

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

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IN THE MATTER OF: :
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Mimi & D, LLC :
t/a Vita Restaurant and Lounge/:
Penthouse Nine (formerly Mood) : Show Cause
1318 9th Street, NW : Hearing
Retailer CT : (Status)
License No. 86037 :
Case No. 12-CMP-00074 :
Case No. 12-CMP-00091 :
ANC 2F :
Violation of Settlement :
Agreement :
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APRIL 24, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control

Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member

DONALD BROOKS, Member

ALSO PRESENT
FERNANDO RIVERO, OAG

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

9:48 a.m.

CHAIRPERSON MILLER: Okay. So we'll call the next case, which is Case No. 12-CMP-00074 and 12-CMP-00091, Vita Restaurant and Lounge/Penthouse Nine located 1318 9th Street, N.W., License No. 86037 in ANC 2F.

Good morning.

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

CHAIRPERSON MILLER: Okay.

MS. BEYENE: Abeba Beyene, the owner of Vita Lounge.

CHAIRPERSON MILLER: Okay. And did you get notice of this hearing?

MS. BEYENE: Yes.

CHAIRPERSON MILLER: Did you read it?

MS. BEYENE: Yes.

CHAIRPERSON MILLER: And understand it?

1 MS. BEYENE: Yes.

2 CHAIRPERSON MILLER: Okay. Then
3 we're going to move that notice into the
4 record, if there's no objection.

5 So this is a show cause status
6 hearing. Are there any preliminary issues?

7 MR. RIVERO: Thank you, Board
8 Members. The parties have an Offer in
9 Compromise to present to the Board at this
10 time.

11 CHAIRPERSON MILLER: Okay.

12 MR. RIVERO: And that offer
13 consists of a fine of \$750 payable with 30
14 days.

15 CHAIRPERSON MILLER: Okay. Ms.
16 Beyene, do you agree to that Offer in
17 Compromise of a fine of \$750 payable within 30
18 days?

19 MS. BEYENE: Yes, ma'am.

20 CHAIRPERSON MILLER: And do you
21 understand that you waive your right to a
22 hearing by accepting an Offer in Compromise?

1 MS. BEYENE: Yes.

2 CHAIRPERSON MILLER: Okay. Are
3 there any Board questions?

4 (No audible response.)

5 CHAIRPERSON MILLER: Okay. Then I
6 would move that we accept this Offer in
7 Compromise of a \$750 fine payable within 30
8 days. Do I have a second?

9 MEMBER BROOKS: I'll second.

10 CHAIRPERSON MILLER: Mr. Brooks
11 has seconded the motion. All those in favor,
12 say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those
15 opposed?

16 (No audible response.)

17 CHAIRPERSON MILLER: All those
18 abstaining?

19 (No audible response.)

20 CHAIRPERSON MILLER: Then the
21 motion to accept the Offer in Compromise
22 passes 3-0-0. Thank you.

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MS. BEYENE: Thank you.

(Whereupon, the hearing was
concluded at 9:50 a.m.)

<p style="text-align: center;">A</p> <p>Abeba 2:13 abstaining 4:18 accept 4:6,21 accepting 3:22 agree 3:16 Agreement 1:12 ALBERTI 1:19 Alcoholic 1:2,15,15 ANC 1:11 2:7 APRIL 1:14 audible 4:4,16,19 aye 4:12 eyes 4:13 a.m 2:2 5:3</p> <hr/> <p style="text-align: center;">B</p> <p>Beverage 1:2,15,15 Beyene 2:13,13,17 2:20 3:1,16,19 4:1 5:1 Board 1:2,15 2:9 3:7,9 4:3 Brooks 1:20 4:9,10 Building 1:16</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:4 case 1:10,10 2:4,4 cause 1:8 3:5 Chairperson 1:17 1:19 2:3,12,15,18 2:21 3:2,11,15,20 4:2,5,10,14,17,20 Chorus 4:13 Columbia 1:1 2:11 Compromise 3:9 3:17,22 4:7,21 concluded 5:3 consists 3:13 Control 1:2,15,15 CT 1:9</p> <hr/> <p style="text-align: center;">D</p> <p>D 1:6 days 3:14,18 4:8 District 1:1 2:10</p>	<p>DONALD 1:20 D.C 1:17</p> <hr/> <p style="text-align: center;">F</p> <p>favor 4:11 Fernando 1:22 2:10 fine 3:13,17 4:7 formerly 1:8</p> <hr/> <p style="text-align: center;">G</p> <p>going 3:3 Good 2:8,9</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:8,16 2:16 3:6,22 5:2</p> <hr/> <p style="text-align: center;">I</p> <p>issues 3:6</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:9 2:7 LLC 1:6 located 2:6 Louise 2:11 Lounge 1:7 2:14 Lounge/Penthouse 2:6</p> <hr/> <p style="text-align: center;">M</p> <p>MATTER 1:5 ma'am 3:19 MEETING 1:3 Member 1:19,20 4:9 Members 2:10 3:8 met 1:15 Miller 1:17,19 2:3 2:12,15,18,21 3:2 3:11,15,20 4:2,5 4:10,14,17,20 Mimi 1:6 Mood 1:8 morning 2:8,9 motion 4:11,21 move 3:3 4:6</p>	<p style="text-align: center;">N</p> <p>NICK 1:19 Nine 1:8 2:6 notice 2:16 3:3 NW 1:8 N.W 1:17 2:7</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 objection 3:4 offer 3:8,12,16,22 4:6,21 Okay 2:3,12,15 3:2 3:11,15 4:2,5 opposed 4:15 owner 2:14</p> <hr/> <p style="text-align: center;">P</p> <p>parties 3:8 passes 4:22 payable 3:13,17 4:7 Penthouse 1:8 Phillips 2:11 preliminary 3:6 present 1:18,21 3:9 presiding 1:17 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 4:3</p> <hr/> <p style="text-align: center;">R</p> <p>read 2:18 record 3:4 Reeves 1:16 response 4:4,16,19 Restaurant 1:7 2:5 Retailer 1:9 right 3:21 Rivero 1:22 2:9,10 3:7,12 Room 1:16 Ruthanne 1:17,19</p> <hr/> <p style="text-align: center;">S</p> <p>second 4:8,9 seconded 4:11</p>	<p>Settlement 1:12 show 1:8 3:5 standing 2:11 status 1:9 3:5 Street 1:8,17 2:7</p> <hr/> <p style="text-align: center;">T</p> <p>Thank 3:7 4:22 5:1 time 3:10 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p> <p>understand 2:22 3:21</p> <hr/> <p style="text-align: center;">V</p> <p>Violation 1:12 Vita 1:7 2:5,14</p> <hr/> <p style="text-align: center;">W</p> <p>waive 3:21 Washington 1:17 we'll 2:4 we're 3:3</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,13</p> <hr/> <p style="text-align: center;">\$</p> <p>\$750 3:13,17 4:7</p> <hr/> <p style="text-align: center;">1</p> <p>12-CMP-00074 1:10 2:5 12-CMP-00091 1:10 2:5 1318 1:8 2:6 14th 1:16</p> <hr/> <p style="text-align: center;">2</p> <p>2F 1:11 2:7 2000 1:16 2013 1:14 24 1:14</p> <hr/> <p style="text-align: center;">3</p> <p>3-0-0 4:22 30 3:13,17 4:7</p>	<p style="text-align: center;">8</p> <p>86037 1:9 2:7</p> <hr/> <p style="text-align: center;">9</p> <p>9th 1:8 2:6 9:48 2:2 9:50 5:3</p>
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