

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

5 - - - - -X

6 IN THE MATTER OF: :
7 RiRa Georgetown, LLC :
8 t/a RiRa Irish Pub :
9 3123 M Street NW : Case #15-CC-00053
10 License #92168, Retailer CR : Show Cause Hearing
11 ANC-2E :
12 Sale to Minor Violation, :
13 Failed to Take Steps :
14 Necessary to Ascertain Legal :
15 Drinking Age :

16 - - - - -X

17 Wednesday, November 18, 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

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11 WALTER ADAMS, ESQ.,

12 on behalf of the District of Columbia

13 ANDREW KLINE, ESQ.,

14 on behalf of the Licensee

15 CASEY KING

16

17

18

19

20

21

22

P R O C E E D I N G S

1 [10:47 a.m.]

2 CHAIRMAN ANDERSON: On our schedule, we
3 have show cause hearing, Case No. 15-CC-00053,
4 RiRa Georgetown, LLC, 1323 M Street NW; License
5 No. 92168, Retailer CR.

6 Will the parties please approach,
7 identify themselves, and please sign your name on
8 this sheet in front of you, so for the
9 transcript, we will be able to -- can we have
10 some additional paperwork, since it appears that
11 there's not enough space there to write the
12 names?

13 MR. ADAMS: Good morning, Mr. Chairman.
14 Walter Adams, representing the District of
15 Columbia.

16 MR. KLINE: Good morning. Andrew Kline
17 on behalf of the Licensee.

18 MR. KING: My name is Casey King. I'm
19 general manager of RiRa Irish Pub.

20 MS. MILLER: Could you repeat your name,
21 please?

22 MR. KING: Casey King.

1 MS. MILLER: King. Thank you.

2 MR. KLINE: And, Mr. Chairman, I have a
3 letter form the manager, meaning the LLC manager,
4 the person on the license, authorizing Mr. King
5 to appear today and [inaudible] the company with
6 respect to an OIC.

7 CHAIRMAN ANDERSON: Can you provide that
8 to Ms. Taylor, please? Thank you.

9 I'm sorry. Mr. Walker. Mr. Walker. I'm
10 sorry. Mr. Walker.

11 [Laughter.]

12 CHAIRMAN ANDERSON: And if I said it
13 incorrectly, this is a show cause hearing, not a
14 -- all right.

15 And is there any notice issues? Did you
16 receive proper notice for this hearing?

17 MR. KLINE: We received it, read it,
18 understood it, and we waive the required formal
19 reading.

20 CHAIRMAN ANDERSON: All right. Thank
21 you, Mr. Kline.

22 Are there any preliminary matters?

1 MR. ADAMS: Yes, there is, Mr. Chairman.
2 The parties have discussed and would like to
3 propose an Offer in Compromise in this matter,
4 which there are two charges here. In terms of
5 how we would like to resolve it, in terms of
6 Charge 1 for this case, the parties propose to
7 resolve this with the fine in the amount of
8 \$4,000 to be paid within --

9 MR. KLINE: Thirty days.

10 MR. ADAMS: I'm sorry. Within a period
11 of 30 days, and an imposition of a suspension.
12 In this case, it would be a 10-day suspension
13 with 4 of the days especially to be served and 6
14 of the days to be stayed for 1 year on a
15 condition that the establishment does not have
16 any further violations.

17 In addition, the Licensee agrees to all -
18 - that all employees that serve alcoholic
19 beverages will complete an alcohol awareness
20 training within a period of 3 months.

21 For Charge 2, the parties or and District
22 asks that the Board dismiss Charge 2, and we had

1 to provide you with notice that there was -- in a
2 part, the establishment already had 5 suspension
3 days that were stayed for a period. So, as a
4 result, in terms of the suspension, it will be 4
5 days stayed, including the additional 5-day
6 period, which the establishment proposes to serve
7 during a period of January 4th through the 12th.

8 So, to just summarize that again, there
9 will be a \$4,000 fine, 10-day suspension for this
10 case, with 4 days served, 6 days stayed for a
11 year. The establishment will be, again, serving
12 5 days on a prior case. So, therefore, they will
13 be closed or suspended for a 9-day period, which
14 will be served from January 4th through the 12th,
15 and the prior case for the record is 14-CC-00101,
16 and Charge 2 to be dismissed.

17 And in addition to the suspension of
18 fine, we would ask that the establishment
19 promises to have all the employees who serve
20 alcohol get alcohol awareness training within a
21 period of 3 months.

22 CHAIRMAN ANDERSON: Mr. Adams, can you --

1 for the record, can you tell us what was Charge
2 1?

3 MR. ADAMS: Sure. Charge 1 -- and let me
4 make sure I do this. Charge 1 in this case was
5 the establishment permitted a sale of alcoholic
6 beverages to a person under 21. In this case, it
7 involved undercover -- undercover teenagers who
8 were able to procure alcohol.

9 And the second charge was that they had -
10 - the establishment failed to reasonably
11 ascertain whether patrons to whom alcohol was
12 sold was of drinking age.

13 From the standpoint that there is an
14 offer and that the second charge will be
15 cumulative of the first, that's the reason that
16 we're asking to dismiss the second charge.

17 CHAIRMAN ANDERSON: Thank you.

18 [Pause.]

19 CHAIRMAN ANDERSON: If I'm -- I'm going
20 to repeat this, and if I'm incorrect, please
21 clarify me.

22 What I -- this is what I was told.

1 Charge 1, the Licensee has agreed to a \$4,000
2 fine. That will be paid within 30 days, 10 days
3 suspension, 4 served, and 6 stayed for a year.
4 And that the employees will have training,
5 alcohol awareness training within the next 30
6 days; is that correct?

7 MR. KLINE: All of the employees involved
8 in the sale and service of alcohol, many of which
9 have been already trained before we came here
10 today, but yes.

11 CHAIRMAN ANDERSON: So that is -- is that
12 the agreement for Charge 1?

13 MR. ADAMS: Actually, for the agreement
14 of Charge 1 for the alcoholic awareness, it was 3
15 months, not 30 days.

16 MR. KLINE: Oh, within 3 months.

17 CHAIRMAN ANDERSON: Within 3 months.

18 MR. ADAMS: I apologize.

19 And I did not -- I forgot this part of
20 the language. In terms of the \$4,000 fine, that
21 will be paid within 30 days, and if the
22 establishment does not pay within 30 days, they

1 will be suspended until payment is made.

2 CHAIRMAN ANDERSON: And, Mr. Kline, does
3 your client -- is this the terms that you agree
4 to with your client for Charge 1?

5 MR. KLINE: Yes.

6 CHAIRMAN ANDERSON: And for Charge 2, the
7 parties have agreed to dismiss the charge, and
8 that there -- and maybe you can repeat for me
9 what -- the terms of Charge 2 again.

10 MR. ADAMS: Well, the only charge of
11 Charge 2 is that the charge be dismissed, and
12 we're just saying that that charge is cumulative
13 to the charge.

14 CHAIRMAN ANDERSON: And this is -- the
15 client -- this is agreeable by your client?

16 MR. KLINE: Yes. The Offer in Compromise
17 is agreeable. We understand that if it is
18 accepted by the Board that we would waive the
19 right to hearing and waive the right to appeal.

20 And the only thing I would add is -- I
21 would like to add that the license is very
22 concerned about this situation.

1 The facts here, as you see, the employee
2 actually checked the IDs. There were two
3 undercover operators. One of them, they said,
4 "You're not of age," and the other one, for
5 whatever reason, they misread.

6 This Licensee has a number of locations,
7 and they take this very, very seriously, and we
8 want the Board to know that. And they're very
9 concerned about that they've had a second
10 violation in such a short period of time and have
11 already trained -- have already had all the staff
12 undergo alcohol awareness training and are going
13 to continue to try to take steps to make sure
14 that this does not happen again.

15 CHAIRMAN ANDERSON: Then with that
16 representation, then I move to accept the terms
17 of the Offer in Compromise.

18 Is that a Board member who will second?

19 MR. ALBERTI: Second.

20 CHAIRMAN ANDERSON: Mr. Alberti will
21 second the motion.

22 And can we vote? All those in favor of

1 the motion, say "aye."

2 [Chorus of ayes.]

3 CHAIRMAN ANDERSON: All those opposed?

4 [No audible response.]

5 CHAIRMAN ANDERSON: I'm in favor.

6 Then the Board accepts the vote of 5-
7 zero-zero, and Ms. Walker will bring you an
8 order, a signed order. And thank you very much
9 for -- thank you very much, and good luck.

10 MR. KLINE: Great. Thank you very much.

11 MR. ALBERTI: Chairman, may I just say
12 something?

13 Mr. Kline, I did note in the report, your
14 comments that one of the two individuals was
15 refused service, and so I commend the
16 establishment for that, and I thank you for
17 willing to resolve this quickly. We appreciate
18 that. Thank you so much.

19 MR. KLINE: Thank you.

20 [Whereupon, at 10:56 a.m., the above-
21 entitled matter concluded.]

22