

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

þ-----»  
IN THE MATTER OF: :  
: :  
TRG, Inc. t/a Look :  
(Formerly Teatro Goldini) : Show Cause  
1909 K Street, NW : Hearing  
Retailer CR - ANC-2B :  
License No. 77812 :  
Case #12-CMP-00438 :  
: :  
(Misuse of On-Premises :  
Retailer's License) :  
þ-----¼

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:  
CHRISSY GEPHARDT, OAG

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

(9:49 a.m.)

CHAIRPERSON MILLER: Okay. The next case on our calendar is Case No. 12-CMP-00428, Look located at 1909 K Street, N.W., License No. 77812 located in ANC-2B.

Would the parties in this case, please, come forward?

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

CHAIRPERSON MILLER: Is somebody here for --

MEMBER ALBERTI: This case isn't until 10:00.

CHAIRPERSON MILLER: Oh, it's early.

MS. GEPHARDT: It's not scheduled until 10:00.

CHAIRPERSON MILLER: I'm sorry. It's early. We can -- okay. If your client is not here, we can wait. No? Okay. So we will recess for 10 minutes.

1 MS. GEPHARDT: Okay.

2 (Whereupon, at 9:50 a.m. a recess  
3 until 9:58 a.m.)

4 CHAIRPERSON MILLER: Okay. It's  
5 9:58 and this is scheduled for 10:00. Are the  
6 parties ready to go forward on Look?

7 MR. KLINE: We are ready, yes.

8 CHAIRPERSON MILLER: Okay. Are  
9 you ready?

10 MS. GEPHARDT: Hello.

11 CHAIRPERSON MILLER: All right.  
12 Introduce yourselves. Oh, well, the case is  
13 Look, Case No. 12-CMP-00428 located at 1909 K  
14 Street, N.W., License No. 77812 in ANC-2B.

15 And would the parties introduce  
16 themselves for the record, please?

17 MS. GEPHARDT: Hi, it's Chrissy  
18 Gephardt on behalf of the District.

19 MR. KLINE: Good morning, Andrew  
20 Kline on behalf of the licensee. Seated to my  
21 left is Carla Urquhart. She is the Director  
22 of Operations. A letter authorizing her to

1 appear on behalf of the licensee was forwarded  
2 yesterday to both Ms. Gephardt and Ms.  
3 Jenkins, your counsel.

4 CHAIRPERSON MILLER: Okay, right.

5 MR. KLINE: I have a copy of it if  
6 you don't.

7 CHAIRPERSON MILLER: I have a copy  
8 in front of me, yes. Okay. So this is a Show  
9 Cause Hearing.

10 Are there any preliminary matters?

11 MS. GEPHARDT: Yes, there are,  
12 Board Members. In this case, the parties have  
13 reached an offer in compromise which is as  
14 follows:

15 \$2,000 fine and three days served,  
16 which would occur on a Tuesday, a Wednesday  
17 and a Thursday, and that would specifically  
18 happen on April 16th, April 17th and April 18th.

19 CHAIRPERSON MILLER: And when  
20 would that fine be paid by?

21 MR. KLINE: Within 10 days.

22 CHAIRPERSON MILLER: Within 10

1 days, okay. All right. I just want to repeat  
2 what I understood to be the offer in  
3 compromise for th licensee. That being a fine  
4 of \$2,000 to be paid within 10 days and then  
5 three days license suspended to be served  
6 Tuesday, Wednesday, Thursday, April 16 through  
7 18. Is that what you agree to?

8 MR. KLINE: Yes. That's what we  
9 agreed to and if it's accepted, we will waive  
10 our right to hearing.

11 CHAIRPERSON MILLER: Okay. Are  
12 there any questions by Board Members?

13 MEMBER BROOKS: Yes.

14 CHAIRPERSON MILLER: Mr. Brooks?

15 MEMBER BROOKS: Yes. Are you open  
16 those days?

17 MR. KLINE: Yes.

18 MEMBER BROOKS: Are you closed any  
19 days during the week?

20 MR. KLINE: Sunday.

21 CHAIRPERSON MILLER: Sunday.

22 MEMBER BROOKS: Sundays, okay.

1 That's all, Mr. Chairman.

2 CHAIRPERSON MILLER: Okay. Any  
3 others?

4 MR. KLINE: If I may say just a  
5 couple words about --

6 CHAIRPERSON MILLER: Okay.

7 MR. KLINE: -- the offer?

8 CHAIRPERSON MILLER: Okay.

9 MR. KLINE: I know the Board,  
10 based upon the last offer in compromise that  
11 was submitted and comments that were made,  
12 response to that had concerns about this  
13 report and the violations. And we understand  
14 that.

15 And we certainly understand the  
16 Board's concerns and they are certainly within  
17 the limit. I would note that this licensee  
18 has been licensed for almost seven years.  
19 This is the first primary tier violation. It  
20 is not the first primary tier in the last two  
21 years. It's the first in seven years.

22 And what has been offered is

1 certainly at the upper end of the ranges that  
2 I have seen with respect to a first primary  
3 tier violation and we hope the Board will take  
4 that into consideration along with, of course,  
5 the seriousness of the offense, which is on  
6 the other side of the equation, and accept the  
7 offer in compromise. Thank you.

8 CHAIRPERSON MILLER: Thank you. I  
9 have a question. Can you put a monetary value  
10 on the days that are being closed? I would  
11 just --

12 MR. KLINE: A monetary value? For  
13 revenues, yes.

14 CHAIRPERSON MILLER: I'm just  
15 wondering ballpark how this affects the  
16 establishment.

17 MS. URQUHART: Around \$30,000.

18 MR. KLINE: \$30,000 in revenues is  
19 what we are being told.

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: It kind of evens out  
22 the fine, because it's almost \$3,000 in taxes.

1 CHAIRPERSON MILLER: All right.  
2 Any other questions? Okay. Then I would move  
3 that we accept this offer in compromise of  
4 \$2,000 to be paid within 10 days and then  
5 three days to have the license suspended,  
6 Tuesday, Wednesday, Thursday, April 16th  
7 through 18th.

8 Do I have a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Any other  
11 comments? Okay.

12 All those in favor of the motion  
13 say aye.

14 MEMBER BROOKS: Aye.

15 CHAIRPERSON MILLER: Aye.

16 MEMBER SILVERSTEIN: Aye.

17 CHAIRPERSON MILLER: All those  
18 opposed?

19 MEMBER ALBERTI: Opposed.

20 CHAIRPERSON MILLER: All those  
21 abstaining? Then the motion passes by a vote  
22 of 3-1-0.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

MR. KLINE: Thank you.

CHAIRPERSON MILLER: Thank you.

Okay. Our next case on the calendar is scheduled for 11:00, so the Board is going to recess until 11:00.

(Whereupon, the Show Cause Hearing in the above-entitled matter was concluded at 10:03 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>above-entitled</b> 9:7  <b>abstaining</b> 8:21  <b>accept</b> 7:6 8:3  <b>accepted</b> 5:9  <b>agree</b> 5:7  <b>agreed</b> 5:9  <b>ALBERTI</b> 1:19  2:13 8:19  <b>Alcoholic</b> 1:2,13,14  <b>ANC-2B</b> 1:8 2:6  3:14  <b>Andrew</b> 3:19  <b>appear</b> 4:1  <b>April</b> 1:12 4:18,18  4:18 5:6 8:6  <b>authorizing</b> 3:22  <b>aye</b> 8:13,14,15,16  <b>a.m</b> 2:2 3:2,3 9:8</p>	<p>6:2,6,8 7:8,14,20  8:1,10,15,17,20  9:2  <b>Chrissy</b> 1:23 2:10  3:17  <b>client</b> 2:20  <b>closed</b> 5:18 7:10  <b>COLUMBIA</b> 1:1  <b>come</b> 2:8  <b>comments</b> 6:11  8:11  <b>compromise</b> 4:13  5:3 6:10 7:7 8:3  <b>concerns</b> 6:12,16  <b>concluded</b> 9:7  <b>consideration</b> 7:4  <b>Control</b> 1:2,13,14  <b>copy</b> 4:5,7  <b>counsel</b> 4:3  <b>couple</b> 6:5  <b>course</b> 7:4  <b>CR</b> 1:8</p>	<p><b>front</b> 4:8</p> <p style="text-align: center;"><b>G</b></p> <p><b>Gephardt</b> 1:23 2:9  2:10,17 3:1,10,17  3:18 4:2,11  <b>go</b> 3:6  <b>going</b> 9:4  <b>Goldini</b> 1:6  <b>Good</b> 2:9 3:19</p> <p style="text-align: center;"><b>H</b></p> <p><b>happen</b> 4:18  <b>hearing</b> 1:7,14 4:9  5:10 9:6  <b>Hello</b> 3:10  <b>Hi</b> 3:17  <b>hope</b> 7:3</p> <p style="text-align: center;"><b>I</b></p> <p><b>introduce</b> 3:12,15</p>	<p><b>matters</b> 4:10  <b>MEETING</b> 1:3  <b>Member</b> 1:19,20  1:21 2:13 5:13,15  5:18,22 8:9,14,16  8:19  <b>Members</b> 4:12 5:12  <b>met</b> 1:14  <b>MIKE</b> 1:21  <b>Miller</b> 1:15,19 2:3  2:11,15,19 3:4,8  3:11 4:4,7,19,22  5:11,14,21 6:2,6,8  7:8,14,20 8:1,10  8:15,17,20 9:2  <b>minutes</b> 2:22  <b>Misuse</b> 1:10  <b>monetary</b> 7:9,12  <b>morning</b> 2:9 3:19  <b>motion</b> 8:12,21  <b>move</b> 8:2</p>	<p>4:12  <b>passes</b> 8:21  <b>please</b> 2:8 3:16  <b>preliminary</b> 4:10  <b>PRESENT</b> 1:18,22  <b>presiding</b> 1:16  <b>primary</b> 6:19,20  7:2  <b>put</b> 7:9  <b>P-R-O-C-E-E-D-...</b>  2:1</p> <p style="text-align: center;"><b>Q</b></p> <p><b>question</b> 7:9  <b>questions</b> 5:12 8:2</p>
<p style="text-align: center;"><b>B</b></p> <p><b>ballpark</b> 7:15  <b>based</b> 6:10  <b>behalf</b> 2:10 3:18,20  4:1  <b>Beverage</b> 1:2,13,14  <b>Board</b> 1:2,14 4:12  5:12 6:9 7:3 9:4  <b>Board's</b> 6:16  <b>Brooks</b> 1:20 5:13  5:14,15,18,22 8:9  8:14  <b>Building</b> 1:14</p>	<p style="text-align: center;"><b>D</b></p> <p><b>days</b> 4:15,21 5:1,4  5:5,16,19 7:10 8:4  8:5  <b>Director</b> 3:21  <b>District</b> 1:1 2:10  3:18  <b>DONALD</b> 1:20  <b>D.C</b> 1:15</p>	<p style="text-align: center;"><b>J</b></p> <p><b>Jenkins</b> 4:3</p> <p style="text-align: center;"><b>K</b></p> <p><b>K</b> 1:7 2:5 3:13  <b>kind</b> 7:21  <b>Kline</b> 3:7,19,20 4:5  4:21 5:8,17,20 6:4  6:7,9 7:12,18,21  9:1  <b>know</b> 6:9</p>	<p style="text-align: center;"><b>N</b></p> <p><b>NICK</b> 1:19  <b>note</b> 6:17  <b>NW</b> 1:7  <b>N.W</b> 1:15 2:5 3:14</p> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:23  <b>occur</b> 4:16  <b>offense</b> 7:5  <b>offer</b> 4:13 5:2 6:7  6:10 7:7 8:3  <b>offered</b> 6:22  <b>Oh</b> 2:15 3:12  <b>okay</b> 2:3,20,21 3:1  3:4,8 4:4,8 5:1,11  5:22 6:2,6,8 7:20  8:2,11 9:3  <b>On-Premises</b> 1:10  <b>open</b> 5:15  <b>Operations</b> 3:22  <b>opposed</b> 8:18,19</p>	<p style="text-align: center;"><b>R</b></p> <p><b>ranges</b> 7:1  <b>reached</b> 4:13  <b>ready</b> 3:6,7,9  <b>recess</b> 2:22 3:2 9:5  <b>record</b> 3:16  <b>Reeves</b> 1:14  <b>repeat</b> 5:1  <b>report</b> 6:13  <b>respect</b> 7:2  <b>response</b> 6:12  <b>Retailer</b> 1:8  <b>Retailer's</b> 1:10  <b>revenues</b> 7:13,18  <b>right</b> 3:11 4:4 5:1  5:10 8:1  <b>Room</b> 1:14  <b>Ruthanne</b> 1:15,19</p>
<p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4 9:3  <b>Carla</b> 3:21  <b>case</b> 1:9 2:4,4,7,13  3:12,13 4:12 9:3  <b>Cause</b> 1:6 4:9 9:6  <b>certainly</b> 6:15,16  7:1  <b>Chairman</b> 6:1  <b>Chairperson</b> 1:15  1:19 2:3,11,15,19  3:4,8,11 4:4,7,19  4:22 5:11,14,21</p>	<p style="text-align: center;"><b>E</b></p> <p><b>early</b> 2:16,20  <b>equation</b> 7:6  <b>establishment</b> 7:16  <b>evens</b> 7:21</p> <p style="text-align: center;"><b>F</b></p> <p><b>favor</b> 8:12  <b>fine</b> 4:15,20 5:3  7:22  <b>first</b> 6:19,20,21 7:2  <b>follows</b> 4:14  <b>Formerly</b> 1:6  <b>forward</b> 2:8 3:6  <b>forwarded</b> 4:1</p>	<p style="text-align: center;"><b>L</b></p> <p><b>left</b> 3:21  <b>letter</b> 3:22  <b>license</b> 1:8,10 2:6  3:14 5:5 8:5  <b>licensed</b> 6:18  <b>licensee</b> 3:20 4:1  5:3 6:17  <b>limit</b> 6:17  <b>located</b> 2:5,6 3:13  <b>Look</b> 1:6 2:5 3:6,13</p> <p style="text-align: center;"><b>M</b></p> <p><b>matter</b> 1:5 9:7</p>	<p style="text-align: center;"><b>P</b></p> <p><b>paid</b> 4:20 5:4 8:4  <b>parties</b> 2:7 3:6,15</p>	<p style="text-align: center;"><b>S</b></p> <p><b>scheduled</b> 2:17 3:5  9:4  <b>Seated</b> 3:20  <b>second</b> 8:8,9  <b>seen</b> 7:2  <b>seriousness</b> 7:5  <b>served</b> 4:15 5:5  <b>seven</b> 6:18,21  <b>Show</b> 1:6 4:8 9:6  <b>side</b> 7:6  <b>SILVERSTEIN</b>  1:21 8:16</p>

somebody 2:11	5:6 8:6	<b>4</b>	
sorry 2:19	<b>week</b> 5:19	<b>400S</b> 1:15	
specifically 4:17	<b>wondering</b> 7:15	<b>7</b>	
Street 1:7,15 2:5	<b>words</b> 6:5	<b>77812</b> 1:8 2:6 3:14	
3:14	<b>Y</b>	<b>9</b>	
<b>submitted</b> 6:11	<b>years</b> 6:18,21,21	<b>9:49</b> 2:2	
<b>Suite</b> 1:15	<b>yesterday</b> 4:2	<b>9:50</b> 3:2	
<b>Sunday</b> 5:20,21	<b>P</b>	<b>9:58</b> 3:3,5	
<b>Sundays</b> 5:22	<b>p</b> 1:4,11		
<b>suspended</b> 5:5 8:5	<b>\$</b>		
<b>T</b>	<b>\$2,000</b> 4:15 5:4 8:4		
<b>take</b> 7:3	<b>\$3,000</b> 7:22		
<b>taxes</b> 7:22	<b>\$30,000</b> 7:17,18		
<b>Teatro</b> 1:6	<b>#</b>		
<b>th</b> 5:3	<b>#12-CMP-00438</b>		
<b>Thank</b> 7:7,8 9:1,2	1:9		
<b>three</b> 4:15 5:5 8:5	<b>0</b>		
<b>Thursday</b> 4:17 5:6	<b>00428</b> 2:5		
8:6	<b>1</b>		
<b>tier</b> 6:19,20 7:3	<b>10</b> 1:12 2:22 4:21		
<b>told</b> 7:19	4:22 5:4 8:4		
<b>TRG</b> 1:6	<b>10:00</b> 2:14,18 3:5		
<b>Tuesday</b> 4:16 5:6	<b>10:03</b> 9:8		
8:6	<b>11:00</b> 9:4,5		
<b>two</b> 6:20	<b>12-CMP</b> 2:4		
<b>t/a</b> 1:6	<b>12-CMP-00428</b>		
<b>U</b>	3:13		
<b>understand</b> 6:13	<b>14th</b> 1:14		
6:15	<b>16</b> 5:6		
<b>understood</b> 5:2	<b>16th</b> 4:18 8:6		
<b>upper</b> 7:1	<b>17th</b> 4:18		
<b>Urquhart</b> 3:21	<b>18</b> 5:7		
7:17	<b>18th</b> 4:18 8:7		
<b>V</b>	<b>1909</b> 1:7 2:5 3:13		
<b>value</b> 7:9,12	<b>2</b>		
<b>violation</b> 6:19 7:3	<b>2000</b> 1:14		
<b>violations</b> 6:13	<b>20009</b> 1:15		
<b>vote</b> 8:21	<b>2013</b> 1:12		
<b>W</b>	<b>3</b>		
<b>wait</b> 2:21	<b>3-1-0</b> 8:22		
<b>waive</b> 5:9			
<b>want</b> 5:1			
<b>Washington</b> 1:15			
<b>Wednesday</b> 4:16			