to be
15 located immediately and that is the premise
16 for the offer in compromise tendered to the
17 Board today.

18 CHAIRPERSON MILLER: Okay. So,
19 charge one was dismissed because he was
20 actually there.

21 MR. RIVERO: That's -- yes, that's
22 part of the offer in compromise.

1 CHAIRPERSON MILLER: Okay. Okay.

2 And all right. As I hear it then, that would
3 be -- the offer in compromise is a dismissal
4 of charge one, a fine for charge two in the
5 amount of \$500 to be paid today.

6 Okay. Mr. Martin, are you
7 agreeable to that offer in compromise?

8 MR. MARTIN: Yes, I am.

9 CHAIRPERSON MILLER: Okay. Are
10 there any questions by Board Members?

11 And you understand, Mr. Martin,
12 that you waived your right to a hearing if you
13 accept this offer.

14 MR. MARTIN: Yes, I --

15 CHAIRPERSON MILLER: Okay. Okay.
16 Not hearing any questions from the Board
17 Members, then I would move that we accept this
18 offer in compromise to dismiss charge one and
19 to have a penalty of \$500 for charge two to be
20 paid immediately today. Right. Okay.

21 Go ahead. Second?

22 MEMBER BROOKS: Second.

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CHAIRPERSON MILLER: Any other
comments, questions?

Okay. All those in favor of this
offer in compromise say aye.

(Ayes.)

CHAIRPERSON MILLER: All those
opposed? All those abstaining?

Okay. Then the offer in
compromise is accepted by a vote of 6-0.

Thank you.

(Whereupon, at 9:46 a.m., the
hearing was adjourned.)

A	C			
ABC 1:9 ABRA 7:13 ABRA's 4:6 abstaining 9:7 accept 8:13,17 accepted 4:3 9:9 Act 4:9,12 actions 3:4 adjourned 9:12 adjudication 4:17 advice 4:15 agenda 2:21 agreeable 8:7 agreements 4:16 ahead 7:4 8:21 Alberti 1:18 2:14 Alcoholic 1:2,13,13 2:7 amount 8:5 ANC 1:9 5:3 April 1:12 2:8 asks 7:13 attendance 2:18 attorney 4:14 available 2:21 4:6 Avenue 1:7 5:2 avoid 3:8 aware 3:1 aye 9:4 Ayes 9:5 a.m 2:2 9:11	calendar 2:20 3:21 4:18,22 call 4:21 called 3:12 Calvin 1:19 2:12 case 1:5 3:12,17 4:10,14,22 5:1 cause 1:6 4:19,20 5:12 cell 3:7 certain 3:8 Chairperson 1:15 1:17 2:3,10 5:7,10 5:15,18,21 6:3,6 6:10,13,17,21 7:3 7:18 8:1,9,15 9:1 9:6 charge 6:12 7:6,8 7:19 8:4,4,18,19 closed 3:16 4:2,13 Columbia 1:1 2:7 5:6 come 3:12 comments 9:2 compromise 6:8 7:6,9,16,22 8:3,7 8:18 9:4,9 conclusion 3:17,21 conclusions 3:20 conduct 2:18 consistent 4:11 consists 6:11 7:6 constituting 2:19 consult 4:14 contacting 4:6 Control 1:2,13,13 2:7 Copies 2:20 4:5 correct 3:14 court 3:2 CR 1:8	deliberate 4:16 desk 2:22 devices 3:7 discuss 4:15 dismiss 8:18 dismissal 6:12 7:6 8:3 dismissed 7:19 disruptive 3:4 District 1:1 2:6 5:5 Donald 1:18 2:13 Duty 1:9 D.C 1:14	3:5,22 4:10,14,20 5:13 8:12,16 9:12 hearings 4:19,20	1:19,19,20 8:22 members 2:17 5:5 6:5 8:10,17 met 1:13 MICHAEL 1:19 microphone 6:14 Mike 2:16 Miller 1:15,17 2:3 2:9 5:7,10,15,18 5:21 6:3,6,10,13 6:17,21 7:3,18 8:1 8:9,15 9:1,6 Mobley 1:20 2:15 morning 2:3 4:18 4:22 5:4,7,8,10 6:22 move 8:17
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B	D	elect 3:19 electronic 3:6 employees 7:13 enter 4:12 enters 7:14 evidence 7:10	Jeannette 1:20 2:15 Joining 2:11	name 2:9 3:14 Nick 1:18 2:14 noises 3:4 Nophlin 1:19 2:12 note 3:10 notice 5:12,22 Number 5:1,3 N.W 1:7,14 5:2
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		Hager 4:7 hear 8:2 hearing 1:7,14 2:20	Manager 1:9 4:6 Martin 1:6,6 5:1,8 5:9,11,14,17,20 6:2 8:6,8,11,14 Martin's 5:9 material 3:18 MATTER 1:4 matters 6:4 meeting 1:3 2:6 4:13 Meetings 4:9,12 Member 1:18,18	

<p>penalty 8:19 permitted 3:22 phones 3:7 piece 3:10 please 3:1,7,10,12 preliminary 6:4 premise 7:15 premises 7:14 present 1:16,21 6:8 presiding 1:15 proceeding 4:17 proceedings 3:2,9 proposed 3:19 public 4:10,11,13 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarterly 1:10 questions 8:10,16 9:2 quorum 2:19</p> <hr/> <p style="text-align: center;">R</p> <p>read 5:16 reading 5:22 receive 5:12 receptionist's 2:21 record 3:15,16 4:2 6:1 recorded 3:2 Records 4:6 red 6:16 Reeves 1:14 refrain 3:4 regularly 2:6 reporter 3:3 request 4:8 requested 3:18 requires 4:9 responsibility 4:7 Retailer 1:8 right 2:11,13 6:3 6:10 7:3 8:2,12,20 Rivero 1:22 5:4,5 6:5,7,11,15,19 7:2 7:5,21 room 1:14 3:5</p>	<p>Ruthanne 1:17 2:9</p> <hr/> <p style="text-align: center;">S</p> <p>scheduled 2:6 seat 3:13 Second 8:21,22 Section 3:22 4:12 settlement 4:15 show 1:6 4:19,19 5:12 7:10 sign 3:13 Silverstein 1:19 2:16 six 2:17 soft 6:22 sole 4:7 Sorry 7:4 Sounded 6:22 specifically 3:18 spelling 3:14 Statements 1:10 status 1:8 4:19 Street 1:14 submit 3:19 sure 6:15</p> <hr/> <p style="text-align: center;">T</p> <p>table 3:11,13 take 3:13 Tavern 1:6,6 5:2,9 tendered 7:10,16 Thank 9:10 three 2:19 time 6:9 7:12 tired 7:2 today 2:8,11,18 7:17 8:5,20 today's 2:20 transcripts 4:5 turned 3:8 two 7:8 8:4,19 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 5:19 8:11</p> <hr/> <p style="text-align: center;">V</p>	<p>vote 9:9</p> <hr/> <p style="text-align: center;">W</p> <p>waive 5:22 waived 8:12 Washington 1:14 welcome 2:5 William 5:9 Wisconsin 1:7 5:2</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,10</p> <hr/> <p style="text-align: center;">\$</p> <p>\$500 7:7 8:5,19</p> <hr/> <p style="text-align: center;">#</p> <p>#11-CMP-00446 1:5 #60407 1:8</p> <hr/> <p style="text-align: center;">1</p> <p>11-CMP-00446 5:1 1264 1:7 5:2 14th 1:14 1717.2 4:1</p> <hr/> <p style="text-align: center;">2</p> <p>2E 1:9 5:3 2000 1:14 20009 1:15 2011 2:8 2012 1:12 23 3:22</p> <hr/> <p style="text-align: center;">3</p> <p>30 3:21</p> <hr/> <p style="text-align: center;">4</p> <p>4 1:12 4th 1:14 2:8 405(b) 4:12</p> <hr/> <p style="text-align: center;">6</p> <p>6-0 9:9 60407 5:3</p> <hr/> <p style="text-align: center;">9</p> <p>9:41 2:2</p>	<p>9:46 9:11</p>
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