

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Jam Venture, LLC	
t/a Opera Ultra Lounge	Show Cause
1400 I Street, NW	Hearing
Retailer CN - ANC-2C	(Status)
License No. 84711	
Case #14-251-00017	

(Interfered with an
Investigation, Failed to
Follow Security Plan)

July 8, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

WALTER ADAMS, OAG

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

2 10:45 a.m.

3 CHAIRPERSON MILLER: So we can move on
4 now to the next case on the morning calendar
5 which is Case No. 14-251-00017, Operate Ultra
6 Lounge located at 1400 I Street, N.W., License
7 No. 84711, in ANC-2C.

8 MR. ADAMS: Good morning, Madam
9 Chairman, Members of the Board. Walter Adams
10 representing the District of Columbia.

11 CHAIRPERSON MILLER: Good morning.

12 MEMBER RODRIGUEZ: Good morning.

13 MR. LYON: Good morning. Zachary
14 Lyon, Veritas Law Firm, representing Opera Ultra
15 Lounge.

16 MR. HAJE: Good morning. Alex Haje,
17 one of the owners and license holders for Opera
18 Ultra Lounge.

19 CHAIRPERSON MILLER: Okay. Good
20 morning. Mr. Lyon, did your client receive
21 notice of this hearing?

22 MR. LYON: Yes.

1 CHAIRPERSON MILLER: Read it,
2 understood it?

3 MR. LYON: Yes.

4 CHAIRPERSON MILLER: No notice issue?

5 MR. LYON: Yes.

6 CHAIRPERSON MILLER: Okay. Mr. Adams,
7 are there any preliminary matters?

8 MR. ADAMS: Yes, there is a
9 preliminary matter, Madam Chairman.

10 CHAIRPERSON MILLER: Okay.

11 MR. ADAMS: The parties have discussed
12 the case and would like to present an Offer in
13 Compromise in this case. There are two charges
14 evolving from, I believe it is, early 2014. To
15 settle this case, we would like to suggest to you
16 that we are going to dismiss Charge 1 regarding
17 interference with an investigation and retain
18 Charge 2, failure to follow security plan.

19 That the Board agrees to a fine -- to
20 impose a fine of \$1,500 to be paid within a
21 period of 30 days. And if the establishment
22 fails to pay such fine within 30 days, it would--

1 it obviously is acknowledged that their license
2 could be immediately suspended until payment is
3 made.

4 And the last condition is that within
5 30 days, the establishment will amend its
6 security plan to include language that would
7 require the establishment to, I guess, address --
8 to require the establishment to contact the
9 police department in the event of other assaults
10 or similar incidents of this type.

11 MR. HAJE: If I could interject?
12 After our first hearing, I believe the discovery
13 hearing in January of 2014, we actually already
14 amended the security plan and resubmitted it to
15 the Board, that has been taken care of. And
16 since then, we haven't had any incidents. We
17 have actually called in on anything, so we have
18 been a good license holder since and made sure
19 that the problems were solved.

20 CHAIRPERSON MILLER: It has been
21 amended? What does it say?

22 MR. HAJE: It has been amended to

1 include the -- I think there was -- as far as how
2 to maintain the crime scene, protocol for calling
3 the police or getting the detail right away and
4 all those sorts of issues.

5 CHAIRPERSON MILLER: Okay.

6 MR. ADAMS: Since the District does
7 not have that information with them, I'll leave
8 it to the Board to just confirm that information.
9 But I'll leave the offer as stands, so the Board
10 can just confirm --

11 CHAIRPERSON MILLER: Okay.

12 MR. ADAMS: -- whether in fact that
13 exists. Okay.

14 CHAIRPERSON MILLER: Mr. Adams, are
15 you saying to amend it within 30 days or to
16 provide it to the Board within 30 days or what is
17 your --

18 MR. ADAMS: We can say amended or to
19 provide to the Board. And if it has already been
20 amended to the Board's sufficiency, then I assume
21 that the Board will discern that to be
22 sufficient.

1 CHAIRPERSON MILLER: Okay. Well, this
2 is an Offer in Compromise between the two of you
3 to present to us. So --

4 MR. HAJE: Yes.

5 CHAIRPERSON MILLER: -- do you want to
6 just confirm what that last --

7 MR. LYON: It has already been updated
8 and completed and submitted to the Board.

9 MR. HAJE: Yes.

10 MR. ADAMS: So I'll amend it within 30
11 days to provide a copy to the Board of its
12 current security plan.

13 CHAIRPERSON MILLER: Okay. So provide
14 a copy of security plan to the Board within 30
15 days?

16 MR. ADAMS: Yes.

17 CHAIRPERSON MILLER: As amended.
18 Okay.

19 MEMBER ALBERTI: I'm confused. I'm
20 sorry. So does the Offer in Compromise include
21 the agreement that the licensee will have -- will
22 amend the security plan? No. I understand that

1 that has already been done, then the Offer in
2 Compromise, as soon as it is -- it would -- the
3 original Offer in Compromise that I heard,
4 assuming it were approved, that aspect would have
5 been met.

6 MR. ADAMS: Right.

7 MEMBER ALBERTI: But so I'm trying to
8 understand what the Offer in Compromise is,
9 because I just -- we don't have -- I don't have
10 the agreement in front of us. I appreciate Mr.
11 Haje has been proactive and promptly went out,
12 went ahead and made that amendment and I
13 appreciate that. Since I don't have the
14 information and I have to do due diligence, I
15 would like to know exactly what this Offer in
16 Compromise entails.

17 MR. ADAMS: That is fair, Mr. Alberti.
18 The Board's indulgence?

19 CHAIRPERSON MILLER: Okay.

20 MR. ADAMS: All right. So as we were,
21 the last portion of this agreement is again that
22 within 30 days that the establishment will submit

1 an amended security plan. In this case, and they
2 have agreed to highlight the changes that are
3 made to the security plan. So that's the
4 agreement.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: Thank you, Mr. Adams.

7 MR. ADAMS: No problem.

8 CHAIRPERSON MILLER: Okay. Mr. Lyon,
9 then I'm going to state what I believe is the
10 Offer in Compromise and then you can let us know
11 if your client is agreeable to that.

12 That is Charge 1 dismissed. Charge 2
13 a \$1,500 fine to be paid within 30 days. If not
14 paid within 30 days, the license will be
15 suspended until paid. And within 30 days, the
16 licensee will submit an amended security plan
17 highlighting changes that have been made.

18 Okay. Do you agree to that?

19 MR. LYON: I do.

20 CHAIRPERSON MILLER: And you
21 understand you waive your right to a hearing?

22 MR. LYON: I do.

1 CHAIRPERSON MILLER: And an appeal?

2 MR. LYON: I do.

3 CHAIRPERSON MILLER: Okay. Any
4 questions by Board Members? Okay. Then having
5 just read that, well, I'll say it again.

6 I move that we approve this Offer in
7 Compromise: Dismiss Charge 1; \$1,500 penalty for
8 Charge 2 to be paid within 30 days. If not paid
9 within 30 days, the license will be suspended and
10 within 30 days the licensee will submit an
11 amended security plan to the Board highlighting
12 the changes that have been made.

13 MEMBER SHORT: Second.

14 CHAIRPERSON MILLER: Mr. Short has
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 MEMBER ALBERTI: Mr. Haje, thank you
22 for being so prompt in addressing the security

1 plan.

2 MR. HAJE: Absolutely.

3 MEMBER ALBERTI: We appreciate that.

4 MR. HAJE: No problem.

5 MR. ADAMS: Thank you.

6 MR. LYON: Thank you. Thank you for
7 your time.

8 CHAIRPERSON MILLER: Okay. Thank you.

9 (Whereupon, the Show Cause (Status)

10 Hearing in the above-entitled matter was

11 concluded at 10:54 a.m.)

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