

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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5 IN THE MATTER OF: :  
6 Restaurant Enterprises, Inc., :  
7 t/a Smith Point :  
8 1338 Wisconsin Ave. NW : Case 15-CMP-00208  
9 License #60131 : Show Cause Hearing  
10 Retailer CT :  
11 ANC 2E, :  
12 Operating after Hours, :  
13 Provided Entertainment :  
14 Without an Entertainment :  
15 Endorsement :  
16 - - - - -X

17 Wednesday, November 4, 2015

18  
19 Whereupon, the above-referenced matter  
20 came on for hearing at the Alcoholic Beverage  
21 Control Board, Reeves Center, 2000 14th Street,  
22 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 BOARD MEMBERS:

5 JAMES SHORT

6 MICHAEL SILVERSTEIN

7 RUTHANNE MILLER

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10 ALSO PRESENT:

11 LOUISE PHILLIPS

12 On Behalf of the District of Columbia

13 ANDREW KLINE

14 On Behalf of the Licensee

15 ROBERT BLAIR

16 Licensee

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

2 [2:46 p.m.]

3 MS. MILLER: Okay. Our next case is Case  
4 No. 15-CMP-00208. Smith Point, located at 1338  
5 Wisconsin Avenue Northwest, License No. 60131 in  
6 ANC 2E.

7 MS. PHILLIPS: Louise Phillips, Assistant  
8 Attorney General for the District of Columbia.  
9 Good afternoon.

10 MS. MILLER: Good afternoon.

11 MR. KLINE: Good afternoon, Andrew Kline  
12 on behalf of the licensee.

13 MR. BLAIR: Robert Blair, licensee.

14 MS. MILLER: Good afternoon. Okay. This  
15 is a show cause hearing. Are there any  
16 preliminary matters?

17 MS. PHILLIPS: Yes, there are, Madam  
18 Chair. The parties have an offer and compromise  
19 to offer to the Board. It's a fine of totaling  
20 \$2,750 with 60 --

21 MS. MILLER: I'm sorry. We missed the  
22 beginning of that. A fine of what?

1 MS. PHILLIPS: \$2,750 to be paid in 60  
2 days. Or their license will be gathered up,  
3 suspended until they pay.

4 MS. MILLER: Okay. Let me ask the  
5 licensee if you agree to this offer and  
6 compromise of \$2,750 to be paid within 60 days.  
7 If not paid within 60 days then the license will  
8 be suspended.

9 MR. KLINE: Yes. And we understand that  
10 if the offer and compromise is accepted that we  
11 waive our right to a hearing and waive our right  
12 to appeal.

13 MS. MILLER: Okay. Are there any  
14 questions by board members?

15 MR. ALBERTI: Yes, since I'll admit I  
16 don't have notes on the briefing on this, Ms.  
17 Phillips, so I'm going to have to ask a question  
18 I don't usually ask. It is, what is the -- these  
19 two charges are primary or secondaries, and  
20 whether they are first or seconds or --

21 MS. PHILLIPS: I thought I had all that.

22 MR. ALBERTI: I mean, I've just gotten

1 some documents that I haven't had a chance to  
2 figure that out. I apologize.

3 [All reviewing notes.]

4 MS. PHILLIPS: It says second primary  
5 tier and first secondary tier.

6 MR. KLINE: Yes.

7 MR. ALBERTI: Second primary and, what?  
8 Secondary?

9 MS. PHILLIPS: And first secondary.

10 MR. ALBERTI: Okay. And how does the  
11 fine break down in total?

12 MS. PHILLIPS: Charge 1, \$1,250 and  
13 Charge 2, \$500.

14 MR. ALBERTI: Okay.

15 MS. PHILLIPS: Does that add up  
16 correctly?

17 MR. ALBERTI: Seems to. Yes. Thank you  
18 very much. I'm sorry to --

19 MS. PHILLIPS: No problem, Mr. Alberti.

20 MR. ALBERTI: -- put you through that.  
21 Thank you.

22 MS. MILLER: Would you repeat the

1 breakdown?

2 MS. PHILLIPS: Charge 1, \$1,250.

3 MS. MILLER: Okay.

4 MS. PHILLIPS: Charge 2, \$500.

5 [Panel talking off mic.]

6 MS. MILLER: Any other questions? All  
7 right. And I'm going to -- as I understand the  
8 offer and compromise is for \$2,750 penalty to be  
9 paid within 60 days. If not paid within 60 days  
10 the license will be suspended until paid. And  
11 it's for two primaries.

12 MR. KLINE: No.

13 MS. MILLER: No. Oh, that's where I was  
14 missing this. Okay. One primary and one  
15 secondary?

16 MR. ALBERTI: Perhaps Ms. Phillips can  
17 repeat it again.

18 MS. MILLER: Okay.

19 MR. ALBERTI: That would be great. Thank  
20 you.

21 MS. MILLER: I thought you said first  
22 primary, second primary.

1 MS. PHILLIPS: No.

2 MS. MILLER: Thank you.

3 MS. PHILLIPS: Let me get the wording.

4 MS. MILLER: Okay. Great.

5 MS. PHILLIPS: These charges are a second  
6 primary. And this is, we're looking at the  
7 history when I say this. So it's the second  
8 primary this institution has had.

9 MS. MILLER: Okay.

10 MS. PHILLIPS: And the first secondary.

11 MS. MILLER: First secondary.

12 MS. PHILLIPS: There's one primary and  
13 one secondary, but I've given you some history  
14 along with my comment.

15 MS. MILLER: Thank you. Thank you.  
16 Okay. That makes much more sense to me. Okay.  
17 That's for the second secondary and the first --  
18 I mean, second primary and the first secondary.

19 MS. PHILLIPS: Yes.

20 MS. MILLER: Okay.

21 MS. PHILLIPS: I think. Did we get it  
22 right this time?

1 MS. MILLER: Yes, I think we did. Okay.

2 MS. PHILLIPS: I'll second that comment,  
3 Mr. Kline.

4 MS. MILLER: Does everybody understand on  
5 the Board? All right. So I move that we approve  
6 this offer and compromise.

7 MR. SHORT: Second.

8 MS. MILLER: Mr. Short has seconded the  
9 motion.

10 [Vote taken.]

11 MS. MILLER: Motion passes, five, zero,  
12 zero.

13 MS. PHILLIPS: Thank you.

14 MR. KLINE: Thank you.

15 MS. MILLER: Okay. Thank you.

16 [Whereupon, the above-entitled matter  
17 concluded at 4:03 p.m.]

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