

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Brixton Pub, LLC	
t/a The Brixton	Show Cause
901 U Street, NW	Hearing
Retailer CT - ANC-1B	(Status)
License No. 82871	
Case #13-CMP-00302	

(Operating After Hours,
Interfered With an
Investigation, Violation of
Settlement Agreement)

May 28, 2014

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:

LOUISE PHILLIPS, OAG

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

(9:42 a.m.)

CHAIRPERSON MILLER: Okay. The next case on the calendar is a Show Cause (Status) Case, Case No. 13-CMP-00302, The Brixton located at 901 U Street, N.W., License No. 82871 in ANC-1B.

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. Good morning, Board Members.

CHAIRPERSON MILLER: Good morning.

MS. FITCH: Candice Fitch, attorney for the licensee.

MR. HILTON: Ian Hilton from The Brixton.

CHAIRPERSON MILLER: Okay. Ms. Fitch, did your client receive notice of this hearing?

MS. FITCH: Yes.

CHAIRPERSON MILLER: And did he read it and understand it?

MS. FITCH: Yes.

1 MR. HILTON: Yes.

2 CHAIRPERSON MILLER: Okay. Then
3 that notice will be a part of this record, not
4 hearing any objections.

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

9 CHAIRPERSON MILLER: Ms. Phillips,
10 are there any preliminary issues here?

11 MS. PHILLIPS: Yes, indeed. We
12 have an OIC which the parties have agreed
13 upon, which we would like to present to the
14 Board. We are still figuring out the --
15 excuse me.

16 CHAIRPERSON MILLER: Okay.

17 MS. PHILLIPS: Okay. Yes, thank
18 you for your indulgence. The fine is a total
19 of \$5,500 to be paid within 30 days and two
20 suspension days, August 29th and 30th. Oh,
21 sorry, 30th and the 1st, sorry.

22 CHAIRPERSON MILLER: August 30th

1 and September 1st? No, August 30th and 31st?

2 Is that right?

3 MS. PHILLIPS: Wait a minute here.

4 Sorry. It's hard. 30 days has September, so
5 it's 31 days.

6 MS. FITCH: 31. 31 and 1st.

7 MS. PHILLIPS: All right. 31 and
8 1st.

9 MEMBER ALBERTI: So that's a
10 Sunday and a Monday? Is that correct?

11 MS. PHILLIPS: Yes.

12 MEMBER ALBERTI: Thank you.

13 MS. PHILLIPS: Is that correct,
14 Candice? Yes. And my understanding from the
15 establishment owner is that they are open that
16 weekend and it's one of their busiest
17 weekends.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: Is that the
20 holiday?

21 MS. PHILLIPS: And Charge 4
22 dismissed, sorry.

1 MEMBER ALBERTI: That's Labor Day.

2 CHAIRPERSON MILLER: Can you break
3 it down between the three charges?

4 MS. PHILLIPS: I can indeed.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: Charge 1 is a fine
7 of \$1,500. Charge 2 is a fine of \$2,000. Two
8 days suspended, two days served. Charge 3 is
9 a fine of \$2,000. And Charge 4 is dismissed.

10 CHAIRPERSON MILLER: Okay. Let me
11 ask the licensee if you are agreeable to this
12 offer in compromise. It's a total of \$5,500
13 to be paid within 30 days. Charge 1 is
14 \$1,500. Charge 2 is \$2,000. Charge 3 is
15 2,000. And Charge 4 is dismissed.

16 MR. HILTON: Yes, ma'am.

17 MS. PHILLIPS: Correct.

18 CHAIRPERSON MILLER: Okay. And
19 you understand that you waive your right to a
20 hearing by entering into an Offer in
21 Compromise?

22 MS. FITCH: Correct.

1 MS. PHILLIPS: Yes.

2 CHAIRPERSON MILLER: Yes, okay.

3 Okay. Are there questions by Board Members?

4 MEMBER SILVERSTEIN: Madam Chair,

5 I would like to engage in a call with Mr.

6 Hilton when this is over.

7 CHAIRPERSON MILLER: Okay. Any

8 questions on the Offer in Compromise? Okay.

9 I think it's pretty serious when we have

10 interference with an investigation and when

11 our Investigators are treated pretty poorly as

12 is reflected in our briefing notes.

13 However, I'm going to move that we

14 approve the Offer in Compromise as it is

15 within the fine ranges and seems to be a

16 reasonable offer in compromise. Is there a

17 second?

18 MEMBER SILVERSTEIN: I second.

19 CHAIRPERSON MILLER: Okay. Mr.

20 Silverstein has seconded the motion. Any

21 other comments at this time or questions? All

22 right. Then there is a motion to approve an

1 Offer in Compromise that has been seconded.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? I believe the
6 motion passes then 6-0-0 to approve. And Mr.
7 Silverstein you would want to make comments?

8 MEMBER SILVERSTEIN: Yes. I think
9 that Mr. Hilton we are all profoundly
10 concerned about the allegations here. That if
11 there is one thing that we are most interested
12 in, above all, it is safety of the public and
13 the safety of the people who work with us to
14 ensure that.

15 The fact that Mr. Ghenene was
16 denied entry, the fact that when he was
17 finally let in, he was cursed and, according
18 to this, provoked, it is a matter of the
19 utmost concern.

20 I would like to ask you what
21 happened? Why did this -- and what steps have
22 you taken, more important than anything, to

1 ensure that this not happen again?

2 MR. HILTON: Several. And I
3 believe attorney discussed some with the
4 Attorney General and I think that was why they
5 agreed to this compromise, because we took
6 many, many steps immediately following. And
7 this was -- this goes back quite a while,
8 including the termination of employment,
9 demotions of several individuals, a changing
10 of how we -- we did quite a bit of retraining,
11 changed our security plan. We installed
12 additional cameras and a new and better way to
13 capture that recording.

14 What caused it, I can only speak
15 to what I heard from people on my side. It
16 was slightly contradictory to what I read in
17 the report, but I had been advised that we
18 take our lumps and do what we can to make sure
19 it never happens again. And I believe we have
20 done that. And I have got a pretty long track
21 record of dealing with your Investigators and
22 we have never had any issues over the course

1 of many years.

2 And I called Mr. Moosally
3 immediately after and apologized, because I
4 was personally shocked that something like
5 this went down in a place that my name was on
6 the license. So I'm profoundly sorry.

7 MEMBER SILVERSTEIN: Your track
8 record is good and that was certainly one of
9 the reasons that -- you know I can't speak for
10 my colleagues, but that certainly was the
11 reason why I seconded and supported this. But
12 it is vitally important on our part that we
13 protect our own people.

14 MR. HILTON: Absolutely.

15 MEMBER SILVERSTEIN: Because they
16 are at the end of the line. We have seen
17 incidents in other places. We have seen blood
18 flow in other places. And they are what makes
19 it possible for us to all stay in business, to
20 provide a safe and enjoyable experience for
21 people who come to the city and enjoy our
22 hospitality. And our main concern is for our

1 people.

2 MR. HILTON: Absolutely.

3 MEMBER SILVERSTEIN: Thank you for
4 the steps that you have taken. Good luck.
5 Let's work together.

6 MR. HILTON: Thank you very much.

7 MEMBER SILVERSTEIN: No further
8 comments.

9 CHAIRPERSON MILLER: Others?
10 Thank you, Mr. Silverstein. And I'm glad that
11 that was put on the record. I certainly feel
12 better hearing that you have taken all those
13 steps. Very positive.

14 MR. HILTON: It's one of the
15 organizations in the city that is run very,
16 very well. We have always had a really good
17 relationship with ABRA, so I'm really ashamed
18 of the blemish that we have now.

19 CHAIRPERSON MILLER: Okay. We
20 will go forward.

21 MR. HILTON: Okay.

22 CHAIRPERSON MILLER: Thank you

1 very much.

2 MR. HILTON: Thank you.

3 (Whereupon, the Show Cause
4 (Status) Hearing in the above-entitled matter
5 was concluded at 9:51 a.m.)

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<p style="text-align: center;">A</p> <p>\$1,500 5:7,14 \$2,000 5:7,9,14 \$5,500 3:19 5:12 a.m 2:2 11:5 above-entitled 11:4 ABRA 10:17 Absolutely 9:14 10:2 abstaining 7:5 additional 8:12 advised 8:17 agreeable 5:11 agreed 3:12 8:5 Agreement 1:10 ALBERTI 1:18 4:9 4:12,19 5:1 Alcoholic 1:2,13,13 allegations 7:10 ANC-1B 1:7 2:7 apologized 9:3 approve 6:14,22 7:6 ashamed 10:17 Assistant 2:9 attorney 2:9,13 8:3 8:4 August 3:20,22 4:1 aye 7:2,3</p> <hr/> <p style="text-align: center;">B</p> <p>back 8:7 believe 7:5 8:3,19 better 8:12 10:12 Beverage 1:2,13,13 bit 8:10 blemish 10:18 blood 9:17 Board 1:2,13 2:10 3:14 6:3 break 5:2 briefing 6:12 Brixton 1:5,6 2:6 2:15 BROOKS 1:18 Building 1:14 busiest 4:16</p>	<p>business 9:19</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 6:5 called 9:2 cameras 8:12 Candice 2:12 4:14 capture 8:13 case 1:8 2:4,5,5 Cause 1:6 2:4 11:3 caused 8:14 certainly 9:8,10 10:11 Chair 6:4 Chairperson 1:15 1:17 2:3,11,16,20 3:2,9,16,22 4:18 5:2,5,10,18 6:2,7 6:19 7:4 10:9,19 10:22 changed 8:11 changing 8:9 Charge 4:21 5:6,7 5:8,9,13,14,14,15 charges 5:3 city 9:21 10:15 client 2:17 colleagues 9:10 Columbia 1:1 2:10 come 9:21 comments 6:21 7:7 10:8 compromise 5:12 5:21 6:8,14,16 7:1 8:5 concern 7:19 9:22 concerned 7:10 concluded 11:5 contradictory 8:16 Control 1:2,13,13 correct 4:10,13 5:17,22 course 8:22 CT 1:7 cursed 7:17</p>	<hr/> <p style="text-align: center;">D</p> <p>D.C 1:14 Day 5:1 days 3:19,20 4:4,5 5:8,8,13 dealing 8:21 demotions 8:9 denied 7:16 discussed 8:3 dismissed 4:22 5:9 5:15 District 1:1 2:9 document 3:5 DONALD 1:18</p> <hr/> <p style="text-align: center;">E</p> <p>employment 8:8 engage 6:5 enjoy 9:21 enjoyable 9:20 ensure 7:14 8:1 entering 5:20 entry 7:16 establishment 4:15 evidence 3:8 excuse 3:15 Exhibit 3:7 experience 9:20</p> <hr/> <p style="text-align: center;">F</p> <p>fact 7:15,16 favor 7:2 feel 10:11 figuring 3:14 finally 7:17 fine 3:18 5:6,7,9 6:15 Fitch 2:12,12,17,19 2:22 4:6 5:22 flow 9:18 following 8:6 forward 10:20 further 10:7</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:9 8:4 Ghenene 7:15</p>	<p>glad 10:10 go 10:20 goes 8:7 going 6:13 good 2:10,11 9:8 10:4,16</p> <hr/> <p style="text-align: center;">H</p> <p>happen 8:1 happened 7:21 happens 8:19 hard 4:4 heard 8:15 hearing 1:6,14 2:18 3:4 5:20 10:12 11:4 HECTOR 1:19 Hilton 2:14,14 3:1 5:16 6:6 7:9 8:2 9:14 10:2,6,14,21 11:2 holiday 4:20 hospitality 9:22 Hours 1:9</p> <hr/> <p style="text-align: center;">I</p> <p>Ian 2:14 identification 3:6 immediately 8:6 9:3 important 7:22 9:12 incidents 9:17 including 8:8 individuals 8:9 indulgence 3:18 installed 8:11 interested 7:11 Interfered 1:9 interference 6:10 investigation 1:10 6:10 Investigators 6:11 8:21 issues 3:10 8:22</p> <hr/> <p style="text-align: center;">J</p>	<p>JAMES 1:20</p> <hr/> <p style="text-align: center;">K</p> <p>know 9:9</p> <hr/> <p style="text-align: center;">L</p> <p>Labor 5:1 Let's 10:5 license 1:7 2:6 9:6 licensee 2:13 5:11 line 9:16 LLC 1:5 located 2:6 long 8:20 Louise 1:22 2:8 luck 10:4 lumps 8:18</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 5:16 Madam 6:4 main 9:22 marked 3:6 matter 1:4 7:18 11:4 MEETING 1:3 Member 1:18,18 1:19,19,20 4:9,12 4:19 5:1 6:4,18 7:8 9:7,15 10:3,7 Members 2:10 6:3 met 1:13 MIKE 1:19 Miller 1:15,17 2:3 2:11,16,20 3:2,9 3:16,22 4:18 5:2,5 5:10,18 6:2,7,19 7:4 10:9,19,22 minute 4:3 Monday 4:10 Moosally 9:2 morning 2:10,11 motion 6:20,22 7:6 move 6:13</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:14 2:6 name 9:5</p>
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