

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

JC 7, LLC t/a NY NY Diva	Show
2406 18th Street, NW	Cause
Retailer CR - ANC-1C	Hearing
License No. 92380	(Status)
Case #14-251-00048	
(Allowed Establishment to be Used for Unlawful/Disorderly Purpose)	
Case #14-251-00085	
(Allowed the use of Tobacco Products Inside Establishment, Allowed Controlled Substance to be used in Establishment)	
Case #14-251-00089	
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Permitted Alcohol Consumption Outside of Establishment, Substantial Change in Operation Without Board Approval, Violation of SA, Allowed Use of Tobacco Products inside the Establishment, Allowed a Controlled Substance to be used in Establishment, Failed to Take Responsibility for Security)	
Case #14-CMP-00103	
(Violation of SA)	
Case #14-CMP-00110	
(Violation of SA)	
Case #14-CMP-00111	
(Violation of SA-3 counts, Substantial Change in Operation	

Without Board Approval)  
Case #14-CMP-00117  
(Violation of SA)  
Case #14-CMP-00118  
(Violation of SA)

July 23, 2014

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  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

MICHAEL STERN, OAG

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

2 (9:57 a.m.)

3 CHAIRPERSON MILLER: All right.

4 We have a series of cases involving NY Diva.

5 The first case is 14-251-00048.

6 MR. STERN: I'm Michael Stern  
7 representing the District of Columbia. These  
8 are all --

9 CHAIRPERSON MILLER: Wait, wait.  
10 Is anybody here from NY Diva?

11 MR. STERN: I'm not expecting  
12 them.

13 CHAIRPERSON MILLER: They are not  
14 expected. Is that what you are saying?

15 MR. STERN: Yes.

16 CHAIRPERSON MILLER: Okay. And  
17 okay.

18 MR. STERN: This actually applies  
19 to all of the cases. We are going to call  
20 them all at once and it might be easier than  
21 my having to explain on the record for each  
22 one.

1                   CHAIRPERSON MILLER: Okay. I tend  
2 to do that. Okay. I read the first one.

3                   The second one is Case No. 14-251-  
4 00085. The third one is Case No. 14-251-  
5 00089. The next one is Case No. 14-CMP-00103.  
6 The next is 14-CMP-00110. Next is 14-CMP-  
7 00111. Next is 14-CMP-00117. And lastly is  
8 14-CMP-00118.

9                   MR. STERN: Yes.

10                  CHAIRPERSON MILLER: Okay.

11                  MR. STERN: Michael Stern  
12 representing the District of Columbia in each  
13 of those cases.

14                  I can tell the Board that the  
15 establishment is out of business. They have  
16 been evicted from the premises by the  
17 licensee. The license is in safekeeping right  
18 now. We have not made a final decision on how  
19 we are going to handle these charges. There  
20 is someone, a landlord actually who is  
21 interested in the license and payment of that.  
22 It has some value.

1                   So we should just set these all  
2 for trial and if there is some resolution  
3 before that time, we will inform the Board.

4                   CHAIRPERSON MILLER: Okay. Good.  
5 So what I have got to do is go through each  
6 one and state when notice was served and when  
7 the hearing is scheduled. Okay.

8                   So the first one, 14-251-00048.  
9 Notice was served on May 22, 2014 first and  
10 then there was a notice for a reschedule of  
11 Show Cause (Status) Hearing served on June 20,  
12 2014. The Show Cause Hearing is scheduled for  
13 October 1, 2014 at 10:00 a.m.

14                   No. 2 is 14-251-00085. The notice  
15 for the rescheduled Show Cause (Status)  
16 Hearing was served on June 20, 2014. The Show  
17 Cause Hearing is scheduled for October 1, 2014  
18 at 11:00 a.m.

19                   Case No. 14-251-00089.  
20 Rescheduled Show Cause -- the notice for the  
21 rescheduled Show Cause (Status) Hearing was  
22 served on June 20, 2014. The Show Cause

1 Hearing is scheduled for October 1, 2014 at  
2 1:30 p.m.

3 Case No. 14-CMP-00103. Notice for  
4 the rescheduled Show Cause (Status) Hearing  
5 was served on June 20, 2014. The Show Cause  
6 Hearing is scheduled for October 1, 2014 at  
7 2:30 p.m.

8 Case No. 14-CMP-00110, NY NY Diva.  
9 The notice for the Rescheduled Show Cause  
10 (Status) Hearing was served on June 20, 2014.  
11 The Show Cause Hearing is scheduled for  
12 October 1, 2014 at 3:30 p.m.

13 Case No. 14-CMP-00111. Notice for  
14 the rescheduled Show Cause (Status) Hearing  
15 was served on June 20, 2014. The Show Cause  
16 Hearing is scheduled for October 8, 2014 at  
17 10:00 a.m.

18 Case No. 14-CMP-00117. Notice for  
19 the rescheduled Show Cause (Status) Hearing  
20 was served on June 20, 2014. The Show Cause  
21 Hearing is scheduled for October 8, 2014 at  
22 1:30 p.m.

1                   Case No. 14-CMP-00118. Notice for  
2 the rescheduled Show Cause (Status) Hearing  
3 was served on June 20, 2014. The Show Cause  
4 Hearing is scheduled for October 8, 2014 at  
5 11:00 a.m.

6                   I think that completes all the  
7 cases then.

8                   MR. STERN: Thank you.

9                   CHAIRPERSON MILLER: So thank you  
10 very much, Mr. Stern.

11                   (Whereupon, the Show Cause  
12 (Status) Hearings in the above-entitled  
13 matters were concluded at 10:02 a.m.)

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<p><b>A</b></p> <p>a.m 3:2 5:13,18 6:17 7:5,13</p> <p>above-entitled 7:12</p> <p>Age 1:13</p> <p>Alcohol 1:14</p> <p>Alcoholic 1:2 2:5,6</p> <p>Allowed 1:8,10,11 1:16,17</p> <p>ANC-1C 1:6</p> <p>anybody 3:10</p> <p>applies 3:18</p> <p>Approval 1:15 2:1</p> <p>Ascertain 1:13</p>	<p><b>D</b></p> <p>D.C 2:7</p> <p>decision 4:18</p> <p>District 1:1 3:7 4:12</p> <p>Diva 1:5 3:4,10 6:8</p> <p>DONALD 2:10</p> <p>Drinking 1:13</p>	<p><b>K</b></p>	<p>Permitted 1:14</p> <p>premises 4:16</p> <p>PRESENT 2:9,13</p> <p>presiding 2:8</p> <p>Products 1:10,16</p> <p>Purpose 1:9</p>	<p>state 5:6</p> <p>Status 1:7 5:11,15 5:21 6:4,10,14,19 7:2,12</p> <p>Steps 1:13</p> <p>Stern 2:14 3:6,6,11 3:15,18 4:9,11,11 7:8,10</p> <p>Street 1:6 2:7</p> <p>Substance 1:11,17</p> <p>Substantial 1:15,22</p> <p>Suite 2:7</p>
<p><b>B</b></p> <p>Beverage 1:2 2:5,6</p> <p>Board 1:2,15 2:1,6 4:14 5:3</p> <p>BROOKS 2:10</p> <p>Building 2:6</p> <p>business 4:15</p>	<p><b>E</b></p> <p>easier 3:20</p> <p>establishment 1:8 1:10,11,14,17,18 4:15</p> <p>evicted 4:16</p> <p>expected 3:14</p> <p>expecting 3:11</p> <p>explain 3:21</p>	<p><b>L</b></p> <p>landlord 4:20</p> <p>lastly 4:7</p> <p>Legal 1:13</p> <p>license 1:7 4:17,21</p> <p>licensee 4:17</p> <p>LLC 1:5</p>	<p><b>Q</b></p>	<p><b>T</b></p> <p>t/a 1:5</p> <p>Take 1:13,18</p> <p>tell 4:14</p> <p>tend 4:1</p> <p>thank 7:8,9</p> <p>think 7:6</p> <p>third 4:4</p> <p>time 5:3</p> <p>Tobacco 1:10,16</p> <p>trial 5:2</p>
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<p><b>J</b></p>	<p><b>P</b></p> <p>P-R-O-C-E-E-D-... 3:1</p> <p>p.m 6:2,7,12,22</p> <p>payment 4:21</p>	<p><b>Y</b></p>	<p><b>Z</b></p>	<p><b>0</b></p> <p>00085 4:4</p> <p>00089 4:5</p> <p>00111 4:7</p>
<p><b>K</b></p>	<p><b>Q</b></p>	<p><b>R</b></p>	<p><b>S</b></p>	<p><b>1</b></p>

**1** 5:13,17 6:1,6,12  
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**400S** 2:7

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**8** 6:16,21 7:4

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**9:57** 3:2

**92380** 1:7