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

(9:53 a.m.)

CHAIRPERSON MILLER: The next case on our calendar is a Show Cause (Status) Hearing, Case No. 11-CMP-00512, 11-251-00347 and 11-CMP-00257.

Good morning.

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

MR. MPRAS: Good morning, Emanuel Mpras, Inner Circle 1420, LLC t/a Lotus.

MR. ROMEO: Michael Romeo here from Lotus.

CHAIRPERSON MILLER: I'm sorry, I missed your name, sir.

MR. ROMEO: Romeo, Michael.

CHAIRPERSON MILLER: Michael. And you are?

MR. ROMEO: Lotus.

CHAIRPERSON MILLER: Are you the

1 owner?

2 MR. ROMEO: Yes, the owner.

3 CHAIRPERSON MILLER: Okay. Good.

4 Okay. This is a Show Cause (Status) Hearing.

5 Did you receive notice of this hearing?

6 MR. ROMEO: Yes, ma'am.

7 CHAIRPERSON MILLER: Did you read

8 it?

9 MR. ROMEO: Yes.

10 CHAIRPERSON MILLER: Did you

11 understand it?

12 MR. ROMEO: Yes.

13 CHAIRPERSON MILLER: Okay. And do

14 you waive our reading the notice into the

15 record?

16 MR. ROMEO: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay. Good.

18 Are there any preliminary matters at this

19 point?

20 MS. PHILLIPS: Yes, Madam Chair,

21 there are. First off, Lotus, I think, appears

22 twice on the calendar, but we would like to

1 have them all called, so I -- we are appearing  
2 on behalf of 11-CMP-00512, 11-251-00347, 11-  
3 CMP-00257 was declined by the Office of the  
4 Attorney General, but you called it, I think.

5 CHAIRPERSON MILLER: I did. But  
6 just to get that on the record.

7 MS. PHILLIPS: Okay. And then,  
8 let me get the full case numbers for the  
9 others.

10 CHAIRPERSON MILLER: I have the  
11 other case numbers right in front of me.

12 MS. PHILLIPS: Okay.

13 CHAIRPERSON MILLER: Yes, okay, so  
14 it follows this one anyway. 11-251-00204, 11-  
15 251-00204(a) and 11-251-00216.

16 MS. PHILLIPS: Thank you --

17 CHAIRPERSON MILLER: Okay.

18 MS. PHILLIPS: -- Madam Chair.

19 And then it was my understanding of case  
20 numbers that have A, B and Cs that the ones  
21 with letters following the number, like 204  
22 and 204(a), that 204(a) supplants 204. That's

1 the way I looked at it, as duplicating both of  
2 them.

3 But I appear here to offer -- to  
4 present an offer in compromise that the  
5 parties have agreed to present to the Board on  
6 one, two, three, four, five cases that you  
7 have.

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: All right. The  
10 offer in compromise for all of the cases is a  
11 fine of \$11,000.

12 CHAIRPERSON MILLER: Could you  
13 hold on one minute, please? I'm sorry.

14 MS. PHILLIPS: Certainly.

15 CHAIRPERSON MILLER: Yes, okay.  
16 There a lot of cases here and the Board had  
17 been looking at already -- there are two  
18 separate groups. And now, your lumping them  
19 altogether makes it more difficult. Is there  
20 a problem with your --

21 MS. PHILLIPS: Oh, I can --

22 CHAIRPERSON MILLER: -- with our

1 taking them, you know, each group at a time?  
2 Even though you are all here, we've called all  
3 the cases.

4 MS. PHILLIPS: No.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: I was prepared to  
7 delineate the cases by notice. Though there  
8 are a lot of cases, there are only two  
9 notices. So --

10 CHAIRPERSON MILLER: Well --

11 MS. PHILLIPS: -- well, whichever  
12 you prefer.

13 CHAIRPERSON MILLER: Okay.

14 MS. PHILLIPS: I mean, I just  
15 wanted -- there are a lot of cases, but I just  
16 want you to recollect that there are only two  
17 notices. So the District combined several  
18 cases into one notice and then they combined  
19 two others in --

20 CHAIRPERSON MILLER: Right.

21 MS. PHILLIPS: -- another notice.

22 CHAIRPERSON MILLER: Right.

1 MS. PHILLIPS: So I am prepared to  
2 delineate them just presenting one, so however  
3 you prefer.

4 CHAIRPERSON MILLER: Okay. Then  
5 the Board prefers that they be divided as they  
6 are on the calendar and that we deal with the  
7 two separate groups.

8 MS. PHILLIPS: So my recollection  
9 if you called 512 and 347 --

10 CHAIRPERSON MILLER: Correct.

11 MS. PHILLIPS: -- first --

12 CHAIRPERSON MILLER: Correct.

13 MS. PHILLIPS: So we'll deal with  
14 those first. The offer in compromise for the  
15 two cases that we just delineated, there is a  
16 total fine of \$4,000 to be paid in 60 days.  
17 And a suspension, six suspension days served.  
18 And I have got the dates all combined, so the  
19 dates that the parties presented to me of  
20 dates which they have indicated they are open  
21 are 7/22 through 7/30, which I have to  
22 subtract three from that.

1                   Just a second.  Yes, three from  
2                   that, so it would be 7/22 through 7/27.

3                   MEMBER ALBERTI:  July, not June?

4                   MS. PHILLIPS:  July.

5                   MEMBER ALBERTI:  July?

6                   MS. PHILLIPS:  July.

7                   MEMBER ALBERTI:  Okay.

8                   MS. PHILLIPS:  Didn't I say July?

9                   MEMBER ALBERTI:  Yes, just double  
10                  checking.

11                  CHAIRPERSON MILLER:  Okay.

12                  MS. PHILLIPS:  Okay.  I'm sorry.

13                  CHAIRPERSON MILLER:  Okay.  Could  
14                  you identify what the fines -- which  
15                  violations the fines relate to?

16                  MS. PHILLIPS:  This notice talks  
17                  about two failure to follow Board orders on  
18                  two different dates.  The dates of the failure  
19                  to follow the Board order was November 2, 2011  
20                  and December 11, 2011.

21                  CHAIRPERSON MILLER:  Okay.

22                  MS. PHILLIPS:  They were both



1 failures to have police details. And I just  
2 divide everything in half. \$2,000 for the  
3 first one and a three day suspension days  
4 served and \$2,000 for the second and three  
5 suspension days served.

6 I combined all of the dates for  
7 all of them, so they would be served at one  
8 stretch, but since we are dividing them, the  
9 days for this notice --

10 CHAIRPERSON MILLER: Okay.

11 MS. PHILLIPS: -- and these two  
12 cases will be 7/22 to 7/27. I believe that  
13 should add up to four -- six, rather six.

14 CHAIRPERSON MILLER: Okay. So let  
15 me ask the licensee then, do you agree to a  
16 \$4,000 penalty to be paid within 60 days, six  
17 suspension days served from July 22nd through  
18 July 27th for the violations associated with  
19 00512 and 00347?

20 MR. MPRAS: Ma'am, we do, but this  
21 was done -- initially, we did as a global  
22 settlement for all the charges, so we request

1 that the -- that 204 and 216 be read at this  
2 time, so the entire penalty can be combined.

3 CHAIRPERSON MILLER: So 20 -- let  
4 me look at this. So are you saying you don't  
5 necessarily agree to this unless it is part of  
6 a settlement with the other case?

7 MR. MPRAS: Excuse me, that's how  
8 we negotiated with the OAG's office and were  
9 told it would be presented that way.

10 MS. PHILLIPS: Pending acceptance  
11 by the Board.

12 MR. MPRAS: Yes, pending  
13 acceptance.

14 MS. PHILLIPS: Everything is  
15 always --

16 MR. MPRAS: Of course, of course.

17 MS. PHILLIPS: -- pending  
18 acceptance of the Board, which the Board has  
19 denied.

20 CHAIRPERSON MILLER: I'm sorry,  
21 different people are talking at once. So is  
22 that your -- is that -- I didn't hear what you

1 said.

2 MS. PHILLIPS: I agreed that  
3 pending acceptance by the Board, I would  
4 present them all mass.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: And I will still  
7 present the days for the two separate notices  
8 to run contiguously, because I think that is  
9 appropriate for these five cases.

10 CHAIRPERSON MILLER: Okay. But  
11 the question is procedurally, you know, we  
12 need to know whether -- I thought that you  
13 were, you know, on board with proceeding with  
14 this case first and then the other part. But  
15 if you're not, then we need to hear the other  
16 part and then decide.

17 MR. MPRAS: If you could do that?  
18 But we have agreed to that for these  
19 particular charges.

20 CHAIRPERSON MILLER: Yes, one  
21 second. Okay. I just wanted to confer with  
22 counsel on this. There are two separate

1 charges and the Board does not wish to have  
2 them consolidated and that it's our authority  
3 not to consider an OIC with them consolidated,  
4 even though that's what you would like to do.

5 So at this point, we have one, if  
6 you want to proceed with an OIC on one, we  
7 will consider it at a time. If you do not  
8 want to proceed with an OIC on one, then we  
9 can set for hearing.

10 MR. MPRAS: Ma'am, may we proceed  
11 in one fashion if possible, since they are all  
12 consolidated? 204 and 216 were listed first  
13 on the agenda. Maybe if they could go first.

14 MEMBER ALBERTI: They're not.

15 CHAIRPERSON MILLER: They are not  
16 listed first on my agenda. That's why I  
17 called the other one first.

18 MS. PHILLIPS: Not on my agenda,  
19 either. Nope.

20 MR. MPRAS: May I confer with  
21 someone?

22 CHAIRPERSON MILLER: Yes. Are we

1 ready?

2 MR. MPRAS: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: We would like to  
5 proceed.

6 CHAIRPERSON MILLER: Okay.

7 MS. PHILLIPS: Madam Chair, for  
8 the Board, just for the record, is that 204,  
9 204(a) and 216 cases did occur earlier  
10 chronologically in time than the cases that we  
11 are now discussing.

12 CHAIRPERSON MILLER: Okay.

13 MS. PHILLIPS: Just for the  
14 record.

15 CHAIRPERSON MILLER: Okay. So  
16 what we have before us now is an offer in  
17 compromise on 512 and 347.

18 MS. PHILLIPS: I'm sorry, I missed  
19 that.

20 CHAIRPERSON MILLER: 512 and 347,  
21 unless you want me to read the whole number  
22 out again.

1 MS. PHILLIPS: No, no, no. I'm  
2 good.

3 CHAIRPERSON MILLER: Okay. Just  
4 so we are clear. That's first on the agenda  
5 with this case, that's where we have now an  
6 offer in compromise that has been presented to  
7 the Board.

8 And at this point then, I think I  
9 want to repeat to the licensee my question,  
10 you know, whether the licensee is agreeable to  
11 the offer in compromise of \$4,000 penalty to  
12 be paid within 60 days, six suspension days  
13 served from July 22nd through July 27th?

14 MR. MPRAS: We agree.

15 CHAIRPERSON MILLER: You do agree.  
16 Okay.

17 MEMBER ALBERTI: Can I ask a  
18 question?

19 CHAIRPERSON MILLER: You want to  
20 ask a question?

21 MEMBER ALBERTI: Yes.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Alberti has a question.

2 MEMBER ALBERTI: Mr. Romeo, I was  
3 looking at your website for Lotus and it  
4 indicates that your days that you are open are  
5 Tuesday through Saturday. Are Sunday and  
6 Monday days that you are regularly open?

7 MR. ROMEO: A lot of times we are  
8 not open. But if we have special events, we  
9 are open on Saturday and Sunday, depending on  
10 how we can get the cop detail. What happens  
11 is --

12 MEMBER ALBERTI: But if you don't  
13 have special events you don't?

14 MR. ROMEO: No, no, we don't.  
15 Normally, on Monday -- Sunday and Monday, just  
16 for the record, we open up early and we do  
17 close early. We have early events. It  
18 depends. If we don't have anybody, then we  
19 close up early. A lot of times on Saturday,  
20 we close at midnight because it's not busy.

21 MEMBER ALBERTI: But you are  
22 normally open on Sunday?

1 MR. ROMEO: Yes.

2 MEMBER ALBERTI: That's a day  
3 you're normally open?

4 MR. ROMEO: Yes.

5 MEMBER ALBERTI: Thank you.

6 MR. ROMEO: You're welcome.

7 CHAIRPERSON MILLER: Oh, Mr. Jones  
8 has joined us. Okay.

9 All right. Any other questions?  
10 Then we have before us an offer in compromise  
11 of \$4,000 to be paid within 60 days with six  
12 days suspended to be served July 22nd through  
13 July 27th.

14 I would move that we accept this  
15 offer in compromise. Do I have a second?

16 MEMBER NOPHLIN: Second.

17 CHAIRPERSON MILLER: Any other  
18 comments?

19 All those in favor of accepting  
20 the offer in compromise say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those



1       opposed? All those abstaining? Then the vote  
2       is 6-0-0 to accept the offer in compromise.  
3       Okay.

4                       (Whereupon, the Show Cause  
5       (Status) Hearing in the above-entitled matter  
6       was concluded.)

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