

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

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IN THE MATTER OF: :
 :
Bailey Financial Group, LLC :
t/a The Library Saloon :
3514 12th Street, NE : Show Cause
Retailer CT : Hearing
License No. 80666 : (Status)
Case No. 12-251-00111 :
ANC 5A :
Allowed the Establishment to :
be Used for an Unlawful or :
Disorderly Purpose; Failed :
to Obtain An Entertainment :
Endorsement :
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JUNE 20, 2012

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

PRESENT

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT

AMY SCHMIDT, OAG

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

2 9:38 a.m.

3 CHAIRPERSON MILLER: Morning,
4 everyone. I'd like to welcome you to the
5 regularly scheduled meeting of the District of
6 Columbia Alcoholic Beverage Control Board.
7 Today is June 20th, 2012.

8 My name is Ruthanne Miller. I'm
9 the Chair. Joining me today to my far right
10 is Mr. Calvin Nophlin. To his immediate left
11 is Mr. Donald Brooks. To my immediate right
12 is Mr. Nick Alberti. And to my left is Mr.
13 Mike Silverstein. Board has five members in
14 attendance for the conduct of business today
15 with three constituting a quorum.

16 Copies of today's hearing calendar
17 and agenda are available at the receptionist's
18 desk.

19 Please be aware that these
20 proceedings are being recorded by a court
21 reporter. Accordingly, we must ask you to
22 refrain from any disruptive noises or actions

1 in the hearing room. If you have any
2 electronic devices, pagers, cell phones or
3 such, please make certain that they're turned
4 off to avoid any interruption of the
5 proceedings.

6 Please note that there's a piece
7 of paper on each table in the front. When you
8 come forward as your case is called, please
9 take a seat at the table and sign in. This is
10 to ensure the correct spelling of your name
11 for the record.

12 The record will be closed at the
13 conclusion of each case except for any
14 material specifically requested by the Board
15 or if the parties elect to submit proposed
16 findings of fact and conclusions of law within
17 30 calendar days after the conclusion of the
18 hearing as permitted by 23 DCMR Section
19 1717.2. After the record is closed, no other
20 information will be accepted by the Board.

21 Copies of transcripts are
22 available by contacting ABRA's records manager

1 Bill Hager and it's the sole responsibility of
2 the parties to make this request.

3 The Open Meetings Act requires
4 that the public hearing on each case be open
5 to the public. The Board, may consistent with
6 Section 405(b) of the Open Meetings Act enter
7 a close meeting during or after the public
8 hearing on a case to consult with an attorney
9 to obtain legal advice, discuss settlement
10 agreements, or deliberate upon a decision in
11 an adjudication proceeding.

12 We'll now proceed with today's
13 calendar this morning. The first case is The
14 Library Saloon, but we're going to go onto the
15 second case because I understand that those --
16 oh, you are here?

17 MR. SHIRAFKAN: Yes, I am.

18 CHAIRPERSON MILLER: You're here
19 now?

20 MR. SHIRAFKAN: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MR. SHIRAFKAN: My apologies for

1 the being late.

2 CHAIRPERSON MILLER: Okay. You're
3 not late at all now. Okay. So I'm calling
4 Case No. 12-251-00111, The Library Saloon
5 located at 3514 12th Street, N.E., License No.
6 80666 in ANC 5A.

7 Okay. So the parties are here.
8 And would you identify yourselves for the
9 record, please?

10 MS. SCHMIDT: Good morning. Amy
11 Schmidt, Assistant Attorney General on behalf
12 of the District of Columbia.

13 MR. SHIRAFKAN: Good morning,
14 Madam Chairman and members of the Board.
15 Makan Shirafkan on behalf of Bailey's
16 Financial Group along with Mr. Jerome Bailey
17 who's the president of Bailey's Financial,
18 LLC.

19 CHAIRPERSON MILLER: Okay. Good.
20 This is a show cause status hearing. Let me
21 ask the Licensee, did you get notice of this
22 hearing?

1 MR. BAILEY: Yes.

2 CHAIRPERSON MILLER: Did you read
3 it?

4 MR. BAILEY: Yes.

5 CHAIRPERSON MILLER: Did you
6 understand it?

7 MR. BAILEY: Yes.

8 CHAIRPERSON MILLER: And do --

9 MR. SHIRAFKAN: Waive formal
10 reading.

11 CHAIRPERSON MILLER: -- you waive
12 the Board's reading the notice into the
13 record?

14 MR. BAILEY: Yes.

15 CHAIRPERSON MILLER: Okay. So are
16 there any preliminary matters?

17 MS. SCHMIDT: Yes, there is.
18 There is an Offer in Compromise. Before we go
19 to the Offer in Compromise, it should be noted
20 that this was the subject of a summary
21 suspension hearing and that there was an
22 extensive Offer in Compromise there that -- I

1 understand that the Licensee has complied
2 with, and the license is still suspended. And
3 the Licensee's attorney can tell you more, but
4 it's in the process of being transferred right
5 now, the establishment. That's a preliminary
6 matter.

7 The OIC therefore is: On count 1,
8 a \$2,000 fine, and on count 2, a \$500 fine,
9 for a total of \$2,500 which will be paid
10 today.

11 CHAIRPERSON MILLER: It's a \$2,000
12 fine for the first offense and a \$500 fine for
13 the second?

14 MS. SCHMIDT: For the second
15 charge, yes.

16 CHAIRPERSON MILLER: Okay. Does
17 the Licensee want to speak to some of the
18 preliminary matters in addition to the
19 proposed OIC?

20 MR. SHIRAFKAN: No, just to
21 reiterate on the fact that there was a
22 purchase negotiation going on prior to even

1 this incident, and actually it was in the
2 final stages of happening when this happened.
3 I have spoken to ABRA general counsel as well
4 and put them on notice that the transfer -- we
5 would like to move forward with the transfer.
6 As soon as we could get -- this is done, we
7 can submit the application for transfer.

8 The purchaser -- in the purchase
9 agreement, we have also included all the
10 elements of the Offer in Compromise, and the
11 Licensee's going to pay the \$2,500, the
12 current Licensee, and the future Licensee to
13 be, they have also -- in the purchase
14 agreement have agreed to all of the other
15 elements such as security plan, such as
16 cameras and things like that. They've agreed
17 to have all those.

18 And as a matter of fact, we have
19 already contacted a camera company to go ahead
20 and start installing cameras and give us an
21 estimate so that when we come for transfer,
22 that license will be subject to the

1 restrictions that we have, and they're fine
2 with it, too.

3 CHAIRPERSON MILLER: Okay. And in
4 the meantime the establishment is closed and
5 the license is in safekeeping, is that
6 correct?

7 MR. SHIRAFKAN: Yes. Yes.

8 CHAIRPERSON MILLER: Okay. Are
9 there questions by Board members?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. Then
12 let me repeat what I understand to be the
13 Offer in Compromise and then I'll ask the
14 Licensee if you agree to that. It's a penalty
15 of \$2,500 total to be paid today. Two-
16 thousand dollars is for the first and five
17 hundred dollars is for the second.

18 MR. SHIRAFKAN: Yes.

19 CHAIRPERSON MILLER: Yes? Okay.
20 All right. Then I would move that the Board
21 accept this Offer in Compromise of \$2,500 to
22 be paid today, 2,000 for the first offense and

1 500 for the second offense. Is there a
2 second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: Any comments?

5 (No audible response.)

6 CHAIRPERSON MILLER: All those in
7 favor of the motion, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those
10 opposed?

11 (No audible response.)

12 CHAIRPERSON MILLER: All those
13 abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: Then the
16 motion passes 5-0-0 to accept the Offer in
17 Compromise.

18 Okay. Thank you very much.

19 MR. SHIRAFKAN: Thank you, Madam
20 Chair. Thank you, Board members.

21 (Whereupon, the hearing was
22 concluded at 9:45 a.m.)

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