

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Chicago/Washington DC, Inc.	
t/a Morton's The Steakhouse	Show Cause
3251 Prospect Street, NW	Hearing
Retailer CR - ANC-2E	(Status)
License No. 3880	
Case #13-CC-00119	

(Interfered with an
Investigation)

October 8, 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
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG

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

(9:55 a.m.)

CHAIRPERSON MILLER: The next case is Case No. 13-CC-00119, Morton's Steakhouse located at 3251 Prospect Street, N.W., License No. 3880, in ANC-2E. Good morning.

MS. PHILLIPS: Good morning, Board Members, Madam Chair.

CHAIRPERSON MILLER: Okay. This is a Show Cause (Status) Hearing. Let me ask -- oh, did you introduce yourself?

MS. PHILLIPS: He has not. Louise Phillips, Assistant Attorney General.

CHAIRPERSON MILLER: Okay.

MS. PHILLIPS: For the District of Columbia.

MR. O'BRIEN: Stephen O'Brien for the licensee accompanied by Chris Gerkin, G-E-R-K-I-N, who is a regional director of operations for Morton's.

CHAIRPERSON MILLER: Okay. Did you receive notice of this hearing?

1 MR. O'BRIEN: Yes. We will waive
2 a reading of it.

3 CHAIRPERSON MILLER: Okay. Thank
4 you. Okay. Are there any preliminary
5 matters?

6 MS. PHILLIPS: Yes, Madam Chair,
7 there are.

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: The parties have
10 reached an Offer in Compromise which we
11 thought was fairly straightforward.

12 There is one charge in this
13 matter. It cites three code sections. And so
14 but the OIC will consist of a fine of \$1,000
15 to be linked to Code § 25-766, because this is
16 the establishment's second tier offense in two
17 years.

18 Under this OIC, the violation for
19 25-823.5 will be dropped.

20 CHAIRPERSON MILLER: Could you
21 state for the record what 25-766 is and --

22 MS. PHILLIPS: False statements.

1 CHAIRPERSON MILLER: False

2 statements? Okay. And 823?

3 MS. PHILLIPS: .5 is interference
4 with an investigation, that's my recollection.

5 CHAIRPERSON MILLER: Okay. So
6 that one is being dropped?

7 MS. PHILLIPS: Yes.

8 CHAIRPERSON MILLER: And false
9 statements, okay. Mr. O'Brien, do you have
10 anything to say to that?

11 MR. O'BRIEN: Yes. Just to make
12 it clear that it is the 25-766 violation,
13 which we are compromising here today by
14 payment of \$1,000 fine without any admission
15 of guilt. It's simply for administrative
16 convenience. And we, of course, understand we
17 are waiving a right to a hearing or any right
18 to appeal.

19 CHAIRPERSON MILLER: Okay. And
20 I'm sorry, did you say when the \$1,000 would
21 be paid?

22 MS. PHILLIPS: Today.

1 MR. O'BRIEN: Right here and now.

2 CHAIRPERSON MILLER: Today, okay.

3 All right. Any Board questions?

4 MEMBER ALBERTI: Just a comment.

5 This is beyond the statutory requirements, but

6 whom am I to argue with a licensee who has

7 been very capable attorney with him.

8 MR. O'BRIEN: Well, thank you.

9 MEMBER ALBERTI: So we will see if

10 the client understand the implications of

11 that.

12 MR. O'BRIEN: Yes.

13 MEMBER ALBERTI: And I'm not going

14 to turn down money if I feel that the client

15 fully understands what is going on.

16 MR. O'BRIEN: The client fully

17 understands, I can assure you.

18 MEMBER ALBERTI: Okay.

19 MR. O'BRIEN: The costs of

20 replacing the check which we already have here

21 would far exceed the difference and it would

22 require another visit down here at a different

1 time. It would require all sorts of stuff
2 with you, so let's just take it.

3 MEMBER ALBERTI: Thank you.

4 MR. O'BRIEN: Thank you.

5 CHAIRPERSON MILLER: Any other
6 questions? Okay. Then we have an offer in
7 compromise of \$1,000 to be paid today for
8 Charge 25-766 and the charge under 25-823.5 is
9 dropped.

10 And I move that we approve the
11 Offer in Compromise. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes then 6-0-0.

20 MR. O'BRIEN: Thank you.

21 CHAIRPERSON MILLER: Thank you.

22 MS. PHILLIPS: Thank you very

1 much, Board Members.

2 CHAIRPERSON MILLER: Okay.

3 (Whereupon, the Show Cause
4 (Status) Hearing in the above-entitled matter
5 was concluded at 10:00 a.m.)

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<p style="text-align: center;">A</p> <p>\$1,000 3:14 4:14,20 6:7 a.m 2:2 7:5 above-entitled 7:4 abstaining 6:18 accompanied 2:18 administrative 4:15 admission 4:14 ALBERTI 1:17 5:4 5:9,13,18 6:3 Alcoholic 1:2,12,12 ANC-2E 1:7 2:6 appeal 4:18 approve 6:10 argue 5:6 Assistant 2:13 assure 5:17 attorney 2:13 5:7 aye 6:15,16</p>	<p>client 5:10,14,16 code 3:13,15 Columbia 1:1 2:16 comment 5:4 compromise 3:10 6:7,11 compromising 4:13 concluded 7:5 consist 3:14 Control 1:2,12,12 convenience 4:16 costs 5:19 course 4:16 CR 1:7</p>	<p style="text-align: center;">H</p> <p>hearing 1:6,13 2:10 2:22 4:17 7:4 HECTOR 1:18</p> <p style="text-align: center;">I</p> <p>implications 5:10 Interfered 1:9 interference 4:3 introduce 2:11 investigation 1:9 4:4</p>	<p style="text-align: center;">N</p> <p>N.W 1:13 2:5 NICK 1:17 notice 2:22 NW 1:6</p> <p style="text-align: center;">O</p> <p>O'Brien 2:17,17 3:1 4:9,11 5:1,8 5:12,16,19 6:4,20 OAG 1:21 October 1:11 offense 3:16 offer 3:10 6:6,11 oh 2:11 OIC 3:14,18 okay 2:9,14,21 3:3 3:4,8 4:2,5,9,19 5:2,18 6:6 7:2 operations 2:20 opposed 6:18</p>	<p>Reeves 1:13 regional 2:19 replacing 5:20 require 5:22 6:1 requirements 5:5 Retailer 1:7 right 4:17,17 5:1,3 RODRIGUEZ 1:18 Room 1:13 Ruthanne 1:14,16</p>
<p style="text-align: center;">B</p> <p>Beverage 1:2,12,12 beyond 5:5 Board 1:2,12 2:7 5:3 7:1 BROOKS 1:17 Building 1:13</p>	<p style="text-align: center;">D</p> <p>D.C 1:13 DC 1:5 difference 5:21 different 5:22 director 2:19 District 1:1 2:15 DONALD 1:17 dropped 3:19 4:6 6:9</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19</p> <p style="text-align: center;">K</p> <p style="text-align: center;">L</p> <p>let's 6:2 License 1:7 2:5 licensee 2:18 5:6 linked 3:15 located 2:5 Louise 1:21 2:12</p>	<p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-... 2:1 paid 4:21 6:7 parties 3:9 passes 6:19 payment 4:14 Phillips 1:21 2:7,12 2:13,15 3:6,9,22 4:3,7,22 6:22 preliminary 3:4 PRESENT 1:15,20 presiding 1:14 Prospect 1:6 2:5</p>	<p style="text-align: center;">S</p> <p>second 3:16 6:11 6:12 seconded 6:14 sections 3:13 see 5:9 Short 1:19 6:12,13 Show 1:6 2:10 7:3 SILVERSTEIN 1:18 simply 4:15 sorry 4:20 sorts 6:1 state 3:21 statements 3:22 4:2 4:9 Status 1:7 2:10 7:4 statutory 5:5 Steakhouse 1:6 2:4 Stephen 2:17 straightforward 3:11 Street 1:6,13 2:5 stuff 6:1 Suite 1:13</p>
<p style="text-align: center;">C</p> <p>capable 5:7 case 1:8 2:3,4 Cause 1:6 2:10 7:3 Chair 2:8 3:6 Chairperson 1:14 1:16 2:3,9,14,21 3:3,8,20 4:1,5,8 4:19 5:2 6:5,13,17 6:21 7:2 charge 3:12 6:8,8 check 5:20 Chicago/Washin... 1:5 Chris 2:18 cites 3:13 clear 4:12</p>	<p style="text-align: center;">E</p> <p>establishment's 3:16 exceed 5:21</p> <p style="text-align: center;">F</p> <p>fairly 3:11 false 3:22 4:1,8 far 5:21 favor 6:15 feel 5:14 fine 3:14 4:14 fully 5:15,16</p>	<p style="text-align: center;">M</p> <p>Madam 2:8 3:6 matter 1:4 3:13 7:4 matters 3:5 MEETING 1:3 Member 1:17,17,18 1:18,19 5:4,9,13 5:18 6:3,12 Members 2:8 7:1 met 1:12 MIKE 1:18 Miller 1:14,16 2:3 2:9,14,21 3:3,8,20 4:1,5,8,19 5:2 6:5 6:13,17,21 7:2 money 5:14 morning 2:6,7 Morton's 1:6 2:4 2:20 motion 6:14,18 move 6:10</p>	<p style="text-align: center;">Q</p> <p>questions 5:3 6:6</p> <p style="text-align: center;">R</p> <p>R-K-I-N 2:19 reached 3:10 reading 3:2 receive 2:22 recollection 4:4 record 3:21</p>	<p style="text-align: center;">T</p> <p>t/a 1:6 take 6:2 thank 3:3 5:8 6:3,4 6:20,21,22 thought 3:11 three 3:13 tier 3:16 time 6:1 today 4:13,22 5:2</p>

6:7	5		
turn 5:14	5 4:3		
two 3:16			
U	6		
understand 4:16	6-0-0 6:19		
5:10	7		
understands 5:15			
5:17	8		
V	8 1:11		
violation 3:18 4:12	823 4:2		
visit 5:22	9		
W	9:55 2:2		
waive 3:1			
waiving 4:17			
Washington 1:13			
X			
Y			
years 3:17			
Z			
0			
1			
10:00 7:5			
13-CC-00119 1:8			
2:4			
14th 1:13			
2			
2000 1:13			
20009 1:14			
2014 1:11			
25-766 3:15,21 4:12			
6:8			
25-823.5 3:19 6:8			
3			
3251 1:6 2:5			
3880 1:7 2:6			
4			
400S 1:13			