

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Guards, Inc. :
t/a The Guards :
2915 M Street, NW : Show Cause
Retailer CR : Hearing
License No. 916 : (Status)
Case No. 11-251-00240 :
Case No. 11-251-00240(a) :
Case No. 11-251-00272 :
Case No. 11-251-00272(a) :
ANC 2E :
Failed to Comply with a Board :
Order; Failed to Follow :
Security Plan :
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JUNE 27, 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
LOUISE PHILLIPS, OAG

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

2 9:34 a.m.

3 CHAIRPERSON MILLER: -- District
4 of Columbia Alcoholic Beverage Control Board.
5 Today is June 27th, 2012.

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

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

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

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

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

10 The Open Meetings Act requires
11 that the public hearing on each case be open
12 to the public. The Board may, consistent with
13 Section 405(b) of the Open Meetings Act enter
14 a close meeting during or after the public
15 hearing on a case to consult with an attorney
16 to obtain legal advice, discuss settlement
17 agreements or deliberate upon a decision in an
18 adjudication proceeding.

19 Board's calendar this morning
20 includes show cause status hearings, show
21 cause hearings and a fact finding hearing.

22 Okay. I think we can proceed now

1 with the first case on the calendar. That is
2 a show cause status hearing, Case No. 11-251-
3 00240, No. 11-251-00240(a), 11-251-00272, 11-
4 251-00272(a). It's The Guards at 2915 M
5 Street, N.W., License No. 916 in ANC 2E.

6 So I see the parties have come
7 forward to the table. Would you identify
8 yourselves for the record, please?

9 MR. SHIRVANI: Hossein Shirvani,
10 H-O-S-S-E-I-N, S-H-I-R-V-A-N-I.

11 MR. FONSECA: Michael Fonseca on
12 behalf of the Licensee, F-O-N-S-E-C-A.

13 CHAIRPERSON MILLER: It's Mr.
14 Shirvani? Is that what you said?

15 MR. SHIRVANI: Yes.

16 CHAIRPERSON MILLER: Okay. And
17 what's your relation to the establishment?

18 MR. SHIRVANI: I'm the president
19 of the corporation.

20 CHAIRPERSON MILLER: You're
21 president?

22 MR. SHIRVANI: Yes.

1 CHAIRPERSON MILLER: Okay. Thank
2 you. Okay?

3 MS. PHILLIPS: Louise Phillips,
4 Assistant Attorney General for the District of
5 Columbia.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. This is a show cause status hearing, so
8 I need to ask if you got a copy of the show
9 cause status order in this case.

10 MR. SHIRVANI: Yes. Yes.

11 CHAIRPERSON MILLER: And did you
12 read it?

13 MR. SHIRVANI: Yes.

14 CHAIRPERSON MILLER: Do you
15 understand it?

16 MR. SHIRVANI: Yes, ma'am.

17 CHAIRPERSON MILLER: And do you
18 waive the Board's reading the order into the
19 record?

20 MR. SHIRVANI: Yes.

21 CHAIRPERSON MILLER: Okay. All
22 right. Now are there any preliminary matters

1 at this time?

2 MS. PHILLIPS: Yes, there are,
3 Madam Chair. This is a three-charge notice
4 and we have an Offer in Compromise that has
5 been agreed upon by the parties which we will
6 present to the Board. It consists of a fine
7 of \$5,000 and three consecutive suspension
8 days served on Friday the 13th, Saturday the
9 14th and Sunday the 15th of July. And the
10 fine will be paid on or before July 16th.

11 CHAIRPERSON MILLER: Okay. What I
12 heard the Offer in Compromise to be is a fine
13 of \$5,000 to be paid on or before July 16th
14 and three days served. That's July 13, 14,
15 15? Is that what you said, Ms. Phillips?

16 MS. PHILLIPS: Exactly.

17 CHAIRPERSON MILLER: Okay. Which
18 is a Friday, Saturday, Sunday?

19 MS. PHILLIPS: Yes.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Fonseca, is that agreeable to your client?

22 MR. FONSECA: That is agreeable to

1 us, yes.

2 CHAIRPERSON MILLER: Okay. Any
3 other comments before the Board deliberates on
4 this?

5 (No audible response.)

6 CHAIRPERSON MILLER: Okay. I
7 would then move that we accept this Offer in
8 Compromise of a \$5,000 fine to be paid on or
9 before July 16th with three days served July
10 13, 14, 15, which is a Friday, Saturday and
11 Sunday. Do I have a second?

12 MEMBER NOPHLIN: Second.

13 CHAIRPERSON MILLER: Any comment?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. All
16 those in favor of accepting this Offer in
17 Compromise, say aye?

18 (Chorus of ayes.)

19 CHAIRPERSON MILLER: All those
20 opposed?

21 (No audible response.)

22 CHAIRPERSON MILLER: All those

1 abstaining?

2 (No audible response.)

3 CHAIRPERSON MILLER: Then the vote
4 is 5-0-0 to accept the Offer in Compromise.
5 Thank you.

6 MR. FONSECA: Thank you.

7 MR. SHIRVANI: Thank you.

8 (Whereupon, the hearing was
9 concluded at 9:39 a.m.)

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A	3:7,11,15 4:1,2 5:9 cause 1:8 3:20,21 4:2 5:7,9 cell 3:1 certain 3:2 Chair 2:7 6:3 Chairperson 1:19 1:21 2:3 4:13,16 4:20 5:1,6,11,14 5:17,21 6:11,17 6:20 7:2,6,13,15 7:19,22 8:3 Chorus 7:18 client 6:21 close 3:14 Columbia 1:1 2:4 5:5 come 3:7 4:6 comment 7:13 comments 7:3 Comply 1:12 Compromise 6:4 6:12 7:8,17 8:4 concluded 8:9 conduct 2:12 consecutive 6:7 consistent 3:12 consists 6:6 constituting 2:13 consult 3:15 Control 1:2,17,17 2:4 Copies 2:15 copy 5:8 corporation 4:19 correct 3:9 court 2:19 CR 1:8	discuss 3:16 disruptive 2:21 District 1:1 2:3 5:4 Donald 1:22 2:9 D.C 1:18	E	electronic 3:1 ensure 3:9 enter 3:13 establishment 4:17 Exactly 6:16	F	fact 3:21 Failed 1:12,13 far 2:7 favor 7:16 finding 3:21 fine 6:6,10,12 7:8 first 4:1 five 2:12 Follow 1:13 Fonseca 4:11,11 6:21,22 8:6 forward 3:7 4:7 Friday 6:8,18 7:10 front 3:6 F-O-N-S-E-C-A 4:12	G	General 5:4 Guards 1:6,7 4:4	H	heard 6:12 hearing 1:8,18 2:15 2:22 3:11,15,21 4:2 5:7 8:8 hearings 3:20,21 Hossein 4:9 H-O-S-S-E-I-N 4:10	I	identify 4:7 immediate 2:8,10	includes 3:20 interruption 3:3	J	Joining 2:7 July 6:9,10,13,14 7:9,9 June 1:15 2:5	L	left 2:8,11 legal 3:16 License 1:9 4:5 Licensee 4:12 Louise 1:25 5:3	M	M 1:8 4:4 Madam 6:3 MATTER 1:5 matters 5:22 ma'am 5:16 meeting 1:3 3:14 Meetings 3:10,13 Member 1:21,22 1:22,23 7:12 members 2:12 met 1:17 Michael 4:11 Mike 1:23 2:11 Miller 1:19,21 2:3 2:6 4:13,16,20 5:1 5:6,11,14,17,21 6:11,17,20 7:2,6 7:13,15,19,22 8:3 morning 3:19 move 7:7	N	name 2:6 3:9 need 5:8 Nick 1:21 2:10 noises 2:21 Nophlin 1:22 2:8 7:12 note 3:5 notice 6:3 NW 1:8	N.W 1:18 4:5	O	OAG 1:25 obtain 3:16 Offer 6:4,12 7:7,16 8:4 Okay 3:22 4:16 5:1 5:2,6,21 6:11,17 6:20 7:2,6,15 open 3:10,11,13 opposed 7:20 order 1:13 5:9,18	P	paggers 3:1 paid 6:10,13 7:8 paper 3:6 parties 4:6 6:5 Phillips 1:25 5:3,3 6:2,15,16,19 phones 3:1 piece 3:5 Plan 1:13 please 2:18 3:2,5,7 4:8 preliminary 5:22 present 1:20,24 6:6 president 4:18,21 presiding 1:19 proceed 3:22 proceeding 3:18 proceedings 2:19 3:4 public 3:11,12,14 P-R-O-C-E-E-D-... 2:1	Q	quorum 2:14	R	read 5:12 reading 5:18 receptionist's 2:16 record 4:8 5:19 recorded 2:19 Reeves 1:18
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