

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: *
*
Spo-dee-o-dee, LLC *
t/a The Showtime * Show Cause
113 Rhode Island Avenue, NW * Hearing
Retailer CT - ANC-5E *
License No. 89186 *
Case #15-CMP-00127 *
*
(Substantial Change in Operation *
Without Board's Approval) *

August 5, 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
- DONALD BROOKS, Member
- MIKE SILVERSTEIN, Member
- HECTOR RODRIGUEZ, Member
- JAMES SHORT, Member

ALSO PRESENT:

- AMY SCHMIDT, OAG

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

2 1:54 p.m.

3 CHAIRPERSON MILLER: Okay. Good
4 afternoon.

5 MR. KLINE: Good afternoon.

6 MS. SCHMIDT: Good afternoon.

7 CHAIRPERSON MILLER: So the Board is
8 back on the record for the first hearing of the
9 afternoon and that is Case No. 15-CMP-00127, The
10 Showtime located at 113 Rhode Island Avenue,
11 N.W., License No. 89186, in ANC-5E.

12 All right. So why don't we start with
13 introductions by the parties?

14 MS. SCHMIDT: Good afternoon. Amy
15 Schmidt, Assistant Attorney General on behalf of
16 the District of Columbia.

17 MR. KLINE: Good afternoon. Andrew
18 Kline on behalf of the licensee.

19 MR. VIVARI: Paul Vivari, licensee.

20 CHAIRPERSON MILLER: Okay. What's
21 your last name again?

22 MR. VIVARI: Vivari.

1 CHAIRPERSON MILLER: Divar?

2 MR. VIVARI: V, as in Victor --

3 CHAIRPERSON MILLER: Yes.

4 MR. VIVARI: -- I-V, again, A-R-I.

5 CHAIRPERSON MILLER: Okay. Good. All
6 right. So this is a Show Cause Hearing. Are
7 there any preliminary matters?

8 MS. SCHMIDT: Yes. We have an Offer
9 in Compromise, which we would like to present to
10 the Board which consists of a \$2,500 fine to be
11 paid within 10 days. If it's not paid within 10
12 days, the licensee's license will be suspended
13 until such time it is paid.

14 CHAIRPERSON MILLER: Okay. So let me
15 ask the licensee, first of all, if that's their
16 agreement to the OIC, a penalty of \$2,500 to be
17 paid within 10 days. If not paid within 10 days,
18 the license will be suspended until paid.

19 MR. KLINE: Yes, that's our
20 understanding and we also understand that if it's
21 accepted by the Board, that we waive our right to
22 hearing and waive our right to appeal.

1 CHAIRPERSON MILLER: Okay. Good.
2 Thank you. And could you just clarify how many
3 charges?

4 MS. SCHMIDT: Just one charge.

5 CHAIRPERSON MILLER: One charge?

6 MS. SCHMIDT: Yes.

7 CHAIRPERSON MILLER: Okay. All right.

8 Questions by Board Members? Okay. Not hearing
9 any questions, then I would move to approve the
10 Offer in Compromise of \$2,500 to be paid within
11 10 days. If not paid within 10 days, then the
12 license will be suspended until paid. Do I have
13 a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks has
16 seconded the motion. Any comments?

17 Not hearing any, all those in favor
18 then say aye.

19 MEMBER BROOKS: Aye.

20 CHAIRPERSON MILLER: Aye.

21 MEMBER RODRIGUEZ: Aye.

22 MEMBER SHORT: Aye.

1 MEMBER SILVERSTEIN: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed?

4 MEMBER ALBERTI: Opposed.

5 CHAIRPERSON MILLER: All those
6 abstaining? Okay. Then the motion passes 5-1-0
7 with Board Member Alberti opposed.

8 MR. KLINE: Thank you.

9 CHAIRPERSON MILLER: Okay. Thank you.
10 Okay. Our next hearing is scheduled for 2:30, so
11 the Board will recess until 2:30 and return then
12 for that hearing. Thank you. Thank you all.

13 MR. KLINE: Thank you.

14 (Whereupon, the Show Cause Hearing in
15 the above-entitled matter was concluded at 1:57
16 p.m.)

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