

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Hak, LLC	
t/a Midtown	Show Cause
1219 Connecticut Avenue N.W.	Hearing
Retailer CN	(Status)
License No. 72087	
ANC 2B	
Case No. 15-CMP-00004	
Case No. 14-CMP-00462	

June 3, 2015

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MICHAEL SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

ALSO PRESENT:

Chrissy Gephardt, OAG

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

2 9:41 a.m.

3 CHAIR MILLER: The next case on the
4 calendar is Tattoo. And I understand also that
5 we have an attorney representing parties in the
6 case of Midtown where there is a time conflict
7 here.

8 So we're going to call the Midtown
9 case first, and then go to Tatoo.

10 So Midtown, first Midtown case is Case
11 No. 15-CMP-00004. Midtown is located at 1219
12 Connecticut Avenue N.W., License No. 72087.

13 And the other Midtown case is Case No.
14 14-CMP-00462. So when you're ready, if you would
15 identify yourselves for the record?

16 MR. WHELAN: Good morning. Stephen
17 Whelan, on behalf of Midtown.

18 CHAIR MILLER: Okay.

19 (Off the record comments)

20 MEMBER RODRIGUEZ: Ramone Ramirez.

21 (Off the record comments)

22 MEMBER RODRIGUEZ: Sorry about that,

1 Ramone Ramirez.

2 CHAIR MILLER: And are you, what's
3 your position with Midtown?

4 MEMBER RODRIGUEZ: General Manager.

5 CHAIR MILLER: Okay. Ramone Ramirez.

6 MEMBER RODRIGUEZ: Yes, ma'am.

7 CHAIR MILLER: All right.

8 MS. GEPHARDT: Chrissy Gephardt, on
9 behalf of the Office of the Attorney General.
10 Good morning.

11 CHAIR MILLER: Okay. Mr. Whelan, did
12 your client receive notice of this hearing?

13 MR. WHELAN: Yes, he did.

14 CHAIR MILLER: Read it and understood
15 it?

16 MR. WHELAN: Yes.

17 CHAIR MILLER: All right. So there's
18 no question with respect to notice?

19 MR. WHELAN: That's correct.

20 CHAIR MILLER: All right. Ms.
21 Gephardt, do we have any preliminary issues in
22 this case?

1 MS. GEPHARDT: Yes we do. We have an
2 Offer of Compromise on both cases. One is 15-
3 CMP-0004 and the other one is 14-CMP-00462. The
4 first one is up for Status, the second one is a
5 Show Cause Hearing.

6 CHAIR MILLER: All right. So we'll
7 take the first one first, Status.

8 MS. GEPHARDT: Sure.

9 CHAIR MILLER: Okay, 0004. Okay.

10 MS. GEPHARDT: Regarding the 0004
11 case, we have reached an Offer in Compromise
12 consisting of a \$500 fine. The fine would need
13 to be paid within 30 days or the license would be
14 suspended.

15 CHAIR MILLER: Okay. Mr. Whelan, is
16 your client agreeable to a fine of \$500 to be
17 paid within 30 days? If not paid within 30 days
18 the license would be suspended.

19 MR. WHELAN: Yes.

20 CHAIR MILLER: Okay. Any questions by
21 Board Members?

22 (No audible response)

1 CHAIR MILLER: All right. I'm not
2 hearing any, then I move that we approve this
3 Offer in Compromise of a fine of \$500 to be paid
4 within 30 days. If not paid within days the
5 license will be suspended until paid.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIR MILLER: Mr. Brooks has seconded
9 the motion. All those in favor say, aye.

10 (Multiple ayes)

11 CHAIR MILLER: All those opposed?

12 (No audible response)

13 CHAIR MILLER: All those abstaining?

14 (No audible response)

15 CHAIR MILLER: Motion passes 5-0-0.

16 MEMBER SILVERSTEIN: Madam Chair.

17 CHAIR MILLER: Yes.

18 MEMBER SILVERSTEIN: I voted aye on
19 this, but I find the actions of the licensee in
20 this case, somewhat in contempt of the Board and
21 the Government. And I think that they, while
22 this is minor offense, it's also a slap in the

1 face of the Agency.

2 I have no further comments.

3 CHAIR MILLER: Okay.

4 MEMBER SHORT: Madam Chair.

5 CHAIR MILLER: Yes, Mr. Short.

6 MEMBER SHORT: I totally concur with
7 that. And hopefully this licensee will refrain
8 from further actions in the future.

9 CHAIR MILLER: Okay. All right.
10 Anything else?

11 (No audible response)

12 CHAIR MILLER: All right, then if
13 we're ready to move on to the second?

14 MS. GEPHARDT: Okay. For Case 14-CMP-
15 00462. The OIC in this case is a fine of \$1000.
16 The fine is a \$500 -- excuse me. For Charge 1,
17 it's a \$500 fine. And for Charge 2, it's a \$500
18 fine, for a total of \$1000.

19 Again, this fine will need to be paid
20 within 30 days or the license would be suspended.

21 MR. WHELAN: And the licensee is
22 agreeable with that.

1 CHAIR MILLER: Okay.

2 MEMBER SILVERSTEIN: What page is
3 this?

4 CHAIR MILLER: Eighteen.

5 MEMBER SILVERSTEIN: Ms. Gephardt, if
6 you can read that again, we were looking for this
7 particular case in our briefing.

8 MS. GEPHARDT: Oh sure, no problem.

9 MEMBER SILVERSTEIN: The two of them
10 were pretty well separated and finding our notes
11 is when you were giving the details.

12 MS. GEPHARDT: Not a problem. So with
13 regard to the case that ends in 00462.

14 MEMBER SILVERSTEIN: Yes.

15 MS. GEPHARDT: Which is up for Show
16 Cause. The Offer in Compromise consists of a
17 total of a \$1000 fine. And that is broken out by
18 Charge 1, which is \$500. Charge 2 is \$500, for a
19 total of \$1000. And the fine would need to be
20 paid within 30 days or the license would be
21 suspended.

22 MEMBER SILVERSTEIN: Thank you.

1 CHAIR MILLER: Any other questions?

2 Yes, Mr. Short.

3 MEMBER SHORT: I'd like to make a
4 comment about the litter and the conditions.
5 I'll vote to accept this, but I really would
6 still like the licensee to know that this is not
7 tolerable. This is not acceptable business
8 practice in Washington D.C. Not at all.

9 Thank you, Madam Chair.

10 CHAIR MILLER: Okay. So yes, we are
11 voting on violations and -- okay. It looks like
12 that they are at the top of the fine range.

13 Okay, any questions?

14 (No audible response)

15 CHAIR MILLER: Okay. And your client
16 knows that by entering into this Offer in
17 Compromise, waives his right to appeal and to a
18 hearing?

19 Okay, all right. I would move
20 approval of the Offer in Compromise then, which
21 is a total of a \$1000 fine, \$500 for Charge 1,
22 \$500 for Charge 2. \$1000 will be paid within 30

1 days. If not paid within 30 days, the license
2 will be suspended until paid.

3 Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIR MILLER: Mr. Silverstein
6 seconded the motion. All those in favor say,
7 aye.

8 (Multiple ayes)

9 CHAIR MILLER: All those opposed?

10 (No audible response)

11 CHAIR MILLER: All those abstaining?

12 (No audible response)

13 CHAIR MILLER: Motion passes 5-0-0.

14 Okay, that concludes the Midtown
15 cases.

16 (Whereupon, the above-entitled matter
17 went off the record at 9:48 a.m.)
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22

<p style="text-align: center;">A</p> <p>\$1000 6:15,18 7:17,19 8:21,22 \$500 4:12,16 5:3 6:16 6:17,17 7:18,18 8:21 8:22 a.m 2:2 9:17 above-entitled 9:16 abstaining 5:13 9:11 accept 8:5 acceptable 8:7 actions 5:19 6:8 Agency 6:1 agreeable 4:16 6:22 Alcoholic 1:2,12,12 ANC 1:8 appeal 8:17 approval 8:20 approve 5:2 attorney 2:5 3:9 audible 4:22 5:12,14 6:11 8:14 9:10,12 Avenue 1:7 2:12 aye 5:9,18 9:7 ayes 5:10 9:8</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:17 3:9 Beverage 1:2,12,12 Board 1:2,12 4:21 5:20 briefing 7:7 broken 7:17 Brooks 1:16 5:7,8 Building 1:13 business 8:7</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 2:8 case 1:9,9 2:3,6,9,10,10 2:13,13 3:22 4:11 5:20 6:14,15 7:7,13 cases 4:2 9:15 Cause 1:6 4:5 7:16 Chair 2:3,18 3:2,5,7,11 3:14,17,20 4:6,9,15 4:20 5:1,8,11,13,15 5:16,17 6:3,4,5,9,12 7:1,4 8:1,9,10,15 9:5 9:9,11,13 Chairperson 1:13,15 Charge 6:16,17 7:18,18 8:21,22 Chrissy 1:22 3:8 client 3:12 4:16 8:15 CMP-0004 4:3 CN 1:7 COLUMBIA 1:1</p>	<p>comment 8:4 comments 2:19,21 6:2 Compromise 4:2,11 5:3 7:16 8:17,20 concludes 9:14 concur 6:6 conditions 8:4 conflict 2:6 Connecticut 1:7 2:12 consisting 4:12 consists 7:16 contempt 5:20 Control 1:2,12,12 correct 3:19</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:13 8:8 days 4:13,17,17 5:4,4 6:20 7:20 9:1,1 details 7:11 DISTRICT 1:1 DONALD 1:16</p> <hr/> <p style="text-align: center;">E</p> <p>Eighteen 7:4 ends 7:13 entering 8:16 excuse 6:16</p> <hr/> <p style="text-align: center;">F</p> <p>face 6:1 favor 5:9 9:6 find 5:19 finding 7:10 fine 4:12,12,16 5:3 6:15 6:16,17,18,19 7:17,19 8:12,21 first 2:9,10 4:4,7,7 further 6:2,8 future 6:8</p> <hr/> <p style="text-align: center;">G</p> <p>General 3:4,9 Gephardt 1:22 3:8,8,21 4:1,8,10 6:14 7:5,8,12 7:15 giving 7:11 go 2:9 going 2:8 Good 2:16 3:10 Government 5:21</p> <hr/> <p style="text-align: center;">H</p> <p>Hak 1:6 hearing 1:7,12 3:12 4:5 5:2 8:18 HECTOR 1:17 hopefully 6:7</p>	<p style="text-align: center;">I</p> <p>identify 2:15 issues 3:21</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:18 June 1:11</p> <hr/> <p style="text-align: center;">K</p> <p>know 8:6 knows 8:16</p> <hr/> <p style="text-align: center;">L</p> <p>license 1:8 2:12 4:13,18 5:5 6:20 7:20 9:1 licensee 5:19 6:7,21 8:6 litter 8:4 LLC 1:6 located 2:11 looking 7:6 looks 8:11</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3:6 Madam 5:16 6:4 8:9 Manager 3:4 matter 1:5 9:16 MEETING 1:3 Member 1:16,16,17,18 2:20,22 3:4,6 5:7,16 5:18 6:4,6 7:2,5,9,14 7:22 8:3 9:4 Members 4:21 met 1:12 MICHAEL 1:16 Midtown 1:6 2:6,8,10 2:10,11,13,17 3:3 9:14 Miller 1:13,15 2:3,18 3:2,5,7,11,14,17,20 4:6,9,15,20 5:1,8,11 5:13,15,17 6:3,5,9,12 7:1,4 8:1,10,15 9:5,9 9:11,13 minor 5:22 morning 2:16 3:10 motion 5:9,15 9:6,13 move 5:2 6:13 8:19 Multiple 5:10 9:8</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:7,13 2:12 need 4:12 6:19 7:19 notes 7:10 notice 3:12,18</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 offense 5:22 Offer 4:2,11 5:3 7:16 8:16,20 Office 3:9 Oh 7:8 OIC 6:15 okay 2:18 3:5,11 4:9,9 4:15,20 6:3,9,14 7:1 8:10,11,13,15,19 9:14 opposed 5:11 9:9</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 page 7:2 paid 4:13,17,17 5:3,4,5 6:19 7:20 8:22 9:1,2 particular 7:7 parties 2:5 passes 5:15 9:13 position 3:3 practice 8:8 preliminary 3:21 PRESENT 1:15,20 presiding 1:14 pretty 7:10 problem 7:8,12</p> <hr/> <p style="text-align: center;">Q</p> <p>question 3:18 questions 4:20 8:1,13</p> <hr/> <p style="text-align: center;">R</p> <p>Ramirez 2:20 3:1,5 Ramone 2:20 3:1,5 range 8:12 reached 4:11 read 3:14 7:6 ready 2:14 6:13 really 8:5 receive 3:12 record 2:15,19,21 9:17 Reeves 1:13 refrain 6:7 regard 7:13 Regarding 4:10 representing 2:5 respect 3:18 response 4:22 5:12,14 6:11 8:14 9:10,12 Retailer 1:7 right 3:7,17,20 4:6 5:1 6:9,12 8:17,19 RODRIGUEZ 1:17 2:20 2:22 3:4,6 Room 1:12 Ruthanne 1:13,15</p>
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