

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

IN THE MATTER OF:

Superclub Ibiza, LLC
t/a Ibiza
1222 First Street, NE
Retailer CN - ANC-6C
License No. 74456
Case #13-251-00032,
Case #13-251-00045,
Case #13-251-00046 and
Case #13-251-00047

Show Cause
Hearing

(Failed to Follow Security
Plan)

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:

FERNANDO RIVERO, OAG

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

(10:07 a.m.)

CHAIRPERSON MILLER: Okay. The next case on our calendar is a Show Cause Hearing, Case Nos. 13-251-00032, 13-251-00045, 13-251-00046 and 13-251-00047, Ibiza located at 1222 First Street, N.E., License No. 74456 in ANC-6C. Good morning.

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

MR. TRUONG: Good morning, Board Members. Aldo Truong for Superclub Ibiza.

CHAIRPERSON MILLER: Okay. So this is a Show Cause Hearing, but, first, I want to ask if you have any preliminary matters?

MR. RIVERO: We do actually. The parties have an Offer in Compromise to present, at this time, and I brought copies, so that everyone can follow along.

CHAIRPERSON MILLER: Oh, good.

1 Thank you.

2 MR. RIVERO: One, two, three,
3 four, five. Is that five?

4 CHAIRPERSON MILLER: Six.

5 MR. RIVERO: I have six.

6 CHAIRPERSON MILLER: Great. Thank
7 you.

8 MR. RIVERO: Okay. To start, good
9 morning, Board Members. The Offer in
10 Compromise presented today will cover case
11 numbers included in the Show Cause Notice that
12 is the subject of this proceeding.

13 The numbers are 13-251-00032, 13-
14 251-00045, 13-251-00046 and 13-251-00047.

15 The Offer in Compromise consists
16 of a fine of \$8,000 to be paid within 90 days.
17 The breakdown of the fine is \$2,000 each
18 charge, 1, 2, 3 and 4 for violation of DC
19 Official Code 25-823(6).

20 The Government considered a number
21 of factors in arriving at this offer. It
22 considered evidentiary issues that are

1 relating to the underlying facts in each
2 charge. We considered cooperation by the
3 licensee. We considered remediation of the
4 problems surrounding the camera system, which
5 is the subject of each charge. And we
6 considered fashioning an appropriate penalty
7 that is consistent with Title 25 of the DC
8 Code.

9 The terms of the offer, apart from
10 the penalty, are as follows, and you have
11 those before you:

12 Immediate submission to the Board
13 of a statement to be incorporated into the
14 licensee's security plan by this agreement
15 requiring inspection of cameras at the start
16 of nightly operations.

17 Action shall be taken when cameras
18 are not operating properly within one business
19 day.

20 Inspection of cameras at the close
21 of nightly operations.

22 And immediate submission of a plan

1 showing all camera locations and go over
2 recording and hard drive which each camera
3 recording is maintained.

4 The statement is actually the
5 agreement you have in front of you, because it
6 has been signed by the licensee. The
7 statement is to be incorporated into the
8 licensee's license and made a part of the
9 security plan, because, as you will see, pages
10 3, 4 and 5 are the actual diagram that i just
11 mentioned to you.

12 The Government's perception of
13 this case is that we really have a problem
14 with -- or we had a problem with the
15 licensee's operation of the camera system. I
16 want to turn your attention to the last three
17 pages of this document in front of you, which
18 comports with the D that I just read, a plan
19 showing all camera locations and go over
20 recording and hard drive of which each camera
21 recording is maintained.

22 You have a page that is called

1 "Ibiza Nightclub Camera System Legend." It
2 looks like this. I'm holding up the page.
3 The subsequent two pages are the actual
4 diagram.

5 The legend has letters H1 and H2
6 that stands for Hard Drive 1 and Hard Drive 2.
7 And then each camera, as you can see, is
8 labeled. The cameras themselves are denoted
9 on the diagram and the little lines that you
10 see sort of sticking out of each circle, that
11 represents a camera. It shows the angle of
12 the recording.

13 Finally, for purposes of
14 escalating fines, this matter shall be
15 considered one primary tier violation. Each
16 charge is a primary tier offense under Title
17 25 in the Notice of Show Cause. However, for
18 purposes of constitutional due process, the
19 charges are counted as one violation, since
20 the statutory scheme for escalating penalties
21 was not intended to be applied to multiple
22 violations at one time.

1 Neither was the mandate on this
2 Board that once there are four primary tier
3 violations in a period of four years, that the
4 Board must revoke. That provision does not
5 come into play again for the same due process
6 concerns that I have just described.

7 I believe that this Offer in
8 Compromise is fair, it's just and it also
9 addresses the underlying concerns or the
10 themes that we can see from the four charges
11 stemming from two incidents, one incident that
12 occurred on December 26, 2012 and another
13 three incidents, actually, three separate
14 complaints in one night on March 24, 2013.

15 All of these incidents concern
16 ABRA's request for video recordings that were
17 not forthcoming. Therefore, because that is
18 the main issue, this Offer in Compromise was
19 designed to resolve the problem and to fashion
20 a penalty appropriate to each offense.

21 If anyone has any questions, I'm
22 glad to respond to them, at this time.

1 CHAIRPERSON MILLER: I have got--

2 MEMBER SHORT: I have just one. I
3 see that the, from my notes -- there was a
4 register of the night's incident. There --
5 eventually you have the security cameras or
6 the tapes of that?

7 MR. RIVERO: I'm not sure where
8 that actually comes. I know that there was an
9 actual malfunction, a recording didn't take
10 place. The system was old and not properly
11 working and the licensee replaced the camera
12 system. I want to say, and of course the
13 licensee can speak more to this, in the summer
14 of last year that the replacement took place
15 during the late spring, which was, of course,
16 subsequent to the events that are in this
17 case.

18 MEMBER SHORT: So that makes this
19 likelihood of this reoccurring a little less?

20 MR. RIVERO: No, it shouldn't
21 reoccur at all. The licensee under its
22 security plan is required to maintain

1 recordings for a period of 30 days after an
2 incident. The problem in this situation had
3 to do with proper recording in the first
4 instance. I understand that there are cameras
5 now that properly report.

6 And a separate issue had to do
7 with the fact that it was unclear which hard
8 drive contained which images from which camera
9 that would be recorded. That issue has been
10 addressed by the diagram, so that you can now
11 see where a particular recording goes to a
12 particular hard drive, so that hard drive
13 could be access for those images.

14 I hope that answers your question.

15 MEMBER SHORT: That did. Thanks.

16 Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Others?

18 MEMBER ALBERTI: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MEMBER ALBERTI: I would like to
21 address this to get legal comments from our
22 General Counsel.

1 CHAIRPERSON MILLER: Okay. I have
2 a couple of questions before we do that. So
3 I just want to be clear with this Offer in
4 Compromise on the record. When you say that
5 this matter, for purposes of escalating fines,
6 so it's only for the purpose of escalating
7 fines, the matter shall be considered one
8 primary tier violation.

9 Do you mean that if any of the
10 enumerated requirements are not met, it's one
11 offense? Like if it's inspection of the
12 cameras at the start and its inspection at
13 nightly operations, they will all be treated
14 as one matter?

15 MR. RIVERO: Yes, no. This refers
16 to this actual current Notice of Show Cause.
17 In the current Notice of Show Cause there are
18 four charges --

19 CHAIRPERSON MILLER: Oh.

20 MR. RIVERO: -- of a violation of
21 Title 25-823(6). There are four separate
22 violations of failure to follow a security

1 plan in this case.

2 CHAIRPERSON MILLER: Okay. You
3 are talking about this case.

4 MR. RIVERO: Yes.

5 CHAIRPERSON MILLER: It's
6 considered one.

7 MR. RIVERO: And so for purposes
8 of fashioning -- let's say there is a
9 violation in the future, okay, this case isn't
10 treated as four primary tier violations. It's
11 treated as one.

12 CHAIRPERSON MILLER: Right.

13 MR. RIVERO: Why? For the reasons
14 that I have just described. If they were
15 treated as four primary tier violations, then
16 we wouldn't be standing here, because you
17 would be required to revoke the license under
18 Title 25.

19 If that were to be the case, then
20 it would actually be counted to the way that
21 the law was intended to operate. You can have
22 somebody be perfectly in business for 20

1 years, have a really bad night with four
2 primarily tier violations and they are gone.

3 All right. The purpose of a
4 penalty schedule, and even the purpose of the
5 provision to amend before we revoke has to be
6 subsumed with the Constitutional notions of
7 due process.

8 And so if you didn't have that
9 over all of us, meaning the Government, I
10 would -- I could expect to see this Board
11 revoking licenses left and right on a regular
12 basis, essentially. And the only thing that
13 would prevent such a scenario from happening
14 would be prosecutorial discretion.

15 CHAIRPERSON MILLER: Okay. And I
16 have one other question.

17 MR. RIVERO: Yes.

18 CHAIRPERSON MILLER: Obviously, we
19 are not as familiar with this case as you are,
20 because we haven't have hearings.

21 MR. RIVERO: Certainly.

22 CHAIRPERSON MILLER: Okay. So I

1 thought that in addition to the issue with the
2 cameras, there is also -- there are also other
3 underlying issues with security such as
4 pepperspray.

5 MR. RIVERO: Right. I can speak
6 to that.

7 CHAIRPERSON MILLER: Okay.

8 MR. RIVERO: Okay. Remember that
9 one of the things that I said at the
10 beginning, that I took into consideration,
11 were evidentiary issues relating to the
12 underlying facts in each case. Okay. This is
13 why I chose to make this a case about the
14 camera system, because the evidence in that
15 area was strong. It is also, I think,
16 something that I don't have to explain to this
17 Board, that this Board probably understands
18 that there has been a history with this
19 licensee of problems operating the camera
20 system.

21 The evidentiary issues with
22 respect to the underlying charges were not as

1 strong. And so you see the actual charge as
2 failure to follow security plan.

3 Now, with respect to the
4 pepperspray situation, there is actually a
5 provision already in the security plan that
6 pepperspray is not to be used. So this Offer
7 in Compromise does not address that, because
8 I'm not going to put in a prohibition on the
9 use of pepperspray when there already exists
10 one.

11 Consequently, the penalty for that
12 particular violation is consistent with Title
13 25, it's \$2,000 for a primary tier violation.
14 So I'm addressing the wrongdoing consistent
15 with Title 25, but there isn't an additional
16 penalty or an additional prohibition because
17 there is already one in place.

18 So the licensee just has to ensure
19 that that particular prohibition that
20 currently exists in the security plan is
21 followed through. And I understand from the
22 licensee that training has taken place, so

1 that there is no, you know, ambiguity about
2 the use of pepperspray going forward. So that
3 has been taken care of.

4 So in that sense, at least, that
5 issue has been remediated to my own
6 satisfaction.

7 CHAIRPERSON MILLER: Thank you.

8 Other questions?

9 MR. RIVERO: I was finished.

10 MEMBER ALBERTI: I have a
11 question.

12 MR. RIVERO: Yes.

13 MEMBER ALBERTI: And this is for
14 the licensee actually. We were here some
15 months ago on another case and you had
16 promised to submit your camera plans to us.
17 Did you ever do that?

18 MR. TRUONG: I did, but the --
19 Martha sent me an email back. I sent you a
20 layout of the security cameras, the old
21 system, of where they faced and what angle
22 they were shooting at. But what you had

1 wanted was which hard drive each camera --

2 MEMBER ALBERTI: Yes, that's what
3 we wanted. Did you ever send that to us?

4 MR. TRUONG: I couldn't send it to
5 you because if the cameras went out, there was
6 no way of me looking at the system where, you
7 know, each TV screen has 16 cameras and I
8 couldn't -- if they are out --

9 MEMBER ALBERTI: Did you hire a
10 technician to sort that out for you?

11 MR. TRUONG: We did and they
12 installed brand new systems with -- which we
13 addressed.

14 MEMBER ALBERTI: So when you
15 installed the brand new system, did you send
16 that to us?

17 MR. TRUONG: Yes.

18 MEMBER ALBERTI: So we have that?

19 MR. TRUONG: You do have that.

20 MEMBER ALBERTI: All right. I
21 will check. Thank you.

22 CHAIRPERSON MILLER: Other

1 questions?

2 MEMBER ALBERTI: And when did you
3 install this brand new system? Just out of
4 curiosity.

5 MR. TRUONG: I would say off the
6 top of my head, some times after all these --
7 see, I think there was a period of me trying
8 to replace the broken cameras on the old
9 system.

10 MEMBER ALBERTI: How long was that
11 period?

12 MR. TRUONG: That was probably
13 three months. And then there was a period
14 where, you know, the new cameras are installed
15 and the old system was going out as well, and
16 that's when we decided to just install a brand
17 new system.

18 MEMBER ALBERTI: Thank you. I
19 have no further questions.

20 MEMBER SHORT: I have one. I
21 withdraw that. No problem.

22 CHAIRPERSON MILLER: I just have a

1 follow-up question, because I'm just not
2 clear, based on your discussion with Mr.
3 Alberti.

4 We have this legend. Is this
5 different from what was submitted to the Board
6 earlier?

7 MR. TRUONG: Yes, it is because
8 that is a brand new system.

9 CHAIRPERSON MILLER: Yes.

10 MR. TRUONG: The one that we were
11 -- I was emailing Ms. Jenkins about probably
12 over a year ago was in regards to the old
13 system where cameras kept on going out, even
14 though we were replacing them. So that's when
15 we decided that we needed to install a brand
16 new system. And that was -- I think, Mr.
17 Alberti's frustration was that I couldn't give
18 him the camera angles and their location on
19 which hard drive they were recording on,
20 because they were going out. And I can't see
21 the camera on the hard drive that it is on.
22 And I can't tell from what hard drive it is

1 on.

2 CHAIRPERSON MILLER: Okay.

3 MR. TRUONG: So that was the
4 problem.

5 CHAIRPERSON MILLER: Is that done
6 in this submission?

7 MR. TRUONG: It's all fixed now.

8 CHAIRPERSON MILLER: It's all
9 fixed now?

10 MR. TRUONG: Yes. The old camera
11 system did not have that legend.

12 CHAIRPERSON MILLER: Right.

13 MR. TRUONG: It only had the
14 diagram portion with -- showing -- like I
15 would walk around the club and I would see the
16 camera and then I would draw it on the diagram
17 to show the Board the old system. The old
18 system didn't have the legend, which tells you
19 what hard drive it is recording on.

20 So the new system, of course,
21 works properly and, as you can see, it shows
22 you which hard drive it is recording on.

1 CHAIRPERSON MILLER: Okay. And
2 when was the new system implemented?

3 MR. TRUONG: I had the receipts.
4 Do you remember when those receipts were? I
5 would say between July and October it was
6 installed.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Of what year?
9 I'm sorry.

10 MR. TRUONG: It was last year.
11 The last year.

12 MEMBER ALBERTI: Last year.

13 CHAIRPERSON MILLER: Okay. And it
14 was done in connection with working out an
15 Offer in Compromise or no?

16 MR. TRUONG: No.

17 CHAIRPERSON MILLER: No?

18 MR. TRUONG: That was after our
19 initial -- when I came before the Board and we
20 were talking, discussing about what should be
21 done, that's when I started replacing
22 individual cameras on the old system just to

1 find out that they would go out again. So
2 after that, consequently, I replaced the whole
3 system with brand new systems.

4 MR. RIVERO: This was done not in
5 connection with any Show Cause Hearing.

6 CHAIRPERSON MILLER: Okay.

7 MR. RIVERO: It was done in
8 connection with either a fact -- I think it
9 was done under a Fact-Finding.

10 MR. TRUONG: Yes, a Fact-Finding.

11 CHAIRPERSON MILLER: So how is
12 this different then from the new system that
13 was --

14 MR. TRUONG: It's a brand new
15 system.

16 CHAIRPERSON MILLER: No, what's
17 reflected here? What's different?

18 MR. TRUONG: Oh, probably the
19 camera angles.

20 CHAIRPERSON MILLER: Documenting
21 where the camera angles are?

22 MR. TRUONG: Oh, the hard drive.

1 CHAIRPERSON MILLER: Where the
2 hard drive is?

3 MR. TRUONG: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MR. TRUONG: The old system I
6 couldn't tell you which cameras were recording
7 on what hard drive, because the cameras were
8 out.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. All right. Anything else?

11 MEMBER ALBERTI: No.

12 CHAIRPERSON MILLER: Mr. Alberti,
13 you have a request that we consider this in
14 closed session?

15 MEMBER ALBERTI: That we -- yes,
16 in closed session.

17 CHAIRPERSON MILLER: In
18 consultation with our --

19 MEMBER ALBERTI: Closed to get
20 legal advice from our General Counsel.

21 CHAIRPERSON MILLER: Okay. Let's
22 take a few moments and --

1 MR. RIVERO: If I can?

2 CHAIRPERSON MILLER: Yes.

3 MR. RIVERO: There is just one
4 other piece of information --

5 CHAIRPERSON MILLER: Okay.

6 MR. RIVERO: -- that needs to be
7 brought to the Board's attention, just in case
8 you should use this information when you are
9 deliberating.

10 The Board may be familiar with
11 that the licensee is currently in bankruptcy
12 proceedings in Bankruptcy Court. So the
13 question may cross our minds well, if you are
14 in bankruptcy, how are you going to pay
15 \$8,000?

16 And I wanted to be able to be
17 clear with the Board, because I have taken
18 that information into account in fashioning
19 this particular Offer in Compromise under the
20 heading of cooperation by the licensee. There
21 has to be some candor and disclosure with
22 respect to the validity of this case.

1 Under Chapter 11, Bankruptcy, you,
2 as a business entity, are entitled to,
3 essentially, conduct your business and spend
4 money, if that money is part of the due course
5 of business, government fines are considered
6 that.

7 So normally under a bankruptcy
8 proceeding, like civil actions in Court and
9 those kinds of things are stayed, but
10 enforcement proceedings are not, which is why
11 we are here, notwithstanding the bankruptcy
12 proceeding, which is why the licensee is able
13 to spend this money, notwithstanding the fact
14 that other debts are owed.

15 Those debts are frozen, while a
16 plan to pay is fashioned under Chapter 11. So
17 there is, in fact, no issue concerning the
18 ability to pay here. And this is perfectly
19 appropriate. I just wanted to make sure you
20 were aware of that.

21 CHAIRPERSON MILLER: I'm somewhat
22 aware of that. So this type of fine takes --

1 does it take priority over other debts?

2 MR. RIVERO: It's actually -- it's
3 not even a part of the proceeding.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: Right.

6 MR. RIVERO: Ibiza is not closed.
7 They are operating. They are allowed to
8 continue to operate, pay their employee's
9 salaries, purchase supplies, pay fines, all of
10 that.

11 CHAIRPERSON MILLER: Okay.

12 MR. RIVERO: Okay. So this is not
13 anything that -- this fine doesn't get in line
14 anywhere. It is completely separate from
15 that. So I just wanted to be clear that the
16 bankruptcy issue is actually not a matter that
17 affects the ability to pay under this Offer in
18 Compromise.

19 CHAIRPERSON MILLER: Okay.

20 MR. RIVERO: For the reasons I
21 just explained.

22 CHAIRPERSON MILLER: Yes, thank

1 you. That was very helpful. Okay. Any other
2 questions or comments before we recess?

3 Okay. Then as Chairperson of the
4 Alcoholic Beverage Control Board for the
5 District of Columbia and in accordance with
6 Section 405 of the Open Meetings Amendment Act
7 of 2010, I move that the ABC Board hold a
8 closed meeting for the purpose of seeking
9 legal advice from our counsel on Case No. 13-
10 251-00032, 13-251-00045, 13-251-00046 and 13-
11 251-00047, Ibiza, per Section 405(b)(4) of the
12 Open Meetings Amendment Act of 2010 and
13 discussing this case for the reasons cited in
14 Section 405(b)(13) of the Open Meetings
15 Amendment Act of 2010.

16 Is there a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion. I'll now take a roll
20 call vote on the motion now that it has been
21 seconded.

22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRPERSON MILLER: Mr. Alberti?

3 MEMBER ALBERTI: I agree.

4 CHAIRPERSON MILLER: Mr.

5 Rodriguez?

6 MEMBER RODRIGUEZ: I agree.

7 CHAIRPERSON MILLER: Ms. Miller

8 agrees.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON MILLER: It appears

14 that the motion has passed by a 6-0-0 vote.

15 I hereby give notice that the ABC Board will

16 recess now and hold this closed meeting and

17 return shortly. Thank you.

18 (Whereupon, at 10:31 a.m. a recess

19 until 10:48 a.m.)

20 CHAIRPERSON MILLER: All right.

21 The Board is back on the record after having

22 convened and conferred with counsel with

1 respect to the Offer in Compromise on the
2 Ibiza case.

3 And the Offer in Compromise is a
4 proposed fine of \$8,000 payable within 90
5 days; \$2,000 for each charge. And then there
6 is also an Offer in Compromise that has been
7 signed by the licensee that also sets forth
8 certain other agreements regarding the camera
9 system.

10 So I usually ask if the licensee
11 agrees to this Offer in Compromise that you
12 apparently have signed it.

13 MR. TRUONG: Yes.

14 CHAIRPERSON MILLER: Okay. So I
15 would move that we approve this Offer in
16 Compromise because it is within the statutory
17 framework of allowable penalties and it does
18 provide some additional requirements with
19 respect to the camera, which was a problem.

20 It's not the strongest OIC, but I
21 think it does address the main issues in this
22 case as represented by Mr. Rivero and we don't

1 know the rest of the evidence in the case, so
2 I'm relying on Mr. Rivero's representation
3 that this solves the major problem and the
4 other areas are weaker.

5 So my motion is to accept the
6 offer in compromise of a fine payable within
7 90 days, plus the additional requirements set
8 forth in the typewritten Offer in Compromise
9 that was signed by the parties and provided to
10 the Board.

11 Do I have a second?

12 MEMBER SILVERSTEIN: Second. No.

13 CHAIRPERSON MILLER: You withdraw
14 your second?

15 MEMBER SILVERSTEIN: I withdraw my
16 second.

17 CHAIRPERSON MILLER: Okay. Any
18 second on this motion? Okay. There is no
19 second on the motion. It dies for a lack of
20 a second.

21 Does someone else have a motion?

22 MEMBER ALBERTI: Madam Chair, I

1 move that we reject the Offer in Compromise as
2 presented.

3 MEMBER SHORT: I second.

4 CHAIRPERSON MILLER: Okay. There
5 is a motion to deny the Offer in Compromise
6 that has been presented to the Board and it
7 has been seconded by Mr. Short.

8 All those in favor of the motion
9 to deny say aye.

10 MEMBER ALBERTI: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 MEMBER RODRIGUEZ: Aye.

13 MEMBER BROOKS: Aye.

14 MEMBER SHORT: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? Opposed. All those abstaining? The
17 motion passes 5-1-0.

18 Therefore, we will not be holding
19 the hearing today though. We are going to
20 give you a new hearing date and that is June
21 18 at 10:00 a.m. Okay? Yes, are you
22 available, Mr. Rivero?

1 MR. RIVERO: The Government is not
2 available.

3 CHAIRPERSON MILLER: You're not
4 available? Okay. Then we will get back to
5 you all then on another date and Ms. Jenkins
6 will be in touch with you.

7 MR. ROBERTS: Or Dee Dee, I can
8 talk to her.

9 CHAIRPERSON MILLER: Or Dee Dee or
10 whatever, okay. All right. Okay.

11 MEMBER SILVERSTEIN: Madam Chair?

12 CHAIRPERSON MILLER: Yes, Mr.
13 Silverstein?

14 MEMBER SILVERSTEIN: I would like
15 to make just one brief comment. It is -- and
16 this is to the Attorney General. We thank you
17 for your efforts in this case, they were
18 outstanding. The issue here goes beyond
19 compromise. That's all we can say. We thank
20 you.

21 CHAIRPERSON MILLER: Okay. So
22 that concludes this case. We have another

1 hearing for -- to continue a Summary
2 Suspension Hearing on The Scene at 11:00, so
3 the Board is going to recess now and we will
4 return at 11:00 or shortly thereafter. Thank
5 you.

6 (Whereupon, at 10:52 a.m. a recess
7 until 11:15 a.m.)

8 CHAIRPERSON MILLER: All right.
9 We're back on the record to hear a Summary
10 Suspension Hearing. However, we have more
11 Members here on the dias right now, just to
12 take one other action before we get into the
13 Summary Suspension Hearing here.

14 MEMBER SILVERSTEIN: Hold on just
15 2 seconds.

16 CHAIRPERSON MILLER: No. You can
17 just stay right there. This is very
18 preliminary. I want to announce that today
19 the Alcoholic Beverage Control Board will hold
20 an emergency closed meeting regarding the
21 matter identified below and that is Case No.
22 14-251-00163, Club Restaurant and Lounge

1 located at 1123 H Street, N.E., License No.
2 ABRA-076366.

3 In accordance with Section 405(b)
4 of the Open Meetings Amendment Act of 2010,
5 the meeting will be closed for the following
6 reasons:

7 (1) To consult with an attorney to
8 obtain legal advice;

9 (2) To discuss and hear a report
10 concerning alleged criminal or civil
11 misconduct or violations of the law or
12 regulations;

13 And (3) to discuss and take action
14 regarding specific methods and procedures to
15 protect the public from substantial dangers to
16 the public and to receive briefings by staff
17 members, legal counsel or law enforcement
18 concerning these methods and procedures.

19 So we are going to take a vote now
20 to conduct this emergency closed meeting later
21 after this hearing. Okay.

22 So I move that we do so in

1 accordance with the Open Meetings Amendment
2 Act, just referenced here, Section 405(b). Is
3 there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion. I'm going to take a roll
7 call vote now that it has been seconded.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Mr.

13 Rodriguez?

14 MEMBER RODRIGUEZ: I agree.

15 CHAIRPERSON MILLER: Ms. Miller
16 agrees.

17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: And, Mr.
20 Short?

21 MEMBER SHORT: I agree.

22 CHAIRPERSON MILLER: Okay. So the

1 vote is 6-0-0 to hold the described closed
2 meeting and that will be after the hearing
3 that we are here for today.

4 Okay. So that takes care of that
5 business.

6 (Whereupon, the Show Cause Hearing
7 in the above-entitled matter was concluded at
8 11:17 a.m.)

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