

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Superclub Ibiza, LLC :
t/a Ibiza : Show Cause
1222 1st Street, NE : Hearing
Retailer CN - ANC-6C : (Status)
License No. 74456 :
Case #12-251-00196 :
 :
(Failed to Comply with the :
Terms of Board Order No. :
2008-316) :
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April 10, 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

MIKE SILVERSTEIN, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

(9:45 a.m.)

CHAIRPERSON MILLER: Okay. The second case on our calendar is Case No. 12-251-00196, Ibiza located at 1222 1st Street, N.E., License No. 74456 in ANC-6C.

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

MR. CLAY: Good morning, Eric Clay for Ibiza Nightclub.

CHAIRPERSON MILLER: I'm sorry, could you repeat your name, sir?

MR. CLAY: Eric Clay, Superclub Ibiza.

CHAIRPERSON MILLER: And what's your relation to Ibiza?

MR. CLAY: Owner.

CHAIRPERSON MILLER: Owner? Okay. Did you receive notice of this Status Hearing?

MR. CLAY: Yes.

CHAIRPERSON MILLER: Did you read

1 it and understand it?

2 MR. CLAY: Yes.

3 CHAIRPERSON MILLER: Okay. Then
4 I'm going to move that notice to be in our
5 record, if there is no objection.

6 (Whereupon, the document was
7 marked for identification as
8 Exhibit 1 and was received in
9 evidence.)

10 CHAIRPERSON MILLER: Okay. Are
11 there any preliminary matters in this case?

12 MR. RIVERO: Yes, Board Members.
13 The parties have an offer in compromise to
14 present to the Board, at this time.

15 The offer consists of a fine of
16 \$2,000 payable in seven days. The parties
17 have agreed in negotiation to avoid the Show
18 Cause Hearing, at this time. The licensee
19 will proffer that there was a miscommunication
20 with respect to the detail that should have
21 been present on the date in question.

22 The detail was not present at a

1 prior point and there was an agreement to
2 credit the licensee for payments made and
3 something fell through. And in order to avoid
4 the Show Cause Hearing, we are presenting this
5 fine, which we think is appropriate.

6 CHAIRPERSON MILLER: Okay. Sir,
7 is that your understanding of the OIC? It's
8 \$2,000 to be paid within seven days?

9 MR. CLAY: Yes, ma'am.

10 CHAIRPERSON MILLER: And also you
11 understand that by accepting this OIC, you
12 waive your right to a hearing?

13 MR. CLAY: Yes.

14 CHAIRPERSON MILLER: Okay. Are
15 there any Board questions on this OIC? Okay.
16 Then I would move that we accept this OIC of
17 \$2,000 to be paid within seven days.

18 Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks
21 has seconded the motion.

22 All those in favor say aye.

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ALL: Aye.

CHAIRPERSON MILLER: All those
opposed? All those abstaining? Then the
motion passes by a vote of 4-0-0.

MR. RIVERO: Thank you very much.

CHAIRPERSON MILLER: Thank you.

MR. CLAY: Thank you.

CHAIRPERSON MILLER: Thank you.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 9:48 a.m.)

<p style="text-align: center;">A</p> <p>above-entitled 5:10 abstaining 5:3 accept 4:16 accepting 4:11 agreed 3:17 agreement 4:1 ALBERTI 1:20 Alcoholic 1:2,14,14 ANC-6C 1:8 2:6 appropriate 4:5 April 1:13 avoid 3:17 4:3 aye 4:22 5:1 a.m 2:2 5:11</p> <hr/> <p style="text-align: center;">B</p> <p>Beverage 1:2,14,14 Board 1:2,10,14 2:7 3:12,14 4:15 Brooks 1:21 4:19 4:20 Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 case 1:9 2:4,4 3:11 Cause 1:6 3:18 4:4 5:9 Chairperson 1:16 1:19 2:3,12,16,19 2:22 3:3,10 4:6,10 4:14,20 5:2,6,8 Clay 2:10,10,14,14 2:18,21 3:2 4:9,13 5:7 CN 1:8 Columbia 1:1 2:9 Comply 1:10 compromise 3:13 concluded 5:11 consists 3:15 Control 1:2,14,14 credit 4:2</p> <hr/> <p style="text-align: center;">D</p> <p>date 3:21</p>	<p>days 3:16 4:8,17 detail 3:20,22 District 1:1 2:8 document 3:6 DONALD 1:21 D.C 1:15</p> <hr/> <p style="text-align: center;">E</p> <p>Eric 2:10,14 evidence 3:9 Exhibit 3:8</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:10 favor 4:22 fell 4:3 Fernando 1:23 2:8 fine 3:15 4:5</p> <hr/> <p style="text-align: center;">G</p> <p>going 3:4 Good 2:7,10</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:7,15 2:20 3:18 4:4,12 5:10</p> <hr/> <p style="text-align: center;">I</p> <p>Ibiza 1:6,6 2:5,11 2:15,17 identification 3:7</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:8 2:6 licensee 3:18 4:2 LLC 1:6 located 2:5</p> <hr/> <p style="text-align: center;">M</p> <p>marked 3:7 matter 1:5 5:10 matters 3:11 ma'am 4:9 MEETING 1:3 Member 1:20,21 1:21 4:19 Members 2:8 3:12 met 1:14</p>	<p>MIKE 1:21 Miller 1:16,19 2:3 2:12,16,19,22 3:3 3:10 4:6,10,14,20 5:2,6,8 miscommunicati... 3:19 morning 2:7,10 motion 4:21 5:4 move 3:4 4:16</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:13 NE 1:7 negotiation 3:17 NICK 1:20 Nightclub 2:11 notice 2:20 3:4 N.E 2:6 N.W 1:15</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:23 objection 3:5 offer 3:13,15 OIC 4:7,11,15,16 Okay 2:3,19 3:3,10 4:6,14,15 opposed 5:3 order 1:10 4:3 Owner 2:18,19</p> <hr/> <p style="text-align: center;">P</p> <p>paid 4:8,17 parties 3:13,16 passes 5:4 payable 3:16 payments 4:2 point 4:1 preliminary 3:11 present 1:18,22 3:14,21,22 presenting 4:4 presiding 1:17 prior 4:1 proffer 3:19 P-R-O-C-E-E-D-... 2:1</p>	<p style="text-align: center;">Q</p> <p>question 3:21 questions 4:15</p> <hr/> <p style="text-align: center;">R</p> <p>read 2:22 receive 2:20 received 3:8 record 3:5 Reeves 1:15 relation 2:17 repeat 2:13 respect 3:20 Retailer 1:8 right 4:12 Rivero 1:23 2:7,8 3:12 5:5 Room 1:15 Ruthanne 1:16,19</p> <hr/> <p style="text-align: center;">S</p> <p>second 2:4 4:18,19 seconded 4:21 seven 3:16 4:8,17 Show 1:6 3:17 4:4 5:9 SILVERSTEIN 1:21 sir 2:13 4:6 sorry 2:12 Status 1:8 2:20 5:10 Street 1:7,15 2:5 Suite 1:15 Superclub 1:6 2:14</p> <hr/> <p style="text-align: center;">T</p> <p>Terms 1:10 Thank 5:5,6,7,8 think 4:5 time 3:14,18 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:1 4:11 understanding 4:7</p>	<p style="text-align: center;">V</p> <p>vote 5:4</p> <hr/> <p style="text-align: center;">W</p> <p>waive 4:12 Washington 1:15</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$2,000 3:16 4:8,17</p> <hr/> <p style="text-align: center;">#</p> <p>#12-251-00196 1:9</p> <hr/> <p style="text-align: center;">1</p> <p>1 3:8 1st 1:7 2:5 10 1:13 12 2:4 1222 1:7 2:5 14th 1:15</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:15 20009 1:16 2008-316 1:11 2013 1:13 251-00196 2:5</p> <hr/> <p style="text-align: center;">4</p> <p>4-0-0 5:4 400S 1:15</p> <hr/> <p style="text-align: center;">7</p> <p>74456 1:8 2:6</p> <hr/> <p style="text-align: center;">9</p> <p>9:45 2:2 9:48 5:11</p>
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