

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

2446 RU, LLC
t/a Roofers Union
2442 18th Street N.W.
Retailer CT
License No. 93592
ANC 1C
Case No. 15-CMP-00024

Show Cause
Hearing
(Status)

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 9:50 a.m.

3 CHAIR MILLER: Case No. 15-CMP-00024,
4 Roofers Union, located 2442 18th Street N.W.,
5 License No. 93592 and ANC 1C.

6 MS. GEPHARDT: Chrissy Gephardt, on
7 behalf of the Office of the Attorney General.

8 MR. FONSECA: Michael Fonseca, on
9 behalf of the licensee.

10 MR. LARGE: Curtis Large, on behalf of
11 Roofers Union, licensee.

12 CHAIR MILLER: Okay. Good morning.
13 Mr. Fonseca did your client get notice of this
14 hearing?

15 MR. FONSECA: Yes, he did. He's read
16 it. He understands it. And we waive reading.

17 CHAIR MILLER: Okay, good. Ms.
18 Gephardt, any preliminary matters?

19 MS. GEPHARDT: Yes, there is a
20 preliminary matter. We have reached an Offer in
21 Compromise in this case which consists of a
22 written warning. Since this is a first secondary

1 tier violation.

2 CHAIR MILLER: Mr. Fonseca, let me
3 just ask you is your client agreeable to that
4 Offer in Compromise?

5 MR. FONSECA: Yes, as a warning
6 letter, we are.

7 CHAIR MILLER: Ms. Gephardt, I just
8 want to find that in the penalty schedule. Is it
9 a mandatory warning, or discretionary warning?

10 MS. GEPHARDT: I believe it's a
11 mandatory warning. And that is for the cover
12 charge entertainment endorsement, for cover
13 charge. DCMR-1002.1.

14 CHAIR MILLER: Okay. So I'm looking
15 at the schedule. It looks to me like it's a
16 discretionary warning. You're telling me it's a
17 mandatory warning?

18 MS. GEPHARDT: I thought it was a
19 mandatory warning, but if that's what you're
20 reading, then --

21 CHAIR MILLER: Well --

22 MR. FONSECA: We'll take it.

1 CHAIR MILLER: Do you see it? You'll
2 take it? Okay.

3 Okay, any comments on that?

4 MS. GEPHARDT: I just read the penalty
5 schedule, but either way, if it's discretionary
6 or mandatory, we're still staying with the
7 written warning.

8 CHAIR MILLER: You still recommend a
9 warning?

10 MS. GEPHARDT: Yes, that's correct.

11 CHAIR MILLER: Okay. Did you want to
12 say anything else about that?

13 MS. GEPHARDT: No, that's --

14 CHAIR MILLER: Do you want to address
15 it?

16 MR. FONSECA: I'd just put on the
17 record, absent a warning, that we were prepared
18 to litigate the issue of whether this was truly a
19 cover charge. But in light of the fact for the
20 future, this licensee has gone ahead and included
21 it onto its endorsement, the cover charge for the
22 future. It just seems unfair to the client to

1 litigate something when it's going to be a
2 warning at this point. And any mitigation has
3 already been done.

4 CHAIR MILLER: Okay.

5 MR. FONSECA: Under the circumstances,
6 this was an all-inclusive New Year's Eve, which
7 is typical in the industry. So it's not charging
8 someone at the door. It's prepaid tickets. So
9 that really would have been the issue to
10 litigate. So under the circumstances, we think a
11 warning is the "just" thing to do.

12 CHAIR MILLER: Okay. Thank you. Any
13 questions by Board Members?

14 (No audible response)

15 CHAIR MILLER: Okay. I would move to
16 accept this Offer in Compromise, because I
17 believe the circumstances in this case to be
18 justified by a warning. In any, and that's at
19 our discretion to do so.

20 MEMBER SHORT: Second.

21 CHAIR MILLER: Okay, and second. Any
22 other comments? All right those then in favor of

1 the motion to accept the Offer in Compromise of a
2 warning, say aye.

3 (Multiple ayes)

4 CHAIR MILLER: All those opposed?

5 (No audible response)

6 CHAIR MILLER: All those abstaining?

7 (No audible response)

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

9 Okay. Thank you.

10 MR. FONSECA: Thank you very much.

11 (Whereupon, the above-entitled matter
12 went off the record at 9:54 a.m.)

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