

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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Partners at 723 8th Street :
SE, LLC :
t/a The Ugly Mug Dining :
Saloon :
723 8th Street, SE : Show Cause
Retailer CR : Hearing
License No. 71793 :
Case No. 13-AUD-00031 :
ANC 6B :
Failed to File Quarterly :
Statements (4th Quarter 2012):
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OCTOBER 23, 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
LOUISE PHILLIPS, OAG

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

10:07 a.m.

CHAIRPERSON MILLER: Okay. So now we're moving to our show cause hearing calendar, and the first case on that is Case No. 13-AUD-00031, The Ugly Mug Dining Saloon, located at 723 8th Street, S.E., License No. 71793.

Would the parties identify themselves for the record, please?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. Good morning again.

CHAIRPERSON MILLER: And your name?

MR. JABLONSKI: Good morning. Gaynor Jablonski, owner of The Ugly Mug.

CHAIRPERSON MILLER: Okay. Good morning. Are there any preliminary matters?

MS. PHILLIPS: Yes, Madam Chair, there are two.

CHAIRPERSON MILLER: Okay.

1 MS. PHILLIPS: The case on the
2 docket is a quarterly statement case, I
3 believe, and Mr. Rivero is handling it and I'm
4 am substituting for him today. And he
5 happened to notice as he was preparing this
6 case that he had another case that has not had
7 a notice yet that we had hoped, and he checked
8 with the Agency to see if it was okay with the
9 Agency, that he would like to roll into this
10 hearing, and that case is 2013 Audit 0058.
11 And by matter of including this on this
12 particular show cause hearing is that the
13 evidence, if presented for both of them, will
14 be that the quarterly statements came in and
15 there was some issue about the transmission of
16 quarterly statements.

17 And so what we have here today is
18 if you indeed allow this case to be heard, put
19 on the docket today, what we will present to
20 the Board is an OIC for 13-31, which would be
21 of \$2,000 to be paid in seven days. And then
22 because of the expected testimony for both of

1 these cases and in 13 AUDIT 58 the Government
2 will dismiss that case before the notice is
3 filed. We just thought it would be better to
4 put it on the record today rather than sending
5 over a memo saying we're not going to
6 prosecute it.

7 CHAIRPERSON MILLER: Okay. I have
8 a question. I don't totally understand the
9 connection between the case we haven't seen
10 and this case.

11 MS. PHILLIPS: There's apparently
12 an evidentiary similarity and it has to do
13 with not -- the office -- you know, something
14 wrong with the filing system, the computer
15 filing system and something wrong with people
16 not responding to phone calls, and that sort
17 of thing. And so that is the concession that
18 we thought -- agreed with the Agency and the
19 District of Columbia OAG's Office that we
20 would have an OIC on 13 AUDIT 31 and dismiss
21 58 at this time so that it would be on the
22 record what we did rather than sending over a

1 memo, because this file has not had a notice.
2 It just came to Mr. Rivero's desk. And when
3 he was preparing for this case he noticed this
4 case and --

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: -- and wanted to
7 combine them.

8 MEMBER ALBERTI: So, just to make
9 it clear, so you're just putting on the record
10 today that you're declining ad prosecute
11 whatever that case -- that number --

12 MS. PHILLIPS: Yes, but because
13 we're here today, we'll just dismiss it.

14 CHAIRPERSON MILLER: Okay.

15 MS. PHILLIPS: If we introduce it
16 today and it's accepted --

17 MEMBER ALBERTI: As a motion to
18 dismiss or --

19 MS. PHILLIPS: Yes, it's just an
20 oral motion. We're going to dismiss it.

21 MEMBER ALBERTI: Okay. Fine.
22 Just want to understand what's going on.

1 Fine.

2 MS. PHILLIPS: Super. I wanted to
3 be clear on the record --

4 MEMBER ALBERTI: Got you.

5 MS. PHILLIPS: -- so that when you
6 look back in the future you'll see what
7 happened.

8 CHAIRPERSON MILLER: So, does that
9 have a full number?

10 MS. PHILLIPS: It does.

11 CHAIRPERSON MILLER: I mean is
12 that like 13-AUD-0058, or what is it?

13 MS. PHILLIPS: IT's 13-AUD-00058.

14 CHAIRPERSON MILLER: Good. Okay.
15 All right. Any other questions?

16 MS. PHILLIPS: I have a tendency
17 to knock off the zeros when I give case
18 numbers.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: I suggest we just
21 deal with these are two separate motions, just
22 for clarify.

1 MS. PHILLIPS: Okay.

2 MEMBER ALBERTI: That's my
3 suggestion.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: And move forward.

6 CHAIRPERSON MILLER: All right.

7 Let me ask Mr. Jablonski.

8 Sir, I believe that the Offer in
9 Compromise for the 00031 case is \$2,000 to be
10 paid within seven days.

11 MR. JABLONSKI: That is correct.

12 CHAIRPERSON MILLER: Okay. And
13 you're agreeable to that?

14 MR. JABLONSKI: I am.

15 CHAIRPERSON MILLER: And do you
16 understand that you waive your right to a
17 hearing?

18 MR. JABLONSKI: I do.

19 CHAIRPERSON MILLER: All right.
20 Okay. Any questions?

21 (No audible response.)

22 CHAIRPERSON MILLER: All right.

1 Then I'll take Mr. Alberti's suggestion and
2 first move that we accept the Offer in
3 Compromise of \$2,000 to be paid within seven
4 days. Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIRPERSON MILLER: Mr. Alberti
7 has seconded the motion. All those in favor,
8 say aye?

9 (Chorus of ayes.)

10 CHAIRPERSON MILLER: All those
11 opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those
14 abstaining?

15 (No audible response.)

16 CHAIRPERSON MILLER: Motion passes
17 4-0-0.

18 Second we have a motion to dismiss
19 by the Government Case No. 13-AUD-00058. I
20 move that we grant the motion to dismiss. Do
21 I have a second?

22 MEMBER BROOKS: Second.

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CHAIRPERSON MILLER: Mr.

Silverstein has seconded the motion. All those in favor, say aye?

(Chorus of ayes.)

CHAIRPERSON MILLER: All those

opposed?

(No audible response.)

CHAIRPERSON MILLER: All those

abstaining?

(No audible response.)

CHAIRPERSON MILLER: Motion passes

4-0-0.

Okay. We just need you to wait for the paper. Okay.

(Whereupon, the hearing was concluded at 10:15 a.m.)

<p style="text-align: center;">A</p> <p>abstaining 8:14 9:9 accept 8:2 accepted 5:16 ad 5:10 Agency 3:8,9 4:18 agreeable 7:13 agreed 4:18 Alberti 1:19 5:8,17 5:21 6:4,20 7:2,5 8:5,6 Alberti's 8:1 Alcoholic 1:2,15,15 allow 3:18 ANC 1:11 apparently 4:11 Assistant 2:12 Attorney 2:12 audible 7:21 8:12 8:15 9:7,10 Audit 3:10 4:1,20 aye 8:8 9:3 eyes 8:9 9:4 a.m 2:2 9:16</p> <hr/> <p style="text-align: center;">B</p> <p>back 6:6 believe 3:3 7:8 better 4:3 Beverage 1:2,15,15 Board 1:2,15 3:20 BROOKS 1:20 8:22 Building 1:16</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:5 calls 4:16 case 1:10 2:5,5 3:1 3:2,6,6,10,18 4:2 4:9,10 5:3,4,11 6:17 7:9 8:19 cases 4:1 cause 1:9 2:4 3:12 Chair 2:20 Chairperson 1:17 1:19 2:3,14,18,22</p>	<p>4:7 5:5,14 6:8,11 6:14,19 7:4,6,12 7:15,19,22 8:6,10 8:13,16 9:1,5,8,11 checked 3:7 Chorus 8:9 9:4 clarify 6:22 clear 5:9 6:3 Columbia 1:1 2:13 4:19 combine 5:7 Compromise 7:9 8:3 computer 4:14 concession 4:17 concluded 9:16 connection 4:9 Control 1:2,15,15 correct 7:11 CR 1:9</p> <hr/> <p style="text-align: center;">D</p> <p>days 3:21 7:10 8:4 deal 6:21 declining 5:10 desk 5:2 Dining 1:8 2:6 dismiss 4:2,20 5:13 5:18,20 8:18,20 District 1:1 2:12 4:19 docket 3:2,19 DONALD 1:20 D.C 1:17</p> <hr/> <p style="text-align: center;">E</p> <p>evidence 3:13 evidentiary 4:12 expected 3:22</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:12 favor 8:7 9:3 file 1:12 5:1 filed 4:3 filing 4:14,15 Fine 5:21 6:1 first 2:5 8:2</p>	<p>forward 7:5 full 6:9 future 6:6</p> <hr/> <p style="text-align: center;">G</p> <p>Gaynor 2:17 General 2:12 give 6:17 going 4:5 5:20,22 Good 2:13,16,18 6:14 Government 4:1 8:19 grant 8:20</p> <hr/> <p style="text-align: center;">H</p> <p>handling 3:3 happened 3:5 6:7 heard 3:18 hearing 1:9,16 2:4 3:10,12 7:17 9:15 hoped 3:7</p> <hr/> <p style="text-align: center;">I</p> <p>identify 2:9 including 3:11 introduce 5:15 issue 3:15</p> <hr/> <p style="text-align: center;">J</p> <p>Jablonski 2:16,17 7:7,11,14,18</p> <hr/> <p style="text-align: center;">K</p> <p>knock 6:17 know 4:13</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:10 2:7 LLC 1:7 located 2:7 look 6:6 Louise 1:22 2:11</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 2:20 matter 1:5 3:11 matters 2:19</p>	<p>mean 6:11 MEETING 1:3 Member 1:19,20 1:21 5:8,17,21 6:4 6:20 7:2,5 8:5,22 memo 4:5 5:1 met 1:15 MIKE 1:21 Miller 1:17,19 2:3 2:14,18,22 4:7 5:5 5:14 6:8,11,14,19 7:4,6,12,15,19,22 8:6,10,13,16 9:1,5 9:8,11 morning 2:13,16 2:19 motion 5:17,20 8:7 8:16,18,20 9:2,11 motions 6:21 move 7:5 8:2,20 moving 2:4 Mug 1:8 2:6,17</p> <hr/> <p style="text-align: center;">N</p> <p>name 2:15 need 9:13 NICK 1:19 notice 3:5,7 4:2 5:1 noticed 5:3 number 5:11 6:9 numbers 6:18 N.W 1:17</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 OAG's 4:19 OCTOBER 1:14 Offer 7:8 8:2 office 4:13,19 OIC 3:20 4:20 okay 2:3,18,22 3:8 4:7 5:5,14,21 6:14 6:19 7:1,4,12,20 9:13,14 opposed 8:11 9:6 oral 5:20 owner 2:17</p>	<p style="text-align: center;">P</p> <p>paid 3:21 7:10 8:3 paper 9:14 particular 3:12 parties 2:9 Partners 1:6 passes 8:16 9:11 people 4:15 Phillips 1:22 2:11 2:11,20 3:1 4:11 5:6,12,15,19 6:2,5 6:10,13,16 7:1 phone 4:16 please 2:10 preliminary 2:19 preparing 3:5 5:3 present 1:18,22 3:19 presented 3:13 presiding 1:17 prosecute 4:6 5:10 put 3:18 4:4 putting 5:9 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>Quarter 1:12 quarterly 1:12 3:2 3:14,16 question 4:8 questions 6:15 7:20</p> <hr/> <p style="text-align: center;">R</p> <p>record 2:10 4:4,22 5:9 6:3 Reeves 1:16 responding 4:16 response 7:21 8:12 8:15 9:7,10 Retailer 1:9 right 6:15 7:6,16 7:19,22 Rivero 3:3 Rivero's 5:2 roll 3:9 Room 1:16</p>
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