

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

p-----»

IN THE MATTER OF:

:

:

Mimi & D, LLC

:

t/a Vita Restaurant & Lounge/:

Penthouse Nine (formerly

:

Mood)

:

1318 9th Street, NW

: Show Cause

Retailer CT

: Hearing

License No. 86037

: (Status)

Case No. 12-CMP-00074

:

Case No. 12-CMP-00091

:

ANC 2F

:

Failed to Comply With the

:

Terms of Its Offer in

:

Compromise, April 24, 2013

:

p-----¼

AUGUST 14, 2013

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

MIKE SILVERSTEIN, Member

ALSO PRESENT

WALTER ADAMS, OAG

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

2 10:05 a.m.

3 CHAIRPERSON MILLER: All right.

4 Next case then is Case No. 12-CMP-00074 and
5 12-CMP-00090, Penthouse Nine located at 1318
6 9th Street, N.W., License No. 86037 in ANC 2F.

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

10 CHAIRPERSON MILLER: Good morning.

11 MS. BEYENE: Good morning. Abeba
12 Beyene, the owner of Vita Lounge.

13 CHAIRPERSON MILLER: Okay. And
14 did you receive notice of this hearing?

15 MS. BEYENE Yes, ma'am. Yes,
16 ma'am.

17 CHAIRPERSON MILLER: Did you read
18 it and understand it?

19 MS. BEYENE Yes.

20 CHAIRPERSON MILLER: Okay. Then
21 that notice is going to just be a part of the
22 record, unless there's any objection.

1 All right. Mr. Adams, are there
2 any preliminary matters?

3 MR. ADAMS: There are no
4 preliminary matters for this case.

5 CHAIRPERSON MILLER: Okay. Then
6 we'll schedule this for hearing for a show
7 cause hearing October 23rd at 4:30 p.m. Okay.
8 Is that all right?

9 MR. ADAMS: Yes, the District is
10 fine with that. I have to speak with the
11 owner separately.

12 CHAIRPERSON MILLER: Is there
13 something you wanted to say to the Board?

14 MS. BEYENE If that's okay. I
15 came to pay the fine yesterday and they didn't
16 take the check. I don't know if there is any
17 possibility I can make the payment now or --

18 MR. ADAMS: It's the District's
19 understanding that we are aware that the owner
20 did attempt to pay yesterday. However, this
21 case was forwarded to our office based upon a
22 situation where the owner was to pay a fine by

1 May 24th, 2013 and prior to that point there
2 had been no attempts to pay. So at this point
3 we are going forward with the show cause case.
4 So that's the reason why the owner was not
5 able to pay yesterday. And again, it's our
6 intent to go forward to show cause.

7 CHAIRPERSON MILLER: Okay. That's
8 my understanding also why the office would
9 have rejected the payment. If you still want
10 to pay, it wouldn't relieve you from the case
11 here.

12 Okay. So my understanding is the
13 policy is that -- actually they may not accept
14 your payment because of the papering. So it's
15 on record that you said that you wanted to pay
16 then. And I think at this point you need to
17 wait until the show cause hearing is resolved.
18 Okay.

19 MEMBER ALBERTI: May I, Ms.
20 Miller?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER ALBERTI: Ms. Beyene, just

1 I'm trying to be helpful to both parties here,
2 so the OAG's office and to you, but my notes
3 show that you have an outstanding fine from a
4 previous case that was due at the end of this
5 past January, 2013. And so you may want to
6 discuss that with the OAG's office at this
7 time also. I don't know if that's helpful to
8 either party, but I will just remind you of
9 that.

10 MS. BEYENE Yes, sir. Thank you.

11 CHAIRPERSON MILLER: Okay.

12 MR. ADAMS: And Board's
13 indulgence.

14 CHAIRPERSON MILLER: Okay.

15 MR. ADAMS: I'm just going to
16 discuss this with the owner after.

17 CHAIRPERSON MILLER: Great. Okay.
18 Thank you very much.

19 (Whereupon, the hearing was
20 concluded at 10:09 a.m.)
21
22

A	D 1:6 discuss 5:6,16 District 1:1 2:9 3:9 District's 3:18 DONALD 1:21 due 5:4 D.C 1:18	ma'am 2:15,16 MEETING 1:3 Member 1:21,21 1:22 4:19,22 met 1:17 MIKE 1:22 Miller 1:18,20 2:3 2:10,13,17,20 3:5 3:12 4:7,20,21 5:11,14,17 Mimi 1:6 Mood 1:8 morning 2:7,10,11	point 4:1,2,16 policy 4:13 possibility 3:17 preliminary 3:2,4 PRESENT 1:19,23 presiding 1:18 previous 5:4 prior 4:1 P-R-O-C-E-E-D-... 2:1 p.m 3:7	trying 5:1 t/a 1:7
Abeba 2:11 able 4:5 accept 4:13 Adams 1:23 2:7,8 3:1,3,9,18 5:12,15 ALBERTI 1:21 4:19,22 Alcoholic 1:2,16,17 ANC 1:12 2:6 April 1:13 attempt 3:20 attempts 4:2 AUGUST 1:15 aware 3:19 a.m 2:2 5:20	E either 5:8		R read 2:17 reason 4:4 receive 2:14 record 2:22 4:15 Reeves 1:17 rejected 4:9 relieve 4:10 remind 5:8 representing 2:8 resolved 4:17 Restaurant 1:7 Retailer 1:9 right 2:3 3:1,8 Room 1:17 Ruthanne 1:18,20	U understand 2:18 understanding 3:19 4:8,12
B based 3:21 Beverage 1:2,16,17 Beyene 2:11,12,15 2:19 3:14 4:22 5:10 Board 1:2,17 3:13 Board's 5:12 BROOKS 1:21 Building 1:17	F Failed 1:12 fine 3:10,15,22 5:3 formerly 1:8 forward 4:3,6 forwarded 3:21	N need 4:16 NICK 1:21 Nine 1:8 2:5 notes 5:2 notice 2:14,21 NW 1:9 N.W 1:18 2:6	S schedule 3:6 separately 3:11 show 1:9 3:6 4:3,6 4:17 5:3 SILVERSTEIN 1:22 sir 5:10 situation 3:22 speak 3:10 Status 1:10 Street 1:9,18 2:6	V Vita 1:7 2:12
C case 1:10,11 2:4,4 3:4,21 4:3,10 5:4 cause 1:9 3:7 4:3,6 4:17 Chairman 2:8 Chairperson 1:18 1:20 2:3,10,13,17 2:20 3:5,12 4:7,21 5:11,14,17 check 3:16 Columbia 1:1 2:9 Comply 1:12 Compromise 1:13 concluded 5:20 Control 1:2,16,17 CT 1:9	G go 4:6 going 2:21 4:3 5:15 Good 2:7,10,11 Great 5:17	O OAG 1:23 OAG's 5:2,6 objection 2:22 October 3:7 Offer 1:13 office 3:21 4:8 5:2 5:6 okay 2:13,20 3:5,7 3:14 4:7,12,18 5:11,14,17 outstanding 5:3 owner 2:12 3:11,19 3:22 4:4 5:16	T take 3:16 Terms 1:13 Thank 5:10,18 think 4:16 time 5:7	W wait 4:17 Walter 1:23 2:8 want 4:9 5:5 wanted 3:13 4:15 Washington 1:18 we'll 3:6 wouldn't 4:10
D	H hearing 1:9,17 2:14 3:6,7 4:17 5:19 helpful 5:1,7	P papering 4:14 part 2:21 parties 5:1 party 5:8 pay 3:15,20,22 4:2 4:5,10,15 payment 3:17 4:9 4:14 Penthouse 1:8 2:5		Y yesterday 3:15,20 4:5
	I indulgence 5:13 intent 4:6			P p 1:5,14
	J January 5:5			1 10:05 2:2 10:09 5:20 12-CMP-00074 1:10 2:4 12-CMP-00090 2:5 12-CMP-00091 1:11 1318 1:9 2:5 14 1:15 14th 1:17
	K know 3:16 5:7			2 2F 1:12 2:6 2000 1:17 2013 1:13,15 4:1 5:5 23rd 3:7 24 1:13 24th 4:1
	L License 1:10 2:6 LLC 1:6 located 2:5 Lounge 1:7 2:12			4
	M Madam 2:7 MATTER 1:5 matters 3:2,4			

4:30 3:7

8

86037 1:10 2:6

9

9th 1:9 2:6